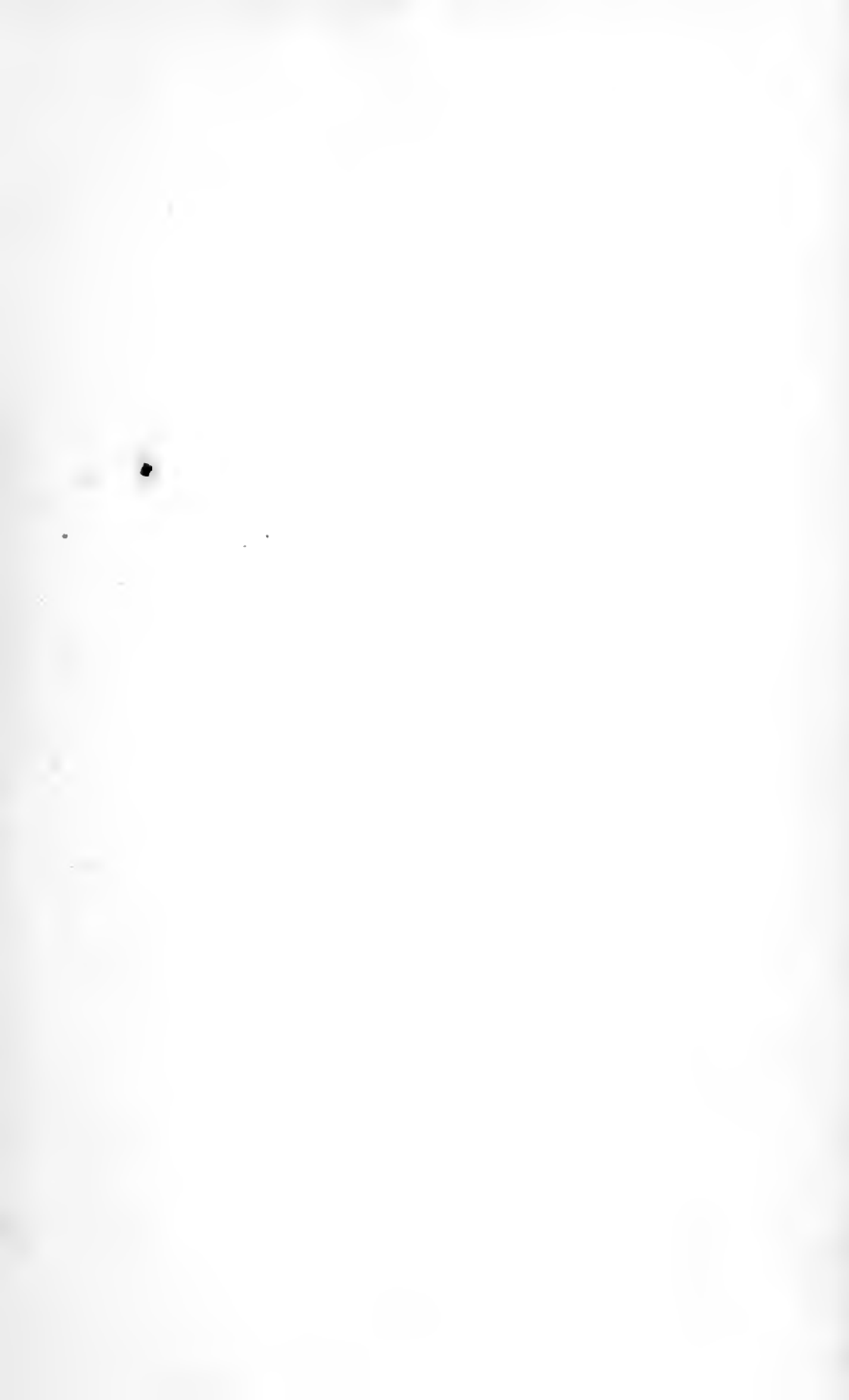


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HISTORY

OF

NORTH CAROLINA;

FROM THE EARLIEST DISCOVERIES
TO THE PRESENT TIME.

BY

JOHN W. MOORE.

Volume 1

“SIC VOLVENDA ETAS COMMUTAT TEMPORA RERUM;
QUOD FUIT IN PRETIO, FIT NULLO DENIQUE HONORE.”

—*Lucretius.*

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PREFACE.

In submitting this work to public uses I avail myself of the opportunity to return thanks for the very gracious reception vouchsafed the School History of North Carolina. Whatever of merit may be in that work has been generously pointed out and extolled by the many writers who have noticed it in the newspapers of this and other States, and that some harsh criticism should have been mingled in the general chorus of applause was by no means unexpected or deprecated. Many valuable hints and corrections have been suggested, and I trust by diligence to remove in this book and the subsequent editions of the smaller work the faults which have been thus not unkindly indicated. My convictions as to the correctness of the outlines and proportions of that picture of our past have not been disturbed. The matters discussed in this volume are of the past and rest upon data which are now fixed and irreversible. That any one should question the prominence I have given Colonel John Harvey argues a want of attention to the legislation and correspondence of the period embraced in the two last decades of our provincial history. The letter-books of Governors Tryon and Martin, the journals of the House of Assembly, the proceedings of the two first Provincial Congresses and the numerous proclamations sent out by Governor Josiah Martin from New-Bern in 1774 and 1775, are all cited to show how abundantly I am justified in my disposition and grouping of the figures on our historical canvas.

A very learned and elegant critic has followed the usual mistake of historians in confounding General Thomas Person with his nephew, who represented Granville county in the General Assemblies during the earlier years of the present century. I follow the family records as to his death, and cite Drs. William and Benjamin F. Green of Franklin, blood relations of the deceased statesman, for the truth of my statement. The correspondence of Henry Eustace and Colonel Benjamin McCulloh is my authority for dropping the usual mistake in spelling that name, and I confidently rely upon those departed worthies for the proper rendition of their patronymic. My departure in the instance of Ramseur is not based upon the same rule; for when I recollect that General Person was also called Parsons and Passons by the letter writers and public prints of that day, I am safe in distrusting the orthography of that eminently patriotic but not very literary era. Admiral Grenville has been obscured in the same ancient habit of writing his name in a multitude of different ways.

This work has been written in a spirit as broad as the limits of the State. I have intentionally neglected no portion of the Commonwealth and known no favorites in my treatment of the past. Of course a good history is amenable to certain rules of art, and like a drama or historical painting, must give prominence and light to certain figures. The great qualities and deeds of the actors have settled this arrangement. I was not satisfied to reproduce the flat and lifeless narrative of Judge Martin, but in laying on my colors I have remembered the censure incurred by Lord Macaulay and imagined nothing as to traits where unsupplied by the records.

The most difficult period of our history is included in the four years of the late war. This arises from the plenitude of

material. There are men living from whose conjoined testimony as noble a statement could be eliminated as has immortalized the narrative of Napier concerning the Peninsular War. I trust that some steps may be taken by the next Assembly to prepare a sketch of each regiment sent out by North Carolina and that the muster-rolls will be perfected and perpetuated by publication. In the distant future such a work would be to North Carolina what the Domesday Book has long been to England, and no prouder guerdon could descend to our posterity than the presence of our names in that immortal record.

In the laborious years given to the preparation of this work, many wise and valued friends have aided in its progress. To none of these am I so largely obliged as to my excellent and tireless wife. To her affectionate and critical comments I am indebted for any literary excellence that may be found in the style and general treatment of the different epochs. To my kinsman, Colonel John H. Wheeler, I am also largely indebted, not only for advice and unpublished material, but in his most valuable work on our State history I found a mine exhaustless in facts and figures. To his brother, Dr. Samuel J. Wheeler, I am similarly obliged for rare and invaluable historie memoranda. I must return thanks also to my learned and gentle friend, Captain Samuel A. Ashe, who so nobly continues the virtues of his ancient family. His zeal in the vindication of North Carolina is only equalled by his kindly and unselfish aid to me, who had so few reasons to expect so much assistance. I would also return thanks to Messrs. George Davis and Henry Nutt of Wilmington, and to Horatio Davis, Esq., of Chatham, Virginia, for similar favors. In the same way I have been laid under lasting obligations by General W. R. Cox of Wake, and Mrs. John O. Askew of Hertford.

With the hope that what is thus made public and permanent may redound to the better knowledge and appreciation of North Carolina both at home and abroad, and that the same traits of patience, justice and fidelity may ever mark and illustrate us as a people, I am the reader's obliged and humble servant,

J. W. MOORE.

INTRODUCTION.

It was an age of wondrous events when England saw Sir Humphrey Gilbert and his half-brother, Walter Raleigh, initiate the movement which has resulted in the creation of her present empire. The wise and lion-hearted Elizabeth was on the throne, with subtle and unimpassioned Burleigh as prime minister. Bacon, the greatest of philosophers, was slowly pondering amid his law books problems beyond the reach of his contemporaries. Sir Philip Sydney, with his courtly and worthless uncle, the Earl of Leicester, was battling in behalf of the long-suffering Dutch. Shakespeare and Ben Jonson were carousing at the Boar's-head tavern, amid the production of dramas that have made them immortal. The frail and beauteous Queen of Scotland was languishing in her long captivity. The battle between Protestant liberty and Popish intolerance was at its height. The world has never seen such a moral upheaval; and no other age has been crowned with more illustrious names.

With the exception of Ireland and the Channel Islands, the dominion of England at that day was confined to its own narrow limits. Scotland, after centuries of heroic and availing contest, was still an independent monarchy. The unfortunate Mary Tudor, having lost the love of her husband and people, had died of a broken heart at the capture of Calais, the last of her French possessions. At such a time were the first steps taken for English colonization on the American continent.

It would be difficult to overestimate the importance of this transaction in the subsequent history of mankind. Almost a century had elapsed since the great discovery by Christopher Columbus. The child who had been born into the world just as Cortez sailed upon his Mexican expedition, was then a man of three score and ten years. Almost as long a time had elapsed

since Pizarro had overthrown the Incas and their strange civilization in Peru. Through all that great and portentous interval, Spain had been erecting her different vice-regal courts and appropriating the princely revenues arising from her American possessions. Not an English foot had disturbed the solitude of the great wilderness between the Rio Grande and the St. Lawrence. De Soto had traversed the territory of our Southern States and had looked upon the Mississippi River in 1541. Seven years earlier the French, with Cartier, had penetrated to where Quebec now stands, but not a man of that realm, which was soon to become the greatest maritime power of the world, knew or cared for the existence of the land we now inhabit.

Sir Walter Raleigh, in the enthusiasm of his genius, with the aid of his unfortunate brother, was planning an expedition destined to become more lasting in its effects than any of which history holds record, with the single exception of that of the trembling caravels which had sailed out from Cadiz in 1492. In that august epoch of the sixteenth century much had already been accomplished for human advancement. The brave Monk of Wittenburg had sundered many of the links of the chain with which priestcraft had fettered mankind. The heavens were red with the light of the coming sun. The slavish submission and indifference of men to things both temporal and spiritual, which had rested like a nightmare for so long a time on all Christendom, were happily at last gone and the best instincts of the human race were at last directed to a solemn and most determined investigation of the true relations of God and His creatures, of the priesthood to the laity and of anointed rulers to their hitherto unquestioning subjects. Gunpowder and the printing press were allied in a new crusade against the Vatican and the panoplied barons in their fortified strongholds. The battle would have been but half gained had free America not come to the rescue of the chained and environed masses of unhappy Europe. Great strides had been made in the right direction, but men had guessed at only a tithe of the possibilities of the future. The kings with their armies and the priests with their inquisitions were too

much for the half-blinded eyes of men just emerging from the long stupor of a thousand years.

When the stream of immigration to America had been fully established, the spirit of liberty in Europe, so potent in the times of Luther, had been well-nigh trampled to extinction. In Spain it had utterly and irretrievably perished. In France it had sunk under St. Bartholomew massacres from formidable armed assertion to such obscurity that Louis XIV. could ere long venture upon the revocation of the edict of Nantes and consequent loss of his Protestant subjects. In England, although the fires of Smithfield had been extinguished, the struggle for a day of better things was still painful and slow. A century later saw John Bunyan in Bedford jail and all the devilish machinery of test oaths in full blast. English emigration to America was the source to which the world is indebted for a large portion of its present liberality and enlightenment. Oliver Cromwell, but for the tyrannous interference of Archbishop Laud, would have sought an asylum in our midst. He was like a great host of other men who did come over and find the boon they desired. The spirit thus nurtured amid American solitudes was reflected upon sympathetic hearts in the fatherland. This generation has witnessed the magnetic union of the old and new worlds, but long before the day of Morse and Field, God had made a mightier chain of communication which triumphed over distance and thrilled the hearts of Europe into unison with ours.

American government and society are yet far from reaching perfection in their details. There is abundant need of correction both in manners and morals; but our system, with all its faults, is a thousand-fold better than any monarchy ever seen in the world. Misguided men are sometimes heard advocating a return to such a rule as that from which our forefathers emigrated. They vainly imagine it would prove a panacea for those ills we see so abundantly growing out of sectional and party hatred. Let such a man think for a moment of how King James I. requited the great services of Sir Walter Raleigh, and blush for his folly. The human race seemed to have culmi-

nated, in that immortal era, in glorious adventure and audacity of speculation. It was the crowning epoch of advancement; but amid its genius, pageantry and upheaval, no figure of all that splendid throng of illustrious men and women surpasses the interest attaching to the chivalrous, patriotic and unfortunate Raleigh. He was only an English gentleman, but in his heroic life became more variously distinguished than any man of whom history makes mention. To his far-seeing sagacity England is indebted for the inauguration of the policy which has resulted in her present empire. He had served as a soldier for ten years in three different kingdoms, and to his counsels turned the intrepid Elizabeth when the British Channel was darkened with the great Armada and danger had become supreme. He won renown at Cadiz and elsewhere as a naval commander. He was for years a leading member of the House of Commons. As a gallant and courtier, he was equally conspicuous. He is still remembered as a poet and wit, who could preside at the Mermaid and hold his own amid the sallies of Shakespeare, Ben Jonson, Beaumont, Fletcher, Surry and others, who are yet unsurpassed in the annals of revelry. As a man of learning, he was profoundly respected by Lord Bacon, and when his career seemed closed by his long imprisonment, he still rose superior to fortune and gained fresh fame in his compilation of a history of the world. With such varied endowments was his crowning glory of personal integrity. He was never false to a friend or for a moment wavering in his love to the land of his birth.

The story of the men who laid the earliest foundations of North Carolina's existence as a State is full of the deepest tragedy. Sir Humphrey Gilbert was the first to perish at sea with his foundering ship. Sir Walter Raleigh closed his noble career in the shameful scene of his execution upon Tower Hill. His cousin, Sir Richard Grenville, who several times visited and explored our waters, after a hundred triumphs over the Spaniards, at last died of his wounds in their hands. Sir Francis Drake, another great navigator, who was a friend of the settlement at Roanoke Island, sunk with his gallant compeer, Hawkins, amid

the horrors of their attack upon the West Indies. Fifteen men left by Sir Richard Grenville at Roanoke were murdered by the Indians. Of the unhappy colony of John White, not a trace was ever discovered.

No community has had nobler godfathers than these gallant but unfortunate men. Christendom, in that wondrous sixteenth century, was stirred by the recital of their deeds, and they are still famous in the world's records. Sir Walter Raleigh was a statesman in the noblest sense of the word. If he plundered the Spaniards, he did so because he knew the wily Philip was slowly maturing plans for the destruction of all that he held dear. Not one of the great men in the stately court of Elizabeth surpassed him in ability or in the splendor of his presence.

Raleigh, upon his return from the civil wars in France, began the undertaking as to colonization, in which he was to persist as long as he lived. Speculation is staggered when the attempt is made to trace the effects flowing from this single scheme of one great mind. Longer delay might easily have resulted in the complete exclusion of British settlements from all the American mainland.

Spain had already laid claim to the whole continent and had forbidden the intrusion of all other nations. This was no empty menace. It then appeared that the land of Charles V. could make good her decrees against a world in arms. Her empire exceeded in area that of Rome when under the sway of the Antonines. She had vast armies whose infantry was as terrible in battle as had been fifteen centuries earlier those unconquerable legions with which the first of the Cæsars had mastered the world. Her fleets were everywhere abroad in the waters not sacred by Papal decree to the dominion of Portugal. English navigation had been confined to the narrow seas encompassing the small islands in which Queen Elizabeth held her sway. Sir Walter Raleigh, backed only by the slender resources of his private fortune, resolved upon the work which was to become the corner-stone of his fame. He ventured out upon the remorseless waves which had so recently engulfed his brother and

were so full of horror to English navigators. He was not only to encounter danger at the hands of the red man, but to be in constant fear of capture from the pervading, jealous and truculent Spaniards. Had he fallen when battling for the Protestant cause in France, England might still have escaped the dangers by which she was so thickly environed. In insular security she might have baffled the conjoined schemes of kings and priests, but we may well doubt that she would have entered upon the policy which has girdled the globe with her possessions and lifted the human race into new spheres of thought and action. The grand doctrines now known and honored of all the world were being slowly formulated by her statesmen and philosophers, but were shorn of a proper sanction in the fact of her inferiority in the scale of nations. Earl Beaconsfield may now dictate the changes to be made in the map of Europe and make the Cabinet of St. James arbiters of Eastern reform, but good Lord Burleigh and his great sovereign could do no such things. They had no resistless fleets in the Dardanelles and elsewhere, and they were also wanting in the prestige and reverence since achieved by the English in their lavish expenditure of blood and treasure to uphold what they have thought redounded to their own and the world's peace and happiness. To England and her American colonies mankind are indebted for whatever of popular liberty is now abroad in the world. When the expedition that came to our coasts in 1584 was being fitted out, not only was civil and religious liberty waging a doubtful battle for life in France, Germany and the Low Countries, but schemes were maturing in the Catholic courts of all Europe for the dethronement of Elizabeth and the extirpation of the faith she was so nobly striving to uphold. The air was thick with plots for her assassination, and in the far-off recesses of the Esecorial even the torpid soul of Philip II. took fire at the thought of her swiftly approaching danger. The first William of Orange had fallen in his noble defence of the Dutch. Sir Philip Sydney had died in the same cause. In view of the Armada, then being built at Cadiz, it was doubtful whether the proud land of the Edwards and Henry

V. could possibly maintain her integrity. Liberty and civilization trembled in the balance, for the huge spectre of Spanish supremacy overshadowed the world. At such a time—sixteen years before the creation of the East India Company—in the year of our Lord 1583, Sir Walter Raleigh obtained the patent that led to the first English colonization in America.

That Raleigh, in the plenitude of his misfortunes fell short of complete success in his high ambition of becoming the founder of a new empire, does not detract from the real glory of his service or our obligation to remember and reverence his name. If broken by disaster and hounded to death by Lord Coke and his recreant king, he left to other men and after ages the completion of the work he had so bravely inaugurated, it but adds pity to his meed of admiration. He, it was, in the dispensation of Providence, who discovered the land we inhabit. Like Columbus, inferior successors were to change the name of the realm he had won, and like the great Genoese his services were rewarded with ignominy and punishment.

Carolina and Virginia were the fruits of English patriotism and adventure. No discomfort at home sent abroad the bold men who first came to Roanoke and Jamestown. They were neither soured by religious persecution nor yet hostile to a reigning family. They emigrated in all loyalty and submission to enlarge in another hemisphere, the power and glory of the land they still loved though no longer their home. When King Charles made the second grant of the territory of North Carolina, it was in the main occupied by three tribes of Indians. The Tuscaroras, a branch of the great Iroquois stock was spread over most of the eastern portion. The Catawbas in the middle, while the Cherokees occupied the west, and what is now called East Tennessee. A tribe of Algonquins, called the Corees, lived south of the Neuse River upon the seacoast. In the east were minor tribes: the Chowans, the Meherrins and the Nottoways:

These people so imperfectly occupied the land, that frequent and great changes occurred in their habitats without exciting much observation or hostility. The Meherrins and Nottoways

are said to have been the remnants of the once powerful dominion of King Powhatan and were known in his day as the Susquehanoes. Doubtless some of our feeblest States at present contain larger populations than that of the Indians in the whole limit of the Union two centuries ago. Forty million of civilized men with their teeming fields replace the few untutored hunters. Great cities occupy their ancient camping grounds. Railroads and steamships are substituted for their toilsome marches and frail canoes. Let sentimentalists weep over the fate of such a people, but earth is not wide enough for the folly of such a society.

North Carolina has never revered the memory of the nobles who, in 1663, by the spendthrift bounty of Charles II., became the titular lords of the land we inhabit. Avarice and selfish advancement had led them to importune the king for a grant of the soil already in part occupied by bolder and better men. The olden chivalry and devotion which had rendered England so triumphant in Elizabeth's reign and in the time of Cromwell had been replaced by the frivolty of a race of mere wits and time-servers. The history of no great people has been more sadly marred than that of England in the shameful period which elapsed between the death of the wise Protector and the accession of William and Mary in 1688. Base and incompetent men shared with the painted bawds, in directing the feeble counsels of the unhappy Stuarts. They who had tasted all the bitterness of exile and knew by sad experience the danger of misrule, could yet find no higher occupation than continuous dalliance with priests and courtesans.

The Lords Proprietors from the beginning found how vain was the effort to control the views and habits of men who were strangers to their vices and who had abandoned their English homes for the larger measure of liberty promised in the wilds of America. The uniform testimony of all English Governors of North Carolina was, that our people were bent upon following their own views as to the nature of their civil government and religion. With the single exception of Gabriel Johnston,

there were ever discord and contention between the House of Assembly and those who, as the representatives of obtrusive foreign rule, sought to unduly control men who had resolved to be free. The struggle but increased with the lapse of time. In Governor Dobbs' day it was over the *personnel* and jurisdiction of the courts. Under Tryon the sense of wrong deepened into armed resistance and bloodshed at Alamance. Unhappy Josiah Martin but witnessed the end which Cornelius Harnett had seen slowly approaching for a half century past.

North Carolina has ever been slow to change her convictions. Her people have been uniformly loyal to what they held as the truth. Blandishments, threats and bloodshed have been unavailing to disturb that patient and abiding determination which has all along marked her course in public affairs. This noble and resolute purpose of deliberation has made the State a frequent mark for the wittlings of other commonwealths. While all have been free to confess that she was loyal and true, yet men are found who complain that she is slow in her movements and call her the "Rip Van Winkle of States." We can smile at the imputation and pardon all the sallies of impatient rashness. A people who love justice and mercy and who have been at all times of their history willing to die in defence of their liberties can with all propriety be careful in departing from things which have been sanctioned by the wisdom and experience of the past. In the centuries behind us a singular devotion to truth and equity has ever marked and ennobled our annals. What America has been to Europe North Carolina has ever been to America. No Roger Williams has at any time been driven from our midst to seek in deeper wilds the privileges our bigotry was too narrow to afford here. No moral epidemic of frenzy has shed the blood of our people on the paltry excuse of supernatural practices. We have had no Sir William Berkleys or Cotton Mathers to scourge and imprison the unhappy Baptists and Quakers who failed of compliance with what bigotry was pleased to term orthodoxy.

No language can express the pride which should fill the souls

of this generation for the simplicity and fortitude of their predecessors who for two centuries have dwelt in and immortalized our State. This people have been very quiet and slow to anger, but multitudes yet remember the great host of soldiers so recently sent out to uphold what North Carolina believed was right and proper. It will never be forgotten how undauntedly her troops used to descend to the harvest of death. In all those years when victories came so full and fast, upon each of those stricken fields wherever heroes lay thickest, there outnumbering those of any other State, were always to be found the mangled forms of our own North Carolina dead. It would be safe to assert that there was scarcely a conflict in all those years that was not illustrated by the obedience and valor of our troops.

Not in arms alone has our Commonwealth grown illustrious. The genius and spirit of her sons have made her as majestic in counsel as she has been effective in the field, and yet the Hot-spurs would call her slow. Alas, how easy it is for haste, conceit and improvidence to utter this poor criticism on the movements of true wisdom. North Carolina was never slow when upon celerity of movement depended the vindication of her honor. She has never paused to take counsel of her fears when danger was near. In all her history her conduct has been just the reverse. The first blood shed in America to resist British tyranny was at the battle of Alamance. Six years earlier, John Ashe, Speaker of the Assembly, had headed the people in armed resistance to the issuing of the government stamps. The Mecklenburg Declaration of Independence, May 20th, 1775, was far from being slow, as was the determination of the Provincial Congress at Halifax, April 13th, 1776. Whatever may have been her deliberation in 1861, the first Confederate blood shed was that of a North Carolinian, when at Big Bethel her troops met the first Federal advance.

North Carolina was never slow but in that weighty deliberation which is often the evidence of highest wisdom. She is very slow to forget her compacts and was never swift to recall her

plighted faith. She can nobly bear with the haste and imprudence of sister commonwealths, but it is to be hoped will ever stop to ponder and conciliate before hope has fled and delay ceased to be a virtue. It is not to be denied that she has ever manifested a proper appreciation of the blessings she has enjoyed. She has been very slow to destroy institutions sanctified by the prayers, labors and blood of her long-buried and illustrious dead. Haste and passion in others have often pained our people, but have never disturbed their determination to effect by reason and comity that which becomes impossible in the brutal arbitrament of arms. No ruined States, like avenging Banquos, can point to the folly of North Carolina as the source of their misfortunes. She has gone on her way as stately in counsel as intrepid in action. Others are loud and boastful while danger is yet afar; the Old North State becomes sublime when her heavens are overcast and exulting foes are trampling her prostrate form. She never cried craven when Lord Cornwallis was in her high places, nor have the agony, blood and ruin of later years driven her to dishonor or taken from her keeping the lofty boon of self-respect.

Ours was among the last of the States, in 1861, to leave her ancient moorings. With bitter regret at the disruption of the Union she had helped to form, she would not go while there was hope of compromise. Her people loved peace and were saddened to think that ruin might come to that fair fabric of liberty. There is no more mournful spectacle in all the past than that of North Carolina thus forced into armed self-vindication. At her word a hundred and twenty thousand of her sons went to the fields where danger was direst and death held highest carnival. How long they stood the bulwark of the South, let those great Virginia, Maryland and Pennsylvania cemeteries open their crowded bosoms and disclose.

The spectacle of North Carolina in the recent war was the height of moral sublimity. In all the heat and stress of that great conflict, in victory as well as in defeat, when the enemy was afar off and when the hordes were in all our borders, law

and order were still preserved in our midst. Never in all the struggle was the safe-guard of liberty, the sacred writ of *habeas corpus*, for a moment suspended. Under the guidance of chosen leaders the dreadful cup was drained to its foulest and bitterest dregs, and still the civil and military commanders were amenable to the legal demands of the humblest man in the State.

The record of glory ends not here. When through sheer exhaustion the sword fell from North Carolina's grasp, and she had given up the hopeless struggle, to make a new covenant of faith and obedience to the conquerors, the day of the State's real trial had but commenced. If our people had sorrowed in the slaughter of friends and ruin of homesteads, how shall be pictured their patience in the humiliation of succeeding years. North Carolina was called upon to uproot every land-mark and to remove almost the last badge of her character as a State. Strangers swarmed into our borders, and with the ignorant and incapable race so lately in servitude were put in control of the Commonwealth's fortunes. Peace had been proclaimed for the nation, but fresh dishonors were to be concerted against those Southern men who yet clung to their manhood. Not content with the cruel legislation of 1868, when there was no sign of rebellion or resistance to authority, suddenly an army was raised in the State and many of its leading citizens immured in reeking dungeons. That legal redress which had not for a moment slept in all the years of real war, was refused, and from the highest judicial officer came the startling announcement, "The judiciary has been exhausted!" It will never cease to be remembered how a great State thus sorely tormented was delivered by the bravery and fidelity of a single one of her sons.

In three leading periods of American history North Carolina has held an important part. Upon her shores was the first effort at English colonization. She was the first of the provinces to lift her voice for separation from the mother country. In those trying years which followed successful revolution, she did all that patriotism, wisdom and liberality could accomplish in solidifying the structure of a free and untried system of national

life. Her gift of the Tennessee territory was the precursor of similar bounties from other States, without any such saving as their Western reserves. The wisdom of her action in 1788 was largely effective in procuring the recognition of State rights embodied in the first ten amendments of the Federal Constitution. She has uniformly most sternly resisted the unchartered aggressions of a growing disposition to centralize the American Government, and yet by her example at the same time rebuked the factious course of other States in an undue assertion of the doctrine of reserved rights. Peace, moderation and unselfish devotion to the general good have illustrated and ennobled her history. She has never been clamorous for notice, and has been slow to resent frequent injuries experienced in the neglect of those who have dispensed the general patronage and pretended to tell the story of American growth. Like Lord Bacon, she leaves to posterity and the after ages the perpetuation of her claim to consideration among men.

North Carolina has not been free from efforts to secure class legislation. Capital and blood here, as elsewhere, have not remitted their struggles for privilege. Governor Samuel Johnston was the leader of those who even in the Revolution sought to frame a system which should put the control of affairs in the hands of a select few rather than in those of the less favored masses. Richard Caswell and Willie Jones then, as eleven years later, defeated the scheme of the Federalists. With the lapse of a decade, the lesson taught in the ten amendments of the United States Constitution seemed apparently forgotten when John Adams and his dominant supporters enacted the "Alien and Sedition Laws." North Carolina at once passed to the assistance of Thomas Jefferson in bringing back the government to a proper respect for the limit of its powers. If in the long debate touching the United States Bank and Protective Tariffs our State went into temporary eclipse, she eventually condemned both of these measures as destructive of popular rights. She has been unmistakably opposed to the new theories of government illustrated in the conduct of Federal affairs since the war.

The dismantling of Southern States, frequent military interference in elections and the whole system of bans, penalties and other reconstruction measures have excited her profound disgust and unremitting condemnation. She has seen with equal sorrow and apprehension the government pass into the control of a great monied monopoly, infinitely more powerful and dangerous than that corporation denounced and destroyed by Andrew Jackson. Under the plea of benefit to the national credit, continual repression has been visited upon every interest but those of the holders of United States bonds. This course has resulted in the destruction of our foreign commerce, in the prostration of home trade, and in a pervading and yet increasing bankruptcy of the people.

The great lessons taught by Mr. Jefferson and his compeers have ever been distasteful to many men of America. They are a continual rebuke to the pride and selfishness of those who in personal ambition forgot the general good. The interests of the people are not those of money kings and military adventurers. The empty pageants of royalty have long been so distasteful to our people, that the possibility of an American king is far less to be dreaded than the erection of a dominant and heartless aristocracy. Wealth and privilege are the dangers of the American system. Cunning and powerful factions are continually seeking the means of controlling the great body of the people. It was in view of this danger that the sage of Monticello declared that "the price of liberty is eternal vigilance." That ancient vigilance which has resisted civil and religious oppression in all ages of which history contains record of the Anglo-Saxon race, will, it may well be hoped, still assert itself against the designs of American intriguers. The people who have done so much for human advancement may be safely trusted with the preservation of the glories peculiar to themselves. The Ark of the Covenant was no more the special charge of the ancient Jews than are the vindication and transmission of the heritage we have received.

To North Carolina and her Southern consorts we may confi-

dently look to struggle for this end. Under God by their efforts has the Federal Constitution been preserved so far. There has been no time in our history since 1789 when Northern majorities in and out of Congress have not disregarded its injunctions. Southern faith and honor have continually pleaded and remonstrated for its preservation. A valorous and knightly devotion to the great works of our fathers has in deliberation and on bloody fields protested against the weak and wicked designs of men, who have forgotten in self their duty to the human race. Like Lord Macaulay, in his letter to Josiah Randall, these croakers are ever sneering at what they call the weakness of our system. They would rob millions of great franchises to give more security and power to capital. Human souls and the happiness of all are of less account than a few already too-powerful citizens. Free America, they say, must abdicate in favor of the money kings. This struggle has lasted for a century past and the people have lost vantage ground in the last twenty years, but are fast recovering from that which a great war alone brought upon them. We may rest confident that the nation will be true to its traditions and that a still higher civilization and happiness are yet in store for North Carolina and her consorts.

HISTORY OF NORTH CAROLINA.

CHAPTER I.

A. D. 1584 TO 1590.

Ancient denizens of North Carolina—Indian habits and customs—Their government and religion—Sir Humphrey Gilbert obtains his first American patent—His death in 1583—Sir Walter Raleigh repeats the venture the next year—Philip Amadas and Arthur Barlowe sail on a voyage of discovery—They reach the West Indies and sail northward—They reach the coast of Carolina and finally Trinity Harbor—They meet Indians—Granganimeo visits them—Names of the land divisions around Roanoke—Return of the explorers—Sir Richard Grenville the next year sails with emigrants—Governor Lane and his associates—Explorations and trouble with the Indians—Sir Francis Drake arrives with a fleet—Return of the colony to England—John White and the second colony—Virginia Dare and the mysterious disappearance of the settlers—Sir Walter Raleigh.

In the year 1584 there had been no white man seen in what is now the State of North Carolina. Through all its borders the different tribes of aboriginal Indians moved undisturbed but by their own often recurring hostilities. A few villages with their insignificant fields of corn were to be found at rare intervals in the pervading forest, a few canoes skimmed over the wide waters of the sounds and rivers; but solitude and silence were over the land. The buffalo, elk, black bear, deer and turkeys swarmed upon the hills, while countless wild fowls and fishes were to be found in the waters. Fruits and flowers were on every side, and over all, the mocking birds in their delirium of joy were making the enchanting scene vocal with their melodies.

But this paradise of untutored nature had many drawbacks. Aboriginal life in America was one of constant peril and watching. If "eternal vigilance is the price of liberty" in civilized States, the bare privilege of existence was only to be achieved by the unhappy Indians in sleepless caution and avoidance of

those regions never visited but on the war-path. In this way the fair territory we now inhabit was three centuries ago, for the most part, the undisputed paradise of the wild beasts. Governor Lane, in his voyage up the Chowan River, made no mention of having seen Indians west of the river. The waters of the Albemarle country then teemed with countless fishes. They were the principal source of subsistence to the savages, who with their rude canoes and weirs found easy living the year round. This occupation, with their military expeditions and the pursuit of game in the forest, formed the only employment of the Indian men. Their hapless women were condemned to all the drudgery of cultivating and preparing for food the corn, upon which was their main reliance for bread. They possessed no knowledge as to working metals and used fire to burn down the forest to effect clearings of their small fields. Their farming utensils were all of wood. When they wished to boil their food, water was put into a wooden vessel and the temperature raised by the introduction of heated stones. In planting maize they began by making a hole in one corner of the plot, wherein they placed four grains of corn an inch apart and then covered with mould. From this starting point rows were laid off so that the hills should be a yard apart each way. They used fertilizers of no kind, but depended upon the natural richness of the soil.*

In their government the Indians were wont to mingle monarchical and aristocratic principles. Every tribe had its chief, the measure of whose power varied with the development of valor and intelligence of the incumbent. The headship of the tribe was as often elective as hereditary, and no fixed rule seems to have obtained except that blood and descent should be recommendations, but not prerequisites in supplying the places of lost leaders. They lived in villages for mutual protection, but had no large cities because of the impossibility of subsisting a multitude at any one given point.† They had no domestic animals

*Hariot's Narrative, page 18.

†Hariot's Narrative, page 32.

but dogs, and were utterly wanting in commerce. An Indian town, Chowanoke, which stood on the east bank of the Chowan just below the mouth of Bennett's creek, was large enough to send seven hundred braves to battle. But this was an unusual number, and was one of the few points of permanent residence of a capricious and nomadic race. The Indians were generally known as the red men, from their copper complexion. They were tall, active and graceful. Though nearly all of them were athletes, they were incapable of long continued toil. They had regular features. Their eyes and long, straight hair were black, and they were remarkable for their high cheeks and scanty beards. With their stone axes they hacked down the trees they were further assisted by fire to shape for use. In his armory the greatest chief could but exhibit as weapons bows and arrows, spears, clubs, tomakawks and scalping knives. Their best houses were rude tents fashioned of skins or the bark of trees. Some of their more fortunate rich men possessed cooking utensils of stone or coarse pottery, but their food, both as to quality and preparation, was unsavory and disgusting to all foreign tastes.

The Indians universally believed in the existence of a Supreme God whom they called the Great Spirit. A good man, in their estimation, was one who slaughtered and scalped every intruder upon his hunting grounds, and avenged upon the individuals of his own tribe the various fanciful causes of retributive bloodshed. They bought their brides like some article of commerce,* and slew without remorse, their aged kinsmen who were so unfortunate as to retard a march or give trouble in their support. Their priests or medicine men were princes among charlatans, and have not been surpassed in falsehood and effrontery by the kindred spirits of any creed.† Amid ceaseless wars, wholesale massacres of unsuspecting villages and lives of unremitting terror and vigilance, lived and died this unhappy race to whose misfortunes the crowning disaster was soon to be added. There

*Bancroft, vol. III, page 267.

†Adair, page 85.

was a wide-spread belief and tradition among them that pale-faced men from lands beyond the sea would come in the course of time and effect great changes in their condition. This mysterious premonition was soon to be realized.

Sir Humphrey Gilbert had obtained a patent from Queen Elizabeth in 1578 "to undertake the discovery of the northern parts of America." The next year, with his half-brother, Walter Raleigh aiding him, he fitted out an expedition which was driven back. His patent was about to expire in 1583, when with three vessels he sailed upon his first voyage. He took possession of Newfoundland, but losing one of his fleet off the coast of Maine, he turned his prows for the homeward voyage. A furious storm overtook and drove them amid the floating icebergs. In that night of darkness and horror, Sir Humphrey, from the little ship *Squirrel*, cheered the men of her consort, saying, "Courage, my lads, we are as near heaven on sea as on land." About mid-night, September 9th, the lights of his ship disappeared and the *Hind* alone of the fleet survived to bear the mournful intelligence to England. Sir Humphrey did not equal his brother in the variety and brilliance of his gifts, but like him was bold, fearless and loyal in his nature.

Sir Walter Raleigh, though saddened by the loss of his kinsman, did not relax his efforts at discovery and colonization. Queen Elizabeth granted him a new patent in 1584. In April of that year he fitted out two ships in England, and having assigned them to the command of Philip Amidas and Arthur Barlow, the little fleet set out to encounter the dangers and uncertainty of the unknown seas they were ordered to explore.

Having left England April 27th, they reached the Canaries on the 10th of the next month.* A month later they had crossed the Atlantic Ocean and reached the West Indies. Having procured fresh supplies of provisions and water, they sailed northward, and on the 14th of July approached the coast of what is now North Carolina. While still at sea, they were regaled with

*Amidas' Narrative.

delicious odors borne by the breeze from the shore. The long and barren points of land which still afford such a barrier to all marine approaches to North Carolina prevented the landing of the expedition until they had swept northward one hundred and twenty miles. On July 16th, by our present style, or the 4th, according to the old calendar, they came to anchor in what they called Trinity Harbor, which was an inlet nearly opposite Roanoke Island. After remaining two days and seeing no inhabitants of the country, on the third day they saw a canoe in which were three Indians approaching from the north. One of them landed and came down the beach in the direction of the ships. He was met by the officers on the shore and with his own consent conveyed to the ships, where he received presents of food and clothing. Having returned to his canoe he pushed out into the strait and commenced fishing. In a half hour he had loaded his boat and then dividing the fish into two portions, he signs that each ship should take its proportion. Having discharged this friendly office he took his departure.*

On the next day many Indian boats arrived. In one of them came Granganimeo, the brother of Wingina, an Indian king who ruled the surrounding territory. A native benevolence and dignity were evident in all the movements of the untutored and friendly savage. He expressed by signs his good will to the strangers and the fact that the king had been recently wounded in battle. Within a few days Granganimeo, accompanied by his wife and children, repeated his visit, and the intercourse of the English visitors and the aborigines was full of friendly offices on both sides. The explorers found that the territory north of the Albemarle Sound was called by the Indians Weapemoc, that to the south Secotan, while that which lay between the Chowan and Roanoke Rivers was known as Chowanoke.†

Sir Walter Raleigh had not intended that this expedition

*Hawks, vol. I, page 77.

†Hariot's Narrative.

should attempt settlements. The fleet therefore soon sailed for home and reached England in the middle of September, carrying with it two of the natives, Manteo and Wanchese, who had agreed thus to extend their knowledge of the world. They were brought back the next year with very different sentiments filling their bosoms. Manteo became the life-long friend of the white people, while his comrade grew as conspicuous for his deep and implacable hatred.

On the 9th day of April, 1585, Sir Richard Grenville, one of the bravest and best of all the famous admirals of that age, sailed with a fleet from the English city of Plymouth. He brought with him one hundred and eight colonists. They reached our coast on the 26th of June.

Ocracoke was then called Wokoken. Through that inlet, with their smaller vessels, they reached Roanoke Island. Sir Richard spent some time in exploring the adjacent shores and waters, and so long as he lived, continued to evince a lively interest in the affairs of the settlement which had been first inaugurated by his kinsman, Sir Walter Raleigh. Grenville was one of those famous men who in that age so greatly extended the naval renown of England. He lived long enough to revisit our shore, but a few years afterwards, being surprised by a Spanish fleet near the Azores Islands, after a long and almost incredible contest with superior force, he was captured and died of his wounds the next day.*

Ralph Lane, who came out as the Governor of the colony, was an English gentleman of considerable cultivation. Some historians have sneered at his want of endurance and have asserted that he too readily abandoned a post of danger; but upon a fair consideration of all the circumstances, it is not probable that Raleigh erred in his estimate of the fitness of the chief agent in his great undertaking.

Philip Amidas was second in command and admiral of the

*Hawks, vol. 1.

colony. He was the companion of Barlow when they, the year before, made discovery of the country.

The next in rank was Thomas Hariot, afterwards famous in Europe as a mathematician and a man of letters.

Thomas Cavendish was also of the party, who afterwards won renown in circumnavigating the globe and in sea-fights with the Spaniards. From the fact that Columbus had discovered America in the service of that people, they laid claim to the whole mighty hemisphere. The Englishmen of that day were not of a temper to tamely submit to such a claim, so wherever their ships met there was generally battle and bloodshed.

After Governor Lane had constructed such defences upon Roanoke Island as suited him, he proceeded in open boats to explore the shore of Albemarle Sound. He came up Chowan River as far as Winton, (for in Lane's Journal it is stated that their progress was stopped just below the junction of the Meherrin and Nottoway Rivers.) The great Indian town Chowanoke is mentioned as being on the eastern bank of the Chowan River.

It is more than probable that Bertie Peninsula was not at that day occupied by Indians at all. The Meherrins who were found in Manney's Neck a century later, were, at the time of Lane's visit, living north of James River. No mention is made of adventures of any kind in the Chowan River, but when they had ascended the Roanoke for four days, a night attack by the Tuscaroras, who lived upon its banks, forced Governor Lane to give up his search for the gold which was said to abound in its upper waters. This was the first instance in our borders of the red man's hostility to English encroachments, and was the result of wiles on the part of an Indian chief known as Wingina. This man lived upon the main land fronting Roanoke Island, and most probably had become incensed at the punishment of one of his tribe by Sir Richard Grenville, for the stealing of a silver cup. Evidences of Wingina's hostility increased until Governor Lane, discovering a plot to assail him on Roanoke

Island, seized the Indian king and eight of his head men and put them to death.*

Lane had already incurred the hostility of the powerful Tuscaroras by his night conflict on the banks of the Roanoke, and now was added the deadly enmity of a kindred tribe. He was without ships, and had for months past been sorely puzzled to find sustenance for his men. His situation, indeed, in every respect, was full of danger, when Sir Francis Drake, with an English fleet, came to anchor off the coast. The Governor endeavored to procure a ship and supplies and Drake was willing to grant them, but for the occurrence of a storm that drove them to sea with the ship intended for the colonists. After consultation with the admiral and his own council, Lane thought it best to return to England. If he was hasty in doing so, Francis Drake—than whom there was no braver man in the world—was deceived in affording him transportation.†

Shortly thereafter, Sir Richard Grenville arrived with supplies for the colony. He left fifteen men and sailed on his usual search for the Spaniards.

Governor Lane's abandonment of Roanoke could not deter Sir Walter Raleigh from further efforts at colonization. In 1587, John White, with one hundred and seventeen men, women and children, sailed from Portsmouth with orders to seek Chesapeake Bay, and there found a colony. The fleet, after narrowly escaping destruction off Cape Fear, in the month of July came to anchor at Trinity Harbor, and in disobedience of positive commands, resumed the occupation of Roanoke Island. The men left by Sir Richard Grenville two years before had all disappeared, with no memorial of their fate save a single skeleton. The Indians had doubtless murdered them and the tale told of their removal was only to avoid English vengeance.

If Ralph Lane was hasty in his abandonment of the settlement, he was still careful to remove the people in his charge

*Lane's Journal.

†Hawks, vol. I.

from the danger of their position. John White, in his whole conduct, exhibited an astonishing indifference to the fate of the colony. Though his daughter was one of the number, he remained only six weeks on Roanoke and sailed back to England on the plea of procuring assistance. Yet when such was the urgency, he was to remain abroad for three years before he could get the better of his desire to share in the plunder of Spanish galleons.

Manteo, one of the two Indians that had been carried to England, sought to enlist the aid and sympathy of his people, who dwelt upon Croatan, but failed in his mission. He was warmly attached to the white people, while his companion, Wanchese, upon his return, ever manifested aversion and hostility to the English. His visit to Great Britain had failed to produce the desired effect, and it was probably due to his efforts that so complete a change was effected in the disposition of the tribes surrounding the hapless city of Raleigh, as the settlement on Roanoke Island was termed.

On August 13th, 1587, Manteo was baptised and then made the Lord of Roanoke. Five days later, Eleanor, the daughter of Governor White and wife of Ananias Dare, gave birth to a girl, who was named Virginia and was the first born of all the English-speaking millions since claiming America as the place of their nativity.* The young mother and her baby were to vanish from the knowledge of the world in the same manner, with the unfortunates left by Admiral Grenville.

When White reached England he found the nation in momentary expectation of Spanish invasion.† The Invincible Armada was ordered to leave Cadiz and carry across the British Channel the matchless veterans of Alexander Farnese, the Prince of Parma. Raleigh furnished White with two ships, but he lingered to take part in the struggle, and when the mighty Spanish fleet had been wasted by English heroism, and destruc-

*Hawks, vol. I, page 286.

†Martin, vol. I, page 33.

tive storms, he sailed back into harbor to repair the damages inflicted by the enemy's artillery. Thus March 20th, 1590, had come before the man who was in such a hurry to reach England in search of relief for his colony, at length sailed back to America.* He reached Trinity Harbor in the succeeding August. It had been agreed upon before his departure that if the colony should be compelled to remove, the name of the place to which they should be transferred would be carved on a tree. Governor White found "Croatan" cut deeply into a tree and the letters "Cro" also on a high post set up on the site of the village. It had been further agreed that if the colonists should leave Roanoke in distress, that a cross was to be carved above the locality of their new residence. No such token of distress was seen. Croatan was not above fifty miles from where he stood surveying this uncertain record of the fate of his people; yet John White, on the plea of storms and scarcity of provisions, sailed for the West Indies, passing in plain view of Croatan, where he had reason to believe were the people committed to his keeping. From the West Indies he went back to England and left his own flesh and blood to vanish from all human view.†

Sir Walter Raleigh had wasted full forty thousand pounds sterling in futile attempts to found a colony. This sum was equivalent to a million dollars at present. This loss greatly impaired his fortune. The timidity of some and incompetence of others of his agents had balked him in a high and princely enterprise. He turned his attention to South America and on the coast of Guiana attempted a lodgment which might lead him to the discovery of El Dorado, that mythical fountain of rejuvenation, which so strangely affected the wisest men of that great age. He was so unfortunate as to incur the Queen's displeasure in the matter of his marriage and only by strenuous and adroit endeavors recovered her esteem. She was to be followed in

*Hawks, vol. I, page 247.

†Martin, vol. I, page 36.

offices by a king whose weakness and folly were to be in marked contrast to the imperious grandeur and wisdom of Elizabeth. The great queen, when the danger was direst, could add courage to the hearts of heroes, but the ungainly Scotch pedant could never in his life see a drawn sword without turning pale at the sight. With the same base subservience that was to disgrace the whole Stuart dynasty in their intercourse with foreign courts, James I. yielded to the demands of the King of Spain and caused Sir Walter Raleigh to be beheaded on an old charge. Sir Edward Coke, then Attorney-General of England, had procured his conviction sixteen years before on a false accusation.* The English Court was anxious to procure the marriage of Prince Charles to a Spanish princess. To compass this purpose King James, as a mark of favor to His Catholic Majesty, ordered the execution of the most renowned of all his subjects. The House of Stuart merited and received the execrations of mankind for their many crimes and weaknesses, and in the story of their misdeeds the foulest of all was the wanton murder of him who first sent men and ships to the shores of North Carolina.

*Lives of Chief Justices, vol. I, page 223.

CHAPTER II.

A. D. 1663 TO 1705.

Grants to Sir Robert Heath, Sir Thomas Smith and others—Sir Richard Hackluyt—The settlement transferred from Roanoke to Jamestown—Religious persecution in Virginia and Massachusetts—The Puritans drive out Roger Williams to Rhode Island—Sir William Berkeley, by similar conduct, banishes the Baptists and Quakers from the Old Dominion and they find refuge in Albemarle—Roger Greene establishes his colony on the Chowan and Roanoke—George Durant and the Yeopim Indians—Charles II. grants Carolina to the Lords Proprietors—Governor Drummond assumes control of Albemarle—Sir John Yeamans visits Clarendon—The Great Deed of Grant—Grand Assembly of Albemarle—Governor Stephens succeeds Drummond—Early legislation—Sir John Yeamans leaves Clarendon—John Locke and the Fundamental Constitutions—Governor Berkeley's ideas of government—W. Edmundson—Governor Cartwright—War with Holland and King Philip—Bacon's rebellion and death—Governor Drummond—The Grand Model breeds trouble—Governor Cartwright abandons the government—Governor Eastchurch and Miller—The Governor delays his coming and Miller gets into trouble—Durant, Gillam and Culpepper inaugurate a rebellion—Eastchurch arrives, but is set at defiance and dies of vexation—Culpepper's trial in England—John Harvey sent as President of the Council—Succeeded by Jenkins and Wilkinson—Seth Sothel arrested and deposed—Governor Ludwell and Lady Frances Berkeley—Thomas Harvey and Henderson Walker—Major Alexander Lillington—Governor Daniel and the Established Church—Edmund Porter sent with John Ashe to England to remonstrate—Colonel Thomas Carey succeeds to the government of Albemarle—His conduct towards the Quakers.

Not until seventy years, filled with the progress of ordinary centuries, had gone by was the attention of the English Government turned to the affairs of North Carolina. Sir Walter Raleigh, after seeing his fortune, health, liberty and cherished son all lost in his tireless efforts in America, had long slept the sleep which knows no waking. The iron vigor and patriotism of the Tudor Queen had been replaced by the timid and unpopular policy of the House of Stuart. An anointed king had been led from the palace of his fathers, to expiate in his blood what was called his treason to his people. Stern Oliver Cromwell had lived, reigned, and passed away. The second King

Charles had returned from his travels, and under a monarch who was reported "as never saying a foolish thing or doing a wise one," the successful colonization was effected. Providence is sometimes dark in its decrees. That which good Queen Bess and the gallant, the generous and the tireless Raleigh had failed to accomplish, the profligate Charles Stuart found easy to do.

There had been fruitless grants to Sir Robert Heath, Colonel Beddingfield and others, but the vast territory south of James River remained unsettled by white men. In 1607, in the reign of King James I., on the 10th of April, the great seal was affixed to a fresh grant conveying to Sir Thomas Smith, Sir John Somers, Sir Richard Hackluyt, Edward M. Wingfield and others who might join them, the territory between the 34th and 45th degrees of northern latitude, to which Virginia, the name given by Sir Walter Raleigh to his discoveries, was transferred. Hackluyt was the moving spirit of this new enterprise. He was a dignitary of Westminster, and to great learning added enthusiasm in promoting discovery and propagation of geographical knowledge. The barriers of sand on the North Carolina coast led the projectors of the new colony to abandon Roanoke Island as the nucleus of settlement. They wisely adopted the spacious harbor and safe entrance of Hampton Roads as the point of approach from the ocean to the inland waters of America. The ships made their entrance April 26th and proceeded as far up James River as Jamestown, where they came to anchor and established the first permanent English settlement in America. Here was the birth-place of North Carolina as well as of the Old Dominion.

In the provinces of Virginia and Massachusetts there was early manifested a disposition to repeat in America the harshness and injustice which had so long disgraced the civilization of Europe. The Baptists and Quakers soon found that human nature was the same on both sides of the Atlantic Ocean. The rigid and jealous Puritans banished Roger Williams from their midst, while Sir William Berkeley, in a kindred spirit, devised disabilities and punishments against the men who did not con-

form to the Church of England. The great boon of religious liberty had led many men, in its search, from their European homes: again in deeper wilds, in spite of danger and hardship, they were to seek what they esteemed so great a blessing. North Carolina was then beyond the jurisdiction of the petty tyrant who ruled at Williamsburg. The tender mercies of the Tuscarora seemed preferable to the whippings and brandings practiced in Virginia, to prevent non-conformity to the Established Church; so in 1653 Roger Greene and his associates settled upon the banks of Chowan and Roanoke Rivers.*

Nine years later George Durant, a hard-headed and enterprising Quaker, bought of the chief of the Yeopim Indians, the neck of land in Perquimans county still bearing his name. In 1660 the New Englanders, in that spirit of migration yet so predominant among their descendants, made a settlement near the mouth of Cape Fear River, at or about the position of the present village of Smithville.† Their stay was brief, however. They offended some of the Indians, it is said, by sending off some of their children to Boston as if for education, when the true purpose was to sell them into slavery.‡ This infamous charge has come down from early colonial annals and has been continually credited at distant intervals by different historians.¶ The great purpose of this attempted settlement was the rearing of cattle. They sent agents to England to secure co-operation, but soon abandoned the settlement. The reasons assigned for so doing, were left in a monument erected upon their departure.§ It is uncertain at what precise time this occurred, but they were certainly gone by the fall of 1663.**

It is evident from a perusal of certain instructions from parties in London to Sir William Berkeley, that considerable population

*Irving's State at Large, page 380; Wheeler, vol. 1, page 29.

†Moss' Hist. Col., 3d series, page 56.

‡Lawson, page 65.

¶Williamson, pages 75-6; Hawks, vol. II, page 73.

§Lawson, page 74.

**Hawks, vol. II, page 72.

had come from Virginia and settled in the Albemarle country by this time. There were in the Court of King Charles II. favorites, who were not inattentive observers of what was transpiring in America. The bold and self-sacrificing pioneers had smoothed the way for the assumption of fresh dignities and revenues to those who had the favor of the "Merry Monarch." So in 1663 another grant passed the seals creating Edward, Earl of Clarendon, George, Duke of Albemarle, William, Earl of Craven, John, Lord Berkely, Anthony, Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, then Governor of Virginia, the Lords Proprietors of a new province called Carolina in honor of the king. This paper was dated March 15th, and conveyed territory of sufficient area for a great empire. The Earl of Clarendon was a great lawyer and statesman and like his colleague, Lord Ashley, rose to be Lord Chancellor. He was an ambitious and grasping man, who lost the king's favor in his old age, and left two grand-daughters, who became Queens of England. General George Monk was a morose, dull, easy-conscienced officer of Cromwell, and was made Duke of Albemarle for the part he took in bringing about the king's restoration. Lord Ashley became the famous Earl of Shaftsbury, and yet has two lasting monuments to his memory. He added the writ of *habeas corpus* to the constitutional rights of all Englishmen and had his portrait drawn in Absalom and Achitophel by the master-hand of John Dryden. He was talented, intriguing and profligate, and was the greatest demagogue his famous land has yet produced. Of the other Proprietors, Sir William Berkeley was the most notable. He is immortal for conjoined bigotry and cruelty. "That old fool," remarked the witty king, concerning Bacon's rebellion, "has taken more lives in that naked country without offence than I have in all England for the murder of my father."

William Drummond, a Scotch settler in Virginia, was created by Sir William Berkeley Governor of Carolina. He was a man of prudence and fidelity, and proved acceptable to the

people he was sent to govern.* Drummond's first duty was to arrange with George Durant and others, who were settlers before the late grant, for the terms of their future tenures.

On September 29th an expedition arrived from Barbadoes, bringing settlers to the Cape Fear region.† This was under the conduct of Sir John Yeamans, a planter of some wealth and consideration in that West Indian isle. They ascended the North East Cape Fear for a hundred and fifty miles, and also explored some of the tributary streams. Their entrance into the Cape Fear was on October 12th, and on the 6th of February 1664, they reached Barbadoes on their return. The report of Sir John on his arrival was so favorable that the Lords Proprietors of Carolina were petitioned for a grant confirming a purchase already effected from the Indians.‡ To this grant additional corporate powers were solicited for government of the colony. The request, in its full extent, was not complied with, but in January, 1664, Sir John Yeamans was appointed Governor and Commander-in-Chief of the new colony and county, to be known as Clarendon.|| Yeamans was the son of a cavalier ruined in estate by the results of the great rebellion in England, and had gone to Barbadoes to restore his fortunes. He was a gentleman by birth and his ancestors had stood by the king in his fatal quarrel with Parliament. His father had died on the field and the son had no blot upon his escutcheon.§ If in subsequent prosperity he blurred his reputation, it was not so when he led the men of Barbadoes past Frying Pan Shoals into the fair river he had found.** On May 29th, 1665, the colony, consisting of several hundred, landed on the shore at the junction of Cape Fear River and Old Town Creek, where they laid out a village called Charlestown.**

*Chalmers, page 519; Martin, vol. I, page 138.

†Lawson, page 65.

‡Chalmers' Annals, page 520.

||Hawks, vol. II, page 82.

‡Williamson, page 98.

**Hawks, vol. II, page 82; Bancroft, vol. I, page 142.

In 1665 a new grant was procured, to cover a belt of territory stretching from the present Virginia line to the mouth of the Chowan River, which had not been included in former grants.* In this year occurred the first session of the Grand Assembly of Albemarle. They petitioned the Lords Proprietors for an alteration in the tenure of their lands, and two years later the prayer was granted.† There was as yet no town in the settlements, and for many years after the Legislature convened in private houses. As late as 1715 the Assembly met at the house of Captain Richard Sanderson and enacted the oldest statutes of which we now have record.

Governor Drummond was succeeded in 1667 by Samuel Stephens. The late Chief Magistrate retired to Virginia, where he soon incurred the resentment of Governor Berkeley, and was capitally punished for alleged complicity in Bacon's rebellion. Governor Stephens brought with him such instructions from the Lords Proprietors as amounted to a new Constitution. He was to act by and with the advice of a council of twelve; one-half his appointees, the others elected by the lower House of the Assembly. The Legislature consisted of the Governor, his Council and twelve delegates elected by the freeholders. This was an excellent and benignant concession by those, who from London, prepared systems for the government of men in the wilds of Carolina. "Not one prerogative of the Crown," says Chalmers, "was preserved, except only the sovereign dominion."

The earliest recorded legislation was effected in 1669 under the rule of Governor Stephens. The legal profession cannot recur with much complacency to those ancient and primal statutes of North Carolina. One of them forbade the collection of debts contracted abroad by settlers previous to their emigration to Albemarle. The great need of population led to this more than doubtful expedient to attract dishonest debtors. This was the foundation for the indignant comments of Colonel William Byrd of Westover, in Virginia, and others, who were fond of

*Hawks, vol. II, page 441.

†Chalmers, page 520.

denouncing Carolina as "Rogue's Harbor." It was further provided, at the same session of the General Assembly, "As people might wish to marry, and there being no minister in the settlement, that none might be hindered from so necessary a work for the preservation of mankind, any man and woman carrying before the Governor or any member of the Council a few of their neighbors, and declaring their mutual consent, were to be declared man and wife." A limited exemption from taxation was extended to new settlers, and dealers from abroad were forbidden the sale of their merchandise either to the colonists or Indians. The homestead rights of settlers were inalienable until after two years' residence in the country. A tax of thirty pounds of tobacco was laid on each party bringing suits in the courts, and this was appropriated to the salary of the Governor and the members of his Council during the session of the Assembly.*

Among the last of Governor Stephens' acts was the promulgation of the famous Fundamental Constitutions, prepared at the instance of the Lords Proprietors, by the great English philosopher, John Locke. This wise and excellent man made the natural mistake of attempting to legislate for a people of whose wants he was ignorant and who were equally averse to the titles and pageantry which were the essence of his system. A spirit of opposition was at once manifested to the cumbrous scheme so dear to the hearts of the Proprietors. To this new cause of disgust was added an effort to break down the commerce of New England for the benefit of the mother country. The Navigation Act, passed in Cromwell's time, had been, in a measure, inoperative as to the colonies. Its enforcement was now demanded by the Board of Trade and persisted in until it culminated, with other causes, in the Revolution of 1775.

The county of Albemarle was at this time divided into three precincts. The eastern was called Carteret, the middle Berkeley, and the western, Shaftsbury, in honor of Anthony Ashley

*Martin, vol. I, page 145.

Cooper, then recently made an Earl. The territory, afterwards known as Bertie, was being rapidly peopled, and belonged to the precinct of Shaftsbury. In those wild days, when as yet there was not a village in all Albemarle, there were no centres of commerce or civilization. Preachers were unknown, and in Virginia, Sir William Berkeley was reporting to the Committee of the Colonies "Our ministers are well paid, and by my consent should be better, if they would pray oftener and preach less; but, as of all other commodities, so of this, the worst are sent us, and we have few that we can boast of, since the persecution in Cromwell's tyranny drove divers worthy men hither. Yet I thank God there are no free schools, and no printing, and I hope we shall not have these hundred years: for learning has brought disobedience, heresy and sects into the world, and printing has divulged them and libels against the best government."*

Sir John Yeamans had established his colony on the banks of the Cape Fear River eight miles below the present city of Wilmington, in 1665. Under his prudent management the settlement in the second year after its establishment numbered eight hundred people. There were negro slaves to help in the clearings and exports of lumber were made to Barbadoes. The Governor ruled wisely and well.† The trade abroad was growing and prosperous, under the strict adherence of the ruling spirit to instructions.‡ He made grants of land at cheap prices and long credits and retained the good-will of the Indians, while encouragement to immigration was not neglected. Some came from Massachusetts and pecuniary help in their behalf was received from their Northern friends.|| So great was the drain upon the population of Barbadoes the authorities there forbade the further exodus of that community.§ But with all this encouragement the settlement was not to be permanent. The death of Governor Sayle, in the present limits of South Carolina, led to the appoint-

*Martin, vol. 1, page 145.

||Hutchinson, vol. 1, page 226.

†Chalmers' Annals, page 523.

‡Martin, vol. 1, page 113.

‡Chalmers' Annals, page 523.

ment of Yeamans as his successor. Soon Charleston, on the Cooper and Ashley Rivers, was inaugurated and to that quarter repaired the Cape Fear settlers in such numbers that by 1690 the county of Clarendon was again a solitude, inhabited but by the wild beasts and Indians.* Sir John Yeamans was to be soon again represented on the Cape Fear by a posterity which has been at all subsequent times of illustrious worth and usefulness.

William Edmundson, a leader among the new sect of Quakers, arrived with the celebrated George Fox in 1672, and was dispatched from Maryland by him, as his precursor, to the county of Albemarle. His first sermon was at the Narrows of Perquimans River, where dwelt Jonathan Phelps, and where the town of Hertford was afterwards built. The rude sons of the forest shocked the sensibilities of some of the good Friends by smoking their pipes during the silent portion of the devotional exercises. This apostle of a new creed was not without his reward, and made converts among his disorderly audience. This is said to have been the first religious meeting ever held in North Carolina.†

Governor Samuel Stephens came to his death in 1673. He was a man of negative qualities, and gave no offence as ruler save in his efforts to enforce the provisions of the Fundamental Constitutions and the Navigation Act, both of which were extremely offensive to his lieges. He was succeeded by George Cartwright, then President of the Council.

On May 28th war was declared by England against the Dutch. King Charles, to feed his vices, had submitted to a disgraceful subserviency to the arms of Louis XIV., and the British monarch became but the hired stipendiary of France. The Low Countries, in their great danger, drove back the invaders by flooding the face of their territory, and the people who had resisted so long the power of Philip II., rose against their assailants and with their fleets carried terror and destruction not only to the dock-

*Hawks, vol. II, page 456.

†Martin, vol. I, page 155.

yards of the Thames, but in Virginia, Commodore Binkes, with a Dutch squadron, burned every vessel within his reach and then proceeded to the capture of New York.

In their stern tasks of subduing the wilderness and guarding against the treachery of the Tuscaroras, the people of Albemarle paid but slight attention to the struggles agitating and dividing the politicians across the Atlantic. The Exclusion Bill and the revelations of Titus Oates, as well as the new coined terms, Whig and Tory, were unheeded, as year by year they cleared fresh fields and pushed further into the forest toward the setting sun.

In 1675 King Philip's war broke out in New England. The chief of the Narraganset Indians, by means of his ability and address, extended the trouble of his own to other tribes. Virginia, in its upper counties, was harassed and in part depopulated. Colonel Bacon, indignant at the inactivity of Governor Berkeley, with his volunteers, came to the rescue and finally into open rupture with His Excellency at Williamsburg. Unhappy William Drummond took sides with Bacon, and thus the late Governor of Albemarle, while deserving a better fate, died the death of a traitor. Governor Cartwright met even greater opposition than his predecessor, Governor Stephens, in his attempted enforcement of the Grand Model.* The rumor of an intended dismemberment of the province, though utterly groundless, produced a profound sensation in Albemarle. It was believed that the Lords Proprietors were about to divide among themselves, into smaller seignories, the territory conveyed by the king in the Great Deed of Grant. The Assembly of that year sent a warm remonstrance to the Palatine and his associate Proprietors, and received a complete disavowal of any such intention. Cartwright had been Speaker of the House of Assembly previous to his succession to the Chief Magistracy. He soon became disgusted with the difficulties of his position, and forsaking the

*Hawks, vol. I, page 464; Chalmers, page 532.

colony, retired to England, leaving "the administration in ill order and worse hands."*

The Lords Proprietors were now fully committed to two points of policy, which were breeding a dangerous and growing opposition in the hearts of the people of Albemarle. They had determined that Locke's system of government should be forced upon the colony, and that all trade, other than that with English factors, should be suppressed. Upon the resignation of Cartwright, in looking around for his successor, the Lords Proprietors found, as they thought, men entirely fitted for the purpose in Eastchurch and Miller, who were both at that time in England. Eastchurch had been Speaker of the Assembly and a man of note in provincial affairs, and had gone over from Carolina as the agent of the colony. Instead of preserving faith with the Assembly which had sent him over to remonstrate on their grievances, he became dear to the hearts of the Lords Proprietors and was made by them, in November, 1676, Governor of Albemarle. Miller, for alleged sedition, had been arrested by Governor Cartwright, and, in utter defiance of law, was sent to Virginia for trial before Sir William Berkeley. The twelve honest men who constituted the jury at Williamsburg saved him from the clutches of the grim old tyrant who had lately slain Governor Drummond, and he regained his freedom by a verdict of acquittal.† He had crossed the ocean to represent his wrongs in person, before the only men qualified to right them. How well he succeeded in this mission may be seen in the fact that he returned to Albemarle as Earl Shaftsbury's deputy, Secretary of Commerce and Collector of the Customs, the latter a new office then first created in the province.

Governor Eastchurch and his secretary left England early in 1677, laden with instructions for subduing the intractable men who persisted in withholding reverence from the Grand Model and British merchants. To show his unfitness for the grave responsibilities he had so recently assumed, he stopped on

*Chadners, page 533.

†Hawks, vol. II, page 468.

his way, at the island of Nevis, where for two years he surrendered himself to infatuation in the charms of a Creole lady, whom he courted and eventually succeeded in marrying. He appointed Miller President of the Council, in addition to other dignities, and that remarkable functionary hastened on to Albemarle to become Governor, a lord's deputy and the king's collector of customs. He assumed charge in July, 1677. The population subject to his control numbered less than two thousand tithables. Eight hundred thousand pounds of tobacco were made, exclusive of the Indian corn, which was the main crop of the province. Miller at once entered upon the work of reform. He first caused Byrd, the Collector of Customs lately appointed by the Assembly, to pay over his receipts. In six months the office yielded Miller five thousand dollars and thirty-three hogsheads of tobacco, by levying a penny on every pound of tobacco sent to other colonies.

As collector, he attempted to enforce the Navigation Laws. He was determined that Massachusetts traders should be excluded from his ports, but George Durant, leader of the Quakers, headed a party which was resolved to thwart him in this purpose. This artful and resolute man was the oldest settler and conspicuous for his wealth. A New England skipper, named Gillam, with George Durant aboard, came in an armed vessel and precipitated the trouble which Culpepper and Crawford had been concocting on land. Upon landing, Gillam was arrested by the Governor and held to bail. He assumed the air of injured innocence and told the people he would take his cargo and leave the country. The prospect of losing so much rum and molasses was agonizing to the hungry colonists. Seditious violence was manifested by the people. The rash and irritated Governor boarded the vessel, pistol in hand, and arrested George Durant. Culpepper and his confederates were on hand and at once seized and imprisoned Governor Miller.*

*Hawks, vol. II, page 475.

Thus in December, 1677, was the lawful government of Albemarle overthrown by John Culpepper and his confederates. This bold, bad man had been made surveyor of the province in 1671, and afterwards was driven from Charlestown, where his life had been forfeited by like treasonable and seditious practices. There can be little doubt that he and other New England men had combined with the Quakers to resist the enforcement of English laws and the wishes of the Lords Proprietors, even to the extent of armed rebellion.* Miller and the seven deputies of the Lords Proprietors were all committed to prison. Three thousand pounds sterling in the collector's office, belonging to the king, were seized and appropriated, and a manifesto was published setting forth the injuries inflicted by the late Governor, and subscribed to on December 3rd by thirty persons.

Upon Governor Eastchurch's arrival from his long and amorous delays, he found Culpepper in possession of his office. He denied the authority of Eastchurch as Governor of Albemarle, and refused him the slightest show of obedience. The unhappy laggard thus forestalled, went to cool his anger in a tedious waiting for help at the hands of Governor Chicherly of Virginia. The seductions of the old Raleigh Tavern and elegant society then to be found at Williamsburg, could not assuage his grief, and he died of vexation before the stately officials of the Old Dominion had reached their ceremonious resolution to aid him in his deposed helplessness.

All this lawless disorder grew out of two causes. The people were unwilling to be taxed and otherwise disturbed by a State Church. They were also unwilling to forego the advantages and convenience of the New England trade. Culpepper was a mere demagogue and cared nothing for the colony beyond his own advancement. He seems to have loved sedition and mischief and wrought upon the religious scruples and selfishness of a rude people, that he might plunder the revenue and taste the sweets of power. The bigoted Granville as Palatine had, by his orders to

*Chalmers, page 561; Hawks, vol. II, page 477.

Governor Daniel, brought all this mischief upon the province, when he well knew that Bishop Compton and others of the Missionary Society in London were opposed to the creation of a State Church. In wrong-headed folly he was like King James II., who could throw away the crowns of three kingdoms in an effort to dragoon his people into the Romish faith, and was yet wicked enough to resist all entreaties of his best friends for a cessation of his criminal intercourse with Catharine Sedley. England was no more determined in resisting the Jesuits than were the men of Carolina in their opposition to enforced conformity in religion and trade.

That the Lords Proprietors and the people of Albemarle should have for two years suffered a mere adventurer like John Culpepper to remain in the office he had usurped, is one of the marvels of history. The daring intruder went to England to explain his conduct to the Lords Proprietors and the Committee of the Plantations. The latter body was then composed of Lords Anglesey, Hyde, Bridgewater, Lauderdale, Coventry and Worcester.* He was confronted before them by his victim, Miller, who had escaped from prison and was again in England with a tale of wrong. The Lords of the Plantations reported, that having heard the complaints of the officers of the customs and the Lords Proprietors, they were satisfied of his privity to the rebellion, imprisonment of the deputies and collector, as well as the seizure of the king's funds, and prayed that no favor might be shown him until he returned the amount he had embezzled.† Culpepper was arraigned and tried for treason in the Court of King's Bench, Trinity term, 1680. He was indicted under the statute of Henry VIII., and was successfully defended by Earl Shaftsbury. His Lordship had forgotten his deputy, Miller, and pleaded for his client that there "had never been any regular government in Albemarle, and that its disorders were only feuds between the planters, which could only amount to a riot." The judges ruled that taking up arms against the proprietary

*Carroll, page 339.

†Martin, vol. I, page 171.

government was treason against the king* The prisoner went back to America and that year laid out the original plan of the city of Charleston, South Carolina.†

John Harvey, as President of the Council, was at once sent as Governor of Albemarle to exercise temporary rule. He was the first of a name long celebrated in Carolina annals, though but little is known of him personally. He was succeeded in June, 1680, by John Jenkins, who died in December of the next year. But in February before his death, he had given place to Henry Wilkinson as Governor of Albemarle. Such rulers as these could accomplish but little in allaying the angry disorders still prevalent in the province. Many of the best inhabitants had been driven to Virginia for their adherence to what they believed redounded to the honor and rights of the Proprietors. Seth Sothel, upon the death of the Earl of Clarendon, had purchased the latter's interest in Carolina. He was persuaded to go over and assume the place of Governor, and started in 1680, but was captured at sea by an Algerine corsair and detained in captivity, so that he did not reach Albemarle until 1683. It would have been better for the colony if he had never come. By common consent, he is remembered as the most beastly and detestable man ever permitted to rule in America. He broke up all trade between the colonists and the Indians, that he might monopolize the profits. He seized and confiscated, without the shadow of cause, merchant ships and their cargoes. He imprisoned Thomas Pollock for attempting to appeal against his rapacity, and George Durant, having expressed disapprobation of his course, received like treatment and further injury. He stole negroes, cattle, plantations, and even pewter dishes were not exempt from his filthy and rapacious hands. All his sympathies were with villains like himself, and no man could be prosecuted to punishment who had money to bribe the Governor. For five years was this monster endured, when in 1688, the people seized his person with the purpose of sending him to England for trial.

*Hawks, vol. II, page 1-2.

†Johnson's Traditions of the Revolution.

He added cowardice to his other enormities, and fearing the result if judged in Westminster, he begged that the General Assembly should take jurisdiction and punish him as he deserved. He was found guilty of all the charges and compelled to leave the country for twelve months and the office of Governor for all time.

Charles II. had been dead for three years, when in 1688 an event similar to the above was witnessed in England. King James II. had also forfeited the confidence and worn out the patience of his subjects, and in the same year with the fall of Governor Sothel, was driven from the throne of his ancestors. The Prince of Orange and his wife, the daughter of the late king, succeeded to the throne, which had been declared vacant, and at last the English people obtained that free Constitution which has since made them so powerful and celebrated.

In the course of the succeeding year, 1689, Philip Ludwell, late a Collector of Customs in Virginia, and the husband of Lady Frances, widow of Governor Berkeley, came as Governor of Albemarle. He remained in charge for four years, and was then sent to Charleston to control the southern province. He was succeeded by Major Alexander Lillington, who, in addition to the wisdom of his rule, was the founder of a family and name to be long and widely revered in Carolina. His administration was further marked by the abrogation of Locke's cumbrous system of government, which event occurred in April, 1693.* Thomas Harvey became Governor in 1695. His jurisdiction seems not to have been interfered with as Governor of Albemarle, in the general commission over both provinces contemporaneously given the patient and politic Quaker, John Archdale. The latter, by purchase of his father the year before, had come into the possession of the share of Lady Frances Berkeley, and he was consequently one of the Lords Proprietors.

The next Deputy-Governor was not appointed for Albemarle until 1704. In that interval Thomas Harvey was succeeded in

*Hawks, vol. II, page 495; Chalmers, page 552.

1699, by Henderson Walker, then President of the Council. Governor Walker had been Attorney-General and Judge of the Supreme Court. He married the daughter of Alexander Lillington. He died in 1704, at the early age of 44, and was buried near Edenton, where his monument may still be seen. An important change was effected during his rule, in the judiciary. The General Court had been held by the Governor, the deputies of the Proprietors and two assistants. This court was too numerous and was too rarely composed of men bred to the law. The Lords Proprietors issued a commission appointing five Justices of the Supreme Court, two of whom were to constitute a quorum.

Albemarle was enjoying profound quiet in the spring of 1704, when Governor Walker died. His place was supplied in the person of Colonel Robert Daniel, who had lately distinguished himself in the expedition against St. Augustine. The population of Albemarle had at this time reached between five and six thousand persons. The southern shores of the sound and the Bertie peninsular were both being populated, and a peaceful prosperity was everywhere manifested. Lord Carteret, late Sir George Carteret, was Palatine the year of Governor Daniel's accession. He instructed the new Chief Magistrate to procure the passage of a law through the Assembly to establish the Church of England in Albemarle. The church in question was represented in the province by one clergyman named Blair, who had been sent out by Lord Weymouth. The great body of the people opposed the movement, but the Governor procured its passage, and parishes were established and provisions made for the erection of churches and purchase of glebes. Great opposition was manifested, especially among the Quakers. A remonstrance was sent to England, and the House of Lords resolved that the recent act of Assembly "was founded on falsity in matter of fact, repugnant to the laws of England, contrary to the charter of the Lords Proprietors, an encouragement to atheists and irreligion, detrimental to trade, and tended to the depopulation and ruin of the province." Queen Anne, who had

succeeded William III., declared the act null and void. In regard to this very matter of church establishment, the inhabitants of Colleton county, in South Carolina, sent John Ashe, who was a leading citizen among them and the grandfather of Governor Samuel Ashe, of this State, to England to lay their troubles before the Lords Proprietors. He passed through Albemarle on his way to Virginia, and being cordially received by the people, Edmund Porter was induced to accompany him on a similar mission in behalf of the northern province. Earl Granville, the Palatine, endeavored by his coldness to prevent John Ashe from accomplishing his purpose with the Lords Proprietors, and the Carolinian died in London too soon to see his purpose effected in the resolution of the Peers and the action of the Queen.*

Colonel Daniel was succeeded in 1705 by Thomas Carey, as Deputy-Governor. John Archdale and the Quakers of Albemarle induced the Proprietors to order Sir Nathaniel Johnston to effect this change. Carey, at first, gave the men who had procured his exaltation almost as much trouble as they had experienced at the hands of his predecessors. They were fast gaining power by securing appointments to office and seats in the Legislature, when the Governor called their attention to the recent act of Parliament in regard to oaths of office. He showed them to what they would have to swear before induction. They of course refused to take the oaths. He was not satisfied with this, but procured the passage of an act by the Assembly which provided that whoever should promote his own election or act officially in any way without first taking the prescribed oaths, should forfeit for each offence, five pounds. This exasperated the men against whom it was aimed, beyond measure, and they at once sent John Porter to England for redress. These events occurred in 1706.†

*Martin, vol. 1, page 219.

†Hawks, vol. II, page 509.

CHAPTER III.

A. D. 1706 TO 1729.

Governor Archdale and religious liberty—Thomas Carey and the Quakers—William Glover elected President of the Council—He renews the trouble as to test oaths—Porter and Carey conspire against Glover—Edward Moseley the Achitophel of the Carolina rebels—His antagonism with Thomas Pollock—Contested elections and deposition of Glover—Philippe De Richebourg and the Baron De Graffenreid bring over new colonists—Town of Bath chartered—Queen Anne's Creek—Governor Hyde arrives from England—Indian murders on the upper Chowan—Hyde orders an assembly—Carey denies the validity of its acts—He takes up arms against Governor Hyde and the Assembly—Applications for help to Governor Spottswood—Marines sent and Carey's flight—John Porter and Carey excite the Tuscaroras to war—The great massacre—Aid from abroad solicited—Tom Blunt is neutral and Col. Barnwell comes with South Carolinians and Yemasseees—Battle on the Neuse—Handcock makes a treaty and violates it—Forts constructed in Edgecombe and Carteret—Yellow fever and death of Governor Hyde—Colonel Pollock becomes Governor—Colonels McKee and Mitchell lead the North Carolina forces—Governor Craven of South Carolina sends Colonel James Moore with troops and friendly Indians—Siege and capture of Nahucke—Peace is made and the main body of the Tuscaroras go to New York—Charles Eden comes as Governor—Colonel Maurice Moore leads North Carolina troops to the aid of South Carolina against the Indians—Assembly at Richard Sanderson's—Edward Moseley and Maurice Moore get into trouble—The Pirate Blackbeard and Governor Eden—Maynard's battle with Teach in Pamlico Sound—Erection of Bertie precinct—Court houses erected—Ahoskie Ridge and St. John's Chapel—Governor Barrington—The Virginia line—Edward Moseley assumes the government until the arrival of Sir Richard Everard—The Crown assumes control in place of the Proprietors.

It has been seen in the record of facts preceding Culpepper's rebellion how disastrous the effects of the effort on the part of the Lords Proprietors to enforce the provisions of the Grand Model and the selfish exactions of the Navigation Act. Complete pacification had followed the abandonment of those measures. Lord Granville and his weak agent, Governor Daniel, had introduced in their proposition for a church establishment a new engine of discord and confusion. It was known in all the colonies what cruel effects had followed similar enactments in

Massachusetts and Virginia. Albemarle had been peopled by men fleeing from the persecutions born of precisely the same kind of legislation. The great body of its people were dissenters and well knew how harsh the Church of England had been in parliamentary enactments. Queen Anne and the House of Lords had recently condemned the monstrous injustice of such a step in the wilds of Carolina. Honest John Archdale had written: "It is stupendous to consider how passionate and preposterous zeal not only vaunts but stupefies the rational powers. Cannot dissenters kill wolves and bears as well as churchmen; also fell trees and clear ground, and be as capable of defending the same, as others? Surely Pennsylvania can bear witness to what I write, and Carolina falls in no ways short of that in its natural productions to the industrious planter." Thomas Carey had been made Governor of the colony mainly by men who were opposed to Lord Granville's scheme of a church establishment. His first official act was to turn upon the Quakers, and not content with an odious test oath recently prescribed by Parliament, he procured the Assembly of Albemarle to supplement its injustice with heavy fines upon any official neglecting to take such oaths.

If John Culpepper was ambitious and seditious by nature, Thomas Carey added to these faults an obstinacy and thirst for revenge which made him a scourge and curse to the people he was to divide and ruin. The preceding chapter of this narrative left John Porter, the Quaker envoy, on a mission to England. He proved successful in his negotiations. The power of Johnston as Governor-General was suspended and Carey removed from office. These changes were effected upon the arrival of John Porter from England in the autumn of 1707. When he had made known his success and exhibited the orders of the Lords Proprietors, a day was appointed for Carey to lay down his powers of office and for the old deputies to give place to the new ones freshly appointed. Exulting revenge filled the breast of Porter. He could not wait for the appointed time to taste

the sweets of triumph.* He at once called together the new deputies, most of whom, like himself, were Quakers, and elected Glover chairman, and therefore *ex-officio* Governor. The new Chief Magistrate was Episcopal in his faith, but for some reason was selected by the men who were so obstinately opposed to test oaths. Thomas Carey acknowledged the validity of his election, and the triumph of the non-Conformists seemed complete.† Governor Glover well knew that the uniform practice of colonial governments had been to disregard the strictness of English statutes against dissenters. The spirit of all the charters was opposed to the odious discriminations so rigidly enforced in the mother land. No officer in all England could escape subscription to the famous thirty-nine Articles of Protestant faith, and yet they were a dead letter in America. That the late statute of Queen Anne was not intended by Parliament for the plantations was evidenced in the recent removal of Governor Carey. The Quakers of Albemarle then had reason for their astonishment and anger when the second creature of their hands, the newly-installed Governor Glover, announced his determination to adhere to the very same construction and practice for which Carey had been removed.

Porter and his Quaker friends were exasperated beyond measure. They immediately made terms with the deposed Carey and called to their councils an able adviser in the person of Edward Moseley. He was the leading lawyer of the province, was a warm Churchman, but hated Colonel Thomas Pollock, the chief defender of Governor Glover, with a hatred which absorbed all other considerations. It may be that as a lawyer he saw no necessity for Glover's insisting upon the test oaths, but he and all his motley associates at the same time knew that under the recent decision of the Court of the King's Bench, in the case of Culpepper, they were hatching treason against the Proprietors and the Crown. John Porter initiated the troubles

*Hawks, vol. II, page 509.

†T. Pollock's Letter Book; Hawks, vol. II, page 511.

by denying the validity of Glover's election, notwithstanding the part he had taken therein. He next procured a meeting of the old and new deputies of the Lords Proprietors and induced them to join him in impeaching the title of the Chief Magistrate, and then to re-elect Thomas Carey to the position from which he had been so recently removed, at Porter's solicitation, by the authorities in London.

Glover, as President of the Council and acting Governor, issued writs to Deputy Marshal Halsey and ordered the election of an Assembly. Carey appointed one Fendall for a similar purpose. At the polls these officers of the rival governments each read their writs, and of those qualified to vote the five freeholders conducting the election in Chowan declared that ninety-four of the electors had cast their suffrages for candidates favorable to Glover, while Carey's friends received but sixty-five. Edward Moseley, as the partisan of Carey, immediately demanded another election, and by his efforts came near ending the matter in a riot. The consequence of this election was there were two sets of claimants to the House of Assembly. The Quakers of Pasquotank and Perquimans being a majority of the House, seated the Carey members from Chowan, to the disgust of the Currituck delegation, a portion of whom withdrew from the Legislature. After Moseley had been elected and qualified as Speaker, John Porter exhibited his commissions and instructions obtained in London, and the Assembly hastened to the passage of acts nullifying preceding enactments of test oaths. Glover agreed to submit his claims to the Assembly, but this amounted to nothing, as one House was committed to Carey and the other hopelessly divided.

In the midst of all this distraction the colony grew both in wealth and numbers. Some of the Huguenots, with Philippe De Richebourg, settled on Trent River. Christopher De Graffenreid, a Swiss nobleman, also led a colony of his countrymen to the same region. There were as yet no towns worthy of the name in North Carolina. Bath had been incorporated in 1705, but has never been in all its history more than a mere hamlet.

Colonel Pollock and others lived on the bay at the entrance of Queen Anne's Creek into the sound, and a village, soon to be known as Edenton, was slowly rising in a location as remarkable for beauty as for commercial advantages.

In the month of August, 1710, Edward Hyde arrived in Albemarle, having been appointed by the Lords Proprietors, Governor of the province. Edward Tynte, Governor-General of Carolina, was ordered to make out the commission of the new Governor of the Northern Province, but was dead when the latter arrived. Edward Hyde, kinsman and namesake of the first Earl of Clarendon, who was the grandfather of Her Majesty Queen Anne, although deprived by accident of official vouchers, was yet understood and recognized to be the lawful Governor of Albemarle.* Thomas Carey joined in the general request that he should not wait for the arrival of his commission, but at once assume the functions to which there was no doubt the Lords Proprietors had endeavored to assign him.

In the general growth of the province the territory soon to be known as Bertie, which lay between the Roanoke and Chowan Rivers, had largely participated. There were many settlers, especially upon Aloskie Ridge, which extends from near Winton to the neighborhood of the Roanoke. In this territory there had been several murders of white people by the Meherrin Indians, at that time located in what is now known as Manney's Neck.† These and other facts exhibited a spirit among the Indians which was full of danger to the white settlers. The Meherrins were not numerous, and not being allied to the Tuscaroras, the authorities were satisfied with the arrest and punishment of one or two of the offenders. The Indians in another quarter besieged a party of inhabitants in a small fort which had been hastily prepared for defence.‡

Colonel Pollock and other wealthy gentlemen who were the objects of Carey's persecution and had consequently retired to

*Hawks, vol. II, page 518.

†Hawks, vol. II, page 519; Martin, vol. I, page 236.

‡Martin, vol. I, page 237.

Virginia, now that tranquility among all parties seemed to have been restored, returned to Carolina. In March, 1711, Governor Hyde called an Assembly, though he had not yet received his commission. Carey took alarm at this step and canvassed vigorously to secure the election of a majority of his friends to the Lower House. He failed in this and immediately protested against the legality of Hyde's authority in calling the Assembly.

The Legislature convened and at once proceeded to inquire into the matter of Carey's accountability of the public funds which he had used at will for many years, and also rashly to issue orders for his arrest. These violent measures, which were condemned by Governor Spottswood of Virginia, in his dispatch to Lord Dartmouth, alarmed and exasperated the culprit, who now saw that he could avoid punishment only in flight or by overpowering the lawful government. Having resolved on the latter alternative, he sallied out from his fortified house and with an armed brig and cutter endeavored to seize the person of Governor Hyde. He was foiled in this, and Hyde sent for aid from the Governor of Virginia. Carey and his Quaker adherents established a rival government, of which he was chief.* Soon Clayton, as the envoy of Spottswood, made his appearance on the scene, and Carey, after baffling all efforts at settlement, fled on the approach of a body of marines sent from Virginia for his apprehension. This was the last trouble to the colony in his long struggle for power, but in his fall he sowed the seeds which were soon to ripen into ruin and death throughout a large portion of the province. John Porter, who seemed born for diplomacy, in defiance of his Quaker faith, undertook the task of exciting the Tuscaroras to war on the whites.† September 22nd, saw the fruition of this horrible plot. On that night the Tuscaroras and other tribes, numbering sixteen hundred warriors, fell upon the settlers and murdered many men, women and children under circumstances of the greatest atrocity. The de-

*Hawks, vol. II, page 519.

†Spottswood's Letters; Hawks, vol. II, page 523.

struction of life and property was principally confined to the southern shores of Albemarle Sound and the lower Roanoke. Just previous to the massacre, Baron De Graffenreid and John Lawson, the surveyor of the province, were seized on the banks of Neuse River, and Lawson and a negro servant accompanying them were most cruelly murdered. De Graffenreid was released finally, and escaped death by claiming to be the king of the Swiss settlement just established, and promising that his people should occupy no land without the consent of the Indians.

The condition of the province was horrible. Faction and civil disorder had so paralyzed the government that there was scarcely the semblance of authority left. Governor Hyde at once saw the impossibility of raising and equipping a sufficient force to meet the formidable Indian confederacy by which he was assailed. A great portion of the people were Quakers, others were the adherents of Carey, and in this way ruin seemed imminent. Messengers were dispatched for aid both to South Carolina and Virginia.

Tom Blunt was chief of the Tuscaroras living in Bertie. This tribe had not participated in the murder of the white people. Governor Spotswood confirmed these Indians in their pacific resolutions, and deterred other tribes from joining the league, and this was the extent of Virginia's aid. Very different conduct was witnessed in South Carolina. Colonel Barnwell, with a small body of militia and several hundred Yemassee Indians, at once came to the rescue. Funds were also voted to aid the distress of the sister colony. News of aid from the south reached Governor Hyde in time to embody his militia for co-operation with the coming allies. The long march from Charleston was accomplished with remarkable expedition, and a junction of the forces having been effected, Colonel John Barnwell at once assumed the offensive. He encountered the enemy in the upper portion of Craven county January 28th, 1712. There on the shore of the Neuse, in a work strongly defended by palisades, were the men so lately engaged in slaughter and devastation. On the approach of the whites the Indians boldly

sallied from their works to give battle to the assailants. Barnwell made a furious assault and defeated them with great slaughter. Three hundred of the red men were slain upon the field, one hundred captured and an unknown number wounded. The survivors retreated into their fort and received terms of capitulation from the victors. Colonel Louis Mitchell, with his Swiss artillerymen, it was asserted, could have soon demolished the palisades had not the surrender been received.* This fact and certain depredations of the Yemassee produced discontent against Colonel Barnwell. But in the main, North Carolina has ever revered his name for his gallant and timely assistance.

Handcock, the Tuscarora chief, had made a treaty with Barnwell, which he was not slow to violate. Fresh atrocities on the part of the Indians showed that war was again on hand. The Assembly met March 12th, 1712, and voted twenty thousand dollars for military supplies. A messenger was sent to the Sapona Indians, and a fort was ordered to be built on Core Sound to overawe the Indians in that vicinity. It was named in honor of the Governor, and was not distant from the work now known as Fort Macon. Another work of similar character was ordered to be constructed on the banks of Tar River, in the present county of Edgecombe. Virginia and South Carolina were again importuned for aid, and as was the case in the previous year, help came only from the latter province. Great alarm was felt lest the Iroquois Five Nations in New York should join their Tuscarora brethren. To such danger was the added horror of a visitation from yellow fever. This scourge for the first time fell upon the colony and was fearful in its ravages. Governor Hyde was among its victims, and he expired September 8th, 1712.

Amid this complication of calamities, four days after the Governor's death, Colonel Thomas Pollock was elected to succeed him. He had originally come to the colony as a deputy for one of the Lords Proprietors, Lord Carteret, afterwards Earl of Granville, and had been for years conspicuous for his wealth and in-

*Martin, vol. I, page 251.

telligence. A long feud existed between him and Edward Moseley, and in all the civil turmoil they were the real leaders of the opposite factions. No blame can be imputed to Pollock except in his advocacy of the test oaths and hatred of the Quakers. He was the founder of a family long prominent in the State, and began a fortune which grew to be princely in the hands of his posterity. He was cool, sagacious and possessed of knowledge as to every public man of the province he was called upon to rule. His Chief Justice was Christopher Gale, who had rendered service as agent of the province in its solicitations for aid. Judge Gale was learned and upright, and was the ancestor of the Little family. So also was William Little, the Attorney-General, who married Christopher Gale's daughter, and went out of office with the close of proprietary rule.

Baron De Graffenreid remained in captivity until the summer of this year. His release was procured from the Indians by Governor Spotswood. He returned to New-Bern, where he preserved his promise of neutrality, and was of aid to the balance of the colony in ascertaining and communicating the designs of the hostile Indians.*

Governor Pollock, in his address to the Assembly, presented a deplorable picture. The whole of Pamlico and Neuse countries, he said, were laid waste and the families living in forts. Albenmarle was not only supplying her troops in the field with grain, but was the only source from which the county of Bath could be fed. The province was heavily in debt for the pay of their militia which had been kept in actual service. One hundred and fifty men were on the Neuse, under Colonels McKee and Mitchell, awaiting reinforcements from South Carolina. He still continued to hold the Quakers responsible for all the troubles that he and the province had known.

Governor Craven of South Carolina sent information that Colonel James Moore, a son of the late Governor of that State, was on the march with a thousand Indians and fifty white men.

*Martin, vol. I, page 254.

They reached Neuse River early in December, and such was the poverty of the country that they were marched into Albemarle before supplies could be obtained. In January they were again put in motion and halted at Fort Reading. Handcock, on Colonel Moore's approach, sought his palisades, where now stands the village of Snow Hill, in Greene county. They called their fort Nabucke. The siege began March 20th. In a few days, after great loss to the Tuscaroras, the fort, with eight hundred prisoners, was taken by storm. Colonel Moore had twenty white men and thirty-six Indians killed and a hundred wounded. The Yemassee, as in the year before, secured captives and at once left without waiting for orders. Only one hundred and eighty remained, and with these and his white forces, the gallant South Carolinian remained in the field until peace was made. Colonel Moore was of the same stock which has been for many generations renowned in North Carolina for genius, eloquence, valor and patriotism.

The war was soon brought to a happy conclusion. The Indians belonging to the Tuscarora tribe, lately engaged in hostilities, possessed a few survivors who were not engaged in the battle of Nahucke. These retreated to their fort at Cahunke, but hearing of the disaster of their comrades, disbanded and sought safety on the upper waters of the Roanoke. Their power had been effectually broken and Handcock, their chief, soon withdrew with a remnant of his people and joined their kindred of the Five Nations in the lake country of New York. Those powerful Iroquois were on the eve of joining the Tuscaroras when peace was made.* Tom Blunt had not only kept his towns at peace with the white people, but had faithfully observed his treaty stipulations and had captured twenty of the Indians who were lately leaders in the massacre, and had made war on the Cotheekneys and Matehepungos. As a reward for his service, he was granted a reservation of land, first in Hyde county and afterwards this was changed and the beautiful region known

*Hawks, vol. 11, page 550.

as the Indians' Woods, in Bertie, was assured to him and his people.

Colonel Moore and his Indian troops lingered long enough to bring to terms a remnant of hostile Indians in Hyde, and the Corees upon the seacoast. Having completely and most faithfully finished his work amid the thanks of a rescued people, he took shipping and went to Charleston. But one hundred of the thousand Yemasseees were with him at the time of his departure. He was soon to become Governor of South Carolina and the idol of his people.*

In a dispatch of Governor Pollock to Lord Carteret, dated October 15th, a great improvement was reported in the affairs of the province. Faction had nearly disappeared, and of the late formidable league in arms against the settlers not more than fifty warriors were hovering dispirited on the distant frontier. "The Quakers," wrote he, "though very refractory under President Glover's and Governor Hyde's administrations, since I have been entrusted with the government, I must needs acknowledge, have been as ready in supplying provisions for the forces as any other inhabitants of the province."

The war left the province heavily in debt. To meet its engagements and supply a circulating medium, the Assembly ordered the issuing of bills of credit to the amount of forty thousand dollars. This was the first paper money ever issued in North Carolina. These promises to pay were not legal tenders except in contracts for the delivery of rated commodities, and were not based at all upon the idea of their redemption in the precious metals. It was seen that a circulating medium of some sort was needed and this was the best in the reach of a primitive and impoverished people.†

The Duke of Beaufort, Palatine of Carolina, on July 13th, 1713, granted a commission to Charles Eden as Governor of North Carolina. He arrived in the spring of the following year and qualified May 28th. His instructions differ essentially from

*Martin, vol. I, page 256.

†Martin, vol. I, page 265.

those given his predecessors. Expansion of the settlements was to be discouraged by not allowing land to be surveyed further than twenty miles from the rivers Cape Fear and Trent. Quit-rents were to be at ten shillings a thousand acres. The expense of government had increased to forty-five hundred dollars a year. The sale of lands and receipt of rents for the use of the Proprietors amounted to less than six thousand dollars. A half century had gone by since the Lords Proprietors had assumed jurisdiction of their great grant, and though they had expended considerable sums in peopling and governing their province, it barely yielded them a revenue of a hundred dollars each. It is not astonishing then that they exhibited so little interest in the late perilous emergency in the fortunes of their colony. If Governors Craven and Spotswood had exhibited similar indifference, Hancock would soon have been joined by the New York Iroquois and the tragedy of Roanoke Island would have been repeated with even greater horror. The Duke of Beaufort died May 24th, and was succeeded by John, Lord Carteret as Palatine of Carolina. Queen Anne also came to her death August 1st. She had survived a numerous progeny, and was succeeded on the British throne by the Elector of Hanover, who became George I.

The late disasters of North Carolina had their counterpart in 1715, in South Carolina. The Yemasseees went back from the slaughter of the Tuscaroras and soon formed a league with all the tribes from Cape Fear to Florida, for a war upon the whites. On April 25th the butchery commenced at Pocotaligo and soon four hundred persons were slain. Upon the reception of this intelligence there was trouble with the Coree and Matchapungo Indians, who committed several murders. Governor Eden called out a portion of the militia. A force consisting of both infantry and cavalry was at once sent to the relief of those who had so recently done battle in behalf of North Carolina. Colonel Maurice Moore, of Brunswick on the Cape Fear, commanded these levies. He was the brother of Colonel James Moore, the hero of Nahucke, and had recently become a citizen of the north-

ern province.* Their father, Governor James Moore, married the daughter of Sir John Yeamans, and Colonel Maurice Moore had assumed charge of the lands on the Cape Fear which his grandfather, the Baronet, had settled in 1665 and abandoned in 1690.†

Governor Eden met his first Assembly at the house of Captain Richard Sanderson, on Little River, November 17th, 1715.‡ The acts of this Legislature are the oldest of which we now retain copies and were the first in which revision and codification were attempted. The scarcity of a circulating medium induced an addition of a hundred thousand dollars in bills of credit to the forty thousand ordered two years before. A tax was laid, to be used as a sinking fund in redemption of these bills. The body of this act contained a childish denunciation of any legislative movement contravening its policy. After the long struggle on the subject of a church establishment, the whole matter was arranged by declaring that the Church of England should be the church of the province, but at the same time provided for full liberty of conscience. The old struggle with the Quakers or test oaths was ended by the substitution, for their benefit, of a solemn affirmation which was to be taken in lieu of the oaths towards which they had manifested such pious and obstinate horror.

Edward Moseley was, as usual, Speaker of the House. As in the administrations of Glover, Hyde and Pollock, this irrepressible lawyer was again on hand to oppose and embarrass the Governor. He led the House to adopt resolutions censuring Governor Eden for his impressment of men and property in view of the Indian war. Also the fact that he had weakened the government by sending out troops to South Carolina. That he had been inhuman in his treatment of the Coree Indians and that all officers who should refuse to take the public bills in payment of fees and quit-rents were guilty of a great breach of the

*Wheeler, vol. II, page 47.

‡Public Acts, page 9.

†Hawks, vol. II, page 153.

act of the Assembly, Mr. Speaker Moseley, William Swann, the old Quaker envoy John Porter, and others were constituted a committee to represent these things to the Lords Proprietors and to solicit them to order their deputies to receive the public bills of credit in payment of quit-rents as was the case in South Carolina. The last request was reasonable enough, but the Proprietors, like our modern bond-holders, instructed their agents to collect their dues only in sterling money.

Governor Eden was a polished, genial and popular man in social intercourse and soon became trusted and beloved in all portions the State. The village on Queen Anne's Creek was named Edenton in his honor. Just across the beautiful bay on Salmon Creek, he built Eden House, where he spent the latter part of his life. The stories of his connection with Edward Teach can be easily traced to the enmity and ceaseless opposition of Edward Moseley. In 1718 Moseley and Colonel Maurice Moore went to Edenton, then the seat of government, and by violence possessed themselves of all the papers in the office of the Secretary of the Province, then in the custody of John Lovick. They were promptly arrested, and Moore, pleading guilty, was fined nominally and released. Moseley stood his trial, was convicted and fined one hundred pounds, was disbarred as a lawyer and declared incapable of holding any office or trust for three years, and he was further ordered to give security for his good behavior for one year.* While smarting under this punishment he charged that Governor Eden had arrested honest men, but failed to make any arrest in the case of Black-Beard, the pirate.

Edward Teach or Black-Beard had long made the coast of North Carolina and the inland waters the scenes of his infamous piracies. He was an Englishman, born in Bristol. In 1713 he was a privateersman. Even before that time he had been a pirate. At one time he had a squadron consisting of the Queen

*Martin, vol. 11, page 286.

Anne's *Revenge*, mounting forty guns and carrying one hundred men, with six other vessels. From the Cape Fear to Holliday's Island in Chowan River, were scattered the different retreats to which he came from off the high seas to enjoy his booty. He did at one time approach Eden House to plead the King's proclamation offering pardon to those who would abandon their buccaneering ways, and thus secured the Governor's certificate, but he soon returned to his evil habits. Lieutenant Robert Maynard of the Royal Navy, was sent by Captain Ellis Brand, then commanding in the waters of Virginia, with two sloops, in search of Teach. In the month of November, Maynard passed into Ocracoke and steered for Pamlico River. He soon came upon the pirate, who was fully apprized of his approach. Both parties reserved their fire until within close gunshot, when Black-Beard opened upon his antagonist. Maynard attempted to run him down, but his vessel got aground and was horribly raked by the enemy's broadsides, a single one of which disabled twenty men. The condition of the King's vessel seemed now almost hopeless. The pirate raked it from stem to stern with his fire and no gun could be brought to bear upon him but one or two in the end of the ship. Amidst his slaughtered crew Maynard was cool enough to adopt a stratagem which resulted in his victory. He ordered his men below and Teach, seeing the deck of his antagonist cleared, except of dead and wounded men, approached and called for boarders. As his desperate outlaws crowded over the bulwarks of the ship they were met by the royal sailors, who sprang forward at the order of Maynard. He and Teach having emptied their pistols at each other, drew their dirks and fought at close quarters. The captain of the pirates fell covered with wounds. Of the seventeen outlaws who boarded the King's vessel, nine were dead upon the deck, beside their captain, and eight were so badly wounded that they could not continue the struggle and cried for mercy. Attention was then turned to those of the pirates who were yet upon their craft. The officer left in command was slain, but had given directions to a negro to

blow up the ship if necessary to prevent her capture. He was with difficulty restrained from carrying out this order.*

Edward Teach, pirate and villain as he was, fell fighting with a valor worthy of a better cause. His head was severed from his body and borne in triumph on the bowsprit of Maynard's ship. The crew were carried to Williamsburg, where thirteen of them were tried and hanged. Four negroes of that number made disclosures, which, added to the declarations of Captain Ellis Brand, gravely implicated Tobias Knight, then Chief-Justice of North Carolina. He was acquitted by the Council, on the testimony of a young man living with him, but left many grounds for suspicion as to his criminal complicity with the buccancers by whom he was accused.

In 1722 Governor Eden died and was buried at Eden House, where his monument can still be seen. His wife had preceded him six years. Their only issue was a daughter, named Penelope, who became the wife of Governor Gabriel Johnston. Colonel Thomas Pollock was again elevated by the Council to the position of Chief-Magistrate. He was still Lord Carteret's deputy. He did not long survive his late chief, but died August 30th, 1722. There had been an Assembly held at Edenton two years before, in which little had been effected. William Swann, of New Hanover, presided as Speaker.† He was the third of his distinguished family raised to that position.

NOTE.—The records of the Swann family, in the hands of Horatio Davis, Esq., of Chatham, Virginia, show that William Swann was the eldest son of Samuel Swann and his wife Sarah, the daughter of Governor William Drummond. This Samuel Swann was the first of the name in North Carolina. His grandfather, William Swann, had been collector of the royal customs in Virginia and he became the occupant of the same office at Edenton, where the office was known until the Revolution as that of Roanoke. He was Speaker of the House of Assembly prior to the time, from which we possess records, 1715. He had nine children by his first marriage. Two of these, William and Thomas, were Speakers of the Lower House of Assembly. He was born May 11th, 1653, and was son of Colonel Thomas Swann, of Virginia, and his wife.

*Hawks, vol. II, page 276; Martin, vol. I, page 284.

†Public Acts, page 25.

He was the brother of Thomas Swann, afterwards distinguished as a lawyer and politician, and son of the first Samuel Swann. He was the friend and adherent of Edward Moseley, who was still under political disabilities for the late escapade in which he and Colonel Maurice Moore had come to grief. The Swanns were originally domiciled among the early settlers in Virginia. Some of them had been collectors of the royal customs in that province. Upon the removal of Samuel Swann to Albemarle, he was appointed to the same office at Edenton. This was about the period of the advent of the first Maurice Moore, who had become a prominent citizen before the Tuscarora war of 1711, and who, as has been already stated, went in charge of the North Carolina levies against the Yemasseees four years later. Moore married the widow of Thomas Swann, who was the daughter of Governor Alexander Lillington.*

Upon the death of Governor Pollock, William Reed, as President of the Council, composed of Judge C. Gale, John and Thomas Lovick and Captain Richard Sanderson, became Governor. Little is known of Reed, and he was Chief-Magistrate of the province only for a few months. The Assembly met at Edenton October 2nd. Edward Moseley's political disabilities had been removed, and he resumed the Speaker's chair.† He had also returned to his practice of the law.‡

Sarah Cod. He married a second wife May 19th, 1698, Elizabeth, daughter of Major Alexander Lillington, President of the Council, at that time widow of Colonel John Sandall. By this marriage were born to him Elizabeth, afterwards wife of John Baptist Ashe, Sarah, Samuel, who was also to be Speaker and the greatest man of the name, and Major John Swann, who like all this singularly gifted family was to attain distinction. The second Samuel Swann was born October 31st, 1704, and married Jane Jones of Virginia, and left three children. Edward Moseley married Anne Lillington, aunt of Samne and John Swann, who was widow of Henderson Walker, who, like her father, was President of the Council and Governor of Albemarle. J. B. Ashe left three children, John, Samuel and Mary, wife of George Moore. Her daughter married Thomas Davis, grandfather of George Davis, now of Wilmington and Horatio Davis, of Virginia.

*Statement of Captain Samuel A. Ashe, of Raleigh.

†Public Acts, page 29. ‡Hawks, vol. II, page 114.

