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Vol. XVII

JULY, 1917

No. 1

The North Carolina Booklet



GREAT EVENTS
IN
NORTH CAROLINA
HISTORY



PUBLISHED QUARTERLY

BY

THE NORTH CAROLINA SOCIETY

DAUGHTERS OF THE REVOLUTION

RALEIGH, N. C.

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Great Events in North Carolina History

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The
NORTH CAROLINA BOOKLET

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

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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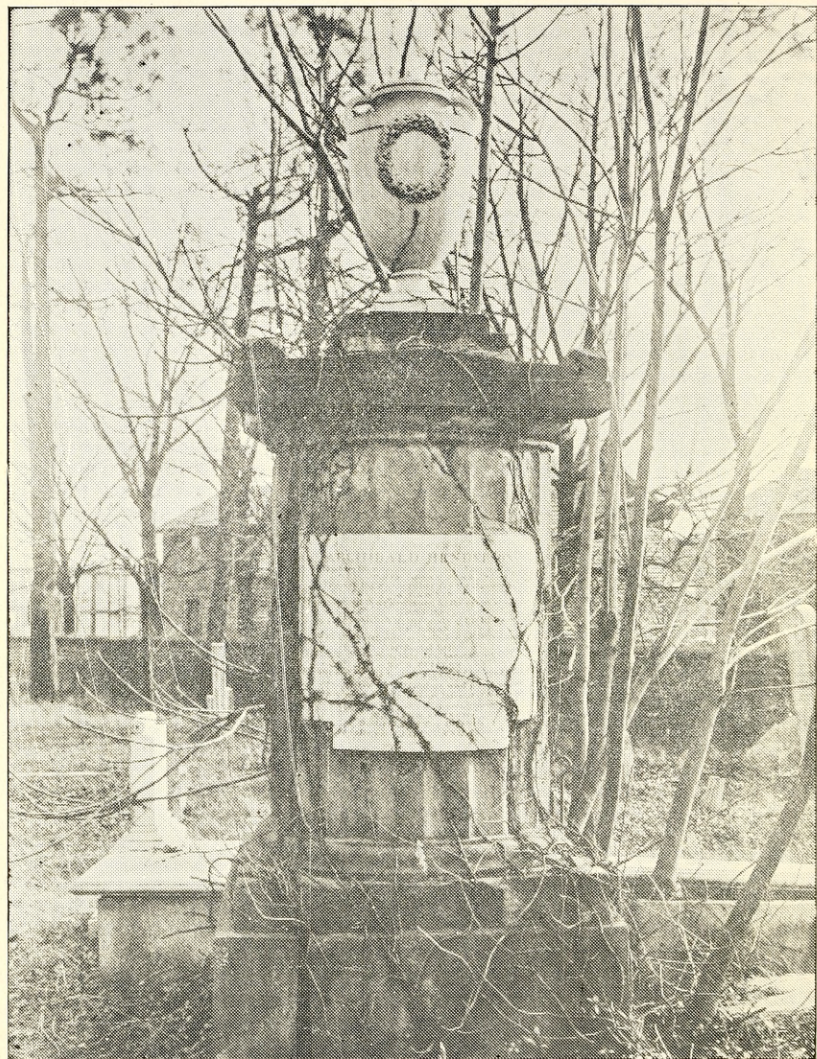
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MONUMENT TO ARCHIBALD HENDERSON AT SALISBURY, ERECTED BY THE
BAR OF NORTH CAROLINA.

The North Carolina Booklet

Vol. XVII

JULY, 1917

No. 1

A Federalist of the Old School

By ARCHIBALD HENDERSON.

"The most perfect model of a lawyer that our bar has produced."
ARCHIBALD DEBOW MURPHEY.

I.

Some years ago, Colonel Richard Benbury Creecy in a fascinating article entitled, "Our Old Lawyers," expressed the wish that some writer might "place his State and its coming sons under a debt of gratitude to him" by preparing "an elaborate memorial of the great lawyer, Archibald Henderson, who for many years led a profession in North Carolina, which has always been foremost in its annals and its patriotic work." The obituary which was published by his friend, Judge Archibald D. Murphey, presents in classic form and high relief his character as publicist. "I venture to think," says a distinguished jurist,* "that we have had no finer setting forth of the qualities of a great lawyer and citizen, his relations to his profession, the court and the public, than the essay of Judge Murphey on Mr. Henderson." Diligent research has demonstrated, nevertheless, that no consecutive or detailed biography of Archibald Henderson has ever appeared in print. Memorials of him linger only in that dim region of tradition, where lies obscure so much of North Carolina's past.

The present monograph, slight though it be, has been undertaken in the attempt to supply in some measure an answer to

*Henry Groves Connor.

the wish expressed by the late Colonel Creecy. Nothing more is attempted than to enable the reader to see this man as he was viewed by his contemporaries. Authentic biography alone can achieve the miracle of illuminating the past with the search light of truth and throwing into just perspective the temperament, character and genius of those who have lived memorably. Perhaps no one, save he were prompted by sentiments of filial respect, would have attempted a task which offered so many difficulties, especially to one not of the legal profession, and promised so little in tangible results after the lapse of a century. While this brief biography falls far short of the "elaborate memorial," of which Colonel Creecy spoke, it at least sets forth in ordered form and truthful narrative the story, in so far as that story may at this late day be rescued from the past, of the life of a man whose name was once known in North Carolina.

II.

That daring spirit of adventure and the passion for exploration which drove the early settlers of America to plunge into the wilderness and to press resolutely westward across the continent, was but the natural expression of the inquisitive and acquisitive instincts which brought Captain John Smith to Jamestown in 1607, and ultimately gave to this continent the inestimable blessings of civilization, freedom, and religious liberty. One of these early adventurers in trying a daring hazard of new fortunes upon the American continent bore the name of Thomas Henderson. He emigrated to Jamestown from the neighborhood of Dumfries, Scotland, and settled near Williamsburg, Virginia, in the early years of the seventeenth century. Somewhat later he removed to a settlement known as Yellow Springs near Jamestown. Here he fixed his residence, was married, and became in time the father of a family of children. One of his sons, Richard, was married to Margaret Washer, believed to have been the daughter of Ensign Washer, who, together with Captain

Christopher Lawne, represented in the Virginia House of Burgesses in 1619 Captain Lawne's Plantation, afterwards known as "Isle of Wight Plantation."* Richard Henderson subsequently removed to Hanover County, Virginia, where he and his wife reared a family of children: one daughter, who was married to a Mr. Trevelyan and emigrated to South Carolina; and four sons, Edward, Samuel, Nathaniel, and Leonard.

One of these sons, Samuel, who was born in Hanover County on March 17, 1700, passed the first period of his life in this section made famous in later years through the fervid oratory of Patrick Henry and the devoted ministrations of the Rev. Samuel Davies. Among his neighbors was the demure young girl, Elizabeth Williams, whose father, John Williams, born on January 26, 1679, was a prosperous emigrant from Wales. Mary, Elizabeth's mother, who was born on September 26, 1684, reared a family of eight children of whom Elizabeth was the sixth. No recollections of the courtship of Elizabeth Williams by Samuel Henderson are preserved; yet the sentiment of the bride is expressed in the pretty incident that she insisted that the day of her coming of age, her eighteenth birthday, November 14, 1732, should be her wedding day. At their home, simple as the times, the young couple lived the sane and frugal life characteristic of the period in Virginia.

