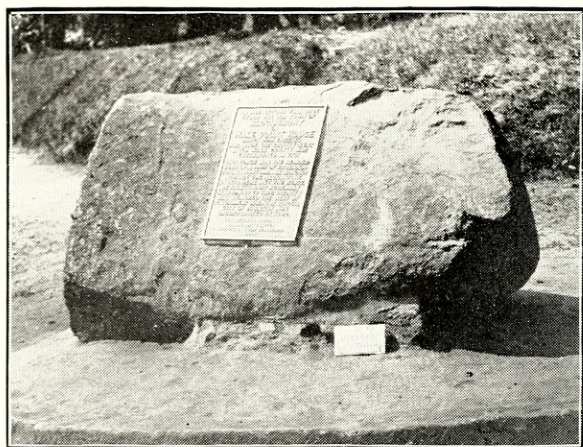


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Tablet and stone marking site of Old Town of Bloomsbury, now
Raleigh, N. C., erected by Bloomsbury Chapter D. R.
Unveiled April 26, 1911.

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JULY, 1911

No. 1

The

NORTH CAROLINA BOOKLET

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

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THE NORTH CAROLINA SOCIETY
DAUGHTERS OF THE REVOLUTION

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

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THE NORTH CAROLINA UNION MEN OF EIGHTEEN HUNDRED AND SIXTY-ONE

BY MAJOR WM. A. GRAHAM,
(COMMISSIONER OF AGRICULTURE.)

That only those who favored secession or entertained the doctrine of absolute State sovereignty and desired a dissolution of the Union were true and loyal Confederates would be a great historical error and injustice to two-thirds of the citizens of North Carolina. At that time there were four political tenets in the United States.

First, Nullification. That a State was sovereign to such a degree that it could remain in the Union but only comply with such laws as it approved, paying no attention to or nullifying the laws it did not sanction. This was Mr. Calhoun's idea, and in accordance with it he desired a perpetuation of the Union.

Second, Secession. That a State had voluntarily entered the Union, reserving the right to withdraw or secede at its own will, especially if it deemed any act of Congress unjust to its citizens.

These opinions were held respectively by the two wings of the original Republican, afterwards the Democratic party. Mr. Davis, upon his withdrawal from the United States Senate in December, 1860, upon the secession of Mississippi, in his address gives as clear an enunciation of each of these ideas as I have seen. He endorsed secession but not nullification.

Third. That when a State entered the Union by adopting the Federal Constitution, it did not reserve the right of se-

cession at will, but consented to look for the preservation of its rights to the means and authority provided by the Constitution and laws made in conformity thereto; there was still the inherent right of revolution when these means were denied or failed to protect the rights or property of a State or of any of its citizens, but it was the duty of a State and in accordance with its agreement to exhaust the means provided by the government for redress of grievances before resorting to revolution or withdrawal from the Union. This was the tenet of the Whigs, and of its successor, the Constitutional Union party in 1860, and it was held at that time by a large majority of the voters of the State.

Fourth. That the States bore about the same relation to the general government that counties bore to a State. This was the opinion of the extreme Federalist in his day and of the extreme Republican of today.

George Fisher, in his books published several years since "Men, Women and Manners of Colonial Times," gives a history of the people who settled the respective colonies. Those who settled Massachusetts he denominates the Puritan; those in Virginia the Cavalier. These are really the types of the Northern and Southern people, and the student can discover the difference in character and temperament in their descendants to this day.

The Cavalier settled generally in the country upon a plantation and had no connection with his neighbors' affairs except as they related to public matters, local, State or National.

The Puritan settled in the village or hamlet, and interested himself in all his neighbors' business; was much concerned as to how he demeaned himself or governed his family. This officiousness it was desired to extend to the county, the State and the Nation. To this may be added the advocates of a "higher law" that no matter what might have been the

agreement in the past, if at any time one's conscience tells him the agreement is wrong, he can violate or repudiate it. This was the school of Wm. H. Seward, and might be justly entitled nullification by the individual. There was none of this in the South.

That slavery was recognized in the Federal Constitution is evident. A time was fixed for importation of slaves to cease. Provision was made for the return of fugitive slaves, and for reckoning slaves in the enumeration upon which Congressional representation was based. Any interference was a violation of the compact of the Constitution.

The Republican party favored the abolition of slavery, although its supporters differed in the manner in which it should be accomplished.

With the election of Mr. Lincoln to the Presidency and the triumph of the Republican party, matters came to a crisis. Some thought it was useless to longer continue in the Union, and that the slave States should withdraw; others that they should not do so until there was some overt act upon his part, while others had long desired a separation and hailed its apparent coming with demonstrations of joy and approval.

South Carolina seceded in December, 1860, and was followed within a month by seven other States. The proper course for North Carolina to pursue was much discussed in public meetings and in the Legislature, with warmth, vehemence and acrimony. An act was passed submitting the question of calling a convention to consider the question and determine the course the State would pursue, to the people, at an election to be held February 27, 1861. Before this, however, delegates in behalf of peace had been sent to a National Peace Conference at Washington, D. C., and to the Provisional Confederate Government at Montgomery, Ala.

In the presidential campaign in 1860 the rights of the

States was ably and fully discussed in all phases. In the Convention campaign only the desirability and advisability of secession or the contrary action were considered.

The student who will examine the history of the canvass preceding this election, as recorded in the press of that period, will see that upon one side it was urged that there was no use of delay, the State should at once unite with the States that had seceded. There would be no war; the States had a right to secede, and union was no longer either desirable or advantageous. Others said they could wipe up all the blood that would be spilt with a pocket handkerchief. Foreign nations would at once recognize us, as they could not do without our cotton and would naturally desire to see the United States divided. Those who held opposite views were criticised in the harshest terms as untrue to the South, submissionists, abolitionists, etc. Men who had never owned a negro called men who owned hundreds, and one-half of whose property was of this class, abolitionists, on account of their devotion to the Union. The denunciation of carpet-baggers and scalawags in reconstruction times did not much exceed the abuse to which these were subjected, and in spite of which they stood for the right as they saw and dared maintain it. Many of these Union men afterwards entered the Confederate army and gave their lives to uphold the cause, while many of their calumniators, like Job's war horse, "snuffed the battle from afar," and when the time for action came, through sickness (frequently feigned), or political favoritism, kept his carcass out of the reach of Yankee bullets, the abuse of their neighbors being the only active service they rendered. The opponents of secession said:

(1) If slavery was the object it would be destroyed by secession, if that failed.

(2) If secession was successful, the border States would soon become free; the easy manner of escape, the care and

expense to prevent it, and the impossibility to recover a fugitive slave would make this class of property undesirable. When a State became free it would naturally unite with the Northern government; we would have new border States that would go through the same process to freedom.

(3) That although Mr. Lincoln was President he could only execute the laws which Congress enacted, and so long as we had six Senators from the Northern States favorable to us, there could be no unfavorable legislation; that he could not appoint objectionable persons to office as judge, etc., or even members of his Cabinet, as the Senate would refuse to confirm their appointment.

(4) The Supreme Court, who held office for life and passed upon the constitutionality of all laws, was unanimously opposed to Republican ideas, and a majority in its favor was hardly probable in twenty-five years, while a new President would be elected in four. Mr. Lincoln had lacked nearly 900,000 votes of a majority of the popular vote; he had been elected on account of the division of his opponents, which would not probably occur to such an extent again, and the next President would be favorable to the Constitution.

(6) It was said the Confederate States Constitution was almost identical with that of the United States; then there was no need for another nation.

(7) That the seceding States could not be cut off or dismembered from the rest of the country and transported elsewhere, but must remain attached to it. That if the Confederacy was established there could be no Chinese wall between it and the North. Self-interest in trade and defense would render it necessary to have the most friendly relations, consequently it was best to be one nation.

(8) As to the Yankees not fighting, history proved the contrary. The men of the Northwest particularly were bone of our bone and flesh of our flesh, and we might expect a long and bloody war.

Many of the people of North Carolina loved the Union, whose independence had been won by the lives and sacrifices of their ancestors. The older men were the sons, and the middle aged and younger men the grandsons of those who served in the Revolutionary war. The old men had received the account direct from their fathers, the actors; they told it to their children. This kept alive a warm attachment to and admiration of their country, and they were unwilling to aid in its dismemberment or destruction.

My father, as his sons each became old enough to understand, told him of his father's service in the Revolutionary War; how near Charlotte he was left for dead on the field of battle, with three balls and six sabre wounds; how he recovered, returned to service and "whipped the British." His sons regarded this as their country whose independence was won by the blood of their grandsire.

The most glorious chapters in the history of the Union were those which recorded the results of acts of Southern men; then why surrender to the disloyal men of the North a country whose independence the South had helped to win and whose position among the nations had been achieved by the direction of Southern men, many of whom were living at that time and prominent in national affairs.

The election resulted in the choosing of two-thirds of the delegates who were opposed to separation at that time, and the call for a convention was defeated by a few hundred votes. Many who did not favor separation thought it well to have a convention in readiness for action, and so voted. The vote of Davie County decided the matter, the vote being otherwise about a tie. For some reason, Davie was a week late in making return of its vote.

The matter of secession, as far as North Carolina was concerned, was thought to be settled for a time, and it was hoped that the trouble could be averted without war. Mr. Seward,

who was to be Secretary of State, had assured Judge Campbell of the U. S. Supreme Court, that no attempt would be made to reinforce Fort Sumter, and it was not thought that South Carolina would begin hostilities if this was not done.

But there was much uneasiness and unrest. Union men began to lose hope of reconciliation and declared for action. Those who had confidence in certain leading citizens seemed content to leave the matter to them for decision, and to act as they would indicate seemed best. The preacher in Alamance who told his congregation that "they were in times of darkness and trouble, it was hard to decide what was best; he could only commend his example to them, that he got his religion from the Bible and his politics from Governor Graham," was not an isolated case.

During a discussion in which disunion was a topic in 1841, Henry Clay, passing the desk of Governor Graham, at that time a U. S. Senator from North Carolina, stopped and remarked: "There are four States in this Union which in its conformation bear to it about the same position that the heart does to the human body; as long as they are quiet and contented there is no danger of disunion, but if they shall become dissatisfied and restless, trouble will not be far off; these States are Virginia, North Carolina, Tennessee and Kentucky." These were indeed prophetic words.

When Lincoln was inaugurated, matters began to assume a different aspect; while his messages might be satisfactory, yet his acts and sayings indicated that war was near. An attempt was to be made to reinforce Fort Sumter; South Carolina anticipated this and captured the fort. Mr. Lincoln called for 75,000 men to restore United States authority.

There was no longer any question as to what could be done to avert war. War was here, and the only question was, Which side will you take in the fight?

Many of the Northern States had passed laws forbidding

the use of their jails and prisons to United States marshals to hold fugitive slaves; this, as far as possible, left him to mob violence and nullified the law as much as South Carolina had done the tariff act.

Mr. Lincoln, in his canvass for the United States Senate against Stephen A. Douglas in 1858, had said that this government could not exist half slave and half free, and must be all one or the other. He would, if elected, have to take the oath to support the Constitution of the United States; this indicated he would not obey this oath, and some said they would as well have used a spelling book as a Bible when administering the oath as President.

All the States to the South had seceded; Virginia on the north and Tennessee on the west were going; was there anything left for North Carolina to contend for or hope for in the Union?

The question had long been determined by the Union men of North Carolina. Nine-tenths of them cast in their lots with the South. "Blood is thicker than water." Here was his home, his kindred, his interests, and having done all he could to prevent disunion, the North had spurned his efforts, and now he desired to be rid of them. A convention was called which, on May 20th, unanimously adopted the ordinance of secession, but not until the Union men, who constituted more than one-third of its members, had entered upon the journal their vote for a measure prepared by Judge Badger, expressing their views as to the manner in which separation should be accomplished. This failing to be adopted, they voted for and signed the ordinance of secession. Some few good men in the State never yielded their allegiance to the Union, but were loyal to the end. With these few exceptions, men of all parties gave their allegiance to the Confederacy. The Secessionist and the Union Man, the Whig and the Democrat, stood side by side and shoulder to

shoulder in all the hardships, suffering and death, and those who survived accepted together the results. The Union man did not criminate the Secessionists for unnecessarily beginning the conflict, for he knew, although late in entering the fight, he had done his best to make it a success, and that he was in no wise to blame that the independence of the Confederacy had not been gained. There was no sycophant cry that "the Secessionists tempted me and I did fight," but knowingly and willingly he entered into the contest and never regretted his action or made apology for so doing. In the days of vengeance he asked to have his share handed to him.

Furthermore, at the close of the war the term "Union man" was adopted by almost every man who was guilty of any kind of disgraceful misconduct, and it became synonymous with rascality of all descriptions. The Union men of 1860 had no lot or part with such cattle, and refused to be recognized by a common name with them or to plead his efforts in 1860 and '61 in exemption from the outrages heaped upon us by the National Government.

I have called your attention to this item in the history of the State in order that you may elucidate and preserve it. Many a gallant Tar Heel has always maintained that he did not fight the United States flag, but the man who was carrying it and endeavoring to use it to overturn the principles in support of which it gained a place among the ensigns of the nations.

These Union men, whether North or South, were the only truly loyal men in the Nation in 1860. The Secessionists of the South desired and advocated a division.

The Republican of the North endeavored to carry out his individual opinions, regardless of his constitutional obligations, maintaining there was a "higher law" than the Constitution, which being interpreted was the right to do as you pleased and make others do so too.

The Union man said, I will stand by the Union as long as the obligations under which it was formed are observed.

The following is an account of a political meeting held in Hillsboro on December 26, 1860, and of the resolutions adopted. These resolutions were also adopted by many other meetings held in the State at this time.

MASS-MEETING IN HILLSBORO.

In pursuance to an adjourned meeting, a large portion of the citizens of Orange County met at the court-house in this place, and the meeting was called to order by the Chairman, Wm. H. Brown, who in a few patriotic remarks explained the object which called us together for the second time.

The Secretary read the proceedings of the meeting of the 15th inst., and the Chairman, the Hon. Wm. A. Graham, of the Committee of Ten, reported the following resolutions:

The excited condition of the public mind, occasioned by the result of the recent Presidential election, requiring in the opinion of the citizens of Orange here assembled, a declaration of the sentiments of the people in relation to the course proper to be pursued in the present critical condition of our National affairs, it is therefore:

1. *Resolved*, That the measures in the course of adoption in certain States of the Union, since the election of Abraham Lincoln to the office of President of the United States, presents for the determination of the people of North Carolina the grave question, whether, so far as they are concerned, the Government established by the Constitution of the United States shall be permitted to continue in operation, or whether it shall be overthrown and annulled, leaving to an uncertain future the provision of new guards for all the great interests that Government was designed to secure.

2. *Resolved*, That while regretting the decision made in this election, in common with the people of all the Southern States, because of the sectional, and towards us, hostile spirit of the political organization which nominated and elected the successful candidate; and whilst we shall vigilantly observe his course of administration, and shall be prompt to make resistance to encroachments, if any shall be attempted by him, on the rights and interests of slavery as an established institution of the Southern States, protected by the Constitution of the Union, we perceive in the fact of his election no sufficient cause for the subversion and abandonment of the Government of our fathers, under which, in but two generations of men, the country has obtained a prosperity and power unsurpassed among the nations of the earth.

3. *Resolved*, That we are not insensible to the encouragement given to the hostile feeling of the North against slavery in the Southern States, by the result of this election, but it must not be forgotten that the Government of the United States is a practical Government, of but limited powers; that the President is not the Sovereign but the servant of the Republic, with authorities defined and restricted by the Constitution and laws, liable to be checked and restrained within his legitimate powers by Congress and by the Judiciary; that Mr. Lincoln was elected by but a plurality of votes, in consequence of divisions among the conservative voters arrayed against him—the majority against him in the whole popular vote being nearly nine hundred thousand. And when add to this that he will enter into office with a majority of both Houses of Congress opposed to him, and will not be able to appoint even his Cabinet counsellors without the aid of a conservative Senate, there is but a remote probability of a successful encroachment on our rights during the limited period of his administration, if there shall be the disposition to attempt it.

4. *Resolved*, That the enactment of laws in many of the non-slaveholding States, intended to obstruct the execution of the law of Congress, for the arrest and surrender of fugitive slaves, is in plain and palpable violation of the Constitution of the United States, and the repeal of those laws is demanded as a duty of justice and submission to the Constitution on the part of those States, and as indispensable to future union.

5. *Resolved*, That waiving the constitutional question of the power of a State to secede from the Union, such act of secession, if effected peaceably, is not an appropriate and adequate remedy for the injuries under which the Southern States are now laboring. To depart from the Union, leaving behind in the hands of her supposed enemies all her interests in the national accumulations of eighty years, in which she had proportional rights, would be a sacrifice on the part of a State, except under the pressure of overruling necessity, as incompatible with her dignity as her interests.

6. *Resolved*, That we recognize in its full extent the right of resistance by force, to unauthorized injustice and oppression, and if the incoming administration shall pervert the powers of the Government to destroy or otherwise unlawfully interfere with the rights of slavery, none will be more ready than ourselves to recur to this extreme remedy; but in adopting measures on a subject of such vital interest to fifteen States of the Confederacy, we should deem it but just and wise to act if possible, in concert, and after consultation with the other slaveholding States, and more especially with the frontier States of Maryland, Virginia, Kentucky and Missouri, which are the greatest sufferers from existing grievances, and stand as a barrier between the rest of

the Southern States and the enemies of their peace and safety beyond that frontier.

7. *Resolved*, That reasonable time should be allowed, and all remedies consistent with the continuance of the Union, should be exhausted before an abandonment of that Constitution established by Washington and its compatriots, which in its general operation has been the source of blessings innumerable to the American people.

8. *Resolved*, That it is recommended to the Legislature to make appropriations for the purchase of such supplies of arms as may be necessary as a preparation for any emergency that may arise.

9. *Resolved*, That the foregoing resolutions be published in the Hillsborough papers, and transmitted to the representatives from this county, to be laid before the General Assembly.

John W. Norwood, Esq., offered the following as an amendment:

Resolved, That we recommend to the present Legislature to provide for calling a Convention of the people, to take into consideration the alarming state of public affairs, and determine for North Carolina the time, mode and measure of redress for existing wrongs.

The question being taken upon Mr. Norwood's resolution, it was rejected.

No objections were made to the resolutions as reported by the committee, and they were passed by a large majority.

DENNIS HEARTT,
C. E. PARISH,

Secretaries.

WM. H. BROWN,
Chairman.

N. B.—Governor Graham was the acknowledged leader of the Whigs or Union men. The *topics* in the accounts of the opinion of the Whigs in the above paper are taken from the address which was made to the people in the convention campaign in February, 1861.

* * *

The paper which was presented to the Secession Convention, May 20, 1861, by Hon. George E. Badger:

AN ORDINANCE DECLARING THE SEPARATION OF NORTH CAROLINA FROM
THE UNITED STATES OF AMERICA.

WHEREAS, Abraham Lincoln, of Illinois, and Hannibal Hamlin, of Maine, were chosen President and Vice-President of the United States by a party in fact and avowedly entirely sectional in its organization, and hostile in its declared principles to the institutions of the Southern States of the Union, and thereupon, certain Southern States did

separate themselves from the Union, and form another and independent government, under the name of "The Confederate States of America"; and,

WHEREAS, The people of North Carolina, though justly aggrieved by the evident tendency of this election, and of these principles, did, nevertheless, abstain from adopting any such measure of separation, and on the contrary, influenced by an ardent attachment to the Union and Constitution which their fathers had transmitted to them, did remain in the said Union, loyally discharging all their duties under the Constitution, in the hope that what was threatening in public affairs might yield to the united efforts of patriotic men from every part of the Nation, and by these efforts such guarantees for the security of our rights might be obtained as should restore confidence, renew alienated ties, and finally reunite all the States in a common bond of fraternal union; meantime cheerfully and faithfully exerting whatever influence they possessed for the accomplishment of this most desirable end; and,

WHEREAS, Things being in this condition, and the people of this State indulging this hope, the said Abraham Lincoln, President of the United States, did, on the 16th day of April, by his proclamation, call upon the States of the Union to furnish large bodies of troops to enable him, under the false pretense of executing the laws, to march an army into the seceded States with a view to their subjection under an arbitrary military authority, there being no law of Congress authorizing such calling out of troops, and no constitutional right to use them, if called out, for the purpose intended by him; and,

WHEREAS, This call for troops has been answered throughout the northern, northwestern and middle non-slaveholding States with enthusiastic readiness, and it is evident from the tone of the entire press of those States, and the open avowal of their public men, that it is the fixed purpose of the Government and people of those States to wage a cruel war against the seceded States, to destroy utterly the fairest portion of this continent, and reduce its inhabitants to absolute subjection and abject slavery; and,

WHEREAS, In aid of these detestable plans and wicked measures, the said Lincoln, without any shadow of rightful authority, and in plain violation of the Constitution of the United States, has, by other proclamations, declared the ports of North Carolina, as well as all the other Atlantic and Gulf States under blockade, thus seeking to cut off our trade with all parts of the world; and,

WHEREAS, Since his accession to power, the whole conduct of the said Lincoln has been marked by a succession of false, disingenuous and treacherous acts and declarations, proving incontestably that he is, at least in his dealings with Southern States and Southern men, void of faith and honor; and,

WHEREAS, He is now governing by military rule alone, enlarging by new enlistments of men both the military and naval force, without any authority of law, having set aside all constitutional and legal restraints, and made all constitutional and legal rights dependent upon his mere pleasure, and that of his military subordinates; and,

WHEREAS, All his unconstitutional, illegal and oppressive acts, all his wicked and diabolical purposes, and, in his present position of usurper and military dictator, he has been and is encouraged and supported by the great body of the people of the non-slaveholding States:

THEREFORE, This Convention, now here assembled, in the name and with the sovereign power of the people of North Carolina, doth, for the reasons aforesaid, and others, and in order to preserve the undoubted rights and liberties of the said people, hereby declare all connection of government between this State and the United States of America dissolved and abrogated, and this State to be a free, sovereign and independent State, owing no subordination, obedience, support or other duty to the said United States, their Constitution, or authorities, anything in her ratification of said Constitution, or of any amendment or amendments thereto to the contrary notwithstanding; and having full power to levy war, conclude peace, contract alliances, and to do all other acts and things which independent States may of right do: and appealing to the Supreme Governor of the world for the justice of the cause and beseeching Him for His gracious help and blessing, we will, to the uttermost of our power, and to the last extremity, maintain, defend and uphold this declaration.

Mr. Craige offered the following as a substitute for the foregoing, which was adopted, ayes 72, noes 40:

AN ORDINANCE DISSOLVING THE UNION BETWEEN THE STATE OF NORTH CAROLINA AND THE OTHER STATES UNITED WITH HER UNDER THE COMPACT OF GOVERNMENT, ENTITLED, "THE CONSTITUTION OF THE UNITED STATES."

We, the people of the State of North Carolina in Convention assembled, do declare and ordain, and it is hereby declared and ordained:

That the ordinance adopted by the State of North Carolina in the Convention of 1789, whereby the Constitution of the United States was ratified and adopted; and also all acts and parts of acts of the General Assembly, ratifying and adopting amendments to the said Constitution, are hereby repealed, rescinded and abrogated.

We do further declare and ordain, that the union now subsisting between the State of North Carolina and the other States, under the title of "The United States of America," is hereby dissolved, and that the State of North Carolina is in full possession and exercise of all those rights of sovereignty which belong and appertain to a free and independent State.

SOME EARLY PHYSICIANS OF THE ALBEMARLE

BY RICHARD DILLARD, M.D.

At a vote taken by the Immortals of the French Academy some time ago, to determine the order in which the great men of France should be named, Louis Pasteur outranked Napoleon Bonaparte. It was decided that a man who ministered to "the healing of the nations" was infinitely greater than a warrior who won battles at the reckless sacrifice of human life. And the whole world admits this truth today, that,

"A wise physician skilled in wounds to heal,
Is more than armies to the public weal."

Few sections have had so many distinguished medical men as this. One was Governor, two wrote histories of the State, some have won honors in foreign lands, while others have served their country both in peace and war, and filled almost every position of honor and trust.

Undoubtedly the earliest physician of the Albemarle section was Dr. John King. Among the records of the courthouse at Edenton may be found his bill for services rendered Arter Workman, under date of July 26, 1694, to-wit:

1 Emetic & 1 dose pill Anodine at.....	8s.
To my visit & 1 dose pill Anodyne.....	15s.
To 8 days attendance at 10s. per day.....	4£.
My visit at Jno. Godfrey's, Jalep and attend.....	16s.
My visit at Madam Clark's	10s.

Dr. Godfrey Spruill located at Edenton about 1702, but nothing is known concerning him except that he was employed by the vestry of St. Paul's Church, Edenton, to attend one Elinor Adams. The record runs thus: "Information being made by Capt. Thos. Blount that Elinor Adams by of

Infirmity and Indigence is in great danger of being lost for want of Assistance, Ordered that Capt. Thos Blount treat with Doctr. Godfrey Spruill in order to her cure, and that Doctor Godfrey Spruill be paid for his Physick and Cure by the Church Wardens five pounds, and that Capt Thos Blount is requested by Vestry to endeavor to oblige the said Elinor to Serve the Doctor for the use of his House and nursing."

The next member of the profession to locate here was "George Allen, Chyrurgeon." He is described in the Colonial Records as being "a man of vile character and lately condemned at Williamsburgh for cursing King George, and Mr. Drysdale who is Govr of Virginia." Not long after that, a bill of indictment was brought against him for going privately armed and assaulting our Governor.

He was a wicked and turbulent spirit, and seemed to be constantly at war with the public authorities. It was perhaps the reputation of this renegade that caused Thos. Iredell, of Jamaica, in after years to write his nephew, James Iredell, who had just located here: "You have without doubt physicians who understand to prescribe. But unfortunately for their patients, those gentlemen more commonly understand their trades better than their profession, and it is more for their interest (howsoever criminal it may be), to exercise the one, than practise the other. In short, if your doctor has not some friendship for you, you must pay severely, both in pocket and person." (Life and Correspondence of James Iredell.)

Probably the most interesting figure who located here in early times was Dr. John Brickell. He came here with Governor Burlington in 1724, and was appointed by him to make an exploration into the interior with the view of securing the friendship of the Cherokee Indians.

He left here in 1730 with ten men and two Indians, and

traveled fifteen days without having seen a human being. At the foot of the mountains they met the Indians, who received them kindly and conducted them to the camp, where they spent two days with the chief, who reluctantly permitted them to return. They made the entire trip on horseback in thirty-two days.

He describes the trip very interestingly in the history which he wrote of North Carolina. They built large fires, and cooked the game which the two Indians killed, and served it upon pine-bark dishes; at night they tethered their horses, and slept upon the gray Spanish moss which hung from the trees. They lived in truly Robin Hood style, and the tour seems to have been more for romance and adventure than for scientific research. It is a counterpart in our history of the adventures of the "Knights of the Golden Horseshoe" to the Blue Ridge of Virginia under Governor Spotswood.

Dr. Brickell had a brother, who settled in Hertford County in 1739, the Rev. Matthias Brickell, from whom is descended some of the best families of that county.

Another prominent physician who lived here was Gabriel Johnston, a Governor of North Carolina. To write a sketch of his life would be to give a history of the Province during his term of office. He was a graduate of the University of St. Andrew's, Scotland, subsequently held a chair there, and was a contributor to that noted journal, "The Craftsman." The affairs of state so engrossed his time that it is doubtful if he ever practiced in America the profession in which he was so learned. He was the best of our Colonial Governors.

Dr. William Savage was another member of the profession here in early days, and was a man of character, position and great wealth. He owned John's Island, which subsequently belonged to Stephen Cabarrus, and is described on the records of the court as "that island opposite the town of Edenton

called Strawberry Island, and containing about 140 acres." The water has so encroached upon this land that barely two acres now remain. Iredell mentions him several times in his diary as a very reliable man. He practised here about 1770, and died 1780, and must have been a gentleman of considerable professional attainments.

Beneath the shadow of the large cedar trees in Hayes graveyard is a moss-covered slab of red sandstone; the overhanging branches waving to and fro in the autumn sunshine cast strange silhouettes upon the grave, and put one to dreaming. The epitaph reads:

"DR. SYLVESTER HOSMER,
WHO DEPARTED THIS LIFE IN 1794,
AGE 29 YEARS."

Beyond this there is nothing known of his life, save that he married a Miss Blair, a niece of Governor Johnston; but the modesty and simplicity of his epitaph might be taken as the true index of his character. "The silver cord was loosed, and the pitcher broken at the fountain," ere life's ascending sun had scarcely risen upon his bright and useful life. All who knew him, or about him, have long since passed beyond the tide, and—

"The mossy marbles rest
On the lips that he has pressed
In their bloom;
And the names he loved to hear
Have been carved for many a year
On the tomb."

The broad daylight of medical science had not broken, with its rays of splendor, upon the world in his day. No science has progressed so rapidly as that of medicine; it flourished even in the dark ages, in the cloistered chambers of the monks. The rusty locks of the vast treasuries of knowledge have now yielded to the golden keys of scientific

research, and medical science has worked out the endless combinations of the vaults of nature; but knowledge is labyrinthine, there are many winding passages and dark chambers still to be explored.

It does seem wonderful to us that the circulation of the blood was not discovered until 1628. Paracelsus, in 1526, taught cabalistic medicine, or the influence of the planets over diseases, and read their symptoms from the stars. The signs of the Zodiac are even to this day believed by the superstitious to influence wounds and operations upon different parts of the body. He believed that an abstract something, which he called Tartar, was the cause of all diseases.

In 460 B. C., Hippocrates of Cos gave forth his apothegm, that "Medicine consists in addition and subtraction, the addition of the things which are deficient, and the subtraction of those things which are redundant. He who practises this is the best physician, but he whose practice is farthest from it, is the farthest removed from knowledge of the art." Said he: "Life is short, the art is long, the occasion fleeting, experience fallacious, judgment difficult. The physician must not only be prepared to do what is right himself, but also to make the patient, the attendants, and externals co-operate." He was the father of what is now called the regular school of medicine, and stamped that dignity and honor upon the profession which it now bears. He required each neophyte to take an oath, and this every one is supposed to take now upon entering this profession. It has been beautifully transposed from Greek into verse by Dr. James Aitken Meigs, of Philadelphia. They swore:

"To wield the sword of knowledge in relief
Of sick and suffering ones, and those with grief
Bowed down, and overweighted with much care.
And further, you must solemnly declare
That you in purity and holiness
Will live, and exercise your art to bless

Mankind; from acts of mischief will abstain
 And all seductive wiles; and will refrain
 From giving drugs for deadly purposes
 Or vile. And when some aching brain discloses
 The secrets of a sad or guilty life,
 Which best the world should never know, lest strife
 And ill example follow, you will hide
 Such secrets, whilst you counsel, whilst you chide."

This is the exalted Hippocratic oath, and forms the foundation stone to the present code of medical honor.

The earliest known physician of antiquity was Sekhet-Enach, chief physician to Pharaoh Sahura of the fifth dynasty. The first known examination for license to practise medicine was conducted by Sinan Ben-Tsabet at Bagdad, A. D. 931. Dioscorides was the most famous herbalist of antiquity, and the Dioscorea, or wild yam, was named in honor of him. Rider Haggard, in his story of Cleopatra, features him as her court physician.

Shakespeare was fond of making thrusts at the profession, and especially does he make Timon of Athens exclaim:

"Trust not the physician,
 His antidotes are poisons and he slays
 More than you rob."

And Dryden says:

"Better search the fields for health unbought
 Than pay the doctor for a nauseous draught."

I clip the following from the *Edenton Gazette*, published about 1810, and doubtless written by some member of the profession here:

"God and the doctor we alike adore,
 Just on the brink of danger, not before;
 The danger passed both are alike requited,
 God is forgotten, and the doctor slighted."

An old doctor from a neighboring town used to declare that the malaria was so thick there that the frogs sang all

night long, "Quinine, Quinine"; while the refrain of the bull frogs was "Calomel, Calomel."

Hugh Williamson, M.D., LL.D., though a native of Pennsylvania, practised here. His father and mother were captured at sea, while on their way to this country, by the celebrated Blackbeard, but were finally set free after having been despoiled of their property. Dr. Williamson first preached in Philadelphia two years, then was Professor of Mathematics in the University of Pennsylvania; and not finding either of these congenial occupations, finally studied medicine at Edinburg and Leyden, and was induced by his friends, in 1777, to locate in Edenton. Dr. Williamson represented Edenton in the Commons in 1782, was a delegate to the Convention which formed the Federal Constitution, and was a member of Congress 1790-92, and Jefferson was much impressed with his ability there. During the Revolution he was a member of Caswell's medical staff, and exhibited great bravery on the field. He was one of the first trustees of our University, and was requested by them, in 1795, to invest some money in books. This was the first step toward the foundation of that large and valuable library. Williamson wrote a good deal about the climate of Eastern Carolina, malarial diseases and the best methods for preventing them.

He was, no doubt, an apostle of the Hepatic creed, whose dogma was: "One organ, the liver; one disease, biliary derangement; one remedy, mercury." Blood letting was practised indiscriminately in his day, and the old-fashioned "ten and ten" was given to every patient. The doctors in those days did not have the elegant pharmaceutical preparations, or the skilled druggist, as, now, but compounded and dispensed their own medicines. The favorite prescription here in those days for the malarial fevers was "one pint of chamomile tea every morning on an empty stomach," and this was to be kept up through the entire malarial season. Quinine

was unknown to the world then, though Peruvian bark had been introduced some time by the Jesuits.

Dr. Samuel Dickinson was born in Connecticut in 1743, and died in 1802. He graduated in medicine at some foreign school, most probably Edinburg, as that was the medical center of the world then, and located in Edenton.

About 1777 he bought the Cupola house, which is still occupied by his descendants. His arms and crest still hang upon the walls of that quaint old mansion, and from its breezy cupola, which seems to stare vacantly at the distant shore, the engagement between the Confederate ram Albemarle and the double enders under Capt. Melancthon Smith was watched by his granddaughters through a spy glass. Dr. Dickinson's office stood where the corner store on the lot now stands. He had associated with him young Dr. Beasley, whose portrait was found not long ago in a negro house down on the wharf, and was used as a cover to a meal barrel. Dr. Beasley's beautiful daughter, Miss Sallie, was engaged to the gallant and chivalrous Major Ringold, who fell covered with glory on the sanguine field of Palo Alto. This so affected her mind that she soon became hopelessly insane, and died.

Dr. Dickinson was a man of wealth, and engaged in some large land schemes across the sound. He was a distinguished physician, and was often called in consultation as far as Norfolk, and met his death from exposure in crossing the Albemarle Sound to see some member of the Armistead family.

Dr. Matthias E. Sawyer was an eminent practitioner of medicine here about 1825, and published a book about that time called "Fevers of Eastern North Carolina." In the treatment of fevers, Dr. Sawyer was at least fifty years in advance of his time. The University of North Carolina now possesses the only copy of this work in existence.

Dr. Collins Skinner was a very distinguished physician of

Edenton. His office still stands upon the court-house green. About 1835 he performed an operation for cataract upon an old lady, a member of the Howcutt family, residing some five miles north of Edenton; this was the first successful operation for cataract ever performed in Eastern North Carolina, and perhaps in the State.

Among the most prominent physicians of a more recent date are the Warrens, and particularly the brilliant Edward Warren-Bey, whose genius shone upon three continents, and whose checkered life reads like some Eastern romance. To Dr. Edward Warren belongs the honor for the discovery of hypodermic medication, and in that he was four years in advance of the inventor of the hypodermic syringe. Dr. Warren, soon after graduating, had under his care a Miss Betty M. Jones (afterwards Mrs. George Parrish), and finding her stomach perfectly intolerant for a number of days to any form of nourishment or medicine, it occurred to him, as a last resort, to introduce his medicine under the skin; the suggestion at once met with the approval of the suffering patient. Dr. Warren then with a lancet made a small incision in her arm, and through it injected his remedies by means of an ordinary Annels syringe, giving almost instant relief to all the distressing symptoms. Many years afterwards this patient became mine, and she frequently related to me Dr. Warren's wonderful experiment, with the greatest minuteness and enthusiasm.

Then there are to be added the Norcoms, Dr. Richard Dillard, Sr., Dr. William R. Capehart, Dr. R. H. Winborne, and a host of others too numerous for this short sketch, who have passed over the waste fields of death into the land of the hereafter—men who forgot themselves to bless mankind.

SOME BALLADS OF NORTH CAROLINA

BY PROFESSOR JOHN A. LOMAX,

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OF THE DEPARTMENT OF EXTENSION.)

During a ballad-collecting experience of a number of years, it has come about that no few have fallen into my hands from North Carolina, in my belief one of the richest localities in ballad material of any section of the United States. A small number of these ballads I am printing at the earnest solicitation of the editor of this journal, in the hope that the article will awaken the interest of others in preserving for posterity the floating folk songs that abound in some districts of North Carolina.

I should say in the beginning that no collector in the field of balladry should pursue his work on the Carolina coast without first talking with Professor Collier Cobb, of the University of North Carolina, and, if possible, getting a look at his valuable collection. Professor Cobb, although a well-known scientist, has a genuine interest in ballad material that he imbibed from the greatest of the balladists, perhaps, in the entire history of letters, Professor Child, of Harvard University. As a student of Professor Child, Professor Cobb learned to love the native song of the out-of-doors people, while he was at the same time being wedded to the field of geology through the teaching of the great Southern educator, long eminent at Harvard University—Professor N. S. Shaler. To Professor Cobb, therefore, I must make due apology for presuming to invade a field already possessed so thoroughly by him.

The songs I am printing, however, may, in time, lead many people to confide their treasures into the competent hands of Professor Cobb or of other collectors, and therefore be of

direct benefit to ballad collecting throughout America. In addition to Professor Cobb, there are other persons in North Carolina who have done good work in this field. Among them is Miss Adelaide Fries, of Winston-Salem. Miss Fries has made an interesting collection of Moravian songs, which, I am told, are all religious in tone and of German origin. Mr. Cobb's collection consists chiefly of songs that he has picked up along the coast. Indeed, these are probably the most interesting of all the North Carolina ballads. Through Miss S. O'H. Dickson, of Winston-Salem, has come information of mountain corn-husking songs, similar in spirit to the negro corn-husking songs; and also mention of the negro tobacco stripping songs. Unfortunately, I have not been able to secure examples of either of these classes.

The material that has been sent to me from other sources in North Carolina may be grouped somewhat as follows: First, traditional songs; second, war songs; third, negro songs; fourth, mountain songs; fifth, the coast songs, collected by Professor Collier Cobb. The songs in Professor Cobb's collection are not available for publication, inasmuch as he perhaps will issue them at some time himself. He has, however, consented to furnish the library at Harvard University copies of all of his collection. At Harvard the collection will become available to all students of the ballad.

Before quoting any of the songs, I should like to ask the readers of this article to furnish me with copies of the following songs:

1. "Morgan's War Song."
2. "Run, Nigger, Run."
3. "Sal's in de Garden Siftin' San'."
4. "When Lillington Fought for Caswell's Glory."

I should also appreciate complete copies of what the following seem to be fragments. In some instances the frag-

ment may be the entire song, but I should like any information whatever about any one of the songs. These fragments all came from my North Carolina correspondents.

Cold, frosty morning, nigger mighty good;
Axe on his shoulder, gwine to cut some wood.
Little piece of corn bread, little piece of fat,
And de white folks grumble if you eat much of dat.

* * * *

Frog he sot and watched the alligator,
Hopped on a log and offered him a 'tater;
The alligator grinned and tried to blush,
Frog he laughed and said, "Oh, hush!"

* * * *

Sam stuck a needle in his heel, in his heel,
Sam stuck a needle in his heel.
A one-eyed black snake run thu the fence,
What a funny chicken a terrapin air,
And Sam stuck a needle in his heel.

* * * *

Harness up yo hosses,
Hey, oh hey!
Harness up yo hosses,
Hey, oh hey!
We'll show you how to drive 'em;
Hurrah for Uncle Sam.

* * * *

I've wondered and wondered
All the days of my life,
Where you're goin', Mr. Mooney,
To get yourself a wife,
Where you're goin', where you're goin'
To get yourself a wife.

I'm goin' to —————,
An' that will be the place
To get Miss Laura,
If God'll give me grace—etc.

Out came Miss Laura
All dressed in silk,
With a rose in her hair
And white as milk—etc.

Johnstown's a mighty flood,
 Johnstown's a mighty flood,
 Johnstown's a mighty flood,
 For the dam was bound to break.

Fifty thousand souls were lost,
 Fifty thousand souls were lost,
 Fifty thousand souls were lost,
 For the dam was bound to break.

* * * *

There was a lady, skin and bone;
 Such a thing before had ne'er been known.

She walked out one night to pray,
 She walked but a little way.

She walked up, she walked down,
 She saw a ghost lying on the ground.

The lady to the spirit said,
 "Shall I look so when I am dead?"

The spirit to the lady said—!!! Wah! Ah! Eh!

By traditional songs is meant such songs as were familiar to the old generation—songs that were sung by our grandmothers in their childhood and have been handed down from generation to generation chiefly by oral transmission. Good examples of these songs are:

- "Suzana, Don't You Cry."
- "Old Dan Tucker."
- "Jim Crack Corn."
- "A Frog He Would a-Wooing Go."

Of these songs I have full copies. The two traditional songs quoted hereafter were perhaps chiefly serviceable for the entertainment of children. The first one, so far as I know, has no title. The second, as I happen to know, was as popular in Massachusetts as it was in early days in North Carolina.

Oh who will wear my castor boots, castor boots,
 Oh who will wear my castor boots?
 Oh who will wear my castor boots, castor boots,
 When I am far away?

Oh who will ride the old black mule, old black mule?
 Oh who will ride the old black mule, old black mule,
 When I am far away?

Oh who will smoke my rusty pipe, rusty pipe,
 Oh who will smoke my rusty pipe, rusty pipe?
 Oh who will smoke my rusty pipe,
 When I am far away?

Oh who will shoe my pretty feet, my pretty little feet,
 Oh who will shoe my pretty little feet, my pretty little feet?
 Oh who will shoe my pretty little feet,
 When I'm in a far away land?

Oh who will glove my pretty little hand? etc.

Oh I will shoe your pretty little feet, etc.,
 When you're in a far distant land.

Oh I will glove your pretty little hand, etc.,
 When you're in a far distant land.

* * * *

BILLY BOY.

Where have you been, Billy Boy, Billy Boy,
 Where have you been, charming Billy?
 I have been to seek a wife for the comfort of my life;
 She's a young thing and can not leave her mother.

Did she ask you in, Billy Boy, Billy Boy?
 Yes, she asked me in with a dimple in her chin.

Did she take your hat, Billy Boy, Billy Boy?
 Yes, she took my hat and she threw it at the cat.

Did she set you a chair, Billy Boy, Billy Boy?
 Yes, she set me a chair, with a ribbon in her hair.

Can she make a cherry pie, Billy Boy? etc.
 Yes, she can make a cherry pie quick as a cat can wink his eye.

How old is she, Billy Boy? etc.
 Three times seven, twice twenty, and eleven.

Can she make a pudding well, Billy Boy, Billy Boy?
 Can she make a pudding well, charming Billy?
 She can make a pudding well, I can tell it by the smell,
 She's a young thing and can not leave her mother.

Can she make up a bed neat? etc.
 She can make a bed up neat from the head to the feet, etc.

Another version :

Where have you been, Billy Boy, Billy Boy?

Where have you been, charming Billy?

Oh, I've been down the lane for to see my Betsey Jane,
She's a young thing and wants to leave her mammy.

Hold old is she, Billy Boy, Billy Boy? etc.

Three times six, four times seven, twenty-eight and eleven, etc.

How tall is she? etc.

She's as tall as a pine and as straight as a pumpkin vine.

Twice six, twice seven, three times twenty, and eleven.

Naturally, the three American wars produced a considerable amount of popular ballad material. A partial collection has already been made of this material, but many of the most vital and interesting of the songs are still floating among the people, especially the folk who live in the back country and on the frontier. For example, take a single stanza from a Confederate song of the Civil War, which mentions the Louisiana Tigers and the Bucktail Rangers of Pennsylvania, whose name grew out of the bucktails on their caps :

The Louisiana Tigers

They charged with a yell;

They charged the Bucktail Rangers,

Damn their souls to hell.

Another popular Confederate song was an adaptation of "Wait for the Wagon," the chorus of which ran :

Wait for the wagon,

The Confederate wagon;

O wait for the wagon,

And we'll all take a ride.

Other similar parodies, more completely worked out, for which single stanzas will serve for illustrative purposes, are :

Yankee Doodle had a mind

To whip the Southern traitors,

Because they didn't choose to live

On codfish and pertaters.

Yankee Doodle, fa so la,
 Yankee Doodle Dandy;
 And to keep his courage up
 He took a drink of brandy.

* * * * *

King Abraham is very weak,
 Old Scott has got the measles;
 Manassas is now off at last,
 Pop go the weasels.

I came from old Manassas
 With a pocketful of fun;
 I killed forty Yankees
 With a single-barrel gun.

It don't make a nif-o-sniference
 To either you or I,
 Big Yank, little Yank,
 All run or die.

The two parodies are taken from a book of Southern war songs published by M. T. Richardson & Co. in 1890. There are, of course, many similar ones written from the point of view of the North, all of which should now be given wide publication as interesting human mementoes of those troublous days.

The negro songs that have come to me from North Carolina are mainly religious. A number of interesting fragments of secular songs were, however, given to my wife by Mr. Fred A. Olds of Raleigh, N. C. These fragments are fairly illustrative.

Turkey buzzard, turkey buzzard,
 Take me on your wing;
 Carry me cross de ribber
 To see Sally King.

Buzzard no answer,
 Keep on flyin';
 Sally, she's a-waitin',
 Fairly dyin'.

I'll never marry an old maid,
 Tell you de reason why:
 Neck so long and stringy
 'Fraid she'll never die.
 Git along home, Cindy, Cindy,
 Git along my Cindy gal,
 Way down in Yallerbam.

I'll never marry a po' gal,
 Tell you de reason why:
 She'll eat up all yo' rations,
 An' fool you on de sly.
 Git along, etc.

* * * *

I don't like a nigger no how,
 I don't like a nigger no how;
 A nigger and a mule
 Is a mighty big fool—
 Don't like a nigger no how.

I don't like a po' white man no how,
 I don't like a po' white man no how;
 Put him on a hoss,
 Thinks he's a boss—
 Don't like a po' white man no how.

* * * *

Hush, you sinner,
 Don't you cry,
 Devil's gwine ter git you
 By and by.

You needn't shout,
 You needn't laugh,
 For you is only
 Just de chaff—
 For a few days.

Of the same nature is a small fragment sent in by Miss Dickson, of Winston-Salem. This, she says, was a favorite of Charleston, South Carolina, darkies before the war, and was current in other localities:

I gone down town wid my pocket full o' tin,
 Dooda! dooda!
 I come back home wid my hat cave in,
 Dooda, dooda, day!

I boun' ter run all night, an' I boun' ter run all day,
 I bet my money on de bob-tail hoss,
 Dooda, dooda, day!

Still another, which was sung to my wife by a cook in Raleigh, is described by the negro woman as "awful pitiful."

Poor Joseph been sick pinin' for you,
 Dear father, dear father, come home;
 This is the message I heard him say—
 Come home, the work is all done.

Refrain:

Come home, come home,
 Dear father, dear father, come home,
 This is the message I heard him say—
 Come home, the work is all done.

My mother is too,
 Dear father, dear father, won't that do?
 My mother is sick and wantin' you too—
 Dear father, dear father, come home.

Mother said her love was true,
 O father, O father, won't that do?
 Mother said her love was just as true—
 O father, won't that do?

It is difficult to choose among the large body of religious songs known by the oldtime darkies of North Carolina. Miss Dickson says, in a letter enclosing several, some of which I quote later: "The songs enclosed are those I can fully recall. They are some of those sung by the members of my father's two negro congregations in Orangeburg and Barnwell. They are so entirely different from those sung elsewhere that I can not help thinking that there was some unknown minstrel who sung and whose songs spread among them."

1. Oh, come home, come home, come home, my Fader's children;
 Come home, come home, an' He ain't got weary yet.

Refrain:

Oh, He call you by de lightnin',
 An' He call you by de t'under,
 An' He call you by de middle night cry.
 Oh, come home, etc.

2. Oh, come home, come home, come home to my Fader's kingdom, etc.
3. Oh, come home, come home, come home to de cross of Jesus.
4. Oh, come home, come home, come home to de Saviour's bosom.

* * * *

Refrain:

PATIENCE.

It's good fuh to hab some patience, patience, patience,
It's good fuh to hab some patience fuh to wait upon de Lawd.

My brudder, won't you come and go wid me,
My brudder, won't you come and go wid me,
Fuh to wait upon de Lawd?

Refrain:

It's good to hab some patience, etc.

My sister, won't you come and go wid me? etc.
My fader, won't you come and go wid me? etc.
My muddah, won't you come and go wid me? etc.

(Last verse):

De ship is in de ha'bor, ha'bor, ha'bor,
De ship is in de ha'bor, ha'bor, ha'bor,
An I'se a-gwine home.

* * * *

O section, don't ring that bell no mo' [to be sung three times].
In that mornin', my Lord, in that mornin', my Lord,
In that mornin' when the Lord says hurry.

2. O Lord, I'se done what you tole me to do, etc.
3. O Raphael, don't stop that shinin' sun, etc.
4. O Gambler, you can't ride this train, etc.
5. O Gambler, no money won't pay your fare, etc.
6. O Micah goin' strike dat 'vidin' line, etc.
7. O Liar, you can't ride this train, etc.
8. O Lord, I feel like a motherless child, etc.
9. O Lord, I wish I never been born, etc.
10. O Drinker, you can't ride this train, etc.

Another fragment:

O my Lord, you promised to come by here [three times],
In de mornin' when de Lord says hurry.

O my Lord, I want to be yo' chile [three times],
In de mornin' when de Lord says hurry.

When de sun fail to shine [three times]
I'll go to God a-shoutin'.

Refrain:

You may have all dis worl' [three times],
But glory be to God.

When de moon turn to blood [three times]
I'll go to God a-shoutin'.

* * * *

Lord's goin' set dis worl' on fire,
Lord's goin' set dis worl' on fire some o' dese days,
Lord's goin' set dis worl' on fire,
Lord's goin' set dis worl' on fire some o' dese days.

Lord don't want no coward soldiers,
Lord don't want no coward soldiers in His band,
Lord don't want no coward soldiers,
Lord don't want no coward soldiers in His band.

God's goin' ride on whistlin' chariot [*repeat as first verse*].

I'm goin' tell my Jesus howdy.
I'm goin' kneel roun' de union table.
I'm goin' walk an' talk wid angels.
I'm goin' ride on de whistlin' chariot.
We're all goin' kneel 'roun' de union table.
We'll all be asleep, yes Lord, in glory.
We all shall bow our heads in glory.
We all goin' drink wine, drink wine in glory.

Precisely similar in spirit and imagery are the religious songs yet popular among the darkies of the Brazos River bottom cotton plantations of Texas. One of the most moving of a large number of these songs in my possession, I heard sung not long ago with powerful effect by a negro congregation hid among the trees, just on the edge of one of the big fields of cotton in Brazos County, Texas.

I got a mother in de Beulah Land,
Outshine the sun, outshine the sun, outshine the sun;
I got a mother in de Beulah Land,
Outshine the sun, far beyond the sun.

Do Lord, do Lord,
 Do remember me;
 Do Lord, do Lord,
 Do remember me;
 Do Lord, do Lord,
 Do remember me, do remember me.

When my blood run chilly and cold
 I got to go, I got to go, I got to go;
 When my blood run chilly and cold
 I got to go, way beyond the sun.—*Chorus.*

Right under de cross, dere lies your crown,
 Dere lies your crown, dere lies your crown;
 Right under de cross, dere lies your crown,
 Way beyond de sun.—*Chorus.*

The melody, the pathos, the vivid phrasing, and the touching faith of these old songs will finally win a place for them, in my judgment, in the future history of American literature.