Early in the eighteenth century immigration to America was increased by the condition of affairs in Great Britain. The long experience in misfortune of the unhappy Stuarts had culminated in the person of James II. With an insane and stubborn folly that will be a marvel to all succeeding ages, this man had persevered in his attempt to force the Roman Catholic religion upon the English, until the people, in their might, drove him from the throne. Queen Anne, the last sovereign of the race had died. Marlborough had come home from all his victories, to find a new dynasty in England, and himself a proscribed man. King George and his Dutch mistresses had well-nigh recalled the banished Pretender. Britain was a volcano ready to burst forth. Men, then as they have always done, loved quietude. America offered her pathless woods to many an anxious heart, and thus the young empire of the west gained strength in the distractions of the Old World.

After the close of the Indian war of 1711, the white people of North Carolina suffered no further from the incursions of the savage. Hancock and his braves were far away by Oneida lake. In our limits, the pride of the Tuscarora was forever broken; and the Bertie peninsula soon grew into conspicuous strength, both in wealth and population.

North Carolina was then divided into three counties, Albemarle, Bath and Clarendon. These were subdivided into precincts. It was determined by the General Assembly that a new precinct should be erected west of the Chowan. It is uncertain from whom it derived its name. James Bertie was, at that time, one of the Lords Proprietors, and owner of the share originally granted to the Earl of Clarendon. Henry Bertie held that which was first owned by Sir William Berkeley. In an ancient book titled "The Public Acts of the General Assembly of North Carolina," is found the following enactment:

"Whereas that part of Albemarle county on the west side of the Chowan River, being part of Chowan precinct, is inhabited almost to the utmost of said county westward, and by reason of the remote situation thereof, the inhabitants, which are growing

very numerous, cannot, without too great inconvenience, be continued any longer as part of the Chowan precinct.

“Wherefore, be it enacted by his Excellency, the Palatine and the rest of the true and absolute Lords Proprietors of the province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at Edenton, at Queen Anne’s Creek, in Chowan precinct, for the northeast part of the said province, and it is hereby enacted by the authority of the same, that that part of Albemarle county lying on the west side of Chowan River, being part of Chowan precinct, bounded to the northward by the line dividing this government from Virginia, and to the Southward by the Albemarle Sound, and Morattoek River, as far up as Welche’s Creek, and then including both sides of the said river, and the branches thereof, as far as the limits of this government be, and the same is hereby declared to be erected into a precinct, by the name of Bertie precinct, in Albemarle county; with all and every the rights and privileges and other benefits and advantages whatsoever as any other of the four precincts in Albemarle can or may have, use or enjoy.”

At the same session, it was enacted that the justices of the several precincts should forthwith purchase land and erect court houses in each of the precincts. The act declares that the courts, up to that time, had been held in private houses, but that buildings not less than twenty-four feet long and sixteen feet wide should be immediately constructed at the following points, to-wit:

“For the precinct of Chowan, at Edenton; for the precinct of Perquimans, at Jonathan Phelp’s point at the mouth of the Narrows; for the precinct of Currituck, on the land of William Peyner; for the precincts of Beaufort and Hyde, at Bathtown; for the precinct of Craven, at New-Bern; for the precinct of Carteret, at Beaufort Town; for the precinct of Bertie, at some convenient place at Ahoskie, where the justices shall appoint.”*

*Public Acts, page 282.

That place in Bertie precinct, long since known as St. John's, was selected under this statute. It took its name from the Chapel of St. John, which was for years the only house of worship west of Chowan River.

Many indications point to Ahoskie Ridge as the portion of Bertie county that was earliest in its settlement. Its remarkable fertility attracted the attention of immigrants, and early in the eighteenth century it became a centre of considerable wealth and refinement. The courts as then arranged, and as late as 1806, required the presence of the Superior Judges, only at Edenton, for the whole county of Albemarle. Justices of the Peace held courts of quarter sessions in each of the precincts.

NOTE.—A venerable record of the Superior Court, held in Edenton in 1723, shows that John Cotton, Esq., had sued John Grey, of Bertie precinct, gentleman. This matter had gone up by appeal, from a precinct court, held at the house of James Howard, at "Ahotsky," on Tuesday, the 14th day of May, in that year. George Wynns was summoned as a witness to testify on the matter in controversy. The subject of this lawsuit, a disputed land patent, is of no interest to this generation, but not so with the names of those parties. John Grey, who is mentioned as defendant, was an ancestor of the family still in Bertie. George Wynns was the first of the name of a house long afterward potent in its influence with the people of Hertford county. The Cottons and their descendants have been for nearly two centuries inhabitants of the St. John's section. John Cotton's kinsman and contemporary, Captain Arthur Cotton, was for long years vestryman at the old Episcopal chapel. He came from England early in the century, and until about 1750 made voyages as commander of a ship that plied between the colony and the mother country. In his old age he built the first brick house ever erected in Hertford county, and died in affluence. Though a vestryman in the Church, this ancient mariner was celebrated for his quick temper, and probably visited the army in Flanders sometime in his life. He was no great admirer of kings, and had bitter cause for resentment. His father's kinswoman, the gentle and lovely Lady Alice Lisle had suffered death at the hands of the Judge Jeffreys, in the Bloody Assize. The noblest ladies of his court vainly implored King James to spare her life. Captain Cotton lived at Mulberry Grove, where three generations of Beverlys had preceded him in its occupancy. He must have appreciated the good things of this life, for his punch bowl of cut glass, yet in the hands of his descendants, is not only elaborate in gilded ornamentations, but of ample proportions.

The Rev. Mathias Brickell was for many years rector of St. John's Chapel. He and his brother, Dr. John Brickell, the naturalist, physician and historian

George Burrington opened his commission and qualified as Governor at Edenton January 14th, 1724. His appointment illustrated the indifference and incapacity for good uniformly exhibited by the Lords Proprietors in their interference with the affairs of a province, still cursed with their control. Ten thousand people were subjected by their fiat, to the dominion of a man, who, in addition to notorious ignorance and profligacy, had been publicly humiliated at the Old Bailey, by conviction and imprisonment, for infamously assaulting and beating an old woman. His first folly as Governor was his quarrel with President Reed and John Lovick. He removed Christopher Gale from his place as Chief-Justice, and appointed Thomas Pollock, son of the distinguished man lately deceased. In this year the subject of the Virginia boundary was at last settled after the abundant negotiations which had preceded it. Colonel William Byrd, Richard Fitz-William and William Dandridge on the part of the Old Dominion, and Judge Gale, Edward Moseley and John Lovick for North Carolina, were the Commissioners.

came with Governor Burrington to Carolina.* While the elder remained at Edenton, the first rector of St. John's passed on to his newly created parish.*

He was the first clergyman who had care of souls west of the Chowan River. Much of that region's subsequent fame for the morality and intelligence of its people, was owing to the efforts of this able and godly man. He not only possessed culture and high social qualities, but what was remarkable for men of his cloth at that day, created in the minds of his people that love and confidence so essential to the ministry. His church at Aboskie, each Sabbath, saw collected the people of the surrounding country; and tradition says, for many years after he had gone to his final reward, the Chapel of St. John still continued a centre of religious attraction. Rev. Mathias Brickell died years before the Revolution, but left descendants, who have preserved his blood in our midst until the present day. His oldest son, Colonel Matt Brickell, was a leading man in the county in the years preceding the war of 1775. He was a member of the three first provincial Congresses, and died in the midst of the great struggle. One of his daughters married Colonel Hardy Murfree. The other was the wife of Major John Brown, who lived upon Cuttawiskey Marsh.

* Rev. Dr. F. M. Hubbard's Address on North Carolina History.

Alexander Irvin and William Mayo of Virginia, and Edward Moseley and Samuel Swann of our State, were the surveyors.* They began the work March 5th, 1728, at Currituck Inlet. After incredible difficulties they crossed the great Dismal Swamp, and Moseley triumphed in his difficulty with the Virginia surveyors, and forced even Colonel Byrd to admit that he was right, and that there was error of near thirty minutes either in the Virginia instruments or in surveyors Irvin and Mayo. Moseley was indomitable and intelligent in the wilderness as a surveyor, in the courts as an advocate and as a party leader in the Assembly.

Governor Burrington continually immersed himself into deeper trouble and confusion until in May, 1725, his Council having cited certain of his enemies to trial, the Governor declined the contest and retired precipitately after nominating Edward Moseley as his successor. The Council ratified this recommendation and the fortunes of Carolina were directed by the old supporter of Thomas Carey until July 17th, when Sir Richard Everard produced his commission and qualified as Governor at Edenton. This weak and pompous old man was but a small advance upon the virtues of Burrington. The last Assembly in proprietary rule that ever convened in Carolina met at Edenton November 27th, 1728. It formed the precincts of Tyrrel and New Hanover and issued forty thousand pounds more of paper money. Parliament had been convinced that English trade would be benefitted by the Crown's assuming control of affairs in all the colonies. Led by this belief the House of Commons addressed the throne in 1728, imploring the King to buy of the Proprietors the Province of Carolina, and voted money for the purchase. Seven of the Proprietors, for the sum of forty-five thousand dollars, sold all their rights in the soil and franchises conveyed in the charter of Charles II. They were, in 1728, James Bertie, Duke of Beaufort and Noel Somerset, his brother, the Earl of Craven, John Cotton, Sir John Colleton's heirs and Henry Bertie, Mary Dawson and Elizabeth Moore, who represented the share originally granted to Sir William Berkeley. Lord Carteret refused to sell his share.†

*Westover Manuscript.

†Martin, vol. 1, page 302.

CHAPTER IV.

A. D. 1729 TO 1754.

Colonial disgust at European interference—Lord Carteret retains his rights as Proprietor—Population of North Carolina at the royal assumption of government—Territorial divisions—George Burrington again Governor—His quarrel with John B. Ashe—North and South Carolina declared separate governments—Dr. John Brickell goes on a mission to the Cherokees—Burrington departs and President Rice succeeds—Governor Gabriel Johnston arrives and is sworn in—His character—French encroachments in America—Assembly at New-Bern—Four hundred men sent to General Oglethorp for the St. Augustine expedition—Assembly and Legislature of 1741—John Hodgson, Speaker, is succeeded by Colonel Samuel Swann—War with France—Charles Edward and Culloden—Fort Johnston constructed—Revision of the Statutes—Superior Courts established at Edenton, New-Bern, Wilmington and Enfield—The Highlanders of 1745 settle in Cumberland—Changes in representation in House of Assembly—Other forts erected—Samuel Johnston—James Davis and the first printing press—"Yellow Jacket" edition of the Statutes—Death of Governor Gabriel Johnston—Population and wealth of North Carolina—President Rice assumes the government until his death, when Colonel Rowan succeeds—Major George Washington is heard of in Western Virginia—Colonel Innes sent with a regiment against the French at Fort Duquesne—Virginians grow jealous at his being made commander-in-chief—Return of the North Carolina regiment.

The early history of the province of North Carolina is full of examples to show the futility of mere theories in the government of men. John Locke, the wisest and best of all his contemporaries, at the request of Lord Ashley, framed an elaborate system called the Fundamental Constitutions. This scheme was adopted and promulgated by the Lords Proprietors, as the organic law of the land. It fell still-born upon our ancestors, and became a dead-letter in less than a decade after its adoption. The stern men who were encountering hardships and facing death continuously amid the wily Tuscaroras, formed a system for themselves,

and scorned the very names of Palatine, Cacique, Landgrave, &c.* The rule of the Lords Proprietors was full of contention, and consequent disgust to those nobles and gentlemen, who were through the royal grace, the liege lords of our province. Small profits and infinite annoyance had been the almost unbroken experience of them all. It was supposed the unruly provincials could be better controlled by the direct authority of the Crown; so in 1729 all of the Proprietors but Lord Carteret sold to the King for the sum of forty-five thousand dollars, their whole right and title in North Carolina. One of the Lords Proprietors, who joined in this surrender, was an English barrister, John Cotton, Esq., of the middle Temple, London. He represented the interest originally granted to Lord Ashley. He was the grandson of the Rev. Thomas Cotton—the father of Lady Lisle. In the time of his proprietorship several of his kinsmen were induced to emigrate to Bertie and the surrounding precincts. The whole population of the province at that time did not exceed ten thousand persons.

Lord Carteret, who refused to convey his title, was assigned the northeastern portion of the State. He continued his land offices and received quit-rents until the breaking out of the Revolution. In the present century, Lord Granville, his heir, had a suit depending in the Circuit Court of the United States at Raleigh. It went by appeal to the Supreme Court at Washington, and upon the death of Francis S. Key, Lord Granville's counsel, was dismissed for want of an appeal bond.†

Thus ended the proprietary government of North Carolina.

*NOTE.—These were titles of nobility contained in the Grand Model. The oldest of the Lords Proprietors was called Palatine, and was the head or President of those claiming under the Great Deed of Grant. One Landgrave and two Caciques were apportioned to each county, and *ex-officio* members of the Provincial Parliament. The scheme of Locke further created seven other great offices, to-wit: Admiral, Chamberlain, Constable, Chief-Justice, High Steward and Treasurer.

†Gov. Swain's Lecture on the Regulators.

Sixty-six years had elapsed since it was established. The province contained about twenty-five thousand people, ten thousand of whom were in the northern and fifteen thousand in the southern portion. Albemarle was divided into Currituck, Pasquotank, Perquimans, Chowan, Bertie and Tyrrel. Bath county into the precincts of Beaufort, Hyde, Craven and Carteret. Clarendon had but one precinct, called New Hanover, with a population of about five hundred persons. Among these, however, were Cornelius Harnett, John Baptiste Ashe, William and Thomas Swann and Colonel Maurice Moore, all men of weight and consideration in the affairs of the infant commonwealth.* Four towns had a legal establishment. These were Edenton, Bath, New-Bern and Beaufort. The General Court met twice a year, at Edenton; at which place the Assembly had convened for several terms.† The precinct or County Courts held quarterly sessions at the points designated by the Legislature in 1722 and at subsequent sessions. Edward Moseley was generally Speaker of the House until 1727, when he was succeeded by John B. Ashe. Thomas Swann, a younger brother of William, was Speaker in 1729.‡ King George I. returned George Burrington to his position as Governor of North Carolina. It was an ungracious foretaste of the rule of the testy old Hanoverian, who had so much disgusted the English with his bad manners and Dutch mistresses. Burrington arrived at Edenton in 1731. He soon became incensed with John B. Ashe and had him arrested for libel. He was released from Edenton jail by Chief-Justice William Little and his associates, for which the judges were censured and some of them removed. The Governor had a redoubtable adversary in Ashe, who was joined by Nathaniel Rice and John Montgomery in a memorial to the Crown. This paper averred that Burrington had appropriated two horses belonging to Ashe, and branded them in His Excel-

*Governor Burrington's Dispatches.

†Martin, vol. I, page 304.

‡Public Acts, page 27.

lency's mark. This charge resulted in the abdication of a ruler liable to so infamous an imputation.*

North and South Carolina had been for a long while practically two governments. For the first time in their history a legal separation was effected at London as to the affairs of the two colonies which were in future to be recognized and treated as different communities.

An Assembly was called and met at Edenton April 13th, 1731. It was to concert measures for sending out a joint mission with that of Sir Alexander Cumming to the Cherokees. Dr. John Brickell, with a company of ten white men and two Indians, was selected for this service.† This party penetrated far into what is now the State of Tennessee, and were charmed with the beauty of the country and the kindness of the natives. Dr. Brickell lived at Edenton, where he practiced medicine. William Little was succeeded as Chief-Justice by William Smith. In the spring of 1734, under pretence of a visit to South Carolina, Governor Burrington went to England, and there he was soon afterwards murdered. In his dispatches to the Board of Trade, he was ceaseless in his animadversions on the community at large and the prominent individuals of the colony which he was sent to rule. The government, upon Burrington's departure, devolved upon Nathaniel Rice, President of the Council. In October, Gabriel Johnston arrived in the Cape Fear River, and on November 2nd, at Brunswick, he took the oaths of office as Governor of North Carolina.‡

Spencer Compton, Baron of Wilmington, in all his life performed no act of greater beneficence and wisdom than procuring so excellent a governor for the people of North Carolina. Gabriel Johnston was of goodly lineage and training in his native land of Scotland. He had been a physician, afterwards a Professor in St. Andrew's University, and finally, having gone to London,

*Colonel Wheeler's Men and Times of Albemarle.

†Martin, vol. 11, page 4.

‡Wheeler, vol. 1, page 43.

he became a politician and contributed to the columns of *The Craftsman*, a journal in which Bolingbroke, Pulteney and others lavished upon London so much wit, eloquence and ridicule of the Hanoverians. He was a wise and honorable man. Having called an Assembly, his address proved that he had correct knowledge and appreciation of the wants of the province and every disposition to remedy the evils. His character was in marked contrast with the imprudence and folly of his predecessor, and soon won the acknowledgment of its purity and ability. Of all the colonial magistrates he was by far the ablest and best. He married Penelope Eden, daughter of the late Governor, and took up his residence at her place on Salmon Creek. His brother, John Johnston, the Surveyor General, lived near Rich Lands in Onslow county, where he had large possessions. His wife was Helen Scrymsoure. He came to North Carolina in 1736 from Dundee in Scotland.*

There was considerable uneasiness felt at this time throughout the English settlements of America at the daring policy and encroachments of the French, but North Carolina experienced nothing but peace and prosperity. The wise Governor saw many evils to reform and met the Assembly of 1736 with an elaborate address. He deplored the absence of religious principle and practices among the people. He called their attention to their want of educational means, to the loose and contradictory legislation contained in detached papers, some unintelligible and others offending the commonest rules of grammar. The jails were so insecure that the escape of malefactors was of frequent occurrence. He besought them to discountenance faction, remedy the evils of the province and to build up a direct trade with Great Britain. He concluded by observing that he should maintain the rights and just revenues of the Crown, but at the same time have a tender regard for the privileges, happiness and liberties of the people, "apprehending that they were not in the least inconsistent with each other." The upper House responded favor-

*McRee's Life of Fredell, vol. I, page 36.

ably to this address in spite of Edward Moseley and Cullen Pollock, who opposed the reforms. Moseley, though not a member of the House of Assembly, had influence enough to thwart the Governor therein.*

The Legislature met for the first time in this administration March 6th, at New-Bern. A poll tax of five shillings per head on all tithable inhabitants was granted the King. Ten thousand dollars were appropriated for repairing the court house and building a jail at Edenton and for the preservation of the records of the General Court at that place. Circuit Courts were appointed for New-Bern and for the village on Cape Fear, the name of which was the next year, at the Governor's request, changed from Newton to Wilmington, as it has ever since been known.

William Downing of Bertie, presided as Speaker of the House of Assembly at this time. A considerable prosperity was evident in every portion of the large and fertile peninsula so lately erected as the westernmost of the counties. Colonel Byrd speaks, in his journal, of the boundary survey, of the evident advancement and prosperity of its inhabitants, which he declared surpassed any portion of the populated districts through which the boundary commission had passed from Currituck Inlet to that point.

War was declared by England against Spain in 1740. Movements were concerted for participation on the part of the colonies. General Oglethorpe, the gallant and humane Governor of Georgia, was ordered to threaten the Spanish possessions in Florida. He at once determined upon an expedition against St. Augustine, and requested help of the Governors of North and South Carolina. Four hundred men were levied by Governor Johnston, and, with additional forces from Virginia and South Carolina, formed the fine regiment under Colonel Vanderdussen. They first operated in the ineffectual attack upon St. Augustine, and

*Martin, vol. II, page 23.

ultimately, having been transferred to the Island of Jamaica, participated in the glories and disasters of Admiral Vernon's siege of Carthage. Notwithstanding poverty, and want of a circulating medium, the General Assembly warmly seconded Governor Johnston in these military measures, and freely voted supplies for the subsistence and transportation of the North Carolina troops in the royal service. The tax to meet these unusual expenses, in consequence of the scarcity of money, was partially levied in provisions, and warehouses for receiving commodities were erected in each county.

The General Assembly of 1741 was prolific in important legislation.* Useful acts were passed regulating marriage, the rate of interest, damages on foreign bills, roads and navigation, weights and measures, trial of small cases, regulation of taverns, and for the better management of prisoners. The statute touching the better keeping of the Sabbath and for the suppression of vice is a quaint monument to the good intentions of those ancient legislators. It provided that every person should, on Sunday, carefully apply himself to the duties of religion. All work and amusements were forbidden on a penalty of fourteen shillings. Profane swearing in the hearing of a Justice of the Peace incurred a penalty of two shillings and sixpence for an ordinary person, and in a public officer double that amount for each oath. Oaths in the presence of a court of record were to be fined ten shillings, and in default, three hours in the stocks. Drunkenness on week days forfeited two-and-a-half shillings, and double that amount on the Lord's day. Fornication incurred a penalty of twenty-five shillings. Single women with child were to be committed to prison until disclosing the paternity. The imputed father was compelled to give security for its support or in default thereof, he was hired out at public auction. The statute concluded with a direction making it the duty of clergymen, lay readers and others, to read the statute in all the churches, chapels and places of religious worship and suggestively added

*Martin, vol. II, page 36.

that as to ministers of the gospel offending in the above particulars, they should not be held absolved from ecclesiastical censure and punishment by virtue of this law.

In the ample and humane legislation of the same session, touching servants, there were many provisions for the benefit of English convicts who had been brought over and sold to the colonists for terms of years commensurate with different offences for which they had been sentenced to transportation. They and the negro slaves, while analogous in some respects as to condition, were yet far removed as to the prospects of their posterity. The late Chief-Justice, William Smith, was President of the Upper House in which John Palin, J. Lenoir, J. B. Ashe, C. Harnett, J. Lovick, Edmund Gale and Matthew Rowan were members by the King's nomination, and Edward Moseley, Cullen Pollock, James Hazel and others, by election of the Lower House. John Hodgson was Speaker of this and the preceding Assembly, but was at the next term to give place to the distinguished lawyer, Samuel Swann of New Hanover. He and his brother, Major John Swann, were the sons of Samuel Swann.* He and Edward Moseley were the compilers of the "Yellow Jacket" edition of the North Carolina statutes and were the leading lawyers of their day. For twenty years Samuel Swann was to be almost continually Speaker of the House of Assembly, which position in colonial times, was next in dignity to that of Governor. His sister Elizabeth was the wife of John Baptiste Ashe and he was thus uncle to General John Ashe, and Governor Samuel Ashe, and of Mary Ashe, who was the wife of Judge Maurice Moore.†

The Assembly of 1743 met at Edenton. It amended the election laws so that a freehold qualification of fifty acres of land was required in those voting for members of the Lower House, and a hundred acres in the members themselves. Two years before this, Bertie county had been dismembered in the erection of Northampton. The statute recites that at that period the inhabitants of Bertie had become more numerous than any other county

*Statement of Captain S. A. Ashe.

†Wheeler, vol. II, page 279.

in the province. The line of the new county ran five miles west of the court house of Bertie, then located at St. John's. It was provided that a new court house, jail and stocks should be erected on Wills' Quarter Branch, near the present town of Windsor. This spot was called Wolfenden in compliment to a citizen of prominence who dwelt near by. St. John's thus lost its ancient importance as the scene of legal contests. The Episcopal Chapel was still a source of social refinement and religious instruction. It was destined never again to become a shire town, for upon the erection of Hertford county, in 1759, the court house was established at Winton. John, Lord Carteret, soon to become the Earl of Granville, petitioned the King in 1743 that one-eighth of the original province of North Carolina might be reserved to him by act of Parliament, offering, in case his tender was accepted, to resign his interest in the government of the province and all his title to the remaining seven-eighths of the soil. George I. accepted the offer, and five commissioners on either side allotted his lordship the territory bounded on the north by the Virginia line, east by the Atlantic Ocean, southward by a line beginning on the coast in latitude thirty-five degrees and thirty-four minutes, thence west to the Pacific Ocean, and westwardly along the Pacific coast.

The year 1744 was signalized by war with France. Charles Edward, the grandson of James II., set up his claim to the English throne and went to Scotland to make good his title by force of arms. In the course of the next year, after routing his enemies at Killiecrankie and Preston Pans, he retreated from England, and at Culloden, in the northern part of Scotland, was ruinously defeated by the King's brother, the merciless Duke of Cumberland. The Assembly met at New-Bern April 20th. Attention was given to the defense of the sea-coast, which had been ravaged by Spanish cruisers. Governor Johnston, with President Rice, Robert Halton, Judge E. Allen, Matthew Rowan, Edward Moseley, Roger Moore, William Forbes, Colonel

*Public Acts, page 69.

James Innes, William Faris, Major John Swann and George Moore, were appointed commissioners to construct Fort Johnston, at the mouth of Cape Fear River, at the point whereon Smithville now stands.* Roger and George Moore were the brothers of General Maurice Moore, and had come with him from South Carolina as settlers previous to the Indian war of 1711.† In the next year Edward Moseley, Samuel Swann, Enoch Hall and Thomas Barker were authorized by the Assembly to revise and print such acts of the Legislature as were of force in the province. The others declining the work, as has been related, it was performed by Moseley and Swann.‡ Enoch Hall was Chief-Justice of the General Court. Thomas Barker was a lawyer of great abilities, who resided in Edenton. Johnston and Granville counties were this year erected, and a new court law passed. The General Court was removed from Edenton to New-Bern, and Circuit Courts were ordered to be held at Edenton, New-Bern, Wilmington, and at Enfield in the new county of Edgecombe.

Many of the leading spirits who had been supporters of Prince Charles Edward had by this time perished on the scaffold. A general pardon having passed the Great Seal, nineteen-twentieths of the prisoners convicted were allowed to be transported to America in lieu of capital punishment. Large accessions were thus made to the population of North Carolina by these unhappy Scotch Highlanders and the friends who chose to accompany them in their exile. Of this number was the famous Flora McDonald and her husband. Charles Edward owed his life to her noble and humane efforts. She reached America just previous to the breaking out of the Revolution, and made her home at Cross Creek, near where the town of Fayetteville now stands.§

The Assembly of 1747, at New-Bern, witnessed the effect of the changes in representation of the Lower House. The counties of old Albemarle no longer sent five members each, but fared as

*Public Acts, page 70.

†Public Acts, page 75.

‡Governor Barrington's Dispatches.

§Wheeler, vol. II, page 137.

did the others, which had heretofore, though sometimes more populous, been entitled to but two. Borough members were allowed one each from the towns of Edenton, Bath, New-Bern and Wilmington. Attention was called to fresh depredations of French and Spanish privateersmen, and other forts were ordered to be constructed at Ocracoke, Topsail and Bear Inlets, and further appropriations were made for finishing Fort Johnston. Ten thousand dollars were ordered to be placed in the hands of Thomas Barker, Treasurer for the northern counties, by him to be expended as Governor Johnston, Ben Peyton, Samuel St. Clair, Francis Stringer, James Macklewean, John Haywood and Peter Payne should direct. Seven thousand five hundred dollars were deposited with Edward Moseley, Treasurer of the southern counties, likewise to be controlled by the Governor, J. Lovick, A. Mabson, J. Clitherall and J. Bell, for the construction of Fort Granville at Topsail Inlet.* John Haywood, just mentioned, lived in Edgecombe county and was the first of a family subsequently famous in the State. He was the father of William Haywood of Edgecombe and of Judge John Haywood, who lived in Halifax until his departure for Tennessee.† A smaller appropriation was placed at the disposal of the Governor, Samuel Johnston, Edward Wood, John Starkey and Stephen Lee for the work at Bear Inlet. Samuel Johnston was the oldest son of the Surveyor General, John Johnston, and nephew of the Governor. This was his first mention in public documents. He had been Clerk of the General Court at Edenton, was Naval Officer at that port and was becoming conspicuous as a lawyer in his partnership with Thomas Barker. He was to rival his uncle in the length of his illustrious services to North Carolina and was to be even more honored in republican days than when a favored subject of the King.

In 1748 a fleet of Spanish privateers entered Cape Fear River and ravaged its shores. They were attacked by the people of the

*Public Acts, page 78.

†Wheeler, vol. II, page 143.

country as the ships lay off the village of Brunswick and in driving them from the stream the assailants succeeded in blowing up one of the predatory craft, from which a number of negroes and valuables were taken.* A picture in oil, very well executed, was among the spoils and may yet be seen in the vestry room of St. James' Church in Wilmington.† By act of Assembly of that year the spoils from this gallant defence by the men of Cape Fear were appropriated to the churches in Wilmington and Brunswick.‡

Sir William Berkeley's fervent wishes in regard to printing presses lacked fulfillment when in 1749 James Davis came to New-Bern and set up the first printing press in North Carolina. The Moravians, a new sect in Germany, this year obtained from Parliament permission to establish settlements in America. They purchased of Lord Granville during the next year a tract of land containing one hundred thousand acres between Dan and Yadkin Rivers, and named it Wachovia, after an estate of Count Zinzendorff, the founder of the sect. Samuel Swann alone, of those appointed to the work of revising the laws, persevered to the conclusion of the task. The work, handsomely printed and bound in a small folio volume, made its appearance in 1752. The hue of the leather with which it was covered procured for it the appellation of "Yellow Jacket."

A great misfortune befell the province in the death of Governor Johnston. He died in the month of August, 1752. In his magnanimous and equable disposition the factions of the province had well-nigh disappeared. The show of opposition manifested by Edward Moseley in the beginning of his administration, soon sunk out of sight, and that veteran agitator was followed in popular affection by Samuel Swann, who possessed equal abilities and a less mischievous disposition. The province had tripled its population in the twenty years of his rule, there being in 1752 about twenty thousand whites and half that number of negro

*Martin, vol. II, page 53. †Letter from Captain S. A. Ashe, 1878.

‡Martin, vol. II, page 54.

slaves in North Carolina.* The annual exports for the same period were 61,528 barrels of tar, 12,055 of pitch, 10,429 of turpentine, 762,000 staves, 61,580 bushels of corn, 100 hogsheads of tobacco, besides an unknown quantity of pork, beef and other commodities. Tobacco was not cultivated south of Edgecombe, but was largely produced in Albemarle and the new counties next to Virginia.†

Population had immensely extended its area. The counties of Bladen, Anson, Johnston, Granville and Orange had all been added and a great advance made towards the setting sun. In 1740 the Scotch-Irish Presbyterians began their settlements along the water courses known as Eno, Haw and Catawba Rivers.‡ The severity of the established Church in Virginia started the emigration movement which extended to Pennsylvania, and soon a multitude of brave and godly men were in the heart of the wilderness which stretched from Albemarle to the hunting grounds of the Cherokees. Lord Granville, after obtaining the limits of his grant in 1744, offered, through his agents, great inducements to settlers. George Selwyn, holding large grants on the South Carolina line, also through the McCullohs, father and son, effected many sales in the future county of Mecklenburg. The Highlanders had come in large numbers from Scotland, and had their headquarters at Cross Creek, afterwards Fayetteville. Some few of them stopped in the eastern counties. In Hertford, notable among these, was James Fraser, who had a store at the cross-roads still bearing his name. He and John Hamilton of Halifax had been supporters of the Pretender and were alike the victims of the resentment of King George II. and the grim Duke of Cumberland. Hamilton and Fraser became conspicuous in after years for their loyalty as they had been for the opposite quality in their youth.

Upon the death of Governor Johnston, the government devolved upon Nathaniel Rice, President of the Council, who had

*Rowan's Dispatches.

†Martin, vol. II, page 59.

‡Foote's Sketches, page 79.

been in the same office on the arrival of the late Chief-Magistrate in 1734. President Rice had been long conspicuous in the affairs of the province and being of advanced age, died January 28th, 1753. Colonel Matthew Rowan of Bladen being the next councillor in the order of their nomination by the King, qualified as acting-Governor February 1st, and met the Assembly at New-Bern March 23rd.* He was of popular and courtly manners and possessed wealth and consideration as a man. His daughter married John Hay of Fayetteville,† and was the mother of Judge Gaston's first wife.‡ The upper portion of Anson was this year erected into a new county, bearing his name, and has at all subsequent periods been one of the chief centres of intelligence and influence in North Carolina.

King George II., like his predecessor on the throne, was a foreigner possessing but little intelligence and small knowledge of the Constitution and habits of the English people. He committed the affairs of the American colonies to the conduct of the Duke of Newcastle. This nobleman, apart from his hereditary honors, possessed no qualification as a ruler except some common sense and good humor. So great was his ignorance that he is said to have inquired in the time of the tea troubles, whether Boston was not an island in the Mediterranean Sea. Against the management of such a man was the cool and masterly conduct of French interests in America. A cordon of forts around the entire frontier of the English settlements and the friendship of all the Indian tribes, save the Iroquois and Cherokees, were ominous enough to North Carolina and her sister colonies. The French, it was known, had recently built forts on the head waters of the Alabama River, and had made treaties with the Creeks. In addition to this, early in January, President Rowan received a dispatch by special messenger from Lord Dinwiddie, then Governor of Virginia, stating that Major George Washington had recently returned from the Ohio River, and reported the French

*Martin, vol. II, page 61.

†Life of Iredell, vol. II, page 139.

‡Rev. Dr. Hooper's Address, "Fifty Years Ago."

had taken post and were building a work at Logstown, afterwards known as Fort Duquesne. The letter concluded by soliciting the aid of men from North Carolina to join the troops then being levied in Virginia and Maryland to march against these intruders. A proclamation was immediately issued for the meeting of the Legislature at Wilmington, February 19th. The condition of affairs was laid before the Assembly, who agreed to aid Virginia provided Governor Rowan would assent to the issuing of four hundred thousand dollars of new treasury bills. This was acceded to, as the acting-Governor could not suffer much by the displeasure of the Crown and English merchants.* Two hundred thousand dollars having been appropriated for military purposes no time was lost in raising the troops voted by the Assembly. Colonel James Innes of New Hanover was soon at the head of a fine regiment, numbering nine hundred and fifty men, and joined the forces of Virginia and Maryland in their march to the Alleghany mountains. Colonel Innes commanded the expedition, and was ordered to capture Fort Duquesne or to erect a counter-vailing work. He did not proceed far upon the campaign before it was discovered that Governor Dinwiddie and the authorities at Williamsburg, had entirely failed to provide quartermaster and commissary stores for the expedition. The General Assembly of that province having closed its session with so fatal a negligence, Governor Dinwiddie countermanded the expedition and Colonel Innes' regiment was disbanded and returned to North Carolina.

Colonel Joshua Fry had been commander-in-chief of the forces in Virginia. He died suddenly, and the command devolved upon Colonel George Washington of that province. Governor Dinwiddie appointed Colonel Innes over Colonel Washington to the place made vacant by the death of Colonel Fry. This explained the whole extraordinary course of the Virginia Burgesses. The bulk of the North Carolinians under Innes had been sent home, but the Colonel, with three hundred and

*Martin, vol. 11, page 66.

fifty of them, was still encamped at Winchester, when Colonel Washington was superceded in the general command. There was immediate and general complaint in the Old Dominion at this slight put upon their favorite leader.* Though Colonel Innes had done service in the Carthage expedition, he was still very inferior as a commander to the young hero who was soon to become so brilliantly conspicuous on the Monongahela.† The Assembly of North Carolina had voted sixty thousand dollars for the subsistence of the force under Colonel Innes, but this was soon exhausted, and such was the feeling at Williamsburg that not a dollar was voted to retain the men who had been sent against Fort Duquesne, and they left for their homes to avoid starvation. Their conduct was unjustly censured by their compatriots in the army. The Virginians in 1780 were to be treated very differently in North Carolina, where they not only were furnished subsistence, but as a matter of courtesy the men of King's Mountain elected Colonel Campbell to the command. Colonel Innes lingered in charge until he died at Winchester, but his North Carolina troops were all sent home.

The year 1754 closed in with a fruitless effort at Albany to carry out the suggestion of the Board of Trade in regard to unity of action among the different colonies in matters of general concern.

*Sparks' Life of Washington, page 51.

†Washington's Writings, vol. II, page 42.

CHAPTER V.

A. D. 1754 TO 1765.

Arthur Dobbs becomes Governor of North Carolina—His antecedents and character—John Campbell of Bertie becomes Speaker of the House of Assembly—Death of Edward Moseley—John Starkey succeeds him as Southern Treasurer—His traits and habits—Braddock's defeat—Settlement of Anson and other western counties—Hugh McAden, Alexander Craighead and Shubal Stearns—Sandy Creek and Shiloh Churches—Meherrin and Sandy Run—A fort ordered on Yadkin River, in Rowan county—Mail route from Suffolk to Wilmington—Colonel Hugh Waddell sent against the Cherokees—Governor Dobbs' Tower Hill project—Beginning of the long trouble about the Court Laws—Francis Corbin sows the seeds of the Regulation—Is arrested and carried to Enfield—Erection of Hertford county—The troubles with Parliament—State of society—Scarcity of money and high taxes—Death of Judge Henley and appointment of Charles Berry—Court reforms—Riots in Hillsboro and Halifax—Colonel Waddell goes against the Cherokees—The Court Law troubles—Accession of King George III.—Governor Dobbs is thwarted as to Tower Hill—Peace of 1763—Growth of Calvinism in the West—Death of Samuel Swann—Governor Dobbs applies for leave of absence and Lieutenant Colonel William Tryon is sent over as Lieutenant-Governor of North Carolina—Death of Governor Dobbs—Members of his Majesty's Council of State for North Carolina.

Governor Arthur Dobbs took the oaths of office at New-Bern November 1st, 1754. He was an Irishman, and had been a member of the Parliament of that country. He was of fair understanding and possessed some taste in literary matters. He had suggested, in 1741, to the Admiralty Board, the naval expedition of Captain Christopher Middleton in search of a north-west passage in the Arctic seas. It was perhaps this manifestation in geographical discovery which led to his being selected as Governor of North Carolina. He was in marked contrast with Gabriel Johnston, both in natural endowments and the success of his administration. To a punctilious obstinacy, which would ruin a province on a point of empty etiquette, he united a devotion to the royal prerogative which was astonishing in one reared

in the atmosphere of Ireland. He was choleric and hasty in his temper, and was to find ample material for continued contests with the House of Assembly until death had released him from turmoil. He brought a few pieces of artillery, one thousand muskets, and a plentiful supply of his poor relations, who came to seek their fortunes under his fostering aid at the expense of North Carolina. One of these, his nephew, Richard Spaight, was to leave illustrious issue to atone for his hasty temper and the Governor's nepotism.*

The county of Bertie had grown wealthy and populous at this time, and was represented in the House of Assembly by John Campbell, who was twice honored with election to the Speaker's chair.†

Mr. Campbell had been reared in the town of Colerain in Ireland, and named his place on Chowan River in commemoration of his birth-place. He was a wise and thrifty man and was greatly respected as a legislator through many years.

The large issue of bills of credit authorized by the last Assembly was committed to the hands of Samuel Swann, Major John Swann, Lewis DeRosset of New Hanover, and John Starkey of Onslow, who, upon the death of Edward Moseley‡ in 1749, had

‡NOTE.—The mention of the death of this able and conspicuous actor in so much of the early history of North Carolina suggests the propriety of further comment on his life and services. He lived in troublous times. Though a full communicant of the Church of England and warmly attached to the real interests of that communion, he was, like Bishop Compton and other enlightened men, opposed to the creation of a State Church in North Carolina. He warmly espoused the cause of the Quakers, who were averse to contributing to the support of the Episcopal preachers sent over from England. He was still more justified in resisting the commercial restrictions. He was the first man to inaugurate an organized opposition to the power and influence of the royal Governors. Samuel Swann, John Ashe and John Harvey continued his jealous watchfulness against foreign interference in the local government. Our information concerning him is obtained mainly from the correspondence of Governors Spottswood and Pollock, who were his declared enemies, and their statements should be taken with full allowance

*Martin, vol. II, page 73.

†Public Acts, page 116.

succeeded to his place as Treasurer of the southern portion of the province.* Mr. Starkey had been left executor and guardian of the children of the late John Johnston, Surveyor General. He was a benevolent and intelligent man, and had been a priest in the Church of England. He was remarkable for his thrift and industry, and though thus made a commissioner for issuing provincial bills of credit, he was said to hold them in sovereign contempt and thoroughly appreciated the value of English gold.† He was wealthy, and was accused by Governor Dobbs of unduly influencing certain fellow-members of the Assembly by lending them money.‡ Edward Starkey of Onslow, who was a member of the Provincial Congress of 1776, of Governor Caswell's Council, and was Speaker of the House of Commons in 1783, was his son. Lewis DeRosset was a prominent citizen of Wilmington, which city, through its entire history, has known useful men of that name.

General Braddock reached Williamsburg early in 1755. In his dispatch to Lord Holland, then Henry Fox, the English Secretary of War, after expressing disgust at Governor Din-

for the natural effects of such relations. He and John Porter married daughters of Governor Lillington and were ever entirely agreed as to the policy proper for North Carolina. In the preceding chapters I have followed the statements of Governors Spotswood and Pollock, as did Dr. Hawks in his history, but the suggestions of a valued friend lead me to gravely doubt the whole story of John Porter's connection with the Indian massacre of 1711. It is highly improbable that he would have been so much honored in the House of Assembly in sessions subsequent to that event, had the charge been really true. In addition to this I am satisfied of the truth of a family tradition which avers that one of his children was rescued from slaughter only by the bravery and celerity of its mother. John Porter was at home, and it is hard to believe that his house would have been attacked had he been in league with the Indians. He was a leading member of the very Assembly which made this same 22nd of September a day of fasting and prayer, and was so closely connected by family ties with so many of the leading men of the province that it is almost impossible to believe that he could have warranted the terrible charges laid at his door.

*Public Acts, page 87.

†Life of Iredell, page 36.

‡Wheeler, vol. II, page 46.

widdie's meager preparations, he said that Governor Dobbs, who had gone there to meet him was satisfied with North Carolina's action of the previous year, and of that province's loyal aid in the future. Though Colonel Innes had been thwarted, and had subsequently died at Winchester, Colonel Hugh Waddell, with a smaller force, started to join the expedition, but was not in the disastrous defeat sustained by General Braddock near Fort Duquesne.* He was recalled to repel the Cherokees in their attack upon Old Fort, and thus escaped that scene of overthrow and butchery.†

Governor Dobbs, during the summer of 1755, visited the western counties of the province. A great tide of population from Virginia, Pennsylvania, South Carolina and Europe was steadily pouring into the beautiful valleys and hill country of that healthful and fertile region. The Moravians‡ established themselves around Salem. The new county of Rowan rapidly filled up with men and women as entirely devoted to their religious duties as to the vindication of their civil liberties. Rev. Hugh MeAden had come down after his graduation at Nassau Hall, and was at this very time establishing the church at Sugar Creek over which Alexander Craighead was to preside as first pastor.§ But the Calvinists were inferior in numbers to the Baptists, who at this period had a church at Sandy Creek, in the neighboring county of Orange, which numbered more than six hundred members, under the pastoral charge of Rev. Shubal Stearns.|| The same sect had established a congregation at the point now known as Shiloh, in Pasquotank county, as early as 1729.** Six years later Joseph Parker, ordained by this church, had established, where Murfreesboro now stands, the church still known as

*Judge Murphy's Historical Memoranda, and Jones' Defence, page 24.

†Statement of Colonel A. M. Waddell.

‡Martin, vol. II, page 83.

§Foote's Sketches, page 189.

||Governor Swain's War of Regulation.

**John Comer's Journal, 1729.

Meherrin.* This church granted letters of dismissal in 1750 to the membership constituted into another Baptist congregation known as Sandy Run, in Bertie. Rev. Matthias Brickell had departed this life, and was succeeded in charge of the Chapels of St. John and St. Luke, or Buckhorn, in Hertford county that was to be, by Rev. Wm. Gurley.

Governor Dobbs, upon his return from the west, met the Assembly at New-Bern September 25th. In his address he exhibited full appreciation of the dangers threatening English ascendancy. France had established a cordon of forts along the St. Lawrence, past the lakes, down the Mississippi and along the Southern frontier. They had made friends of every great Indian tribe, and converted the previously formidable hostility of the Iroquois into a neutrality which was ominous of a closer alliance if the war continued. Braddock's defeat, and the criminal folly of Governor Lyttleton of South Carolina, had aroused the Cherokees into active hostility against the western settlements. Governor Dobbs recommended the establishment of a fort near the South Yadkin, in Rowan county.† The Legislature approved of the proposition and voted fifty thousand dollars for the erection of the work and for the raising of three companies of infantry to serve for the war. A post-route was established from Suffolk, Virginia, by way of Edenton and New-Bern, to Wilmington, being the first facility of the kind ever known in the province.

The two succeeding years were marked by no specially important events. Colonel Waddell was sent with a battalion in an expedition against the Cherokees, where Captain Dennie was in great danger of capture at Fort Tellico.‡ The next year William Pitt became Prime Minister and Admiral Boscawen and Sir Jeffrey Amherst came with such forces as reassured the desponding Americans.§ The Assembly at New-Bern in 1758 voted supplies for the North Carolina forces then under General

*Dr. S. J. Wheeler's History of Meherrin.

†Martin, vol. II, page 89.

‡Martin, vol. II, page 82.

§Bancroft, vol. IV, page 294.

Forbes in his movement against Fort Duquesne.* That officer, whose sands of life were fast running out, retarded the expedition by his incapacity, so that September had come before they reached Raystown. Colonel George Washington commanded the Virginians, but was not present with the force entrusted to Major Grant when Aubry and his French troops so disastrously checked that rash officer's advance. The success of the expedition was due to Washington's skill, as in Braddock's campaign it was the safety of the small remnant which then escaped.†

A most marvelous and inexplicable incident occurred in the Legislature of this Assembly. The seat of government had been latterly nomadic in North Carolina. The Legislature vibrated between Edenton, New-Bern and Wilmington. The Governor resided where best pleased him, and so did every other officer of the province. The house in Edenton which had been long used for the sessions of the General Court, and is still so much admired for its fine proportions, was in 1758 yet large enough for the accommodation of the State Assembly. In New-Bern and Wilmington were also many facilities for the accommodation of the sessions. It is then surprising that a ruler possessing so little personal popularity could have induced the Legislature to select his farm, in the wilds along Contentnea Creek, as the future seat of government.‡ This spot, now known as Snow Hill, in Greene county, had been called by the Tuscaroras Nahucke, and was the scene of their last defeat by Colonel James Moore. Governor Dobbs named it Tower Hill, which was an unfortunate appellation, and suggestive of martyrdom and the wasted blood of heroes. Sir William Wallace, Sir Thomas More, Sir Walter Raleigh and Algernon Sidney had all been beheaded on another Tower Hill. But graver objections than that of a mere name should have led such men as Samuel Swann, Matthew Rowan and Samuel Johnston to have defeated the transparent jobbery of the scheming Governor.||

*Martin, vol. II, page 93.

†Public Acts, page 127.

||Martin, vol. II, page 94.

‡Baneroft, vol. IV, page 309.

§Public Acts, page 126.

In the month of August the Court Laws, passed four years before, were repealed by proclamation. This was the beginning of a long and bitter contest between the House of Assembly on the one side and the Governor, supported by his Council, on the other. It was destined never to be settled during the prevalence of royal rule in the province. There was every necessity for harmonious support in all departments of the government, especially as to the Judges who were so soon to find their authority set at naught by the men who have become famous under the name of Regulators. Francis Corbin was then agent for Lord Granville in the province and was at the head of his Lordship's office for the sale of land and receipt of quit-rents. From 1744 when King George II. made the Great Deed of Grant, difficulties in procuring titles to land and other frauds practiced by Lord Granville's deputies, added to the extortions of the Crown officers, had been unceasing subjects of complaint. They had reached the Earl in London and two years before he had written reprovingly to Corbin.* In 1759 a dozen men, believing themselves injured mainly by Corbin, left their homes west of the Roanoke and went below Edenton to the agent's house, when, in spite of the entreaties of good citizens, they carried Corbin seventy miles from home and detained him at Enfield until he entered into bond, with eight sureties, in the sum of forty thousand dollars, to produce his books within three weeks and refund all unlawful fees.† He violated this extorted agreement and brought suit against four of his abductors, who, refusing to give bail were lodged in jail. A mob collected the next day and breaking open the doors released the prisoners. Corbin in a short while dismissed the suit and paid the costs.

In the year 1759, almost a century from the time of King Charles the Second's grant of the territory of the two Carolinas, it was determined by the General Assembly then in session at Wilmington that a new county should be erected. This was a

*Martin, vol. 11, page 94.

†Swain's War of the Regulation, page 4.

memorable year in the world's history. Never before or since, was the meteor flag of England more terrible and triumphant. The ignorance and incapacity of the Duke of Newcastle had given place to the imperious genius of William Pitt. The patriotism and enthusiasm of the latter pervaded the world. In the land of the Great Mogul, Clive and Coote overturned the throne of the successors of Aurungzebe. On the continent of Europe the ally of the English, the great King of Prussia routed the Austrians at Lignitz. The British and Hanoverian armies under Prince Ferdinand entirely defeated the French at Minden. Off Point Lagos, Boscawen met and overthrew the Toulon fleet. In the darkness of a stormy night, amid the raging waters of Biscay, in spite of his pilot's entreaties to the contrary, Hawke thrust his ships between the enemy and the iron bound coast and triumphed gloriously. In America was the crowning success of all. The Homeric figure of Wolfe shone upon the Heights of Abraham, and all the splendid results of French valor in Canada, were gone like a dream.

In the month of November, 1759, the session of the General Assembly having been prorogued from New-Bern, met in its ninth sitting at Wilmington and passed the following act: "Whereas the large extent of the counties of Chowan, and Bertie, renders it grievous and burdensome to many of the inhabitants thereof to attend the courts of justice and other public meetings appointed therein. For remedy whereof, be it enacted by the Governor, Council and Assembly, and by authority of the same, that from and after the first day of May next the said counties be divided as follows, to-wit :

Beginning in Bertie county at the first high-land on the northwest side of Mare Branch, on Chowan River Pocosin, running thence by a direct line to Thomas Outlaw's plantation, near Stony Creek, thence by a direct line to Northampton county line at the plantation whereon James Rutland formerly lived, then along Northampton county line to the head of Beaver Dam Swamp, thence by a direct line to the easternmost part of Kerby's Creek, thence down the creek to Meherrin River, then up the

Meherrin River to the Virginia line, then easterly along down Bennett's Creek to the Chowan River, then across the river to the mouth of said Mare Branch, and up the branch to the beginning; and all that part of the said counties included within the said bounds be henceforth erected into a distinct county and parish, and called and known by the name of Hertford county, and parish of St. Barnabas."*

The American colonies bore their full share in the toil and bloodshed of that potentous era, when the two greatest nations in the world were struggling for ascendancy in the new hemisphere. But valor and devotion to British interest on their part, could not disarm the jealousy of the mother country. The selection of the name of Hertford is still significant of evils which were at that day sore upon the hearts of our people. The Navigation Act was a mighty incubus upon their energies. Unfriendly speeches and votes in Parliament had shown who were the friends of the colonies. Francis Seymour, Earl of Hertford, had often proved his sympathy for the people of this country, and his motion in the House of Lords in 1765 for the repeal of the Stamp Act, was but one of many friendly offices. Our forefathers were both wise and gracious, when they thus erected to his honor, an imperishable monument of their gratitude. The names of Dobbs, Bute and Tryon have utterly perished from our map, but Hertford, Burke and Camden still perpetuate the reverence that dictated their names. In the instance of the Great Commoner we have made assurance doubly sure, and will transmit to remotest posterity, his dual titles of Pitt and Chatham.†

*NOTE.—I have inserted the text of the two acts creating Bertie and Hertford counties as examples of the difference in the style of enactment in the proprietary and royal governments of North Carolina.

†NOTE.—Gov. Dobbs had been in office since 1754. It was during his rule that Hertford county was erected, and it doubtless owed much to one of its own citizens for the fact of its corporate existence. The first James Jones, of a long succession of that name in our midst, was a member of the Governor's Council, and was in such a position as to make his wishes felt in the Legislature

Life at the period referred to had become a pleasant thing to the people inhabiting the eastern portion of the province. A few friendly Tuscaroras lingered upon the banks of the Roanoke. The Meherrins had left their hunting grounds in Manney's Neck and passed from all subsequent scrutiny in their journeyings toward the west. The Bertie peninsula grew rapidly in wealth and population. The rude cabins of the first settlers had given place to comfortable if not elegant framed houses. Unbounded hospitality was seen on every side. Marriages among the wealthier people were celebrated by a general gathering of the friends of the parties, and often for a week or more the festivities were continued. Apple brandy and West India rum, with the added inspiration of the negro fiddlers, gave wings to the flying hours of the midnight revel. Thus, 'mid dancing, and tables which groaned with the weight of the feasts, those ancient belles and beaux celebrated the union of their young friends in the holy estate of matrimony.

Fox-hunting and racing had their devotees at an early day. Some men had the wealth to indulge in the luxury of blooded horses, and made their houses the headquarters of the sporting men of their day. A few had well kept private race courses, and many were the victories and defeats sustained thereon. Strict New England notions were not countenanced by the curled and powdered gentlemen of that period. As a general rule there was an abundance of hard drinking and swearing among the men, while the stately matrons in their long stomachers and big hoops, were never so well pleased as when walking a minuet, or betting at a rubber of whist. The preachers doubtless sighed over some of these transactions, but they saw in them no such impropriety, as did the Quakers and Puritans. In the providence of God thus lived those men and women of a former day.

While such was the condition of society in the new county of _____ of that time. He was a man of large wealth and of habits that made him popular in his day and generation. His sons and grandsons bore distinguished stations in this and other States, and the farm three miles above Pitch Landing, whereon he lived and died, is still in the possession of his descendants.

Hertford and its neighbors in Albemarle, a far different state of affairs obtained in Granville, Orange, Anson and Rowan counties. The people in those western settlements had neither the wealth nor inclination to indulge in mere amusements. They were of such stuff as were the iron men who had followed Cromwell. They were not lacking in intelligence, but they sprung from a stock that looked upon the habits of the Cavaliers as the Devil's service. Recent wars had created a large provincial debt and as an inevitable consequence, an oppressive taxation to meet it. The revenue for this purpose was principally derived from a poll tax.* To pay this and the quit-rents to Lord Granville, and other public dues, amounted to at least ten dollars on each head of a household. There was little currency of any kind in the province. Gold was utterly unattainable and the public bills of credit exceedingly scarce. The men of the west relied almost exclusively upon their wheat crops as a means of paying their public dues. This great staple when hauled to Cross Creek, then the nearest market, realized but one shilling a bushel.† In such a state of affairs were these stern and godly men subduing a wilderness and learning the uselessness of that royal protection so much vaunted by Governor Dobbs.

Chief-Justice Peter Henley died in this the commencement of the court troubles. Those of the Assembly who were most disposed the hedge about the former judicial privileges bore honorable testimony to his learning and integrity. He was succeeded by Charles Berry, who emulated his virtues but was to find a tragic conclusion to his official honors. A hopeless struggle ensued at Wilmington at the close of the year, between the two houses of Assembly, over the bill creating courts in place of those recently abrogated by royal orders in council. The people's representatives presented a scheme of a system establishing a Court of King's Bench and Common Pleas. It forbade the Chief-Justice taking any part of the Clerk's fees. This clause and another

*Swain's War of the Regulation, page 4.

†Swain's War of the Regulation, page 5.

for borrowing enough from the sinking fund to pay the salaries of the Associate Justices and Attorney-General, produced such a disagreement, that no bill was passed.

The war with the Cherokees, which Governor Lyttleton had provoked, still continuing, Colonel Hugh Waddell was sent with a regiment to rendezvous at the new village of Salisbury in Rowan, where he was joined by Captain Cogdill of Bertie, with a company of Tuscarora Indians who still lingered on their reservation upon Roanoke River. In the fall, Colonel Waddell moved his command to Tugaloo in South Carolina, where he was joined by the forces of that province. From that point they crossed the Blue Ridge and ravaged the Cowee or Underhill towns.*

In the summer of 1760 there were riots in Orange county which prevented the sheriff from holding an election. In Halifax town the sheriff was induced to open polls for selection of a borough member and, strange to say, Stephen Dewey, with such credentials, was allowed to take his seat. The Governor in his address, after congratulating the Assembly on the glorious success of the King's arms, besought them to establish a court system and appoint an agent to England.† The Assembly passed, as a new bill, the old system lately repealed by the King and the Governor discovered that unless he assented to its passage, the Lower House would pass no bill for supplies. He attempted to temporize and the result was an act for the establishment of County Courts, but no Superior Court bill was passed. The Lower House, by resolution, created Anthony Bacon agent for the province at London, and having passed a bill with a clause emitting paper money, it was rejected by Governor Dobbs and the Assembly was dissolved. He was soon condemned in severe terms by the Board of Trade for his unreasonable interference in the appointment of a colonial agent and also for dissolving the Assembly, when by its action so much aid could have been obtained for South Carolina in her war with the Cherokees.‡

*Murphy's Historical Memoranda.

†Martin, vol. II, page 107

‡Martin, vol. II, page 142.

On the 6th of February, 1761, King George III. was proclaimed at Brunswick. It seems marvelous in our day that George II. had died October 5th before, and yet the news had just reached North Carolina. The Governor met the Legislature at Wilmington, March 31st, and was in a position both to be condemned and pitied. His native obstinacy conjoined to an honorable fealty to the throne had placed him in hopeless antagonism with the representatives of the people he was to govern. The dispute about the courts had become chronic, and is as disgusting to a modern student of history as it should have been to His Excellency. He was probably right in his assertion that the King had been originally induced to repeal the old court laws by certain members of the lower House to subserve their own ambitious ends. There can be no doubt that the great aim of Samuel Swann, and those he controlled, was to make the places of the chief judges unattainable to foreign lawyers, and to deliver the North Carolina bench from any dictation outside of its own sense of right and learning. The King and Governor Dobbs insisted upon the rule of *Dum bene placito*, while the House of Assembly was determined on *bene gesserint*.

When in the year following, Sir Jeffrey Amherst, in his circular to the Governors, demanded a proportionate contribution of men and means to prosecute the war, such was the feeling in the Legislature of North Carolina against the Governor, that neither men nor money could be obtained. They said that the province had already incurred an indebtedness of four hundred thousand dollars, and they were unwilling to add to the people's burdens. Another unhappy result to Governor Dobbs, was the movement which procured the King's repeal of the act establishing Tower Hill as the seat of government. In the upper House he could but procure John Rutherford, L. H. DeRosset and John Sampson to protest against the resolution which was to destroy a speculation upon which he had set his heart. Even they admitted the propriety of removing it from Tower Hill, but were opposed to going to New-Bern, where the House offered to erect government buildings in case of a repeal. It must also

have been a mortification to His Excellency that President Hasell, who gave the casting vote, enabled his own nephew, Richard Spaight, Henry Eustace McCulloh and Alexander McCulloh, to pass the measure through the Upper House, of which these four constituted a majority.*

At last, in 1763, peace was made, and the great horror of French and Indian massacres was over. England had triumphed in her gigantic struggle with France, but even then the wise French Premier foresaw that she would lose America. The colonies were abundantly able by this time to repel any Indian aggression, and it needed no prophetic gift to surmise their early aspirations for deliverance from the tutelage of a government no longer necessary to their safety. On April 5th, 1763, the British Ministry introduced into the House of Commons a measure which was as effective in that direction as if prepared with a special determination of bringing about the independence of America. This was the resolution declaring their right to tax America and proposing the famous Stamp Act. This measure had been first suggested by the renegade American, William Shirley, when in command of the provincial forces in 1756.†

Rev. Dr. Joseph Alexander at this time came to the assistance of Rev. Alexander Craighead, who was in charge of the Presbyterian congregation at Sugar Creek.‡ Soon seven other churches were to grow from this parent stem. The year 1764 was to witness separate congregations at Steel Creek, Providence, Hopewell, Centre, Rocky River and Poplar Tent, besides others in Rowan.§

Governor Dobbs, in his address to the Assembly, deplored the condition of the established church of the province. He stated that out of the thirty parishes which had been established, but six were supplied with rectors. He advised that salaries should be collected in all of them by a tax levied upon people of all

*Martin, vol. 11, page 174.

†Bancroft, vol. IV, page 222.

‡Martin, vol. II, page 179.

‡Foote's Sketches, page 190.

beliefs, and the money thus realized appropriated to the erection of churches and purchase of glebes.*

In the fall of 1763 Governor Dobbs set out on his journey to meet the Chief-Magistrates of Georgia and South Carolina, at Augusta, for a conference on Indian affairs. The venerable James Hasell, of Craven, as President of the Council, took the oaths of office as commander-in-chief October 15th. He had been long prominent in the affairs of the province. He had been conspicuous as a lawyer, Chief-Justice of the General Court and President of the Council since the death of Colonel Matthew Rowan in 1759. He was succeeded in the Presidency of the Council by ex-Chief-Justice James Murray. The province had sustained a great loss in the recent death of Samuel Swann. He had exercised as much influence for twenty years past in the Assembly and courts of North Carolina as did formerly his friend and associate, Edward Moseley. Governor Dobbs complained bitterly of his power and influence in the House, and sometimes dissolved the Assembly with the hope of meeting compliance in other men to be chosen at a fresh election.† He was succeeded by John Ashe, of New Hanover, who was his kinsman, being the oldest son of John Baptiste Ashe, who in 1728 had married Elizabeth, the sister of the deceased Speaker, Samuel Swann. John Ashe was lacking in his uncle's legal learning, but was of a chivalrous and fearless nature, which was to make him prominent and useful in the stormy years to follow.‡

In the Assembly of 1764, which met at Wilmington, there was a ridiculous disagreement between the two Houses on a matter of privilege. The House of Assembly saw fit to speak of the Council as a "Board." The Upper House returned an angry remonstrance, and refused to proceed to business until the offensive term was withdrawn. So much temper was displayed that they could not agree as to the appointment of an English agent, and Couchet Jouvencel was selected for that position in

*Martin, vol. II, page 180.

†Martin, page 39.

‡Public Acts, page 147.

place of Anthony Bacon, by a separate resolution of the Lower House. James Davis this year began the publication of the first newspaper ever printed in the province. It was called the *North Carolina Magazine or Universal Intelligencer*. This was a New-Bern enterprise, and soon had a rival at Wilmington, in Andrew Stewart's *North Carolina Gazette and Weekly Post Boy*. Judge Francis Xavier Martin characterized them as "jejune and vapid papers, filled with long extracts from the works of theological writers or selections from the British magazines."

Governor Dobbs had applied for a leave of absence, and William Tryon, Lieutenant Colonel of the Queen's Guards, was sent over and qualified as Lieutenant-Governor at Wilmington, October 27. The aged Governor, having convened the Assembly at the same town, and having had his last quarrel with them about his unwarranted appointment of Andrew Stewart as public printer, took his leave for the journey abroad. He did not live to carry out his intention of visiting England, but died at his plantation on Town Creek, March 28th, in the 82nd year of his age. The stimulus of unnumbered disagreements with the refractory Legislatures had been withdrawn and unwonted peace proved fatal to the veteran stickler for royal prerogative.*

In addition to those who have already been mentioned as members of the Governor's Council, were Robert Palmer, Benjamin Herron, Edward B. Dobbs and John Riensett, of whom little is now known; James Corbin, a kinsman of Lord Granville's agent, was also a member of the same body. So, too, were Colonel James Jones of Hertford, and John Dawson of Bertie. The latter had married Penelope, the daughter and heiress of Governor Gabriel Johnston, and lived at Eden House.† Colonel William Dry of Brunswick, who was to be so much admired in subsequent years by Josiah Quincy of Massachusetts, with Major John Swann and Lewis Henry DeRossett, both of Wilmington, represented the lower Cape Fear in the Upper House of Assembly.‡

*Martin, volume II, page 191.

†McRee's *Life of Iredell*, page 38.

‡Quincy's *Journal*, 1774.

CHAPTER VI.

A. D. 1765 TO 1768.

Governor Tryon—The ladies of his household—Tryon's appointment ominous of trouble to North Carolina—Lord Egremont's complaints—Condition of the Colony—Herman Husbands and the Regulators—Population and wealth—Albemarle and its weight in the province—Col. Harvey, Samuel Johnston, Lawrence Baker, John Campbell and Allen Jones—Rev. Charles Earle of Edenton and the Established Church—Establishment of the Kehukee Baptist Association—George Whitefield visits the colony—John Frohock, George Selwyn and the Mecklenburg riots—Henry Eustace McCulloh and James Iredell—Passage of the Stamp Act and its reception in America—English ideas as to America's duty in the general expense of government—Hardship of the Stamp exaction on North Carolina—Provincial indebtedness in 1765—Taxation and means of its payment—Tryon and John Ashe on the Stamp trouble—General Assembly prorogued—Excitement in North Carolina—Assembly dissolved—General Conway and William Pitt on the situation—Arrival of H. B. M. ship *Diligence* with the stamps—Colonel Ashe and General Waddell call out the militia of New Hanover and Brunswick—The stamps are refused a landing—Repeal of the Stamp Act and Tryon's proclamation—The Wilmington Address—General Assembly meets, John Harvey Speaker—John Ashe—Appropriation for the New-Bern Palace—The Cherokee line—New Court Laws—Martin Howard, Maurice Moore and Richard Henderson—Navigation Act—George Moore and Cornelius Harnett deliver the Wilmington remonstrance to Governor Tryon—Establishment of Winton.

Governor Tryon was destined soon to achieve a bad eminence in the annals of North Carolina. He was shrewd in address and highly magnetic in his influence of person and manner. He was an accomplished soldier, and in accepting civil office in the colonies, had the express understanding that he did so without military disparagement, and was still to retain his rank in the army, and his proper place in the line of promotion.* He was of finished presence, full of tact and of more than ordinary

*Swain's War of the Regulation, page 82.

ability. With all his suavity of manner he was yet as scheming as his predecessor, and as unrelenting as Sir William Berkeley. He was sometimes childishly passionate, and justified Maurice Moore's fiercest ridicule by an overweening vanity and love of display.* Governor Dobbs had brought with him an array of hungry kinsmen in search of office, but Tryon's staff consisted only of two most lovely and accomplished women. His wife and her sister, Esther Wake, were the ornaments of their sex, and almost justified the extravagant tales that have been told of their part in influencing the course of events during their stay in the province.† To no other woman has the great honor been done of giving her name to a county in North Carolina. The name of Tryon was indignantly blotted from our map on the earliest opportunity of the Revolution, but fair, young Esther Wake is remembered in her singular glory of naming our metropolitan county.

The appointment of Tryon was ominous of approaching trouble to North Carolina. His tact and address were calculated to gather party support, while his military training and vindictive nature promised effective repression of an insubordinate spirit, which had long been imputed to the province. From the considerate Governor Spotswood of Virginia, down to intemperate George Burrington, an almost unceasing chorus of complaint and anathemas had gone across the Atlantic to create distrust in the minds of English rulers toward this American colony. Lord Egremont from the Board of Trade had been of late years more than once bitter in his censures on the Carolinian Burgesses.‡ All the inherent obstinacy and constitutional irritability of Governor Dobbs had been set down to that functionary's loyalty to the Crown, and the colonists were blamed too often, when no one but the irate old Irishman was really in fault. The western settlements were in deplorable confusion. Between their poverty and the extortions of corrupt officials,

*Atticus Letter.

†Jones' Defence, page 44.

‡Martin, vol. II, page 141.

there existed abundant ground for complaint and redress, but real evils were magnified by some malignant and unscrupulous leaders, who inflamed the simple-minded people by ceaseless harangues and an occasional publication of exciting pamphlets.*

Herman Husbands, a Quaker who had come from Pennsylvania, attempted the role in that day so often played by Northern immigrants of this age. He came to reform and confound North Carolina. His peaceful garb enclosed a heart which was full of ambition and all uncharitableness. His slanderous and malignant nature was not content with heaping opprobrium on political foes, for he was expelled from his seat in the Assembly for libel upon Maurice Moore who, with Thomas Person of Granville, was notoriously friendly to the reforms which Husbands was so clamorously demanding.† He affected the love of peace and devotion which, to the honor of the sect, is so common among the Quakers, but was at heart a mischievous agitator, who loved turmoil and only shrank from the conflict whenever a cowardly fear of personal injury suggested the propriety of retreat. The great body of the Regulators were honest and patriotic in their motives, but Herman Husbands was as corrupt as Titus Oates, and ought to have received at least a portion of that miscreant's punishment.

The province had immensely increased in population since the death of Governor Gabriel Johnston. The white people numbered one hundred and eighty thousand, with forty thousand slaves and free persons of color to be added.‡ Wealth and elegance were to be seen in all the eastern counties, where apart from their opposition to the English Parliament's claim of right to tax the colonies, there were perfect content and loyalty to the British government. In the march of events, Albemarle had lost its ancient weight in the government of North Carolina, but John Harvey of Perquimans, Samuel Johnston of Chowan, Lawrence Baker of Hertford, John Campbell of Bertie and

*The Granville Serious Address.

†Martin, vol. II, page 268.

‡Swain's War of the Regnlation.

Allen Jones of Northampton were leading men in the Assembly, and all destined to eminent usefulness in the future.

Rev. Charles Earle, rector of St. Paul's Episcopal Church at Edenton, was a quasi-Bishop of the future Diocese of North Carolina, but the Bishop of London still continued to treat the province as a portion of his See, and it was necessary at that date for American candidates for Episcopal priesthood, to visit England for the imposition of hands.* Rector Gurley still rendered faithful service at St. John's and St. Luke's, while Wiccacon Chapel in the lower portion of Hertford county, and Outlaw's Chapel in Bertie, were under the ministration of Rev. John Alexander. This was a memorable year in the history of the Baptists of North Carolina and Virginia. Their churches between James and Neuse Rivers, met at Kehukee, near Norfleet's Ferry on the Roanoke, and formed the Association which took its name from the place of its origin.† The church at Meherrin did not join this organization for several years, by reason of certain disagreements in creed and practice. Its pastor, Rev. Joseph Parker, lived where the village of Murfreesboro has since been built, and atoned by the purity of his life for whatever of theological error he taught and believed.‡ It was also during this year that the famous English divine, George Whitefield came, in his apostolic zeal and eloquence, to thrill the careless multitudes of America into new perceptions of their religious duty. He belonged to the new sect of Methodists before unknown in Carolina, and his visit resulted in great good to the Baptist Churches, as those converted under his preaching generally joined that denomination.§

Governor Tryon was soon disturbed with accounts of riots in the new county of Mecklenburg. John Frohoek was driven from his work of surveying the lauds of George Selwyn. This

*Iredell's Life, page 591.

†Burkitt's History of the Kehukee Association.

‡Dr. Wheeler's History of Meherrin, page 4.

§Swain's War of the Regulation, page 5.

famous English wit had entrusted his American interests to the management of Henry Eustace McCulloh, who was a member of the Governor's Council, and was soon to become agent of the province in London. He had greatly profited by his sharp and unscrupulous practices, and with his father, was a large land holder in Bladen and certain counties of the west. His only real service to North Carolina was the sending over, during the year 1767, as his assistant in the Collector's Office at Edenton, young James IredeU from the town of Leewes in England. McCulloh was selfish and corrupt, but his youthful relative was soon to become a great lawyer, an eminent patriot and an immortal honor to the State of his adoption.*

Rumors of the passage of the Stamp Act became prevalent in America early in the year 1765, although it did not receive the royal assent as a law until March 5th.† No act of legislation ever received such united and violent opposition and denunciation through all America as did this favorite measure of the Bedford Ministry. As the colonists were a component portion of the British Empire and subject to the jurisdiction of Parliament, it was but right that they should, as English subjects, contribute their fair and lawful proportion of the imperial revenues. Under the great charter of Charles II., they could claim the privileges of Great Britain. The most sacred and ancient of those immunities was the right of the people to originate through their own representatives every measure which might operate as a tax upon their estates. This was good law and good reason. But in matters regulating the general commerce and trade, where every portion of the empire was to be equally affected, the colonies, as a general rule, might well have submitted to the authorities at Westminster, as they soon found it necessary, after independence to delegate to a general Congress the same functions. A moderate and equitable stamp act was not only consistent with the chartered rights of the colonies, but was in truth the most feasible and benignant way possible of realizing from America some

*IredeU's Life, page 9.

†Martin, vol. II, page 195.

return of the prodigious outlay of Great Britain to defend them from the French and Indians. Lord Mansfield and all the great lawyers save Lord Camden,* were satisfied of its constitutionality, but they had not taken into consideration the enormous difference in its probable effects upon England and such a people as then constituted the population of the Province of North Carolina. England had a commerce which was the greatest in the world save that of Holland. She was rich in trade and manufactures of all kinds, which go to make capital. The Bank of England and private institutions of similar character supplied an abundant circulating medium.

Very different was the condition of the Province of North Carolina. In 1767 Chief-Justice Hasell, a zealous and enlightened loyalist, wrote Governor Tryon from Salisbury: "In the progress of my circuit I have found the inhabitants of the back country quiet, but not one advocate for the stamp duty, and scarce any specie circulating among them." In a few months thereafter Governor Tryon said in a letter to the Earl of Shelburn: "I shall, my Lord, take the liberty to represent to you two or three cases of inconvenience this country is under, for want of a greater medium of trade. The distresses the public in general and many families in particular experience, proceed in some measure, from the receivers of public taxes being frequently under an obligation to distrain for the taxes to be levied in support of the government. These effects put up to sale, cannot always purchase money, from its scarcity, sufficient to answer the taxes demanded; yet, perhaps by the sale, the owner will be greatly distressed, if not ruined."†

Dr. Hugh Williamson, in his history, says that the amount of North Carolina's indebtedness at that time by reason of outstanding bills of credit, amounted to seventy-five thousand and thirty-two pounds sterling. These were lawful tender at the rate of one hundred and thirty-three and a third to one hun-

*Lord Campbell's *Lives of the Chief-Justices*, vol. II, page 356.

†Swain's Regulation, page 6.

dred, while their real market value in sterling money was two to one. The sinking fund was realized by a poll tax of one shilling and a small duty of four pence on each gallon of imported wines and spirits. The poll tax to meet the public debt was in effect two pounds and ten shillings; that is, twelve and a half dollars to each head of a family. This state of affairs made the burdens of the different sections frightfully unequal, as did also, the quit-rents, which disregarded improvements, locality and value, and exacted seventy-five cents on every hundred acres of land. In Albemarle and along the seacoast were comparative wealth and small divisions of land. Lumber, tobacco, fish and other commodities were exported and realized English gold when demanded; but in the western settlements, difficulties of transportation rendered the wheat crops almost unavailable for any other purpose than feeding the population of that vicinity.

The Stamp Act, in its fifty-five sections, contained a range and variety of exactions which would have been simply ruinous to a people already at their wits ends for devising means to meet their public dues. It taxed newspapers and pamphlets more than such publications at present would cost. Every advertisement in a newspaper paid the government fifty cents; almanacs eight cents and college diplomas ten dollars. A separate duty was laid on every paper used in legal proceedings through the whole course of writ, subpoenas, declaration, plea, rejoinder, affidavit, judgment and execution; likewise on every instrument attesting sales of real or personal property; all evidences of debt or any paper writing of use in commercial transactions.* The original bill was introduced by George Grenville and passed both Houses without debate or observation. The people of England first became aware of the existence of such a law when they heard of the determination of the colonies to disobey it.† Everywhere in America there was a frenzy of opposition. Governor Tryon met the Assembly May 3rd, 1765. They had

*War of the Regulation, page 5.

†Campbell's Chief-Justices, vol. II, page 356.

passed but one bill in relation to the established clergy, and were considering His Excellency's proposition of aid to Dr. Benjamin Franklin, recently made American Postmaster-General, when the news came of the passage of the Stamp Act. The Governor held a conference with John Ashe, then Speaker of the House of Assembly, and inquired of him what would be the action of that body in relation to the new law, which was exciting so much comment. "It will be resisted to blood and death," said Ashe* and at once, without waiting for the storm to gather, Governor Tryon issued his proclamation proroguing the Assembly to meet at New-Bern, November 30th, as he said, but in reality to meet no more until the odious measure had been repealed.† Samuel Adams and James Otis had led the representatives of Massachusetts to call for a general Congress of the provinces to convene and memorialize the King. That North Carolina was no party to the famous "Declaration of Rights and Grievances" uttered by that body, was solely attributable to the fears and tyranny of Governor Tryon.‡ By repeated prorogations North Carolina was deprived of a voice in that momentous period when her freemen were so united, that her ruler, for once in his life, adopted economy in the public administration and for nearly two years conducted affairs without any aid or appropriation from the General Assembly.§

While the Assembly was thus fettered and dumbfounded, the people of the whole province were in a blaze of excitement. There were many meetings to consult for the public good. The men of Albemarle were fitly represented by the courageous resolves of Edenton. In New-Bern, Richard Cogdell, and on the Cape Fear, John Walker and Colonel Hugh Waddell led in expressing through resolutions their abhorrence of and opposition to the late measures of Parliament, and their entire concu-

*Wheeler, vol. I, page 50.

†Jones, page 21; Martin, vol. II, page 195; Public Acts, page 154.

‡Martin, vol. II, page 201.

§Jones' Defence, page 23.

rence in the sentiments recently expressed by the northern provinces.*

Late in the year Colonel Tryon, who had been acting hitherto under his commission as Lieutenant-Governor, received fresh credentials from London constituting him Governor, Captain-General and Commander-in-chief. This added to his powers for preventing an Assembly and he at once, on December 21st, issued his proclamation for a dissolution, and every man of the body which he so much dreaded was thus *functus officio*. This last step was imperative under the terms of his new appointment and the consequent creation of a new administration. General Conway, the younger brother of the Marquis of Hertford, then in the Cabinet, expressed unfeigned sorrow for the attitude of the colonies. They had no truer friend in all England than this gallant man, who, like almost every one else in Parliament, had not dreamed of such consequences as arose like a crop of dragon's teeth upon this ill-starred stamp enactment. William Pitt, with his keen discernment of what was to be popular, went storming into the House of Commons to say that the odious measure "must be absolutely, totally and immediately repealed."†

On September 28th, 1765, the sloop-of-war *Diligence*, freighted with the hateful stamps, arrived at Fort Johnston.‡ John Ashe of New Hanover and Hugh Waddell of Brunswick, who were the Colonels of the militia in their respective counties, had been on the watch for this visitation, at once embodied their commands and marched them to the town of Brunswick, where the *Diligence* lay at anchor. They notified the Captain of their determination to resist any attempt to land the stamps, and he concluded that it was best to forego such endeavor.§

Twelve days before the arrival of the ship *Diligence* the people had forced James Houston, who had been appointed Stamp Agent,

*Jones' Defence, page 24; Martin, vol. II, page 205.

†Martin, vol. II, page 210.

‡Governor Tryon's letter to the Board of Trade.

§Jones' Defence, page 65.

to resign his office and to make oath that he would not execute the duties of his place. This occurred at the court house and was done in the presence of the Mayor, Moses John DeRosset, and other public officers.* Governor Tryon at once sent dispatches to England stating the condition of affairs, and to them this narration is largely indebted for the particulars herein given.

Governor Tryon had heralded by proclamation the coming of the ship *Diligence* with the stamps and had issued orders for all needing them to come forward and provide themselves with the stamps as the law required. Not a man would have the papers in question, and no one was authorized to receive them after the resignation of James Houston, as the office was still vacant and no man bold enough to attempt its functions. In this state of affairs the months of December and January had gone by and the 20th day of February, 1766, had come when, like the awakened energies of some silent volcano, the popular fury found an occasion for demonstrating its depth.

The British ships of war *Viper* and *Diligence*, were still lying at anchor off the village of Brunswick. Upon the arrival of the merchant vessels *Dobbs* and *Patience* from Philadelphia they were found by Colonel William Dry, the Collector of the Port, to have clearance papers with no stamps attached. He took the papers and informed Captain Jacob Lobb of the *Viper*, of the true state of affairs. That officer at once seized both of the offending vessels in spite of their excuses that no stamps could be had in Philadelphia.

The news of this seizure brought together five hundred and eighty men, who put themselves under the command of the veteran Colonel Hugh Waddell. Their first movement was against Colonel Dry, from whom they took the obnoxious clearance papers, lest they should be used in the Admiralty Court as evidence against the offending skippers. They next sought Pennington, the Comptroller of the Port. Governor Tryon's house and

*Governor Tryon to General Conway, February 29th, 1766.

presence did not avail him as a protection, for he was forced to resign his place by the armed men who surrounded the house.

On the 21st, Colonel Waddell and his force left Wilmington for Brunswick. Governor Tryon hastily dispatched the news to Captain Lobb. The naval commander was ordered to secure Fort Johnston against seizure. His only step in that direction was to spike all the guns lest they should be used against his ships. Colonel Waddell found the Governor at Brunswick and learning that Captain Lobb was ashore and with him, he resolved upon his arrest. Cornelius Harnett and George Moore bore a letter from Colonel John Ashe, Thomas Lloyd and Alexander Lillington, which assured Tryon of his personal safety, but demanded the surrender of Captain Lobb. They soon found that the object of their search was beyond their reach and safe aboard the *Viper*, and they vainly sought to entice him ashore.*

In the meanwhile the contractor's boat had been seized in Wilmington and the crews of the *Diligence* and *Viper* were left with but one day's rations of bread. No one was willing or dared to send a pound of the staff of life to the hundreds of men lying so helplessly at their mercy. Governor Tryon and Robert Jones, Solicitor of the Court of Admiralty were thus forced to admit the excuses of the Captains of the *Dobbs* and *Patience* and release the vessels from arrest.*

There was thus no agent left in the colony to execute the Stamp Act. With the release of the *Dobbs* and the *Patience* peace was restored, and Governor Tryon had little disposition to renew the struggle until he could procure instructions from Europe.

In the meanwhile James Hasell had been appointed Chief-Justice of the Province in place of Charles Berry, who had committed suicide, by shooting himself in the head with a pistol.

This melancholy event occurred on December 21st, 1766. He lived eight days after the self-inflicted wound and died amid universal regret. He was a good lawyer and was highly valued for

*Governor Tryon to the Board of Trade, February 26th, 1766.

his many excellences as a man. Much odium has been heaped upon Governor Tryon concerning the manner of Judge Berry's death, but the true facts of the case do not for a moment justify such anathemas. It has been asserted that a duel fought in June, 1765, between Lieutenant Whitehurst and Alexander Simpson, a master of H. B. M. ship *Viper*, was the cause of his taking off, but this could not have been the case. These men fought concerning a woman.* Simpson was wounded and Whitehurst slain. The survivor was arrested and imprisoned, but before trial escaped. This occurred on the night of Governor Dobb's death, before the beginning of the stamp troubles. Simpson soon returned and voluntarily underwent his trial, which resulted in his conviction for manslaughter. Whatever Governor Tryon's sins in other respects he was probably guiltless in the matter of Judge Berry's death, and the coroner's jury were wholly correct and sufficiently explanatory when they found that he had died by his own hand and that the cause of his rash act was lunacy.

These three days of terror and excitement left Governor Tryon with many bitter reflections. He dissembled and exhibited but little of his real thirst for vengeance, but he could not forgive Maurice Moore for the part he had taken in the opposition to the Stamp Act, and he was suspended as Associate Justice of the General Court and Marmaduke Jones put in his place. The Governor also renewed his request for the confirmation in London of his appointment of Robert Howe of Brunswick to the command of Fort Johnston. Captain Dalrymple, late commandant, had died and the bold master of Orton, who was to gain so many military laurels in the future was appointed his successor.

The year was further signalized by the removal of the greater portion of the Tuscaroras from the reservation in Bertie. Deagawekee came from New York, and as head of all the tribe, obtained help for the removal of one hundred and thirty Indians who went with him to Oneida Lake.†

*Governor Tryon to the Board of Trade, June 24th, 1765.

†Governor Tryon to Sir William Johnson, June 15th, 1766.

The high-strung and imperious officer of Her Majesty's Guards, who had been selected by the Bedford Ministry with the manifest purpose of subduing the rebellious spirit of the Carolinians, now occupied a position of sufficient humiliation to have satisfied his worst enemy. He had seen the King's authority set at naught in his very presence and the armed ship, of whose arrival he had notified the province by proclamation, had but served to swell the triumph of John Ashe in sealing up the infant stamp office. But William Tryon was a man of spirit and resources. He had satisfied himself that only by moderation was anything to be effected toward reconciling the North Carolinians to the enforcement of the Navigation Laws and other measures looking to the realizing of revenue for the Crown. Conscious of great power in attracting men to himself personally he now resolved to supplant Colonel Ashe in the affections of the people surrounding Wilmington. Roasted oxen and barrels of beer were provided for the benefit of the men who had been assembled at a general muster. He found himself overmatched in this *role* by his redoubtable adversary, who in the ridiculous rivalry taunted His Excellency with his fears of meeting an Assembly and created such feeling against him, that the rough yeomanry were so impolite that they threw the Governor's steaming and fragrant viands into Cape Fear River and turned out the contents of the beer barrels upon the ground.*

On June 13th, Governor Tryon was officially notified that in the preceding March, Parliament had repealed the Stamp Act, and on June 25th, he issued his proclamation making known the glad tidings to the province, at the same time severely censuring the criminal practice of public officers in exceeding the limits of the law in the amount of their fees. The hypocrisy and demagogism of the Governor's professions in this state paper, had the next day a ridiculous commentary in Mayor

*Jones, page 29; Martin, vol. II, page 212.

Moses John DeRosset's Wilmington address. In the revelations of the hundred years which have elapsed since the utterance of these shameless insincerities, it would seem that Thomas Carlyle was right in his denunciation of the shams of the eighteenth century, and that the men of that day believed with Talleyrand "that language was given to men to conceal their thoughts." Governor Tryon had not the slightest objection to the extortions of the Corbins, Frohocks and Fannings, nor were the corporation officers of Wilmington a whit more sincere in their thanksgivings to the King and Parliament they were so soon to oppose in open rebellion.

Governor Tryon, after so long an interval of legislative inaction, at length concluded he might safely permit the representatives of the people to convene; so he met the Assembly at New-Bern on November 3rd. The Lower House answered his address with polite reproaches for the repeated prorogations by which the voice of the province had been stifled in the late, alarming juncture, when the King's agents in America had been so profuse in reproaches on "rioters and rebels" opposed to the execution of the Stamp Act. They expressed thanks for the repeal of that measure both to the King and Parliament and protested their loyalty and devotion to the Crown. Having mentioned the hardships of the repeated interferences of the Executive in the appointment of North Carolina's agent in London, they declined to raise the salaries of the Judges from the fact that the straitened finances of the colony would not justify such a step.*

John Harvey of Perquimans was chosen Speaker† of the Lower House. He had been for years a leading member and it was probably thought that in view of the violent scenes between the late Speaker and Governor Tryon, it would appear gracious to the King and His Excellency for a change to be made. To show that Colonel John Ashe had not lost his ascendancy and popularity with the Burgesses, they nominated him as the

*Martin, vol. II, page 221.

†Public Acts, page 160.

Southern Treasurer in place of John Starkey, deceased, and persevered in his support against the Governor's opposition until the Council gave up its nomination of Lewis Henry DeRosset, and acceded to the election of this fearless tribune of the people.* Having incorporated the first literary institution known to the province in the New-Bern Academy,† they also extended to the Presbyterian clergy authority to celebrate the rights of matrimony.‡ But the most important enactment of all was that which appropriated twenty-five thousand dollars for the erection in the town of New-Bern of a residence for the Governor.§ Upon the application of the General Assembly in 1762 for the King's consent for the repeal of a former act locating the seat of government at Tower Hill in Dobb's county, the Assembly had promised, in the event of royal compliance with their wishes, that they would make appropriations for the erection of suitable buildings in the town of New-Bern. Governor Tryon exacted the fulfillment of this promise. He was constituted by the Legislature a sole commissioner to direct the expenditure of the amount appropriated. John Hawks, an English architect of taste, who was to leave an eminent posterity in North Carolina, drew the plans of the edifice. Governor Tryon, with utter disregard as to his duty in the use of the funds, exhausted the whole amount in the mere purchase of lots and laying the foundations of what was to prove the most sumptuous palace at that day to be found on the western continent.|| After so gross a breach of

†NOTE.—It was provided in the above mentioned act that no teachers but such as were communicants of the English Church should be employed in the New-Bern Academy. Similar provisions were enacted subsequently as to the schools of Edenton and Wilmington. Jealousy of the Presbyterians prevented any incorporation of Queen's Museum at Charlotte, during the existence of royal authority, and it was only after the Revolution that an act of incorporation was obtained for that institution, which was then known as Liberty Hall.

*Public Acts, page 155; Martin, vol. II, page 224.

‡Public Acts, page 157.

§Public Acts, page 155.

||Martin, vol. II, page 228.

his trust he had the effrontery to apply for further appropriation, and the Assembly of the next year, with marvelous oblivion as to the impoverished state of the province, added fifty thousand dollars for the completion of the work. The Assembly's infatuation did not stop here. They afforded another opportunity to Governor Tryon's extravagance in his appointment as commissioner to run the boundary line between the Cherokee hunting grounds and the settlements. Such was his love of display and childish profusion that to execute this simple trust he marched to perform it in a time of profound peace with a whole company of militia to swell his importance. He thus added to the miseries of a people already wretchedly poor, and to himself the dubious Cherokee title of "Great Wolf of North Carolina."*

In this same Assembly of 1767 the province was divided into five judicial districts and a new court law adopted. Edenton, New-Bern, Wilmington, Halifax and Hillsboro were the points at which the Superior Courts were to be held, Martin Howard was Chief-Justice, and Richard Henderson and Maurice Moore were Associates. Judge Howard had recently been involved in trouble with the people of Rhode Island because of his opinions concerning the Stamp Act. He was a man of real learning in his profession, and of unusual literary culture for that period. It has been the habit in North Carolina to disparage his memory, but apart from his loyalty to the King and to England, the land of his birth, nothing remains to his discredit which might not be imputed to some of his associates on the North Carolina bench, who have been so abundantly eulogized in all our annals.† Judge Howard even in the heat of the Revolution, though sympathizing with the King, received the respectful consideration of such men as Judge Iredell, who had the magnanimity to ignore the small hatreds and defamations so prolific in all times of upheaval and change. Judge Maurice Moore was the son of General Maurice Moore, who came with his brothers

*Maurice Moore's Atticus Letter, page 2.

†Life of Iredell, vol. I, page 363; Bancroft, vol. V, page —.

Roger and George in 1710 to renew the ancient settlement of their grandfather, Sir John Yeamans. He was the most cultivated native North Carolinian of that time. He had been for years leader of the North Carolina Bar. To a nice comprehension of the subtleties of pleading* he added a nervous force to his glowing elocution which could be pathetic or incisive in an equal degree. No North Carolinian had then equalled him as a writer upon political topics. If his Atticus Letter, written in 1771, had appeared in London, Governor Tryon, to whom it was addressed, might easily have supposed that the mysterious author who was then convulsing England over the signature of Junius, had assumed another alias and was, after all, the same merciless and rhetorical assailant, in whose hands his friend, Sir William Draper, had been so terribly excoriated. Judge Moore was a man of warm impulses and of real devotion to the people at large. His sympathies for their distresses classed him as a Regulator. Judge Henderson lived at Williamsboro in Granville county. He had come, in his youth, from Virginia and had won much reputation as a lawyer. His kinsman, John Williams, afterwards a Judge under the State government, resided in the same locality and aided Judge Henderson materially in his earlier efforts at the bar. He did not remain long upon the bench, but engaged in land speculations among the Cherokee Indians.

Notwithstanding the repeal of the Stamp Act the colonies were far from being satisfied with the commercial restraints still fettering their foreign trade. The Navigation Act was originally passed in 1652 under the dictation of stern Oliver St. John, to cripple the Dutch merchant marine. It provided that no country should have the power of exporting into England any commodity not the growth or manufacture of the country to which such ship belonged.† It was re-enacted and became the

*Jones, page 121; Life of Iredell.

†Hume, vol. V, page 228.

celebrated Statute XII, Car. II, c. 18th.* Recent additions had been made to the machinery for enforcing this law. The civil officers on shore were to aid marine detectives in search of ships violating the Navigation Laws.† Under such regulations the ships of the colonies and foreign bottoms were alike excluded from the free carriage of any American export north of Cape Finisterre, in France, except the single article of rice. As early as 1675, American ships visiting the Mediterranean Sea had been refused passes to protect them from the Turks, and no favors were at any time extended to colonial exporters except in case they were freighted with American products to be delivered in England. A similar jealousy and meanness characterized British legislation as to manufacturers. They had destroyed the linen factories of Ireland, and would have kept America without a forge, loom and all other manufactures, had the power of England been at all commensurate with her rapacity. Just as Governor Dobbs was laying down his office, the House of Assembly said to him, in its address, “We observe our commerce circumscribed in its most beneficial branches, diverted from its natural channels, and burthened with new taxes and impositions laid on us without our privity or consent, and against what we esteem our inherent right and exclusive privilege of imposing our own taxes.”‡ On February 19th, 1766, George Moore and Cornelius Harnett handed to Governor Tryon a paper signed by John Ashe, Thomas Lloyd and Alexander Lillington, in which was expressed the determination to exact from the ships of the Royal Navy some relief to the embarrassed trade of Wilmington.§ In judicial blindness and that supreme selfishness which has ever characterized every period of England’s commercial career, she was

*Blackstone, vol. II, page 416.

†Bancroft, vol. V, page 161; Edmund Burke, in Annual Register, vol. VIII, pages 18 and 19.

‡Jones’ Defence, page 19.

§Our Living and Our Dead, October, 1875, page 491.

adding each day fresh and unanswerable arguments for American independence.*

*NOTE.—The Assembly of 1768 incorporated the town of Winton. It was located upon Chowan River and was called in honor of the Wynns family, who were conspicuous for wealth and influence in that region. Benjamin, William, George and Thomas Wynns were the sons of a father, who had greatly profited in the course of a seafaring life. He owned vessels which traded with the West Indies. His brother had left North Carolina and resided on Turk's Island. William and Benjamin Wynns alternately represented Hertford county in the Colonial and Revolutionary Assemblies and William continued until after the war a favorite of the people. George died young and his brother Benjamin did not long survive. General Thomas Wynns, the youngest and ablest of them all, will figure largely in the after pages of this work. Cotton's Ferry, now known as Barfield's, was then on the post route between Suffolk and Wilmington, and the postoffice was at the house of Colonel Matthias Brickell, now known as Oak Villa. Godwin Cotton of Mulberry Grove was then Deputy Surveyor for the county, and he laid off and made a plan of the new town. He was the youngest son of the Arthur Cotton, of whom mention was made in the preceding pages.

CHAPTER VII.

A. D. 1768 TO 1771.

English exactions alienating America—Hillsboro and the county of Orange—Early villainies of Earl Granville's agents—The great riot at Enfield—The "Serious Address" of Nut Bush in Granville county—Tryon's proclamations against extortion by public officers—Origin of the term "Regulators"—Herman Husbands and the meeting at Maddock's Mill—The Regulation pledges—The men of Sandy Creek—Husbands and his political sermons—Peter Craven sent to the Sheriffs for an arrangement—Edmund Fanning produces trouble—Ninian Bell Hamilton marches to the rescue—Tryon interposes through Secretary Edwards—Rednap Howell and James Hunter go to Brunswick as envoys—Tryon's ungracious fulfillment of Edward's promises—He goes to Hillsboro and calls out the militia—Husbands incites the Regulators to fresh demands—Ultimatum sent and the Governor departs for Salisbury—Western militia marched to Hillsboro Court—The disgraceful result of the different trials—Butler fined five hundred dollars and six months imprisonment—Fanning fined a sixpence and costs. Assembly meets at New-Bern—Addresses from Massachusetts—Spread of the Regulation—Parliament and the King interdict further issues of provincial bills—Virginia resolutions—Address to the King—Governor Tryon rebukes the Assembly and they apologize—Salisbury Court and Judge Moore's dispatches—Hillsboro riot—Fanning is provided for as a member of the new Borough—Reception in the new palace—Tryon informs the Assembly of his approaching departure—Husbands' libel on Judge Moore—Consequences—The Sedition Act—New counties—The Governor raises an army and marches for Orange—General Waddell forced to retire to Salisbury—Battle of Alamance and its consequences—Tryon and Husbands both leave North Carolina—The Atticus Letter of Maurice Moore.

An elegant and philosophic writer has remarked of cotemporaneous events in the sister province of Virginia, that the Revolution there originated among the highest, and gradually extended its influences to the lower grades of society.* In North Carolina the movement towards independence was universal among all classes of the people, excepting of course, the African slaves,

*Wirt's Life of Patrick Henry.

who knew little and cared less for all the topics of political interest.* The King and Parliament were confounding the loyalty even of such men as Hugh Waddell, while the pilfering agents of the province and many of the counties were so disgusting the plain men of toil that in desire for change, conspirators were heard publicly drinking "damnation to King George and success to the Pretender."† In the rude and scattered farm houses throughout the western counties, brave men and women were subduing a wilderness and pondering deeply on the subject of their rights and grievances. Daniel Boone, in his Watanga solitudes, grew sick of the Frohocks and their exactions, and sought amid the wilds of Kentucky, release from public confusions more dreadful to him than tomahawk or scalping knife. Such women as the heroic mother of Andrew Jackson, were teaching their sons that resistance to tyranny was their duty to God; while from the Baptist settlements went out their ancient tenet, that the Church of Christ is not of this world and had no affinity with mere human government.‡

The village of Hillsboro, in Orange county, had become a central point of interest to the entire province. It had been established under an act of the Legislature in 1759, on the lands of William Churton, who, in 1746 was one of the surveyors of the Virginia boundary line.§ It had been originally called "Childsboro" in honor of Thomas Childs, the Attorney-General. Upon his disgrace for extortion, it was changed to Hillsboro in compliment to Lord Hillsboro, then English Secretary of State for American affairs.|| During the session of Orange Inferior Court, in the month of August, 1766, occurred the first of the many incidents which for five years attracted so much attention in North Carolina and abroad.** For years past, the authorities and people of the province had been discussing the intents of

*Jones' Defence, page 24.

†Wheeler, vol. II, page 14.

‡Bancroft, vol. II, page 63; Tracts on Liberty of Conscience, 1614.

||Foote's Sketches, page 49.

§Public Acts, page 131.

**Martin, vol. II, page 217.

vague popular movements, the actors in which were designated by themselves and others as the "Mob." As early as 1752 Thomas Childs and Francis Corbin, agents for the Earl of Granville, began their oppressions by declaring patents void, which had been regularly issued by their predecessors in office; simply because the prefix, "Right Honorable Earl," had not accompanied the signature "Granville, by his Attorneys." They also increased the amount of the fees, and then a new one, not before demanded, and then the capital iniquity of repeated grants of the same lands to different persons; and in various ways they rendered titles insecure in those portions of the province assigned Lord Granville in 1744 by George II., in his Great Deed of Grant.*

The earliest serious disturbance of the public peace growing out of these causes was the seizure and abduction of Corbin in 1759 and the Enfield riot, which terminated that opening scene in the first act of the tragedy. There had been an election riot in Hillsboro in 1760, but Herman Husbands was right in his assertion that the real origin of the Regulation was not in Orange.† Governor Dobbs had not followed up the attack upon Corbin, from the fact that Alexander McCulloh, a member of his Council and a personal friend, was engaged in it. The Hillsboro riot, though originating in the same way, was probably unpremeditated, and its only effect was to deprive Orange county temporarily of representation in the House of Assembly.‡ "Halifax and Granville," said Husbands, "were deeply engaged in the same quarrel years before Orange."§ On June 6th, 1765, a pamphlet, known as the "Serious Address," was circulated at Nut Bush, in the county of Granville, and excited so much comment that Governor Dobbs, as the last act of his administration, issued a proclamation severely animadverting upon the exactions

*Foote's Sketches, page 49.

†Wheeler, vol. II, page 301; The Regulation, page 1.

‡Foote's Sketches, page 50.

§Regulation, page 1.

of clerks, registers and attorneys, and forbidding such practices as were charged upon them. Governor Tryon, the next year repeated this farce of "giving promise to the ear and breaking it to the hope." Nothing could be more empty and unmeaning than the utter hypocrisy of his whole course toward the Regulators. He told such men as Edmund Fanning and John Frohock, to beware of his resentment in the matter of their extortions, and then, in August, 1768, when they had persisted in violation of his orders and it was necessary, in the Governor's opinion, to raise an army for restoration of the peace, Edmund Fanning was made a Colonel, and Frohock a Lieutenant-Colonel in the forces levied against their victims.*

The term "Regulator" originated in 1767† at Sandy Creek in Orange county, now Randolph. During the previous year, in the midst of the session of an Inferior Court at Hillsboro, a number of men entered the court room and presented the Clerk a written complaint by Herman Husbands, which he read at their request. It was a somewhat incoherent protest against bad rulers in general and an exposition of what the honest men of Orange desired. It suggested a meeting at Maddock's mill on the 20th of the ensuing October.‡ There had been another meeting on Deep River, August 20th, 1766, at which William Moffat and another were appointed delegates to attend the general meeting at the mill. Nothing grew out of the proposed conference by reason of the refusal to be present of Edmund Fanning and Thomas Lloyd, two of the representatives of Orange in the General Assembly. In the meanwhile the news arrived of the great sum voted by the Assembly for the Governor's palace,‡ and then it was at Sandy Creek that the complete organization of the Regulators was formed by written agreement, dated March 22nd, 1767. It was as follows :

We, the subscribers, do voluntarily agree to form ourselves into an association to assemble ourselves for conference for regulating public grievances and abuses

*Martin, vol. II, page 215.

†Foote's Sketches, page 52.

‡Husbands' Regulation, page 3.

of power, in the following particulars, with others of the like nature that may occur:

I. That we will pay no more taxes until we are satisfied they are agreeable to law, and applied to the purpose therein mentioned, unless we cannot help it or are forced.

II. That we will pay no officer any more fees than the law allows, unless we are obliged to it and then to show our dislike and bear an open testimony against it.

III. That we will attend our meetings of conference as often as we conveniently can, and is necessary, in order to consult our representatives of the amendment of such laws as may be found grievous or unnecessary, and to choose more suitable men than we have done heretofore for Burgesses and Vestry-men; and to petition the House of Assembly, Governor, Council, King and Parliament, &c., for redress in such grievances as in the course of the undertaking may occur; and to inform one another, learn, know, and enjoy all the privileges and liberties that are allowed and were settled upon us by our worthy ancestors, the founders of our present constitution, in order to preserve it on its ancient foundation, that it may stand firm and unshaken.

IV. That we will contribute to collections for defraying necessary expenses attending the work, according to our abilities.

V. That in case of difference in judgment, we will submit to the judgment of the majority of our body. To all of which we solemnly swear, or being a Quaker, or otherwise scrupulous in conscience of the common oath, do solemnly affirm, that we will stand true and faithful to this cause, till we bring things to a true regulation, according to the true intent and meaning hereof in the judgment of the majority of us."*

These resolutions of the men of Sandy Creek do honor, even at this day, to the patriotism and rectitude of their intentions. They were mostly unlettered and of humble positions in society and grievously straitened in their efforts to discharge their public dues. A majority of them were Baptists, but good Shubal Stearns, who ministered to them in spiritual things, rigidly adhered to the teachings of his church as to its total severance from affairs of State. Richard Baxter, John Bunyan and Roger Williams† had been eloquent and unceasing in their claims for religious liberty, while even John Locke, philosopher as he was, could see no further than the meagre limits of

*Regulation, page 6; Wheeler, vol II, page 396.

†Baneroff, vol. II, page 375; Bloody Tenant.

religious toleration.* It can then be understood how the good pastor of Sandy Creek left Herman Husbands, the ambitious Quaker, undisturbed in his subtle schemes for selfish advancement. Husbands talked and wrote politics all the week and on the Sabbath rested not from such labors, but harangued in this wise :

"A strong ass in the original word denotes strength, but implies leanness. And truly all those who submit to slavery are poor. We have not a word of his motion;—he was strong but not active to assert his rights and privileges. Rest was pleasant to him; and thus it happens now, we sit still at ease, trusting to the good land, and concluding, every one, I can live out my time in peace and quiet; forgetting our posterity, and mourning not for the afflictions of Joseph."

"I shall consider now some grievous oppressions that we labor under. First: The public taxes are an unequal burden on the poor of this province, by reason the poorest man is taxed as high as the richest. Allowing the taxes to be all necessary, yet there ought to be some regard had to the strength of the heart; for all asses are not equally strong. We ought to be taxed according to the profits of each man's estate. And as we have no trade to circulate money, this tax ought to be paid in country produce. There would be men enough to be found to fill all posts of office for a salary paid in produce, as any man can afford to officiate in an office for country produce as well as to farm or follow any other calling, the chief of which being in nothing else."

"This is a grievous burden on the poor, as matters have been carried on, for money is not to be had: and when a poor man's goods are distrained, the practice has been to take double, treble, yea, ten times the value has sometimes been taken away, and if they resist, they are belabored like asses. Merciful Lord, would any people rise in mobs to disturb a peaceful nation if they could help it? Who is more ready than the poor to venture their lives in time of war for the safety of the nation? Nay, it is pinching hunger and cold brought on them by abuse of officers that are the cause."†

Thus with specious paradox and dangerous truism did this apostle of sedition instruct the minds and inflame the resentments of his confiding neighbors. They did not consider, with Dr. Johnson, how often "patriotism is the last resort of a scoundrel." That which to him would have seemed "clotted nonsense," was to them the wisdom as of one inspired from on high.

*Locke's Essay on Toleration; Necessity for Separation, by John Canne.

†Husbands' Sermons on Asses.

Junius, that yet mysterious phantom, was soon to declare that the mistakes of the gentler sex sought refuge in religion, but those of their brothers were as often cloaked in the garb of patriotism. Herman Husbands realized, with good Bishop Hooker, that "whoso goeth about to persuade the people that they are not as well governed as they might be, will surely find attentive listeners." He was by no means lacking in intelligence and knew that twice before in the history of North Carolina, successful resistance had been offered to the constituted authorities of the province. In 1677, another northern man, in the person of Culpepper, had driven Miller from control; as was again the case with Carey and Glover in 1709. But it is not probable that Husbands intended the expulsion of Tryon, feasible as that might appear in the light of recent events at Wilmington. He no more contemplated such a step at the period now reached than he did the overthrow of General Washington in 1794, when, with Albert Gallatin, Breckenridge and others, he engaged in the Pennsylvania Whiskey Rebellion.* He was by the necessity of his nature, a demagogue and agitator. He loved the incense of popular applause and fed his vanity at ceaseless meetings of the people, who assembled to hear his harangues. Though nominally a man of peace, he was quick at resentment and pertinacious in revenge, as will appear in events about to be related.†

Until April 4th, 1767, when the name of Regulators was assumed there had been nothing in the conduct of the Orange malcontents to justify legal repression or historical condemnation. But this state of affairs was not to continue. The Sandy Creek meeting sent Peter Craven and another man to see the Orange Sheriffs and Vestry-men and arrange with them a conference with twelve of the Regulators on Tuesday after the next Inferior Court. Before their mission had been executed

†NOTE.—It is but just to the Quakers to state that Herman Husbands had been excommunicated from this society for his gross immoralities.

*Wheeler, vol. II, page 349.

the Sheriff's deputies, in their usual contempt of propriety as a pure matter of aggravation, levied upon the horse and accoutrements of one of the Regulators' envoys. The expected melee followed. A company of seventy Regulators at once followed the Deputy Sheriff to Hillsboro and rescued the horse from his possession. They were not content with this, but, probably with justice, regarding Edmund Fanning as the author of this fresh outrage, they testified their anger by firing a few shots into the roof of his house. Fanning had been made by Governor Tryon, Colonel of the militia. He was also Register of Deeds and an attorney in the courts. To the extent of his ability, he was the most culpable man of all the province in producing the state of affairs so soon to end in bloodshed. He was a graduate of Yale College,* and was wanting in no element of mischief except manly courage. He could plunder and madden a people, but shrank like a hound from the perils of their resentment.†

Fanning was growing rich on the proceeds of his villainies. He apprehended a destruction of his iniquitous resources if the Sandy Creek people should carry out their proposed reforms. He knew that they regarded him as the chief of extortioners, and therefore it was that he now became active in stimulating the Regulators to acts of violence, and by slander to excite the cruel heart of Governor Tryon against them. With the late rescue of the horse from the Sheriff as an excuse for so doing, he called out seven companies of militia. One hundred and twenty men came with arms to obey his orders, but finding out they were to be used against the Sandy Creek leaders, all stood neutral or declared openly for the Regulators except about thirty.‡

The Episcopal minister of the Hillsboro parish, Rev. Mr. Micklejohn, in a spirit worthy of his vocation, undertook and performed the service in which Peter Craven and his companion had been interrupted, and procured from the Sheriffs and

*Wheeler, vol. II, page 235.