About the year 1740, Samuel Henderson with his family emigrated to Edgecombe County, North Carolina. They were among the very earliest settlers in that region. This section, known as Nutbush, from the creek of that name which ran through it, was so called, says William Byrd, "from the many hazle trees growing upon it." Some idea of the beauty of the country is conveyed by Byrd's description of the site of their camp four miles from Nutbush Creek, where the North Carolina-Virginia dividing line crossed Great Creek. "The Tent

**Annual Report, American Historical Association, 1893: W. W. Henry's "The First Legislative Assembly in America," p. 308.*

was pitched upon an Eminence, which overlooked a wide Piece of low Grounds, cover'd with Reeds and watered by a Crystal Stream gliding thro' the Middle of it. On the Other Side of this delightful Valley, which was about a half a Mile wide, rose a Hill that terminated the View, and in the figure of a Semicircle closed in upon the opposite Side of the Valley. This had a most agreeable Effect upon the Eye, and wanted nothing but Cattle grazing in the Meadow, and Sheep and Goats feeding on the Hill, to make it a Compleat Rural LANDSCAPE." Little more than a decade after the vision of this "compleat rural landscape" dawned upon Byrd's lively imagination, the fancy became a reality with the coming to this beautiful country of the Hendersons, the Williamses, and the Bullocks from Virginia. When Byrd penned these words, the buffalo still roamed at will through the canebrakes of Craven; skilful hunters, like "Epaphroditus Bainton, the famous Woodsman," spent all their time in ranging the woods and making "great Havock among the Deer, and other inhabitants of the Forest, not much wilder than themselves"; and the Virginia and Carolina traders, following the course of the Great Trading Path and crossing the Yadkin at the Trading Ford, finally reached the towns of the Catawba Indians, whom they supplied with "Guns, Powder, Shot, Hatchets, (which the Indians call Tomahawks,) Kettles, red & blue Planes, Duffields, Stroudwater blankets, and some Cutlary Wares, Brass Rings and other Trinkets."*

In 1733, Edgecombe County was erected out of Craven County by Governor Burrington and Council. So rapid, however, was the emigration from Virginia into this section during the period after 1740 that in 1746 a new county, named Granville in honor of John Carteret, Earl Granville, and a new parish, named St. John's Parish, were erected out of Edgecombe. The reason assigned in the act is: "Edgecomb being a frontier county, is now so extensively settled, that the public business of the said County and Parish becomes very

*J. S. Bassett: *The Writings of William Byrd*.

difficult to be transacted.”* In the *South Carolina Gazette*, of March 8, 1768, it is stated: “A letter from Williamsburgh, Virginia, dated October 18, 1767, says: There is scarce a history, ancient or modern, which affords such a rapid and sudden increase of inhabitants in a back frontier country as that of North Carolina.” Within a decade, Granville’s population rose from nothing to some three thousand; and in 1746 the courts were organized. One of the very first in the county convened at the house of Mr. William Eaton, at which were present Doctor James Payne, John Martin, Gideon Macon, Samuel Henderson, Justices, March 3, 1746 (O. S.). For many years Samuel Henderson served as Justice of the County Court; and on March 6, 1754, he received his commission from the Governor of the Province, Arthur Dobbs, as High Sheriff of Granville County. His assistant in the office in the capacity of sous-sheriff was his eldest son, Richard, who was born in Hanover County, Virginia, on April 20, 1735.

III.

Richard Henderson’s son, Archibald, whose life and career here especially engage our interest, was born in Granville County, North Carolina, on August 7, 1768. From his father, the pioneer and expansionist, President of the Colony of Transylvania, founder of Boonesborough and Nashville, he doubtless directly inherited the legal acumen and forensic brilliance which elevated Richard Henderson at the age of thirty-three to the highest court in the colony, and won for him the title of the “Patrick Henry of North Carolina.” An English contemporary and acquaintance, in speaking of Richard Henderson’s practice and advocacy as a lawyer in the North Carolina Superior Court, pays him this elevated tribute: “Even there, where oratory and eloquence are as brilliant and powerful as in Westminster Hall, he soon became distinguished and eminent, and his superior genius shone forth with great splendor and universal applause.” From his mother,

*State Records of North Carolina, XXIII, 249.

Elizabeth, the daughter of an Irish nobleman, Lord George Kelynge, Archibald derived that refreshing simplicity of manner and dignity of demeanor which were signal traits of his personality.

On January 1, 1780, the admirable boarding school in Warren (old Bute) County, known as Springer College, threw open its doors. The number of pupils was thirty; the terms were £100 a year, Virginia money, for tuition, £200 a year for board, and £14-6s-0d paid "towards the schoolhouse, firewood, &c."* This famous academy, situated in an ideal spot and healthy locality, drew pupils from points as distant as Edenton. In this select school Archibald Henderson received his early training; and among his schoolmates were John Haywood, afterwards famous as lawyer, jurist, and historian of Tennessee, and Robert Goodloe Harper, afterwards the distinguished Federalist, Henderson's colleague in Congress, and one of the ablest political leaders of his day. With a touch of quiet humor, Judge W. H. Battle in his *Memoir* of Leonard Henderson, Archibald's brother, makes the following observation upon the conditions of rural life in North Carolina in that early day: "It may not be amiss to mention here, as an evidence of the simplicity and frugality of the times, as well as of the prudence and industry of the matrons of that day that his mother, though the wife of one of the highest officers of the province, taught her eldest sons, as well as her daughters, to card and spin. Why Leonard was not instructed in the same housewifely accomplishment we are not informed. The splendid professional career of one of his elder brothers, Archibald, shows that though it might not have advanced, it certainly would not have obstructed his upward course to fame and fortune."†

Following the example, and no doubt the counsel of his father, Archibald Henderson studied law under his close relative, Judge John Williams. In the unusually fine library

*G. J. McRee: *Life and Correspondence of James Iredell*, I, 433-4.

†*North Carolina University Magazine*, IX, 4; November, 1859.

for that day of Judge Williams, a library especially rich in legal literature, he acquired a love of biography, history, and general literature. His preceptor was pronounced by the courtly James Iredell "one of the most agreeable men in the world"; and Elkanah Watson, after speaking of "the elegant seat of Judge Williams, at Nutbush," which he visited in 1786, describes Judge Williams as "an accomplished gentleman, possessing high talents, and genuine Southern hospitality."*

IV.

The distinguished jurist, Spruce Macay, remembered conspicuously as the legal preceptor of two of North Carolina's greatest men, William Richardson Davie and Andrew Jackson, was married to Archibald Henderson's sister, Fanny, in Granville County on May 27, 1785. It was through his influence that Archibald Henderson was induced to remove to Rowan and begin there the practice of the law. As a youth in Salisbury, whither he removed from Granville about 1790, he has been described by his acquaintance of that period, the singular genius, Dr. Charles Caldwell. In the matured opinion of Caldwell, recorded in later life, Archibald Henderson was "possessed of splendid talents and commanding eloquence." He has left the following interesting and graphic pen-picture of Henderson as a young man:

"Classically and carefully educated from his boyhood, he was a man of fine literary taste, an excellent Shakespeare scholar, and well versed in English poetry in general; especially in that of the highest order.