The most valuable of the mountain songs from North Carolina are probably those that have come from Miss Edith B. Fisk, of White Rock, North Carolina. Many of these are survivors of the old English and Scottish ballads yet held in cherished possession by the direct lineal descendants of the men and women who chanted the ballads in the old country centuries ago. Such ballads as "Fair Eleanor," "Lord Thomas," "Sweet Margaret," and "Barbara Allen," are widely known and yet sung to the old tunes by the modern people. Other songs popular among them are local songs of historic interest, or local songs recounting late events, usually tragedy. Moreover, among the mountains are found many of the frontier ballads of America that have drifted back east. Such songs as "The Buffalo Skinners," "The Cowboy's Lament," and "The Dying Cowboy," picked up in Texas, and printed in my volume of Cowboy Songs, are often found among the mountaineers in the Asheville district. Miss Fisk, in writing of an old woman from whom she secured numerous songs, says: "She says she has always known them. When

she was a girl that 'is all they studied about,' and if she heard a song once she knew it. There was an old man who used to sing many a song when he 'got drunk,' and all gathered about him eagerly. She assured me that she knows 'one hundred love songs,' and 'one hundred songs of devilment.' She gave me *Brothers and Sisters* and *Pretty Sarah*, playing and singing them for me."

From this "old woman" Miss Fisk copied the following interesting songs of the Civil War:

It was our hard general's false treachery
Which caused our destruction in that great day.
Oh, he is a traitor, his conduct does show;
He was seen in the French fort six hours ago.

And to be marked by the French, I am sure,
There round his hat, a white handkerchief he wore;
And one of our bold soldiers he stood by a tree,
And there he slew many till him he did see.

"Would you be like an Indian, to stand by a tree?"
And with his broad sword, cut him down instantly.
His brother stood by him, and saw he was slain,
His passion grew on him, he could not refrain.

"Although you're a general, brave Braddock," said he,
"Revenged for the death of my brother I'll be."
When Washington saw that, he quickly drew nigh,
Said, "Oh, my bold soldier, I'd have you forbear."

"No, I will take his life, if it ruins us all."
And Washington turned round to not see him fall.
He up with his musket, and there shot him down.
Then Braddock replied, "I received a wound."

"If here in this place, my life I should yield,
Pray carry your general, boys, out of the field."

Then General Gatefore, he took the command,
And fought like a hero for old Eng-e-land.
He fled through the ranks, like a cat to her game,
But alas, and alack, he was short-i-ly slain.

Then General Gates, he took the command,
 And fought like a hero for old Eng-e-land.
 He wished that the river had never been crossed
 And so many Englishmen shamefully lost.

We had for to cross, it was at the very last,
 And crossing over the river they killed us so fast.
 Men fell in the river till they stopped up the flood,
 And the streams of that river ran down red with blood.

* * * *

Brave Washington he led the way to victory and renown,
 Planted the tree of liberty Great Britain can't pull down.
 The roots they spread from shore to shore,
 The branches reach the sky;
 The cause of freedom we adore,
 We'll conquer, boys, or die.

Brave Tennessee has sent a band
 To fight at New Orleans;
 With British blood we'll wash the land,
 The Tories cord the sea.

And with a shout our eagle roared,
 And fluttered as she flew;
 Her arms are like a lion grown,
 Her arms are ever true.

There's Iowa and Kentucky,
 New knights with heart and hand;
 There's several, too, the North we'll fight,
 Our Union to defend.

“Pretty Sarah” and “Owen’s Confession” are fairly illustrative of the songs of local origin.

When I came to this country, in 1829,
 I saw many loyers, but I didn’t see mine.

I looked all around me and saw I was alone,
 And me a poor stranger, a long way from home.

It’s not this long journey I’m dreading to go,
 Nor leaving my country, nor the debts that I owe.

There’s nothing to pester, nor trouble my mind,
 Like leaving pretty Sarah, my darling, behind.

My love, she won't have me, as I do understand,
She wants a freeholder, and I have no land.

But I can maintain her with silver and gold,
And it's many pretty fine things my love's house can hold.

I wish I was a poet, and could write a fine hand,
I'd write my love a letter that she could understand.
I'd send it by the waters when the water overflows,
I think of pretty Sarah wherever she goes.

I wish I was a dove, and had wings and could fly,
About my love's dwelling this night I'd draw nigh.
And in her lily white arms all night I would lay,
And watch some little window for the dawning of day.

As pretty Sarah, pretty Sarah, pretty Sarah, I know,
How much I love you, I never can show.
At the foot of old Coey, on the mountain's sad brow,
I used to love you dearly—and I don't hate you now.

* * * *

OWEN'S CONFESSION.

Come, all ye good people, far and near,
That has come here this day to see my body put to death—
Oh, for my soul do pray!

I would have you take warning from what you now do see;
I pray you trust in honesty, and shun bad company.

December past, in ninety-eight, as you may understand,
That was the time we set out upon this cruel plan.

Lewis Collins was a man that enticed me to go,
To my eternal ruin, to my reproaching woe.

It was our intention, a fortune for to make,
Though, poor and happy men, we were met with a mistake.

I went so far against the will of my poor wife so dear,
The night before I left her my shirt she bathed in tears.

Then down to Mr. Irlen's, Ohe therefore I was bent;
To do any murder it was not my intent,
Though, making for his money, he made toward his gun—
And to save my own life, Ohe then I shot him down.

And to get his money we quickly did prepare,
As it was well ordered, we got but little there.

It being the first crime of the sort that ever I had done,
My guilty conscience checked me so that from the house I run.

Then to quit my company, Ohe therefore I was bent,
To go to Wilkes among my friends, for that was my intent.

But, ohe, his sad deluding he prest on me so hard,
"As for the crime that we have done, why should you it regard?"

By his insinuation some comfort I did take,
And freely went along with him to my unhappy fate.

The poor and unhappy rich I was to go on such a cause,
And now I am condemned to die by justice and by law.

I hear the carriage coming my body for to bear
To the place of execution, death to encounter there.

So fare you well, my loving wife, likewise my children dear,
William Owen is my name, all ye that want to hear.

Farewell to sun, moon, stars, all things that in them be,
Farewell to earth with all her fruits—I have no need for thee.

Come, sweet Lord, I humbly pray, and wash me in Thy blood,
And in Thy praise continually my tongue shall sound aloud.

The limits of this article forbid a detailed discussion of any of the songs, and I submit as the concluding one a song sung to my wife by Mrs. Davis of Britton's Cove:

There was a Romish lady brought up in Popery;
Her mother always taught her the priest she must obey.
"O pardon me, dear mother, I humbly pray thee now,
For unto these false idols I can no longer bow."

Assisted by her handmaid, a Bible she concealed,
And then she gained instruction till God His love revealed.
No more she prostrates herself to pictures decked with gold,
But soon she was betrayed, and her Bible from her stole.

"I'll bow to my dear Jesus, I'll worship God unseen,
I'll live by faith forever—the works of men are vain.
I can not worship angels nor pictures made by men;
Dear mother, use your pleasure, but pardon if you can."

With grief and great vexation, her mother straight did go
 To inform the Roman clergy the cause of all her woe.
 The priests were soon assembled and for the maid did call,
 And forced her in the dungeon to fright her soul withal.

The more they strove to fright her, the more she did endure;
 Although her age was tender, her faith was strong and sure.
 The chains of gold so costly they from this lady took,
 And she, with all her spirits, the pride of life forsook.

Before the Pope they brought her in hopes of her return,
 And then she was condemned in horrid flames to burn.
 Before the place of torment they brought her speedily;
 With lifted hands to heaven she then agreed to die.

There being many ladies assembled at the place,
 She raised her eyes to heaven and begged supplying grace.
 "Weep not, ye tender ladies, shed not a tear for me,
 While my poor body's burning, my soul the Lord shall see.

"Yourselves ye need to pity, and Zion's deep decay,
 Dear ladies, turn to Jesus, no longer make delay."
 In comes her raving mother, her daughter to behold,
 And in her hand she brought her pictures all decked with gold.

"O take from me these idols, remove them from my sight,
 Restore to me my Bible wherein I take delight.
 Alas, my aged mother! Why on my ruin bent?
 'Twas you who did betray me, but I am innocent.

"Tormentors, use your pleasure, and do as you think best,
 I hope my blessed Jesus will take my soul to rest."
 Soon as these words were spoken, up steps the man of death,
 And kindled up the fire to stop her mortal breath.

Instead of golden bracelets, with chains they bound her fast.
 She cried, "My God, give power—now must I die at last?
 With Jesus and His angels forever I shall dwell;
 God, pardon priests and people, and so I bid farewell."

North Carolina collectors, who value this material properly, will see to it, I feel sure, that not many years elapse before all this interesting material is taken down and deposited in the libraries of the universities, where, in after years, it will be invaluable to students of humanity. These songs, coming straight from the heart of the folk, simple and direct, reflecting the social and intimate emotional life of the people, will eventually become priceless historical documents.

A PAINTING OF THE BAPTISM OF VIRGINIA DARE

At the annual meeting of the North Carolina Society Daughters of the Revolution, held in Raleigh at the home of the Corresponding Secretary, Mrs. Paul H. Lee, in January, 1911, a most important resolution, and one that should arouse the interest of all patriotic North Carolinians, was introduced by Mrs. E. E. Moffitt, who was the guest of honor on that occasion.

This resolution was to raise funds sufficient to place in the Nation's Capitol at Washington a painting of the baptism of the first white child born on American soil, the best known of all children whose names are recorded in the annals of American history—the ill-fated Virginia Dare. It is needless to state that the North Carolina Society, Daughters of the Revolution, which is ever keenly alive to the necessity of guarding and preserving our State's noble past, unanimously adopted this resolution.

Below is given the resolve in full:

FOREWORD.

Among all the incidents of the early history of this nation, no one thing should stand out in bolder relief, more pathetic, or more significant of mighty and holy purpose than the baptism of Virginia Dare, which took place on Roanoke Island, on the shores of North Carolina, August 18, 1587.

WHEREAS, In consideration of this great historic event which took place within the limits of North Carolina, and as no great public recognition has yet been made to bring before the world the great intention of our great colonizer, Sir Walter Raleigh, therefore be it

Resolved, That as this, the "North Carolina Society of the Daughters of the Revolution," which has for its object the perpetuating and commemorating great events in North Carolina history, take steps to have a painting executed of such merit as to entitle it to a place among the other notable paintings depicting great scenes in the history of this nation, which now adorn the Capitol at Washington.

Second, That this Society raise sufficient funds for the picture, through

its own efforts and by petition to the Congress of the United States, for the completion of this object. Respectfully submitted,

MRS. E. E. MOFFITT,

Honorary Vice-Regent.

Raleigh, N. C., January, 1911.

Committee signed by Miss Mary Hilliard Hinton of the Regent of the North Carolina Society of the Daughters of the Revolution.

Mrs. Louise Pittenger Skinner, Recording-Secretary, N. C. S. D. R.

Mrs. Paul Hinton Lee, Corresponding-Secretary, N. C. S. D. R.

Mrs. Mary Bates Sherwood, Treasurer, N. C. S. D. R.

Miss Grace Bates, Librarian, N. C. S. D. R.

Mrs. John E. Ray, Custodian of Relics, N. C. S. D. R.

Mrs. Annie Moore Parker.

Mrs. John Cross.

Mrs. Hubert Haywood, Regent of the Bloomsbury Chapter, D. R.

At the annual meeting of the General Society, held in Baltimore in May, it received the endorsement as a State Society work.

On May 26, 1911, Hon. Lee S. Overman, Senior Senator from North Carolina, introduced this bill:

A BILL FOR THE EXECUTION OF A SUITABLE AND CREDITABLE PAINTING DEPICTING AND PERPETUATING THE BAPTISM OF VIRGINIA DARE, THE FIRST KNOWN CELEBRATION OF A CHRISTIAN SACRAMENT ON AMERICAN SOIL.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of ten thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the execution of a suitable and creditable painting depicting the scene of the baptism of Virginia Dare, which took place on Roanoke Island, on the shores of North Carolina, on the eighteenth day of August, fifteen hundred and eighty-seven; said painting to be of such merit as to entitle it to a place among the notable paintings depicting and perpetuating other historic scenes of national interest which now adorn the walls of our National Capitol.

It is indeed a gratification to be able to report that the said bill has passed two committees and been referred to the Committee on the Library. There also comes the news that there is hope of its passage. Both Senator Overman and Senator Simmons are working hard for this noble cause, which has been far too long unnoticed.

MARKING THE SITE OF THE OLD TOWN OF BLOOMSBURY, OR WAKE COURT HOUSE

PRESENTATION OF TABLET TO THE CITY OF RALEIGH

The morning of April 26, 1911, was fair and bright, and it seemed that Nature herself smiled approval on the Bloomsbury Chapter, Daughters of the Revolution, and their gift to the city, that should mark for future generations the location of the old town of Bloomsbury, the remembrance of which was fast fading from the mind of the oldest inhabitant and becoming an uncertain tradition.

Bloomsbury had but a short life—about twenty years—but it was nevertheless during that time a social and political center. The home of Colonel Joel Lane was here, and the probabilities are, though history does not so state, that it was through his influence that it was chosen the county seat, as it was also through his influence that Raleigh was chosen our State capital. Colonel Lane was noted for his hospitality and fondness for social life, as well as for his influence in politics. Here great hunting parties assembled from all the country-side, and there is still standing today, in our Capitol Square, a tree but a short distance removed from Fayetteville street which was in those days a favorite deer stand. To accommodate the crowds which assembled here, Colonel Lane had a tavern built, which was situated just across the road from his own residence. It was here that Tryon rested in 1771 from the 5th to the 8th of May, when he was gathering his forces to march against the Regulators, and when the army returned from Alamance, Colonel John Hinton disbanded his detachment here.

It was at Bloomsbury, in Colonel Lane's residence, that the Legislature was held in 1781, during the Revolution, and at this time and in this place Thomas Burke was elected Governor.

The Bloomsbury Chapter, Daughters of the Revolution, celebrated their first anniversary by this gift to the city. It was a happy and joyous occasion to them, to which all were invited, and many responded. It was the first occasion upon which a local historical spot had been marked in Raleigh. Mr. John W. Hinsdale, Jr., a descendant of Joel Lane, was marshal for the day, and he most gracefully introduced the various speakers.

The services were opened by the Rev. W. McC. White, D.D., with an invocation, which was as follows:

A PRAYER AT THE ESTABLISHMENT OF A MEMORIAL STONE IN RALEIGH,
APRIL 26, 1911.

O Thou Eternal One, we bow our heads in lowly adoration before Thee. Thou art God—even from everlasting to everlasting, Thou art God.

From everlasting, from the beginning, or ever the earth was—Thou wast. In the beginning Thou didst create the heaven and the earth. Thou laidest the foundations thereof, when the morning stars sang together and all the sons of God shouted for joy. All things were made by Thee, and without Thee was not anything made that was made.

As Thou hast been from everlasting, so Thou wilt be. Heaven and earth shall pass away—they shall perish—but Thou remainest; they shall wax old as doth a garment, and as a vesture shalt Thou fold them up, and they shall be changed; but Thou art the same and Thy years fail not.

But, oh, Thou ever-living God, our days on earth are but as a shadow that passeth away—but as an evanishing cloud—as a watch in the night—as a tale that is told—as the grass; in the morning it groweth up and flourisheth, in the evening it is cut down, and withereth. As for man his days are as grass; as the flower of the field, so he flourisheth. For the wind passeth over it, and it is gone, and the place thereof shall know it no more forever.

Yet, oh, Lord, we children of men long for immortality, and would perpetuate the memory of our deeds on earth, and of our history hitherto. And we have come now to set up this memorial stone to mark the beginnings of our city—lest we forget. Let it be unto us, we pray Thee, and unto them that come after us, a reminder of our origin, that from it we may measure, and rightly estimate and appreciate, Thy great goodness unto us in Thy providence over us all, the plentitude of Thy loving-kindness and the multitude of Thy tender mercies unto us. As we, or our children, or our children's children, look upon this stone,

may we or they be moved to say with the patriarch of old: I am not worthy of the least of all Thy mercies which Thou hast showed unto Thy servant; with my staff I passed over, and now I am become two bands! With the pious Israelite may we stand to praise Thee, saying: A Syrian ready to perish was my father; and he went down into Egypt with a few, and became there a nation, great and mighty and populous. So, oh, Lord, as we look back upon our humble beginnings and then turn to contemplate this imperial city in all its beauty and riches and power and glory, may our hearts fill up with grateful, loving adoration of Thee, our fathers' God, and our God. For Thou, Lord, art good, and Thy mercy endureth forever.

Not unto us, not unto us, oh, Lord, but unto Thee do we give the glory. And if ever in the pride of our hearts we are found saying, Is not this great Babylon, that I have built by the might of my power and for the honor of my majesty—forgive us, we pray.

Oh, Lord, keep watch over this stone. And if it please Thee, let it remain in its place until that day when the elements shall melt with fervent heat, when the earth and the works that are therein shall be burned up. Nevertheless, we, according to Thy promise, look for a new heaven and a new earth, wherein dwelleth righteousness. And grant it of Thy mercy, oh, Lord, that we may inherit the new earth and dwell therein forever. And oh, that we may then, in eternal leisure, revisit in memory, or in spirit, or even in our own person, the scenes of our earthly history, and be permitted to trace out all Thy dealings with man from the beginning to the end. And as then with unclouded vision we see, no longer as through a glass darkly, but face to face; as we know, not in part, but the whole—we shall behold and admire and join with the saints of all ages in the song of Moses and the Lamb, saying, Great and marvellous are Thy works, oh, Lord God Almighty; just and true are Thy ways, Thou King of Saints.

And now, God of our fathers, be Thou still a God unto us. Here we raise this Ebenezer; hitherto hast Thou helped us. And unto Thee do we look in faith for the unknown future. Guide Thou, govern Thou us all the days. This we pray in the name and for the sake of our Lord Jesus Christ. Amen.

Mr. William B. Snow, who is the great-grandson of William Boylan, who in 1818 purchased the estate of Bloomsbury shortly after it passed from the possession of the Lane family, and whose children and grandchildren have continuously owned the property until now, made the next address. Mr. John W. Hinsdale, Jr., introduced Mr. Snow.

Ladies and Gentlemen:

In North Carolina we have heretofore paid too little attention to the past and to keeping our records straight. We have been content with doing, but have considered the remembrance of the deed accomplished as of minor importance. This was wrong, for a heroic deed forgotten had almost as well never have taken place. It is the remembrance of past glories that stimulates the youth of coming ages, and it requires a knowledge of the past to give those who live in the present a proper outlook.

It is true that the founding of a town is not a heroic act, but the same spirit that produced the Regimental Histories of North Carolina, stimulates the activities of the North Carolina Historical Society and that originated the NORTH CAROLINA BOOKLET and a score of other tokens of our new view of the past, is responsible for our presence here today to commemorate the founding of the old and almost forgotten town of Bloomsbury.

I take pleasure in introducing to you Mr. Wm. B. Snow, who will make the address of the day.

MR. SNOW'S ADDRESS.

Ladies and Gentlemen:

It is truly an honor, and no less a pleasure, which has been conferred upon me by the Bloomsbury Chapter of the Daughters of the Revolution, to address you upon an occasion so inspiring as the dedication and unveiling of the monument to commemorate this historic spot.

While the people of a busy world are so engaged and absorbed by the daily affairs of life, the patriotic and self-sacrificing order of the Daughters of the Revolution, composed of the descendants of those who fought in the war of the Revolution for American independence, and created the greatest nation of the world, are industriously and nobly engaged in perpetuating the memory of those now historic times and events and in preserving the identity of the places which formed a setting for these scenes. Much does the present, and more will the future owe to these good women for their high-minded purpose. And so, today, they have erected here a monument to commemorate and identify the historic place of "Bloomsbury," the original County Seat of Wake County.

In the year 1771, during the strenuous period of the reign of George III, Wake County was created by act of the Colonial Assembly, out of portions of the older counties of Cumberland, Orange and Johnston; the origin of its name is disputed, as are other things and events pertaining to that period of our State's history, some ascribing it to the name of Royal Governor Tryon's wife, and others to that of his wife's sister.

Seven commissioners appointed by the Legislature located the county seat at Wake Cross Roads, as the place had been theretofore called, because it formed the junction of two or more of the important highways of the State leading to and from the then seat of the government at New Bern and the towns of Hillsboro and Salisbury. The seven commissioners were Joel Lane, Theophilus Hunter, Hardy Sanders, Joseph Lane, John Hinton, Thomas Hines and Thomas Crawford. But as fitted the newly acquired dignity of the place, the name became changed to "Bloomsbury," which was the name of the home of Colonel Joel Lane. There still stands, in quiet beauty and imposing grace, the one object which has remained to mark the location of the historic place, the old Colonial home, at that time the stately mansion, of Colonel Joel Lane, one of the great men of his day. Upon a gentle slope, it overlooked the surrounding lands, the only residence for distances around, the gathering place for the commanding men and fair women of its times, to whom its open doors offered the pleasures afforded in those days by a people noted for their Southern hospitality. There, too, occurred many of the important gatherings and meetings which formed eventful epochs in those days when men's minds were filled and their hearts throbbed with the pulsations of war. There, too, met, on June 23, 1781, the General Assembly of the Colony, and elected Thomas Burke, Governor of the Colony. There, too, oftentimes, went the Governor to seek advice and assistance from Colonel Lane. It was at Bloomsbury that the Governor and the officers in command of the King's soldiers assembled, and from there proceeded on their march to Hillsboro to meet the Regulators, and to further advance to the battle of the Alamance.

When the county seat was established, the Wake court house and jail were built, their location being probably to the south of the Lane residence and near the present railway tracks, where they remained for more than twenty years and until after the town of Raleigh had been created. In 1818, Bloomsbury and the large tract of surrounding land, extending to the present grounds of the Central Hospital on the south, to Hillsboro street on the north, to the Seaboard Air Line on the east, and Pullen Park and Rocky Branch on the west, became the property of William Boylan, in whose family it has constantly remained, descending to his namesake and grandson, who is its present owner. At the time of its acquirement by the Boylan family, Bloomsbury was the only residence within the limits of the tract of land, and for many years, until the modern city of Raleigh arose, and its open areas became traversed by streets and modern residences sprung up, it still overlooked, in all its historic grandeur and importance, the broad domain of which it had been the central figure. The loving care bestowed upon it by those who have cherished its history has kept it in a remarkable

state of preservation, and may the result of these exercises today be to sustain the interest of the public in its noble past.

The living descendants of Colonel Joel Lane are numerous in the city of Raleigh, and well known and distinguished as befits the descendants of so eminent a character in the history of Bloomsbury and of their county and State.

Colonel Lane had six sons and six daughters, and time forbids that I should attempt to mention the names of the numerous descendants. Among them, however, are the Mordecais and the Devereux, of whom the accomplished and esteemed John W. Hinsdale, Jr., adds to the success and enjoyment of these ceremonies by his services as Chief Marshal of the occasion; and the two handsome and attractive young boys, William and Gavin Dortch, who will by unveiling the monument thus contribute their part towards the success of the occasion.

So much for the history of Bloomsbury. As we stand in the midst of surroundings hallowed by memories so dear to the hearts of a patriotic people, and look through the vista of the past, we marvel at the changes which have come with time. No longer is the scene one bright with the movements of Revolutionary troops, and Bloomsbury stands surrounded with modern homes, its once solitary grandeur gone. In the years which are to come, future generations will no longer have the pleasure which is ours today, to look upon the home that was once so intimately associated with an eventful past. But when that time shall come this imposing monument shall speak to them a story they may never read in books, and they will be the better for it. They will know of the patriotism of a people who loved their past and loved to honor it. And they will think with increased admiration of the splendid work of that band of noble hearted women who devoted their efforts to the task of making immemorial those things so often soon forgotten, the Daughters of the Revolution.

After Mr. Snow's address, Miss Mary Hilliard Hinton, State Regent of the North Carolina Society, Daughters of the Revolution, in behalf of the Bloomsbury Chapter, presented the memorial to the city, in the following graceful manner.

MISS HINTON'S ADDRESS.

Today we stand upon Wake's most historic ground, and in placing this memorial do reverence the brave men and noble women who have gone before, the fruits of whose labors later generations have enjoyed.

The various periods of our history are here combined; therefore

naturally an onlooker becomes retrospective. His thoughts revert to the days when these acres formed a part of a vast wilderness, untouched by civilization save at energy-stirring distances, when conveniences were a dream of a future that was yet to dawn. Gradually it became the center of a large county, later its seat of government. Next, the horrors of a civil war overshadowed the Province, and Governor Tryon here gathered together his army, loyal subjects of a British sovereign, and marched hence to meet the Regulators on the field of Alamance. In a short space the men who defended the crown's rights were asserting their own. In the midst of that long struggle for independence, the General Assembly honored Colonel Lane with its presence, and in yonder Colonial home, the oldest we can claim, the brilliant Thomas Burke was elected Governor of North Carolina. Then came the efforts to locate the State's capital permanently, and Colonel Lane won, selling one thousand acres and donating five lots for the new town. Lastly, the selection of a name that should be a source of pride to every English-speaking individual, carries us back to the time of the "Lost Colony" and the beginning of England's power.

In marking this site, the Bloomsbury Chapter, in celebration of its first birthday, imparts information known only to the minority.

Monuments and tablets are regarded by a majority of our countrymen as an utterly useless expenditure of money. To the thoughtful they are an essential means of teaching history, of arousing that national love without which a man can claim no country. It is a pronounced characteristic of the Anglo-Saxons to revere the deeds and memories of their antecedents and to lose no opportunity of preserving their records beyond the archives of state, even though centuries may elapse without some achievement. From this line of progenitors we are visibly inheriting this excellent trait.

The flame of patriotism which is adorning our land, by perpetuating its glorious past in bronze, stone, marble and on canvas, is not the passing fad of an hour; it is the safeguard of progress, preventing the vandalic supremacy of materialism that threatens the life of the New World.

To the aldermen and officials of the city, who by their generous assistance have made this event possible, we extend our heartfelt gratitude.

On behalf of the Bloomsbury Chapter, North Carolina Society Daughters of the Revolution, and at the request of our Regent, Mrs. Hubert Haywood, it affords me infinite pleasure to present this tablet and stone to our city of Raleigh, through her most highly esteemed Mayor, the Honorable J. S. Wynne, asking that the said memorial receive their care and trusting that it may serve to arouse a proper sense of State and national pride in the citizens of this county.

The Hon. J. S. Wynne, Mayor of the city, accepted the memorial for the city, in a brief address.

HON. J. S. WYNNE'S ADDRESS.

Daughters of the Revolution.

LADIES:—It gives me peculiar pleasure to accept, on behalf of the city of Raleigh, this tablet, which your public spirit and your pride in history have caused you to place on this spot, for it is the first tablet set up to mark any point in Raleigh which has a bearing upon local events or places. The time has come to take up this work of thus placing memorials of this character, for Raleigh, though it has only a little more than a hundred years of history behind it as the capital of the great Commonwealth of North Carolina, yet long before that honor was conferred, this locality was the scene of incidents which bear upon our colonial history. In accepting this enduring bronze memorial to mark the site of old "Bloomsbury," I take pleasure in making the highest public acknowledgment of the appreciation of Raleigh and of Wake for the thoughtful care which has caused you to take this very proper step, and I thank you for what is but an added evidence of your high purpose to instill pride in the memories of the great past in the minds of our people.

At the close of Mayor Wynne's address, Mr. Hinsdale announced that the tablet would be unveiled by Masters William and Gavin Dortch, descendants to the seventh generation from Joel Lane, and whose silver knee buckles were used to clasp the regalia which these little boys wore on this occasion, when they had come to do honor to their ancestor.

The benediction by Dr. White closed the services.

The Daughters of the Revolution are under many obligations to the Board of Aldermen, Mr. R. B. Seawell, city engineer, and Mr. W. A. Cooper, alderman and city street commissioner; also Mr. Marshall DeLancey Haywood, without whose advice, kindness and co-operation this memorial would not have been possible.

The tablet is placed on a natural boulder of Wake County granite, which is located at the corner of Boylan Avenue and

Morgan street. It is of bronze, and bears the following inscription:

ON AND AROUND THIS SPOT
STOOD THE OLD TOWN OF
BLOOMSBURY
OR
WAKE COURT HOUSE

WHICH WAS ERECTED AND MADE THE COUNTY-SEAT
WHEN WAKE COUNTY WAS ESTABLISHED IN 1771.

THIS PLACE WAS THE RENDEZVOUS OF A PART OF GOVERNOR TRYON'S ARMY
WHEN HE MARCHED AGAINST THE REGULATORS IN 1771; HERE MET THE
STATE REVOLUTIONARY ASSEMBLY IN 1781; AND TO THIS VICINITY WAS
REMOVED THE SEAT OF GOVERNMENT WHEN THE CAPITAL CITY OF RALEIGH
WAS INCORPORATED IN 1792.

THIS MEMORIAL PLACED BY
BLOOMSBURY CHAPTER
DAUGHTERS OF THE REVOLUTION
A. D. 1911.

EMILY BENBURY HAYWOOD,
Regent Bloomsbury Chapter, D. R.

REFERENCES:

Haywood's Joel Lane, Pioneer and Patriot.
Amis's Historical Raleigh.

BIOGRAPHICAL, GENEALOGICAL AND HISTORICAL MEMORANDA

COMPILED AND EDITED BY MRS. E. E. MOFFITT.

MAJOR WILLIAM ALEXANDER GRAHAM

The subject of this sketch, and the author of the article in this number of *THE BOOKLET* entitled "The North Carolina Union Men of Eighteen Hundred and Sixty-one," is a native of Hillsboro, North Carolina. His home residence is at Machpelah, Lincoln County, N. C., one of the oldest communities in the State and first settled by his forefathers.

Major Graham is the grandson of General Joseph Graham (1759-1836), the distinguished Revolutionary patriot, whose life is conspicuous in the annals of North Carolina.

Major Graham is the son of Governor William A. Graham (1804-1875), of Hillsboro, North Carolina, and Susan (Washington) Graham, his wife. Of the large family left by Governor Graham, many have already made their mark, among them his son, Major Wm. A. Graham. He was born in Hillsboro on December 26, 1839; educated at the University of North Carolina and at Princeton, where he graduated in 1860.

He entered the Confederate army as a first lieutenant of Company K, Second North Carolina Cavalry, and on May 1, 1862, was promoted to a captaincy, and was at Gettysburg, July 30, 1863, where he was wounded. After this he was Assistant Adjutant General, in which capacity he served during the war. In 1874, he was elected to the State Senate from Lincoln and Catawba counties, and was re-elected from same district, 1876.

Major Graham married (1864) Julia, daughter of John W. Lane, of Amelia County, Virginia, by whom he has an interesting family.

Major Graham has always been a devoted student of history, and has made valuable contributions in its preservation. In 1904 he published a history of his grandfather, General Joseph Graham, in which is published his Revolutionary papers, with an epitome of North Carolina's military services in the Revolutionary war and of the laws enacted for raising troops. This is a most valuable work, and which required the most extensive research for the facts contained therein, dating from the settlement in 1750 of the Scotch-Irish emigration, to the year 1782, inclusive. They are authentic and based on manuscripts and original records.

THE BOOKLET is indebted to Major Graham for several articles on great events in North Carolina history. Vol. IV, June, 1904, he wrote on the "Battle of Ramsaur's Mill," a battle which is little known in general history, yet one of the most important in results and best fought of the Revolution. It destroyed Toryism in that section. In this fight with Cornwallis, forty were killed and one hundred wounded out of four hundred engaged. The defeat and rout of three times their number is certainly worthy of note. This battle field is now within the limits of Lincolnton, and yet remains to be marked by a patriotic people.

Vol. V, January, 1906, contains another article by Major Graham, on "The Celebration of the Anniversary of May 20, 1775." This was the first celebration of the anniversary of the Mecklenburg Declaration of Independence, Charlotte, N. C., May 20, 1835. The attendance was estimated to be at least five thousand, participated in by many distinguished citizens of the State. At the dinner many speeches were made on the political questions of the day. General Joseph Graham was there and responded to the toast, "*Our guest, General Joseph Graham, the living witness of the scene we have met to commemorate, and the bold and intrepid defender of its principles.*"

General Graham replied, giving his individual experience relative to that event. He was personally acquainted with those venerable fathers, and had heard the discussion on those resolutions, and believed that the signers were actuated by pure patriotism, governed by no motive but the country's welfare, etc. The account of this celebration is from the *Miners and Farmers Journal*, Charlotte, N. C., May 22, 1835. The address of General Graham is from the *Western Carolinian*, Salisbury, N. C., June 20, 1835.

Again, in Vol. V, April BOOKLET (1905), Major Graham contributed another interesting article, entitled, "The Battle of Cowan's Ford, N. C.—The Passage of the Catawba River by Lord Cornwallis, February 1, 1781." In this article the patriots of Rowan, Mecklenburg and Lincoln counties are given due credit for valor and readiness for the service in the struggle for Independence. They were in fact soldiers cantoned upon their own families, ready to immediately respond to a call for service, and to provide for their own findings, in clothes, arms and ammunition. Their swords and scabbards were made principally by the smiths and shoemakers of the vicinity in which the men lived. Geographically, this was the storm center of the Revolution, and with the crudest of accoutrements, such as present warfare demands, these men, undaunted by fear and with unflinching determination, stood ever ready to defend their homes and firesides against the invasion of a foe that had wantonly trampled on their rights. Well worthy to be kept in remembrance by a loyal people! It was recorded in "Tarleton's Campaigns" that the counties of Mecklenburg and Rowan were more hostile than any other in America.

The declaration made by Tarleton to Cornwallis that "he had gotten into a hornet's nest," has become a classic, as it were. This epithet was gloried in by the patriots of that day and is yet held as a badge of honor and is emblazoned

on the monument that stands in a public square of Charlotte, N. C., which was erected to the patriots of Mecklenburg of 1775.

Major Graham, after filling many positions of honor and trust, was chosen some years ago as the head of the North Carolina Department of Agriculture, and still continues in that office and makes his business home in the city of Raleigh. His experience as an active and successful farmer won for him a place not easily filled. In this position he has the confidence of the people, and the Department is to be congratulated that one so efficient and up to date in methods of agriculture, is at the forefront to lead and advise. Major Graham's activities in his county and State have led to many important improvements in methods of agriculture and the administration of law, and always with no spirit of self-aggrandizement, but for the good of the whole.

THE NORTH CAROLINA BOOKLET has been enriched by his historical articles, and hopes for others, that its readers may become more familiar with events in our State's history which have had less prominent attention than they deserve.

PROFESSOR JOHN A. LOMAX

John A. Lomax writes for this issue of THE BOOKLET "Some Ballads of North Carolina," and though not a native of this State, he is a Southerner and takes unusual interest in all that concerns this section of the United States. He was born in Mississippi and his parents removed to Texas when he was but one year old. He was educated at the University of Texas, where he took both the A.B. and M.A. degrees. He afterwards studied in Harvard University, where he was awarded the degree of Master of Arts.

During his residence in West Texas he lived near one of the old cattle trails, and naturally became interested in cowboy songs, which finally resulted in a collection of these songs,

published in 1910. His work in ballad collecting has received the recognition of Harvard University, by his appointment for two successive years as Sheldon Fellow for the investigation of American ballads.

After graduating from the University of Texas, Mr. Lomax served for six years as Registrar, and then became Instructor in English in the Agricultural and Mechanical College of Texas, and afterwards Associate Professor of English in that institution. He is at present again connected with the University of Texas as Secretary of the University and Assistant Director of the Department of Extension. He expects eventually to issue a series of volumes, possibly as many as six, covering the whole field of the American ballad.

The pages of *THE BOOKLET* are ever open to literary productions of this nature, and especially to such as relate to North Carolina and her people.

DR. RICHARD DILLARD

A biographical sketch of Dr. Dillard was published in the *July BOOKLET*, October, 1906.*

Dr. Dillard was one of the first contributors, his leading article, "The Edenton Tea Party of October 25, 1774," and which was commented on in the biographical sketch. Since that time Dr. Dillard has contributed five other interesting articles, a list of which we append:

- (2) "Hayes, and Its Builder," Vol. II, December, 1902.
- (3) "The Indian Tribes of Eastern North Carolina."
- (4) "St. Paul's Church, Edenton, N. C., and Its Associations," Vol. V, July, 1905.
- (5) "Some Heroines of the Revolution in North Carolina," Vol. VIII, April, 1909.
- (6) "Some Early Physicians of the Albemarle," Vol. XI, July, 1911.

*This was the first year, beginning in July, 1906, that the *Biographical and Genealogical Memoranda* was introduced as a feature of this publication.

ROWAN COUNTY WILLS

COMPILED BY MRS. M. G. McCUBBINS.

Alexander Clingerman, a farmer (Book C, page 234), June 19, 1803. Wife: Elizabeth. Sons: Michael (land on Second Creek), Jacob (the youngest and not of age), George (the eldest), Peter, Henry. Daughters: Esther and Catherine. Executors: Sons Michael and Peter and friend Frederick Fisher. Test: David Woodson and Martha Woodson.

Augustine Davenport (Book E, page 238), September 30, 1799. Wife: Mary "Davenport." Daughters: Sary, Detphy, Susanna Jane, Anna, Mary, Elizabeth. Sons: Augustine, James, David, Joel and Jesse. Executors: Wife Mary, son Augustine, and son-in-law Thomas Jackson. Test: William Jackson and Geremias Arnold.

Thomas Allison (Book E, page 272), February 12, 1780. Wife: Martha. Sons: Richard and Thomas. Daughters: Naomi and Ann (there may be other children). Executors: Adam and Theophilus Allison. Test: James Tinley and Theophilus Simonton.

Robert Wilson (Book D, page 239), June, 1797. Wife: Elizabeth. Daughters: Mary Davis, Rachel Parke and Elizabeth Ennox (this may have been his wife[?]). Step-grandson: Wilson Jones. Witnesses: Richard Wilson and John Wilson, Jr.

John Wilson (Book D, page 242), May 10, 1800. Sons: John (all of the land to him and his son Andrew), James, Samuel. Daughters: Elizabeth Frost, Mary Boon, Sarah Harper. Executors: Son John and Spruce Macay. Test: Elizabeth Macay, Jacob Wiseman, Jurat(?) and Spruce Macay.

Elizabeth Wilson (Book E, page 10), February 19, 1799. (She was from county of York, in South Carolina.) Niece:

Mary Thomson. Umprey Williams. Test: Thaddeus Shurley, Moses Thomson and Francis Whitney.

Thomas Bell (Book D, page 147), November 15, 1792, and probated in 1800. Wife: Catharina. Daughters: Agnes Reed and Elizabeth Carradine. Sons: William (the eldest), Thomas, James. Grandson: John (son of James). Son-in-law: Patrick Sloan. Witnesses: David McNeely, Archibald McNeely, Jr., and James Brandon.

MARRIAGE BONDS* OF ROWAN COUNTY, N. C.

James Andrews to Martha Niblock. May 14, 1762. James Andrews, Richard King and Henry Horah, Robert Johnston. (Will Reed.)

David Alexander to Margaret Davison. April 1, 1762. David Alexander, Henry Lively and John Johnston, Will Morrison. (Will Reed.)

William Archibald to Martha McCorkell. January 8, 1765. William Archibald, Alexr. M. Corkle and John Archibald. (John Frohock.)

Thomas Archibald to Martha Edmont. March 23, 1765. Thomas Archibald and John Edmont. (Thomas Frohock.)

William Adams to Elizth Edmond. January 25(?), 1766. William (his X mark) Adams, David Black and Joseph (his X mark) Erwin. (Thomas Frohock.)

John Ashurst to Judith Johnson. October 22, 1767. John (his X mark) Ashurst and William Frohock. (Thos. Frohock.) A note enclosed from bride's father, Gideon Johnson.

John Adams to Winne Bussell. August 15, 1768. John Addams and Edward Turner. (Thomas Frohock.) The following note from the bride's father: "Cornall frohock Sir please to grant John Addams Lisons to mary my daughter Winne and you will oblige your friend Given from under my hand on this 15 day of August 1768 Farnsed(?) Bussell, Elizabeth Bussell."

*Some are almost illegible and some have the same name spelt in two ways. When possible I have copied the signatures.

William Armstrong to Margaret Woods. August 23, 1768.
William Armstrong, William Temple Cole and John Brandon. (Tho. Frohock.)

Abel Armstrong to Margret Cowan. September 16, 1768.
Abel Armstrong, James Dobbin and Jas. Brandon. (Thomas Frohock.)

William Alexander to Mary Brandon. January 21, 1769.
William Alexander and John Dunn. (Tho. Frohock.)

Adam Allison to Mary Barr. January 6, 1770. Adam Allison and Andrew Allison. (Thomas Frohock.) A note from bride's mother, "Ceatherin Barr."

Gabriel Alexander to Jane Black. January 19, 1770.
Gabriel Alexander, David Black and Max: Chambers. (Thomas Frohock.)

Thomas Allison to Martha Gillespy. January 20, 1770.
Thomas Allison, Benj.^d Milner and Thomas Frohock. (John Frohock.)

Timothy Anderson to Elizabeth Sloan. March 20, 1770.
Timothy Anderson and William Moore. (Thomas Frohock.)
A note from bride's father, Scot(?) Henry Sloan, giving permission for "Bettey" to be married on Thursday.

William Aldridge to Hannah Bell. December 18, 1772.
William (his W mark) Aldridge and John Littel. (Ad. Osborn.)
A note from John Irvin saying that Hannah Bell was a "free woman" who lived in his home. Dated from Hunting Creek, December 16, 1772.

Robert Adams to Elizabeth Fleming. February 19, 1773.
Robert Adams and Alexander Endsley. (Max: Chambers.)

Robert Arthurs (Arteres?) to Sarah Allen, a widow. March 1, 1773. Robert Arteres, Adam Terrence (Tarance?) and Moses Winsley. (Ad. Osborn.)

James Alexander to Margaret Ireland. May 7, 1773.
James Alexander and James Ireland. (Ad. Osborn.)

Henry Aggenger(?) to Maria Mothllena Kircher(?),

June 15, 1774. Henry Aggenger(?) and Philip Virvill(?).
(Ad Osborn.)

Richard Armstrong to Margaret Osborn. December 27,
1774. Richard Armstrong and Ad Osborn. (No name.)

Christopher Aesan to Margaret Smith. September 4, 1775.
Christopher (his X mark) Aesan and Daniel Smith and John
Lowrance. (D^d Flowers.)

Henry Aggner(?) to Elizabeth Erry(?). September 30,
1775. Henry Aggner(?) and Anthony Soett. (D^d Flowers.)

William Adams to Mary Baker. December 6, 1775. Wil-
liam (his a mark) Adams and Charles (his C mark) Baker.
(Max: Chambers.)

John Andrews to Jean McCuan(?). March 28, 1776.
John Andrews and James McKenn(?), (Ad. Osborn.)

Jacob Adams to Mar Touseon(?). January 7, 1777. Jacob
(his X mark) Adams and Spencer (his X mark) Adams.
(No name.)

John Alexander to Susanna Alexander. November 7,
1778. John Alexander and Samuel Hogsed. (Ad. Osborn.)

William Anderson to Elizabeth Homes. August 6, 1779.
William Anderson and Francis (his X mark) Homes. (Jo.
Brevard.)

Benjamin Abbott to Mary Hudgens. March 16, 1781.
Benjamin Abbott and Ad. Osborn. A note from bride's fa-
ther, William Hudgens.

Daniel Adams to Sarah Irvin. November 7, 1780(?).
Daniel (his X mark) Adams and Walter Irvin(?). (H.
Giffard?).

William Abbot (a planter) to Lydia Grist (a spinster).
February 28, 1780. William (his X mark) Abbot and Ben-
jamin (his X mark) Grist. (B. Booth Boote?).

Matthew Adams to Anne Howsley. February 20, 1780.
Matthew (his X mark) Adams and Robert (his X mark)
Howsley. (B. Booth Boote?)

Peter Albright to Mary Dillon. February 5, 1780(?).
Peter (his X mark) Albright and Michael Albright. (No name.)

John Avitts to Sarah Rimmonton. October 18, 1779.
John (his J mark) Avitts and John (his X mark) Huntsman. (Jo. Brevard.)

Benjamin Albenny to Sarah Gracy(?). January 7, 1782.
Benjamin Albenny and John Greacey. (No name.)

James Andrew to Mary Scott. February 22, 1782. James Andrew and Robert Scott. (Ad. Osborn.)

George Admire to Ruth Jones. (No date.) 1781 (?)
George Admire, James (his X mark) Jones. (No name.)

John Andrews to Margaret Andrews. March 4, 1783.
John Andrews and John Andrews. (Will^m Crawford.)

Joseph Arthur to Sarah Duncan. June 17, 1783. Joseph Arthur and Thos. Duncan. (Ad. Osborn.)

Richard Allison(?) to Lettice(?) Niel. July 26, 1785(?)
Richard Allison and William Niell. (H. Magoune.)

Joseph Andrews to Zephiah Barnes. May 5, 1786. Joseph (his X mark) Andrews and W. Moore. (John Macay.)

John Alexander to June(?) Lackey. February 2, 1786.
John Alexander and George Leckey (Luckey or Leekey). (No name.)

Theophilus Allison to Elizabeth Niel. January 10, 1786.
Theophilus Allison and Andrew Snopdey(?). (Wm. Erwin.)

Frederick Allimong to Hughley Shersate. December 19, 1786. Frederick (his X mark) Allimong and Daniel Allimong. (Jno. Macay.)

Thomas Adams to Mary Lyon(?). February 22, 1787.
Thomas (his X mark) Adams and William Scudder. (Edm Gamble.)

James Adkins to Anne Johnston. April 2, 1787. James Atkinson and Obadiah Smith. (Jno Macay.)

Ephrame Adams to Eleonor Brian. September 25, 1789.
Ephrame (his X mark) and Daniel (his X mark) Adams.

Daniel Allemong to Elizabeth Bartlett. February 7, 1788.
Daniel Allemong and Nicholas Bringle. (J. McCunn.)

Thomas Allen to Marjira Brion. May 26, 1789. Thomas
Allen and William huey (?). (W.[?] J. L. Alexander.)

Silvester Adams to Hannah Stineen. July 8, 1790.
Silvester (his X mark) and Ephram (his X mark) Adams.
(Basil Gaither.)

James Aytcherson, Jr., to Cristina Miller. February 25,
1791. James (his X mark) Aytcherson, Jr., and Stephen
(his X mark) Noland, Senior. (Basil Gaither.)

Isaac Adams to Hannah Fillips. June 25, 1791. Isaac
(his X mark) Adams and Edmond (his X mark) Adams.
(Basil Gaither.)

Abraham Adams, Jr., to (a blank) Howard. August 25,
1791. Abraham (his X mark) Adams, Jr., and John Ball.
(Basil Gaither.)

Abel Armstrong to Mary Roseborough. December 7(?),
1791. Abel Armstrong and Chas. Harris. (Chs. Caldwell.)

Isaac Adams to Margaret Winford. May 22, 1792. Isaac
(his X mark) Adams and Daniel (his X mark) Adams.
(G. Enochs?).

Richard Armstrong to Elizabeth Gibson. Aug. 8, 1792.
Richard Armstrong and Henry Hughey. (Chas. Caldwell.)

Thomas Anderson to Martha Dickey. October 8, 1792.
Thomas Anderson and Mick Troy(?). (Jo. Chambers.)

Hugh Allen to Martha Swan. November 10, 1792. Hugh
Allen and Richard Trotter. (Jo. Chambers.)

John Adams to Mary Hunt. February 15, 1793. John
Adams and William Lucky. (Jo^s Chambers.)

John Aldridge(?) to (no name). February 26, 1793.
John Aldrige and G. Wood. (Jo^s Chambers.)

Alexander Auston to Anna Braly. March 23, 1793. Alexander Aston and John Braly. (Max Chambers.)

Nicholas Aldrege to Sarah Knock. August 9, 1793. Nicholas Aldrege and Fredrick (his X mark) Allimong. (Jo^s Chambers.)

Jeremiah Allen to Susanah Spoon. October 2, 1794. Jeremiah (his X mark) Allen and Evan X Davis. (John Eccles, Esqr.)

Peter Adams to Ann Smith (or Sneth?). December 29, 1794. Peter Adams and Leonard Crider. (M—Troy.)

Killian Jarrett to Eliz. Clingerman. January 2, 1795. Killian Jarrett and John ———(?) (No name.)

James Anderson to Mary Graham. May 27, 1795. James Anderson and Andrew Irwine. (I Troy, D. C.)

William Adams to Elenor Simpson. March 18, 1795. William (his X mark) and Ross Simson. (I. Troy, D. C.)

John Adams to Esther Hawkins. October 3, 1795(?). John Adams and Isaac Jones. (I. Troy.)

Thomas Avery to Peggy Buck. May 12, 1797. Thomas (his A mark) Avery and John (his A mark) Avery. (—— Rogers?)

John Adams to Betsy Reed. January 30, 1797. John Adams and Wm. (his X mark) Adams. (No name.)

George Andrews to Catharine Barr. December 8, 1798. George Andrews and John Barr. (Edwin J. Osborn, D. C.)

Samuel Anderson to Anna Knox(?). January 24, 1800. Samuel Anderson and Robert Johnnton. (Edwin J. Osborn.)

Isaac Anderson to Elizabeth Hunter. March 14, 1801. Isaac Anderson and John (H) Howard. (John Brem [?], D. C.)

James Anderson to Nelly Miller. October 3, 1801. James Anderson and William Wood. (Jno. Brem [?], D.) C.

Daniel Agener to Resina(?) Basinger. July 12, 1802. Daniel Agener and Jacob Ribeler (?). (Jno. Brem, D.) C.

George Agle to Susanah Huldemer(?). October 15(?), 1802. George Agle(?) and John (his X mark) Agle. (A. Osborn, D. C.)

Thomas Adams to Polly Michel. April 19, 1803. Thomas (his X mark) Adams and William Harwood. (John Marsh?)

Samuel Austin to Lyda Railsback. Jan. 24, 1803. Samuel Austin and Wilson Russum(?). (J. Hunt.)

William Aderton to Charity Daniel. February 9, 1804. William Aderton and James Daniel. (A. L. Osborn.)

Jesse Adams to Mary Noland. August 6, 1804. Jesse (his X mark) Adams and William Whitaker. (No name.)

John Andrews to Ruth Delow. October 13, 1805. John Andrews and Bat. Williams. (Jno. Monroe?)

Nelson Anderson to Margret Smoot. May 24, 1806. Nelson Anderson and Frederick thompson. (John Marsh, Sr.)

Josiah Albertson to Alie Ruddack. July 7, 1805. Josiah (his X mark) Albertson and James Cunnaday (Kenaday?). (William Peggott.)

John Andrews to Catharine Bell. May 23, 1807. John Andrews and William Bell. (A. L. Osborne.)

Charles Anderson to Eleander Smoot. December 5, 1808. Charles Anderson and James Smott (Smoot?). (Jno. Marsh, Sr.)

Henry Arnhard to Susanna Hartlin. October 27, 1808. Henry (his X mark) Arnhard and George (his X mark) Hartline. (A. L. Osborne.)

Peter Agenor to Catharine Rough. October 21, 1809. Peter (his X mark) and John Smathers(?). (No name.)

James Atkinson to Polly Hartley. December 13, 1809. James Atkinson and Peter (his X mark) Winkler. (Jno. Giles.)

Peter Albright, Jr., to Catharine Albright. January 17, 1810. Peter Albright(?) and Peter Albright, Sr. (Geo. Dunn.)

Jesse Albersen(?) to Ann Baily(?). August 22, 1810.
 Jesse Albersen(?) and Joseph Albertson. (Jno. Giles.)

John Armsworthy to Susannah Bates. December 15, 1810.
 John C. Armsworthy and Aquillar Cheshier(?). (Jno. Marsh.)

Henry Allemong to Nancy Todd. April 25, 1811. Henry Allemong and George Betz. (Jno. Giles.)

John Albright to Peggy Lamb. April 24, 1811. John Albright and Peter Albright. (Ezra Allemong.)

Joseph Adams to Jency Tussey. May 22, 1811. Joseph Adams and James welling. (Geo. Dunn.)

John Aulford to Polly Markland. September 20 (8?), 1811. John Alford and John Markland. (W. Ellis.)