†Jones' Defence, page 54.

‡Bancroft, vol. VI, page 186.

Vestry-men, a promise to meet the twelve deputies of the Regulators in a conference to be held May 20th.

Peace seemed to have been restored, but Edmund Fanning and his tool, Tyree Harris, High Sheriff of Orange, concerted another aggravation against the lately excited men who had then gone quietly to their homes. This fresh wickedness against the public peace was concocted on the Sabbath, with the probable aid of Isaac Edwards, Tryon's Secretary, who had arrived the day before with a new proclamation from the Governor. Harris soon gathered thirty men, and having consumed the whole of Sunday night in traversing the forty miles to Sandy Creek, arrested Herman Husbands and William Hunter, with whom he hurried back to Hillsboro, where he lodged his prisoners in jail,* from which they were almost immediately released on bail. The Regulators, after so recently effecting as they thought a means of compromise, were maddened by this insulting injury to the persons of their leaders. On May 3d, seven hundred of them, under the leadership of an old Scotchman, were marched to the rescue of their friends; not knowing of their release. When they reached the little river Eno, near Hillsboro, across the stream stood the trembling Fanning, who now sought to allay the storm which he had raised. As olive branches were not abundant in that vicinity, as the next best token of peace, he stood lustily brandishing a bottle of whiskey, which, considering the nationality of the insurgent leader, was no mean substitute. Fanning requested a horse to carry him over, but old Ninian Bell Hamilton answered, "ye're nane too gude to wade." So the dripping and discomfited culprit waded over to find his usquebaugh despised and his statements discredited. At this juncture, Isaac Edwards rode up and read the Governor's proclamation for their dispersion and gave them as a message from His Excellency, if they would petition him, he would redress all their wrongs, in case they peacefully awaited his help.

*Martin, vol. II, page 234.

The long-suffering men of Orange cried out "Agreed! that is all we want," and at once dispersed.*

In consequence of Tryon's message by Edwards, the Regulators met May 21st and appointed a committee to wait on the Governor and lay their grievances before him. On the same occasion they prepared an address protesting their loyalty to the King, their attachment to the province and a prayer imploring forgiveness of Governor Tryon for any error of theirs which might be construed to the dishonor of the Crown or in derogation of the public peace.†

If in the good providence of God, William Tryon and Hermon Husbands could have antedated their several departures from North Carolina by the space of three years, or by any other means had been removed from the theatre of mischief, there would have been an end of all the confusion so long seen in Orange. The Governor had volunteered his services as the redresser of the people's wrongs, and it will shortly appear how utterly vain and hypocritical were all of his professions to these unhappy lieges he was sworn in his oath of office to protect.

Late in June, Rednap Howell and James Hunter waited upon His Excellency at Brunswick, with the address and proceedings of the late meeting and of all preceding ones. The papers were laid before the Council and in pursuance of the advice of that body Tryon addressed a letter, dated June 21st, to the men he had so lately invited to seek his aid.‡ This communication began with stinging censures of what he called conduct little short of high treason. The peculating villain, Edmund Fanning, was eulogized as a public benefactor and the Governor's promised protection through Isaac Edwards, utterly disavowed. They were ordered to give up their rights as Englishmen in the matter of meeting together for advice and petition, and to forego their organization as Regulators. A promise was made that the Attorney-General

*Wheeler, vol. II, page 311; Regulation, page 8.

†Martin, vol. II, page 235.

‡Wheeler, vol. II, page 310; Regulation, page 10.

should prosecute those who had been guilty of extortion and other illegal practices in office. And then with some information as to taxes, curiously suggestive of the ignorance of the times, he concluded with the statement that he would, the next month, visit Hillsboro, and that they must work hard and behave themselves in the meanwhile.

This was indeed feeding a hungry people, clamorous for bread, with the hardest of stones. Maurice Moore and others in the province were disgusted with Tryon's interference.* There had been no serious breach of the peace. Husbands and Hunter, the ringleaders of Regulators, were under bond for their appearance at the Fall Term of Orange Superior Court, and there was every prospect that the tribunals to which the law had committed cognizance of such offenses would be able and willing to vindicate the fair fame of the province. Tryon had already given umbrage in his laudations of Colonel Fanning, and early in July, upon his arrival in Hillsboro, sent Tyree Harriss, the Sheriff, to a meeting of the Regulators to collect the taxes. A considerable portion of these taxes were for the finishing of the palace at New-Bern, which had given so much offense already. Harriss got not a dollar on his trip, and only received orders to retire and threats of his life, in case he tried to distrain. Such was the tale he told,† though the Regulators protested that they made no threats but offered to lay the case before the Assembly.

On the night of July 11th, in consequence of certain rumors, Governor Tryon called together some of the nearest militia, who were soon dismissed, as it turned out that the Regulators had no intention of attacking Hillsboro, but had embodied in consequence of certain false reports, put in circulation to the effect that Tryon had sent for the Cherokee Indians to assail them.‡ Husbands availed himself of this meeting to add fresh material to his stock in trade in the matter of grounds of com-

*Atticus Letter, page 3; Martin, vol. II, page 237.

†Martin, vol. II, page 239.

‡Wheeler, vol. II, page 312; Regulation, page 12.

plaint and things needing regulation. He was so fearful that his followers would obey the Governor's proclamation and disband, that he at once formulated the following grievances unmentioned before: 'The first was that only a portion of His Majesty's Council were with Governor Tryon in the resolution reached at Brunswick. They therefore demanded that their claims should be passed upon by a full meeting of that body. The other was, that while the outstanding indebtedness of the province amounted to three hundred thousand dollars, enough had already been paid in to have extinguished the whole amount and left one hundred and fifty thousand dollars surplus. It was resolved that "either the Assembly had been deficient in burning it, or the Treasurer in accounting; or else our Sheriffs in paying the Treasurer: otherwise some counties must be vastly in arrears."* In other words Rev. Herman Husbands realized that a crisis had arrived and that the league, of which he was chief, was in danger of being disbanded for want of something about which they might disagree with the officers. The crimes imputed to Fanning, Harriss and others, were also to be laid at the doors of the Assembly and Treasurers. Such wickedness and folly would go far to convince dispassionate men that their complaints were false or imaginary, if resting upon no better authority than their statements. But we have luckily other sources of information, which make it appear beyond doubt that this unhappy people were plundered as they said, although they were weak enough to follow the Quaker demagogue into this new and fallacious ground of dispute. Governor Tryon would find no means of repressing the evils of which they complained, but his successor in office, Governor Josiah Martin, wrote a year after the battle of Alamance to Lord Dartmouth in these words: "I can assure your Lordship, that notwithstanding evidences of the most licentious, gross and criminal violence on the part of this wretched people, yet a residence among them last summer

*Husbands Regulation, page 11.

afforded me a full conviction of their having been grievously oppressed by the Sheriffs, Clerks, and other subordinate officers of government.”*

Governor Tryon before dismissing the Orange militia, caused an oath to be administered to them by which they bound themselves “with hearts and hands, life and goods, to maintain and defend the King’s government in the province against all persons whatever, who should attempt to obstruct or prevent the due administration of the laws, or the public peace or tranquility.”

Governor Tryon having assembled the Provincial Council, laid before them the fresh complaint of the Regulators. They agreed with him in refusing any revision of the course they had adopted at Brunswick, and the Governor, in his letter communicating this determination, expressed his regret and displeasure at the manner in which they had disregarded his recent advice. He pretended satisfaction at their resolution of petitioning the Assembly, and with his usual gratuitous offers of aid, promised them help in that matter which he was far from intending. In conclusion he required that twelve of their wealthiest leaders should wait on him at Salisbury on August 25th, and there enter into bond in the sum of five thousand dollars that no rescue should be attempted at Hillsboro Superior Court, in the cases of Herman Husbands and William Butler. They answered him through James Hunter, Peter Julian and Thomas Welborn, that they regretted his displeasure, yet they were unwilling to incur the risk of so great a bond in the precarious state of the public peace.† Tryon left Hillsboro August 17th, and the next day reached Salisbury.‡ The day after, he passed on to Major Martin Phiifer’s. Three days later he was at Captain Thomas Polk’s. On the 25th, Colonel §Adlai Osborne, commanding the

‡NOTE.—Governor Tryon, in his journal, gives this name as Alexander Osborne, which I take to be a mistake for Adlai Osborne.

*Wheeler, vol. II, page 18. †Martin, vol. II, page 242; Regulation, 15.

‡Wheeler, vol. II, page 11.

militia of the county, waited upon him in Salisbury and received his orders for conducting a review. The next day eleven companies were upon the field.* He had reviewed the Mecklenburg regiment, numbering nine hundred men, two days before. There must have been unusual magnetism in Governor Tryon's presence, for he claims in his journal, that not only Colonel Osborne, but Revs. Hugh McAden, Henry Patillo, James Creswell and David Caldwell had come at that time to his support. He called upon Colonel Osborne's regiment to accompany him to Hillsboro, and all the companies but that of Captain Knox, consented to go. All these preparations and levies of troops were for the avowed purpose of protecting the Judges of the Superior Court, yet, Maurice Moore, one of these, soon asked of him this pertinent question: "Did the Judges or the Attorney-General address your Excellency for protection? So far from it, Sir, if these gentlemen are to be believed, they never entertained the least suspicion of any insult, unless it was that which they afterwards experienced from the undue influence you offered to extend to them, and the military display of drums, colors, and guards, with which they were surrounded and disturbed."† In a province whose only turbulence grew out of the fact of its poverty, this vain and truculent ruler then raised an army of eleven hundred men, officered in the following ridiculous style:‡ Major-Generals, John Ashe and Thomas Lloyd; Lieutenant-Generals, John Rutherford, Lewis Henry DeRosset, John Sampson, Robert Palmer, Benjamin Heron and Samuel Strudwick; Brigadiers or Majors of Brigade, Abner Nash and Robert Howe; Colonels, Adlai Osborne, Edmund Fanning, Robert Harris, James Sampson, Samuel Spencer, James Moore and his brother, Judge Maurice Moore; Lieutenant-Colonels, John Frohoek, Moses Alexander, Alexander Lillington, John Gray, Samuel Benton and Robert Shaw;

*Tryon's Journal, 1768.

†Atticus Letter, 1771.

‡Wheeler, vol. II, page 11.

Majors, William Bullock, Walter Lindsay, Thomas Lloyd, Martin Phifer and John Hinton.*

Thus, once again, the Lieutenant-Colonel of Her Majesty's Guards had found excuse for a military display. Putting himself at the head of his force, he marched for Hillsboro, where he arrived September 21st. The next day His Majesty's Justices, Martin Howard, Maurice Moore and Richard Henderson, attended by three Sheriffs with drawn swords, marched with a pomp which must have excited Governor Tryon's envy, into the court house. The Regulators had been apprised of all that had been done in Mecklenburg and Rowan, and were fully prepared for the approach of Governor Tryon and his troops. These latter were placed around the court house, and half a mile away on the hills could be seen thirty-seven hundred men of the Regulators, who asked leave of the Governor to come in, but being told they must disarm before enjoying that privilege, remained where they were, with the exception of thirty, who surrendered their fire arms and quietly took their places among the spectators in the court room.†

After so long a time, Herman Husbands, the real author of a great portion of the troubles, was on trial for participation in a riot. He had been arrested May 2nd, and notwithstanding all his speeches and sermons urging the duty of the people to resist their oppressions, we have his own confession of what a craven-hearted wretch the noisy demagogue really was. He wrote :

"It came into my mind if I made Colonel Fanning some promises, he would let me go. So on my own motion he was sent for, who signified to me he had been asleep, and was called and told I wanted to see him, and he had come to see what I wanted with him. Says I, if I may go home, I will promise not to concern myself any more whether you take large fees or not. It took with him, and after humming a little, he repeated over what I must promise, which, near as I can remember, was to this effect: You promise never to give your opinion of the laws, nor frequent assembling yourself among people, nor

*Tryon's Journal, 1768.

†Wheeler, vol. II, page 310; Regulation, page 17.

show any jealousy of the officers taking extraordinary fees; and if you hear any others speaking disrespectfully or hinting any jealousies of that nature of officers, that you reprove and caution them, and that you will tell the people you are satisfied all the taxes are agreeable to law, and do everything in your power to moderate and pacify them. All of which I promised, with a particular exception, that when any election was on hand, I reserved liberty to assemble myself among the people, and to have liberty to converse, and to this he said, to be sure.*

Nearly four thousand men had assembled to watch the fortunes of a wretch, who could thus so easily agree to abandon their cause when danger seemed threatening himself. He was acquitted of the charge laid against him in the bill found by the grand jury, but William Butler and two others, far more innocent than Husbands, were convicted and committed to prison for six months, with the added punishment of heavy fines.†

Colonel Edmund Fanning likewise, was indicted at the same time in five different cases for extortion in office. He pleaded "not guilty," but was convicted in all and sentenced by the court to pay a fine of one penny in each case.‡ These five entries in the handwriting of James Watson, Clerk of the Superior Court of Orange county, may be yet inspected, and are the dumb, yet eloquent witnesses of the eternal shame resting upon the memory of that court. It is hard to believe that Maurice Moore could have been consenting to such a mockery of justice. He had been loud in his denunciations of such crimes as those whereof Fanning now stood convicted, and had gone to such lengths that the partisans of Tryon were open in their charges of complicity on his part with the worst schemes of the Regulators.§ His subsequent course in the General Assembly, where he was so powerful in shielding the defeated insurgents, showed that he had not lost his sympathies for the outraged people.|| Again, when Judge Howard was driven from the court house in Hillsboro in 1770, Judge Moore was

*Regulation, page 17.

‡Wheeler, vol. II, page 322.

||Jones' Defence, page 73.

†Martin, vol. II, page 243.

‡Wheeler, vol. II, page 316.

treated with consideration.* The subsequent violence of the Regulators to both of his colleagues is proof positive that on the names of Martin Howard, Chief-Justice, and Richard Henderson, his associate, should lie the odium of an infamous defeat of justice. They allowed Governor Tryon, with his loose morals and bad passions, to sully the reputation of a court which might have been illustrious for rectitude as it was for the real learning of the Judges. Howard has paid a fearful penalty in the obloquy historians have cast upon his name, but Richard Henderson, in the virtues of his nobler sons, has been so mantled by charitable speeches, that his name has gone unwhipped of justice.† It will be observed however, that he filled no more office of trust in North Carolina, but hid in his western Cherokee speculations from a public gaze which was probably uncomfortable to him in the scene of his late judicial error.‡ The Regulators who were in prison for riot did not remain long. Two of them broke down the door and walked out, but the third refused to leave the prison until Governor Tryon had extended pardon to all three.§ His Excellency, on the rise of

†NOTE.—That the above criticisms on Judge Henderson are supported by the facts of the case is painfully evident in the letter of Governor Tryon to the Earl of Hillsboro, dated March 11th, 1771. His conduct toward the Regulators is there fully endorsed by the violent and truculent accomplice of Edmund Fanning, and two most pregnant facts stated as to the opinion of the House of Assembly and the people at large touching the Judge's course. The House, by resolution, gave him a terrible rebuke, and the Regulators of the upper country burned his house, stables and four of his horses.

‡NOTE.—Governor Tryon in his dispatches to the Earl of Hillsborough wrote that Colonel Edmund Fanning, though technically guilty of exceeding the amount of the fees allowed by law, was yet innocent because he did so ignorantly; not understanding the terms of the statute regulating such things. This was remarkable when it is remembered that this same Fanning had served as a Judge, and like Marmaduke Jones had recently declined the very position held by Judge Henderson. The only thing he ever did that was graceful or proper as a public officer while in North Carolina was then seen in his resignation of his place as Registrar of Orange county.

*Jones' Defence, page 72.

†Wheeler, vol. 1, page 103.

the court, issued another of his frequent and unmeaning proclamations, pardoning all persons concerned in the late disturbances except James Hunter, Ninian Hamilton, Peter Craven, Isaac Jackson, Herman Husbards, Matthew Hamilton, William Payne, Ninian Bell Hamilton, Malachi Fyke, William Moffat, Christopher Nation, Solomon Goff and John O'Neal.

Governor Tryon left Hillsboro and met the Assembly at New-Bern, November 3rd.* The Speaker of the House of Assembly, Colonel John Harvey, called the attention of the Burgesses to the address of the House of Representatives of Massachusetts, agreed to on the 11th of the preceding February, and sent out to the popular Representatives in the Legislatures of the several provinces. It requested concert of action in the matter of the proposed English taxation of America, and solicited an expression of the views and intents of the North Carolinians in the matter. This communication was taken under advisement, but no immediate reply given to the wise and considerate men of New England.† The Governor's Cherokee expedition necessitated a new issue of a hundred thousand dollars in public notes, to meet which an addition of two shillings was added to the poll tax.‡ A new Court District was established at Salisbury, and the new county of Tryon carved out of the territory of Mecklenburg. On May 6th, 1769, the General Assembly, which had met three times, was dissolved by proclamation.§

As the year 1769 progressed, it became more and more evident that the late display of military force had only aggravated the evils which Governor Tryon supposed could be dragooned at his pleasure. John Lea, the Sheriff of Orange, in attempting to serve a peace warrant on John Pugh and three other Regulators, was attacked and most cruelly beaten. New leagues of the order had already been established in Rowan and Anson.|| But the Governor, having been so ordered by the English Min-

*Public Acts, page 167.

†Martin, vol. II, page 224.

‡Public Acts, page 169.

‡Martin, vol. II, page 250.

||Martin, vol. II, page 235.

istry, on September 9th issued another proclamation conveying free pardon to all concerned heretofore convicted or not, of crimes of any kind connected with the Regulation.

The new Assembly met at New-Bern, October 23rd. It had been freshly chosen by the people.* Governor Tryon was very gracious in his address to the two Houses. He informed them that the Crown had been pleased to remit to America the management of Indian affairs, and in relation to their recent solicitations for emission of further currency, that the King could not dispense with the act of Parliament controlling the issue of legal tenders in the colony, and that no petitions on that subject could hope to meet with success. He concluded by saying that he was authorized to assure them that it was not the intention of the King's ministers to lay any further tax on America for purposes of revenue, but that those in existence would soon be decreased.† After other deceptive statements as to the King's intentions, he added a request for a further supply of powder and lead.

The Burgesses answered the Governor that they were pleased to hear of the King's intentions, but would be more so when they had seen the promises ripen into deeds. They considered the fresh supplies of warlike stores wholly unnecessary and concluded by agreeing with him that the province's finances needed revision and an intelligent statement as to their real condition.‡ These proceedings of the North Carolina Assembly were, on the 9th of the ensuing May, the subject of debate in the British House of Commons, when a member, named Drake, introduced a motion that the address of the House of Assembly "was derogatory to His Majesty's honor and the freedom of parliamentary deliberation; which motion, upon division, was negatived.§ On November 2nd, Mr. Speaker Harvey laid before the House a communication from the Virginia House of Burgesses similar in purport to that recently received from Massachusetts, but stating they had prepared an address to the King

*Public Acts, page 171.

†Martin, vol. II, page 253.

‡Martin, vol. II, page 252.

§Martin, vol. II, page 253.

and Parliament, and requested the co-operation of North Carolina. It was resolved by the House of Assembly that the sole right of imposing taxes then, and ever had existed in the Burgesses of North Carolina, "lawfully convened with the consent of the Council, the King or his Governor. That it was the undoubted privilege of the inhabitants of the province to petition the King for redress of grievances, and it was lawful and expedient to procure the concurrence of the other colonies, in dutiful addresses, praying the royal inquisition in favor of the violated rights of America."*

An address was prepared for the King expressing the loyalty of North Carolina to the throne, and regret that this disposition had been traduced. They expressed their horror of the new habit of seizing and carrying beyond the seas, American citizens charged with violating the Navigation Acts, who were thus deprived of the ancient right of trial by jury of the vicinage. This address and the resolutions passed without a dissenting vote, and Henry Eustace McCulloh was re-appointed English agent, and instructed to have them presented to the King and thereafter published in the London papers. A singular episode then occurred in that era of startling vicissitudes. The Burgesses had just finished their wise and patriotic resolutions when Isaac Edwards, the Governor's Secretary, made his appearance in the House with a message from His Excellency, which informed them in indignant terms, that "such resolves after his recent assurances had sapped the foundation of confidence and gratitude, blighted his hopes of further service to the province, and made it his indispensable duty to at once conclude their session."† It was the most amazing fact in the history of Governor Tryon's administration, that then and there, John Harvey, Richard Caswell, John Ashe, and many other brave and reverend men, stooped to the degradation of returning an apology for what they had done, to the pompous and paltry incarnation

*Martin, vol. II, page 268.

†Martin, vol. II, page 261.

of the very evils that they had so eloquently and manfully portrayed. No fact is more discreditably in our history than the ascendancy which Tryon then demonstrated over men, who should have been wise enough to have scorned him as he deserved. They had not forgotten how he had bridled North Carolina and prevented an Assembly through all the stamp trouble. They knew too his bad faith in the disposition of their funds in running the Cherokee boundary and building his palace. It is impossible to believe that they condoned all his falsehood, effrontery and treachery at Hillsboro. Yet, to such a man they could stoop to justify their official conduct, and begged him not to attribute their recent resolutions to a loss of confidence and grateful remembrance of his services, and took that opportunity to declare to the world the benefits of his administration, which they were assured would obtain for him the blessings of posterity.* As a commentary upon such folly, there needs but be read the story of the conduct of these same North Carolinians towards Josiah Martin, who to William Tryon was as light is to darkness in the sum of their several iniquities.†

†NOTE.—With the advent of the new year, 1770, the prospect grew more ominous of trouble between the Governor and the people of the western counties. Trade was increasing and the opening of the new inlet into Cape Fear River which had been effected by a storm a few years before, did not seem to have injured the older entrance at the mouth of the stream. Captain Robinson, with H. B. M. ship *Fowey*, drawing fourteen feet of water, was reported as entering on half tide and the inlet was considered better than that at Charleston. Iron forges were erected on the Trent River in Craven, one in Rowan and still another on Deep River in Orange. Large quantities of molasses were consumed in New-Bern and Wilmington in the production of rum. John Hawks, the architect, was made Collector at Beaufort, as the palace was rapidly approaching a state when it would be ready for the Governor's occupation. A storm on September 9th, 1769, as violent and even more destructive than that of 1879, had destroyed a large portion of New-Bern, where six persons were drowned in the unprecedented flood.‡

*Martin, vol. II, page 261.

‡T. C. Howe to Governor Tryon, September 10th, 1769.

With the lapse of the year 1770 came fresh troubles from the Regulators. They had now spread over a large portion of the State. They were led in Halifax by Alexander McCulloh, a member of Governor Dobbs' Council;* in Granville by Thomas Person,† a member of the House of Assembly; so also in Orange by Herman Husbands, a member of the same body. In Guilford, Alexander Martin, a Burgess, was one of their number and even in Brunswick such a man as Colonel William Dry was at least an active sympathizer, and he was soon also to become a member of His Majesty's Council for North Carolina.‡ The contagion spread to the very doors of the almost finished palace of Governor Tryon. Simon Bright, Sheriff of Dobbs, in attempting the arrest of Thomas Blake and John Conlin, who were spreading the sedition, was driven off and James Lindsay of his *posse* was slain.§

Judge Maurice Moore held the March Superior Court at Salisbury but reported to the Governor that the Sheriffs of the counties composing that Judicial District, informed him that such opposition was made to the performance of their official duties, by the Regulators, that it was impossible to collect the taxes or levy an execution. Judge Moore said he was satisfied that these were "plain proofs, among others, that their designs have extended further than to promote public inquiry into the conduct of pub-

§NOTE.—Thirty men of Edgecombe made a violent but fruitless attempt to break the Halifax jail for the release of one O'Neal, there confined under a charge of sedition. In Johnston county, the Inferior Court had assembled, when the Justices were informed that a body of seventy men was close at hand and coming to repeat the outrages lately seen in Anson and Orange. The court was adjourned, and the Magistrates, with their friends, marched to encounter the rioters. With the Sheriff as Generalissimo, and armed with hickory sticks, a battle was fought near Smithfield, which resulted in a glorious but bloodless victory to the offended court officials and their supporters.

*Foote, page 50.

†Jones, page 73.

‡Jones, page 91.

lie officers.”* On the 24th of September, Judge Henderson opened Court in Hillsboro. The Regulators were present in great force.† “Husbands, James Hunter, William Butler, Samuel Divinny and many others insulted some of the gentlemen of the bar, and in a riotous manner went into the court house, and forcibly carried out some of the attorneys and in a cruel manner beat them. They then insisted that the Judge, Richard Henderson being the only one on the bench, should proceed to trial of their leaders, who had been indicted at a former court, and that the jury should be taken out of their own party. Therefore the Judge, finding it impossible to proceed with honor to himself and justice to his country, adjourned the court until tomorrow at 10 o’clock, took advantage of the night, made his escape and the court adjourned to meet in course.”‡ Judge Henderson at once conveyed information of the outrage to the Governor and Council, recommending that the Legislature should be immediately assembled, and military levies effected. The Council did not approve of Judge Henderson’s violent remedies, but while in session, granted a charter to Hillsboro in order that Edmund Fanning might regain his lost seat in the Legislature. This was indeed a most singular peace-offering to Orange county, where Fanning was regarded as the chief author of their misfortunes. In the storm that followed this new cause of offense, Governor Tryon fortified New-Bern, lest the Regulators should execute their threats of coming down in arms, and preventing their old enemy from taking his seat. The militia around were put under marching orders, and the Craven Battalion of Colonel Leach, actually occupied the new trenches for the protection of the Legislature.§ The members were received in grand style in the Governor’s new palace, and such was his inflation over the recent apologies of the Burgesses, and his occupancy of so splendid a house, that, aping the royal ceremonials, he sat with Mrs. Tryon in elbow chairs in

*Martin, vol. II, page 263.

†Martin, vol. II, page 264.

‡Orange County Records.

§Martin, vol. II, page 26.

the middle of the ball room, where his obedient subjects were expected to dance minuets in his honor.*

A large proportion of the Assembly were new members, and their attention was drawn to the unsatisfactory state of the public debt. It was still unascertained as to its amount and there was general complaint of the quantity of counterfeit bills in circulation. The Governor also laid before them depositions as to the late outrageous proceedings during the session of the Superior Court at Hillsboro, and recommended the employment of an efficient and armed force to be marched into the insurgent settlements. He returned thanks for the noble edifice in which he received them, and in conclusion informed them that he had the King's consent to his early departure for England.†

The Assembly bewailed the departure spoken of by His Excellency, and lamented as a misfortune peculiar to their province, that so soon as a Governor became of real use in his acquaintance with the people and their laws, he was by some ill-fortune sure to be removed; which was as sentimental as unfounded in the Burgesses, for all the royal Governors had remained until removed by death except Burrington; and Tryon like him was to leave the province, as the greatest boon possibly within his power to bestow.

A seditious article, which was in effect a gross libel upon Maurice Moore, one of the Associate Justices of the Superior Court, published in the *New-Bern Gazette*, arrested the attention of the Lower House, and it was referred to the Committee on Propositions and Grievances. Herman Husbards, one of the members for Orange county, was understood to be its author. For two years past he had pursued Judge Moore with all the force and malignity of his nature. His resentment grew out of the fact that the Judge would not prostitute his official position to aid Husbards and his Regulators. Great stress had been laid upon Moore's letter to Fanning, and its author was denounced as a coward, who would not stand by his friends

*The Atticus Letter, page 8.

†Martin, vol. II, page 266.

because of his fears of their enemies.* Husbands being summoned before the committee, so prevaricated that his conduct was referred to the House then in Committee of the Whole, who upon rising, reported that he was the author of the piece; that he was the chief agent in the late Orange disturbances, and furthermore, he had threatened that on the event of his confinement by the House, the Regulators would come down and release him. The committee was of opinion that this insinuation was a daring insult offered to the House, intended to intimidate the members in discharge of their duty. The House concurred in this report and resolved that Husbands, having rendered himself unworthy of a seat, should be expelled from the body. Chief-Justice Howard, at the instance of the Governor, issued a bench-warrant and committed the disgraced chief of the Regulators to jail, where he lay for several weeks. Husbands' audacious threat to the House of Assembly was not an empty menace. It was soon afterwards discovered that upon the news of his trouble reaching Orange, steps were at once taken to raise forces and march to his rescue.†

These misguided people, however much justified in their original movements, had become an intolerable nuisance—an impediment alike to legislation and the administration of public justice. Governor Tryon's silly and bloodless military parades had inflamed them to a point past all endurance. The General Assembly passed an act to repress the growing tendency to tumultuous assemblages.‡ It provided that every Justice of the Peace or Sheriff, on being informed of a collection of any number of persons above ten, for the purpose of disturbing the peace, should repair to them, and require and command them to disperse and return to their several places of abode. It was made felony, without benefit of clergy, for such persons to remain assembled, to the number of ten, for more than an hour. It was made the duty of the Justices and Sheriffs to call the assis-

*Regulation, page 16.

†Martin, vol. II, page 273.

‡Public Acts, page 172; Martin, vol. II, page 269.

tance of any of the King's able subjects, to apprehend the persons thus continuing together. It was also made felony for ten or more to disturb the proceedings of any court, to assault or threaten a Judge or officer of court during the term, or to resist a lawful officer in the discharge of his duties, or violently to destroy a house of any kind. It was further ordained, in view of the obstructions to justice in disaffected counties, that the Attorney-General should be at liberty to select a *venue* at his pleasure for holding Pleas of the Crown, and on indictment found and proclamation made, upon failure of defendants to surrender themselves for trial, to be held guilty and outlawed, and their lands and chattels forfeited. The Governor was empowered to make drafts from the militia, to enforce the execution of the law, and all persons found in arms and resisting such force and refusing submission at the command of a Sheriff or Justice, were to be treated as traitors.*

To impair the strength of the Regulators, the new counties of Wake, Chatham and Guilford, were detached from Orange,

*NOTE.—This stringent statute was in contravention of an ancient privilege of the English people. The XXIV Article of *Magna Charta* provided that no "amercements shall be assessed but by the oath of honest and lawful men of the vicinity." It was then regretted by some of the wisest men of the province that the Assembly had yielded to the importunities of Governor Tryon and disregarded this great safeguard of freedom. Thomas Barker, then the Treasurer for the Northern District, was recognized as one of the ablest practicing lawyers in North Carolina and he joined Maurice Moore in condemning this dangerous innovation upon the Constitution. He furthermore refused to honor the extraordinary drafts Governor Tryon at that time began drawing on himself and John Burgwinn, the Southern Treasurer, and by so doing prevented the counties in his portion of the province from contributing forces to the Alamance expedition.† This harsh invasion of ancient legal rules grew out of a recommendation, first offered by Judge Richard Henderson, in his report of the disturbances at Hillsboro, in which he insisted that the Regulators could not be convicted there and recommended the change of locality for holding the Pleas of the Crown.‡

† Bancroft, vol. VI, page 393; Atticus Letter.

‡ Martin, vol. II, page 264.

and Surry from Rowan. As a means of partial relief in the great scarcity of money, lands and goods taken in execution, were forbidden to be sold by the Sheriffs, unless two-thirds of their appraised value could be obtained.*

At the end of January, 1771, as the Assembly was about to rise, information reached New-Bern that a large force of the Regulators had collected at Cross Creek, now Fayetteville, with the avowed intent of burning the Governor's palace. Twenty-five hundred dollars were voted to enable Governor Tryon to make suitable defence, and thereupon the Legislature was prorogued until January 26th.†

It was determined, in March, by the Council, that a force should be raised from several regiments of militia and the Governor was advised to march at their head for the purpose of reducing the Regulators to obedience,‡ and while the troops were among them, to enable the Sheriffs to collect the taxes and protect the election of a new member from Orange in place of Herman Husbands, and also to enable the commissioners to run the dividing line between Orange and Guilford. It was rightly considered that none of these measures could be executed without the employment of strong military force. Brutal mobs ranged unchallenged from where Raleigh now stands, to Charlotte. On April 24th, preceding, they had beaten the amiable and harmless John Williams, who was afterwards one of the first appointments as a State Judge, and at the same time cudgelled

†NOTE.—So eager was Governor Tryon to take advantage of the Riot Act, that on February 6th, he had called by special commission, the Judges to New-Bern. He utterly failed in inducing the Grand Jury to indict Herman Husbands for libel on Judge Moore and that worthy, though combining as a Quaker and preacher, extraordinary reasons for not harboring resentment, left New-Bern jail in no forgiving frame of mind. He had lain in prison for seven weeks and only obtained his discharge by means of the man, for abusing whom, he had met with such cruel interruption to his rising fortunes as a Senator.§

*Martin, vol. II, page 279.

†Martin, vol. II, page 274.

‡Martin, vol. II, page 263.

§Bancroft, vol. VI, page 393.

unmercifully their old enemy, Edmund Fanning, and attempted violence to Judge Henderson.* March 8th, 1771, they captured Waightstill Avery at Yadkin Ferry, and he was carried to their camp in the woods, where one of the Hamiltons indulged in the following harangue to a listening crowd:† “What business has Maurice Moore to be a Judge? He is no Judge; he was not appointed by the King. He nor Henderson neither. The Assembly has gone and made a *riotous* act that enrages the people more than ever. It was the best thing that could be done for the country, for now we shall be forced to kill all the clerks and lawyers, and I’ll be damned if they are not all put to death! If they had not made that act we might have suffered some to live. A *riotous* act! There never was such an act in the laws of England, or in any other country but France, and they’ll bring the Inquisition next.”‡

Herman Husband having, in company with his lieutenant, James Hunter, visited Rowan, almost as much disorder was visible there as in Orange.§ John Frohock was Clerk of the County Court, and with his brother, Thomas Frohock, Clerk of the Superior Court, was as notorious as Edmund Fanning for merciless exactions. Griffith Rutherford was Sheriff, with still another Frohock for his deputy. After some violence to Colonel Samuel Spencer, an eminent attorney, and others, a compromise and reference were effected. General Hugh Waddell about this time came up with orders from Governor Tryon to embody the militia of Mecklenburg, Rowan and Anson, and was waiting for further directions, in his headquarters at Salisbury.|| At New-Bern, the Superior Court met again in special session March 11th, and bills of indictment were found against many of the leading Regulators for assault upon John Williams and the riotous destruction of Colonel Fanning’s dwelling house.** The large force of Regulators which assembled at Cross Creek

*Wheeler, vol. II, page 14.

†Avery’s Deposition, 1771.

‡Wheeler, vol. II, page 359.

†Wheeler, vol. II, page 15.

‡The Regulation, page 27.

**Martin, vol. II, page 215.

for the purpose of rescuing Herman Husbands and destroying the Governor's palace, gave up the latter project upon hearing that their chief had been released.* It is the saddest commentary upon the intelligence and patriotism of these poor people, that they should have lavished so much affection upon the selfish and cowardly miscreant, who could even forget his craft in boasting of his influence over them for evil. He had intimated to the House of Assembly his power to summon his clan for his rescue, and it is to the shame of their memories that he spoke the truth.†

It has been the habit in North Carolina to assail the motives of Governor Tryon for the military movement which he inaugurated in the month of March. Whatever may have been his previous errors and mistakes, there can be no rational denial of his eminent prudence and propriety on this occasion. The Judges of the Courts, His Majesty's Council, and the House of Assembly all joined in insisting that he should raise the forces of the province and abate a nuisance that was making North Carolina a stench in the nostrils of all civilized communities. Though the Regulation was first planned in resistance to the meanest of tyrannies, it had become the enemy of all true liberty and order; and was only the tool of one base and designing man. There is a tradition which avers that some compromise had been recently effected in Orange,‡ but this was

†The Regulators who had been collected at Cross Creek by James Hunter and Rednap Howell for the New-Bern expedition, did not disband upon hearing that Husbands had been released. Five hundred of them took up the line of march with the purpose of *regulating* Salisbury Superior Court, where their best friend in all the province was presiding as Judge. It was on this occasion that he lost hope of controlling their councils for good, and sorrowfully informed the Governor of the violence and disorders in the Western Circuit. That Maurice Moore should have conceded the necessity of Governor Tryon's coercive measures is the most pregnant circumstance in all that unhappy year in vindication of the stern policy so recently adopted.§

*Martin, vol. II, page 274.

‡Baneroft, vol. VI, page 391.

§Jones' Defence, page 45.

like some death-bed repentance which comes too late as an earthly atonement, whatever its efficacy in the courts above. Governor Tryon's manifest duty was to raise an army; to march that army into Orange county; to arrest the men under indictment; to enable the Sheriffs to collect the taxes, and to drive off opposition to the tracing of the new line between Guilford and Orange.* If he was obstructed by force in the performance of these duties, on the heads of his opponents and not his, lies the guilt of the blood at Alamance.

Governor Tryon set out from New-Bern, April 24. He was attended by several members of the Council and a number of prominent eastern gentlemen as volunteers upon his staff. Colonels Joseph Leach of Craven, Richard Caswell of Dobbs, Craig of Onslow, Thompson of Carteret, Needham Bryan of Beaufort, Captain John B. Ashe of New Hanover, with Captain James Moore's company of artillery, and a company of mounted rangers, Captain Neale, constituted the King's forces, until they were joined on May 4th at Hunter's Lodge in Wake county, by another detachment under Colonel John Hinton of that vicinity. Governor Tryon delayed his march at this point until he was rejoined by a battalion which he sent with the Sheriff of Wake to collect taxes. On the 9th he camped upon Eno River, near Hillsboro, where he was re-inforced by Colonel Edmund Fanning with such of the Orange men as he could summon to his aid.

At this point, the Commander-in-chief received a dispatch from General Hugh Waddell, conveying information of disaster to the campaign planned by His Excellency. General Waddell had been sent to Salisbury to assume command of the same forces with which Governor Tryon had marched to Hillsboro three years before. But the political complexion had very much altered in that time, and it may be that General Waddell, though a gallant and experienced officer, was greatly lacking in

*Martin, vol. II, page 274.

that personal magnetism which made Governor Tryon a very Absalom among those men with whom he came in immediate contact. General Waddell could not thus run away with the hearts of the people. He could not render General Assemblies sentimental and unhistorical in their regrets for his proposed departure. The brave old veteran had even failed in 1759, in leading from the provincial limits, his forces sent against the Cherokees.* His first trouble had been in the loss of four wagons seized at Phifer's Hill, near Concord, by a party of youths who sympathized with the Regulators. Young James White, afterwards a gallant officer in the American army, headed the eight "Black Boys" and utterly destroyed the ammunition which had almost reached Salisbury in the long route from Charleston.† General Waddell marched with three hundred and forty men from Salisbury with the intention of joining the force with Governor Tryon, and had crossed the Yadkin only a few miles on his route, when he was confronted by a superior force of the enemy, who barred his way and offered battle.‡ General Waddell called a council of war on Potts' Creek, May 10th, and soon found from his officers that such disaffection existed in their ranks that a great portion of them had formed a resolution to join in no attack upon the Regulators. Thus the most experienced military officer in the King's service in all the province, was forced to a necessary and humiliating retreat.§

Governor Tryon, upon the reception of this disastrous news from the west, exhibited both courage and judgment in his prompt determination to march at once in search of the Regulators.|| He was apprehensive that the enemy would reach Haw River in time to dispute his passage of that stream. Having left his sick and other impediments at Hillsboro, and having been re-inforced by a troop of light-horse under Captain Bul-

*Martin, vol. II, page 99.

†Wheeler, vol. II, page 65.

‡Governor Tryon's Report.

‡Footo's Sketches.

||Martin, vol. II, page 272.

lock of Granville, the army was pushed forward across the Haw and a position occupied on the 14th of May close by the waters of the little stream known as Great Alamance. Governor Tryon, with his forces then amounting to eleven hundred men, bivouacked on the road leading from Hillsboro to Salisbury. Heavy guards were set and abundant precautions taken against surprise.

The Regulators were discovered in camp six miles away in the direction of Salisbury. On the 15th, Herman Husband, who like an evil spirit had so long labored for the undoing of the people he was then leading to destruction, with his characteristic duplicity, wrote a communication to Governor Tryon, to which he procured the signatures of John Williams and four other Regulators.* The humble tone of the paper was in singular and disgusting contrast with all their recent words and acts. The substance of it was, would Governor Tryon in four hours tell them whether he would listen to a fresh recital of their injuries, and grant them redress, "which happy change," wrote he, "would yield such alacrity and promulgate such harmony in poor, pensive North Carolina, that the presaged tragedy of the warlike troops, marching with ardor to meet each other, may, by the happy conduct of our leaders on each side, be prevented." Governor Tryon answered the next day that he could but lament the fatal necessity to which they had reduced him of an appeal to the sword, and that he had no terms to offer but their laying down of arms, the surrender of their outlawed chiefs and submission to the laws of their country. On the 16th Governor Tryon moved at daybreak and halted a half mile from the insurgents. They had captured the day before, Captains John B. Ashe and John Walker, and after inflicting cruel beatings upon these unfortunate gentlemen, now announced their determination to put them in front of the ranks in order that they might receive the fire of their friends.†

*Wheeler, vol. II, page 15.

†Martin, vol. II, page 281.

Colonel Bryan, with the Johnston county detachment, formed a guard to the camp and remained in the rear. Governor Tryon's forces took position in two lines of battle one hundred yards apart. The troops from Craven and Beaufort, under Colonel Leach, occupied the right wing of the front line. Those of Carteret and Orange were on the left. The two pieces of field artillery, which had been obtained from General Gage, were posted in the centre, between the lines, and were commanded by Captain Moore. Col. Caswell, with three companies from Dobbs, and the New Hanover battalion, occupied the right flank of the rear line, while Colonel Craig, with troops from Onslow and Johnston, was aligned upon his left. Colonel Hinton, with a company from Wake, and the Duplin dragoons, constituted the rear guard, and the two companies of rangers under Captains Bullock and Neale, were posted for the protection of either flank.* Rev. Dr. David Caldwell and Alexander Martin, afterwards so prominent in the State, made fruitless appeals to both parties for peace.† The Governor having sent in his reply to the Regulators, waited an hour for their consideration, both parties having in the meanwhile advanced within three hundred yards of each other. A Justice of the Peace was sent forward to read the riot act, to which the Regulators answered with loud cries of "Battle!"

The insurgents observed no military formation, but occupied the front of the King's forces to the number of about two thousand.‡ Only a few of them possessed fire-arms, and they had but ammunition enough for a very few rounds. Captains Ashe and Walker were still in the enemy's hands, though seven men had been offered for their exchange.§ Robert Thompson, in his effort to escape from detention, was fired upon and killed by Governor Tryon, which circumstance being witnessed by the Regulators, they in turn, fired upon a flag of truce, when the

*Jones' Defence, page 51.

†Foote's Sketches, page 60.

‡Governor Tryon's report of the battle.

§Martin, vol. II, page 281.

Governor ordered his troops to fire. This mandate was not immediately executed, when the excited commander arose in his stirrups and shouted, "Fire on them or on me," and the action at once became general.*

It was now 12 o'clock, and the battle raged for a full half hour with both sides exhibiting the utmost resolution. Governor Tryon's troops, by his own statement, were greatly benefitted by the fire of the two pieces of artillery.† The Regulators, like all fresh levies, suffered more from the moral effect of the cannonade than the actual damage inflicted. After stubbornly contesting the field for a half hour, the insurgents gradually gave ground, and from then until 2 o'clock kept up the fight from behind the trees. Their fire slackened for want of ammunition, but James Pugh was still bravely heading a party that was destructive to the artillerymen, when Governor Tryon advanced his first line and captured him in clearing the woods of sharpshooters. The battle was now lost and the fugitives were followed beyond their camps, where many horses and a few stores were captured. Governor Tryon reported his loss at nine killed and sixty-one wounded, but does not give the particulars of casualties on the other side. Maurice Moore asserted that the Regulators lost a hundred men killed, but the number of their wounded is wholly unascertained.‡ His Excellency's conduct was such, in the brief time of his stay in North Carolina after the battle, that all possible means were probably used to conceal the names of those of the Regulators who had been in the engagement. A ruler who could find it in his heart to order the hanging of so pitiable an object as demented James Few, and then destroy the property of his parents, produced as much effort to hide the wounded men as was practiced in Egypt in saving the Hebrew babies from the clutches of another of like tyrannic disposition.

*Martin, vol. II, page 282.

†Governor Tryon's Official Report.

‡Moore's Atticus Letter.

Herman Husbands, with the memory of the indignities he had undergone at New-Bern still rankling in his heart, had encouraged the men he had so long influenced to attack the King's forces, but like his enemy, Edmund Fanning, he fled from the field when the battle commenced.* He was happily no more a citizen of North Carolina, but took his complaints and wild theories of freedom back to his native Pennsylvania, where twenty-three years later, in the first administration of General Washington, he was still preaching sedition and heading a crusade against the infant government of the United States. In this "Whiskey Rebellion" he was arrested and carried to Philadelphia, in which city his ancient neighbor of North Carolina, Dr. David Caldwell, chanced to be a visitor. This good man, with Dr. Benjamin Rush, prevailed with the Federal authorities to release the aged agitator, and he escaped the punishment he deserved, to be canonized in after years for virtues he never possessed, and for services to freedom he had only intended for selfish ends.† His antagonist, Colonel Fanning, in whose villainies Husbands had so long found countenance, was likewise on the eve of his departure along with his father-in-law, Governor Tryon. He was afterwards conspicuous as a Tory in the Revolution, and became a General in the British Army and Governor of Prince Edward's Island.‡

Governor Tryon amused himself for a few days after the battle with the utterance of various proclamations and marches of devastation and terror among the unhappy Regulators, who by thousands were forced to swallow oaths so stringent that five years later, when America arose to make tyranny impossible, they were still fettered with such fear and conscientious scruples, like the victims of Culloden, who settled along the Cape Fear, they elung to King George III., and had no part in the liberation of the colonies. Governor Tryon hastened from his

*Foote's Sketches, page 64.

†Wheeler, vol. II, page 349.

‡Wheeler, vol. I, page 331.

junction with the forces of General Waddell at Salisbury, to hold a court at Hillsboro for trial of the few prisoners that he had captured in battle. Of his conduct there and elsewhere, one of his Judges, Maurice Moore, was an eye-witness. Let his stern and eloquent words close this long chapter concerning the rule of the most relentless magistrate who ever held sway in North Carolina. In his letter to Tryon, having spoken of the Regulators in condemnation of their violence, he goes on to say: "I am willing to give you full credit for every service you have rendered this country. Your active and gallant behavior, in extinguishing the flame you yourself had kindled, does you great honor. For once your military talents were useful in the province; you bravely met in the field and vanquished an host of scoundrels, whom you had made intrepid by abuse. It seems difficult to determine, Sir, whether Your Excellency is more to be admired for your skill in creating a cause, or your bravery in suppressing the effect. This single action would have blotted out forever half the evils of your administration; but alas, Sir! the conduct of the General after his victory was more disgraceful to the hero who obtained it, than that of the man before it had been to the Governor. Why did you stain so great an action with the blood of a prisoner who was in a state of insanity. The execution of James Few was inhuman; that miserable wretch was entitled to life till nature, or the laws of his country, deprived him of it. The battle of Alamance was over, the soldier was crowned with success, and the peace of the province restored. There was no need of an infamous example of arbitrary execution, without judge or jury. I can freely forgive you, Sir, for killing Robert Thompson at the beginning of the battle; he was your prisoner, and was making his escape to fight against you. The laws of self-preservation sanctified the action, and justly entitles Your Excellency to an act of indemnity."

"Had Your Excellency nothing else in view than to enforce submission to the laws of the country, you might safely have disbanded the army in ten days after your victory; in that time

the chiefs of the Regulators were run away, and their deluded followers returned to their homes. Such a measure would have saved the province twenty thousand pounds at least. But, Sir, you had further employment for the army; you were, by an extraordinary bustle in administering oaths, and disarming the country to give a serious appearance of rebellion to the outrage of a mob; you were to aggravate the importance of your own services by changing a general dislike of your administration into disaffection to His Majesty's person and government, and the riotous conduct that dislike had occasioned, into premeditated rebellion. This scheme, Sir, is really an ingenious one; if it succeeds, you may possibly be rewarded with the honor of knighthood."

"From the 16th of May to the 16th of June, you were busy in securing the allegiance of rioters, and levying contributions of beef and flour. You occasionally amused yourself with burning a few houses, treading down corn, insulting the suspected, and holding Courts-martial. These courts took cognizance of civil as well as military offenses, and even extended their jurisdiction to ill-breeding and want of good manners. One Johnston, who was a reputed Regulator, but whose greatest crime, I believe, was writing an impudent letter to your lady, was sentenced in one of these military courts, to receive five hundred lashes, and received two hundred and fifty of them accordingly. But, Sir, however exceptionable your conduct may have been on this occasion, it bears little proportion to that which you adopted on the trial of the prisoners you had taken. These miserable wretches were to be tried for a crime made capital by a temporary act of Assembly, of twelve months duration. That act had, in great tenderness to His Majesty's subjects, converted riots into treasons. A rigorous and punctual execution of it was as unjust as it was politically unnecessary. The terror of the examples now proposed to be made under it was to expire, with the law in less than nine months after. The sufferings of these people could therefore amount to little more than mere punishment to themselves. Their offenses were

derived from public and private impositions; and they were the followers, not the leaders, in the crimes they had committed. Never were criminals more justly entitled to every lenity the law could afford them, but, Sir, no consideration could abate your zeal in a cause you had transferred from yourself to your sovereign. You shamefully exerted the influence of your character against the lives of these people. As soon as you were told that an indulgence of one day had been granted by the Court to two men to send for witnesses, who actually established their innocence, and saved their lives, you sent an aid-de-camp to the Judges and Attorney-General, to acquaint them that you were dissatisfied with the inactivity of their conduct, and threatened to represent them unfavorably in England, if they did not proceed with more spirit and dispatch. Had the Court submitted to influence, all testimony on the part of the prisoners would have been excluded and they must have been condemned, to a man. You said that your solicitude for the condemnation of these people arose from your desire of manifesting the lenity of the government in their pardon. How have your actions contradicted your words? Out of twelve that were condemned, the lives of six only were spared. Do you know, Sir, that your lenity on this occasion was less than that of the bloody Jeffreys in 1685? He condemned five hundred persons, but saved the lives of two hundred and seventy.”*

*NOTE.—I adopt the suggestion of one for whose taste and judgment I entertain great respect, in assuring the reader that no blood relationship exists between the author of this book and the Cape Fear Moores. My ancestors of that name came from Virginia and were related to Bishop Moore and Colonel Stephen Moore of Mt. Tirzah. Judge Moore figured so largely and so much in accordance with what patriotism and propriety dictated, that my commendations have been but what was fairly due him and are in no wise the result of family vindication.

CHAPTER VIII.

A. D. 1771 TO 1774.

The colonial polity of North Carolina—President Hasell succeeds Tryon, and is displaced by Major Josiah Martin as Governor of North Carolina—His character and antecedents—Assembly at New-Bern—His Majesty's Council for North Carolina—John Burgwinn's statement of the public debt—Samuel Johnston's bill to discontinue a portion of the taxation—Amnesty to Regulators—H. E. McCulloh, English Agent—New members of Assembly—Terms Whig and Tory—Richard Caswell, William Hooper, General Hugh Waddell, Maurice Moore, Cornelius Harnett, Willie Jones, Abner Nash, John Harvey, Samuel Johnston, Thomas Person, Thomas Polk, Abraham Alexander and Griffith Rutherford—South Carolina line—Sarah Wilson and her impostures—Governor Martin's tours of conciliation—New Assembly—Colonel Harvey again Speaker—The olden ceremonies—Decline of Governor Martin's popularity—Hooper and the Court Bill—Robert Howe and his bill for triennial Assemblies—Tarboro—Polk and Alexander—Fanning's losses—Assembly of 1773—Committees of Colonial Correspondence—Governor Tryon of New York, requested to transmit to the King North Carolina petitions for Court Laws—Courts of Oyer and Terminer adopted by Governor Martin and crushed by Maurice Moore—Progress of the sentiment of Independence—Iredell and Hooper—First American voice for separation from England—The troubles impossible of solution—Condition of North Carolina—John Harvey's boldness checkmates Governor Martin's scheme of silencing the province—Willie Jones and the conference at Colonel Buncombe's house in Tyrrell.

In approaching the administration of the last of the royal Governors of North Carolina it may not be considered amiss that some explanation should be attempted of the intricate system of government which had grown into existence since the time King Charles II. made the grant to the Lords Proprietors. The King, His Majesty George III., was, of course, sovereign in every portion of the province and to him was due the obedience of the people and their annual payment of seventy-five cents as quit-rent for every hundred acres of land possessed outside of the boundaries of the Earl of Granville's grant. The Crown delegated its authority and prerogatives to a Governor. The King

retained the power of repealing in Council by proclamation, any law enacted by the Provincial Assembly.

The Governor held his place during the pleasure of the Crown, and could convene, prorogue or dissolve the Assembly whenever he felt so disposed. He was the fountain from which flowed both civil and military promotion. The Judges, Sheriffs and Justices of the Peace were the creatures of his appointment, and removable at his pleasure, as were all the officers of the militia. He nominated and procured the appointment of all members of His Majesty's Council for North Carolina, which constituted the Upper House of Assembly and corresponded in functions to our present Senate. No bill could become a law without the concurrence of this body, while the Governor also possessed the power to *veto* any act upon which both Houses were agreed. The House of Assembly was chosen by the free-holders who were in possession of fifty acres of land. There had been a statute for equalizing the representation in the House of Assembly, but it was disregarded or repealed, for Governor Tryon, in a letter to Lord Shellburne in 1767, said that the counties of old Albemarle at that time sent five members each, Bertie three, and all other counties two apiece. When members of the House of Assembly were chosen by the people they usually retained their seats year after year until the Governor saw fit to dissolve the House, when there was a new election. The towns of Edenton, New-Bern, Wilmington, Brunswick, Bath, Salisbury, Campbellton and Hillsboro were each represented by a borough member, chosen by the citizens of these incorporated towns. The law required that as many as sixty families must reside in a village before it was entitled to this distinction. Governor Martin tried to evade this rule as a special favor to Tarboro, but the Burgesses refused to seat the man sent up and the Governor surrendered his claim of right in the premises. It was only by application to the Governor and Council that the number of borough towns was increased.

The Common Law of England and the general statutes of that realm were early declared to be of force in North Carolina.

The highest court was that of Chancery, which consisted of the Governor and five members of the Council for North Carolina, from which appeal lay to the King and his Privy Council in London. The Governor could issue injunctions to stay proceedings in courts, but no original process seems to have issued from this Court of Chancery.

The General Court, composed of all the Judges, met twice a year at New-Bern to hear appeals. The Superior Courts could grant Letters of Administration and appoint guardians, and so could the Governor and the Inferior Courts. All matters in law or equity were cognizable in the Superior Courts, except small offenses against the Criminal Code and money demands not exceeding one hundred dollars in amount. The Edenton Superior Court District included the counties of Currituck, Pasquotank, Perquimans, Chowan, Bertie and Hertford. That of Halifax consisted of Halifax, Bath, Northampton, Granville, Edgecombe, Chatham, Wake, Orange and Johnston. The Wilmington District included New Hanover, Bladen, Cumberland, Duplin, Brunswick and Onslow. New-Bern District was made up of Craven, Beaufort, Carteret, Dobbs, Pitt and Hyde. Salisbury District was constituted of Anson, Rowan, Mecklenburg, Tryon, Surry and Guilford.

The Governor and the Council were also required to meet twice a year in what was called the Court of Claims. On these occasions, they inspected the applications for grants of the King's lands and made orders to the Secretary of State to issue grants in fee-simple, with the invariable covenant for the annual payment of quit-rents of seventy-five cents on each one hundred acres thus conveyed. The Governor issued his warrant to the Surveyor-General of the province, who in turn transmitted orders to his county deputies setting out the boundaries and then upon survey made, title was made to the purchaser. The best lands in Mecklenburg were then being sold by John Frohock as agent for George Selwyn at sixty-two and a half cents an acre in gold and double that amount in the provincial bills of credit.

Inferior tracts commanded lower prices, the minimum of which was twenty-five dollars for a hundred acres.

There were two Treasurers for the whole province. One of these accounted with the Sheriffs of the northern counties for such taxes as were intended for provincial expenses, while his colleague discharged similar functions in the southern counties. They were elected by the General Assembly and disbursed under the directions of that body. These places were considered of great honor and importance and were sought by the most distinguished men. The members of the Council received no pay except their *per diem* when sitting as the Upper House of Assembly.

The Receiver-General collected the royal quit-rents and was of less power and importance than the Secretary of State, who not only made out all grants for the King's lands, but appointed a Clerk of the Crown for each county and issued all civil and military commissions. The District Clerks of the Crown attended the criminal processes in the Superior Courts. Another clerk, appointed by the Chief-Justice, confined his attention to civil pleas and thus divided the business of the terms much after the fashion of the late Clerks and Masters in Equity. The Auditor was simply a check upon the Secretary of State and Receiver-General.

In each county was a Court of Common Pleas and Quarter Sessions. They were held by Justices of the Peace and these were appointed by the Governor and held their places during his pleasure. The jurisdiction of this court in criminal matters did not extend to offenses, the punishment of which involved serious consequences; for they could not deprive of life or member, and in civil issues were only to have cognizance where the money demand did not exceed one hundred dollars. The oldest record of these Inferior Courts is found in the minutes of the Berkeley Precinct Court, still preserved in the office of the Clerk of the Superior Court of Perquimans county. It bears date December 3rd, 1679. At that early day, in the enumerated powers conferring jurisdiction upon the Justices, it was enacted that they

should be authorized "to enquire of the good men of the precincts, by whom the truth may be known, of all felonious witchcraft, enchantments, sorceries, magic arts, trespasses, forestallings, regratings and extortions whatsoever." A smile is inevitable in contemplating this singular enumeration of what our forefathers considered offenses deserving of punishment.

The clergy of the English Church had no certain establishment until 1765. Each incumbent was then annually allowed six hundred and fifty dollars by the province and another hundred from the bounty of the London Society for the propagation of the Gospel. They were in addition furnished a residence and two hundred acres of glebe lands. Also by law they were allowed fees for celebrating marriages and preaching funeral sermons. They were all appointed by the Governor to the different parishes, and were frequently in trouble with the Baptists and Quakers. These could never be brought to countenance a system which compelled them to pay money for the support of a church which two often derided and persecuted, in other provinces, the faith they upheld. The Episcopal clergymen then in the province were the Rev. Messrs. Earle at Edenton, Burgess in Edgecombe, Micklejohn in Orange, Cramp in Brunswick, Briggs in Duplin, Barnett in Northampton, Gurley in Hertford, Alexander in Bertie, and Courtney and Fiske, missionaries. Governor Tryon, in a letter to Rev. Daniel Burton of London, reported these names, and the further fact that Mr. Cosgreve had just left the province with none of that odor of sanctity which of right should have adorned his calling.

Upon the departure of Governor Tryon to assume charge of the government of New York, the administration of affairs in North Carolina devolved upon ex-Chief-Justice James Hasell, then President of the Council, who qualified on July 1st, 1771.* He was displaced by the arrival of Josiah Martin, August 11th, who at once assumed the functions to which he had been delegated by His Majesty, King George III. Governor Martin

*Public Acts, page 187.

ranked as Major in the British army, and was brother to that Samuel Martin who, in 1763, had been reflected upon for his course as a member of Parliament and Secretary of State, by John Wilkes, in the *North Briton* newspaper, and had been wounded in the duel which ensued.* Josiah Martin was far more honorable as a man than William Tryon, but possessed much of the obstinacy and punctilious observance of royal prerogative so observable in Governor Dobbs. He had no unworthy favorites like Edmund Fanning, and concocted no selfish schemes for his own benefit or that of his family. Perhaps in the stern antagonisms of the times in which he ruled North Carolina, his real virtues were not appreciated as they deserved, for he lacked the personal attractiveness of his predecessor, and was cold, austere, and often manifesting his displeasure toward those who differed with him in his policy.†

Governor Martin met the Assembly for the first time, on November 19th, in the town of New-Bern. In his address, after eulogizing the late Governor, and congratulating the province on the return of order, he earnestly recommended the adoption of such measures as would remedy the evils and abuses which had so largely contributed to produce the late unhappy state of affairs. In view of the war in Europe, some military preparations were advised, and he concluded his address by recommending the passage of an act of complete amnesty to all so recently involved in opposition to the authority of the government. At the Governor's request, the members of both Houses took the oath of abjuration, which had been amended in 1766, by which they disavowed their support of Charles Edward or any other scion of the unfortunate House of Stuart.‡

His Majesty's Council consisted then of James Hasell, Lewis H. DeRosset and Colonel William Dry of New Hanover, Alexander McCulloh and Samuel Cornell of Halifax, Marm-

*Martin, vol. II, page 268.

†Life of Iredell, vol. I, page 239.

‡Martin, vol. II, page 287.

duke Jones and John Rutherford of Bladen,* Sir Nathaniel Dukinfield of Bertie, John Sampson of Duplin, Martin Howard of Craven, and Thomas McGuire and Samuel Strudwick of Orange.

The House of Assembly returned compliments to the Governor and called attention to the inconvenience of the late act of Parliament forbidding any further issue of paper money. They stated that North Carolina, like all new settlements, was in a great measure devoid of a circulating medium, and expressed their anxiety that the only mode possible by which the public debt could be discharged might prove satisfactory to the creditors of the province.† John Burgwinn, the Southern Treasurer, made the long-needed statement of the true condition of the public funds. He showed that a sum exceeding the amount of the bills issued in 1748 and 1754 had been received, and demonstrated that a full collection of amounts then in the hands of Sheriffs, as arrears, for which security had been given, would discharge the whole public debt and leave in the two Treasurers' hands the sum of twenty thousand dollars.

Samuel Johnston of Chowan introduced a bill to discontinue that portion of the poll tax, heretofore devoted, with the impost on foreign liquors, to extinguishing these claims.‡ It passed at once without opposition in the House of Assembly, as likewise in the Council, but on reaching Governor Martin was returned with his veto. This gave umbrage to the Burgesses, for they held that such a course could only be dictated by indifference to the popular distresses; and they embodied their views in a resolution.

*NOTE.—John Rutherford married Penelope Eden, the widow of Governor Gabriel Johnston, and lived at the place in Bladen where the wise Governor had built a house. Eden House had been given to Penelope Johnston, the widow's daughter, who had married Colonel Pearson of Virginia.

‡NOTE.—He was the son of the late Surveyor-General and nephew of Governor Gabriel Johnston. In wealth, learning and social position he was unsurpassed in the province, and, with his brother, John Johnston of Bertie, was fast rising in renown and usefulness.

At once the Assembly was dissolved and on December 23rd the Governor issued a proclamation in which the Sheriffs were instructed to disobey the act of the House of Assembly and to continue their collections for the sinking fund.*

This was a foretaste of the contests between Governor Martin and the House of Assembly, in which they were to persevere with an ever-widening gap between them until the great crisis of 1775 was to be reached and all hope of reconciliation lost forever. The resolution, to which reference has been just made, was by no means the only legislation of this Assembly. An act of amnesty and oblivion was passed in regard to all Regulators except Herman Husbands, Rednap Howell and William Burke, whose crimes, they said, had been too atrocious for forgiveness. An act of indemnity likewise was approved for the benefit of the loyalists in the late disturbances, and Henry Eustace McCulloh was re-appointed the English agent for North Carolina in London.†

In addition to the Speaker, Colonel Richard Caswell of Dobbs, there were many men of conspicuous merit in the Assembly. The Upper House being constituted of those who were nominated by the Governor and confirmed by the King, was, as a general rule, only an echo of the Chief-Magistrate's views. Only in the repeal of the Tower Hill project of Governor Dobbs‡ and the proposition of Governor Tryon to embody the militia on the suggestion of Judge Henderson, had they ever been known to controvert the wishes of the power which had spoken them into existence. They were uniformly found siding with men whose interests were different from those of the province. Judge Hasell died before the real issue came, but DeRosset, Cornell, John Rutherford, Judge Howard, McGuire and Dukinfield were all soon to become avowed Tories in the great struggle for freedom.§ The terms "Whig" and "Tory" had been in use for more than a century in England and were transferred to America

*Jones' Defence, page 74.

†Martin, vol. II, page 173.

‡Public Acts, page 184.

§Martin, vol. II, page 264.

to express the same relative ideas of independence of and submission to royal authority. Those stern enthusiasts, who were at last overthrown in Scotland by the Duke of Monmouth at Bothwell Bridge, were first called "Whigs" in derision for alleged improper driving of other cattle than their own. The nick-name was carried south and given to men in Parliament who likewise were obstructing the policy of King Charles. In Ireland the bog-trotting Catholic boors were first known as "Tories," and this title was given to English statesmen who would not join in excluding the Duke of York from the succession on account of his Popish belief.* In America, a Whig was one who resisted the claim of Parliament in its asserted right to tax the colonists.† A Tory was one who conceded this power, and was in addition, generally found upholding the Governor of North Carolina in any other claim of royal prerogative.

In this, the first Assembly which Governor Martin had met, were many men who have grown historic in their renown. Richard Caswell was to become more highly honored than any man in our history, in the greatness and variety of his public employments. He had come as a boy from Maryland in 1746 and was accredited by the Governor of that province to Gabriel Johnston, then Chief-Magistrate of North Carolina.‡ This wise and good ruler afforded him employment, and in 1753 he became Deputy-Surveyor of the province and Clerk of Orange Inferior Court. The next year, while still living in Orange, he was elected from Johnston county to the House of Assembly. This was a common thing at that time, for in the Legislature of 1773, William Hooper of Wilmington was serving his initiation from the new borough of Campbellton, before known as Cross Creek.§ General Hugh Waddell of Brunswick, with ex-Judge Moore of the same constituency, were also members. Cornelius Harnett of Wilmington, Willie Jones and Abner Nash of Halifax, Joseph

*Macaulay, vol. 1, page 192.

†Carothers' Old North State, page 13.

‡Carothers' Old North State, page 121; Wheeler, vol. II, page 87.

§Jones' Defence, page 79.

Hewes and Samuel Johnston of Chowan, John Harvey of Perquimans, Thomas Person of Granville, Thomas Polk and Abraham Alexander of Mecklenburg, were also leaders of this body and all destined to future eminence and usefulness.*

In consequence of special instructions from the King, Governor Martin called the attention of the Assembly to the necessity of extending the line between North and South Carolina to the Cherokee boundaries, then beginning on the head-waters of Broad River. This was a sore subject; as it was not desirable at all that the boundary in question should be defined; from the fact that it was well ascertained that much revenue then accruing to North Carolina would be lost by the proposed extension. The House of Assembly protested against it and refused any appropriation: but Governor Martin was not to be thwarted in carrying out his instructions. He appointed Colonel Thomas Polk and Abraham Alexander of Mecklenburg, and on his own authority executed the King's wishes.†

The act of Parliament forbidding a further issue of provincial bills of credit greatly embarrassed the Assembly as to the payment of recent, large expense incurred in suppressing the Regulators. Certificates of indebtedness called "debenture bills" were adopted as the only means left in the power of the province to reimburse those whose valor and loyalty had enabled Governor Tryon to uphold the King's authority. An address was prepared to be forwarded to the Throne and Commons of Great Britain, imploring a relaxation of the statute against such issues, at least as far as North Carolina was concerned; and a pledge was given in that event, that British creditors should be secured against loss by depreciation in the value of the contemplated funds.

A female impostor, claiming to be sister of the Queen of England, came down from Virginia, where she had received great honors, and was treated in like style by Governor Martin and his wife at the Palace, and by the best people of the differ-

*Journal of Assembly, 1770 and 1771, Second Session.

†Martin, vol. II, page 288.

ent towns, through which she held her progress. Her manner was so complete a reproduction of that seen in the highest court circles that every one was duped until her exposure in Charleston, where she was apprehended, and it transpired that she was one Sarah Wilson, who had been transported and sold into Maryland for larceny of valuable jewels belonging to Her Majesty, the Queen. She had been lavish of promises of her aid to sundry men, who wished her to help them in English schemes, and they were sorely chagrined when they discovered that large sums thus paid in advance to secure her assistance were worse than wasted.*

Governor Martin made extensive tours of observation in those portions of the province which had been lately in such disturbed condition. He was gracious and kind to the unhappy men who still smarted with the severity of Governor Tryon's punishments. A deep and abiding influence was produced in the minds of the leading Regulators by his commiserations of their woes and free denunciation of the folly, extravagance and cruelty of his predecessor. His part in the recent amnesty act, his pardon and release of the six men who had been condemned to death at Hillsboro, and show of sympathy, both in his manner and dispatches to England, so wrought upon the minds of those he wished to influence, that in all the coming troubles of the Revolution, he was never forgotten or their pledges of loyalty broken. Especially was this the case with four brothers named Fields, who dwelt in Guilford.†

The new Assembly, the Burgesses of which had just been chosen, met at New-Bern, January 23rd, 1773. The House of Assembly at once gave note of its temper by the selection of Colonel John Harvey as Speaker. He was nominated by Richard Caswell, who waived his claims in deference to him who was admitted to be the sternest vindicator of colonial rights in all the province. It was a stately ceremonial in those days

*Martin, vol. II, page 292.

†Caruthers' Old North State in 1776, page 28.

when a new Assembly was to be organized. The first step was as to the qualification of the individual members. This was ascertained always in the presence of at least two of His Majesty's Council, specially delegated by the Governor for that duty. Whenever the House of Assembly had ascertained this important matter of its constitution, the temporary Chairman deputed two of the members, who repaired to the Palace and informed His Excellency that the members had qualified and awaited his orders. Then came the Private Secretary to the bar of the House with the message that the Governor required their immediate presence at the Palace. Thereupon the Burgesses repaired in a body to the stately edifice, where greetings were exchanged, and then came His Excellency's command for them to return and select a Speaker: whereupon "Mr. Richard Caswell proposed and set up John Harvey, Esq., who was unanimously chosen Speaker and placed in the Chair accordingly." Two members again set out for the Palace to inform the Governor and to know when they should wait on him to present their presiding officer. An answer was always given that he would inform them by messenger. Very soon the Secretary again made his appearance, to require for a second time their presence at the Palace. There the new Speaker called upon the Governor to confirm the rights and privileges of the House, that no mistake or error of his might be attributed to the House; to which His Excellency would answer, that he would support that body in all its just rights and privileges, and then proceeded to address the Council and Burgesses assembled.*

Governor Martin had lost influence in several ways since his assumption of power. His dissolution of the Assembly and proclamation to the Sheriffs as to the collection of that portion of the poll-tax given with the liquor excise to the sinking fund; his course in regard to the South Carolina boundary, and above all, his free reflections upon Governor Tryon had excited animos-

*Jones' Defence, page 77.

ity in many men who had been disposed to stand by him on his arrival in North Carolina. He confined the topics of his address on this occasion to two subjects. He informed the two Houses that he had the King's commands for recommending to them the passage of an act of general pardon and oblivion in favor of all persons concerned in the late troubles, to be suspended till the King's pleasure could be known. With the passage of this act he likewise proposed such legislation as would be permanent and efficient in preventing a recurrence of such evils. As the Court Laws were about to expire by limitation, he called attention to the necessity of a statute on permanent and certain principles, to create a court system in place of that about to pass away.*

William Hooper, who had won prominence in the courts as an able and eloquent advocate was made, chairman of the committee to report a Court Bill.† The House instructed them to provide for the establishment of the Superior and Inferior Courts in the same bill. They were furthermore to vest the appointment of the Superior Court Clerks of the Crown in the Chief-Justice instead of the Secretary of State as before, and to restrain Clerks of Pleas from selling the office of Clerk of the Inferior Courts. They were further instructed to so frame a bill, that letters of administration and probate of wills should be in the power of the Inferior Courts, to the exclusion of those of greater authority, except by way of appeal; and to extend the jurisdiction of single Justices of the Peace to sums of twenty-five dollars.‡

A bill in accordance with these instructions passed both

†NOTE.—Hooper was then thirty-one years old, and had left Boston for North Carolina in 1765. He was representing Campbellton though residing in New Hanover. He had married Miss Ann Clark, and was noted for the sweetness of his temper and elegance of his acquirements. He was a graduate of Harvard and some estimate of his legal fame may be had in his appointment on the committee mentioned in the text.

*Martin, vol. II, page 24.

‡Martin, vol. II, page 293.

Houses after being amended in the Council by providing that in case of attachment against persons residing in Europe, proceedings should be staid one year before plea. The new law containing a clause suspending its effects till the King's pleasure could be known, was signed by the Governor. Temporary enactments were next passed in the House of Assembly to be in force while awaiting His Majesty's consent to the new law just adopted. A disagreement ensued because the Upper House struck out a clause as to attachments and amended in such a way, that persons who had never resided in the province should only be amenable to English customs in such cases. There had been several cases determined on appeal in Westminster Hall, in which it had latterly transpired that under the North Carolina rules, an attachment was often a prior lien to any process obtainable in England against bankrupts who happened to have effects in the province. Abner Nash had married Governor Dobbs' widow and attached the estates of Conway and Richard Dobbs, his sons, to realize a legacy of ten thousand dollars, due Mrs. Nash.* This case had been followed by others where American claimants secured their money in advance of English co-creditors, and certain interested parties had procured orders to be sent over to Governor Martin to enforce some abatement of this American rule. The Burgesses said, with truth, that South Carolina and Virginia had precisely the same provisions in their attachment laws and they resolutely refused all compliance with the foreign demand and struck out the amendment introduced by the Council. The result was that no Court Law was enacted except that which was soon disallowed by the King.† This prolonged and fruitless struggle was destined to continue as long as King George III. held sway in the Province of North Carolina. The Council became the active helper of Governor Martin and the English traders, but the battle was to be bravely and unyieldingly maintained by the House of Assembly in spite of the disorders re-

* Letter of A. Elmsly to Samuel Johnston, May 17th, 1774.

† Jones' Defence, page 87.

sulting from the long want of all courts of competent jurisdiction for the settlement of important civil issues. The Governor held the power of vetoing any bills passed by the two Houses; His Majesty, the King, could by orders in Council disallow laws that had received the Governor's assent, furthermore the Council itself could defeat the will of the Burgesses; but in spite of all these things, they were to persevere to the end. If they could not have courts with such powers as their neighbors in Virginia and South Carolina, they would have no court at all.* Robert Howe of Brunswick, introduced a bill for the establishment of triennial Assemblies, and to regulate elections, but this attack upon the power of the Chief-Magistrate of the Province was, of course, only a *brutum fulmen*, and received, as he fore-knew, the strenuous opposition of both Governor Martin and his Council, without whose support it was then only valuable as a token of what was wished and intended by the people and their representatives.*

Governor Martin in the course of his travels during the preceding year, had visited Tarboro where such was the hospitality shown him, that he granted a charter to the little village, giving them as he proposed, the right of representation in the House of Assembly, through a borough member, with the same privileges as belonged to Edenton, Bath, New-Bern, Wilmington, Halifax, Hillsboro and Campbellton. Henry Irwin, a citizen of the favored village, who was to render great service to his country in the future, was elected by this new constituency, but upon his application for a seat, his claim was disallowed by the Burgesses, upon the ground that the statute required sixty families in a town before it could be made a borough by the Governor's charter.† Governor Martin was also annoyed in the action of the Assembly touching its refusal to compensate Thomas Polk and Abraham Alexander for their services on the South Carolina line survey. He knew that these men were highly popular and expected that the House would be swayed by good

*Jones' Defence, page 80.

†Martin, vol. II, page 306.

feeling towards them, but he found that not only was all appropriation withheld but a sharp reprimand was conveyed to them for presuming to engage in a work which had been so pointedly opposed by the Burgesses before it was undertaken.* Martin Phifer and John Davidson were the Mecklenburg members of the Lower House at this time, having succeeded Polk and Alexander, upon their declining to serve.† They were, however, to re-appear in the public councils and efface, in the lustre of future service, any resentment at their compliance with the wishes of the King and Governor Martin in this particular case.‡ The House of Assembly was no more compliant in regard to the proposal that Edmund Fanning should be indemnified for the destruction of his house by the Orange Regulators. Governor Martin had induced him to withdraw suit against parties, on the ground that it would contribute to peace, and he applied to the Assembly. The Burgesses replied, they had no interest in the private affairs of Colonel Fanning, and he in disgust left the province for his native New York.§

During the summer three hundred families of Scotch Highlanders landed at Wilmington and passed up the Cape Fear to the neighborhood of their compatriots, who had settled at Cross Creek in 1747.|| They were also of late the adherents of the Pretender and were soon to become an enormous trouble to the good people among whom they had cast their fortunes.

Governor Martin had dissolved the General Assembly in the spring, hoping that Burgesses less determined in obstructing his policy would be selected. In this expectation he was completely disappointed. The Legislature met at New-Bern, December 4th. John Campbell of Bertie, who had been Speaker in 1754 and 1756, and was still highly honored in his extreme age, proposed

‡NOTE.—Colonel Polk was to be the real mover in the Mecklenburg Declaration and Abraham Alexander was to preside at the immortal convocation, which put such high resolves on record.

*Martin, vol. II, page 298.

†Jones, page 79.

‡Jones, page 82.

||Jones, page 94.

and set up Colonel John Harvey, who was unanimously chosen Speaker and placed in the Chair accordingly. Speaker Harvey had in his possession some momentous documents. They were letters from the Speakers of the Lower Houses of Virginia, Massachusetts, Connecticut, Rhode Island and Delaware. The House of Burgesses at Williamsburg had resolved, on the preceding March 12th, on the establishment of regular committees of correspondence, and at the same time expressed their sentiments as to recent actions of the British Ministry. The House of Assembly applauded the proposition and sentiments, and John Harvey of Perquimans, Richard Caswell of Dobbs, Samuel Johnston, Joseph Hewes and Edward Vail of Chowan, Cornelius Harnett, William Hooper and John Ashe of New Hanover and Robert Howe of Brunswick were constituted a Committee of Correspondence for the Province of North Carolina. Their duties were to watch the action of Parliament and concert measures of defence with the other colonies.* Especially were they directed to look into the recent acts of an unusual body called the Court of Enquiry in the Province of Rhode Island.

The King's disallowance of the Court Laws, sent over for his ratification, brought up again the tedious struggle over the questions of jurisdiction and attachment.† After a repetition of harangues for and against the use of a right so long established in the practice of the courts of the province, the House of Assembly again resolved on addressing the King and, strange to say, Governor Tryon of New York was selected as the medium of communicating their griefs to the Throne.

Thomas Biggleston, the Governor's Secretary, came to the House to require their attendance at the Palace. On their arrival they were told by His Excellency that he had determined to prorogue their session until the following March, that they might consult with their constituents and see if they were satisfied that

*Martin, vol. II, page 305.

†Martin, vol. II, page 309.

the province should have no courts or this long contested right of attachment against non-residents.*

The Legislature re-assembled to receive fresh appeals from Governor Martin for concession on the Court Bill. He had received such instructions from England as prevented his yielding, and the Burgesses were in a no less determined mood. Lords Hillsboro and Hertford had espoused the cause of Conway and Richard Dobbs, and by their instrumentality such orders were made in London as precluded the idea of any satisfactory settlement of the vexed issues. It was in vain that the Council agreed to a Court System as a compromise of its views and those of the House of Assembly; upon their repairing to the Palace for the Governor's assent, that functionary, with honest sorrow, told them duty forbade his giving his consent to their action.† North Carolina was thus left with no courts save those held by single Justices of the Peace. Governor Martin, in this emergency, claimed as part of the prerogative of the King, and by consequence, his own right of appointing Justices to hold Courts of Oyer and Terminer for the sole purpose of holding pleas of the Crown in criminal causes. Samuel Cornell of New-Bern, a member of the Council, was made Chief-Justice in this new order of things.‡ In his court at Wilmington, Maurice Moore, having returned to the bar, made such exceptions to the commission of the Judge upon the bench that he took an *advisari* and adjourned the court.§ In this way the last semblance of any competent tribunal for even criminal jurisdiction had disappeared from the province. No offenses but those cognizable in the Justices' courts could be reached or punished. Civil issues were completely gone, and North Carolina was left to drift at the mercy of the passions and caprices of the multitude then constituting her population. The lawyers were left without a brief, and turned from the perusal of Dr. Blackstone's new com-

*Martin, vol. II, page 315.

†Martin, vol. II, page 324.

‡Letter of Alexander Elmsly to Samuel Johnston, May 17, 1774.

§Hooper to Iredell, August 5th, 1774.

mentaries to an interchange of political views by means of the costly and imperfect postal arrangements. They were in a most tantalizing and hopeless condition.* A few still clung, with Judge Martin Howard, to the Governor and his assertion of royal prerogative, but Maurice Moore, William Hooper, Samuel Johnston, James Iredell, Archibald Maclaine, Samuel Spencer, John Williams, Waightstill Avery, William Sharp and others were heart and soul devoted to the vindication of colonial rights. James Iredell was then but a youth and had just come to the bar, but he was tireless and brilliant in a wide correspondence urging combination and resistance to the schemes of Lord North.† In their public declarations of that period all of the American colonies were profuse in their protestations of loyalty to the King, and their bitter words were but complaints of the wickedness of the British Ministers. But in spite of this show of fealty, there can be no doubt that many were feeling what the boldest yet could scarcely dare to utter in words. William Hooper, on April 26th, 1774, thus wrote to Iredell: "With you I anticipate the important share which the colonies must soon have in regulating the political balance. They are fast striding to *independence*, and will ere long build an empire on the ruins of Britain; will adopt its constitution purged of its impurities, and from an experience of its defects, will guard against those evils which have wasted its vigor and brought it to an untimely end."‡

As the ominous days preceding the Revolution rolled slowly away, the shadow of the coming storm was more and more

†NOTE.—Iredell had married Miss Hannah Johnston of Edenton, July 19th, 1773. He had recently succeeded to the Collector's Office in the port of Roanoke, in place of H. E. McCulloh, and in view of his late arrival from England and connections there, might have well been pardoned for adhesion to Tory principles; but no man in the province was more decided and outspoken as a Whig. Samuel Johnston, his brother-in-law, was highly conservative in many of his views, and probably never knew how much the ardent and impulsive Iredell colored the views and acts of his life.

*Edwards to John Williams, July 20th, 1773.

‡Jones' Defence, page 125.

clearly projected across the political heavens. Good men in both hemispheres deplored the increasing evidences, that the time was near at hand which should witness the sundering of the municipal ties, which had so long bound the American colonies to the mother-country. Lord North, though never a tender-hearted man, was far from being a cruel one; King George III. in his private morals was above reproach, and yet between these two, in their assertion of prerogative, the rupture became inevitable. In all truth, with a century behind us in which the passions of that era have had time to cool, there was no solution of the problem.

The great European wars in the time of William III. had laid the foundations of the English national debt. The ambition of Louis XIV. not only threatened British ascendancy in America, but in Europe became as terrible as that of Spain, in the time of Philip II. The wars of the three first Georges were mainly undertaken to destroy the naval and colonial power of France. Canada and the great dominion in the west, then known as Louisiana, were objects of British terror. When all the territory east of the Mississippi River had been wrested from the French, the public debt had grown to be enormous in its proportions. The Chancellor of the Exchequer found it each year harder to make up a budget that would not raise a storm against the government. America was still calling for fresh millions of expenditure, even in times of profoundest peace. The colonies, except in the matter of trade, were a dead expense to the home government. If armies were to be maintained for their defence, it was insisted that they should contribute their fair proportion of the general expense. The vast majority of leaders in Parliament held they had full power to impose direct taxes upon the colonies. Pitt, Burke and Camden were the leaders of a formidable opposition, who maintained that no legislative body under the British Constitution could impose taxes, unless the people taxed were therein represented. Schemes of colonial representation in Parliament failed. It was then proposed that the colo-

nies should be left to contribute their quota in their own way; but this was rejected.

No human wisdom could have adjusted the differences to suit either the tastes or interests of the contestants. Had America been allowed her demand of only taxing the colonies as they saw fit, then in all truth, America would have been in effect independent. On the other hand, had our forefathers been admitted to representation in Parliament on any equitable basis, by this time the American people would have controlled the policy of the whole empire. England would have found herself in the dilemma of Normandy after the Conquest. It was better that war should come and separation be effected, and so in the providence of God, the Revolution ensued.

No people in the world's history have been in a more perplexing condition than were those of North Carolina in April, 1774. The courts were closed and the Sheriffs at their wits' ends as to their duty in the matter of collecting that portion of the poll-tax devoted to the extinction of the public debt. The House of Assembly had forbidden it; Governor Martin, by proclamation, gave fresh and explicit directions for its enforcement.* It was discovered by Colonel Harvey that Governor Martin had serious intentions of not allowing a session of the General Assembly during the continuance of the disturbed condition of the colonies in relation to the Boston Port Bill. Governor Tryon had stifled the voice of the province so far as the Assembly was concerned, during the whole of the Stamp Act troubles.

Governor Martin now proposed the same scheme. His private Secretary, Biggleston, divulged the secret to Colonel John Harvey, and that stern Whig took fire at the thought. He had been for years the head and front of resistance to British encroachments. In his wealth, culture and influence, even John Ashe had been eclipsed as the popular leader. In his unbending

*Martin, vol. II, page 327.

and lofty bearing, Tryon had been held at a distance, and while Caswell, Ashe and Polk had been temporarily dazed in the singular fascination of the "Great Wolf," John Harvey had uniformly treated him in such style that his deposition from the Speaker's chair had been accomplished in 1771. Governor Martin found him the same stern, unyielding opponent. Colonel Harvey at once, in the boldness of his fearless nature, determined on checkmating the cunning plan concocted in the Palace. There were brave men then in North Carolina, but probably no other would have assumed the responsibility and danger so unhesitatingly embraced by the statesman of Perquimans, whose fortitude was so supreme in his extreme physical debility. It required the heart of a Luther to have reached the resolution so promptly taken.

Colonel Harvey left New-Bern at once and first sought the counsel and aid of Willie Jones of Halifax. In him he recognized a kindred spirit, and to him it was first proposed, April 3rd, 1774, that Colonel Harvey, as Speaker of the House of Assembly, should call a convention of the people at New-Bern.* He offered to issue hand-bills and urge the formation of committees of correspondence, so that delegates should be chosen, and in case Governor Martin should carry out his threat of proroguing the Assembly, the Provincial Congress should meet in place thereof and take such steps as would insure the representation of North Carolina in the Continental Congress soon to meet in Philadelphia.† Willie Jones gave his hearty adhesion to the scheme. He was to North Carolina what Thomas Jefferson was to Virginia. Never conspicuous on the hustings or in the debates of deliberative bodies, but in his powerful and original mind was to be developed the larger portion of the policy of his people during the continuance of his life.‡ The next day Colonel Harvey met Samuel Johnston and Colonel

*Samuel Johnston's Letter to Wm. Hooper, April 5th, 1774.

†Jones' Defence, page 124.

‡Jones' Defence, page 128.

Edward Buncombe at the house of the latter in Tyrrell, and the cordial co-operation of these two was also secured. Buncombe was impulsive and impressionable, but Johnston was the embodiment of caution and deliberation. He was full of determination to resist Lord North's measures but he feared the effects of too much popular power. These eminent men, with Hooper, John Ashe, Caswell, Person and others, at once acceded to Harvey's proposition and the ball of Revolution was put in motion.*

*NOTE.—Mr. T. B. Kingsbury of Wilmington some time ago doubted the correctness of the above statement because Governor Swain, in his life of General John Ashe, published in Appleton's Encyclopædia, claimed for the Cape Fear here the great honor of originating the first Provincial Congress of North Carolina. I take it that neither Governor Swain nor Mr. Kingsbury had ever seen Governor Johnston's letter to Hooper; for the truth of my statement is therein made so patent that no reasonable doubt can well be entertained.

CHAPTER IX.

A. D. 1774 TO 1775.

Approach of the Revolution—Josiah Quincy's visit—Colonel Harvey's hand-bills and the elections—Governor Martin's exasperation—Meeting of the Council—First Provincial Congress of North Carolina—Harvey presides—Governor Martin's bad temper—Members of the Congress—William Hooper, John Ashe, John Campbell, Samuel Johnston, Joseph Hewes, Thomas Jones, Richard Caswell, Allen and Willie Jones, Abner Nash, Thomas Person, Richard Cogdell and Samuel Spencer—Election of delegates to the Continental Congress—Resolutions and address to the Throne—The manner of determining questions and mode of paying expenses of delegates—Boston Port Bill—Philadelphia Congress—Hooper's eloquence—Lord Chatham on the American Address—Dr. Franklin and Wedderburne—Governor Martin's return from New York—Judge Henderson's Indian purchases—Thomas Barker and Alexander Elmsly, English Agents—Colonel Harvey issues hand-bills for another Congress—Governor Martin forbids it by proclamation—Death of his son and meeting of the Council—Another fruitless proclamation—Colonel Harvey presides in second Provincial Congress—General Assembly meets next day and elect him Speaker—Governor Martin's last address to the Assembly—Answer of the Burgesses—Governor Martin dissolves the Assembly—The Provincial Congress continue their session—Articles of association signed by members—Thomas McKnight—Governor Martin removes Colonel Harvey from the commission as Justice of the Peace for Perquimans—Richard Cogdell and Dr. Alexander Gaston seize the Governor's artillery—His flight to Wilmington and Fort Johnston.

The American Revolution, like some resistless decree of Fate, slowly and inevitably drew near. The kindred communities of Britain and America, with a thousand ties of blood and interest, found themselves each day moved by the force of events into a continually widening divergence and estrangement. The trouble had begun with the Navigation Acts, but when John Adams had prevailed on the Americans to yield in this respect, King George had resolved on such treatment of Massachusetts, as made peace impossible.* So in the march of time human coun-

* Bancroft, vol. VII, page 139.

sels were confounded and in the very horrors of strife, Providence was opening up boundless and unknown opportunities for national and individual advancement. In the grand scriptural doctrine of atonement by shed blood, was an awakened world to be baptized into a new and advanced human polity of which the wisest men of the past had not even dreamed, as possible in this world.

During the entire summer of 1774, North Carolina was agitated throughout its borders. Meetings of the people were held to consider the public situation, and sympathy and aid went forward to the suffering city of Boston. Josiah Quincey of Massachusetts visited the principal Whig leaders of the province and found that North Carolina and New England were entirely accordant as to resistance to English encroachments.* Colonel Harvey's hand-bills, over his own printed name, called upon the people to elect delegates to the proposed Provincial Congress, with the further recommendation that such a body should send delegates to the Philadelphia meeting of all the colonies. By the first day of August a large majority of the counties had held elections, in which delegates to the Congress were chosen. Governor Martin was exasperated upon hearing of the hand-bills and elections. He called together His Majesty's Council for North Carolina and addressed them in vehement terms against what he considered the dangerous and treasonable tendency of such popular proceedings. He called upon them to concert measures to prevent the intended assemblage, set for the 25th day of August, at New-Bern. The Council asked for time in their deliberations, and on the next day informed His Excellency that they supposed a proclamation forbidding such a meeting would meet the end in view. The Governor at once complied with this advice and by proclamation he condemned the assemblies and elections as highly illegal, and especially denounced as treasonable and disloyal the proposed meeting in the very shadow of his Palace.†

These official acts of Governor Martin were of no avail in stemming the current of popular determination. On the day

*Josiah Quincey's Memoirs, page 119. †Jones' Defence, page 77.

appointed, he learned that the men elected had despised his warning and, with John Harvey at their head, were actually come to New-Bern to hold their proposed Congress. The appeals of Governor Martin to his dismayed Council only elicited the information that they "were unanimously of the opinion that no other steps could be taken at this conjuncture." Colonel John Harvey was elected Moderator of the Congress.* The Perquimans statesman had for several years been the leader in every measure distasteful to the royal Governors. He had treated both Tryon and Martin on all occasions with a studied *hauteur*, which conveyed in unmistakable terms the bitterness of his opposition.† He was ever elegant and courtly in his demeanor, but both in his official correspondence and personal bearing manifested a spirit of unbending assertion of the dignity of people's representative in comparison with that of the Crown.‡ Edward Moseley had introduced this rivalry between the Speaker and the Governor, and to his kinsman and friend, Samuel Swann, was transmitted the traditional etiquette. Upon the assembling of the Congress, Governor Martin was almost rude in his greetings, and more than one who were not members of the obnoxious Convention had cause to complain of his incivilities.§ A very different state of affairs was observable at Williamsburg in Virginia, where the Governor, Lord Dunmore, kept up social relations with Colonel Washington and his compeers, and could

‡NOTE.—Governor Tryon utterly failed to make any impression upon Colonel Harvey. His blandishments and frowns were alike powerless to disturb the even tenor of the latter's opposition to the Chief-Magistrate's schemes. It was probably the bitterest moment in the Speaker's official experience, when as the mouth-piece of the House of Assembly, he expressed that body's humble apologies for the bold resolutions of 1769. He was no party otherwise to that degrading retraction, and it was effected in defiance of his protest. His conduct on this occasion and his condemnation of certain features in the Riot Act of 1771, led Governor Tryon to procure the elevation of Colonel Caswell to the Speaker's chair.

*Martin, vol. II, page 331.

†Jones, page 131.

‡Iredell to Mrs. Iredell, New-Bern, August, 1774.

procure a goodly show of the Burgesses at Lady Dunmore's balls.* Josiah Martin was neither a wise nor politic ruler. The party friends of Governor Tryon were all driven into the opposition and he was incapable of seeing the necessity of concession and politeness to men who were each day going nearer to armed resistance to all his claims of power. Like his misguided King, he could not realize that human traditions had lost their significance to the men of America. He supposed, as loyalty to the House of Hanover was still openly professed, that the same treatment which had proved so efficacious at Alamance would restore that humble submission to the royal will, in which he thought consisted the whole duty of man.

The assembling of the Provincial Congress at New-Bern was the most important and significant event that had yet transpired in North Carolina in all the march toward independence. Nothing could have been more suggestive of the grave and perilous responsibility assumed by Colonel Harvey in calling the Congress, than the fact that Chatham, Edgecombe, Guilford, Hertford, Surry and Wake counties and the boroughs of Hillsboro, Salisbury, Brunswick and Campbellton failed to elect delegates to sit therein.† It was felt to be an extreme and revolutionary step, and the good men of those localities shrank from an open rupture with the King and his officials. They heard their leaders professing loyalty, and yet concocting a scheme, which Governor Martin truthfully proclaimed, would end in resistance to constituted authority. It was well that other sections of North Carolina did not follow these peaceful counsels, or the province would have a second time found itself unrepresented, when America had assembled her leading men for deliberation at Philadelphia. Governor Tryon had by prorogations and dissolutions of the Assembly prevented all official co-operation by North Carolina in 1766, and Governor Martin had already made

*Bancroft, vol. VII, page 54.

†Jones' Defence, pages 128 and 129.

up his mind to a similar course, when the bravery and promptness of Colonel Harvey frustrated his scheme.*

Many of the leading men of the province were to be seen at New-Bern as members of the Congress or as interested spectators of the proceedings.† Most eloquent of them all was the polished, genial and impulsive Hooper.‡ He and fiery John Ashe were delegates from New Hanover. Colonel Ashe was celebrated for the power of his oratory and personal influence with the people. In the latter respect he far surpassed his colleague, who possessed no element of popular power, but learning and brilliant elocution. Samuel Johnston, with his massive intelligence and lofty pride, in the facts of his high character, long service and great wealth, was, with Joseph Hewes and Thomas Jones, all of Chowan, likewise a conspicuous member. Hewes was delicate and dainty but inflexible in his spirit of resistance to Britain.§

Thomas Jones was a lawyer of good repute, and probably as even in his temperament as any man in all North Carolina. To this great moderation of views he was to be indebted for eminent service two years later, when he and Colonel Richard Caswell of Dobbs were to be the real authors of the first Constitution of the State of North Carolina.|| Caswell was incontestably the greatest and most versatile man of all those illustrious patriots, who at so much personal risk, were then watching the birth of an infant Commonwealth. He was equal even to Hooper in force and originality as an orator and as a popular leader was far superior to John Ashe. He was as patient and laborious as he was gifted and brilliant; and whether as Governor, Treasurer or General in the field, was always to fill the full measure of the great and varied trusts committed to his keeping. He and Willie Jones of Halifax, in this and every body of which they were members, were to be the leaders in impressing their views of the true

*Jones' Defence, page 124.

†Life of Iredell, vol 1, page 204.

‡American Biography, page 424.

§American Biography, page 429.

||Debates in Convention, page 318.

American policy.* They were ever agreed and irresistible in their conjoined influence over the deliberative Assemblies of the Revolution and the succeeding years. Not much inferior to any of these was Allen Jones of Northampton, who was full brother of Willie Jones, but ever at variance with him as to the true policy of the people in the formation of their institutions. Allen Jones and Samuel Johnston were the great advocates of aristocratic rule, while Caswell and Willie Jones were to be the authors of a scheme far more democratic.

Halifax also delegated Abner Nash to represent in part her people in the first Provincial Congress. He was fiery and impulsive and, like his brother, Francis Nash of Orange, eminently honorable and patriotic in all his life. Thomas Person of Granville was another notable figure in this historic body. He was not eloquent, learned or polished in his demeanor, but in his brave adhesion to principle, his large wealth and great popular ascendancy in his own portion of the province, he perhaps carried as much real weight to the Whig cause as any man in all the Congress. Richard Cogdell of Craven, Robert Howe† of Brunswick and Samuel Spencer of Anson were all conspicuous for talent and virtue and with those already mentioned, consti-

*NOTE.—Willie Jones was a chapter of contradictions. He was always a leader of the Assembly and yet rarely joined in the debates and then only to utter a few pungent and pointed sentences. Again no man was so democratic in theory and yet so patrician in his habits and tastes. When the House had adjourned after exciting debate, his real strength manifested itself. No man could be so insinuating and convincing at the fire-side. Probably Governor Caswell never realized how much his views were colored by the elegant and adroit member for Halifax. Mr. Jones was authority on all matters touching field-sports and lost Miss Cornell and her large fortune in preference to a surrender of his blood-horses.

†NOTE.—Captain Robert Howe of Brunswick, late Commandant of Fort Johnston, was another leader in this famous body. He dwelt at Orton on the right bank of the Cape Fear River, below Wilmington. He was a man of eminent culture and spirit. Audacity in council and equal eloquence in debate and written discussion were his distinguishing traits. He was to acquire great civil and martial fame, and to reach a higher command in the patriot armies than was the guerdon of any other North Carolinian of that age.

tuted the leading spirits of a body, which in the discharge of great public duties, well knew they were incurring the resentment of the most powerful and unforgiving of Kings. Young James Iredell, the Collector of Customs at Edenton, was there also, though not a member, and to his activity and zeal in the patriot cause no small measure of honor was due in the success of Colonel Harvey's brave scheme of holding a Congress in spite of Governor Martin's opposition.

The Congress having selected Colonel Harvey as presiding officer, Andrew Knox, also one of the delegates from Perquimans, was appointed Secretary.* Organization was perfected on August 25th, and on the next day it was resolved that three delegates should be appointed to attend as the representatives of North Carolina in the coming session of the Continental Congress, appointed for the ensuing month of September. On Saturday, the 27th, resolutions were passed touching the true relations of America and the government of Great Britain.† Fealty and loyal submission were expressed toward the King and abhorrence was avowed of any act or sentiment tending to destroy the dutiful submission of the colonies to the Throne; but for the recent assumptions of the British Parliament there was abundant censure and rebuke. They claimed the full rights of Englishmen, and resolved to sustain such assertion by all means in their power. These rights they defined to be: that no subject should be taxed but by his own consent or that of his legal representative: they asserted the illegality and oppression of the Navigation Acts, especially in the late provisions for an excise on tea. The course of the people of Massachusetts was eulogized as patriotic and spirited, and sympathy was expressed for the suffering people of Boston. Trial by jury of the vicinage was insisted on, as alike law and justice, and the new habit of carrying men beyond the seas for trial for offenses alleged to have been committed in America, was denounced as

*Jones' Defence, page 128; Wheeler, vol. I, pages 68, 72, 74.

†Martin, vol. II, page 331.

being as unconstitutional as it was oppressive. An agreement was made that after January 1st, 1775, no East Indian or British goods should be imported; and in the event of no redress to their grievances, all exportation of tobacco and naval stores to Great Britain should cease on October 1st of the same year.

It was further resolved that after September 1st, 1774, all use of East India tea should cease in their families, and all persons forbearing to comply in this matter were to be considered as enemies to the American people. Another resolution declared that the people of North Carolina would cease from all trade with any American port which should presume to disregard the plans and injunctions to be devised by the General Congress in Philadelphia.

Richard Caswell, William Hooper and Joseph Hewes were chosen as North Carolina's delegates to the Continental Congress, and the following instructions were given for their conduct in that body: They were to express the loyal attachment of their province to the King, and the resolutions to support his lawful authority, but at the same time it was to be understood that the natural right of self-defence, as to persons and property, would be asserted against all unconstitutional encroachments. They were to maintain the claim of the province to all privileges of British subjects, especially as to paying no taxes except those levied with consent; and that the Legislature of North Carolina alone had power of making laws for the internal police of the colony. They were further to concur with the delegates of other colonies in such regulations, addresses and remonstrances as were calculated to restore peace and harmony and procure redress of grievances.*

Having further passed a resolution against the importation of African slaves after the 1st day of November, 1774, the Congress adjourned, having resolved, "That the thanks of this meeting be given to the Honorable John Harvey, Esquire, Moderator, for his faithful exercise of that office, and the service he has

*Jones' Defence, pages 144, 145.

rendered thereby this province and the freedom of America in general.”*

In determining the sense of the Provincial Congress upon measures before it, the vote was taken by counties and towns entitled to special representation.† As every constituency paid the expenses of their own delegation, they were allowed to limit the number and sent as many or few as seemed best to them.‡ Having resolved that a committee of five be appointed for each county to see that the resolutions adopted at New-Bern should be carried out, and having empowered the Moderator and, in case of his death, Samuel Johnston, to call together the deputies in other sessions, the Congress adjourned.

The Boston Port Bill had taken effect on the 1st day of June. This out-growth of ministerial vengeance had effectually shut this emporium of American trade. Not even a bale of hay could be carried by water into that sealed-up harbor.§ All movement of water craft was watched and prevented by naval force at hand. The busy thousands of artisans and sailors were driven to enforced idleness, with prospective want and starvation as the guerdons of their forward and presumptuous patriotism. North Carolina was not behind the other colonies in ministering to the vicarious sufferings of this devoted people. Four thousand dollars were subscribed and sent forth in supplies from the Cape Fear country alone. It was felt that Boston was being ill-used for acts and sentiments which actuated all America and thus her quarrel became that of a continent.

In September, Messrs. Caswell, Hooper and Hewes met the delegates of all the colonies save Georgia, Nova Scotia and Quebec, at Philadelphia. At that hour but few men in all America contemplated independence. Patrick Henry, Samuel Adams and William Hooper had all given utterance to sentiments that plainly indicated, what probably they had not fully confessed to themselves. The first American Continental Congress avowed

*Jones' Defence, page 148.

‡Jones, page 146.

†Martin, vol. II, page 336.

‡Bancroft, vol. VII, page 57.

its loyalty to King George III., and was eloquent in protestations of attachment to the land of their fathers.* They were nevertheless united in their determination to defend their chartered rights. The wrongs of Boston could fire the soul of Christopher Gadsden into such indignation that he was willing to march at once against General Gage and his army, but peaceful Dickinson was far more potent with his counsels of moderation and conciliation. Samuel Adams, prophetic and inexorable, bided his time and endorsed with Henry, the declaration of Hawley, that "after all we must fight."

In the progress of the debates at Philadelphia, the North Carolina delegation were not backward in the discharge of the high trust committed to their keeping. They were possessed of plenary powers to "make any acts done by them, or consent given in behalf of this province, obligatory in honor upon any inhabitant thereof who is not an alien to his country's good, and an apostate to the liberties of America." Hooper's eloquence was startling to the body which had not dreamed of such culture in a citizen of the plain community then in North Carolina.† He was appointed on several important committees, and was greatly respected for the boldness of his views and the power and learning with which he invariably illustrated his sentiments.‡ Caswell was far more potent in his management of the men with

‡NOTE.—One of the mysteries of American history were the unfounded aspersions of Thomas Jefferson upon the memory of Hooper, who had been, at the utterance of the calumnies, in his grave for many years. Men who knew him best were alike astonished and indignant that the great Virginian should have been so blinded by his old resentment. Hooper, like Samuel Johnston, was ever averse to the startling innovations formulated by the greatest of political philosophers, and thus between the conservatism of one and the radicalism of the other grew up a bitter animosity on the part of Jefferson. It is a mournful thought that such grand intellectual endowments should have been marred by any moral obliquity in the person of the greatest of our Presidents; but it is evident that he could defame a rival or over-reach a foe by means that were far from being justifiable.

*Bancroft, vol. VII, page 144.

†American Biography, page 424.

whom he came in contact. Hooper was cold to any but his intimate friends and disdained the use of every effort at popularity. His colleague was as magnetic as his old friend Governor Tryon, and managed assemblies more by social stratagems than displays of the really great powers he possessed as a forensic reasoner.* Joseph Hewes was also dainty in his notions of parliamentary and social propriety and, like Hooper, won respect purely by his culture and devotion to his duties.† He helped to draw up the celebrated report of the committee on the “rights of the colonies in general, the several instances in which those rights are violated or infringed, and the means most proper to be pursued for obtaining a restoration of them.”

The Continental Congress having prepared an address to the King and resolved upon a cessation of all commercial intercourse after 1st of December in the event of a refusal to redress their grievances, adjourned to meet again in May of the following year. On January 20th, 1775, the great Earl of Chatham, in the House of Lords, in discoursing upon the address sent over, gave utterance to these memorable words: “When your Lordships look at the papers transmitted us from America, when you consider their decency, firmness and wisdom, you cannot but respect their cause, and wish to make it your own. For myself, I must avow, in all my reading—and I have read Thucydides and studied and admired the master states of the world—for solidity of reason, force of sagacity and wisdom of conclusion, under a complication of difficult circumstances, no nation or body of men can stand in preference to the General Congress at Philadelphia. The histories of Greece and Rome give us nothing equal to it, and all attempts to impose servitude upon such a mighty continental nation must be in vain.”‡ Lord Suffolk answered Chatham and asserted that the Ministry were resolved to repeal nothing and to go forward in their measures of coercion.

*N. Macon's Speech; Debates in Convention, 1835.

†Letters to Iredell.

‡Bancroft, vol. VII, page 202.

Governor Martin spent the fall of 1774 in New York, and President Hasell assumed the government of North Carolina in the period of his absence. The Council was convened and the Insolvents Act disallowed, under letters-patent from the Crown. It was thought imprudent to allow any session of the General Assembly; so that body was prorogued by proclamation dated some time in November.

The Continental Congress had produced a state of feeling that was intense and permanent, as to the proper vindication of the colonies. The extraordinary nature of the dangers threatening them called for unusual precautions. It was seen that division among themselves would inevitably lead to speedy and ignominious overthrow, in case a formidable portion of the American people should sustain Lord North in his measures. No steps could be taken which could so certainly lead to unanimity as the formation of committees and associations. In this way the sentiments of every honest man in the different sections could be ascertained and even the disaffected often committed to the apparent support of the Whig cause.

The earliest recorded proceedings of a Committee of Safety were those of Wilmington. On November 23rd, 1774, the freeholders of that town met in the court house and selected Cornelius Harnett, John Quince, Francis Clayton, William Hooper, Robert Hogg, John Ancrum, Archibald Maclaine, John Robeson and James Walker, "in order to carry more effectually into execution the resolves of the late Congress at Philadelphia."*

The first thing effected by this body was to order the return of a cargo of tea which had been shipped to William Hill. Three days later a horse-race which was advertised, received the disapprobation of the Committee in accordance with a recent resolution of the Continental Congress. A month later Hereld Blackmore received five negro slaves from a foreign port, contrary

*Minutes of Committee, page 1.

to the New-Bern resolution, and they were ordered to be sent back. On the same day, December 26th, 1774, John Slingsby & Co. reported the arrival of a cargo of general merchandise, which was sold under the direction of the Committee, the consignees becoming the highest bidders and purchasers. A week later, merchants were besought to bring in and sell at five shillings a pound, all the gunpowder in the city, which amounted on January 4th, 1775, to one hundred pounds.