"Instead of joining clubs, to eat, drink, joke, and frolic, as most of the other men of Salisbury did, he and myself met on stated evenings in our studies, to read, converse on, and criticise specified works in polite literature, and sometimes manuscript articles of our own production. And, from that

**Men and Times of the Revolution*, 252.

source, we derived not only rational and high gratification, but also valuable improvement in letters.”*

The town of Salisbury in 1786, as described by Elkanah Watson, was “a pleasant village, containing fifty dwelling houses. . . . The road to Charlotte, in Mecklenburg County, was equal to any English turnpike and traversed a beautiful level.” The population shortly after the time of Archibald Henderson’s removal thither is given by George Washington in his *Diary* (1791) as “about three hundred souls . . . and tradesmen of different kinds”; and an indication of its gracious social culture is given in Washington’s words: “Dined at a public dinner (May 30, 1791) given by the Citizens of Salisbury; & in the afternoon drank Tea at the same place with about 20 ladies, who had been assembled for the occasion.” Distinguished figures in the social circle in Salisbury, in which Archibald Henderson moved, were General John Steele, sometime Representative in Congress and later Comptroller General of the Currency under Washington, Adams, and Jefferson; General Matthew Locke, of titled ancestry, who represented the district in the third, fourth, and fifth Congresses; Judge Spruce Macay, who presided over the Western Circuit, determined and fearless in discharging the difficult duties of his office; Dr. Samuel Eusebius McCorkle, graduate of Princeton, eminent Presbyterian divine and famous teacher; Maxwell Chambers, Commissioner of the Borough; William Lee Alexander, student at Nassau Hall and veteran of the Revolution; Captain John Beard and Lewis Beard, prominent citizens who had been Revolutionary soldiers; the able Adlai Osborne, and Dr. Charles Caldwell, afterwards eminent as physician and teacher.

Archibald Henderson displayed the most genial interest in the development of the ambitious young men of his acquaintance in Rowan. In particular, he freely extended to them the benefits of the admirable and carefully selected library

**Autobiography of Charles Caldwell*, 78-9.

which he began early to collect. In an authoritative account of his own career, prepared under his immediate supervision, John Hardy Steele, who was born in Salisbury and in middle life became Governor of New Hampshire, pays him the following graceful tribute of gratitude:

“Young Steele’s mother being a widow, and in straightened circumstances, he had no time for the amusements common to childhood, and but little for study and reading. He is greatly indebted to Archibald Henderson, Esq., at this time and for years after a successful and highly esteemed lawyer, for a taste for reading and a thirst for practical knowledge, which has been not less remarkable in after life than his thorough devotion to the sterner labors, which he was never known to neglect. The Governor has been often heard to say that there are no more pleasant and grateful recollections connected with the trying years of his early life, than those which cluster around the office and ample library of Mr. Henderson, where a benevolent smile and word of encouragement were always sure to greet him.”*

V.

During the closing decade of the eighteenth century, while he was forging to the forefront of the legal profession in North Carolina, Archibald Henderson was rapidly developing those mental powers which caused him to be described by the late Col. R. B. Creecy as “the foremost advocate and orator at our bar.” After his first removal to Salisbury and a sojourn of a few years there until 1795, he returned to Granville, where he served as Clerk and Master in Equity of the County Court in 1795-6-7-8. In 1798 he once more removed to Rowan and made Salisbury his permanent home.

There is no record of any likeness of him having ever been made. He would doubtless have regarded such a thing as a weak concession to personal vanity. From the personal reminiscences of his acquaintances, we know that he was a

*For this sketch of Governor Steele I am indebted to Judge Benjamin Smith, of Clinton, Mass.

large man physically, with noble forehead, aquiline nose, compressed lips, firm-set jaws, somewhat elongated chin, and an open countenance kindly and benignant in expression. "Rhetorical," "winning," "ready," eloquent," and "effective" are the precise adjectives which his acquaintances have employed to describe his qualities as an advocate. Endowed with the temperamental geniality which distinguished his father, he readily won the good-will as well as the admiration of his acquaintances. His wide popularity was in no small measure due to his firm belief, frequently expressed and habitually put into practice, in the wisdom of "forming an intimate acquaintance with mankind, and particularly with the middle and lower classes of people, their passions, feelings, prejudices, modes of thinking and motives of action."

Before the age of thirty, he came to be widely known, not only in the Salisbury District, but throughout the State, as an ardent Federalist. For Washington he cherished boundless reverence; the brilliant qualities of Burr excited his profound admiration; and Adams found in him a staunch adherent. With strong and outspoken convictions, he quickly became a marked man; and he was urgently petitioned by his friends to present himself as a candidate for Congress—a step not a little contrary to his natural inclination. Pitted against an able opponent, the Hon. Matthew Locke, who had served as Representative in Congress since 1792, he was elected to Congress at the age of thirty in the summer of 1798. The following letter from President Adams to General John Steele furnishes an interesting, if brief, comment on the political situation:

Quincy Sept 4 1798

Sir

I have recd your favour of Aug. 29 inclosing the Resolutions and Address of Bladen County in N. Carolina. A more excellent address has not appeared. A few words in answer I return to you with the Address that you may publish them in the Papers, if you please.

The Election of Mr. Henderson is very honourable to him and his Constituents. If the inveterate Phalanx should be broken our Country will triumph.

With sincere Esteem I have the honor
to be Sir your obliged servant

JOHN ADAMS.

John Steele Esqr.
Comptroller of the
Treasury at Trenton.

At this election five other men were elected as Federalists from North Carolina: William Barry Grove, Joseph Dickson, William H. Hill, Richard Dobbs Spaight, and David Stone. The Hon. Charles Lee, Member of Congress from Virginia, writing to James Iredell in September, 1798, observes: "The change in North Carolina is most pleasing, and with so good an example before Virginia, I trust this State will amend her representation also." The North Carolina Federalists won a signal success in electing as Governor of the State the distinguished William R. Davie, who was inaugurated on January 1, 1799. This triumph of Federalism in North Carolina was to prove but short-lived; the star of Jefferson and Democracy was steadily rising. On this account, it is especially deserving of remark that the strong Federalist rally in Western North Carolina was principally due to the powerful personal influence of Archibald Henderson. A cooperative influence was the recrudescence of the historic antagonism of the whole western portion of the State to the political domination of the "East."

VI.

On December 2, 1799, Mr. Henderson appeared at Philadelphia, presented his credentials, and took his seat at this, the first session of the sixth Congress of the United States. He carried to Philadelphia with him his attractive little niece, who afterwards became the wife of the Hon. William C. Love, of Salisbury. In token of his solicitude for the little Elizabeth Macay, his sister Fanny's daughter, these words from a letter to Spruce Macay, her father, of March

23, 1800, are deserving of quotation: "I am now sitting in my chamber with Betsy at my side. She is very well and has made handsome progress in her studies. I have frequently taken her to the theatre, and it would astonish you to see how she is pleased with the performances. I had anticipated your wishes in placing her to a dancing school before the receipt of your letter. I propose to set off with her to Bethlehem next Saturday week." Doubtless Betsy was placed in some noted school, perhaps under Moravian control, at Bethlehem.

From the very beginning of his term in Congress, Mr. Henderson exhibited a lively interest in public questions and busied himself actively in the duties of his office. On December 5, 1799, he was appointed a member of the important Committee of Elections; and on January 13, 1800, he was designated a member of the committee instructed to examine into the political system by which the Mississippi territory was governed. The subject which especially engaged his attention was the reform of the judiciary system then under consideration. This matter had been forcibly brought to his attention when President Adams, in addressing the Congress upon its opening (December 3), had impressively said: "To give due effect to the civil administration of government, and to ensure a just execution of the laws, a revision and amendment of the judiciary system is indispensibly necessary. In this extensive country it cannot but happen that numerous questions respecting the interpretation of the laws of the rights and duties of officers and citizens must arise. On the one hand, the laws should be executed; on the other, individuals should be guarded from oppression. Neither of these objects is sufficiently assured, under the present organization of the judicial department." On December 9, the question of "a revision and amendment of the judiciary system" was referred to a committee with leave to report by bill; and the general problem of the better establishment and regulation of the courts of the United States assumed great importance at this and the next session of Congress. The commit-

tee consisted of Mr. Robert Goodloe Harper, of South Carolina; Mr. Chauncey Goodrich, of Connecticut; Mr. James A. Bayard, of Delaware; Mr. John Marshall, of Virginia; and Mr. Samuel Sewall, of Massachusetts.