Abraham Arey to Catharine Clingerman. November 23, 1811. Abraham Arey and John Airy. (Jno. Giles.)

Abraham Allen to Mary Allender Nailer. December 13, 1811. Abraham Allen and Jacob Allen. (Jno. Marsh, Sr.)

Benjamin Agenor to Caty Bullon. December 17, 1811. Benjamin (X) Agenor and John Trexeller(?) (Geo. Dunn.)

Abraham Alston and John Roe(?) to Winny Daniel. January 16, 1812. Abraham (his X mark) Alstin and John (his X mark) Roe(?). (J. Willson.) (The above is very faulty, but the family may know.)

Peter Albright to Mary Correll. March 9, 1812. Peter Albright and Phillip Correll. (Geo. Dunn.)

William Abbott to Hannah Myres. December 23, 1812. William Abbott and Abraham Jacobs. (Jno. Giles.)

Henry Adams to Betsy Baleman(?). February 8, 1813. Henry Adams and James Walling. (Geo. Dunn.)

Joseph Abbott to Lucy Myers. February 17, 1813. Joseph Abbott and Abraham Jacobs. (Jno. Giles.)

Isaac Allen to Sally Hawkins. August 31, 1813. Isaac Allen and Ebenezer Frost. (R. Powell.)

Lewis Aplen to Mary Bannerfut. September 28, 1813.
Lewis (his X mark) Aplen and Peter Younce. (I. Willson.)

Michael Akel to Polly Flemmon. December 12, 1813.
Michael Akel and George Lowry. (John Hanes.)

Peter Agle to Peggy Stirwalt. April 30, 1814. Peter
Eagle and Joseph Basinger. (Jno. Giles.)

Michael Anderson to Jensy Hartley. October 29, 1814.
Michael Anderson and Henry Allemong. (Geo. Dunn.)

Isaac Aley to Sally Setlif (?). May 4, 1815. Isaac (his
X mark) Aley and Samuel X Nedding (?). (Jno. Giles.)

Garland Anderson to Sally Frost. July 15, 1815. Gar-
land Anderson and R. Powell. (R. Powell.)

Thomas Archibald to Sarah F. Luckey. January 30, 1816.
Thomas Archibald and William Potts. (Jno. Giles.)

Samuel Agenor to Polly Grubb. April 15, 1816. Samuel
(his X mark) Agenor and Samuel Lemly. (Geo. Dunn.)

Peter Ader to Betsy Rickett. April 28, 1816. Peter (his
X mark) Ader and Samuel (his X mark) Bird. (J. Willson.)

James Atkinson to Mary Berry. May 1, 1816. James
Atkinson and William (his X mark) Adams. (Henry Giles.)

James Austin to Margaret S. Gambal. May 27, 1816.
J. L. Austin and Bennet Austin. (R. Powell.)

Daniel Airy to Rebecca Rttman (?). August 29, 1816.
Daniel (his X mark) Airy and Adam Kauble (Cauble?).
(Jno. Giles.)

Starling Abbott to Nancy Mervil. September 7, 1816.
Starling (his X mark) Abbott and William Mervil (Mer-
rel?). (Henry Giles.)

Peter Adams to Sally Walton. October 17, 1816. Peter
Adams and Ezra Allemong.

Gabil Aery to Prissy Parker. October 23, 1816. Gabriel
Avery and Daniel (his X mark) Aery. (Milo A. Giles.)

Bennet Austin to Margaret Carson. February 9, 1817.
Bennet Austin and Basil G. Jones. (R. Powell.)

Peter Albright to Betsey Fink. December 12, 1817.
Peter (his X mark) Albright and John Albright (?). (Milo A. Giles.)

Shadrach Aytcheson to Lydia Orrel. January 6, 1818.
Shadrach Aytcheson and Wm. Aytcheson. (R. Powell.)

Riley Aytcheson to Mary Black. January 22, 1814 (or '18). Riley (his X mark) Aytcheson and Silas (his X mark) Aytcheson. (Jno. R. Palmer, Saml. Jones.)

Jacob Agner to Betsey Waller. January 28, 1818. Jacob (his X mark) Agner and George Waller (?). (Jno. Giles.)

Jacob Allen to Barbary Balance. October 31, 1818. Jacob Allen and Robert McClamrock. (R. Powell.)

Jeremiah Airey to Christena Eller. March 25, 1819.
Jeremiah Airey and Abraham Airey (?). (Jno. Giles.)

Wm. Adams to Elizabeth Hall. September 2, 1819. Wm. Adams and John Tomlinson. (R. Powell.)

Stephen Allen to Sally Deever. December 26, 1819.
Stephen Allen and Samuel Smith. (R. Powell.)

John Area to Mary Redwine. March 23, 1820. John Area and Peter Arey. (No name.)

Andrew Allison to Jane Knox. February 4, 1820. Andrew Allison and Richard Gillespie. (Jno. Giles.)

William Albertson to Margaret Elliott. January 16, 1820.
William Albertson and Shadrack M. Gevandan. (L. Hunt.)

Henry Albright to Christena Kesler. April 24, 1820.
Henry Albright and John Albright. (Hy [?] Giles.)

Lazerus Apling to Susana Hill. May 8, 1820. Lazerus (his X mark) Apling and Reuben Johnson. (J. Willson.)

Jeremiah Akels to Elizabeth Johnson. August 3, 1820.
Jeremiah Akels and James (his X mark) Johnson. (No name.)

James Adderton to Martha Parker. August 15, 1820.
James Adderton and Barham Parker. (Jno. Giles.)

INFORMATION

Concerning *the Patriotic Society* "Daughters of the Revolution"

The General Society was founded October 11, 1890,—and organized August 20, 1891,—under the name of "Daughters of the American Revolution"; was incorporated under the laws of the State of New York as an organization national in its work and purpose. Some of the members of this organization becoming dissatisfied with the terms of entrance, withdrew from it and, in 1891, formed under the slightly differing name "Daughters of the Revolution," eligibility to which from the moment of its existence has been *lineal* descent from an ancestor who rendered patriotic service during the War of Independence.

"The North Carolina Society"

a subdivision of the General Society, was organized in October, 1896, and has continued to promote the purposes of its institution and to observe the Constitution and By-Laws.

Membership and Qualifications

Any woman shall be eligible who is above the age of eighteen years, of good character, and a *lineal* descendant of an ancestor who (1) was a signer of the Declaration of Independence, a member of the Continental Congress, Legislature or General Court, of any of the Colonies or States; or (2) rendered civil, military or naval service under the authority of any of the thirteen Colonies, or of the Continental Congress; or (3) by service rendered during the War of the Revolution became liable to the penalty of treason against the government of Great Britain: *Provided*, that such ancestor always remained loyal to the cause of American Independence.

The chief work of the North Carolina Society for the past eight years has been the publication of the "North Carolina Booklet," a quarterly publication on great events in North Carolina history—Colonial and Revolutionary. \$1.00 per year. It will continue to extend its work and to spread the knowledge of its History and Biography in other States.

This Society has its headquarters in Raleigh, N. C., Room 411, Carolina Trust Company Building, 232 Fayetteville Street.

Vol. XI

OCTOBER, 1911

No. 2

The
NORTH CAROLINA BOOKLET

*“Carolina! Carolina! Heaven’s blessings attend her!
While we live we will cherish, protect and defend her.”*

Published by
THE NORTH CAROLINA SOCIETY
DAUGHTERS OF THE REVOLUTION

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

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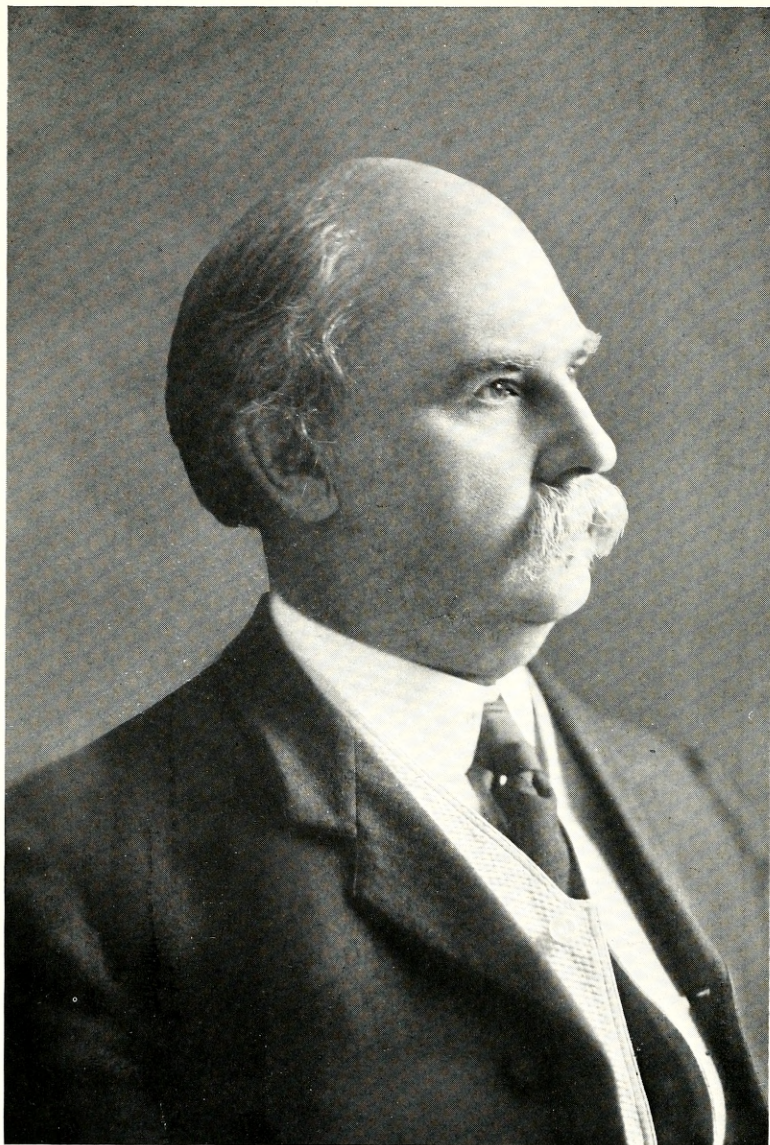
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Walter Clark

CHIEF JUSTICE OF THE SUPREME COURT OF NORTH CAROLINA

THE NORTH CAROLINA BOOKLET

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ROANOKE ISLAND*

Standing on the Aventine hill, by the banks of the Tiber, we can still behold the cradle of the great Roman people, the beginning of that imperial race which for centuries held in its control the entire civilized world of their day and whose laws, whose feat of arms, whose thought, have profoundly impressed all succeeding ages.

HERE BEGAN THE GREATEST MOVEMENT OF THE AGES.

Standing here we see the spot where first began on this continent the great race which in the New World in three hundred years has far surpassed in extent of dominion, in population and power the greatest race known to the Old. Farther than the imperial eagles ever flew, over more men than its dominion ever swayed, with wealth which dwarfs its boasted treasures, and intelligence and capacity unknown to its rulers, this new race in three centuries has covered a continent, crossed great rivers, built great cities, tunneled mountains, traversed great plains, scaled mountain ranges and halting but for a moment on the shores of a vaster ocean, has already annexed a thousand islands and faces the shores of a Western continent so distant that we call it the East.

We do well to come here to visit the spot where this great movement began. It was one of the great epochs of all history. Here, 36 years before the landing of the Pilgrims at Plymouth Rock; here, 23 years before John Smith and Jamestown, in the year 1584, the first English keel grated

*Address of Judge Walter Clark at meeting inaugurated by the State Literary and Historical Association, Manteo, N. C., 24 July, 1902.

on the shores of what is now the United States. Here the greatest movement of the ages began, which has completed the circuit of the globe. For thousands of years, God in His wisdom had hidden this land behind the billows till His appointed time, and in Europe and Asia millions had fought and perished for the possession of narrow lands. The human intellect had been dwarfed with the dimensions of its prison house. In due season Copernicus gauged the heavens, revealing countless worlds beyond our grasp, and Columbus almost at the same time unveiled this tangible world beyond the Atlantic. Stunned, dazed, the mind of man slowly realized the broadened vision unrolled before it. Since then the energies of the human intellect have steadily expanded, and thought has widened with the process of every sun.

Here broke the spray of the first wave of Saxon population and now westward across the continent to the utmost verge and beyond it, there rolls a human sea. Three centuries have done this.

About this very date Amidas and Barlowe landed here, for on July 4, a day doubly memorable on these shores, they descried land and sailing up the coast 120 miles they entered with their two small vessels through an inlet, probably now closed. Proceeding further they came abreast of this island, where they landed and were hospitably received.

WHAT WONDROUS CHANGES.

Nature remains unaltered. As on that July day, of the long ago, earth, air and sky and sea remain the same. The same blue arch bends above us. The same restless ocean rolls. The same sun shines brightly down. The same balmy breezes breathe soft and low. The same headlands jut out to meet the waves. The same bays lie open to shelter the coming vessels. The trees, the foliage, the landmarks, would all

be recognized by the sea-worn wanderers of that memorable day. But as to what is due to man, how altered!

To the westward, where the Indian paddled his light canoe on great rivers, innumerable vessels, moved by the energies of steam, plow the waters, freighted with the product of every industry and the produce of every clime. Where the smoke of the lonely wigwam rose, now the roar of great cities fills the ear and the blaze of electric lights reddens the sky. Where then amid vast solitudes the war-whoop resounded, boding death and torture, now rise a thousand steeples and anthems to the Prince of Peace float upon the air. Where the plumed and painted warrior stealthily trod the narrow war path, mighty engines rush. Where a few thousand naked savages miserably starved and fought and perished, near one hundred millions of the foremost people of all the world live and prosper. Three short centuries have seen this done.

OUR CONTRIBUTION TO EUROPE.

Looking eastward the ocean rolls unchanged, but not as then to be crossed only after two or three months of voyage. Already a week suffices for its passage and across its waves even now messages flash without the medium of wires. Beyond its shores is also a new world. When the first expedition landed here, the Turk was threatening Vienna, and the Spaniard was asserting his right to burn and pillage in Holland. The fires of the Inquisition burned in Spain and Belgium. France, sunk to a second-class power, grovelled beneath the rule of one of the most worthless of its many worthless kings, the third Henry—while England, the England of Drake and Raleigh, of Shakespeare and Bacon, and of Elizabeth, already lay beneath the growing shadow of the Armada, whose success threatened the extinction of English liberty and of the Protestant religion. Russia was then a

small collection of barbarous tribes, and Germany and Italy, not yet nations, were mere geographical expressions. Contrast that with the Europe of today. The change is barely less startling there than on this side of the water.

The change has been greatly due to the reflex action from this side. Civilization has been and is on the steady increase in the betterment of the masses. The leaders of thought, Shakespeare, Bacon, Michael Angelo, Dante, Petrarch, the painters, the sculptors, the statesmen, were as great then as since. The difference is in the masses. Then they were degraded, disregarded, beaten with many stripes, dying like animals after living like brutes; today they have a voice in every government and are beginning more fully to perceive that they have unlimited power which they can use for their own advancement and the betterment of their material surroundings.

The change started here when a new race began, without feudal burdens and amid the breadth and freedom of untrammelled nature. With new paths to tread, new roads to make, new rivers to travel, new cities to build, men began to think new thoughts and to add to the freedom of nature the liberty of speech and of action.

WHERE THE SHACKLES OF THE AGES WERE BROKEN.

Well do we come here to visit the spot where the shackles of the ages were broken, precedents forgotten and where man first began to stand upright in the likeness in which God had made him.

Naught tells more forcibly the depression in which the minds of the men of that day were held than the fact that the hardy English mariners, the descendants of the Vikings of old, delayed nearly a century after Columbus had discovered the New World before the foot of an Anglo-Saxon had trod the shores of North America. From the discovery

in 1492 to the first landing here in 1584 and the first permanent but feeble settlement at Jamestown in 1607 was a long time. Could another new continent such as this be discovered in 3,000 miles of London today, not as many hours would elapse as our ancestors of three centuries ago permitted years to pass, before the English race would land on its shores. In 1520 Cortez led the Spaniards to the Plateau of Mexico and subverted an empire. Yet 65 years more passed before Amidas and Barlowe led the first English expedition to land on this continent.

Not only were men's minds enthralled by governments which existed solely for the benefit of the few, but the condition of the upper classes was only in degree better than that of the poorer. Coffee, sugar, tobacco, potatoes and other articles of common use by the poorest today were unknown. Queen Elizabeth herself lived on beer and beef, and forks being unknown that haughty lady ate with her fingers, as did Shakespeare, Raleigh and Bacon. Articles of the commonest use and necessity in the dwellings of the poorest now, were then not to be obtained in the palaces of kings. Carpets were absent in the proudest palaces and on the fresh strewn rushes beneath their tables princes and kings threw the bones and broken meats from their feasts. Religion was to most a gross superstition, law was a jargon and barbarous, and medicine the vilest quackery. Just in proportion as the masses have been educated, as freedom has been won by them, as their rights have been considered, the world has advanced in civilization and in material well being.

Unlike the founding of Rome, where the seat of Empire abode by its cradle, no great cities arose here at Roanoke Island, at Jamestown nor at Plymouth. The new movement begun here was not for empire but for the people, and it has advanced and spread in all directions.

THE GREAT DANGER TODAY.

In 1820 Daniel Webster delivered a memorable oration at the anniversary of the landing at Plymouth Rock. In that speech he prophesied that our free government could stand only so long as there was a tolerable equality in the division of property. What would he say could he stand here today and count over the names of those possessed of \$20,000,000, of \$50,000,000, of \$100,000,000, even of more than \$200,000,000 and name over the great trusts and corporations who levy taxes and contributions at their own will, greater than those exacted for all the purposes of government? He instances that when the great monasteries and other church corporations under the Tudors threatened English prosperity the eighth Henry confiscated their property (as has been done in our day by Mexico and other Latin countries) and redistributed their accumulations. He might have added that when the new commercial monopolies under his daughter Elizabeth bade fair to take the place of the suppressed ecclesiastical foundations in recreating inequality, the Commons called on her to pause and that haughty, unbending sovereign had the common sense to save her throne by yielding.

Mr. Webster also utilized the occasion to point to the fact that in France by her exemption of nobles and priests from taxation, property had gravitated into their hands till the wild orgy of revolution had retransferred it to the people and he prophesied that the new law in that country which by restricting the right to will property had prevented its accumulation into a few hands would inevitably destroy the restored monarchy and rebuild the republic. His prophecy has come true.

The great expounder of the constitution was right. Power goes with those who own the property of the country. When



SIR WALTER RALEIGH

property is widely distributed and a fair share of the comforts of life are equally in the reach of all, a country will remain a republic. When property, by whatever agency, becomes concentrated in a few hands, a change is impending. Either the few holders will bring in, as he stated, an army that will change the government to a monarchy, or revolution will force a redistribution as in England and France. That has been the lesson of history.

In this day, of wider intelligence and general education, let us hope and believe that there is a third way, hitherto unknown in practice, and that by the operation of just and wiser laws enacted by the sovereignty of the people, a more just and equal distribution of wealth will follow and the enjoyment of material well being will be more generally diffused among the masses. All power is derived from and belongs to the people and should be used solely for their good. This is the fundamental teaching of the institutions which begin their record from the landing of the Anglo-Saxon race on these shores, a landing which was first made at this spot.

Had I the ability of Mr. Webster, could I speak with his authority, I might point out as he did the great danger of the accumulation of wealth in a few hands, and might foresee and foretell the remedies which a great, a wise and an all-powerful people will apply. But I shall not follow in the path which he has trod, *haud passibus equis*.

Let us not forget on this occasion that to this island belongs the distinguished honor of being the birthplace of the first American girl. It is the Eden from which she sprung. She had no predecessor and remains without a model and without a rival. In that first Eden man was the first arrival and the garden was a failure. Here the girl was the first arrival and the boys have followed her ever since. Appropriately she bore the name of Dare, and daring, delightful, her successors have been ever since. We do well, were

we to come here solely to do honor to the memory of the first American girl, this finished, superlative product of her sex and of these later ages.

NORTH CAROLINA'S FUTURE.

When the first expedition landed here there were, it is estimated, in the bounds of the present State of North Carolina, 20,000 Indians, earning a precarious living by fishing and hunting and spending their miserable lives in slaying and torturing one another. Today we have near 2,000,000 of the foremost race of all the world, living in peace and order. Could I, like Mr. Webster in his Plymouth Rock oration, prophesy as to the future—100 years hence—I should predict a still greater change. I should say that with the same rate of increase North Carolina will then have 6,000,000 of people and that cities of 100,000 inhabitants will be numbered by the score; that every village will be connected with its neighbor by electric roads, for steam will have ceased to be a motive power; that education will be universal and poverty unknown; that every swamp will have been drained to become the seat of happy homes; that every river will be deepened and straightened; that public works operated for the benefit of the people and not for the enrichment of a few, will bring comforts and conveniences, now unknown, to the most distant fireside; that the hours of labor will be shortened; that the toil of agriculture will be done by machinery and that irrigation will have banished droughts; that the advance of medicine, already the most progressive science among us, will have practically abolished all diseases save that of old age; that simpler laws and an elevated and all powerful public opinion will have minimized crime and reduced the volume of litigation; that religion less sectarian and disputatious about creeds and forms will be a practical exemplification of that love of fellow man

which was typified by its divine founder; that every toiler with brains or with hand will prosper and that under juster laws the only inequality in wealth or condition will be that due to the difference in the energy, efforts and natural gifts of each possessor.

This is but the first of many successive celebrations of the landing here and if these feeble, fugitive words shall be preserved to that distant day the speaker who shall read them to a vast audience gathered here will either justify the prophecy or at least he will say, "In the interest of the happiness of the human race, they ought to have come true."

HOW CAN INTEREST BE AROUSED IN THE STUDY OF THE HISTORY OF NORTH CAROLINA?*

Those of you who at dawn have rocked on the restless deep know that when the great sun lifts himself upon the horizon a breeze always springs up and with the new light a new breath from heaven walks upon the face of the waters. So in North Carolina as the doors swing wide open to the coming Twentieth Century, we feel that a new spirit is moving upon the face of the land. A new epoch is at hand. Universal education must soon come and with it will come the untold development of our resources and of the energies of our people. We feel that farther west than the fabled island of Atlantis, this land of North Carolina is rising into the sunlight of a grander and a more perfect day.

To no other agency is so much credit due for this great movement as to this Association. Though I believe this is only the eighteenth annual meeting of your body, you have in these seventeen years completely revolutionized public sentiment in this State upon the subject of public schools. The beautiful words of Barry Yelverton, Lord Avonmore, on another subject, can with justice be applied to you in connection with the public school system of this State: "You found it a skeleton and you have clothed it with life, color and complexion; you have embraced the cold statue and at your touch it has grown into youth, beauty and vigor." Instead of being barely tolerated, our public schools are now deemed of the first necessity and no public man and no respectable section of society dare oppose them. They are becoming our pride and the only real question is so to readjust taxation that a sum adequate to their just and proper support shall be laid upon those best able to bear it.

*Address by Judge Walter Clark, President of N. C. Literary and Historical Society, before the Teachers' Assembly, Wrightsville, N. C., 12 June, 1901.

You are to be congratulated upon the \$200,000 appropriated from the general fund, which is due to your efforts. Though inadequate, it is an installment upon the pledges made for the education of the children. It is also significant of the growth in public sentiment that every election this spring upon the subject of graded schools has been favorable and indeed in some places unanimous.

The North Carolina Literary and Historical Association, though organized only last fall, has been, I am proud to say, as I have the honor to be its president, of some assistance to you in this great work. It was in one of our meetings that the plan of public school libraries was formulated. The draft of the bill as originally suggested by Professor Grimsley was with some amendments adopted by the General Assembly, having been ably and eloquently championed by Senator H. S. Ward and other progressive and public spirited members.

Though now limited to six school districts in each county with a library of \$30 each, this is a good beginning. It will not be long before the library will be extended to every school district in the State, and the appropriation for each library will be increased.

The subject you have assigned me, "How to Encourage the Study of the History of North Carolina," struck me with surprise. It is related of the great Hannibal that a certain philosopher undertook to point out to him the defects in his system of strategy, with possibly some criticism of his lingering so long around Capua. The old warrior listened with such interest that some one ventured to ask him afterwards what he thought of the philosopher. "Why," he said, "he had such cheek I was bound to listen to see what he would say next." I do not understand why I have been selected to talk of war in the presence of so many Hannibals—if some one present who is skilled in the Punic tongue will tell me

the feminine for Hannibal—I will add in the presence of so many Hannibals and lady Hannibals. I can only account for it upon the popular superstition, which is entirely unfounded, that a lawyer's cheek is equal to anything. It is so hard for a superstition to die out!

The first requisite for the encouragement of the study of history is a sufficient school term and suitable school houses in which it may be taught. First "catch your rabbit" precedes all directions as to how to cook him. With the present school term of little over three months there is not much time for more than the "three R's." All declamation and oratory in favor of longer terms, and all pledges of "education for all the children," are worse than idle unless there is sufficient revenue for the support of the schools.

Your Association has created and directed the public sentiment which is now almost unanimously in favor of an efficient system of public schools. What is needed now is the financial ability which shall draft and enact a modern up-to-date system of taxation which shall raise the necessary funds by the readjustment of the burdens in accordance with modern conditions. It is idle to talk about a nine months' term with the appropriations now available. More money must be had, and a great deal more. It can not be raised by increasing the tax upon land and merchandise, the crude mediæval system which is still so largely in vogue among us. The farmer's business is not prosperous. You can not add to his burdens. Nor can the merchant, who now pays not only a double tax but a threefold or fourfold tax, bear a heavier burden. In the classic language of the day, "the proposition is up to you."

Your able secretary, who for four years has been the efficient superintendent of public schools, has in two reports called the attention of the Legislature to a new source of revenue, hitherto untouched, which he thought could most easily

contribute to the support of the public schools. The railroads of this State collect as North Carolina's proportion of their earnings annually over \$16,000,000 of which more than \$6,000,00 is net profit. Not one dollar of this immense revenue pays one cent of tribute to God nor Cæsar. As they are owned almost entirely by nonresidents, these great net revenues are carried out of the State, never to return, and thus to our permanent impoverishment.

Not in a spirit of hostility to them but in justice to all other taxpayers, Mr. Mebane has called attention to the fact that many other States were raising a large share of their revenue from a tax on the gross earnings of corporations. Illinois lays a tax of eight per cent upon the gross earnings of the Illinois Central, and Governor Odell, of New York, has recommended that all the revenues of that State should be derived from that source alone, leaving the tax upon real and personal property for county purposes. It has been suggested that a tax of five per cent levied upon the \$16,000,000 of railroad earnings in this State would raise \$800,000 from that source alone which should be a sacred fund devoted solely to school purposes. The tax on the earnings of other great corporations would raise this additional revenue for school purposes to more than \$1,000,000 annually. It would not be seriously felt by the subjects of it, for while a tax of five per cent on the \$16,000,000 of gross earnings is \$800,000 yet as the net earnings of the railroads in North Carolina are over \$6,000,000 there would still be left them \$5,200,000 net revenue, which is thirteen per cent. net interest upon the \$40,000,000 on which they are assessed as the fair value of all their real and personal property in this State. It would seem that they can well afford to pay \$800,000 tax on gross earnings when after such payment there will still be left them thirteen per cent net earnings upon the actual value of their property. Every dollar of this sum

will be needed before you can have an adequate school fund. As Mr. Mebane said, where else can you get it from parties who can so easily and justly pay it? If there is any better source let us find it. The schools must be supported by taxation.

In making this recommendation Mr. Mebane was but following the examples set us by so many other States. Think what \$1,000,000 added to your school fund annually in North Carolina can do! What a real impetus it would give to the cause of education!

Mr. Mebane's recommendation was eminently just, even if it had required a constitutional amendment, but as long as the franchise of the railroads was practically untaxed his recommendation was not open to the objection that "no income can be taxed when the property from which the income is derived is taxed." Another provision to which lobbyists favoring the exemption of the most profitable business in the State did not call attention is in the same clause of the Constitution and requires "*all* real and personal property to be taxed according to its true value in money." This did not, however, escape the General Assembly of 1901, which has now provided (Ch. 7, Secs. 50 and 43) that the intangible property, the franchise, shall be assessed by taking the *aggregate* of the *market value* of the bonds and stocks of any railroad as its true value (which is necessarily so) and that deducting therefrom the valuation of its assessed tangible property, the *difference is the value of the franchise*. This is as simple and unanswerable as a proposition in Euclid, and is the method recognized by courts, financiers and "the public" (as the statute says). As the market value of the bonds and stocks of the portion of the railroads lying in this State is known to be considerably over \$150,000,000 and the assessment of their other property to this time is only \$42,000,000, it follows that over \$108,000,000 is now added

from this hitherto untaxed source, which, on the *ad valorem* basis, provided in the same statute, will add \$720,000 annual revenue. The act provides that it shall be *in force from its ratification*. If the operation of the act had been postponed, it would have been an exemption of this vast value from taxation which the Legislature could not grant.

The same statute applies to other corporations and thus the franchise tax will appropriate \$800,000, the very sum which Mr. Mebane proposed to raise by his tax on gross earnings, but which is now to be raised in a method which is beyond constitutional objection. The requirements of this law are too plain to be misunderstood and we can not presume that there will be any failure to execute it.

Now, it is for you to procure the General Assembly to appropriate this tax on franchises (in lieu of the proposed tax on gross earnings) to the public schools. The watchfulness of those interested in public education will thus be a check upon the influences which by every device and subtlety will endeavor to repeal or evade this tax.

Declamation is cheap. Words butter no parsnips. If this people is to become an educated people it must be done by levying an adequate tax which shall raise a school fund sufficient for the purpose. Your assembly having started the public sentiment which is now so overwhelmingly in favor of public schools, you must now find the means—you must indicate the source from which can be most justly and easily raised by taxation a sum sufficient to educate all the children of this State. If you mean to build up a really efficient school system and not merely declaim about it; if, in short, you mean business, you can not rest till an all powerful public sentiment shall be aroused which shall send to Raleigh a Legislature to vote the money, without which an adequate school system is impossible.

The suggestion that the already underpaid public school teachers shall each contribute two months', or one month's, additional instruction without charge is unjust and unprecedented. They have no greater interest than others in public instruction and have already done far more for it by working at inadequate wages. Suppose the suggestion were made equitable and democratic, that all others should contribute two months' work to the schools, that farmers, merchants, doctors, preachers, lawyers, office-holders and great corporations should contribute each their earnings for two months' work! If the teachers are to be called on let all others contribute in the same proportion.

Instruction in history can of course be had in the University, in Trinity College, Wake Forest, Davidson, Elon, Whitsett, Oak Ridge, Guilford College, and many another whose equipment would do honor to larger and wealthier States. The shortage is not there, but with those less fortunate whose opportunities in life are to be found in the public schools alone.

You must first catch your rabbit—you must first get sufficient school terms and school houses and school teachers whereby something more than the "three R's" can be taught—then we reach the secondary stage—how to encourage the study of the history of North Carolina.

The first consideration when you have the schools and the leisure to teach history is, you must make it interesting to the pupils. Articles, brief and striking, should be written upon the most salient points of our history—cameos of history, so to speak. Something in that line has been done by Mr. Creecy and Mr. W. C. Allen and some others. Such gems well set will attract the boy or girl when grave compilations like those of Dr. Hawks, Colonel Wheeler and others will repel.

Then, if possible, the eye should be appealed to by paint-

ings and engravings. In every Massachusetts school book, in every Massachusetts library and public building, you will find engravings of the notable events in her history and of the great men who have led her people on all great occasions.

There you will find placed before the eye of childhood the representation of the landing from the *Mayflower* upon that rock bound coast in the depth of winter, the flight of the British from Lexington, the death of Warren, the scenes in her Indian wars, the pictures of Adams, of Hancock, and Webster. What Massachusetts child ever forgets the native land which produced such men or the spots where such events occurred?

They have the landing of the Pilgrims in 1520. What North Carolina school room or public building impresses upon the mind of childhood that other scene thirty-six years earlier, when the first English settlement on this continent was made upon our own shores at Roanoke Island? Not amid the snows on a barren coast, as at Plymouth Rock, but in the middle of a semi-tropical summer, with the great cypresses, hung with moss, as sentinels of the historic scene, and the odors of Araby the blest wafted to the sea-worn wanderers from the shores of this new land of hope and of plenty.

In Massachusetts' books every striking scene in King Philip's war and in the Pequot war is not only recorded by the pens of facile writers, but the painter's brush and the engraver's tool have faithfully preserved the features of each locality and imagination has restored the features, the arms and the dress of the actors in each stirring scene.

What pen or pencil or engraving or brush brings to the plastic mind of our children the scenes of our own Indian wars? There is that expedition by Governor Lane up the Roanoke in search of the gold supposed to lie at its source.

Between Hamilton and Williamston he was suddenly assailed by flights of arrows and driven back. Had that happened on the headwaters of the Connecticut what vivid reproductions we should have both by pen and engraving. From above Hamilton to the mouth of the river the aspect of the Roanoke flowing through an almost unbroken forest is nearly the same today as it was on the day of the defeat of that hardy expedition. The writer or painter who wishes to portray that scene has today but to visit some stretches of the lordly river as it flows amid eternal silence and through unbroken forests to its mouth. He has but to draw true to nature. There are the great trees, and the same solemn silence unbroken save by the rippling of the river, the deer on the banks, the startled water fowl, the wild flowers, the same riotous magnificence of primeval nature. Let him evoke from history and imagination the picture of the great canoes filled with Englishmen slowly toiling up the stream, their habits as they wore, their arms, their standards, the savages half concealed on shore, the sudden flight of arrows. This and more, faithfully written or sketched on the spot and reproduced by printing press and the engraving stone, would give the children of North Carolina an interest in that event in the history of their State and a conception of the conditions then existing here which they have never had.

Then there are the terrible scenes of massacre of our own great Indian war of 1711, the march of the South Carolina troops hundreds of miles through the trackless forest to our aid and the storm and sack of the Indian fort at Nahucke in 1713, which finally broke the Indian power. Could our children ever forget such scenes or fail to feel an interest in them if presented to their minds by a graphic pen or appropriate engraving?

In Northern school books, so largely used among us, are stirring narratives of the expedition to Louisburg and to

Canada, but where is the book which contains a reference, much less a picturesque description or engraving, of the earlier expedition of 1740 to South America, or the capture of Havana in 1762, in both of which North Carolina had a share?

Massachusetts books and Massachusetts school rooms bear many an engraving of the stirring times when Patriots, disguised as Indians, threw the tea into Boston harbor in 1773. But where are the engravers or the writers who have impressed upon the minds of our children that scene when the brave men under Waddell and Ashe, unmasked and bravely in broad daylight in a few miles of this spot, in 1765, eight years before the Boston tea party, forbade Great Britain to put her stamp act into execution in this Province or even to land her stamps?

In painting and in bronze Massachusetts has preserved the memory of the Attucks riot in Boston on the eve of the Revolution. On Boston Common the great memorial stands. But where is our statuary, or our painting, or our engraving of the battle of Alamance in 1771?

They have Paul Revere's midnight ride to fame. Why leave unsung that other ride from Charlotte to Philadelphia?

Where, indeed is our painting of that grand scene for which Massachusetts has no parallel—the meeting which issued the immortal declaration of independence at Mecklenburg on the 20th of May, 1775?

They have immortalized by pen and pencil the defeat of the Americans at Bunker Hill. Where and how have we placed before admiring eyes the first victory for the American arms, which was achieved at Moore's Creek in February, 1776, that striking scene when the planks of the bridge being taken up, brave men crossed on the stringers amid the fires of battle, as the Moslems tell us souls pass to paradise over Al Sirat's arch, spanning by a single hair the flames of hell?

Pencil and brush and pen love to linger on the grand scene when, on the 4th of July, 1776, the thirteen colonies declared that they ought to be and were sovereign and independent. But has anyone ever seen a similar picture of that meeting of the Provincial Congress at Halifax on the 12th of April, 1776, when the first resolution was passed by any State instructing that other Congress at Philadelphia to do what was done nearly three months later? Had we impressed that by story, by statue or by stipple plate upon the minds of our own people would a scholar like Senator Lodge have forgotten it or ignored it in his study of those times?

Brave men lived before Agamemnon, and brave men and great men have lived, at least they did live in those times, south of the Virginia line, but what have we done to perpetuate their memories? In nearly every home in Massachusetts hangs a portrait of John Hancock, or one of the Adams; where is our Cornelius Harnett or Richard Caswell? They have Warren, dying in defeat at Bunker Hill. Where is our engraving of Nash, falling on the field of Germantown?

Like a silhouette the heroic figure of Hardy Murfree, leading his forlorn hope of North Carolinians to the capture of Stony Point on the Hudson, stands out against the sky line of all history. But who has preserved the names of those brave followers; what engraving presents their immortal action to our children; what graphic pen has made this scene a living one to our people? What North Carolinian can claim that he is descended from those stormy petrels of victory, who piloted Anthony Wayne to eternal fame on the summit of that ridge?

What has been said or sung or engraved as to the North Carolina line, steady as the Old Guard of Napoleon itself, at Germantown, at Monmouth, at Eutaw Springs, and on many other fields?

What school room in North Carolina has an engraving of that event, unprecedented in history, when the volunteers of a day, springing, like the clansmen of Roderick Dhu, from our mountain sides, self-organized, without muster rolls, without impulse other than the defense of their little homes, moved down like an avalanche upon the foe led by one of the enemy's best officers and bursting over the fiery crest of King's Mountain broke forever Cornwallis' hopes of success?

And at a later date, where are our engravings of other patriotic sons of North Carolina who would have been an honor to any people?

It was Themistocles who declared that the trophies of Miltiades would not allow him to sleep. The Israelites, when they had passed over Jordan built twelve pillars that their children's children might ask, "What mean these stones?" that posterity being told the story of Israel's greatness in war and the unity of the twelve tribes might bear it in remembrance for all ages. Where are our trophies, the proud memorials of the great deeds of our ancestors, whose aspect shall stir the hearts of aspiring youth to emulate them and to repeat our Marathons on future fields? The tall shaft on Bunker Hill still rises to greet the sun in his coming, and on its summit the genius of Webster's grand oration will linger as a halo forevermore. On every heroic spot in all that land shaft, or sculpture, or inscribed tablet, records that there man has died for man. But what of us?

Of recent years, we have made a small beginning. A crumbling monument to Governor Caswell, blasted by fire, stands in the streets of Kinston; a monument in the Capitol square, facing the setting sun, recalls the already fading tradition of the 125,000 soldiers who belted North Carolina like a living wall in the grand days of 1861-'5; a bronze statue of our great tribune of the people stands on the same

square, appropriately facing the East, for, ever hopeful of the progress and prosperity of the people he loved so well and served so faithfully, he ever stood praying and hoping for the dawn of a brighter day.

You are arousing this people as they have never been aroused before to the needs of education. You propose to educate them to the last boy and girl.

You propose to give them the increased capacity for learning, for enjoyment, for usefulness, which comes from education. But what then? Shall you lay before them histories wherein Massachusetts, with some aid from one or two great Virginians, conquered the British lion—books which represent no North Carolina historical event, and the features of no great North Carolinian, in which our revolutionary history is a desert, with, perhaps a mild reference to the militia at Guilford Court House, and in which our ante-revolutionary stone is a mere table of names? Can you excite an interest in the study of North Carolina's history by such books as those? Can you inspire any young Themistocles to emulate the deeds of Miltiades when the story of those deeds is left untold?

I will not touch upon the ground of the misrepresentations of the events of 1861-'5. Public attention has been drawn to that and probably a true story of those eventful years will be laid before our children. But will it be interesting? Shall you give them the bare facts and a barren list of names? Where can better subjects be found for painter, for sculptor, for graphic writing?

Take among so many a single incident. At New Bern the battle* had gone sore against us. Four hundred soldiers are cut off, with a pursuing enemy in the rear and an unfordable stream in front, the men in despair throwing their arms into the water to prevent the enemy from getting them. A single canoe is found carrying only eighteen men, there

*14 Mar., 1862.

is danger of its being swamped in the mad rush, two young officers,* both fresh from college, neither yet 21 years of age, instead of saving themselves and pushing off to safety, take their stand and count off from time to time eighteen men who pass beneath their crossed sabres, till boat load after boat load is ferried across. With immediate peril of Yankee bullets and Yankee prison, they resolutely keep their guard till every man is over and those two, the last to enter, float across to friends and to freedom. What a picture for a painter, for poet, for instructor! How it would have been emblazoned if told in Roman story by Livy, or by Macaulay to match his stirring lines which tell

"How well Horatius did keep the bridge
In the brave days of old."

But what audience in North Carolina this day can name these two beardless boys who came of the race of heroes?

And this incident is but one of hundreds showing that this people of North Carolina is one which produces heroes and men fit to command. If we do not sufficiently honor them it is possibly because such deeds are not rare among us.

What pen or pencil can portray to the life the heroism of the men whom Tyler Bennett, Frank Parker and George B. Anderson were proud to stand beside in that "Bloody Lane" at Sharpsburg; of the men under Pettigrew, Lowrance and Lane, who fell farthest in the front of the Southern line at Gettysburg; the men, many of them fresh from the plow and without a thought of heroism or fame, who, like an averaging flame, swept down the broken lines at the Salient, retaking and holding it against fearful odds; and of those North Carolinians in the Seven Days' Fight Around Richmond who left more than twice as many of their dead and wounded upon the field as Virginia herself or any other Southern State; the heroism of those brave men, from our

*W. A. Graham and H. K. Burgwyn, at that time respectively, Capt. Co. K, 2 N. C. Cavalry, and Lieut.-Col. 26 N. C. Reg't.

mountains to the sea, who, with no other motive than their duty, were first at Bethel and last at Appomattox, and who at all times during those four long eventful years proved themselves the peers of any troops that came against them or that fought by their side?

If you wish to encourage the study of the history of our State, can you do better than to tell the deeds of such men, plainly and simply, as befits the men who did them? Can the story be more needed; can the teaching come better than in these days, when worship of the dollar is growing and when youths are taught that the greatest among men is not he who sheds his life's blood for his fellow men at the call of his country and duty, but rather he who gathers, by whatever device, the greatest quantity of the product of the labor of others into his own keeping?

"Ill fares the land to hastening ills a prey
Where wealth accumulates and men decay."

The State has a great history. Its people have shown themselves equal to every call upon them and equal to every occasion. But that history has not yet been presented as it should be. To excite interest in its study we must make it interesting. Tell it as it happened, its grand deeds, its heroic sufferings, its unvaunting performance of duty in the face of every danger, its uncomplaining endurance of every hardship. Paint its striking historical incidents by brush as well as by pen; engrave them, hang them on the walls of your school rooms, your libraries and your public buildings, put them in your school books. Painter and historian have recorded for the admiration of future ages that Sir Philip Sidney, when wounded at Zutphen, refused a cup of water for which he was perishing till a wounded private soldier who needed it more than he could be supplied. But that incident, and even greater self-denial, can be related of many

an unlettered North Carolina soldier who had never heard of Sir Philip or of Zutphen, but in whose veins ran the blood of heroes and whose courage is an inheritance from centuries of brave ancestors of the purest Anglo-Saxon stock on the continent.

To sum up, ladies and gentlemen, North Carolina has a history that is worth the telling and which, when truly told, will interest. It is a brave story of a people who from the first founding of the colony would brook no tyranny and who intended from the first that no one should govern them but themselves; the story of a brave, self-relying, liberty loving people.

Then tell the story in an interesting manner. Let the pens of your best writers record it in their most entertaining manner, but plainly and simply as accords with the character of our people, whose unpretentious nature is summed up in their proud motto: "*Esse Quam Videri*," for in very truth no people can better say in the words of the great Dictator to Sir Peter Lely, "Paint me as I am." Like a beautiful woman, their story, when unadorned, is adorned the most.

Then, with an interesting history interestingly told, what more is needed? You need a wider audience. Educate the masses. Create in them an intelligent interest in their surroundings and in their history. Make it attractive by short stories attractively told. Appeal to the eye by paintings and engravings. Let the State add, when it can, sculpture and statuary.

This Rome, Greece, England, France have done. This the States north of us have done, preëminently the great educational State of Massachusetts. The means by which other States and countries have created an interest in their history are the means to which we must resort for the like purpose.

And none of them have a better foundation upon which to build.

In the language of the poet-priest of the South:

“Give me the land that is blessed by the dust,
And bright with the deeds of the down-trodden just.
Yes, give me the land where the battle’s red blast
Has flashed to the future the fame of the past;
Yes, give me the land that hath legends and lays
That tell of the memories of long vanished days;
Yes, give me the land that hath story and song!
Enshrine the strife of the right with the wrong!
Yes, give me the land with a grave in each spot,
And *names in the graves that shall not be forgot.*”

KILL DEVIL HILL

BY JAKUES BUSBEE

At sunrise it floats in the mist like the diaphanous pink ghost of a hill. To stand upon it in the blinding glare of noon it is vastly more illusive—the luminous sands under your feet seeming more unreal than the remote edges cutting sharp against the deep blue sky. Even on stillest days upon the beach, the sand on the summit is ever blowing, blurring the edges with a film like heat radiations—piling up the hill in a great crescent with horns outstretched to leeward from the prevailing northeast winds.

And this vast pile of sand, hard on the windward, soft on the leeward side, is ever moving towards the southwest at the rate of two or three feet a year.

From the summit the view thrills with its far-stretched beauty. Three quarters of a mile to the east, across the coarse beach grass, is the boundless Atlantic; north, on the trembling distance is another great sand hill fifteen miles away—Paul Gamel's Hill; south, the view is splendid with the gleaming expanse of the fresh pond (a scant mile from the surf) hemmed in on its western shore by the dark mysterious Nagshead woods and the Nagshead sand hills beyond. But to the west unfolds the view of views.

The north end of Roanoke Island, on which stands Fort Raleigh, stretches across the southwest. Roanoke Sound is divided from Kitty Hawk Bay by Collington Island (named for Lord Colleton, one of the Lords Proprietors), and far to the northwest on the dim horizon is Powell's Point. Between Powell's Point and Kitty Hawk is the entrance to Currituck Sound.

Three hundred and twenty odd years ago this same view

burst upon the astonished sight of Amidas and Barlowe. For after anchoring in the inlet, which was Kitty Hawk Bay extended through the banks to the ocean, afterwards closed by the great storm of 1696, named Trinity Harbor by these first English to set foot in North Carolina, they ran to the top of the nearest sand hill on the south of the inlet to view the country. They beheld the sea on both sides "finding no end any of both ways." They shot off their harquebus shots "and such a flock of cranes for the most part white" arose under them "with such a cry redoubled by many echoes, as if an army of men had shouted all together."

Standing on the top of Kill Devil Hill today, the same view unfolds itself; the green-blue Atlantic to the east; the violet-blue sounds to the west; the brilliant marsh grasses, the golden sand hills, the dark dense woods, and flocks of herons "for the most part white"; the whole vast panorama blue—vivid blue from sky and sea and the reflections of myriad pools upon the beach.

Just where Amidas and Barlowe landed is an always disputed point. Barlowe's narrative, with its quaint old English wording, leaves the inquirer in greater doubt than if he took the word of any one of the many historians each of whom chose for himself the inlet which suited him best. But language, says Talleyrand, is a gloriously uncertain vehicle, invented to conceal thought.

So turn to John White's map, or rather, bird's eye view of this "coming of the English." Now a picture can mean only one thing. This picture shows a boat with eight men in it, sailing towards Roanoke Island from the northeast. The distance from the inlet where the two vessels were anchored to Roanoke was recorded by them as seven leagues. Although the distance by water from Kitty Hawk Bay to Roanoke is not as much as seven leagues, old Currituck inlet is much too far north and old Roanoke inlet is not far

enough north—for who can believe those early explorers were very accurate measures of distance? An inlet through the banks at Kitty Hawk Bay comes much nearer fitting both the account and picture than any other inlet indicated.

One thing, however, is certain and that is, an inlet once pierced the banks nearly opposite the pressure of Albemarle Sound waters. Along the shores of Kitty Hawk and the opposite shores of Collington Islands are undeniable evidences that the present fresh waters of the bay were once salt. Great mounds of oyster shells or "Indian Kitchens" line the shores. Indian relics are scattered here and there and are often "blowing out." Within the memory of living men the ocean beach curved in at a point opposite the bay to such an extent that small vessels could find in it a partial haven.

The fresh pond, a mile to the southward, was once connected with this inlet; for old men remember their fathers' statements that boats could be taken from the bay into this land-locked harbor.

Kill Devil Hill stands a natural monument to mark this old inlet of Trinity Harbor. Its sands have moved and shifted and wasted away, but other sands have blown and made up in their stead. Is it too much to hazard the belief that the first English feet to climb its yielding slope were the sailors' from Sir Walter Raleigh's two little vessels anchored in the offing, and that upon its summit Amidas and Barlowe unfurled the English flag?

Kill Devil Hill claims a present interest for two reasons; first, that from its crown (125 feet high) the Wright brothers learned to fly; and second on account of the legend of its name.

Hidden from the world at Kill Devil Hill the Wright brothers labored secretly at the most wonderful success that man has yet achieved. Over at Kitty Hawk, Mrs. W. J.

Tate shows with pride her sewing machine on which she stitched up the sails for this biplane, and at the foot of Kill Devil Hill stands the "flying shed" which sheltered that mysterious bird. How Nagshead and Kitty Hawk woods swarmed with reporters and kodaks when the Wrights' experiments had reached the point of success, is all too recent in the newspapers to need repetition.

But the legend of the name "Kill Devil" is too characteristic of the banks, as they were long ago, to be lost; and apocryphal though it may be, it deserves preservation. "In days of yore and in times long gone before" there dwelt upon the banks in the thick tangled woods of Nagshead and to the northward, a rude and primitive race of wreckers and beach combers whose living came largely from the sea.

When God in His bounty was slow to drive vessels upon the treacherous quicksands of the coast, the natives, in promising, stormy weather would hobble a bank pony, tie a lantern about his neck and turn him out upon the beach. The light bobbing up and down as the nag grazed, closely simulated the lights on a vessel at sea. Long before the days of light houses or life saving stations, when vessels cleared some port never to be heard from again, the bankers along this coast could have given information in many instances had they chosen. The mystery of Theodosia Burr Alston and the portrait of an aristocratic lady which hung for many years in a Nagshead shanty, and which was but recently identified, held a tragedy of the banks which many writers have essayed.

But that is not the story of Kill Devil. Like most stories of the banks, it begins with a wreck. A coastwise merchantman, laden with a valuable cargo, was driven upon the reef and wrecked. The crew succeeded in reaching the beach alive, and next day, the storm having much abated.

most of the cargo was gotten through the surf and piled upon the sand with a guard to watch it.

Towards midnight the guard sprang forward in wide awake terror, to find the bale of goods upon which he was sleeping detach itself from the pile and amble away across the beach, to disappear in the woods beyond the big sand hill. In a moment all hands were awake and regarding with stupified horror the spot where a moment before the bale had rested. No power but the Devil was capable of such a thing, they all declared, and they cursed the fate which had cast them upon such a coast. Two men were ordered to watch for the remainder of the night.

It was just before dawn. Both men saw it with wide open eyes. A large bale of goods broke loose from the pile and went bounding over the sand, to disappear in the direction of the big sand hill. This was no night "head notion." Daylight, however, restored quiet and these superstitious sailors held a council. Of course it was the Devil. That went without argument. But then, who could circumvent, capture, or kill, the Devil? Men were not inclined to watch or even sleep near such a diabolical spot. At length one old grizzly seadog offered to watch—alone if none had nerve enough to watch with him. He feared not man, God, nor Devil; and if it was the Devil, he swore he'd kill him.

Until midnight this fearless one patrolled the beach alone, keeping a close eye on the bales of goods so mysteriously diminished the night before. Finally he sat down for a moment just to rest his legs. With a shock to consciousness, he was startled to see a large bale of goods break loose from the pile and start across the beach towards the big hill. In an instant his gun was levelled on it, but what was there to shoot? So he ran after it as hard as he could, but it bounded along just ahead with increasing speed. Then with a desperate effort he dashed forward between the fleeing bale and

the sand hill, when he tripped and fell over a taut rope. In an instant he was on his feet, and, taking aim along the rope, he fired. The bale of goods stood still. Running along by the rope, he saw, dimly silhouetted against the faintly gleaming sand, a large black object with what he took to be two horns and a tail.