Benjamin Franklin was already world-famous as a statesman and philosopher. He was in London with the hope of arranging the unhappy disputes between Britain and her colonies. The coarse brutality of the English Attorney-General, Wedderburne,* and the systematic ill-treatment by all the Ministry, save Lord North, had not been able to overcome his desire of some peaceful arrangement of the growing dispute. It was the settled determination of the King that America should be forced into subjection to his views, and that rebellious Massachusetts should be sufficiently punished for the Tea Riot and other offenses. In mockery of every scheme of the many good men who, on both sides of the Atlantic Ocean, were praying for peace, an overruling Providence was surely conducting affairs to complete revolution and unprecedented advancement in human blessings.

Upon Governor Martin's return from New York in January, 1775, he found a fresh occasion for a denunciatory proclamation in Judge Richard Henderson's purchase of Cherokee lands, located in the present State of Kentucky.† It was not due to his efforts that North Carolina was, with New York, excepted from the fresh restrictions laid by Parliament upon American commerce.‡ This bill became law in February, and it was

‡NOTE.—The fact that North Carolina and others were excepted from this offensive bill of pains and penalties was rightly attributed to the active interference of Governor Tryon, who though ruler of New York, was yet eager to advise and control the English policy as regarded North Carolina. His pur-

*Lives of the Chancellors; Life of Loughborough.

†Jones' Defence, pages 151, 152.

through Governor Tryon, then in England, and Thomas Barker and Alexander Elmsly, agents for the province, that this doubtful honor was conferred.* Barker and Elmsly were both distinguished as provincial advocates before their employment as English Agents of the colony. They had succeeded Henry Eustace McCulloh a year before and were gentlemen of equal talent and character.†

On February 11th, Colonel Harvey as the Moderator of the Provincial Congress, issued a proclamation by means of printed hand-bills over his own name, calling upon the people to elect delegates to another Convention to meet at New-Bern, April 3rd. These papers had a great and speedy diffusion throughout the province. This stirred Governor Martin to call the Council together and he laid the matter before them. They joined him in condemning the proposition of convening the Congress at the same time and place with the General Assembly as highly presumptuous and seditious: accordingly, a proclamation was issued calling upon the people to “forbear from electing delegates or assembling themselves in any such unlawful and revolutionary bodies” as that proposed by Colonel John Harvey. This document, like many of its predecessors, was unheeded by the people,

pose was to create divisions and curry favor with the men so lately his lieges. To show the effect in the province of this new measure, it is only necessary to quote the language of the Wilmington Committee of Safety, who on July 21st, 1775, resolved

1. That the exception of this colony and some others, out of the said act, is a base and mean artifice to seduce them into a desertion of the common cause of America.

2. That we will not accept of the advantages insidiously thrown out by the said act, but will adhere strictly to such plans as have been, and shall be entered into by the Honorable Continental Congress; so as to keep up a perfect unanimity with our sister colonies.‡

*Letter from A. Elmsly to Samuel Johnston, April 7th, 1775.

†Jones' Defence, page 152; Martin, vol. II, page 340.

‡Proceedings of Committee, page 42.

who went on with their choice of representatives.* There had been several counties and towns in the province which had failed to elect delegates the year before, but there was no such dereliction repeated on this occasion. In almost every instance the Burgesses were also elected members of the Congress, and in some cases others were added to the members allowed in the House of Assembly. The perishing fabric of British supremacy was typified in the angry impotence of unhappy Josiah Martin, to whose public perplexities was now added a poignant and lasting sorrow in the loss of a son.† The strenuous and unblenching heart of John Harvey was sustaining his fast-failing physical powers, and he went forward in his great work of getting North Carolina into effective co-operation with the other American colonies.

Governor Martin soon found that his violent pronouncement against Colonel Harvey had utterly failed of effect with the people. He convened the Council, April 2nd, and laid before them the King's instructions for preventing the appointment of delegates to the Continental Congress to assemble in May. James Hasell, Samuel Strudwick, Martin Howard and Samuel Cornell were still devoted in their adhesion to the Crown, and as usual recommended another proclamation. Accordingly, on the very morning upon which the Provincial Congress was to assemble, another of those fruitless appeals called upon the members, in the King's name, to desist from their proposed convention, "to forbear the election of delegates to Philadelphia, and to withdraw themselves from all such unlawful purposes, on the pain of His Majesty's highest displeasure."

In spite of all this waste of words on the part of the royal Governor, the second Provincial Congress quietly met on April 3rd, and elected Colonel Harvey as Moderator. Having clothed him with plenary power over the matter as to when they should sit as a Convention, the body adjourned. On the next day the

*Martin, vol. II, page 340.

†Governor Swain's Lecture on the Campaign of 1776.

same men again assembled and elected Colonel Harvey as the Speaker of the new House of Assembly. There was a singular series of scenes and dissolving views as the Chairman would announce first the Congress and then the House of Assembly in session.* The House of Assembly would sometimes, as on April 7th, be found trespassing upon functions strictly belonging to the Congress and were found complimenting Caswell, Hooper and Hewes for their services at Philadelphia.

In this, his last address to the General Assembly, Governor Martin was prolix as he was envenomed. He perhaps little thought, as he fulminated his valedictory, so full of complaint and ungracious displeasure, that never again were the Burgesses of North Carolina to obey his summons to the Palace. With wasted form and kindling eyes, stern John Harvey stood with his House at his back and received the last scolding an English satrap was ever to be allowed to give the best men of a wise people for insisting upon their undoubted rights.†

Governor Martin told the Assembly that he looked with horror upon the proceedings in some of the colonies. That such violent and unjustifiable conduct was calculated to weaken the allegiance of the unwary and ignorant masses and induce endless miseries in its consequences. They were bound by duty to the King and the province to obviate the contagion of such evil examples and to defend the land from the ruin which impended. He had already seen the unhappy effects upon North Carolina. The meetings and committees, and little, unrestrained tribunals by them created, had injured the rights of the Crown and offered flagrant and unpardonable insults to the highest officers of the province. The administration of public justice had been obstructed and such was the condition of affairs as to plainly demand their best efforts at correction. They were in duty bound to oppose the meeting of the Provincial Congress. It was an illegal body, unknown to the laws and Constitution and in conflict with their own rights and dignities. He had striven to counter-

*Jones, page 161.

†Martin, vol. II, pages 340, 341—346.

act this invasion and should persevere in such a course. What could be the significance of such a body? Were they, as Burgesses, not the peculiar representatives of the people, and were they not competent guardians of their rights? Would they submit thus to see their constituents misled and their own dignity insulted by the constitution of a new set of representatives in derogation of their authority? It was a fatal imitation imported from other colonies and he hoped that they would see its mischievous effects and join him in its suppression.

The object of greatest concern to all the provinces was to remove the false impressions, by which alienation had been sought between the parent State and her colonies. The basest means had been used for this purpose. Then it should be the care of the General Assembly to lead back the people to allegiance, and avert the dangers they were so heedlessly incurring. The English Parliament was at that very time deliberating for the good of America and it became them to wait upon the result with confidence and submission. To no other tribunal could they reasonably appeal for the granting of their demands. A great opportunity for usefulness was now before them. Let North Carolina do her part in subduing the spirit of sedition and receive the applause of posterity. Especially was it their duty, to forbear sending delegates to the proposed meeting in Philadelphia, as such conduct would be highly offensive to His Majesty, the King. The exhausted treasury and total absence of all courts were matters of the highest moment and most urgently demanded their attention.

Robert Howe, William Hooper, Samuel Johnston, Joseph Hewes and Thomas McKnight* were appointed a committee to

*NOTE.—Thomas McKnight of Currituck was a neighbor of Colonel Harvey, and his Tory predilections were probably even then known to the wise and adroit Speaker, who appointed the members of the above committee. McKnight was by no means prominent for zeal or intelligence on either side of the great contest, and it was thus only a stroke of policy which led to his appointment on so important a reference. He was to exhibit at least manliness in refusing to sign the articles of association. He stood by the King on this occasion, but no more appeared in the development of the struggle. Far-

prepare an address in answer to that of Governor Martin, and on Friday, April 7th, Captain Howe reported in substance as follows:* His Majesty's faithful subjects, the members of the House of Assembly of North Carolina, had taken into consideration His Excellency's speech at the opening of the session. They were there with minds and hearts devoted to the public good. The Assembly declared their firm allegiance to the King, as Constitutional Sovereign, who like themselves was acting under the sanction of an oath for their protection in all just rights and privileges. They contemplated with horror the condition of America involved in difficulties and distressed by invasions of ancient rights and immunities. In this way the colonies had been driven to measures, which however extraordinary were still warranted by necessity. The appointment of committees in counties and towns had been adopted to resist unconstitutional encroachments and the Assembly was convinced that no step had been taken in that direction, which was not salutary and proper. It was not to be controverted that all British subjects had the right of assembling and petitioning for redress of grievances and any attempt to deny or abridge this privilege was in direct conflict with the Constitution. It was the least of their desires to prevent the objects and session of the Provincial Congress, then in session at New-Bern, or to join His Excellency in his injurious epithets in its disparagement. Its members were the people's representatives in a special cause, in which the Burgesses had been in a measure considered inadequate, from the fact that their sessions were under the control of the Crown and thus could be

quhard Campbell and another from Cumberland swallowed all the oaths ever proposed, and were all the while Tories and traitors. McKnight incurred odium and sank out of sight politically, and in so doing was probably but carrying out what he thought was right. It required both courage and conscientious devotion to face the treatment he experienced in the Congress; for in refusing to sign the articles of association he incurred the hatred of almost all his associates.

*Martin, vol. II, page 346; Jones' Defence, page 167.

prorogued or dissolved whenever it suited the Governor. The people had good cause to believe that no representatives of theirs would be allowed to sit until too late for the appointment of delegates to the Continental Congress. The Burgesses knew of none of the base arts His Excellency had mentioned as being practiced on the people, in leading them from their duty, but were well aware that a variety of proceedings on the part of Parliament had abundantly justified the steps which had been taken. It was their duty to say that base arts had been used by wicked and designing men as against the American people and they regretted to hear Governor Martin sanctioning such groundless imputations, as it tended to weaken the force of their petitions sent over to England for redress. They would be concerned to hear that the appointment of delegates to Philadelphia would be offensive to the King, if they did not know that His Majesty had been pleased to receive most graciously the late petition of the United Colonies. They had therefore no reason to suppose a petition of one or more of the provinces could prove distasteful.

They were pleased at the Governor's information touching recent marks of loyalty in certain portions of North Carolina, but from his manner of conveying such information, they feared he would produce the impression abroad that others were possessed of different feelings. They took occasion to say that the King had no more devoted subjects than their constituents. If the proofs of loyalty were the lately-published addresses in the *North Carolina Gazette*, they could not join in felicitations over the fact, that among so many people, a few mis-guided men had adopted principles contrary to the sense of all America, and so destructive of all just rights and privileges. The House of Assembly denied that the state of the provincial treasury was in any way attributable to them, as was also the forlorn condition of the colony in the matter of the courts. They would gladly aid in the establishment of a proper Court System but declined any provision for Fort Johnston.

On the 8th of April, Governor Martin dissolved the Assembly and not one single act of that session became a law. It was the

last Legislature that ever met in North Carolina under royal auspices, and only suffered an interruption that had been foreseen, and for which provision had been made. When Mr. Biggleston, the Governor's Private Secretary, came with the proclamation that ended the legal existence of the Assembly, Colonel Harvey had only to announce that the Provincial Congress was in session and the great work of the people's redemption proceeded in spite of the baffled Governor, who looked on in impotent rage from the Palace so close at hand.* Having passed resolutions to encourage arts, manufactures and agriculture, it was next voted that Governor Martin's late course in forbidding their assembling and then ordering them to disperse, was an illegal infraction of their rights, and therefore rightfully disregarded, being only the wanton exercise of arbitrary power. The acts of the late Continental Congress were highly applauded and the course of the North Carolina delegates therein endorsed, and the same gentlemen were re-elected to attend at Philadelphia on a new session of that body, appointed for the ensuing month.

Articles of association had been agreed upon in the previous Philadelphia Congress, by which subscribers bound themselves to abstain from all commerce with British marts. These resolutions were adopted by the members of the Provincial Congress at New-Bern, with the exception of Thomas McKnight of Currituck, who for his contumacy was denounced as an enemy of the American people and held up to general scorn. Governor Martin called his Council together and they vented their displeasure on Colonel Harvey by striking his name from the list of magistrates in Perquimans.† The King had sent over emissaries to the Highlanders and Regulators, and Governor Martin confidently relied upon his schemes for assistance in the same direction. The Indians too were being tampered with for a similar purpose. Arms were soon to be shipped for them and the negroes.‡ A few cannon were placed before the Palace to over-awe

*Martin, vol. II, page 381.

†Martin, vol. II, page 332.

‡Baneroft, vol. II, page 343.

the people of New-Bern, but while Governor Martin and his Council were in session, Dr. Alexander Gaston and Richard Cogdell headed men who forcibly seized and bore them off on April 24th. That night the terrified Governor and some of his faithful advisers fled to Wilmington and soon afterwards to Fort Johnston, at the mouth of Cape Fear River, and thus ended forever English rule in the Province of North Carolina.‡

‡NOTE.—Governor Martin soon found that he had as redoubtable antagonists on the Cape Fear as those from whom he had retreated, in his flight from New-Bern. Another election had been held by the freeholders of Wilmington on January 4th, 1775, and a new Committee of Safety was chosen. This body consisted of Messrs. George Moore, Samuel Ashe, John Ashe, James Moore, Frederick Jones, Alexander Lillington, Sampson Moseley, Samuel Swann, and George Merrick for the town, and Messrs. John Hollingsworth, Samuel Collier, Samuel Marshall, William Jones, John Larkins, Joel Parish, John Devane, Timothy Bloodworth, Thomas Devane, John Marshall, John Colvin, Bishop Dudley and William Robeson for New Hanover county. Cornelius Harnett was made Chairman and Francis Clayton, Secretary. The members of the old committee retained their places, and the above-named members were but added. Adam Boyd published the *Cape Fear Mercury*, a weekly newspaper under their patronage and directions, at five dollars a year in “proclamation money.” Soon James Kenan, Chairman of the Duplin Committee, joined in their conferences and produced an extension of amicable visits from the compatriots of other counties.

‡Jones' Defence, page 174.

CHAPTER X.

A. D. 1775 TO 1776.

The skirmish at Lexington fires all the American Continent—Mecklenburg and the Declaration of May 20th, 1775, and resolutions of 31st—Colonel Polk, Abraham Alexander and Dr. Ephraim Brevard—Condition of the province—The Committees of Safety—Associations—Death of Colonel John Harvey—John Ashe drives Governor Martin from Fort Johnston to the sloop-of-war *Cruiser*—Samuel Johnston calls another Congress at Hillsboro—He is made Moderator—The old Regulators—Military districts laid out—Cornelius Harnett at the head of provisional government—Regulators and Scotch Highlanders—John and Samuel Ashe sent to the maleconvents in New Hanover—The two first Continental battalions ordered—Colonel Howe goes to Norfolk—Colonel Rutherford and others march against the Scovillites in South Carolina—Both expeditions successful—Promotion of Colonels Moore and Howe—The Cumberland Scotch are aroused by Governor Martin to his aid—The McDonalds and McLeod—Preparations to invade North Carolina—Colonel Moore confronts the loyalists at Rockfish Creek—McDonald calls on Moore to surrender or join the King's standard—Caswell's approach alarms the Scotch and they seek to escape—Moore at Rockfish—He sends Ashe and Lillington to Moore's Creek—Retreat of the Scotch—Battle of Moore's Creek—Consequences of this victory upon the province.

When the year 1775 had come upon America, the obnoxious city of Boston, of all the colonies, was alone feeling the full force of British oppression. General Gage and his army held that devoted place in a state of siege. At length, on the 19th of April, came the affair at Lexington. We constantly hear of accidents vastly more destructive of human life, but this insignificant skirmish fired the hearts of a continent. Such an occurrence in our day outstrips the wind in promulgation of its tidings. In less than an hour it is known all over the Mississippi valley, across the Rocky Mountains and along the far-off shores of the Pacific Ocean. Our stout-hearted ancestors had no telegraphs or railroads, and it was full two weeks after the slain militiamen had stiffened in their blood ere the good people of Carolina were aroused by the peal of war. Richard Caswell was on his way

as a delegate from North Carolina, to attend the session of the Continental Congress, then about to assemble in Philadelphia. He met the New England courier hurrying southward with the news, at Petersburg in the Province of Virginia, on the 1st day of May. By the nineteenth of that month it reached Charlotte, N. C., and one day later the men of Mecklenburg met in convention and declared the independence of the colonies.

The little village of Charlotte contained the court-house of Mecklenburg county and was likewise the seat of an infant literary institution known as Queen's Museum. It had been for months past the centre and focus of a great political interest. Governor Martin had relied upon those western counties, of which it was an emporium, for aid in the struggle so plainly now on hand. He had written to Lord Sandwich: "I have no doubt that I could command their best services at a word in any emergency. I consider I have the means in my own hands to maintain the sovereignty of this country to my royal master in all events."* He was most thoroughly undeceived, when in the Wilmington papers, he read the resolutions of men who had reached a point requiring more than a year of warfare to impress upon the remainder of their countrymen.

Colonel Thomas Polk and Abraham Alexander had, years before, incurred the displeasure of the North Carolinians by their compliance with Governor Martin's wishes in running the South Carolina line.† They were now the leaders of patriotic sentiment and had been prominent in several gatherings of the people, on the subject of the recent English declaration that the colonies were in a state of actual rebellion. Colonel Polk, as commander of the Mecklenburg militia, had procured the appointment of two men from each company as delegates to a County Convention in Charlotte. Abraham Alexander was made Chairman, and Ephraim Brevard and John McKnitt Alexander, Secretaries. In the midst of their deliberations came the news of the blood-shed at Lexington. Distance prevented aid being sent

*Baneroft, vol. VII, page 373.

†Martin, vol. II, page 288.

to New England, or men and supplies would have at once gone forward.* Ephraim Brevard had learned much while a student at Nassau Hall and since, and to him was committed the task of expressing the sentiments of the Convention. As an immortal legacy to after ages, he embodied in fit language, the promptings of that strong-hearted and magnanimous people.

They were far from the scene of the recent bloodshed at Lexington, but the cause of Massachusetts was also theirs, and they felt that a blow struck in New England in furtherance of British aggression must ultimately be repeated in North Carolina. It was therefore resolved:

1. That whosoever directly or indirectly abets, or in any way, form or manner countenances the unchartered and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this country—to America—and to the inherent and unalienable rights of man.

2. That we do hereby declare ourselves a free and independent people; are, and of right ought to be a sovereign and self-governing association, under the control of no power, other than that of our God and the *general government* of the Congress: To the maintenance of which independence we solemnly pledge to each other our mutual co-operation, *our lives, our fortunes, and our most sacred honor.*

3. That all, each and every military officer in this country is hereby reinstated in his former command and authority, he acting conformably to their regulations. And that every member present of this delegation, shall henceforth be a civil officer, viz: a Justice of the Peace, in the character of a committee-man, to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve the peace, union and harmony in said county, to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this province.

This famous set of resolutions was signed by Abraham Alexander, as Chairman, and John McKnitt Alexander, as Secretary. It was likewise inscribed with the names of Ephraim Brevard, Hezekiah J. Balch, John Phifer, James Harris, William Kemm, John Ford, Richard Barry, Henry Downe, Ezra

*Baneroff, vol. VII., page 371.

Alexander, William Graham, John Queary, Hezekiah Alexander, Adam Alexander, Charles Alexander, Zaccheus Wilson, Waightstill Avery, Benjamin Patton, Matthew McClure, Neil Morrison, Robert Irvin, John Flennegin, David Reese, John Davidson, Richard Harris and Thomas Polk, Sr.

Rev. H. J. Balch, Dr. Ephraim Brevard and William Kenyon, an attorney, addressed the Convention. There was unanimity except in the case of the Regulators, who were among the spectators. They drew back from the peril and excused themselves from the movement on the plea of their obligations in taking the oaths administered by Governor Tryon. The resolutions were forwarded to the Continental Congress then in session at Philadelphia, by Captain James Jack, and also to the Provincial Congress. They were brought to the attention of the latter body by Mr. Moderator, Samuel Johnston, on August 25th, 1775.*

*NOTE.—Since the publication of the famous correspondence between John Adams and Thomas Jefferson, and the doubts expressed by the latter, as to the authenticity of the Mecklenburg Declaration, there have been other men, who have uttered reflections of the same nature. All are agreed that the resolutions of May 31st, 1775, are authentic. It is beyond all cavil that Governor Martin had seen some resolutions of Mecklenburg on June 30th. for he that day wrote to the English Secretary of State, saying: "The resolves of the Committee of Mecklenburg, which your lordship will find in the enclosed newspaper, surpasses all the horrid and treasonable publications that the inflammatory spirits of the continent have yet produced. * * * The copy of the resolves was sent off; I am informed, by express to the Congress at Philadelphia, as soon as they were passed in the committee." The resolutions of the Committee for the County of Mecklenburg uttered on the 31st, are preserved in a copy of the *South Carolina Gazette*, which was printed at Charleston in the month of June of the same year, and from that journal were also copied into the New York newspapers of that period.

It has been suggested that the copy of the resolutions of May 20th, is not reliable from the fact that the original paper was destroyed in the burning of John McKnitt Alexander's house in 1800; but this amounts to nothing, as Alexander then stated to many persons that a perfect copy was in the hands of General William R. Davie. This paper is yet preserved and fully corroborates the reproduction of the lost original by the venerable Secretary.

*Wheeler, vol. II, page 70.

Eleven days later, the same men re-assembled at Charlotte to complete a work so bravely inaugurated on May 20th, 1775. In disavowing and annulling the royal authority, they had displaced every Justice of the Peace, Sheriff and provincial and county officer. All of these held their places by virtue of direct or indirect appointment by Governor Martin. That functionary was at the very time lying off Brunswick in the sloop-of-war *Cruiser* and issuing commissions with the full assent of the Wil-

It appears to this writer that the people did make the declaration in question on May 20th and that the resolutions adopted eleven days later by the Committee of Safety are the most necessary and natural corollary imaginable to that "gigantic step," as it was well characterized by Mr. Jefferson. The people had abjured the King and made no provision for their future government except to appoint the delegates of the Convention as Justices of the Peace. With the King's authority fell that of every appointee under the provincial government. They therefore, on the last day of the month, elaborated a system which not only made peace in their own borders but won them the proud distinction of being denounced by Lord Cornwallis as the most disloyal people in all America.

Again; it is indisputable that in effect the resolutions of May 31st were a complete abjuration of royal authority and only fell short of the real Declaration in the saving clause of Article XVIII, where it was provided that the new polity was to be valid until overruled by the Provincial Congress, or "the legislative body of Great Britain resigns its unjust and arbitrary pretensions with respect to America." Any candid mind contrasting these resolutions with those of New Hanover, Cumberland, Franklin or any other American community can but be amazed at the vigor and audacity of the Mecklenburg people. Governor Martin settled the fact that they were sent to Philadelphia and it is patent to every historian why the North Carolina delegation at that day forbore their presentation. Such a step and their endorsement by Congress would have driven from that body at least one half of its members. The doubting Dickinsons of a year later would have left their seats and at once made terms with the King. It was only by the greatest protestations of fealty to him that many were, months later, kept in their places. When the papers were laid before the Hillsboro Congress on the 25th day of August, they were greeted by a body that voted down Hooper's proposition for a permanent confederation, avowedly upon the ground that it was probable that some arrangement would soon be effected which would restore the King's authority. It can then be understood why pains were taken to give as little publicity as possible to a matter, which astounded and dismayed such men as Samuel Johnston.

The substance of the whole controversy touching the authenticity of the Mecklenburg Declaration is then, after all, at best but frivolous. If they did

mington Committee of Safety.* He was to be assured in August by resolution of the Provincial Congress that he could in all safety and honor re-occupy his Palace at New-Bern. Under such circumstances, while everywhere else men were protesting that they were still loyal to the King, on May 31st, 1776, the Mecklenburg Committee again put upon record the following resolutions :

WHEREAS, by an address presented to His Majesty by both Houses of Parliament, in February last, the American Colonies are declared to be in a state of actual rebellion, we conceive that all laws and commissions confirmed by or derived from the authority of the King and Parliament, are annulled and vacated, and the former civil constitution of these colonies for the present wholly suspended : To provide in some degree for the exigencies of this county in the present alarming period, we deem it proper and necessary to pass the following resolves, viz :

I. That all commissions, civil and military, heretofore granted by the Crown to be exercised in these colonies, are null and void, and the Constitution of each particular colony wholly suspended.

II. That the Provincial Congress of each province, under the direction of the great Continental Congress, is invested with all legislative and executive powers within their respective provinces, and that no other legislative or executive power does or can exist at this time in any of these colonies.

III. As all former laws are now suspended in this province, and the Congress has not yet provided others, we judge it necessary for the better preservation of good order, to form certain rules and regulations for the internal government of this county, until laws shall be provided for us by Congress.

IV. That the inhabitants of this county do meet on a certain day appointed by the committee, and having formed themselves into nine companies (to-wit : eight for the county and one for the town), do choose a Colonel and other military officers, who shall hold and exercise their several powers by virtue of the choice, and independent of the Crown of Great Britain, and former Constitution of this province.

not renounce the King and his agents on May 20th, they certainly did on the 31st. What then can be the wisdom of doubting the veracity of so many unimpeachable witnesses, who deposed to the fact of the Convention and its work. These men were not only patriots but were greatly revered for the rectitude of their lives. That they should concoct a cunningly devised fable or mistake the date of the transaction, is alike improbable and impossible, when it is remembered that before the loss of the original paper, a copy was sent to General Davie and is yet preserved.

*Proceedings of Committee.

V. That for the better preservation of the peace and administration of justice, each of those companies do choose from their own body two discreet freeholders, who shall be empowered each by himself, and singly to decide and determine all matters of controversy arising within said company, under the sum of twenty shillings, and jointly and together all controversies under the sum of forty shillings, yet so as their decisions may admit of appeal to the convention of the selectmen of the county, and also that any one of these men shall have power to examine and commit to confinement persons accused of petit larceny.

VI. That those two selectmen thus chosen do jointly and together choose from the body of their particular company two persons to act as constables, who may assist them in the execution of their office.

VII. That upon the complaint of any persons to either of these selectmen he do issue his warrant directed to the constable, commanding him to bring the aggressor before him to answer said complaint.

VIII. That these eighteen selectmen thus appointed do meet every third Thursday in January, April, July and October, at the court-house in Charlotte, to hear and determine all matters of controversy for sums exceeding forty shillings, also appeals; and in case of felony to commit the persons convicted thereof to close confinement until the Provincial Congress shall provide and establish laws and modes of proceeding in all such cases.

IX. That these eighteen selectmen thus convened do choose a clerk, to record the transactions of said convention, and that said clerk, upon the application of any person aggrieved, do issue his warrant to any of the constables of the company to which the offender belongs, directing said constable to summon and warn said offender to appear before said convention at their next sitting, to answer the aforesaid complaint.

X. That any person making complaint, upon oath to the clerk, or any member of the convention, that he has reason to suspect that any person or persons indebted to him in a sum above forty shillings intend clandestinely to withdraw from the county without paying the debt, the clerk or such member shall issue his warrant to the constable, commanding him to take said person or persons into safe custody until the next sitting of the convention.

XI. That when a debtor for a sum above forty shillings shall abscond and leave the county, the warrant granted as aforesaid shall extend to any goods or chattels of said debtor as may be found, and such goods or chattels be seized and held in custody by the constable for the space of thirty days, in which time, if the debtor fail to return and discharge the debt, the constable shall return the warrant to one of the selectmen of the company, where the goods are found, who shall issue orders to the constable to sell such a part of said goods as shall amount to the sum due.

That when the debt exceeds forty shillings, the return shall be made to the convention, who shall issue orders for sale.

XII. That all receivers and collectors of quit-rents, public and county taxes, do pay the same into the hands of the chairman of this committee, to be by

them disbursed as the public exigencies may require, and that such receivers and collectors proceed no further in their office until they be approved of by, and have given to this committee good and sufficient security for a faithful return of such moneys when collected.

XIII. That the committee be accountable to the county for the application of all moneys received from such public officers.

XIV. That all these officers hold their commissions during the pleasure of their several constituents.

XV. That this committee will sustain all damages to all or any of their officers thus appointed, and thus acting, on account of their obedience and conformity to these rules.

XVI. *That whatever person shall hereafter receive a commission from the Crown, or attempt to exercise any such commission heretofore received, shall be deemed an enemy to his country; and upon confirmation being made to the captain of the company in which he resides, the said company shall cause him to be apprehended and conveyed before two selectmen, who, upon proof of the fact, shall commit said offender to safe custody, until the next sitting of the committee, who shall deal with him as prudence may direct.*

XVII. That any person refusing to yield obedience to the above rules shall be considered equally criminal, and liable to the same punishment as the offenders above last mentioned.

XVIII. That these resolves be in full force and virtue until instructions from the Provincial Congress regulating the jurisprudence of the province shall provide otherwise, or the legislative body of Great Britain resign its unjust and arbitrary pretensions with respect to America.

XIX. That the eight militia companies in this county provide themselves with proper arms and accoutrements, and hold themselves in readiness to execute the commands and directions of the General Congress of this province and this committee.

XX. That the committee appoint Colonel Thomas Polk and Dr. Joseph Kennedy to purchase three hundred pounds of powder, six hundred pounds of lead, and one thousand flints, for the use of the militia of this county, and deposit the same in such place as the committee may hereafter direct.

Perhaps in the history of the world no civilized community ever occupied so anomalous a position as was seen in the limits of North Carolina. After the flight of Governor Martin there was no semblance of authority left in the province. Such men as John Hunt of Granville and Rev. William McKenzie of the same county, applied to him for vacant places as Register and Rector, but no court was open for the dispatch of business and the work of maintaining order was entirely in the hands of the different

County Committees of Safety. The Whigs were ceaselessly at work in forming these bodies and in procuring the signatures and support of the people to *associations* as they were called. These combinations contained written pledges of union in resisting the armed enforcement of British supremacy and their purport and end were patent in the paper which became famous as the "Cumberland Association." This document was really first adopted at Wilmington, on June 19th, and was furnished to the men at Cross Creek.* It was as follows :

The actual commencement of hostilities against the Continent, by the British troops, in the bloody scene on the 19th of April last, near Boston, the increase of arbitrary impositions from a wicked and despotic Ministry, and the dread of instigated insurrections in the colonies, are causes sufficient to drive an oppressed people to the use of arms. We, therefore, the subscribers, of Cumberland county, holding ourselves bound by the most sacred of all obligations, the duty of good citizens towards an injured country, and thoroughly convinced that, under our distressed circumstances, we shall be justified in resisting force by force, do unite ourselves under every tie of religion and honor, and associate as a band in her defence against every foe, hereby solemnly engaging, that whenever our Continental or Provincial Councils shall decree it necessary, we will go forth and be ready to sacrifice our lives and fortunes to secure her freedom and safety. This obligation to continue in full force until a reconciliation shall take place between Great Britain and America, upon constitutional principles, an event we most ardently desire ; and we will hold all those persons inimical to the liberty of the colonies, who shall refuse to subscribe to this association ; and we will in all things follow the advice of our General Committee respecting the purposes aforesaid, the preservation of peace and good order, and the safety of individual and private property.

As the summer progressed there were frequent rumors of certain influences at work for evil among the Scotch Highlanders on the Upper Cape Fear. Donald McDonald, Allen McDonald and Donald McLeod, all officers of experience in the British army, and two of them participants in the battle of Bunker Hill, had passed through New-Bern, avowing their purpose of peaceful settlement in Cumberland county. They had thus eluded the vigilance of Richard Cogdell and the Committee of

*Proceedings of Wilmington Committee, page 33.

Safety, and were now in communication with Governor Martin. Rumors came to Wilmington of their hostile movements. The secrets sent by other committees to the keeping of Farquhard Campbell and others who had signed the association, were divulged, and much indignation followed. Allen McDonald was written to by the Wilmington Committee and steps at once taken to break up the Governor's means of communication with such malcontents. On July 15th, Colonel James Moore moved with a body of troops to effect the capture of Fort Johnston.* These men were joined by others commanded by Colonel John Ashe, and under the command of the latter the fortification was captured and burned.†

With the advent of June, a great calamity befell North Carolina and the American people. This was the death of Colonel John Harvey, at his home in Harvey's Neck, in Perquimans county.‡ With the flight of the Governor from New-Bern ended the great struggle between the tribune of the people and the living embodiment of English aggression. The tense nerves relaxed, and the heart which had so long sustained a failing body, soon ceased to beat, when the whole nation had been aroused to occupy the position of resistance, for which he had perilled so much in his efforts for the last two years. It is impossible to overestimate his services in producing union and strength amid the Whigs of North Carolina. His illustrious descent, large wealth, long service, and, above all, his iron resolution, made him a leader whose place could not have been supplied in those days, when irresolution and delay would have been so fatal. The Congress at New-Bern had well seen that his days were numbered, and it had been provided that in case of his death, Samuel Johnston of Chowan, should have power to summon another meeting of the delegates whenever, in his opinion, such a step was necessary.

Governor Martin, from his floating refuge in Cape Fear River, was ceaseless in his efforts to stir up the Royalists to his support.

*Proceedings of Committee, page 40. †Wheeler, vol. II, page 40.

‡Iredell's Life, page 255.

The Committees of Safety for districts, towns and counties, were active and vigilant and soon detected the fugitive Governor in schemes of vengeance. Not only were the Scotch Highlanders and Regulators to be embodied under the royal standard, but the negro slaves were promised freedom as a reward for insurrection and murder of their disloyal masters! A plan for the massacre of the white people was disclosed to Thomas Respass of Beaufort county, by one of his slaves, and by timely arrests the scheme was nipped in the bud and abundant proofs found of a bloody intent on the part of Martin and his abettors.

Messrs. Caswell, Hooper and Hewes, joined the Continental Congress in its session, which began at Philadelphia, May 19th, 1775. Georgia joined in this body, but Canada failed to accept the invitation extended to that people. June 18th saw General Washington made commander of the American forces, but ere he reached Boston, on the 18th, occurred the bloody and well-contested battle of Bunker Hill.*

One of the first objects of attention on the part of the Hillsboro Congress, was the condition of the men still known as Regulators. In the struggle now on hand, they had been told by the agents of Governor Martin that it was incumbent on them to stand by the King, and that unless they did so, they would be

*NOTE.—The Old North State, thrilled and indignant at the news from Lexington, at once proceeded to arm for battle. A congress was called, and met in Hillsboro, on the 21st of August. This body had been summoned by Samuel Johnston of Chowan, who, by the death of Colonel John Harvey, became the acting-Executive of the Province, and he was selected as President.

General Washington so occupied the attention of the enemy in the northern States that almost their whole available force was kept in his front. Governor Martin, in impotent rage, from his refuge on the British vessel, denounced the Congress at Hillsboro as one of the "black artifices of falsehood and sedition," and they, in turn, resolved that his proclamation "was a false, scurrilous, malicious and seditious libel," and directed it to be burned by the common hangman.†

†Wheeler, vol. I, page 11.

held liable for their conduct in 1771 and punished accordingly. Thirteen members of Congress were appointed to confer with these people and remove if possible, their scruples arising from the oaths Governor Tryon had forced them to take, and to procure their hearty accession to the American cause. The association agreed upon at Philadelphia the year before, was again warmly endorsed and recommended to the people.* The members also signed a test, in which they professed loyalty to the King, their regard for the constitutional government of the empire and their resolute convictions that neither King nor Parliament had the right to impose taxes upon America or to interfere in any way in its internal policy. That all attempts, whether by force or fraud, to carry out such claims of power, were violations of the peace and security of America and ought to be resisted to the utmost. That North Carolina was bound by the acts of the General Congress and would support its decrees to the extent of all their power. An address was prepared and published for the benefit of the people, in which the merits of the great controversy were set forth and explained for popular comprehension. It was also resolved that North Carolina would cheerfully pay a proper proportion of the burden incurred in support of a Continental army. The plan of a general confederation of all the colonies, which had been proposed and advocated by Hooper and others, was considered premature, and the delegates at Philadelphia were instructed not to agree to any such step until further instructions. This was dictated by a lingering hope on the part of Johnston and others, of accommodation of the issues dividing the colonies and the mother-country.† Bills of credit, to the amount of one hundred and fifty thousand dollars, were directed to be emitted; and their redemption provided for in a poll-tax to begin in 1777. Five districts were created for military division and a battalion of five hundred men ordered to be raised in each. In the Edenton District, Edward

*Martin, vol. II, page 362.

†Martin, vol. II, page 364.

Vail was made Colonel, Richard Caswell in that of New-Bern, Alexander Lillington in that of Wilmington, Thomas Wade in the West and Nicholas Long in the Halifax division. By order, William Hooper prepared an address to the people of the British Empire, which was worthy of the genius and culture of that distinguished patriot. It vindicated the conduct of the American people and reminded others that the preservation of their liberties was only to be achieved by vigilant resistance to the first encroachments of Great Britain.

A provisional government was created by Congress, at the head of which was placed Cornelius Harnett of New Hanover. This cultivated and wealthy citizen had been prominent in North Carolina for half a century past. He was one of Governor Burrington's Council as early as 1730.* Josiah Quincey called him the "Samuel Adams of North Carolina."† He was a stern and devoted patriot, and was to seal his faith with his blood. His associate in the Wilmington District was Samuel Ashe, a brother of Colonel John Ashe and the second son of John Baptiste Ashe. In the New-Bern District, the Councillors were Abner Nash and James Coor; in that of Edenton, Thomas Jones and Whitmel Hill; in that of Halifax, Thomas Eaton and William Jones; in Hillsboro District, Thomas Person and John Kinchen, and at Salisbury, Samuel Spencer and Waightstill Avery. This Provincial Council was to be the executive power of the new commonwealth. The hope of arrangement with Great Britain was manifested in all the legislation of the period; everything was provisional and temporary. If Parliament would recede from its hard incursions upon what had been regarded as fixed rights and rules, then North Carolina would again submit to the control of His Majesty; otherwise it was determined that the province should bravely wage war, with the assistance of the sister communities, until indemnity for the past and security for the future were obtained. With the exception of the Provincial Council

*Burrington's dispatches to the Board of Trade.

†Josiah Quincey, Jr., Memoirs, page 115.

just mentioned, there was no effort at civil organization. The military aspect was the controlling feature of the time, and to the promotion of efficiency in that respect were the chief efforts of the Congress directed. The six battalions of minute men already mentioned as apportioned to the military districts, were to be liable to such service as their commanders thought necessary. In every county the militia were enrolled and drilled and liable to any service the Provincial Council might direct, and in addition to all these, were the two regiments of Continentals enlisted for the war.*

Serious trouble was soon found to be brewing among the Regulators and Highlanders. James Hunter, who had been nominal commander of the insurgents at Alamance, was threatening to lead a thousand men to Hillsboro for the purpose of interrupting the sitting of the Congress.† Emissaries were seen passing to the Scotch settlements of Cumberland, and Farquhar Campbell, one of their delegates, was subjected to investigation for certain evidences of intimacy with Governor Martin. The Whigs were often merciless in their efforts to convert men of Tory principles, and tar and feathers were too often used upon their opponents when moral suasion and kindness were far more appropriate. But these were violent and strenuous times. Governor Martin denounced as traitors, the men who were striving for America, and it cannot be wondered at, that they were impatient with the misguided Royalists.

Mr. Harnett entered upon the duties of his office, as President of the Provincial Council, on the 18th of October. His first act was to commission John and Samuel Ashe for the settlement of a disturbance in New Hanover. The Committees of Safety for Edenton and New-Bern were directed to procure for each place an armed vessel.

*Jones' Defence, page 220.

†Life of Iredell, vol. 1, page 261; Samuel Johnston to Iredell, August 14th, 1775.

Two battalions of five hundred men each, were ordered to be raised and were soon in the field.* These Continental troops were enlisted for the war, and followed its varying fortunes until peace restored the few survivors to their homes. James Moore of New Hanover† was appointed Colonel of the first battalion and Robert Howe of Brunswick, of the second.

In the month of December, Colonel Howe, with the second North Carolina Continentals and a militia battalion commanded by Colonel Benjamin Wynns, marched for Norfolk, Virginia.‡

Governor Dunmore, of Virginia, with a small force of British regulars, was at Norfolk, where he was striving to collect an army. His emissaries were secretly traversing the Albemarle region of our State and seeking to incite the slaves to insurrection. His lordship having received notice of General Howe's approach, seized and fortified a strong position at Great Bridge on the Elizabeth River. Colonel Woodford, with the second Virginia regiment and the Culpepper Riflemen, confronted him and intrenched themselves on the opposite side of the stream. On the 9th of December, the British, under Colonel Leslie, assaulted their position. The enemy were bravely led by Captain Fordyce, but were driven back with the loss of sixty men.§

†NOTE.—Colonel James Moore was the brother of Judge Maurice Moore and son of General Maurice Moore of Cape Fear. He was a gallant and skillful soldier and abundantly justified his appointment to the first regiment raised in North Carolina.

‡NOTE.—One of the best and truest of Hertford's citizens was at that time an aid-de-camp of Colonel Howe and went upon this expedition. This was young Godwin Cotton of Mulberry Grove. Like his Tory kinsman, Colonel James Cotton of Rowan, he was the surveyor of his county, and volunteered to meet a great danger then threatening his household. He was the youngest of Captain Arthur Cotton's children and lived at the old homestead above St. John's. Some now living can remember the gentleness and modesty of this excellent man. He survived the war for many years, and was the last of his name in Hertford. He had no sons, but left two daughters, who were belles and beauties of their day.

*Wheeler, vol. I, page 71.

‡Bancroft, vol. VIII, page 227; Marshall's Life of Washington.

Colonel Howe arrived on the 11th and found the enemy withdrawn to Norfolk. He being the ranking officer, assumed the command and speedily expelled Lord Dunmore and his forces from the Old Dominion.

About the same time that Colonel Howe moved with the 2d North Carolina Continental Battalion against Lord Dunmore, another important expedition was organized in Western North Carolina. In the upper portion of South Carolina, certain loyalists, called Secovilites, had arrayed a considerable body of men in arms for the King. These were making great headway against the Whig cause. Colonels Griffith Rutherford of Rowan, Thomas Polk of Mecklenburg, and James Martin of Guilford, on hearing of this movement, promptly assembled the militia of their counties and, midst great hardships from unprecedented snow storms, having joined General Richardson and Colonel Thompson commanding the South Carolina Whig forces, they besieged the Tory commanders, Cunningham and Fletchall, at Ninety-Six. The Royalists attempted a retreat but were overtaken and defeated. Besides the dead, there were four hundred of the Secovilites taken prisoners and the royal cause for the time being was utterly prostrated in the Palmetto State.*

The expulsion of Lord Dunmore from Norfolk was a great relief to the Albemarle country of North Carolina. A servile insurrection, aided by British forces, would have been a terrible calamity. Colonel Benjamin Wynns soon returned with his battalion and the people rejoiced in the thought of danger being averted. Colonel Robert Howe and his compeer, Colonel James Moore, were both made Brigadier-Generals in the Continental army soon after this time and were officers of equal bravery and merit.† The second North Carolina battalion, upon the promotion of General Howe, passed to the command of Colonel Alexander Martin of Guilford. He was of Irish extraction

*Governor Graham's New York Letter, page 152; Simms' History of South Carolina, page 193.

†Wheeler, vol. II, page 46.

and was to become the recipient of great and varied civil honors in the course of his long public service.* He was liberally educated and added literary to his military and political habits.

There had been symptoms of coming trouble for some months amid the Scotch settlements on the Cape Fear. Donald McDonald, Donald McLeod and Alan McDonald, the husband of the famous Flora, who had so bravely aided the escape of Prince Charles Edward in 1746, were all active agents in creating a spirit of British loyalty among their countrymen in Cumberland and the surrounding counties. McLeod had participated in the battle of Bunker Hill and had been wounded. Alan McDonald had received the King's orders for raising the royal standard the year before.† He and his noble wife had come to America with a view of restoring their fortunes and were of great influence over the unfortunate people, whose presence in North Carolina was the result of their brave devotion to the exiled Stuarts.‡ A romantic idea of obligation to the Hanoverian Kings, who had so cruelly treated them, caused them to listen to the appeals of Governor Martin's emissaries. Their devotion to any cause they felt it their duty to uphold, had long been illustrated in their native land and now again in a quarrel not their own, they were dragged to the front as victims of fresh misfortunes.

Governor Martin had been so tireless in his efforts and so extensive in his promises of Tory recruits, that the counsels and wishes of General Howe, the British Generalissimo, had been over-ruled and a great expedition planned for an attack upon North Carolina, instead of the forces going to New York, as he had desired.§ Sir Henry Clinton was on his way from New York to assume command of the expedition, with the British ships-of-war *Mercury* and *King-Fisher* and three tenders, on which were four companies of troops. Lord William Campbell, in the *Syren*, was expected from South Carolina. Sir Peter Parker was coming from Portsmouth with two frigates,

*Wheeler, vol. II, page 182.

†Bancroft, vol. VIII.

‡Wheeler, vol. II, page 127.

§Bancroft, vol. VIII, page 282.

eight sloops, a schooner and a bomb-ketch, with seven regiments aboard, under the command of Lord Cornwallis.* To this formidable armament, Alexander McLean had led Governor Martin to believe, that at least three thousand Carolina Royalists would be added. To meet this army of veterans there were no American soldiers that had ever seen service, except perhaps a few who had been in the brief Alamance campaign in 1771 against the Regulators. Colonel James Moore's first North Carolina Continental battalion were the only drilled troops in North Carolina belonging to the patriot cause. The outlook was ominous enough.†

Governor Martin‡ had reason to believe the royal armament would reach the Cape Fear by the latter part of January; so on the 10th day of that month he signed commissions for Alan

‡NOTE.—Reference has already been made in preceding pages to the singular position Governor Martin was holding in North Carolina from the time of his flight from New-Bern in 1775, until the last of that year. His own conduct, like that of King James II., solved many troublesome and confusing dilemmas. The Whigs would have found no pretext for disturbing him had he remained quietly in his Palace. As late as August, when the Congress at Hillsboro ordered the restoration of his coach and horses, he was still assured by that body of his safety from molestation if he saw fit to return to New-Bern. He was living aboard the armed sloop-of-war, *Cruiser*. The crew of that vessel had been regularly provided with food from Wilmington until February 5th, when the Committee of Safety shut off their supplies because of the *Cruiser's* bombardment of Colonel James Moore's force, then in position along the Brunswick shore of the Cape Fear River. On January 27th, Governor Martin asked permission to convene His Majesty's Council for North Carolina aboard the *Cruiser*, but this was refused and His Excellency was told that if he attempted to reach the Tories of Cumberland he would be arrested for so doing, if captured on the way. It seems that up to that date, he was everywhere, out of Mecklenburg county, still recognized as the Governor of the Province and continued to issue commissions for civil and ecclesiastical officers. Colonel John Ashe had set the example of resigning military rank conferred by Governor Martin and was followed by all the Whig officers, but in other respects the King's authority still received a show of respect in the functions exercised by the Governor from his strange seat of government.

*Governor Swain's Lecture, page 120. †Wheeler, vol. I, page 79.

McDonald of Kingsborough and eight others of the Scotchmen in Cumberland and Anson and several others in different counties, to raise and array all the Royalists in reach and march them to the vicinity of Fort Johnston in Brunswick county.* Donald McDonald, then sixty-five years old, who had been at Culloden thirty years before and was a veteran officer of equal courage and experience, was made a Brigadier-General and put in command of the Tory levies.† Their first point of rendezvous was at Cross Hill in the immediate vicinity of the present village of Carthage in Moore county.‡ Here they awaited the promised coming of the Scotch and Regulators from the western counties. Not many of the latter came and these were from Rowan and the Yadkin country. In a few days the men who had collected moved eastward and occupied Cross Creek on the Cape Fear River. William Campbell, Neill McArthur and Donald McLeod had summoned the Highlanders to meet at that point on February 5th.§ The Scotch, who could not rely upon more than seven hundred of their number to take the field, were anxious for enough delay in the proposed movements to allow the arrival and co-operation of the coming British armament. The Regulators, under Colonel James Cotton and others, numbering five hundred men already present, asserted that their numbers would soon be swelled to five thousand, and prevailed in their demand for an immediate rising. The Highlanders were thus over-ruled and with that brave determination which had been so often witnessed in the history of their clans, were started for Wilmington and camped at a point on the west side of the river, four miles below the present city of Fayetteville.

On the same day, February 19th, Colonel James Moore, who with the first North Carolina Continental battalion had taken the field to oppose this up-rising, was re-inforced at Rockfish, seven miles below, by Colonel Alexander Lillington, who came at the head of one hundred and fifty Wilmington minute-men,

*Governor Swain's Lecture, page 121. †Wheeler, vol. 1, page 76.

‡Caruthers' Old North State, page 62. §Bancroft, vol. VIII, page 284.

Colonel Kenan with two hundred Duplin militia and Captain John B. Ashe with one hundred of the Volunteer-Independent Rangers. With this force and five pieces of artillery, he awaited the coming of Whig levies, which he knew were hastening to the rescue from all quarters.* Colonel James Martin, with a large Whig force, was on his way from Guilford. Colonel James Thackston, with others, was approaching from the southwest. Colonel Richard Caswell, with eight hundred men, was hastening from New-Bern.† Moore was anxious to attack the Royalists, but as they numbered nearly two thousand men, while his own force in hand was but eleven hundred, he deemed it imprudent, and awaited the course of events in his intrenched camp.

On February 19th, General McDonald paraded his army with a view of storming his foes at Rockfish, but he discovered that the numbers and position of the Whigs forbade the hope of success and he abandoned the project. The mere prospect of battle lost him two companies of Cotton's Corps, who that night deserted with their arms. He, however, sent Donald Morrison with a flag and a proclamation of Governor Martin, and called upon Moore and the troops in his command to join the King's standard or be considered as enemies and traitors. Colonel Moore at once replied that "neither his duty nor inclination permitted him to accept terms so incompatible with American freedom." The Scotch officer was asked not to array his deluded people against men who were so fully resolved to risk everything in defence of their own and the liberties of mankind. "You declare sentiments of revolt, hostility and rebellion to the King," replied McDonald; "as a soldier in His Majesty's service it is my duty to conquer, if I cannot reclaim all those who may be hardy enough to take up arms against the best of masters."‡

The Royalist commander, having learned of the approach of Caswell from the east, became aware of the danger of his condition and at once resolved to evade the force at Rockfish and

*Colonel Moore to Harnett, March 2nd, 1776.

†Baneroft, vol. VII, page 285.

‡Donald McDonald's Letter to James Moore, February 20th, 1776.

crush the re-inforcements coming to their aid. Before setting out, he earnestly appealed to the men in his command to be faithful to the royal standard entrusted to their keeping, and expressed scorn of "the base cravens who had deserted the night before."* He enquired if there were any of the faint-hearted left and said if they were not resolved to conquer or die, then was the time for such to declare themselves. This speech was answered by a general shout for the King, but again twenty of Cotton's men laid down their arms. General McDonald marched his army, not quite two thousand men in number, back to Campbellton and that night crossed the river in boats, which they sunk and then sent forward an advance party to South River, fifteen miles eastward. This latter stream was reached and passed by the main body on the 21st in its march for Wilmington.

In the meanwhile, Moore had sent Lillington and Ashe with orders for them to join Caswell, or if that could not be effected to occupy Moore's Creek bridge. The latter alternative was adopted as the only one possible, and they took position on the 25th. As the Highlanders and Regulators approached Caswell, that able officer at once divined their purpose of attacking him and changed his course to intercept their march at a point where his inferior numbers could have the advantage of position. On the 23rd, McDonald made his preparations for attack but his wary antagonist was already across the stream at Corbett's Ferry and had removed all means of crossing from the reach of the Tories.† This was on Black River and the Royalists had to ascend six miles to a point where a negro procured them a boat which had been sunk. McLean and Fraser were left with a few men there to deceive Caswell, while the main body crossed at the point now spanned by Newkirk Bridge. On the afternoon of February 26th, Colonel Caswell, with his eight hundred minute-men, joined the two hundred and fifty, whom Lillington had already posted on Moore's Creek.‡ He raised a

*Baneroft, vol. VIII, page 286.

†Baneroft, vol. VIII, page 286.

‡Jones' Defence, page 249.

small breast-work on the west side and removed a portion of the bridge and awaited the approach of the Loyalists, whom he knew to be only six miles away. A messenger came into his camp on the pretext of demanding his surrender but really to discover his position. He informed the Tories that Caswell was on the same side of the stream with them, and the resolution to attack at day-break of the following day was at once formed.* Felix Kenan at once went with this information to Caswell, who now that he had deceived the enemy as to his position, was found on the east side of the stream, with nothing of the bridge left but two girders.† The fires were left burning on the west side and the enemy were completely deluded as to the true position of the force they were to encounter. Two pieces of artillery were so placed as to rake the bridge and then in slight field-works and behind trees, the brave Carolinians, who knew so little of the military art, awaited the onset of men, whose broad-swords had so often changed the fortunes of war on the European battle-fields.

General Donald McDonald was sick and unable to move on the morning of the 27th, but he well knew the dauntless courage and experience of Colonel Donald McLeod and committed to his lead the attack which was so unanimously agreed upon.‡ Not more than a thousand men hastily gathered from the counties of New Hanover, Craven, Johnston, Dobbs and Wake were to face the assault of almost twice their number. The attack was to be led by eighty picked broad-swords-men, who as a forlorn hope were to rush forward and break the ranks of the undisciplined Americans.§

At one o'clock on the morning of the 27th of February, the Loyalists set out from their camp, but so much time was consumed in passing a swamp that it was about one hour to daylight when they arrived at the deserted camp occupied by Caswell on the

*Colonel Moore's Letter to Harnett.

†Baneroft, vol. VIII, page 287.

‡Jones' Defence, page 249.

§Baneroft, vol. VIII., page 288.

preceding evening. They entered the field in three columns, but finding their adroit opponent had deceived them and was on the other side of the stream, they deployed into line of battle under the concealment of the trees. They were now less than twenty miles from Wilmington and knew that safety could only be achieved in beating the men who were before them to bar their way to deliverance. The rallying cry agreed upon, was "King George and broad-swords." The signal for attack was three cheers, the long-roll on the drums and the shrill call to arms by the bag-pipes. It was still dark when McLeod at the head of the picked men with their terrible claymores, was challenged by the sentries at the bridge with the cry of "who goes there." "A friend," answered the fearless Scot. "A friend of whom?" "To the King." Upon this the sentinels bent over with their faces toward the ground. McLeod then challenged them in Gaelic, thinking they might be men of his own party who had crossed the stream, but as no answer came, he fired his gun and ordered those with him to fire.* Nothing of the bridge was available for passage but the two logs which were used as sleepers. Across these Donald McLeod and John Campbell now led the way and succeeded in crossing. The Highlanders with their broad-swords were shot down as they crowded upon the two fatal logs, which now were but a road to certain death. Colonel McLeod already mortally wounded in many places, still arose each time as he was shot down and cheered on his men to the attack. At least twenty-six balls had stricken him ere the dauntless man, who had borne a charmed life in so many battles since Culloden, fell dead on the field. Campbell too had fallen with every one of the storming party who had ventured across the bridge. As the repulsed Loyalists grew doubtful of the result, Captain Ezekiel Slocum, of what was afterward Wayne county, led a daring attack upon their left flank. He had crossed without orders and with his single company created an instant panic

*Bancroft, vol. VIII, page 288.

among the disheartened men whose leaders were lost on the fatal bridge.* Caswell and Lillington assumed the offensive and soon the whole forces of the Highlanders and Regulators were in a terrified retreat from the field of their over-throw.†

General McDonald, who was sick eight miles away from the scene of the action, the next day was captured as were Alan McDonald and his son. These were sent to Halifax and from that point to Reading, in Pennsylvania. Thirteen wagons with their teams of horses, eighteen hundred stand of arms, one hundred and fifty swords, two medicine chests and seventy-five thousand dollars in gold were the fruits of this important battle, besides more than eight hundred prisoners. Thirty of the Royalists were slain, while but one Whig, private John Grady of Duplin, met with a similar fate.‡ Two others were wounded.

Caswell, Lillington and Ashe, all gained great credit for the success at Moore's Creek, but to Colonel James Moore was due the real honor of the campaign. But for him, not a man had been there. He had dispatched Lillington and Ashe from Rockfish while there was yet time for intercepting the flight of the Highlanders and this order had made possible the brilliant victory of the Whigs. His early death deprived General Moore of much fame as a military commander.

The Tory spirit was for a time most effectually crushed in North Carolina. Some who had raised men and marched toward the rendezvous too late to join in the expedition, hearing of the disaster, disbanded and went to their homes. Governor Martin's astonishment may be imagined when he heard that

*NOTE.—Mrs. Ellett, in her "Women of the Revolution," has made a pleasant story of Mrs. Slocum's adventure on horse-back to the scene of the contest above described. A dream led her to venture alone through that dangerous night to the rescue of her husband and thus embalm her name in a deathless romance. She was the sister of Charles Hooks, who was in after years to become a member of the United States Congress.

†Life of Fredell, vol. I, page 272.

‡Caruthers' Old North State, page 115.

nearly ten thousand Whigs had so promptly taken the field against the insurrection and invasion he had so laboriously plotted.* Of all the great force he had promised the King from the Loyalists, less than two thousand could be induced to take arms, and these had been completely defeated by a force but little more than half their number. The cool strategy of Richard Caswell had drawn the veteran McLeod into a trap, in which the conjoined bravery of Lillington† and Ashe had been most conspicuously manifested, as were also the coolness and intrepidity of the troops they led.

In addition to the captures already mentioned, on the retreat of the Tories from Moore's Creek, Farquhar Campbell and Thomas Rutherford of Cumberland were likewise arrested and sent to Halifax jail. They had participated in all the Congresses of North Carolina, and though constantly suspected of traitorous schemes, had hitherto eluded detection. They had joined the association for non-intercourse with Great Britain and were parties to the indignities heaped upon Thomas McKnight of Currituck, at New-Bern in the preceding year, but their treason was now too plain for further concealment and they disappeared from the public stations they had occupied and disgraced.‡

Great earnestness and zeal were now observable in upholding the Whig cause in every part of North Carolina. In less than a fortnight, upon the report of an up-rising among the Scots and Regulators and an invasion abroad, nine thousand, four hundred men had been put in the field and the British armament in the Cape Fear inspired no terror. Colonel Moore disarmed all who were suspected in the back country and the proffered aid from

†NOTE.—Colonel Lillington was the grandson of the Major Alexander Lillington who was President of the Council in early provincial times. He was thus the kinsman of the Swanns, Ashes, Moore's and Moseleys, and was a wealthy and elegant gentleman. John Baptiste Ashe was the son of Governor Samuel Ashe.

*Governor Swain's Lecture on the Campaign of 1776.

‡Governor Swain's Lecture, page 113.

Virginia and South Carolina was declined, as the force in hand was abundant for resistance against incursions from Brunswick to the interior. Governor Martin had promised ten thousand recruits to the royal cause and muskets for such a force were brought over by Sir Peter Parker from England, but not a single company of Royalists were on hand to receive the arms.*

The people of the Albemarle region were now in complete repose so far as any immediate apprehension of danger was concerned. The defeat attending the efforts of both Lord Dunmore and Governor Martin inspired great confidence in the American cause. Colonel Benjamin Wynus was still commanding the militia with which he made the Norfolk expedition in company with Colonel Howe. Matthias Brickell was Lieutenant-Colonel and Day Ridley, Major in the same command. Thomas Brickell, the eldest son of Colonel Matt. Brickell, was this year sent by the Provincial Congress, along with General Allen Jones of Northampton, to confer with the Virginia authorities as to such conjoined operations as might seem necessary.†

‡NOTE.—Colonel Matthias Brickell had, besides Thomas Brickell mentioned in the text, other sons who were to become public servants. One of his daughters had married Major John Brown of Cuttawiskey Marsh, who was a disabled officer of the British Army on half pay, and a Royalist. Captain Hardy Murfree of the second North Carolina Continental battalion had married another, who was the mother of William H. Murfree and Matthias Brickell Murfree, so well known in after times. Colonel Matthias Brickell died in advanced age amid a popularity he had long enjoyed. He was one of the Council for the whole province created by the Hillsboro Congress and was also one of the Edenton Committee of Safety.

*Bancroft, vol. VIII, page 290.

†Martin, vol. II, page 385.

CHAPTER XI.

A. D. 1776 TO 1777.

Separation from England and Independence gradually demanded by all the Whigs of North Carolina—Samuel Johnston's conservatism—Caswell and Willie Jones—Halifax Congress and its members—Committee of April 8th—Their famous report on the 12th, and Resolution of Independence—General Donald McDonald, Alan McDonald and his wife, Flora—First issue of funds—Sir Henry Clinton's armament in the Cape Fear—General Moore re-inforced—General Charles Lee—Seaports authorized to arm a vessel each—Six Brigadiers to command in the military districts of North Carolina—State Council of Safety—The Conservatives ousted—New delegates to the General Congress—Clinton abandons the Cape Fear—Four new Continental battalions ordered—Attack upon Charleston—Cherokee murders in the West—General Rutherford's Over Hill expedition—Council of Safety celebrate the National Declaration of Independence—October elections—Schemes for a new government of North Carolina—Convention to form a Constitution meets in Halifax—Leading members—Bill of rights and Constitution—Governor Caswell and other officers of the new State—Origin of the Thirty-second Article—Judge Howard—Daniel Boone.

The war of the Revolution had been in progress for almost a year, when the month of April dawned upon the struggling American people. General Washington had driven the British troops from Boston and though the expedition to Canada had failed, there was abundant compensation in the deliverance of North Carolina and Virginia from the recent serious movements against their integrity. Enough had been accomplished to show the power of a people aroused to the vindication of their rights and the hour was rapidly approaching for their deliverance from the palsyng effects of a continued expression of allegiance to the King. George III. desired above all earthly boons, their early and complete subjugation, and endorsed to the letter every claim of power uttered by Parliament.* He scorned their claims

*Bancroft, vol. VIII, page 132.

of equality of rights with Englishmen, and was deaf to every petition and remonstrance sent over to gain his favor. North Carolina had been largely influenced up to this time by the views and advice of Samuel Johnston of Chowan.* He was recognized as a man of great wisdom and purity of life and had been conspicuous in the public councils ever since the days of Governor Dobbs. His devotion to the cause of America was beyond all question. His large wealth, political and legal experience, and above all, his great moderation of views made him a moral Pharos to the bewildered minds of a people, who in the blackness and uncertainty of the night, were anxious for any beacon to guide them to safety and deliverance. Samuel Johnston was the embodiment of what most men ever esteem true wisdom. He was devoid of originality and that quality of mind called genius. He was disturbed and confounded by the great innovations on established ideas of human government, which the prophetic and creative mind of Thomas Jefferson was so rapidly formulating and impressing upon the American people. Richard Caswell was the companion of the great Virginian at the sessions of the Continental Congress, and he and Willie Jones were fully convinced of the truth and utility of the annoying paradoxes as they then seemed, enunciated by one who was to leave his impress on all future ages, by the creation of a new and advanced human polity.

Johnston was a churchman and an aristocrat. He had small patience with dissenters and utterly scorned the proposition, that the masses were capable of self-government.† He had all along hoped for reconciliation with the Crown. A year before, at Hillsboro, when William Hooper had so eloquently advocated the formation of a confederation of the colonies, he it was who put aside the movement, so necessary to the smallest chance of effective co-operation. He hoped against hope, that the stubbornest of Kings would relent and at last listen to the cries of his

*Jones' Defence, page 273.

†Samuel Johnston's Letter to James Iredell, April 29th, 1776.

people. That he was patriotic and true is beyond all question, but that he had become a dead weight upon progress is equally apparent. Hooper and Jones and the men of Mecklenburg had been clamoring for independence for a whole year of blood, and yet North Carolina was kept almost without the semblance of a government. Harnett and his co-adjutors of the Provincial Council were only a source from which issued military orders and commissions, while not a court-house was open in North Carolina for the transaction of any business or repression of crime. This state of affairs could not be longer continued with the people's consent. Public sentiment plainly demanded unequivocal denial of allegiance to the King and the creation of regular government for the State.

Moderator Johnston issued a call for the fourth Provincial Congress and that body met in Halifax on the 4th day of April, 1776. On motion of the distinguished member for Northampton, Allen Jones, Samuel Johnston was again unanimously called to preside over the assemblage. The venerable John Campbell, ex-Speaker of the House of Assembly and still a leading man of North Carolina, went from Bertie in this, the last year of his service. He was to die at advanced age in the next year. John Johnston, a brother of the Moderator, with Charles Jacecks, were his colleagues. John Penn of Granville, was making his first appearance in public and soon became conspicuous in the debates. It was the habit to mingle offices in a strange manner in those days. Thus we find that Cornelius Harnett, the virtual Governor, was the delegate for Wilmington, while Caswell, Hooper and Hewes were also members, though North Carolina's delegates to the Continental Congress at the same time. Hertford sent Robert Sumner, Colonel Matthias Brickell and Major Lawrence Baker as her delegates to this body. Mr. Sumner lived at St. Johns and was a man of large wealth and influence in his day. He was to continue long in the public service and was of aristocratic habits and devoted to high-church principles.*

*NOTE.—John Penn was also a member. He was from Caroline county, Virginia, and had been the friend and neighbor of Edmund Pendleton. He

The question of independence was uppermost in all minds. April 8th a committee composed of Cornelius Harnett, Allen Jones, Thomas Jones, Abner Nash, Thomas Burke,* John Kinchen and Thomas Person were appointed to consider and report upon the conduct of the King and the British Parliament; and four days later, through Harnett, submitted the following result of their deliberations, written by the Chairman:†

It appears to your committee, that pursuant to the plan concerted by the British Ministry for subjugating America, the King and Parliament of Great Britain have usurped a power over the persons and properties of the people unlimited and uncontrolled, and disregarding their humble petitions for peace, liberty and safety, have made divers legislative acts, denouncing war, famine and every species of calamity against the Continent in general. The British fleets and armies have been, and still are, daily employed in destroying the people and committing the most horrid devastations on the country. The Governors in different colonies have declared protection to slaves, who should imbrue their hands in the blood of their masters. The ships belonging to America are declared prizes of war, and many of them have been violently seized and confiscated. In consequence of all of which, multitudes of the people have been destroyed, or from easy circumstances reduced to the most lamentable distress. And whereas, the moderation hitherto manifested by the United Colonies, and their sincere desire to be reconciled to the mother-country on constitutional principles, have procured no mitigation of the aforesaid wrongs and usurpations, and no hopes remain of obtaining redress by those means alone which have hitherto been tried,—Your committee are of opinion that the House should enter into the following resolves, to-wit:

Resolved, That the delegates of this colony in the Continental Congress be impowered to concur with the delegates of other colonies in *declaring independence*, and forming foreign alliances, reserving to this colony the sole and exclusive right for forming a Constitution and laws for this colony and of appointing

was a lawyer and a man of decided parts. He lived only about twelve years after his arrival in North Carolina in 1774, but was greatly honored in his brief stay in our limits.

*NOTE.—Thomas Burke lived at Hillsboro, where he practiced law and charmed every one with his wit and learning. He was a brave and versatile Irishman who combined the excellences and some of the infirmities of his race.

†Jones' Defence, page 251.

delegates from time to time (under the direction of a general representation thereof) to meet the delegates of the other colonies, for such purposes as may be hereafter pointed out.*

History is full of noble resolutions and deeds, but in all human chronicles there exists no more splendid monument of resolute and advanced patriotism than this modest record of the North Carolina Congress of 1776. To understand its full force and significance, it must be remembered that before this memorable 12th day of April, with the single exception of the Mecklenburg Declaration, there had not been in all America an instance of a public expression of the least desire for separation from Britain. John Adams, George Wythe and Christopher Gadsden might all urge the necessity of an open declaration of independence; still they were but individuals, and had not yet induced a single one of their constituencies to come up to that high mark of devoted bravery and patriotism. Doubting Dickinsons yet chained the resolution of the Continental Congress and the Assemblies of all the provinces. Virginia was to wait for more than a month before reaching such a determination,† and then was to be followed at an equal interval by other communities. North Carolina, with Sir Henry Clinton and his powerful armament still in her waters, was not longer to be deterred in her high resolution, and thus, in advance of all America, proclaimed to the world her solemn determination to be free and independent.‡

Donald McDonald, the commander of the defeated Royalists, was still in confinement at Halifax. With him were also Alan McDonald of Kingsborough, and his son. By order of Congress these men were paroled and delivered from their irksome confinement in a common jail. Alan McDonald and his famous wife soon sorrowfully returned to their native heaths. They

*Journal of the Congress, pages 11 and 12.

†Bancroft, vol. VIII, page 385.

‡Bancroft, vol. VIII, page 352.

had lost everything in their adhesion to the King, and Flora remarked that she had tried the service of both the Houses of Stuart and Hanover and had prospered by neither. In their voyage across the Atlantic, the ship in which they sailed encountered a French frigate and a battle at sea ensued. Mrs. McDonald remained on deck to witness the engagement and cheer the men in resistance, and had her arm broken as a reward for her bravery.*

In addition to the million dollars of North Carolina currency which had been previously emitted, five hundred thousand in addition were ordered to be signed and issued by William Haywood,† John Webb, William Williams and David Sumner.‡ Counterfeits of these issues were soon abundant, and the only means of distinguishing the difference, was said to lie in the superior execution of the spurious bills.§ It is not to be wondered at, that such a medium of exchange should have speedily depreciated in value. Its descendent qualities knew no arrest in its course and finally, as a public blessing, its very worthlessness procured its destruction and the State was not embarrassed with claims for its redemption.||

General Clinton, with an armament now increased to thirty-six ships and a large military force, was still in the lower waters of Cape Fear River. General James Moore was there with his forces lately engaged at Moore's Creek, and the first North Carolina Battalion, to watch and repel the movements of the enemy. But larger force was needed and Congress ordered two battalions

*William Haywood of Edgecombe, noticed above, was the son of that John Haywood before mentioned as being prominent in the times of Governors Gabriel Johnston and Arthur Dobbs. He was a useful and patriotic member of Assembly and Colonel of the militia both during the latter years of royal government and the progress of the Revolution. He was a good financier and extremely effective in laborious work as a committee-man in the General Assembly. The large Haywood connection of Raleigh are his descendants.

†Wheeler, vol. II, page 127.

‡Jones' Defence, page 255.

§Martin, vol. II, page 386.

||Jones, page 255.

of seven hundred and fifty men each to his aid. One of these was under the lead of Colonel Thomas Owen of Bladen and the other in charge of Colonel Thomas Eaton of Bute, now Warren.* General Charles Lee had been recently appointed by Congress to the command of all the Southern forces, and passed Halifax on his way to Brunswick. He had been an officer of the British army, and was rash, intriguing, and full of the lightest vanities.† Without religion or patriotism, he was a mere adventurer, who had imposed his folly as generosity upon the Continental Congress, and was next in command to General Washington.

The seaports were authorized to arm, at public expense, one or more vessels for each town, and commissions of marque and reprisal were framed for their benefit.§ On May 5th, fresh additions were made to the articles of war and a higher discipline provided for troops of North Carolina and the enrolled militia. Six officers, one for each of the military districts, were appointed Brigadier-Generals: John Ashe for Wilmington, Allen Jones for Halifax, Edward Vail for Edenton, Griffith Rutherford for Salisbury, Thomas Person for Hillsborough, and William Bryan for the New-Bern District. Generals Jones, Vail, Bryan and Ashe were instructed to hasten re-inforcements to General James Moore at Wilmington, and General Ashe was ordered to assume command of the detachments as they reported for duty.

As soon as the independence of the colonies had been resolved on by the Halifax Congress, it was the next day determined to enter upon the formation of a regular State government. This

*NOTE.—Colonel Owen was the father of Governor John Owen and General James Owen of Wilmington. He was a brave, generous and kindly man. His wife was sister of the gallant Major Porterfield, who fell at Camden, South Carolina. He was to be all important in his disaffected region. Colonel Eaton was a man of wealth, and was the ancestor of William Eaton, late Attorney-General.

†Jones, page 256.

‡Bancroft, vol. VIII, pages 27 and 28.

§Jones, page 256.

occurred on April 13th, 1776. On the 27th of the same month, resolutions were reported as the foundation for a constitution, and these were debated. Three days later it was determined to postpone the matter until it was laid before the people in a fresh election, as a great difference of views was developed as to the character of the institutions to be framed. A new committee was named "to form a temporary form of government until the end of the next Congress."* On May 11th, the committee reported a scheme abolishing the Provincial Council and the District Committees of Safety and substituting a State Council of Safety. This change grew out of altered feelings in the body of the Congress against some of the most prominent men in North Carolina. Samuel Johnston and General Allen Jones were especially obnoxious to the leaders of the extreme Republicans for their lingering fondness for monarchical forms and precedents.† The old order of things was to be uprooted to reach and destroy the influence of these two men, who had so formidably obstructed the march of events for the last twelve months. Accordingly, in the new State Council of Safety, they were both left out. Willie Jones was first selected as chief; but upon his appointment by the Continental Congress as Indian Commissioner, Cornelius Harnett was continued as acting-Executive. Samuel Ashe, James Coor, John Simpson, Thomas Eaton, Joseph J. Williams, Thomas Person, John Rand, Hezekiah Alexander and William Sharpe were his colleagues. In the deliberations of this important body, as in the case of its predecessor, the votes‡ were by districts; each one of which was entitled to one vote.‡

Colonel Caswell had resigned his place in the Continental Congress upon his election as Treasurer of the Southern District. John Penn of Granville, William Hooper and Joseph Hewes, were selected as the North Carolina delegates and the body

*Journal of the Congress.

†Jones Defence, page 258.

‡Jones' Defence, page 258.

adjourned on May 14th, having been in session for five weeks.

Sir Henry Clinton, upon the arrival of Sir Peter Parker's fleet bearing the seven regiments commanded by Lord Cornwallis, found his own predictions of the folly of the whole expedition fully justified. His fleet was watched day and night by the forces under General Moore, and the prospect before him if he landed, was a bloody battle and consequent want of all supplies needed by an army on a march. The only flesh he could furnish his men was that of horses, and he soon resolved on leaving the Cape Fear River. Before doing this, however, a party of seven hundred men was sent to ravage the plantation of General Robert Howe, who, in a proclamation then issued was, save Cornelius Harnett, the only man in North Carolina excepted from pardon in the event of submission to the government of the King. Such was the strictness of the watch kept upon the ships, that Governor Martin could hold no intercourse with the Tories of the interior, so the anchors were weighed, and on June 1st, the great fleet of thirty-six sail went out past Smith's Island and steered for South Carolina.*

Four new Continental regiments had been ordered by the Halifax Congress and were soon in the field.† These troops were enlisted for the war and were placed at the disposal of the General Congress. They were then officered as follows: First Regiment, Colonel Francis Nash, Lieutenant-Colonel Thomas Clark, Major William Davis; Second, Colonel Alexander Martin, Lieutenant-Colonel John Patton, Major John White; Third, Colonel Jethro Sumner, Lieutenant-Colonel William Allston, Major Samuel Lockhart;‡ Fourth, Colonel Thomas Polk, Lieutenant-

‡NOTE.—Into the Third Regiment went Hertford county's second company of Continental troops. They were commanded by Captain Abner Perry of St. John's, who was to lead them with bravery and credit until the end of the war. He lived on Ahoskie Swamp, where his son, the late Abner J. Perry, died. He was a large man, of great, good humor and popularity and was several times dangerously wounded in the progress of the war.

*Jones' Defence, page 263.

†Wheeler, vol. II, page 79.

Colonel James Thackston, Major William Davidson; Fifth, Colonel Edward Buncombe, Lieutenant-Colonel Henry Irwin, Major Levi Dawson; Sixth, Colonel Alexander Lillington, Lieutenant-Colonel William Taylor, Major Gideon Lamb.*

With the sailing of the British fleet for Charleston, all danger from any immediate attack by the enemy was gone, and General Lee at once transferred the First and Second North Carolina Continental Battalions to that scene of danger.† General Moore went in command of the brigade; General John Ashe likewise, with the militia levies that had reported to him, was ordered to the same destination. They reached Charleston on June 11th. On the 28th the British fleet attacked Fort Moultrie. In the glorious defence of that work, two hundred of Colonel Clark's North Carolina militia participated; being posted with Thompson and Horry on the same island.‡ The North Carolina Continentals were kept on the mainland near the city, and looked on as the heroic Moultrie for ten hours gave back the fire of a great fleet and finally drove the ships, shattered, from the conflict. General Lee was warm in his commendations of the North Carolina Continentals, and in his report of the action, remarked "I know not which corps I have the greatest reason to be pleased with, Mughlenburg's Virginians or the North Carolina troops. They are both equally alert, zealous and spirited."

On the very day of the British attack upon Charleston, a great calamity fell upon the western settlements.§ King George III.

†NOTE.—The reader will observe that both the terms "regiment" and "battalion" are used in the text to designate the same bodies of men. When the commands of Colonels Moore and Howe were first organized in 1775, they were called the First and Second Regiments of North Carolina Continentals, but for purposes of exchange of prisoners in the relative grades of English and American officers captured, General Washington directed that they should be called and recognized as battalions. They numbered generally about eight hundred men and contained ten companies, with the field and staff officers of what we now call a regiment.

*Wheeler, vol. I, page 81.

‡Bancroft, vol. VIII, page 402.

§Governor Swain's Lecture, page 119.

and his agent, Josiah Martin, had been unceasing in their efforts to arouse the Indians against the rebellious colonies. Lord Chatham had denounced this horrid policy with all the strength of his vehement nature, but could not alter the resolute cruelty of the young monarch. He had been told that savages were only dangerous to the defenceless women and children of remote settlements, and were powerless before the trained soldiers who were now so often beating his own armies. The Blue Ridge Mountains were at this time the dividing line between the Cherokee hunting grounds and the white settlements. The tribe was said by Colonel Drayton, to then contain above two thousand warriors. John Stuart was the royal agent who had dwelt among them and attained a great ascendancy in their councils.* Alexander Cameron was his deputy, and they were both connections of the men so recently over-thrown at Moore's Creek. An intercepted letter from Cameron to General Gage had disclosed the fact that he was willing to lead down the red men on any errand the tyrant of Boston might require. But these things had been disregarded until the butchery first began on June 5th. In a few days, more than two hundred white people were slain by the Indians, and then arose the cry for vengeance.†

In the early days of July, General Griffith Rutherford had assembled and prepared for the field an effective force of twenty-four hundred men, raised in his own military district of Salisbury. This bold and honest patriot was born in Ireland and had been for years in prominent positions, both in the provincial and revolutionary councils. He was ~~lacking in culture but~~ possessed a rugged good sense and a spirit that was dauntless in his resolve for freedom. Colonel James Martin of Guilford and Colonel Thomas Polk of Mecklenburg commanded regiments from Anson, Rowan and Mecklenburg, and there was another from Orange. The expedition passed the mountains at Swannanoa Gap and passed down the beautiful French Broad, crossing that stream at War-Ford. Then along the valley of Hominy Creek, across

*Governor Swain's Lecture, page 119. †Wheeler, vol. II, page 383.

Pigeon River they passed on to the Tuckasege. From that point they went over Cowee Mountain and reached Tennessee River. Here they were in the heart of the Cherokee paradise and soon the Indian towns of Watauga, Estoctoe and Ellagay were burned and their corn fields destroyed.* Here they were joined by the South Carolina expedition under General Williamson, who had recently been in battle with the Cherokees, in which they were fearfully punished. General Rutherford lost only three men, but he completely subdued the savages and used the flocks of cattle as an effectual means of destruction to the growing crops. Having completed its work, the army returned and was disbanded at Salisbury, in October. Rev. Dr. James Hall, afterwards of Iredell county, went as Chaplain to the forces.†

On the first day of August the Council of Safety convened at Halifax in solemn form for celebrating a memorable event in American history. The resolution of the independence of the colonies had been first formally introduced in the Continental Congress on the 7th of June.‡ It passed the House on July 2nd, and the formal declaration was signed and published two days later. The news of this great event reached Halifax on the

†NOTE.—Simms' History of South Carolina gives an account of the battle between General Williamson and the Cherokees. This affair resulted in the loss of thirteen men killed and thirty wounded among the South Carolinians. The savages and Whigs were each twelve hundred strong, but Williamson was taken at disadvantage, from the fact that he had fallen into an ambuscade. With a most singular oblivion, Mr. Simms makes no mention of Rutherford's army, which was just twice as large as that of South Carolina. As the battle and campaign were almost wholly in North Carolina, it would seem that both truth and good taste would have suggested the propriety of some reference to the gallant Rutherford and his command; but he makes it a matter of State pride to ignore or defame the North Carolinians who went to the rescue of the Palmetto State in the hours of her calamity.

*Martin, vol. II, page 393.

†Jones' Defence, page 264.

‡Martin, vol. II, page 393; Bancroft, vol. VIII, page 389.

22nd,* and the Council being in session at that place, it was at once unanimously resolved "That the Committees of the different counties and towns in this State, on receiving the Declaration of Independence, do cause the same to be proclaimed in the most solemn manner, in order that the good people of this colony may be fully informed thereof." On July 25th, they had changed the previous test-oath, and the preamble of the resolution stated that the colonies were become free and independent States. Two days later the Council set apart August 1st as a day for proclaiming the Declaration at the court-house in Halifax, and the surrounding people were requested to be present to attend the ceremonies. Accordingly, amid military displays and a vast assemblage of applauding people, Cornelius Harnett, at mid-day ascended the rostrum before the court-house, and even as he began to open the scroll containing such memorable words, the great concourse broke into tumultuous acclamation. Then to the crowd, who listened in silence, the great protest against wrong, and appeal to the God of battles, was read till its concluding and sublime pledges were reached, and then again went up the shouts of the redeemed and delighted people, who were celebrating the consummation of a purpose, that had been first proposed to the American people on the very same spot, where now was such patriotic joy. Mr. Harnett was borne in triumph on the shoulders of the delighted soldiers, who honored him as the champion of American liberty, while they swore eternal fealty to the august instrument he had read in their hearing.†

The suggestions of the Council of Safety as to reading the Declaration of Independence, were observed everywhere in North Carolina with the single exception of Cumberland. Orders were accordingly issued to Colonels Folsome and David Smith, commanding the militia in that county, and the ceremony was repeated also at Cross Creek. A single regiment was yet

*Jones, page 268.

†Jones' Defence, page 269; Wheeler, vol. I, page 83.

kept at this point to observe the motions of the disaffected, who had been most unconscionably worried by this same Ebenezer Folsome and his troopers. John Pyle of Chatham, and Farquhard Campbell of Cumberland, were still leaders of the malcontents and were the objects of his vigilance and occasional arrest.* This active and unsparing partizan carried his authority beyond its proper limits and soon incurred the penalty of a court-martial for disobedience to orders.

During October, the elections were held for members of the Convention that was soon to meet for the formation of a new government for North Carolina. Two distinct and antagonistic parties were developed, which struggled for ascendancy to be determined at the polls on the 15th day of that important month in the State's history. Samuel Johnston and his friends were anxious for the establishment of a splendid system, which should be possessed of great powers of repression and should rest authority largely in the hands of the enlightened few, who had been for two years past so largely influential in shaping the destinies of the infant commonwealth.† Willie Jones of Halifax, was almost fiercely opposed to any such scheme. He was the avowed champion of the masses, and though an aristocrat in his habits and associations, was still theoretically the most radical politician then of prominence in the State. Colonel Caswell sympathized with such views, but was wary and moderate in expression and went not to such lengths as were habitual with Jones and General Thomas Person.‡ It was thought important by many of the extreme Republicans, to defeat Samuel Johnston as a member from Chowan. They dreaded the influence of his known opinions and the people of that county were warned against his aristocratic tendencies, until for once in their history they faltered in his support.§ The same influence had procured his removal from the Council of Safety, and of all his former honors he retained only the Northern Treasurer's place. Consid-

*Jones, page 267.

†Jones, page 274.

‡Fredell's Life, vol. I, page 334.

§Life of Fredell, vol. I, page 334.

ering his great services, this was thought harsh and ungrateful treatment, and his friends were loud in their complaints at the result; but Johnston was too wise and pure a man to quarrel with the people for disagreeing with his views, and was soon to have abundant proofs of the attachment and confidence of the whole State.

The Congress or Convention to frame a State Constitution, met in Halifax, November 12th. Among the memorable men of this body, the most prominent was Richard Caswell of Dobbs, who, upon motion of General Allen Jones of Northampton, was made President. General Thomas Wade of Anson, John Johnston and Zedekiah Stone of Bertie, Judge Maurice Moore, Cornelius Harnett and Archibald Maclaine of Brunswick, General Thomas Eaton and Philemon Hawkins of Bute, James Coor, General William Bryan and Colonel John Bryan of Craven, Thomas Benbury and Thomas Jones of Chowan, William Haywood and Elisha Battle of Edgecombe, General Thomas Person and Memucan Hunt of Granville, General Lawrence Baker and Day Ridley of Hertford, John Phifer and Waightstill Avery of Mecklenburg, William Williams and Whitmel Hill of Martin, John and Samuel Ashe, John Devane and Sampson Moseley of New Hanover, Thomas Burke and Alexander Mebane of Orange, Dr. David Caldwell of Guilford, William Hooper of Wilmington, Dempsey Burgess and Lemuel Sawyer of Pasquotank, General Griffith Rutherford of Rowan, Joseph Hewes of Edenton, Abner Nash of Hillsboro are still of historic prominence and were as wise and patriotic as could have been gathered into any assembly in any land.*

On the second day of the session, a committee consisting of President Caswell and Messrs. Person, Allen Jones, John Ashe, Nash, Willie Jones, Thomas Jones, Bright, Neale, Samuel Ashe, Haywood, Rutherford, Abbot, Luke Sumner, T. Respass, Maclaine, Hogan and Alexander, were appointed to form and lay before the body a Constitution and Bill of Rights for the gov-

*Wheeler, vol. I, page 86.

ernment of the State. Messrs. Hewes, Harnett, Sharpe, Spear, Avery, Eaton, Birdsong, Irwin Hill, and Coor, were subsequently added. It was decided on the same day that all questions before the Convention should be decided by voice and not by counties or towns.*

Samuel Johnston, though not a member of the Convention, was present at Halifax, and his views were still represented through his friend, Thomas Jones of Chowan,† who with Colonel Caswell, gave tone and direction to the whole proceedings. There is little doubt that the President was the real creator of the wise and lasting provisions of the first Constitution of North Carolina.‡ He was unquestionably the ablest and most original mind in the entire body, and possessed an ascendancy over his cotemporaries which made him through life the most influential man in the State.§ Both the Bill of Rights and the Constitution were reported, debated and passed in the period embraced between the 6th of December and the 18th of that month. Thomas Burke of Orange, was conspicuous both in suggestion and analysis. He was eloquent, learned and devoted to the cause. Like Harnett, John Ashe and the venerable Maurice Moore, he was soon to retire from the political arena, but with the exception of John Penn of Granville, no man ever won so lasting a hold upon the affections of our people in so short a time.

‡NOTE.—Joseph Seawell Jones, on page 287 of his "Defence of North Carolina," says that Thomas and Willie Jones were the main authors of the Halifax Constitution; but he was far from being reliable in his statements, and to habitual depreciation of Caswell and his party he added a great desire to exalt the name of Jones. Willie Jones was very able, but Thomas was a man of moderate abilities and drew inspiration from Johnston. He was, too, a trimmer, like Lord Halifax, and was chiefly useful as the medium of compromise between the extreme views dividing the Convention.

*Jones' Defence, page 285.

†Jones' Defence, page 287.

‡Judge Toomer's speech, 1835; Debates of the Convention, page 318.

The new organic law of the State created system out of the preceding chaos. The executive functions were vested in a Governor and other officers. The law-making power was to rest in an Assembly, consisting of two separate Houses. The Senate was chosen by freeholders possessing fifty acres of land, while the House of Commons had for its electors the great mass of freemen who had resided in the State for twelve months anterior to the election. Each county elected a Senator and two members of the House of Commons. It was ordained that no salaried officer of the State or United States could have a seat in the Assembly; nor any preacher of the gospel, in care of souls. There should be no church establishment, but religious freedom, without rates, tithes or any compulsory maintenance to ministers of any sect whatever. There should be no imprisonment for debt after a fair surrender of a debtor's property. Immigrants swearing allegiance could acquire real and personal property and full franchises after one year's residence. Schools should be established by the Legislature and education provided for the people.*

The Bill of Rights declared that all political power is vested in and proceeds from the people. That the people of the State alone should regulate the police thereof. That no men were entitled to exclusive emoluments or privileges, but in consideration of public service. That the executive, legislative and judicial powers of government should be separate and distinct. That the Governor should have no power to suspend or dispense with laws without the consent of the people's representatives. That elections to the Legislature should be free. That in criminal process every man was entitled to be informed of the charge against him and to be confronted with his accusers; nor should he be compelled to give testimony against himself. That no freeman should be put to answer a charge but by indictment, presentment or impeachment; nor be convicted but by unanimous verdict of a jury of his peers. That there should not be

*Public Acts, pages 194, 195 and 196.

excessive bail required, nor heavy fines, or unusual punishment. There should be no general search-warrants. No freeman should be amerced or disseized or otherwise punished but by due process of law. That restraints on liberty of individuals should be investigated and removed when unlawful. That in controversies touching property and titles, the trial by jury should remain sacred and inviolable. That the public press should be free. That no taxes should be laid without the consent of the people or their representatives in the Assembly. That the people have the right to bear arms for defence of the State, as standing armies in time of peace are dangerous to liberty and that military should be kept subservient to civil power. The people have the right to assemble themselves for consultation, instruction to representatives and to apply for redress of grievances. That men have the right to worship God according to their own consciences. That elections should be frequent. That all hereditary honors, privileges and emoluments are forbidden; as were also perpetuities and monopolies and *ex post facto* laws.*

All of these provisions were entirely admirable and in the enactment of the thirty-first provision of the Constitution, by which ministers in charge of congregations were excluded from office, and its succeeding paragraph alone, was there found an absence of the broadest and most enlightened charity. Both of these obnoxious remnants of cruelty among the sects were the handiwork of an excellent and cultivated patriot. Rev. Dr. David Caldwell of Guilford, did not think it was proper that men of his cloth should be "mixed-up" in politics, therefore he prevailed on the Convention to disqualify them. Only twice in his exceeding long and useful life had he consented to serve as a statesman, when he died at the age of one hundred years. His professional zeal prompted him to do something for religion and he drew up and procured the passage of the following clause:†

*The Bill of Rights, Public Acts, pages 191, 192.

†Life of Iredell, vol. 1, page 339; Foote's Sketches, page 240.

No person who shall deny the being of God, or the truth of the Protestant religion, or the divine authority of either the Old or New Testament, or who shall hold religious principles incompatible with the freedom and safety of the State, shall be capable of holding any office or place of trust or profit in the civil department, within this State.*

A rigid construction of this section would have excluded Thomas Burke, one of the chief ornaments of the very body that enacted it. He was a Roman Catholic and his case was pointed out in 1835 to show that it was not the intention to debar members of his church.† The great doctrine of religious freedom was the hardest lesson of all to be learned in the development of the noble American polity. Roger Williams, the pupil and *protege* of Sir Edward Coke in his conflicts with the intolerant Puritanism of Massachusetts, was the first man to proclaim it in America.‡ Lord Baltimore had made Maryland an asylum, where no person professing the Christian religion was discriminated against;§ but John Calvin could have as effectually destroyed Servetus under such rule. A Roman Inquisition could have turned in mock mercy some victim over to the secular arm for punishment and death, for indulging in the now-fashionable speculations of Darwin, Huxley and Herbert Spencer. William Penn had also established toleration of all religions at Philadelphia; but out of the little territory of Rhode Island, not

*NOTE.—To show how distasteful the 32d Article was to many members of the Convention, the following words are quoted from a letter of Samuel Johnston to Mrs. Hannah Tredell, dated Halifax, December 13th, 1776: "I was in hopes things were drawing near a conclusion, and that I should get home in a few days, but unfortunately one of the members from the back country introduced a bill, by which every person, before he should be admitted to a share in the Legislature, should swear that he believed in the Holy Trinity, and that the Scripture of the Old Testament was written by divine inspiration. This was carried after a very warm debate, and has blown up such a flame that everything is in danger of being thrown into confusion."

†Debates in Convention, 1835, page 319.

‡Baneroft, vol. I, page 398.

§Baneroft, vol. I, page 260.

a human statute had recognized the truth, that no political disability should arise from the fact of any species of religious belief. In 1786, Thomas Jefferson was to incorporate it into the Virginia Constitution, and he confessed that he had been led to such a step by the teachings of men in his own Commonwealth, who were members of the same sect as that of the founder of Rhode Island.

Richard Caswell was elected Governor of the State by an ordinance of the Convention, and entered upon the discharge of his duties upon the adjournment of this body, December 23rd. James Glasgow became Secretary of State.* Cornelius Harnett, General Thomas Person, Colonel William Dry, William Haywood, Edward Starkey, Colonel Joseph Leach, and General Thomas Eaton, were made members of the Council of State. Courts of Oyer and Terminer for the trial of criminal causes, were established, but the regular tribunals were created a year later. Sheriffs, magistrates and constables were appointed under a separate ordinance and the County Courts were at once organized for probate and police purposes. A new Treasurer was elected in place of Governor Caswell for the Southern District, James Coor of New-Bern, being selected for that purpose.†

The course of the Episcopal clergymen and certain of the Colonial Governors had made that church unpopular with the masses, who were dissenters; but there was no objection urged to the ordinance introduced by Thomas Jones, which secured the glebe lands and churches to the people of the late established church of the province.‡ There were but few of them, and of that few, the incumbents of the living were generally recognized as adherents of the King in this struggle for life and death with the people.

*NOTE.—This man, who was so highly and frequently honored in the next few years, was a resident of New-Bern. His name was given to that part of Dobbs, now Greene county. When he fell into disgraceful malfeasance the second change was made.

†Public Acts, page 198.

‡Jones' Defence, pages 291, 292.

There has never been seen a body of men who were more wholly devoted to the public good than those of the Halifax Convention of 1776. Amid war and danger they initiated changes that were fundamental and numerous in a polity which had been that of their fathers for generations past. So wisely and warily did they lay the foundations of a regenerated society, that for fifty-nine years no change was effected in the result they had accomplished. A free people with abundant opportunities for alteration and adoption of improvements, abided by the work of their hands, until through sheer lapse of time and changes in the populated districts it became necessary to change the bases of representation.

The old system of the courts was almost untouched in that time of great alteration in other things. A new Superior Court district was added, but otherwise things judicial remained as they were in the dispensation of Judges Martin Howard, Maurice Moore and Richard Henderson. Revolutions are always full of hatred and injustice. Judge Howard has come down to us as a wicked and corrupt man. Yet the men who differed from him politically, suffered him to remain in quiet on his farm in Craven, until he voluntarily left the State in 1777. Jeffrey, to whom he has been likened, got no such fare at the hands of the London mob, when he was discovered in disguise after the flight of James II. He was the ablest of all our colonial magistrates and doubtlessly honest in his loyalty to the King. On the eve of his departure, he thus wrote to Judge Iredell: "Your favor from New-Bern gave me no small degree of pleasure. An instance of civility to an obscure man in the woods, is as flattering as a compliment to a worn-out beauty, and received with equal avidity and delight. I have lately been so little accustomed, even to the courtesies of life, that a sentiment of kindness comes upon me by surprise, and brings with it a double and unexpected pleasure."

Judge Richard Henderson, as has been already stated, took no part in the struggle between Great Britain and the colonies. With the expiration of the time to which the Court Laws were

limited, he, like his colleagues, Howard and Moore, found himself *functus officio*, from the fact that the courts had all ceased to exist. His attention had been called to the reports given by Daniel Boone, of the beauty and fertility of the region lying south of the Ohio River. This fair land now comprising the territory of the State of Kentucky was claimed as their hunting grounds by the Cherokees. It suggested a grand scheme to Judge Henderson. He very well understood that under the royal claims he would not for a moment be allowed to carry out his project of founding the "Republic of Transylvania," but the ex-Judge foresaw the confusion and possibilities of the near future. War, imminent and deadly, was patent to his keen vision. If the royal authority was overthrown, he had every expectation of ready acquiescence of the Revolutionary bodies and even in the event of American defeat, he hoped for British concession in so lawless a period.

Moved by these considerations, in 1774, he induced his cousin, John Williams, and Leonard Hendly Bullock of Granville, and William Johnston, James Hogg, John Luttrell, and Thomas, David, and Nathaniel Hart of Orange, to unite with him in the formation of a company. They met the Cherokee chiefs on Watauga River and, for what some historians have called a "fair consideration," purchased their claim to the magnificent domain, which included what is now the larger portion of the great States of Tennessee and Kentucky. Although the *quid pro quo* in this transaction is not given by the chroniclers, it may be safely classed with other similar transactions between white men and confiding savages.*

*NOTE.—Major John Devereux of Raleigh, gives me an authentic case in point. In the manuscript of his ancestor, Governor Thomas Pollock, a treaty between the white people and a certain tribe is given. It was there settled and "so nominated in the bond" that no Indian should kill or maltreat a white person; nor injure his house, servants, or live-stock; that fences should be secured against disturbance; that runaway negroes and straying cattle should be apprehended by the Indians and returned to their owners; and finally, that no Indian without solemn notice and permission given, should presume to venture into the vicinity of the white people who, in consideration

Judge Henderson effected the Cherokee treaty of Watauga in 1774. Upon the return of Governor Martin from his visit to New York in the spring of the following year, His Excellency issued a proclamation condemning with all his usual emphasis the whole scheme of Judge Henderson and his associates. "Whereas," said he, "it is to be apprehended, that if the said Richard Henderson is suffered to proceed in this, his unwarrantable and lawless undertaking, a settlement may be formed that will become an asylum to the most abandoned fugitives from the several colonies, to the great molestation and injury of His Majesty's subjects in this province in particular and to the manifest detriment of the interest of Earl Granville, within whose proprietary district the lands treated for as aforesaid, by the said Richard Henderson with the Cherokee Indians are deemed and reported to be in part comprehended. I have thought proper to issue this proclamation hereby in His Majesty's name and also in behalf of the Earl Granville, as his agent and attorney, strictly to forbid the said Richard Henderson and his confederates, on pain of His Majesty's displeasure and of suffering the most rigorous penalties of the law, to prosecute so unlawful an undertaking."

Daniel Boone had really suggested and developed the whole Transylvania project. This famous character has not only become immortal in the gravest histories, but has long been a favorite figure for poets and romancers. He came to North Carolina with his parents from Pennsylvania while yet a child, and dwelt upon the upper reaches of Yadkin River. His strong and sensitive nature loved the silence and suggestions of the forest. Though tenderly attached to his wife and family, his daring and romantic soul pined for the larger excitement to be found amid the mountain passes and wide-stretching prairies of the West. Thus in constant danger, he was much of his time, far from the gentle offices of home and kindred, and only avoiding torture

of such active aid and forbearance on the part of the red men, solemnly bound themselves to furnish all the rum and other merchandise for which the said Indians could make immediate and satisfactory payment.

and death by caution and bravery. As early as 1769 he joined John Finley, who had two years before been trapping upon Louisa River, in an expedition to what is now Kentucky. They were accompanied by John Stuart, Joseph Holden, James Monecy and William Cool. After surviving a thousand perils, Boone had made good his effort at settlement, and in 1776, upon the reception of the news of the first battle of the Revolution, commemorated that event by naming a log village Lexington. Thus, while civilized war was raging along the Atlantic slope, the bold mountaineers of North Carolina were penetrating the wilds lying beyond the Alleghanies, and despite frequent death and disaster from the great Indian tribes of that region, were broadening the limits of the future imperial American Commonwealth.

CHAPTER XII.

A. D. 1777 TO 1780.

Governor Caswell as the Chief-Magistrate of North Carolina—Articles of Confederation—North Carolina troops transferred from South Carolina to the North—Deaths of Judge Maurice and General James Moore—The Tories bide their time for vengeance—General Assembly meets at New-Bern—General Robert Howe—Samuel Ashe and Abner Nash, Speakers—Their characters and services—Legislation—Members of prominence—Court Laws passed at second session—The State Courts—The Judges and Attorney-General—Movements of the army under General Washington—The North Carolina Battalions re-inforce him—Battle of Germantown—Repulse of the Americans—Deaths of General Nash, Colonels Buncombe, Irwin and others—Gates and Saratoga—Washington at Valley Forge—General LaFayette—The Scotch troubled by Colonel Folsome—The Courts and Lawyers of 1778—General Assembly meets at New-Bern—Whitmel Hill and Thomas Benbury, Speakers—Conservatives still in a minority—John Williams succeeds Judge Iredell on the Superior Court Bench—Popular leaders—Second session of Assembly at Hillsboro—General Allen Jones in the Chair of the Senate—Legislation of the session—English offers for an accommodation—Earl of Chatham against peace—General Clinton abandons Philadelphia; is pursued, and fights at Monmouth—General Sumner succeeds General Nash—General Robert Howe at Savannah—Succeeded by General Benjamin Lincoln in command of Georgia—South Carolina and Georgia's injustice to Howe—General John Ashe also beaten at Brier Creek—Colonel John Hamilton—Howe and Gadsden—Caswell to take the field with eight thousand North Carolina militia—British at Norfolk—General Assemblies of Halifax and Smithfield—Major Murfree and Stony Point—Confiscation of Loyalists' property—Congressional Delegates—Governor Caswell's term expires.

The new year, 1777, came upon North Carolina redeemed, renovated and disenthralled. Military movements were confined to the North, where General Washington, amid the greatest difficulties, was displaying his supreme fitness for the eminent position he was to maintain to the close of the war. Every movement against the patriot cause in North Carolina had been signally overthrown and peace had come to all her borders. The Scots and Regulators were keeping enforced quiet, and General Ruther-

ford had inflicted such chastisement upon the Cherokees, that no further injury was ever to be experienced from them. Governor Caswell was as one raised up by Providence for the special performance of great duties. Like Sir Walter Raleigh, his endowments were not impaired as to any single excellence in the fact of their variety. His versatility was wondrous and no man ever more nobly discharged the work required at his hands.* As Chief-Magistrate in a new and untried system, the utmost delicacy and foresight were required. Zeal, promptitude and forbearance were constantly manifested in this, as in all of the other varied trusts committed to his keeping. He was the idol of the dominant and extreme Democrats and was to retain to the day of his death the confidence and admiration of the very elegant gentlemen who were so recently defeated in their plan for creating an aristocratic system of rule for the State.

On October 4th, 1776, the Continental Congress had proposed to the different States the adoption of the Articles of Confederation. This measure had been deliberated for three months after the Declaration of Independence. North Carolina fully endorsed this formation of a government on July 21st, 1778, when John Penn and John Williams of Granville, and Cornelius Harnett of New Hanover, carried out the Legislature's instructions to that effect.‡ All of the States acted with becoming deliberation in this important matter. The act of Congress, by its own terms, had to be submitted to the State governments and adopted by them before becoming operative. So in July of the year indicated, it was to become law and was the first attempt at forming a true American nationality.

Upon the defeat of Sir Peter Parker and Lord Cornwallis at Charleston, in June, 1776, the North Carolina troops soon found

*NOTE.—Nathaniel Macon had known all the great men of America, when in 1835, he presided in the Convention at Raleigh. He then declared he had never seen a more powerful man than Richard Caswell.†

†Debates in Convention, page 43.

‡Hickey on the Constitution, page 490.

no enemy in their presence. Early in 1777 orders came for their transference to the army commanded by General Washington.* The militia under General Ashe went to their homes, but the First and Second North Carolina Continental Battalions, then containing fifteen hundred men, marched to Pennsylvania, as did also the four additional battalions ordered by the Halifax Congress.†

The country around Charleston has been long celebrated for its deadly malaria. Not even the Pontine Marshes of Italy are more fatal to the stranger, who inhales at night their noxious vapors. General James Moore came back to Wilmington a victim to his patriotism and the foul exhalations he had been breathing on the South Carolina coast. He reached the mansion of Judge Maurice Moore, his elder brother, who likewise was at death's door, after a long life of public service. They were both dead in the same house and at the same time, and in the conjoined loss were mourned for by the people, who had long known and honored them, as their worth and public

*NOTE.—When the North Carolina Continentals started to re-inforce General Washington, the army under his command had reached a point threatening speedy and total annihilation. Nothing but the blundering incapacity of Sir William Howe prevented Lord Cornwallis from the capture of the whole American army in New Jersey. The order which arrested the forward movement of the bold and sagacious nobleman at Brunswick, enabled the flying remnant to effect a crossing of the Delaware River.‡ General Washington had been forced from Long Island and New York and could not muster four thousand men. Stedman, the historian, who was then on Sir William Howe's staff, says that the force under the latter's command at that time reached a total of twenty-nine thousand. The Americans were not only few in numbers but were depressed by defeat and the demoralizing effects of a long retreat. Burgoyne was soon to be in the heart of New York and no force could be spared from that quarter. It was in this most critical juncture, that the six North Carolina Battalions of Continentals came to the relief of the perishing American cause in the North. They doubled General Washington's force and enabled him not only to keep the field in the face of the enemy but shortly afterward to make battle at Brandywine.

†Life of Fredell, vol. 1, page 325.

‡Stedman, vol. 1, page 249.

service merited.* Judge Moore left two sons in the service, as Captains of North Carolina Battalions of the line. One of these, Maurice, was to be slain at Brunswick, but in his brother Alfred, a family long renowned, was to receive additional lustre to its ancient celebrity. General Robert Howe was still left in command of one of the two brigades of North Carolina Continentals. He too, was possessed of courage and capacity, and was soon to assume command in Georgia. As a member of the House of Assembly he had been for many years among the boldest and most intelligent of the leaders, who rallied at Colonel John Harvey's call. General James Moore was succeeded by Colonel Francis Nash in the command of his brigade. General Nash was the brother of Abner Nash and exhibited equal courage, patriotism and intelligence.† He was destined to a short but brilliant experience and was soon to seal his faith with his blood.

The first Legislature of the State of North Carolina met at New-Bern, on April 8th, 1777. It was extremely important as many measures needed to complete the new government were to be provided by its enactments. Samuel Ashe of New Hanover was selected Speaker of the Senate and Abner Nash of Craven for the similar position in the House of Commons. Mr. Ashe, like his brother, General John Ashe, had been long conspicuous in public life and was largely influential both in legal and political circles. He was not of a spirit to tolerate much opposition to his views and was whole-hearted in his support of popular measures of government, so recently adopted. This led to some differences with certain lawyers, who were as a rule the supporters of Samuel Johnston in his views, but none of them could deny the fine abilities or sincerity of Samuel Ashe. His family exceeded all others in the State for the number and valor

†NOTE.—General Nash married Sally Moore, the daughter of Judge Moore, who afterwards intermarried with Colonel Thomas Clark and was the great-grandmother of the late Hugh Waddell of Hillsboro.

of its seions in the military service.* Abner Nash lived in the vicinity of New-Bern, at a place called Pembroke, widely celebrated as the seat of a cordial hospitality. He had married the widow of Governor Dobbs and had been all along a leader in the measures of the Whig party. He was of profuse and elegant habits, and like Mr. Ashe, was to leave illustrious and useful issue for future service in the State.* Much of the stately ceremonial once attendant upon the meeting of a new Assembly was now gone forever in the advent of a plainer republican life; but still the Sergeant-at-Arms of the two Houses accompanied the Speakers in their progress to and from the sessions of the Legislature.