In speaking of the discussion set for March 24, 1800—at which time the House resolved itself into a committee of the whole House on the bill—Henderson writes to Macay:

“We shall enter upon the consideration of the Judiciary Bill tomorrow. Those persons who are best informed are of opinion it will not pass at this session of Congress. I am fearful it will not, but I think the chance by no means desperate. We have a number of gentlemen here who do not make the expediency and propriety of a measure proposed the rule of their political conduct, but are calculating what effect the plan proposed will have on the people. They will acknowledge that the thing itself is wholesome and necessary for the publick good but they are apprehensive that the sovereign people will not be pleased. I confess for my own part that I am tired of this dismal clamor about the people. I respect them as much as any man but I am not for sacrificing my own judgment and opinion together with their essential interest to the intemperate howlings of a few demagogues. I believe that the dearest Interests of our Country require that a radical change be made in the mode of administering Justice. That change will no doubt create some additional expense at which the popular leaders of the day will eagerly lay hold of to render the measure odious. I conceive myself legislating on this important occasion not for the pursuit of only bare popularity. It is of the utmost importance to the interest of America that it should establish a system of administering Justice which will secure a speedy and impartial determination of causes brought into the courts and which will make the expense incident to litigation as small as possible. I am of the opinion that the plan proposed is the result of deep reflection and much labor, and is admirably calculated to promote these desirable objects.”

On Friday, March 28, after several sessions of the committee of the whole House, the bill was re-committed to the original committee. The bill which was reported by this committee became the foundation of the act that was adopted in 1801.

VII.

It was Mr. Henderson's fixed intention to return to the practice of the law, to which his genius was best suited, at the expiration of his first term in Congress. In pursuance of this intention, he published the following notice in *The North Carolina Mercury and Salisbury Advertiser*, issue of June 5, 1800, and several succeeding issues :

To the Citizens of the counties of Rowan, Iredell, Mecklenburg, Cabarrus and Montgomery.
Gentlemen,

A period is fast approaching when you will be called upon to elect from among yourselves, a person to represent you in the next Congress of the United States. And as it may be supposed that I shall again offer my services unless a declaration to the contrary is made, I feel myself bound thus early to inform you that I shall not be a Candidate at the ensuing Congressional Election. It is not necessary that I should detail the reasons which have led to this determination; I assure you Gentlemen, that they have not originated in a want of a due appreciation of the distinguished honor you have conferred on me in a measure so flattering, nor from disinclination to devote my time to the service of a people whose peace and happiness are the first wish of my heart.

I have the honor to be,
Gentlemen,
with great respect,
Your most obedient,
humble servant,

A. HENDERSON.

Philadelphia, 15th April, 1800.

The candidates for the seat were Mr. Henderson's competitor in 1798, the Hon. Matthew Locke, and a Mr. Mussendine Matthews, who for ten years had represented Iredell County in the lower house of the General Assembly. In the

above-mentioned newspaper, issue of June 12, appeared a letter signed "A Country Farmer's Son," urging the election of Locke:

"At a time as critical as the present, my fellow-citizens, we ought to be extremely cautious who we elect to fill that important trust. We ought to send the man prone to virtue, the man of experience, and the man of sense. Let us state a question with regard to Mr. Locke. Is not he the Gentleman possessed of these charming qualifications? Yes certainly he is. Has he not served his country in the General Assembly of this state almost ever since the American war until the year '93? Since that until Aug. 4, 1799, he has served in a higher capacity, viz. a member of Congress six (?) successive elections he was the choice of the people, and by his goodness and wisdom conducted so, as not to merit a frown from a single individual. At the election of '98, when Archibald Henderson, Esq., opposed Mr. Locke, and for sentiments, and policy, which ought to have done our representative immortal honour, he was ousted from an office which he had served with dignity and unfeigned goodness. But such is human nature—not long contented with the same, as fond to elect him in, and as apt to elect him out. A number of the ignorant were under a gross mistake with regard to Mr. Locke's politics. They supposed him a friend to the French and its government in defiance to his own."

This unknown champion highly praised the "wisdom, experience and virtue" of Mr. Locke, and vehemently repelled the insinuation that he had been a "traitor to his country."

In explanation of the grounds for his candidacy, Mr. Locke issued an "Address to the freemen of the Counties of Rowan, Iredell, Cabarrus, Mecklenburg and Montgomery," saying among other things:

"I declare myself a real friend to the Federal government, and a zealous defender of the Constitution, which I have often sworn to support, but do not implicitly rely upon a belief that all the present measures of Government have been wisely adopted, and impartially administered; but do believe that millions of dollars have been expended that ought to have been saved."

He declared his consistent opposition to all measures which have "a tendency, unnecessarily to oppress the citizens or

enslave posterity," and expressed the belief that "on a fair investigation of my political conduct, whilst in your service, I shall stand acquitted from the calumny raised against me in my absence, to which I impute the result of my last unsuccessful attempt."

The reasons which actuated Mr. Henderson to reconsider his original decision not to be a candidate are set forth by him in a letter to Mr. Walter Alves of Hillsborough (July 28, 1800), recently discovered. Clearly the desire to strengthen the Federalist party was the controlling motive in his final decision. For in the perfervid language expressive of the vehement political feeling of the time, he says to Alves: "Let us, my dear Sir, exert ourselves not only to save our common Country from impending ruin but to raise our own state from that low point of depression to which she has been sunk by the acts of factious and designing men. Every vote which Jefferson will get in this state is a blot upon our reputation." More explicitly concerning his own candidacy he says:

"Since my return I have been prevailed upon by the solicitations of a number of respected men in this district to suffer my name to be held up as a candidate for a seat in the next Congress. I am opposed by Matthews and Locke. It is supposed by my friends that I shall be elected; for my own part, I think it doubtful. The district is Federal and would have elected me by a large majority had it not been for the public declaration which I made, expressive of my intention to decline to hold a poll. This circumstance, together with that of General Smith* having offered his service and then withdrawing in my favor, are taken hold of by my opponents and managed with much dexterity to my disadvantage."

The return of the poll, as published in Francis Coupee's newspaper of August 21, was as follows:

*Presumably General John Smith, whose son Robert had represented Cabarrus County in the lower house of the General Assembly in 1794, 1795, 1796, and 1799.

	Henderson.	Matthews.	Locke.
Rowan -----	867	341	265
Iredell -----	211	498	58
Mecklenburg -----	346	126	294
Cabarrus -----	94	125	214
Montgomery -----	404	41	14
	-----	-----	-----
	1922	1131	845

Majority for Henderson, 791.

VIII.