While he was reloading his gun this devilish thing began again to move. He pulled the trigger. Immediately the night was filled with a fearful noise, as the black object sank to the ground and began to kick up the sand. Rushing up to the foot of the hill, there he saw lying—the Devil, weltering in blood?—an old beach pony with a rope tied to his harness—the other end hooked to the bale of goods. But he had in truth killed the Devil, for the pile of goods remained untouched upon the beach till finally boated away. And so that grandiose sand hill standing near the site of the old inlet was ever after known as “Kill the Devil Hill.”

Now as Shahrazad, perceiving the dawn of day, would remark, “Whether this be true or only legend is past finding out, but Allah is all-knowing.”

CAREER OF GENERAL JAMES HOGUN, ONE OF NORTH CAROLINA'S REVOLU- TIONARY OFFICERS.

BY CHIEF JUSTICE WALTER CLARK.

North Carolina in the Revolution furnished ten regiments to the regular service—the Continental line. Five of the Colonels of these became general officers, the only Generals North Carolina had in the regular service. They were General Robert Howe, who rose to be Major-General—our sole Major-General—and four Brigadiers—General James Moore, who died early in the war; General Francis Nash, killed at Germantown and buried near the field of battle—a brother of Governor Abner Nash; General Jethro Sumner, and General James Hogun.

The lives and careers of the first three named are well known. For some reason the data as to the last two have been neglected. The Hon. Kemp P. Battle, by diligent search in many quarters, was able to restore to us much information as to General Jethro Sumner, of Warren County, and, indeed, to rehabilitate his memory. As to General James Hogun, of Halifax County, the task was more difficult. Little has been known beyond the fact that he was probably from Halifax County, and that he was a Brigadier-General. The late Colonel William L. Saunders requested the writer to investigate and preserve to posterity whatever could now be rediscovered as to this brave officer.

It may be noted that North Carolina has not named a county, or township, or village, in honor of either of the four generals—Howe, Moore, Sumner, or Hogun. Moore County was named in honor of Judge Alfred Moore, of the United States Supreme Court. General Nash was the only

one of the five thus honored, the county of Nash having been formed in 1777, the year of General Nash's death at Germantown.

General James Hogun was born in Ireland, but the year and place of his birth are unknown. The name is spelt Hogun, though usually in Ireland, where the name is not uncommon, it is written Hogan—with an *a*. He removed to Halifax County, in this State, and to the Scotland Neck section of it. He married, October 3, 1751, Miss Ruth Norfleet, of the well known family of that name. In the Provincial Congress, which met at Halifax, April 4, 1776, and which framed our first State Constitution, James Hogun was one of the delegates for Halifax County. He was appointed Paymaster in the Third Regiment (Sumner's), but on 26 November, 1776, he was elected Colonel of the Seventh North Carolina Regiment, and 6 December of that year an election was ordered to fill the vacancy in Congress caused thereby. Colonel Hogun marched northward with the Seventh and Colonel Armstrong with the Eighth, and both regiments arrived in time to take part in the battles of Brandywine and Germantown. Colonel Sumner was appointed to fill the vacancy caused by the death of General Francis Nash. For the vacancy caused by the promotion of General Howe from Brigadier-General to Major-General, our Legislature recommended Colonel Thomas Clark, of the First Regiment; but General Washington stated that, while not undervaluing Colonel Clark's services, Colonel Hogun by his distinguished gallantry at Germantown, had earned the promotion, and he was therefore elected and commissioned a Brigadier-General 9 January, 1779, and continued to serve with the army at the north. When Charleston was threatened, all of the North Carolina line which had not previously gone south with General Lincoln, under Sumner, was ordered to that point. Owing to losses, the North

Carolina regiments then North were consolidated into four, and General Hogun was placed in command. At the head of his brigade he passed through Halifax and Wilmington in February, 1780, and took part in the memorable defense of Charleston. When General Lincoln surrendered that city on 12 May 1780, though he surrendered five thousand men, only one thousand eight hundred of them were regular troops, and the larger part of these were General Hogun's North Carolina brigade. General Sumner, our other Brigadier, who had commanded that part of the North Carolina line which was at Charleston before General Hogun's arrival, was home on furlough, as were many officers that had lost employment by the consolidation of the depleted companies and regiments. With that exception, North Carolina's entire force was lost to her at this critical time. The surrendered militia were paroled, but the regular troops, headed by General Hogun, were conveyed to Hadrell's Point, in rear of Sullivan's Island, near Charleston. There they underwent the greatest privations of all kinds. They were nearly starved, but even a petition to fish, in order to add to their supply of food, was refused by the British. These troops were also threatened with deportation to the West Indies. General Hogun himself was offered leave to return home on parole. Tempting as was the offer, he felt that his departure would be unjust to his men, whose privations he had promised to share. He also knew that his absence would aid the efforts of the British, who were seeking recruits among these half-starved prisoners. He fell a victim to his sense of duty 4 January, 1781, and fills the unmarked grave of a hero. History affords no more striking incident of devotion to duty, and North Carolina should erect a tablet to his memory, and that of those who perished there with him. Of the one thousand eight hundred regulars who went into captivity on Sullivan's Island with him, only seven hundred survived when they were paroled.

We do not know General Hogun's age, but as he had married in 1751 he was probably beyond middle life. In this short recital is found all that careful research has so far disclosed of a life whose outline proves it worthy of fuller commemoration. Could his last resting place be found, the tablet might well bear the Lacedæmonian inscription, "*Siste viator. Heroa calcas.*"*

General Hogun left only one child, Lemuel Hogun, who married Mary Smith, of Halifax County. To Lemuel Hogun, March 14, 1786, North Carolina issued a grant for twelve thousand acres of land in Davidson County, Tennessee, near Nashville, as "the heir of Brigadier-General Hogun." In October, 1792, the United States paid him five thousand two hundred and fifty dollars, being the seven years' half pay voted by Congress to the heirs of Brigadier-Generals who had died in service. In 1814 Lemuel Hogun died, and is probably buried at the family burial ground. General Hogun resided in Halifax County, North Carolina, about one mile from the present village of Hobgood. In 1818 the widow of Lemuel Hogun, with her children, moved to Tusculumbia, Alabama. Numerous descendants are to be found in that State, and in Tennessee and Mississippi. In the late war General Hogun's papers, which might have furnished materials for history, were seized by the Federal troops and presumably destroyed, though it is barely possible they may be yet preserved in some Northern historical collection. It is known that among these papers was at least one letter from Washington to General Hogun.

These five heroes—Howe, Moore, Nash, Sumner, and Hogun—were, as has been said, the only Generals from this State in the regular service.

We had several Generals who commanded militia, ordered out on three months' tour or on special service, at sundry times, such as General Griffith Rutherford and General Dav-

* "Pause, traveler. A hero's dust sleeps below."

idson, for whom those counties have been named; Generals Butler and Eaton, and others. General Davidson had been a Major in the Continental line, but was a Brigadier-General of militia when killed, 1 October, 1780, at Cowan's Ford. There were others, as Colonel Davie, Major Joseph Graham (who commanded the brigade sent to Jackson's aid against the Creeks in 1812), and several who acquired the rank of General after the Revolution.

The militia figured more prominently in that day than since. The important victories of King's Mountain and Ramsour's Mills were won solely by militia, and Cowpens and Moore's Creek by their aid. Rutherford and Gregory commanded militia brigades at Camden, as Butler and Eaton did at Guilford Court House, and as General John Ashe did at Brier Creek.

It may be of interest to name here the Colonels of the ten North Carolina regiments of the Continental line:

First Regiment, James Moore. On his promotion to Brigadier-General, Francis Nash. After his promotion, Thomas Clark. Alfred Moore, afterwards Judge of the United States Supreme Court, was one of the Captains.

Second Regiment, Robert Howe. After his promotion to Major-General, Alexander Martin. He being elected Governor, John Patton became Colonel. In this regiment Hardy Murfree, from whom Murfreesboro, in North Carolina and Tennessee, are named, rose from Captain to Lieutenant-Colonel; and Benjamin Williams, afterwards Governor, was one of the Captains. David Vance, grandfather of Governor Vance, was a Lieutenant.

Third Regiment, Jethro Sumner. After his promotion it was consolidated with the First Regiment. In this regiment Hal Dixon was Lieutenant-Colonel and Pinketham Eaton was Major, both distinguished soldiers; and William Blount, afterwards United States Senator, was Paymaster.

Fourth Regiment, Thomas Polk. General William Davidson, killed at Cowan's Ford, was Major of this regiment, and William Williams, afterwards prominent, was Adjutant.

Fifth Regiment, Edward Buncombe, who died of wounds received at Germantown, and for whom Buncombe County is named.

Sixth Regiment, Alexander Lillington, afterwards Gideon Lamb. John Baptista Ashe, of Halifax, who was elected Governor in 1802 but died before qualifying, was Lieutenant-Colonel of this regiment.

Seventh Regiment, James Hogun. After his promotion, Robert Mebane. In this regiment, Nathaniel Macon, afterwards Speaker of Congress and United States Senator, and James Turner, afterwards Governor, served together as privates in the same company.

Eighth Regiment, James Armstrong.

Ninth Regiment, John P. Williams. Of this regiment William Polk was Major.

Tenth Regiment, Abraham Shephard.

The State had in the Continental line a battery of artillery commanded by John Kingsbury, and three companies of cavalry, led, respectively, by Samuel Ashe, Martin Phifer, and Cosmo de Medici.

My object in writing has been to give the few details which, after laborious research, I have been able to exhume as to General Hogun, his origin, his services, and his descendants. I trust others may be able to bring to light further information, so that an adequate memoir may be prepared of so distinguished an officer.

A FORGOTTEN LAW

BY CHIEF JUSTICE WALTER CLARK.

PETIT TREASON—DEATH BY BURNING.

Blackstone tells us (4 Com., 75 and 203) that for a servant to kill his master, a woman her husband, or an ecclesiastical person his superior was petit treason, and that this offence was punished more severely than murder, a man being drawn as well as hanged, and a woman being drawn and burnt. It is said that the records of Iredell County show that this barbarous punishment was inflicted upon a woman in that county for the murder of her husband. This law has since been changed in England.

It has doubtless been forgotten by most that the offence of petit treason continued in this State after the adoption of our republican form of government, as to slaves at least, and that the punishment usually inflicted was to be burnt at the stake. "History," said a very wise man, "is philosophy teaching by example." It is well to consider closely the doings of our ancestors. When those acts were wise and just, honest and patriotic they should serve as examples to excite our emulation and shame us against departing therefrom. When the deeds of our forebears are not such as to be cause of pride and imitation, we should rejoice that we live in happier times, in the noonday splendor of greater enlightenment, and measure the progress we have made by our distance from the evil precedent.

Your magazine has been a depository of much curious as well as useful historical data, which but for it would long since have passed beyond proof and beyond recall. I therefore send you a copy of one of the few remaining records of the judicial executions by burning at the stake

which have taken place since the adoption of the Constitution of 1776.

The Act of 1741, which continued in force till 1793, provided that if any negroes or other slaves (and there were other slaves in those days), should conspire to make an insurrection or to murder any one they should suffer death. It was further provided that any slave committing such offence or any other crime or misdemeanor should be tried by two or more Justices of the Peace and by four freeholders (who should also be owners of slaves), "without the solemnity of a jury; and if the offender shall be found guilty they shall pass such judgment upon him, according to their discretion, as the nature of the crime or offence shall require, and on such judgment to award execution." It further provided that this commission should assess the value of any slave executed by them and report to the next Legislature, who should award the owner of such slave the compensation assessed.

The following is a *verbatim* copy of one of the certificates made to the Legislature to procure pay for a slave executed under said act:

STATE OF No. CAROLINA: Brunswick County. March 5th, 1778.

At a Court held for the tryal of a negro man slave for the murder of Henry Williams, said fellow being the property of Mrs. Sarah Dupree.

Justices of the Peace present.

William Paine
John Bell
Thomas Sessions

Freeholders:

John Stanton
James Ludlow
Needham Gause
Aaron Roberts.

According to law valued said negro James at eighty pounds Proclamation Money.

The Court proceeded on said tryall and the said fellow James confessed himself to be One that had a hand in the murdering of said Henry Williams in concurrence with the evidence of four other mallefactors that were Executed for Being Concerned in said murder on the 18th. day of March 1777.

Ordered that the Sheriff take the said Jimmy from hence to the Place of execution where he shall be *tyed to a stake and Burnt Alive*, Given under our hands this 5th. day of March 1778.

Justice of the Peace:

William Gause
John Bell
Thos. Sessions

Freeholders:

Aaron Roberts
John Stanton
Needham Gause
Jas. X Ludlow
his mark

STATE OF NO. CAROLINA—Brunswick County.

We, the undernamed persons being summoned as Justices of the Peace and freeholders of the County aforesaid to hold a court for the Tryall of a negro man slave named James the property of Mrs. Sarah Dupre for the murder of Mr. Henry Williams of Lockwood Folly do value the said slave James at the sum of Eighty pounds Procklamation Money. Given under our hands this 5th. day of March 1778.

Justices of the Peace

William Gause
John Bell
Thos. Sessions

Freeholders:

Aaron Roberts
John Stanton
Needham Gause
his
Jas. Ludlow X
mark

The Journals of the Legislature show that the assessed compensation, "eighty pounds proclamation money," was voted to Mrs. Sarah Dupree, the owner of said slave.

There is a similar record in Granville County, showing that on 21 October, 1773, Robert Harris, Jonathan Kirtrell and Sherwood Harris, Justices; and Thomas Critcher, Christopher Harris, Samuel Walker and William Hunt, freeholders, tried and convicted Sanders, a negro slave of Joseph McDaniel, for the murder of William Bryant, and he was sentenced to be burnt alive on the 23d—two days thereafter.

Doubtless there are records of similar proceeding in other counties, if not destroyed in the lapse of time, but these two will serve as a curious reminder of a by-gone age. After 1793, the slave charged with murder became entitled to a

trial by a jury of freeholders, and one of the most splendid efforts of the late Hon. B. F. Moore was in behalf of a slave tried for murder. His brief in that case and the opinion of the Court, delivered by Judge Gaston, will remain enduring monuments of the claim of both to abiding fame. The opinion and brief will be found reported in *State v. Will*, 18 N. C. 121-172.

While the circumstance I have attempted to rescue from oblivion may not seem to the credit of the men of that day, it is an historical, social and legal fact which will serve to "show the age, its very form and pressure." It is to the credit of the next generation that the statute was repealed by a more humane and just one in 1793, and that the latter act was afterwards illustrated by the learning and impartial justice displayed by Court and counsel in *State v. Will*.

It is true of the generations of men as of individuals that we "rise on stepping-stones of our dead selves to higher things."

HISTORIC HOMES. PART V: WELCOME

BY ANNIE LANE DEVEREUX.

"Welcome," the summer home of Willie Jones, stood near the eastern boundary of Raleigh on the spot where some of the buildings of St. Augustine Institute, a college for negroes, now stand. The tract adjoining was given by Col. Joel Lane, to his friend, Willie Jones, of Halifax, to be enclosed as a new park in the hope of inducing him to spend the hot months near "Bloomsbury," Col. Lane's residence.

At that time Wake County abounded in large game, as the names of some of its localities prove. Mr. Jones probably enclosed his park. He certainly built a cottage at the foot of a gentle hill, and near a spring of clear, cool water, and in this cottage he spent part of every year.

He was a man of mark in his day, and besides filling other important offices was Commissioner for the State at large on the committee which chose the site of the new Capitol, Raleigh. In spite of his splendid abilities he was very eccentric, and some of his "fads,"—for the thing is as old as human nature, though the word is modern—were displayed in the plan of his house. It was a one-story building, but the rooms were in the form of cubes, twenty-two and a half feet every way, it is believed; the effect of the very lofty ceiling in comparatively small rooms was bad. The proportion being destroyed the windows seemed extremely long and narrow, and the tallest furniture was dwarfed. The manner of his burial was also most unusual. By his own direction he was buried in the garden at "Welcome," the grave being dug northeast and southwest; as this was supposed to be a practical expression of his disbelief in the Resurrection, it excited much painful feeling, and the

conviction became general that "Old Northeast and Southwest" could not rest in his grave, and that his uneasy spirit visited the place formerly familiar to the body. Heavy steps were heard in the hall, strange voices sounded through the rooms, an old disused spinet in the cellar was played by unseen hands; in short, for many years "Welcome" had the eerie name of a haunted house.

After the death of Willie Jones the place was purchased by Judge Henry Seawell, a nephew of Nathaniel Macon, who had married a daughter of Maj. John Hinton, of "Clay Hill"; he enlarged the house, adding a second story, and making other improvements, and here he lived for many years in peace and prosperity quite undisturbed by ghostly visitants. While still a young man Judge Seawell deemed it wise to select and enclose a spot as a burial place for his family, and taking with him his favorite body servant, Brittain, he went into the deep woods far from any human habitation, chose a spot that seemed to him peculiarly retired, and had built a heavy stone wall enclosing a space of the sixteenth of an acre or less, hoping that he and his would here rest in the silence of nature, hidden in the wild and lovely woods. But by a strange irony of fate the woods have long since been cleared away, the whole estate having passed into the hands of strangers, and a public road now runs within a few feet of the wall of the old burial place.

After the death of Judge Seawell his widow sold the place and moved into town. It then changed hands rapidly, having many owners, and standing for long periods shut up and deserted. Its last possessor fled in terror at the approach of Sherman's bummers in 1865, the empty house was occupied by negroes, and later in the same year it was burned to the ground.

ROWAN COUNTY WILLS

COMPILED BY MRS. M. G. McCUBBINS.

Thomas Gillespie (Book G, page 3), November 15, 1796. Wife: Naomi. Sons: Thomas, David, Isaac, Robert, Alexander the home place, George, John and James. Daughters: Martha Allison (widow) and Lydia Knox. Grandsons: Thomas (James' son) Thomas (Isaac's son), Thomas and Jacob (George's sons). Others: Thomas Allison, Thomas Knox. Ex: Sons Thomas and Robert. Witnesses: Thomas Irwin and Philip Patmer.

William Gilbert (Book G, page 46), August 12, 1787. Son: Eleazer. Daughters: Huldah (or "Huldreth day"), Mary. Granddaughter: Rachel Backer. Executor: Friend John Gross. Witnesses: Thomas Pinkston, John Cress and Ediff (her X mark) Cress.

George (his X mark) Gentle (Book G, page 45), April 10, 1795. Wife: Firlender (or Felender). Sons: Thomas and Joseph. "Other children" (not named). Executor: Wife, Felender. Test: Nathan (his N mark) Sap (?) and Ralph Ford.

Christina (her D mark) Getchen (Book G, page 48), March 8, 1790. Sons: John and Frederick. Daughter: Elizabeth. Grandchildren: Christina and Elizabeth (children of Jacob Eller), Elizabeth (daughter of Jacob Getchen) and Christina (daughter of John Getchen). Executor: Friend John Getohen (?). Test: Michael Brown, Jr., and John Stranger.

John Graham, a planter (Book G, page 66), February 1, 1795 (of Third Creek). Wife: Sarah. Children: Sarah, Mary, James, Richard, Moses, Margaret, William Armstrong Serah John and Samuel. Executors: Brothers Rich-

ard and James Graham. Test: Benjamin Brandon, John Dickey and John Graham.

James Graham, "old and infirm" (Book G, page 67), September 2, 1788. Sons: Richard, John and James. Daughter: Jane Graham. Grandson: James (son of John). Executor: Son, James. Test: John Lowrance, Jr., John Carrigan and Samuel Young.

Edward (his X mark) Gates (Book G, page 69), September 28, 1799. Wife: Esther. Sons: Joseph. Daughters: Mary (wife of Walter Odaniel), Elizabeth (wife of Lenerd Jones) and Dorothea (wife of Samuel Smith), Rachel (the wife of Richard Lanim. Others mentioned: Daniel Cosgrove. Executors: Wife Esther and son Joseph. Test: George Niblock, John Hembree and Lyddy (her X mark) Hembree.

James Gheen, a cabinet maker, Senior (Book G, page 71), April 26, 1796. Wife: Elizabeth. Sons: James, Joseph (the youngest son). Sons-in-law: John Roberts, Silas Dunn. Daughters: Hannah, Elizabeth, Elenor and Rachel. Grandson: James (son of Thomas Gheen). Executors: Wife Elizabeth and son-in-law Siles Dunn. Test: James Kincaid, Sr., James Kincaid, Jr., and George Dunn.

Ellonor (or Eleonor) Graham (Book G, page 75), May 10, 1782. Sisters: Else, Jane, Agnes. Mother: Agnes Graham. Cousin: Agnes ("daughter of my brother James"), Mary ("daughter of my brother Richard"), Eleanor ("daughter of my brother Joseph"), Elizabeth Gilespey ("my loving sister Janes' daughter"). Executors: Mother Agnes Graham and "brother Richard." No witnesses.

John Gardiner, a miller (Book G, page 77), March 11, 1791. Sons: James, John, Robert and Francis. Daughter: Martha Vickers. Grandson: David (son of Francis). Granddaughter: Francis (daughter of my son Francis Gard-

ner). Executor: Son John. Test: James McCulloch, John Brown and Peter Frieze.

John Garret (Book G, page 81), May 18, 1793. Wife: Mary. Children: Elizabeth, Mary, John, Daniel, William, Wiley and James. Executors: Wife Mary and Daniel Wood. Test: John Baily, Jr., John Wood and Moses Daty.

Henry (his X mark) Gussey (Book G, page 83), August 18, 1794. Wife: Marget Guffey. Sons: John and Henry. Daughters: Jean Luckey, Elizabeth Hughes, Mary Guffey. Executors: Wife Marget and sons John and Henry Guffey. Test: John Evans, Jr., and Samuel Hughes.

William (his X mark) Graham, a farmer (Book G, page 86), December 12, 1787. Wife: Is probably Jean (see Book G, page 64, where this will is unfinished). Sons: John (the home place), James, William (the youngest son). Executors: John Hall and Richard Graham. Witnesses: Robert Love, William Law and Mary Graham.

John Gill (Book G, page 91), April 1, 1796, a noncupative will proven by Mary Dowdy April 5, 1796 and in Goochcan County, May 16, 1796, by Molly Dowdy and Willy Gill. Wife: Agnes. Daughter: Witty Gill. Executor (?): Joseph Wattaus. Test: Wm. Miller, C. S. C.

ROWAN MARRIAGE BONDS.

Henry Bakor, James Bowers (both names used, but James signs) to Barbara Bowers. May 10, 1758. James Bowers and Thos. Fosne or Forster? (Both may be carpenters.)

William Bost to Catharine Goodhart. January 19, 1762. William (his WB mark) Best, William Williams and John Johnston. William Carson (Will Reed). This bond is made in Anson County.

Robert Black to Elenor Russell. March 5, 1762. Robert Black, Henry Horah and John Cussens. (Will Reed.)

Thomas Butner to Sarah Elrode. July 11, 1762(?) 1764.

Thomas Butner, Adam Retner(?) and Adam (his X mark) Butner. (Thomas Frohock.)

John Bibby to Jane Ruth. July 28, 1762. John (his X mark) Bibby, Mark Whiteaker and Joshua Whiteaker. (John Frohock and Thos. Frohock.)

James Buntin to (no name). June 23 (or 28?), 1763. James J. Buntin, Jos. Erwin and John Buntin. (John Frohock.)

James Bell to Margret (or Marget?) Denny. March 25, 1764. James Bell, William Denny and John McKnight. (Thos. Donnell.)

William Baley to Mary Jones. April 3, 1764. William (his B mark) Baley, Wm. Napery (or Nassery) and Matt. Lang. (Thomas Frohock and Will Ca en.)

A note enclosed "April ye 2th Day, 1764, mester John frake Esquer Wee humly in tret yo to let ye berer William Bile have a lisons of mereg we the per have Agred John iany(?). Daved Bale his mark B."

Charles Bussey to (no name). March 28, 1765. Charles (his X mark) Bussey, James Whittier(?), Francis (his E mark) Taylor. (John Frohock.)

George Black to Rachal Wethrow. September 24, 1766. George Black, John Carson and Samuel Withrow. (Thomas Frohock.)

Joseph Burk to Margret Granl (Grant?). December 29, 1766. Joseph (his B mark), Burk, John England and James (his B mark) Burk. ([?]idon Wright.)

Walter Bell (or Bill?) to Margret Duncan. January 3, 1767. Walter Bell and Thomas hill. (John Frohock.)

John Buntin, Jr., to Mary McClun. January 16, 1767. Johny Buntin, John Bonten, Sr., and George Senley. (Thos. Frohock.)

Philip Byer to Mary Somison. February 9, 1767.

Phillip (his X mark) Byer, Fredrick (his X mark) Somison and Gaspar Smith. (Thos. Frohock.)

John Beeman to Margret Hunler (Hunter [?]). May 19, 1767. John beeman, George Smiley, Oliver Wallis and Junius (?) Quick. (Thos. Frohock.)

Henery Ressand Bussle to Sophiah Layle(?). June 10, 1767. Henery Ressand Bussle and Christopher Rindleman. (These are written in Dutch(?) and translated.) (Thos. Frohock.)

Rudome Bussell to Charity Smith. September 4, 1767. Rudome (his R mark) Bussell, John Turner and ———? (in Dutch?). (John Frohock.)

Richard Berry to Ribna(?) Hawkins. September 24, 1767. Richard (his X mark) Berry and William Simpson. (Thom. Frohock.)

John Hawkins and wife send note of consent, September 22, 1767, for their daughter's marriage with Richard Berry.

William Brown to (no name). January 4, 1768. William Brown, Shadreck (his S mark) Williams and William (his P mark) Williams. (Thomas Frohock.)

William Brown to Eliz. Huff. January 4, 1768. William Brown, Jonathan huff and Andrew Endsvoorth. (Thomas Frohock.)

David Butner to Mary Crane. April 9, 1768. David (his D mark) Butner and Wm. Nassery (or Napery?). (Thos. Frohock.)

John Boone to Martha Quin. October(?) 19, 1768. John (his X mark) Boone and Jas. Cooper. (Thos. Frohock.)

Jacob Bringer to Mary Prock. December 5, 1768. Jacob (his i mark) Bringer, Mathias Prock and William Brown. (John Frohock.)

"Thease(?) are to sertify that I Marget apock(?) Doe

Give my face consent to this marriage of my Daughter Mary
to Jacob Brvinger Given from under my hand

MarGert ysock(?)

this 5 Day of Dasember 1768

Wm. Charles Riles."

"This is to Certify That Barringer

William Alexander"

Daniel Brown to Mary Miller. (No other date), 1768.
Daniel Brown and William Patton. (H. ? M. Goune.)

Abraham Brown to Mary Hardmon. January 27, 1769.
Abraham Brown, Joseph (his X mark) Hartmon and Michael Waller. (These men may be Dutch.) (Thos. Frohock.)

Thomas Bestow(?) to Elizabeth Murphy. June 7, 1769.
Thomas (his X mark) Bestow and Zac(?) Craige.

("Clllo ? be kind Enough To Let Thos. Betzer have Lisons
Jas. Craige will be Security Ile Be Over and pay you Fry-
day Pray Let him have thim and you will Greatly Oblige
Sir your Humble Servant

To Clllo(?) John Frohock.

Geo. Magonne"

James Bell to Issabell S lorry(?). June 22, 1769. James
Bell, thomas Hill and John Frohock.

"Mr. Cornall frohack I desir the favour of you to Let
the Bearer James Bell have the Licence for it is By Concent
of all pertys and in so doing you will obledg your humble sir
William White this given from under my hand this twen-
teeth day of June in the ye year of our Lord—1769 wit-
ness present Samuel Hughey

Margret (her X mark) Mcknight

Martin Beffell to Barbary Roadlap(?). June 28, 1769.
Martin (his X mark) Beffell, Paul (his X mark) Beffell and
Dan^l Little.

Joseph Biles to Ann Johnson. November 16, 1769. Jos-
eph Biles, William Frohock and Moses (his M mark)
Pearseⁿ(?). (Thomas Frohock.)

George Bullon (Bullin?) to Hester Stroser. January 28, 1772. George Bullon, Jacob Brown and Conrad Bullon. (These may be in Dutch?)

A letter to Frohock:

“Sir this is to inform you that the Bearer(?) ——— has made shute to my Daughter Jean Brown in purpose of marig and these are to Certify that we are agreed there with.

Sir I Remain your hu¹ ser^t Margret Brown.

December the 1, 1769.”

There are few “ts” crossed in the above note.

William Brown to Dianna Davis. May 6, 1772. William (his X mark) Brown, Jno. Blaloc (lry[?]) and Henry Strange. (John Frohock.)

Benjamin Burgin to Lear Man (or Mar?). November 18, 1772. Benjamin Burgin and Dan¹ Little. (Ad. Osborn.)

A note to Mr. Osborn (Clerk) from George Davison(?) November 18, 1772.

Joseph Bryan to Easter Hampton. November 30, 1772. Joseph Bryan and John Bryan. (Ad: Osborn.)

William Bailey to Isbell Berson (or Benson?). August 10, 1774. William Bailey, Andrew Reed. (Ad: Osborn.)

John Bryant to Rebenah Orten. August 26, 1774. John Bryan and John orten. (Ad Osborn.)

Jacob Brown to Elizabeth Artmire. August 29, 1774. Jacob (his X mark) Brown and Dan¹. Little. (Ad Osborn.)

Thomas Blackmore to Anne Cornelison (“Spinster”). September 6, 1774. Thomas Blackemere and Garritt (his X mark) Cornelison. (Ad Osborn.)

James Barr to Elizabeth McCorkle. December 18, 1774. James Barre and Matt: Troy. (Ad Osborn.)

Robert Buntain to Sarah Renshaw. January 18, 1775. Robert Buntain and Elijah Renshaw. (James Robinson.)

Joshua Baldwin to Elizabeth Wells. January 28, 1775.

Joshua Baldwin and William (his X mark) Wells. (Jam^s. Robinson.)

Valentine Beard to Obediance Giles. February 14, 1775.
Valentine Beard and John Lewis Beard. (Ad Osborn.)

Harmon Butner to Jemima Merrill. February 28 (20?), 1775. Hermon Butner and Jonathan Conger. (No name.)

Andrew Boston to Sarah Hunehparier. May 25, 1775.
Andrew Boston and George Savadge. (These above may be Dutchmen.) (David Flowers.)

Peter Butner to Betty Bussell. August 3, 1775. Peter butner and Pressley Bussell. (Ad Osborn.)

William Brandon to Hannah Erwin. September 6, 1775.
William Brandon and David Woodson. (D. Flowers.)

Daniel Biles to Jean Conger. December 30, 1775. Daniel Biles and Jonathan Conger. (Ad: Osborn.)

Ruliff(?) Booe to Mary Bushellson. March 9, 1776.
Ruliff (his R mark) Booe and John Hunter ("huter.") (Ad: Osborn.)

John Barr to Mary King. March 28, 1776. John Barr and Thos. King. (Ad Osborn.)

William Bell to Margaret McNeely. April 1, 1776. William Bell and James Brandon. (Ad: Osborn.)

James Benson to Margret Kerr. December 1, 1777.
James Benson and Joseph Kerr. (Ad. Osborn.)

Samuel Brace to Dorothy Davis. February 4, 1778.
Samuel Brace and William Brandon.

Henry Bullinger to Mary Savits. December 20 (28?), 1778. Henry bollinger(?) and George Savits(?). (These are in Dutch?) (William B. Davie.)

George Brown to Barbara Wasnbouoy(?). January 2, 1779. George Brown and Jacob Brown. (William R. Davie.)

John Barry to Susanna(?) Patterson(?). February 5,

1779. John (his X mark) Barry and Caleb (his X mark) Bedwel. (William R. Davie.)

John Brinneger to Lucretia Linville. February 9, 1779. John Brinneger and Samuel Bryan. (William R. Davie.)

Harbert Blackburn to Martha Brandon(?). March 4, 1779. Harbert Blackburn and John Brandon. (William R. Davie.)

Samuel Bryan to Rachael Jacks. March 10, 1779. Samuel Bryan and Rudolf March. (Ad: Osborn.)

Samuel Burns(?) (Barns? or Busner?) to Rachel Turner. March 20 28(?), 1779. Samuel Burns(?) (Barns? or Busner?) and James Turner. (Wm. R. Davie.)

George Brandon to Rebena or Rebecca(?) Neely(?). March 22, 1779. George Brandon and Wm. Temple Coles. (Ad Osborn.)

Archibald Bready to Margret Ervin. May 28, 1779. Archabil Breadey and Samuel Irwin. (Ad Osborn.)

A note of consent from Margret's father, George Irwin, "May ye 27, 1779."

Samuel Bryson to Martha Bogle. June 14, 1776(?), 1779(?). Samuel Bryson and Samuel Bogel. (Ad: Osborn.)

Nathan Baddy to Anne Brice. September 9, 1779. Nathan Baddy and John (his X mark) Baddy. (Ad: Osborn.)

James Ballendine (a carpenter) to Ann Burke. December 4, 1779. James Ballantine and James (his i mark) Townsley (a silversmith). (B. Booth Boote.)

Aquilla Barns to Hannah Lee. September 20, 1779. Aquilla D. Barns and Shadrack Barnes. (Ad: Osborne.)

Benjamin Baker to Comfort Sewel. October 8, 1779. Benjamin Baker(?) and Samuel Sewell. (Jo. Brevard.)

Nathan Briggs to Mary Scriviner. September 29, 1779. Nathan Briggs and Thomas (his X mark) Briggs. (Jo. Brevard.)

Patrick Barr to Agness Killpatrick. November 17, 19(?), 1779. Patrick Barr and John Killpatrick. (Ad: Osborn.)

William Buham(?) to Sarah Patterson (a spinster). January 29, 1780. William Batram(?) and William Patterson. (B. Booth Boote.)

Elijah Bank to Effy Gordon. March 15, 1780. X and Willian(?) McKay. (B. Booth Boote.)

Benjamin Biggs and Abigail Trayer(?). May 15, 1780. Benjamin Bigs and Daniel Clary. (B. Booth Boote.)

Elias Baker to Sarah Holbrook (a "spinster"). May 20, 1780. Elias Baker and Beal Baker.

John Beard to Margret Wood. December 4, 1780. John Beard and James McEwen. (Ad Osborn.)

Daniel Bentley to Nancy Lewis. February 8, 1782. Daniel Bentley and Peter (his X mark) Lewis. (Ad: Osborn.)

James Bunch to Hanna Walks. February 7, 1782. James Bunch and Samuel Van Ellen.

Robert Bell to Jane Miller. November 30, 1782. Robert Beel and John Miller. (William Crawford.)

Hugh Boyd to Jean Boyd. December 13, 1782. Hugh Boyd and Thos. Anderson. (William Crawford.)

John Baldridge to Margaret Poston. July 29, 1782. John Baldridge and Dorunton(?) Poston. (J. H. C. Caule.)

Obediah Baker to Patience Roberts. December 20, 1782. Obediah (his X mark) Baker and David Woodson.

William Bone to Margret Lansden. February 25, 1783. William Bone and Robert Lansden. (Ad: Osborn.)

Thomas Bolph to Mary Harison. January 20, 1783. Thomas Boolph and Abener (his X mark) Schetor. (William Crawford.)

Benjamin Boone to Mary Wilson. February 25, 1783. Benjamin Boone and Ebenezer frost.

Thomas Biles to Tabithah Marburry. March 5, 1783.
Thomas Biles and Charles Biles.

Thomas Brotherton to Mary McLeland. March 17, 1783.
Thomas Brotherton and John Bons. (T. H. McCaule.)

John Braley to Mary Beatie. May 5, 1783. John Braley
(no other witness.)

Christopher Baker to Agnes Forster. May 13, 1783.
Christopher Baker and Conrad Brem.

George Burkhard to Mary Kipley. June 24, 1783.
George (his X mark) Burkhard and Henry Winkler.

Isaiah Brown to Jean McKee. July 22, 1783. Isaiah
Brown and Alex McKee. (Ad: Osborn.)

William Brown to Eliz. Hughey. October 15, 1783. Wil-
liam Brown and James Houston.

William Beard to Elizabeth Brevard. November 17(?),
1783. William Beard and Zebulon Bravard. (Ad: Osborn.)

Andy Brison to Agness Naill. Dec. 17, 1783. Andy Bry-
son and Pamall(?) Nail? (Moses *? ylie.)

John Brevard, junior, to Hannah Thompson. December
22, 1783. John Brevard and Ad. Brevard. (T. H. Mc
Caule.)

Jacob Bullinger to Caty Savits. June 15, 1784. Jacob
Bollinger and George Savits. Hugh Magoune.

Samuel Berkley to Mary Davis. July 5(?), 1784. Sam-
uel (his X mark) Barkley and Henry Davis. Hugh Ma-
goune.

Daniel Beem to Mary Neely. October 1784. Daniel
Beem and Elijah Renshaw. (H. Magoune.)

Abraham Brown to Cathrine Bonorher Borrrohey(?).
October 18, 1784. Abraham (his X mark) Brown and
Charles Dunn. (H. Magoune.)

James Barr to Elizabeth McCaule. January 24, 1785.
James Barr and Harris. (No name.)

Lewis Beard to Susan Dunn. January 27, 1785. Lewis Beard. (No witnesses.)

Geo. H. Berger to Cathrine Casper. March 23, 1785. Geo. H. Burger(?) and Ad: Osborn.

Martin Basinger to Mary Braun. June 11, 1785. Martin Basinger and Martin Bettle. (Hu. Magonne.)

James Brown to Fanny Johnston. August 29, 1785. James Brown and Moses Linster.

John Bartly to Jean Knox. November 3, 1785. John Bartly and Samuel Knox. (Margret Chambers.)

John Bowers to Mary Moore. December 23, 1785. John Bowers and Val: Beard.

William Brown to Phoebee Gillom. January 12(?), 1786. William Brown and Philip Fishburn. (W. W. Erwin.)

Henry Bryan to Elizabeth Sparks. February 11, 1786. Henry Bryan and Thos. Enochs. (W. W. Erwin.)

Joseph Brown to Susannah Whitaker February 23, 1785 1786(?). George Davidson.

Samuel Bellah to Jean Morgan. July 15, 1786. Samuel Bellah and Mo.^s Bellah. (Jno. Macay.)

John Buckner to Lucretia Tatom. July 22, 1786. John (his X mark) Buckner and Henry Whiteaker.

Thomas Bailey to Jean Bailey. August 29, 1786. Thomas Bailey and Jno. Bailey. (Jno. Macay.)

Jadock Bell to Nancy Begerly. September 16, 1786. Jadock Beall and Evan Bealle. (Jno. Macay.)

Thomas Beatey to Margaret Harden. September 30, 1786. Thomas Beaty and William Harden. (Jno. Macay.)

Michael Beard to Margaret Zevelly. January 9, 1787. Michael Beard and J. L. Beard.

Corbin Bevins to Katerine West. February 12, 1787. Corbin (his X mark) Bevins and William (his X mark) West. (Wm. Cupples.)

James Barkley to Sarah Knox. April 14, 1787. Henry (his O mark) and William Knox. (Max Chambers.)

William Bowman to Elizabeth McFarson. May 14, 1785. William Bowman and John Mcpherson. (Ad. Osborn.)

Charles Bealey to Mary Gibson. May 26, 1787. Charles Beaty and John (his X mark) Albright. (Jno. Macay.)

John Bone to Rebecca Potts. October 24, 1787. John Bone and Henry Potts. (D^d. Caldwell.)

James Bell to Ellinor McNeely. November 15, 1787. James Bell and Alexander McNeely. (J. McEwen.)

John Ball to Agness Adams. January 5, 1788. John Ball and Abraham Adams. (J. McEwen.)

Benjamin Brandon to Mary Knox. February 4, 1788. Benjamin Brandon and James Wilson. (Dav Crawford.)

John Boyd to Hannah Boyd. February 16, 1788. John Boyd and Thomas Thompson. (Ad. Osborn.)

William Braley to Honour Carson. February 21, 1788. W. L. B. Y.(?) and Hugh Carson(?). (J. McEwen.)

Humphrey Brooks to Lettice Boleware? February 24, 1788. Humphrey Brooks and William (his X mark) Wammock. (J. McEwen.)

Thomas Bracken to Mary Brenonger. March 21, 1788. Thomas (his X mark) Bracken and William Button (or Butter?) (J. McEwen.)

David Blaze to Elizabeth Wenkler. May 31, 1788. David Blace ? Winkler (in Dutch?) (William Alexander.)

John Brown to Elizabeth Brown. July 21, 1788. John Braun(?) and Hugh Gray. (Ad. Osborn.)

John Brown to Mary McCulloch. November 26, 1788. John Brown and John Bowman. (? Yarbrough.)

Arron Varas to Rebecah Woods. August 7, 1788. Aaron voh? and William Donaldson. (Wm. Alexander.)

Philip Baruhezer to Dally Clover. January 25, 1789.
Philip (his b mark) Boruhizir and (? in Dutch?) (W. J. S. Alexander.)

Abraham Buck to Elizabeth Waggoner (?). February 24, 1789. (They are so blotted, I can not make them out.) (Will Alexander.)

John Brandon to Jane Knox. March 10, 1789. John Brandon and Absalom Knox. R. Martin for (Ad. Osborn.)

Robert Bradshaw to Betsy Haden. April 3, 1790. Robert Bradshaw and Dugless Haden. C. Caldwell D C pro (Ad. Osborn C C.)

Samuel Baley to Tomith Pearson. August 11, 1789. Samuel (his X mark) Baley and Robert Foster. (Basil Gaither.)

Christopher Brandon to Sarah Newman. October 15, 1789. Christopher Brandon and John Brandon(?).

David Boston to Barbarra Lydehher. November 3, 1789. David (his B mark) Boston and Peter Faust. (Evan Alexander.)

William Bateman to Ruth Pinston. November 23, 1789. William batemans and J. G. Laumann. (Ed. Hains.)

Samuel Bracking to Ann Breneger. December 20, 1789. Samuel (his X mark) Byacking(?) and William Butler. (Basil Gaither.)

RESOLUTIONS OF RESPECT TO THE MEMORY
OF MRS. HELEN DE BERNIÈRE HOOPER
WILLS, WHO DIED JUNE 24, 1911

IN MEMORIAM.

Whereas, God in His all perfect love and wisdom has seen it was well to remove from earth to a brighter, higher life our faithful member and beloved Genealogist and Historian, Mrs. Helen De Bernière Hooper Wills:

THEREFORE BE IT RESOLVED, That the North Carolina Society, Daughters of the Revolution, deploras the great loss sustained in her death.

That they are truly grateful for the noble example of her well-spent life and fully realize that our Society has lost one of its most loyal, useful and wisest members, who held the esteem and love of all the other Daughters, whose devotion to the organization was realized in the painstaking service of the most valuable years of her life.

That they will ever feel the absence of her presence, and lament the loss of her impartial guidance and wisdom in council, of her usefulness in a special line that knew not the bounds of any particular State.

That we tender to the afflicted family our heartfelt sympathy in this great sorrow.

That these resolutions be spread upon the minutes of the Society and a copy sent to the family.

MARY HILLIARD HINTON,
MRS. E. E. MOFFITT,
MRS. HUBERT HAYWOOD,
MRS. JAMES E. SHEPHERD,
Committee.

INFORMATION

Concerning *the* Patriotic Society

"Daughters of the Revolution"

The General Society was founded October 11, 1890,—and organized August 20, 1891,—under the name of "Daughters of the American Revolution"; was incorporated under the laws of the State of New York as an organization national in its work and purpose. Some of the members of this organization becoming dissatisfied with the terms of entrance, withdrew from it and, in 1891, formed under the slightly differing name "Daughters of the Revolution," eligibility to which from the moment of its existence has been *lineal* descent from an ancestor who rendered patriotic service during the War of Independence.

"The North Carolina Society"

a subdivision of the General Society, was organized in October, 1896, and has continued to promote the purposes of its institution and to observe the Constitution and By-Laws.

Membership and Qualifications

Any woman shall be eligible who is above the age of eighteen years, of good character, and a *lineal* descendant of an ancestor who (1) was a signer of the Declaration of Independence, a member of the Continental Congress, Legislature or General Court, of any of the Colonies or States; or (2) rendered civil, military or naval service under the authority of any of the thirteen Colonies, or of the Continental Congress; or (3) by service rendered during the War of the Revolution became liable to the penalty of treason against the government of Great Britain: *Provided*, that such ancestor always remained loyal to the cause of American Independence.

The chief work of the North Carolina Society for the past eight years has been the publication of the "North Carolina Booklet," a quarterly publication on great events in North Carolina history—Colonial and Revolutionary. \$1.00 per year. It will continue to extend its work and to spread the knowledge of its History and Biography in other States.

This Society has its headquarters in Raleigh, N. C., Room 411, Carolina Trust Company Building, 232 Fayetteville Street.

The
NORTH CAROLINA BOOKLET

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

Published by
THE NORTH CAROLINA SOCIETY
DAUGHTERS OF THE REVOLUTION

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

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SIR FRANCIS DRAKE.

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SIR WALTER RALEIGH AND HIS ASSOCIATES*

By R. D. W. CONNOR.

We are standing today on the threshold of American history. At no other point is it possible to obtain so general a view, so broad a sweep of the whole field of achievements by men of the English race in the New World as on this historic spot. The whole panorama of American history unrolls itself before us. That history began more than three hundred years ago when men of the English race, landing upon the sand banks which guard our eastern shore, laid their first firm grasp upon the American continent. How unconscious were those obscure sailors that they were there enacting one of the most significant scenes in the world's history! Three and a quarter centuries have elapsed since that day, yet even now, after all the tremendous results that have followed in their train, we cannot fully appreciate the vast significance of that simple ceremony. But for that ceremony there may never have been a "Citie of Raleigh in Virginia," Jamestown and Plymouth Rock may never have become immortal names in American history, and English settlers may never have found their way to the shores of Albemarle Sound. Perhaps Wolfe might never have scaled the Heights of Abraham and Daniel Boone might never have cleared the way for English civilization beyond the Alleghanies. There may have been no Thomas Jefferson to write a Declaration of Independence, no George Washington to make good its prin-

* Address by R. D. W. Connor before the Roanoke Island Colony Association, upon its annual pilgrimage to Roanoke Island, August 18, 1911, the 324th anniversary of the birth of Virginia Dare.

ciples for the benefit of all mankind, no Constitution of the United States to apply them practically to the government of a mighty people. For there upon the coast of North Carolina men speaking the English language, thoroughly imbued with the principles of English law and English liberty, first set foot on American soil with a view to permanent possession, and thus led the way to the planting of English civilization amid the wild forests of the New World.

I am fully aware that many eminent historians sharply dissent from this view. They count Sir Walter Raleigh's efforts to plant an English colony on Roanoke as among the great failures of history. This seems to me a narrow, short-sighted view. It would doubtless be correct were it possible to say that the history of the Roanoke settlements began abruptly in the year 1584 and ended abruptly in the year 1587. But you cannot measure great historic events with a yard stick. Men die, ideas are immortal. The idea of another England beyond the waters of the Atlantic, conceived by the master mind of Sir Walter Raleigh, was the germ from which, through the developments of three centuries, has evolved the American Nation of the twentieth century. There is a vital connection, both physical and spiritual, between Roanoke and Jamestown. Among those who founded Jamestown were ten of the men who had coöperated with Raleigh in the settlements at Roanoke. In these men we have the physical connection between the two, while to the idea conceived by Raleigh and to the spirit of conquest and colonization which his attempts on this island called into existence, the English race in Europe, in Asia, in Africa, in Australia and the islands of the sea, and in America, owes the world-wide predominance which it today enjoys among the races of mankind. Nothing can be clearer, therefore, than that we, looking back over the events of the last three centuries, can hail the Roanoke settlements as the

beginning of English colonization in America and throughout the world.

The details of no event in English or American history have been more faithfully recorded, or are better known than the details of the three expeditions which Sir Walter Raleigh, during the years 1584-1586, sent to Roanoke Island. No good purpose, therefore, would be served were I now to repeat that familiar story. Of the authors of those events, however, the same cannot be said. Even in England, whose history was so greatly enriched by their splendid deeds, an eminent British historian classes some of them as among "England's forgotten worthies." Their memory deserves a better fate from English-speaking peoples on either side of the Atlantic. Men who conceive and men who execute great ideas should forever be held in honorable esteem that subsequent generations of their fellow-men may be inspired to emulate their deeds and characters. Such a man was Walter Raleigh, and such, too, were Philip Amadas, Arthur Barlow, Ralph Lane, John White, Sir Francis Drake, Sir Richard Grenville, Thomas Cavendish and Thomas Harriot—that group of brilliant soldiers, sailors, adventurers and scholars whose names are inseparably connected with the story of Roanoke and to whose genius England owes her immense colonial empire of today.

The marvelous deeds by which these men laid the foundations of that vast empire found their inspiration in loyalty to queen and country, love of liberty, and devotion to religious convictions. At various times in English history an attack on any one of these sentiments has been sufficient to call forth the mightiest exertions of the English nation; during the closing years of the sixteenth century all three were attacked at one and the same time by one and the same arrogant power. Philip II of Spain, proclaiming Elizabeth of England an usurper, had laid claim to her throne. Mighty

armies and navies had been levied and equipped throughout his boundless dominions for the sole purpose of establishing the despotism of Castile by overthrowing the liberties of England. The Pope of Rome had commissioned His Most Catholic Majesty to lead a crusade against the National Church of England and "to inaugurate on English soil the accursed work of the inquisition." As one man, without regard to religious convictions or sectarian prejudices, the people of England sprang to the defense of the throne, the constitution, and the church with an enthusiasm that stirs our blood with pride even after the lapse of three centuries. In this contest with Spain, England was "pitted against the greatest military power that had existed in Europe since the days of Constantine the Great. To many the struggle seemed hopeless. For England the true policy was limited by circumstances. She could send troops across the channel to help the Dutch in their stubborn resistance, but to try to land a force in the Spanish peninsula for aggressive warfare would be sheer madness. The shores of America and the open sea were the proper field of war for England. Her task was to paralyze the giant by cutting off his supplies, and in this there was hope of success, for no defensive fleet, however large, could watch all Philip's enormous possessions at once."¹ This was the work which was done so effectively by Raleigh and Drake, Amadas and Barlow, Grenville and Cavendish, that even until this day it has never been necessary to do it over again.

Before I undertake to point out the special service which entitles each of these men to an honorable place in our history, let me refresh your memories by stating briefly the relation which each bore to the Roanoke settlements. The connection of Sir Walter Raleigh with these events is known of all men. Philip Amadas and Arthur Barlow, you will remember, were the captains of the expedition dispatched

¹ Fiske: "Old Virginia and Her Neighbors," I, 11, 22.

by Raleigh in 1584 to explore the country and select a place for the contemplated colony. Ralph Lane was governor of the colony sent out in 1585. The fleet in which his colony sailed was under the command of Sir Richard Grenville. With Grenville sailed that "wonderful Suffolk boy," Thomas Cavendish, aged twenty-two years, who, before he had reached his twenty-ninth year, had rivaled the exploits of Sir Francis Drake in the Pacific and circumnavigated the globe. Two of the colonists with Lane were John White, afterwards governor of the "Lost Colony," and Thomas Harriot, the historian and scientist of the colony, to whose scholarly narrative we are indebted for most of our knowledge of its history. And finally there was Sir Francis Drake, whose timely arrival at Croatan in the summer of 1586 afforded Lane's homesick men an opportunity of returning to England.