Governor Caswell was domiciled in the Palace, which Governor Tryon had induced the Colonial Assembly to erect at so much cost of blood and treasure. Laws were enacted as to the militia, for levying taxes, as to crimes and punishments, oaths and perjuries and for the establishment of Caswell, Camden and Burke counties. A statute was also passed for erecting County Courts and appointing Sheriffs in the District of Washington. This large and fruitful land was ere long to become the State of Tennessee, and was still tenanted principally by the recently-subdued tribes of the Cherokee Indians.†

Many of the prominent citizens of the new State participated in this session of the General Assembly. Samuel Johnston, General Allen Jones and Joseph Hewes had been defeated, as the leaders of the late aristocratic movement, but William Hooper, Archibald Maclaine and James Coor were of the same faith and yet retained their ancient ascendancy. Willie Jones was the recognized leader of the men who really controlled public affairs in the Assembly. Matthew Locke of Rowan, Elisha Battle of Edgecombe, Waightstill Avery of Mecklenburg, John Penn, and

*NOTE.—These were General John Ashe and his son, Captain Samuel Ashe. Governor Samuel Ashe had also two sons, John Baptiste and Samuel Ashe, who rose to be Colonels in the army.

*Jones' Defence, page 212.

†Public Acts, pages 202, 203 and 204.

General Thomas Person of Granville, and Thomas Benbury of Chowan were all men of weight. Hooper declined re-election to the Continental Congress. Hewes was defeated and the new delegation consisted of John Penn of Granville, Cornelius Harnett of New Hanover and Thomas Burke of Orange.*

There were no Court Laws passed at this session of the Assembly and the legal gentlemen of the State were much disappointed thereat. They had been the leaders in all patriotic movements and were greatly incommoded, in many instances, by the long and total suppression of their revenues. In the case of William Hooper, he asserted that he could not consent to return to the Continental Congress, for the reason of domestic necessities, and the State was thus bereft of the services, in that important arena, of the most learned and eloquent man then to be found in all her borders. At the session of the Legislature, beginning on November 15th of the same year, at New-Bern, the Court Bill, which had been drafted and presented by James Iredell of Chowan, with slight modifications suggested by Archibald Maclaine of Wilmington, who was Chairman of the Judiciary Committee, became law. By this celebrated statute the old Districts of Edenton, New-Bern, Wilmington, Halifax, Hillsboro and Salisbury were continued. Three Judges, Samuel Ashe of New Hanover, James Iredell of Chowan and Samuel Spencer of Anson were elected December 20th.† These Superior Courts were to meet twice a year at each of the towns just mentioned and possessed full powers in matters cognizable in Common Law tribunals; but equity jurisdiction was not conferred until 1782.‡ One Judge constituted a quorum and might hold court in the absence of his colleagues, "provided always, that demurrers, cases agreed, special verdicts, bills of exception to evidence and motions in arrest of judgment, should not be argued but before two or more Judges."

Judge Ashe had been trained by his uncle, Colonel Samuel Swann, for the Bar, but had not given his profession such dili-

*Life of Iredell, vol. 1, page 358. †Life of Iredell, vol. 1, page 367.

‡Public Acts, page 312.

gent attention as was seen in the case of Iredell.* The latter was but twenty-six years old, but was universally recognized as the ablest jurist then in North Carolina. He was not inferior as an advocate to Hooper and Maclaine; in technical knowledge was already beyond either; and was fast extending a renown which was soon to be as wide as the bound of the nation. Judge Ashe, with all his attachment to the land of his birth, was no more devoted than his young colleague, who had so recently left his high connections in England. Judge Spencer had been Clerk of the Court in Anson in Tryon's times, and had been hated and troubled by the Regulators. His activity as a Whig had given him prominence but he was not a great jurist and was to become odious to the Bar, who long sought to drive him from the Bench.† Colonel Waightstill Avery of Mecklenburg was appointed Attorney-General. He was a man of equal learning and efficiency, and had done much to produce the advanced patriotism seen in the famous Mecklenburg Declaration, of which he was a signer. He was born in Connecticut and upon his marriage, had settled in Onslow, but his sojourn was temporary in that county, and he soon returned to Mecklenburg.

In a series of unfortunate movements, the army under General Washington was forced from its occupation of the city of New York and Long Island. A retreat across the State of New Jersey was successfully accomplished and all the North Carolina Continental Battalions were with the main American army when the British commander, General Howe, transferred his troops from New Jersey, and by water conveyed them to the head of Elk River in Maryland.‡ It was at once seen that the enemy were moving for the occupation of Philadelphia and the American forces were conveyed to such a position as covered the approaches to that important place. General Washington had but seven thousand men when he took the field in the spring of

*Life of Iredell, vol. I, page 367. †Life of Iredell, vol. I, page 368.

‡Goodrich's U. S. History, page 283.

this year. Disaster and despondency had helped the evil of expiring terms of enlistment, and he was almost too weak to face the foe, when the six Battalions of North Carolinians, numbering four thousand muskets, came to his relief.* The First and Second Battalions were become veterans, and had seen two successful campaigns in the South. The four others, commanded respectively by Colonels Jethro Sumner, Thomas Polk, Edward Buncombe and Alexander Lillington, were not of equal experience in the field, but were to sustain the reputation of North Carolina by unflinching courage in all the encounters in which they engaged throughout the war. They participated with credit in the battles of Princeton and Brandywine, but in the bloody encounter at Germantown, October 4th, 1777, their valor was to be conspicuously approved. This was a small village six miles from Philadelphia. It was in possession of the enemy, who was somewhat weakened by detachments sent against the forts on the Delaware River. General Washington seized the opportunity to fall upon the British and was only prevented from complete success by the enemy's occupation of certain strong buildings, from which they poured so deadly a fire that the Americans were compelled to retire after losing a thousand men.† It was a bloody day for North Carolina. Brigadier General Francis Nash was mortally wounded and Colonel Edward Buncombe

†NOTE.—An inspection of the field chart and correspondence given in the fifth volume of General Washington's writings, shows that a long, straggling village known as Germantown at that day, divided the American column of attack into two sections. On the right of the village a single division was sent in, on the extreme right of which were posted General Nash and his North Carolina Brigade. On the left of the village more than three divisions made a simultaneous attack. Nash and his supports had driven the enemy nearly two miles when he found that no parallel advance was being made on the left of the American line of battle. He was threatened in flank and rear, and suffered horribly in retreat. Had all present acted like General Nash and the First North Carolina Brigade, the battle of Germantown would have been a splendid success.

of Tyrrel, commanding the Fifth Battalion and Lieutenant-Colonel Henry Irwin of Edgecombe, belonging to the same command, fell dead upon the field.* Captain Jacob Turner of Bertie and Captain Lucas, Adjutant of the Third Battalion, also fell in the same engagement. Nash survived but a short time. He was of approved gallantry and was a great loss; for in capacity and courage he had but few equals in the American service.† Colonel Buncombe possessed wealth and popularity in North Carolina and had been for years a leading man in the public councils. His lavish hospitality and liberality to the struggling cause is yet commemorated in the famous county amid the mountains, which bears his name. Colonel Irwin was also a man of note and had been long prominent in every movement for freedom.

After this serious check General Washington went into winter quarters at Valley Forge. General Gates' success at Saratoga had raised up men who were weak enough to be dazzled by his one fortunate feat and to imagine him the superior of the great man in command of the armies. Congress made him chief of a military board called the Committee of War, and many of his partisans were clamorous for his substitution in place of the greater

†NOTE.—Colonel Wheeler, in his history and J. F. Watson, in his "Annals of Philadelphia," state that General Nash was wounded by a cannon ball and that the fatal injury was in his thigh; but I am satisfied this is a mistake. I am assured by my excellent and most sensible friend, Dr. Richard B. Haywood, that he had it from the lips of Colonel William Polk, that he was also injured in the same battle and was with General Nash when he died. They were both shot down by a volley, which came from their left and raked their line with terrible effect. This deadly round was the work of the Queen's Yagers. General Nash was shot through the face in such a manner that he lost both his eyes, while Colonel Polk was wounded in the tongue and was unable to speak. He used to repeat a remark of General Nash, that both were thus unfitted for future service and would be useful to each other in the trip home. Nash died in a few days after the battle but Polk recovered to enjoy future military laurels and the multiplied honors of a long and useful life.

*Wheeler, vol. II, pages 31, 142 and 334.

Virginian.* It was only needed that another year should come and General Gates was to display at Camden how utterly unfitted he was by nature and habit for any great command. Amid the horrors of cold and want and detraction, the grandest of men was to share the sufferings of the eleven thousand half-clad soldiers who were to shiver through the pitiless winter in the log huts of Valley Forge. Sustained by the greatness and purity of his soul, George Washington clung to the sure policy of defence, and disregarded the critics, who questioned his courage and capacity because he would not ruin a great cause in a paltry effort to win their admiration.† It was the blackest hour of a long and horrible night of suspense; but Benjamin Franklin would soon procure help from France and wise men of both continents saw that only time was needed to bring about the freedom of America.

The brave and generous young Marquis de La Fayette had been for sometime in the American army a Brigadier-General, and had been severely wounded at Brandywine. Three other French officers arrived in North Carolina and offered their services to the State.‡ They were Puchew, Noirmont de La Neuville and La Tours, all having seen active military operations in Europe. Governor Caswell did not accept their gallant tender but referred them to the Continental authorities, who gave these high-born and chivalrous strangers honorable places in the American army, in which Kosciusco, De Kalb, Pulaski and Steuben were also to grow famous.

The new year of 1778 found North Carolina still unmolested by invasion or any serious signs of sedition among the malcontents in the central counties. The unfortunate Scotch Highlanders had been almost as completely crushed at Moore's Creek as at the great defeat of Culloden at home, but they were still biding their time for revenge on their adversaries. They were no

*Holmes, page 130.

†W. Hooper to Samuel Johnston, September 27th, 1776.

‡Life of Iredell, vol. I, page 361.

more to organize in large force, but all through Cumberland and the surrounding counties were scattered individuals who were guided by such men as John Pyle of Chatham and anxious for an opportunity to repay the cruelties of Ebenezer Folsome.

The long-suppressed courts were at last established and the lawyers with their stick-gigs and servants on horse-back resumed their tedious, semi-annual progresses through the State. Judges Ashe, Iredell and Spencer missed many members of the former Carolina Bar, as they were absent with their commands in Pennsylvania, but William Hooper, Samuel Johnston, Archibald Maclaine, Abner Nash, Thomas Burke, Thomas Jones and the different local advocates still composed a legal array of the utmost respectability.* At all the six towns, wherein the Superior Courts for the whole State were held, there was much bustle at each term, and indictments for high treason were plentiful. All the Sheriffs of each county constituting the district were required to be present, and three of them were by turns in constant attendance upon the court. Between grand and petit jurors, prisoners, suitors, witnesses and members of the Bar, some of the villages were densely packed and but poor accommodations found as to food and lodging.

The General Assembly met in New-Bern on the 14th day of April, 1778, and selected Whitmel Hill of Martin county as Speaker of the Senate.† He was a man of culture, and possessed the confidence of all sections and parties in the State. He was to become a member of the Continental Congress and the founder of a family still prominent in North Carolina. The Speaker of the Lower House was Thomas Benbury of Chowan. Like many other citizens of Edenton, Mr. Benbury had become known and respected all over the State. He too was to survive in usefulness through a virtuous and cultivated posterity. The extreme Republicans or Democrats continued in power and the party of Samuel Johnston and Joseph Hewes remained in comparative obscurity as to directing the political fortunes of the

*Judge Iredell's Letters.

†Public Acts, page 257.

Commonwealth. Neither of these distinguished men were members of this Legislature. Joseph Hewes, though again a candidate for the Continental Congress, was defeated, and John Penn, Cornelius Harnett of New Hanover and Thomas Burke of Orange were delegated to the National Assembly. John Williams of Granville was elected to the same honorable functions, but upon the resignation of Judge Iredell from the Superior Court was appointed his successor. Judge Williams was not the choice of the State; for both ex-Judge Richard Henderson and Archibald Maclaine were tendered the place but declined.* He was not a man of much culture, either in letters or the law and had been a sufferer by the violence of the Regulators. His strong republican views gave him much popularity, and he was long highly influential in all political movements.

Willie Jones was, as usual, a member of the Assembly and all-powerful in his influence. He and General Thomas Person, Abner Nash, General Rutherford and James Coor had been leaders in colonial times, but there were several accessions of new members, who were to prove of great usefulness in the future State Councils. Among these were Colonel Thomas Owen of Bladen, Timothy Bloodworth of New Hanover, Oroondates Davis of Halifax and Benjamin Cleaveland of Wilkes. Timothy Bloodworth was as defective in early education as Judge Williams and, like him, had been a mechanic, yet few men of his day possessed a stronger will or a broader natural understanding. He was radical and almost Red Republican in his views, and well-nigh as intolerant of opposition as General Thomas Person.† He was to obtain abiding influence and to achieve many honors before his death. Colonels Owen and Cleaveland are yet remembered for their deeds in the field, where they were even more conspicuous than in deliberative bodies.

Such was the strenuousness of the times that it was common during the Revolution for the General Assembly to meet twice in each year: consequently upon Governor Caswell's call, there

*Life of Iredell, vol. I, page 397.

†Life of Iredell, vol. II, page 230.

was a second session at Hillsboro on August 8th. In the summer elections there had been a slight revulsion in political sentiment, and General Allen Jones, so conspicuous as a leader of the aristocratic party, was returned as a member of the Senate and succeeded Whitmel Hill as Speaker, upon the latter's resignation to assume his place in the Continental Congress.* General Jones as a man was justly revered throughout the State. The masses of that day did not agree with him as to what should be the character of their government, but this did not weaken their confidence in his honor and loyalty to the patriot cause. There was a singular contradiction in the habits of the times. The ultra-Republicans struggled to defeat the election of their party opponents, but generally in case of their success, placed them in conspicuous places in the Assembly.

The legislation of the year was embraced in acts for the benefit of the Continental troops of the State, against vagrancy and desertion, the entry of lands, salaries of civil officers, the great seal of the State, the militia, export of provisions, counterfeiting, fees of Sheriffs, repairs to Fort Johnston, protection to the Tuscarora Indians, a fresh emission of paper money, recovery of debts due the United States, and for the benefit of the Cherokees.

England sent a fresh commission to arrange terms with her revolted colonies; but it was too late. The recent French treaty bound the Americans to enter into no terms without the consent of the Court of Versailles, and that which had been feasible and greatly desired in 1776 had now become alike impossible and dishonorable. The Duke of Richmond had introduced a resolution in the House of Lords which in effect recognized America as independent. This fired the soul of dying Chatham with unspeakable indignation. He was carried to the House of Peers, and there, supported by his crutches and friends, the worn-out statesman showed that his intelligence had but partially survived the wreck of his body. "I am old and infirm," said he, "but I

*Judge Martin's Statutes, vol. I, page 259.

rejoice that the grave has not closed upon me; that I am still alive to lift my voice against the dismemberment of this ancient and most noble monarchy. Let us at least make one effort, and if fall we must, let us fall like men." This was his last public utterance and it fell as if from inspired lips. The ancient friend and protector of the Americans was for once in his life the enemy of their peace and was in a few days asleep with the immortals in Westminster Abbey.*

When Sir Henry Clinton succeeded General Howe as commander of the British forces in America, he at once resolved to abandon Philadelphia, and the retreat to New York commenced as soon as he found that Congress refused to negotiate. This movement of Clinton was a fair sample of British tactics throughout the war. Howe's advance against Philadelphia was but feebly carried out and the success won at Germantown produced no such aggressive movements against the Americans as were fully justified in the fact of the bloody check they then received. Sir Henry was to remain cooped up in New York until the end of the war and would run no risks of encountering Burgoyne's misfortune at Saratoga. Lord Cornwallis presented a brilliant and imposing contrast to these feeble military counsels. That he was foiled at Guilford and captured at Yorktown grew out of the weakness and irresolution of Sir Henry Clinton. Taking into consideration the meagreness of His Lordship's means, his campaigns in the South will ever convince dispassionate and intelligent men of his great courage and strength as a military chief. He was as fully vindicated in defeat as were Hannibal or Napoleon I.

General Washington followed in pursuit from Valley Forge, and overtook the enemy at Monmouth Court-House in New Jersey, June 28th.† General Charles Lee, commanding the advanced portion of the Americans, had orders to attack, and did so; but fearing his supports would not be on hand in time, he was withdrawing his troops when General Washington rode

*Macaulay's Essays, page 736.

†Holmes' U. S., page 133.

swiftly up and demanded "General Lee, why this ill-timed prudence?" Cornwallis was pressing heavily upon the retreating Americans, but the main body arriving upon the field, Lee's disordered forces were rallied and the enemy driven back. It was one of the hottest days on record, and the men on both sides fell dead from sheer heat and exhaustion. Lee's corps had been engaged all day and when night came General Washington arrested the attack with the purpose of renewing it in the morning. The British moved off in the night and soon gained security on the heights of Neversink, having lost two thousand men by casualties and desertion in crossing the State of New Jersey.* The North Carolina Continentals won high commendation for their good conduct on the field at Monmouth, and Captain Hardy Murfree of the Second Regiment was promoted to be Major of that command. His Regiment did not accompany General Lincoln to Charleston, but the five other North Carolina Battalions were assigned as a portion of that officer's Army of the South.† Jethro Sumner, Colonel of the Third Battalion, was appointed Brigadier-General in place of General Nash, slain at Germantown, and was in command of his brigade‡ but did not go South until General Gates went to supply the place of the captured men of Charleston.

After the battle of Moore's Creek the Tories of North Carolina no longer dared open embodiment, but Lieutenant-Colonel John Hamilton, a Scotch Merchant, late of Halifax, repaired to St. Augustine in Florida, and established a camp, where a regiment of Loyalists was organized. To this point his recruits repaired singly or in small squads. In this way he had at the period now under consideration a disciplined force which was to be a formidable help to the King's agents in America. Colonel Hamilton had fought for Charles Edward at Culloden in his ex-

†NOTE.—It has been generally asserted that all the North Carolina Continentals accompanied General Lincoln to Charleston, but the Second Battalion was at Stony Point months later.

*Goodrich's U. S., page 210.

‡Wheeler, vol. II, page 425.

trene youth and was now devoted in his attachment to the House of Hanover.

With the reception of the news of the American defeat at Savannah, came great excitement among the North Carolina Tories. Colonel Boyd, who lived on the lower Yadkin collected a large force and reached the Savannah River before meeting with any obstruction to his march. In attempting to go to Savannah along the Georgia side of the river, they were attacked and routed by the South Carolina Whigs, commanded by Colonel Andrew Pickens. Boyd was slain and all but three hundred of his followers dispersed or slain. This remnant kept together and reached General Prevost's quarters.*

General Robert Howe of North Carolina had been for some time in charge of the military district of Georgia. At the beginning of the new year his available force was one battalion of the North Carolina line, containing six hundred men, and a like number of Georgia militia.† General Howe in some way had incurred the resentment of Governor Houston and he found himself effectually thwarted in most of his schemes of defence.‡ Colonel Campbell, with three thousand five hundred British troops, left New York in the month of November, 1778, to attack Savannah. General Prevost came from St. Augustine with another considerable body of invaders to join Colonel Campbell. A regiment of this force was commanded by Colonel John Hamilton, late of Halifax, North Carolina. It was composed of Royalists who had withdrawn from their homes in the same State and were become formidable both in courage and discipline. Colonel Hamilton was a man of fortune and fine social gifts.§

*NOTE.—Both Chief-Justice Marshall and Mr. William Gilmore Simms fell into error in saying there were South Carolina troops at Savannah. There were no other Whig forces in the battle save the Second North Carolina Continentals and six hundred of the Georgia militia. Governor Graham was right in his vivid allusion to the deadly conflict of General Howe's old command with Colonel John Hamilton's North Carolina Loyalist regiment.

*Stedman, vol. II, page 420.

†Life of Fredell, vol. I, page 407.

‡Governor Graham's Lecture, page 166.

He sided with the King but did not lose the respect of the Whig gentlemen who had known him before the war. He had been at Culloden and came to North Carolina at the same time with James Fraser of Hertford, who was one of his most trusted Captains. They were both merchants and were great friends through life. Colonel Hamilton had been for more than a year absent from North Carolina, and had collected his recruits at St. Augustine.

The British troops from New York and St. Augustine, having been combined, General Prevost moved to the attack of Savannah, on December 29th, 1778. General Howe did all that could have been possibly accomplished with his small force. His troops fought with obstinate bravery, but the overpowering numbers of the enemy enabled them to attack in front and flank at the same time.* Hamilton's North Carolina Loyalists† confronted the Continentals of the same State and most gallantly did they strive upon opposing sides.‡ General Howe was driven from all his defences around the city and was very soon afterwards transferred to a command in the Army of the North, where he became one of the most trusted of General Washington's division commanders. The South Carolinians and Georgians, under the lead of Christopher Gadsden, procured his removal from command in the South and such was the bitterness evoked that a duel between Howe and Gadsden was the consequence.§

With the beginning of this new year, two thousand men of the North Carolina Militia were sent to South Carolina under General Ashe. General Lincoln having superseded General Howe, had brought with him from the North all the North Caro-

†NOTE.—Dr. G. C. Moore still remembers to have seen Colonel Hamilton at Mulberry Grove, in Hertford county, while Hamilton was British Consul at Norfolk. He describes him as a short, red-faced man, who was full of gayety and fond of high living. Governor Burke and others bore witness to his kindness to the Whigs, whenever in the fortunes of war they fell into his power.

*Holmes, page 38.

‡Life of Iredell, vol. 1, page 325.

§Life of Iredell, vol. 1, page 40.

lina Continental Battalions but the Second, which was soon to be found participating in the attack upon Stony Point. General Ashe had barely reached Charleston, where he had been promised equipments, before he was ordered to take the field. His remonstrances against sending him thus unprovided toward the enemy, were not regarded, and he took up his march toward the Georgia line. Colonel Andrew Pickens' defeat of the North Carolina Tories, who had embodied and were marching through South Carolina, occurred at this time. It prostrated Loyalist movements for a time, and left North Carolina free to send further re-inforcements to General Lincoln. When General Ashe approached Augusta, in Georgia, the enemy under General Prevost abandoned that point and retired down the river in the direction of Savannah. General Ashe followed in pursuit with the militia brigades of Generals Lillington and Bryant,* and had reached Brier Creek, in Georgia, near Savannah River, when at 3 o'clock in the evening of March 3rd, the wily General Prevost, with one thousand seven hundred British regulars, besides the Tory battalions of North Carolina, New York and Georgia, suddenly rushed upon the American rear, when it had been fully believed he was retiring in their front. The surprise and alarm were instantaneous and complete. Resistance did not continue five minutes, and many threw down their arms and fled without at all discharging their pieces.† General Griffith Rutherford, with his usual good fortune, was not present at this disaster. He was stationed at Mathews' Bluff, and his brigade was a refuge, to which most of the fugitives from Brier Creek retired for re-embodiment. This was a sad disaster both to General Ashe and the cause he so bravely upheld. He was acquitted of everything but the want of proper precautions against surprise, by the Court of Enquiry, which was ordered at his demand, but the matter led to such chagrin that the fiery soul of the old man grew reckless of danger to himself and he

*Letter from George Davis, Esq.

†General Ashe's Report.

no more appeared as a commander, in the brief period of his survival.

The Continental Congress was anxious that Richard Caswell should hold high command and give the weight of his genius and presence to the direction of military movements in the South. Eight thousand militia were therefore ordered for South Carolina; to be put subsequently under his command.* General Mathews' attack upon Norfolk did not disturb this programme. Alarm was felt for a short while in the Albemarle country, but as the invaders soon sailed from Hampton Roads with their large booty, confidence was restored and the great work of forwarding men to the South went on.

The General Assembly met at Halifax, January 19th, and again at Smithfield in Johnston county, on May 2nd. General Allen Jones and Thomas Benburry of Chowan, were again Speakers of the two Houses. Acts in regard to the militia and for defence of North and South Carolina, as to confiscations, extension of the Virginia boundary line, and for the erection of Gates, Montgomery, Randolph, Lincoln and Rutherford counties, constituted the legislation at these two short sessions.† The late defeat of the Tories by Colonel Pickens, had so cowed the spirits of the Royalists that no open movements were observable for the King in North Carolina, but singly or by small squads, re-inforcements were not infrequently passing southward to the posts commanded by General Prevost.‡

In the month of July there was an occurrence upon Hudson River, in which great credit was won by the American troops, and among the most heroic of these, were two companies of the Second North Carolina Continental Battalion. Sir Henry Clinton effected the capture of Stony Point, on the west shore of the river, on May 31st, and of the works at Verplank's Point, on the following day. These works were about thirty miles below West Point, which had become all-important in the strategic

*Public Acts, vol. II, page 268.

†Public Acts, pages 270, 272.

‡Life of Iredell, vol. I, page 409.

movements of General Washington.* It was resolved to effect the re-capture of both. General Anthony Wayne was selected for the movement against Stony Point, and on the 19th day of July, left the main body of the army on his perilous venture. That night by eight o'clock, he reached the vicinity of the work, and having reconnoitred, made his arrangements of attack. The British occupied a strong fort on the summit of a hill overlooking the river. Towards the west this eminence sunk into a low, impassable marsh, through which two small streams found their way to the river. The only passage of this quagmire was directly in front of the work and confined to a single causeway. Along the sides of the hill were two rows of abattis and in the fort were six hundred Scotch Highlanders, who were veterans and famous all over Europe for their dauntless valor. General Wayne called for volunteers to form a forlorn hope, and Major Hardy Murfree of Hertford county, with two companies of his battalion, assumed the post of honor and of peril. A little before midnight, with unloaded muskets, the troops were got in readiness for attack. Two columns of assault were on either flank, with Major Murfree and the Carolinians in the center. A deadly discharge of grape and musketry did not deter the assailants for a moment, as in silence they swept onward up the bloody hill-side. Not a man of the garrison escaped, for all were killed or captured. Captain John Daves of New-Bern, was second in command of the party under Major Murfree, which constituted the forlorn hope. He was dangerously wounded in drawing the enemy's fire, but ultimately recovered his health. He was the ancestor of the family still to be found represented in the city on the Neuse. General Wayne was wounded in the head, but was well enough two hours later to write a dispatch to General Washington announcing his treble-glorious victory.* This was in many respects the most brilliant

*Holmes, page 140.

†Washington's Writings, vol. VI, page 538. General Wayne's Report.

feat of arms witnessed at any time of the war, and filled both armies with admiration at the boldness of the conception and execution of the whole affair. General Washington was a Fabius through the sternest necessity and the weight of his supreme patriotism. No general could be bolder when the possible consequences were not irretrievable. The Second North Carolina Battalion was in a short while transferred to General Lincoln in Charleston, where all the others of the North Carolina line and a thousand of the militia of the same State were collected.

The General Assembly met in its third session for the year 1779, at the town of Halifax, on October 18th. After further steps for the re-inforcement of the troops in South Carolina and Georgia, elaborate attention was given the subject of confiscation against the estates of men, declared enemies to the "United States of America." There is perhaps, in no other particular so fragrant a departure from justice and magnanimity, as is seen in the treatment by all nations, of the property of their enemies in time of war. Christian enlightenment and the code of international law have been even to this day unable to protect individual rights in the time of national conflict. North Carolina acted as all other communities have done, and commenced in 1776, to provide for the confiscation of all lands belonging to declared enemies and of those absentees who were not in her borders to take part in the public defence.* The act of this session mentioned seventy persons, whose estates in North Carolina, were declared confiscated. Among these were Henry E. McCulloh, his father and Sir Nathaniel Dukinfield, in whose behalf Judge Iredell and Samuel Johnston vainly besought further delay. Mrs. Pearson of Bertie, the mother of the young Baronet, was allowed the use of certain portions of his large property on Salmon Creek, but the late English agents of North Carolina enjoyed no such distinction, and their large possessions were lost forever.

*Public Acts, page 274.

A great issue of paper money was added to that already in circulation, and Memucan Hunt of Granville, who had succeeded Samuel Johnston as Treasurer, continued to preside over the finances of the State. He must have been a most excellent officer, for he continued for ten years in this highly important position.

Thomas Burke, Cornelius Harnett, John Penn and Whitmel Hill were continued as members of the Continental Congress, and General Allen Jones, Joseph Hewes, and William Sharpe of Rowan, were added to the delegation.* Mr. Sharpe was a prominent lawyer on the Western circuits and had been conspicuous in the early Provincial Congresses, especially in that of 1776. He had gone as General Rutherford's aid on the Cherokee expedition, and with Waightstill Avery, Joseph Winston and Robert Lanier, negotiated a treaty in 1777 with the same great tribe of Indians.† Mr. Hewes took his seat but died on November 10th, and was buried in Philadelphia with national honors. He left a large estate, accumulated by mercantile pursuits in Edenton. He had never married, but cherished a romantic fealty to the memory of Isabella Johnston, a sister of Mrs. Iredell, to whom he was engaged at the period of her death.‡

The greater portion of the force at General Lincoln's disposal at Charleston, in the fall of 1779, consisted of six North Carolina Continental Battalions. With these posted in the center of his lines, on June 29th, he had fought Colonel Maitland at Stono.§ At the same battle, Colonel William R. Davie, with his mounted command, had also participated with conspicuous gallantry and received the first of his honorable scars.* In the month of

*NOTE.—Mr. Sharpe's daughter Ruth married Colonel Andrew Caldwell of Iredell, who was the father of the late David F. Caldwell, so highly distinguished as a Circuit Judge in our State. Another, and an older daughter, married W. W. Erwin of Burke, and left a posterity of like distinction.

*Wheeler, vol. I, page 109.

†Life of Iredell, vol. I, page 427.

‡Life of Iredell, vol. I, page 427.

§Life of Iredell, vol. I, page 427.

September, Count D'Estaing laid siege to Savannah in connection with the forces under General Lincoln. The deadly assault on October 13th, was made chiefly by French troops, but several hundred of the North Carolina Continentals were also engaged, as were also Colonel Hamilton's Royalists.* It was on this unfortunate occasion that Count Pulaski and Sergeant Jasper were slain.

By constitutional limitation, Governor Caswell's term as Chief-Magistrate expired in December, 1779, and he was succeeded in office by Abner Nash of Craven, as the second Governor of North Carolina, under Republican auspices.† The late Executive did not retire to the bosom of his family to enjoy the rewards of an already established reputation, for at the urgent demands of the Continental Congress, he had agreed to take the field as commander of the North Carolina Militia, eight thousand of whom had been embodied for defence of the State of South Carolina.

*Life of Iredell, vol. I, page 435. †Wheeler, vol. I, page 98.

CHAPTER XIII.

A. D. 1780.

Assembly meets at New-Bern—Colonel Alexander Martin and Thomas Benbury, Speakers—Prominent Members—Abner Nash, second Republican Governor of North Carolina—Governor Caswell—Colonel Hawkins and Robert Bijnall, Foreign Agents for the State—The militia levies for General Caswell—Fall of Charleston and capture of the North Carolina Continentals and Militia—Earl Cornwallis—Effect of the fall of Charleston in North Carolina—Tarleton surprises Buford at the Waxhaws—General Rutherford and Major Davie prepare to resist Lord Cornwallis' advance—Davie's character and services—Caswell and Rutherford hurrying the embodiment of the Militia—Colonel John Moore assembles the Tories and is defeated by Francis Locke at Ramsour's Mills—Davie cuts off a convoy at Flat Rock—Battles of Hanging Rock and Rocky Mount—Attack upon Paolet—Battle of Musgrove's Mill—Arnold's treason—General Gates comes as Southern commander—Caswell at Cheraw—Gates reaches De Kalb's camp on Deep River—The force there—He pushes on to Cheraw—Battle of Camden and ruin of the South—Heroism of the Continentals—Gates flies the field and meets Davie on his way—Tarleton surprises Sumter.

With the advent of another year of woe, there was nothing to cheer the divided and hostile factions in North Carolina. The British invaders were not yet upon her soil, but it was seen that great efforts would be made further south. The Tories were not to be found at all in the Albemarle region, nor in any eastern portion of the State except upon the Cape Fear River. In the middle counties they were numerous, and were only awaiting their time for vengeance. The General Assembly met at New-Bern on the 17th of April, and elected Colonel Alexander Martin of Guilford, Speaker of the Senate, while Thomas Benbury of Chowan, was continued in the chair of the House. General Thomas Person, Willie Jones, William Hooper, Archibald Maclaine, James Coor, Timothy Bloodworth, General Rutherford, Elisha Battle,* William Haywood and Colonel Thomas

*NOTE.—Elisha Battle was the founder of the fame and fortunes of the numerous and eminent family of that name. Not in North Carolina alone have

Owen were still members as they had been for years before, and were the leaders in the legislation of this most critical period in the State's history. Major Joseph McDowell of Burke, was serving his first term. He had already established his reputation as a soldier, and was to serve his country through long years of patriotic wisdom. His older brother, Charles, was also conspicuous for his devotion to the American cause. General Isaac Gregory of Camden, and General John Butler of Orange, who were in command of the militia of their respective regions, were also members. Nathaniel Macon of Warren, then a private in one of the Continental Battalions, was seen for the first time in a deliberative body, and was destined to continue his representative duties for a half century. He had been a student at Princeton, but enlisted as a private in the army, refusing all military offices; and when, during his absence, the people of Warren had elected him to the Legislature, he had declined to accept until after long persuasion by superior officers.* Robert Smith of Chowan, had already won position at the Albemarle bar and was a genial and cultivated gentleman. William Blount of Craven, was also a man of mark. He was born in Bertie county, but had removed to New-Bern.† General William Bryan, also of Craven, like his

its scions risen to distinction. He was greatly revered for his eminent piety and wisdom. He was for many years the leader of the Baptists and presided with equal grace and fairness in their annual associations. In the Congresses of the Revolution and the subsequent State Assemblies, he was ever among the foremost for active and intelligent patriotism. He shrank from the responsibility and cares of the Speaker's position, but with the Rev. Henry Patillo, was the favorite presiding member of Committees of the Whole House. Good Lemuel Burkitt, in his quaint old church chronicle, has left a vivid and imperishable monument to his virtues.

†NOTE.—There have been few instances where five brothers were so useful in their lives as in the case of Governor William Blount. Willie Blount also became Governor of Tennessee, while General John Gray Blount, Major Reading Blount and Thomas Blount of Edgecombe, became men of the first respectability in North Carolina, and yet survive in a numerous and most cultivated posterity. Governor William married Mary Grainger of Wilmington.

*Wheeler, vol. II, page 433.

kinsmen, John Bryan, father and son, had been all along as devoted to the patriot cause as Richard Cogdell and Alexander Gaston. Benjamin Spruill of Tyrrel was also a representative man in his day and as in case of the Bryans, has abundant continuance in his posterity.

Governor Nash exhibited both nerve and ability in his efforts to crush the British invasion before it reached the confines of the State. Large issues of State bills of credit were again ordered by the Legislature, Six millions were to be printed under the superintendence of Memucan Hunt, Henry Rhodes and William Tisdale, while Joseph Leach, James Coor, James Green and John Macon, "were to receive the bills when printed, to sign them and deliver them into the hands of the Public Treasurers."* In the scarcity induced by danger of capture at sea, salt and some other necessaries were excessively needed whenever the source of supply lay outside of North Carolina. It was therefore resolved that the State should employ agents to go abroad and establish a trade between the State government and the West Indies. †Colonel Benjamin Hawkins, of the new county of Warren, with Governor Caswell and Robert Bignall, was elected for this highly responsible trust. He was a remarkable man of a remarkable family. Educated at Princeton, he possessed the gift, rare at that day, of fluency in speaking the French language, and had for some time been on General Washington's staff, where his duties were principally those of interpreter and translator between the American chief and his foreign allies.‡ His last military service to the Commander-in-chief was at the battle of Monmouth.

*NOTE.—The above is the language of the act—but why speak of Public Treasurers when no one but Memucan Hunt was Treasurer? There had been two to fulfil such duties before 1776, but since 1777 Mr. Hunt had been alone in charge of North Carolina fiscal arrangements. It may be, by the terms of the act, that much of this fund went directly to the Paymasters and Commissaries of the army.

†Public Acts, page 287; Life of Iredell, vol. I, page 444.

‡Wheeler, vol. II, page 427.

Colonel Hawkins went to the Island of St. Eustatia to procure arms and munitions of war. As agent for North Carolina, he purchased heavily and freighted several vessels belonging to John Wright Stanly of New-Bern.* These, with their costly cargoes, were captured at sea by British cruisers. The result was ruinous to Stanly, who had been previously a man of large means. The State authorities refused all reparation and the unfortunate merchant brought suit against Colonel Hawkins, in which he was likewise unsuccessful.† It does not appear how General Caswell participated in this new trust. The other Commissioner, Robert Bignall, was a merchant of character, and resided at Edenton.

Active preparations were seen in forwarding the raising and equipment of eight thousand of the militia of North Carolina, which body of troops was assigned to the special command of General Caswell. The danger threatening South Carolina was felt by the wise and patriotic men of that day to be equally menacing to her northern neighbor; and even if that had not been the case, there has never been a time in the history of North Carolina, when her devoted people have not been lavish of blood and treasure in discharging their obligations to allies and friends. All of her veteran troops were at Charleston, besides a large force of militia, not included in those recently raised. Sir Henry Clinton had sailed from New York on the 28th of the preceding December with five thousand land troops, and upon his arrival on the coast near Charleston, he also withdrew from the fleet of Admiral Arbuthnot an additional force of two thousand marines.‡ These, with the troops from Savannah, sent by Prevost, were landed upon the islands below the city, on February 11th. With overpowering numbers, he proceeded at his leisure to complete the investment of the doomed emporium of the South. The fleet got safely into the harbor on April 9th, and on that day a surrender was demanded of General Lincoln. This was refused, and the bombardment commenced and was kept up almost cease-

*Wheeler, vol. II, page 427. †Stanly vs. Hawkins, 1st Haywood.

‡Holmes, page 142.

lessly until May 9th. Upon a second refusal to surrender on that day, a tremendous cannonade ensued, which only ended when the capitulation took place three days later, May 12th.

The whole of North Carolina's Continental line was at one fell blow consigned to inactivity. They were prisoners of war and could not fire a gun until regularly exchanged. They had left General Washington in November before, and had experienced unprecedented hardships on their long march from New York to Charleston.* No one then living had seen weather of such severity in America. They constituted the very flower and bulk of the defenders of Charleston, and were only captured by the superior numbers and appliances of the enemy. Washington had but slight hopes of resisting the great armament of Sir Henry Clinton,† and neither General Lincoln nor his troops lost honor when they were forced to surrender. General Washington learned from English sources of the great disaster on June 1st. He at once addressed a letter to Major-General Robert Howe, commanding at West Point on the Hudson, apprising him of the fact and of the return of Clinton with the fleet, and warned him of a suspected design against the northern bulwark then entrusted to the brave keeping of that distinguished North Carolinian.‡

As second in command in the expedition which captured Charleston, came the Earl of Cornwallis. This was his second visit to the land of the palmettos. Four years before, as commander of a large land force, he had looked on helplessly, while the fleet of Sir Peter Parker had been beaten by Moultrie and his fort of logs. He was this time to remain long enough to be forever remembered, and was fully resolved to avenge the disaster of his first advent. He was at this time forty two years of age. He was a man of great and undoubted honor and possessed military talents of a high order. He had shown brilliant

*Washington to La Fayette, March 1st, 1780.

†Letter to General Greene, March 26th, 1780.

‡Washington's Writings, vol. VII, page 69.

courage at Brandywine and was as just and humane as he was brave. Such had been his ardor as a friend of the colonies in 1770, he, with three other young peers, protested in the House of Lords, along with Lord Camden, against the taxation of America. He was opposed to Lord North's policy when hostilities began, but did not follow the example of some others and resign his rank in the army, rather than wage war on the people he knew to be wronged. This wise and capable commander was left by Sir Henry Clinton in command of the British army, and the latter, with his fleet, sailed back to New York to watch the motions of General Washington.* The American Generalissimo was no more wary in his movements than Sir Henry, and during all the years of his command in America, a supreme caution was observable in all dispositions of the main British army.

Governor Nash and all others in authority in the State of North Carolina, were indescribably moved at the capture of the American force in Charleston. The Continentals there lost, constituted a very large proportion of all the available soldiers who had seen service and could be spared from States further north. The six veteran North Carolina Battalions and one thousand of the same State's militia, were included in the surrender and were the bulk of the force in General Lincoln's command. It now became urgent that some nucleus of such troops should be furnished, around which the militia could be collected. Raw levies could not be relied upon to face any considerable movement of Lord Cornwallis into the interior. A French officer, Colonel Armand, the Marquis de la Roarie, was at Wilmington with two hundred troopers, on his way from the North. With him was Colonel William Washington and his force of Light Horse of about similar numbers.† Colonel Buford, with a battalion of the Virginia Continentals, at the time of the Charleston capitulation, was approaching and had entered South Carolina, when Lieutenant-Colonel Bonastre Tarleton, with his formidable

*General Washington's Letter to General Robert Howe, June 1st, 1780.

†Judge Iredell to Mrs. Iredell, May 28th, 1780.

legion, went to intercept his retreat. This daring and successful partisan officer was to become famous in the South, and was the right arm of Lord Cornwallis in all his military movements. He had not been regularly bred to arms, but had left his law books and volunteered against the Americans upon the breaking out of the war.* With his command he had hurried from Charleston in quest of the unfortunate Buford. On May 29th, he fell upon the unsuspecting Virginians at Waxhaw, and a bloody massacre was the result. The Americans were taken completely by surprise, though accompanied by a portion of Colonel Washington's Light Horse.† In this bloody encounter, Captain John Stokes of Guilford county, North Carolina, participated with his company, and was horribly mutilated by the brutal troopers of Tarleton. One of his hands was cut off and he was besides badly wounded in many places of his body.‡ In a few minutes after the attack was made, one hundred and seventeen men lay dead upon the ground and two hundred more were prisoners of war, while the British loss was only five killed and twelve wounded.‡ Colonel Buford had started on his retreat upon hearing of the fall of Charleston, but had no dream of his danger until the gleam of Tarleton's sabres flashed upon his startled eyes. The assailants had marched one hundred and five miles in fifty-four hours and found their victims completely off their guard.§ It would thus seem that watchfulness is a cardinal virtue under all circumstances in war. Colonel Buford had more reason than General Ashe at Brier Creek, for relaxing the sternness of his outlook; yet he suffered a defeat which was as sad and complete as that of John Pyle and his Tories a year later. This was the second feat of this kind on the part of Colonel Tarleton since

‡NOTE.—Waxhaw is on the border of North and South Carolina and is near the spot where Andrew Jackson was born. It was then considered a portion of North Carolina, but upon a subsequent survey, became a part of South Carolina.

*Wheeler, vol. II, page 181. †Judge Fredell to wife, October 12th, 1780.

‡Holmes, page 112.

his arrival in South Carolina. In the month of April, he had surprised and cut to pieces the South Carolina cavalry force of General Huger, at Monk's corner on Cooper River.*

Earl Cornwallis was now commanding fully four thousand veteran British regulars. These were flushed with victory and not an armed body was visible in South Carolina to dispute their advance into that conquered State. At the news of Tarleton's advance, General Rutherford assembled nine hundred militia to dispute his way.† In the same quarter, Major William R. Davie was in the field with a troop of cavalry and two companies of mounted infantry, which in fact constituted the only force anywhere to be seen in opposition to the triumphant invaders. Davie was one of the most splendid and knightly figures on the American continent. He was then fresh from his law books and but twenty-five years of age.‡ Tall, graceful and strikingly handsome, he had those graces of person which would have made him the favorite in the clanging lists of feudal days. To this he added elegant culture, thrilling eloquence and a graciousness of manner which was to charm in after days the gilded *salons* of Paris. His dauntless valor was supervised by a sleepless outlook against surprise. He had won high honor and was dangerously wounded at the stubborn battle of Stono, on June 20th of the preceding year. Since then he had expended the whole of his estate in equipping at his own cost, the only organized body of troops now left to do battle in behalf of the cause he loved.§ His presence was invaluable to the patriot cause. He was in just the position to overawe those settlements where the Tory influence abounded in his own State and at the same time he was fronting the invaders' march from the south.¶

¶NOTE.—General Davie was born in Egremont, in England, but came to America when five years old. He married Sarah, the daughter of General Allen Jones. His uncle, Rev. William Richardson, was a distinguished Presbyterian divine, who adopted him upon the death of his father.

*Holmes, page 142.

†Wheeler, vol. II, page 189.

‡Governor Graham's Lecture, page 165.

General Caswell in the east and General Rutherford in the west, were doing all that could be effected in collecting and mustering the eight thousand militia ordered by the Assembly. Ten thousand men had at once rushed to the field in the Tory rising and threatened invasion of 1776, but a very different state of affairs now existed. North Carolina had greatly exerted her strength during the previous years in the large number of men sent to South Carolina. Her material resources had been crippled to furnish them.* Hundreds of the men sent to that unhealthy region had returned with ruined constitutions and broken spirits to die among their neighbors, who were being enrolled for an expedition to that same unhappy clime. With an exhausted treasury and this great moral and material discouragement, there was still far less trouble in obtaining men than in arming and subsisting them after enrollment. The whole correspondence of the period shows a surprising scarcity of everything needed for the subsistence of armies, both in North and South Carolina.† Lord Cornwallis had been halted at Camden by this very trouble, and was then waiting for supplies to be brought up from Charleston before he could make a further advance on Charlotte.

Such was the condition of affairs in the earlier days of June, 1780, when General Rutherford, then encamped ten miles north-east of Charlotte, learned that Lieutenant-Colonel John Moore of Hamilton's Tory Regiment, had embodied at Ramsours' Mill, a considerable force of Loyalists from the surrounding country. This place is within sight of the modern village of Lincolnton. It was of prime importance that such a movement should be at once crushed, but the wary hero of the Cherokee expedition recognized the importance of watching the British at Camden. To attack Moore at Ramsour's would have taken him forty miles from his line of defence. He therefore, learning that Lord Rawdon, who commanded the British advance at the

*Governor Graham's Lecture, page 156.

†General Washington's Writings, vol. VII.

Waxhaws, had retired to Hanging Rock, himself pushed forward ten miles to Mallard Creek. On the evening of June 14th, General Rutherford issued orders to Colonel Francis Locke of Rowan, Major David Wilson of Mecklenburg, and Captains Falls and Brandon, to raise their respective commands and attack the Tory camp.*

Colonel Locke received his orders and by the 19th, Major Joseph McDowell, Major D. Wilson, and the Captains already mentioned, had joined him with enough men to make up a total of four hundred. They encamped that night on Mountain Creek, sixteen miles from Ramsour's. These gallant and immortal patriots that night held a council of war, in which they determined, with full knowledge of the fact that their enemies were more than threefold stronger in numbers, to attack them at dawn of the next day. Having come to this resolution, they resumed their march, and reached a spot one mile from the mill at day-break. The only orders for the attack were that McDowell, Brandon and Falls, with their mounted men, should charge and the infantry were to follow.

The Tories were encamped on a hill three hundred yards east of Ramsour's Mill. This ridge lies along the southern edge of the stream forming the mill-pond. Colonel Locke and his men approached from the north and when they reached the pickets, they were assured that no attack was being expected from that quarter. The Tories at the outset fired and fled. The Whig horsemen charged in pursuit, and wheeling to the right, out of the road, they fired upon the Tories. These, seeing their assailants were so few, fired in turn upon the cavalry and repelled their attack. The advancing infantry of the Whigs opened as the light-horse went back, but pressed forward and engaged the enemy along the course of the road. The Tories soon got well into action and recovered from the first panic of the attack, but they were forced back up the hill in spite of the superiority of num-

*General Joseph Graham, in Wheeler, vol. II, page 229.

bers, until they gained ground beyond the ridge, where they were sheltered from much of the effectiveness of the Whig fire, by reason of the interposing crest of the hill. The assailants here fell back to avoid this advantage to the foes, who pursued half down the slope. At this instant, Captain Hardin led a fresh party of Whigs into the field, who, under cover of a fence, opened a galling fire upon the right flank of the Royalists. This lucky movement decided the day. The Tories still fought obstinately, but were driven up the hill again. But certain portions of the crest were held by their assailants and though the contest was narrowed down, in a great many instances, to combats with clubbed rifles, the obstinate heroes of Colonel Locke persisted in holding their ground. In this way the left wing of the Royalists having been thoroughly beaten at close quarters, and the centre being also heavily pressed, there was a general retreat toward the mill-pond, under a cross-fire from Hardin and the Whig centre. In this way they were driven from the field and across the mill stream.

A flag of truce was sent in by the Tories from the position they had assumed across the mill, asking a suspension of hostilities, to bury the dead. Colonel Locke, through Major James Rutherford, made answer that he gave them ten minutes in which to surrender and that such arrangements would be then made; but upon the return of the flag only fifty Tories could be found, and they incontinently fled.*

These men were neighbors, and many of them had been friends. The only distinguishing badges were green pine twigs on the Tory's hats and slips of white paper in those of the Whigs. Seventy men lay dead upon the field. Of these, five were Whig Captains, and four Tory officers of the same grade. Two hundred men were wounded and fifty of the Loyalists were taken prisoners. They were all North Carolinians, and shed their blood on opposite sides of a contest, which was to be prolonged by the very fact that such differences of opinion existed in America.

*NOTE.—This account is condensed from that of General Joseph Graham, who was on the field two hours after the battle closed.

Historians of the United States who give pages to Boston Tea-parties and General Putnam's flight down the stone steps, have strangely ignored this most brilliant and important victory.* It was as daring as the attack on Stony Point and was only less effective than King's Mountain, from the physical impossibility of four hundred men surrounding thirteen hundred.

The battle of Ramsour's Mill occurred on the 20th of June. Lord Rawdon had been posted on Waxhaw Creek, thirty miles south of Charlotte. His Lordship having retired to Hanging Rock on the way to Camden, soon continued his march to the latter place. General Rutherford learned of this movement on the 18th, and at once started a messenger to Colonel Locke to apprise him of his determination to move with the eight hundred men there assembled, against the Tory camp. This message miscarried, and the main body of the Whigs reached the scene of conflict after the battle had been fought and the whole Royalist force scattered to the winds. Captains Falls, Dobson, Smith, Bowman and Armstrong were slain, on the part of the assailants, while Captains Houston and McKissick were wounded.† The numbers disabled were about equally divided.

General Rutherford left Major Davie to watch the enemy at Camden and moved with the infantry against Colonel Samuel Bryan, who was engaged on the forks of Yadkin in a similar undertaking with that which had been so completely frustrated further west.‡ Bryan did not await the shock of arms, but fled the country, finding refuge in the camps of the King's forces now so near at hand, as to be easily reached by small parties.

Major Davie took position on the north side of Waxhaw Creek, near the State line, and was there re-inforced by Major Crawford with a battalion of South Carolinians, a party of thirty-five Catawba Indians and the portion of Mecklenburg

*Governor Graham's Lecture, vol. II, page 190.

†Wheeler, vol. II, page 232.

‡Wheeler, vol. II, page 190.

militia commanded by Colonel Higgins. His first exploit was the capture of a convoy of provisions, spirits and clothing, on its way to the British post at Flat Rock. The escort being captured, the wagons and contents were destroyed, and the prisoners, mounted on the horses just taken, were moved in rapid retreat. Captain Petit was sent forward to reconnoitre a lane where Davie expected an ambuscade; and that officer having reported that no danger was ahead, the command was soon fired upon from the suspected spot, and the advance under Captain William Polk disordered in the darkness of the midnight. The loss of life was confined to the British prisoners, who were riding two upon each horse. Major Davie avoided further loss upon his retreat, and his only casualties were the wounding of the careless Petit, Lieutenant Elliot killed, and two privates disabled.*

Colonel Sumter, with his South Carolina force, and Colonel Irwin, with three hundred Mecklenburg militia, about the end of July, joined Major Davie. They determined on an attack upon the British posts at Rocky Mount and Hanging Rock. These were on opposite sides of Wateree River, and but four and a half miles apart. Rocky Mount is on the west side of the stream and thirty miles from Camden, while Hanging Rock is directly on the road from that town to Charlotte. Colonel Turnbull, with one hundred and fifty New York Royalists and Southern refugees, held the former.† It was defended by two block houses, a hoop-hold building and an abattis.‡ Colonels Sumter and Irwin were to attack this stronghold, while Major Davie should simultaneously assail the other. Sumter on the next day made a most gallant but unsuccessful attack, and was repulsed after the loss of brave Colonel Andrew Neal, and many others.§

Major Davie, with forty mounted riflemen, and an equal number of dragoons, approached Hanging Rock at 10 o'clock in the same day. He soon ascertained that three companies of

*Life of General Davie, Hubbard, page 20. †Stedman, vol. II, page 201.

‡Tarleton's Campaigns, page 94.

‡Wheeler, vol. II, page 174.

mounted infantry, who were returning from some expedition, had halted at a house near by the fortified post. This house was in plain view of those at Hanging Rock, but the daring cavalier resolved to cut them off in sight of their friends. He divided his small command and ordered the riflemen to charge, while he with the dragoons should intercept the fugitives. The scheme worked to perfection. Upon receiving the unexpected fire, the British broke in the direction of the dragoons awaiting them, when another deadly discharge drove them back upon the original assailants. They were thus surrounded and cut to pieces in a few minutes, while the long roll was plainly heard calling to arms the astonished garrison. There was no time to take prisoners, and Davie, gathering up sixty horses as his booty, swept like a whirlwind from the scene of his bloody onset. He left the field strewn with his foes, but not a man of his was slain in the attack.

The affair just related occurred in the last days of July. On August 5th the same commanders assembled their troops at Landford, on the Catawba River. The North Carolinians under Davie and Irwin numbered five hundred, while Colonel Sumter, after his recent losses, still mustered three hundred effective men. It was determined to renew the attack upon Hanging Rock. It was ascertained that about five hundred men constituted its garrison. These were composed of one hundred and sixty of Tarleton's infantry, portions of Brown's Regulars and Hamilton's and Bryan's North Carolina Tories. The whole was commanded by Major Carden of the British Army. Brown's Regulars were posted on the right of the encampment, the men of Tarleton in the center and Hamilton and Bryan's on the left. The command was given by the Whigs to Colonel Sumter, as he was the ranking officer present. As commander, he suggested that a general and simultaneous attack should be made along the front of the different camps, and that they should make the attack on horse-back. All agreed to this plan but Major Davie, who suggested the propriety of dismounting before beginning the attack, and to thus avoid the confusion incident to dismounting and

securing horses under fire. He was overruled, but abundantly vindicated in the result. He commanded on the right, where his own people and those of Major Bryan were posted, Colonel Irwin the centre and Colonel Hill the left, where the South Carolina troops were stationed. In making the attack shortly after day-break, by the ignorance or timidity of their guides, they were led so far to the left that they only struck the camp of the North Carolina Tories. These, attacked in front and flank, were routed with great slaughter, and the survivors fled for refuge to the adjoining camp of the Legion Infantry. This corps, with some of Hamilton's companies posted behind a fence, opened a fire that checked the onset for a moment, but the assailants pressed on and the crowd of fugitives was increased by those of the centre camp seeking that of the Regulars. A portion of these had almost changed the fortunes of the day at this juncture. They had occupied a woods between the Tory and Legion camps, and from it poured a heavy fire upon the militia as they were being re-formed from the disorder of pursuit. But their fire was returned from behind friendly trees, in such a manner that soon disabled all the officers of the British Regulars, and they laid down their arms. The remainder of the Regulars now retreated to the middle of the cleared ground, where they formed a square for defence, and doggedly awaited the fresh assault of the victorious Whigs. The rout and plunder of so many camps, had by this time, greatly demoralized the assailants. By great efforts, Colonel Sumter collected two hundred of the men besides Major Davie's dragoons. With these he commenced to fire upon the British square. About this time a large party consisting of Tarleton's and Hamilton's men, and other Tories, were seen rallying on the opposite side of the camp, but these were easily dispersed by a charge of Major Davie's dragoons. The distance of the British square, and the fire of the two field pieces protecting it, led to the very sensible resolution of plundering the camps and then retiring. As Major Davie was returning from his late charge, some of Tarleton's cavalry came in sight, but retired upon seeing the Whig dragoons of Davie charging in their direction.

A retreat was becoming momentarily more necessary, as many of the men were becoming drunken from the plundered commissary store in the centre camp. Others were in no condition for battle from the loads of plunder they bore, while others had entirely expended their ammunition. After an hour spent in paroling prisoners, spoiling the camps and preparing litters for the wounded, the militia were put into line of march, with Major Davie and his dragoons covering the rear.

Captains Read of North Carolina, and McClure of South Carolina, were killed, while Colonel Hill and Major Wynn of the latter State, were wounded, as were Captain Craighead, Lieutenant Flencher and Ensign McLain. Sixty-two of Tarleton's men were killed and wounded and a severe loss was inflicted upon the Tories of Colonel Samuel Bryan's command. These were the men who had been recently sought by General Rutherford in the forks of the Yadkin.

In addition to these exploits of Major Davie and Colonel Irwin, there were other North Carolinians who were alike brave and indefatigable at this gloomy period of American history. Colonel Charles McDowell of Burke, with his younger brother, Major Joseph, in the month of June, joined Colonel Isaac Shelby and John Sevier of Washington county, now Tennessee, Colonel Clarke of Georgia, for an attack upon Pacolet in South Carolina. This was a strongly fortified post, commanded by Captain Patrick Moore, a prominent Loyalist. Ninety-four Tories were captured with the work, besides a considerable store of arms and munitions.*

Colonel McDowell detached Shelby to watch the movements of Major Patrick Ferguson, who was at this time in the same region embodying the Loyalists. On August the 1st, he fell in with the advance of this distinguished Scotch officer at Cedar Spring, but Ferguson's force of six hundred men were re-inforced during the action, and Shelby, after a spirited contest, withdrew in good order, with twenty prisoners, two of whom were English officers.†

*National Portrait Gallery; Life of Shelby. †Wheeler, vol. II, page 57.

Colonel McDowell learned on August 18th that five hundred Tories had assembled at Musgrove's Mill, on the south side of Enoree River. He at once sent Colonels Shelby, Williams and Clark to attack them. They found that Major Ferguson lay between them and the object of their attack. By hard riding that night they went around and avoided the force of the famous Scotchman, and at day-break struck the enemy's patrol, which was out in force. A skirmish ensued, which ended in the retreat of the Loyalists. In advancing upon the main body a friendly Whig, who resided in the vicinity, but was not in arms, informed Colonel Shelby that six hundred regular British troops and the Queen's American Regiment from New York, under Colonel Jones, who were marching to join Ferguson, had the night before reached Musgrove's Mill and were then there in addition to the five hundred Tories they were seeking to disperse. Colonel Shelby and his force were in a terrible dilemma. Advance and retreat were both equally hopeless. But this brave man was equal to the emergency. He at once threw up a breast-work of logs and brush, and sent forward Captain Inman with twenty-five picked men to skirmish with the enemy and thus draw them upon the ambuscade. They were soon heard approaching, and Inman boldly fired into their ranks and then fell back. The enemy were completely deceived and fell into the snare so cunningly laid for their ruin. As they marched in disorder upon what they supposed the whole American force, they were completely checked and stood still to be slaughtered by the men under cover, until they retreated in utter rout. They were pursued from the field with great loss to themselves, but slew unfortunately the brave Captain Inman, who was so largely instrumental in their defeat. Thus with inferior numbers and in an apparently hopeless position, the foe was beaten and lost sixty-three killed and one hundred and sixty wounded and prisoners at a cost of four men to the victors.*

*Wheeler, vol. II, page 58.

General Washington had been beset for sometime by General Benedict Arnold and his friends, to grant Arnold the command at West Point. General Howe had given the Commander-in-Chief entire satisfaction. General Philip Schuyler and Robert R. Livingston, at that time members of the Continental Congress, insisted that in case of an emergency, Arnold could be more effective with the New York militia.* It is asserted that General Howe's old enemies in South Carolina and Georgia added their efforts to aid the base and scheming villain, who was thus striving to gain the command of a fortification, in order that he might betray it for British gold. General Washington acceded to these requests, and on August 3rd, General Howe gave place to the traitor and assumed command of a division on the east side of the Hudson.† On the same day, famous Thaddeus Kosciuszko, who had been engaged as engineer in constructing the works at West Point, was offered the position of Chief Engineer in the Southern army, in place of General Duportail, captured at Charleston. This celebrated patriot of Poland accepted the place, and soon came to Hillsboro, in North Carolina.

Upon the fall of Charleston, Major-General Horatio Gates had been designated by the General Congress as a fit successor of General Lincoln, who became a prisoner of war at that unfortunate time. The overthrow of General Burgoyne, at Saratoga, had given General Gates great reputation in America. In France, where the military art was more fully understood, the battle of Germantown was considered of far more importance, though in that affair General Washington received a bloody repulse.‡ Count Vergennes saw, from the effect of the attack upon the British left, in which General Nash was slain, that an army had been created, which could, in the future, face the English in open

*General Washington to Livingston, June 29th.

†Life of Iredell, vol. I, page 407.

‡Livingston to Washington, June 22; Washington's Writings, vol. VII, page 139.

combat on fair terms. While at Saratoga, Burgoyne was like some incautious lion, entangled rather by his own folly than the bravery of his adversaries. General Gates was, in truth, an ancient martinet, who had, of necessity, learned much of military routine by long experience in camps, but was still devoid of native ability, and now added the infirmities of age to an incurable vanity.* He and his friends imagined that he was invincible, and not a few had been anxious to replace the majestic wisdom of Washington by the emptiness and folly of the blundering old fossil, who would soon have ruined American hopes. General Washington must have known his incompetency, and it might appear strange that he should have suffered such a man to assume the great responsibilities involved in the conduct of the Southern campaign. But any one who knows the history of that day, must see that if the great chief had withheld the appointment and suggested the truth, it would have appeared the out-growth of jealousy. Congress had insisted upon Gates, and General Washington at once ordered him to his post.

General Caswell assembled the militia of North Carolina in one general camp, at Cheraw Hill, in South Carolina, on the 1st day of August.† This point is just across the State line, and is a little south of a line drawn from Charlotte to Wilmington; being sixty-five miles from the former, and a hundred and six from the latter place. It was beyond the Scotch settlements of Cumberland, and thus interposed a strong patriot force between the hot-bed of Toryism and the line of British posts through South Carolina. The force there collected amounted to about eight thousand men, and was divided into three brigades. The men of the west were under Brigadier-General Griffith Rutherford, those of the east, General Isaac Gregory, while General John Butler of Orange, commanded the levies from the central portions of the State.‡ The jails being considered insecure, a considerable number of highly obnoxious Tories were kept under

* Bancroft, vol. VIII, page 30. † Life of Caswell in *University Magazine*.

‡ Life of Iredell, vol. I, page 427.

guard in this camp, awaiting trial in the Superior Courts, in which tribunals Judge Iredell was then Attorney-General.

General Gates entered North Carolina in the month of July. On the 29th, he reached the camp of the brave and unfortunate Baron De Kalbe, situated upon Deep River. This was in Cumberland county, seventy miles northeast of General Caswell's camp at Cheraw. He there found a battalion of Continentals from Delaware, and others from Maryland. These were infantry. There were also at the same post, Colonel Armand's legion (light-horse), and three companies of artillery.

General Gates remained at Deep River two days, and then started on the road for Camden, South Carolina, distant one hundred and fifteen miles. He was deaf to entreaty and counsel, and would neither brook delay nor turn from his proposed route, which lay through a desolate region of pine barrens.* On the next day he was overtaken by Lieutenant-Colonel Porterfield, with a re-inforcement of one hundred Virginia infantry. On the 5th day of his march, he was joined by General Caswell with a portion of the North Carolina militia. At Rugeley's, General Stevens of Virginia brought in seven hundred men of that State.

On the 15th of August, as the night came on, they had reached a point near the town of Camden, where Lord Cornwallis lay with his army. General Gates was seeking to surprise this force by a sudden and unexpected attack. Colonel Otho H. Williams, then detached from the command of his Maryland Continentals and acting as Adjutant-General of the Southern army, stated the actual force present, at three thousand six hundred and sixty-three. At 10 o'clock in the evening, General Gates resumed his march and pressed forward in a manner that showed an utter recklessness of the fact that Lord Cornwallis and his army were close by, and were worthy of respect as foes. Major Davie was in the same neighborhood, but had no communication with General

*Life of Iredell, vol. I, page 456.

Gates, when his cavalry and knowledge would have been invaluable. Colonel Armand's mounted men, instead of being sent forward miles ahead, to ascertain the state of affairs, were marching so close in front, that at 2 o'clock in the morning of the 16th, when the advance guards of Gates and Cornwallis collided, the shock was so violent and unexpected, that Colonel Armand's whole troop was disordered and recoiled upon the Maryland Continentals. These, in turn, gave way and there was danger of a general stampede, until Porterfield, Armstrong and the North Carolina Light Infantry pushed forward and attacked the enemy on the right and left of the road, and arrested their further movement. Both armies halted and in the morning prepared for battle. The wounded were borne to the rear, and the lines of battle formed.*

Everything directed General Gates to a speedy and rapid retreat. He had failed to surprise the enemy. He was before him unmistakably in force almost if not quite as large as his own. Cornwallis had a large body of veterans, while more than two-thirds of Gates' own men had never been under fire. The infatuated old man would listen to nothing, and placing his few Continentals on the right wing, left the centre and left entirely to be held by the militia. Day was soon seen in the dappled skies to the east, and with the earliest light, Lord Cornwallis sent in his sixteen hundred regulars upon the militia. These men, as a general thing, fled before the bayonet charge, but there were brilliant exceptions to this wretched flight of the majority. Seeing the brave constancy of the Continentals, posted on the right, General Gregory's brigade fired several rounds before retiring.† Colonel Henry Dixon, late of the First North Carolina Continental Battalion, now held his regiment of North Carolina militia as firmly to the front as any veterans on the field, though their left flank was left uncovered by the flight of the other militia. They stubbornly kept their ground throughout the battle, and

*Life of Iredell, vol. I, page 456.

†Governor Nash to Willie Jones, September, 1780.

when General Smallwood brought up the reserves and covered their exposed flank, the enemy was forced to fall back.

In no battle of the war was such stubborn fighting seen as was the case with the handful of brave men, who did not run away, but stood their ground at the battle of Camden. The battle was really fought by the Maryland, Delaware and Virginia Continentals, assisted by Colonel Dixon and other men of Gregory's brigade. Out of this small force, nine hundred were left dead on the field, beside the wounded.* General Caswell in vain struggled to rally his militia. General Rutherford, bravely striving to redeem the tarnished reputation of his command, was taken.† General Sumner also displayed great bravery, as did Baron De Kalbe, who lost his life. Colonels Geddy and Loekhart of North Carolina, were among the prisoners. It was a fell blow upon the hopes of Southern deliverance. Two thousand men were killed, wounded or prisoners of war. All the artillery, transportation and military stores of the army were lost. The Continentals engaged, had maintained the struggle until much the greater portion of them were dead upon the field or disabled by wounds.

The Earl of Cornwallis must have enjoyed a double pleasure in inflicting this defeat upon the victor of Burgoyne at Saratoga. General Gates' conduct, both before and during the battle, excited the profoundest disgust, both in civil and military circles.‡ He not only persisted in pushing his men into battle against the remonstrances of his officers, but having compelled them to fight, left the field early in the action, with the fugitive militia, leaving the Continentals and their brave supporters, who at the time of his departure, were driving the enemy before them, to be attacked in flank and ruined for want of timely orders to retire from a hopeless contest. As it was, six hundred of them left the field in good order, and by their supreme bravery, secured safety in

*Holmes, page 242.

†Governor Graham's Lecture, pages 161 and 162.

‡Judge Iredell to wife, September 28th, 1780.

retreat, even at that apparently hopeless juncture.* In addition to the above, General Gates gave no orders for securing his baggage and stores, and thus most wantonly lost them. Colonel Armand's corps suffered worst of all, and that brave and accomplished officer was violent in his complaints of the way in which he had been sacrificed. Baron De Kalbe died like a true hero, and was another of those generous foreigners, who were giving their lives to the great cause of human freedom. Count Pulaski had fallen the year before at Stono, and the Marquis de La Fayette was just restored from the dangerous wound he had received at Brandywine. The British loss in this important battle was three hundred and twenty-five men.†

General Gates left the field, and the only orders he then gave, were that the routed army should rendezvous at Hillsboro, in North Carolina.‡ To that town he rode as if engaged in a steeple chase. It is said he made the two hundred and thirty miles in seventy-five hours. Shortly after leaving the field he met Major Davie at the head of his famous corps of light-horse, which was hastening from Rugeley's Mills, where it had expected to meet the army. General Gates confirmed the story already learned from a runaway militia-man, and advised an immediate retreat to Charlotte. Major Davie at once dispatched a courier to inform Colonel Sumter of the defeat, and to warn him of the danger. This brave and accomplished officer, like Davie, was marching to join General Gates with one hundred Continentals and seven hundred militia, and had with him two brass pieces of ordnance. He was generally noted for activity and discretion, but a strange inertness came upon his movements. He had the only organized command of any size now in the South, and should have made every exertion to save it. Yet, he loitered on the way, sleeping all night and making but eight miles a day; until on the 19th of August, Tarleton, whom

*Judge Iredell to his wife, September 28th, 1780.

†Life of Iredell, vol. I, page 457.

‡Governor Graham's Lecture, page 162.

Davie knew would be upon him, swooped like an eagle, upon the besotted men of South Carolina, and scattered them to the four winds, without even the show of resistance. Sumter was asleep under a wagon when the legion came up, and hardly escaped with his life. Without hat, coat, or saddle, he fled on the bare-back of his horse. In this sad plight, and utterly unattended, he rode into the camp of his friend Davie at Charlotte.*

*Wheeler, vol. II, page 195.

CHAPTER XIV.

A. D. 1780.

Defenceless aspect of North and South Carolina in view of Lord Cornwallis' intended invasion of the former—Governor Rutledge rallies from his former despondency—North Carolina girds up her loins—Force in hand to meet the British—General W. L. Davidson—Assembly meets at Hillsboro—Legislation—Board of War—Governor Nash and the Assembly disagree—General Smallwood—Gates at Hillsboro is superseded by Nathaniel Green—His traits and services—He finds Generals Sumter and Davidson at Charlotte—Cornwallis after the Battle of Camden—He moves forward—Governor Martin and his accompaniments—Ferguson sent on a parallel line of invasion further to the west—Davie defeats the foe at Wahab's farm—Brilliant affair at Charlotte—The buzzing of the Mecklenburg hornets—George Graham and the British repulse at McIntyre's—Colonel Ferguson at bay—His appeals for help against the mountain men—He retreats, is overtaken and crushed at King's Mountain—Effects of the victory—Cornwallis retreats—General Washington sends re-inforcements to General Greene—Thaddeus Kosciuszko, Baron Steuben and Colonel Henry Lee—North Carolina places more troops in the field than can be subsisted—Generals Allen Jones and Isaac Gregory are turned back and their forces disbanded—Marion is worsted by Tarleton—Sumter beats off Tarleton at Ninety-Six—General Leslie at Norfolk creates alarm in Albemarle—The greatness of a common danger produces a return of concord to the different parties of North Carolina Whigs.

The Earl of Cornwallis probably expected an easy time in his contemplated invasion of North Carolina. South Carolina and Georgia were completely powerless for resistance. The men who had gathered under Colonel Sumter were all dispersed or slain, and the cautious Marion was hiding far away in the swamps of Bladen in our own State.* In that same Commonwealth, Governor Rutledge had sought refuge, and was at Hillsboro to concert with the military and civil authorities for the deliverance of his conquered people.* In a moment of weakness two years be-

*Judge Iredell to his wife, October 8th, 1780.

fore he had offered that South Carolina should become neutral in the bloody struggle.* He had already atoned for that mistake, by patriotism and that high devotion to the general good, which in after years culminated in such usefulness and fame, as belong to the close of well-spent lives. To North Carolina the disaster at Camden was blank and appalling. Yet there was "no paling of cheeks—no trembling of nerves—no retreat of cowardly blood to the heart."† It seemed that this people, who always exceeded the demands made on them for men and means, only exerted themselves for the result of their efforts to be swallowed up in blundering mismanagement. General Lincoln had lost all the troops at Charleston, and now Gates, in less than a month after assuming command, had scattered the large militia levies so laboriously gathered at Cheraw. These things were dispiriting and trying to the best of tempers, but North Carolina has ever been patient in affliction, and slow to feel resentment. There was no faltering in the support of the cause of America. The troops already in the field were hurried to Charlotte, and fresh levies of the militia at once ordered for the same point.

General Caswell reached Charlotte August 17th. He at once informed Governor Nash that the regiments of Colonel Seawell of Halifax, Jarvis of Edenton, and Pasteur of New-Bern, were still intact, from the fact that they were not at the battle of Camden, and were then on their way to the new rendezvous.‡ He had called out the militia of Mecklenburg, Rowan and Lincoln, and was confident "of a formidable camp in a few days." A little later Governor Nash wrote to Willie Jones, "Our zeal and spirit rise with our difficulties; drafts are nearly at an end, our men yield to the necessity of the times, and turn out to serve with willing hearts." Davie and his troopers at the Waxhaws were watching the road to Camden, and Generals Sumner and David-

*Holmes, page 138.

†G. J. McRee in *Life of Iredell*.

‡*Life of Iredell*, vol. 1, page 358.

son were extremely useful in mustering and training the fresh levies of militia. General William Lee Davidson was one of the noblest of the patriots, who in that day illustrated the cause they loved. He was of the Scotch-Irish stock, who peopled that portion of Western North Carolina, so favorable to the American cause. He had been educated at the Queen's Museum in Charlotte, and had gone to the North with General Nash, as Major of the Fourth Battalion of the North Carolina Continental line. He was Lieutenant-Colonel when the North Carolina troops were sent south with General Lincoln to Charleston. He was given a leave of absence on the way, to visit his family, from whom he had been separated for three years; and by this circumstance escaped capture at the capitulation of General Lincoln. He was a man of too much nobility and devotion to remain inactive while thus separated from his command; in command of the militia, he had been in active service against the Tories. In a severe engagement with them at Colson's Mill, he had received a dangerous wound in the body, from which he had just recovered at the period now reached. He was a young, gifted and accomplished soldier.* He had won the commendation of General Washington by his bravery on the field, and had been conspicuous at each of the bloody conflicts witnessed at Brandywine, Germantown and Monmouth. With such personal qualities and experience he was invaluable to the men who knew and loved him, in those stern western households, denounced by Colonel Tarleton as the most disloyal in America.

The Assembly met at Hillsboro, on September 5th. They passed acts levying a special provision tax for the support of the war, for raising money on loan for immediate use, and for restraining any impressment or other interference with vehicles employed in hauling salt.† Then, as in the late war between the States, salt was being manufactured on the coast. Disaster in the field always breeds trouble to civil rulers. There is no

*Governor Graham's Lecture, page 163.

†Public Acts, pages 292, 293 and 294.

greater iconoclasm than military defeat. Governor Nash did not escape the usual fate in this respect. The Legislature established what was called the Board of War, consisting of Colonel Alexander Martin of Guilford, John Penn of Granville and Oroondates Davis of Halifax.* Of these, Colonel Martin alone had any military experience and his was very limited; for though he had succeeded General Howe in command of the Second North Carolina Battalion, he had always attended the numerous sessions of the Legislature, and in this way had seen but little of the war. The large levies of men, and issues of money, necessarily involved great labor in those who had charge of the books and accounts. There was trouble between Governor Nash and the Assembly on this score.† No one dreamed of his being corrupt, but some insinuated he was careless as to the vouchers, and that confusion would result. Thus it was that they trenched upon his authority as commander-in-chief by putting Caswell over the militia, and now still more violently intruded upon his rights by the erection of the Board of War. A very high authority has praised the wisdom of this military committee,‡ but divided counsels never prospered in war, and to General Nathaniel Greene and not the Board of War, was due the wisdom of subsequent military management in North Carolina. General Washington and his able southern Lieutenant gave great and ceaseless attention to the conduct of affairs in North Carolina about this time.§

After the battle of Camden and the subsequent surprise by Tarleton of Sumter's command, Lord Cornwallis remained at the

*NOTE.—This unconstitutional and novel body was greatly derided in the army. Colonel Davie, especially, was profuse in his expressions of scorn and ridicule: "Paddy Martin, a warrior of great fame; Penn, only fit to amuse children, and Oroondates Davis, who knew nothing but the game of whist." It was a common thing to sneer at Colonel Martin's courage, and the two others had never even served as privates in the army.

†Jones' Defence, page 313.

‡Governor Graham in his Lecture, page 172.

§Washington's Writings, vol. VI.

scene of his recent victory until the 8th day of September, when he moved forward with the confident assurance of the easy subjugation of North Carolina.* There was no army there to oppose him and he supposed that before Congress, with all its delays, could replace the force he had so recently broken, he could easily occupy a large portion of the undefended territory. With his soldiers were adventitious aids, from which he expected to wield a large influence upon the minds of the people, hitherto in rebellion against the King. In his train was the late Royal Governor, Josiah Martin, who had been lingering on the confines of his lost government ever since his flight from New-Bern, in 1775.† For months he had gazed from the decks of the sloop of war *Cruiser*, upon the mournful headlands and funeral cypresses of the lower waters of the Cape Fear River. Once he had gone to England, but now like some poor spirit re-visiting the scene of a former life, he was using his only opportunity to once more behold the land he had ruled and lost. A printing press formed also a portion of the camp furniture. From this instrument proclamations and bulletins of victory were to be scattered among the people. Colonel Hamilton and his Tories were also along to be used both in battle and as emissaries among the disaffected.‡

The main army was moved forward by the Waxhaws, directly upon Charlotte, while Major Patrick Ferguson, with a force of Regulars and native Loyalists, was dispatched westward of the Catawba River to open communication with the Tories, and stir up a spirit of revolt against the American government. Ferguson's position in the British line was that of Major in the Seventy-first Regiment. His fine qualities as a partisan commander had procured his brevet as Colonel, and assignment to separate command. He was a Scotchman; the son of Lord Pitfour, one of the Lords of Session at Edengburgh.‡ He was daring, energetic and highly magnetic in the exercise of control over men.

*Governor Graham's Lecture, page 156.

†Journal of Board of War, 1780.

‡Annual Register, 1781, pages 81, 82.

At the time of Lord Cornwallis' approach to Charlotte, there were no troops in the vicinity but the militia of Mecklenburg and Rowan; under the command of General Davidson, the brigade commanded by General Sumner, and the mounted force of the recently promoted Colonel W. R. Davie.* As the British army drew near, Davidson most properly retired on the road to Salisbury, but Davie determined to give Lord Cornwallis a fore-taste of what he might afterwards expect in North Carolina. With his own troopers and two other companies of mounted rifles under Major George Davidson, he took post at Providence.† With his small force he was continually annoying the British front but found no opportunity of inflicting much injury until the advancing enemy reached and occupied as an out-post, the farm of one of his captains. At Captain Wahab's place, he beat up their camp, killing twenty, wounding forty and bringing off ninety-six horses, with the loss of a single one of his own men.

As the British drew near Charlotte, Colonel Davie was joined by a kindred spirit in Major Joseph Graham of Mecklenburg. He was just twenty-one years of age but had already seen service on the Savannah River and at Stono. He was brave to rashness, and yet full of resources and care for the men who were following so youthful a leader.† Like his commander, he was to grow illustrious not only by deeds in the field but by many long-enjoyed civic honors. Of the same stock with the chivalrous Davidson, he manifested a kindred devotion to duty. He had just enlisted fifty of his neighbors to meet the advancing invaders, and with Colonel Davie, he was about to perform a feat as daring as that of Bruce at Bannockburn.‡

Colonel Davie, with his own command and that of Graham, determined to make a stand in the village of Charlotte; not that he dreamed for a moment that he could repel the powerful British army, but he had not recently engaged Tarleton's legion, and

*Wheeler, vol. II, page 195.

†Foote's Sketches, page 504.

‡Wheeler, vol. II, page 234.

he was determined to teach them how little he dreaded their presence and how dangerous it would be to detach portions in that section of the country.* His whole force did not reach two hundred men. Charlotte was situated on a slight elevation and then contained about twenty houses. These were built on two streets intersecting at right angles. At the point of crossing stood the court-house. The left of the village, as the enemy advanced from the south, was an open common to the woods, which reached the gardens of the town. One company was dismounted and posted under the court-house, where the men were protected by a wall four feet high. Two other companies were advanced about eighty yards and aligned behind houses and in gardens, on each side of the street. Even while making these dispositions, Tarleton's legion was forming in full view, at the distance of three hundred yards, under the command of Major Hanger, who was acting in place of Lieutenant-Colonel Tarleton, who was at that time on the sick list. The bugle sounded the charge and the British cavalry came on in a gallop within sixty yards of the court-house, where they received a fire so deadly that they wheeled and retreated with great precipitation. As the infantry under Lieutenant-Colonel Webster continued to advance, notwithstanding the fire of the companies, on the two sides of the street, it became necessary to retire to a position parallel with the force under the court-house. The flanks were engaged with the advancing infantry under Webster, but the men under the court-house were directed to reserve their fire for the horsemen, who were rallied and returned to the charge. They were again driven back in plain view of the whole British army. But now Colonel Webster was about to turn the flank of this gallant band of heroes, and the two companies on the right and left were so withdrawn as to cover each other's retreat and formed at the end of the street, one hundred yards in rear of the court-house. This was done under a heavy fire of the British light infantry, who had advanced under cover of the houses and gardens. Another

*Kendall's Life of Jackson, chapter II, section 4.

charge of the cavalry of the legion was again repelled and for a third time they went back at a gallop. Lord Cornwallis lost his temper at this last discomfiture and denounced them in unmeasured terms. The legion, now re-inforced by Webster's infantry, pressed forward on the flank and a retreat became absolutely necessary. This was effected on the Salisbury road, while the enemy followed at a distance, and with great caution, for several miles before they dared to charge Colonel Davie's rear guard.* Of course these were put to flight, but on receiving the fire of a single company, the redoubtable men of the legion again fell back.† In this romantic and brilliant affair, Major Graham, while manifesting that heroism for which he was ever distinguished, was overwhelmed in an attack made upon him on the left of the road and received no less than nine wounds. Six of these were sabre cuts and three from gun shots. He was left for dead on the field, but made his escape.‡ Lieutenant Locke of Rowan, and four privates, were killed, and five of the men were wounded. On the British side, Major Hanger was wounded, as were Captains Campbell and McDonald, besides thirty privates. Twelve of their men were killed.‡

Earl Cornwallis had thus a second time invaded the soil of North Carolina. In the early portion of 1776, he had ravaged the farm of General Howe and threatened Wilmington, but had retired upon learning the overthrow of his friends at Moore's Creek. His bloody reception at Charlotte was on September 26th, 1780. He well knew that General Sumner, with his own brigade and that of Davidson, was on his route at Salisbury, thirty-five miles off to the northeast. This force numbered two thousand men.§ General Gates had eight hundred Continentals at Hillsboro, besides a regiment of Virginians just arrived, under

*NOTE.—Both Stedman and Tarleton abundantly confirm the particulars of the above brilliantly audacious exploit.

†Colonel Davie's own account of the affair. ‡Foote's Sketches, page 255.

‡Attorney-General Iredell to wife, September 28th, 1780.

Colonel Buford.* He had penetrated just sixteen miles into the State and now halted to await information as to the results of the movements of Ferguson. Davie's startling resistance at the court-house was a fit prelude to his entire experience while sojourning at the "Hornets Nest." "It was evident," says Colonel Tarleton, "and had been frequently mentioned to the King's officers, that the counties of Mecklenburg and Rowan were more hostile to England than any others in America. The vigilance and animosity of the surrounding districts checked the exertions of the well-affected, and totally destroyed all communications between the Loyalists in other parts of the province. No British commander could obtain any information in that position, which would facilitate his designs or guide his future conduct."†

In addition to the above, Tarleton further added that Cornwallis could learn nothing of movements of the civil or military authorities and troops of his opponents and above all, the uncommon difficulties in procuring subsistence for the troops. Foraging parties were incessantly harrassed by unexpected attacks and ambuscades. One of many such affairs is yet remembered. A party of four hundred soldiers were sent to convey a wagon to a farm known as McIntyre's, seven miles from Charlotte, on the road to Beattie's Ford.‡ As they drew near, a lad who was ploughing by the roadside left his work and mounting the horse, fled through bye-paths to give notice of the British approach. This was to enable those in the vicinity to conceal their horses and other valuables. McIntyre and his family had disappeared before the foragers arrived, and the house and property were thus left to the mercy of the foe. The dragoons had dismounted and were aiding the others in loading their own and McIntyre's wagons, when a rifle shot from the wood struck down the officer in command. Others followed in rapid succession, and before the bugle could sound a recall, nine men and two horses

*Attorney-General Iredell to wife, September 28th, 1780.

†Tarleton's Campaigns, page 160.

‡Foote's Sketches, pages 507 and 508.

had been disabled. Soon the fire was renewed from a different quarter and the dragoons started in pursuit. Their dogs were put upon the trail of the unseen assailants, but they came to grief and those not killed went howling back. Re-inforcements came to the concealed riflemen and alarm seized upon the foragers. A rapid retreat ensued but the road was blocked with slain horses and the confusion was but increased as the brave Englishmen only formed in array to be more surely reached by the deadly rifles of concealed marksmen. It was a small reproduction of Braddock's helpless resistance at Fort Duquesne. The four hundred British troops, utterly demoralized, reached Charlotte, having lost twenty-seven men killed and wounded, besides many horses. George Graham, the brother of Major Joseph Graham, who was then lying so near death from his many wounds, was a participant in this daring and successful affair.*

Colonel Ferguson had been for some time, as has been seen, on out-post duty, commanding strong detachments and arousing the Loyalists to opposition in the field. He was accompanied by one hundred and fifty men of the Seventy-first Regiment of the British army. These regulars were but the nucleus around which he had gathered two thousand Loyalists by the 20th of September. Colonel Charles McDowell had disbanded the force with which he had made the expedition to South Carolina, but information had reached the remote settlements beyond the mountains, of Cornwallis' invasion and Ferguson's approach, in time for a general rendezvous at Watauga, on September 26th. On that day Colonels McDowell, Cleaveland, Shelby and Sevier of North Carolina and Campbell of Virginia, assembled their troops, amounting to fourteen hundred men; of whom, four hundred came from Virginia with Colonel Campbell.† They at once resolved to march against Ferguson. It was seen that a sharp pursuit would probably be needed before reaching him, and it was suggested to Colonel McDowell that his advanced

*Foote's Sketches, page 508.

†Colonel Campbell's report of the action.

age would unfit him for the command. This noble patriot at once acquiesced in the justice of the suggestion, and surrendering his men of Burke and Rutherford, to Major Joseph McDowell, he set out to obtain a general officer to meet the command on their route. Until such officer should join them, with a high and knightly courtesy, the North Carolinians, as Colonel Campbell was from another State and they were at home, insisted that he should take the command until the General sent for, should arrive. These arrangements having been made, they at once marched in quest of their dangerous enemy.*

Amid so much patriotism, bravery and antique courtesy, there were still some base spirits, who, quailing at the danger, deserted and gave Colonel Ferguson notice of the impending danger. At Donald's Ford on Broad River, on October 1st, he despatched a stirring and alarming circular to the Tory leaders for help, and at the same time sent several expresses by different routes to Lord Cornwallis, apprising him of the formidable action of the men of the mountains.† His messengers to Charlotte were intercepted or scared off until too late for help. He at once left Gilberttown and encamped at Cowpens, on the State line. On October 5th, he crossed the Broad River at Deer Ferry and marched sixteen miles. On the 6th, he passed along the Ridge Road, until reaching a ford, and then to the right hand across King's Creek, and then through a gap towards Yorkville, about fourteen miles and camped upon the top of Kings Mountain. From this strong position, as he complacently surveyed it, he impiously asserted that not even "God Almighty could drive him." He was again upon the line dividing North and South Carolina, and was forty-five miles southwest of Charlotte, "as the crow flies."

Colonel Shelby had urged the utmost expedition in their movements:‡ that if Ferguson was strong enough, he would move to attack them and if not, he would increase his force. This advice was adopted, and they resolved not to await the General sent

*Wheeler, vol. II, page 101.

†Life of Shelby, page 69.

‡Life of Shelby.

for by Colonel McDowell, but to move at once upon Gilberttown. Here they found that Ferguson had retreated, but were joined by Colonel Williams of South Carolina with a re-inforcement of four hundred men. This occurred on October 6th. It was determined that night, in a council of officers, to select nine hundred of their best men and to leave those on weak horses and afoot to follow as best they could. At 8 o'clock the same evening, they set out and marched all night and reached King's Mountain at 3 o'clock the next day. They had been in the saddle for thirty hours without rest and were drenched by a heavy rain.*

They found Colonel Ferguson fully apprised of their approach and occupying a position of great, natural strength upon the crest of the mountain. This was a level table seventy yards broad and five hundred long. The dispositions for attack were immediately made. Colonel Shelby's men were posted on the left of the centre; Colonel Campbell, with another column of attack, on the right. Major Winston with one portion of Colonel Cleveland's command and with that of Colonel Sevier, formed a strong column on the extreme right, while Colonel Cleveland himself, with the residue of his force, constituted the left wing. In this order the advance was made until within a quarter of a mile of the enemy, before signs of discovery were made by the Royalists. Colonels Shelby and Campbell began the attack and poured in their fire while the two wings proceeded to surround the mountain. This was soon accomplished; the report says in five minutes from action joined. The firing was now heard entirely around the mountain. Steadily on all sides the brave men of the hills closed to a common centre, where Ferguson, with supreme bravery, was everywhere animating his beleaguered forces. Time and again, with one hundred and fifty regulars, he pushed back with the bayonet the fatal advances of the different bands that were all pressing forward in one common and dauntless attack. The troops on the right were the first to gain the summit and forced the enemy into retreat upon Colonel Cleveland, who

*Wheeler, vol. II, page 59.

with the utmost steadiness checked their advance upon him and drove them back upon the pursuers under Colonels Campbell and Shelby. Colonel Ferguson was often wounded, and at last, while cheering on his men, fell dead, and Captain Depeyster, second in command, raised a flag and the firing at once ceased.*

Thus nine hundred mountain militia had attacked, defeated and captured every one who had not been slain, of a force that numbered, when the action began, just eleven thousand and twenty-five men, including, as has already been stated, one hundred and fifty British regulars. Of this latter force, beside Colonel Ferguson, one captain, two lieutenants and fifteen privates were killed and thirty-three were wounded. Besides this, of the regulars there were wounded two captains, four lieutenants, three ensigns, one surgeon, five sergeants, three corporals and sixty privates were taken prisoners. The Tories lost two colonels, three captains and two hundred and one privates killed; and wounded: one colonel, twelve captains, eleven lieutenants, two ensigns, one quartermaster, one adjutant, two commissaries, eighteen sergeants, and six hundred prisoners.

The Whig loss was also severe. The gallant Colonel James Williams of South Carolina, fell at the head of his command and was buried on the field.† So also with Major William Chronicle of Lincoln and Captain John Mattocks. Major Hambrite and three captains were wounded; as were also three lieutenants and fifty-three privates. The total of the Whigs killed amounted to twenty-eight. It is impossible to realize the joy this victory sent all over America, or what gloom it brought to the British Earl, who was anxiously waiting for his favorite, Ferguson, at Charlotte.

Governor Nash was not the only North Carolina favorite who suffered in consequence of General Gates' rash venture at Cam-

†NOTE.—He was born and reared in Granville county, N. C., but had emigrated to the sister State.

*Report of the battle by Colonels Campbell and Shelby.

den. Three days after that affair, General Caswell was at Charlotte issuing orders and establishing a camp.* By a resolution of the Assembly, General Smallwood of the Maryland line was requested to take command of the North Carolina militia, and in consequence, that officer superseded General Caswell, who no more appeared as a military man in the progress of the war.* Smallwood was as great a martinet as Gates, and was ordered to the North in December by General Washington, in consequence of a foolish contest with Baron Steuben as to their relative rank.†

General Gates had been at Hillsboro since his arrival in August from Camden. He had foreseen the displeasure of the Continental Congress at the ruin he had wrought, and had been watching for their action, with the certainty of his displacement and a rigid examination as to the facts of his defeat. On October 14th, General Washington gave orders to General Nathaniel Greene of Rhode Island to assume the command in the South.‡ The delegates of North Carolina, South Carolina and Georgia had joined in requesting General Washington to make this selection and upon his compliance, the appointment was approved by the unanimous vote of the Congress. At last a really wise and good man was to assume the conduct of affairs in the South. With the single exception of the great Virginian, there was no officer in the American army who so realized the conditions of native intelligence and acquired skill, as were blended in the person of him who now came to rescue the ruined Southern States from the blundering mismanagement hitherto observable in the military conduct of affairs. The simplicity and truth of his Quaker parentage were the noblest and most attractive of the many virtues which clustered so thickly upon this brave and capable man. He loved the American cause better than himself, and had foregone the honors of the line for the tedious duties of the Quartermaster-General's office. Latterly he had commanded the Light

*Life of Iredell, vol. I, page 458.

†General Washington to General Greene, January, 1781.

‡General Matthews to I. Matthews.

Division, which always held the place of honor in the main American army, when confronting General Clinton in New York. Like the great captain under whom he had learned the art of war, he could patiently bide his time for striking the enemy, and like him could extract from an apparent defeat, all the benefits accruing from completest victory to less capable men. He was gentle in his sternness and audacious in his very caution. So well could he keep his own counsel that Lord Cornwallis could never fathom his designs. Strikingly handsome, he possessed that nobility of presence that gave him trust wherever he was seen, and a placidity of demeanor which but revealed the serenity and rectitude of a blameless life. By general orders, dated December 3rd, General Gates announced the arrival of General Greene and his own cessation of command in the Southern army.

General Greene found at Charlotte, two brigades of militia under the respective commands of Generals Jethro Sumner and William L. Davidson. These troops had been in Cornwallis' front during his occupation of Charlotte, and having followed in his wake till the British army had passed the Waxhaws in retreat, had resumed their old position at the "Hornets Nest."

With the new commander of the Southern army came some other celebrated officers. The most famous of these was Thaddeus Kosciusko, who became immortal for his defence of his native land against the Russians and others, who effected the dismemberment of that ancient kingdom. He had been engaged as an engineer in constructing the great works of defence on the Hudson River, and had come in the same capacity on the staff of General Greene. Baron Steuben was also detached for duty in the South, where his fine abilities as an organizer were thought to be needed by General Washington.* But in Colonel Henry Lee of Virginia, and his veteran legion of cavalry, was the greatest aid, of any of the forces dispatched at this critical jun-

*General Washington to Baron Steuben, October 22nd, 1780.

ture. He had lately stormed the British out-post at Paulus Hook, in New Jersey, and gained great credit for his bravery and discretion. He was high in the confidence and admiration of General Washington, and was rightly considered one of the very best officers in the American army. He was brave, enterprising, and the embodiment of wary circumspection.* He was ever during the whole war in close proximity to the enemy, and was never surprised or even taken at disadvantage†. Had Colonel Davie commanded Continentals, who were enlisted for the war, he doubtless would have created a command like that of "Light-horse Harry," but at the period now reached he was on the eve of disbanding his famous corps because their time of enlistment had expired, and he was soon to succeed Colonel Thomas Polk as Commissary-General of the Southern army.‡ He had expended his fortune in raising his last troop, and could not renew his command for want of means.

It has been the habit of historians to represent the South as prostrate and incapable of self-defence at this period;§ but North Carolina had in the field at this very time at least five thousand men.|| This number could have been largely increased, but for want of commissary stores and arms. General Allen Jones,

*NOTE.—Colonel Henry Lee was the father of the late illustrious General Robert E. Lee, and was the eulogist who said of Washington that he "was first in peace, first in war, and first in the hearts of his fellow-citizens."

‡NOTE.—Colonel Nicholas Long of Halifax, was the first Commissary-General of the North Carolina Continental line. The duties incident to that important position included those now entrusted to the Quartermaster, in addition to that of feeding the men. Colonel Long was a gentleman of wealth and consideration, and was only second to Willie Jones as a leader in Halifax. His military duties were executed with the utmost ability and propriety. Like his successor, General Polk, he left an eminent and useful posterity. His wife's maiden name was McKinney, who rivalled Mrs. Willie Jones and Mrs. John B. Ashe in the grace and enthusiasm of her patriotism.

†General Washington to Governor Nash, November 6th, 1780.

§Hildreth, vol. III, page 331.

||Attorney-General Iredell to wife, September 9th, 1780.

General Isaac Gregory and others were halted on their way to the west, and their commands returned to their homes, only because, by joining those already in camp, they would consume the scanty stores which had been collected for the Continentals recently brought south.*

North Carolina was to continue undisturbed by the enemy for the remainder of the year of 1780. General Smallwood was in command of the camp at Providence, near the South Carolina line, with cavalry out-posts at Land's Ford on the Wateree, but there was no effort on either side to break the temporary inactivity which followed Lord Cornwallis' retreat to Winnsboro.† General Marion issued from his concealment, but was driven back by Tarleton. General Sumter discomfited a British detachment and threatened the fort at Ninety-Six. Tarleton tried to cut him off, but was beaten at Black-stock Hill, November 20th. The gallant Carolinian was badly wounded, and sent his men to their homes until he should be healed of his injury.‡

In the same month the people of the Albemarle country were excited at the visit of General Leslie, with a fleet and considerable British force, to Hampton Roads, where he had orders to land and co-operate with Cornwallis; but he soon sailed from that point to Charleston, and General Gregory and his force were relieved from the duty of observation upon his movements.§

The elections to the Continental Congress were significant of compromise in the party divisions which had existed since 1776. Samuel Johnston and Willie Jones, who had headed the rival parties in the State, were both selected as delegates.|| William

||NOTE.—I am indebted to my very learned and courteous friend Daniel R. Goodloe, Esq., of Warrenton, for the information that Governor Samuel Johnston was elected during this session of the Continental Congress to the high honor of being President of that body. Colonel Goodloe, in his researches touching our Revolutionary finances, discovered this forgotten incident, and the further fact, that rich as was Johnston, he was compelled to forego this

*Governor Graham's Lecture, page 174. †Wheeler, vol. II, page 296.

‡Holmes, page 146.

§Washington's Writings, vol. VII, page 347.

Sharpe, Thomas Burke and Whitmel Hill were continued in the same high trust.*

Such spirit of concession and recognition was eminently wise and proper in this time of public danger and calamity. Mr. Johnston had been rigidly proscribed for four years past, simply because he differed from the majority as to the amount of power that could be safely vested in the hands of the people. No one at any time had doubted his devotion to the struggling cause of America or the uncommon purity and wisdom of his life. A broad liberality was established as the rule in administration of public affairs, and it was not departed from until the passage of the Alien and Sedition Laws had given the jealous mind of Mr. Jefferson an excuse for excluding every opponent from the enjoyment of public trusts.†

high distinction because of the condition of his finances. His return to North Carolina had become necessary, and he had thus to forego what was then the highest civil function in America. The Continental funds had so depreciated that his pay as a member was insufficient to meet his personal expenses.

*Journals of Congress.

†Jones' Defence, page 310.

CHAPTER XV.

A. D. 1781.

Effects of Arnold's treason upon the American army and people—General Robert Howe crushes insubordination in the army—General Daniel Morgan—Major Cloyd chastises the Tories at Shallow Ford—General Greene divides his force into the camps on Broad River and Cheraw—Morgan routs Tarleton at Cowpens—The victors begin their famous retreat—Cornwallis, enraged, follows in pursuit—Morgan reaches Island Ford with the British two hours behind—General Greene, from Cheraw, joins Morgan—Their disagreement—Rise of the Catawba—Death of General Davidson and the affair at Torrence's Tavern—General Pickens elected to succeed Davidson—Greene renews the retreat—He crosses Trading Ford and is again saved by a swell of the Yadkin—Cornwallis battled, turns northward to Shallow Ford—Greene reaches Guilford Court House—Another race for Dan River—Colonel Carrington's preparations save the Americans—Cornwallis turns back to Hillsboro—Erects Royal Standard and issues proclamations—General Pickens and Major Graham follow in his wake—Graham captures his outpost at Hart's Mill—Colonel John Pyle and the "hacking match"—Colonel Williams returns against Cornwallis, followed by General Greene—Colonel Webster at Whitsel's Mill—Battle of Guilford Court House—The British retreat—Major Craig occupies Wilmington—General Alexander Lillington at Heron's Bridge—Greene abandons pursuit of Cornwallis to seek Lord Rawdon in South Carolina—Battle of Hobkirk Hill—Cornwallis goes to Virginia—British trick on General Gregory—Assembly at Halifax and its enactments—Another at Wake Court House—Governor Nash succeeded by Thomas Burke—Extraordinary Council—Levies in the West—Deaths of Generals Ashe and Harnett—Cruelty of Craig—The Tories rise for vengeance—Affair at Piney Bottom—David Fanning attacks Allston—Beats Wade at Drowning Creek—Capture of Governor Burke and battle of Lindsay's Mill on Cane Creek—Colonel A. Martin becomes Governor—Battle of Elizabethtown—Eutaw Springs—Exchange of prisoners—General Rutherford marches against Wilmington—Major Graham at Rockfish—Major Craig leaves North Carolina.

The sixth year of the war came upon America with many ominous suggestions. The result of the military operations of 1780 had been highly favorable to the King, and only the bravery of the mountain militia had prevented the occupation of

North Carolina. The treason of General Arnold was painfully suggestive of the possibility of similar baseness in others, occupying high places, and benumbed the people's hope like the advent of some hideous and deadly pestilence. It added to the growing disposition to insubordination among the soldiers of some States. The large bodies of men constituting the Pennsylvania line broke out into open mutiny, and forcibly exacted such terms, that the greater portion of them were relieved from the conditions of their enlistment, and left the army. In a few days the New Jersey line attempted the same ruinous programme, but General Washington was determined that such things should find an end. Major-General Robert Howe was ordered from the Hudson with five battalions, and after marching through snow-storms, on January 26th he reached Morristown. Surrounding the mutineers, they were forced to surrender their arms, and two of their ringleaders were executed.* This ended such disgraceful scenes, and General Washington, in general orders, returned thanks to General Howe and his command for their great promptness and discretion.†

Among the officers sent south, was Colonel Daniel Morgan of Virginia. He was highly distinguished as the leader of his rifle corps, and had brought a small force of Continentals with him to Hillsboro.‡ This veteran, who had seen service in the old wars with the French and Indians, with his two hundred regulars, was sent westward, and he soon directed Major Cloyd with a detachment to chastise the Tories at Shallow Ford, on the Yadkin.§ This was handsomely done, in the same neighborhood in which Colonel Bryan was so influential as a Tory leader. After this, Colonel Morgan took post on the Catawba to observe the enemy and support General Sumter in his manœuvres against Tarleton in the upper districts of South Carolina.

*General Howe's Report, Washington's Writings, vol. VII, page 563.

†General Orders, January 30th, 1781.

‡Life of Iredell, vol. I, page 465.

§Journal of the Board of War; Governor Graham's Lecture, page 176.

Early in the year of 1781, as General Greene had by that time acquainted himself with the strength of his troops and the sources of their supply, he found it necessary to divide still further the small force congregated in Mecklenburg. Relying upon General Davidson's militia to be called from their homes as occasion might require, to act as a central force, Morgan, then freshly appointed a brigadier, was sent across the Catawba and Broad Rivers, while the main body under General Sumner was led to Cheraw on the Pee Dee; where also he was joined by Colonel Lee and his legion * By these arrangements, abundant subsistence was obtained, and British communication with all the disaffected regions of North Carolina effectually precluded. Lord Cornwallis could not invade the State without first driving back General Morgan, or if he did, that enterprising officer would be still on his left and rear. Morgan, too, had been strengthened by accessions under General Andrew Pickens, Major Joseph McDowell, and Major Cunningham of Georgia.

Lieutenant-General, the Earl Cornwallis, having received large re-inforcements under Major-General Leslie, sent a superior force under Tarleton, to oppose Morgan, while he followed with the main army in the same direction. On January 17th, General Morgan was posted at the junction of Broad and Pee Dee Rivers, at a place known as Cowpens, thirty miles from King's Mountain, where Ferguson had been lately destroyed.† Here came Tarleton on that day, with eleven hundred and fifty British Regulars. These consisted of the famous legion, and the First Battalion of the equally celebrated Seventy-first Regiment, and two pieces of light artillery. Morgan had but three hundred Continentals and five hundred militia. Colonel Tarleton led the attack with his usual spirit, but was met with a resolution that has never been surpassed. The British Regulars were driven in confusion from the field.‡ The bold riders of

* Revolutionary History of North Carolina, page 179.

† Holmes, page 153.

‡ Lee's Memoirs of the war in the South, page 228.

the legion were assaulted and scattered by a charge of horse under Colonel Washington and Major McDowell, and Colonel Tarleton himself was wounded in an encounter with Washington. The battle lasted just fifty minutes, and was a complete victory for the Americans. Tarleton lost five hundred and two prisoners, one hundred and ten killed, two hundred wounded, his artillery, baggage, standards, seventy negroes and one hundred horses. The routed fugitives were chased by Colonel Washington for twenty-four miles from the field.*

In this brilliant and important victory, the bulk of the militia were of Major McDowell's command and from Burke county, North Carolina.† From these same men, who had been so conspicuous at King's Mountain, were taken a picked corps, who acted as dragoons with Colonel Washington.‡ Tarleton was completely beaten in his usual tactics, and as he reached the camp of Lord Cornwallis with the bad news, His Lordship issued orders for the third invasion of North Carolina. There might be a chance of retrieving a portion of the disaster by overtaking Morgan and rescuing the prisoners in his keeping. That wary veteran well knew that this resolution would be formed, and had abandoned his captured stores, and leaving his wounded under the protection of a flag, set out that very evening upon a rapid retreat. The prisoners were sent in advance, guarded by the militia, while the rear was held by the three hundred regulars.

Lord Cornwallis and the main British army lay at Turkey Creek on January 17th. This point was twenty-five miles south of Cowpens. By just this space did General Morgan get the start in the memorable race which followed. A dispatch informed General Greene of the victory and its probable results, as, with hasting feet, the victors fled from the vengeance of the furious Britons. General Morgan was soon apprised of pursuit,

*General Morgan's report to Congress.

†Iredell's Life, vol. I, page 483.

‡Lee's Memoirs, page 228.

and for twelve weary and fearful days, he pressed onward with his prisoners, almost as numerous as the gallant band who had effected their capture. As the sun sank low in the west, on the evening of the 29th, the van of the royal army reached the Island Ford of the Catawba River, on the road leading now from Statesville to Morganton.* General O'Hara, commanding the advance, found that Morgan had crossed just two hours before. The weary pursuers halted for rest, congratulating themselves that on the next day the flying prize would be overtaken. The delay saved General Morgan, for the next morning discovered a swollen and impassable river. The rain had fallen in torrents during the night, and the drenched Englishmen, in impotent rage, lay for two whole days unable to proceed, while stout old Daniel Morgan was in the meanwhile accomplishing a large portion of the distance lying between his militia and prisoners and Virginia. He, with the regulars of his command, turned down the left bank of the river and met General Greene at Sherrill's. The latter had been informed of the victory and pursuit, and had hastened forward almost unattended from Cheraw, to concert measures with General Morgan both for securing the fruits of the latter's triumph and for future movements.†

A controversy ensued between those distinguished American officers, at this time, which was very much to be deplored. General Morgan was a brave and skillful officer but he was a very hard-headed man. General Greene had determined on the route by which the retreat should be continued, but General Morgan had different views and so stoutly contended that his feelings were excited against his superior officer, and he soon left the service and retired to his farm, known as Saratoga, where he remained inactive through the remainder of the war.‡

The timely swell of the river, which had saved General Morgan, gave such opportunities to General Greene that he deter-

*Governor Graham's Lecture, page 181. †Lee's Memoirs.