During the closing months of John Adams' administration there was passed (February 13, 1801) the act known as the Circuit Court Act or the Judiciary Act of 1801. The necessity for relieving the justices of the Supreme Court from the arduous duties incurred in riding the circuit had been urged for a decade. It was vigorously maintained by the Republicans that the amount of business before the courts of the United States had actually begun to decline; and it was therefore urged by them that the increased expenditure provided for was not warranted by existent conditions. The charge was forcibly made that the enlargement of the judiciary "was only effected for the purpose of keeping the Federalists in control of the judiciary for a long time to come." Adams came in for severe censure, both for the character of the appointments and the making of "midnight appointments" during the closing hours of his term of office. While the number of districts having a court presided over by a district judge was increased from seventeen to twenty-two, no provision was made for the appointment of new judges. Sixteen additional judgeships were provided for under this act—three each in five of the six circuits into which the twenty-two districts were classed, and one in the remaining district. Instead of involving an additional cost of \$137,000, as assumed in the later debates on the judiciary act, the sixteen new judgeships represented an increase of less than \$50,000.* The Repub-

*For a succinct contemporary account of the measure and the reasons advanced by the leading Federalists for its adoption, compare "Robert Goodloe Harper to his Constituents," February 26, 1801:

licans certainly had some ground for the feeling that the increased expenditure was unnecessary; and factional feeling ran high over the uniformly partisan character of the appointments. Mr. Henderson, who fully endorsed the measure, says in a printed "Letter to his Constituents," issued from Washington, February 28, 1801:

"By the late judiciary system, the judges of the supreme court were required to hold, in every year, two courts at the seat of government, and two courts in each of the states. To perform this duty, it was necessary for them to be almost continually traveling; they had no time for study and reflection, and the fatigue was so great, that it is impossible for men advanced in life, to continue long equal to the task. It was found that we must either drive from our service the most able and experienced men in the nation, or so modify our judicial system as to make it less burdensome to the judges. When we reflect that all which is dear to man, his liberty, his property, his reputation, are placed in the hands of the judges—when we reflect that the character of the nation is intimately connected with the prudence and ability of its courts, it is confidently believed, that few men can be found who will hesitate to say that it is of the first importance that this high trust should be confided to men pre-eminent for talents and virtue. It is moreover to be observed, that under the former system, some of the districts were so large as to render it very inconvenient and expensive for suitors, jurors, &c., to attend the courts. This evil has, in some measure, been remedied by dividing the large districts. The law divides the United States into six circuits; in each of those circuits three judges are to be appointed, who are called circuit judges, and are to hold courts twice a year in each district in their respective circuits. In all cases above the sum of 2,000 dollars, an appeal lies to the supreme court, which is to set twice a year at the seat of government. This court is to be composed of the present judges of the supreme court, who are not to perform any circuit duties, but are to try all cases where, by the constitution of the United States, the supreme court has original jurisdiction, and appeals which may be brought up from the inferior courts. Courts of admiralty and maritime jurisdiction are established in the several districts. In the district of North Carolina they are to holden at three different places, three times a year, to wit: at

Annual Report American Historical Association, 1913, II, 137-140. Writing to Walter Alves of Hillsborough on March 30, 1801, Henderson says: "I have put into the hands of Mr. (Duncan) Cameron for your use a Letter from Mr. Harper to his constituents. It certainly merits the attention of every American Patriot." See also Max Farrand; "The Judiciary Act of 1801," *American Historical Review*, V, 682-6.

Wilmington, Newbern, and Edenton. This duty, in most cases, is to be performed by the district judges, though in some instances the circuit judges will hold admiralty and circuit courts. This is an outline of this important law—and I am sure that the additional expense will be cheerfully paid by the people of the United States, when they consider the immense advantage of having an able, pure and impartial administration of justice, and that to attain this great object throughout our extensive country, a considerable expense must necessarily result.”

IX.

The first great national issue in Congress which Henderson was called upon to meet arose in connection with the famous conjuncture over the tie between Jefferson and Burr, which was announced to both Houses on February 11, 1801. Whereas both men were professed Democrats, Burr was believed by the Federalists to be far nearer in spirit to them than his political designation would indicate. Moreover, they believed him to be possessed of sufficient ambition to prompt him to accept with complacency the office of the presidency at the hands of his political opponents. Writing from Washington to Walter Alves of Hillsborough on January 2, 1801, Henderson interestingly sets forth the views of the Federalists at this critical juncture:

“You have learned that Jefferson and Burr have an equal number of votes. The great business of making a President devolves upon the house of Representatives. The Federalists view the election of Jefferson as the most serious evil which can happen to America. In fact I am every day more and more convinced that he is altogether unqualified to be at the head of a great nation. I assure you Sir that it is impossible to give you a correct idea of the serious and alarming state of things. The friends of order, religion, and government fear that all is lost and that America is to see another proof of the fallibility of Republican governments. We mean to make a stand and endeavor to elect Burr. He is not our choice, but we think him infinitely preferable to Jefferson. He is a bold, practical, energetic politician of great talents and unbounded ambition—and is at *heart* no democrat.”

Considerable excitement prevailed throughout the country during the course of the long intrigue and the series of successive ballots that were taken. In the event, there was a

general feeling of satisfaction—the conviction that substantial justice had been done—when Jefferson was finally elected, by ten States, on the thirty-sixth ballot. On the first ballot, the vote of North Carolina was cast for Jefferson; and three of the Federalists from North Carolina voted for Jefferson. After the first ballot, the North Carolina Federalists generally voted for Burr. It has been stated, in authoritative publications, that Henderson, although elected as a Federalist, supported Jefferson for President.* Nothing could be further from the truth. After describing in detail the progress of the balloting, Henderson says in a letter to his constituents:

“The federalists supported col. Burr, and the democrats Mr. Jefferson; it is known that neither of those gentlemen are acceptable to the federalists; but of the two they prefer col. Burr.

“The supporters of Jefferson declared they would continue to vote for him until the 4th of March, and risque the consequence of having no President, or in other words, that they would dissolve the government if the man of their choice were not chosen. The federalists think that a weak and inefficient government is better than no government at all, and preferred having Mr. Jefferson President, exceptionable as he is, to anarchy and confusion. It is certainly my duty to inform you, and from it I shall not shrink, that through the whole of this transaction, I uniformly voted for col. Burr. I did so under a conviction that he was the best qualified of the two candidates to promote the honor, peace and happiness of the nation. I shall forbear to say what I think of Mr. Jefferson; he is now on the eve of being chief magistrate of the nation; respect for the office he is to fill, and not for the man, forbids me to make any comments on his character. It is possible that I may have formed a false estimate of his worth. A few years will convince the American people, whether those who have heretofore conducted their national affairs merit their confidence and esteem, or not.”

X.

Archibald Henderson's most conspicuous achievement during the period of his congressional service, which came in his second term, was his speech on the repeal of the Federal Judiciary Act, delivered in the House of Representatives on February 16, 1802. The indignation of the Republicans over

**National Cyclopaedia of American Biography*, VII, 215.

the passage of the Judiciary Act of 1801 found vigorous expression at the very beginning of Jefferson's administration. As early as March 16, 1801, William Branch Giles, of Virginia, advised Jefferson that "the only check upon the judiciary system as it is now organized and filled, is the removal of all its executive officers indiscriminately." Again, on June 1, he informed Jefferson that, in his judgment, "no remedy" was "competent to redress the evil, but an absolute repeal of the whole judiciary system, terminating the present offices, and creating an entire new system defining the common law doctrine, and restraining to the proper Constitutional extent the jurisdiction of the courts."* The most powerful demand for the repeal of the act came from Kentucky; and John Breckinridge, who then represented Kentucky in the United States Senate, was deluged with letters from his constituents, urging a change in the judiciary system. Upon his solicitation, the brilliant John Taylor of Caroline, set forth at length, in a private letter recently published, the arguments which became the basis of the repeal of the act of 1801.†

Because of his signal ability as an advocate, his great eloquence, and his reputation as a student of constitutional law, Archibald Henderson was chosen to lead the debate for the Federalists, among whom were such distinguished figures as James A. Bayard, of Delaware, and Roger Griswold, of Connecticut. The argument foreshadowing the outlines of Henderson's speech are tersely expressed in his letter to Samuel Johnston, a leading North Carolina Federalist, of January 24, 1802:

"The Independence of our Judges is about to be destroyed and the Constitution of our Country trampled under foot. The Law passed at the last session of Congress for the better organization of the Courts will be repealed and the Judges stript of their office. If any

*Jefferson MSS., Library of Congress. Cited in D. R. Anderson: *William Branch Giles*.