The impelling mind behind the achievements of these men was the mind of Walter Raleigh. Grenville, Amadas, Barlow, Cavendish, and the other glorious English "sea kings" of the sixteenth century understood England's problem well enough so far as it involved the ravaging of Spanish coasts and the plundering of Spanish treasure ships. But Raleigh understood that something greater and more permanent than such exploits was needed to establish English supremacy in Europe and America. It was not sufficient for England to destroy the power of Spain; she must at the same time build up the power of England. English colonies in North America would not only offset Spanish colonies in the West Indies, Mexico and South America, they would also develop English commerce and afford an outlet for English manufactures. All this the far-seeing mind of Raleigh perceived in his great design. The work of Grenville, Cavendish and their fellow-rovers, though of vital importance to the accomplishment of England's destiny, was destructive; Raleigh's work was constructive in the highest degree. "An idea like

his has life in it, though the plant may not spring up at once. When it arises above the surface the sower can claim it. Had the particular region of the New World not eventually become a permanent English settlement, he would still have earned the merit of authorship of the English colonizing movement."² "Baffled in his first effort to plant the English race upon this continent, he yet called into existence a spirit of enterprise which first gave Virginia, and then North America, to that race, and which led Great Britain, from this beginning, to dot the map of the world with her colonies, and through them to become the greatest power of the earth."³

First among the agents selected by Raleigh to carry his great design into execution were Philip Amadas and Arthur Barlow. Though these two daring sailors were the pilots of that great Anglo-Saxon migration from England to America which ranks among the greatest events in the history of the human race, yet the details of their lives are almost totally unknown. The fact that they were selected by so keen a judge of men as Sir Walter Raleigh to command his expedition sets them much above the average adventurers of their day. They were, as we know, bold and experienced navigators. The manner in which they conducted the enterprise entrusted to them showed them worthy of the trust placed in them. No expedition into an unknown region was ever conducted with more complete success. From first to last such was the judgment and skill of the commanders that not a single mishap occurred to mar their triumph. The report which they submitted to Raleigh upon their return to England reveals a thorough understanding of their profession and an extraordinary keenness of observation coupled with rare good judgment. In their dealings with the savages they displayed firmness of temper guided by brilliant diplomacy and clear comprehension of the savage character. That Sir

² Stebbin: "Sir Walter Raleigh," p. 48.

³ Henry: "Sir Walter Raleigh," in Winsor's Narrative and Critical History of America, III, 105.

Walter Raleigh was pleased with the manner in which they conducted their enterprise is evident from the fact that in the colony which he sent out under Ralph Lane, in 1585, he appointed Amadas to the high and responsible position of "Admiral of Virginia."

In Ralph Lane, Raleigh found a leader in whom were combined in a strange degree the character of the soldier and the spirit of the adventurer. Lane delighted in bold and arduous enterprises, but he always kept his eyes open to the main chance. In his character there appears something of the dauntless spirit of his cousin, the famous Catherine Parr, the last queen of Henry VIII. We find him constantly associated with Burghley, Walsingham, Raleigh, Drake, Hawkins and Grenville in those great events which give to the reign of Elizabeth its chief glory. With Lord Burghley he was on terms of confidential relation and appears frequently in the character of his adviser upon important public affairs. From the queen he received more than one weighty commission. In the very year in which Amadas and Barlow sailed for the New World, Lane wrote that he "had prepared seven ships at his own charges, and proposed to do some exploit on the coast of Spain," and delayed only until he should receive the queen's commission and the title of 'General of the Adventurers.' " When all England was in a fever of excitement over the approach of the Armada, called "Invincible," Lane was entrusted with carrying into effect measures for the defense of the coast, and at a later date was appointed "to assist in the defense of the coast of Norfolk." The next year, after the Armada had been shattered, he sailed with Drake on an expedition to the coast of Portugal, and in 1590 he was with Sir John Hawkins on a similar adventure. During the Irish rebellion of 1593-1594 he served with the royal army and won special commendation for his conduct. Yet in spite of the high consideration in which he was held by England's great leaders, we are told that all his life Lane

was a great beggar. If so he was a royal beggar, for he begged only from his sovereign, as many greater men have done, and in his mendicancy there was nothing mean or groveling. Sir Henry Wallop complained to Lord Burghley that Lane, while sheriff of County Kerry, Ireland, expected "to have best and greatest things in Kerry, and to have the letting and setting of all the rest."⁴

Such was the man whom Raleigh selected to lead his first colony. At the time Lane was on duty for the crown in Ireland, but the queen ordered a substitute to be appointed in his government of Kerry and Clammorris, "in consideration of his ready undertaking the voyage to Virginia for Sir Walter Raleigh at Her Majesty's command." The event proved the wisdom of the choice. In his management of the colony Lane displayed executive ability and foresight. His dealings with the Indians were courageous and sagacious. He pushed his explorations with energy and intelligence. As Hawks has well said, a review of his conduct reminds us forcibly of the proceedings of Captain John Smith under circumstances not unlike his own. Lane remained at Roanoke only one year. At the end of that time force of circumstances over which he had no control compelled him to choose between starvation and the abandonment of the undertaking. Like a prudent man upon whom devolved the responsibility of men's lives, after making every reasonable effort to carry his work to successful conclusion, he reluctantly and regretfully chose the latter alternative. For this choice historians have censured him because, a few days after his departure, Sir Richard Grenville arrived at Roanoke with men and supplies sufficient to have placed the colony on its feet. But Grenville had long been overdue, and fairness to Lane requires that we should judge his conduct by the information which he had at the time, not by that which we now have. It is plain that he had no intention of returning

⁴ See "Dictionary of National Biography," XXXII, 77-78; also Sainsbury's "Calendar of State Papers; Colonial Series, 1574-1660," 2-4.

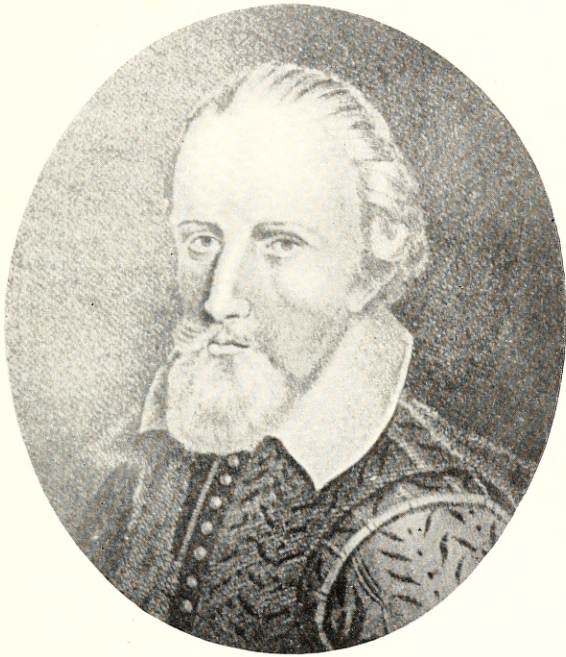
to England until driven to it, as he said, by "the very hand of God as it seemed." Certainly Elizabeth, Raleigh, Drake and England's other great leaders, did not regard his course unfavorably, for we find them shortly afterwards, at that supreme moment in England's history when the great Armada was bearing down on her coast, summoning him to their most secret councils of war and entrusting him with important commands; and in 1593, as a reward for services to the crown, we see him kneeling before the great queen's representative to receive the honor of knighthood. Dire necessity occasioned by causes beyond the control of man drove him against his will to his final decision and put an end to the first attempt to found an English colony in America.

The fleet which transported Lane's colony to Roanoke was under the command of one of the most remarkable men in an age of remarkable men. Sir Richard Grenville combined in his character all the faults and virtues of the age in which he lived. Brave, loyal and ambitious, he was proud, tyrannical and cruel. Ralph Lane complained of his "intolerable pride and insatiable ambition" during the voyage to Roanoke, and declared that by reason of his "tyrannical conduct from first to last, the action has been most painful and most perilous."⁵ From others of his contemporaries, as well as from his own conduct, we learn that he was a man of "very unquiet mind and greatly affected to war," and that his nature was so "very severe" that "his own people hated him for his fierceness." But if his followers hated him for his cruelty, they admired him for his daring. No enterprise was too hazardous for his courage, no hardship too severe for his endurance, if it offered opportunity for either riches or glory. To his credit let it be said that with Grenville the search for wealth was a mere incident in his search for fame. In the service of his queen and country he counted no odds too great if only glory and honor waited upon success.

⁵ Lane to Walsingham, "Calendar of State Papers, Colonial Series," 3.

Grenville's career is intimately connected with the events which we commemorate today. He first became interested in America through Sir Humphrey Gilbert, whose untimely death cut off prematurely one of the choicest spirits of the Elizabethan Era. After Gilbert's death he allied himself with his cousin, Sir Walter Raleigh, by whom he was placed in command of the fleet which bore Lane's colony across the Atlantic. That he did not underestimate the importance of the part he played in that event is shown by the fact that upon his return to England he wrote to Walsingham that he "had performed the action directed and discovered, taken possession of and peopled a new country and stored it with cattle, fruits and plants." Returning from Roanoke in 1585 he had his first brush with Spain when he was attacked by a Spanish man-of-war which, "after some fighting," he overpowered and captured. The following year he made a second voyage to Roanoke, which he found deserted. Leaving fifteen men to retain possession he again turned his prow eastward. No good British sailor of the sixteenth century thought that he had done his full duty to the queen if he crossed the Atlantic without carrying home some trophy of his prowess won from Spain. Grenville was not the man to form an exception to this rule. On his return voyage, in 1586, he touched at the Azores long enough to attack, capture and pillage the Spanish towns there and to carry off for ransom a number of important prisoners. In all the British kingdom Spain had no more implacable foe, nor a more dangerous one. Not Drake himself held her power so cheaply or manifested his contempt more plainly.

Grenville's adventurous career was finally brought to a close by an amazing exploit "memorable even beyond credit and to the height of some heroical fable"—an exploit commemorated by Tennyson in one of the most stirring ballads in our language. It was in the year 1591. Lord Thomas



SIR RICHARD GRENVILLE.

Howard, commanding a squadron of sixteen sail, had taken post at the Azores to intercept the Spanish treasure fleet upon its annual voyage from Mexico and Peru to Spain. In this squadron was the *Revenge*, commanded by Sir Richard Grenville, vice-admiral of the fleet, a ship of 500 tons burden, carrying a crew of 250 sailors. In the great fight against the Armada she had been the flagship of Sir Francis Drake, yet it is not Drake, but Grenville whose name occurs to us when the *Revenge* is mentioned. Soon after his arrival at the Azores, scurvy broke out among Lord Howard's crew and in a short time half his men were down with this hideous disease. While the epidemic was at its climax, a swift dispatch boat from England arrived on the scene with tidings that a powerful Spanish armament of fifty-three sail was bearing down upon the English fleet.

Then swore Lord Thomas Howard: " 'Fore God, I am no coward!
But I cannot meet them here, for my ships are out of gear,
And the half of my men are sick. I must fly, but follow quick.
We are six ships of the line; can we fight with fifty-three?"

Then spake Sir Richard Grenville: "I know you are no coward;
You fly them for a moment to fight with them again.
But I've ninety men and more that are lying sick ashore.
I should count myself the coward if I left them, my Lord Howard,
To these Inquisition dogs and the devildoms of Spain."

So Lord Howard, crowding his sails, departed, leaving Grenville to follow as soon as he had brought his sick men aboard.

And they blessed him in their pain, that they were not left to Spain,
To the thumbscrew and the stake, for the glory of the Lord.

Scarcely had Sir Richard completed his task when the Spanish fleet, carrying five thousand sailors, hove in sight. Then the sturdy British tars, hankering for a tussle with the Dons, inquired of their leader:

"Shall we fight or shall we fly?
 Good Sir Richard, tell us now,
 For to fight is but to die!
 There'll be little of us left by the time the sun be set."
 And Sir Richard said again: "We be all good Englishmen.
 Let us bang these dogs of Seville, the children of the devil,
 For I never turned my back upon Don or devil yet."

Cheer after cheer from the throats of the British seamen greeted this stirring reply as—

sheer into the heart of the foe,
 With her hundred fighters on deck, and her ninety sick below,
 the little *Revenge* plunged into the midst of the jeering
 Spaniards.

Four galleons drew away
 From the Spanish fleet that day,
 And two upon the larboard and two upon the starboard lay.
 And the battle-thunder broke from them all.

* * * * *

And the sun went down, and the stars came out far over the summer sea,

But never a moment ceased the fight of the one and the fifty-three.
 Ship after ship, the whole night long, their high-built galleons came,
 Ship after ship, the whole night long, with her battle-thunder and
 flame;

Ship after ship, the whole night long, drew back with her dead and her shame.

For some were sunk and many were shatter'd, and so could fight us no more—

God of battles, was ever a battle like this in the world before?

Wounded to the death, as he lay upon his deck, Sir Richard Grenville cried:

"Sink me the ship, Master Gunner—sink her, split her in twain!
 Fall into the hands of God, not into the hands of Spain!"

And the gunner said, "Ay, ay," but the seamen made reply:

"We have children, we have wives,

And the Lord hath spared our lives;

We will make the Spaniards promise, if we yield, to let us go;

We shall live to fight again, and to strike another blow."

And the lion there lay dying, and they yielded to the foe.

And the stately Spanish men to their flagship bore him then,
Where they laid him by the mast, old Sir Richard caught at last.
And they praised him to his face, with their courtly foreign grace;
But he rose upon their decks, and he cried:
"I have fought for Queen and Faith like a valiant man and true;
I have only done my duty as a man is bound to do;
With a joyful spirit I, Sir Richard Grenville, die!"
And he fell upon their decks, and he died.

The modern historians, who are accurate if not entertaining, tell us that of the fifty-three ships in the Spanish fleet, thirty-eight were transports and only fifteen were men-of-war. But whether fifteen or fifty-three makes but slight difference. "When we have before us the fact that 150 men during fifteen hours of hand-to-hand fighting held out against a host of 5,000, and yielded only when not more than twenty were left alive, and those grievously wounded, the story * * * is not rendered more interesting and scarcely less wondrous by trebling the number of the host." And we are prepared to believe James Anthony Froude, although his critics assure us that he had no authority for his statement, when he tells us that this action of the *Revenge* "struck a deeper terror, though it was but the action of a single ship, into the hearts of the Spanish people; it dealt a more deadly blow upon their fame and moral strength than the destruction of the Armada itself, and in the direct results which arose from it it was scarcely less disastrous to them."⁶

One of the vessels of Grenville's fleet which conveyed Lane's colony to Roanoke in 1585 was commanded by Thomas Cavendish, in whom Grenville must have found a congenial spirit. Cavendish, like many other noblemen and gentlemen of the times, having squandered his patrimony, had determined to repair his fortune at the expense of the common enemy. The voyage to Roanoke, made in a ship fitted out at his own charge, was his first maritime adventure. He proved an apt scholar of his masters, Grenville and Drake.

⁶ See "Dictionary of National Biography," XXIII, 122-124; "Calendar of State Papers," 2-4.

While waiting at San Juan de Porto Rico, ostensibly to build a pinnace, he and Grenville pounced upon and captured two Spanish frigates which contained "good and rich freight and divers Spaniards of account," whom they ransomed "for good, round sums." This employment we can well believe proved more congenial to the tastes and temper of Cavendish than Raleigh's scheme of "Westerne Planting."

Upon his return from this voyage Cavendish, incited by the exploits of Drake and Hawkins, prepared on his own account an expedition to circumnavigate the globe. His fleet consisted of three small vessels, the *Desire*, 140 tons; the *Content*, 60 tons, and the *Hugh Gallant*, 40 tons, and carried 123 sailors. Sailing from the west coast of England, Cavendish steered straight for the Spanish main where he repeated the exploits of Drake, sinking Spanish ships, burning Spanish towns and ravaging Spanish coasts. Throughout Spanish-America his name soon became a signal for terror and consternation. Running down the Atlantic coast of South America he passed through the Strait of Magellan out into the Pacific. Hunger, storms and battles had so reduced the number of his crew that he found it advisable to sink the *Hugh Gallant*, and with the *Desire* and the *Content* pursued his voyage northward until he touched Lower California. There falling in with the *Great St. Anna*, 700 tons, the private property of the king of Spain, he took her after a desperate battle of six hours. Her cargo of 600 tons of the richest merchandise and more than \$20,000 worth of gold, proved a prize well worth taking. Yet so heavily were his ships already loaded with Spanish plunder that Cavendish was forced to send the greater part of this new treasure to the bottom along with the stately Spanish galleon. The historian of the expedition, an officer aboard the *Desire*, declares that "this was one of the richest vessels that ever sailed the seas; and was able to have made many hundreds wealthy if we had had means to have brought it home." Satisfied now

with the results of his expedition, Cavendish decided to leave the *Content* to pursue her own way, and on November 19, 1587, turned the prow of the *Desire* homeward by way of the Cape of Good Hope. "On September 10, 1588," records the chronicler of his exploits, "like wearied men, through the favor of the Almighty, we got into Plymouth, where the townsmen received us with all humanity."

All England rang with the fame of Cavendish. His exploits became the theme of ballads and his name was on every man's tongue. For a time he held his head high among the best of England's naval heroes. Soon, however, he found that a fortune so easily gained was as easily lost. "Gallantry and following the court" quickly depleted his purse and he again looked toward the usual storehouse with a craving that was not to be resisted. In 1591 he fitted out a second expedition for the Spanish main, but he now sailed under an evil star. Fortune deserted him and after suffering untold horrors from hunger, storms and desertions, he died at sea in 1592, it is said of a broken heart. Something of the endurance required of English seamen of the sixteenth century may be understood when we learn that of the seventy-six men who sailed with Cavendish on this luckless voyage only a "small remnant" of fifteen lived to return and they were so weak from hardships and suffering that when they arrived off Bearhaven, Ireland, they "could not take in or heave a sail."⁷

In the summer of 1586, while Lane and the colonists at Roanoke were anxiously awaiting the long overdue return of Grenville with supplies from England, their anxiety was relieved by the appearance off Croatan of Sir Francis Drake with a fleet in which were counted twenty-three sails. He was a welcome visitor, for he began at once to make preparations to supply the colony with all needful things. But

⁷ "Dictionary of National Biography," IX, 358-363.

while these measures were under way a storm arose which put an end to all plans for relief and resulted in the embarkation of Lane and his homesick men for England.

The man who thus came to the rescue of the forlorn group on Roanoke Island was "until Nelson's time celebrated as the greatest of English seamen." Like Raleigh and Grenville, he was a native of that county of Devon whence have come so many of England's mighty sailors. Drake's mind and character raise him to a height far above Grenville and Cavendish and place him in the company of Raleigh, Blake and Nelson. To Raleigh and Drake, more than to any other men, England owes her world-wide colonial empire. As the former first put into practice the policy of breaking down Spain's colonial power by planting rival colonies in the New World, so the latter first carried into world-wide execution the allied policy of destroying Spain's maritime power by attacking her in American waters. His naval career was begun under no less a leader than Sir John Hawkins, and of course came at once into hostile collision with Spain. Spanish rapacity, cruelty and bigotry, we are told, "taught him the same kind of feeling toward Spaniards that Hannibal cherished toward Romans." Like Hannibal, he swore an eternal enmity to his foe, but in pursuit of his passion he deserved and met with a far better fate.

The most notable of his numerous exploits was the voyage in the *Golden Hind* which first carried the flag of England around the globe. Passing through the Strait of Magellan, with a single ship of only twenty guns, he skirted along the west coast of South America and "from Valparaiso northward along the Peruvian coast, dashed into seaports and captured vessels, carrying away enormous treasures in gold and silver and jewels. * * * With other property he meddled but little, and no act of wanton cruelty sullied his performances. After taking plunder worth millions of dollars

this corsair-work gave place to scientific discovery, and the *Golden Hind* sailed far northward in search of a northeast passage into the Atlantic." In the course of this voyage Drake looked in at the Golden Gate, took possession of California in the name of Queen Elizabeth, christened it New Albion, and after sailing as far northward as Oregon, turned his prow into the Pacific, thence over the Indian Ocean, and rounding the Cape of Good Hope, sailed into the harbor of Plymouth in September, 1580. "The romantic daring of Drake's voyage," says John Richard Green, "as well as the vastness of the spoil, aroused a general enthusiasm throughout England. But the welcome he received from Elizabeth on his return was accepted by Philip as an outrage which could only be expiated by war. Sluggish as it was, the blood of the Spanish king was fired at last by the defiance with which Elizabeth received all demands for redress. She met a request for Drake's surrender by knighting the freebooter, and by wearing in her crown the jewels he had offered her as a present. When the Spanish Ambassador threatened that 'matters would come to the cannon,' she replied, 'quietly, in her most natural voice, as if she were telling a common story,' wrote Mendoza, 'that if I used threats of that kind she would fling me into a dungeon.'" One enthusiast, in an ecstasy of admiration, declared that the *Golden Hind* ought to be set upon the top of St. Paul's Cathedral, "that being discerned farre and neere, it might be noted and pointed at of the people with these true terms: Yonder is the barke that hath sailed round about the world."

In the same year in which Lane's colony landed on Roanoke Island, war having been declared against Spain, Drake fitted out a superb fleet of twenty-three sails and embarked for the Spanish main. On this expedition he took and sacked Cartagena, St. Domingo and St. Augustine and captured twenty prizes carrying 250 cannon.

After these exploits Drake turned his prow northward and skirted along the eastern coast of North America until he came to Roanoke, where he stopped to take a look in upon Raleigh's colony. He was a welcome visitor for, says Lane, he made "a most bountiful and honorable offer for the supply of our necessities to the performance of the action we were entered into; and that not only of victuals, munitions and clothing, but also of barks, pinnaces and boats; they also, by him to be victualled, manned and furnished to my contentation." But while preparations were being made to carry these generous measures into execution "there arose such an unwoonted storme, and continued foure dayes that had like to have driven all on shore, if the Lord had not held His holy hand over them." The vessels of Drake's fleet were "in great danger to be driven from their anking upon the coast. For we brake many cables and lost many ankors. And some of our fleet which had lost all (of which number was the ship appointed for Master Lane and his company) was driven to put to sea in great danger in avoyding the coast, and could never see us againe untill we met in England. Many also of our small pinnaces and boats were lost in this storm." As a result of this experience Lane, after consultation with Drake, decided to embark his colony for England. Then Drake, "in the name of the Almighty, weying his ankors (having bestowed us among his fleet,)" says Lane, "for the reliefe of whom hee had in that storm sustained more peril of wrake than in all his former most honorable actions against the Spanyards, with praises unto God for all, set saile the nineteenth of June, 1586, and arrived in Plymouth the seven and twentieth of July the same yeere."

The next year, in an exploit which thrills our blood even at this day, Drake reached the climax of his daring and audacity. Cruising along the coast of Spain, he suddenly

dashed into the harbor of Cadiz, attacked and sunk the men-of-war there on guard, loaded his ships with the spoils of Mexico and Peru, and calmly set his sails for England. This work he laughingly called "singeing the King of Spain's beard." Philip, one day, invited a lady of his court to go on board his barge on the Lake of Segovia. But the prudent lady declined, saying that she dared not trust herself on water even with his Majesty "for fear of Sir Francis Drake."

It was with their spirits chafing at the insults but cowed by the daring and skill of the English seamen that the sailors and soldiers of Spain set sail in their Invincible Armada for the conquest of England. In that wonderful world-victory for freedom which an eminent historian calls "the opening event in the history of the United States," the name of Sir Francis Drake stands high on the roll of conquerors.⁸

Before taking leave of Cavendish, Grenville and Drake, I wish to say just a word in regard to the character of the warfare which they waged. In the twentieth century we should call those who engaged in such exploits pirates, and their work piracy. But we should do a grave injustice to the memory of those bold men who opened the way to the planting of English civilization in the New World if we should so think of them. The strict and well-defined principles of international law now prevailing throughout the civilized world were totally unknown during the sixteenth century. A Spanish fleet massacred a colony of French Huguenots in Florida and a French ship, fitted out by a private gentleman, retaliated in full measure at a time when the two countries were nominally at peace with each other. As John Fiske says: "A flavour of buccaneering pervades nearly all the maritime operations of that age and often leads modern writers to misunderstand or misjudge them. Thus it some-

⁸ "Dictionary of National Biography," XV, 426-442; Froude: "English Seamen of the Sixteenth Century;" Green: "History of the English People."

times happens that so excellent a man as Sir Francis Drake, whose fame is forever a priceless possession for English-speaking people, is mentioned in popular books as a mere corsair, a kind of gentleman pirate. Nothing could show a more hopeless confusion of ideas. In a later generation the warfare characteristic of the Elizabethan age degenerated into piracy, and when Spain, fallen from her greatness, became a prey to the spoiler, a swarm of buccaneers infested the West Indies and added another hideous chapter to the lurid history of those beautiful islands. They were mere robbers, and had nothing in common with the Elizabethan heroes except courage. From the deeds of Drake and Hawkins to the deeds of Henry Morgan, the moral distance is as great as from slaying your antagonist in battle to murdering your neighbor for his purse."⁹ Even England has on her honor rolls of ten centuries no more glorious deeds, no more honorable names than those of Walter Raleigh, Richard Grenville and Francis Drake. So effectively did those daring men do their work that Philip II, once the mightiest and richest of European monarchs, lived to see his maritime power shattered, his treasury empty and his glory departed. Until this work had been done there could be no hope that English colonies could be successfully planted in America.

Among those who accompanied Lane to Roanoke in 1586 were John White, the artist of the expedition, sent by Raleigh to make drawings of the country and its people, afterwards governor of the Lost Colony; and Thomas Harriot, the historian and scientist of the colony. To none who bore a part in the efforts to plant a colony on Roanoke Island, save to Raleigh alone, do we owe more than to White and Harriot. The work of "these two earnest and true men"—the splendid pictures of the one and the scholarly narrative of the other—preserve for us the most valuable information that we have of "Ould Virginia." They were the intimate friends of

* "Old Virginia and Her Neighbors," I, 24.

Raleigh whose love and loyalty could be affected by no degree of prosperity or ill fortune. "Raleigh," says Henry Stevens, "was blessed in his household, or at his table, or in his confidence, with four sterling adherents who stuck to him through thick and thin, through prosperity and adversity. These were Richard Hakluyt, Jacques Le Moyne, John White and Thomas Harriot. When Wingandacoa makes up her jewels she will not forget these four, whom it is just to call Raleigh's Magi. * * * Together Harriot and White surveyed, mapped, pictured and described the country, the Indians, men and women; the animals, birds, fishes, trees, plants, fruits and vegetables."

We are told that whoever compares the original drawings of White with the engravings of De Bry, "as one may now do in the British Museum, must be convinced that, beautiful as De Bry's work is, it seems tame in the presence of the original water-colour drawings. There is no exaggeration in the engravings." The late Henry Stevens, of Vermont, whose work was done principally in London, who describes himself as "Student of American History, Bibliographer and Lover of Books," predicts that "White's name in the annals of English art is destined to rank high though it has hitherto failed to be recorded in the art histories and dictionaries. Yet his seventy-six original paintings in water-colours, done probably in Virginia in 1585-1586, while he was there with Harriot as the official draughtsman or painter of Raleigh's 'First Colonie' entitle him to prominence among English artists in Elizabeth's reign."

Thomas Harriot was one of the most eminent scholars of his age. No name in English history deserves to take precedence of his in scientific achievement. A graduate of St. Mary's Hall, Oxford, he was engaged by Sir Walter Raleigh to reside with him as his mathematical tutor and adviser in his maritime adventures. In this capacity he was sent by

Raleigh to Roanoke with Lane, and upon his return published at London, in 1588, "A Brief and True Report of the New-found Land of Virginia." This work attracted wide attention both in England and on the continent where it was translated into Latin. The *Edinburgh Review* described it as a work "remarkable for the large views it contains in regard to the extension of industry and commerce," and as one of the finest examples in existence of statistical surveys on a large scale. Harriot, in spite of weak health which, he complained, made him unable to write or even think accurately, and prevented his completing or publishing his work, won a place among the great astronomers and mathematicians of the world. After his death some of his mathematical discoveries were published by his friend, the Earl of Northumberland. "This work," we are told, "embodies the inventions by which Harriot virtually gave to Algebra its modern form." Had Harriot "published all he knew in algebra," says a modern scholar, "he would have left little of the chief mysteries of that art unhandled." In astronomy he applied the telescope to celestial purposes simultaneously with Galileo with whose name his is forever associated in one of the greatest branches of human knowledge. By his wonderful work in mathematics and astronomy Thomas Harriot, the historian and scientist of Roanoke, won for himself a place among "the immortal names that were not born to die."¹⁰

Such were the men, and such was their work which won for English-speaking people the noblest portion of the New World. Without their work all the statesmanship of Burghley and Walsingham would have been ineffective, Elizabeth's glorious reign would probably have ended in disaster and shame, and a long arctic night of bigotry and superstition, like the Dark Ages, would have enveloped Europe in its black and impenetrable folds. That these calamities were

¹⁰ Stevens: "Thomas Hariot and His Associates."

averted, that the power of Spain was crushed never to rise again, that the England of Elizabeth, Shakespeare and Raleigh triumphed over the Spain of Philip, Alva and Menendez, and that English ideals of liberty and law prevail throughout the northern part of America today, the English race throughout the world may thank Sir Walter Raleigh and those bold and daring seamen and adventurers who shattered Spain's naval power and here at Roanoke seized the best part of the New World for England. May we in America never forget that the glorious achievements of the Raleighs, the Drakes and the Grenvilles of that generation are as much a part of our inheritance as are the achievements of the Hancocks, the Jeffersons, the Harnetts and the Washingtons of a later generation.

GOVERNOR BENJAMIN SMITH*

BY COLLIER COBB,

Professor of Geology in the University of North Carolina.

Addressing Governor Kitchin, Professor Cobb said:

May it Please Your Excellency:

On behalf of the North Carolina Society of the Sons of the Revolution, I present through you to the State of North Carolina the portrait of Benjamin Smith, patriot, legislator, soldier, statesman, and philanthropist; builder of highways and of fortifications; conservationist and drainer of swamps; opener of waterways; believer in education for every child within the State, and the first benefactor of the University; Grand Master of Masons; Governor of North Carolina one hundred years before his time, and dreamer of dreams which you, sir, now help to make come true.

LIFE AND PUBLIC SERVICES OF BENJAMIN SMITH.

Benjamin Smith's education began more than a hundred years before he was born, for he came of a race of men who did things. He was descended from Sir John Yeamans, from old King Roger Moore, and his grandmother, Lady Sabina Smith, was the daughter of Thomas Smith, second Landgrave of his name in South Carolina. The father of our present subject was Colonel Thomas Smith, of South Carolina. So far as is known no relationship existed between him and his wife, whose name (as just stated) was also Smith. Thomas Smith, the first Landgrave, had seen rice cultivated in Madagascar; and one day, in 1696, when a sea captain, an old friend of his, sailed into Charleston Harbor from Madagascar, Thomas Smith got from him a bag of rice seed. This was carefully sown in a wet place in Smith's

* Address delivered in the Hall of the House of Representatives at Raleigh, November 15, 1911, on the occasion of the presentation of portrait of Governor Smith to the State by the North Carolina Society of the Sons of the Revolution.



From the Painting by JACQUES BUSBEE.

garden in Charleston. It grew, and the two Carolinas were changed into a land of great rice plantations. His great-grandson, Benjamin Smith, was later owner of the best rice plantation in North Carolina, a portion of the original grant to Landgrave Smith, who tried to establish settlements on the Cape Fear River in 1690. Also to be counted among his close kindred were the Bees and Grimkés, of South Carolina, and the Rhetts, who changed their name from Smith to that of their grandmother, Catherine Rhett, whose family in South Carolina had become extinct. Benjamin Smith thus came of a breed possessing ability, means, and position. The William Smith who introduced the culture of cotton into Virginia in 1621 is said to have been of the same stock.

While the public acts and many details of the private life of Benjamin Smith may be gathered from the records of his time, both State and National, and from the rather voluminous correspondence of his distinguished contemporaries, the date of his birth and the manner and place of his burial have frequently been brought into question. The weight of authority favors January 10, 1756, as his birthday, and January 10, 1826, his seventieth birthday, as the date of his death. Still there are those who contend that he was born in 1750, and that he died on the 10th of February, 1829. But a contemporary newspaper, the *Raleigh Register*, of February 14, 1826, has a notice of his death as having occurred recently at Smithville.

We know nothing, however, concerning his childhood and youth, but he must have received careful training, for we are told that, "While still young, just twenty-one years of age, he served as aide-de-camp of General Washington in the dangerous but masterly retreat from Long Island after the defeat of the American Army in August, 1776. He behaved with conspicuous gallantry in the brilliant action in which Moultrie, in 1779, drove the British from Port Royal

Island, and checked for a time the invasion of South Carolina. A Charleston paper says: 'He gave on many occasions such various proofs of activity and distinguished bravery as to merit the approbation of his impartial country.'” Yet during the siege of Charleston, in 1780, a blunder of Smith's brought about the premature surrender of the city on the 12th of May. “Mr. Smith sent a letter to his wife by Mr. Rutledge, who was taking to the Governor a communication that had been confided to him orally, with the strictest injunction that no written communication be taken from the garrison. A letter addressed by a friend to his wife under assurance that it was only a family letter, Mr. Rutledge unwarily considered it no violation of his instructions. He was captured soon after he left the town and printed copies of the letter were next day thrown into the garrison in unloaded bombshells, and most unaccountably, through a secret agency, dispersed through all parts of the town in printed handbills. The letter plainly told that the garrison must soon surrender, that their provisions were expended, and Lincoln only prevented from capitulating by a point of etiquette. From this time hope deserted the garrison, while the reanimated efforts of the enemy showed their zeal revived.” Lincoln surrendered the fort, and Charleston, with its stores, its advantages, and the army that defended it, fell into the hands of the British commander. Smith probably hastened the surrender just a little, but he did not cause it; for historians are generally agreed that Lincoln should have fled and saved his army soon after Clinton began engirdling the city about the 1st of April, and before the British fleet a week later ran by Fort Moultrie and entered the harbor.

In 1783 we find Benjamin Smith in the General Assembly of North Carolina, representing Brunswick County in the Senate. He was a member of the Constitutional Convention

of 1788, that declined to accept the Federal Constitution, and in that body did all in his power to secure its adoption, since he was an ardent Federalist. He was a member of the convention that adopted the Constitution in 1789, and was on the committee that prepared the amendments which North Carolina proposed to the Constitution of the United States. He had some support for the Senatorship in 1789, but Benjamin Hawkins was elected. This Legislature of 1789 chartered the University of North Carolina, and Smith was named among the most eminent men of the State composing the first board of trustees. At the first meeting of the board, on the 18th of December, 1789, Colonel Smith offered to the University warrants for 20,000 acres of land in Tennessee that he had received as pay for his distinguished services in the Revolution, and he handed over the warrants at the second meeting of the board in 1790. He remained a trustee of the University until 1824, and took great pride in presiding over the meetings of the board during his term as Governor of the State.

The warrants Colonel Smith gave were for land located in Obion County, in the extreme northwest part of Tennessee. By the Treaty of Hopewell in 1795 the United States ceded this territory to the Chickasaw Indians. In 1810 the most terrific earthquake that has ever visited the interior of our country turned portions of this region into lakelets, and a large part of the University's tract is now occupied by Reelfoot Lake, the scene of the night-rider raid of a few years ago. It was not until twenty-five years afterward that a sale was effected, realizing \$14,000 for the University. Smith Hall, built for a library half a century after the gift of the land warrants and today occupied by the Law School, the most attractive building on the campus, commemorates the munificence of Colonel Smith.

In 1791 Smith again became a member of the Assembly,

and except for the three years, 1801, 1802 and 1803, he continued in the State Senate until his election as Governor in the fall of 1810, and he was again in the Senate in 1816. He was Speaker of the Senate from 1795 to 1799. In 1800 he was defeated for the Speakership by Joseph Riddick, and in the next election he was defeated for the Senatorship by William Wingate, a Jeffersonian Democrat. In that day personal conflicts growing out of political differences were by no means unusual, and there is a tradition of a duel that Smith fought with Thomas Leonard, a political opponent, in which the General was seriously wounded. The ball could not be extracted, and the Governor carried it in his thigh to the end of his days.

During his career as a legislator he served on many important committees, and he always voted as a strict partisan. He favored the making of roads, the building of causeways, the draining of bog lands, the foresting of dunes, and the keeping open of rivers and creeks at their falls for the free passage of fish. As a Member of the Assembly he bitterly opposed the founding of the city of Raleigh, and the removal of the capital from Fayetteville and again from New Bern.

In contemplation of a war with France, or of a second conflict with England, while General Washington was still President, Colonel Smith was made Brigadier-General of Militia, 1796. When a struggle with France seemed imminent, during the presidency of John Adams in 1797, the entire militia force of Brunswick County, officers and men, roused to enthusiasm by a speech General Smith made them, volunteered to follow his lead in the service of their country. In 1810, when trouble with England was culminating, he was again made Brigadier-General of his county forces.

In that same year he was elected Governor of North Carolina, and in his message to the General Assembly, November 20, 1811, he recommended the adoption of a penitentiary

system, and appealed for a reform of the too sanguinary criminal code of the State. He also advised encouraging "domestic manufactures employing those persons who are unable or unfit to till the soil," the improving of the militia, and the establishment of public schools. In recommending the schools he said: "Too much attention can not be paid to the all-important subject of education. In despotic governments, where the supreme power is in the possession of a tyrant or divided amongst an hereditary aristocracy (generally corrupt and wicked), the ignorance of the people is a security to their rulers; but in a free government, where the offices and honors of the State are open to all, the superiority of their political privileges should be infused into every citizen from their earliest infancy, so as to produce an enthusiastic attachment to their own country, and ensure a jealous support of their own constitution, laws, and government, to the total exclusion of all foreign influence or partiality. A certain degree of education should be placed within the reach of every child in the State; and I am persuaded a plan may be formed upon economical principles that would extend this boon to the poor of every neighborhood, at an expense trifling beyond expectation, when compared with the incalculable benefits from such a philanthropic and politic system." Excusing the rhetoric, this might have been written a century later.

Upon retiring from the gubernatorial office he entered upon the carrying out of certain engineering plans which he had advocated as legislator and Governor for the improvement of conditions within the State. He stood for the best of what has characterized each and every administration from the time of Governors Vance and Jarvis to the days of Aycock and Glenn and of Your Excellency. He lived just one hundred years before his time. He could not long remain out of politics, and in 1816 his neighbors returned him

to the State Senate. General Smith was a zealous Mason, and during his prime was for three years, from 1808 to 1811, Grand Master of the Grand Lodge of North Carolina.

Up to 1792 there were no homes in the neighborhood of Fort Johnston, near the mouth of the Cape Fear River, and Mr. Joshua Potts, of Wilmington, who made the first movement toward establishing a town there, has given us an interesting account of the settlement of Smithville in a manuscript that has come down to us, and published in 1904 by the University of North Carolina in James Sprunt Historical Monograph No. 4, pp. 86-90. Mr. Potts has told us how he and certain of his friends in 1790 undertook to lay off a town there and obtain a charter. Their plan was unexpectedly opposed in the Legislature by Colonel Smith, and the charter for the town of "Nashton," as they purposed calling the place, was defeated. A year after the defeat of the bill at Fayetteville, General Smith's neighbors who favored the bill determined that he should not be sent to the Assembly unless he would do his best to have an act passed for the intended purpose. General Smith accepted the conditions, was elected, and made good his word. The act was passed at New Bern in 1792. General Smith, when he returned from the Assembly, told his friends that on his making a motion and offering the bill for the act, "Mr. Macon or some other respectable member made an observation that many applications had been acted upon for different towns in the State, but that few, if any of them, had succeeded; that the said worthy member said, 'As General Smith has applied in behalf of this petty town, it should be called Smithville, as if by way of derision to the applicant, should the town (like many others) not succeed.'"

Benjamin Smith married Miss Sarah Rhett Dry, daughter of Colonel William Dry, a man of ability, excellent education, and rare accomplishments, and a member of the King's

Council. She was also a direct descendant from Cromwell's admiral, Robert Blake. Both she and General Smith inherited large estates. We learn much of their manner of life and their generous hospitality from the diary of General Joseph Gardner Swift, of New York, first graduate of the United States Military Academy at West Point, who in his younger days enjoyed intimate association with General Smith. Swift, a young second lieutenant in the corps of engineers, "was sent to Wilmington in 1804 to examine the harbor of Cape Fear, and to report a plan of defense therefor, and also to direct the execution of a contract with General Benjamin Smith, of Belvidere, to construct a battery at the site of old Fort Johnston, in Smithville, of a material called 'tapia.'" He gave to the United States Government ten acres of land on Bald Head, or Smith's Island, which he owned, on which to build the lighthouse at the mouth of the Cape Fear River. He constructed the causeway from Wilmington across Eagles Island.

"As he advanced in years," to use the words of Dr. Battle, "Governor Smith lost his health by high living and his fortune by too generous suretyship. He became irascible and prone to resent fancied slights. His tongue became venomous to opponents. He once spoke with undeserved abusiveness of Judge Alfred Moore, and the insult was avenged by one of the members of the Assembly from Brunswick, Judge Moore's son Maurice." General Swift has given us in his "Memoirs" an account of this duel, which was fought on June 28, 1805, just over in South Carolina, near to the ocean side, where then stood the Boundary House, the line running through the center of the entrance hall and main passageway. Captain Moore was attended by his cousin, Major Duncan Moore, while General Smith's second was General Swift himself. Dr. Andrew Scott attended as surgeon for both combatants. At the second fire General Smith

received his antagonist's ball in his side and fell. Dr. Scott, aided by Dr. Griffin, took the General to Smithville by water, while General Swift hastened to Belvidere, and conveyed Mrs. Smith in a chair to Smithfield through a storm of lightning and rain. The ball lodged near the General's left shoulder-blade, and it (or the bullet fired by Leonard years before) was the means of identifying Smith's ashes many years later when his remains were removed to the burial ground of St. James Church, Wilmington.

General Smith's great burden of debt was due to the defalcation of Colonel Reed, collector of the port of Wilmington, whose surety he was. It was to discharge this liability that General Smith had contracted to build the tapia work at Fort Johnston. General Swift has told us how this tapia was prepared from equal parts of lime, raw shells and sand, and water sufficient to form a paste or batter. All the engineering work in which the old hero engaged was undertaken to discharge debts, and it is sad to relate that in his old age he was arrested by the attorney of the University, who, Smith alleged, was his personal enemy, and held for a security debt, "but on learning the fact he was released by the Trustees with promptness."

Besides the home at Belvidere, Governor Smith at one time owned Orton, which came down to him from his ancestor, Roger Moore, being originally the home of his kinsman, Maurice Moore, grandson of Sir John Yeamans. Mrs. Smith's flower garden was such an attractive place that Dr. Griffin, dying of yellow fever in Wilmington, asked that he be buried there. The Isabella grape, highly esteemed by us for its fine flavor, was introduced to North Carolina from Mrs. Smith's garden where it grew from a cutting, the gift of a sea captain who had received some kindness at her hands. General Swift visited his old friend, General Smith, at Orton in 1818, and found him greatly depressed by his

debts, Mrs. Smith "evinced a well-balanced serenity to cheer her husband." Swift returned to Wilmington, where he "found it a fruitless essay to liquidate the large claims of the General's creditors."

This man, of rare personal charm, of high character, and of openhearted and openhanded hospitality, became involved in such pecuniary difficulties that he was actually imprisoned for debt; and at the time of his death, in 1826, some of his creditors resorted to the unusual method, though allowed by the law of that day, of withholding his body from burial until his friends could meet the demands of the creditors. The deputies set to watch the body were lured away temporarily to partake of refreshments, and when they returned the coffin and its contents had disappeared. Friends had taken it out on the river to the old graveyard on the site of St. Philip's Church, then a ruin of old Brunswick town, where in the dead of night they gave the body of their comrade Christian burial. A story, probably originating with the careless watchers, that the coffin had been taken out on the river and in the darkness committed to its waters by the negroes who were trusted to row the boat, gained some credence; but what is less probable: that devoted friends would thus leave his body to slaves, or that they would let the story pass as a probable means of concealing his last resting place?

In 1853 their old friend, General Swift, caused to be erected over the grave of General and Mrs. Smith in the old Brunswick cemetery a marble slab on which was inscribed: "In memory of that Excellent Lady, Sarah Rhett Dry Smith, who died the 21st of November, 1821, aged 59 years. Also of her husband, Benjamin Smith of Belvidere, once Governor of North Carolina, who died January, 1826, aged 70."

ACCEPTANCE

In a graceful speech, on behalf of the State, Governor Kitchin thanked the Society for this gift of the portrait of Governor Smith, and expressed his gratification upon learning that there had been manifested in North Carolina a century ago such interest in public education and other beneficent measures for the upbuilding of the State and the good of its people. It is a source of sincere regret that Governor Kitchin's speech of acceptance, having been delivered without manuscript or notes, cannot be reproduced here. As is always the case with that gifted orator, his remarks were a source of entertainment and interest to his hearers, and it would gratify us to place them in full before those of our readers who were not so fortunate as to be present on that interesting occasion.

THE STORY OF QUEEN'S COLLEGE OR LIBERTY HALL IN THE PROVINCE OF NORTH CAROLINA

BY MARSHALL DELANCEY HAYWOOD,

Author of "Governor William Tryon and His Administration in the Province of North Carolina, 1765-1771," "Lives of the Bishops of North Carolina," etc.

Of all the Royal Governors of North Carolina none was more interested in the educational advancement of the Province than William Tryon. In December, 1770, while the General Assembly was in session at New Bern, he sent a message to that body, urging the further improvement of the school system, which had already been bettered to some extent during his administration. The Assembly continued its sittings several weeks into the succeeding year, not adjourning until January 26, 1771. On the 10th day of January in the latter year (Chapter III of the Laws of 1770), the Assembly passed on its final reading an act to incorporate an institution of learning to be called QUEEN'S COLLEGE, the same to be located in the town of Charlotte and county of Mecklenburg. As a reason for such action it was recited that "the proper education of youth has always been considered as the most certain source of tranquillity, happiness, and improvement, both of private families and of States and Empires, and there being no institution or seminary of learning established in this Province, whither the rising generation may repair, after having acquired at a Grammar School a competent knowledge of the Greek, Hebrew, and Latin languages, to imbibe the principles of science and virtue, and to obtain under learned, pious and exemplary teachers in a collegiate or academic mode of instruction a regular or finished education in order to qualify them for the service of their friends and country," etc. This act of incorporation further recited that several Gram-

mar Schools had already been established in the western part of the Province, and in these could be obtained "very considerable progress in the languages and other literary attainments," but that these schools were not able to give what was considered a finished education. The trustees of Queen's College were Edmund Fanning, Thomas Polk, Robert Harris, Jr., Abraham Alexander, Hezekiah Alexander, John McKnitt Alexander, Ezekiel Polk, Thomas Neal, William Richardson, Hezekiah J. Balch, Joseph Alexander, Waightstill Avery, Henry Patillo, and Abner Nash. All of these fourteen trustees, with the exception of Fanning and Nash, were Presbyterians, including several learned clergymen of that denomination; but, anticipating the opposition which later came from the Court of St. James, and wishing to conciliate the King if possible, this charter provided that the President of this institution should be a member of the Church of England, licensed by the Governor. As a source of revenue it was provided that a tax of six pence per gallon should be levied on all rum and other spirituous liquors brought into and disposed of in Mecklenburg County for ten years following the passage of the act of incorporation. On January 15, 1771, Governor Tryon gave the act his official approval. In a letter to the Earl of Hillsborough, King George's Secretary of State for the Colonies, to whom he transmitted the act of Assembly for the King's consideration, Tryon wrote, under date of March 12, 1771, saying: "The necessity for such an institution in this country is obvious, and the propriety of the mode here adopted must be submitted to His Majesty. Though the President is to be of the established Church and licensed by the Governor, the Fellows, Trustees, and Tutors, I apprehend, will be generally Presbyterians, the college being promoted by a respectable settlement of that persuasion, from which a considerable body marched to Hillsborough in September, 1768, in sup-

port of government." The last clause in the extract, just quoted, has reference to the loyal support accorded Tryon by the Presbyterians, both clergymen and laymen, in holding in check the lawlessness of the Regulators. It was a service which the Governor always held in grateful remembrance.

Unfortunately for the cause of education in North Carolina the act establishing Queen's College had to take the course of other colonial laws and be passed upon by a King and Council in England who were never noted for their tolerance in either religion or politics. First it was referred to Richard Jackson, afterwards a member of Parliament, who was legal adviser to the Lords Commissioners for Trade and Plantations, a board which had oversight of affairs in America; and, upon Jackson's advice, this Board (in session at Whitehall, on February 26, 1772), reported to the King as follows:

From this report of Your Majesty's Governor, and from the prevalence of the Presbyterian persuasion within the county of Mecklenburg, we may venture to conclude that this college, if allowed to be incorporated, will in effect operate as a seminary for the education and instruction of youth in the principles of the Presbyterian Church. Sensible as we are of that tolerating spirit which generally prevails throughout Your Majesty's dominions, and disposed as we particularly are in the case before us to recommend to every reasonable mark of favor and protection a body of subjects who, by the Governor's report, have behaved with such loyalty and zeal during the late troubles and disorders, still we think it our duty to submit to Your Majesty whether it may be advisable for Your Majesty to add encouragement to toleration by giving the Royal assent to an establishment which, in its consequences, promises great and permanent advantages to a sect of Dissenters from the Established Church who have already extended themselves over the Province in very considerable numbers.

With this preliminary kick from Mr. Jackson and the Lords Commissioners for Trade and Plantations, the Queen's College act of incorporation was passed forward to King George and the Lords of His Majesty's Most Honourable

Privy Council at the Court of St. James, on April 22, 1772, when it was formally vetoed, or "disallowed, declared void and of none effect." It was nearly a year later, April 7, 1773, before this action was certified to Governor Josiah Martin, Tryon's successor in office, who thereupon issued a proclamation from the Governor's Palace in New Bern, North Carolina, June 28, 1773, declaring the King's disapproval of the movement to establish the college in Charlotte.

On December 6, 1771, before the King had vetoed the act incorporating Queen's College, Thomas Polk, one of its trustees and a representative of the county of Mecklenburg in the Provincial Assembly, introduced into the Assembly an amendment to that act (Chapter IX of the Laws of 1771) which provided for the election of a Vice-President of the college, who should act as President when the latter official was absent from North Carolina, as was then the case. This amendment passed its final reading on December 12th, and received Governor Martin's approval on December 23d; but, when the act of incorporation itself was repealed, such action worked as a repeal of the amendment also.

The nominal President of Queen's College was Edmund Fanning, though nothing shows that he took an active part in its management. Fanning was a much better man than written history and the absurd traditions of North Carolina have represented him, and few men in the Province equaled him in scholarship. In 1757 he had graduated with the degree of Bachelor of Arts from Yale, which later conferred upon him the degree of Master of Arts, finally honoring him with the high degree of Doctor of Laws in 1803. In 1764 Harvard College gave him the degree of Master of Arts, as did also King's College (now Columbia) in 1772. Dartmouth College, in 1803, conferred upon him the degree of Doctor of Laws, and he received the degree of Doctor of Civil Law from the great University of Oxford, England,

in 1774. We doubt if any of Fanning's contemporaries, in either Great Britain or America, ever received so many academic honors; and yet this holder of literary degrees which the greatest scholars of any time might covet, is represented by many writers as an abandoned extortionist and libertine, whose sole title to distinction was the favoritism of Tryon. In the Revolution, Fanning became a Loyalist, and was a General in the army of Great Britain at the time of his death in 1818. At that time it was written: "The world did not contain a better man in all the various relations of life—as a husband, a parent, and a friend. As a landlord and master he was kind and indulgent. He was much distinguished in the American war, and raised a regiment there, by which he lost a very large property."

It was through no ill will of any one in North Carolina that a charter was withheld from Queen's College. Governor Tryon did everything in his power to secure it, as did also the Provincial Assembly. Both Churchmen and Dissenters throughout the Province regretted the outcome of the effort to secure one, but all were then too loyal to call into question what His Most Gracious Majesty had been pleased to do—or undo. But this feeling did not last. King George's power was soon likewise to be "disallowed, declared void and of none effect." In the meantime, Queen's College was conducted without a charter, doing much good both morally and educationally. Among its students were William Richardson Davie, Joseph Graham, and many others who afterwards won fame as officers in the Revolution. It is also probable that one of its pupils was Andrew Jackson, as we learn from his biography (unabridged edition) by Parton. In 1775 the college building is said to have been a rendezvous for some of the earlier meetings of the Committee of Safety, though the Court House was used for the principal sessions of that body.