‡Wheeler, vol. II, page 55.

mined to dispute Cornwallis' passage, and thus gain time for the arrival at Salisbury, of the troops from Cheraw under General Huger of South Carolina and Colonel Williams of Maryland. In the execution of this plan, Morgan's Riflemen and a small body of militia were posted at Sherill's Ford. General Davidson had called out the men of his command and distributing some at Beattie's and other fords of the Catawba, went himself with his usual valor and devotion, to the post of real danger at Cowan's Ford. This was done on the evening of January 31st. Three hundred of his neighbors and friends were gathered for the last time under his command and they resolutely awaited the approach of the foe.

Lord Cornwallis had been encamped for two days at Ramsour's Mill, where, in the preceding summer, Colonel Moore and his Tories had come to grief. There he rid himself of all superfluous baggage and put his troops in the lightest possible marching order. He would again renew the pursuit of Morgan and, if possible, bring Greene to the necessity of an engagement. A detachment under Lieutenant-Colonel Webster was sent as a feint to Beattie's Ford, but Cornwallis, with the main army moved at night, and by dawn was at Cowan's Ford.† As has been seen, this was the point at which General Davidson had expected the passage would be attempted, and he was in position when the British approached. The river is just one-fourth of a mile wide at this point, but the invaders plunged boldly in the yet swollen waters and waded through in spite of the fire of General Davidson's men. They lost forty men in the passage, including Colonel Hall, commanding the advance, but made good the landing and drove off the militia, whose loss was small, except in the fall of their brave and devoted commander, General Davidson, who fell dead upon the soil he had so long and faithfully struggled to defend, and left a memory as imperishable as the everlasting hills, there visible in the blue distance.‡

†Governor Graham's Lecture, page 183.

‡Wheeler, vol. II, page 234.

These men of Mecklenburg and Rowan, who had thus lost their trusted leader, retired to Torrence's Tavern, six miles away on the Salisbury road, where they were joined by the other detachments, that had been watching at Beattie's Ford. Halting there, they were soon assailed and scattered by Tarleton, who took them by surprise but inflicted no serious damage. They escaped and waited till the British army had passed by in pursuit of the army under General Greene, when they again assembled and selected General Andrew Pickens of South Carolina as the successor of the lamented Davidson. This was done with such celerity that they followed hard upon Lord Cornwallis. There had been division among them as to who was the ranking officer and entitled to command, and this led to their choice of a brave and capable officer, who had been with them at Torrence's and since. This choice was made on the 11th of February, at which time they numbered seven hundred men.*

General Greene hastened from the Catawba eastward to Salisbury, with the troops under General Morgan. Huger and Williams had been ordered to meet him at Guilford Court House, fifty miles in advance. Marching with the utmost expedition, he was still pressed by the pursuing enemy and crossed Trading Ford on the Yadkin. Here again was another of those remarkable incidents, which were attributed by the grateful Americans to the interposition of a protecting Providence. The cavalry forded the stream at midnight of February 3rd, and the infantry passed in boats at dawn, with the loss of a few wagons cut off by the enemy. But the boats were secured and the river rising during the night, the British were unable to cross and were forced to proceed thirty miles up the stream to Shallow Ford. Here Lord Cornwallis learned that General Greene had effected a junction with the forces from Cheraw, under General Huger, on February 10th.†

Lord Cornwallis, above all things was desirous of overtaking and forcing General Greene to battle. Having lost ground in

*Governor Graham's Lecture, page 188.

†Lee's Memoirs, page 136; Johnson's Life of Greene, vol. I, page 429.

the race by being forced to make the wide detour by way of Shallow Ford, he still had every confidence of overtaking his flying opponent, from the fact that by way of the Moravian settlement at Salem he was considerably nearer the fords of Dan River than was Greene at Guilford Court House.* Trusting that the American commander could find no boats in time to escape, he urged on his march with all possible expedition. General Greene rested his men for three days at the court-house and then continued his retreat to Dan River. The race was now renewed for the lower ferries and Greene had twenty-five miles the start. A long and exhausting march and an eager and breathless pursuit again followed. A corps of light troops, numbering seven hundred men, was organized from the different commands and assigned to Colonel Otho H. Williams. This force, containing the corps of Lee, Washington and Howard, was kept in the rear to cover the retreat and check the advance of the enemy as occasion might require. Earl Cornwallis put General O'Hara in charge of a similar corps and there were soon collisions between the van and rear guards.† Where the fields were broad and the road straight the two armies could frequently see each other.‡ Lord Cornwallis, from the information in his possession, was confident that no passage of Dan River could be effected in time to elude him, and pressed forward with assurance of repeating the scenes enacted the year before at Camden. Neither army partook of more than one meal a day, and with but slight intervals of rest, the exhausting march was kept up for three days and nights. The English Earl was as much astonished as that ancient Egyptian king who saw Moses lead his host through the Red Sea, when he arrived and found that Colonel Carrington, the Quartermaster of the army, had provided abundant supplies of boats to speedily transfer the whole American army across Dan River, and in addition to this, Colonel Kosciusko had also constructed defences covering the place of crossing at Boyd's

*Governor Graham's Lecture, page 185. †Lee's Memoirs, page 146.

‡Wheeler, vol. II, page 171.

Ferry. As the last boat loads were securely ascending the opposite banks, the baffled pursuers came to an impotent halt, and His Lordship found himself in a complete failure.*

Thus ended this famous retreat, which, commencing at Cowpens in South Carolina, had extended over a space of two hundred and thirty miles. It was as successful as Wellington's on Torres Vedra, and has been likened to that of the Greeks under Xenophon. The brave pursuers were full of admiration for the sagacious man, who could thus extract safety from the very jaws of danger. In high strategy there was no parallel movement during the war, and it at once gave General Greene the fame of a great captain. The unhappy South, which had suffered so much from the mistakes, incaution and blunders of commanders, was at last assured that a consummate leader was heading the brave men, who had only needed military knowledge in their persistent efforts against organized and disciplined foes.

Lord Cornwallis was greatly surprised and chagrined, upon his arrival at Dan River, to find General Greene on the opposite side. He did not even know that the Americans had reached the river until he learned of their safe passage.† He now saw that no hope remained of reaching his foes; and by easy marches he went to Hillsboro, where, on February 20th, he erected the royal standard, and issued a proclamation inviting all loyal people to repair to it and assist him in restoring the King's authority. This appeal, and Earl Cornwallis' known humanity, had considerable effect upon the Regulators in the country west of Haw River and north of Deep River, where so many men had been hampered by the oaths administered by Governor Tryon in 1771.‡ He felt for a few days that he had conquered another province for the King and sent out parties to bring in the Loyalists for enrollment and other tests of attachment to the royal cause.

General Andrew Pickens, with his new command of North Carolinians and a few men of his own State, had been following

*Stedman, vol. II, page 332. †Governor Graham's Lecture, page 188.

in the wake of the invaders all the way from the Catawba. With him marched Major Joseph Graham, who had been so terribly wounded in the daring affair at Charlotte, the previous year. He had recovered and had enlisted, at his own expense, a corps of mounted riflemen.* By order of General Pickens, Graham, at daybreak on February 18th, with two companies, surprised and captured a picket at Hart's Mill, within a mile and a half of Lord Cornwallis' headquarters in Hillsboro. He at once retreated to a place of safety on Stony Creek, with his twenty-five prisoners. They had joined General Pickens and had halted for rest when the alarm was given of the approach of the enemy. They ran to arms, expecting Tarleton and his troopers, but were overjoyed to find it was Colonel Lee and his bold Virginians, who were in the advance of General Greene's army on its return in quest of the enemy. Learning that Colonel Tarleton had been sent westward with the legion, they set out in search of him. By mere chance they suddenly came upon a body of Tories, four hundred in number, who were marching to Hillsboro to take service under Cornwallis. Fully expecting to meet Colonel Tarleton, they utterly mistook the complexion of the men before them.† Colonel Lee rode along their line as they shouted "Hurrah for King George." David Fanning was present and repeatedly warned them of their mistake.‡ They were undeceived as by a stroke of lightning. Suddenly the Virginia bugles blew a charge and in a few minutes ninety of Colonel John Pyle's Loyalists were dead upon the ground and almost every man of the remainder had been struck down under the merciless sabres. Colonel Pyle had been unceasing in his incendiary efforts, throughout the war, but humanity shudders at the thought of the helpless dupes who so terribly atoned on that fatal February 25th, for any mistakes in their politics.

Lee and Pickens hurried from their slaughter of the Tories, to seek Tarleton, who was in the same vicinity. As they came in

*Foote's Sketches, page 257. †Governor Graham's Lecture, page 190.

‡Caruther's Old North State, page 152.

sight of his bivouac, they were joined by Colonel Preston of Virginia, with three hundred men. He was seeking General Greene and knew not that he was still near the Dan River. It was late in the day, and halting for rest they proposed to attack Tarleton the next day, but that sagacious partisan was gone with all his force when they sought him next morning. General Greene having refreshed his way-worn army and being re-inforced by a brigade of Virginia militia under General Stevens, re-crossed the Dan, February 23rd, and retraced his old route toward Guilford. On February 26th, Lord Cornwallis, learning of the disaster to Pyle, moved westward to Haw River to be nearer the settlements of the Loyalists, from whom he yet expected re-inforcements.

General Greene took position between the upper branches of Haw River, and re-established the body of light troops under the intrepid Colonel Williams. These were kept as a corps of observation between the two armies. In a series of manœuvres, Cornwallis' efforts to bring on a general engagement were baffled, until General Lawson arrived with a brigade from Virginia and Generals Butler and Eaton of North Carolina, with the militia of their respective districts.*

On March 6th, Colonel Williams, with the light infantry, being considerably advanced at Whitsel's Mill, Lord Cornwallis made a dash to cut him off from the main army. In this affair one of the British officers engaged gained great applause in the American camp. Captain King, with his mountain riflemen, was posted at the mill. His sharp-shooters fired thirty-two deliberate shots at an enemy, who was seen approaching with great deliberation and apparently absorbed in the movements of a body of his men, who were also in plain view. On a fine black horse, he slowly and carefully forded the Reedy Fork, while manifesting in no way his attention to the bullets that hissed so closely by. They found out that this intrepid hero, who seemed to bear a charmed life, was the brilliantly accomplished Lieutenant-Col-

*Governor Graham's Lecture, page 190.

onel Wilson Webster, who, as chief of brigade, commanded the Twenty-third and Thirty-third Regiments of the British army.*

On the 10th of March, General Greene, then at High Rock Ford, on Haw River, formed the resolution of attacking the enemy.† The American army was moved westward about twenty-five miles and camped at Guilford Court House March 14th.‡ On that day Lord Cornwallis' camp was at the Quaker meeting-house on Deep River, eight miles away. On the morning of the 15th the reconnoitring party sent out by General Greene reported the enemy advancing down the Salisbury road. He at once drew up the American army in three lines of battle. The greater portion of the country was still in virgin forest. On a great hill, surrounded by others of less dimensions, was the American force posted. The front line, composed of the North Carolina militia, under Generals Eaton and Butler and assisted by Colonel Davie, occupied a position on the edge of a wood and behind a fence which ran parallel with the woods, on the edge of which, two field pieces were posted under Captain Singleton. An open field was in their front. Three hundred yards behind these was the second line, also consisting of two brigades of Virginia militia under Generals Stevens and Lawson. The third line was four hundred yards behind the second and was at the court-house. This consisted of Continentals. The Virginians on the right, under General Huger, and the Marylanders on the left, under Colonel Williams. Lieutenant-Colonel Washington, with his dragoons, a detachment of light infantry and the riflemen under Colonel Lynch, formed a corps of observation on the right. Lieutenant-Colonel Lee, with his legion, another detachment of light infantry and riflemen under Colonel Campbell, performed a similar duty on the left flank. In this position they awaited the approach of the enemy. Lieutenant-Colonel Lee and his command were sent forward and had a severe skirmish with

*Lee's Memoirs; Foote's Sketches, page 273.

†Greene's report to Congress, March 16th, 1781.

‡Foote, page 275.

Tarleton, in which Captain Armstrong charged with his company of dragoons and cut down thirty troopers. Upon Colonel Tarleton's receiving re-inforcements, Lee, according to orders, fell back to the main army.*

Lord Cornwallis, being satisfied from General Greene's movements that he had resolved on the hazard of a general engagement, on the morning of March 15th, sent Colonel John Hamilton and his regiment of North Carolina Loyalists and others, as an escort with his wagons and baggage to Bell's Mill on Deep River. At daybreak he marched against the Americans. As he approached the field, the Hussar Regiment of Bose and the Seventy-first Regiment (Highlanders), with the first battalion of the Guards as supports, were posted under Major-General Leslie as the right wing of the attack. On the left were the Twenty-third and Thirty-third Regiments, led by Lieutenant-Colonel Webster and supported by the Grenadiers and the second battalion of Guards. The Yagers and light infantry of the Guards, under Brigadier-General O'Hara, occupied the wood on the left of the guns, under Lieutenant McLeod, and, with Tarleton's legion, were held in reserve to act as occasion should require.

The battle began at half past one o'clock P. M., by fire from the enemy's field guns. The British line moved steadily through the fields to the attack of the North Carolinians in the first line, until they were one hundred and fifty yards distant, when some of them fired on the British, but many left their places without discharging their pieces.† The guns posted in the first line under Captain Singleton were now withdrawn and the only creditable fighting done by the men there, was by the volunteers under Captain Forbis of the Hawfields. His men from the fence opened a fire which was very deadly, and only ceased when they were abandoned and in danger of capture.‡ This gallant officer was mortally wounded as they fell back. The Generals and

*General Greene's report to Congress.

†General Greene's Report.

‡Foote's Sketches, pages 275 and 275.

field officers of the North Carolina brigades did their best to restrain the retreat of their men, but all in vain!

The second line behaved far better and the Virginia militia gave the enemy a warm reception.* General Lawson on the right, in the progress of the engagement, changed front to the left and then retreated precipitately.† The left of the second line, under General Stevens, was encountered by the force of General Leslie, and fought with great obstinacy. Bose's Hessians were alternately driven and then allowed to advance until General Greene ordered the retreat of the Continentals.

Upon the retreat of General Lawson's Virginia militia, the British left under Colonel Webster, assailed the extreme right of the third line of the Americans. Here was posted the second regiment of Maryland Continentals, under Colonel Gunby. These gave way in an unaccountable manner and left at fearful disadvantage their comrades, who were bravely‡ standing their ground. At this juncture, Lieutenant-Colonel Washington made a furious charge with his dragoons upon a portion of the Guards, in which he was nobly assisted by the bayonets of the first Maryland Continentals under Colonel Granby and the command of Lieutenant-Colonel Howard. The English Lieutenant-Colonel Stewart was slain by the sword of Captain Smith and that battalion driven back with great slaughter. Lord Cornwallis saw that the day was lost unless this movement was checked. Though his own men were mowed down by the discharge of grape, Lieutenant McLeod was ordered to open the artillery upon the struggling mass of friends and foes. Thus Washington and his brave associates were compelled to retire. Their wasted ranks attested the fury of the contest and the persistence of this heroic band.‡

General Greene, seeing his brave Continentals in danger of being surrounded, ordered a retreat and Lord Cornwallis was too much crippled to follow. The troops withdrew from the field in good order and halted at Reedy Fork River, three miles from

*General Greene's Report.

‡Wheeler, vol. II, page 174.

†Foote's Sketches, page 276.

the scene of the contest. Here they were halted and drawn up until the stragglers were collected. General Greene had lost his guns, and also five hundred and fifty-two men.* The battle was opened with the number of Americans more than double the force of Cornwallis, and even after the flight of the militia, the proportion was thirty-two hundred under Greene to two thousand of the British.† On no field since the famous day at Agincourt, was English valor ever more splendidly vindicated. Cornwallis headed a band of heroes, and in the glory of that day was wiped out all that could be said to his discredit for subsequent disasters. Had he again encountered a Lincoln or a Gates his long and able strategy would have culminated in magnificent success. As it was he had met with a foeman who had deliberately prepared for the check received. Though Lord Cornwallis was left in possession of the field, he at once discovered that he was undone by the victory. Five hundred and thirty-two of his men were dead or disabled. The saddest blow of all was the fatal wound of the brilliant and renowned Colonel Webster. He had seemed invulnerable at Whitsell's Mills, when the best of marksmen so vainly sought his life, but in the midst of his assault upon the Continentals he was so wounded that he died a few days afterwards, and was buried at Elizabethtown, in Bladen county.‡ He had won the highest admiration of both armies for the uncommon nobility of his nature, and deserved as much historic reverence as has been vouchsafed the memories of Sir Philip Sidney and General Wolfe. Generals O'Hara and Howard were wounded, as was also Lieutenant-Colonel Tarleton. So great was the British loss that on the next day after the battle, the British army was put in motion for Bell's Mill, leaving the field and their wounded to the care of General Greene. The night came on with torrents of rain, and the miseries of the forsaken wretches were unspeakable. Amid the thick darkness and drenching showers arose the cries of anguish and despair. War has its pomps, and, alas! too many such horrors as these.§

*General Greene's Report.

†Governor Graham's Lecture, page 112.

‡Lord Cornwallis' Report.

§Wheeler, vol. II, page 174.

Far different was the state of affairs in the American camp. This was on Troublesome Creek, ten miles from Guilford Court House. Having rested his men for three days, General Greene deliberately moved forward again to seek a renewal of the contest. Lord Cornwallis sadly recognized that his day of strength was gone by and that safety could alone be found in immediate retreat. He who had so long struggled for a battle had now no disposition for a renewal of the conflict, and he sorrowfully turned his face toward Wilmington.

That place had been in occupation of the British, under Major James H. Craig, since January 29th, 1781.* This officer was a man of distinguished ability and had been the adjutant of General Burgoyne at Saratoga. He was knighted after the war and made Governor-General of Canada.† He came into the Cape Fear with four hundred and fifty troops, and was escorted by the British ships-of-war, *Blonde*, thirty-six guns; *Delight*, sixteen; *Otter*, sixteen, and three armed galleys. The whole fleet, transports and all, were numbered eighteen vessels.‡ This occupation of Wilmington was to be a source of great and varied suffering to the people of North Carolina. Major Craig was as heartless as he was capable. Full of contrivance, he added to large military experience, administrative ability and a vindictive memory of the overthrow of his old chief at Saratoga. He was soon to make life insecure to every prominent Whig in one-half the State, and stirred up such a war of neighborhoods, that Tarleton even was shocked and declared that if it had continued much longer, North Carolina would have been depopulated. General Alexander Lillington was posted at Heron's Bridge, with a force of five hundred men, who acted as a corps of observation, and once had their quarters broken up by Major Craig.§

‡NOTE.—General Lillington was the grandson of Major Alexander Lillington, who was President of the Council and *ex-officio* Governor of North Caro-

*Life of Iredell, vol. I, page 485; *Political Magazine*, February, 1781, page 60.

†Governor Swain's Lecture, page 134.

‡William Hooper to Judge Iredell, February 13th, 1781.

§Letter from Major Pierce Butler to Judge Iredell, March 11th, 1781.

General Greene, upon hearing of Lord Cornwallis' retreat, followed in close pursuit.* Colonel Reade, with a new regiment of cavalry, in which Willie Jones was Lieutenant-Colonel, joined the pursuit, and there were strong hopes of capturing the English army before reaching Cross Creek, but the difficulty in bringing up his fresh supply of artillery, and the approaching expiration of the terms of enlistment of the Virginia militia, induced General Greene to halt in the pursuit at Ramsay's Mills, on Deep River, where he arrived on the very day that Lord Cornwallis moved off.† At this point General Greene determined to turn from the pursuit of Cornwallis, and, abandoning North Carolina, he went south, with the hope of crushing Lord Rawdon. With Colonel Lee in charge of a van-guard of one thousand eight hundred men, the commander of the Southern army followed on April 7th.‡ Eight days later he joined General Marion on the Santee, and on the 19th the whole army encamped before Camden in South Carolina. Lord Cornwallis was completely surprised in these movements of his late antagonist and learned of them too late to aid the men whom Greene was seeking to crush. On the 25th, Rawdon attempted to surprise him at Hobkirk's Hill, but the British were received with so deadly a fire that they were driven back. Upon a fresh attack, they broke the American centre and General Greene ordered a retreat. Two days before, Marion and Lee had taken Fort Watson on the Pee Dee, and Lord Rawdon retreated to Charleston. Colonel Davie was still all-important to the cause as the Commissary-General

lina, in 1693. His grandmother Lillington was an Adams, from Massachusetts. One of her daughters married Governor Walker, and afterwards Edward Moseley. Another was wife of the first Samuel Swann. General Lillington left issue at his death, in 1786, one daughter, who married her cousin, Sampson Moseley; and a son, George, who left a son, John Alexander Lillington, who was last of his name. His daughters, Mrs. Hardin of Hickory and Mrs. Dr. Anderson of Wilmington, are present representatives of the family.‡

*Thomas Gilchrist to Judge Iredell, April 6th, 1781.

†Life of Iredell, vol. I, page 499.

‡Letter from George Davis, Esq., 1878.

of the army, and was soon after sent on business to the Legislature of North Carolina.*

Lord Cornwallis did not linger long at Wilmington. At the end of April he began his march along the course of the present railway leading northward. General Lillington's command was too small for him to confront the British force, but, with the aid of the militia, he covered the military depots of provisions, and, following upon the rear of the invaders, checked marauding and re-captured much of the plunder seized by those who were following the army for such purposes. The mounted force of the Whigs under Baron de Glanbeck, though in a great degree unarmed, was especially effective.†

As the British army approached Halifax, on the 4th of May, there was a large force of militia gathering from different quarters. Governor Nash, with four hundred men of Pitt, and a larger force from Edgecombe, and the militia of Northampton under General Allen Jones,‡ were collected for defence. The halt at Halifax was brief, but long enough for Tarleton to find out how witty and incorrigible were the cultivated ladies of that region in their attachment to the cause of independence.§ On the 14th of May, Lord Cornwallis passed the Meherrin River at Hicksford in Virginia, on his way to Petersburg.|| The hour was fast coming for his great disaster at Yorktown. He had ex-

‡NOTE.—Mrs. Willie Jones, *nee* Montfort, was as ready as she was beautiful and charming in character. She met Colonel Tarleton during the halt of the British, and, upon his expressing a wish to see the famous Colonel Washington, Mrs. Ashe, the sister of Mrs. Jones, told him he should have looked behind at Cowpens. He lost his temper and denounced Colonel Washington as an ignorant boor. Upon which, Mrs. Jones replied: "He knows, Colonel Tarleton, very well how to make his mark." She said this with a glance at Tarleton's wounded hand. The fierce Briton became so chafed that he was rebuked by General Leslie, who was also present.

*Wheeler, vol. II, page 197; Tarleton's Campaigns, pages 285—290.

†Life of Iredell, vol. I, page 503.

‡John Johnston to Judge Iredell, May 3rd, 1781.

||Tarleton's Campaigns, page 290.

hibited great ability, a dauntless courage and uniform humanity in the treatment of his foes. His last act in North Carolina was the hanging of two culprits, who had been guilty of criminal outrages on the people, contrary to His Lordship's positive orders.

The people of Albemarle had been in almost continual excitement from the time of General Leslie's occupation of Norfolk, in the fall of 1780. He was followed, upon his sailing south, by General Arnold, who had been made the commander of the expedition against Richmond. Since the death of General Philips at Petersburg, he had been in command of the British until the arrival of Lord Cornwallis. A permanent post seemed to have been established at Norfolk and Portsmouth, and General Gregory, with the militia of Albemarle country, was sent to the neighborhood to watch their movements. While thus in command of his brigade, a base and unworthy trick was played upon him by the officer in charge of the British out-posts. Several letters were addressed to him insinuating that some criminal plot was on foot between General Gregory and the writer. These were purposely sent in such a way as to fall in the hands of some of his officers. These were so duped that they arrested General Gregory on the charge of treasonable correspondence. Although he soon established his entire innocence, the humiliation of the affair pressed heavily upon his sensitive nature.* In the latter part of June, the enemy made an attack upon General Gregory's force, which was successful in driving him back, but he resolutely held his position in the same vicinity up to the time of their withdrawal from Norfolk.† General Gregory was of fine presence and fond of dress. He was noted for his pleasant manners and grandeur of bearing.

The first session of the Legislature in 1781 occurred at Halifax, on the 18th of January.‡ Their attention was mainly given

*Life of Iredell, vol. I, page 519.

†Jasper Charlton to Iredell, July 3rd, 1781.

‡Public Acts, vol. I, page 295.

to the defence of the State. Bills were passed to give more efficiency to the militia and for re-organizing the Continental battalions. These were reduced from six to four, and arrangements made for the speedy filling of their ranks. Impressment had been necessary to supply the troops. Often when paper money had been given, the exchange was still compulsory.* Auditors for each district were now appointed to examine claims, and when approved, public officers were ordered to receive them in payment of taxes. Colonel Davie's powers, as Quartermaster, were enlarged. The Board of War was discontinued and a similar body, consisting of General Caswell, Colonel Alexander Martin and another, called the Council Extraordinary, was substituted. It was further provided that in case it should be impossible to convene the Assembly, by reason of the presence of the enemy, that Governor Nash and this Council should still retain executive functions.†

There was another meeting of the General Assembly in June, 1781, at the court-house of Wake, where now stands the city of Raleigh.§ The day is not specified by Judge Francis Xavier Martin in his compilation. Thomas Burke of Orange was elected Governor, Abner Nash, the previous incumbent, having declined re-election. Governor Burke was a native of Ireland, and a man of rich endowments. He had been a physician, but had studied and practiced law with great success. He was bold, impassioned and highly intellectual. Like his generous people of the Emerald Isle, he clung to the things his heart approved, and was greatly admired and trusted by all parties struggling for the independence of America. He had been prominent in both the State and National Assemblies, and at the battle of Brandywine had left his place in Congress to share in the perils of the field. Great confidence was placed in his energy and

*Life of Iredell, vol. I, page 485.

†Governor Graham's Lecture, page 175.

‡Public Acts, vol. I, page 300.

§Life of Iredell, vol. I, page 523.

boldness, but the Legislature in its creation of the Council Extraordinary, took a step that called for his protest. He told them that if he was to be hampered by a body unknown to the Constitution he would resign the office they had conferred.*

The Assembly further passed bills to raise troops out of the militia for the defence of the State. They levied a money and specific provision tax. Also for those who had inconsiderately taken British paroles; to compel those counties which were backward in furnishing their quotas of Continental troops; for the protection of Albemarle and Pamlico Sounds from the enemy's cruisers; for prohibiting exportation of provisions; for drafting the militia to re-inforce General Greene's army; for vesting the Continental Congress with power to levy a duty of five per cent. on all foreign importations; to enable the Governor to procure tobacco for the purpose of exchange for arms; compelling all fiscal agents of the State to account for public dues in their bonds; bestowing pensions on men disabled or wounded in the service of the State, and securing all articles left by the British in the State, whether taken from citizens or others. The General Assembly adjourned in the middle of July. The act creating the Council Extraordinary expired by limitation with the end of the session and was no more revived.*

It has been related in the preceding narrative how General Andrew Pickens succeeded the gallant General Davidson, upon the death of the latter at Cowan's Ford in February. Soon after the destruction of Colonel John Pyle's Tories, Colonel Thomas Polk of Mecklenburg, succeeded to the same command. Rev. Dr. James Hall of Rowan, who had gone as General Rutherford's Chaplain in the Cherokee expedition, and who was so eminent for piety, learning and patriotism, went as the bearer of the request of the men of Mecklenburg and Rowan to General Greene, and General Polk's commission was sent him just before

*Life of Fredell, vol. I, page 523.

the battle of Guilford Court House.* His first motion in his new command had been to call out his men to resist the return of Cornwallis by the way of Charlotte and Salisbury. Upon hearing that he was gone by Cross Creek, he disbanded his force and awaited orders. There was a frightful visit of small-pox ranging along the recent line of march pursued by the British army, which was one of the many evils attendant upon their invasion. Governor Rutledge had been clothed with extraordinary powers, by the Legislature of South Carolina, and was in fact a dictator, as to the fallen fortunes of that prostrate commonwealth. He, at the time to which reference has just been made, authorized General Sumter, of his State, to raise a brigade in which the men were to equip themselves, but to be subsisted by the public and to be paid each a negro man for such service. Colonel William Polk of Mecklenburg,† Colonel Wade Hampton and Colonel Hill, all raised regiments, principally in North Carolina, for this new command of Sumter.‡ Mecklenburg, Rowan and the counties lying between Catawba and Yadkin Rivers, seemed alike exhaustless in men and patriotism. Colonel Reade's new mounted regiment of dragoons had greatly distinguished themselves at Hobkirk's Hill, as was the case with Major Eaton's battalion, (also North Carolinians) at Augusta, in which that brave spirit was mortally wounded, "who had served," said Colonel Henry Lee, "only a few weeks with the light corps, and in that short period endeared himself to his commandant and fellow-soldiers." Lieutenant-Colonel Willie Jones succeeded Governor Burke in

†NOTE.—Colonel William Polk was the son of General Polk. Like his patriotic father, he had been all the while in the service. He had been wounded at Germantown, where he won high credit for his valor. He was at the side of Davidson when he fell dead on the Catawba, and was to be long the pride and ornament of his State. Dying, he left Lieutenant-General Leonidas Polk, Bishop of Louisiana, and Mrs. Kenneth Rayner, to continue his virtues. General Thomas Polk was cousin to Ezekiel Polk, grandfather of J. K. Polk.

*General Joseph Graham's "Closing Scenes of the Revolution," *University Magazine*, June 1852.

‡General Joseph Graham's Closing Scenes.

the Continental Congress, and had not an extended experience in arms. Colonel Benjamin Hawkins of Warren, likewise was selected by the Legislature of this year to the Continental Congress, in place of Cornelius Harnett.* He belonged to a numerous family born to Colonel Philemon Hawkins, who was the Rudolph of a high and generous race. Colonel Benjamin Hawkins was entering upon a round of public business, which, like that of his young neighbor Nathaniel Macon, was to be nearly co-extensive with a long and eminently useful life.† Cornelius Harnett had met, after many years of public service, the saddest of all political disabilities.‡ Cruel and crafty Major Craig had secured his betrayal and capture somewhere in New Hanover county, and this eminent patriot, who had so strenuously upheld the American cause, soon succumbed and died in captivity. He was very old, having been in His Majesty's Council for North Carolina as far back as the time of Governor Burrington. Heart-broken General John Ashe, brooding still over the disaster at Brier Creek, an old man also, who left the field and laid down his arms and was only lagging as a superfluous veteran;—this venerable and brave man was sought out, and by corrupting his favorite servitor, Major Craig likewise effected his arrest. To add to the horrors of his long and brutal confinement, General Ashe was exposed to small-pox and contracted that loathsome

†NOTE.—Few families in North Carolina have produced so many useful men and women as were the issue of the first Philemon Hawkins and his wife Delia. Their sons, John, Philemon, Benjamin and Joseph, were all men of mark, and left descendants still of the first respectability in the State. Philemon, Jr., left seven sons and five daughters. Among the latter, were Mrs. Sherwood Haywood, Mrs. W. T. Little, Mrs. Stephen Haywood, Mrs. William Polk and Mrs. Louis D. Henry. Six of the sons were graduates of Chapel Hill. Colonel Benjamin Hawkins was, till late in life, a bachelor, but his home was ever celebrated for elegant hospitality. It became a favorite resort of many eminent Frenchmen during the troubles of that unhappy land. Among others, General Moreau found solace there, in his American exile.‡

*Journals, 1781.

†Governor Swain's Lecture, page 138.

‡Wheeler, vol. II.

disease. He was released only to die at the house of his friend, Colonel John Sampson, who lived near the present village of Clinton.*

King George was about the last man in Great Britain who consented to American independence. Major James H. Craig suited him so well that he was made a Baronet, and upon conclusion of the war, was appointed the supreme British Governor of the remnant of territory left to the rule of the obstinate and implacable old King. If Craig suited his monarch, he too, was to find a subordinate who was to realize every savage and vindictive instinct of his tyrannous heart. In the county of Chatham had lived in profoundest obscurity an humble mechanic named David Fanning. He was ignorant, but not devoid of native talent. He was fiercer and far braver than Major Craig, but in saying this, all his excellencies of head and heart are included. No wild beast ever better loved the shedding of blood, and in the catalogue of crimes, there was not one in which he was not an adept. He was swift and sly, and tireless as a wolf, and, beyond all comparison, the greatest villain America has produced. This man had now recommended himself to the commandant of Wilmington, by the assassination of Captains Duck and Dye and a murderous midnight assault upon sleeping Charles Sherry, all of whom dwelt upon Deep River. He was appointed Lieutenant-Colonel of the loyal militia and given a uniform early in the month of June, and at once commenced his career of blood.†

Upon the capture of Wilmington and the advance of Cornwallis from South Carolina, all the Tories in the broad region embraced from the neighborhood of Yadkin River to the Neuse, arose in arms against the Whigs, who had hitherto held them in such close subjugation. There were but few in all this region favorable to the American cause, and Colonel Thomas Wade of Anson, with others, went for safety to the Whig settle-

*Wheeler, vol. II, page 280.

†Dr. Caruther's *Old North State*, pages 160 and 162.

ments upon the Neuse. After Lord Cornwallis had gone North, and General Greene into South Carolina, it was concluded they might return undisturbed. Wade, with a small party accompanying his wagons and those of his friends had reached Piney Bottom, a small stream flowing into Rockfish Creek near Cross Creek, when they were set upon at night by a large band of Tories, which dispersed the men after murdering a portion, and then burned the plundered wagons. Colonel Wade aroused his friends and took vengeance upon his assailants.* This occurred in the month of May, and was the signal for the commencement of a series of reprisals on both sides, that seemed at one time could end only in the depopulation of that part of North Carolina.† Major Gainey, in the latter State, was a formidable competitor of General Marion and sometimes extended his raids across the border.‡

Governor Burke entered upon the discharge of the duties of his office as Chief-Magistrate, on June 24th, 1781. On the 16th of the next month, Fanning, with forty men, suddenly dashed into Chatham Court House, where a court-martial was in session, and captured the whole party, forty-four in number, who were sent forward by rapid stages to Wilmington, where the prisoners were confined, with the exception of one, who was paroled and suffered to return.§ His next exploit was the attack upon the house of Colonel Philip Alston of Chatham. This gentleman lived upon the Horse-Shoe bend in Deep River. He was a man of wealth and consideration, and was the commander of the militia. He had recently chased Fanning on one of his forays,

‡NOTE.—Governor Swain thought, in his Chapel Hill lecture, that this capture occurred on the 15th June. He was evidently mistaken. Dr. Caruthers gives a letter from the prisoners, dated four days after the battle, which fixes the time beyond doubt as given in the text. It was singular that so accurate a historian as the President of the State University should have overlooked this letter. He was as judicious as enthusiastic, and to his labors we are indebted for the noble tributes to North Carolina contained in the narrative of Mr. Bancroft.

*Caruthers' *Old North State*, page 384. †Tarleton's *Campaigns*, page 321.

‡Governor Graham's *Lecture*, page 197.

and it was for this that the daring freebooter, with a small force, resolved to glut his vengeance. On Sunday morning, August 8th, at daybreak, the sentinels outside of the house were surprised and captured on their posts, on the side by which the approach was effected. Those on the other side of the yard were fired upon, but escaped into the building. Fanning had twenty-four men while Colonel Alston's garrison numbered twenty-six. Mrs. Alston kept her bed, and the children stood upon tables in the fire-places, so as to be protected from the musket balls by the brick chimneys. The doors being barricaded, the force was disposed over the house, which was a framed building, two stories high. The assailants took shelter behind the trees and fences, and a continuous fire went on for hours. A British officer of the Regulars was present, and getting tired of the slow progress of matters, proposed to Fanning that they should rush from their cover and break down the doors. Lieutenant McKay sprang over the fence, with the men, for this purpose, but was immediately shot dead. This defeated the assault. A negro man with the Tories next attempted to approach the house on the side opposite to that of the attack, and he too, was disabled in his attempt to apply fire. It seemed that Alston would make good his defence, until late in the day, a sharp stratagem occurred to Colonel Fanning. A large ox-cart was loaded with hay and pushed before a party like a Roman testudo. Alston surveyed the preparation with a sinking heart. The load of hay would be a complete shelter from his rifles, and the flames must soon drive him to unconditional surrender. Mrs. Alston heard, from her refuge, the state of affairs, and with that sublime heroism so often seen in good women, when affairs are entirely hopeless, she left her bed, and unbarring the door, stood with a flag of truce to ask a parley. The firing ceased, and Fanning called to her to meet him half way. As they met she remarked, "We will surrender, Sir, on condition that no one shall be injured; otherwise we will make the best defence we can; and, if need be, sell our lives as dearly as possible." Fanning, struck with the brave nobility of her carriage and words, at once acceded to her

proposition, and the party was unharmed and immediately paroled.*

During the month of August, the Whig forces in the country infested by Fanning were ordered out and met at McFall's Mills, under command of Colonel Thomas Wade of Anson. These numbered six hundred men and were posted, on September 1st, at Beattie's Bridge on Drowning Creek, twenty miles south of the point of rendezvous. Colonel Fanning was returning from Wilmington with forty men that morning, when he learned that Colonel Wade was in his neighborhood. He at once set out in his direction and at daybreak joined the elder Colonel Hector McNeill, who had assembled three hundred men. The Loyalists numbered but little more than half the force of their adversaries, but the daring spirit of Fanning prompted an immediate attack. Drowning Creek is a tributary of the Pee Dee, and the bridge then known as Beattie's was not far from the present village of Asheboro. Wade had crossed to the eastern side of the Creek, and the Tories came southward down on the western bank. A swamp lay three-fourths of a mile east of the Creek. Across this quagmire, a causeway of poles had been made, along which would be the only line of retreat to Wade if defeated. Colonel McNeill was sent to cut him off from the bridge and eleven men were left at the swamp crossing. Fanning, with two hundred and forty men, then passed on to the attack of the Whigs. These were posted on an open hill near the end of another causeway. The Tories crossed this dangerous defile without opposition, and having dismounted advanced boldly to the assault and soon drove their foes headlong from the field. That any of the Whigs escaped was due to the fact that McNeill had not occupied the bridge. As it was, forty-four prisoners were taken and the whole command was chased from that part of the country.†

This was the first affair of any magnitude in which Colonel Fanning had the command. He and the elder Colonel Hector Mc-

*Caruther's Old North State, pages 184-188.

†Caruther's old North State, pages 171 and 172

Neill agreed to continue their forces in the field and to command on alternate days in an expedition against Governor Burke in Hillsboro.* The Scotch Highlanders, it is said, would never agree to march simply under the command of Fanning. First, because they disliked his murderous habits and also from the old traditions requiring men of their own clans as leaders in war.† Having rested their followers for three days, they set out for Hillsboro. In the late battle they had not lost a man killed and but three wounded. Colonel Wade had lost twenty-seven killed and of the prisoners, there were some who died of their wounds.‡ The Whigs were so dispirited and crushed that not only was all opposition to the enemy's advance gone, but no information was sent ahead of the approaching danger to the village, then honored as the capital of the State. Colonel Wade was no doubt patriotic and brave in his way, but this and the affair at Piney Bottom displayed his utter incapacity for all military command. On the morning of September 13th, the Tories, under Colonel McNeill, now increased by accessions to six hundred men, marched into the sleeping village and captured the Governor and his suite, besides other prominent military and civil officials, and having plundered the town, set out on the march for Wilmington.||

*NOTE.—I am indebted to Captain Guilford Dudley, now Private Secretary to Governor Jarvis, for a view of the *Southern Literary Magazine* for the year 1845. The narrative of Colonel Guilford Dudley of Halifax throws much light upon the whole movement of Fanning. Colonel Dudley had been in command of a mounted regiment for several months and was an officer of courage and vigilance. Governor Burke and General Butler desired that he should march for the lower Cape Fear, but the cavalry-men protested that they were promised that they should be kept in the Chatham country when they were enlisted, and refused to obey orders for the expedition. General Butler lost his temper and disbanded the whole command. Fanning doubtless was apprised of the trouble in the Whig camp, and availed himself of the opportunity to make a raid upon Hillsboro.

†Governor Swain's Lecture, page 183; Caruther's, page 203.

‡Caruther's, page 174.

||Governor Swain's Lecture, page 139; Judge Iredell to wife, September 16th, 1781

Many circumstances fix upon Major Craig the conception of this bold and surprising exploit. The studied indignity with which Governor Burke was treated, was alone to be devised by the malicious tyrant who disgraced the name of Britain, in the slow tortures he could devise for the best men of America. Fanning, with all his boldness, would not have gone into such peril for the capture of a man whose place could be so easily supplied, unless by orders from higher authority. The same malignant spirit that could murder, by foul imprisonment, the reverend and illustrious Ashe and Harnett, had contrived a trap by which he was to torture into a premature grave, another victim, of whose nobility he was incapable of appreciation.

The news of the raid upon Hillsboro sped upon the winds through those brave men of the Hawfields, who had, under Forbes, so nobly battled in the first line at Guilford. General John Butler had roused three hundred of his militia, and on the 14th of September, the next day after they had taken Governor Burke, the Tories found their way barred at Lindley's Mill, on Cane Creek, in Chatham county.* It was a strong position and well chosen. Old Hector McNeill would have turned back and sought safety by another route, but was taunted with cowardice by McDougal. The order to advance was given and the ancient Scot, with a full presentiment of death, moved at the head of his men, to be cut down at the first volley. His fate was concealed and, time and again, the Tories were driven back by the murderous rifles of the Whigs.† It seemed that the narrow defile was to prove a grave to all who would not surrender, when Fanning, ever fertile in expedients, crossed at a ford and attacked the Whigs in the rear. This so disconcerted General Butler that he gave immediate orders for retreat.‡ Major Robert Mebane

‡NOTE.—General Butler had always been famous for sudden retreats in the face of danger. His corps led in the race at Camden as they did at Guilford. What infatuation could have retained him in command so long, is

*Caruthers, page 208.

†Caruthers, page 209.

of Orange, the second in command, immediately countermanded this order, and facing a portion of the men to the rear, repelled the attack of Fanning and held at bay the force advancing from the north. When the ammunition was exhausted among his men, he was seen, bare-headed, distributing from his filled hat powder along the line, which was still pouring a deadly fire upon the baffled Tories. Thus, for sometime after the retreat of General Butler with a large portion of the small Whig force present, did Robert Mebane, with supreme and admirable courage, hold his place between the two lines of an overwhelmingly superior force of the enemy. Seeing his force too much reduced to effect the capture of those in his front, he withdrew by a flank movement from the field and was not pursued at all by the terribly punished raiders.* A full hundred men were slain in this bloody encounter, and many were wounded.† Of these, by far the greater number were Tories, including their commander, McNeill and Major Rains. The Whigs lost Colonel Luttrell and Major Nalls. They were in such good spirits that the pursuit was continued with the hope of recovering Governor Burke, but with no avail.

Upon the capture of Governor Burke, Alexander Martin of Guilford, who was speaker of the Senate, became, by virtue of his office, Chief-Magistrate of North Carolina.‡ He had been succeeded in command of the first North Carolina Continental Battalion, by the gallant Colonel Thomas Clark of New Hanover,

one of the mysteries of history. The men of his name were generally Regulators and it may be his influence over them, was the secret of his holding a position for which he was unfitted.

*NOTE.—Major Robert Mebane had been an officer of the North Carolina Continental line taken at Charleston, and had been exchanged recently, but his men, it is probable, had not been assembled. He was the son of Alexander Mebane, whose posterity have been so numerous and eminent in the South. They were distinguished for their devotion in the Revolution and subsequent usefulness in North Carolina. Several have filled great places in State and

†Caruthers, page 215.

‡Governor Swain's Lecture, page 139.

who was a brother of Mrs. William Hooper. He had been exchanged, and was again with his regiment under General Greene, in South Carolina. Colonel Clark was as much distinguished for courage as for military ability, and was one of the very best officers of the State.*

Elizabethtown, upon the Cape Fear River, where the gentle hero, Colonel Wilson Webster, was sleeping in his new grave, had been established by Major Craig as an out-post, and was partly under command of Colonel John Slingsby. This cultivated and reputable gentleman was an English merchant, who had been a resident of Wilmington, but was induced by Craig to assume command of Brunswick and Bladen counties. From the fair region of the Cape Fear, which had been the seat of so much elegant opulence and culture, every Whig household had been driven for refuge by the relentless espionage and cruelty of the heartless man who held command in Wilmington. Far up in Duplin and Sampson the wretched fugitives bewailed their exile and the ruin of their fortunes. About the middle of September, 1781, sixty of them, mostly cultured gentlemen, assembled under Colonel Thomas Brown, and resolved on a midnight assault on the Tories under Slingsby.† Colonel Brown had seen service under General Hugh Waddell as far back as that gallant officer's expeditions in the French war. He had been at Alamance, and Thomas Owen had also been in arms on the terrible field of

Federal rule. William Mebane of Mason Hall in Orange county, was nephew of Colonel Robert, and married Mary Wood of Bertie. Dr. John A. Mebane of Greensboro, also a nephew, married her cousin, Celia Sutton, of the same county. Dr. A. W. Mebane, father of Mrs. John Pool, was the son of the former, and the gallant Lieutenant Mebane, who was slain at Monterey, in Mexico, was son of the latter.

†NOTE.—Colonel Slingsby left a daughter, who married the first William Bingham. He left a remarkable posterity, who, with himself, have won the foremost reputation in the South as teachers of preparatory schools. Mr. Bingham commenced teaching in Wilmington, but removed to Chatham and then to Orange.

*Judge Iredell to wife, August 29th, 1781.

†Archibald Maclaine to Iredell, September 21, 1781.

Camden, and with Howe in the Norfolk expedition of 1775. They reached the river side, opposite their enemies, and found that every boat had been removed. But they were at home, and knew that by deep wading they could cross in safety. Silently they passed over with their clothes and guns above their heads. They ascended the bluff, and going up the river a mile they came to the village of Elizabethtown. In two hours from the time of their passage of the river they drove in the pickets, and following on with a rapid and well sustained attack upon the main garrison of three hundred men, they threw them into disorder. The Highlanders soon rallied to the call of Slingsby and Gadden, but the desperate onset of the cavaliers was not to be resisted. Colonel Slingsby fell mortally wounded, and Lieutenant-Colonel Gadden lay dead on the field. Brown, with great coolness, gave such orders as indicated a numerous command, composed of different corps, and the terrified Scotchmen, after losing nineteen of their number, fled in disorderly rout. Brown, Owen, Morehead, Robeson and Ervine, all manifested romantic courage in this most desperate and successful foray, which broke so completely the Tory influence in that portion of the State.*

By a general cartel, agreed upon by General Greene and Lord Cornwallis, in the month of April, there had been a full exchange of prisoners.† The Continental Battalions of North Carolina, then four in number, were filled by a return of the released veterans, who had been inactive since the fall of Charleston. They were then under the command of General Jethro Sumner, who had been constantly in the field since his assumption of the command of the "Third Continental Battalion, in 1776. His bravery, persistence and patriotism had been signalized on every field, and was soon to be illustrated in a memorable conflict. Besides the North Carolina Continentals there were two full battalions of militia.

In the early days of September, General Greene was still encamped with his army upon the high hills of the Santee. This

*Wheeler, vol. II, page 39.

†Caruthers, pages 401 and 402; Graham's Closing Scenes of the Revolution.

was about thirty miles below Camden and the same distance above Nelson's Ferry. From this position he moved with the whole army to Manigault's Ferry, a few miles above Nelson's. The British at the latter place, in consequence of this movement, retired to Monk's Corner, but returned upon finding that General Greene did not continue his advance. This last movement of the enemy under Colonel Stewart, who had succeeded Lord Rawdon in command, led to the suspicion that they entertained the purpose of crossing Santee River at Nelson's Ferry. General Greene therefore ordered Colonel Lee to cross with the legion and obstruct any such movement on the part of the enemy. In the meanwhile, the militia of South Carolina assembled in sufficient numbers on that side of the river to capture twenty of the British who had landed, and they thereupon abandoned the prosecution of their purpose, and returned to Eutaw Springs, six miles from General Greene's camp. On the morning of September 8th, the American army marched in the direction of the enemy and soon encountered a British foraging party. The front line of the Americans was then composed of General Marion's regiment, General Sumter's under Colonel Pleasant Henderson of Orange county, North Carolina, Colonel Henry Lee's legion and General Pickens' corps. These became generally engaged a mile and a half from the Springs. Pickens' men of South Carolina on the left, behaved well, breaking and readily rallying again. The North Carolina militia behaved far better than at Guilford, but Colonel Farmer, who commanded, gained no credit and greatly injured their effectiveness by unsoldierly conduct.* The second line, composed of the North Carolina brigade of Continentals under General Sumner,† the Virginians on the left, consisting of two battalions, and two battalions of Marylanders in the centre. Sumner's brigade was

†NOTE.—The three battalions constituting the North Carolina brigade were commanded respectively by Colonel J. B. Ashe, Major John Armstrong and Major Reading Blount. Colonel Ashe had been in the army since the war

*W. Hooper to Judge Iredell, October 1st, 1781.

first engaged, and then Colonel Campbell's Virginians on the left came into action and a heavy fire was maintained by these two corps for two hours. The South Carolina troops ordered to align themselves with the Virginians, bravely bore their part, and, upon the order for a bayonet charge, the enemy in that quarter broke and fled. They were pursued for several miles through their encampments, until, rallying upon a large brick house, in which they took shelter as a centre, with this and other farm houses, they were so securely posted that General Greene thought it imprudent to press them further, and withdrew his troops.* The British loss, in killed and wounded, amounted to seven hundred, and five hundred and twenty-seven prisoners, while the American loss, in killed and wounded, was four hundred and fifty-one, and seventy missing.

North Carolina furnished more than half the troops with which General Greene fought this brilliantly contested field. Three of the seven battalions of Continentals were of that State, as were also two of the militia battalions, besides Colonel William Polk's, and others in Sumter's command.† The same State lost Major Rutherford, Captains Goodwin, Goodman and Porterfield, and Lieutenants Thomas Polk and Dillon killed. Colonel William Polk and Colonel Pleasant were both wounded.‡ The two armies were nearly equal in numbers and fought with such valor as was seen in no other general action of the war, as was well attested by

began, and was highly considered. He was son of Governor Samuel Ashe. Armstrong had won high credit at Camden.

*NOTE.—The foregoing account of this battle does not agree in all respects with those of General Greene, and Colonel Lee, in his Memoirs. It is from a letter from William Hooper, who gave Colonel Davie, Captain Pendleton, aide-de-camp, and Colonel Ashe as his authorities. Like all human witnesses there is disagreement in minor, but unity in the main particulars. The field was so famous and creditable that this statement seemed entitled, from its source, to a place in North Carolina history.

†Life of Iredell, vol. I, page 499; General Graham's Closing Scenes.

‡W. Hooper to Judge Iredell, October 1st, 1781.

the great loss. About two thousand men on either side were engaged and more than twelve hundred of them were disabled. No more eloquent tribute is possible in recounting their heroism than this simple fact.

Major Craig, in his occupancy of Wilmington, was still a source of great suffering to the State of North Carolina. After his expedition to New-Bern, in the middle of August, he contented himself within his fortifications, and left to David Fanning the cruelty of executing his vindictive hatred to the Americans. Governor Josiah Martin had accompanied him in his march of devastation in the summer, and had looked for the last time upon that beautiful palace, from which he had, in years gone by, so sternly thwarted the wishes of a loyal people. A tender memory of the fair boy who had died on the eve of the great struggle, has been supposed, as the moving cause of the whole expedition.* Four hundred British regulars and as many more Loyalists in arms had formed this raiding party, which marched, unopposed, from Wilmington to New-Bern, and from there to Snow Hill, in Greene county. At that point, hearing of General Anthony Wayne's approach, with eleven hundred Continentals, they retired to the works surrounding the city at the mouth of the Cape Fear.†

Why General Lillington and his force made no opposition to this foray, does not appear. He had fully five hundred men shortly before; but he might well hesitate to encounter the larger force of Craig, as four hundred men of the column were regulars, before whom militia were at that day too often in the habit of fleeing. It may occur to some that General Lillington might also have intercepted some of the numerous parties led out under Fanning. But let it be remembered how Colonel Mosby, in the late war, baffled the vast force of the United States and for years continued his raids almost in sight of the national capital. The evil was, however, soon to be abated. General Rutherford, upon

*Governor Swain's Lecture, page 105.

†Life of Iredell, vol. I, pages 582—586.

his exchange, resumed his old command of the heroic and tireless men of Mecklenburg and the surrounding counties. His indomitable spirit had not been palsied by his long confinement at St. Augustine. By the 1st of October, he assembled fourteen hundred of his militia for the expulsion of Major Craig and his bandits from the State. Of this force, three hundred and fifty were cavalry under Colonel Robert Smith of Mecklenburg. Major Joseph Graham of the same county, with the dragoons and a company of mounted infantry, led the advance, and at Rockfish Creek, on the 15th of October, first fell in with a force of the Tories. Forty of them, under young Colonel Hector McNeill, were charged and dispersed by the gallant Graham. Following the trail of the scouting party, an abandoned camp was soon found, from which six hundred men had just fled. These were followed, to no purpose, in the swamps. They were joined by a small party of horse, under Colonel Thomas Owen, whose knowledge of the lower country must have been of great importance. Moving cautiously, they again encountered another party of the Loyalists at Raft Swamp. These were charged and routed also with a loss to them of sixteen killed and fifty wounded. This completely broke the spirits of the enemy and they fled for protection to the fortifications of Wilmington.

About this time Governor Alexander Martin visited General Rutherford's camp, with a small escort, but after a short stay, returned up the country. On October 23rd, the army left Brown Marsh about noon and Colonel Smith was sent with cavalry south of the Cape Fear; the main body having crossed at Waddell's Ferry, moved to invest the town of Wilmington on the north. The cavalry passed down the river and assailed ineffectually some of the outworks. By orders from General Rutherford, Colonel Smith detached Major Graham, with ninety mounted men, to cut off supplies being sent the British from Lockwood's Folly, on Shallot River. This party had reached Seven Creeks, near the South Carolina line, when at night they were assailed by Major Gainey, the redoubtable competitor of Francis Marion. Major Graham, though completely surprised by the sly approach of the

South Carolina Loyalists, rallied his men at once, and, with his dragoons, sword in hand, beat the discomfited assailants from his bivouac, with the loss of one killed and three wounded.

On the next day, Colonel Henry Lee of Virginia, arrived from that State with the intelligence that Lord Cornwallis had surrendered with his army, at Yorktown, on the 19th of October. This gallant officer was on his way to the South, and occasioned great joy in the camp of the Americans. On the next day, General Rutherford moved out his army to the attack, and reached Shaw's Farm, four miles from Wilmington. Two boats were sent in advance and beheld Major Craig with the last of his ships far down the river, lying at a place known as the Flats. This was the 18th day of November, 1781, and thus, after so long a period, the last vestige of British dominion had forever perished in North Carolina. With the exception of skirmishes at Moore's plantation and at Big Bridge, ten miles from the town, there had been no fighting preceding its evacuation.*

After great and persistent efforts, the last invader was driven from the soil of North Carolina. The people had been beggared in the fierceness of the struggle. Want was everywhere, and in too many households this hard life of denial had produced concession in order that Major Craig's flesh-pots at Wilmington might be reached. But at last there was a promise of deliverance. The news from Yorktown had gone out to the world and Lord North was wildly repeating at London: "Oh God! it is all over." There was now no fear that the American people would be subjected to the hard measure of Ireland's treatment

*NOTE.—The foregoing account of Rutherford's capture of Wilmington is condensed from the account of General Joseph Graham, who was an eye-witness and distinguished actor in the whole drama. General Graham's great fame as a cavalier was the fit prelude to the noble and useful career afterwards vouchsafed North Carolina and the nation. Two of his sons reached prominence in our State, and in the case of Governor Graham, a reputation even surpassing his father's was achieved. One of General Graham's daughters married Dr. R. H. Morrison, whose daughters were the wives of Generals T. J. Jackson and D. H. Hill.

by Great Britain. They not only would not tax America against the wishes of the people, but England had lost forever the fairest jewel in the crown. There have been few sadder pictures than that of aged George III., still exclaiming, in his insanity, "Oh give me back my colonies."

*NOTE.—It may be supposed that some of the foregoing strictures upon Major Craig are unduly severe, but history requires that men should be held responsible for undue harshness and cruelty in time of war. Major Craig, in a smaller sphere, was capable of all the studied atrocity which has clouded the fame of the Duke of Alva, and will in future times visit, with retributive odium, that of General Philip Sheridan, of our own day and generation.

CHAPTER XVI.

A. D. 1782 TO 1785.

Cessation of active hostilities—The British garrisons of New York—Carleton and Leslie are watched by armies under Washington and Greene—Return of Governor Burke from captivity—The story of his ill-treatment—He resumes official functions and is defeated by Alexander Martin—Complexion of the Assembly—Equity jurisdiction conferred on the Superior Courts—Colonel Davie and North Carolina troops in Greene's army—Confiscation—Land grants to General Greene and the North Carolina Continentals—Alfred Moore succeeds James Iredell as Attorney-General—Congressional delegation—Articles of Confederation—Trials of Colonel Bryan, John Hampton and White at Salisbury—Davie and Moore as advocates—North Carolina Bar in 1782—Fanning again—News of peace sent to America by La Fayette—Disbanding of the American armies—Legislature meets at Hillsboro—Prominent members—Issue of funds—Land officers of John and Martin Armstrong—Further confiscation of Loyalists' property—General Howe protects the Continental Congress against the Philadelphia mobs—Members of Congress—Official proclamation of peace—Feeling in North Carolina against the lawyers, on account of their defence of returning Tories—Colonel John Hamilton, Captain Fraser and others—Society of the Cincinnati—Death of Governor Burke—Judge Ashe and the lawyers—Assembly of 1784—Offers of the Western Territory to the United States—Bounties to the Continentals—Officers of the late line—Commissioners of Confiscation—Struggle over the repeal of Confiscation acts—General Caswell again Governor—Repeal of the cession of Tennessee—Members of Congress—John Sevier begins trouble in the West in his attempted State of Frankland—Governor Caswell's proclamation—John Tipton adheres to North Carolina—Commissioners of Commerce—Importance of the Confederation and the origin of the "Three-fifths Rule" in counting slave population.

After seven years of suffering, want and unremitting effort in the public defence came a season of rest and recuperation to the war-worn and exhausted people of North Carolina. The refugee Whigs came back to their ruined homes, and with hopeful hearts addressed themselves to the work of restoring the olden prosperity. Ravaged homes were to be re-built and the grown-

up fields cleared of intruding bushes. With Major Craig, as he sailed past Fort Johnston at the mouth of the Cape Fear, passed the last of the British invaders from a realm sanctified in the multiplied agonies and blood of the people. With the battle of Eutaw Springs, the capitulation at Yorktown, the war practically closed in America. The resentment and obstinacy of King George III. yet gave it a technical existence, but to all practical purposes a truce was understood to be the order of the day, and there was little or no bloodshed save in private brawls. Sir Guy Carleton, in New York, and General Leslie, the British commander in Charleston, were closely observed by the patriot armies and their allies, but the only notice taken of each other by the opposite camps was in stately and respectful letters sent ever and anon by flag of truce between the lately belligerent commanders.*

General Washington was strenuous in his warnings against relaxing the efforts of the different States in keeping up their armies at the two points still occupied by British troops. The wise chief feared a fatal feeling of security would mar all that had been accomplished, and that the English Ministry would be encouraged to fresh exertions by the relaxation of America.† In the case of North Carolina, there was no fault of this kind. The levies of Continentals she had sent to South Carolina were in no need of re-inforcement as to men, but the great difficulty of supply as to clothes and food could only be met by specific provision taxes and a ruinous system of impressments.‡ Under these circumstances, in the absence of available funds, the condition of the Southern Army became deplorable.‡ The suffering was terrible, and that freemen could be held in the tedious camps under such hardships was the noblest evidence of their surpassing patriotism. Heroes alone would have submitted to the slow torture and humiliation of such a life.

*Washington's Writings, vol. VIII.

†Washington to Greene, December 18th, 1781.

‡Life of Iredell, vol. II, page 2.

Governor Thomas Burke had escaped from his captors and repaired to Salem, toward the end of January, 1782. From the moment of his capture he had been subjected to studied insult and hardship. He was forced by his inhuman captors to walk the dreary roads which lay between Hillsboro and Wilmington.* Major Craig not only refused to parole him but at once shipped him to Charleston, where, in addition to the deadly miasms, he was placed among a gang of Tories upon James' Island, who soon gave him to understand that his life was to be taken by assassination.† He applied to General Leslie for a parole to his own State or some other Southern locality; or to be exchanged for an equivalent, or if both these requests should be refused, that he might be transferred to some place where his life would not be in danger. No direct answer was ever returned to his application by Leslie, but he was informed that Major Craig had made special request in his case, that he should be indefinitely detained until the end of hostilities; so that if the atrocious Fanning should be captured and punished as his crimes deserved, that Governor Burke might be on hand to suffer by way of retaliation. The man thus foully and inhumanly tortured was a high-souled and courteous gentleman. He had filled, for years, the highest places of trust in America, and was the Governor of a great State. He was used to the respect and almost adulation of society, where his culture and winning manner made him universally beloved.‡ He was the Captain-General and Commander, under the Constitution, of all the forces of the State of North Carolina, and was therefore entitled to exchange under the cartel. He was told that this only applied to Continentals and not to militia and civil officers. This was a dishonest evasion, for General Rutherford, who was captured at Cunden, in command of his militia, had just been exchanged and had put to flight this very Major Craig, who to the baseness of his cruelty was adding the crime of pre-

*Caruthers' Old North State.

†Governor Burke to Willie Jones, 1782.

‡Governor Graham's Lecture, page 200.

varication, by supplying General Leslie with arguments which only amounted to positive falsehoods.

The cruel and unjustifiable confinement of Governor Burke, and his parole only to such limits as subjected him to imminent danger of assassination, was a violation of all civilized military usages, and could only be vindicated by the sordid minds dispensing such law and equity as had been lately vouchsafed Colonel Hayne. Stung by his reflections upon the hardships and ignominy of his treatment, the brave and magnanimous Burke, knowing he was held as a hostage for bandits, yet advised the most rigorous punishment of such outlaws, without regard to consequences to himself. Worn out with the slow agony of his position, the Governor at last considered himself released from the obligations of his parole, and effected his escape to North Carolina.*

It had been expected that the Assembly would convene at Salem, in January, but for some cause this did not occur.† In the meanwhile, Governor Alexander Martin became *functus officio* by the expiration of the old Legislature, of which he had been elected Speaker. If Governor Burke had any hesitation before, as to resumption of power, he now yielded to the public necessity and again became Governor in April.‡

The Legislature met April 13th, 1782, at Hillsboro, and remained in session until May 12th. General Caswell was made Speaker of the Senate and Thomas Benbury retained the Chair of the House.§ Governor Burke had but a short lease of restored authority. His re-election was defeated by Alexander

‡NOTE.—Governor Swain asserts, on page 138 of his admirable Lecture, that Caswell was still in command of the militia of the whole State, in August, 1781, but beyond a general bureau supervision, it does not appear that he took any further part after the battle of Camden. It is a mystery that he, in such a position, should have waited till Rutherford's return for the expulsion of Craig.

*Wheeler, vol. II, page 334.

†Life of Fredell, vol. II, page 2.

‡Wheeler, vol. II, page 333.

Martin on the ground of his recent violation of his parole.* Such spotless gentlemen as Johnston, Hooper, Iredell and Mac-laine were still his unshaken friends and he found the warmest welcome in the highest social circles, but the members of the Legislature could not find it consistent with their sense of duty to condone entirely his conduct, and in so doing, they broke his sensitive heart.† He regarded their action as the omen of a perpetual stigma upon his fame and he soon sank into a premature grave. If Colonel Martin and his friends, for his own gain, thus crushed a proud and loyal spirit, he abundantly justified the contemptuous opinion entertained by Colonel Davie and the Continental line,‡ as to the old Regulator's courage and principles.§

This Legislature contained a number of new members, who were to achieve fame and usefulness. From Chowan, came Charles Johnson of Bandon, a fine country seat overlooking the noble river bearing the same name as the county he represented. He was a man of great judgment and discretion and was just entering upon a long and distinguished public career.|| Mathew Locke was the head of a numerous and wealthy family in Rowan, and was brother of Colonel Francis Locke, the hero of Ramsour's Mill. Joseph Riddick of Gates, was remarkable for his good sense and strong will. He lived to see a whole generation pass by, while a member of the Legislature. Benjamin Williams of Johnston, and afterwards of Moore, also was on his way to con-

§NOTE.—Colonel Wheeler and Mr. McRee both say Burke was Governor until December, 1782. This is a mistake. On page 17, vol. II of Iredell's Life, is a letter from A. Martin, dated June 24th, showing he was then Governor beyond all peradventure.

||NOTE.—He married the daughter of Rev. Charles Earle, who was a quasi Bishop of the Episcopal Church in North Carolina, previous to the election of Mr. Pettigrew, after the war.

*Wheeler, vol. II, page 333.

†Life of Iredell, vol. I, page 548.

‡Life of Iredell, vol. I, page 3.

sideration and public station. Edward Starkey, the son of the colonial Treasurer, sustained the family credit and that of his native Onslow, but greater than any of these was Richard Dobbs Spaight of New-Bern. He had come from the University of Glasgow just previous to the battle of Camden and was General Caswell's aid-de-camp on that fatal field.* His father was the nephew of Governor Dobbs and this young member was soon to become the most distinguished native-born North Carolinian of his day. Hooper was returned by but one vote over Major John Walker,† while General Person seemed entitled to a seat by prescription. Timothy Bloodworth, Colonel William Lenoir, General Rutherford, Nathaniel Macon, Waightstill Avery and Colonel Thomas Wade must have sadly missed Willie Jones, then far away from the old theatre of his glory; an unwilling attendant upon the Continental Congress. This was to be the only instance in a long life of his abandonment of aversion to such places.

This able Legislature saw that the condition of the State was such as to require all their wisdom and patriotism in efforts for the public relief. Equity jurisdiction was given to the Superior Courts, which had before only exercised that pertaining to the Courts of King's Bench and Common Pleas in England.‡ A new circuit was established for the western counties and the terms ordered to be held at the court-house of Burke, which was named in honor of General Morgan, the victor at Cowpens. In consequence of the numberless abuses and hardships attendant upon the system of impressments previously in use, the quartermaster and commissary departments were abolished, and County Commissioners restored.‡ The specific tax on grain and meat was increased. Governor Martin soon informed Colonel Davie, who was Commissary-General of the Southern army, that he felt it his duty to dismiss the latter's agents in North Carolina, and Davie replied: "I am sorry Your Excellency should feel a pang

*Wheeler, vol. II, page 174. †Hooper to Iredell, April 8th, 1782.

‡Judge Martin's Public Acts, vol. I, page 312.

on that subject, as they have already dismissed themselves."* The great partisan officer, who had won renown in his contests with Tarleton in the field, had shown equal ability in the management of his complex accounts, and they were settled to his and the government's satisfaction. Like General Greene, who had been for two years General Washington's quartermaster, this elegant and knightly gentleman had subordinated his love of fame to a supreme devotion to his half-famished brethren in arms.

In addition to the foregoing legislation, an act was passed directing the sale of confiscated lands and chattels belonging to certain rich Loyalists mentioned in the bill.† The proceeds of such sales were directed to be paid over by the Commissioners to the Treasurer. A reasonable portion of the real estate and chattels was directed to be left for the wives and children of any Loyalist who had such connections in the State. Robert Morris' new Bank of North America, was likewise endorsed and recognized and a heavy penalty laid upon counterfeiting its notes.‡ In view of the utter prostration of both Continental and State currency, this Legislature likewise determined upon some substantial benefit to the brave men who had been and were still in the public service as soldiers. Twenty-five thousand acres of the lands belonging to the State were granted to Major-General Greene for his great and signal deliverance of the Southern people. Six hundred and forty acres were voted also to each private, or his heirs, where in the fortunes of war he no longer lived to receive such bounty. The scale of acres rose with each rank of the army, until the Brigadiers were to receive twelve thousand acres.§

That eminent jurist, Judge James Iredell, who had so ably discharged the duties of Attorney-General since his appointment, in 1779, had recently resigned that position, and Captain Alfred Moore of Brunswick was elected to succeed him.|| This extra-

*Wheeler, vol. II, page 197.

†Public Acts, vol. I, page 308.

‡Public Acts, vol. I, page 316.

§Public Acts, vol. II, pages 305 and 306.

||Life of Iredell, vol. II, page 9.

ordinary man who was to win the loftiest honors of his new profession, had then scarcely any acquaintance with the law books.* He was the son of Judge Maurice Moore, and had joined the first North Carolina Continental Battalion as a captain. After brave service in that corps, upon the deaths of Judge Moore and his brother, General Moore, he found it absolutely necessary for him to resign, when his brother, Captain Maurice Moore, and brother-in-law, General Nash, were both slain in battle. He came to Wilmington to look after the helpless families of all those deceased relatives. Though he had left the regular army, he did not abandon the use of arms in his country's defence. At the head of a troop of light-horse, he was a source of continual annoyance to Major Craig. When the latter evacuated Wilmington, Captain Moore was effectually ruined, and it is said that compassion for his forlorn condition and the traditional renown of his family for talent, led to his selection as Attorney-General.

William Blount of Craven, with Abner Nash, late Governor of the State, was elected, as was also Hugh Williamson of Chowan, as the successors in the Continental Congress, of Samuel Johnston, Willie Jones and Whitmel Hill. Colonel Benjamin Hawkins was continued in his place there, but William Sharpe of Rowan retired to his home at Salisbury.

The Articles of Confederation had become the supreme organic law of the nation on the 1st of March of the previous year. Delaware and Maryland had at length acceded to the proposed terms of union, and the government, though loose and abortive in its nature, was at last established. This famous instrument provided in its first section that the government should be known as the "United States of America." Each of the high contracting powers was to retain its sovereignty, freedom and independence, when not expressly delegated to the new government. A league was formed for general amity and defence against all foreign powers. The citizens of each State should be entitled to the same privileges in others as were guaranteed to

*Wheeler, vol. II, page 48.

residents, and no duties should be laid upon them or their property carried into another State. Persons guilty of felony or high misdemeanors, and fleeing into other Commonwealths, should be surrendered upon the requisition of the Executive, demanding them. Records of any State should have the same force in others as at home. Delegates should be annually elected to Congress, to meet in November in every year, with the power to recall such delegation at any time and the substitution of another. Each State should have two and not to exceed seven Congressmen. These should not serve more than three in any six years; nor should a delegate be capable of holding other Federal office. Each State should pay its own delegation in Congress, and in determining questions, each State should be entitled to but one vote. There should be freedom of debate and speech and no arrests of members in going or returning, save for criminal liabilities. No State, without consent of Congress, should send embassies or receive them, or make treaties or alliances; nor should any person in Federal office receive gifts, pay, office or title from any foreign power or potentate. No two or more States should form any league without consent of Congress; nor lay imposts contrary to Federal treaties. No army should, in time of peace, be kept by any State without consent of Congress, nor should they engage in war, except in case of Indian invasion.

When forces for common defence should be raised, all officers, lower in grade than Colonel, should be appointed by the State so raising troops and such vacancies to be filled by the same authority. All charges incurred in the common defence should be paid from the general treasury, to be supplied by the several States, in proportion to the value of lands, levied by their respective Assemblies. The United States should make war and peace; receive ambassadors, make treaties, levy imports, regulate prizes, grant letters of marque and reprisal, punish piracies on the high seas and establish courts for such purposes.

In controversies between States, when the proper authorities of such contestants should petition Congress, the other side should

be notified and a day set for the hearing of the agents of the parties and Commissioners then appointed to determine the matter. In case they failed of agreement, a committee of thirteen, obtained from the whole nation, and nine of such, or at least seven, determined by lot in presence of Congress. A majority of these should determine the question. In case either party failed to appear or take part in the proceeding, the Clerk of Congress should act for such party and the finding should be considered an act of Congress, and accordingly enforced. Congress should coin money, regulate Indian affairs, establish postal arrangements and regulations for the army and navy.

Congress in its recess should leave the direction of affairs to a committee composed of one delegate from each of the States. One of them should be President of the body. No person could fill such office oftener than one year in any three. This body should ascertain what sums of money should in such *interim* be necessary for the general service, and appropriate the same as needed. They should emit bills or borrow money on the general credit, and transmit semi-annually to the several Legislatures statements of such transactions. They should have charge of the navy, and agree upon the number of troops needed from each State and make requisitions for them.

All acts of high sovereignty should require the consent of nine States. Congress should regulate the time and place of session and publish its proceedings, except in matters relating to treaties, alliances and military operations. Any delegate, upon demand, should cause the call and record of yeas and nays upon any question, and be furnished a transcript of such transaction. The Committee of States should have such powers as Congress should vest in them, with the consent of nine States. Canada should be admitted into the confederation upon pleasure, but no other community, but by the consent of nine States. All debts incurred by Congress before the adoption of the Articles of Confederation should be considered a charge on the United States. Each State should abide the determinations of Congress; and

amendments should not be effected but by action of Congress and the unanimous consent of all the States.

This was the substance of the new government agreed upon in the midst of the war of independence. That it was full of imperfections and was to lessen none of the burdens upon General Washington, was apparent to all, but time was needed for a more perfect system, and experience was yet to bring order and prosperity out of the chaos then seen in the American Union.

Attorney-General Moore had a memorable introduction to his duties as prosecutor. At the April term of the Superior Court of Rowan county, there were three indictments to be tried for high treason. Samuel Bryan, late a Colonel of a regiment of North Carolina Loyalists, with John Hampton, Lieutenant-Colonel, and Nicholas White, a Captain of the same troops, had grown desperate of the King's cause and, after the surrender of Cornwallis, had gone to their homes in the forks of Yadkin. They had been arrested and indicted, and on April 5th, 1782, a jury was empanelled and they put themselves on the country as to their guilt in the highest crime known to the law.* They were all men of position and fair character and were most ably defended. Judge Richard Henderson, who had been the associate of Martin Howard and Maurice Moore, in the times of Governors Tryon and Josiah Martin, was retained by them as leading counsel. John Penn of Granville, late a member of Congress, also appeared, with William Kinchen of Orange. But even then the greatest advocate of them all was Colonel William R. Davie, who had won in that very region so much renown as a soldier and who, at Hanging Rock, with his troopers, had almost destroyed the regiment of Colonel Bryan. Judges John Williams and Samuel Spencer tried the cause, Judge Samuel Ashe not being present at the term. They were indicted under the statute of 1777, chapter III. They were charged in the bills with every species of high treason described in the act. The evidence fully disclosed the guilt of the prisoners as to overt acts

*Revolutionary History of North Carolina, page 224.

alleged. The counsel of the prisoners admitted the facts of uniform and active assistance to the royal cause, but averred that no allegiance had ever been acknowledged by them to the State of North Carolina. They rested their case upon that of Reginald Tucker, as in point, concluding that where the State owed no protection to the prisoner, nor the prisoner allegiance to the State, there could be no treason.* Davie and Moore had just come to the bar, but far eclipsed in their eloquence, anything that had yet been heard in our court-houses. Their manner as well as subject matter was inexpressibly moving. Perhaps no other man than the hero of Charlotte would have been listened to with patience in such a speech on the occasion. There was great excitement against the prisoners, and it became necessary for the Governor to protect them by an armed guard against the threatened violence of the populace. They were convicted and sentenced to death but were pardoned, at the direction of the Assembly, by Governor Alexander Martin, and subsequently exchanged for American officers in the hands of the British.†

The bar of North Carolina was yet led by Hooper, Maclaine, Nash, Johnston and Iredell.‡ John Hay of Fayetteville, Penn of Granville, with Moore, Sitgreaves, Stokes and Davie, constituted a brilliant array. Thomas Barker, who had been leader thirty years before, yet lingered in second childhood at Edenton. John Haywood of Halifax was attracting attention to his great abilities and was petted by the once brilliant but now failing Hooper.§

There were numerous convictions and executions of the wretches who had followed Fanning. At Hillsboro, seven were sentenced at the January term.|| At Wilmington, Middleton Moubly alone was to atone for the unnumbered atrocities of that region. Fanning was anxious to make terms for himself and followers, but the authorities would consent to no arrange-

*Case for the Defence.

†Governor Martin to Judge Iredell, June 24th, 1782.

‡Caruthers', page 250.

§Life of Iredell, vol. II, page 17.

||Wheeler, vol. II, page 291.

ment with the bloody outlaws. He then wrote the Governor that if the men condemned at Hillsboro were executed he would take terrible vengeance. He was as good as his word. On Sunday, March 10th, he murdered Andrew Balfour, a prominent citizen of Randolph, and then proceeded on his bloody work of killing and burning, until his victims were numbered by scores. It seems passing strange that such a man could so defy the whole authorities of the State and for more than a year repeat atrocities which are simply sickening in their recital. Neither sex was safe from his infernal machinations. He could seduce respectable women, and murder them when he tired of their society, and, months after almost every vestige of armed support of the King had disappeared, he was still at his work of death and destruction. He lingered in North Carolina, safe, when the Tories were hanging other men who had induced their deluded followers into support of the failing cause of Britain,* and finally withdrew, unharmed, to South Carolina. From Charleston he went to Canada, and afterwards to St. Johns in New Brunswick, where he was convicted of rape upon a little girl and barely escaped the gallows. With unnumbered murders on his soul and foul with the commission of every crime which usually leads to capital punishment, this monster survived to a venerable age and died on his bed.†

There was general expectation that Charleston would be evacuated and the whole British force in America concentrated at New York. Flag-boats, passing from New-Bern and Wilmington, were means of much speculation by sharp-witted parties in North Carolina, and slowly the great destitution of the previous year was being removed. As the year closed in, news arrived of the provisional articles signed at Paris, November 30th.

King George had at last relented, and there was now no doubt that peace was to come at last to the land wasted by so many years of war. Dr. Franklin, John Adams and John Jay were

*General Washington to La Fayette, January 4th, 1782.

†Caruthers' Old North State.

arranging with David Hartley, as the British plenipotentiary, a definitive treaty of peace and amity between the two nations, still bound by so many bands of blood, if not of good will.

The new year of 1783 came upon the armies and people of America awaiting the results of negotiations in Europe. General La Fayette sent a ship, which brought the first news of the preliminary treaty to Philadelphia, on March 23rd,* and the cessation of hostilities was proclaimed from General Washington's headquarters, April 19th. On the 23rd of the same month, General Greene was authorized to grant furloughs to the North Carolina troops. They were indignant at the want of supplies and the slow motions for their redress, but knowing the utter emptiness of both Continental and State treasuries, they left to happier times the proper acknowledgment and satisfaction of their great and magnanimous services.† They returned to their homes in small parties, without disturbance, and were true to the high hopes and fame awaiting the State as a peaceful and law-abiding community.

The Legislature met at Hillsboro, on April 18th. William Hooper, so long in the public councils, was defeated this year. He had removed to Orange, and in his new home suffered by the incautious speeches of his friends. This eloquent and sagacious man was distanced by Colonel Thomas Farmer, as the member for Hillsboro. The blow must have been all the more annoying from the fact of his adversary's conduct at the battle of Eutaw Springs. The two brothers, Colonels Charles and Joseph McDowell, with Waightstill Avery, represented Burke. Joseph McDowell was to become as conspicuous in his usefulness while a civilian as he had been for bravery and good conduct in the field. General Gregory from Camden, William Cumming from Chowan, Benjamin McCulloh and Colonel Geddy of Halifax, Benjamin Smith of Brunswick, and Alexander Mebane of Orange, were new members, and were to achieve at least respectability as legis-

*Washington's Writings, vol. VIII, page 408.

†Life of Iredell, vol. VI, page 54.

lators. Governor Caswell again presided in the Senate, and Edward Starkey of Onslow, in the House. Mr. Starkey was the son of John Starkey, who had been so conspicuous in the times of Governors Dobbs and Tryon. He much surpassed his father in parliamentary ability.*

The first act was for emitting five hundred thousand dollars. This sum was necessary to meet the current expenses of the State government, for redemption of bills in circulation and for advancing to the Continentals a portion of their pay and subsistence. Colonel Geddy of Halifax, and Captain James Gillespie of Duplin, were to superintend the printing, and John Hunt and Benjamin McCulloh were made Commissioners to sign and deliver the notes to the Treasurer.† Memucan Hunt, as Public Treasurer, was to receive the bills, which were legal tender for the payment of all debts.‡

The second act was for the establishment of a land office in the western territory belonging to North Carolina and for sale of lands in the limits stretching from Cloud's Creek in the Virginia line to the Mississippi River and southward of such northern limits. This office was located at Hillsboro. Colonel Martin Armstrong, who had so greatly distinguished himself both at Camden and Eutaw, was made Surveyor.§ Anthony Bledsoe, Absalom Tatom and Colonel Isaac Shelby had been previously appointed Commissioners to lay off lands for the Continental officers and men, and were also allowed certain rights of entry in Davidson county, as a portion of their remuneration. This step was due the brave men who had participated so nobly in the war, but was to drain North Carolina of much of her best blood. As the lands were located it soon became customary for the men thus benefited to settle upon their possessions in Tennessee. Governor Martin and David Wilson were granted two thousand acres, under the same bill. For the convenience of the returned Continentals, Willie Jones, Benjamin McCulloh and Henry Montfort,

*Journals.

†Life of Iredell, vol. 2, page 46.

‡Public Acts, vol. 1, page 320.

§Public Acts, vol. 1, page 326.

all of Halifax, were constituted a commission to settle there the soldiers' accounts, which had been previously done at New-Bern, by James Coor, John Hawks* and William Blount.†

The next statute related to the depreciation of public funds and arranged a scale thereof. Acts of indemnity and another of amnesty and oblivion, were passed, in which David Fanning and two others were excepted by name. These were followed by others to suspend executions; to protect certain citizens in titles to slaves, who had acquired them from the Governor of Georgia for dragoon horses, to be used by troops of that State; to forbid judgment bonds; to amend the assessments on Quakers and other non-combatants; to empower County Courts to appoint solicitors to prosecute in the same; in relation to the poor; appointing a comptroller, and others of less moment.‡

This was an extremely able and important Legislature. It met only once that year, but accomplished much good in the disordered condition of affairs. The army in South Carolina merely observed the British at Charleston until the evacuation of that place. The only event there worthy of historic mention was the unfortunate death of the brave and accomplished Colonel John Laurens, who had shared with Colonel Alexander Hamilton so largely the confidence and admiration of General Washington. The terms of the British treaty were already exciting comment and division.§ The best of the lawyers and many of the most intelligent of the people were for fulfilling the stipulations as to the unhappy and mistaken men who had sided with the King. The heat of the conflict had been too great for wise counsels in that delicate matter. Too much blood and ruin had been witnessed as the consequences of the political sentiments of the refugee Tories, for the triumphant Whigs to listen to the

*NOTE.—Mr. Hawks was the grandfather of Bishop Hawks, Dr. F. L. Hawks and the late John S. Hawks of Washington, North Carolina.

†Public Acts, vol. I, page 326.

‡Martin's Public Acts, 1787.

§Life of Iredell, vol. I, page 69.

proposal of their return. In the wise and patriotic resolutions of Chowan, even Judge Iredell could not forbear the expression of a fixed determination that such men should no longer inhabit North Carolina.* The great political desideratum was the allowance by the State of a sufficient fund for the support of the general government, and the means of payment on the accrued interest of the war debt. General Washington, in his letter to Governor Martin and the other chief-magistrates of the States, delivered one of the wisest and most patriotic of valedictions, but it fell upon listless ears.† The helpless Congress, while empowered to borrow money and contract debt, could not levy a dollar of revenue. In their helplessness they were jeered and driven from Philadelphia by brutal mobs, until General Robert Howe, as the latest of his military feats, was sent by General Washington with five battalions to subdue this refractory spirit and protect the National Legislature.‡

Governor Martin was again selected by the Legislature as the Governor of North Carolina for another year. It is singular that he should have counteracted and overcome the antipathy of so many leaders of the Continentals, who disliked his course in the field. He was a man of ability and of great address.§ He was literary in his habits and became a Doctor of Laws by action of Nassau Hall. He was more successful in State matters than in pursuit of the muses, but his early attention to matters of North Carolina history was valuable and is yet remembered.||

Benjamin Hawkins, Abner Nash and Hugh Williamson were continued as members of the Continental Congress, but Richard

‡NOTE.—Governor Alexander Martin lived on Dan River in Rockingham county, after its erection in 1785. He was a rich bachelor and much given to hospitality. His brothers were numerous. Colonel James Martin was able and prominent and lived near him.

*Life of Iredell, vol. II, page 62.

†Washington's Writings, vol. VIII, page 439.

‡Washington's Writings, vol. VIII, page 458.

||Wheeler, vol. II, page 182.

Dobbs Spaight of Craven succeeded William Blount of the same locality.* The latter was an able and popular man, but Spaight was one of the foremost men of that age. Three years before he had arrived in the State from his studies abroad, and was already a leading mind among so many able and experienced statesmen. Dr. Williamson of Edenton had been Medical Director on General Caswell's staff, at Camden, and was a man of varied learning. He added a brilliant elocution to profound acquirements and was greatly respected in the National Legislature.†

On the 14th day of January, 1784, the glad tidings of peace and independence which had for a year past been confidently expected, were authoritatively proclaimed by Thomas Mifflin, President of the Continental Congress, and the United States assumed its position among the nations of the world. In the mercy of God the seven years of war were all gone by. A new people, baptized in their best blood, were about to commence the solution of many new problems in human government. Mankind, already attracted by the grandeur and unselfishness of Washington, awaited further developments in his character, and acknowledged that in him, and those assisting him in laying the foundations of the new government, the dignity of the human race was magnified. That he and his co-adjutors could so completely forego all the usual promptings of selfishness and vanity, was a spectacle as novel as inspiring. Great poets sang the praises of the hero; philosophers applauded, and the dumb millions in Europe in vain emulation slowly incubated the coming horrors of the French Revolution.

As the certainty of peace and independence became fully established, the violence of feeling against the refugee Loyalists momentarily deepened. There were many who looked to the lawyers for establishing their right of return under the treaty. This had provided that they should be unmolested, and good faith, if not humanity, should have drawn the veil of oblivion over the barbarities, so abundantly practiced on both sides. But

*Journals of Congress.

†Wheeler, vol. II, page 91.

in those sections of the State which had suffered most by the incursions of the Tories, there was an unbending determination that their old enemies should no more enjoy the privileges they had forfeited by their bloody opposition to the general will. The murders and desolation wrought by Fanning were not forgotten now that America had made good her resolution to be free. They could not forgive the desolation of whole districts ravaged by men more merciless in some instances than their savage allies in the western wilderness. This feeling was not universal. When the soldiers came home in triumph from accomplished victory there were many instances of generous and noble forbearance in the victors.*

North Carolina had drained the bitter cup of war to the very dregs. The scenes of horror through which they had passed were still present in the memories of many sufferers. The forgiveness of injury is the noblest, but most difficult of human virtues. The refugee Tories, as they returned, frequently found bitter welcome. It was in vain that Judge Iredell and the legal men of the State appealed to the General Assembly to fulfill the requisitions of the Continental Congress in regard to the recent stipulation. It was in vain that the lawyers argued that national engagements in treaties were a portion of the law of the land. The gentlemen of the Bar only incurred popular odium, and the acts of confiscation were triumphantly passed. Our fathers were

*NOTE.—Hertford celebrated the return of her soldiers with songs and rejoicing. Colonel Hardy Murfree was honored with a grand ball at the house of Captain Lewis Meredith. He had fought through the war with conspicuous gallantry. In many portions of the State there was much bitterness manifested against men lately in arms for the King, but this feeling did not obtain foothold there. In the treaty of peace, America had agreed that our people should not molest or vex by forfeitures the unhappy and mistaken Royalists. Captain James Fraser, who had led his Tory company through the war, returned to his old place on Aloskie Ridge and resumed his mercantile business. There he lived and regained much of his popularity. His ancient comrade and friend, Colonel John Hamilton, continued to visit him for many years. His son, John Hamilton Fraser, became a favorite of our people and was often honored with the public confidence. Nothing could be more significant of the forgiveness and magnanimity of the Hertford people.

but men and acted as resentment dictated. In this single matter of justice to fallen foes, they fell short of the highest claims of duty and magnanimity. In all other respects their conduct was admirable beyond all human precedent. They did not surrender the empire they had won to selfish uses of their leaders, but kept it inviolate as a sacred trust for the benefit of posterity and the world at large.

Colonel John Hamilton returned to Halifax and not only successfully resumed his mercantile operations, but his ancient friendship with the leading men of the new commonwealth. Willie Jones and others of that community, were, as of old, his intimate associates and the war and its incidents were discussed with a freedom that sometimes led to amusing incidents.*

In the grave and important issues before the people of the State, there was, unfortunately, a struggle evolved between the lawyers and those who had filled important military commands in the army.† There were, as a general rule, strenuous efforts made against the return of the Tories and that popular prejudice used as a lever to oust the influence of some who had largely directed public opinion during the war. They had formed the Society of the Cincinnati, and this body met in Philadelphia, in May. General Sumner presided at the State meeting at Hillsboro, April 13th, and appointed Colonel Archibald Lyttle, Major Reading Blount,‡ and Major Griffith J. McRee as delegates.

*NOTE.—At a large dinner party, at which General Thomas Eaton was present, the conversation turned upon General Ashe's defeat at Brier Creek. Hamilton told of Eaton's headlong retreat and produced his captured boots, amid great merriment and the angry discomfiture of the latter.

‡NOTE.—Major Reading Blount was the brother of William, John Gray, Willie and Thomas Blount. He lived in Edgecombe, where he was highly considered for public and private virtues. He was in command of one of the North Carolina Continental Battalions in the bloody battle of Entaw Springs, where he displayed the usual courage and skill he had been previously manifesting in the course of the war. Major McRee was likewise a most gallant

†Life of Iredell, vol. II, page 81.

This organization of the late officers was viewed by many with distrust as to its aims.

Ex-Governor Burke died a few days before Christmas, and there was much regret at his untimely death. He was on his way to attend Edenton Court, whither he persisted in going, contrary to the advice of all his friends. He was an able and versatile man, and was greatly missed in legal and social circles. He was soured and made reckless by the unfortunate turn of his escape from Charleston, and was truly an object of pity, as broken in spirit, and weighed down by physical disorders, he found release from so many earthly ills.

The elections to the Legislature occurred in March, and in many instances were warmly contested. The great questions were the British treaty, altering the terms of the Confederation, assistance by a levy of five per cent. on foreign importations in favor of the Continental Congress, and a general feud between the lawyers and those of the late army officers, who had embraced the legal profession.* There were also animosities between the Bench and the Bar. John Hay of Sampson, and others, were seeking to drive Judge Samuel Ashe from the high place he held, and his strong spirit met the issue with a courage that had been long traditional in the family.† There were numerous pamphlets and squibs issued from the press, in which personalities abounded.‡ Hay went to the length of preferring charges against Judge Ashe, and demanding his impeachment, but he was most signally defeated, and His Honor triumphantly vindicated by the Assembly. John Hay was among the best of

and skilful soldier. His grandson, the late Griffith John McRee of Wilmington, inherited his talents and social gifts, and deserves the lasting gratitude of the State for his very valuable labors in the production of the life and correspondence of the first James Iredell.

*Life of Iredell, vol. II, page 81.

†Our Living and Our Dead, November, 1875, page 638.

‡Hooper to Iredell, March 15th, 1784; Hooper to Iredell, March 16th, 1784.

the lawyers, but was even more irate than Archibald Maclaine, and was rarely without a quarrel upon his hands.*

The Assembly met at Hillsboro, April 19th. General Caswell in the Senate, and Thomas Benbury in the House, were the Speakers. The greatest men of the State, as a general thing, were in this Legislature. Samuel Johnston, William Hooper, A. Maclaine, William Blount, Nathaniel Macon, Charles Johnson, William Lenoir, Thomas Person, Joseph Riddick and Alexander Mebane had all won prominence by previous service. There was also an unusual array of brilliant men who were serving for the first time in the Assembly.

The most conspicuous of these was Colonel William R. Davie, who that year served for Northampton, where he had recently married Sarah, the daughter of General Allen Jones. Perhaps in splendor of diction and greatness of manner he has never been equaled in North Carolina. John Baptiste Ashe of Halifax, was also a man in every way remarkable and worthy of his lineage. He had served with great credit as a Continental officer, through the war, and was second in command in General Sumner's brigade at Eutaw Springs. Colonel Ashe was the son of Judge Samuel Ashe and had married the sister of his colleague, Henry Montfort. John Hay of Sampson, too, was a new member, as was Stephen Cabarrus of Edenton. This generous, able and devoted man was French by birth and was to become a great and lasting favorite with all sections of the State.†

The most important legislation was in acts for vesting power in the United States to levy a duty on foreign merchandise; another levying a tax, and for investing the general government

*NOTE.—Mr. Hay, the next year, removed from Sampson to Fayetteville. He married the daughter of Colonel Rowan, late President of His Majesty's Council for North Carolina. His daughter was the first wife of Judge William Gaston. He was fond of literary employments, but, like Governor Alexander Martin, did not leave anything which the world was unwilling to let die.

†Journals and Life of Iredell.

with power to collect the same and another for ceding the western territory belonging to North Carolina to the United States, and empowering the State's delegates in Congress to execute a conveyance. In consequence of this most princely munificence, it was further enacted that until Congress should accept the gift tendered, the sovereignty and jurisdiction should remain unaltered. It was further ordained that Colonel John Armstrong, the State's Surveyor-General, should suspend his sales and that no entries since May 24th, 1784, should be valid. The land office for locating grants to Continentals should be removed to Nashville on the Cumberland River. The cession to the United States was not to interfere with these bounties to the soldiers, and they were further to receive from Henry Montfort, Ben McCulloh and John Macon, another installment of the sums due them under the engagements of the Continental Congress. The grant of twenty-five thousand acres of the public land to General Nathaniel Greene having been located on the southern bank of Duck River, an act was passed and the Seal of the State ordered to be affixed to the grant.

As a further benefit to certain distinguished officers, late of the North Carolina Continental line, it was enacted by this Legislature that the following Commissioners should proceed to sell the confiscated lands in their respective districts. In the district of Morgan, John Walker was appointed; in that of Salisbury, Charles Bruce; in that of Hillsboro, Archibald Lyttle; in Halifax, Nicholas Long; Edenton, Hardy Murfree; New-Bern, James Armstrong, and for Wilmington, Griffith John McRee.* All of these were of approved gallantry during the war, and it was intended that the commissions on the sales of confiscations should

NOTE.—Major G. J. McRee was Collector of Customs at Wilmington after the war. His wife was Miss Fergus. He left several sons. One was Colonel William McRee, United States Army; another was G. John McRee, and Major Samuel McRee, Quartermaster-General of Scott, in Mexico. Dr. James

*Public Acts, vol. 1, page 374.

accrue to their benefit. There were some who grumbled heavily at their acts, but the hardship of their offices were due to the law and not to the brave men who executed it.*

The acts in relation to descents, wills, administrations and inspections were all of great importance, but were far less absorbing in interest than the proposition to concur with the recommendatory article of Congress. The eighth provision of the treaty of Paris was, that "Congress should earnestly recommend the several Legislatures" to provide for the restitution of all estates, rights and properties, which had been confiscated, belonging to real British subjects; and also of the estates, rights and properties of persons resident in districts in the possession of His Majesty's arms, and who have not borne arms against the United States; and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavors to obtain the restitution of their estates, rights and properties, as may have been confiscated; and that Congress shall also earnestly recommend to the several States a reconsideration and revision of all acts or laws regarding the provinces, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail; and that Congress shall also earnestly recommend to the several States, that the estates, rights and properties of such last mentioned persons shall be restored to them, they refunding to any person who may be in possession, the *bona fide* price (where any has been given) which such person may have paid on purchasing any of the said lands, rights or properties since

F. McRee married Mary Ashe Hill, daughter of W. H. Hill and granddaughter of General Ashe. He was father of Dr. James F. McRee and Griffith J. McRee, the author of Iredell's Life, and husband of Penelope Johnston Iredell, daughter of Governor Iredell.

*Maclaine to Iredell, vol. II, page 138.

the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements or otherwise shall meet with no lawful impediment in the prosecution of their just rights.”*

Ex-Governor Nash led in the opposition made to the proposition to accede to recommendations of Congress. General Ruthertford strenuously followed on the same side. He denied that Governors Tryon and Martin, H. E. McCulloh or Sir Nathaniel Dukinfield were British subjects and covered by the treaty.† He denounced these men as “imps of hell.” Hooper, Willie Jones, Johnston, Cummings and Maclaine were all eloquent to no purpose. Upon a division, there were ten men in the House of Commons to follow in the lead of the able and influential magnates so long accustomed to control all parties in North Carolina. It may be that human selfishness and resentment are to triumph for all time over the high and unselfish love of right which refuses to punish individuals for the sins of whole nations and communities, but it will be at an age subsequent to our own, as was witnessed in the late war between the States. There were doubtless many men in England who looked with sympathy upon America in her struggles. Just as there were those who preserved fealty to the King even while living in peace with the Whigs of North Carolina.‡

‡NOTE.—Amid the general rejoicing of the Hertford people over the return of peace and the accomplishment of independence, Captain Fraser was not alone in his repining. Another and better man shared in his grief at the overthrow of the royal cause. John Brown of Cuttawiskey Marsh, was not noisy in his politics, but still in his heart even to the day of his death, remained loyal to King George III. He was in every way a remarkable man. Of gentle lineage and considerable culture, he had been for many years during the reign of George II., conspicuous as an officer of grenadiers, until disabled by honorable wounds, from future service. Major John Brown, after the Culloden campaign, was retired on half pay as an officer of the British army. He came to America and sought a home among his kindred living near St. John's. He married Sarah, the eldest daughter of Colonel Matthias Brickell. When the Revolu-

*Fifth Article of Treaty, Revised Statutes North Carolina, vol. II, page 33.

†S. Johnston to Fredell, May 1st, 1784.

The General Assembly having adjourned from Hillsboro, June 2nd, was again convened at New-Bern, October 22nd. Governor Caswell was again chosen to preside in the Senate, but William Blount of Craven, late a member of Congress, succeeded Mr. Benbury in the House of Commons, as Speaker. There was but little legislation at this short session. The late act of cession of the western territory to the United States was repealed, in consequence of the selfishness of Massachusetts and Connecticut, in obtaining for their own use large portions of the lands also ceded by Virginia and New York. Their conduct threatened to divert the bounty of the States which were the beneficiaries of the nation into that of certain communities, whose titles were at best but flimsy.*

General Caswell, the Speaker of the Senate, was again chosen Governor of the State by a majority of thirty votes, on joint ballot, over ex-Governor Nash.† William Blount and John Sitgreaves of Craven, Timothy Bloodworth of New Hanover, Adlai Osborne of Rowan, and Charles Johnson of Chowan, were chosen as delegates to the Continental Congress. Colonel Leach, Jonathan Hawks, Martin Armstrong and James Kenan were elected Councillors of State.

North Carolina's offer to make a free gift of her western lands not only proved abortive through the selfish cupidity of the New

tion came his children had reached maturity. One of his daughters, Sarah, had married Godwin Cotton of Mulberry Grove, who was whole-hearted in his support of the patriot cause. This was a great grief to Major Brown. But a more cruel blow came in the defection of his son, John. He left the paternal roof and volunteered in a Virginia corps. Under the immediate command of General La Fayette, he rose to distinction and became a field officer. His father never forgave him, and after the war he removed to Georgia.

A sad figure was that of Major John Brown in the year of 1784. The gray-haired and disabled veteran was stern and unforgiving amid the pervading joy that surrounded him. In spite of his politics he was highly respected and utterly unmolested by those opposed to him in sentiment. Though he was a high Churchman and Royalist, one of his nearest kinsmen was the follower of George Fox, whose posterity are Quakers to this day.

*Public Acts, vol. I, page 368.

†Life of Iredell, vol. II, page 113.

England States but resulted in trouble and misfortune to the people inhabiting the territory intended to be conveyed. Disregarding the repeal of the act of cession, they met in Jonesboro, December 14th, 1784. In this convention, composed of five delegates from each of the counties of Davidson, Greene, Washington, Hawkins and Sullivan, John Sevier, who had been one of the heroes of King's Mountain, was made President, and they formed a Constitution. They called the new commonwealth "Frankland" and left their work to be rejected or ratified by another body fresh from the people. This new convention met at Greenville, in November of the following year, where the action of the first was affirmed. Colonel Sevier was chosen Governor; David Campbell, Joshua Gist and John Henderson Judges of the Superior Courts; Langdon Carter, Speaker of the Senate, and William Cage, Speaker of the House of Commons. Other officers, civil and military, were also appointed.*

Colonel John Sevier, who was head and front of this whole movement, was brave but not a wise man. He and his party knew of the violent course of the men of Vermont, who, by effrontery and undisguised overtures to the British enemies, had procured the Continental Congress to side with them and had thus triumphed over the States of New York and New Hampshire. At the Jonesboro convention he had read to that body a letter from Joseph Martin, who had just returned from his seat in the North Carolina Legislature, which informed them that the General Assembly had granted them a Superior Court, enrolled their militia and appointed him a Brigadier-General. He warned them to desist from their revolutionary proceedings, as all their former grievances were redressed.† The expectant Governor of the new community would listen to no such advice, and he proceeded to arouse the people to perseverance in what they had undertaken.

North Carolina was then ruled by a statesman and soldier of consummate ability and experience both in council and the field.

*Wheeler, vol. I, page 93.

He was ever aligned with the foremost men of America in the most advanced views as to human liberty. But he saw in this movement, a repetition of a dangerous and ruinous precedent for the peace of the States. Vermont had already set the example of a mob triumphing over a sovereign and organized State. He resolved that constitutional law and order should be upheld. On the 14th of April, 1785, he issued a proclamation against "this lawless thirst for power." In a paper of great force and clearness, he stated that the deed of cession had been repealed, and that such repeal had been voted for by the men then engaged in revolt against the lawful authority of North Carolina; that the State had ever manifested a tender regard for the peace and interests of the western people. He denounced the whole movement as an inexcusable usurpation, in which the general government could receive no benefit, and could only result in the loss of revenue to North Carolina, and defiance to lawful authority. He warned the people against obedience to the revolutionists. He informed them that the State Legislature would soon be in session, before which the unlawful acts would be laid, and if they desired separation the terms could then be lawfully arranged. In case this advice was disregarded, he warned them that "the spirit of North Carolina was not so damped or her resources so exhausted but the means, even to blood, would be used to reclaim her refractory citizens, and preserve her dignity and honor."*

Governor Caswell's proclamation was disregarded, and Colonel Sevier and his party persevered in their course, while Colonel John Tipton headed the men who were for heeding the mandates of lawful authority. Courts were held by both parties. Officers were multiplied by the revolutionists to make restoration of the old order impossible.† Tipton dispersed Sevier's court in Greene, and soon after these two champions of opposite factions had a personal rencontre at Greenville.‡

*Governor Caswell's Proclamation, 1785. †Haywood's Tennessee, page 150.

‡Wheeler, vol. I, page 95.

The General Assembly met in New-Bern, November 19th, 1785, and selected ex-Governor Alexander Martin as Speaker of the Senate and Richard Dobbs Spaight for the Chair of the House.* Samuel Johnston was succeeded by Dr. Williamson, and Charles Johnson by Michael Payne, as members from Chowan. Robert Montgomery of Hertford, who was to continue for a whole generation as a member, was serving for the first time, as was wise and quiet Jesse Franklin of Wilkes. An act of amnesty was passed as to the recent western disturbances and the people of Washington, Sullivan and Greene counties, which seem to have been those principally engaged in the movements, were assured that the State by no means disregarded their welfare, but was willing to afford them protection until such time as they, from wealth and numbers, should be in fit condition for separate government.

Josiah Collins, William Littlejohn and Joseph Blount of Edenton, John Wright Stanly of New-Bern and Spers Singleton of Beaufort, were made Commissioners of Commerce for their ports of entry, with powers to order surveys and erect beacons and to direct enough of the public imports to pay the expense thus incurred. The Commissioners were ordered to pay the remainder of the amounts due the Continentals, and western men were added for convenience of those living remote from Halifax, where the old Board of Audit held its sessions. The new Commissioners were David Vance, Edward Hunter and Russell Jones, and were to sit at Morganton in Burke.† Governor Nash, William Cumming of Chowan, and William Blount of Craven, were added to the old Congressional delegation. Mr. Cumming was a lawyer of some position, but was chiefly noted for the splendor of his attire.‡

Each day was showing more clearly the incompleteness and crudity of the Articles of Confederation. The general government could borrow money and create debt, but could not levy a

*Public Acts, vol. I, page 406. †Public Acts, vol. I, pages 394—398.

‡Life of Iredell, vol. II, page 209.

dollar except through the agency of the individual States to meet such liabilities. In the assessment on the several States for general burdens the only criterion for the different proportions was the relative value of real estate. There was now a proposition to change this article by substituting population for the test of real property; the white people and free blacks to be counted according to number, but slaves only as three-fifths of the whole. This was to be a lasting idea in the general polity of the nation, and the rule, though arbitrary and without substantial reason for its adoption, was to be a compromise of opposing interests until, in accumulated wrath and contention, it disappeared in the wreck of 1861.*

*Public Acts, vol. II, page 345.

CHAPTER XVII.

A. D. 1786 TO 1789.

Jealousies among the States—Results of American confiscation—Distrust of the Cincinnati—The Annapolis Convention—Assembly meets at Fayetteville—James Coor and J. B. Ashe Speakers—Military force for Tennessee—Delegates to Philadelphia National Convention—Death of General Robert Howe—Members of Congress—Leaders in the Legislature—Governor Caswell and the political status—The Federal Constitution—The fraud trials at Warrenton—Wilmington duel—Judge Ashe denies the omnipotence of the Assembly and declares an act unconstitutional—Increase of party feeling—Judge Iredell and others in the Hillsboro Convention to consider the Constitution—Its defeat—Samuel Johnston becomes Governor—Assembly calls another Convention, which body should fill the seat of future State government—Legislature meets at Fayetteville, as also the Convention—Governor Johnston again presides in the latter—Ratification—Johnston and Hawkins, United States Senators—Death of General Caswell—Mussentine Mathews—Legislation—Cession of the western territory—Establishment of the University of North Carolina.

Four years had nearly gone by since the cessation of active hostilities in America, when the year 1786 came to North Carolina. Much had been accomplished in the removal of British restraints from the limbs of the young giant of the wilderness, but with the loss of foreign control came abundant sources of jealousy and contention among the States composing the new confederation. Because North Carolina and others had disregarded the wishes and recommendations of Congress as to the fulfillment of the fourth article of the treaty, Lord Carmarthen quoted that fact as a justification of Great Britain in her refusal to execute the seventh provision, which was for the surrender of Detroit and other military posts on the frontier.* This was but a sample of the dangerous embarrassments produced in foreign relations, and at home things were in no better plight. The

*General Washington to W. Grayson, July 26, 1786.

Federal distresses were incessant and increasing. In February, New Jersey flatly refused to grant a shilling of the requisition made by Congress until New York should accede to the proposed impost.* To the wise and good men of that day the future was full of painful uncertainty. The grand opportunities of America seemed to be fading from the possibility of achievement by reason of divided councils, ignoble jealousies and insane selfishness of the individual States. Suspicion and detraction poisoned the public mind with unceasing calumnies. The order of the Cincinnati was at best only a social brotherhood, but was denounced as a conspiracy against the people's liberties, and the very authors of American liberty were held up to scorn as conspirators against the best interests of the nation.† The "Patriotic Society" was a rival organization which sprung up in that day and became in effect greatly similar to the movement under Governor Tryon, known as the Regulation.‡ In North Carolina but little interest was taken in either of these organizations, which were soon to sink from public observation.§ These divisions and contentions led to the Convention of 1785, between the States of Virginia and Maryland, which met at Annapolis for the arrangement of matters peculiar to those States. A resolution of that body produced a delegation of five States at the same place on September 11th, 1786. This body, containing General Washington among its delegates, had accomplished nothing toward perfecting the union of the States, from the fact that the General Congress had not signified any approval of its objects and the States represented were too few in number. They agreed before adjourning to recommend a general convention of all the States. This measure was approved by Congress, and thus at last, the provisions of the Articles of Confederation were fulfilled as to any change to be effected in them.||

*Journals of Congress, February, 1786.