†Breckinridge MSS., Library of Congress, Dec. 22, 1801. Cited in W. S. Carpenter: *Repeal of the Judiciary Act of 1801*. "American Political Science Review," IX, 3. Aug., 1915.

one political truth has been established by experience it is that life and property can only be safe under a system of Government, in which the Judges are placed above the influence, which results from a dependence on the will of others for their continuance in office. No part of the Constitution is expressed in more simple, plain and appropriate language than that which establishes this independence. How daring then, how criminally daring must that hand be which to gratify the spirit of Party and to satiate revenge can pollute the sacred Charter containing this principle so replete with human happiness and so admired by the wise and virtuous of all nations?"

Mr. Henderson's speech on the repeal of the Judiciary Act of 1801 was one of the "selections" in the *Readers* used by school children in the South in ante-bellum days; and it was often chosen as a subject for declamation in the school exercises. This speech has been described by the biographer of Nathaniel Macon as "the ablest speech that had ever been offered by a North Carolinian on the floor of Congress."* So powerful was the impression produced in Congress by this speech that it drew from Nathaniel Macon, a North Carolinian of the opposite party, the longest and most representative speech ever delivered by him in the course of his extended political career. In regard to the action of the North Carolina Assembly, in instructing its Senators and recommending to its Representatives to have the Judiciary Act of 1801 repealed, Henderson resolutely proclaimed his refusal to be instructed, averring that he did not pray "thy will, not mine, be done" to the North Carolina Assembly. Professor Dodd describes the closing remarks of his speech as "worthy of Fisher Ames." In speaking of Henderson's public career, Dr. Charles Caldwell says: "He once allowed himself to be elected a representative to Congress, where he greatly distinguished himself, especially by his speech on the judiciary question." The position taken by Henderson, as exponent of the Federalist view, possesses exceptional interest in view of the extraordinary fact that down to the present time, no judicial review of the repealing act has even been had; and

*William E. Dodd: *Nathaniel Macon*, 402.

indeed, the constitutionality of the act has been challenged by so eminent an authority as Justice Story.*

The situation, as viewed by the Republicans, was most effectively stated by Jefferson himself: "They (the Federalists) have retired into the judiciary as a stronghold. There the remains of federalism are to be preserved and fed from the Treasury; and from that battery all the works of republicanism are to be beaten down and destroyed." Actuated by such a belief, the Republicans passed the repeal bill by a majority of one in the Senate and by a vote of fifty-nine to thirty-two in the House. The dejection of the Federalists is expressed in the letter of James A. Bayard, the Federalist leader, to Andrew Bayard, January 21, 1802: "This decision (repeal of the judiciary law) I consider as an event which cannot be too much lamented. It establishes a principle fraught with the worst consequences under such governments as exist in the United States. The independence of the judiciary power is prostrated. A judge instead of holding his office for life will hold it during the good pleasure of the dominant Party. The Judges will of course become Partizans, and the shadow of Justice alone will remain in our Courts."† Archibald Henderson was profoundly shocked by this "work of destruction," as he termed it. He found a congressional career little congenial to his tastes; and, also influenced by the fact that his wife preferred Salisbury to Washington as a place of residence, he followed his original intention expressed at the expiration of his first term, and declined to stand for Congress again as the representative of the Salisbury district at the next election. His feelings at this time, voiced in the effusive language of the period, are betrayed in a letter to Samuel Johnston of April 27, 1802: "I hope their sitting (Congress) will long be remembered by the American People. The work of Virtue, the toil of Wisdom—the American Government—has fallen into ruin. The

**Story on the Constitution*, II, 401.

†Correspondence of James A. Bayard: *Annual Report American Historical Association*, 1913, II, 146.

fatal blow is struck. I fear it is now impossible to arrest the arm of power. It is probable that I view the acts of the Majority with a prejudicial eye; perhaps the conflict of party and irritation of debate may have disqualified me from taking a calm survey of their measures. But my impressions are that nothing but ruin and misery await the deluded people of this once happy Country."

XI.

Another important issue arose during the period of Henderson's service in Congress, in connection with the continuing in force of the Sedition Act. Ever since 1798, when the Alien and Sedition Acts were passed, the Republicans led by Jefferson had vehemently protested against them as instrumentalities designed by the Federalists to centralize the government, if not to establish a monarchy. Protests came from many parts of the country, notably from the Middle States and the South, in behalf of "freedom of speech" and "liberty of the press." On February 21, 1801, in anticipation of the expiration of the Sedition Act on March 3, an attempt was made to renew and continue the most effective portion of the act. Men of the stamp of Henderson and his boyhood school-mate in Granville, Robert Goodloe Harper, regarded the Act as "the one barrier that stood between Democratic fury and public liberty."* In an "Address to his Constituents" of February 28, 1801, which is a model in political exposition and forthright candor, Henderson lucidly sets forth his views concerning the subject:

"A bill to continue in force that part of the act commonly called the Sedition Law, which declares, 'that if any person shall write, print, utter or publish, or shall cause or procure to be written,

*"I wish," said Harper, on January 21, 1801, in one of his last speeches in Congress, "to interpose this law between the freedom of discussion and the overbearing sway of that tyrannical spirit by which a certain political party in this country is actuated, which arrogates to itself to speak in the name of the people, knows neither moderation, mercy, nor justice, regards neither feeling, principle, nor right, and sweeps down with relentless fury all that dares detect its follies, oppose its progress or resist its domination." The party referred to is, of course, the Republican party. Compare C. W. Summerville: *Robert Goodloe Harper*.

printed, uttered or published, or shall knowingly and willingly assist or aid in writing, printing, uttering or publishing, any false, scandalous and malicious writing or writings against the government of the United States, or either house of the Congress of the United States, or the President of the United States, with intent to defame the said government, or either house of the said Congress, or the said President, or to bring them or either of them into contempt or disrepute, shall be liable to punishment,' has been rejected by the House of Representatives. As I am one of those who voted for a continuance of this law, I shall take the liberty of offering my reasons for this conduct. The law punishes only those who write or print malicious falsehoods against the government, or its officers. It is said that this law is a violation of that part of the constitution which says, 'That Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press.' Gentlemen opposed to the law contend, that any restraint upon the press is an abridgement of its freedom. The words *freedom of the press* mean, in their true technical import, an exemption from any controul previous to its publication; or in other words, that every person may be at liberty to publish anything he pleases, without consulting the will of any person. In this manner the phrase has been understood for ages; its meaning is as well ascertained as that of any word in our language; but it was never contended until lately, that the person who was thus at liberty to write and publish, was not answerable for the abuse of this liberty. As well might a man complain that the LIBERTY of speech was abridged, because he could not be at LIBERTY to tell scandalous and malicious falsehoods of his neighbor; or that the freedom of action was restrained, because he could not be permitted to beat, wound, and abuse every man he meets on the highway. No man can be punished under this law who does not publish a wicked, malicious and scandalous falsehood, with intent to bring the government of the United States into disrepute, and knowing it to be false at the time of its publication. Is there an honest man in the nation who wishes for this privilege?

"I am sensible there is not.