Queen's College was sometimes called Queen's Museum; and, by Chapter XX of the Private Laws of 1777 (April session), its name was changed to LIBERTY HALL—no longer a namesake of royalty but of the fair goddess who was henceforth ordained to preside over the destinies of America. Under the new charter, in 1777, the trustees were Isaac Alexander (President), Thomas Polk, Thomas Neal, Abraham Alexander, Waightstill Avery, Ephraim Brevard, David Caldwell, James Edmonds, John Simpson, Thomas Reese, Adlai Osborne, Samuel McCorkle, John McKnitt Alexander, Thomas McCaule, and James Hall—true Presbyterians and patriots all, with none to gainsay their rights. By the act last mentioned, the Legislature directed that the treasurer of the college should give bond to the Governor of the State for the faithful discharge of his duties; and a subsequent Legislature (Chapter XXIII of the Private Laws of 1778, April session), appropriated for its use all moneys which should accrue from the sale of lots in the town of Charlotte, but even this could not make it a prosperous institution in the midst of a war which was making a heavy drain upon the resources of the people of the State. Another act of the Legislature just after the war (Chapter XXIX of the Private Laws of 1784, October session) changed the name of Liberty Hall to SALISBURY ACADEMY, and directed that it should be removed to Salisbury, in Rowan County. If Salisbury Academy began operations with as many pupils as it had trustees (thirty-six, including those added in 1785), it had a promising start, but what its final fate was we are unable to say.

The building originally erected in Charlotte for the use of Queen's College, and later operated under the name of Liberty Hall, was evidently used for school purposes even after the Legislature directed the removal of the institution to Salisbury in 1784; for we find a not over-gratifying refer-

ence to it in Washington's Diary, May 28, 1791, when the Father of his Country took a look at it and its surroundings. He wrote: "Charlotte is a trifling place, though the Court of Mecklenburg is held in it. There is a school (called a college) in which, at times, there has been 50 or 60 boys." Such was the sad lot of the first college ever erected in North Carolina—crippled in its infancy by the King of Great Britain, and belittled in its old age by the President of the United States!

BIOGRAPHICAL, GENEALOGICAL AND HISTORICAL MEMORANDA

COMPILED AND EDITED BY Mrs. E. E. MOFFITT.

COLLIER COBB

Collier Cobb, who contributes for this number of **THE BOOKLET** the article entitled "Governor Benjamin Smith," was born at Mount Auburn, his grandfather's plantation, in Wayne County, North Carolina, March 21, 1862. His father, the Reverend Needham Bryan Cobb, was then chaplain in the Army of Northern Virginia. The Cobbs are of English extraction and immigrated to Virginia in 1613. Another ancestor, Martin Franks (Francke) came from Germany to New Bern and settled on the Trent river. His daughter Susanna became the wife of William Heritage (1769) and the mother of Elizabeth Heritage, who married Jesse Cobb, a distinguished soldier of the Revolution, great-great-grandfather of the subject of this sketch, and through whose services he is a member of the North Carolina branch of the "Sons of the Revolution." He is also eligible and member through Needham Bryan Cobb, member of the North Carolina Provincial Congress of August, 1775; also through Benjamin May, of Pitt County, member of the North Carolina Provincial Congress, November, 1776; also through James Green, Secretary of the North Carolina Provincial Congress of April, 1776.

"Collier Cobb during his youth pursued his studies at home and was prepared for college by his mother, Mrs. Martha Louisa Cobb, a woman of vigorous intellect and very strong will, who reared twelve children and instructed them herself. This lady learned to read and speak German at the age of forty, that she might teach that language to her

children, when by moving to another town, they had to give up the instruction of a German tutor. From her Collier Cobb inherited many of his characteristics, and her influence on his life has long been strong and lasting."

Collier Cobb entered Wake Forest College, 1878, at about the age of sixteen, and the following year he entered the University of North Carolina, where he pursued his course of study. Earth science had always been attractive to him, and at the University he determined on geology as a profession. After leaving the University he became a teacher and studied the topographic features of every section in which he taught. In the year 1885 he gave up teaching and entered Harvard, in order to perfect himself in his profession. Here he was honored with the Secretaryship of the Harvard Natural History Society, a post of distinction which had been held by Edward Everett Hale, Alexander Agassiz, Theodore Roosevelt, and many others. In 1889 he received the degree of A.B. with honors in Natural History, and five years later he received his Master's Degree from Harvard, his major subject being "the origin of the topographic features around King's Mountain." Mr. Cobb was assistant to Professor N. S. Shaler on the United States Geological Survey (1886-92). The influence of this excellent gentleman and learned scientist on the life of his pupil-associate became very strong, and to him Mr. Cobb owes the encouragement which induced him to persevere under great difficulties, and the retarding influences of ill health.

Mr. Cobb's activities cover a broad field, for while during the four years as assistant in the United States Geological Survey he was also assistant in Harvard University (1888-90) and instructor in the Massachusetts Institute of Technology (1890-92). Among his other acquirements and accomplishments he is an artistic amateur photographer, his pictures are widely known throughout the United States.

He has published many scientific papers, books and maps. He is Fellow of the American Association for the Advancement of Science, of the Association of American Geographers and Geological Society of America and other kindred Associations.

Mr. Cobb is notably active in the interests of his native State. He rendered valuable assistance to Colonel William L. Saunders in his monumental work, "The Colonial Records of North Carolina." He is President of the North Carolina Academy of Science; a member of the Elisha Mitchell Scientific Society; has published two geographies of the State; also, in 1879, a valuable map of the State, which has been used for over a quarter of a century in the schools. He was elected Professor of Geology in the University of North Carolina in 1892, and continues in that position, which attests his great popularity and fitness for the place. His extensive travels in other lands have proved of inestimable value to his country as well as to himself. He is widely known as a student of moving sands, which he has studied on the coasts of France, Belgium, and Holland, as well as those of the States, and of the desert regions of the world.

In the January number of *THE BOOKLET*, 1905, Professor Cobb contributed an article on "Some Changes in the North Carolina Coast since 1585." This article throws much light on the mooted question, as to which inlet the English adventurers of 1584 entered the sounds of North Carolina (then called Virginia). His investigations covered a study of all maps and originals obtainable, securing photographs, or tracings from John White's map of 1585, to the Coast Survey Charts of the present day. The notes presented by him are based on his own researches, investigations and explorations of the North Carolina coast. Many of the inlets found by early explorers have been closed and others, formed by the shifting sands, will reveal to the student of history some-

thing of the nature of the problem of which particular inlet was entered by the English colonists. Whatever confusion there may be as to names of various harbors mentioned, it is generally conceded that the explorers from 1585 to 1590 headed for an inlet or harbor near Roanoke Island called "Hatorask." The influence of these shifting sands upon the development of our State is an interesting subject for the student of earth science in its relation to man.

Professor Cobb's object in his investigations was to study the changes in the zone of early exploration and settlement as they have influenced the history of the State. The rounding of Cape Hatteras is attended with such danger that the loss to life and shipping is fearful indeed, and to avert this the government now has under consideration the opening of a great inland waterway, which will not only be an economic move, but humanitarian in its purpose.

Professor Cobb ranks high as a geologist, and in his fine library in Chapel Hill he still pursues his studies and to exert his powers on the students under his charge to become useful factors in the building up of the State and its institutions. "The story of his life presents many features of great use to young Americans, illustrating how perseverance and systematic endeavor will generally bring success. He is indeed a representative American, not self-made, though self-educated in the best sense, self-reliant and successful in the career which he has chosen. He has lived thoroughly up to his motto, 'Always do as best you can the work that lies immediately at hand. Want whatever work presents itself, and you will some day get the work you want to do.'"

In 1891 Professor Cobb married Mary Lindsay Battle, a daughter of Doctor William Horn Battle. She died November 27, 1900, leaving three children: William Battle, Collier, and Mary Louise. In 1904 he married Miss Lucy

Plummer Battle, daughter of Honorable Richard H. Battle, of Raleigh, N. C. She bore him one son, Richard Battle Cobb. She died April 27, 1905. In November, 1910, Professor Cobb married Miss Mary Gatling, of Little Rock, Arkansas, a descendant of Governor Richard Caswell.

NOTE.—The material for the above sketch was drawn from Captain Samuel A. Ashe's sketch of Mr. Cobb, in the Biographical History of North Carolina, Vol. VI, p. 141; also from THE NORTH CAROLINA BOOKLET, Vol. IV, January, 1903, article by Professor Cobb; also from the Records of the Sons of the Revolution of North Carolina.

MRS. HELEN DeBERNIÈRE WILLS

Mrs. Helen DeBerniere Wills departed this life on June 24, 1911. The death of this highly esteemed and honored member of the North Carolina Society Daughters of the Revolution is greatly lamented, and the loss of her valued service as Genealogist is sadly felt and deplored. Mrs. Wills was a highly educated woman, naturally endowed with a superior intellect, enriched with judicious culture yet possessed of a modesty so retiring that only those who knew her intimately were able to appreciate the excellence of her mind and character.

Under the guiding hand of a father of unusual literary ability, Mrs. Wills became proficient as a teacher, and for a time she pursued this occupation until her marriage to James Wills, a prominent druggist of Wilson, North Carolina, on August 12, 1867. As the years passed on, she was repeatedly called upon to follow her dear ones to the tomb. On October 26, 1884, her husband died, in the faith and hope of a Christian, after many years of trial and suffering, leaving her with two small sons. She again resumed teaching, in which she met with continued success until her children were fitted to take up their life work and repay her in a measure for her care of them.

With a spirit of independence, her desire being to take up some work to occupy her time and attention, she removed to Raleigh, N. C. It was here that her services were called into requisition by the Society of the Daughters of the Revolution to undertake the office of Genealogist, a peculiar and difficult branch of history. Not since the days of Mr. Hathaway, of Edenton, N. C., has any one accomplished what she did for Genealogy in North Carolina. Could she have had the physical strength to take up the work where he left

it off, our State would have been doubly enriched by her services, but a weak constitution forbade her undertaking its continuance.

Mrs. Wills was a devoted church woman and a faithful attendant upon the ministrations of her rector, the Rev. Dr. I. McK. Pittinger, of the Church of the Good Shepherd in Raleigh, in whose congregation she had a host of friends who held her in the highest esteem. She was a type of the antebellum Southern lady, impressing her personality upon all those with whom she came in contact. Firm in her convictions, based upon the broad view she took of life, her judgment was to be relied on in matters of social or literary significance. She was a voracious reader, and was authority on general literature and language. She was especially a student of history and had connected herself with several patriotic organizations.

She became a member of the Society of the Daughters of the Revolution when it was first organized in the State, and to the day of failing health was ever on the alert to aid in its growth and progress. In all its difficulties and deliberations her voice had a potent influence. The voluminous notes and data which she had collected during her term of office will be most valuable to her successor.

Mrs. Wills was also a "Daughter of the Confederacy" from the time that the society was organized, and one more faithful was not easily found. She was Historian of the Johnston Pettigrew Chapter, U. D. C., of Raleigh, N. C., filling the place most effectually and faithfully.

She founded at Chapel Hill and was President of the Leonidas Polk Chapter, the first and only Chapter of the U. D. C. ever organized in that place, leaving it in a flourishing condition upon her return to Raleigh.

Her devotion to the U. D. C., her intense interest in its historic work, her desire to see recorded the truth of the

cause, won for her the place of Chairman of the Historical Text-book Committee of the State Division. To this she spared no pains to vindicate the justice of the cause as she saw it. Early in 1903 she issued a circular letter to the President and Historian of every Chapter in the State, then numbering about sixty. This circular was for the purpose of reminding them of the importance of this branch of the U. D. C. work—the preservation of a truthful history of the War between the States, the training of our young people in familiarity with such history and the endeavor to eliminate from our schools the false teachings which traduce the South and her heroes. She held up Jefferson Davis, R. E. Lee and “Stonewall” Jackson as the highest types of American manhood, fit examples for the generations to come. These characters, as well as other Confederate history, to be studied by our young people in order to fit them to carry on the work after the older “Daughters” have passed away, and to impress upon them their duty to the old soldier of the Lost Cause while in life, and to keep green his grave after death. This circular met with many favorable responses, not only from the Society but from prominent educators and other public-spirited citizens. Mrs. Wills’s actual experience before and during the war enabled her to recount the trend of events with trusted accuracy. She heard the first gun fired at Sumter, being at that time a resident of South Carolina, and the echoes of that forerunner of a great fratricidal strife ever remained a fearful memory.

A few years ago a society was formed by the descendants of “Signers of the Declaration of Independence.” In this organization Mrs. Wills was solicited to enroll her name, being eligible through her ancestor on the maternal side, William Hooper, “The Signer.” In this she became heartily interested and attended two of the meetings, the last on October 19, 1909, at Yorktown, Virginia—the one hundred

and twenty-eighth anniversary of the surrender of Lord Cornwallis to General George Washington. This historic town was the scene of a memorable celebration conducted under the joint auspices of the "Descendants of Signers" and the Yorktown Historical Society. A very interesting description of the occasion was written by Mrs. Wills for THE NORTH CAROLINA BOOKLET of July, 1910.

On account of a failure in health, late in the year 1910, she laid aside her work, to reside with her son, Mr. Henry Wills, in Chapel Hill, N. C., hoping that a change of altitude would restore her to health and enable her to resume her wonted occupation, but her days were numbered. After a lingering illness she passed away, surrounded by kind and sorrowing friends. She is survived by two sons, Henry C. Wills, of Chapel Hill, N. C., and George Wills, a prominent architect of New York City; also by one sister, Mrs. R. H. Graves, now residing in Philadelphia, besides several nephews and nieces.

GENEALOGY.

Mrs. Wills comes of a noble, patriotic, and cultured ancestry, being lineally descended from the Hooper, Maclaine, DeBernière, and Jones families. She is the fifth in lineal descent from the Rev. William Hooper, Trinity Church, Boston, Massachusetts, the second Rector of that church from 1747 to his death in 1767. She is the fourth in descent from his son, William Hooper (1742-1790), the "signer" of the Declaration of Independence, of National fame. She is the third in descent from William Hooper third and Helen (Hogg) his wife, of Brunswick County, N. C., who died in 1804. She is the second in descent from the Rev. William Hooper (1792-1876), who married Frances Pollock Jones, daughter of Edward Jones (1762-1841), for many years Solicitor-General of North Carolina. Reverend Wm. Hooper, D.D., LL.D., was for many years Professor in the

University of North Carolina and other institutions of learning, an instructor of youth for sixty-five years. She was a daughter of Professor John DeBernière Hooper (1811-1886), for many years Professor of Languages in the University of North Carolina, who was acknowledged to be one of the most accurate Greek, Latin and French scholars of his age and day.

From such ancestry Mrs. Wills inherited many varied traits that characterized this remarkable family, and at her demise many relatives and friends are left to mourn their loss.

IN MEMORIAM

Resolutions of Respect to the Memory of Mrs. Fanny DeBerniere Hooper Whitaker, who Died November 28, 1911

WHEREAS, God, in His divine love and never-failing wisdom, has called from her temporary home to "the Great Beyond" our beloved Founder, former State and Honorary Regent, Mrs. Fanny DeBerniere Hooper Whitaker:

Therefore be it Resolved, That the North Carolina Society, Daughters of the Revolution, laments the inexpressible loss sustained in her death.

That they express the deepest gratitude for the high standard she has set us by the beautiful example of her noble life, and that they appreciate the great work she has done in founding this society, whose influence has been recognized as a factor in the universal historical awakening that is restoring North Carolina to her own, whose devotion will ever be an inspiration to our members—her loyal followers—to undertake more difficult tasks and to bring to accomplishment enduring achievements.

That they will always miss the guiding hand that has safely piloted them through troubled waters, and treasure her hallowed memory through the coming years.

To the dear ones is extended our warmest sympathy in this hour of sorrow.

That these resolutions be spread upon the minutes of the society and a copy be sent to the family.

MARY HILLIARD HINTON,
MRS. ANNIE (MOORE) PARKER,
MRS. HUBERT HAYWOOD,
Regent Bloomsbury Chapter.
MRS. E. E. MOFFITT,

Committee.

MARRIAGE BONDS OF ROWAN COUNTY, N. C.

BY MRS. M. G. McCUBBINS.

Squire Boone to Jane Vancleft. July 11, 1765. Squire Boone, John Johnston and Sam (his X mark) Tate. (Thomas Frohock). [This is framed and hangs on wall in clerk's office.]

Andrew Beard to Anne Locke. February 1, 1790. Andrew Beard and Jno. Beard. (C. Caldwell, D. C.)

John H. Berger to Susanna Miller. February 15, 1790. John H. Berger(?) (in Dutch) and Peter (his X mark) Berger.

Randel Bevin to Rachael Wood. February 15, 1790. Randel (his X mark) Bevin and Benjamin Stony(?). (Ed. Harris.)

Thomas Boulwin to Mary Coske (Cooke?). February 22, 1790. Thomas Boulwin(?) and William Aldredge.

Philip Brown to Rebekah Baker. March 1, 1790. Philip (his X mark) Brown and Charles Dunn.

John Baker to Jean Mitchel. May 20, 1790. John (his X mark) Baker and Sehon Smith. (C. Caldwell, D. C.)

John Braley to Mary Carson. May 22, 1790. John Braley and Wi^m. St. Carson. (C. Caldwell, D. C.)

Wm. Brewer to Mary Shumaker. June 10, 1790. William (his X mark) Bruer and Rich^d (his X mark) Speaks. (Basil Gaither.)

John Biles to Margaret Whiteker. July 2, 1790. John Biles and John (his X mark) Whiteker. (Basil Gaither.)

William Barly, Jr., to Jane Patteson. July 26, 1790. William Barly and Wm. Belay, Sr. (Jan Harris, D. C., for Charles Caldwell.)

John Barkley to Yuiley(?) Kern. August 21, 1790.
John Barceley and John Kern. (C. Caldwell, D. C.)

John Berger to Margret Cruse. John Berger and Adam Stiyerwalt. September 1, 1790. (C. Caldwell, D. C.)

Muddeas Beam to Polly Wise. September 21, 1790.
Muddeas Beam(?) (both in Dutch) Jacob Beam. (C. Caldwell, D. C.)

Samuel Badjet to Jenny Skene. October 21, 1790.
Samuel Badgett and Jacob Skeen. (C. Caldwell, D. C.)

James Brian to Margaret Johnson. December 8, 1790.
James Bryan and John Johnston. (C. Caldwell, C. C.)

Manning Brookshire to Elizabeth Sludder. December 14, 1790. Manning (his X mark) Brookshire and Jesse Brookshire.

Douglass Blue to Charity Hill. May 18, 1791. Douglass Blue and Moses Bellah. (Charles Caldwell, D. C.)

Archibald Blue to Martha Forest (or Foust). July 18, 1791. Arch^d. Blue and Moses Bellah. (C. Caldwell, D. C.)

David Bloomfield to Rachel Barkley. October 21, 1791.
David (his X mark) Bloomfield and Wilson McCay. Cun:^m Harris.)

John Buse to Sarah Wyatt. November 8, 1791. John Buis and J. G. Lanmann. (Chs. Caldwell.)

Horatio Baker to Rachael Blaster(?). December 29, 1791. Horatio (his X mark) Baker and Philip Coleman(?) (in Dutch). (Ad: Osborn.)

Jeremiah Brown to Mary Charian (Marian?). June 29, 1792. Jeremiah (his X mark) Brown and Thomas (his X mark) Davis. (Chs. Caldwell.)

Jacob Bodenhamer to Elizabeth Spurgins. January 1, 1792. Jacob Bodenhamer and Peter Bodenhamer. (Jno. Monro?)

Moses Bella to Elizabeth Anderson. February 21, 1792.
Moses Bellah and Wm. Anderson. (Chs. Caldwell.)

John Biles to Betsay Smithe. March 12, 1792. John
Biles and Conrad Brem. (Chs. Caldwell.)

John Baxter to Hannah Owins(?). April 13, 1792.
John Backster and James (his X mark) Wood. (Chs.
Caldwell.)

William Baley to Lucy Foster. June 11, 1792. William
Baily and Robert Dial. (Basil Gaither.)

George Bullen to Chlora Castor. October 9, 1792.
George (his X mark) Bullen and Jacob Call (Castor?).
(Jo. Chambers.)

Leonard Bevins to Sarah Moore. October 16, 1792.
Leonard (his X mark) Bevins and Val: Beard. (Jos.
Chambers.)

N. B. on back of bond.—Jos. Chambers testifies that they
were married October 16, 1792.

Thomas Briggs to Esther Parks. October 19, 1792.
Thomas Briggs and Simon (his G mark) Watson. Jos:^s
Chambers, D. C.)

Conrod Brown to Patience Penny. October (no date),
1792. Conrod (his X mark) Brown and David (his X
mark) Brown. (Jo. Chambers.)

Jacob Bining to Nancy Rowan. November 17, 1792.
Jacob Binning and John Braly.

John Buisse to Martha Wyatt. January 12, 1793. John
Buis, Jr., and Laurence Clinard. (Jno. (?)onro.)

William Bunton to Mary Cowan. January 31, 1793.
William Bunten and Thomas Barrkley (or Barekley?).
(Jos. Chambers.)

William Bateman to Elizabeth Smith. March 4, 1793.
William (his X mark) Bateman and Mesheck(?) Pinkstone.
(Jos. Chambers.)

William Braly to Margaret Woods. March 8, 1793. William Braly and Jno. Braly.

Daniel Brown to Ann Rablin. August 26, 1793. Daniel Brawn(?) and Mertin Rāblin. (Jos. Chambers.)

John Henry Brinly to Catharine Easter. August 4, 1793. John Henry Brenny and Peter Easter (or Easten?). (Jno. (?) onro.)

William Brown to Lucy Chaffin. September 3, 1793. William Brown and Valentine (his X mark) Holderfield. (Jos. Chambers.)

Henry Benson to Jane Cathey. October 12, 1793. Henry Bonson and Jno. McRavey. (Jos. Chambers.)

Charles Burros to Nancy Renshaw. October 18, 1793. Charles Burroughs and James Heathman. (Jos. Chambers.)

George Briles to Barbra Coonrod. George Brile and David Coonrod (?) (in Dutch). (Jno. onro.)

Samuel Bucey to Katharine Seigler. February 10, 1794. Samuel Bucey and Laurence Seigler. (John Pinchback and Ly(?) Pinchback.)

John Burns to Mary Lopp. April 18, 1794. John (his X mark) Burns and Charles (his X mark) Burns. (Jo. Chambers.)

James Brown to Sarah Smith. July 23, 1794. James Brown and Tobias Fouro(?) (or Furr). (I. Troy, D. C.)

Daniel Benson to Mary Ham. August 25, 1794. Daniel Benson and John Peraman. (Friedrick Miller.)

INFORMATION

Concerning *the Patriotic Society*

"Daughters of the Revolution"

The General Society was founded October 11, 1890,—and organized August 20, 1891,—under the name of "Daughters of the American Revolution"; was incorporated under the laws of the State of New York as an organization national in its work and purpose. Some of the members of this organization becoming dissatisfied with the terms of entrance, withdrew from it and, in 1891, formed under the slightly differing name "Daughters of the Revolution," eligibility to which from the moment of its existence has been *lineal* descent from an ancestor who rendered patriotic service during the War of Independence.

"The North Carolina Society"

a subdivision of the General Society, was organized in October, 1896, and has continued to promote the purposes of its institution and to observe the Constitution and By-Laws.

Membership and Qualifications

Any woman shall be eligible who is above the age of eighteen years, of good character, and a *lineal* descendant of an ancestor who (1) was a signer of the Declaration of Independence, a member of the Continental Congress, Legislature or General Court, of any of the Colonies or States; or (2) rendered civil, military or naval service under the authority of any of the thirteen Colonies, or of the Continental Congress; or (3) by service rendered during the War of the Revolution became liable to the penalty of treason against the government of Great Britain: *Provided*, that such ancestor always remained loyal to the cause of American Independence.

The chief work of the North Carolina Society for the past eight years has been the publication of the "North Carolina Booklet," a quarterly publication of great events in North Carolina history—Colonial and Revolutionary. \$1.00 per year. It will continue to extend its work and to spread the knowledge of its History and Biography in other States.

This Society has its headquarters in Raleigh, N. C., Room 411, Carolina Trust Company Building, 232 Fayetteville Street.

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- "North Carolina in the French and Indian War," Col. A. M. Waddell.
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Address: "Our Dearest Neighbor—The Old North State," Hon. James Alston Cabell.
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Abstracts of Wills. Mrs. Helen DeB. Wills.

October, No. 2.

- "Ode to North Carolina," Pattie Williams Gee.
"The Finances of the North Carolina Colonists," Dr. Charles Lee Raper.
"Joseph Gales, Editor," Mr. Willis G. Briggs.
"Our First Constitution, 1776," Dr. E. W. Sikes.
"North Carolina's Historical Exhibit at Jamestown Exposition," Mary Hilliard Hinton.
Biographical Sketches: Dr. Kemp P. Battle, Dr. Charles Lee Raper, Willis Grandy Briggs, Pattie Williams Gee. By Mrs. E. E. Moffitt.

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"Fayetteville Independent Light Infantry," Judge James C. MacRae.
Biographical Sketches: Mrs. L. C. Markham, Rev. R. B. Drane, Julia S. White, Judge James C. MacRae. By Mrs. E. E. Moffitt.

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July, No. 1.

- "John Harvey," Mr. R. D. W. Connor.
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"A Sermon by Rev. George Micklejohn," edited by Mr. R. D. W. Connor

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"The Mecklenburg Declaration of Independence," Mr. A. S. Salley, Jr.
"The Mecklenburg Declaration of Independence," Prof. Bruce Craven.
"Mr. Salley's Reply."
"Mr. Craven's Rejoinder."
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"Patriotic Objects."
"Information Concerning the Patriotic Society D. R."

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"Unveiling Ceremonies."
"Carolina," by Bettie Freshwater Pool.
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"Thomas Person," Dr. Stephen B. Weeks.
"Sketch of Flora McDonald," Mrs. S. G. Ayr.
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THIS PUBLICATION treats of important events in North Carolina History, such as may throw light upon the political, social or religious life of the people of this State during the Colonial and Revolutionary periods, in the form of monographs written and contributed by as reliable and painstaking historians as our State can produce. The Eleventh Volume began in July, 1911.

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Vol. XI

APRIL, 1912

No. 4

The
NORTH CAROLINA BOOKLET

*“Carolina! Carolina! Heaven’s blessings attend her!
While we live we will cherish, protect and defend her.”*

Published by
THE NORTH CAROLINA SOCIETY
DAUGHTERS OF THE REVOLUTION

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THE NORTH CAROLINA BOOKLET

Vol XI

APRIL, 1912

No. 4

JAMES IREDELL, 1751-1799 ¹

By H. G. CONNOR.

Judge United States Court, Eastern District North Carolina.

"The character of this excellent man has been too little known. Similar has been the fate of many other valuable characters in America. They are too little known to those around them; their modest merits have been too familiar, perhaps too uniform, to attract particular and distinguished attention."

James Iredell was born in Lewes, Sussex County, England, October 5, 1751. His father, Francis Iredell, a merchant of Bristol, married Margaret McCulloch. The family were allied by blood to Sir George Macartney, the Earl of Wigton, the Fergusons, McCullochs, and, by marriage, to Governor Lyttleton. Henry McCulloch was connected with the Government of the Province of North Carolina, where he owned large landed estates. Through the influence of relatives, James Iredell was appointed Comptroller of the Customs at Port Roanoke (Edenton) N. C. It was said at the time, "The office is genteel requiring little or no duty, so that he will have time to apply himself to business; it is worth upwards of one hundred pounds sterling a year." Iredell appropriated a large portion of his salary to the support of his father and mother, thus "illustrating in a forcible manner his filial piety and generous nature." He sailed for his new home, bringing with him his commission, and letters

¹The writer has, for his information relied largely upon McRee's "Life and Correspondence of James Iredell." Except as otherwise indicated herein, quotations given are taken from it.

of introduction from friends in England, to several gentlemen in Edenton, arriving at the latter place "near the close of the year 1768." His biographer says of him: "He was then just seventeen years old, at the age when pleasures are enjoyed with the keenest relish. Frank, ingenuous, of pleasing appearance, winning manners, and educated in the best schools of England, he was kindly received and warmly welcomed."

The ancient borough of Edenton is situated on the northern shore of Albemarle Sound. It was founded in 1716, and named in honor of Eden, the Royal Governor. Mr. McRee says of the people to whom the young Comptroller came and among whom he resided during the remainder of his life: "If there was little of the parade and pomp of older communities, if many of the appliances of luxury were wanting, ease and abundance were the reward of but a slight degree of frugality and industry; the homes of the planters were comfortable and ample for all the purposes of hospitality; while their tables groaned beneath dainties beyond the reach of wealth on the other side of the Atlantic. * * * He who supposes the inhabitants were untutored people is grossly deceived. They were not refugees from the justice of the old world; nor were they of desperate fortunes or undisciplined minds—they were equal in cultivation, ability and patriotism to any of their contemporaries. The men were bold, frank, generous and intelligent; the females tender, kind and polite." The town contained about five hundred inhabitants. Of the residents of the town were Samuel Johnston, among the earliest, most enthusiastic and active Whigs, President of the Provincial Congress, Governor, and, upon the adoption of the Federal Constitution, the first United States Senator elected from the State, a lawyer of learning, a man of deep and extensive reading and singular purity of life spent in patriotic service to the State; Joseph Hewes, signer of the

Declaration; Thomas Barker, Thomas Jones, Jasper Charlton, Stephen Cabarrus, Robert Smith, Charles Johnston, John Johnston, and Sir Nathaniel Duckenfield. In the adjoining counties were Colonel Richard Buncombe, who, being mortally wounded at Germantown died in Philadelphia; John Harvey, Speaker of the Assembly, and later Moderator of the First and Second Provincial Congresses called in the Province (August, 1774, and April, 1775); and others of less note, but of liberal education and of honorable service and position. The society of the town furnished to Iredell a social circle of cultured and refined hospitality into which he at once entered. It is with Iredell's preparation for, and work as, a lawyer, statesman and judge that we are specially concerned, which precludes an entrance into the interesting and charming story of his personal and social life further than it illustrates his public career.

Very soon after his arrival he began the study of law with Samuel Johnston. "Every moment of leisure was devoted to his legal studies and to such intercourse with intelligent gentlemen and cultivated ladies as was calculated to refine and improve. He was a diligent student; he copied Mr. Johnston's arguments and pleas in important cases. He read carefully and attentively the text-books, referring to the authorities quoted, and collecting and digesting kindred passages from all writers within his reach; he attended the courts, returned to his chamber and wrote out arguments of his own, applicable to the cases he had stated." A few extracts from his "Journal" give us a fair view of the young Comptroller, preparing himself for the career which, all unthought of, awaited him. On August 22, 1770, he writes: "Indolence in any is shameful, but in a young man quite inexcusable. Let me consider for a moment whether it will be worth my while to attempt making a figure in life, or whether I will be content with mediocrity of fame and circumstances.

* * * But nothing is to be acquired without industry; and indolence is an effectual bar to improvement. * * * I have not done as much as I ought to have done; read a little in Lyttleton's Tenures and stopped in the middle of his Chapter on Rents; whereas I ought to have gone through it. It would have been better than losing three or four games at billiards. N. B.—If you do play billiards make it a rule not to lengthen."

We learn from his journal that, while studying Lyttleton, he did not neglect polite literature. He says: "I have been reading a volume of the Spectator, which is ever new, ever instructive, ever interesting. I hope they will be transmitted, with honor, to the latest ages. * * * Strength of reason, elegance of style, delicacy of sentiment, fertility of imagination, poignancy of wit, politeness of manners, and the most amiable pattern of human life, appears through the whole, in so conspicuous a manner as at once to improve and delight. * * * Resumed my Spectator; read a great many entertaining and improving things, particularly Mr. Addison's Discourses on Fame, in the fourth volume, which are incomparably elegant and sublime. Surely the writings of such great, learned and good men are more than a counterpoise to the libertine writings of professed Deists, whose immoral lives made them dread an encounter hereafter." He continues this train of reflection regarding the infidelity so prevalent at that time, concluding with words, which are of special interest, giving expression to a principle which controlled his private and public conduct throughout his life: "At a time when licentiousness is at an amazing and dangerous height we shall be careful to guard against popular prejudice, though we must not blindly oppose the public voice because it may appear too tumultuous. Let us do things impartially and not oppose or condemn any conduct on the whole, on account of a few improper circumstances attending it."

His journal shows that he was a diligent student of the "Tenures." On July 31, 1771, he writes his father, "I am too often troubling you, but I will hope for your excuse of this last request, as it will be of particular, perhaps necessary, service for me. It is that you will be so obliging as to procure Dr. Blackstone's Commentaries on the Laws of England and send them by the first opportunity. I have, indeed, read them by the favor of Mr. Johnston, who lent them to me, but it is proper that I should read them frequently and with great attention. They are books admirably suited for a young student, and, indeed, may interest the most learned. The law there is not merely considered as a profession but a science. The principles are deduced from their source and we are not only taught, in the clearest manner, the general rules of law, but the reasons upon which they are founded. * * * Pleasure and instruction go hand in hand, and we apply to a science, difficult, indeed, at best, with less reluctance, when by a well-directed application we may hope to understand it with method and satisfaction. I would take leave to add one more desire, that you would be pleased to send me the Tatlers and Guardians—the Spectators I have, and these, with the others, will afford me agreeable desultory reading."

Mr. Johnston was a faithful and competent instructor. "As a lawyer he was ever highly honored and esteemed; his patience, his industry, his logic were signal. * * * As early as 1776 he was one of a committee to revise the statutes of the State." He was later one of the State Judges. Mr. Iredell received from Governor Tryon a license to practice law in all the Inferior Courts of the Province on December 14, 1770. He was licensed by Governor Martin to practice in the Superior Courts November 26th, 1771, and duly qualified at the April Term, 1772. During the intervening year, "with healthy but vehement ambition," he prosecuted

his studies and regularly attended the courts. "Books he had not, save a volume or two stuffed into his saddle-bag with a scanty supply of apparel. * * * Iredell early fixed his eyes upon the glittering heights of his profession, and so self-assured was he of his capacity and industry that he never faltered in his purpose—he was resolute to win; and with such men to resolve is to compel success. If unemployed in the courthouse, he peopled his chambers with judge, jury and spectators; he argued his cases before his imaginary court and reported his own arguments." McRee gives an illustration of his habit of writing out arguments in cases tried in the courts, although not employed in them. It is interesting, both because of the careful and orderly statement of the facts and the logical arrangements of argument which marked his opinions when called into judicial service. The journal shows that, while preparing for his Superior Court license, Iredell was diligent in the study of Blackstone's Commentaries. The work had been published but a few years before and was widely read in America. Burke, in his speech on "Conciliation," stated that the booksellers informed him that as large a number of copies had been sold in America as in England. Iredell writes in his journal, "Came home and read an hour or two in Blackstone." "Employed myself all the rest of the evening reading Blackstone." "I immediately came home and finished the second volume of Blackstone."

The journal, during this year, leaves the reader in doubt whether he was most assiduous in his devotions to Miss Hannah Johnston or the great commentator. That he wooed both successfully is evidenced by the fact that on January 18, 1773, he was united in marriage to this estimable lady, who "supplemented what he needed. * * * She was his constant monitor, adviser, banker and trusted friend. * * * Their lives, united in one stream, flowed onward

softly and gently." She was the sister of Governor Samuel Johnston. Their correspondence, when separated by his riding the circuit in the practice of his profession and, later, in the discharge of his high official duties, is both interesting and instructive. Iredell's grandfather was a clergyman of the Church of England. His early religious training and his associations impressed their influence upon his mind and character. He was given to religious contemplation and often wrote "reflections" upon religious subjects quite remarkable for so young a man. Within a year after coming to Edenton he writes his Sunday "thoughts," concluding: "I am not ashamed to think seriously of religion, and hope no example will induce me to treat it with indifference. Youth is as much concerned to practice and revere it as any in the more advanced stages of life, and I have drawn up the foregoing plain, but useful, remarks as thinking it the best way of employing my time when I have had no opportunity of attending public worship." Writing his brother, he says: "Let me desire you to let no flashes of wit, or impertinent raillery of religion, shock your principles or stagger your belief. Men of this cast laugh at religion, either because they know nothing of it or care nothing for it. Men of shallow understandings or bad hearts are those who generally rank themselves in the list of free thinkers."

The controversies between the Royal Governors and the people in North Carolina began at an early day. They continued to grow in number and intensity. "Though a King's officer, Iredell soon became imbued with the views of the American leaders; felt that his future was identified with their future, and determined to participate in their defeat or success, to share in their disgrace or glory. He soon formed intimacies with the leading men of the Province, men whose thoughts were to irradiate subsequent darkness, and whose voices were destined to cheer and sustain the peo-

ple in the hour of disaster. Ere long he began with them an active correspondence, and his part was so well supported that a learned gentleman and most competent judge writes: 'He was the letter writer of the war. He had no equal amongst his contemporaries.'"

As early as September, 1773, he published his first political essay, saying, among other things: "I have always been taught, and till I am better informed must continue to believe, that the Constitution of this country is founded on the Provincial Charter, which may well be considered the original contract between the King and the inhabitants." "In 1774 the Revolution was fairly inaugurated in North Carolina. Nowhere were the points in dispute between the colonies and Great Britain more clearly stated or more ably argued. The people were generally agreed. * * * It is true that none meditated independence as an object of desire; but it was foreseen as a possible consequence. The contest, that was soon to be developed into flagrant war, was eminently, in North Carolina, based upon principle. The Whig leaders, ready with the pen and the columns of the newspapers and the pamphlets, discussed the tax on tea and the vindictive measures that followed the prompt opposition of Boston, with a degree of learning and logic that was not surpassed by any of their contemporaries in other provinces. * * * There was no array of class against class. The foremost in talent were foremost in all measures; they had the confidence of the people. The followers of such men as Harvey, Johnston, Ashe, Harnett, Hooper, and Caswell could not be otherwise than well informed. * * * In the quiet retreat of his study, with naught to stimulate but the promptings of his own honest heart and, perchance, the smile of his noble wife, with patient toil Iredell forged and polished the weapons of debate; if others fixed his mark he recked not who claimed the honor of the cast."

Mr. Iredell, at this time, began a correspondence with William Hooper, in which they discussed the questions engaging the attention of thoughtful men. On April 26, 1774, Hooper writes him: "Every man who thinks with candor is indebted to you for the share you have taken in this interesting controversy. * * * You have discussed dry truths with the most pleasing language, and have not parted with the most refined delicacy of manners in the warmth of the contest. * * * I am happy, dear sir, that my conduct in public life has met your approbation. It is a suffrage from a man who has wisdom to distinguish and too much virtue to flatter. * * * Whilst I was active in contest you forged the weapons which were to give success to the cause which I supported. * * * With you I anticipate the important share which the colonies must soon have in regulating the political balance. They are striding fast to independence, and ere long will build an empire upon the ruin of Great Britain; will adopt its Constitution, purged of its impurities, and, from an experience of its defects, will guard against those evils which have wasted its vigor and brought it to an untimely end."

The first Provincial Congress "called by the people themselves"—defying the threats of the Royal Governor—met in New Bern August 25, 1774. Iredell's friends, Johnston, Hewes, Thomas Jones, and Hooper, were conspicuous members. John Harvey was "Moderator." The first of Iredell's political efforts, which have been preserved, was addressed to "The Inhabitants of Great Britain." The address is set out in full in McRee's "Life and Correspondence," and contains an able and exhaustive statement and defense of the cause of the Americans. He gives the history of their coming and settling the province, the provisions of their charters and the violations of them by the King and his Parliament.

Iredell soon thereafter settled his accounts and closed his

career as Collector, to which position he had been promoted. After the 4th of July, 1776, he became deeply interested in the proposed form of government to be adopted by the new State. He had attended the courts, when open, and had given diligent attention to the practice of his profession. After the adoption of the Constitution (November, 1776) and the inauguration of a State Government a judicial system was established—"Iredell drawing the first Court Law." At the session of the Assembly, November, 1777, the State was laid off into three judicial districts; Samuel Ashe, Samuel Spencer, and James Iredell were appointed judges. His appointment was brought about by William Hooper, who writes December 23, 1777: "Before this reaches you you will have received the information of being promoted to the first honors the State can bestow. * * * You will be at a loss to conjecture how I could have been accessory to this step after you had been so explicit to me on the subject. Be assured that I was not inattentive to your objections, nor did I fail to mention them and urge them with sincerity to every person who mentioned you for the office to which you are now designated. * * * I expostulated with them upon the impropriety of electing one who in all probability might decline, and leave one of the seats of justice vacant. * * * Their reasoning prevailed and you have now the satisfaction of an unrestricted choice. The appointment has been imposed upon you, and therefore you are at perfect liberty to act or not." Archibald Maclaine wrote: "I can only say that if it would answer your purposes as fully as it would please your friends and the public, it would give me real satisfaction." When it is remembered that at this time Iredell was but twenty-seven years old; that only ten years prior thereto he had come to the State a youth of seventeen, unknown, without wealth or other influences, his election, unsought and against his inclination, to the highest judicial

position in the State, it is manifest that by his personal conduct and character, as well as his learning and ability, he had strongly and favorably impressed himself upon the people and their representative men. William Hooper was a lawyer of learning and experience, as were other members of the Assembly. Maclaine, also an eminent lawyer and member of the Assembly, thus expressed the opinion of his associates: "However arduous the task you have undertaken, we have the most hopes from your judgment and integrity, and these hopes are strengthened by your diffidence. * * * The members of the Assembly, in appointing you, thought, with great reason, that they effectually served themselves and their constituents. As to myself, I confess I was actuated by duty to the public, having been taught that your promotion would more effectually serve them than you." Iredell accepted the judgeship at much personal sacrifice. The salary was totally inadequate for the support of his family.

Replying to a letter from Governor Burke calling upon him to hold Courts of Oyer and Terminer, he says: "In regard to the courts your Excellency proposed immediately to establish, I am always ready to attend them as my duty requires, but I take the liberty to represent to your Excellency that I fear that I shall not be able to defray the expenses they will involve me in unless I receive a sum of money from the public. * * * I am not ashamed of confessing my poverty, as it has not arisen from any dishonorable cause. My circumstances have suffered deeply, but if I can bear myself above water I am content to suffer still. * * * I shall not fail to do my utmost then and at all times in discharge of my duty."²

He rode one circuit, during which his letters to his wife give an interesting account of the country through which he traveled, the people with whom he was associated and the

²State Records of N. C., XXII, 552.

experiences of a judge "on circuit" at that early period in our history. He went as far west as Salisbury. At the Edenton term, June 6, 1778, the grand jury requested that he furnish his charge for publication, saying: "This charge vindicates the American States, in the establishment of independency, by arguments drawn from undeniable rights and from real necessity, and grounded on incontestable facts. * * * It breathes a spirit of pure disinterested patriotism, and holds forth the most powerful incentive to persist in the opposition which America has so successfully begun. It points out persuasively the importance of a faithful observation of the various political and relative duties of security upon which the happiness of individuals and of the whole depends, and which will tend to give stability to our present Constitution."

The language of the charge is spirited, the sentiment patriotic, with considerable warmth of expression towards the King and his ministers. A few extracts will give an idea of its general tone. Referring to the fact that no courts had been held for a long time, he says: "This court of justice opens at a most interesting period of the policy of this country. We have been long deprived of such, from a variety of causes, in some of which we have shared with our brethren on the Continent; others were peculiar to ourselves. The event, however, has been unhappy and distressing, and every wellwisher to his country must view with pleasure a scene of anarchy changed to that of law and order, and powers of government established capable of restraining dishonesty and vice. Such powers have been established under circumstances which should induce to them peculiar reverence and regard. They have not been the effect of usurpation; they have not proceeded from a wanton desire of change; they have not been imposed upon you by the successful arms of a tyrant; they have been peaceably established by the public at large,

for the general happiness of the people, when they were reduced to the cruel necessity of renouncing a government which ceased to protect, and endeavored to enslave them, for one which enabled them, with a proper share of courage and virtue, to protect and defend themselves. * * * We desired only the privileges of a free people, such as our ancestors had been and such as they expected we should be. We knew it was absurd to pretend we should be free when laws might, at pleasure, be imposed upon us by another people. * * * Our ancestors came here to enjoy the blessings of liberty. They purchased it at an immense price. Their greatest glory was that they had obtained it for themselves and transmitted it to their posterity. God forbid that their posterity should be base or weak enough to resign it, or let it appear that the true British spirit, which has done such wonders in England, has been lost or weakened by being transplanted to America. * * * You will, I hope, excuse, gentlemen, the particular, perhaps too great particularity, with which I have gone into this subject. Yet I thought it my duty to point out to you some of the principles upon which the revolution in our government has taken place and which, in my opinion, prove not only the propriety of its being effected, but the indispensable obligation we are under to maintain and support it. * * * The struggles of a great people have almost always ended in the establishment of liberty. The enjoyment of it is an object worthy of the most vigilant application and the most painful sacrifices. Is there anything we read with more pleasure than the sufferings and contentions of a brave people who resist oppression with firmness, are faithful to the interests of their country and disdain every advantage that is incompatible with them? Such a people are spoken of with admiration by all future ages. * * * These are the glorious effects of patriotism and virtue. They are the rewards annexed to the faith-

ful discharge of that great and honorable duty, fidelity to our country."

Referring to the burdens laid upon the colonists and their right to resist them, he says: "We knew of no right they could have to such a power. Our charters did not recognize it. It certainly was not in our ancestors' contemplation, who left that very country because freedom could not be enjoyed in it. Custom had given it no sanction. * * * It was reconcilable to no principles of justice. * * * We despised the miserable application of a few political maxims * * * which to this hour is the basis upon which all the fraud, iniquity, injustice, cruelty and oppression that America has experienced from Great Britain have been defended. * * * The divine right of kings was exploded with indignation in the last century. Men came at length to be persuaded that they were created for a nobler purpose than to be slaves of a single tyrant. They did not confine this idea to speculation; they put to death one King and expelled another. This was done in England, the seat of our haughty enemies, who seem to think the right of resistance is confined alone to their kingdom." When it is remembered that this charge was delivered at a time when the American cause was far from hopeful, the courage exhibited was of no low order. Iredell, too, was a conservative—but withal a man and a patriot.

Soon thereafter he sent his resignation to the Governor, who accepted it with much reluctance, saying, "as you can well conceive, well knowing your place can not be supplied by a gentleman of equal ability and inclination to serve the State." He continued the practice of the law until, on July 8, 1779, he was tendered and accepted the position of Attorney General. Hooper writes, expressing pleasure that he has consented to accept, saying: "I have the happiness to assure you that the leading characters in this part of the

country [Cape Fear] speak of you as a capital acquisition to our courts, and exult that there is a prospect of offenders being brought to due punishment without the passions of party or the prejudice of individuals swaying the prosecution." Iredell traveled the circuit, attending the courts in the discharge of his duties and receiving a large share of civil business. His letters to Mrs. Iredell give an interesting and often amusing account of his experiences. From New Bern he writes: "Expenses are enormous. My last jaunt has cost me \$600 on the road and the depreciation will certainly proceed most rapidly, for they are giving away the money at the printing office in so public and careless a manner as to make it quite contemptible." Again he writes: "There has not been much business, but I have been applied to in almost everything. I have already received in civil suits 1,240 pounds in paper besides nineteen silver dollars. I expect to receive tomorrow 500 pounds and my salary for this and Edenton Court, which will be 1,000 pounds. * * * My fear is that, as usual, the money will be much depreciated before I lay it out. I shall carefully preserve the hard money to the last." From New Bern, at the following term, he writes Mrs. Iredell that he has received 4,540 pounds "of this currency," 1,350 pounds of Continental, and \$9 in hard money; that he will receive 1,500 pounds for his salary at these courts, "but my expenses here are monstrous—160 pounds a day for my board and lodging only." At Wilmington he was employed in the first admiralty case tried in the State of which the record is extant. The Assembly at Halifax, 1781, voted the judges 20,000 pounds each and the Attorney General 10,000 pounds "for making up the depreciation of their allowance." Iredell resigned his office (1781), of which, writing to his brother, Rev. Arthur Iredell, July, 1783, he says: "Since then I have been only a private law-

yer, but with a show of business very near equal to any lawyers in the country."

After the ratification of the Treaty of Peace and the withdrawal of troops from the State, the people began the work of restoring their fortunes and enacting laws suited to their new political situation. Differences, more or less fundamental, which had manifested themselves during the war, became more marked—dividing the leaders and people into parties. Iredell was in agreement with the conservatives, Johnston, Hooper, Maclaine, Davie, Spaight, and others, in opposition to Willie Jones, Thomas Person, Samuel Spencer, and others. The former insisted that the State should carry out in good faith the terms of the treaty, and adopt such measures as were necessary for that purpose; enforce contracts and maintain a strong and stable government. While Iredell neither held nor sought any public position, he was "in touch," through correspondence and otherwise, with the leaders of the party known as Conservatives. He prosecuted the practice of his profession with industry and success, ranking easily with the leaders of the bar. The more radical sentiment in the State was disposed to magnify the power of the Legislature and oppose any restriction upon it by the enforcement of Constitutional limitations, especially by the courts. In an address to the public, Iredell set forth his views regarding the enforcement of Constitutional limitations upon the Legislature. Referring to the Convention (November, 1776), which formed the Constitution, he says: "It was of course to be considered how to impose restrictions on the Legislature that might still leave it free to all useful purposes, but at the same time guard against the abuse of unlimited power, which was not to be trusted, without the most imminent danger, to any men or body of men on earth. We had not only been sickened and disgusted for years with

the high and almost impious language from Great Britain, of the omnipotent power of the British Parliament, but had severely smarted under the effects. We felt, in all its rigor, the mischiefs of an absolute and unbounded authority, claimed by so weak a creature as man, and should have been guilty of the basest breach of trust as well as the grossest folly if in the same moment, when we spurned at the insolent despotism of Great Britain, we had established a despotic power among ourselves. * * * I have no doubt but that the power of the Assembly is limited and defined by the Constitution. It is a creature of the Constitution. * * * These are consequences that seem so natural, and indeed so irresistible, that I do not observe that they have been much contested. The great argument is, that although the Assembly have not a right to violate the Constitution, yet if they in fact do so, the only remedy is either by a humble petition that the law may be repealed or a universal resistance of the people. But, in the meantime, their act, whatever it is, is to be obeyed as a law; for the judicial power is not to presume to question the power of an act of Assembly." He proceeds, with remarkable clearness and force, to set forth his opinion upon this question, expressing the view which has since been pursued by the courts, both State and Federal. He concludes: "These are a few observations that have occurred to me on this subject. They are given by a plain man, unambitious of power, but sincerely and warmly interested in the prosperity of his country; feeling every respect for the Constitutional authority of the Legislature which, in his opinion, is great enough to satisfy an ambitious as well as support the efforts of a public-spirited mind, but a determined enemy on all occasions of arbitrary power in every shape whatever, and reverencing beyond expression that Constitution by which he holds all that is dear to him in life." It must be remembered that these views were ex-

pressed before any court had held that it was within the power and therefore the duty of the judiciary to refuse to enforce statutes passed without Constitutional warrant. The question had been mooted, and in one case passed upon, prior to the date of Iredell's address (1786), but the opinion of the Court had not been published beyond the jurisdiction in which it was decided. Richard Dobbs Spaight, while a member of the Convention at Philadelphia (August 12, 1787), in a letter to Iredell, refers to the action of the judges in holding an act depriving litigants of trial by jury (*Bayard v. Singleton*, 1 Martin, 42) unconstitutional. He laments "that the Assembly have passed laws unjust in themselves and militating in their principles against the Constitution in more instances than one." He says: "I do not pretend to vindicate the law, which has been the subject of controversy; it is immaterial what law they have declared void; it is their usurpation of the authority to do it that I complain of, as I do most positively deny that they have any such power; nor can they find anything in the Constitution, either directly or impliedly, that will support them or give them any color of right to exercise that authority. * * * It must be acknowledged that our Constitution unfortunately has not provided a sufficient check to prevent the intemperate and unjust proceedings of our Legislature, though such a check would be very beneficial, and I think absolutely necessary to our well being; the only one that I know of is the annual election which, by leaving out such members, will in some degree remedy, though it can not prevent, such evils as may arise." On August 26, 1787, Iredell answered Mr. Spaight's letter at length, saying: "In regard to the late decision at New Bern, I confess that it has ever been my opinion that an act inconsistent with the Constitution was void, and that the judges, consistently with their duties, could not carry it into effect. The Constitution appears to me to be a funda-

mental law, limiting the powers of the Legislature, and with which every exercise of those powers must be compared." In regard to his apprehension that the power will be abused, Iredell says: "If you had seen, as I did, with what infinite reluctance the judges came to this decision, what pains they took by proposing expedients to obviate its necessity, you would have seen in a strong light how little probable it is a judge would ever give such a judgment when he thought he could possibly avoid it. But whatever may be the consequences, formed as our Constitution is, I can not help thinking they are not at liberty to choose, but must in all questionable instances decide upon it. It is a subject indeed of great magnitude, and I heartily lament the occasion for its discussion. In all doubtful cases, to be sure the act ought to be supported, it should be unconstitutional beyond dispute before it is pronounced such."