†Life of Iredell, vol. II, page 81; Washington's Writings, vol. IX, page 28.

‡General Washington to Bushrod Washington, September 30th, 1786.

§General Washington to General Knox, February 20th, 1786.

||Holmes, page 165.

The General Assembly met at Fayetteville on the 18th of November, and organized by the selection of James Coor of Craven as Speaker of the Senate, and John Baptiste Ashe of Halifax to the Chair of the House. Mr. Coor had been for many years prominent in the Councils of the State. He was a man of large wealth and consummate prudence in financial operations. He was not versatile or brilliant as an orator, like Colonel Ashe, but was among the most trusted public men of his day. Governor Caswell, in his message, had called attention to the condition of affairs in the extreme western settlements, and an act was at once passed for the protection of the people of Davidson county.* Three companies were ordered to be raised and equipped, at the State's expense, but to be subsisted by the people, in whose defence they were organized.† This battalion, it was asserted in the body of the act, was for the protection of Davidson county against the incursions of the Indians, but it is more than probable that substantial aid was thereby intended to Colonel John Tipton in his efforts to uphold the authority of North Carolina against the revolutionary proceedings of Colonel Sevier and his co-adjutors. An act of amnesty and oblivion was also passed at this session, for the benefit of the same misguided spirits, who yet disregarded Governor Caswell's warnings and the offered mercy of North Carolina.

The only other act of this Assembly of much historic import, was for the appointment of delegates from the State to the convention proposed to be held in Philadelphia in May, of the following year.‡ The preamble stated that

*NOTE.—It seems that up to about this time it had not been entirely settled in North Carolina as to how the Governor should communicate with the Assembly. Governor Martin, in 1784, proposed to make a speech to them upon their organization, but this was declined and a written message was requested as what they desired.§

†Public Acts, vol. I, page 407.

‡Public Acts, vol. I, page 412.

§S. Johnston to Iredell, April, 1784.

WHEREAS, In the formation of the Federal compact which frames the bond of union of the American States, it was not possible in the infant State of our republics, to devise a system which in the course of time and experience would not manifest imperfections that it would be necessary to reform; and

WHEREAS, The limited powers which, by the Articles of Confederation, are vested in the Congress of the United States, have been found far inadequate to the enlarged purposes which they were intended to produce; and

WHEREAS, Congress, both by repeated and most urgent representations, endeavored to awaken this and other States of the Union, to a sense of the truly critical and alarming situation into which they must unavoidably be cast, unless measures are forthwith taken to enlarge the powers of Congress, that they may thereby be enabled to avert the dangers which threaten our existence as a free and independent people; and

WHEREAS, This State hath ever been desirous to act upon the enlarged system of the general good of the United States, without bounding its views to the narrow and selfish object of partial convenience, and has been at all times ready to make every concession to the safety and happiness of the whole, which justice and sound policy could vindicate.*

Five delegates were chosen by joint ballot of the two Houses to represent North Carolina at Philadelphia. These were Governor Caswell, Colonel Davie, ex-Governor Martin, Willie Jones and Richard Dobbs Spaight. By terms of the bill any vacancy could be supplied by the appointment of Governor Caswell, and in this way William Blount was appointed in place of His Excellency, the then illustrious Chief-Magistrate of North Carolina, and Dr. Hugh Williamson was likewise substituted in place of Willie Jones, who was also unwilling to serve.† Mr. Jones was ever averse to any political position save that of Representative in the State Legislature. He was irresistible there, as a party leader, on every political topic but the fulfilment of the late British treaty.

The Legislature adjourned on January 6th. General Robert Howe was elected from Brunswick to the House of Commons, and set out for Fayetteville, but sickened on the way and died at the house of General Thomas Clark of New Hanover.

*Public Acts, vol. 1, page 412.

†Life of Iredell, vol. 11, page 151; Wheeler, vol. 11, page 111.

who was father of Mrs. William Hooper and of Colonel Thomas Clark of the First Regiment of the North Carolina Continental line.* General Howe had served with great distinction under the immediate command of General Washington, and was among the very last of the general officers mustered out of the public service upon the gradual disbanding of the army.† Though so prominent before the war, and in the Assembly of the State, he had lived in great retirement at Orton, on the Cape Fear, until 1785, when he again resumed his ancient place in the Legislature. He had gained higher rank than any officer from his native State, and died on the very threshold of the accrued greatness of America, for which he had so long and fearlessly battled. He was a bold and strenuous opponent to Governors Tryon and Martin in the old colonial *regime*, and was as unfaltering in the seven years of war. His son sold the noble estate which Lord Cornwallis had ravaged in 1776, and his name soon disappeared from among the denizens of Cape Fear.‡

Timothy Bloodworth, William Blount, Benjamin Hawkins, and Alexander White,§ were elected members of the Continental

*NOTE.—Colonel Clark married the widow of General Francis Nash, who was the daughter of Judge Maurice Moore. He had served, with high applause in the war, and was a Brigadier-General afterwards in the United States Army.

‡NOTE.—I am informed by Colonel George Wortham of Oxford, that he learned from a most responsible source in the neighborhood of Orton, that General Howe found his son upon his return from the army, a confirmed and habitual drunkard, and his daughter in a still more degraded state. He had been reared in the most courtly London circles, and was the kinsman of Sir William Howe, the Generalissimo of the British army in America. He had married a coarse woman, and upon her death, during his absence at the North in the discharge of his military duties, his children, just reaching maturity, had thus gone astray. It was enough to break his heart, and we can well understand how the proud master of Orton could exclude himself from the public gaze and die of shame, when at last called again by public duty to face the pitying eyes of ancient friends.

§NOTE.—The period of time between the close of the Revolution and the formation of the United States Constitution is very obscure, so far as the

†Washington's Writings, vol. VIII.

Congress of that year. William Hooper and Archibald Mac-laine were serving as legislators for the last time. After long and illustrious service, their names were no more to be found on the pages of the journals. They were still leaders of the Bar, but were averse to further political service. Colonel Davie, as a member for Halifax, was assuming a controlling influence in much of the legislation of the period.* He and Attorney-General Alfred Moore, were in every portion of the State, already famous as advocates, and were alike brilliant and successful in their forensic efforts. Many wise and useful men were members of this Legislature, and among those not yet mentioned in this narrative, were Samuel Sawyer of Camden, John Gray Blount of Beaufort, John Sitgreaves of Craven, John Stokes of Montgomery, Zedekiah Stone of Bertie, Edward Everigen of Pasquotank, Frederick Hargett of Jones, Colonel James Martin and Jesse Franklin of Surry.† Colonel Martin was brother to Governor Alexander Martin, and had given brave and effective service in the war, as was the case with Captain Stokes, the rising and highly respected lawyer, who was soon to become the recipient of Federal judicial honors.‡ Colonel John Martin, who lived in Surry, was also a prominent man in the West at that day. He had done good service in the war, and was indefatigable in the discharge of his public duties. He was from Virginia, originally, and was not related to Governor Martin, who was of Irish extraction.§

annals of North Carolina are concerned. This will appear when it is stated that nothing is remembered of Alexander White, save his name and the fact that he was a member of Congress.

‡NOTE.—John Stokes was the brother of Governor Montford Stokes. He married the daughter of Colonel Richmond Pearson of Davie, grandfather of the late Chief Justice of North Carolina. Captain Stokes was a brave soldier, very capable as a jurist, and was shorn of the greatest usefulness by a premature death.

*Wheeler, vol. II, page 202.

†Journal of the Legislature.

‡Wheeler, vol. II, page 405.

Governor Caswell was of course re-elected as Chief-Magistrate of the State. No man was ever more trusted and honored by a people than was this extraordinary man, throughout the entire period of his manhood. He had won the highest colonial honors and was, beyond all comparison, the foremost man in public confidence until his lamented death. The elections before the people and Assembly at this period hath betokened a large compromise of the former bitterness exhibited in the treatment of Samuel Johnston and the advocates of aristocratic features in the State government. Governor Martin and R. D. Spaight were both recognized as of that faith, and yet were sent to Philadelphia to help in the great work of remodeling the Articles of Confederation.*

The year 1787 came in with greatly added joy to the real patriots of America. There was a general conviction as to the futility of the Articles of Confederation, and all looked with hope to the Convention which was to assemble at Philadelphia. There were many crude theories as to the nature of the government to be created. A wide divergence of views separated the men who were to follow James Madison from those who shared the convictions of Alexander Hamilton. In this every conflict of opinion was a great and concealed blessing to America. Thomas Jefferson, though absent as Minister to France, had fully communicated his advanced theories to his Virginia co-adjutor, and it is certain that but for Hamilton and the men of his party a democracy would have been established which would soon have required radical changes to meet the imperial necessities of a great nation. On the other hand, had the opposite party succeeded in their wishes, the American polity would be yet an untried theory, and man's capacity for self-government still a thing of the future. Jefferson, in the person of James Madison, would have committed all power to the people and yet retained such reservations of right to the individual States as to render abortive the very system they were seeking to amend. Hamil-

*Life of Iredell, vol. II, page 151.

ton and the Federalists sought to engraft British exclusiveness and checks upon the masses he feared and distrusted. Out of these cross-purposes and conflicting creeds, the wondrous fabric of American civilization was to have its birth. From beginning to end, the Constitution of the United States was to be the result of compromise and mutual concession.*

The State of North Carolina had been strongly excited for several months past over alleged frauds by the military commissioners, who were entrusted with settling the State's indebtedness to her soldiers. It had been provided in the last session of the Legislature that a Court of Oyer and Terminer should be held at Warrenton to investigate these charges.† The statute of 1785 had provided that Henry Montfort, John Macon and Benjamin McCulloh, should have power to ascertain and pay over to the late Continental troops of North Carolina the amount due them for past services, which the United States owed and had failed to pay through helpless poverty. No charges were ever made against John Macon, but early in the year Montfort and McCulloh were indicted and put upon their trial.‡ These men were of great social prominence and of large fortune. They were prosecuted by Attorney-General Alfred Moore and defended by Judge Iredell and Colonel Davie. Montfort was acquitted, but McCulloh was convicted, fined twenty thousand dollars and sentenced to twelve month's imprisonment in Halifax jail. Three other men of less note were at the term convicted of presenting false accounts. Governor Caswell was deaf to all appeals for mercy, and McCulloh, whose counsel and friends insisted upon his innocence, was left in the noisome dungeon.

On the 11th of July, a duel occurred at Wilmington, which resulted in the death of Samuel Swann at the hands of John

‡Henry Montfort was brother-in-law to Willie Jones and John B. Ashe. McCulloh was son of Alexander McCulloh, one of the old Colonial Council and brother-in-law of John Stokes. He was also grandfather of the late Benjamin McCulloh of Texas, who was killed during the war between the States.

*Federalist.

†Public Acts, vol. II, page 409.

Bradley. An English officer had been wrecked at sea, and in great destitution, was taken to the house of Swann. While enjoying the hospitality of this rich and generous man, he happened to visit the store of Bradley, who was a merchant. Some gold finger rings were missed from the counter, and Bradley charged the Englishman with the felonious appropriation of the property. Swann resented the charge on his guest and challenged his accuser. They were both injured and Swann fell dead with a bullet in his brain. Several generations of his ancestors had been leading men in provincial days and there was general regret at the unfortunate result of his romantic stretch of North Carolina hospitality.*

The omnipotence of the British Parliament had been long asserted as contradistinguished with any power of the courts of law to limit its operation. Since the formation of the Halifax Constitution in 1776, there had been a large party, backed by many of the lawyers who asserted the judges could not invalidate any statute passed by the General Assembly, however plainly it might contravene the organic law of the State. This matter was to be tested in the case of Bayard and wife *vs.* Singleton.† The act of 1785 attempted to take from all persons the right of action to recover confiscated property. This was declared unconstitutional and invalid. Judge Ashe remarking: "As God said to the waters, 'So far shall ye go, and no farther,' so said the people to the Legislature." Judge John Haywood, years afterward, in alluding to this decision, remarked: "Judge Ashe deserves for this the veneration of posterity."‡ The same doctrine was authoritatively settled in subsequent years by Chief-Justice Marshall in the celebrated cause of *Marbury vs. Madison*.§

The drift of public opinion in North Carolina, as elsewhere in America, was yet chaotic and often destructive of all good government. The dream of human perfection in their own vicinage was generally accompanied with great distrust of the

*Life of Iredell, vol. II, page 165. †Martin's Reports, vol. 1, page 42.

‡Haywood's North Carolina Reports. §First Cranch's Report, 1803.

motives and practices of other Commonwealths. Many men of North Carolina were opposed to arming the other States with any supervision of affairs which they supposed could be directed by the General Assembly at home. The selfishness of Rhode Island in forcing the citizens of Connecticut and other States to receive payment in her depreciated currency, which was at the same time no legal tender for her own people, instead of being an argument for erecting a general system to enforce proper commercial regulations on all the States, was pleaded as an excuse for no closer connections with such men. The old party divisions which had been formed in 1776, upon the creation of the State Constitution, and which had not at any time entirely disappeared, returned with increased virulence in the August elections.* The people were harangued on the subjects of liberty and aristocracy and great excitement pervaded the State. Those favoring the increase of the powers granted the general government became known as Federalists, while their opponents were called Republicans. It became known that the Philadelphia Convention had agreed upon a Constitution and that it would be soon submitted to North Carolina for ratification.†

Of all men in North Carolina, Judge James Iredell was the most learned and indefatigable in his advocacy of the new government. Samuel Johnston, Colonel Davie, Governor Martin, William Hooper, A. Maclaine, General Allen Jones and R. D. Spaight were leaders on the same side, while Willie Jones, Timothy Bloodworth, General Person and Colonel Joseph McDowell at once manifested opposition to an early and unconditional ratification.‡ The legislature met at Fayetteville on November 19th. There were many who favored this town as the permanent capital of North Carolina. New-Bern, Tarboro and Hillsboro were rivals, and through their friends were to

*Life of Iredell, vol. II, page 160.

†General Washington to General Knox, October 15th, 1787.

‡Life of Iredell, vol. 51, pages 232 and 233.

keep the seat of government nomadic for years to come.* Ex-Governor Alexander Martin was chosen as Speaker of the Senate, and John Sitgreaves of New-Bern, Speaker of the House of Commons.† Mr. Sitgreaves had been a soldier in 1776, and like R. D. Spaight, was on General Caswell's staff at the battle of Camden. He had served as a delegate in Congress, and was one of the ablest of the young lawyers who had come to the Bar since the close of the war. There were several new members of this Assembly who became prominent in the State. Major Joseph Winston of Surry, had gallantly led his men in the memorable conflict at King's Mountain. With Waightstill Avery and Robert Lanier, in July, 1777, he had helped in obtaining the treaty of the Long Island of Holston, when lasting peace was made with the Cherokee Indians. He was a man of the utmost probity and was ever trusted and honored by the people. He was remarkable for his fine presence, but did not possess unusual mental endowments.‡ William Barry Grove of Cumberland, was a young lawyer of great promise. He was vivacious, prompt and intensely devoted to the adoption of the new Constitution of the United States. He and John Hay had recently married the daughters of Colonel Rowan, and both were residents of Fayetteville. Colonel Nathan Bryan of Jones, was a remarkable man. Like his kinsmen of Craven he had been devoted to the American cause, and had made that portion of North Carolina a refuge from the fury of the Tories. Colonel Bryan was of noble and striking appearance. His habitual gravity could relax into gentlest courtesy, and in his devotion to God he rivalled those ancient Christians who so eagerly sought the crown of martyrdom. He was rich in worldly goods, and possessed of considerable talents.§ With Elisha Battle of Edgemcombe, and Colonel Nathan Mayo of Pitt, he was a leader

*Judge Gaston, in *Debates in Convention*, 1835, page 137.

†*Public Acts*, vol. I, page 446.

‡*Wheeler*, vol. II, page 404.

§*Burkitt's History of Kehukee Association*, vol. I, page 155.

among the Baptists, and often presided as Moderator in their religious assemblies. Thomas Wynns of Hertford was another man of mark in this Legislature. He was the youngest of four brothers, all of whom were men of wealth and distinction in the Revolutionary and colonial times. General Wynns had been captured at sea and was carried to London in 1781.* He was to remain for many years in conspicuous public stations and was a wise, honorable and reproachless man.

Governor Caswell again became constitutionally ineligible for re-election, and was succeeded as Chief-Magistrate of North Carolina by Samuel Johnston of Chowan. For many years the serene wisdom and integrity of this distinguished man had been known and appreciated in every portion of the State. His high conservative and aristocratic views had made him unpopular at times, but no one ever distrusted his honor or judgment. As an orator he was crippled by hesitancy in his speech, but at times he could be highly persuasive, and was ever luminous, learned and exhaustive in his discourse. No statesman in America bore a more spotless reputation, and no man was more straight-forward and sincere in all his words and deeds. He did not possess the versatility and genius of Caswell, but he was a profound lawyer and a long trusted leader of the most intelligent portion of the North Carolina people. He possessed great wealth and a pedigree that reached back through ages of titled ancestors in Scotland. He had over-lived the prejudice against him, and the State was again lavishing, as of yore, her honors thickly upon him.

Colonel John B. Ashe of Halifax, Colonel Robert Burton of Granville, John Swann of Pasquotank and Dr. Hugh Williamson of Chowan, were elected as delegates to Congress.† Colonel Burton married the daughter of Judge John Williams and had served in the recent war.‡ He was a planter by profession and yet survives in an honored posterity.

‡NOTE.—John Swann was the son of Samuel Swann, who was likewise a citizen of ancient Albemarle. He was descended from the same family for—

*A. Black to Judge Fredell, July 20th, 1781. †Wheeler, vol. II, page 163.

The most important action of this Legislature was the act calling a State Convention to deliberate upon the Constitution of the United States, recently adopted by the delegates sent to Philadelphia. Another act provided for certain men, who, though citizens of North Carolina, had enlisted under General Thomas Sumter of South Carolina, and had been paid in negroes under an agreement with Governor Rutledge to that effect. The Tory owners of such slaves were bringing suits in North Carolina courts for the recovery of their servants, and this statute was in bar of recovery. Others restrained gaming; trading with slaves; for revising and correcting the statutes, by Judge Iredell; recording deeds, and for the addition of a Judge for the District of Morgan. Governor Johnston, Whitmel Hill, John Skinner, Josiah Collins, Dempsey Connor, Colonel Hardy Murfree, Charles Johnson, David Meredith, Christopher Clark, Thomas Stewart, Lawrence Baker, Maurice Baugh, General Isaac Gregory and Nathaniel Allen were appointed Commissioners for improving the navigation of Albemarle and Pamlico Sounds by opening Nag's Head Inlet.* They were further authorized to cut the Raleigh Canal, in Tyrrel county, both for agricultural and navigation purposes. Thus it seems that a project which is even yet discussed, as to opening an outlet to the ocean, occupied the attention of these men of a former generation. Captain Collins and Nathaniel Allen were both of Edenton and were men of large wealth, and in the Raleigh Canal they were to realize immense profits by opening up a great body of rich lands upon Lake Phelps. Mr. Allen united culture to opulence and was the

merly so prominent in colonial times, and had been educated at William & Mary College in Virginia. He married Penelope, a daughter of Governor Samuel Johnston, and died at an early period of his manhood. Mr. Swann possessed elegant culture and was much beloved and respected.†

*Public Acts, vol. I, page 450.

†Life of Iredell, vol. II, page 228.

intimate friend of William Hooper and others of the first elegance then in North Carolina.*

Another act of amnesty was passed for the benefit of the western insurgents at this session.† The ill-starred movement of Colonel Sevier was toppling to its fall. Davidson, Greene, Washington, Hawkins and Sullivan counties all sent representatives to the North Carolina Legislature. Sevier had called his attempted State Frankland, in compliment to the venerable and illustrious Benjamin Franklin, then lately returned from his long mission to France. This patriot and others gave no countenance to the movement. Their last attempt at a Legislature was in September of 1787, at Greenville, which was again nearly a century later to become the focus of rebellion against the State of Tennessee, when that State had withdrawn from the Union and was struggling in aid of the Confederate States. Sevier persevered in his defiance of North Carolina until attachment was made of his slaves. These were carried to the house of Tipton for safe keeping, where a siege ensued until re-inforcements arrived and dispersed the insurgents.

The Legislature had called the Convention to meet at Hillsboro in July, 1788. In January of that year, Governor Johnston, amid great demonstrations in his honor, assumed control as Chief-Magistrate of North Carolina.‡ It was soon known that Willie Jones was opposed to the adoption of the new Constitution. General Person in Granville, Timothy Bloodworth in New Hanover, and Dr. David Caldwell and Colonel Joseph McDowell in the West, were actuated by similar sentiments. These were all men of great and abiding influence, and it was at once seen that North Carolina was, at best, a doubtful State as to acceding to the proposed ratification. Judge Iredell, in a series of able

*NOTE.—Governor William Allen of Ohio, was born in Edenton, and is grandson of Nathaniel Allen. Judge A. G. Thurman, of course, is also another descendant, one degree further removed.

†Public Acts, vol. I, page 448.

‡Colonel Davie to Judge Iredell, January 11, 1788.

answers, replied to the published objections of Colonel George Mason of Virginia, and then came the very able issues of the "Federalist" as prepared by Alexander Hamilton, James Madison and John Jay. By this time, January 15th, three States had ratified, and it was confidently expected that the requisite nine would be obtained to put the new government in operation.* The elections occurred in April, and resulted disastrously for the Federalists. William Hooper in Orange, General Allen Jones in Northampton, Governor Martin in Guilford, William Blount in Craven, Alfred Moore in Brunswick, and Judge Williams in Granville, were all defeated.† Such had been the heat of the contest that General Person was heard denouncing General Washington for affixing his signature to so "infamous an instrument as the new Constitution."[‡]

With the advent of June, attention was drawn to the action of Virginia in the Convention which met during that month. The Old Dominion exceeded all others in the ability of the men who directed her councils, as much as in population and resources. Washington, Jefferson, Madison, Henry, the Lees, Mason and Randolph, were world-wide in fame, and the Southern States anxiously awaited her lead in this most important and critical exigency. At length came the news that Virginia had also ratified, but proposed amendments.§

The North Carolina Convention, to consider the propriety of adopting the new Federal Constitution, met in the Presbyterian church in Hillsboro, on July 21st, 1788. It consisted of two hundred and eighty-eight members. The Republican party had elected a great majority of the members, but with a disregard of this fact, which seems strange in these times, the body proceeded to the choice of Governor Johnston, who had been for more than ten years past the very head and front of the opposition to views entertained by the greater portion of the Conven-

*Maclaine to Iredell, January 15, 1788.

†Maclaine to Iredell, April 27, 1788.

‡Thos. Iredell to Judge Iredell, May 22, 1788.

§Colonel Davie to Iredell, July 9th, 1788.

tion. Judge James Iredell of Edenton, for the only time in an active and useful life, was in a parliamentary body. He was now the acknowledged chief of the North Carolina Bar, and was to excel all others in his displays of zeal, eloquence and learning. He was thirty-six years of age, and was as ready in debate as he was profound in legal and constitutional knowledge. His gracious bearing, elegant diction and known generosity of heart, made him a powerful advocate with the majority, who sat mostly silent under his appeals.* Colonel William R. Davie, too, was on the same side. To high renown, won in the heat of many bloody and glorious conflicts, he stood with the added *prestige* of the most brilliant jury lawyer then in America. If Iredell surpassed him as a jurist, Davie was without a peer in the majesty of his manner and the gorgeous wealth of his diction. He was beautiful as Achilles and endowed with such gifts and graces as perhaps were to be found in such perfection in no other man then living.† Among the Federalists, too, was seen Archibald Maclaine of Wilmington. In his massive intelligence and great acquirements were none of the polished amenities so abundantly seen in the two orators just described. He crippled his usefulness by a moroseness of temper, which was too apt to wound friend or foe in the violence of its ebullitions. On the slightest provocation he could swear harder than the army in Flanders, and had, as it seemed, his chief pleasure in denunciation of those who were so unfortunate as to differ with him on any imaginable subject.‡ Governor Johnston, as President, could only participate in the debates when the body was in Committee of Whole. When in the controversies, he saw need of aid to the Federalists, his calm and conciliating wisdom was powerfully effective.§ Young John Steele of Salisbury, had served the year before in the Legislature. Though his attention had been devoted to mercantile and agricultural pursuits, he developed a strength and

*Hubbard's Life of General Davie. †Life of Iredell, vol. 11, page 232.

‡His whole correspondence with Iredell.

§Hubbard's Life of General Davie, page 97.

clearness in his addresses that were astonishing under the circumstances.*

The Republicans of the Convention were led by one who had failed but once in twenty years in procuring the passage of any measure he had advocated in North Carolina. As a party leader, Willie Jones was incontestably far in advance of any man then in the State, if not America. Many things conspired to give him extraordinary ascendancy with both the Legislature and the people. He was patrician in descent, wealth and habits, but revelled in dreams of popular capacity for government. He loved and trusted the people in theory, but was as dainty in his real associates as Governor Johnston or Lord Chesterfield. He was continually refusing great offices because he loved the substance of power in dictating to the legislation of the State better than the empty pomp of being Governor or of going to Congress, where he might not control even his own delegation. The people found him ever on their side and refusing office, and they believed him the greatest and most disinterested of men. He had fine abilities, yet disdained to make speeches to carry his points, and left to social hours the marshaling of his forces, and those subtle appeals, that no one else knew how to make to the individuals he wished to control. Mr. Jones believed that no man was infallible but Thomas Jefferson, and to that great and creative genius he looked for all the oracles to guide his course. He was gay and loved his hounds and blood horses. He was affable to his opponents, but could be dangerous in his resentments.†

Willie Jones might dictate strategy, but upon Judge Spencer and Timothy Bloodworth fell the labor of meeting in debate the keen and eloquent leaders of the Federalists. Neither of them was admirable for the finish of his rhetoric. Spencer had been

*NOTE.—General Steele was son of the good woman who so magnanimously aided, with her small store of gold, the worn-out and dispirited General Greene on his famous retreat.

†Life of Fredell, vol. II, page 232.

for years a lawyer and a Judge, and compensated strength for his want of elegance. He was, however, a ready and powerful debater, and soon with his battle-axe struck fire from the rapiers against him.* Timothy Bloodworth found his greatest weakness in the multitude of his gifts. He had surmounted poverty, early ignorance and the strong castes of that day, and had long been in the high places of the new nation. He sprang from the people, and loved their cause with a devotion which was sometimes almost fierce in the intensity of its assertion. Yet he was gentle and kind in social life, and after talking politics in the week, could lift his voice in tenderest appeals for the Cross, when the Sabbath had come.*

Dr. David Caldwell of Guilford, was also a leader of the Republicans in this body. Once before, in 1776, when the State Constitution was to be formed, in the plenitude of his patriotism he had yielded to the demands of his admiring neighbors, and left his sacred desk for the public weal. No wiser or better man was known, and his adhesion was a tower of strength to any cause he favored.† Colonel Joseph McDowell had won high renown in a score of conflicts. He had helped discomfit the British regulars at Musgrove's Mill. He had helped to drive back the desperate assaults of Ferguson on King's Mountain. He was by Colonel Washington's side when they reddened their victorious sabres in flying ranks of Tarleton's legion at Cowpens. To heroic patriotism he added weighty character and large discrimination. He was no inconsiderable antagonist in debate, and throughout his life was the idol of the western people of North Carolina.‡

Another eminent divine held a seat in this Convention, as delegate from Hertford county. This was Rev. Lemuel Burkitt. To him it seemed that obstacles were but stepping stones to success. Poverty and obscure parentage could not bar his way to knowledge and culture, and with his weak voice he effected

*Life of Iredell, vol. II, page 322.

†Wheeler, vol. II, page 131.

‡Wheeler, vol. II, page 60.

miracles of oratory not even attained in the instance of that wondrous preacher, John Kerr. He was a reformer dictating nobler creeds, an evangelist traversing the vast western wilderness, an historian to transmit to posterity the only North Carolina narrative of his era.* To his Baptist associates, General Washington was to write, in the following month of May: "While I recollect with satisfaction, that the religious society of which you are members, have been, throughout America, uniformly and almost unanimously, the firm friends to civil liberty, and the persevering friends of our glorious revolution, I cannot hesitate to believe that they will be the faithful supporters of a free, yet efficient government."†

Mr. Burkitt's life-long friend, the wise and excellent Elisha Battle of Edgecombe, was also a member of the Republican portion of this Convention. He was the leader of the Baptists and a favorite presiding officer of the Kehukee Association. His wisdom and virtues have had abundant continuance in a large and most eminent posterity.

On the reception of the report of the Committee on Rules, Willie Jones moved that the question of ratification should at once be put, asserting that the minds of the delegates were already fixed as to that matter. This was opposed by Judge Iredell, and the House consented to debate.‡

Dr. Caldwell next submitted certain "fundamental principles of every safe and free government." These were six in number, and were insisted on by the reverend gentleman as a standard by which they should try the merits of the proposed constitution. Judge Iredell again took the floor, and demonstrated the impracticability of one of these propositions. Upon a call of the previous question, these maxims were defeated of further consideration by a vote of 70 to 169.* On July 30th, Colonel Joseph Me-

*History of Meherrin, pages 16 and 17.

†Washington's Writings, vol. XII, page 155.

‡Life of Iredell, vol. II, page 233.

§Life of Iredell, vol. II, page 234.

Dowell, in addressing the House while in Committee of the Whole, said he had hoped that amendments would have been proposed before the idea of adoption was entertained. He was sure a large majority of the people in the States which had already ratified were averse to the unamended Constitution. He acknowledged the necessity of a Federal government, but wished one in which liberty and privilege would be secure. In union was the rock of political salvation. He was for the strongest general government, but wanted a bill of rights to ascertain and declare the distinct reservations of power. He greatly distrusted the looseness of the fourth clause of the Constitution as to elections. Why were reservations made as to the election of Senators and none in the case of Representatives? The trial by jury was not secured. Where was the assurance that a man's peers of the vicinage should determine the question of his guilt. So too with taxation? What were the rules and limits which were to prevent the new government from becoming an empire? Such a government in connection with the Northern States, by force of their majorities, would soon be found oppressive to the South. There was difference between the two sections in climate, soil, customs, manners and interests. From such causes he was constrained to oppose unconditional ratification.*

The Federalists, after vainly displaying their eloquent zeal to convert the majority opposed to unconditional ratification, next struggled for a direct vote, aye or no on the question, but they also failed in this. By a vote of 184 to 84 it was determined neither to ratify nor reject; but to recommend a bill of rights, and twenty-six amendments, and meanwhile to await the action of those States which had already joined the new government. The amendments were mostly those proposed by Virginia. Willie Jones quoted a letter from Jefferson, in which the sage of Monticello expressed the desire that nine States should adopt and thus secure the union, but that four should reject and thus

*Elliott's Debates, vol. II, page 218.

render certain the reception of the proposed amendments.* With the lapse of a century the vindication of the wisdom of the Republicans of 1788 is complete. Had North Carolina and all other States at once acceded to the new system, it is more than doubtful as to the adoption of the amendments. These were in the nature of a bill of rights, and have been justified by the greatest expounders of the American system, some of whom are little supposed to have leaned towards asserting State rights. In spite of the ninth and tenth amendments, there had been ever a great body of the American people who despise the restrictions upon the powers of the general government. The tyrant's law of necessity is ever the plea of those who have consulted their own wishes and party interests rather than the terms of the great stipulation between sovereign States, as the parties to a limited contract.

The State Convention of 1788 was also commissioned to fix the seat of government, which had been migratory since the earliest days of the colony of Carolina. The spot selected was the farm of Isaac Hunter, at Wake Court House, or some other place within ten miles of that locality, to be determined by the General Assembly.† The changes of the place of session for the Legislature had become an intolerable nuisance. It was a subject of more caballing than the election of the highest officials, and was fought over by the friends of rival towns to the great detriment of the real objects of legislation.§ Fayetteville lost her chance of becoming the capital by the defection of Timothy Bloodworth, who broke the array of Cape Fear men who were supporting the claims of that place.||

The Legislature met at Fayetteville, on November 3rd, and selected the same presiding officers: Governor Martin in the Senate and John Sitgreaves in the House. Major Joseph Graham, who

* Life of Iredell, vol. II, page 234. † Story on the Constitution, page 256.

‡ Public Acts, vol. II, page 28.

§ Debates in Convention, (1835) page 127.

|| Life of Iredell, vol. II, page 116.

had been so conspicuous in the war, and had been Sheriff of Mecklenburg since then, was giving his first attendance as a legislator. He was a brave, wise and good man. He had married the daughter of Major John Davidson, and was rearing a family of useful sons and daughters. He was soon to remove to Lincoln, where he established large and successful iron works.* John Leigh of Edgecombe, and Frederick Hargett of Jones, were both to become conspicuous in the State's councils. Thomas Devane of New Hanover, was of a stock which then, as now, was distinguished for intelligence and morals;† his colleague from the borough of Wilmington was the gifted young Irishman, Edward Jones, who was making his mark at the Bar.‡ John Johnston of Bertie re-appeared in the Assembly after some years of absence. He was brother to the Governor and possessed many of his excellencies. Colonel Nathan Mayo of Martin, was neither eloquent nor profound, but was a man of sense and substance and was the successor of Elisha Battle, as Moderator of the Baptists in Eastern North Carolina.§ Memucan Hunt of Granville, had been Treasurer of North Carolina since 1777, and was again returned to the theatre of his former usefulness.

The great questions before this Assembly were, another Convention to consider the Constitution, the location of the seat of government, and the threatened Indian war. The people of the State were not satisfied with Willie Jones' programme of remaining out of the Union for five years, for fear of money collections in the Federal Courts.|| Meetings were held and petitions sent up for a new Convention, and the Legislature yielded to their

‡NOTE.—Mr. Jones was the first Solicitor-General of North Carolina. Dr. Johnson B. Jones, Mrs. William Hooper, Mrs. W. H. Hardin and Mrs. Abraham Rencher were his children.

*Dr. Morrison in Wheeler, vol. II, page 237.

†Life of Iredell, vol. II, page 221.

‡History of Kekukee Association, page 192.

§Colonel Davie to Iredell, September 8th, 1788.

||Colonel Davie to Iredell, September 8th, 1788.

demands. The western men were clamorous for a war against the Indians, who had been incited to atrocities both by British and Spanish emissaries. Such opposition was made to the bill locating the government that nothing came of it.

Memucan Hunt was succeeded by John Haywood of Edgecombe, as Treasurer. Mr. Haywood belonged to a family which is yet noted for mental pre-eminence, and he added to this a probity and benevolence which gave him the reverence of all the people.* He was to remain in this high trust for the space of forty years.† Governor Johnston was re-elected to the Chief-Magistracy, with Whitmel Hall, John Skinner, Josiah Collins, David Connor, James Armstrong and James Iredell in the Council.‡

While a general Indian war was discouraged by the Legislature, it was thought proper to send Colonel Joseph Martin with a battalion of infantry against the Chicanunga Indians.‡ These had their lodges near the present city of Chattanooga, in Tennessee. That region was being rapidly settled, and was in great need of protection from the savages, who were continually incited by foreign white men to depredate upon the emigrants from the east.

The new government of the United States went into operation in the spring of 1789. Under the guidance of that great man, who had led the armies through the years of war, this grandest of human experiments, began its demonstration of the people's capacity for self-government.

The 4th of March had been set as the time for the meeting of the United States Congress, but on that day, only eight Senators and thirteen Representatives had appeared in New York. A quorum of the lower House was not had until March 30th, and

†NOTE.—He was the son of William Haywood, who had been prominent in the old House of Assembly and in the Revolution. Sherwood, Stephen and William H. Haywood, Sr., were his brothers. Judge John Haywood of Halifax, was his first cousin. Haywood county was named for him.

*Wheeler, vol. II, page 289. †Judge Iredell to wife, November 19th, 1788.
‡Life of Iredell, vol. II, page 271.

of the Senate until April 6th. John Adams was installed as Vice-President on April 21st. The oath of office was taken by General Washington on April 30th, at the hands of Chancellor Livingston of the State of New York. It was a matter of congratulation to the good men of all nations, that so many hopes of the human race had the promise of realization in the wisdom and firmness of the new President. He well understood that his actions were to become precedents, and perhaps no other man could have been so circumspect and regardful of the future.* The mutterings of the coming storm in France were wafted across the wide waters of the Atlantic Ocean. Amiable and unhappy Louis XVI. vainly sought to lighten the burdens of his over-taxed people.† His assistance to America had increased the previous enormous debt of France, so that in 1783, when the treaty of Paris was signed, it amounted to five thousand million of dollars. The crushed masses were not only maddened by the exactions of tax-gatherers, but the French soldiers who had been at Yorktown and around New York, indulged in our over-drawn pictures of the liberty and bliss of free America, to add to the discontent of the excitable people. American success was the downfall of the successors of Charlemagne. General Washington had not been President more than a month when the States-General of France assembled at Versailles. The Titans of coming disaster, headed by imperious Mirabeau, commenced their work of humbling the King and nobles. The world stood aghast as the mighty drama of blood and confusion unfolded its scenes. The anointed son of St. Louis bowed his meek head to the pitiless storm, and was led through the inhuman crowds to the guillotine. Soon upon the darkness and stench of the insupportable night, as with the suddenness and flare of a meteor, was to rise the star of Napoleon. Banded Kings foiled, and dismayed in the grandeur of his resources, were to be powerless to stay

*Washington's Writings, vol. X, pages 464, 465 and 466.

†Thomas Paine to General Washington, May 1st, 1789. La Fayette to General Washington, March 17th, 1789.

his imperial march, and but afforded opportunity to his power and fame.

North Carolina, in the summer of 1789, listened to the French uproar, and grew more excited over the vexed question as to the adoption of the Federal Constitution. Willie Jones was held responsible for its defeat at Hillsboro, and great hopes were entertained of his failure to be returned in the August elections.* General Rutherford and Colonel Matthew Locke had both been defeated in Rowan for the last Convention, and the gallant old Brigadier who had done so much for North Carolina, had withdrawn from her borders and was a denizen of the western forest.† He was distinguished in the councils of Tennessee and is yet commemorated in the names of counties in both Commonwealths.

The Legislature met at Fayetteville, November 2nd, and organized, with Charles Johnson of Chowan as Speaker of the Senate, and Stephen Cabarrus of the same county in the Chair of the House.‡ At the same time and place the new Convention met to consider the United States Constitution. Governor Johnston was again made President and was re-elected by the Legislature to the Chief-Magistracy of the State.§ The Constitution met with small opposition and was ratified by a large majority. In these two Conventions, called to consider the United States Constitution, there were five delegates allowed to each county and also one to each of the boroughs. In the act calling the Convention, the Legislature had recommended the body to add Fayetteville to the list of borough towns and an ordinance to that effect was accordingly passed. Governor Johnston was again honored by the Legislature, after the Convention had adopted the Constitution, in his election as the first United States Senator ever chosen for North Carolina.|| There were several

*Maclaine to Iredell, September 15th, 1789.

†Hooper to Iredell, September 2nd, 1788.

‡Public Acts, vol. 1, page 453.

§Life of Iredell, vol. II, page 151.

||Wheeler, vol. II.

candidates for the other place in the Senate and the western men insisted that some one from that section should be chosen, but Colonel Benjamin Hawkins of Warren was the fortunate man, and thus the East monopolized both offices. Perhaps no county in the State ever held at the same time, through its citizens, so many distinguished places of trust as was then the case with Chowan.

Ex-Governor Richard Caswell had been elected as Senator from the county of Dobbs. On the third day of the session he was stricken with paralysis while in his seat during the session of the Senate.* He never spoke, but lingered until the 10th, when he died, to the regret of every one in the State.† He was born in Maryland, August 3rd, 1729, and was consequently in his sixty-first year. William Blount of Craven, Joshua Skinner of Perquimans, and Timothy Bloodworth, of the Senate, with Colonel Davie, Captain Stokes, Major Reading Blount of Pitt, Matthew Locke of Rowan, Wyatt Hawkins of Warren, and General Person, of the House, were appointed a committee of arrangements to superintend his funeral. An eloquent eulogium was pronounced over his remains and they were borne away to their resting place in the present county of Lenoir.

After long and illustrious service, the foremost Carolinian had died in the harness. Ever since 1754 he had been constantly the occupant of great positions. He was as wise as Johnston, versatile as Davie, and more variously honored than any man in our history. On the battlefield, at the council board and everywhere, for many years, his large and luminous intelligence had been given to the State and there was now nothing left but the

*NOTE.—It would seem that a mistake has been made in saying that General Caswell was Speaker at the time of his death-stroke. Numerous letters from men in Fayetteville speak of Charles Johnson in that position and none refer to Governor Caswell as being in the Chair. Johnson himself, wrote a few days afterwards, announcing the death, but says nothing of his succeeding to the Speaker's chair.

†Wheeler, vol I, page 89.

memory of great services. It was likewise the last session of James Coor of Craven, who had been as long in the public service as Governor Caswell.

The only debutant in this Legislature who was to attain distinction was Mussentine Mathews of the new county of Iredell.* He was to render long and conspicuous service and became a leading man in the latter years of the eighteenth century. Great events and important legislation were witnessed this year. The first statute provided for the election of representatives to Congress. Under the apportionment of the Federal authorities North Carolina was only allowed an equal number with her southern neighbor. The census of the next year showed that the true ratio was eight to five,† instead of five to five. The second act was for ceding the territory south of the Ohio. It was provided that the Senators of North Carolina in Congress should have power to execute a deed of cession whenever the general government would accept of the terms of the grant. The land grants to the Continentals were to be held as sound and regular in any manner still necessary to the perfecting of their titles. This domain should be laid off in a State or States and Congress should guarantee the same privileges as were possessed by other States, under the Constitution. Unlike Virginia, in her stipulation for the exclusion of slavery from the northwest, it was expressly provided that Congress should have no power to abolish such property in the ceded territory.‡

Another act ratified the proposed amendments to the United States Constitution. Under the able lead of Colonel Davie, assisted by the influence of Governor Johnston, the terms of the State Constitution were at last satisfied in the passage of an act creating the University of North Carolina. Governor Johnston, Judge Iredell, Charles Johnson, Dr. Williamson, Stephen Cabarrus, Richard D. Spaight, William Blount, Benjamin Williams, John Sitgreaves, Frederick Hargett, Robert W. Sneed,

*Journals of 1789. †Governor Swain's Lecture, page 129.

‡Public Acts, vol I, page 466.

Archibald Maclaine, Judge Ashe, Robert Dickson, Benjamin Smith, Judge Spencer, John Hay, James Hogg, Henry W. Harrington, William B. Grove, Rev. Samuel McCorkle, Adlai Osborne, John Stokes, John Hamilton, Major Joseph Graham, Judge Williams, General Thomas Person, Alfred Moore, Alexander Mebane, Joel Lane, Willie Jones, Benjamin Hawkins, John Haywood, Sr., John Macon, Colonel W. R. Davie, Joseph Dickson, Colonel William Lenoir, Colonel Joseph McDowell, James Holland and William Porter were appointed trustees, with powers to establish and continue this great and beneficent public work. Another act provided for the erection of the necessary buildings.

CHAPTER XVIII.

A. D. 1790 TO 1795.

Dr. Hugh Williamson, Colonel John Baptiste Ashe, John Steele, Timothy Bloodworth and John Sevier elected members of Congress—Tennessee ceded by the North Carolina Senators, Johnston and Hawkins—William Blount appointed by General Washington, Governor of this territory—James Iredell Judge of the United States Supreme Court—John Stokes District Judge—Spruce McKay elected Judge of Superior Courts—Edward Jones Solicitor-General—Colonel Hamilton's political projects—Congressional elections—Assembly at Fayetteville—Colonel Lenoir and Stephen Cabarrns Speakers—United States Senators in odium—John Haywood, Attorney-General—North Carolina Bar of 1790—The Dismal Swamp Canal—Political agitations—Washington and the Federalists—Conflicts in Federal and State Courts—Condition of the churches in North Carolina—General Washington comes South—Assembly at New-Bern—Prominent members—Iredell's Revisal of the Law—A new seal ordered for the State—New counties—Eastern and Western Ridings—Indian war in the northwest—General Assembly at New-Bern—Membership—Governor Martin, United States Senator in place of Governor Johnston—Richard Dobbs Spaight elected Governor—Legislation—Joel Lane's farm selected as a seat of government—The French Revolution—Congressional elections—John Leigh, Speaker of the House—English and French aggressions and the militia laws—Called session of Assembly—Whisky rebellion in Pennsylvania—Herman Husbands in trouble—First Legislature at the city of Raleigh—Membership—Death of Judge Spencer and election of John Haywood—Blake Baker Attorney-General—Law against importation of slaves—Federalists and Republicans get into deeper antagonism—Jefferson as a partisan—General Assembly of 1795—Benjamin Smith and Colonel Lenoir, Speakers—Membership—Judge Ashe elected Governor—David Stone his successor on the Bench—Timothy Bloodworth United States Senator—Elections to Fourth Congress.

Immediately upon the adoption by the Fayetteville Convention, of the Federal Constitution, an election was ordered for the choice of members in the national House of Representatives. Under that general rule of disparagement, which has always been vouchsafed North Carolina by the general government and other States, she was allowed but five members in the lower

House, because it was supposed her proportion of population only justified that number. The members elected were Dr. Hugh Williamson from the Albemarle District, Colonel John B. Ashe of Halifax, Timothy Bloodworth of New Hanover, General John Steele of Rowan, and General John Sevier of the western country. They did not reach New York, then the seat of government, in time to take part in important legislation touching North Carolina, but Alexander Martin having again qualified as Governor, Samuel Johnston hurried to the National Capitol in time to participate on the third reading of the act for enforcing collection of imposts in his State.* On February 28th, he and Colonel Hawkins, under the recent statute, executed a deed of cession of Tennessee to the United States, and on April 2nd, Congress accepted the conveyance under the terms of the statute authorizing it. By proclamation, dated September 1st, 1790, Governor Martin announced that Thomas Jefferson, then Secretary of State for the United States, had sent him a certified copy of the act of Congress, as approved by President Washington, accepting the cession for the district of territory south of Ohio River, and the inhabitants of that region were warned to "take due notice thereof, and govern themselves accordingly."†

Thus, at last, disposition was made of a serious and alarming difficulty. North Carolina had been for years anxious to convey, on proper terms, this portion of her soil, so that it might become another star in the galaxy of States, and yet with full knowledge of such disposition, the reckless and turbulent John Sevier had disregarded her authority, and at last incurred a portion of the punishment he so richly deserved. He had been arrested and brought to Morganton, in Burke county, where the Superior Court for the Western District was then held. Colonels Charles and Joseph McDowell, who were his old companions in arms, were moved to compassion at his condition, and became his temporary bailmen. He went off to procure further assistance of the same kind, and returned, but eventually contrived to escape.

*Johnston to Iredell, February 1st, 1790. †Wheeler, vol. I, page 97.

He had come to Fayetteville, at the recent session of the Assembly, as a Senator from Greene county, where his disabilities were removed, and he was allowed to take his seat.* General Washington appointed William Blount of Craven county, Governor of the Tennessee territory, who at once repaired to his charge and was never again a citizen of North Carolina.†

The other Federal appointments in North Carolina were soon announced. James Iredell of Chowan, became Associate-Justice of the Supreme Court of the United States. John Stokes, then of Montgomery county, was made Judge of the United States District Court for North Carolina, but died at Fayetteville after holding his first court.‡ Judge Stokes had been a gallant and tried soldier and had won no less regard as a jurist. As a testimony of the great esteem in which he was held, a county was that year laid off by the Assembly and called by his name. John Sitgreaves of New-Bern, was appointed as his successor on the bench. Like the lamented Stokes, Judge Sitgreaves had, in a variety of distinguished positions, won the public regard and ranked well among the rising lawyers of the State.§ William H. Hill of New Hanover, was appointed United States District Attorney and was in every way an admirable selection.|| Under

†NOTE.—In 1796, Governor Blount, then United States Senator from Tennessee, was expelled from the Senate for filibustering upon the Spaniards of Louisiana, but was warmly endorsed at home. He was at once elected to the Tennessee Senate and made Speaker.

‡NOTE.—On page 119, vol. II, of his excellent history, Colonel Wheeler says that Judge Sitgreaves was appointed by Thomas Jefferson. This must be an error, as on page 404 he says Judge Stokes died in 1800, a year before Jefferson became President. There can be no doubt that he was appointed by General Washington in 1790. Like Colonel Davie, Judge Sitgreaves married a daughter of General Allen Jones.

||NOTE.—Mr. Hill belonged to a cultivated family in Brunswick. They were unbending Whigs in the Revolution. He married the daughter of General John Ashe and was father of Joseph Alston Hill, who was so brilliantly conspicuous for talent and virtues.

*Wheeler, vol. I, page 97.

‡Maclaine to Iredell, October 18, 1790; Wheeler, vol. II, page 404.

the recent statutes authorizing another Judge of the Superior Courts, Spruce McKay of Rowan was this year elected to that position. He was son-in-law to Judge Richard Henderson and gave great satisfaction to the Bar both for his learning and judicial habits.* Edward Jones of Wilmington was elected by the Assembly to a new legal office known as Solicitor-General. He was at the time Reading Clerk of the House of Commons, and the Assembly intended, by adding him to the list of officials, to ease the burdens of the Attorney-General, who had a new circuit added to those he had been previously required to visit, but this disgusted instead of pleasing Alfred Moore and led to his early resignation.†

In the summer of 1790, North Carolina was greatly agitated over the bill before Congress for the assumption by the United States of the debts of the several States.‡ Colonel Davie and other eminent patriots distrusted the wisdom of such rash ventures on the part of the new government, which among its chief duties was to build up its credit. Alexander Hamilton, then Secretary of the Treasury, favored the bill and assured the members of Congress that the national credit would not suffer by its passage. Swarms of Northern speculators, on the strength of this, were buying up the old war claims at ten cents in the dollar. Mr. Madison advocated the payment of only ten per cent. to these and the residue to the original holders.§ At the August elections there were warm contests. Charles Johnson, to the surprise of every one, failed to defeat Dr. Hugh Williamson in the Edenton District, but Timothy Bloodworth was distanced in that of Wilmington. Nathaniel Macon was returned from the Hillsboro District, Colonel John B. Ashe for that of Halifax, and John Steele was elected by a small majority over Colonel Joseph McDowell from the Salisbury District.||

*John Hay to Iredell, December 16th, 1799.

†T. Iredell to Judge Iredell, February 3rd, 1790.

‡Governor Johnston to Iredell, April 6th, 1790.

§Johnston to Iredell, February 13th, 1790.

||Journals, and Hay to Iredell, December 16th, 1790.

Late in the day, on December 1st, 1790, a quorum had assembled and the Legislature organized again in the town of Fayetteville. In the absence of Charles Johnson, who was sick at home, Colonel William Lenoir of Wilkes, was chosen Speaker of the Senate. In the House Colonel William Polk of Mecklenburg vainly contested the Chair with Stephen Cabarrus.* The members of the Legislature were greatly exasperated with the United States Senators from North Carolina, especially with Colonel Hawkins. They were offended because the acts of Congress had not been sent them, and the Senators themselves were not at Fayetteville to confer with members of the Legislature, as had been the old custom of delegates to the Continental Congress, who were elected each year. The secret sessions of the Senate of the United States were offensive.† The salaries of Federal officers afforded matter of complaint, as was also the case with the excise bill.

Governor Martin was re-elected to the Chief-Magistracy of the State, and John Haywood of Halifax, was chosen the successor of Alfred Moore as Attorney-General. It was hard to find a man in any land who was so fine an orator and yet so ample in his grasp of the law, as Mr. Moore, but John Haywood was destined to be a greater lawyer. In breadth of mind and the wealth and accuracy of his legal knowledge, he was, perhaps, the greatest jurist who had yet been seen in the North Carolina courts. He was not only profound in the law, but rich in literary acquirements and labors, and left lasting monuments in

*NOTE.—Colonel William Polk had served bravely through the war. He was son of General Thomas Polk, and father of the late Lieutenant-General Leonidas Polk of the Confederate army, who was also the Episcopal Bishop of Louisiana, of Thomas G. Polk of Mississippi and Mrs. Kenneth Rayner. Colonel Polk married Sarah, daughter of Colonel Philemon Hawkins, Jr. He lived in later times in Raleigh and was president of a bank. He it was who first recalled attention to the forgotten glories of the Mecklenburg Declaration of Independence.

†Judge Fredell to Hay, April 4th, 1791.

both of these often antagonistic arenas. The North Carolina Bar was being deprived of its greatest ornaments. Iredell, Sitgreaves and Stokes had been benched, Johnston was in the Senate, Hooper had died October 14th, 1790, and Archibald MacLaine followed him in a few weeks.*

There were few men in this Assembly who were to achieve eminence. John Hamilton of Edenton, Richard Blackledge of Beaufort, and Benjamin Smith of Brunswick, were all men of respectable attainments and, in the case of Mr. Smith, an enduring reputation was to be achieved. Willie Jones was not a member of this or the preceding Legislature. After many years of ascendancy in the State Councils he had been overruled in the matter of adopting the Federal Constitution, and he, never again to fill a public station. It was not that he lost public confidence for he was still in effect the leader of the Republicans, but he had never been averse to office, and about this time he removed to Wake county, and from that point dictated much of the policy of those who opposed the dominant Federalists.†

The legislation of this year was not very important. The Assembly was in session forty-five days and inaugurated a great public work. This was the Dismal Swamp Canal. Joseph and Benjamin Jones of Pasquotank county have been claimed as the original advocates of this undertaking.‡ As early as 1764 a company had been chartered by Virginia for draining and cultivating the large body of land included in that State and near the city of Norfolk.§ Colonel George Washington was one of the company. He had penetrated the lonely solitude and traversed the shores of Lake Drummond.|| Virginia had authorized and procured the opening of a canal from Kemp's to Northwest Landing prior to 1784.|| In 1786 Robert Andrews and John

*Judge Iredell to John Hay, April 8th, 1791.

†Journals and Correspondence of that period.

‡Jones' Defence, page 139.

§Washington's Writings, vol. XII, page 267.

||Letter of General Washington to Dr. H. Williamson, March 31st, 1784.

Cooper for Virginia, and William McKinzie, James Galloway and Captain John Stokes on the part of the State of North Carolina, had met at Fayetteville in the latter State and agreed upon the terms of a joint undertaking by the two Commonwealths to connect the waters of Elizabeth and Pasquotank Rivers. General Washington, who had reputation as an engineer as well as a military leader, had pronounced the scheme practicable and subscribed to a portion of the stock. The bill as passed only needed the co-operation of the sister State and the work was soon begun, but was many years in reaching a conclusion.* It was finally completed by aid of the general government and was one of the few public works undertaken by the United States which has repaid a large proportion of the amount invested.†

The life of every free people is of necessity filled with more or less of conflict and opposition. The operations of the new Federal government were abundantly criticised in every portion of the land. The assumption of the State debts incurred in prosecuting the war of independence bred great disgust in certain Commonwealths. Massachusetts had stirred up Shay's Rebellion in her noble efforts to relieve the credit of the general Confederation as well as her own.‡ Her people now said it was unjust that they should be again taxed to discharge the obligations of South Carolina. They did not reflect that the Palmetto State had been overrun for years by the armies of Great Britain and was left prostrate and well-nigh undone. Boston alone had felt the bitterness of a tithe of the war which had rested many times longer on the whole face of the trampled Southern Commonwealth. South Carolina had contracted a large indebtedness in her efforts to procure the very blessings which were even then bringing a great commercial prosperity to New England. Men out of office are ever clamorous against those who are in. Complaints were made of the salaries of Federal officials and it was especially harped upon that the members of Congress were the

*Washington's Will.

‡Holmes, page 164.

†*Elizabeth City Economist*, 1878.

authors of their own pay, at six dollars a day.* There was, too, abundant sectional jealousy between the men of the North and of the South, even at that early day.† It is evident, from the correspondence of that era, that local interest was the supreme rule of men who on the floors of Congress professed to be actuated by patriotism alone. The grandeur and unselfishness of General Washington was the only element to bind the souls of all men to faith in the integrity of the majestic fabric so recently erected. He sanctified the whole experiment, and mankind were satisfied that in his serene goodness and watchful supervision there would be allowed no departure from the terms of the great compact. Thus it was in the spring of 1791, that the people of North Carolina drew closer in their adhesion to the general government. They understood that the President inclined to the faith of the Federalists and that party made accessions of members to their ranks. They took for granted that General Washington could not err, and thus the Republican party, in their jealous regard for State immunities, underwent an eclipse that was to last until 1798.

There were some indications of conflict of authority in the State and Federal Courts, which were far from being satisfactory to reasonable patriots. Captain Josiah Collins had qualified as the executor of Robert Smith of Edenton. The heirs of that accomplished gentleman were English subjects and brought suit to recover their rights in the estate. This action was in the State Superior Court. Captain Collins pleaded the Confiscation Act, but the plaintiffs sought relief in the United States Circuit Court for North Carolina, and upon a *certiorari* the State Judges had refused to send up the case, and the Legislature at Fayetteville had passed a resolution of thanks for their action.‡ This matter was further complicated in the fact that Judge Iredell of the

*Judge Iredell's anonymous address in the *Philadelphia Gazette*, February 1st, 1791.

†Senator Pierre Butler to Iredell, August 11th, 1799.

‡Life of Iredell, vol. II, page 203.

United States Supreme Court was a co-executor with Collins, but had not qualified and was to sit as Judge in the Circuit Court.

During the progress of the Revolution in America there had been an interruption of all religious organizations in North Carolina. There were no general bodies organized for the whole State at that time, save the Sandy Creek and Kehukee Baptist Associations, and the Orange Presbytery, established at Buffalo, in March, 1770. The Revs. Hugh McAden, Henry Patillo, James Criswell, David Caldwell, Joseph Alexander, Hezekiah Balch and Kezekiah James Balch were set apart as an independent body from the Hanover Presbytery, with whom they had previously been connected. Their first session occurred the next year at the Hawfields, where the eloquent Henry Patillo delivered the inaugural sermon.* In 1788, as a preliminary step to the establishment of the General Assembly of the Presbyterian Church of the United States, the Synod of the Carolinas was set off, containing the Rev. Messrs. Henry Patillo, David Caldwell, Samuel E. McCorkle, James Hall, Robert Archibald, James McRee, Jacob Lake, Daniel Thatcher, David Baer and John Beck, with others from South Carolina and Tennessee.† These learned and godly men had been, without exception, active agents in procuring the liberties of America, and were located in the belt of country through which Lord Cornwallis had made his different marches when invading North Carolina.

The Episcopal Church had not been strong in numbers, even when the State religion. In 1776 not more than six established clergymen were to be found in the whole State.‡ Many prejudices arose against the course of certain of these in the progress of the war, as they were mostly Loyalists. Revs. Charles Earl of Edenton and Adam Boyd of Wilmington were devoted Whigs, but Rev. John Alexander was a Loyalist in every fibre, though still listened to in the pulpit by his parishioners in Bertie and Hertford. Rector Gurley of Hertford was dead,

*Foote's Sketches, page 236.

†Foote's Sketches, page 281.

‡Martin, vol. II, page 395.

and he, too, never applauded the patriot cause. Upon the death of Mr. Earl, the Rev. Charles Pettigrew had succeeded to the charge of St. Paul's Church in Edenton.* He was a man of much piety and ability. In 1789, Bishop White of Virginia, through Governor Johnston, procured a call for a Convention of the Diocese of North Carolina, but this did not meet till 1794, at which time, in the village of Tarborough, Rev. Charles Pettigrew was elected Bishop. The frightful visit of yellow fever prevented his attendance upon the General Convention and he died before complying with all the Church canons as to consecration. Bishop Pettigrew won the esteem and confidence of all Christians and was their earnest co-adjutor in every good work. Edward Dromgoole, the Methodist missionary, then planting the earliest churches of that faith in North Carolina, and others bore testimony to the noble charity of his creed and practice.†

The Quakers were the oldest in their establishment, of all the denominations, and were numerous in 1791 in the counties of Pasquotank, Perquimans, Orange, Guilford, Johnston and Carteret. The few Moravians were confined to the country surrounding the village of Salem. There were Lutherans in and around New-Bern, but that faith was declining.

The Baptists were almost as old, in the establishment of their churches, as the Quakers. Shiloh Church, in Camden, was in existence as far back as 1727.‡ Meherrin Church, at Murfreesboro, was consecrated seven years later.§ Sandy Creek Church, in Randolph county, dated almost as far back. In 1765, the Baptist Churches of Eastern North Carolina and Southern Virginia united in what they called the Kehukee Association. In

*NOTE.—Mr. Pettigrew married Mary, daughter of Colonel John Blount, and was father of Ebenezer Pettigrew, M. C., in 1836, who was father of Charles, Rev. William, General J. J. Pettigrew of the Confederate States army, and of Mary, who also aided the lost cause.

†Life of Iredell, vol. II, page 592.

‡Comer's Journal, 1729; Benedict's Baptist History.

§History of Meherrin, page 6.

this body, Elders John Thomas, Jonathan Thomas, John Moore, John Burgess, William Burgess, Charles Daniel, William Walker, John Meglamre, James Abington, Thomas Pope and Henry Abbot, were the ordained preachers.* The Baptist churches in the western part of the State were likewise collected in the Sandy Creek Association.

In his Southern tour of 1790, President Washington must not have enjoyed the beauty of the scenery as he passed from Richmond, by way of Halifax, Tarboro and New-Bern, to Wilmington.† These were then the only towns in the State lying on the route. He returned from Charleston and Savannah, through a more western portion of the State. Fayetteville had grown rapidly since the war, and still had many advocates for its claims as the State capital. Murfreesboro, in Hertford county, had been incorporated in 1787, and was a growing and beautiful village. It was named in honor of Colonel Hardy Murfree, who, as Major of the Second North Carolina Battalion, had won so much renown at the storming of Stoney Point, on the Hudson River, in 1779. He did not long reside at the village in which he was so much honored, but removed to the large grant of lands belonging to him in Tennessee, where he gave his name also to the place of his residence there.‡

The General Assembly met at New-Bern in December, 1791. Colonel Lenoir and Stephen Cabarrus again presided in their respective Houses. Nothing is more creditable to men of that day than their long continued honors to the gallant and accomplished Frenchman. Colonel William Polk, with all the *prestige* of his distinguished family, and his own brave services in the

‡NOTE.—Colonel Hardy Murfree married the daughter of Colonel Matthew Brickell, and left sons, William H. Murfree, M. C., in Edenton District, 1413-'17; Matthew B. Murfree, and Mrs. Burton still of Kentucky. The frequent mention of his name in the North Carolina statutes shows he was as highly prized in civil life as he had been in war.

*Burkitt's Kehukee Association, page 9.

†Spark's Life of Washington, page 470.

field, had found it impossible, the previous winter, to unseat a man who had come to the State a few years before, a stranger, and had not now a single blood relative in the Commonwealth. He was to continue Speaker for years to come, and finally to leave his name in the immortal keeping of one of the finest counties in North Carolina. Colonel William Lenoir had no such shining qualities of eloquence and address, but with good sense, unassuming consistency and brave adhesion to his own views, went through life with the same valiant simplicity he manifested when leading his riflemen on their quarry at King's Mountain. Pure, gentle and knightly, he was the prototype and exemplar of the simple-hearted and unselfish people he loved and served so long.* General Thomas Wade of Anson, was serving his last term, and was soon to be "gathered to his fathers."† General Thomas Person was under temporary eclipse in Granville, from prevalence of Federalist influence, and, like Willie Jones, was in retirement. He was soon to re-appear in the Legislature, and to continue until the beginning of the nineteenth century. Another Farquhard Campbell came as a representative of Cumberland.‡ Bertie sent two capable young men in David Stone and William Johnston Dawson. Mr. Stone was son of Zedekiah Stone, who had so worthily represented the same people for years past. He was fresh from Princeton College, in New Jersey, and was a lawyer of highest promise. Mr. Dawson was also just from his studies in England.§ He was a polished and able man, who only lacked length of days to rival his eminent progenitors.|| Willis Allston of Halifax, the friend and *protege* of Willie Jones, was commencing a long and successful

||NOTE.—He was the grandson of Governor Gabriel Johnston, and consequently one degree farther removed from Governor Eden. He lived at Eden House, on Salmon Creek, a mansion long famous for the wealth and culture of its inmates.

*Wheeler, vol. II, page 462.

†Journals.

‡Governor Swain's Lecture, page 122.

§Life of Iredell, vol. II, page 272.

career, which was to culminate in his duties as chairman of the Committee of Ways and Means, in Washington.*

The first statute of this session confirmed Judge Iredell's Revisal of the Laws of North Carolina.† This work, like everything from the hands of that able and conscientious jurist, was as good as could have been accomplished under the circumstances. He went upon the Federal Bench so soon after its inception that he must have greatly needed time in a work where that element is so essential. Another statute was in furtherance of the ordinance of the Hillsboro Convention, as to the location of the seat of the State government. Another provided that Governor Martin should be empowered to procure a new seal for the State, and that after its reception, the old seal of 1776 should not be further used in any grants, or the authentication of public papers.‡ Another was passed for quieting titles after twenty years possession of land under known and visible boundaries. It was also enacted, that in cases of eviction from lands sold under the confiscation laws, the tenants should be reimbursed by the State. Councillors of State were disabled of seats in the Assembly while in that office. Lenoir, Glasgow, Buncombe and Person counties were erected. After these, and sundry other acts of legislation of less general interest, the Assembly adjourned January 17th, 1792.

Governor Alexander Martin was again elected by the Legislature, and entered upon his seventh year of service as Chief-Magistrate. He was adroit enough to have the support of men of both parties, and, though elected as a Federalist, was soon to win fresh honors with the help of the Republicans.§ After the addition of the Judicial District of Morgan, and the Solicitor-General in 1790, the Superior Courts were divided into what were called the Eastern and Western ridings. Morgan, Salisbury, Fayetteville and Hillsboro constituted the Western, and Halifax, Edenton, New-Bern and Wilmington, the Eastern rid-

*Wheeler, vol. II, page 199.

†Public Acts, vol. II, page 1.

‡Public Acts, vol. II, page 13.

§Major Pierce Butler to Iredell, 1794.

ing. Two Judges, with the Attorney or Solicitor-General, held the Superior Courts, whereas, previous to 1790, three Judges went in company over the whole State.* The old Colonial Court habits were still preserved. The Judges insisted upon the wearing of gowns in open court, and would allow no lawyer to address the court without being so arrayed.†

The year 1792 was characterized by political discontent, and a serious disaster in the northwestern territory. General Washington had found the effects of English machinations among the Indians. The tribes were induced to resist any crossing of the Ohio River. General Harmar had been badly beaten at Maurice, on October 17th, 1790. On the fourth of November of the next year, General Arthur St. Clair was surprised in Wabash county, and utterly routed by Little Turtle at the head of the Delaware and Shawanee tribes.‡ There was growing discontent at the loose construction of the United States Constitution by Colonel Hamilton and the Federalist party, which at that day followed so implicitly his and the views of Vice-President John Adams. Thomas Jefferson, though also a member of the Cabinet, was recognized as the leader of the Republicans. These were open in their opposition to the leading features of the government's internal policy, and violent personal resentment was soon developed between Hamilton and Jefferson. There were serious discontents in North Carolina as to the excise laws.† They did not proceed to the extent soon to be witnessed in Pennsylvania, but serious and anxious mutterings were heard against the policy of collecting so much of the people's money for Federal purposes.

The General Assembly met at New-Bern, November 15th, 1792. Colonel Lenoir and Stephen Cabarrus were again selected as presiding officers. There were but few of the prominent pub-

*Revised Statutes, vol. II, page 529.

†W. Hooper to Judge Iredell, March 1st, 1787.

‡Holmes, page 157.

†Washington to Hamilton, August 31st, 1792.

lic men of the State in this Legislature. Charles Johnson of Chowan, Alfred Moore of Brunswick, Mussentine Matthews of Iredell, Joseph Graham of Meeklenburg, and John Swann of Pasquotank, had all won previous distinction as legislators. William P. Little was serving for the first time as the Senator for Granville.* John Louis Taylor of Cumberland, was a young Irishman, who had won distinction as a lawyer, and was to become one of the greatest jurists in North Carolina history.† Jasper Charlton of Bertie, was a lawyer also, and was respected as such in the limited area over which he extended his practice.‡ Joshua Granger Wright was, for the first time, in a deliberative body. He combined learning and eloquence to a remarkable degree, and was the founder of a family still prominent in North Carolina. He was to win high legislative and judicial honors, and to be cut off in the meridian of his strength. William Amis of Northampton, was another remarkable man. He had surmounted early disadvantages, and had become a citizen of large wealth and respectability. He is famous in racing annals, as the owner of Sir Archie, the most useful and celebrated horse ever owned in America. His near neighbor, General Allen Jones, had retired from all participation in public affairs, and was soon to make his exit from a scene he had so long honored with his presence.

Governor Alexander Martin was the choice of this Legislature as the successor of ex-Governor Samuel Johnston in the United

*NOTE.—He was son of Colonel George Little of Hertford, and the nephew of General T. Person. He married Ann, the daughter of Colonel Philemon Hawkins, Jr., and was father of Colonel George Little of Raleigh, Thomas P. Little of Hertford, and Mrs. Dr. Charles Skinner of Warren.

†NOTE.—Judge Taylor married the daughter of Dr. Alexander Gaston of New-Bern, who had been slain by the enemy in the Revolution, and was consequently brother-in-law to Judge William Gaston.

‡Wheeler, vol. 11, page 293.

‡Judge Iredell to wife, 1782.

States Senate.* He was regarded as a Republican, while Governor Johnston was ever an extreme Federalist. Richard Dobbs Spaight became Governor of the State, in place of Governor Martin, and was the first native-born incumbent of that high position.† In learning, eloquence and character he was one of the first men in all America, and was alike admired for his genius and virtues.

The legislation of this session was not very important. An attempt was made to remedy some of the many frauds practiced upon the late soldiers of the State Continental line.‡ Another statute provided a death penalty on masters of vessels visiting North Carolina waters, and aiding, by means of their ships, the escape of negro slaves belonging to people resident in the State.§ Chapter 14th confirmed the report of the Commissioners, appointed by the last Legislature, locating the seat of the State government on the farm of Colonel Joel Lane, in Wake county. And thus, after its long habit of migration, the General Assembly agreed upon a permanent location for the government offices.|| The continuous struggles as to where the next term of the Legislature was to be held, were at last happily ended, and the legitimate Legislature of the State was thus to be attended to without regard to the rival cabals of New-Bern, Tarborough and Fayetteville. There were, also, acts for the choice of electors of President and Vice-President of the United States, and for dividing the State into Congressional Districts. A new county had been erected, and named for Judge Iredell, the year before, and Stephen Cabarrus was similarly honored at this term by a fresh division of Mecklenburg.** A company was chartered for improvement of Cape Fear River from Fayetteville to the confluence of Haw and Deep Rivers.

With the advent of the year 1793, the French uproar extended its evil influences to America. The envoy of that unhappy

*Wheeler, vol. II, page 109.

†Public Acts, vol. II, page 24.

‡Public Acts, vol. II, page 28.

§Revised Statutes, vol. II, page 526.

‡Public Acts, vol. II, page 25.

**Public Acts, vol. II, page 30.

and blood-stained land, citizen Genest, had been sent over with instructions to procure the help of the United States in an insane crusade then being prosecuted by the Jacobins against the Kings and governments of Europe. Nothing but the vast veneration of America for Washington, and his firmness and wisdom, saved the infant American Republic from the entangling alliance which the insolent and cunning Frenchman was seeking.* The great American patriot was induced to serve another term as President of the United States.

The Congressional elections in North Carolina were full of excitement. Dr. Hugh Williamson was replaced, in the Edenton District, by William Johnston Dawson of Bertie. Thomas Blount of Edgecombe succeeded Colonel John B. Ashe of Halifax.† Captain James Gillespie of Duplin, William B. Grave of Cumberland, Matthew Locke of Rowan, Nathaniel Macon of Warren, Colonel Joseph McDowell of Burke, Alexander Mebane of Orange, Benjamin Williams of Moore, and Colonel Joseph Winston, constituted the new delegation from North Carolina to the national House of Representatives. Thus, with the single exception of Mr. Grove, there was an entire change in the delegation, and instead of the five members originally apportioned, that number was now doubled under the recent census, notwithstanding the fact that Tennessee (which, on that occasion, sent Colonel John Sevier,) had been ceded, and was no longer a portion of the State.

The permanent seat of government had been selected and located at the embryo city of Raleigh, but as accommodations for the public offices were not yet constructed at that period, the Legislature met on December 15th, 1793, at Fayetteville. This was to be the last of the many wanderings of the State govern-

†NOTE.—Thomas Blount was brother of Governor William Blount, then of Tennessee, and of John Gray Blount of Beaufort. He married Jacky, daughter of General Jethro Sumner, and died childless while a member of Congress.

*Holmes, page 177.

ment. Colonel William Lenoir of Wilkes again presided in the Senate, but Mr. Cabarrus was replaced in the House of Commons by John Leigh of Edgecombe. This wise and valued citizen had been, for years, growing in reputation as a parliamentarian, and was a worthy compeer of the Battles, Blounts, Haywoods and Phillips of that ancient shire. William R. Davie of Halifax, Joseph Graham of Mecklenburg, William Cumming of Chowan, Joseph Riddick of Gates, and Thomas Wynns of Hertford, were the prominent leaders in the body, but there were many other useful and patriotic members, who were to give faithful service to the State, and to have honored positions in its limits. Some of these were to achieve great honors, and all were men of probity and consideration in their respective constituencies.*

The growing insolence and aggressions of both English and French emissaries warned America that in the great wars then progressing, her rights were to be despised, and that nothing but the strong arms of a free people would save them from being continually plundered and dishonored. The first statute of 1793 carried into effect a recent act of Congress for establishing a uniform militia throughout the United States. The men of the State were enrolled in regiments, brigades and divisions. The frightful visits of yellow fever at Philadelphia and elsewhere produced general rules of quarantine to be observed by vessels coming into any portion of the State. It was also provided that in grave offences slaves should be entitled to trial by juries. The new great seal prepared in consequence of the statute of 1791 was approved, and ordered to be used in all public acts after March 1st, 1793.

There was a called meeting of the Legislature at New-Bern, July 7th, 1794, which adjourned on the 18th day of the same month. There were but three acts passed. The first act ceded lands to the Federal government for a fort at Smithville, including the site of Fort Johnston. Beacon Island, at Ocracoke, and four

*Journals of Legislature, 1793. †Public Acts, vol. II, pages 36, 38 and 48.

acres at the headland at Cape Hatteras were likewise devoted to a similar purpose. The second act amended the militia statute of the preceding session, while the third was for raising North Carolina's quota of militia, as provided for in the recent legislation of the United States Congress.* Lord Dorchester, as Governor-General of Canada, had been recently reported as holding language to the western Indian tribes strongly indicative of hostile intentions. In addition to this, certain secret societies in western Pennsylvania had created such opposition to the execution of excise laws that Judge Wilson, of the United States Supreme Court, had apprised the government of a state of insurrection. The President's proclamation being disregarded, a large militia force was called out and put under the command of Governor Henry Lee of Virginia. The Whisky Rebellion soon collapsed upon the approach of the troops and Herman Husband, who had fomented the war of the Regulation in North Carolina, was arrested and imprisoned as a ringleader.† Dr. David Caldwell happened to be in Philadelphia, and, with Dr. Benjamin Rush, procured the release of this ancient agitator and incendiary.‡ No troops were required from North Carolina in this dangerous affair, but the contingent was promptly filled and tendered the general government.§

The General Assembly of North Carolina met at the new city of Raleigh on December 30th, 1794, with the same presiding officers as had been seen in the last session. Jonathan Jaycocks of Bertie, Benjamin Smith of Brunswick, and General John Steele of Rowan, had been previously members and were men of influence and talent. George Pollock of Jones generally resided in Craven, where, as in Halifax and Northampton, he was possessed of great estates.|| Peter Forney of Lincoln was of great

||NOTE.—Mr. Pollock was a descendant of Governor Pollock of early colonial days. His kinsman, Cullen Pollock of Edenton, was a man of large

*Public Acts, vol. II, page 52.

†General Washington to Hamilton, October 31st, 1794.

‡Wheeler, vol. II, page 349.

§Public Acts, vol. II, page 52.

good sense and an eminently patriotic stock. John Hogg of Hillsboro was one of several brothers, who were all cultivated men.*

There was a vacancy on the Superior Court Bench, to be supplied at this session, in consequence of the death of Judge Samuel Spencer of Anson. He was in extreme physical debility from disease, and was left in the shade of a tree in his yard, where a turkey-gobbler, being excited by red flannel in his dress, attacked and beat him with his wings and so injured him that he died. He was a man of mind and was formidable as a debater at the bar and in parliamentary bodies. He was not very delicate in his moral perceptions and was less valued among the lawyers on that score.† John Haywood of Halifax, then Attorney-General, was elected by the Legislature as Judge Spencer's successor.‡ Blake Baker of Warren was made Attorney-General. He was accounted a man of learning and discretion in his day, but was not of the stature characterizing his three immediate predecessors in that office, but this was a matter of extraordinary coincidence. James Iredell, Alfred Moore and John Haywood were legal giants, and Blake Baker might well have been a great lawyer and yet be inferior to them.§

The second act of this session was one of great significance as to the sentiments of the Southern people at that day. It was provided that heavy penalties should be visited upon any one presuming to import slaves into North Carolina for the purpose of sale or hire. Citizens of the United States or foreigners might come to reside in the State with their bond servants, or could pass through its limits to other States. Citizens might inherit or obtain slaves under previous contracts, but not otherwise by importation from abroad. This was probably intended to

wealth and culture. George Pollock was killed by a horse, about 1840, and left his property to the late T. P. Deverenx and the Burgwyns.

*Journals, 1794.

†Wheeler, vol. II, page 25.

‡Revised Statutes, vol. II, page 530.

§Revised Statutes, vol. II, page 532.

prevent the further importations from Africa, but it was in effect an interdiction upon inter-state trade in the matter of slaves. Southern sentiment at that day had a strong tendency to emancipation. General La Fayette, in his generosity, had appealed to General Washington to suggest some scheme for the liberation of the black people, and the great Virginian promptly answered that the proposition met his concurrence.* Virginia, through her mighty civilian, Thomas Jefferson, had insisted, in the ordinance for the government of the northwestern territory, that slavery should be forever excluded. North Carolina provided exactly different in her act of cession of the territory of Tennessee, but as an index of the true feelings of a great body of the best people in the State, the Presbyterian Synod at Morganton, on November 3rd, 1796, agreed to advise Rev. James Gilleland as to his abolition sermons; "to content himself with using his utmost endeavors in private to open the way to emancipation, so as to secure our happiness as a people, preserve the peace of the Church and render them capable of enjoying the blessings of liberty. Synod is of the opinion, to preach publicly against slavery, in present circumstances, and to lay down as the duty of every one, to liberate those who are under their care, is that which would lead to disorder, and open the way to confusion."† Another statute of the same session provided for the better discipline of slaves and free persons of color. It was, that regular patrols should be kept up among the plantations and that all negroes found going at large and hiring their time should be arrested. Also that no meeting for the purpose of drinking and dancing should be allowed, unless by special permits in writing. That all slaves found absent from their homes without such written passes should be liable to corporeal punishment.‡ It seems strange that men who knew so well the value of liberty to themselves should have thus abridged the small sum of enjoyments

*Revised Statutes, vol. II, page 530.

†Public Acts, vol. II, page 54.

attendant upon those whose whole lives were ordered by the will and wishes of other men.

In the year 1795 there was but slight division in North Carolina as to any matter of State policy, but an increasing bitterness between the Federalists and Republicans as to the proper construction of the Federal Constitution and the foreign policy of the American government. General Washington resolutely held his purpose of neutrality between France and England in their bloody and continued struggles for mastery in Europe. Thomas Jefferson was a very great man but thoroughly ambitious, and too often unscrupulous in the means he used to advance his own and his party's ends.* He took advantage of the unpopularity of the Jay Treaty to impugn the purity and motives of the whole administration. He filled America with his plots to embarrass the greatest of patriots, who so unwillingly had yielded to his own persuasion in consenting to serve a second term as President. Colonel James Monroe, in contempt of his instructions, was embracing and applauding the blood-stained miscreants of the French Convention and necessitating his recall,† while Edmund Randolph, as Secretary of State, was only by accident discovered in disgraceful treachery to the policy he pretended to uphold.‡

The Legislature met in Raleigh, November 2nd, 1795, and selected Benjamin Smith of Brunswick as Speaker of the Senate, and John Leigh of Edgecombe again to the Chair of the House. Benjamin Smith was a sensitive and impulsive man, whose life was checkered by the warmth of his feelings. He was generous to a fault, and, with General Thomas Person, made a noble benefaction to the infant University of North Carolina, which this year went into operation at Chapel Hill. Dr. McCorkle delivered an oration and General William R. Davie, as Grand Master of the Masons of North Carolina, laid the corner-stone of the

*NOTE.—If any one should think the above a harsh estimate of the great civilian, let him consider Jefferson's connection with the Langhorne letter.

†Holmes, page 179.

‡Washington's Writings, vol. XI, page 90.

East Building. This occurred in October, 1793, and was the beginning of a famous institution. In February of 1795, Rev. David Kerr, as professor, and Samuel Holmes, as tutor, opened the college, and on the 12th day of that month, Hinton James of Wilmington, the first student, arrived.*

Colonel William Lenoir, Colonel John B. Ashe, Willis Alston and General Thomas Wynns were the most prominent members of the Legislature of this year. Samuel Benton of Orange, John Johnston of Bertie,† and Hugh Waddell of Bladen, were new members and rather distinguished by their connections and opportunities than real merit or intelligence.‡ They were gentlemen of cultivation and high respectability. The Legislature was not of much historic moment, except in the hearty effort to exclude all fresh importations of African slaves.§

Judge Samuel Ashe was elected Governor to succeed Richard Dobbs Spaight.|| The new Executive was a man of large abilities and experience in public affairs. He had been for nearly twenty years in discharge of judicial functions and also a leader in all the exciting measures which led to the Revolution and formation of the State government. He was ever an extreme Republican in his political views, and to this cause is to be attributed much of the hostility of the Federalist lawyers. David Stone of Bertie was elected to succeed Judge Ashe on the Superior Court Bench.** He was already distinguished both in legal and political circles, and was recognized as a young man of the greatest promise. He was just twenty-five years of age when this high honor was conferred, and was the youngest Judge who had yet presided in North Carolina.†† Timothy Bloodworth

†NOTE.—He was a nephew of Governor Samuel Johnston. He married Betty Cotton of Hertford, daughter of Godwin Cotton of Mulberry Grove, and was father of Rev. Samuel Fredell Johnston, D. D., and Mrs. J. D. Wynns of Edenton.

*Wheeler, vol. I, page 117.

‡Journal, 1795.

§Public Acts, vol. II, page 79.

||Revised Statutes, vol. II, page 526.

**Revised Statutes, vol. II, page 530. ††Wheeler, vol. II, page 32.

was elected to the United States Senate by only one majority over Alfred Moore.* This, however, was not the work of the Legislature just described, but of the previous one. In the Congressional elections, Thomas Blount, James Gillespie, W. B. Grove, Matthew Loeke and Nathaniel Macon were re-elected and Colonel Nathan Bryan of Jones,† Colonel Dempsey Burgess of Camden, Jesse Franklin of Surry, and Absalom Tatum of Orange, were elected as new members, as were also James Holland of Sampson and William Chadwick, whose residence does not now appear.

†NOTE.—Colonel Bryan died at Philadelphia during the course of his service, and was buried in the Baptist church-yard in that city. He bore to the Fourth United States Congress very much the same relations as a Christian as were seen in J. L. M. Curry of Alabama, just preceding the late war between the States. Dr. Curry was almost as distinguished by his zeal as a layman as he is now in the character of a divine.

*Governor Johnston to Iredell, February 14th, 1795.

CHAPTER XIX.

A. D. 1796 TO 1806.

Political division as to the French people—General Washington saves America from an entangling alliance with the Tricolor—Assembly of 1796—Benjamin Smith and M. Mathews Speakers—Defeat of the Republicans—Membership—McDowell, Vance and Mathews to trace the Tennessee line—General Washington retires to Mt. Vernon—John Adams, second President of the United States—Elections to the Fifth Congress—Assembly of 1797—Membership—Bill to punish the frauds of James Glasgow, John and Martin Armstrong and others—General Washington appointed to the command of the United States army—W. R. Davie Major-General of North Carolina's contingent—Alien and Sedition Laws—Assembly of 1798—John Stanly—The land frauds—Downfall of Glasgow—Alfred Moore succeeds Judge Stone on the Superior Court Bench—John L. Taylor also a Judge—General Davie Governor—Elections to the Sixth Congress result disastrously to Federalists—Jesse Franklin succeeds Bloodworth in the United States Senate—Bonaparte—State of North Carolina society and the slaves—Assembly of 1799—Members of note—Governor Davie succeeded by Benjamin Williams as Chief-Magistrate—He goes on French Mission—Death of Judge Williams—Governor Johnston his successor—Deaths of Judge Iredell and General Washington—Alfred Moore appointed to United States Supreme Court—Bar at that time—Changes in the Courts—Resolutions of 1798-'99—General Riddick defeats their endorsement at Raleigh—Judge Stone United States Senator in place of Governor Martin—Jefferson President of the United States—Elections to the Eighth Congress—Assembly of 1801—New members—Death of Judge Sitgreaves, and appointment of Henry Potter—Statute of 1802, in relation to Negro Insurrections—Spaight and Stanly duel—Congressional elections and ruin of Federalism—Election of Colonel Ashe as Governor—His death—James Turner Governor—Locke elected Judge in place of Johnston, resigned—Assembly of 1803—Members—Nathaniel Macon—Speaker of United States House of Representatives—Assembly of 1805—General Wellborn's road to Beaufort—Great revival of religion.

In the few memorials now surviving, of the deeds and thoughts of 1796, there is abundant evidence that North Carolina participated in the bitterness of the party struggles, characterizing other parts of the country in that unhappy period of American history. Upheaval and change were abroad in Eu-

rope. Ruthless force and military expediency were the only rules of conduct as to the treatment of America and her citizens, whenever by chance the ships of this country fell into the power of the English and French cruisers. A large portion of the American people, on the plea of assistance rendered in the Revolution, were open in their demands for alliance with the Directory which had succeeded to the rule recently exercised by the monster Robespierre. Nothing but the wisdom and patriotic firmness of General Washington saved the country from this ruinous step.* The Republicans, as a party, were exasperated that after so carefully limiting the powers of the government of the United States in the terms of the Constitution, the Federal leaders were still construing that instrument in such a way as to amount to almost perfect disregard of the metes and bounds prescribed in the Federal compact.† Because General Washington leaned to Federalist views he was denounced and slandered, although it was well known that he had refused to be a candidate for re-election as President. The contest for that high position lay between John Adams and Thomas Jefferson, and resulted in the choice of the former as President and his rival as Vice-President.

The Legislature met on the 23rd day of November, 1796, and made Benjamin Smith Speaker of the Senate and Mussentine Mathews of Iredell Speaker of the House of Commons. There had been a bitter contest in the fall elections. Willie Jones, Governor Spaight and other ancient leaders were defeated.‡ There was still abundance of experience and ability among the members. John G. Blount of Beaufort, George Outlaw of Bertie, Waightstill Avery of Burke, General Gregory of Camden, Thomas Badger of New-Bern,§ W. P. Little and General Per-

‡NOTE.—Father of late Judge George E. Badger. He married the daughter of Richard Cogdell, as did also J. W. Stanley.

*Holmes, page 167.

†Jefferson's Correspondence.

‡General Davie to Judge Iredell, November 11th, 1796.

son of Granville, General Davie and Willis Alston of Halifax, General Wynns and Robert Montgomery of Hertford, William White of Lenoir,* Generals Graham and Forney of Mecklenburg, Joshua G. Wright of Wilmington, Colonel Samuel Ashe and A. D. Moore of New Hanover, and General James Wellborn of Wilkes, were the leading members.†

One of the most important acts of this Assembly was the appointment of Colonel Joseph McDowell of Burke, David Vance of Buncombe, and Mr. Speaker Mussentine Mathews of Iredell as Commissioners on the part of North Carolina in resuming the line between that State and Tennessee.‡ Mr. Vance was a useful member of the Legislature and was to survive in an honored posterity. Colonel McDowell was the recognized leader of the Republican party in the western counties, and was as eminent for his sagacious leadership in civil matters as he had been dauntless and successful in the late war. The legislation of the session was of such a nature as to present but little historic interest and was confined to matters of court regulation and internal policy.

In the spring of 1797, the last administration of General Washington closed. In his farewell address the same unflinching patriotism was evident that had so long illustrated his public services. He went, in March, to his noble estate at Mount Vernon and entered again upon that retirement, from which he had issued only because of the public necessities. His successor, John Adams, was a man of brilliant endowments, strong passions and bitter prejudices. He was patriotic, largely experienced and weak only in the fact of his great vanity.§ He had neither the patience nor

*NOTE. - Colonel William White married one of the daughters of Governor Caswell. He became Secretary of State upon the disgrace of James Glasgow, and was for many years so clear in his discharge of duty in that important station that his name is still revered in the State. He was a good man, a faithful public servant and a leader in Raleigh's social life in the earlier days of that city's history.

†Journals of 1796.

‡Public Acts, vol. 11, page 96.

§Bancroft, vol. VI, page 302.

the moderation of his predecessor, and was one of those who had all along advocated a strong government and was now so construing the Federal Constitution that the reservations therein amounted to almost nothing. He was the life-long rival of Jefferson, who was continually denouncing his latitudinous constructions as palpable disregard of the organic law. Adams saw nothing but anarchy in the success of Republican views, while Jefferson prophesied tyranny and misrule as the result of the centralizing schemes of the Federalists. Adams was impatient and arbitrary, while his abler antagonist awaited the coming hour of great and abiding victory.

In the Congressional elections of this year, the North Carolina delegation consisted of Thomas Blount of Edgecombe, Colonel Nathan Bryan of Jones, Colonel Dempsy Burgess of Camden, William B. Grove of Cumberland, Matthew Locke of Rowan, Nathaniel Macon of Warren, Colonel Joseph McDowell of Burke, Richard Stanford of Richmond, and Robert Williams of Surry.* The latter was a man of unusual attainments, and added to his other public service the preservation of certain State records, no where to be found but in his patriotic keeping.†

The Legislature of 1797, met on November 20th, and selected the same presiding officers as of the last session. George Davis of Brunswick, Edward Graham of New-Bern, and Colonel Nathan Mayo of Edgecombe, were conspicuous among the new members for talent and influence, and have still abundant continuance in their several posterities. The most important of the legislation of this year, was the bill looking to examination into certain alleged frauds concocted in the offices of James Glasgow, Secretary of State, and of Major John Armstrong, Commissioner of Land Patents, issued by North Carolina to her Continentals.‡

*NOTE.—General Robert Williams was one of a distinguished family. His father, Colonel Joseph Williams, was a patriot in the Revolution, and left useful sons and daughters. Lewis Williams, "the father of the House," was one, and Chancellor T. L. Williams of Tennessee, another, besides others.

†Wheeler, vol. II, page 409. ‡Public Acts, vol. II, page 110.

It was provided that neither Glasgow nor Armstrong should issue patents for a year to come, and that in that period the Comptroller, John Craven of Halifax, should furnish only such as had been paid for. Three Commissioners, with power to send for persons and papers, were appointed. They were to meet at Hillsboro, and, upon investigation, report to the Governor of the State any evidence of fraud to be found in the said offices. Whereupon it should be the duty of the Attorney and Solicitor-General to take such steps as might bring the offenders to justice.* The Commissioners, under this act, did not report in time for the Hillsboro Superior Court to take cognizance of the matter, and it was deferred for further legislation.

Upon investigation, by a committee of the Legislature, it was discovered that by the connivance of Glasgow, one Tyrrell, then a clerk in the Secretary of State's office, was in the habit of issuing grants, calling for certain specified acres, but really contained a hundred fold more surface than appeared on the face of the deed.

It seemed, as 1798 dawned upon America, that great events would follow thickly, one upon another. The conduct of France was such that war with that power seemed inevitable. General Washington, at the special request of Congress and the President, was again put in command of the army, to be raised in contemplation of French invasion. North Carolina voted a full division as her quota of this provisional army, and ex-Governor William Richardson Davie was appointed Major-General, to command it.† He held the rank of Brigadier-General in the United States army, and if war had come, would have been a fit commander in the utmost danger. There seemed a great probability that the French Directory would send over an army of invasion against their former allies, and General Washington supposed that the Southern States would be their point of attack. An arsenal was established at Fayetteville. The wide ocean was probably the safe-guard which delivered the American Republic

*Public Acts, vol. II, page 110. †Wheeler, vol. II, page 198.

from the frantic assault of its European imitators. It would seem, that while at war with England, it would have been sheer madness in attempting what was soon done by Napoleon in Egypt.

A great crisis in the affairs of the new government was rapidly approaching. John Adams was both able and patriotic, but never a moderate man. He chafed under opposition, and was impatient of criticism. He imparted a dangerous and overbearing spirit to his supporters. The Federalists were in the ascendency in national affairs, and an utter disregard of their opponents was constantly manifested.

Governor Henry Lee of Virginia, in a letter dated January 21st, 1795, showed that they could not tolerate even the position occupied by James Madison at that day. He spoke complacently of the recent armed suppression of the Whisky Rebellion in Pennsylvania, and its probable discouraging effects upon the opposition. On the 4th of May, 1798, a bill concerning aliens was reported in the Senate, and on June 8th, 1798, passed that body; Governor Martin voting in the affirmative, and Mr. Bloodworth in the negative. The bill passed the House on the 21st of the same month. All the North Carolina delegation, except Mr. Grove, voted in the negative. The Sedition Act passed the Senate on the 4th of July. It was warmly opposed in debate by Nathaniel Macon and Joseph McDowell of our State, in the House, and again Mr. Grove alone of his colleagues was found supporting this measure.* He must have been the most devoted of administration men, for he even endorsed John Jay's British treaty, so universally condemned by men of all parties in the South.† These odious and unconstitutional enactments were intended to arm the President with power to seize and send out of the country such foreigners as became offensive to the administration. Furthermore to punish any native citizen who should harshly criticise the general government or its operations. It raised a storm of indignation through the country. The legisla-

*Cluskey, page 43. †Governor Johnston to Judge Fredell, 1799.

ture of Virginia and Kentucky passed their famous resolutions, and the Federalists hastened to their downfall. In the early years of the nineteenth century, the imputation of holding their opinions became a stigma, and was as fatal with political aspirants as the charge of abolitionism thirty years later.*

The Legislature of 1798, met on November 19th, and continued the presiding officers of the last session.† The most distinguished new member of either House was seen in the person of John Stanly of New-Bern. He was the son of John Wright Stanly, who had married the daughter of Richard Cogdell, so prominent in the early days of the Revolution. John Stanly was equally celebrated in his day as a jurist and politician. He was passionately vindictive and aggressive by nature, but possessed great learning and eloquence. His colleague, William Blackledge, also serving his first session, was a man of wealth, position and intelligence.

Among the acts of this session, was one requiring attorneys to produce written retainers in court when their clients were absent, or in default of such authority they should be debarred the privilege of appearance.‡ There was still further legislation as to the land patent frauds. It appears from the acts that there was a land office in Nashville, Tennessee, under Colonel Martin Armstrong, and another in Hillsboro under Major John Armstrong. The fraudulent patents were obtained from James Glasgow, Secretary of State, and with the connivance of the others, sought to be located at the disadvantage of the Continental soldiers and the State.§ Colonel Glasgow had been in office since the formation of the State and had been so highly valued that a county had been called by his name. Alas, for his fame! He was dismissed in disgrace from his office and the name of the county of Glasgow changed into that of Greene, in compliment to the great soldier, who had then been dead for several years.

*Holmes, page 183.

†Public Acts, vol. II, page 119.

‡Public Acts, vol. II, page 146.

§Public Acts, vol. II, page 117.

Colonel William White of Lenoir, the son-in-law of Governor Caswell, was elected to the office made vacant by the removal of James Glasgow and retained the place until his death in October, 1811.

Colonel Glasgow knew that Judge John Haywood had drawn the bill creating the Court of Patents, before which he was to be tried. He offered Haywood a thousand dollars to leave the bench and defend him. The offer was accepted, and the great jurist, who had gone up to try the offender, became his counsel. His elaborate services did not avail, for the culprit was convicted. Spruce McKay, John L. Taylor, and Samuel Johnston, were the Judges. Blake Baker, Attorney-General, and Edward Jones, the Solicitor-General, prosecuted, but the latter was mainly relied upon. Duncan Cameron was Clerk of the Court, and reported the case.* Some of the accomplices escaped, and were never punished. In 1797, Governor Ashe was warned by Judges Tatom and McNairy from Nashville, by express, of a plot formed there to burn the State House in Raleigh, in order to destroy the records of the guilty parties. An armed watch was kept for some time. Philip Terrell, a negro slave of William Terrell, one of the absconding parties, was caught in a burglarious entry of the room containing the records, and was punished capitally.

Judge David Stone this year resigned his place upon the bench and was succeeded by Alfred Moore.† Judge Stone preferred a political station and was elected to Congress in the Edenton District, over Colonel Dempsey Burgess. John Louis Taylor of Cumberland, was also made a Judge at the same session, and was destined to as high a renown as was vouchsafed his more brilliant colleague.‡

In addition to his recent military distinctions, General William R. Davie was at this session elected Governor of North Carolina. He was a member of the House of Commons for Halifax, and

*Governor Swain's Tucker Hall Lecture, pages 22 and 23.

†Revised Statutes, vol. II, page 530.

this was to be his last appearance in the General Assembly. No man, perhaps, ever shone more brilliantly in the debates. His tall and courtly person, conjoined to majesty of demeanor and splendor of diction, rendered him by far the most striking orator yet seen in North Carolina.*

The elections in North Carolina, as in almost the whole nation, resulted in disaster to the Federalists. In Congress, the delegation this year consisted of Willis Alston, Sr., of Halifax, Joseph Dickson of Duplin, W. B. Grove of Cumberland, Archibald Henderson of Rowan,† William H. Hill of Wilmington, Nathaniel Macon of Warren, Governor R. D. Spaight of Craven, Richard Stanford of Richmond, Judge David Stone of Bertie, and General Robert Williams of Surry. Jesse Franklin of Surry, was elected to the United States Senate in place of Timothy Bloodworth. Governor Franklin, like Nathaniel Macon, was dear to the people, because he typified their best qualities. He did not shine in debate like Davie or outwit his competitors, like Alexander Martin, but he was strong in the simplicity and directness of his character. He loved truth, peace and justice and they shone in his life and made him a beacon and assurance to all who knew him.

The land frauds at home and the French uproar abroad, were the staples of thought and discussion to the men of Carolina in the last year of the eighteenth century.‡ Like a great inundation spread the tide of blood and war over all Europe. The Corsican Lieutenant had become First Consul of France and at the age of twenty-five was displaying a genius for command that yet has no parallel in history. As the century was passing away there were many things over which the people of North Carolina had abundant cause for felicitation. With each year, as in

†NOTE.—He was son of Judge Richard Henderson and brother of the Chief-Justice of the same name. He was one of the very ablest lawyers ever seen in the State and possessed virtues to match his intelligence.

*Revised Statutes, vol. II, page 526.

‡Judge Iredell's Correspondence, 1799.

natural life, the bones of the infant Republic were hardening into increasing assurance of stability. The States of Vermont, Kentucky and Tennessee had been added to the Union and a great stream of immigration was pouring fresh thousands each year upon the rich plains of the Northwest.* It was perhaps the golden age of enjoyment to the two races peopling North Carolina. The relations of master and servant were patriarchal and mild. The Quakers were then, as subsequently, opposed to slavery, but they did not seditiously interfere with an institution sanctioned by law. The British and American acts of emancipation were mostly things of the future, and there was nothing to suggest discontent to the slave or distrust to the master. The black people were in a great degree untrammelled as to social enjoyments. They participated largely in the enjoyments of the white race, and were free to conduct their religious exercises in their own wild manner. Some of their preachers were extensive travellers in dispensing the Gospel, and one, known as Blind Sam, traversed a large portion of the State in his missions.†

The Legislature of 1799 met on the 18th day of November, and chose the same presiding officers. Zebulon Baird of Buncombe, John Blount of Edenton, John and Thomas Hill of New Hanover, and John Martin of Stokes, were the new members of the year.‡ The first work of the session was the selection of a Governor. General Davie declined re-election, as he had accepted a place on the French Mission just nominated by President Adams. He went to Paris in company with his associates, Oliver Ellsworth, Chief-Justice of the United States Supreme Court, and Mr. Murray, then envoy to Holland, and he was as marked in Napoleon's Court as he had been in the other conspicuous scenes of his life. He was succeeded as Governor by Benjamin Williams of Moore.‡ Governor Williams lacked much of equalling his brilliant predecessor in those shining qualities which render

†Holmes, page 280.

‡History of Meherrin, page 9.

‡Journals, 1799.

men famous, but his long hold on the public confidence showed the lasting nature of his gifts and graces.

Judge John Williams, after presiding so many years in the courts, died at his place, at Williamsboro, in Granville, in October of 1799, and was succeeded in the following February, by ex-Governor Samuel Johnston.* Judge Williams was one of the best and kindest men of his day, and was greatly prized for his social virtues, as well as judicial excellencies. His early disadvantages had unfitted him for the very highest work in his profession, but he was a learned and upright magistrate, and loved mercy as he upheld the truth.† On the 20th day of the same month, Judge James Iredell, of the United States Supreme Court, came to his death at Edenton. His great labors in riding the Southern Circuit had no doubt shortened his useful days. Repeatedly in his stick gig did this devoted public servant traverse the wide and weary distances between Philadelphia and Savannah.‡ He was a profound and luminous jurist, and won the admiration and regard from the lawyers of the whole nation. Death again claimed one of "nature's noblemen," and in the last hours of the century came the supreme loss in him, who so serenely awaited the inevitable event in his home at Mount Vernon. General Washington died as he had lived, the most faultless and majestic of men.

President Adams, on December 10th, supplied the vacant place on the Supreme Court bench, by appointing Judge Alfred Moore.§ No North Carolinian of that, or other days, was more worthy of the exalted position thus again tendered a citizen of the State. He was lacking in the assiduity of his predecessor, but was still a great jurist, and more brilliant as an orator than even Judge Iredell. Great lawyers were thickening at that day in North Carolina. William Gaston and Archibald D. Murphy were already at the bar, and William Cherry of Bertie, was soon to leave Chapel Hill and blaze like a meteor on the

*Revised Statutes, vol. II, page 529. †Wheeler, vol. II, page 163.

‡Life of Iredell, vol. II.

§Revised Statute, vol. II, page 530.

astonished gaze of men. Archibald Henderson was already distinguished, and his brother Leonard was rapidly working his way to the very highest seats of legal learning. Imperious John Stanly at New-Bern, and Joshua G. Wright of Wilmington, were likewise Gamaliels, while laborious Peter Browne, then of Windsor, was absorbing law, and amassing a fortune which was, at last, to outweigh the earnings of them all.

An extremely important change was effected in the court system at the Legislature of 1799. It was ordained that all the Judges should be divided into four ridings, and that after holding the Superior Courts, they should meet twice a year at Raleigh, as a Court of Conference, and review all such cases as had failed to be decided satisfactorily. A Clerk was appointed, who gave bond and made out certificates of the written decisions given into his hands by the Judges. Thus, at last, uniformity and certainty was to be had in the rulings, and some method devised of perpetuating precedents. Morganton and Salisbury was one riding, Hillsboro and Fayetteville another, Halifax and Edenton the third, and Wilmington and New-Bern the fourth.* It was further provided that the former custom of requiring the attendance of all the Sheriffs of the different counties constituting the Judicial Districts, should be so altered that but three should be on hand at once, and that they should serve by rotation.† Another act abolished the custom of the Door-keepers preceding the Speakers of the Houses of Assembly, and the Sheriffs the Judges during Court.‡ The silk gowns went also out of Court with these pompous and useless ceremonies.

In addition to the deposition of James Glasgow, the land frauds resulted in the dismissal of Martin Armstrong, John Armstrong and Stokely Donnellson, who had been in charge of the three North Carolina land offices. The punishment in their cases does not appear to have been so severe as in that of Benjamin McCulloh of Halifax. These men had all been high in the

*Public Acts, vol. II, page 155.

†Public Acts, vol. II, page 135.

‡Public Acts, vol. II, page 137.

public confidence and their detection and disgrace created as great a stir in North Carolina as was witnessed in the *Credit Mobilier* frauds of our own times.*

The Alien and Sedition Laws, the Jay treaty and the general intolerance of John Adams' administration, roused the indignation of a greater portion of the American people. When James Madison in Virginia, and Jefferson in Kentucky, procured the passage of the famous Resolutions of 1798 and '99, many of the States endorsed the movement. A similar course was inaugurated in the North Carolina Legislature but was forborne on the earnest opposition of General Joseph Riddick of Gates.† The Presidential canvass of 1800 resulted in the choice of Thomas Jefferson as President, and Aaron Burr as Vice-President of the United States. North Carolina and the whole South were strongly opposed to Mr. Adams and helped in the great political victory which resulted in enforcing respect for the reserved rights of the States and the checks in the United States Constitution.

In the elections of 1800, was a mighty issue as to the future of the general government. Had the Federalists triumphed, there would probably have resulted such a latitudinous construction that Virginia and other States would have withdrawn from the Federal compact or been coerced into a fatal compliance with the centralizing aims of the conquerors. The Legislature met November 17th, and chose General Joseph Riddick as Speaker of the Senate, and in the House Stephen Cabarrus was returned to the Chair.‡ In the House of Commons was seen for the first time, William Gaston of Craven. He was twenty-two years of age, had graduated at Princeton and had been prepared for the Bar by Francis Xavier Martin, a gifted Frenchman who was then practicing law in New-Bern. There has lived no wiser or better man in America than William Gaston. His Roman Catholic faith was not popular in North Caro-

*Public Acts, vol. II, page 136.

†Judge Gaston's speech, 1835; Debates in Convention, page 175.

‡Public Acts, vol. II, page 149.

lina, but the purity of his heart soon won the confidence of all classes, while the splendor of his mental endowments made him by far the greatest man of his day in all the State.* Charles Hooks of Duplin, was also serving for the first time in a deliberative assembly.† He was the brother of Mrs. Mary Slocumb of Wayne, who was famous for her adventure on the battle-field of Moore's Creek.‡

This Legislature elected Judge David Stone to the United States Senate, in place of Governor Alexander Martin. The latter was noted for his shrewdness in finding the popular side of every question. He had been considered a decided Republican when he first became a member of the Senate.§ In the course of time, however, he changed sides and made the fatal mistake of voting for the Sedition Law.|| Judge Stone was to fall into even greater disrepute by his duplicity in after years, but he was on the topmost wave of political fortune in 1800, and by his great and undoubted talent was justifying much of the astonishing preference lavished on so young a man. He was barely eligible under the Federal Constitution, which required thirty years of age in a Senator.** There was but a short session of the Assembly this year, and no legislation of historic moment was effected.

**NOTE.—Upon the resignation of Judge John Haywood, this year, John Hall of Warren was elected to fill his place. Judge Hall was a patient, wise and learned man and was greatly beloved for the benignity and purity of his character.†† Judge Haywood soon removed to Tennessee and bore with him perhaps the largest judicial capacity to be found in the State. Chief-Justice Leonard Henderson remarked of him in after years that he “disparaged neither the living nor the dead when he said that an abler man than John Haywood never appeared at the Bar or set on the Bench in North Carolina.”‡‡

*Wheeler, vol. II, page 114.

†Wheeler, vol. II, page 140.

‡Mrs. Ellett's *Women of the Revolution*.

§Major Pierce Butler to Judge Iredell, April 3rd, 1794.

||Cluskey's *Political Text Book*, page 43.

††Wheeler, vol. II, page 440.

‡‡Wheeler, vol. II, page 200.