"It is then said, by gentlemen inimical to the law, that though it may be true that Congress have the power of passing such an act, it is inexpedient and improper to exercise this power; that the government cannot be injured if its acts are just and proper, by any misrepresentations or falsehoods. This doctrine would be true were all the people placed in a situation to judge correctly for themselves. But you know Sir, this is impossible; the people must be informed through the medium of the public prints, and if those prints teem with falsehoods and malicious abuse, they will be deceived; and instead of forming just opinions they will be constantly led astray. Will it be said that they can tell what is false and what is not?

How, I beseech you, are they to distinguish; facts are stated in the papers as true, and we are gravely told, that citizens five hundred miles distant from the seat of government are able to know that they are false. I am convinced that no government can exist for any length of time if it is continually abused by malicious slanderers, without having the power of punishing them. I believe it is as essential to its existence to have this power, as it is to have the power of suppressing insurrection or repelling invasion; under this impression, I voted for making the law perpetual. You, sir, and my constituents will judge of the propriety of this vote.”*

XII.

The author of “The Defence of North Carolina,” in the introduction to that work, vigorously maintains that Thomas Jefferson ruthlessly smothered the highest public spirit in North Carolina. “Mark the history of his influence among us. In 1801, the period of his boasted victory, what was the condition of our State? Who were her great men?—who her political leaders? Governor Johnston, General Davie, James Iredell, Alfred Moore, Archibald Henderson, were among the signs of our political zodiac, whose lustre was obscured by the ascent of this most ‘malign influence.’ The virtue and ability of the State, which had opposed the elevation of Mr. Jefferson, were overlooked and thrust aside, to make way, let history say for whom.” Somewhat more than a modicum of truth lurks in the exaggerated statement of Jo. Seawell Jones. The movement set on foot by General Davie, in correspondence with General John Steele, in 1801, was designed to establish a firm basis for Federalism in North Carolina. As

*In this connection should be read a similar “Letter to his Constituents” of February 26, 1801, written by Henderson’s childhood friend and schoolmate, Robert Goodloe Harper, in which he says: “I voted for this continuation (of the Sedition Act) and supported it with all my might; because I considered the law as highly proper and beneficial, in respect both to the government and the people; for while, on the one hand, it provides for the punishment of those who publish false, scandalous and malicious libels against the government, on the other, it enables persons who are indicted for libels, to give the truth of the matter in evidence for their justification, which the common law forbids, and limits the fine and imprisonment, which by the common law is wholly in the discretion of the court.” For the full text of this and many similar letters by Harper, compare *Annual Report American Historical Association*, 1913, II.

the result of Federalist activities, the Raleigh *Minerva* became the party organ in 1802; and a fund was to be raised for its maintenance through the efforts of such Federalist leaders and supporters as Archibald Henderson, Duncan Cameron, William R. Davie, William Barry Grove, John Moore, and others. This plan, as stated by Cameron, had "for its end the noble objects of suppressing falsehood and disseminating truth, of subverting the wild and visionary projects and opinions of Democracy and advocating in their place sound, substantial, practical principles of Federalism."* The four Federalists in Congress, Archibald Henderson, William Barry Grove, John Stanly, and William H. Hill, in accordance with a position which had been that of the North Carolina Federalists since the adoption of the Constitution, refused to be instructed by the Republican legislature to support the plan for the repeal of the Judiciary Act of 1801; and this refusal was voiced in Congress by Henderson.† General John Steele, North Carolina's leading Federalist at Washington not in Congress, who had held the position of Comptroller General of the United States Treasury under Washington and Adams, and was retained in office by Jefferson, withdrew from his post late in the autumn of 1802, against the protests of both Jefferson and Nathaniel Macon. In the summer of 1803, General Davie "stood for Congress" against Willis Alston, a pronounced Democrat; and a vigorous contest ensued. And yet, as Professor Dodd observes, "the newspaper plans of Duncan Cameron and others, the 'hue and cry,' as Macon says, raised in defense of the Constitution, which was so endangered; the retirement from tacit support of Jefferson of Gen. John Steele, and the violent campaign in favor of so prominent a man as General Davie, all came to nought in 1803."‡ Davie was defeated and retired from politics; while Grove, Stanly and Hill, who had

*Nathaniel Macon Correspondence. *John P. Branch Historical Papers*, III, No. 1.

†*Annals of Congress*; 7th Congress, 1st Session, 530.

‡W. E. Dodd: *Life of Nathaniel Macon*.

voted against the repeal of the Judiciary Act in 1802, were all defeated, each being superseded by a Republican. This overwhelming defeat dealt Federalism in North Carolina a blow from which it never recovered.*

"During his two terms in Congress," says Judge W. H. Battle in speaking of Archibald Henderson, "he attained a distinction scarcely inferior to that which he had at the bar." Firmly grounded in the principles of Federalism, he remained in the faith to the day of his death. After his service in Congress, where he was succeeded in 1803 by his brother-in-law, Nathaniel Alexander, of Mecklenburg, he never again held high public office, State or national, although his name was put forward on more than one occasion. Being of the "prescribed sect of Federalists," to employ William Gaston's apt phrase, he could not aspire, with any expectation of success, even had he been animated by political ambition, to the office of Governor or United States Senator, no matter how conspicuous or eminent his talents and merits might be. "In 1814," for example, as pointed out by Mr. William Henry Hoyt, "probably no Republican in the State except Macon was so well fitted for public office as Henderson, Grove, Stanly, Steele, Pearson, and Gaston, yet none of these men could hope" for high political preferment—"except Gaston, who had recently gone to Congress from a Federalist stronghold after meeting defeat in the elections of 1810."†

In truth, Archibald Henderson cared little for public office, a fact well known to his friends and contemporaries. The legal profession, that severe and exacting mistress, received the full measure of his devotion; and the best years of his life were zealously dedicated to the service of the law. In spite of his indifference to public position, he was again and again called upon to represent the town of Salisbury and the county of Rowan in the General Assembly of North Carolina. With conscientious fidelity, he served in the legislatures

*See H. M. Wagstaff: *Federalism in North Carolina*. "James Sprunt Historical Publications," IX, No. 2.

†*The papers of Archibald D. Murphey*, I, 76, foot note.

of 1807, 1808, 1809, 1814, 1819, and 1820. No record of that service need be set forth here. Suffice it to say that, during his various terms in the legislature, questions relating to the reform of the judiciary were constantly referred to him as an established authority.

XIII.

Memorable among the intimacies between public men in North Carolina during the early years of the last century was the friendship which existed between Archibald Henderson and William Gaston. The principles of Federalism, in which both were firmly grounded, was a close bond of intellectual sympathy. Each cherished an unbounded admiration for Washington as the ideal statesman, and an ineradicable distrust of Jefferson as a philosophic dilettante in politics who was subservient to French influence. Acting with him in the Legislature and in important suits before the Supreme Court, Henderson came to recognize in Gaston qualities which he revered—transparent purity of purpose, nobility of spirit, profound legal learning, and a mastery in eloquent exposition. In his turn, Gaston found in his friend attributes which he equally revered—innate modesty of disposition, a lofty conception of his duty as a citizen, habitual deference to the law and its votaries, and genius in the art of advocacy.

The personal and political association of these two commanding figures, warm friends and leading Federalists, finds striking exemplification in the memorable speeches which they delivered in the North Carolina General Assembly, on December 11, 1807. These speeches, which are memorable as discussions of the principle of States' Rights and criticisms of Jefferson's administrations, were made in opposition to the Address to the President of the United States, proposed by John Hamilton, of Pasquotank County. The Address, crassly partisan in its politics, expressed extravagant approbation of Jefferson's administration, in particular with reference to the stand he had taken in the impressment controversy with

Great Britain; and, in an almost servile manner, requested Jefferson to be a candidate for re-election. The original resolution, which had been introduced three weeks earlier, contained the sentence: "The General Assembly beg leave to solicit you to permit your name to be held up as a candidate at the next presidential election"; and the bitter animus against the Federalists was expressed in an amendment, in which it was declared "that the safety of the nation was endangered by the machinations of a party who seek to subvert because they cannot direct the government."