The Convention at Philadelphia having submitted the new Federal Constitution to the Legislatures of the States, Iredell at once entered upon the task of securing its adoption by the people of North Carolina. In no State was the opposition more pronounced or determined. The popular leaders of the dominant party were active in their opposition, one of the most prominent of them declaring that "Washington was a d—n rascal and traitor to his country for putting his hand to such an infamous paper as the new Constitution." Another, said to have been the most popular leader in the State, seriously insisted in the Convention upon rejecting it without discussion, saying that he had made up his mind and was sure that others had done so. "Of all those who were most active in pressing upon the people the adoption of the Constitution Mr. Iredell was undoubtedly the most able and energetic."

At the session of the Legislature November, 1787, Mr. Johnston was elected Governor and Mr. Iredell a member

of the Council; he was also appointed a commissioner to revise and collect the Acts of the General Assembly, then in force. A convention of the people was called to meet at Hillsboro, composed of delegates from the several counties and the borough towns. Iredell was elected, unanimously, from Edenton. On January 8, 1788, he published a pamphlet entitled "Answer to Mr. Mason's Objections to the New Constitution Recommended by the late Convention at Philadelphia," by "Marcus." He stated each of Mr. Mason's "objections" in their order, and in the same order answers them. It is not within the scope of this sketch to undertake a review of Mr. Iredell's "answer" to the celebrated paper of Mr. George Mason. The pamphlet made a favorable impression on the public mind and strongly influenced Iredell's future career. The correspondence between Iredell and William Hooper, William R. Davie and Maclaine gives an interesting view of the condition of public sentiment in the State in regard to the new Constitution. Says one, writing of the leaders in the Convention: "The most prominent Federalists were Iredell, Davie, Governor Johnston, Spaight, Mac-lain [sic] and Steele. Foremost in their number and the leading spirit of the whole body was Judge Iredell, conspicuous for his graceful elocution, for the apt application of his varied learning, his intimate knowledge of the schemes of government, and his manly and generous temper.

"Davie, with spotless plume, towering in intellect, as in stature, above the majority of the members, stood like a knight of the olden time, lance in hand, the luster of his military services played about him and was reflected in flashing light from hauberk, morion and polished steel.

"Governor Johnston, the President of the Convention, calm, lucid and convincing, seldom participated in the debate; when he did, his blows were always delivered with stunning effect.

“Maclaine, sensible, pointed and vigorous, was the Hotspur of his party.

“Steele was laborious, clear-sighted and serviceable by his knowledge of men.

“Willie Jones, although democratic in theory, was aristocratic in habits, tastes, pursuits and prejudices; he lived sumptuously and wore fine linen; he raced, hunted and played cards. A patriot in the Revolution, he was now the head of a great party. * * * He was a loving and cherished disciple of Jefferson, and was often taunted with his subserviency to Virginia ‘abstractions.’ He seldom shared in the discussions.

“Judge Spencer, candid and temperate, was in debate far superior to his associates.

“David Caldwell, a Presbyterian divine, was learned and intelligent. He had for years discharged the triple functions of preacher, physician and teacher.

“McDowell, the rival of Davie in military renown, was a man of action rather than words.

“Bloodworth, by no means the least among them, was one of the most remarkable men of the era, distinguished for the versatility of his talents and his practical knowledge of men, trades, arts, and sciences. The child of poverty, diligence and ambition had supplied the place of patronage and wealth; he was resolute almost to fierceness, and almost radical in his democracy.”

William Hooper, General Allen Jones, William Blount, and Judge Ashe were defeated at the polls.

The debates were conducted with ability and dignity, and at times with much asperity. While Davie, Spaight, Maclaine and Johnston bore their share, Iredell was the acknowledged leader for adoption. The proceedings of the Convention are published in Elliott's Debates. The opposition could not be overcome and, on the final vote, the Constitution was

rejected by a vote of 184 to 84.³ While Iredell was defeated he made many friends and advanced his reputation in the State. One of the new western counties was given his name. The requisite number of States having ratified the Constitution, the new government was organized April 30, 1789, North Carolina taking no part but remaining a free, sovereign, independent State.

It appears from the letters of the Honorable Pierce Butler, Senator from South Carolina, written from New York, August 11, 1789, that Iredell's reputation had extended beyond the borders of the State. He says: "The Southern interest calls aloud for some such men as Mr. Iredell to represent it—to do it justice." Dr. Williamson writes, at the same time: "The North Carolina Debates are considerably read in this State, especially by Congress members, some of whom, formerly had little knowledge of the citizens of North Carolina, have lately been very minute in their inquiries concerning Mr. Iredell. By the way, I have lately been asked by a Senator whether I thought you would accept a judge's place under the new government if it required your moving out of the State, as we are not in the Union." A second Convention met at Fayetteville November 2, 1789. Iredell was not a candidate for election as a delegate. With but little debate the Constitution was ratified and amendments proposed. A bill was passed establishing a university, the names of Samuel Johnston and James Iredell being placed at the head of the list of trustees.⁴

Maclaine writes Iredell December 9, 1789: "What would you think of being the District Judge?" He was soon called to a larger field and higher judicial service. On February 10, 1790, without solicitation on his part, Mr. Iredell was nominated by President Washington, and unanimously con-

³Convention of 1788.—N. C. Booklet, Vol. IV.

⁴Battle's History of the University of North Carolina, 821.

firmed by the Senate, one of the Associate Justices of the Supreme Court of the United States. He was just thirty-nine years old. The President enclosed his commission with the following letter: "One of the seats on the bench of the Supreme Court of the United States having become vacant by the resignation of the gentleman appointed to fill the same, I have thought fit, by and with the advice and consent of the Senate, to appoint you to that office, and have now the pleasure to enclose you a commission to be one of the Associate Judges of the Supreme Court of the United States. You have, sir, undoubtedly considered the high importance of a judicial system in every civil government. It may therefore be unnecessary for me to say anything that would impress you with this idea in respect to ours. * * * I must, however, observe that, viewing as I do the Judicial System of the United States as one of the main pillars on which our National Government must rest, it has been my great object to introduce into the high offices of that department such characters as, from my own knowledge or the best information, I conceived would give dignity and stability to the government * * * at the same time that they added luster to our national character." It is said that "Washington derived his conviction of Iredell's merits from a perusal of the Debates in the North Carolina Convention and the famous reply to George Mason's objections."⁵ Butler wrote Iredell February 10th: "I should have been happy to have had you in Congress. The Union will no longer be deprived of your aid and the benefit of your abilities. * * * I congratulate the States on the appointment and you on this mark of their well-merited opinion of you." Acknowledging the letter from the President, Iredell writes: "In accepting this dignified trust I do it with all the diffidence becoming the humble abilities I possess; but, at the same time, with

⁵Carson's History of the Supreme Court, 155.

the most earnest resolution to endeavor by unremitting application a faithful discharge of all of its duties, in the best manner in my power." Judge Iredell was assigned to the Southern Circuit and entered upon the work immediately. He reached Charleston May 23, 1790, and there met Mr. Rutledge before whom he took the oath of office. He writes Mrs. Iredell: "I have received the greatest and kindest civilities from Mr. Rutledge, at whose house I have the pleasure of staying." He proceeded to Savannah. There was but little business in the new Court other than organizing the Circuit Courts and putting the new judicial system in working order. Supposing that the judges would "rotate" in the Circuit Court work, he removed his family to New York. The Court having, to his surprise, adopted the rule which confined judges to one circuit—Iredell's being the Southern—he found himself very much embarrassed. The long distance to be traveled (1,900 miles) twice each year was a severe tax upon his health and strength. He justly complained of the arrangement to the Chief Justice, who conceded that "your share of the task has hitherto been more than in due proportion." Although the judges refused to make a more equitable rule, by exchanges, they sometimes rode different circuits. Justice Iredell took his seat with the Chief Justice and his associates at the August Term, 1790. No business was transacted, the Court adjourning *sine die*. Iredell again rode the Southern Circuit, but it does not appear that there was much business to engage his attention.

William Hooper, to whom Iredell was strongly attached, and for whose character and talents he had the highest regard, died October 14, 1790. Writing a letter of condolence to Mrs. Hooper, Iredell said: "An attachment founded on the most perfect esteem and upon a gratitude excited by repeated and most flattering obligations, ought not, and, in me, I trust is not capable of being weakened by any change of place, time or circumstance."

A suit was instituted at this time in the State Court against Iredell and his co-executor upon a bond given by their testator to a British subject. His co-executor pleaded the "Confiscation Act," in which Iredell refused to join. By direction of Justices Wilson, Blair and Rutledge a writ of *certiorari* was issued to the State Court, which the judges refused to obey. As an indication of the jealousy of the new government in the State, the General Assembly adopted a resolution declaring that "The General Assembly do commend and approve of the conduct of the judges of the Courts of Law and Courts of Equity in this particular."⁶ At the same session the House of Commons, by a vote of twenty-five to fifty-five, refused to adopt a resolution requiring the Governor and other State officials to take an oath "to support the Constitution of the United States."

On the Southern Circuit at Savannah (1791) a question arose, stated by Judge Iredell, as follows: "There were depending some suits for the recovery of debts, to which pleas were put in by the defendants, not denying the existence of the debts, but showing (as they conceived) a right in the State of Georgia to recover them under certain Acts of Assembly of the State passed prior to the Treaty of Peace. The Attorney and Solicitor General of the State were directed to interfere in the defense, but the counsel for the defendants refused to permit them. The Attorney and Solicitor General, being dissatisfied with the pleas, applied to the Court for leave to interfere in behalf of the State." Judge Iredell was of the opinion that the State could appear only in the Supreme Court, and for this reason denied the motion. He suggested that the State had a remedy by an appeal to the Equity jurisdiction of the Supreme Court. Deeply impressed with the gravity as well as the novelty of the question he writes: "I have been thus particular in stating this inter-

⁶State Records, XXI, 441, 865, 1080, 1082.

esting subject, because it appears to me of the highest moment, although I believe it would be difficult to devise an unexceptionable remedy. But the discussion of questions wherein are involved the most sacred and awful principles of public justice, under a system without precedent in the history of mankind, necessarily must occasion many embarrassments which can be more readily suggested than removed." Out of these suits arose the celebrated case of *Georgia v. Brailsford*, 2 Dallas, 402; 3 Dallas, 1.

At the April Term, 1792, of the Circuit Court at Savannah Judge Iredell delivered a charge to the grand jury which so impressed the members that they unanimously requested its publication. A number of his "charges" in other circuits were published at the request of the grand juries. At the June Term, 1792, at the Circuit Court at Raleigh, N. C., Judge Iredell, with District Judge Sitgreaves, was confronted with a delicate question. Congress had enacted a statute directing that the invalid pension claims of widows and orphans should be exhibited to the Circuit Courts; that those to whom the Court granted certificates should be placed on the Pension list, subject to the review of the Secretary of War. Conceiving that the duties thus imposed were not judicial in their character, and therefore not authorized by the Constitution, which carefully separated the powers and duties of each department of the Government, Judge Iredell prepared a remonstrance, addressed to the President, in which he said:

"We beg leave to premise that it is as much our inclination as it is our duty to receive with all possible respect every act of the Legislature, and that we never can find ourselves in a more painful situation than to be obliged to object to the execution of any, more especially to the execution of one founded on the purest principles of humanity and justice, which the actual question undoubtedly is. But however

lamentable a difference really may be * * * we are under the indispensable necessity of acting according to the best dictates of our judgment." He set forth at length the reasoning by which he had been brought to the conclusion that he could not, with proper regard to the Constitutional distribution of powers, execute this statute, concluding: "The high respect we entertain for the Legislature, our feelings as men for persons whose situation requires the earliest as well as the most effectual relief, and our sincere desire to promote, whether officially or otherwise, the just and benevolent views of Congress, so conspicuous on this as well as on many other occasions, have induced us to reflect whether we could be justified in acting under this act personally in the character of commissioners during the session of a court; and could we be satisfied that we had authority to do so we would cheerfully devote such part of our time as might be necessary for the performance of the service." The other Justices addressed similar letters to the President. The question was brought before the Court by a motion made by Attorney General Randolph, *ex officio* for a *mandamus* directed to the Circuit Court for the District of Pennsylvania, commanding the Court to proceed to hear the petition of William Hayburn, etc. The Court being divided in opinion whether he could make the motion *ex officio*, he was permitted to do so on behalf of Hayburn. No decision was made at the time and Congress soon thereafter "made other provisions for the relief of pensioners." Judge Iredell, until the act was repealed, heard a large number of petitions as commissioner. He writes Mrs. Iredell from Hartford, Connecticut, September 30, 1792: "We have a great deal of business to do here, particularly, as I have reconciled myself to the propriety of doing the invalid business out of court." In *United States v. Ferreria*, 13 Howard, 51, Chief Justice Taney says of the action of the Court: "The repeal of the act clearly

shows that the President and Congress acquiesced in the correctness of the decision, that it was not a judicial power."

Following the refusal to permit Georgia to intervene in the Brailsford case, in the Circuit Court, the State filed a bill in equity in the Supreme Court, alleging that the title to the bond, upon which the action in the Circuit Court was brought, was, by virtue of an act passed during the war, confiscating and sequestering the property and debts of British subjects in the State. The Court was asked to enjoin the plaintiffs from proceeding, etc. Each of the Judges wrote opinions. Iredell observed that he had sat in the Circuit Court and refused the motion of the State to intervene. He said that the Court could not, with propriety, sustain the application of Georgia because whenever a State is a party the Supreme Court has exclusive jurisdiction of the suit. The State, therefore, did not have a complete and adequate remedy at law. "Every principle of law, justice and honor, however, seem to require that the claim of the State of Georgia should not be indirectly decided or defeated by a judgment pronounced between parties over whom she had no control, and upon a trial in which she was not allowed to be heard." He was of the opinion that an injunction should be awarded to stay the money in the hands of the Marshal until the Court made further orders, etc. The Court was divided in opinion, the majority holding that an injunction should issue until the hearing. At the February Term, 1793, a motion was made by Randolph to dissolve the injunction. Iredell was of the opinion that the motion should be denied. He held that, for several reasons, the State could not sue on the bond at law, asking: "How is she to obtain possession of the instrument without the aid of a Court of Equity?" pointing out the practical difficulties which she would encounter in securing the bond. To the suggestions that the State could bring an action of assumpsit for money had and received

against Brailsford, which he termed "the legal panacea of modern times," he conclusively answers that while the action "may be beneficially applied to a great variety of cases, it can not be pretended that this form of action will lie before the defendant has actually received the money," and this Brailsford has not done. He suggests that the injunction be continued, and an issue be tried at the bar to ascertain whether the State of Georgia or Brailsford was the true owner. Although a majority of the Judges were of the opinion that the State had an adequate remedy at law, the course suggested by Iredell was substantially pursued. At the February Term, 1794, an amicable issue was submitted to a special jury. The argument continued for four days, when the Chief Justice instructed the jury: "The facts comprehended in the case are agreed; the only point that remains is to settle what is the law of the land arising upon those facts; and on that point it is proper that the opinion of the Court should be given." He says that the opinion of the Court is unanimous, that the debt was subjected, not to confiscation, but only to sequestration, and that therefore the right of the creditor to recover it was revived at the coming of peace, both by the law of nations and the Treaty of Peace. It is not very clear what question of fact was submitted to the decision of the jury. He further instructed the jury that while it was the "good old rule" that the Court should decide questions of law and the jury questions of fact, the jury have a right, nevertheless, to take upon themselves to judge of both and to determine the law as well as the facts. The learned Chief Justice suggests that the Court "has no doubt that you will pay that respect which is due to the opinion of the Court; for, as on the one hand, it is presumed that juries are the best judges of facts, it is, on the other hand, presumable that the courts are the best judges of law. But still both objects are lawfully within your power of decision."

Notwithstanding the facts were agreed upon and the Court was unanimous in opinion in regard to the law, the jury, "after being absent some time," returned to the bar and proposed certain questions of law, which being answered, "without going away from the bar," they returned a verdict for the defendant. The case has the distinction of being the only one in which a jury was empaneled in the Supreme Court. Flanders says: "The charge of the Chief Justice to the jury is curious, from the opinions he expressed as to the extent of their powers. His statement of the law on that point is clearly erroneous."⁷ Mr. James Scott Brown says: "The judgment was clearly right, but the statement of the Chief Justice that the jury was judge of the law, as well as the facts, is open to serious doubt."⁸

In *Chisholm v. Georgia*, 2 Dallas, 419, standing alone, Iredell enunciated and, with a wealth of learning and "arsenal of argument," maintained the position that a State could not be "haled into court" by a citizen of another State. The question arose in an action of assumpsit instituted in the Supreme Court against the State of Georgia, process being served upon the Governor and the Attorney General. The State refused to enter an appearance, but filed a remonstrance and protest against the jurisdiction. The Attorney General, Randolph, representing the plaintiff, lodged a motion that unless the State entered an appearance and showed cause to the contrary, by a day named, judgment by default and inquiry be entered, etc. This motion was argued by Randolph, the State not being represented. Each of the justices filed opinions. Iredell first analyzed the provisions of the Constitution conferring jurisdiction upon the Court in controversies wherein a State was a party. He quotes the language of the Judiciary Act distributing the jurisdiction in such cases.

⁷Lives of the Chief Justices, 393.

⁸Great American Lawyers, Vol. I, 285.

He dwells somewhat on the meaning which should be given to the word "controversies" in the Constitution, with the suggestion that the use of this word indicated a purpose to so restrict the causes in which jurisdiction was conferred as to exclude actions at law for the recovery of money. He proceeds to consider the question whether it is necessary for Congress to prescribe a method of procedure in controversies wherein the State is a party. He argues that while the judicial department of the government is established by the Constitution, the Congress must legislate in respect to the number of the Judges, the organization of the Supreme and such inferior courts as may be established, etc. He quotes the fourteenth section of the Judiciary Act, in which power is conferred upon the courts to issue writs of *scire facias*, *habeas corpus*, and all other writs not specially provided for by statute, which may be necessary for the exercise of their respective jurisdictions and "agreeable to the principles and usages of law," noting the fact that "neither in the State now in question, nor in any other in the Union, any particular legislation authorizing a compulsory suit for the recovery of money against a State was in being, either when the Constitution was adopted or at the time when the Judicial Act was passed," and concludes that only principles of the common law, a law which is the ground work of the laws in every State in the Union and which, so far as it is applicable to the peculiar circumstances of the country, and when no special act of legislation controls it, is in force in such State, as it existed in England at the time of the first settlement of this country; that no other part of the common law of England can have any reference to the subject but that which prescribes remedies against the Crown. Thus he is brought to the decision of the real question in the case. It is manifest that if, until Congress has prescribed some mode of procedure by which, in controversies wherein the State is a

party, the Court must proceed by a mode "agreeable to the principles and usages of law," and, to find such principles and usages, resort must be had to the common law, the question necessarily arises whether the States of the Union, when sued, are to be proceeded against in the same manner as, by the common law, is prescribed for proceeding against the Sovereign. It is just at this point that the line of thought between Iredell and Wilson divides. The former says: "Every State in the Union, in every instance where its sovereignty has not been delegated to the United States, I consider to be as completely sovereign as the United States in respect to the powers surrendered; each State in the Union is sovereign as to all the powers reserved. It must necessarily be so, because the United States have no claim to any authority but such as the States have surrendered to them; of course the powers not surrendered must remain as they did before. * * * So far as the States, under the Constitution, can be made legally liable to this authority, so far, to be sure, they are subordinate to the authority of the United States, and their individual sovereignty is, in this respect, limited. But it is limited no further than the necessary execution of such authority requires." It will be observed that Iredell is not, at this point in the argument, discussing the question whether it is within the power of Congress to prescribe a mode of procedure for bringing a State into the Federal Court to answer for a money demand by a citizen of another State. The argument is that, until it has done so, the only method of proceeding against a State is that prescribed by the common law for proceeding against the Sovereign. It therefore becomes necessary to follow the argument and establish the proposition that prior to the formation and ratification of the Constitution each State was a sovereign, and that in ratifying the Constitution it did not part, in respect to the *mode* of proceeding against it in a controversy in

the Federal Courts, with its sovereignty. He proceeds to give an exhaustive and interesting history of the method of procedure for the recovery of money at the common law against the King. The history of the law in England in this respect, although very interesting, has no permanent interest to the student of American Constitutional law. He thus concludes this branch of the discussion: "I have now, I think, established the following propositions: First, that the Court's action, so far as it affects the judicial authority, can only be carried into effect by acts of the Legislature, appointing courts and prescribing their method of procedure; second, that Congress has provided no new law, but expressly referred us to the old; third, that there are no principles of the old law to which we must have recourse that, in any measure, authorizes the present suit, either by precedent or analogy."

This conclusion was sufficient, from Iredell's point of view, to dispose of the case before the Court, but Judge Wilson, who wrote the principal opinion for the majority, threw down the gauntlet and challenged the basic proposition upon which Iredell's argument was founded. Here we find the line of cleavage between the two schools of thought upon the fundamental conception of the relations which the States bore to the Federal Government. Iredell was a Federalist, Wilson a Nationalist. Wilson opened his opinion with these words: "This is a case of uncommon magnitude. One of the parties to it is a State, certainly respectable, claiming to be sovereign. The question to be determined is whether this State, so respectable and whose claim soars so high, is amenable to the jurisdiction of the Supreme Court of the United States? This question, important in itself, will depend on others, more important still; may, and perhaps will be, ultimately resolved into one no less radical than this—do the people of the United States form a nation?" Iredell was

not a man to conceal his opinions when either propriety or duty demanded their expression. Meeting his associate upon the "main question," "So far as this great question affects the Constitution itself, if the present afforded, consistently with the particular grounds of my opinion, a proper occasion for a decision upon it, I should not shrink from its discussion. But it is of extreme moment that no Judge should rashly commit himself upon important questions, which it is unnecessary for him to decide. My opinion being that even if the Constitution would admit of the exercise of such a power, a new law is necessary for the purpose, since no part of the existing law applies, this alone is sufficient to justify my determination in the present case. So much, however, has been said on the Constitution that it may not be improper to intimate that my present opinion is strongly against any construction of it which will admit, under any circumstances, a compulsive suit against the State for the recovery of money. I think every word in the Constitution may have its full effect without involving this consequence, and nothing but express words or an insurmountable implication (neither of which I consider can be found in this case) would authorize the deduction of so high a power. * * *

A State does not owe its origin to the government of the United States, in the highest or any of its branches. It was in existence before it. It derives its authority from the same pure and sacred source as itself, the salutary and deliberate choice of the people." He thus lays down a canon of Constitutional construction: "If, upon a fair construction of the Constitution of the United States, the power contended for really exists, it undoubtedly may be exercised, though it is a power of first impression. If it does not exist upon that authority, ten thousand examples of similar powers would not warrant its assumption." That Iredell was in harmony with Hamilton is manifest from the following language used by

him in the *Federalist*: "It is inherent in the nature of sovereignty not to be amenable to the suit of an individual *without its consent*. This is the general sense and the general practice of mankind, and the exemption, as one of the attributes of sovereignty, is now enjoyed by the government of every State in the Union. Unless, therefore, there is a surrender of this immunity in the plan of the Convention, it will remain with the States, and the danger intimated must be merely ideal. * * * There is no color to pretend that the State governments would, by the adoption of that plan, be divested of the privilege of paying their own debts in their own way, free from every restraint but that which flows from the obligation of good faith."⁹ So Madison declared in the Virginia Convention. "It is not within the power of individuals to call a State into court."¹⁰ Marshall, meeting the same objection to the Constitution, said: "I hope that no gentleman will think that a State will be called to the bar of the Federal Court. * * * It is not natural to suppose that the sovereign power should be dragged before a court."

Mr. Carson, writing of the opinion of the Court in *Chisholm's case*, says: "From these views Iredell alone dissented in an able opinion, of which it has been said that it enunciated, either directly or by implication, all the leading principles which have since become known as State Rights' Doctrine and which as a legal argument was far superior in clearness of reasoning to Wilson or Jay. He confined himself strictly to the question before the Court, whether an action of *assumpsit* would lie against a State."¹¹

In his "Lives of the Chief Justices" Van Santvord says: "These views [of the majority] were not concurred in by Judge Iredell, who delivered a dissenting opinion. . That

⁹No. 81 (J. C. Hamilton, Ed. 602).

¹⁰Elliott's Debates, 2d Ed., 533.

¹¹Hist. Sup. Court, 174.

able jurist considered the question also in a Constitutional point of view, and as a question of strict construction. With great force of reasoning, and admirable precision and clearness of illustration, he analyzed the argument of the Attorney General, and arrived at exactly the opposite conclusion. His opinion was that no part of the existing law applied to this case; and even if the Constitution would admit of the exercise of such a power, a new law was necessary to carry the power into effect, and that *assumpsit* at the suit of a citizen would not lie against a State. One can scarcely arise from a careful perusal of this able opinion without being sensibly impressed with the force of the reasoning of the learned Judge, and the accuracy of his deductions. Lucid, logical, compact, comprehensive, it certainly compares very favorably with that of the Chief Justice in every respect, and as a mere legal argument must be admitted to be far superior.¹²

* * * As a constitutional lawyer Judge Iredell had no superior upon the bench. His judicial opinions are marked by great vigor of thought, clearness of argument, and force of expression. He did not always concur with the majority of his brethren in their constitutional constructions, and on such occasion rarely failed to sustain his positions by the strictest legal as well as logical deductions. In the interesting case of *Ware v. Hylton*, 3 Dallas, 199, his dissenting opinion exhibits uncommon research, learning, and ability. As a legal argument it may be regarded as one of the best specimens that have been preserved of the old Supreme Court."¹³

“The rough substance of my argument in the suit against the State of Georgia,” bearing date “February 18, 1793,” as penned by the author, is before me. The writing is neat, the “headings” carefully arranged, a few erasures—interline-

¹²Page 60.

¹³*Ib.*, p. 61.

ations—showing care and caution in the form of expression. The argument covers twenty-three pages; the paper is well preserved and the writing distinct. Of this opinion Mr. Justice Bradley, in *Hans v. Louisiana*, 134 U. S., 14 (1889), said: “The highest authority of this country was in accord rather with the minority than with the majority of the Court. * * * And this fact lends additional interest to the able opinion of Mr. Justice Iredell on that occasion. The other justices were more swayed by a close observance of the letter of the Constitution, without regard to former experience and usages; and because the letter said that the judicial power shall extend to controversies between a State and citizens of another State, etc., they felt constrained to see in this language a power to enable the individual citizen of one State, or of a foreign State, to sue another State of the Union in the Federal Courts. Justice Iredell, on the contrary, contended that it was not the intention to create new and unheard of remedies by subjecting sovereign States to action at the suit of individuals (which he showed conclusively was never done before), but only by proper legislation to invest the Federal Courts with jurisdiction to hear and determine controversies and cases between the parties designated that were properly susceptible to litigation in courts. Adhering to the mere letter, it might be so; and so in fact the Supreme Court held in *Chisholm v. Georgia*; but looking at the subject as Hamilton and Mr. Justice Iredell did, in the light of history and experience, and the established order of things, the views of the latter were clearly right, as the people of the United States subsequently decided. * * * In view of the manner in which that decision was received by the country, the adoption of the Eleventh Amendment, the light of history and the reason of the thing, we think we are at liberty to prefer Justice Iredell’s views in this regard.” This language was approved by Fuller, C. J.; Miller, Field, Gray, Blatch-

ford, and Lamar, Associate Harlan, J., alone dissenting. It is not within the purpose or scope of this sketch to enter into a discussion of the merits of the great question involved in this battle of the giants or of the manner in which they sustained their conclusions. It is, however, a part of the history of the controversy and of the times, that two days after the opinion was filed sustaining the jurisdiction, by a majority of the Court, the Eleventh Amendment was introduced into Congress. "It was proposed by Mr. Sedgwick, a Representative from Massachusetts, but was passed in the Senate as amended by Mr. Gallatin."¹⁴ Mr. Guthrie says that Mr. Caleb Strong was its author. The words are: "The judicial power of the United States shall not be construed to extend to any suit, in law or equity, commenced or proceeded against one of the United States by citizens of another State or by citizens or subjects of foreign States." It is significant that the language of the Amendment is declaratory of what, in the opinion of Congress, was the correct construction of the Constitution. It was essentially a reversal of the decision of the Court and writing into the Constitution the dissenting opinion of Justice Iredell. This is evidenced by the fact that notwithstanding that, in accordance with the decision in *Chisholm's case*, judgment was rendered for the plaintiff at February Term, 1794, and a writ of inquiry awarded, the Court, at February Term, 1798, in *Hollingsworth v. Virginia*, 3 Dallas, 378, upon being informed that the Eleventh Amendment had been adopted, "delivered an unanimous opinion that there could not be exercised any jurisdiction in any case, past or future, in which a State was sued by the citizens of another State, or by citizens or subjects of any foreign State." Mr. William D. Guthrie says: "The unusual and peculiar wording of the Amendment first attracts attention. Instead of declaring how the Constitution shall

¹⁴Watson's Const., 1535.

read in the future it declares how it shall 'not be construed.'

* * * The Amendment, therefore, does not purport to amend or alter the Constitution, but to maintain it unchanged while controlling its scope and effect and thereby authoritatively declaring how it shall not be construed."¹⁵ Mr. Justice Bradley says: "The Supreme Court had construed the judicial power as extending to such a suit, and the decision was overruled. The Court so understood the effect of the amendment."¹⁶

With that remarkable prevision which marks him as one of, if not the first, prophetic statesman which the world has produced, Hamilton points out the danger and difficulty which lurked in the construction given to the Constitution by the majority in *Chisholm's* case. He says: "To what purpose would it be to authorize suits against States for the debts they owed? How could recoveries be enforced? It is evident that it could not be done without waging war against the contracting State; and to ascribe to the Federal Courts, by mere implication and in destruction of a preëxisting right of the State Governments a power which would involve such a consequence, would be altogether forced and unwarrantable." This language becomes of present interest in the light of the concluding words of the opinion of Mr. Justice Holmes in *Virginia v. West Virginia*. "As this is no ordinary commercial suit but, as we have said, a quasi-international difference referred to this Court in reliance upon the honor and constitutional obligation of the States concerned rather than ordinary remedies, we think it best, at this stage, to go no further but to await the effect of a conference between the parties which, whatever the outcome, must take place.

* * * But this case is one that calls for forbearance upon both sides; great States have a temper superior to that

¹⁵"The Eleventh Amendment."—*Columbia Law Review*, March, 1908.

¹⁶*Hans v. Louisiana*, 134 U. S. 11.

of private litigants and it is to be hoped that enough has been decided for patriotism, the fraternity of the Union and mutual consideration to bring it to an end."¹⁷ Certainly the history of attempts to enforce money demands against States, through Federal Courts, thoroughly vindicates the wisdom of Iredell's view and the apprehension expressed in his concluding words: "This opinion I hold, however, with all the reserve proper for one which, according to my sentiments in the case, may be deemed, in some measure, extrajudicial. With regard to the policy of maintaining such suits, is not for this Court to consider, unless the point in all other respects was very doubtful. Policy then might be argued from with a view to preponderate the judgment. Upon the question before us I have no doubt. I have, therefore, nothing to do with the policy, but I confess, if I was at liberty to speak on that subject, my opinion on the policy of the case would also differ from that of the Attorney General. It is, however, a delicate topic. I pray to God that if the Attorney General's doctrine as to the law be established by the judgment of this Court, all the good he predicts of it may take place and none of the evils with which, I have the concern to say, it appears to me to be pregnant." In *South Dakota v. North Carolina*,¹⁸ the question, as there presented, was discussed and decided against the contention of the State by a divided Court of five to four. The present Chief Justice wrote a strong and well sustained dissenting opinion, concurred in by Chief Justice Fuller, Justices McKenna and Day. The decree there was, however, confined to a statutory mortgage upon specific property. The question whether judgment for a deficiency would be entered was expressly reserved. The case was settled by compromise.

The Court has refused to take jurisdiction in a number of

¹⁷*Virginia v. West Virginia*, 220 U. S., 35.

¹⁸192 U. S., 286.

cases where the attempt was made to avoid the provisions of the Amendment.¹⁹

In *Penhallow v. Doane*,²⁰ Judge Iredell wrote an interesting opinion in which he discussed the relation which each of the original colonies bore to each other prior to the formation of the Confederation and the power conferred on the Confederation to establish Courts of Admiralty, and the effect of the judgments of such courts in prize cases. It is not practicable to make extracts from this opinion, but the following is of especial and permanent interest: "By a State forming a republic I do not mean the Legislature of the State, the executive of the State, or the judiciary, but all the citizens which compose that State and are, if I may so express myself, integral parts of it. * * * In a republic all the citizens, as such, are equal, and no citizen can rightfully exercise any authority over another, but in virtue of a power constitutionally given by the whole community which forms such body politic."

In *Talbot v. Jansen*,²¹ an interesting question was presented in regard to the right of expatriation and how it was accomplished. Iredell wrote an opinion in which he discussed the law of nations, etc. Upon the right of expatriation and the limitations upon its exercise the opinion is interesting and enlightening.

In the case of *Hylton v. The United States*,²² involving the question whether a tax on carriages was a direct tax, Iredell wrote a carefully guarded opinion concurring with the other Justices that the tax in question was not a direct tax within the meaning of the Constitution. He says: "There is no necessity or propriety in determining what is, or is not, a direct or indirect tax, in all cases. Some difficulties may arise which we do not at present foresee." His caution has

¹⁹*Hans v. Louisiana*, *supra*. *Christian v. A. & N. C. R. R. Co.*, 123 U. S., 233; *Murray v. Distilling Co.*, 213 U. S., 151.

²⁰ Dallas, 54.

²¹ Dallas 133.

²² Dallas, 171.

been justified by the history of the attempt to settle this much vexed question. Alexander Hamilton appeared for the Government. Iredell writes to Mrs. Iredell: "The day before yesterday Mr. Hamilton spoke in our court, attended by the most crowded audience I ever saw there, both Houses of Congress being almost deserted on the occasion. Though he was in very ill health he spoke with astonishing ability and in a most pleasing manner, and was listened to with the profoundest attention. His speech lasted three hours. * * * In one part of it he affected me extremely. Having occasion to observe how proper a subject it was for taxation, since it was a mere article of luxury which a man might either use or not as it was convenient to him, he added: 'It so happens that I once had a carriage myself and found it convenient to dispense with it.'"

At the Spring Term, 1793, of the Circuit Court at Richmond, before Jay, Iredell, and District Judge Griffin, the celebrated case of *Ware v. Hylton* was heard. During the war the Legislature of Virginia passed an act confiscating the debts of British subjects and directing the payment of such debts to the loan office of the State. The defendant, who was indebted to the plaintiff, a British subject, had, in obedience to the statute, made a partial payment thereon. Suit was brought on the bond. The defendants were represented by Patrick Henry, Marshall, Inis and Campbell. Iredell writes to Mrs. Iredell from Richmond, May 27th: "We began on the great British cases the second day of the court, and are now in the midst of them. The great Patrick Henry is to speak today. I never was more agreeably disappointed than in my acquaintance with him. I have been much in his company and his manners are very pleasing, and his mind, I am persuaded, highly liberal. It is a strong additional reason I have, added to many others, to hold in high detestation violent party prejudice."

The discussion was one of the most brilliant exhibitions ever witnessed at the bar of Virginia. Mr. Henry spoke for three consecutive days. The case was argued upon appeal at the February Term, 1796, of the Supreme Court,²³ Iredell wrote an opinion concurring with the majority of the Court that the Treaty of Peace enabled the creditor to sue for the debt, but was of the opinion (dissenting) that the recovery should be confined to the amount that had not been paid into the loan office. He said: "In delivering my opinion in this important case I feel myself deeply affected by the awful position in which I stand. The uncommon magnitude of the subject, its novelty, the high expectation it has excited, and the consequences with which a decision may be attended, have all impressed me with their fullest force." Referring to the argument, he said: "The cause has been spoken to, at the bar, with a degree of ability equal to any occasion. However painfully I may at any time reflect on the inadequacy of my own talents I shall, as long as I live, remember, with pleasure and respect, the arguments which I have heard in this case. They have discovered an ingenuity, a depth of investigation and a power of reasoning fully equal to anything I have ever witnessed, and some of them have been adorned with a splendor of eloquence surpassing what I have ever felt before. Fatigue has given way under its influence and the heart has been warmed while the understanding has been instructed." The opinion is exhaustive in learning. A competent judge has written that "as a legal argument it may be regarded as one of the best specimens that have been preserved of the old Supreme Court."²⁴

Chief Justice Jay having resigned, and the Senate having refused to confirm the nomination of Judge Rutledge, there

²³Dallas, 199.

²⁴Van Santvoord, *Lives of the Chief Justices*.

was much speculation as to who would be appointed. Governor Johnston wrote Iredell: "I am sorry that Mr. Cushing refused the office of Chief Justice, as I don't know whether a less exceptionable character can be obtained without passing over Mr. Wilson, which would perhaps be a measure that could not be easily reconciled to strict neutrality." Iredell writes Mrs. Iredell a few days after: "Mr. Ellsworth is nominated our Chief Justice, in consequence of which I think that Wilson will resign. * * * The kind expectation of my friends that I might be appointed Chief Justice were too flattering. Whatever other chance I might have had there could have been no propriety in passing by Judge Wilson to come at me."

Iredell rode the Middle Circuit during the spring of 1796. His charge at Philadelphia was published at the request of the grand jury. At the August Term, 1798, in the case of *Calder v. Bull*,²⁵ Iredell set forth very clearly his view respecting the power of the judiciary to declare invalid acts of the Legislature passed in violation of constitutional limitations. He says: "In a government composed of legislative, executive and judicial departments, established by a Constitution which imposed no limits on the legislative power, the consequence would inevitably be that whatever the Legislature chose to enact would be lawfully enacted, and the judicial power could never interpose to pronounce it void. It is true that some speculative jurists have held that a legislative act against natural justice must, in itself, be void; but I can not think that under such a government any court of justice would possess the power to declare it so. * * * It has been the policy of all the American States, which have individually framed their State Constitutions since the Revolution, and of the people of the United States, when they framed the Federal Constitution, to define with pre-

²⁵3 Dallas, 386.

cision the objects of the legislative power and to restrain its exercise within marked and settled boundaries. If any act of Congress, or of the Legislature of a State, violates those Constitutional provisions, it is unquestionably void; though I admit that as the authority to declare it void is of a delicate and awful nature, the Court will never resort to that authority but in a clear and urgent case. If, on the other hand, the Legislatures of the Union shall pass a law within the general scope of their Constitutional power, the Court can not pronounce it to be void merely because it is, in their judgment, contrary to the principles of natural justice. The ideas of natural justice are regulated by no fixed standard; the ablest and the purest men have differed on the subject, and all that the Court could properly say in such an event would be that the Legislature had passed an act which, in the opinion of the Judges, was inconsistent with the principles of natural justice." It is doubtful whether this principle, peculiar to American Constitutional law, with its limitations, has been more accurately stated.

Judge Iredell rode the Eastern Circuit with Judge Wilson. He was much pleased with the people of New England, receiving many courtesies from them. He writes from Boston that he soon found himself "engaged for every day in the week—sometimes different invitations on the same day. Judge Lowell has been particularly kind to me." His charge to the grand jury at Boston was published by request and referred to by the editor of the paper as "uniting eloquence with exhaustive knowledge and liberality." From Boston he writes: "I have constantly received distinction and courtesy here, and like Boston more and more. * * * It is scarcely possible to meet with a gentleman who is not a man of education. Such are the advantages of schools of public authority; every township is obliged to maintain one or more to which poor children can have access without

any pay." He writes from Exeter, New Hampshire: "I met in Boston with a gentleman who lives in Newbury Port of the name of Parsons, who appears to me to be the first lawyer I have met with in America, and is a remarkably agreeable man." This was Theophilus Parsons, later Chief Justice of Massachusetts. He writes that he had dined with the Committee and Corporation of Harvard College, "being seated next to the Lieutenant Governor, the famous Samuel Adams, who, though an old man, has a great deal of fire yet. He is polite and agreeable."

On May 27, 1797, Judge Iredell delivered a charge to the grand jury in Richmond, Virginia, which was "animated, perhaps too warm." At that time the grand jury frequently made presentment of matters which they regarded as worthy of public attention, although not the subject of criminal prosecution. They presented "as a real evil the circular letters of several members of the last Congress, and particularly letters with the signature of Samuel J. Cabell, endeavoring, at a time of real public danger, to disseminate unfounded calumnies against the happy Government of the United States, thereby to separate the people therefrom and to increase or produce a foreign influence ruinous to the peace, happiness and independence of these United States." Mr. Cabell made an angry retort, attacking the jury, judge and the Supreme Court. He proposed to bring the matter before Congress as a breach of privilege. Mr. Jefferson urged Mr. Monroe to call it to the attention of the Legislature. Just what they proposed to do with the jury or the judge does not very clearly appear. Judge Iredell published a card in which he said that the charge was prepared before he reached Richmond and had been delivered in Pennsylvania and Maryland; that he was not acquainted with Mr. Cabell and knew nothing of the letters referred to by the grand jury. He concludes: "With regard to the illiberal

epithets Mr. Cabell has bestowed not only upon me, but on the other Judges of the Supreme Court, I leave him in full possession of all the credit he can derive from the use of them. I defy him, or any other man, to show that, in the exercise of my judicial character, I have ever been influenced in the slightest degree by any man, either in or out of office, and I assure him that I shall be as little influenced by this new mode of attack by a member of Congress as I can be by any other." The political feeling in the country, and especially in Virginia, was at that time very bitter. Governor Johnston, Judge Iredell's brother-in-law, and always his wise friend, writing him in regard to this incident, said: "The answer was very proper, if proper to give it any answer at all." He further said that which every Judge knows from experience to be true: "I am sensible of the difficulties with which a man of warm feelings and conscious integrity submits to bear, without a reply, unmerited censure; yet I am not certain but that it is more suitable to the dignity of one placed in high and respectable departments of State to consider himself bound to answer only when called upon constitutionally before a proper tribunal."

Iredell rode the Southern Circuit during the spring of 1798, suffering much fatigue and discomfort. Judge Wilson, having suffered financial reverses, sought the hospitality of Governor Johnston and Judge Iredell, and found in them sympathetic friends. His health failed rapidly, resulting in his death August 21, 1798. He was buried at Hayes, the home of Governor Johnston. His remains were removed to Philadelphia a short time since. At the February Term, 1799, of the Supreme Court, Iredell sat for the last time. He filed "one of his best and most carefully written opinions" concurring with the conclusion reached by the other Judges in *Sims v. Irvine*.²⁶ He held the Circuit Court at

²⁶ Dallas, 425.

Philadelphia, at which term several of the insurgents were on trial for treason. In his last charge to the grand jury he dwelt at much length on the law of treason and the Alien and Sedition laws. It is manifest that Iredell, as were many others, was deeply impressed with the belief that French philosophy and infidelity, coupled with the revolutionary proceedings in that country, were making an impression upon the people of this country, finding defenders among leaders of public sentiment, seriously threatening the peace of the country and the dissolution of the Union. He was a Federalist and joined with the members of that party in their reverence for Washington. He disliked and distrusted the French leaders and their principles. His charge was filled with warning against the influence of principles and conduct which, in his opinion, were involving the American people in the French Revolution, and the disturbed relations of that country with England. His concluding words in his last charge to a grand jury are interesting and illustrative of the condition of his mind. He says: "If you suffer this government to be destroyed what chance have you for any other? A scene of the most dreadful confusion must ensue. Anarchy will ride triumphant, and all lovers of order, decency, truth and justice be trampled under foot. May that God, whose peculiar province seems often to have interposed to save these United States from destruction, preserve us from this worst of all evils, and may the inhabitants of this happy country deserve His care and protection by a conduct best calculated to obtain them." The grand jury, requesting the publication of the charge, say: "At a time like the present, when false philosophy and wicked principles are spreading with rapidity under the imposing garb of liberty over the fairest country of the old world, we are convinced that the publication of a charge fraught with such clear and just observations on the nature and operation of the Con-

stitution and laws of the United States will be highly beneficial to the citizens thereof." As an illustration of the condition of public sentiment, Governor Johnston writes Iredell who, having concluded the trials in Philadelphia had come to Richmond, "I am glad that you have got away from the land of *treason* to the land of *sedition*; the change is something for the better." Chief Justice Ellsworth, riding the Southern Circuit, writes Iredell from Raleigh, N. C., June 10, 1799: "My opinion, collected from some gentlemen who have been lately traveling in that State (Virginia), and others who were at the Petersburg races, presents a melancholy picture of that country. These gentlemen returned with a firm conviction that the leaders there were determined upon the overthrow of the general government. * * * That the submission and assistance of North Carolina was counted on as a matter of course." The Chief Justice, however, adds: "As it was shortly after the election these may have been the momentary effusions of disappointed ambition."

Thirty years of constant and wearing work, coupled with the climate in which he lived and the long journeys on the Southern Circuit, which he rode four times in five years, had impaired Judge Iredell's health. He was unable to attend the August Term, 1799, of the Court. His illness increased until, on October 20, 1799, at his home in Edenton, he passed away, in the forty-ninth year of his age. His friend, the Rt. Rev. Charles Pettigrew, testified of him: "In the run of the above twenty years I have often heard high encomiums on the merits of this great and good man; but never in a single instance have I heard his character traduced or his integrity called in question."

His biographer, from whose excellent work I have largely drawn in the preparation of this sketch, says that with Judge Iredell's papers is an original "Treatise on Evidence," "an

* * * Essay on the Law of Pleading," and one on the "Doctrine of the Laws of England concerning Real Property so far as it is in use or force in the State of North Carolina"; the two last unfinished.

When it is remembered that he came to America at seventeen years of age, with neither wealth nor family influence; that his opportunities and sources of study were limited by the condition of the country; that for seven of the thirty years of his life here the country was engaged in war, we can, in some degree, appreciate the immense labor which he performed and the results which he accomplished. His life is a tribute to the teaching and example of his parents, the influence of those with whom he was brought into association in his adopted home, his industry, talents, patriotism, and lofty principles of honor and integrity.

Judge Iredell left one son, bearing his name, who became a lawyer of learning and distinction, Judge of the Superior Court, Governor, and United States Senator. He was, for many years, Reporter of the Supreme Court of the State and author of an excellent work on "The Law of Executors." He died during the year of 1853. His descendants are among the most honorable, useful and patriotic citizens of the State.

It has been the purpose of this sketch to set forth, in the space which could be allotted, a short survey of the judicial work of Judge Iredell. His early death cut short a career on the bench full of promise of enlarging scope and usefulness. That he would have continued to develop his high judicial qualities and, if permitted, shared with the "Great Chief Justice" the work of laying deep and strong the foundations of American Constitutional law can not be doubted. His opinions upon Constitutional questions evince a very high order of judicial statesmanship.

DAVID CALDWELL—TEACHER, PREACHER, PATRIOT

BY CHARLES LEE SMITH.

No other North Carolinian of the Revolutionary period deserves more lasting fame than that consecrated preacher, learned teacher, and devoted patriot, the Reverend David Caldwell, D.D. He had his full share of the troubles of the times, as it was the delight of both the Tories and the British to persecute him. After driving him from his home, they destroyed with great wantonness his library and the valuable papers which he had prepared. An effort was made to seduce him with British gold, but neither money nor persecution could shake his loyalty to the cause he had espoused. His is one of the most illustrious names in the educational history of our State, and it has been said, "Dr. Caldwell, as a teacher, was probably more useful to the church (Presbyterian) than any other one man in the United States." He was an able preacher. Through his influence the Reverend John Anderson, D.D., the Reverend Samuel E. McCorkle, D.D., and many others who became distinguished, were brought into the ministry of his church.

David Caldwell, the son of a sturdy Scotch-Irish farmer, was born in Lancaster County, Pa., March 22, 1725. In early youth, after receiving the rudiments of an English education, he was apprenticed to a carpenter, and until his twenty-sixth year he worked at the bench. He then decided to enter the ministry, and his first steps were to obtain a classical education. For some time he studied in Eastern Pennsylvania at the school of the Reverend Robert Smith, the father of John B. Smith, so favorably known in Virginia as president of Hampden-Sidney College, and of the Reverend Samuel Stanhope Smith, D.D., at one time president of

Princeton College.¹ Before entering college he taught school for one or more years.

It is not certainly known what year he entered Princeton, though he was graduated in 1761. At the time he became a student the requirements for admission were as follows: "Candidates for admission into the lowest or Freshman class must be capable of composing grammatical Latin, translating Virgil, Cicero's Orations, and the four Evangelists in Greek; and by a late order (made in Mr. Davies's administration) must understand the principal rules of vulgar arithmetic. Candidates for any of the other higher classes are not only previously examined, but recite a fortnight upon trial, in that particular class for which they offer themselves; and are then fixed in that, or a lower, as they happen to be judged qualified. But, unless in very singular and extraordinary cases, none are received after the Junior year."²

His assiduity as a student may be gathered from the following incident related by Dr. Caruthers: "An elderly gentleman of good standing in one of his (Caldwell's) congregations stated to me a few weeks since that when he was a young man Dr. Caldwell was spending a night at his father's one summer about harvest, and while they were all sitting out in the open porch after supper, a remark was after some time made about the impropriety of sitting so long in the night air; when he (Dr. Caldwell) observed that, so far as his own experience had gone, there was nothing unwholesome in the night air; for while he was in college he usually studied in it and slept in it during the warm weather, as it was his practice to study at a table by the window, with the sash raised, until a late hour, then cross his arms on the table, lay his head on them, and sleep in that position till morning. This was not very far behind the most inveterate

¹ Foote's Sketches of North Carolina, p. 232.

² Maclean's History of the College of New Jersey, vol. 1, p. 272.

students of the seventeenth century, whether in Europe or America, and a man who had strength of constitution to pursue such a course of application, though of moderate abilities, could hardly fail to become a scholar.”³

The scope of the instruction given at Princeton is set forth in a description of the college by President Finley, published in 1764; and as Dr. Caldwell was graduated in 1761, probably the courses were then substantially the same as while he was a student. After taking his degree in 1761 he taught for a year at Cape May. He then returned to Princeton, where he took a graduate course and at the same time served as tutor in languages; so it is certain that he had the system of instruction as it was under Dr. Finley's administration. In his account of the courses and methods President Finley says: “As to the branches of literature taught here, they are the same with those which are made parts of education in the European colleges, save only such as may be occasioned by the infancy of this institution. The students are divided into four distinct classes, which are called the Freshman, the Sophomore, the Junior, and the Senior. In each of these they continue one year, giving and receiving in their terms those tokens of respect and subjection which belong to their standings, in order to preserve a due subordination. The Freshman year is spent in Latin and Greek languages, particularly in reading Horace, Cicero's Orations, the Greek Testament, Lucian's Dialogues, and Xenophon's Cyropedia. In the Sophomore year they still prosecute the study of the languages, particularly Homer, Longinus, etc., and enter upon the sciences, geography, rhetoric, logic and the mathematics. They continue their mathematical studies throughout the Junior year, and also pass through a course of natural and moral philosophy, metaphysics, chronology, etc.; and the greater number, especially such as are educating for the serv-

³Caruthers's Caldwell, p. 20.

ice of the church, are initiated into the Hebrew. * * * The Senior year is entirely employed in reviews and composition. They now review the most improving parts of Latin and Greek classics, part of the Hebrew Bible, and all the arts and sciences. The weekly course of disputation is continued, which was also carried on through the preceding year. They discuss two or three theses in a week, some in the syllogistic and others in the forensic manner, alternately, the forensic being always performed in the English tongue." Besides the above there were public disputations on Sundays on theological questions, and once each month the Seniors delivered original orations before a public audience. Members of the Senior and lower classes were also required from time to time to declaim.⁴ Such was the course of instruction taken by Dr. Caldwell, and such in general was the educational system which prevailed in the first institution for higher education established in North Carolina.