Mr. Jefferson became President of the United States on March 4th, 1801. His removal from office of the Federalist incumbents excited great remonstrance in certain quarters, but he was firm in his determination to root out the adherents of that faith, and threw the influence of his administration against the old habit in North Carolina of largely disregarding a man's political views in the disposition of the very highest places of trust.* He did not disturb the appointment of Colonel Benjamin Hawkins as the Southern Indian Agent, but as a general rule his friends in the late contest were put in possession of the spoils of office. He was consummately wise as a party leader and laid deep and sure in the American heart the two great doctrines of popular power and States rights.

The Congressional elections of 1801, in North Carolina, resulted in the choice of Willis Alston, Sr., of Halifax, William B. Grove of Cumberland, William H. Hill of New Hanover, Archibald Henderson of Rowan, James Holland of Sampson, Nathaniel Macon of Warren, Richard Stanford of Richmond, John Stanly of Craven, Robert Williams of Surry, and Charles Johnson of Chowan. Of these, Messrs. Grove, Henderson and Stanly were Federalists, while the others sustained the administration measures.†

The General Assembly convened November 16th, 1801, and continued the various presiding officers. The new members were Samuel Sawyer of Camden, Josiah Collins of Chowan, Henry Seawell of Wake, and James Turner of Warren.‡ Mr. Sawyer was a young lawyer of talent, who all his life mingled law, literature and politics as his chief pursuits. Josiah Collins was the second of the name at Edenton. His father had left him a large estate, which grew under his management into great proportions. He married Miss Daves of New-Bern, and left a very cultivated posterity. James Turner had seen service in the Revolution and was a private with his neigh-

*Goodrich's United States, page 298.

†Journals of Congress, 1801.

‡Journals of Legislature, 1801.

bor, Nathaniel Macon, in the same company. He was to rise suddenly to distinction and to preserve the confidence of his countrymen.* Henry Seawell of Wake, was a reproduction of Judge Williams, in his triumph over early disadvantages. No two men in our annals have so closely resembled each other in life and endowments. They became good lawyers in spite of poverty and early ignorance, and were founders of cultivated families.†

The legislation of 1801 was principally in regard to legal technicalities, and was not of general interest.‡ John Sitgreaves of Craven, Judge of the United States District Court for North Carolina, having died in 1800, Henry Potter, then of Granville but afterwards of Cumberland, was appointed in his place and continued in the position for more than a half century.§ Judge Potter was blameless but not shining in his magisterial functions. Mr. Jefferson, in his fine inaugural address, had felicitated the country upon the return of peace to Europe and the happy arrangement of the French difficulties with the United States. By his consummate tact and prudence he had largely

†NOTE.—Henry Seawell became one of the most eloquent and powerful advocates ever seen in the State. He was bold, aggressive and almost as overbearing in the court-houses as was John Stanly. He did not preserve the high morality or the serene temper of Judge Williams, as mentioned in the text, and is said to have died in consequence of intemperance while holding court in Nash county.

‡NOTE.—There were two acts in relation to slaves. One of them punished their being murdered, by death. The other provided that in case of emancipation, the owner proposing to liberate was required to execute a bond with good security to prevent such freed person from becoming a county charge. It was further enacted that in case of a slave-owner's removal from any county, upon his leaving infirm slaves behind, he should be arrested by the Wardens of the Poor and imprisoned, unless he should agree to carry with him such slaves or give security for their maintenance. The preamble to this act is anything but complimentary to the humanity of that age. Such a thing as abandonment of useless slaves was unknown in later days.||

*Wheeler, vol. II, page 439.

‡Wheeler, vol. II, page 220.

†Wheeler, vol. II, page 417.

||Public Acts, vol. II, page 179.

pacified the party contentions of the nation and numbered among the supporters of his administration, ex-President John Adams.* With many inconsistencies in his theory of strict construction of the Constitution, he was still inculcating, as a leading principle, the duty of sacred observance of the reserved rights of the States. He had won the Presidency mainly by the divisions among the Federalists, but he was fast rendering their return to power forever impossible.† He was not only the greatest philosopher of any time but the most successful of all party leaders.

The Legislature of 1802, convened according to law, on the second Monday of November, with no change in the presiding officers. Benjamin Williams of Moore, was succeeded as Governor by James Turner of Warren. Colonel John Baptiste Ashe of Halifax, was elected by the Legislature to succeed to the Chief-Magistracy. The Houses requested his attendance to qualify as Governor, but within a few days after the reception of his letter of acceptance, came the melancholy tidings of his untimely death, at his home on the Roanoke. A most gallant and knightly spirit was thus lost to the State in the meridian of his usefulness. His valor in the field had been most nobly supplemented by eloquence and assiduity as a public servant in the few subsequent years of his life. Thus it was that a second election for Governor was held, and Mr. Turner was selected to the place destined for Colonel Ashe.

Among Governor Williams' last official acts was the pardon of John Stanly for killing ex-Governor Richard Dobbs Spaight in a duel. This unfortunate affair occurred on Sunday, September 5th, 1802. Stanly, with his usual bad temper, had offended Spaight, who challenged him. Perhaps the annals of duelling never furnished an acceptance couched in such abusive and malignant terms. Dr. Edward Pasteur was the second of Governor Spaight, and Edward Graham that of Mr. Stanly. At the fourth round Governor Spaight was shot in the right side, and

*Baldwin's Party Leaders, page 63.

†Party Leaders, page 66.

died the next day.* The slain statesman had been a Federalist, but had abandoned the party on the election of John Adams, and was a prominent leader of the Republicans. He was a generous and brilliant man, and his death carried sorrow to every heart in the State.

Among the new members of this session, were James W. Clark of Bertie, Nathaniel Allen of Edenton, Nathaniel Alexander of Mecklenburg, Evan Alexander of Salisbury, Duncan Cameron of Orange, and Edmund Jones of Wilkes.†

The Legislature, among its leading men, contained Gabriel Holmes of Sampson, Henry Seawell of Wake, Mussentine Matthews of Iredell, Joshua G. Wright of New Hanover, and George Outlaw of Bertie. Its first statute was to carry into effect the contract between the State and Phineas Miller and Eli Whitney, the patentees of the newly invented saw-gin. North Carolina, for a consideration, acquired the right to control the profits arising from the use of cotton gins in our borders. The benefits of this arrangement were all on the side of the patentees. A tax of two shillings and six pence yearly, was levied on each saw of the machines used, and collected by the Sheriffs. The State Treasurer was required to pay over the sum thus collected, on the first day of November, annually, to the patentees, their heirs and representatives.‡

The second statute re-arranged Congressional districts. Perquimans, Chowan, Currituck, Camden, Gates, Pasquotank and Hertford constituted the first, and exactly corresponded with the present territorial limits of the first Senatorial District of North Carolina.§ The fourth statute was entitled, "An act for the relief of the Tuscarora nation of Indians." It recites the chiefs, Sacarnsa and others authorized, requested the concurrence of the General Assembly to certain leases of the residue of their lands, so that the whole should terminate at the same period, and that after the 12th day of July, 1816, the title to the region now

*Wheeler, vol. II, page 112.

†Journal, 1802.

‡Public Acts, vol. II, page 190.

§Public Acts, vol. II, page 192.

known as the "Indian Woods," should revert to and vest in the State of North Carolina. Governor William R. Davie, recently returned from the French Mission, was appointed by Mr. Jefferson to negotiate with the whole Tuscarora tribe, as to their agreement with the State; a treaty was signed under his auspices at Raleigh, December 4th, the same year.* Under the statute and treaty, the descendants of Tom Blount and his braves, ninety-eight years after the creation of their reservation, turned their backs upon their ancient hunting grounds, and joined their kinsmen in New York. The surviving Tuscaroras in that State now live in Niagara county, and their present chief is called Mount Pleasant. The King of the Sandwich Islands is said to be the grandson of Sacarusa.

In the same session of the Legislature we find the first harsh statute against the negroes. It was for the purpose of discouraging and suppressing insurrection among the slaves. The whole of our previous legislation touching our African population had been for their benefit. Cruel and neglectful masters had been forced by law to provide for the sick and helpless. For the first time serious disturbances in Hertford and Washington counties called for the strong arm of the law in their suppression. It does not appear that any lives were lost among the white people, but dangerous and unlawful combinations and aims were discovered. The magistrates and militia soon restored order. The Legislature enacted that any insurrection or conspiracy looking to the same, among persons of color, should upon conviction of the offenders, be punished with death. But it was provided that in case a large number should be found guilty under this statute, it should be lawful for the court in which they were prosecuted, in its discretion, to commute the punishment of some by ordering them to be sold beyond the limits of the State. †

Thus brave men are ever merciful. North Carolina desired no "Bloody Assize" in her borders. This law expected and required the capital punishment of any ringleaders who should

*Wheeler, vol. II, page 198.

†Public Acts, vol. II, page 200.

be convicted in this alarming and dangerous business, but provided for mercy to the ignorant and misguided followers. Thirty years later the Southampton massacre was perpetrated, but in the two centuries in which the colored people were in bondage, however much they may have desired and discussed the advantages of liberty, with this single exception, they were ever obedient. It is more than probable in the frequent intercourse with the West Indies, the spirit of San Domingo, by some chance was recommended to them. At all events, persons now living are witnesses that only alarm and precaution were the results of the movements in 1802, and to the credit and happiness of both races the whole matter was quietly settled.

The Congressional elections of 1803, resulted in the selection of Willis Alston, Jr., of Halifax, James Gillespie of Duplin, James Holland of Sampson, Nathaniel Macon of Warren, Samuel D. Purviance of Cumberland, Richard Stanford of Richmond, William S. Blackledge of Craven, Joseph Winston of Surry, Marmaduke Williams of Caswell, and Thomas Wynns of Hertford. This was a Waterloo defeat to Federalism; Charles Johnson being distanced by General Wynns in the Edenton District, John Stanly by Blackledge of New-Bern, Grove by Purviance of Fayetteville, and Archibald Henderson by Nathaniel Alexander of Mecklenburg.*

In the Assembly of 1803, there was no change in the presiding officers. Governor Turner was re-elected. Judge Samuel Johnston of Chowan, having resigned his place on the Superior Court bench, was succeeded by Francis Locke of Rowan.† Judge Locke was the son of the brave leader who conquered so gloriously at Ramsour's Mill, and nephew of Matthew Locke who had died in 1801. Governor Samuel Johnston had thus at last retired from all public employments. He outlived all his old political associates, and sorrowfully witnessed the complete overthrow of the Federalist party, he loved so well. He had been prominent ever since the time of Governor Dobbs, when he

*Journals, 1803.

†Revised Statutes, vol. II, page 530.

was representing Chowan in the House of Assembly. No man had lived in North Carolina whose influence was more powerful for good. But for him Willie Jones and his supporters would have created a Constitution at Halifax of very different character. Governor Johnston was to North Carolina what Alexander Hamilton was to the nation, and the wisdom of our institutions consists in those wise compromises these two men procured between their views and those of the extreme Democrats.

The new members of the Assembly in 1803, were Thomas Davis of Fayetteville, John Arrington of Nash, Joseph B. Littlejohn of Edenton, Matthew Brandon of Rowan, Edward Blount of Tyrrell. There were but few men of prominence returned, from the fact that the Republican leaders were generally in Congress or other public places, and the Federalists were everywhere defeated. Mr. Jefferson was never magnanimous, and he was procuring in every State the defeat and humiliation of the men he regarded as his foes.

The roar of the great conflict in Europe was almost incessant. One after another the allied kings were crushed into temporary submission, and the Corsican Lieutenant became first Consul in France. A year later, and the successor of St. Peter anointed him Emperor amidst all the pomp and circumstance of established rule. The reverberations of the conflict came to our ancestors muffled by the distance. Occasional interferences with American ships, by both parties, was the most serious detriment sustained so far. Our people, protected by their neutrality and the friendly offices of an intervening ocean, were happily delivered from the bloodshed and confusion of the Old World. They ploughed their fields and reaped their harvests in peace and security. Year by year broader breadths of cotton whitened with the coming frost. As before the flood, "there was much marriage and giving in marriage."*

*NOTE.—A fashionable Hertford wedding in 1803 will illustrate the manners of the day. Isaac Moore of St. Johns, the son of James Moore, and grandson of Captain Arthur Cotton, was to wed Miss Polly Jones, the oldest child of James Jones, the magnate of the Pitch Landing neighborhood. It

The year 1804 witnessed the re-election of Mr. Jefferson, with DeWitt Clinton of New York, as Vice-President. The purchase of Louisiana in 1803, more than doubled the territory, and incalculably added to the future greatness of the nation. Constitutional scruples were subjected to the increase material advantages of the transaction, and for fifteen million dollars the territory now including Texas, Louisiana, Arkansas, Missouri, Kansas, Nebraska, Iowa, Wisconsin, Minnesota, Oregon and several territories, became the property of the American people.

The Legislature met in 1804, on the usual day, and continued General Riddick and Mr. Cabarrus in the Chairs of the two Houses. In this body was seen for the first time, William Cherry Bertie.* He had graduated in 1800, at Chapel Hill, and had already achieved fame at the bar. He was to die at the early age of thirty-seven years, but there are many indications of his greatness at the bar still extant in the Albemarle region. In spite of his youth and disposition, he was recognized as a profound jurist, and was also an unsurpassed advocate. Frederick Nash, the son of Governor Abner Nash, appeared for the borough of New-

was a grand affair in the estimation of the participants. Edenton and Norfolk assisted Murfreesboro in furnishing the viands and finery seen on the occasion. At nightfall of a beautiful October day, cavalcades of visiting friends poured in from every side. Most of the company came in their double gigs; General Wynns with his coach and four. The house swarmed with visitors from Hertford and Bertie. The negroes from Mr. Jones' different farms were well-nigh all on hand, showing the utmost alacrity in disposing of vehicles and horses. The great fire-places in the house blazed with warmth and welcome to the incoming guests. The gracious mistress of the mansion took charge of the ladies in one wing of the building, while her courtly husband presided in another. Huge tubs of apple toddy were there, and so enticing was the beverage, that even Parson Wright did not disdain to test its qualities.

At an early hour in the evening, the bridal party repaired to the drawing-room and the holy bands were knit. The wedded couple were remarkable for their good looks. They were attended by Jesse Cotton Moore, the brother of the groom, who waited with the stately and handsome Miss Betsy Jones. Young James Wright Moore, cousin of the groom, then in the very flower of his manly comeliness, was partner with his affianced bride, the gay and beau-

*Journals, 1805.

Bern.* He inherited his father's talents, and courtliness, and was to be one of the most irreproachable of men, through all his long life. Ex-Governor Alexander Martin was serving as Senator for Guilford. Another Thomas Person for Granville, and William Person Little for Warren. Governor Turner was again selected as Chief-Magistrate for the ensuing year.† The legislation of this session was confined to matters possessing little historic interest.

Robert Montgomery, Senator from Hertford, as Chairman of the Finance Committee, reported to that body a bill appropriating twenty-six thousand three hundred pounds, sixteen shillings and seven pence. This sum covered the annual expenses as well as outstanding indebtedness of the State! The revisal of the statutes by Francis Xavier Martin, was approved at the recommendation of a committee consisting of Joshua Wright, William Cherry, Frederick Nash, Samuel Lowrie and Joseph Pearson. John M. Binford of Northampton, Robert Montgomery and General James Wellborn of Wilkes, were the leading members, and so continued for many years.

tiful Miss Esther Cotton of Mulberry Grove. Dr. James Walton of Bertie, cousin to the bride, attended with the pretty Mary Sharp; Starkey Sharp, a kinsman of both parties, with the lovely and gentle Miss Annie Outlaw. Young William Jones stood up with the gay and sparkling Miss Sallie Askew, William Walton and his future wife, Miss Celia Outlaw, completed the retinue.

The negro fiddlers had been discoursing loud if not eloquent music during the progress of the supper. At last came the opening of the ball. Mr. James Jones and his brother, Colonel William Jones, General Wynns and Mr. Robert Montgomery all participated in the opening minuet. And then during the entire night, with flying feet the revel rolled on. The young people danced and courted, but the more sedate of both sexes retired to different rooms and formed quiet parties of whist.

In an out-house in the yard the negroes were having a rival entertainment. Fiddles and banjos could be faintly heard amid the clatter of resounding feet. Their fun was fast and furious and plenteous perspiration attested the depth of their devotion to the charms of the dance. Not a person of that happy throng survives to tell the tale. In widely scattered graves that have been green for generations, sleep all of that festive assemblage.

*Journals, 1805.

†Revised Statutes, vol. II, page 527.

The North Carolina Congressional delegation of 1805 consisted of Evan Alexander of Rowan, Willis Alston, Jr., of Halifax, William S. Blackledge of Craven, Thomas Blount of Edgecombe, Richard Stanford of Richmond, Joseph Winston of Surry, James Holland of Sampson, Thomas Kenan of Duplin, Duncan McFarland of Richmond, Marmaduke Williams of Caswell, and Thomas Wynns of Hertford. Nathaniel Macon was, of course, re-elected from his district. He had been Speaker of the House of Representatives since 1801, and was again honored with that high position, which has been vouchsafed no other member from North Carolina. Perhaps Mr. Macon, with the single exception of General Washington, excited the most universal and lasting trust ever enjoyed by any citizen of the United States. His judgment, moderation and integrity have never been surpassed, and such were his patriotism, modesty and forbearance that he became an oracle whose decrees were never subservient to mere party, and were almost necessarily fatal to any measure which, in his sturdy independence, he felt it his duty to oppose. He was incapable of making a Buncombe display, as he was of cloaking his real sentiments.* Thus, he never made set speeches but was ever brief, honest and perspicuous. John Randolph called him "the wisest of men," and Thomas Jefferson pronounced him "the last of the Romans."

The Legislature of 1805 organized with ex-Governor Martin as Speaker of the Senate, while Stephen Cabarrus was continued in the Chair of the House.† Among the new members was Thomas Brownrigg of Chowan, who fairly represented that dis-

*NOTE.—The term "Buncombe speeches," has become of national use. It is said to have originated on the floor of the House of Representatives. Some member of Congress, from Western North Carolina, was making a very dull and long-winded harangue, which was fast emptying the House of members, when the indignant orator assured them, he did not care if they all left, for he was only talking for the enlightenment of his constituents in the great county of Buncombe.

†Wheeler's Manual, pages 105 and 106.

tinguished constituency, and his own wealthy and cultivated family.* Gottlieb Shober of Stokes, a leading lawyer in his circuit, was another. John Hill, General George Graham, General Riddick, and John Hay of Fayetteville, were the leading members.† The Legislature elected Nathaniel Alexander of Mecklenburg, then a member of Congress, Governor.‡ Dr. Alexander was son-in-law of General Thomas Polk, and was greatly esteemed for his many virtues. He commenced political life in 1797, and had thus far been brilliantly successful. His family had become famous for their patriotism and services in the Revolution. The most remarkable thing of the session was General James Wellborn's proposition for the Legislature to undertake a great State road from the mountains to Beaufort harbor in Carteret.§ This was indeed prophetic of what was to be done in an after generation, and perhaps the Senator from Wilkes is, after all, as much entitled to credit for the main North Carolina Railroad as Colonel William S. Ashe, or Mr. President Calvin Graves of the Senate of 1848. Governor Turner was also at this session elected to the United States Senate, from which David Stone resigned to return to his old place as Judge of the Superior Courts.||

If America had led France into new perceptions of political truth, that unhappy land, in making a travesty of the noble lesson, at the same time returned as a guerdon, doubt and denial of all religion. The atheism of the "Mountain" flowed in poisoned currents through the world. Mr. Jefferson and the French advocates in America, during the latter years of the eighteenth century, did much to weaken the popular sentiment

*NOTE.—The Brownriggs were seated at Wingfield, three miles above Bandon, the home of Charles Johnson. This venerable manor house was occupied and burned by "Buffaloes" in the late war, and is now owned by Dr. Richard Dillard, whose wife is descended from the Brownriggs.

†Journal.

‡Wheeler, vol. II, page 262.

§General Wellborn's speech in Convention of 1835.

||Revised Statutes, vol. II, page 530.

of reverence to God and all morality. Thomas Paine, as high priest, attempted as complete a revolution against all priests as had been effected over the divine claims of right on the part of the kings. It seemed, until 1802, that the morals of the new American Republic were to rest on no higher sanction than mere human perceptions of right and wrong. Clubs and debating societies were formed in every direction, which became propagandas of the debasing creed which had lately culminated in the apotheosis of a Parisian courtesan.* Such men as William Cumming and Jasper Charlton boasted of the fact that they had no belief in the divine authority of the sacred writings.† The Halifax Constitution, which, in a strict construction, would have excluded the most pious Roman Catholic, was so near a dead letter in this respect, that Cumming was sent to Congress, and Charlton and many others of his faith were frequently in the Legislature. Bishop Pettigrew, Edward Drumgoole and Lemuel Burkitt in the East, Dr. David Caldwell, Dr. James Hall and Humphrey Hunter in the West, did long and valiant service in the cause of a pure faith. The arguments of Bishop Watson, Lord Lyttleton and others, were reproduced in the rude conventicles of the forest, and by slow degrees the demon of doubt was exorcised from the popular mind.‡

In 1802, there occurred in North Carolina, and the other Southern States, the most remarkable religious revival ever witnessed in America.§ It had begun the year before, in Kentucky, where six thousand persons had been added to the churches in eight months. Elder Burkitt, the Baptist Missionary, had just returned from Kentucky and Tennessee, and met the Kehukee Association at Great Swamp, with the tidings from the West. A profound sensation followed. From the Hawfields, and other churches under Rev. James McGready, likewise arose a similar movement. The matter of religion became a topic of all-absorbing popular interest. Thousands left their homes for days at a

*Foote's Sketches, page 28. †Life of Iredell, vol. 1, page 24.

‡Foote's Sketches, page 249. §History of Kehukee Association, page 109.

time to attend the camp meetings. Day and night the religious exercises were continued almost without intermission. Strange physical convulsions and contortions attested the agonized spirits of those under conviction. At Murfreesboro, during a union meeting, four thousand auditors stood for hours in the rain, while good Lemuel Burkitt held on for their edification, amid the falling shower.* The Kehukee Association had been divided in 1800, and the churches in Virginia were constituted into a new body, known as the Portsmouth Association. In 1806, the Chowan Association, embracing all the Baptists north of Albemarle Sound and Roanoke River was organized, and met for the first time at Newbiggin, in Pasquotank.† George Outlaw of Bertie, who was to preside as Speaker in the Legislature, and was, also, a member of Congress, was the first Moderator of this now powerful religious organization.‡

*Burkitt's Kehukee Association, page 121.

†Burkitt's Kehukee Association, page 160.

‡Chowan Association Minutes, 1806.

CHAPTER XX.

A. D. 1806 TO 1815.

The loss in General Alexander Hamilton—General Riddick and Joshua G. Wright, Speakers—Wright and S. R. Jocelyn as lawyers—Paul Barringer, William Duffy, Francois X. Martin and others, members of the Assembly—Court Changes—David Stone and Samuel Lowrie elected Judges—Congressional elections—Federalists in retirement—Assembly of 1808—General Riddick and William Gaston Speakers—Gifts and traits of Mr. Gaston—Other members—Benjamin Williams again Governor in 1807, succeeded by Judge Stone—Blake Baker, J. G. Wright and Leonard Henderson elected Judges—James Madison becomes President of the United States—Congressional delegation—General Riddick and General Thomas Davis Speakers in 1809—Members of the Legislature—Development of Eastern and Western feeling in the State—Henry Seawell Attorney-General—Oliver Fitts—F. X. Martin—General Steele—Death of Judge Wright—Henry Seawell and Edward Harris Judges—English policy to America—War of 1812—Governor Hawkins—North Carolina in the war—George Outlaw and William Miller Speakers—Members of Assembly—Judge Stone goes to United States Senate—Progress of the war—Elections to Congress—Messrs. Gaston and Yancey contrasted—Assembly of 1813—Leading men and measures—Thomas Ruffin of Orange—The North Carolina Press of that day—Andrew Jackson attracts attention in the Creek war—General Joseph Graham leads a force from North Carolina to his aid—Other North Carolinians prominent as soldiers in the war—Johnson Blakely—Assembly of 1815—George Outlaw and Frederick Nash Speakers—Governor Stone instructed out of the United States Senate—North Carolina forces at Norfolk, Virginia—General Dickinson—Nathaniel Macon transferred from the House of Representatives to the United States Senate—North Carolina members of the Lower House.

The people of North Carolina in 1806, were overwhelmingly committed to the Republican party. Alexander Hamilton, in whose genius and virtues the Federalists had found their only chance of success, had been for two years in the grave to which Aaron Burr had consigned him.* That bold, bad man had likewise come to grief and was lying in the jail at Richmond, Vir-

†Holmes, page 186.

ginia, under a charge of treason to the United States. The jealousy of the President took alarm at the fillibustering schemes of the arch-caballist, and was even trying to procure the prosecution of Luther Martin, on account of his bold and successful defence of the blood-stained defendant.* In the Legislature of this year, General Riddick of Gates, returned to the Chair of the Senate, and John Moore of Lincoln, was elected in place of Stephen Cabarrus, who had ceased to be a member of the Assembly, and was for the remainder of his life, only a very pleasant and genial gentleman, at Pembroke, near Edenton. The traditions of the Cape Fear Bar yet bear ample testimony to the culture and eloquence of Joshua Grainger Wright. A lofty and unstained character, added to his professional eminence, made him a worthy compeer of Samuel R. Jocelyn, then considered the greatest equity lawyer in the State.† Among the new members, were Paul Barringer of Cabarrus, Francois Xavier Martin of New-Bern, William Duffy of Fayetteville, William Robards of Granville, Allen Jones Davie of Halifax, Edmund Deberry of Montgomery. Of these, General Paul Barringer was not of shining qualities, but as founder of a distinguished race, survives as did Rudolf of Hapsburg, and Conrad of Hohenzollern.‡ Francois Xavier Martin had won high position as a jurist, and was the compiler of the Code of 1804. Allen J. Davie was illustrious in his descent. His father, Governor Davie, had been defeated the year before for Congress, by young Willis Alston. His high Federalist creed and aristocratic habits, led to his failure, and deeply chagrined him. He had recently lost his wife, and upon this failure of the people to honor him with a seat in Congress, he left the State, and lived afterwards at Tivoli, in South

‡NOTE.—General Paul Barringer was father of the late Colonel D. M. Barringer, General Rufus and Major Victor C. Barringer. His brother, General D. L. Barringer of Raleigh, and afterwards of Tennessee, was also a distinguished man. General Paul Barringer married Elizabeth, daughter of Matthew Brandon of Rowan, and died at Lincolnton in 1844.

*Party Leaders, page 115. †North Carolina Manual, pages 105 and 106.

Carolina.* This was near Landsford, in the Waxhaws, where in former days he had so often and brilliantly distinguished himself. Colonel Robards combined character, talent and high financial abilities.†

Governor Nathaniel Alexander, in his message, called attention to disagreements with the States of Georgia and South Carolina, as to their boundary line. Major John Armstrong had died, leaving great land titles. These were attached and investigation advised, with the hope that the judgment due the State might possibly, in that way, be satisfied. Education and internal improvements were wisely and very forcibly recommended.

The legislation of this year was important as regarded the constitution of the State Courts, Since 1801 the Judges had been meeting twice a year in what was termed the Court of Conference. In 1804 this was made a court of record and the Judges required to reduce their opinions to writing. In 1805 the style was again changed and the assembled Judges became by law the Supreme Court of North Carolina.‡ It has been seen that David Stone had left the United States Senate, and was a

‡NOTE.—In 1806 Hertford saw for the first time, a Judge of the Superior Court presiding in Winton. The old system was that year abolished and instead of only six courts twice a year for the whole State, each county was entitled to a semi-annual session. His Honor, Judge David Stone, most ably and graciously discharged his high duties, and a great crowd attended to witness the novel proceedings. The solitary Judge, as he walked unattended, in his every-day clothes, and adorned only with his quene, to and from the courtroom, cut but a sorry figure compared with the pompous and magnificent old gentlemen who were Judges in the eighteenth century. The statute of 1799 was fatal to much of the pride and circumstance of the circuit justices. In Raleigh, the Speakers of the two Houses were no longer escorted by the Sergeant-at-Arms; and but a single Sheriff, with his deputy, attended the sessions of the courts. No more walked he, in terrible array before His Honor, to and from the court-house. Judges subsided into the habits and appearance of other men, and, with the lawyers, accepted the situation. Plain Republican notions reached them at last, and triumphed over forms which were not only out of date, but ridiculous.

*Wheeler, vol. II, page 298. †Wheeler, vol. II, page 163.

second time elected Judge. Samuel Lowrie of Mecklenburg, was also elected in 1806. Thus, with Judges McKay, Taylor, Hall, Locke, Stone and Lowrie, the old system of holding Superior Courts only at Edenton, New-Bern, Wilmington, Halifax, Hillsboro, Fayetteville, Salisbury and Morganton, was abolished, and a Superior Court was thereafter held twice a year in each county of the State.* The fifth and sixth circuits were this year established, and a Solicitor appointed in each district where the Attorney and Solicitor-General did not ride. A single Judge held Court, and appeals lay from his rulings to the Judges assembled in bank at Raleigh.

During the session of the United States Circuit Court at Raleigh, in 1806, the great case of Lord Granville's heirs against the State of North Carolina was argued before Judge Potter. Chief-Justice John Marshall was present, but upon personal considerations declined to sit upon the trial. This action involved the title to a large portion of the real estate in North Carolina. Gaston and Harris appeared for the plaintiffs, and Paul Cameron, Woods, and Blake Baker for the State.† Under the treaty of Paris, had North Carolina forborne acts of confiscation there was a strong case for the foreigner. Under the arrangements made at the assumption of the Proprietors titles in 1729, Lord Granville had been assured of a title to what his representatives then claimed. Under Judge Potter's charge there was a verdict against the plaintiffs, and the matter went up by appeal to the Supreme Court of the United States. It lingered there until the death of Francis Key, counsel for the plaintiffs, when it was dismissed for want of an appeal bond.‡

In 1807, General Wynns declined being again a candidate for Congress.§ He once more commenced a long and honorable service in the State Senate. Robert Montgomery, also of Hertford, after twenty years of faithful and enlightened public duty,

*Revised Statutes, vol. II, page 530.

†Governor Swain's Tucker Hall Lecture, 1867.

‡Swain's War of the Regulation.

§Wheeler, vol. II.

died after his election to the Senate. He had been Chairman of the Judiciary and Finance Committees for a great while, and had no superior as a faithful and intelligent representative of the people.

The old delegation watched the advent of several brilliant young men in the legislative halls. There, for the first time, was seen Archibald Henderson of Salisbury. He had been for years the leader of the western circuits, and was one of the very greatest advocates North Carolina has produced. His brother, Judge Leonard Henderson, is better known, but was in no wise his superior. Mr. Henderson classes as an advocate with William Hooper, Governor Davie, Judge Badger and Governor Bragg, and was perhaps of larger influence as a practicing lawyer than any of them.* At the same time appeared amiable and learned Joseph J. Daniel of Halifax, afterwards for so long a time loved and respected as an Associate-Justice of the Supreme Court. There, too, was the versatile and restless Frenchman, Francois Xavier Martin, of Craven, destined to win high honors in different States. Young William R. King of Sampson was also making his *debut* and was on his way to distinction. Very quiet seemed he in his simple dignity, but became "a lion of combat" when, thirty years later, he was resisting the introduction of the Hour Rule into the United States Senate. He was to give long and illustrious public service, and died while Vice-President. His compeer, John Branch of Halifax, began in the same session, a career of similar success. Among the lesser lights were Israel Pickens, afterwards Governor of Alabama, Hutchings G. Burton of Halifax and Ebenezer Pettigrew of Washington. The latter was the son of the first Episcopal Bishop of North Carolina. He was a man of ability and represented his people in the Congress of 1835-'37.

The Congressional election of 1807 resulted in the choice of Evan Alexander of Rowan, Willis Alston, Jr., of Halifax, William S. Blackledge of Craven, Thomas Blount of Edgecombe,

*Judge Murphy's Sketch.

Rev. John Culpepper of Montgomery, Meshach Franklin of Surry, James Holland of Sampson, Thomas Kenan of Duplin, Nathaniel Macon of Warren, Lemuel Sawyer of Camden, Richard Stanford and Marmaduke Williams of Caswell. Not one of these was of the Federalist party. The old leaders of that party were all in retirement or defeat. Governor Johnston passed the most of his remaining years in deep seclusion at his place, known as the "Hermitage," at Williamston in Martin county.* General John Steele, William Barry Grove, John Stanly and Archibald Henderson were all in like condition.

A happy people are said to have no history: so with North Carolina at that period. Only in isolated cases were men found who openly advocated the old doctrines of the Federalists, when seeking the suffrages of the people. Many high-toned, private gentlemen still clung to the old faith, but it was dead beyond redemption in North Carolina. From this time forth until the administration of Mr. Madison, there was scarcely the semblance of opposition to the tenets of the Democratic-Republican party.

As the last administration of Mr. Jefferson drew to its close, there was still a multitude of unadjusted matters between England and the United States. North Carolina yet thrilled with the recollection of the *Leopard's* assault upon the unsuspecting crew of the *Chesapeake*. There were continually fresh troubles from the arrogant British claim of the right of search, and as a remedy against the tyrants of the seas it was resolved to stop all commercial intercourse by means of an embargo.

In the Legislature of 1805, General Riddick again presided in the Senate and William Gaston of Craven was made Speaker of

*NOTE.—About this time Governor Johnston's nephew, John Johnston, Senator of Bertie, died at Mulberry Grove in Hertford. He married Betsy Cotton, daughter of Godwin Cotton, who was General Howe's aid in the Norfolk expedition. Mr. John Johnston left a son, Rev. Dr. Samuel Iredell Johnston, Rector of St. Paul's Church at Edenton, and a daughter, Mrs. Sallie A. Wynns. Godwin Cotton's other daughter married James Wright Moore and left children who were Dr. Godwin C. Moore, Mrs. Emeline Le Vert of Alabama and Mrs. Sallie M. Westray of Nash.

the House.* Joshua Grainger Wright of Wilmington, had been Speaker of the House of Commons until he was elected a Judge of the Superior Courts, when he resigned his place as a member of the Assembly and gave way to the elevation of the very learned and eloquent member for New-Bern. Such was the extraordinary mental and moral merits of the latter, that his unpopular, political and religious creed did not deter him from gaining the confidence of the people. No man in all America surpassed him in wisdom, eloquence and purity. He was the model of Christian grace and unselfish patriotism. At no period has North Carolina produced a greater or purer man. He was still young but was perhaps the greatest of the lawyers, and in deliberative bodies had become as much the paragon as had been the case in earlier years with General Davie. He had married Susan Hay, the daughter of John Hay of Fayetteville, and dwelt in New-Bern.† In the number of new members of this year was Joseph B. Skinner of Chowan. He was much respected as a lawyer and of fine social qualities. He was one of a large and influential family and dwelt upon the shores of the beautiful Edenton Bay.‡ Benjamin Williams of Moore had been again elected Governor in 1807. He was replaced in 1808 by Judge David Stone of Bertie.§ The Attorney-General, Blake Baker of Warren, was elected a Judge, as were also Joshua G. Wright of New Hanover and Leonard Henderson of Granville. This able trio of jurists were deserving of the distinguished honor thus conferred. It was the good fortune of Judge Henderson to survive long enough to impress his greatness and virtues upon the

‡NOTE.—Joseph B. Skinner was one of several brothers. Rev. Dr. Thomas H. Skinner, so highly distinguished as a Presbyterian divine was one. Another was Chales W. Skinner, renowned as a successful pioneer in the fisheries and for his many benefactions to the Baptist charities. Major Tristram L. Skinner, slain at Ellyson's Mill, was the only son of J. B. Skinner.

*Wheeler's Manual, pages 105 and 106.

†Wheeler's History, vol. II, page 118.

‡Revised Statutes, vol. II, page 526.

age, while the others died comparatively young men. Judge Henderson had inherited high legal capacity from his father but was superior even to him in his grasp of the law. He was not fluent and luminous like his brother, Archibald, but his judgment was dispassionate and clear, and he was ever a lover of justice seasoned by the more divine quality of mercy. He was not an organizer of a new system, like Judge Taylor, who has been properly called the "Mansfield of North Carolina," but he was a learned and upright magistrate, who was far above all suspicion of wrong and corruption and justly won the admiration and confidence of his contemporaries.*

Mr. Jefferson retired from public life in 1809. He had doubled the area of the nation, and by his craft as a party leader had done all that was possible to crush the Federalist party. Mr. Madison, his successor, received a legacy of foreign troubles, which should have been arranged before his accession, and which fell as a frightful incubus upon his amiable and irresolute nature. He was very great in the Senate, or in his closet as a writer. He alone, of all the Republicans, had been able to meet Alexander Hamilton in debate, or answer in the public prints the masterly disquisitions which that extraordinary man so often published. As President, Mr. Madison was timid and irresolute, and was driven to the adoption of manly measures only by the strong demands of his own party supporters. Federalism lifted its head to denounce the policy of resistance to English outrage, and a fierce canvass ensued in North Carolina. John Stanly and others were as violent as the secessionists of the Hartford Convention. The Congressional struggle resulted in the election of Willis Alston, James Cochrane, Meshach Franklin, James Holland, Thomas Kenan, William Kennedy, Archibald McBryde, Joseph

*NOTE.—Major Pleasant Henderson, of the Revolution, was uncle of the Chief-Justice, and lived at Chapel Hill. He succeeded John Haywood in 1789, as Reading Clerk of the House of Commons, and retained the place until 1830, on his removal to Tennessee. He commanded one of the North Carolina Continental regiments at Entaw Springs, 1791. His death occurred December 10th, 1812.

Pearson,* Nathaniel Macon, Lemuel Sawyer, Richard Stanford, and John Stanly.† Of these Messrs. Stanly and McBryde were avowed Federalists. Mr. McBryde was a lawyer of Moore, who was greatly respected for his good sense and many virtues. To legal and political pursuits he added laborious investigation, and the preservation of the Revolutionary incidents of the State.‡ To General Joseph Graham and Mr. McBryde are the people of this age largely indebted for what is known of that momentous epoch.

General Riddick again presided in the Senate of 1809, while Thomas Davis of Fayetteville, was made Speaker of the House.§ This Legislature was a strong body in the wisdom and experience of its members. William Gaston of Craven, Governor Williams of Moore, General Wynns of Hertford, Benjamin Smith of Brunswick, General George Graham of Mecklenburg, Archibald Henderson and Jesse A. Pearson of Rowan, Duncan McFarland of Richmond, M. C. Whitaker of Halifax, Edmund Deberry of Moore, and James Wellborn of Wilkes, were all men of prominence and weight in the State. Among the members were also James Owen of Bladen, Israel Pickens of Burke, Isaac T. Avery of Burke, Frederick Norcum of Edenton, William Drew of Halifax, Christopher Dudley of Onslow, and William R. King of Sampson.||

Governor Stone, in his annual message to the General Assembly, called attention to the fact that the Earl of Granville's heirs were still prosecuting, by way of appeal in the Supreme Court of the United States, the claim which had been decided adversely to them in the United States Circuit Court below. This action involved an immense landed area in North Carolina, and denied the titles of a large proportion of the inhabitants. It had been decided, under the State acts of confiscation, that the Earl's title had been destroyed. But Governor Stone conveyed the alarm-

*NOTE.—Joseph Pearson was a lawyer, and dwelt in Salisbury. He was uncle of Richard Montford Pearson, the late Chief-Justice.

†Journals.

‡Caruthers' Old North State.

§Letter from Horatio Davis, Esq.

||Journals.

ing intelligence that Chief-Justice Marshall was of the opinion that, under the treaty of Paris, the State had been estopped from invalidating the English titles, and a decision in their favor was imminent. Legislation was recommended, and much uneasiness felt.* This magnificent claim, as has been already shown, was destined to melt into thin air, and upon the death of Francis Key, of counsel for the British claimants, it was dismissed for want of an appeal bond.† It is impossible to say what the Court would have allowed, as *mesue* profits and subsequent damages in the cause, had the case been pressed to a hearing, and the decision made against the State. The richest and most popular counties of the State belonged to the old domain assured by the Crown to Lord Granville, and, even in Governor Tryon's time, was considered by that functionary a most princely inheritance.

The old habit of contention, as to the place of the sessions of the Legislature, had begotten an unhappy sectional spirit between the eastern and western portions of North Carolina. The men of the West had been generally struggling each year for the session to be at Hillsboro or Fayetteville, while New-Bern was always the choice of the men nearer the sea-coast. These old combinations were now visible in struggles over the erection of new counties. Eastern men insisted that a new county should be made in their section whenever there was one organized in the West. This was to preserve their majorities in both Houses of the Assembly. It was a real hardship on such counties as Orange and Buncombe to attend the Courts, so great was the area included, but this was unheeded.‡ There had begun, years before, a great demand in the West for internal improvements by the State. This was, from the beginning, also resisted by Eastern men. They were content with their own natural facilities. They told the men of the West to build their own railways, if they wished them. Because the Republicans denied the constitutionality of a general system of internal improvements,

*Governor Stone's message, 1809. †Governor Swain's Tucker Hall Lecture.

‡Judge Gaston's speech, 1835; Debates in Convention.

on the part of the Federal government, Eastern Republicans came to the conclusion that it was wrong for North Carolina to embark in any such things, and until near the middle of the nineteenth century it was fashionable for Eastern Democrats to oppose all railroads and canals.

Henry Seawell of Wake, had been elected Attorney-General to succeed Blake Baker, in 1803. He resigned, and was followed in office by Oliver Fitts of Warren, who was made Judge of Mississippi Territory by Mr. Madison in 1810.* In 1809, Francois Xavier Martin of New-Bern, was appointed by the same authority to the same tribunal, but was, the next year, transferred to the Superior Court of the Territory of New Orleans. His skill in the civil law, which he obtained in that French colony, and his knowledge of their language, were greatly appreciated, and by appointment of Governor Claiborne, five years later, he was made Attorney-General, and finally in 1837, Chief-Justice of Louisiana.† He had been greatly respected as a jurist during his stay in North Carolina, and has left enduring monuments in his codification of the laws, and his history of the State. Judge Martin was a bachelor all his days, and, like his cotemporary, Peter Browne, he hoarded a large fortune, to be transmitted upon his death to foreign heirs. With all his learning and assiduity, he was wanting in the geniality and profusion, which made his countryman, Stephen Cabarrus, so popular in North Carolina.

General Riddick in the Senate, and William Hawkins of Granville, in the House, were the presiding officers of the General Assembly of 1810. The latter was the oldest son of the second Philemon Hawkins, and consequently a nephew of that Benjamin Hawkins who, with Governor Johnston, was first elected as an United States Senator from North Carolina. He was a wise and prosperous man. Benjamin Smith of Brunswick, was chosen Governor to succeed David Stone, who, in his

*Revised Statutes, vol. II, page 530.

†Dr. F. M. Hubbard's Lecture, 1851.

restless exchange of honors, was, after two years enjoyment of the Chief-Magistracy, eager for a new title and place. In this Assembly there were few new men destined to distinction. James Owen of Bladen,* and George Montford of Rowan, were both to become useful and prosperous. Governor Smith was impulsive and generous. He was not of a temperament to pass through life without alternations of peace and conflict. He was genial and kindly but quick in his resentments, and thus became involved in several duels, in which he was both chivalrous and magnanimous. It is mournful to add that he died in want after giving the State University twenty thousand acres of land.

As the year 1811 came upon America, a war with Great Britain became hourly more inevitable. President Madison wished to temporize, and avoid the issue of bloodshed, but his party would listen to no further expedients of that nature. John Randolph of Virginia, who had been leader of the Republicans in the House of Representatives, bitterly opposed any step looking to war, but Henry Clay, as Speaker, and John C. Calhoun as Chairman of the Committee on Foreign Affairs, were both resolved that the motherland should be arrested in her tyrannizing courses.† The Congressional elections in North Carolina resulted in the selection of Willis Alston, Jr., of Halifax, William S. Blackledge of Craven, Thomas Blount of Edgecombe, Meshach Franklin of Surry, William Kennedy of Beaufort, William R. King of Sampson, Nathaniel Macon of Warren, Archibald McBryde of Moore, Joseph Pearson of Rowan, Israel Pickens of Burke, Lemuel Sawyer of Camden, and Richard Stanford. Thus, but one Federalist, McBryde, was returned, and this was the rule throughout the nation. But few of this party were to be found in either House at Washington.‡

*NOTE.—General James Owen and Governor John Owen of Bladen, were sons of Colonel Thomas Owen of the Revolution. They possessed the Cape Fear virtues of social elegance and hospitality to perfection. Their mother was sister of Colonel Porterfield, who fell at Camden.

†Party Leaders, page 160.

‡Party Leaders, page 172.

General Riddick presided for the last time in the Senate, where he for twenty-six consecutive years had been a member. General John Steele of Rowan was made Speaker of the House of Commons. This was a high compliment considering his uncompromising Federalism and the Republican feelings of a great majority of the members. He was an able and impulsive man, who with less honesty in the expression of odious views might have enjoyed a long lease of popular favor. He had been General Davie's successor as the North Carolina Commissioner to settle the disputed boundary; in which difficult and delicate negotiation he gained credit for his ability. He had been First Comptroller of the Treasury during Washington's and Adam's administrations and resigned against the remonstrances of Mr. Jefferson. He could not abide being subordinate to one, against whose election he had been so much opposed.*

This was an able Legislature. From Bertie came Governor Stone and George Outlaw; from Bladen, James Owen; from Brunswick, Maurice Moore, son of Judge Alfred Moore; from Chowan, Dr. Matthias E. Sawyer, a brother of the Congressman of the same name; from Craven, Vine Allen, distinguished at the bar; from Gates, Dr. John B. Baker, son of General Lawrence Baker of the Revolution, whose talents and virtues he reproduced; from Granville, William Hawkins, who was that session elected Governor; from Halifax, John Branch, lately graduated at Chapel Hill and destined to high honors; from Lenoir, Alexander Moseley, grandson of President Edward Moseley of the previous century; from Mecklenburg, General George Graham, the hero of the fight at McIntyre's farm in 1781; from New Hanover, William Hill; from Onslow, Edward B. Dudley, fresh in the law and fast rising to fame; from Randolph, John Long; from Rowan, Jacob Fisher and George Montford; from Hertford, General Thomas Wynns; from Stokes, Colonel James Martin, and from Wilkes, General Wellborn and Edmund Jones.†

*Wheeler, vol. II, page 383.

†Journal, 1811.

Judge Joshua G. Wright of Wilmington, having died, his place was at this session supplied in the election of Henry Seawell of Wake, late Attorney-General of the State. Edward Harris of New-Bern, was also elected Judge of the Superior Court. William Miller had been appointed Attorney-General in 1810, but the arrangement was temporary. Hutchings G. Burton of Halifax was his successor in office the same year.*

The policy of Great Britain towards the American Republic was very much of a piece of the overbearing and aggressive conduct which has always marked the course of that people in their intercourse with feebler powers. England is very saintly and philanthropic in her dealings with powerful governments, but generally ruthless to her inferiors. After the close of the Revolution, constant trouble with the northwestern Indians was in most instances traceable to the interference of English agents. In 1807, during Mr. Jefferson's administration, occurred the wanton and murderous assault of the *Leopard* upon the frigate *Chesapeake*. The wrath and indignation of the American people, on that occasion, was quieted with difficulty. Year after year brought fresh injuries and occasions of war. Mr. Madison succeeded to the Presidency in 1809. Both England and France continued by their orders in council to cripple and harrass American commerce. The administration and its friends vainly tried to remedy the evils by means of the embargo. This measure resulted in loss and inconvenience at home, and revived the expiring energies of the Federalists. Appealing to the people's love of peace, they roused a noisy, if not effective opposition, to Mr. Madison and his policy in nearly all of the States. As an ultimatum, America, in 1812, tendered to England and France, a continuation of peaceful relations, provided they repealed their obnoxious measures. The French accepted the overtures, but England making no concessions, war was declared against that power.

*Revised Statutes, vol. II, page 532.

William Hawkins of Granville, was Governor at the time. He had succeeded Benjamin Smith of Brunswick, the year before. Governor Hawkins extended a generous and hearty support to the general government in the prosecution of the war. North Carolina fully endorsed the course of her Governor. John Stanly, W. B. Grove and General John Steele led an unavailing resistance to the pervading patriotism of the State.

Hertford sent General Thomas Wynns, W. H. Murfree and Captain Jethro Darden as her representatives to the General Assembly. In the Senate they no longer found General Joseph Riddick. The days for his service were all past and this ancient Senator slept with his fathers. General Thomas Person had been dead ten years, but General George Graham of Mecklenburg, still lingered. He was filling the place that had been honored by his able and battle-scarred brother, General Joseph Graham, who was soon to lead a brigade of North Carolina troops to the assistance of Andrew Jackson in his conflict with the Creek Indians.

In the House was seen for the first time Archibald D. Murphy of Orange. He was a Chapel Hill man and the very model of a lawyer. Cool, sagacious and laborious, he added a fine literary taste to immense learning and judicial capacity. David Stone rivaled him in legal ability and greatly excelled him in political address. Gabriel Holmes of Sampson, genial, popular and the future Executive of the State, was likewise a member of this Legislature. William Gaston of Craven was not a member of this Assembly. He had been Speaker of the House in 1808, but since that time had confined his attention to the practice of the law. Of all the Federalist party in North Carolina, he was by far the wisest and ablest man. He was indeed without a peer in the State. Chief-Justice Henderson said of John Haywood, that "he disparaged neither the living nor the dead when he said that an abler man never appeared at the bar or sat on the bench in North Carolina." Though fifty years have elapsed since then, the same may now be said of Judge Gaston. He was equally learned, brilliant and versatile, and to the greatest abilities added

the sanction of a spotless integrity. Subsequent denunciations of "Blue Light Federalists" are very much softened when we remember that William Gaston at that day was classed as one of their number.

In the military levies and preparations of 1812, North Carolina was by no means backward in the discharge of her duty. Forts Johnston and Macon were garrisoned, and the enrolled militia were held in readiness for the call of the general government. The tame surrender of General Hull at Detroit, sent a thrill of shame through all the nation, but on the seas another Hull was bringing glory to that dishonored name, in the naval combat between the frigates *Constitution* and *Guerriere*. Other actions, with similar results, cheered the American people, and somewhat compensated for the military disasters on the northern frontier.*

In the Assembly of 1812, George Outlaw of Bertie,† presided in the Senate. He was a man of great serenity and address. He was a leader of the Eastern Baptists, and was always Moderator of the Chowan Association, when not absent at some point of public trust. His colleague, in the Chair of the House, was William Miller of Warren, late Attorney-General of the State. He did not possess qualities to live long in recollection, and is now only remembered in the fact of the important offices he filled.‡ William Gaston of Craven, then leader of the North Carolina Bar, was one of the members from that county. Major James W. Clark of Edgecombe, formerly of Bertie, was a Senator. He was an able and genial man, and soon to attain higher honors.§ Peter Browne, the eminent Scotch lawyer, appeared

†NOTE.—He was kinsman of Colonel David Outlaw, who surpassed him as much in native ability as George Outlaw exceeded him in the arts of gaining popularity. The Outlaws of Bertie had been long possessed of wealth and intelligence, and yet retain the latter quality.

‡NOTE.—Major Clark had married the daughter of Colonel Henry J. Toole, and was the father of the late Governor Henry T. Clark, and of Mrs. John Cotton.

for Halifax, and Joseph J. Daniel, his associate at the Bar from the same county. William Hardy Murfree, son of Colonel Hardy Murfree of Stony Point fame, and a recent graduate of Chapel Hill with General Wynns, represented Hertford. Colonel Andrew Caldwell for Iredell, Archibald D. Murphy and Duncan Cameron for Orange, General John Steele and Colonel Jesse A. Pearson for Rowan, Gabriel Holmes for Sampson, Colonel James Martin for Stokes, Judge Seawell for Wake, General Daniel Bateman for Tyrrell, and Edmund Jones for Wilkes.

Governor Hawkins was re-elected, and Governor David Stone received his last office at the hands of the people and Assembly. No man, in the history of the State, had ever been so hard to please in the variety of the places he sought and received.* He was elected as a Republican, but was to disappoint and exasperate that party, by his course in the Senate of the United States, where he became a bitter foe of Mr. Madison's war policy.† He gained much applause in the Legislature by his advocacy of a bill transferring the choice of Presidential electors from the Assembly to the people. He was strenuously opposed by John Stanly, General Steele and others, and the proposition failed for that time, to be afterwards adopted as modified during the same session, by John Plifer of Cabarrus.‡

When 1813 had come, Great Britain declared the whole eastern coast of the United States under blockade. General Harrison, at the battle of the Thames; and Commodore Perry, on Lake Erie, sent joy to the land. In New England there was still a bitter hostility to the prosecution of the war, and Massachusetts and Connecticut had refused to send their militia

*NOTE.—Another of our public men, perhaps, rivalled him in the places he wanted, but was far behind in what he got. A good story is told of some one who asked Judge Badger who would be Bishop Ives' successor on that prelate's defection to Rome. "I can't tell you," said the great lawyer, "who it will be, but I am certain Judge —— will be a candidate, as he wants everything else."

†Wheeler, vol. II, page 32.

to the northern borders. The Federalists were malignant and almost treasonable in their effects to palsy the administration, but the genius of Calhoun in the War Office, was doing much to compensate for the imbecility of American commanders on the Canada frontier. With the exception of Generals W. H. Harrison and Winfield Scott, there had been one continuous round of blundering defeat in that quarter. Tecumseh was slain at the battle of the Thames, but he had twice visited the powerful Indian tribe known as the Creeks, and after his death a large portion of them commenced war by the massacre at Fort Mimms, on the Alabama River. They had been managed peacefully for many years, by Colonel Benjamin Hawkins, but now another North Carolinian, greater than he, was sent to chastize them into submission.*

There was a bitter canvass among the candidates for Congress in 1813, and the following were elected: Willis Alston, Jr., of Halifax, Rev. John Culpepper of Montgomery, General Peter Forney of Lincoln, William Gaston of Craven, William R. King of Sampson, Nathaniel Macon of Warren, William H. Murfree of Hertford, Israel Pickens of Burke, Richard Stanford of Richmond, and Bartlett Yancey of Caswell. This was by far, the ablest delegation yet sent from the State. Mr. Macon had become national in his fame, but in Messrs. Gaston and Yancey were two statesmen who were far more elaborate as orators, and who in their short service in Washington, won, on both sides of the House, the profoundest respect of the nation's representatives. Mr. Gaston opposed, and Mr. Yancey upheld the administration, with equal zeal and eloquence. At no period in American history were great men so thickly crowded into Congress, and yet amid such statesmen as Clay, Webster, Lowndes, Grosvenor and others, these two shone with conspicuous lustre.

NOTE.—It is true that General Jackson, at one time, supposed he was born in South Carolina, but Governor Swain, in his Tucker Hall address, states positively, that he was born at the house of George McCurrie, in Mecklenburg county, North Carolina, March 15th, 1767. The line was not ascertained in that locality until long after he had removed to Tennessee.

In 1813, George Outlaw of Bertie again presided in the Senate, and William Miller of Warren, in the House. In this Assembly General Paul Barringer and John Phifer of Cabarrus, were again prominent members. From Bladen came John Owen, another son of Colonel Thomas Owen, who was soon to excel his gifted brother James, in the shining qualities which lead to consideration in deliberative bodies.* He was gifted largely in mind and manner and was charming in social converse. John Stanly again appeared as a member for the borough of New-Bern and Major J. W. Clark for Edgecombe. John Branch again, with William Drew, represented Halifax. General Thomas Wynns and General Boone Felton were members for Hertford.† From Martin, came Colonel Andrew Joyner, who even then exhibited those sterling qualities of judgment and address which lifted him to such prominence in later years.‡ Archibald McBryde of Moore, E. B. Dudley of Onslow, and William W. Jones of New Hanover, were all men of legislative experience, but Thomas Ruffin of Orange was serving for the first time in a deliberative body. He was a Virginian by birth and had graduated at Princeton. He had married the daughter of William Kirkland of Hillsboro and was then among the greatest lawyers of the Bar, including Peter Browne, William Gaston, Gavin Hogg, Bartlett Yancey, Samuel R. Jocelyn, Frederick Nash, Archibald Henderson, Archibald D. Murphy and Joseph Wilson. Judge Haywood had gone to Tennessee, but in Thomas Ruffin the State had gained a jurist even surpassing his great legal capacities. In those lofty

*NOTE.—Governor Owen and John Phifer were both educated at Chapel Hill. Governor Owen married the daughter of Colonel Thomas Brown, who commanded at Elizabethtown in 1781, and was his father's companion in arms.

†NOTE.—General Felton was a young man of wealth and culture, and married the daughter of William White of Raleigh, sister of Governor Swain's wife. He had a difficulty with his cousin, John Hamilton Fraser, which resulted in his early death and that of his frenzied antagonist. This tragic incident occurred in the year 1819.

‡Wheeler, vol. II, page 203.

qualities of judgment, firmness and luminous statement of the relative weight of mere precedent and the unchanging principles of abstract right, he was to surpass every magistrate yet clothed with authority in North Carolina, and to take rank along with the greatest of any land.* From Wake appeared General Daniel L. Barringer and William Boylan. General Barringer was the son of John Paul Barringer of Cabarrus, and brother of General Paul Barringer of the House of Commons.† William Boylan was the editor of the *Minerva*, a paper published in Raleigh, and was greatly esteemed for his worth and social qualities. Joseph Gales at the same time was editing the *Register*, which he established in 1799. He, too, was highly valued for wisdom and excellence.‡

The Assembly and Governor were warm supporters of the administration in all its policy, but there was little of historic moment in their deliberations. Judge Edward Harris of New-Bern, died in the month of March, and Henry Seawell of Wake, was appointed in his place. H. G. Burton was still Attorney-General.§

The momentous year of 1814 found America still waging war with Great Britain. The spirit of the nation was aroused by the ineffectual results on the northern frontier, and a great effort was to be made to finish the struggle with honor. Andrew Jackson, like an avenging spirit, had crushed the Creeks at Talladega.|| North Carolina dispatched a thousand men under General Joseph Graham, to join General Jackson in finishing up the war. These reached the scene of conflict in time to assist in the capture of those not taken at Tohopeka. The Indians were

†NOTE.—He also married a daughter of William White, Secretary of State. Thus the granddaughters of Governor Caswell were his wife, Governor Swain's and General Felton's. He lived in Raleigh until his removal to Tennessee, where he was Speaker of Assembly.

*Governor Swain's Tucker Hall Address.

†Wheeler, vol. II, page 417.

‡Revised Statutes, vol. II, page 532.

||Holmes, page 204.

required, as a preliminary to peace, to bring in their fugitive chief, Weathersford. That bold and able half-breed did not wait for arrest upon hearing these terms, but rode into Jackson's camp, and in surrendering himself, boldly announced that he did so because he no longer had warriors to continue the struggle. "I have nothing to ask for myself," said he, "but I want peace for my people."*

Colonel Winfield Scott had gained applause and promotion for his valor and conduct at Queenstown during the first year of the war, but at Chippewa and Lundy's Lane, were laid the real foundations of his fame as a great captain. In these brilliant and successful combats, Captain William McRee, afterwards Colonel of Engineers in the United States army, also won a distinguished name.† He and Captain William Gibbs McNeil of Bladen, who was also in the engineer corps, were recognized as of the very first distinction in their department.‡ Captain Johnson Blakely, also, of Wilmington, was to gain great glory in the progress of the war, and a grave in the seas. He had been adopted upon the death of his father, by Colonel Edward Jones, Solicitor-General of the State, who sent him to Chapel Hill. In 1800 he was made a midshipman in the navy. He was with Commodore Preble, in the Mediterranean, and had won promotion by his courage and general good conduct. Early in 1814 he went to sea in the United States sloop-of-war *Wasp*, and in June, captured the British sloop-of-war *Reindeer*, of eighteen guns. He gained great applause for his courage and skill in this affair. Having burned his prize for fear of re-capture, he refitted in a French port, and in August, again encountered His Britannic Majesty's ship *Aron*, which had struck her colors to him, when an English fleet appeared on the scene, and the

†NOTE.—Colonel McRee was son of Major Griffith J. McRee of Wilmington. He was considered a genius and deeply skilled in his important department of the military organization. His brother, Major Samuel McRee, was General Scott's chief Quartermaster in Mexico.

*Holmes, 205.

‡Wilmington Journal, 1875.

Wasp had to fly. He captured fifteen merchantmen between August 1st and 15th, and in one of these, the brig *Atlanta*, he placed a midshipman and prize crew, who brought the last intelligence of the hero and his command. They perished somewhere at sea, but in what manner, was never known.*

George Outlaw of Bertie, again presided in the Senate of 1814, and Frederick Nash of Orange, occupied the Chair of the House.† His singular elegance of manners, and purity of life, made a Speaker in whose rulings there was general content. He possessed his father's ability with none of his impatience, and through a long and illustrious life he was unspotted in all his walk. Serene, gentle, pure, learned and unselfish, he was as irreproachable as any man of whom history holds record. There were no new members of note in this Legislature. William Miller of Warren, was elected Governor, and Duncan Cameron of Orange, a Judge of the Superior Court.‡ The latter had been for years past enjoying a practice at the bar which was unprecedentedly lucrative in North Carolina.§ He was an admirable lawyer, but still abler as a bank officer and general financier. He began life with nothing but his profession, but was to die one of the richest men in the State.|| Governor Stone,

*NOTE.—Captain Blakely married Miss Hooper of New York and left a daughter, who was educated by North Carolina in consequence of a resolution of the Assembly in 1816. Her name was Udney and she died after marriage, in the West Indies.

||NOTE.—Judge Cameron, in addition to his own earnings, married a great fortune in Miss Benneman of Orange. His father was a clergyman, who came to the State with Rev. Mr. Syme, father of the late John W. Syme, who was an editor in Petersburg and Raleigh. Judge Cameron and William Duffy had been warm personal friends until Duffy began his courtship of Miss Benneman. Their rivalry led to a duel; in addition to the metaphorical laceration incurred in the loss of the lady, he was severely wounded by his antagonist's pistol.

*Cooper's Naval History, vol. I, pages 128 and 129.

†North Carolina Manual, pages 105 and 106.

‡Revised Statutes, vol. II, page 530.

§Governor Swain's Tucker Hall Lecture.

by his course in the United States Senate, had incurred the deepest resentment of his friends in North Carolina. He had been elected as a Republican, but had differed with his colleague, Governor Turner and his party, on most of the vital questions of that stormy period. He was voting with the New England Federalists against the bill for direct tax to supply the wants of the government, against the embargo recommended by President Madison, and other measures of utmost importance to the honor and success of the American people. Soon after the meeting of the Legislature, a joint committee of the Senate and House was appointed to take into consideration the extraordinary course of one of the State's Senators. In December, John Branch, as chairman, reported that "the conduct of Mr. Stone had been in opposition to his profession, and jeopardized the safety and interest of the country, and incurred the disapprobation of the General Assembly."* This was adopted by a large majority, and being communicated to Governor Stone, he at once resigned, and Judge Francis Locke was elected to fill his unexpired term.†

During this year a large body of North Carolina militia was encamped at Norfolk in the State of Virginia. General Robert Williams of Surry, as the Adjutant-General of the State, had the defensive arrangements mostly in charge and ably discharged the duties of his office.‡ Brigadier-General Joseph F. Dickinson of Hertford county was put in charge of the levies at Norfolk, which were recruited in the Albemarle country. They were spectators of the battle at Craney Island, where the British fleet was driven back and after a four months' sojourn, the enemy having left the Chesapeake, they were disbanded and sent home.

During the continuance of the war, North Carolina was almost wholly exempt from the usual ills attendant upon such a state of

*NOTE.—The apparent bad faith of Governor Stone has been attributed to a matrimonial venture during his last term in the Senate. The last Mrs. Stone was said to have been somewhat as another Washington bride was to Judge Hugh L. White, in his departure from his ancient support of General Jackson.

‡Wheeler, vol. II, page 23.

‡Wheeler, vol. II, page 409.

affairs. A few of her citizens were abroad in arms, but the great body of the people tilled their fields by day and lay down to pleasant dreams at night. No sound of disorder, no dread of the foe disturbed their councils or the usual serenity of their location. The American coasts were rigidly blockaded by British vessels; and salt, sugar and all foreign products of domestic use, became scarce and of high values; otherwise our people were almost entirely delivered from the ills commonly known in a state of hostility.

The hatred and opposition of some of the Federalists were almost incredible. Mr. Madison had been fairly pushed by public opinion into an unwilling declaration of war; yet they held him responsible not only for its inception, but every disaster on the northern frontier. Sympathy and aid to the enemy were openly manifested in the New England States. When, on June 1st, the gallant Stephen Decatur, then blockaded in New London, Connecticut, attempted to put to sea at night with the frigates *Macedonian* and *United States*, his purpose was betrayed to the British ships in the offing, and his escape frustrated. This hateful treason was the origin of the term "Blue Light Federalists," from the fact that signals of that character were used on the occasion.

The legislators encountered at Raleigh an unusual array of brilliant men on the floors of the Legislature. Conspicuous among them was the youthful form of James Iredell of Chowan. If the accidents of birth and the services of ancestors avail anything in the formation of character and mental development, fair auguries must have attended the young member from Edenton. He was the only son of the great Revolutionary Judge of the same name. Hannah, the sister of Governor Samuel Johnston, was his mother. None of his distinguished relations surpassed him in native ability, and with his father's habits his renown would have been illimitable. Great and frequent honors, through many years were to be his. Lewis Williams of Surry, A. D. Murphy of Orange, John Branch of Halifax, all recent graduates of the State University, and soon to become distinguished

men, were among the number. James J. McKay of Bladen, Henry Seawell of Wake, and John B. Baker of Gates, were also of the members.

Conferences for a treaty of peace with Gréat Britain were opened in Ghent, August 6th, 1814. The plenipotentiaries signed it December 24th. It was unanimously ratified by the United States Senate, February 7th, 1815, and peace was proclaimed on the next day.

In the Congressional election of 1815, the following Representatives were chosen for North Carolina: Joseph H. Bryan, James W. Clarke, Rev. John Culpepper, Samuel Dickens, Weldon N. Edwards, Daniel M. Forney, William Gaston, Charles Hooks, William C. Love, William H. Murfree, Israel Pickens, Lewis Williams and Bartlett Yancey. Nathaniel Macon, after serving for twenty-five years in the House of Representatives, had been elected to the United States Senate, where he was to remain until 1828, when with a marvelous wisdom and regard for the public weal, he resigned all public employment, on the ground that he thought himself too old for effective service. Like General Washington, he rose to such magnanimous heights that he could forget himself for his country's good.

CHAPTER XXI.

A. D. 1815 TO 1823.

Peace—Kindred nations had wasted blood and left their causes of quarrel unadjusted—Battle of New Orleans—Condition of America—Of North Carolina—Counties and Towns—The University and its graduates—Schools—Commerce—Religion—Bishop Ravenscroft—Revs. John Kerr and Thomas Meredith—Drs. David and Joseph Caldwell—John Branch and John Craig Speakers of the Assembly in 1816—R. M. Saunders, Bedford Brown, James Iredell, George E. Badger, William Drew—D. F. Caldwell and other members of Assembly—Thomas Ruffin and Joseph J. Daniel elected Judges in place of Judges Henderson and Cameron, resigned—Montford Stokes, United States Senator in place of Francis Locke—Congressional elections—Assembly of 1817—John Branch and James Iredell Speakers—Colonel Samuel Ashe, W. H. Murphy, Bartlett Yancey and other members—James Monroe President of the United States—Internal improvements and United States Bank—Assembly of 1818—Bartlett Yancey and James Iredell, Speakers—General Wilson of Edgecombe—Establishment of the Supreme Court—Internal improvement agitators—Yancey and Saunders preside in 1819—John Owen, Alfred Moore, James Iredell, C. E. Johnson, John Stanly, William Gaston, R. D. Spaight and other members—John R. Donnell, James Iredell and W. P. Mangum elected Judges—Slavery crisis of 1820—Slave trade abolished—Colonization Society—North Carolina representation in Congress—Jesse Franklin Governor—Messrs. Badger and Norwood elected Judges—The Hillsboro Bar—Texas exchanged for Florida—Divisions among the Republicans in principles and policy—Congressional delegation—Assembly of 1821—B. Yancey and James Mebane Speakers—Francis L. Hawks and other members—Members of Congress—H. G. Burton Governor—Divisions as to improvement and change of representation—Alfred Moore, Edward B. Dudley, David L. Swain and others—James Graham, Peter Browne and Gavin Hogg.

With the return of peace, there were causes for congratulation to the people of North Carolina. But few had been called to the field of battle, and their borders had been unmolested for the three years of bloodshed. Two kindred nations had destroyed each other's resources, and drenched the fields with blood to little purpose. The subjects of controversy were still left unadjusted. Britain was too proud to yield on the question

of impressments, but no more attempted that habit which had mainly occasioned hostilities.* It was a sad but glorious thing to America, that after peace had been concluded in Europe, so much British blood was wasted at New Orleans. In no combat since the great overthrow at Hastings, had an English army received a defeat so crushing. Sir Edward Pakenham had won renown under his famous brother-in-law, the Duke of Wellington, in expelling the French from Spain.† He was a gallant and experienced commander, but he was destroyed before the western rifles as Braddock was in the butchery on the Monongahela. The iron will and genius of Andrew Jackson, had atoned for the blunders of a whole war, and demonstrated the terrible qualities of American militia, when guided in battle by one who combined valor and conduct.

There was great need of peace to America. Her foreign trade was prostrate and the government finances in frightful disorder.‡ Only by direct taxation, were the current expenses to be met, and such was the spirit of opposition to further hostilities, that volunteering had so decreased that conscription was necessary to raise troops for defence. John Quincy Adams asserted that a dissolution of the Union was the purpose of the Hartford Convention. The blue lights, burned as signals to the enemy, were symbolic of the dangerous feeling pervading the whole New England States.§

In 1816 there were sixty-two counties in the State of North Carolina. Each of these had two representatives in the House of Commons. In addition to these, Edenton, New-Bern, Wilmington, Halifax, Fayetteville, Hillsboro and Salisbury were called boroughs and each sent also an additional member to the lower House of Assembly. Raleigh, at this period, had not more than a thousand in population.|| Fayetteville had more than double this, while Wilmington and New-Bern both exceeded that town in

*Holmes, page 214.

†Napier's Peninsular War.

‡Monroe's Inaugural.

§Holmes, page 213.

||Governor Swain's Tucker Hall Lecture.

the number of their people and extent of trade. Flourishing villages were seen in Washington, Beaufort, Charlotte, Elizabeth City and Murfreesboro. Edenton had lost much of its ancient importance as a port of entry, but was still renowned for the wealth and intelligence of its people. Halifax had already become a "rotten borough" and was no longer what it had been in 1776. The Moravian settlement at Salem prospered and preserved a female school of great excellence, and was becoming famous all through the South. The University at Chapel Hill had been since 1796 mainly controlled by Rev. Joseph Caldwell, who was reared in New Jersey but had become identified with the State of his adoption.* In spite of discouragement and neglect by the Legislature this public benefactor was slowly building into renown an institution whose graduates were already attesting the vast importance of its existence. A. D. Murphy, John Phifer, Samuel A. Holmes, William Cherry, John Branch, John D. Hawkins, W. H. Murfree, John Giles, Lewis Williams, William Hooper, James F. Taylor, W. S. Blackledge, Aaron V. Browne, Charles Manly, John H. Bryan, Francis L. Hawks, Willie P. Mangum and Richard Dobbs Spaight, were some of these, and of themselves were enough to give fame to any institution.† The first William Bingham was at Hillsboro, and had become famous in the conduct of his preparatory school.‡ Rev. Dr. Jonathan Otis Freeman was at Murfreesboro, where a similar academy was in successful operation. Schools were likewise at New-Bern, Edenton, Wilmington, Raleigh and elsewhere, but no steps had been taken for instruction of children at public cost. The old field schools were all private enterprises, and were sustained by neighborhood subscription, or the fees of pupils.§

All the naval power of Great Britain could not, during the Revolution, destroy the commerce between the eastern towns and the European ports, but New York early began to absorb the trans-Atlantic trade, and early in the nineteenth century it became

*Dr. Joseph Caldwell's Autobiography.
 ‡Miller's Recollections of New-Bern.

†Catalogue of Alumni.
 §Dr. O'Dwyer's Diary.

rare to see any foreign vessels in North Carolina. A brisk trade was kept up with the West Indies, but London, Bristol and Bordeaux were all unvisited by ships belonging to the South.* The Dismal Swamp Canal slowly approached completion, and upon its opening, Norfolk became the depot of eastern supplies, and the perilous approaches to Cape Hatteras were thus avoided.

There was a marked change in the religious habits of the people. The Episcopal Bishop, Rt. Rev. John Stark Ravenscroft, to great power as a preacher, added such administrative ability and so much benevolence and apostolic zeal, that his ministrations were greatly advantageous to his own church as well as the people at large.† Rev. John Kerr, of the Baptist Church, was then a young man and was beginning those wondrous pulpit discourses which were the admiration of both Virginia and North Carolina.‡ Rev. Thomas Meredith, with his large culture and rare abilities as an organizer, was soon to combine the scattered energies of the different associations into a State organization.§ The Methodists were planting churches in all directions, and though the most recent in its embodiment, was soon to become the strongest church in the State and nation. The Presbyterian faith was not aggressive and expanding like these two latter churches, but held its own in the seats already established. Rev. Drs. David and Joseph Caldwell, McCorkle and others, added patriotism to Christian devotion, and by slow degrees uprooted the poisonous seeds of French infidelity.|| There were but few Catholics, but they numbered some of the most eminent men in the State. Judges William Gaston and John R. Donnell, were high in popular favor, and the imputed errors of their creed were forgotten in the fact of their admitted virtues and ability.

John Branch of Halifax, presided in the Senate during the sessions of the Legislature in 1815 and 1816.** He did not rise

*Debates in Convention 1831, page 53.

†Ravenscroft's Memoirs.

‡Dr. Jeter's Recollections.

§Chowan Minutes.

||Foote's Sketches.

**North Carolina Manual, page 105.

to the level of some men then in the State, as an orator, but he was a sagacious and patriotic leader. Like almost all prominent public servants in North Carolina at that day, he was pure in life and character. No one was more blameless in social and political habits, and, though an intense Democrat, he had the respect and confidence of those who did not share in his party convictions. In the House, John Craig of Orange presided in 1814, and was followed the next year by the youthful borough member for Edenton, James Iredell.*

This Assembly and the last contained Bedford Brown and Romulus M. Saunders as members for Caswell. They were men of ability, and though of the same political party were to be lifelong in their rivalry. Mr. Brown was a speaker of great force and fervor. He was dignified in his bearing, devoted to the Union of the States and yet as watchful as Cerberus as to infringements upon the reserved rights of the original Commonwealths. The famous resolutions of 1798-'99 were ever on his lips, and through a long life he was ever insisting that the best government for America was to be had in a rigid adherence to the terms of the *Magna Charter*. Mr. Saunders was far superior in mental grasp and oratory. Few men were more forcible in thought or subtle in intrigue. His greatness was marred by coarseness of manner and a quenchless thirst for office. If he had strength, he was yet shorn of delicacy and could thwart his party's success and leave North Carolina in part unrepresented sooner than forego his own gratification.† New-Bern this year sent George E. Badger as her borough member. He was the grand-

*NOTE.—Very few men have exceeded the second James Iredell, in the plenitude of his natural and acquired powers. He was magnificently endowed and elaborately cultivated. His eminent relations had left him also a rich inheritance in the memory of their high services. No North Carolinian ever began life more auspiciously. He was to justify the high anticipations of his friends in many respects, and to fail in the realization of the highest greatness only by those faults of temperament which have so often fettered the wings of genius.

†Journal, 1816.

son of Richard Cogdell and the cousin of John Stanly.* He had recently graduated at Yale College and was just come to the bar, where he was to become the greatest lawyer yet known in the State. Wit, eloquence, taste, learning, tact and professional zeal were to charm multitudes by day and to continue their spell at the evening fireside. No man was ever so great and charming and left so few memorials. From the borough of Halifax was another distinguished advocate in the person of William Drew. He realized the truth of Dryden's aphorism as to the close alliance sometimes existing between a great wit and a madman.† Such was his eloquence and learning that his eccentricities did not deter him from positions of public trust, and he became Attorney-General at this session. David Franklin Caldwell of Iredell, a son of Colonel Andrew Caldwell and grandson of William Sharp, so distinguished during the Revolution, was also a new member. He, too, was an able young lawyer and was to become alike prominent in legal and political circles. He was remarkable in many respects. No man could be more charming or terrible. The frown and thunders of Jove were seen on his clouded brow, while, like Shakespeare's Richard III., the blandishments that followed were all the sweeter for the contrast. He was able, luminous in statement and the embodiment of truth and honesty. He could frighten the crowded court-house all day from the bench, but with the evening's privacy no gentleman in all the land was more genial or entertaining. Martin sent, as Senator, Dr. Simmons J. Baker, who like his brother, Dr. John B. Baker of Gates, was cultivated and an inheritor of the virtues of his distinguished father, General Lawrence Baker.‡ This Assembly elected Thomas Ruffin of Orange, a Judge of the Superior Court and confirmed Governor Miller's appointment of Joseph J. Daniel of Halifax to a similar position. Judges Henderson and Cameron had resigned and these were elected in their places.§

*Governor Swain's Tucker Hall Address. †Personal Recollections.

‡Wheeler, vol. II, page 234.

§Revised Statutes, vol. II, page 532.

Montford Stokes of Wilkes, was also elected to the United States Senate in place of Judge Francis Locke of Rowan.* He was brother of Judge John Stokes, and like him, had served as a soldier in the Revolution. He was Clerk of the Superior Court at Salisbury, and afterwards Chief Clerk of the Senate. Once before, while occupying the latter place, he had been elected to the same high position in the Federal councils, but had, singular to say, declined to serve. He was of infinite wit, and men are yet alive who repeat his good sayings. He was ever good humored in his raillery, and rarely lost a friend by his jesting.

On March 4th of this year, James Monroe became the fifth President of the United States. His accession calmed the bitter waves of the political sea, and his administration has been properly termed the "Era of Good Feeling." Judge Gaston retired from Congress, and was the last of the distinguished North Carolina Federalists who assailed in Washington, the policy of the dominant party.†

William H. Murfree continued for four years to represent the Edenton District in Congress. During all that time he was as persistent in the support of Mr. Madison's administration as his great colleague, Judge Gaston, was in opposing it. North Carolina was at the same time honored by the fact that Bartlett Yancey, one of the very greatest men she has ever produced, was also one of her delegates in the national House of Representatives. His massive frame was a fit tenement of the large and luminous intelligence which animated it. In forensic oratory, he was the peer of Mr. Gaston, while in political tact and address, he was greatly his superior. When Speaker of the House, Mr. Clay, often when in Committee of the Whole, called Mr. Yancey to the Chair, and even under the trying emergency

†NOTE.—Governor Stokes married Mary, the daughter of Colonel Henry Erwin of Edgecombe, and was the father of the late Colonel Montford Stokes, who was Major in Mexico, and did valiantly at Ellyson's Mill, in 1862.

*Wheeler, vol. 11, page 462.

†Holmes, 316.

of such a comparison, the North Carolinian suffered no derogation. His consummate abilities were adorned and enhanced by a bland elegance of manner that was matchless in his day.*

This Legislature elected John Branch of Halifax, Governor. Mr. Branch, who was a State Senator again that year, was succeeded in the Chair by Bartlett Yancey of Caswell. His county was more ably represented on that occasion than any other in North Carolina. In addition to Mr. Yancey in the Senate, Caswell sent Bedford Brown and Romulus M. Saunders to the House of Commons. Bertie sent George Outlaw to the Senate. He had been Speaker of the Senate in 1812, 1813 and 1814; was strong in the Halifax District, and soon to become its representative in Congress.

The North Carolina Congressional delegation elected this year consisted of Joseph H. Bryan, William Davidson, Weldon N. Edwards, Daniel M. Forney, Thomas H. Hall, George Montford, James Owen, Lemuel Sawyer, Thomas Settle, Jesse Slocomb, James Stuart and Felix Walker.†

Bladen was again represented by James J. McKay, destined to a national reputation, as Chairman of the "Committee of Ways and Means" in the House of Representatives. Brunswick continued the services of the historic house of Moore; Alfred Moore, the gifted son of the great lawyer of the same name, was in the Commons. Chowan sent James Iredell and Charles E. Johnson. The latter, like Mr. Iredell, was of distinguished lineage. He was the son of Charles Johnson, of Bandon, and grandson of the Rev. Mr. Earle, an Episcopal clergyman of much repute for wisdom and piety. Craven maintained her traditional renown in the brilliant oratory and varied abilities of young George E. Badger, who represented the borough of New-Bern in the Commons. New Hanover sent Edward B. Dudley. He was born in Onslow, and had won a distinguished place at the Wilmington Bar. In this Assembly, also appeared from the same county, for the last time, Colonel Samuel Ashe. He was to survive

†Wheeler, vol. II, page 78.

‡Journals.

until 1835, but retired in 1818, from all further participation in public life. He was in every way worthy of his distinguished lineage. He was not, perhaps, so gifted in debate as his kinsman, Colonel John Baptiste Ashe, who died after being elected Governor, and before taking his place, but in culture, virtue and consideration he was equal to any of his distinguished race.* He was the son of General John Ashe, and had done valiant service in the Revolution. David F. Caldwell of Iredell, A. D. Murphy and Frederick Nash of Orange, completed this catalogue of notables, who rendered this one of the ablest bodies that ever assembled in North Carolina.†

James Monroe had been elected as a Republican to the Presidency. All his public life had been devoted to the advancement of popular principles. He had gone to such lengths while on the French Mission, during General Washington's administration, that he was recalled because of his disregard of the Federalists views, as to the treatment of the revolutionary government in France. He was not to adhere to the strictness of his Republican faith. In his first message he recommended a great system of internal improvements by the general government.‡ These were considered by Mr. Jefferson as belonging to the individual States, and that only the military defence of the nation could justify the general government in the construction of highways.§ North Carolina participated with other communities in the joy produced by the repeal of the law enforcing the onerous direct taxation for the support of the government during the progress of the war. The Federalists were in a hopeless minority all through the nation, and were denounced even by such men as John Quincy Adams, who had become Secretary of State. The Erie Canal in New York, and the Cumberland Turnpike from Baltimore and Wheeling, produced a prodigious stir through the country for the construction of similar works.

*Jones' Defence, page 828.

†Monroe's first message.

‡Journals.

§Holmes, 217.

Bartlett Yancey and James Iredell again presided in the two Houses of Assembly in 1818. General Louis D. Wilson of Edgecombe, was becoming at each session more useful and effective as a legislator. He had no elaborate education or shining gifts beyond an antique devotion to the public welfare. He loved Edgecombe, the State and the nation with the same spirit as actuated Horatius upon the fatal bridge, or that other Roman hero who leaped with his horse into the yawning chasm. He had no wife or child to increase his zeal for the public welfare, but when his head had whitened with many winters, he was to die far away from those he had known: offering up a stainless life for the general good.* From Halifax, Thomas Burgess came as Representative in the Commons. He was a learned and astute lawyer and was greatly respected in the courts.

This session was memorable for the establishment of the Supreme Court. The Judges had been traversing the circuits singly since 1808, and then meeting twice a year for conference and review of matters appealed from the circuits. In that year, in consequence of the statute, Judge John L. Taylor had been appointed Chief-Justice. In 1818, John L. Taylor, Chief-Justice, and Leonard Henderson and John Hall, Associate-Justices, were elected as members of the Supreme Court to determine appeals and hold their sessions in the city of Raleigh. This measure was mainly indebted to Bartlett Yancey for its adoption. The Judges of the Superior Court at this time were Henry Seawell, J. J. Daniel, John Paxton, Frederick Nash, John D. Toomer and Archibald D. Murphy. They were, of course, excused from any further attendance for conference in Raleigh.†

The example of New York and the general government produced great excitement in North Carolina as to internal improvements. General Wellborn, Dr. Joseph Caldwell and Bartlett Yancey were earnest and unremitting in their efforts to inaugurate a system which should open a way for the transportation of Western products to Eastern markets. They were met in debate

*Wheeler, vol. II, page 417.

†Revised Statutes, vol. II, page 532.

by men who held it as a cardinal virtue to oppose such things, because not specified in the letter of the United States Constitution that the general government should construct such works. They were unwilling to be taxed for improvements they did not need themselves. Nature had given the East abundant water courses and they were content therewith. The people were unwilling to be burdened, and politicians, with their usual venality, pandered to their selfishness and confirmed them in their illiberal courses. It seemed that the State would be content to go on in the unthrifty way of the miser, who hoards his store and refuses an investment however promising. Other States were attracting the attention of emigrants and building up great arteries of trade, while in North Carolina the mud roads, which grew impassable in winter, and the lumbering wagons of their ancestors were the only means of transportation for two-thirds of the State.

Both the presiding officers in the Assembly of 1819, were from the county of Caswell. Bartlett Yancey remained in the Chair of the Senate, and Romulus M. Saunders succeeded James Iredell in that of the House. John Owen of Bladen, Alfred Moore of Brunswick, James Iredell and C. E. Johnson of Chowan, John Stanly of New-Bern, William Gaston and Richard D. Spaight of Craven, John Winslow of Fayetteville, L. D. Wilson of Edgecombe, John Dick of Guilford, Thomas Burgess of Halifax town, and Willis Alston for the county, D. F. Caldwell of Iredell, John Scott of Hillsboro, Duncan Cameron and Willie P. Mangum of Orange, Stephen Haywood and D. L. Barringer of Wake, Daniel Turner of Warren, and James Wellborn of Wilkes, embodied so much talent and experience, that no Assembly in the nation, perhaps, that year, exceeded it in the elements that usually combine to produce advancement in public affairs.*

Messrs. James Iredell, John R. Donnell of Craven, and Willie Person Mangum of Orange, were this year elevated from the

*Journals, 1819.

bar to the bench of the Superior Court.* Judges Toomer and Seawell had resigned, and Judge Henderson had been promoted to the Supreme Court. Judge Donnell came in his boyhood to North Carolina, from Ireland. He had won high honors in the practice of law.† He was gentle and entirely honorable in every relation of life, and such was his patience, that he bore unmoved, while on the bench, the insolence and sarcasms of John Stanly, who did not forget his relations to the man he had slain.‡ His brother-in-law, R. D. Spaight, also suffered from Mr. Stanly's long resentment, and was said to have been kept from law practice by the same imperious and tyrannous spirit.‡ Perhaps no man ever lived in the State, who was so formidable in debate as John Stanly. It was said that John Randolph of Roanoke, got no laurels in their encounters in Washington. It was in truth, "Greek meeting Greek," when these bitter spirits came in conflict.§ Judge Mangum was incomparably the ablest popular orator then in the State. He was elegant in manner, brilliant in style, and the embodiment of political address. He had been as much admired as an advocate as afterwards United States Senator. Judge Iredell was probably, in native gifts, superior to both of the eminent characters just drawn. As advocate, jurist and statesman, he was equally conspicuous.

The year 1820 witnessed a great crisis in national affairs. The slavery question first became of paramount importance at that time. As early as 1790 Benjamin Franklin, as President of the Abolition Society, petitioned Congress to "devise means for removing this inconsistency from the character of the American

†Judge Donnell married the daughter of the first Governor Spaight. By marriage, prudence and economy, he amassed a large estate. His son, Richard Spaight Donnell, member of Congress and Speaker of Assembly, inherited many of his virtues.

*New State, vol. II, page 532.

‡Miller's Recollections of New-Bern, Living and Dead, November, 1874.

§Our Living and Dead, November, 1874, page 244.

people." The national Legislature disclaimed all power in the premises, and asserted, that under the Constitution the whole matter belonged to the several States in their individual capacity. The question came up again upon the acceptance of the territory ceded by North Carolina.* In 1819, Missouri applied for admission as a State. Northern men refused her admission on the ground that her Constitution provided for the establishment of slavery. This territory lay north of Ohio River, and slavery had been forbidden in the northwestern domain ceded by Virginia. Though Missouri was no part of that magnificent grant, Northern men, for selfish, sectional purposes, insisted upon extending a similar prohibition again. A great and prolonged struggle ensued. John W. Taylor, then Speaker of the House, proposed to exclude slavery from all territory north of thirty-six degrees and thirty minutes latitude, which would have abolitionized Missouri. Thomas W. Cobb of Georgia, asserted that "a fire had been kindled which only seas of blood could extinguish, and that if Northern men persisted, the Union would be dissolved." Mr. Tallmadge of the Empire State retorted: "If a dissolution of the Union must take place, let it be so! If civil war must come, I can only say let it come." Most of the session was consumed in an angry struggle on this subject, and it was only when a year later, Maine was ready for admission, that Missouri was permitted to become a State. Thomas of Illinois renewed the suggestion of Mr. Speaker Taylor, and it became what is known as the "Missouri Compromise."†

The ancient shame and scandal of the importation of slaves from Africa, was suppressed by law, on January 1st, 1808. Eight years later the Colonization Society was established in Washington, to provide a home in Liberia for free negroes and liberated slaves. It is remarkable, that the Abolitionists, as a general thing, should have opposed this movement. It was the outgrowth of Southern philanthropy, and succeeded in spite of anti-slavery sentiment in Congress and elsewhere.

*Cluskey.

†Colonel Benton, vol. I.

At this time North Carolina was represented in the United States Senate by Nathaniel Macon and Governor Stokes. Lemuel Sawyer was still in the House for the First District. Hutchings G. Burton, Weldon N. Edwards, T. H. Hall and Lewis Williams were all prominent members, and the latter remained so long that he acquired the title of "Father of the House."* The other members of the Sixteenth Congress were John Culpepper, Charles Fisber, Charles Hooks, Lemuel Sawyer, Felix Walker and Thomas Settle.

The General Assembly was remarkable in the ability of its members. The two distinguished men representing Caswell again presided in this Legislature. In the Senate were James Wellborn of Wilkes, Emanuel Shober of Stokes. Francis Locke, Willis Alston, L. D. Wilson, C. E. Johnson, James Iredell and Alfred Moore were in the House.†

Jesse Franklin of Surry, was elected Governor.‡ He had been twice a Senator of the United States, and was noted for his sterling good sense and unassuming modesty of character. He made no pretensions to brilliant oratory, but possessed in an eminent degree the esteem and confidence of the people. Francis

NOTE.—The year of our Lord 1820 came upon Hertford in its usual prosperity. Two citizens had risen to prominence at the bar. W. H. Murphy and Thomas Manney were still in attendance upon the courts, but were soon to leave the State for their new homes in Tennessee. James Sydney Jones was fast achieving both fame and fortune as their competitor in forensic honors. The austerity of his manner prevented his attaining his father's great and abiding popularity, but this was no disappointment to him. He was ever averse to political life, and could not find it in his proud heart to court the favor of any one. James Iredell, then grown distinguished, still came to Winton Court, but David Stone had been dead for two years. He died at the early age of forty-eight, and most probably was shortened in his span by the complete withdrawal of all the political support he had so abundantly enjoyed in his earlier years. His old friend, John Wheeler of Murfreesboro, never for a moment faltered in his adhesion. They had been boys together and acted and thought alike throughout their lives.

*Colonel Benton, vol. I.

†Journals, 1820.

‡Wheeler, vol. II, page 338.

Locke, a member of the House, had been a Judge of the Superior Court from 1803 until his election to the United States Senate in 1814. He was the son of the dauntless Colonel Francis Locke, the hero of Ramsour's Mill, and was equally esteemed as a lawyer and politician. Willis Alston had defeated Governor Davie for Congress, in 1805, and had several times filled that distinguished position. He was the friend and *protege* of Willie Jones, and doubtless owed much of his success to that distinguished man.

The only political divisions of that day were wholly sectional, and embittered feeling grew up between the North and the South which was to become more malignant year after year, until it culminated in the catastrophe in 1861.*

Judges Iredell and Murphy resigned. George E. Badger and William Norwood of Orange, were elected in their stead. Judge Norwood, while wanting much of his associate's extraordinary powers, was still a sound jurist and most excellent man.† He was very patient and firm in his bearing on the bench, and was entirely without reproach in his important functions. Hillsborough was thronged at that day with able men. Mangum, Nash, Murphy, Scott, Norwood, Ruffin, Cameron, Mebane, Dr. Smith and Montgomery, were as great an array of able men as Craven, New Hanover or Chowan had ever displayed.

Mr. Monroe's administration, in 1821, perfected the scheme for the exchange of Texas for Florida. It was desirable to acquire the latter territory but equally so to retain the former. Spanish hold upon America had already relaxed by reason of the revolutions in all of the vice-royalties on the mainland and nothing would have been easier than the purchase of Florida without the cession of Texas.‡ But the whole policy of the fifth President of the United States was a thing of shreds and patches. It continually involved concession and compromise and was only relieved of the imputation of uniform weakness by the singularly

*Holmes, page 219.

†Wheeler, vol. II, page 325.

‡Benton's View, vol. I, page 15.

bold assertion of the Monroe doctrine. The Republicans were about equally divided as to the necessity of the United States Bank.* The tariff on foreign importations of iron and six other wares was not changed since 1816, and of so little moment was the matter then thought, that in the United States Senate there was no call for the yeas and nays upon the passage of the bill.† There was really no political issue before the American people save the matter of slavery, and that seemed to have been settled by the Missouri Compromise. Only an insignificant few dreamed of interfering with the peculiar institution in the State, and the bulk of Northern men thought as Thomas Jefferson and Virginia did in 1789, that slavery should be excluded from the territories.

The North Carolina Congressional elections of 1821, resulted in the choice of William S. Blackledge of Craven, Hutchings G. Burton of Halifax, Henry W. Conner of Lincoln, Josiah Crudup of Granville, Weldon N. Edwards of Warren, Thomas H. Hall of Edgecombe, Charles Hooks of Duplin, John Long of Randolph, Archibald McNeill of Moore, Romulus M. Saunders of Caswell, Lemuel Sawyer of Camden, Felix Walker of Rutherfordton, and Lewis Williams of Surry, as members of the Seventeenth Congress. This was a very strong delegation. Messrs. Burton, Edwards, Hall, Saunders, Settle and Williams were debaters of great eloquence and power, and won the admiration of the House. All of these but Dr. Hall, were advocates of the first standing, and some were grown illustrious in the judicial annals of the State.

Bartlett Yancey in the Senate, and James Mebane in the House, were again the presiding officers of the Legislature of 1821. Mr. Mebane was the son of Alexander Mebaue, who was prominent in the Revolution, and was a member of the Third Congress. James Mebane, like all his race, was able and patriotic. This Assembly was not remarkable for the experience or ability of its members. Young Francis L. Hawks of New-Bern, attracted attention by his matchless elocution. He had won

*Cluskey, page 66.

†Cluskey, page 566.

notice at the bar of his native city, where John Stanly, William Gaston, Edward Graham, Vine Allen, John H. Bryan, Richard Dobbs Spaight and Wright Stanly, were such formidable competitors. Perhaps no orator ever possessed so wonderful a voice. It was pure, flexible and perfect in its tone, from the highest to the lowest possible human note. With his magical voice and action, there was too a noble compliment in the vivid thought of the speaker. He did not linger long enough at the bar to win its highest honors, but in the holy orders which he was shortly to assume, he became national in his fame. His young colleague, the second Richard Dobbs Spaight, had also recently graduated at Chapel Hill. He was the recipient of many of his father's gifts and graces, but did not equal by any means, that extraordinary man. A certain indolence and delicacy of feeling, made public life irksome to him, and he did not long linger in the heartless and delusive chase of fame at the people's hands. Dr. James S. Smith of Hillsboro, was another new member, of decided talent. Like Governor Alexander and Dr. Thomas H. Hall of Edgecombe, he was to combine medical skill with enlightened views as a statesman. He was a cultivated and estimable gentleman, and was both fluent and pointed in his public discourses.* Daniel Turner of Warren, a son of James Turner, had been a member in two previous sessions. He had been educated at West Point, and at William and Mary College in Virginia. He had seen service in the late war, but left the army after the return of peace.† He married the daughter of Francis S. Key of Washington, who though an able lawyer, is better remembered as the author of the famous song, "The Star Spangled Banner." Abner N. Vail, a son of General Edward Vail of the Revolution, represented Washington county in the Commons. He was eloquent as an advocate, but erratic and short-lived.‡

‡NOTE.—Colonel Samuel B. Spruill tells a good story of poor Vail. He was defending a man at Plymouth, for horse stealing, which was a capital felony at that day, but whipping for the first offense. Davenport, the defendant,

*Debates in Convention 1835.

†Wheeler, vol II, page 440.

The contagion of our free institutions did not stop with its effects upon unhappy France. In 1822, the South American Republics were recognized, and Spanish dominion on the mainland in America was overthrown. Our government had waxed strong enough to justify a change in its foreign policy, and the Monroe doctrine was asserted. Political parties in North Carolina remained as they had been; leaving but few of their transactions to be chronicled. Waightstill Avery of Burke, died in 1821. He was the patriarch of our Bar, and the first Attorney-General of the State, under the Constitution of 1776. He was an able and eminently patriotic man, and was much admired and trusted during the Revolution. The great lawyer, Archibald Henderson, died in 1822. A year later he was followed by Francis Loeke of Rowan. On January 15th, 1824, likewise James Turner, late Governor of the State, departed this life.

Hutchings G. Burton was this year elected Governor of the State. He was alike distinguished as a lawyer and politician. He married the daughter of Willie Jones, who inherited the shining qualities of her parents. He had been Attorney-General of the State for six years succeeding 1810, and, for an equal term, a conspicuous member of the national House of Representatives.* Governor Branch of Halifax, succeeded Montford Stokes in the United States Senate. The latter was already illustrious by descent and public service. He was the brother of the heroic and mutilated John Stokes, who had so fearfully suffered in Tarleton's brutal assault upon Colonel Buford's column at Waxhaw, during the Revolution, and had been the first United States District Judge for North Carolina.†

was convicted, and Vail rose to tell Judge Joseph J. Daniel, on the bench, that his client's antecedents and connections were such that he did not feel like pleading his clergy, and taking the whipping post as an alternative. "I'll be ——, Brother Vail, if your client can't hang if he wishes," said the Judge. But Davenport sprang to his feet and said: "whip me Judge, as much as you please, but don't talk about hanging." This brought down the court-house.

*Revised Statutes, vol. II, page 532; Congressional Journals.

†Wheeler, vol. II, page 462.

The Legislature was crowded with distinguished men. Wake sent a new member in the person of the eloquent young lawyer, James F. Taylor. The able and chivalrous Charles Fisher represented Rowan. D. Cameron, late a Judge of the Superior Court, had acquired reputation as a lawyer, and a great fortune by his marriage with Miss Bennahan. James Mebane from the same county, the late Speaker of the Commons, ably seconded him in sustaining the reputation of the Senatorial District of Orange; as well as the proud record of his own family. Willis Alston was again a member for Halifax. His colleagues were the astute and many-sided Thomas Burgess, and that nuisance in the political world, the turbulent and unbridled Jesse A. Bynum. Plausible and loquacious Jesse Speight gave abundant assurance that Green county should be heard from. Fiery and capable John Stanly was chosen for New-Bern. His young colleague, John H. Bryan, had defeated the second Richard Dobbs Spaight, and had for a constituency William Gaston, George E. Badger, Francis L. Hawks, M. E. Manly and Charles B. Shepherd. Edenton returned James Iredell; Fayetteville, the polished and versatile Robert Strange. The county of Cumberland again shone in the courtly and eloquent Louis D. Henry. Bedford Brown and A. H. Shepherd of Stokes, worthily conclude this catalogue of memorable names.*

With so much ability in her councils, North Carolina should have been a shining example of peace and prosperity, but this was far from her true condition. A short-sighted and hateful sectionalism disgraced her statesmanship, and dwarfed the efforts of the many distinguished men then in authority. The only policy in the western counties was to effect a change in the condition of affairs; so that their popular majorities should be felt in the Legislature. The small revenue then levied annually, showed an average deficit of ten thousand dollars. The easy and oppro-

*NOTE.—Augustine H. Shepherd was the nephew of Colonel William Shepherd of Hillsboro, whose daughter married the second Samuel Ashe. Mr. Shepherd was an able lawyer and member of Congress for several years. He lived near the town of Salem.

bious method of remedying this difficulty was usually to borrow the amount from the school fund. The State held that fund as a sacred trust, yet her rulers resorted to such doubtful expedients, sooner than surrender their subjects of discord.*

Stubbornly, and too often with undue arrogance, the East resisted every appeal to its patriotism and magnanimity. Jesse Speight of Greene, was the leader of many others, who like Major Carter of Hertford, and Jesse Cooper of Martin, thought that patriotism consisted in an undeviating opposition to all railroads, and especially to every proposition looking to alterations in the State Constitution. In 1823, a body composed exclusively of men desiring a change in affairs, met in Raleigh, and called themselves the Western Convention. Bartlett Yancey, the long-honored Speaker of the Senate, presided over its deliberations, and many wise and desirable changes in the Constitution of 1776 were suggested. A calm but vehement spirit was aroused among those who constituted a large majority of the citizens of the State. They even threatened to proceed to such extremities as were witnessed in Rhode Island, in the Dorr troubles of 1842.†

The popular vote of Hertford at that day, did not amount to six hundred; and yet she had precisely the weight in the State government as Orange, with her twenty-five hundred. Sectional struggles are the bane and stumbling block of free institutions. Unlike other popular animosities, they are too often immortal. We have long outlived the hatred felt by our ancestors to everything British, but what number of centuries will ever remove another and a greater hatred, which has uprooted all others from American hearts? Unhappy people! Miserable and undone nation, if so it must be.‡

The North Carolina Congressional delegation elected in 1823 consisted of Henry W. Conner of Lincoln, Jehu Culpepper of Montgomery, Weldon N. Edwards of Warren, Alfred M. Gatlin

*Debates in Convention, 1835.

†Debates in Convention, 1835.

‡Election Returns, 1836.

of Camden, Thomas H. Hall of Edgecombe, Charles Hooks of Duplin, John Long of Randolph, Willie P. Mangum of Orange, George Outlaw of Bertie, Romulus M. Saunders of Caswell, Richard D. Spaight of Craven, Robert B. Vance of Burke, and Lewis Williams of Surry.* Mr. Conner was a Virginian by birth, and had been educated at the College of South Carolina.† His long service of twenty years in Washington, demonstrated his ascendancy in the affections of his constituents, and the solidity of his real merits. Mr. Edwards was the intimate friend of Nathaniel Macon. He was a worthy successor of this illustrious man and was to rival him in the length of public service and the affections of his countrymen.‡ Alfred M. Gatlin had graduated at Chapel Hill in 1808. This was his only public service; for, being defeated at the next election, he removed to the new territory of Florida. Charles Hooks was the brother of Mrs. Mary Slocumb, who made the famous night trip on horseback to the battlefield of Moore's Creek in 1776.§ He soon removed to Alabama, from which State his former neighbor, William R. King of Sampson, had been a Senator to the United States since 1819. Dr. Vance, of Buncombe, was a man of genius and promise, and was son of David Vance of Burke, who, with Colonel Joseph McDowell and Speaker Mathews, ran the Tennessee line in the latter years of the previous century. Lewis Williams, in his high intelligence, integrity of life, and unassailable hold upon the popular affections, was to remain longer than any other man who ever held a seat continuously in the House of Representatives, and was to become known, a quarter of a century later, as the "Father of the House."||

Bartlett Yancey again presided in the Senate of 1823, but John D. Jones of Wilmington, who was Speaker of the House of Commons in 1842, was this year succeeded by his neighbor, Alfred

*Journals, 1823.

†Wheeler, vol. 11, page 440.

‡John Q. Adams' Eulogy.

§Wheeler, vol. 11, page 82.

‡Women of the Revolution.

Moore of Brunswick.* Besides these two, the Wilmington Bar contained a lawyer of great promise in William B. Meares, who had represented the borough in 1818. The second Alfred Moore maintained the traditional glory of his family for intelligence, patriotism, and the loftiest honor. He was eloquent, like so many of his ancestors had been, and to public virtues, added the most charming of social amenities.† Judge Wright and S. R. Jocelyn were dead, but in Edward B. Dudley and those just mentioned there was much to compensate for the loss of those distinguished men. The Revs. William M. Green, the future Bishop of Mississippi, and Thomas F. Davis, to fill the same high position in South Carolina, had both recently graduated at Chapel Hill, and were in holy orders. Steamboats were beginning to ply upon the Cape Fear, and the trade of the city was extending to intimate commercial relations with all the interior towns of central and western Carolina.‡

In the Assembly of 1824 was seen for the first time David Lowrie Swain of Buncombe. He was fresh from Chapel Hill, and his law studies at Raleigh, under Chief-Justice Taylor. Poverty and an unprepossessing exterior had already yielded to the genius and persistence of one who was to sit in the high places of the State for the period of his natural life. Perhaps no man has ever so entirely devoted his life to the advancement and vindication of North Carolina. No one ever so loved the State and people and understood them so well. To his tireless research and intelligent collection of detached facts, we owe much of what is known of the buried past. As a statesman, in the few years he devoted to political affairs, no man has surpassed him in the measure of his accomplishments.§ The session of 1823 was the last in which John Phifer of Cabarrus appeared in the Legislature. He was the ablest of an intelligent and patriotic race, and transmitted his virtues to his son of the same name.|| Lauchlin

*North Carolina Manual, page 106.

†Wheeler, vol. II, page 49.

‡Henry Nutt's Address, November 12th, 1878.

§Personal Recollections.

||Wheeler, vol. II.

Bethune of Cumberland, was on the threshold of public usefulness. Like his compeers, Louis D. Henry and Robert Strange, he possessed culture and ability, and the old seat of Scotch influences was never more weighty in the public councils than when represented by this trio of youthful and polished orators.* From New Hanover came young Joseph Alston Hill. He was the son of William H. Hill, one of John Adams' "Midnight Judges,"† who married a daughter of General John A. Ashe. J. A. Hill grew suddenly famous for splendid eloquence, and was said, that session, to rival John Stanly in this respect. Mr. Hill was equally noted for high literary attainments, and was shorn of his promise by an early death. James Graham, the oldest son of General Joseph Graham, had, the year before, removed from Mecklenburg to Rutherford, and represented the latter county in this Assembly. He had graduated at Chapel Hill in 1814, and was already prominent as an advocate in the courts. He did not leave so much reputation as his younger brother, but was in every way a wise and blameless man.‡

At this period, Peter Brown, who had been the leader of the North Carolina Bar, had ceased to practice law, and presided as the Chairman of Wake County Court. He began to attend the courts, like Swain, and Hogg, with his office first at Windsor, but removed to Halifax, and afterwards to Raleigh. In the summer of 1818, having accumulated a large estate, he sold his library, and went with his earnings to spend the remnant of his days in his native Scotland. In 1821, he again came to Raleigh, and remained there till his death in 1832.§ William Gaston, Thomas Ruffin, and Gavin Hogg, were the three leading lawyers in the State. John Stanly of New-Bern, Moses Mordecai of Raleigh, Joseph Wilson of Mecklenburg, Robert Strange of Fayetteville, James Iredell of Edenton, and Thomas Burgess of Halifax, were in full practice and were all lawyers of great ability and success.

*Wheeler, vol. II.

†Life of Iredell, vol. II, page 263.

‡Wheeler, vol. II, page 247.

§Governor Swain's Tucker Hall Lecture, page 27.

There were no changes in the presiding officers of the General Assembly of 1824. D. L. Swain, Bedford Brown, James Iredell, William Gaston, John H. Bryan, John Mathews, Lauchlin Bethune, Jesse Speight, Jesse A. Bynum, Willis Alston, Daniel M. Forney, Robert H. Cowan, Thomas Devaue, Joseph A. Hill, John Scott, William Montgomery, James Mebane, John L. Bailey, John L. Henderson, James Graham, Emmanuel Shober, Henry Seawell, Johnson Busbee and James Wellborn, were the leading members of this body, and possessed talent enough to have given weight to any deliberative assembly.

END OF VOLUME I.

K.G.