At a meeting of the Presbytery held at Princeton in September, 1762, David Caldwell was received as a candidate for the ministry. He was licensed to preach in 1763. In 1764 he labored as a missionary in North Carolina, returning to New Jersey in 1765, being ordained to the full work of the ministry at the Presbytery held at Trenton in July of that year. He immediately returned to North Carolina, where he labored as a missionary, until on March 3, 1768, he was installed as a pastor of the Buffalo and the Alamance congregations.

At that time there were but few Presbyterian ministers in North Carolina, and Dr. Caldwell was one of the very first to make this State his permanent home. His history is more identified with the moral and educational history of North Carolina than is that of any other one man of the eighteenth century. In 1766 he married the daughter of the

⁴Maclean's History of the College of New Jersey, vol. 1, p. 266.

Reverend Alexander Craighead, and as the salary from his churches was not sufficient for the support of a family, it became necessary for him to supplement it by teaching school. At this time schools for primary education existed in various parts of the colony, but to him is due the honor of having established the first institution for the higher education that achieved more than local fame. The average attendance of students was from fifty to sixty, which was a large number for the time and circumstances of the country. The exercises of the school were not interrupted by the war till 1781, at that time nearly all his students having taken service in the American army. The school was reopened as soon as circumstances permitted, "though the number of students was small until peace, and with it incipient prosperity were restored to the country." For many years "his log cabin served North Carolina as an academy, a college, and a theological seminary." Such was his reputation as an instructor and disciplinarian, that in his school were students from all the States south of the Potomac. It is claimed that he was instrumental in bringing more men into the learned professions than any other man of his day, certainly in the Southern States. While many of his students continued their studies in Princeton and in the University of North Carolina, after the establishment of that institution, the larger number, and several of those who became the most distinguished in after-life, never went anywhere else for instruction, nor enjoyed other advantages for higher education than those afforded at his school. We are told that "Five of his scholars became governors of different States; many more became members of Congress; and a much greater number became lawyers, judges, physicians, and ministers of the gospel." Dr. Caldwell continued his labors as a teacher till about 1822, when he was forced by the infirmities of age to retire from active work.

Judge Archibald D. Murphey, in an address before the literary societies of the University of North Carolina in 1827, referring to educational conditions before the opening of that institution in 1795, has this to say about the Caldwell School: "The most prominent and useful of these schools⁵ was kept by Dr. David Caldwell, of Guilford County. He instituted it shortly after the close of the war, and continued it for more than thirty years. The usefulness of Dr. Caldwell to the literature of North Carolina will never be sufficiently appreciated, but the opportunities for instruction in his school were very limited. There was no library attached to it; his students were supplied with a few of the Greek and Latin classics, Euclid's Elements of Mathematics, and Martin's Natural Philosophy. Moral philosophy was taught from a syllabus of lectures delivered by Dr. Witherspoon, in Princeton College. The students had no books on history or miscellaneous literature. There were indeed very few in the State, except in the libraries of lawyers who lived in the commercial towns. I well remember that after completing my course of studies under Dr. Caldwell I spent nearly two years without finding any books to read, except some old works on theological subjects. At length I accidentally met with Voltaire's History of Charles XII, of Sweden, an odd volume of Smollett's Roderick Random, and an abridgment of Don Quixote. These books gave me a taste for reading, which I had no opportunity of gratifying until I became a student in this University in the year 1796. Few of Dr. Caldwell's students had better opportunities of getting books than myself; and with these slender opportunities of instruction it is not surprising that so few became eminent in the liberal professions. At this day (1827), when libraries are established in all our towns, when every professional man

⁵For sketches of the schools, including Dr. Caldwell's, referred to by Judge Murphey, see the writer's History of Education in North Carolina (Washington, 1888).

and every respectable gentleman has a collection of books, it is difficult to conceive the inconveniences under which young men labored thirty or forty years ago."

The Reverend Dr. Caruthers says: "But the most important service he (Dr. Caldwell) rendered as a teacher was to the church or to the cause of religion, for nearly all the young men who came into the ministry of the Presbyterian Church for many years, not only in North Carolina but in the States south and west of it, were trained in his school, many of whom are still living (1842); and while some are superannuated, others are still useful men, either as preachers or as teachers in different institutions of learning."⁶

It is said that his mode of discipline was peculiar to himself, and while it did not admit of imitation, yet it was so successful that it could not be surpassed. His students were bound to him with bonds of affection, and an approving word from their "Dominie" was eagerly sought for. If the course of instruction at his school was not very extended it was thorough, as is testified by those who were prepared by him for future usefulness. Governor John M. Morehead, one of North Carolina's most distinguished sons, who studied under Dr. Caldwell and was prepared by him for the Junior class half advanced in the University of North Carolina, gave him the highest praise as a teacher, though at the time he was under his instruction Dr. Caldwell was between eighty-five and ninety years old.

Dr. Caldwell was a member of the State Convention of 1776, which drew up the "Bill of Rights" and framed the Constitution. He was also a member of the convention to consider the Constitution of the United States in 1788, where he took a decided stand as an advocate of States' rights; but, in the party conflicts preceding the second war with Great Britain he was on the side of the Federalists. Such was the

⁶Caruthers's Caldwell, p. 36.

esteem in which he was held by his State, and such his reputation for scholarship, that on the establishment of the University of North Carolina the presidency was tendered him. On account of his years the honor was declined. In 1810 that institution conferred on him the honorary degree of Doctor of Divinity. He died August 25, 1824, and the next day was buried in the graveyard of Buffalo Presbyterian Church, Guilford County.

GOVERNOR SAMUEL JOHNSTON OF NORTH CAROLINA¹

By R. D. W. CONNOR,

Secretary of the North Carolina Historical Commission.

On the east coast of Scotland, twelve miles from the confluence of the Firth of Tay with the German Ocean, lies the ancient town of Dundee, in population third, in commercial importance second among the cities of Scotland. The general appearance of Dundee, we are told, is picturesque and pleasing, and its surrounding scenery beautiful and inspiring. Thrift, intelligence, and independence are characteristics of its inhabitants. It is noted for its varied industrial enterprises, and from time immemorial has been famous among the cities of Britain for its extensive linen manufactures. A long line of men eminent in war, in statecraft, in law, and in letters adorns its annals. Its history carries us back to the time of the Crusades. In the twelfth century it received a charter from the hand of William the Lion. Within its walls William Wallace was educated, and there he struck his first blow against the domination of England. In the great Reformation of the sixteenth century its inhabitants took such an active and leading part as to earn for their town the appellation of "the Scottish Geneva." During the civil wars of the following century they twice gave over their property to pillage and themselves to massacre rather than submit to the tyranny of the House of Stuart. But in every crisis the indomitable spirit of Dundee rose superior to disaster and her people adhered to their convictions with a loyalty that never faltered and a faith that never failed.²

¹An address delivered before the Grand Lodge of Masons, in the Masonic Temple, Raleigh, January 10, 1912, upon the presentation to the State by the Grand Lodge of a marble bust of Governor Samuel Johnston, first Grand Master of Masons of North Carolina.

²Encyclopædia Britannica, 9th ed., VII, 534-36.

In this fine old city, among its true and loyal people, the ancestors of Samuel Johnston lived, and here, in 1733, he himself was born.³ The spirit of Dundee, its loyalty to principle, its unconquerable courage, and its inflexible adherence to duty, entered into his soul at his very birth, and developed and strengthened as he grew in years and in powers of body and mind. Throughout his life he displayed in public and in private affairs many of those qualities of mind and character which have given the Scotch, though small in number, such a large place in the world's history. Says Mr. Henry Cabot Lodge, "six centuries of bitter struggle for life and independence, waged continuously against nature and man, not only made the Scotch formidable in battle, renowned in every camp in Europe, but developed qualities of mind and character which became inseparable from the race. * * * Under the stress of all these centuries of trial they learned to be patient and persistent, with a fixity of purpose which never weakened, a tenacity which never slackened, and a determination which never wavered. The Scotch intellect, passing through the same severe ordeals, as it was quickened, tempered, and sharpened, so it acquired a certain relentlessness in reasoning which it never lost. It emerged at last complete, vigorous, acute, and penetrating. With all these strong qualities of mind and character was joined an intensity of conviction which burned beneath the cool and calculating manner of which the stern and unmoved exterior gave no sign, like the fire of a furnace, rarely flaming, but giving forth a fierce and lasting heat."⁴ Had the author of these fine lines had the character of Samuel Johnston in his mind's

³McRee says December 15, 1733.—*Life and Correspondence of James Iredell, I.*, 37. Johnston himself writing to his sister, Mrs. Iredell, January 24, 1794, says: "Yesterday finished my sixty-first birthday."—Ms. letter in C. E. Johnson Mss. Collections of the North Carolina Historical Commission. But Samuel Johnston, Sr., writing to Samuel Johnston, Jr., in a letter dated "Newbern, 17th, 1754," month omitted, says: "I give you joy of your being of age last Sunday."—Copy of letter in Collections of the N. C. Hist. Com. Original in the library at "Hayes."

⁴Address in the United States Senate, March 12, 1910, at the presentation to the United States by the State of South Carolina of a statue of John C. Calhoun.

eye, as he did have that of another eminent Scotch-descended Carolinian, his description could not have been more accurate.

In the great crises of our history in which he figured so largely, immediately preceding and immediately following the American Revolution, Samuel Johnston, with keen penetrating vision, saw more clearly than any of his colleagues the true nature of the problem confronting them. This problem was, on the one hand, to preserve in America the fundamental principles of English liberty against the encroachments of the British Parliament, and on the other, to secure the guarantees of law and order against the well-meant but ill-considered schemes of honest but ignorant reformers. For a full quarter of a century he pursued both of these ends, patiently and persistently, "with a fixity of purpose which never weakened, a tenacity which never slackened, and a determination which never wavered." Neither the wrath of a royal governor, threatening withdrawal of royal favor and deprivation of office, nor the fierce and unjust denunciations of party leaders, menacing him with loss of popular support and defeat at the polls, could swerve him one inch from the path of the public good as he understood it. Beneath his cool and calculating manner burned "an intensity of conviction" which gave him in the fullest degree that rarest of all virtues in men who serve the public—I mean courage, courage to fight the battles of the people, if need be, against the people themselves. Of course Johnston never questioned the right of the people to decide public affairs as they chose, but he frequently doubted the wisdom of their decisions; and when such a doubt arose in his mind he spoke his sentiments without fear or favor and no appeal or threat could move him. He was ready on all such occasions to maintain his positions with a "relentlessness in reasoning" that carried conviction, and out of defeat invariably wrung ultimate victory. More than

once in his public career the people, when confronted by his immovable will, in fits of party passion discarded his leadership for that of more compliant leaders; but only in their calmer moments to turn to him again to point the way out of the mazes into which their folly had entangled them.

A Scotchman by birth, Samuel Johnston was fortunate in his ancestral inheritance; an American by adoption, he was equally fortunate in his rearing and education. In early infancy⁵ his lot was cast in North Carolina, the most democratic of the American colonies, and whatever tendency this fact may have given him toward democratic ideals was later strengthened by a New England education and by his legal studies.⁶ At the age of twenty-one he became a resident of Edenton, then a small village of four or five hundred inhabitants, but the industrial, political, and social center for a large and fertile section of the province. Its leading inhabitants were men and women of wealth, education, and culture. Their social intercourse was easy, simple, and cordial. Cards, billiards, backgammon, dancing, tea drinking, hunting, fishing, and other outdoor sports, were their chief amusements. They read with appreciative insight the best literature of the day, made themselves familiar with the philosophy of

⁵In his third year. His parents, Samuel and Helen (Scrymoure) Johnston came to North Carolina some time prior to May 25, 1735.—Colonial Records of North Carolina, IV, 9. They probably accompanied Samuel's brother, Gabriel, who became governor of the colony, November 2, 1734. McRee incorrectly gives the name of Governor Samuel Johnston's father as John.—Iredell, I, 36. Letters of his at "Hayes" show that his name was Samuel. See also Grimes: Abstracts of North Carolina Wills, 187, 188; and Col. Rec. IV, 1080, 1110. He resided in Onslow county, but owned large tracts of land not only in Onslow, but also in Craven, Bladen, New Hanover, and Chowan.—Col. Rec., IV, 72, 219, 222, 329, 594, 601, 628, 650, 800, 805, 1249. He was a justice of the peace in New Hanover, Bladen, Craven, and Onslow.—Col. Rec., IV, 218, 275, 346, 347, 814, 1239. He served also as collector of the customs at the port of Brunswick.—Col. Rec., IV, 395, 725, 998, 1287; and as road commissioner for Onslow county, State Records, XXIII, 221. His will, dated November 13, 1759, was probated in January, 1757.—Abstracts, 188. His wife having died of child-birth in 1751 (letter to his son), his family at the time of his death consisted of two sons, Samuel and John, and five daughters, Jane, Penelope, Isabelle, Ann, and Hannah. To his sons he devised 6,500 acres of land, and to his daughters land and slaves.—Abstracts, 188.

⁶Governor Josiah Martin, writing of Johnston, to Lord George Germain, May 17, 1777, says: "This Gentleman, my Lord, was educated in New England, where * * * it may be supposed he received that bent to Democracy which he has manifested upon all occasions."—Col. Rec., X, 401. Letters from his father, addressed to him while he was at school in New Haven, Conn., bear dates from 1750 to 1753. I have not been able to ascertain what school he attended. In 1754 he went to Edenton to study law under Thomas Barker.

the Spectator and the Tatler, and followed with sympathetic interest the fortunes of Sir Charles Grandison and Clarissa Harlowe. They kept in close touch with political events in England, studied critically the Parliamentary debates, and among themselves discussed great constitutional questions with an ability that would have done honor to the most learned lawyers of the Inner Temple.⁷ Within the town and its immediate vicinity dwelt John Harvey, Joseph Hewes, Edward Buncombe, Stephen Cabarrus, and, after 1768, James Iredell. Preceding Iredell by a little more than a decade came Samuel Johnston, possessed of an ample fortune, a vigorous and penetrating intellect, and a sound and varied learning, which soon won for him a place of preëminence in the province. "He bore," says McRee, "the greatest weight of care and labor as the mountain its crown of granite. His powerful frame was a fit engine for the vigorous intellect that gave it animation. Strength was his characteristic. In his relations to the public, an inflexible sense of duty and justice dominated. There was a remarkable degree of self-reliance and majesty about the man. His erect carriage and his intolerance of indolence, meanness, vice, and wrong, gave to him an air of sternness. He commanded the respect and admiration, but not the love of the people."⁸ At Edenton, surrounded by a group of loyal friends, Johnston entered upon the practice of his profession and in 1759 began a public career which, for length of service, extremes of political fortune, and lasting contributions to the welfare of the State, still stands unsurpassed in our history.⁹

⁷See the picture of Edenton society drawn by James Iredell in his diary, printed in McRee's Iredell.

⁸Iredell, I, 37-38.

⁹He was twelve times elected to the General Assembly, serving from 1759 to 1775, inclusive. On April 25, 1768, he was appointed Clerk of the Court for the Edenton District. In 1770 he was appointed Deputy Naval Officer of the province, but was removed by Gov. Martin, Nov. 16, 1775, on account of his activity in the revolutionary movement. Dec. 8, 1773, he was selected as one of the Committee of Continental Correspondence appointed by the General Assembly. He served in the first four Provincial Congresses, which met Aug. 25, 1774, April 3, 1775, Aug. 20, 1775, and April 4, 1776. Of the third and fourth he was elected President. The Congress, Sept. 8, 1775, elected him Treasurer for the Northern District. Sept.

Johnston's public career covered a period of forty-four years and embraced every branch of the public service. As legislator, as delegate to four provincial congresses, as president of two constitutional conventions, as member of the Continental Congress, as judge, as governor, as United States Senator, he rendered services to the State and Nation which rank him second to none among the statesmen of North Carolina. Time does not permit me today to dwell on all these points of his career, and I must content myself with inviting your attention to his services in just three of the great crises of our history: First, in organizing the Revolution in North Carolina; second, in framing the first state constitution; third, in the ratification by North Carolina of the Constitution of the United States.

You are of course familiar with the principal events which led up to the outbreak of the Revolution. Johnston watched the course of these events with the keenest interest and the most profound insight. By inheritance, by training, and by conviction he was a conservative in politics. He clung tenaciously to the things that were and viewed with apprehension, if not with distrust, any tendency of those in power to depart from the beaten path marked out by time and experience. It was not to be expected, therefore, that he, holding the principles of the British Constitution in great reverence, would look with favor upon departures from those principles so radical as those proposed by the British Ministry. It has frequently been pointed out that in the American Revolution

9, 1775, he was selected as the member-at-large of the Provincial Council, the executive body of the revolutionary government. The Provincial Council, Oct. 20, 1775, elected him Paymaster of Troops for the Edenton District. Dec. 21, 1776, he was appointed by the Provincial Congress a commissioner to codify the laws of the State. In 1779, 1783, 1784 he represented Chowan county in the State Senate. The General Assembly, July 12, 1781, elected him a delegate to the Continental Congress. In 1785 the States of New York and Massachusetts selected him as one of the commissioners to settle a boundary line dispute between them. He was three times elected Governor of North Carolina, Dec. 12, 1787, Nov. 11, 1788, and Nov. 14, 1789. He resigned the governorship in Dec., 1789 to accept election to the United States Senate, being the first Senator from North Carolina. In 1788 and 1789 he was President of the two Constitutional Conventions, at Hillsboro and Fayetteville, called to consider the ratification of the Federal Constitution. Dec. 11, 1789 he was elected a trustee of the University of North Carolina. From 1800 to 1803 he served as Superior Court Judge. He died in 1816.

England and not America represented the radical position. The Americans held to the British Constitution as they had received it from their fathers, they protested against the innovations of the Ministry, and they went to war to conserve the principles of English liberty as they had been handed down from time immemorial. They were the true conservatives. This, too, was the point of view of such British statesmen as Fox, and Pitt, and Burke, and Rockingham. In this contest, accordingly, there could be but one place for Samuel Johnston,—inheritance, education, conviction, all carried him at once into the camp of the Whig party.

From the passage of the Stamp Act in 1765 Johnston maintained a firm and decided stand against every step taken by the British Ministry to subject the colonies in their local affairs to the jurisdiction of Parliament. A special significance attaches to his services. His birth in Scotland, his residence in North Carolina, his education in Connecticut, his intimate correspondence with friends in England, all served to lift him above any narrow, contracted, provincial view of the contest and fitted him to be what he certainly was, the leader in North Carolina in the great continental movement which finally resulted in the American Union. Union was the great bugbear of the King and Ministry, and for some years before the actual outbreak of the Revolution an important object of their policy was to prevent the union of the colonies. They sought, therefore, as far as possible, to avoid all measures which, by giving them a common grievance, would also afford a basis upon which they could unite. In order to accomplish this purpose more effectively acts of Parliament to a large extent gave way in the government of the colonies to instructions from the King issued to the royal governors. These instructions the governors were required to consider as of higher authority than acts of the assemblies and as binding on both the governors and the assemblies. A

set was not framed to apply to all the colonies alike, but special instructions were sent to each colony as local circumstances dictated. Since these local circumstances differed so widely in the several colonies, the King and his ministers thought the patriots would not be able to find in these instructions any common grievance to serve as a basis for union.

In North Carolina the battle was fought out on three very important local measures which involved the financial policy of the province, the running of its southern boundary line, and the jurisdiction of the colonial courts. On all three the King issued positive instructions directing the course which the Assembly should pursue. Thus a momentous issue was presented for the consideration of its members: Should they permit the Assembly to degenerate into a mere machine whose highest function was to register the will of the Sovereign; or should they maintain it as the Constitution and their charters intended it to be, a free, deliberative, law-making body, responsible for its acts only to the people? Upon their answer to this question it is not too much to say hung the fate of the remotest posterity in this State. I record it as one of the proudest events in our history, beside which the glories of Moore's Creek, Kings Mountain, Guilford Court House, and even of Gettysburg itself pale into insignificance, that the Assembly of North Carolina had the insight to perceive their problem clearly, the courage to meet it boldly, and the statesmanship to solve it wisely.

"Appointed by the people [they declared] to watch over their rights and privileges, and to guard them from every encroachment of a private and public nature, it becomes our duty and will be our constant endeavor to preserve them secure and inviolate to the present age, and to transmit them unimpaired to posterity. * * * The rules of right and wrong, the limits of the prerogative of the Crown and of the privileges of the people are, in the present refined age, well known and ascertained; to exceed either of them is highly unjustifiable."¹⁰

¹⁰For a more extended account of this great contest, see my Cornelius Harnett: An Essay in North Carolina History, 68-78.

Hurling this declaration into the face of the royal governor the Assembly peremptorily refused obedience to the royal instructions. In this momentous affair Samuel Johnston stood fully abreast of the foremost in maintaining the dignity of the Assembly, the independence of the judiciary, and the right of the people to self-government. With unclouded vision he saw straight through the policy of the King and stood forth a more earnest advocate of union than ever. He urged the appointment of the committees of correspondence throughout the continent, served on the North Carolina committee, and favored the calling of a Continental Congress. When John Harvey, in the spring of 1774, suggested a provincial congress, Johnston gave the plan his powerful support,¹¹ and when the Congress met at New Bern, August 25, 1774, he was there as one of the members from Chowan. Upon the completion of its business this Congress authorized Johnston, in the event of Harvey's death, to summon another congress whenever he should deem it necessary. No more fit successor to Harvey could have been found. Johnston's unimpeachable personal character commanded the respect of the Loyalists,¹² his known conservatism was a guarantee that the revolutionary program under his leadership would be conducted with proper regard for the rights of all and in an orderly manner, and his thorough sympathy with the spirit and purposes of the movement assured the loyal support of the entire Whig party. How thoroughly he sympathized with the whole program is set forth in the following letter written to an English friend who once resided in North Carolina:

"You will not wonder [he writes] at my being more warmly affected with affairs of America than you seem to be. I came over so early and am now so riveted to it by my connections that I can not

¹¹Col. Rec., X, 968.

¹²Archibald Neilson, a prominent Loyalist whom Gov. Martin appointed Johnston's successor as Deputy Naval Officer, wrote to James Iredell, July 8, 1775: "For Mr. Johnston, I have the truest esteem and regard. In these times, in spite of my opinion of his judgment, in spite of myself—I tremble for him. He is in an arduous situation: the eyes of all—more especially of the friends of order—are anxiously fixed on him."—McRee's Iredell, I, 260.

help feeling for it as if it were my *natale solum*. The ministry from the time of passing the Declaratory Act, on the repeal of the Stamp Act, seemed to have used every opportunity of teasing and fretting the people here as if on purpose to draw them into rebellion or some violent opposition to Government. At a time when the inhabitants of Boston were every man quietly employed about their own private affairs, the wise members of your House of Commons on the authority of ministerial scribbles declare they are in a state of open rebellion. On the strength of this they pass a set of laws which from their severity and injustice can not be carried into execution but by a military force, which they have very wisely provided, being conscious that no people who had once tasted the sweets of freedom would ever submit to them except in the last extremity. They have now brought things to a crisis and God only knows where it will end. It is useless, in disputes between different countries, to talk about the right which one has to give laws to the other, as that generally attends the power, though where that power is wantonly or cruelly exercised, there are instances where the weaker State has resisted with success; for when once the sword is drawn all nice distinctions fall to the ground; the difference between internal and external taxation will be little attended to, and it will hereafter be considered of no consequence whether the act be to regulate trade or raise a fund to support a majority in the House of Commons. By this desperate push the ministry will either confirm their power of making laws to bind the colonies in all cases whatsoever, or give up the right of making laws to bind them in any case."¹³

This is a very remarkable letter. Consider first of all its date. It was written at Edenton, September 23, 1774. At that time the boldest radicals in America, even such men as Samuel Adams, of Massachusetts; Patrick Henry, of Virginia; Cornelius Harnett, of North Carolina, scarcely dared breathe the word independence. But here is Samuel Johnston, most conservative of revolutionists, boldly declaring that the contest between England and her colonies was a dispute "between different countries," and threatening an appeal to arms to decide whether the British Parliament should make laws "to bind the colonies in all cases whatsoever," or be compelled to surrender "the right of making laws to bind

¹³To Alexander Elmsley, of London.—Col. Rec., IX, 1071.

them in any case." The man who ventured this bold declaration was no unknown individual, safe from ministerial wrath by reason of his obscurity, but was the foremost statesman of an important colony, and his name was not unfamiliar to those who gathered in the council chamber of the King.

The death of John Harvey in May, 1775, left Samuel Johnston the undisputed leader of the revolutionary party in North Carolina. In July he issued a call for a congress to meet in Hillsboro, August 20, and of this Congress he was unanimously chosen president. Until now Josiah Martin, the royal governor, had cherished the hope that Johnston would not go to the extreme of rebellion but that he would ultimately break with the Whig party and throw the great weight of his influence on the side of the royal government. Consequently early in the struggle, in very flattering terms, Martin had offered to recommend Johnston to the King for appointment to the next vacancy in the Council; and had refrained from removing him from his position as the deputy naval officer of the colony, "notwithstanding," he wrote, "I had found him uniformly in opposition to every measure of Government during my administration."¹⁴ But now any further forbearance toward Johnston would be disloyalty to the King, and accordingly on October 7, 1775, the Governor addressed a letter to him notifying him of his removal. "The respect I have entertained for your private character," he said, had restrained him from taking this step heretofore; but now duty to his Royal Master would not permit his taking upon himself "the guilt of conniving at the undutiful behavior of one of the King's servants" in appearing "in the conspicuous character of Moderator of a popular Assembly unknown to the laws and constitution of this province.

¹⁴Gov. Martin to Johnston, Oct. 4, 1772: "In case of a vacancy at the Council Board I wish to know whether you will permit me to name you to the King; if it be agreeable to you, I shall be much flattered by an opportunity of making so honorable an acquisition to the Council of this Province."—Col. Rec., IX, 342. See also Martin to Lord Dartmouth, Col. Rec. IX, 1053; and to Lord Germain, X, 401.

* * * And [he continued] I have seen with greater surprise, if possible, your acceptance of the appointment of treasurer of the northern district of this colony, unconstitutionally and contrary to all law and usage conferred upon you by this body of your own creation."¹⁵ To this communication Johnston replied in a letter of biting sarcasm but a model of courtesy and good taste. "It gives me pleasure," he said, referring to the Governor's reasons for his removal, "that I do not find neglect of duties of my office in the catalogue of my crimes," and then continued:

"At the same time that I hold myself obliged to your Excellency for the polite manner in which you are pleased to express yourself of my private character, you will pardon me for saying that I think I have reason to complain of the invidious point of view in which you are pleased to place my public transactions when you consider the late meeting of the delegates or deputies of the inhabitants of this province at Hillsborough, *a body of my own creation*. Your Excellency cannot be ignorant that I was a mere instrument in this business under the direction of the people; a people among whom I have long resided, and who have on all occasions placed the greatest confidence in me, to whose favorable opinion I owe everything I possess and to whom I am bound by gratitude (that most powerful and inviolable tie on every honest mind) to render every service they can demand of me, in defense of what they esteem their just rights, at the risk of my life and property.

You will further, Sir, be pleased to understand, that I never considered myself in the honorable light in which you place me, *one of the king's servants*; being entirely unknown to those who have the disposal of the king's favors, I never enjoyed nor had I a right to expect, any office under his Majesty. The office which I have for some years past executed under the deputation of Mr. Turner was an honest purchase for which I have punctually paid an annual sum, which I shall continue to pay till the expiration of the term for which I should have held it agreeably to our contract.

Permit me, Sir, to add that had all the king's servants in this province been as well informed of the disposition of the inhabitants as they might have been and taken the same pains to promote and preserve peace, good order, and obedience to the laws among them, that I flatter myself I have done, the source of your Excellency's

¹⁵Col. Rec., X, 262.

unnecessary lamentations had not at this day existed, or had it existed it would have been in so small a degree that ere this it would have been nearly exhausted; but, Sir, a recapitulation of errors which it is now too late to correct would be painful to me and might appear impertinent to your Excellency. I shall decline the ungrateful task, and beg leave, with all due respect, to subscribe myself, Sir, your Excellency's most obedient, humble servant." ¹⁶

At the beginning of the Revolution Johnston, in common with the other Whig leaders throughout the continent, disclaimed any purpose of declaring independence. But once caught in the full sweep of the revolutionary movement they were carried along from one position to another until, by the opening of the year 1776, they had reached a situation which admitted of no other alternative. As North Carolina was the first colony to take the lead in demanding independence, so Samuel Johnston was among the first advocates of it in North Carolina. Writing March 3, 1776, he expressed the opinion that the future might "offer a more favorable opportunity for throwing off our connection with Great Britain," but immediately added:

"It is, however, highly improbable from anything that I have yet been able to learn of the disposition of the people at home, from the public papers, for I have not lately received any letters, that the colonies will be under the necessity of throwing off their allegiance to the king and Parliament of Great Britain this summer. If France and Spain are hearty and sincere in our cause, or sufficiently apprised of the importance of the connection with us to risk war with Great Britain, we shall undoubtedly succeed; if they are irresolute and play a doubtful game I shall not think our success so certain."

March 20, Joseph Hewes writing from Philadelphia, where he was in attendance on the Continental Congress, asked Johnston for his views on the subject of independence. In reply Johnston said:

"I am inclined to think with you that there is little prospect of an accommodation. You wish to know my sentiments on the subjects of treating with foreign powers and the independence of the

¹⁶Col. Rec., X, 332.

colonies. I have apprehensions that no foreign power will treat with us till we disclaim our dependence on Great Britain and I would wish to have assurances that they would afford us effectual service before we take that step. I have, I assure you, no other scruples on this head; the repeated insults and injuries we have received from the people of my native island has (sic) done away all my partiality for a connection with them and I have no apprehensions of our being able to establish and support an independence if France and Spain would join us cordially and risk a war with Great Britain in exchange for our trade."¹⁷

When the fourth Provincial Congress, at Johnston's summons, met at Halifax, April 4, 1776, the entire patriot party was fully abreast of his position on the subject of independence. "All our people here," he wrote, April 5, "are up for independence"; and a few days later he added: "We are going to the devil * * * without knowing how to help ourselves, and though many are sensible of this, yet they would rather go that way than to submit to the British Ministry. * * * Our people are full of the idea of independence." In compliance with this popular sentiment, the Congress, April 12, adopted its famous resolution empowering the North Carolina delegates in the Continental Congress "to concur with the delegates of the other colonies in declaring independency and forming foreign alliances."¹⁸

Samuel Johnston had now reached the climax of his influence and popularity, for by his election to the presidency of the Provincial Congress he had attained the highest position in public life to which a citizen of North Carolina in 1776 could aspire. The next few years were for him a period of eclipse. Deceived by the specious insinuations of his political opponents his constituents were led to discard his leadership and to accept that of men of fairer promises but of smaller achievements.

Immediately after declaring for independence the Con-

¹⁷Ms. letter in the library at "Hayes."

¹⁸For a full discussion of the movement toward independence, see my *Cornelius Harnett*, Chap. X.

gress at Halifax appointed a committee "to prepare a temporary civil constitution." Among its members were Johnston, Harnett, Abner Nash, Thomas Burke, Thomas Person, and William Hooper. They were (as I have said in another place)¹⁹ men of political sagacity and ability, but their ideas of the kind of constitution that ought to be adopted were woefully inharmonious. Heretofore in the measures of resistance to the British Ministry remarkable unanimity had prevailed in the councils of the Whigs. But when they undertook to frame a constitution faction at once raised its head. Historians have designated these factions as "Conservatives" and "Radicals," terms which carry their own meaning and need no further explanation. However it may not be out of place to observe here that while both were equally devoted to constitutional liberty, the Radicals seem to have placed the greater emphasis on the noun, liberty, the Conservatives on its modifier, constitutional. The leader of the former was undoubtedly Willie Jones, while no one could have been found to question the supremacy of Samuel Johnston among the latter. Congress soon found that no agreement between the two could be reached while continued debate on the constitution would only consume time which ought to be given to more pressing matters. Consequently the committee was discharged and the adoption of a constitution was postponed till the next meeting of Congress in November. Thus the contest was removed from Congress to the people and became the leading issue of the election in October.

Willie Jones and his faction determined that Samuel Johnston should not have a seat in the November Congress, and at once began against him a campaign famous in our history for its violence. Democracy exulting in a freedom too newly acquired for it to have learned the virtue of self-restraint, struck blindly to right and left and laid low some of the

¹⁹Cornelius Harnett, 152.

sturdiest champions of constitutional liberty in the province. The contest raged fiercest in Chowan. "No means," says McRee, "were spared to poison the minds of the people; to inflame their prejudices; excite alarm; and sow in them, by indefinite charges and whispers, the seeds of distrust. * * * It were bootless now to inquire what base arts prevailed, or what calumnies were propagated. Mr. Johnston was defeated. The triumph was celebrated with riot and debauchery; and the orgies were concluded by burning Mr. Johnston in effigy."²⁰

From that day to this much nonsense has been written and spoken about Johnston's hostility to democracy and his hankering after the fleshpots of monarchy, and the admirers of Willie Jones from then till now have expected us to believe that the man who for ten years had been willing to sacrifice his fortune, his ease, his peace of mind, his friends and family, and life itself, to overthrow the rule of monarchy was ready, immediately upon the achievement of that end, to conspire with his fellow-workers against that liberty which they had suffered so much to preserve. That Johnston did not believe in the "infallibility of the popular voice"; that he thought it right in a democracy for minorities to have sufficient safeguards against the tyranny of majorities; that he considered intelligence and experience more likely to conduct a government successfully than ignorance and inexperience, is all true enough. But that he also ascribed fully to the sentiment that all governments "derive their just powers from the consent of the governed"; that he believed frequency of elections to be the surest safeguard of liberty; that he thought representatives should be held directly responsible to their constituents and to nobody else, we have not only his whole public career but his most solemn declarations to prove. He advocated, it is true, a government of energy and power,

²⁰Iredell, I, 334.

but a government deriving its energy and power wholly from the people. This is the very essence of true, genuine democracy.

Although not a member of the Congress which framed our first State Constitution, Johnston's duties as treasurer made it necessary for him to attend its session, and his presence there exerted a most wholesome influence on the final draft of that instrument. In mere matters of policy he manifested but little interest; but there were three points of prime importance to be settled which would ultimately determine the character of the government about to be formed. These were, first, the degree of responsibility to the people to which representatives should be held; second, the basis of the suffrage; and third, the degree of independence to be accorded to the judiciary. On these three points Johnston felt and thought deeply, and exerted himself to have his views incorporated in the Constitution.

In regard to the first he expressed himself as follows in a letter written from Halifax in April while the constitution was under consideration:

"The great difficulty in our way is, how to establish a check on the representatives of the people, to prevent their assuming more power than would be consistent with the liberties of the people. * * * Many projects have been proposed too tedious for a letter to communicate. * * * After all, it appears to me that there can be no check on the representatives of the people in a democracy but the people themselves; and in order that the check may be more efficient I would have annual elections."²¹

But by "the people," Johnston did not mean all the citizens of the State any more than we today, by the same term, mean to include all the citizens of the Commonwealth. Like us Johnston referred only to those citizens who were endowed with the franchise. He did not believe in unrestricted manhood suffrage. Such a basis he thought might be "well

²¹Iredell, I, 277.

adapted to the government of a numerous, cultivated people," but he did not think North Carolina in 1776 was ready for any such untried experiment, and he advocated, therefore, a property qualification. On this point he was "in great pain for the honor of the province" and viewed with alarm the tendency to turn the government over to "a set of men without reading, experience, or principle to govern them."²²

But it was to the judiciary that he looked to safeguard the rights of the individual citizen, and in order that this safeguard might be the more effective he wished it to be independent of the transitory passions of majorities. On this subject he spoke with more than his usual vigor.

"God knows [he exclaimed] when there will be an end of this trifling here. A draft of the Constitution was presented to the House yesterday. * * * There is one thing in it which I cannot bear, and yet I am inclined to think it will stand. The inhabitants are impowered to elect the justices in their respective counties, who are to be the judges of the county courts. Numberless inconveniences must arise from so absurd an institution.²³ They talk [he wrote later] of having all the officers, even the judges and clerks, elected annually, with a number of other absurdities."²⁴

Johnston's alarm was needless. Under his guidance conservative influences prevailed and a method of choosing judges in line with his views was adopted. In its final form the Constitution embodied to a large extent Johnston's views on all three of these cardinal points. It provided for a legislature of two chambers chosen annually, for a property qualification for electors for state senators, and for judges chosen by the General Assembly to serve during good behavior.

I know of no more striking personal triumph in the history of North Carolina than this achievement of Johnston. Politically discredited by his own people, without the support of a powerful political party, and totally devoid of that glam-

²²To Thomas Burke.—State Rec., XI, 504.

²³To James Iredell.—Col. Rec., X, 1040.

²⁴To Mrs. James Iredell.—McRee's Iredell, I, 339.

our and subtle influence which accompanies high official position, he had, through the convincing logic of his arguments, the trust inspired by his acknowledged wisdom, and the confidence imposed in his integrity, forced a hostile Convention to accept his views and lay the cornerstones of the Commonwealth on firm and solid grounds. How firmly he builded is shown by the fact that fifty-eight years passed before annual sessions of the Assembly gave way to biennial sessions; seventy-nine years before the property qualification for electors for state senators was abolished; and ninety-one years before the election of judges was given to the people and their terms changed from good behavior to a term of years. Had Johnston been alive when these changes were proposed there can be no doubt that he would have advocated them. In 1776 he stood for a political system suitable to the physical, mental and moral conditions of the State at that period: in 1835 he would have done the same thing. As a practical statesman, more deeply concerned in securing a good working system than in promulgating vague and uncertain theories, he would have been among the first to recognize the changed conditions wrought by fifty years of marvelous development, and to have advocated changes in the Constitution in conformity with the changed spirit and needs of the time.

Johnston's eclipse was temporary. Accepting his defeat philosophically, he withdrew after the framing of the Constitution from all participation in politics, and watched the course of events in silence. For assuming this attitude he has been severely censured, both by his contemporaries and by posterity, who have charged him with yielding to pique, and with being supine and indifferent to the welfare of the State because he could not conduct its affairs according to his own wishes.²⁵ But is it not pertinent to ask what other

²⁵See letters of Archibald Maclaine to George Hooper.—State Rec., XVI, 957, 963.

course he could have pursued? He was not an ordinary politician. He had no inordinate itching for public office. He was, indeed, ambitious to serve his country, but his country had pointedly and emphatically repudiated his leadership. Was it not, then, the part of wisdom to bow to the decree? Did not patriotism require him to refrain from futile opposition? The event clearly demonstrated that his course was both wise and patriotic, for the people soon came to their sober second thought and the reaction in Johnston's favor set in earlier than he could possibly have anticipated. They sent him to the State Senate, the General Assembly elected him treasurer, the Governor appointed him to the bench, the General Assembly chose him a delegate to the Continental Congress, and the Continental Congress elected him its presiding officer.²⁶ The reaction finally culminated in his election as Governor in 1787, and his reelection in 1788 and again in 1789. Among the many interesting problems of his administration were the settlement of Indian affairs, the adjustment of the war debt, the treatment of the Loyalists, the cession of the western territory to the Federal Government, and the "State of Franklin"; but today time does not permit that we consider his policy toward them. The chief issue of his administration was the ratification of the Federal Constitution to the consideration of which we must devote a few moments.

The Convention to consider the new Constitution met at Hillsboro, July 21, 1788. "Conservatives" and "Radicals," now rapidly crystallizing into political parties as Federalists and Anti-Federalists, arrayed themselves for the contest under their former leaders, Samuel Johnston and Willie Jones. The Anti-Federalists controlled the Convention by a large majority, nevertheless out of respect for his office they unanimously elected Governor Johnston president. All the

²⁶He declined to serve.

debates, however, were held in committee of the whole, and this plan, by calling Governor Johnston out of the chair, placed him in the arena in the very midst of the contest. Though he was the accepted leader of the Federalists, the burden of the debate fell upon the younger men, among whom James Iredell stood preëminent. Contesting preëminence with Iredell, but never endangering his position, were William R. Davie, Archibald Maclaine, and Richard Dobbs Spaight. Governor Johnston but rarely indulged his great talent for debate, but when he did enter the lists he manifested such a candor and courtesy toward his opponents that he won their respect and confidence, and he spoke with such a "relentlessness in reasoning" that but few cared to engage him in discussion. Johnston could not have been anything else than a Federalist. Since the signing of the treaty of peace with England the country had been drifting toward disunion and anarchy with a rapidity that alarmed conservative and thoughtful men. The issue presented in 1787 and 1788, therefore, was not the preservation of liberty but the prevention of anarchy, and on this issue there could be but one decision for Samuel Johnston. The day for the speculative theories and well-turned epigrams of the Declaration of Independence had passed; the time for the practical provisions of the Federal Constitution had come. Consequently the debates at Hillsboro dealt less with theories of government than with the practical operations of the particular plan under consideration.

In this plan Willie Jones and his followers saw all sorts of political hobgoblins, and professed to discover therein a purpose to destroy the autonomy of the States and to establish a consolidated nation. They attacked the impeachment clause on the ground that it placed not only Federal Senators and Representatives, but also State officials and members of the State Legislatures completely at the mercy of the National

Congress. Johnston very effectively disposed of this ridiculous contention by pointing out that "only officers of the United States were impeachable," and contended that Senators and Representatives were not Federal officers but officers of the States. Continuing he said:

"I never knew any instance of a man being impeached for a legislative act; nay, I never heard it suggested before. A representative is answerable to no power but his constituents. He is accountable to no being under heaven but the people who appoint him. * * * Removal from office is the punishment, to which is added future disqualification. How can a man be removed from office who has no office? An officer of this State is not liable to the United States. Congress cannot disqualify an officer of this State. No body can disqualify but the body which creates. * * * I should laugh at any judgment they should give against any officer of our own." 27

But, said the opponents of the Constitution, "Congress is given power to control the time, place, and manner of electing senators and representatives. This clause does away with the right of the people to choose representatives every year"; under it Congress may pass an act "to continue the members for twenty years, or even for their natural lives"; and it plainly points "forward to the time when there will be no state legislatures, to the consolidation of all the states." To these arguments Johnston replied:

"I conceive that Congress can have no other power than the States had. * * * The powers of Congress are all circumscribed, defined, and clearly laid down. So far they may go, but no farther. * * * They are bound to act by the Constitution. They dare not recede from it."

All these arguments sound very learned and very eloquent, retorted the opponents of the Constitution, but the proposed Constitution does not contain a bill of rights to "keep the States from being swallowed up by a consolidated govern-

²⁷Elliott's Debates. The following extracts from Johnston's speeches on the Constitution are all from the same source.

ment." But Governor Johnston, in an exceedingly clear-cut argument, pointed out not only the absurdity but even the danger of including a bill of rights in the Constitution. Said he:

"It appears to me, sir, that it would have been the highest absurdity to undertake to define what rights the people of the United States are entitled to; for that would be as much as to say they are entitled to nothing else. A bill of rights may be necessary in a monarchical government whose powers are undefined. Were we in the situation of a monarchical country? No, sir. Every right could not be enumerated, and the omitted rights would be sacrificed if security arose from an enumeration. The Congress cannot assume any other powers than those expressly given them without a palpable violation of the Constitution. * * * In a monarchy all power may be supposed to be vested in the monarch, except what may be reserved by a bill of rights. In England, in every instance where the rights of the people are not declared, the prerogative of the king is supposed to extend. But in this country we say that what rights we do not give away remain with us."

Though Johnston desired to throw all necessary safeguards around the rights of the people, he did not desire a Union that would be a mere rope of sand. The Union must have authority to enforce its decrees and maintain its integrity, and if he foresaw the rise of the doctrines of nullification and secession, he foresaw them only to expose what he thought was their fallacy.

"The Constitution [he declared] must be the supreme law of the land, otherwise it will be in the power of any State to counteract the other States, and withdraw itself from the Union. The laws made in pursuance thereof by Congress, ought to be the supreme law of the land, otherwise any one state might repeal the laws of the Union at large. * * * Every treaty should be the supreme law of the land; without this, any one state might involve the whole union in war."

Acts of Congress, however, must be in "pursuance" of the powers granted by the Constitution, for Johnston had no sympathy with the notion that the courts must enforce acts

of legislative bodies regardless of their constitutionality. As he said :

“When Congress makes a law in virtue of their [sic] constitutional authority, it will be actual law. * * * Every law consistent with the Constitution will have been made in pursuance of the powers granted by it. Every usurpation, or law repugnant to it, cannot have been made in pursuance of its powers. The latter will be nugatory and void.”

Johnston, of course, did not think the Constitution perfect and he was as anxious as Willie Jones to have certain amendments made to it. But he took the position that North Carolina, then the fourth of the thirteen States in population, would have more weight in securing amendments in the Union than out of it. Indeed, he reasoned, as long as the State remains out of the Union there is no constitutional way in which she can propose amendments. Accordingly, as the leader of the Federalists, on July 30, he offered a resolution :

“That though certain amendments to the said Constitution may be wished for, yet that those amendments should be proposed subsequent to the ratification on the part of this State, and not previous to it.”

Willie Jones promptly rallied his followers against this action and defeated Johnston's resolution by a vote of 184 to 84. Then after proposing a series of amendments, including a bill of rights, the Convention, by the same vote of 184 to 84, refused to ratify the Constitution and, August 2, adjourned *sine die*.

Thus a second time, in a second great political crisis, Willie Jones triumphed over his rival; but again, as in 1776, his triumph was short-lived. With wise forethought Iredell and Davie had caused the debates of the Convention to be reported and published, and through them appealed from the Convention to the people. How far these debates influenced public opinion it is of course impossible to say, but certain it is that no intelligent, impartial reader can

rise from their perusal without being convinced that the Federalists had much the better of the argument. Public opinion so far shifted toward the Federalists' position that when the second Convention met at Fayetteville, November 16, 1789, the Federalists had a larger majority than their opponents had had the year before. Again Samuel Johnston was unanimously elected president. The debates of this Convention were not reported; indeed, the debates of the former Convention had rendered further discussion unnecessary. The people of the State had read those debates and had recorded their decision by sending to the Convention a Federalist majority of more than one hundred. Accordingly after a brief session of only six days the Convention, November 21, 1789, by a vote of 195 to 77, ratified the Constitution of the United States and North Carolina reëntered the Federal Union. (It has been so frequently affirmed that in North Carolina it is today very generally believed that this action of the Convention of 1789 was due to the adoption of the first ten amendments to the Federal Constitution; and, further, that the action of Willie Jones and his party in rejecting the Constitution in 1788 forced Congress to submit these amendments. In the interest of historical accuracy let us for just a moment examine this statement. A few dates quickly dispose of the matter. The North Carolina Convention rejected the Constitution August 2, 1788. On November 17, of the same year, the General Assembly passed the resolution calling a second Convention. It was not until September 25, 1789, nearly a year later, that Congress submitted the first ten amendments to the several States. When the North Carolina Convention met at Fayetteville, November 16, 1789, not a single State had acted on these amendments, and more than a year passed after North Carolina had ratified the Constitution before the required number of States had accepted the amendments. Moreover, when the Convention met at Fay-

etteville, in 1789, the opponents of the Constitution still urged its rejection because the amendments which had been proposed did not meet the objections of the former Convention in "some of the great and most exceptional parts" of the Constitution. The only result of the action of Jones and his party in 1788, therefore, was to keep North Carolina out of the Union for a year and thus to prevent the State's casting her vote for George Washington as the first President of the United States.)

The privilege of transmitting the resolution of ratification to the President of the United States and of receiving from him an acknowledgment of his sincere gratification at this important event, fell to the lot of Samuel Johnston. It was fitting, too, that he who, for more than twenty years, had stood among the statesmen of North Carolina as the very personification of the spirit of union and nationalism should be the first to represent the State in the Federal Senate. Of his services there I can not speak today more than to say that he represented the interests of North Carolina with the same fidelity to convictions and courage in the discharge of his duties which had always characterized his course in public life; and that on the great national issues of the day he lifted himself far above the narrow provincialism which characterized the politics of North Carolina at that time and stood forth in the Federal Senate a truly national statesman. It had been well for North Carolina and her future position in the Union had she adhered to the leadership of Johnston, Davie, Iredell and the men who stood with them,—men too wise to trifle with their principles, too sincere to conceal their convictions, and too brave and high-minded to mislead their people even for so great a reward as popular favor. But in the loud and somewhat blatant politics of that day these men could play no part, and one by one they were gradually forced from public life to make way for other leaders who possessed

neither their wisdom, their sincerity, nor their courage. In 1793, Samuel Johnston retired from the Senate, and, except for a brief term on the bench, spent the remaining twenty-three years of his life in the full enjoyment of his happy family circle.

Thus, Mr. Grand Master, I have endeavored to point out, as briefly as possible, why it is that we deem Samuel Johnston worthy of a niche under the stately dome of our Capitol in company with Graham, and Ransom, and Morehead. On the mere score of office-holding he surpassed any of them; indeed, his career in this respect has not been surpassed by any other in our history. But in the fierce light of History what a paltry thing is the mere holding of public office; and how quickly posterity forgets those who present no other claim to fame. Posterity remembers and honors him only who to other claims adds those of high character, lofty ideals, and unselfish service; whose only aims in public life are the maintenance of law, the establishment of justice, and the preservation of liberty; who pursues these ends with a fixity of purpose which never weakens, a tenacity which never slackens, and a determination which never wavers. Measuring Samuel Johnston by this standard, I am prepared to say that among the statesmen of North Carolina he stands without a superior. Indeed, taking him all in all, it seems to me that he approaches nearer than any man in our history to Tennyson's fine ideal of the "Patriot Statesman."

O Patriot Statesman, be thou wise to know
 The limits of resistance, and the bounds
 Determining concession; still be bold
 Not only to slight praise but suffer scorn;
 And be thy heart a fortress to maintain
 The day against the moment, and the year
 Against the day; thy voice, a music heard
 Thro' all the yells and counter-yells of feud
 And faction, and thy will, a power to make
 This ever-changing world of circumstance,
 In changing, chime to never-changing Law.

BIOGRAPHICAL, GENEALOGICAL AND HISTORICAL MEMORANDA

COMPILED AND EDITED BY MRS. E. E. MOFFITT.

JUDGE HENRY GROVES CONNOR

The article in this number of THE BOOKLET on Judge James Iredell is the third contribution which Judge Connor has made to its pages. To Vol. IV, No. 4, he contributed "The Conventions of 1778-1779 and the Federal Constitution." To Vol. VIII, No. 2, he contributed "The Convention of 1835." A biographical sketch of Judge Connor appeared in Vol. VIII, No. 2 (October, 1908). In 1909 Judge Connor resigned from the Supreme Court bench of North Carolina, to accept an appointment made by President Taft as Judge of the United States Court, from the Eastern District of North Carolina.

CHARLES LEE SMITH

A biographical sketch of Charles Lee Smith, Ph.D., LL.D., author of the article on *David Caldwell—Teacher, Preacher, Patriot*, in this number of THE BOOKLET, was published in Volume VIII, No. 4 (April, 1909). Since that time he has been elected a member of the Board of Trustees of the University of North Carolina, a member of the Board of Managers of the North Carolina Society of the Sons of the Revolution, and a member of the Advisory Board of THE NORTH CAROLINA BOOKLET. A recent volume of the *National Cyclopaedia of American Biography* contains an interesting account of this public-spirited citizen of Raleigh.

R. D. W. CONNOR

Mr. Connor's address on Governor Samuel Johnston, appearing in this number of THE BOOKLET, is the seventh

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