In his speech Gaston, who did not flinch from arousing the clamors of some, described himself as belonging to "the proscribed sect of Federalists." In the course of a spirited debate, he vehemently opposed the address on the ground that the legislature of North Carolina was "not authorized to sit in judgment on the conduct of the national executive"; and he further maintained that, even were it authorized to do so, the right should be exercised only in cases of great emergency. The speech delivered by Henderson traverses the position of the Federalists and embodies searching criticism of Jefferson and his administration. As the result of the speeches of Gaston and Henderson, the Address to the President of the United States, after being considerably improved by the omission of offensive political allusions and the abandonment of its servile tone, was finally passed by a vote of eighty-three to thirty-five, both Gaston and Henderson voting in the negative.

The speech delivered by Henderson on this occasion is reproduced in part below:

"I regret extremely that the resolution which is the subject of debate, was introduced to the consideration of this House. . . . It speaks a language which in my conscience I cannot approve, because I believe it is not true. It in the most unqualified manner approbates the whole of Mr. Jefferson's administration; and every man in this House who votes for its adoption, declares to his constituents and the world, that no single act of the President meets his disapprobation.

"I do not feel disposed thus far. I do not believe that his conduct merits this unbounded applause. Those gentlemen who really

believe that the whole of the President's administration has been founded in the most enlightened policy, and has guarded the honor and promoted the interest of the nation, will vote for the adoption of the resolution; those gentlemen, on the contrary, who think that there are objections to some part of his conduct, and though they may approve of other parts, will, I apprehend, be compelled to give their negative to the measure proposed. We are therefore forced, Mr. Speaker, by the very nature of the question, to examine the general features of Mr. Jefferson's administration. It will be recollected that this necessity has been imposed upon us much against our wishes: every mode in our power has been attempted to avoid this unpleasant discussion. If the motion of my friend from Newbern (Mr. Gaston) to postpone the further consideration of the whole of the resolutions had have prevailed, the House would have been relieved from much trouble, and the debate we are now engaged in, avoided. . . . I know, full well I know, that what I am about to observe, will not be pleasing to a number of gentlemen on this floor. But when imperious duty points the way which I should tread, and timid policy directs another, I hope I shall always have firmness enough not to hesitate for a moment what course to pursue; regardless of the frowns of the majority here, or the tumultuous cries of a deluded populace out of doors.

“One of the greatest blessings which a nation can enjoy is an able, upright and independent judiciary. This judiciary, Sir, we had in its utmost purity when Mr. Jefferson was called on by the voice of his country to fill the presidential chair. Scarcely had he taken the reins of government into his hands; scarcely had the members of Congress taken their seats at their first session after his election, when the chief magistrate of the nation, in terms too unequivocal to be mistaken, recommends a repeal of a law under which judges had been appointed, and had actually performed judicial duties. The doctrine was new in America. Before this period it was believed that a judge, once appointed, was secure in his office as long as he *behaved well*, and that no power on earth could deprive him of it. I will not now enter into an argument to show the gross absurdity of construing the words *during good behaviour to mean at the will of the legislature*. Enough on this subject has already been said; and to that understanding which can yield assent to the miserable arguments which have been used to prove the power of Congress to displace their judges by the repeal of a law I am sure it is useless at this day to say a single word. But I must be permitted to say, that the time will come, of necessity, it must come, when the bitter effects of this passionate act of the President and of Congress, will be severely felt and deeply lamented by the American people. Their judiciary is now prostrated at the feet of the legislature: The independence of their judges is gone I fear forever: A great department

of government is destroyed; a department which engaged the anxious attention of the convention which framed our constitution, and which ought to be more dear to the people than any other; because in times of faction and tumult, it is the only one on which they can rely with confidence and safety. I think it unnecessary to press this subject farther on the House, for I conscientiously believe this legislature could not be induced by any consideration, to pass a law which should deprive their judges of their offices. . . . So deeply rooted is the opinion that our judges are independent of the legislature so long as they behave well. I ask gentlemen if they approve of this act of the chief magistrate? I implore them calmly and dispassionately to give their opinion. Is it their wish that their rights should be tried by men perfectly free from bias? Can that man be supposed to be free from bias who holds his seat at the will of another? We know it is natural for man to be indisposed to thwart the views of those on whom he is dependent. Whatever may be the conduct of others, I for one will never give my confidence or express my attachment to a man who has been the great cause of producing an evil more extensively mischievous to the American people, and which is to entail upon them more lasting misery than any act of the bitterest enemy, of this nation.

“When Mr. Jefferson came into power, we had a flourishing navy, and the means were provided for making it respectable. What has become of our vessels? Either sold for a sum far less than they cost, or suffered to rot in their harbors. It is confidently believed at this day, few men can be found, possessing the smallest share of political information, and not blinded by party spirit, who do not see the necessity of keeping up a navy, sufficient at least to protect our coast. It is childish to suppose that our rights will be respected by foreign nations, unless we are prepared to protect them by other means than proclamations.* Is it believed that we should be insulted in our ports and harbors by almost every nation with whom we have connections, if we were prepared to repel force by force? Let every candid man in this House answer the question, and if he will suffer his understanding, unclouded by passion or prejudice, to make the answer, I do not fear the result.

“Mr. Speaker, I have other objections to Mr. Jefferson’s administration, which it is difficult to delineate, because they do not arise from any particular act of his, but from the general cast and complexion of his whole conduct. I have ever held it to be the first duty of a great magistrate, to instil into the people a pride of character, a dignity of sentiment, an inviolable attachment to the honor as well as the interest of the nation. It ought to be impressed on them that a wholesome, energetic government is the greatest blessing which Providence in his mercy has given to man; but that it ought to com-

*This observation has been made innumerable times during the past two to three years (1914-1917).

mand their reverence and excite their attachment. They ought to be told in a bold, manly and open language, that taxes are indispensably necessary to support their government and to secure them the inestimable blessings flowing from order and legitimate power. I appeal to the wise and dispassionate of this House, and ask them if the general character of the President's administration has not been to corrupt and demoralize the public mind. By corruption I do not mean that he has made them thieves or robbers; I mean to say that he has suffered to evaporate that manly pride and spirit of independence which conducted us through the revolutionary war, and at last gave us rank among the nations of the earth. The people have become impatient of governmental restraint, and have lost all reverence for established usages and the settled order of things. Honor, virtue and talents give no claim to public confidence. Few men can get into power who do not devote themselves to the caprice of the people: and, Mr. Speaker, there is a laxity in government which is truly alarming, and threatens, if not corrected, to destroy the political fabric. There is also a wretched thirst for gain, which has absorbed every other passion, and bids fair to make us what foreigners have said we are—a *nation of shopkeepers*.* Go into any company, the enquiry is not, Has our honor and character been protected? Has reparation been made for insult and injury? Are our ports and harbors protected? But the question is, Has our national debt been diminished? These symptoms, Sir, are the sure presages of impending ruin: they evidence a general debility, which if not soon corrected, must end in a premature death. I am not disposed to assert that all these have been produced by Mr. Jefferson, but I do say his general conduct has had a tendency to produce them.

"I am of opinion, Mr. Speaker, that the President has been highly blameable in not endeavoring to discover the true interest of the country, and pursuing that with inflexible perseverance. But we know he has almost invariably waited to discover the temper and disposition of the people, and then shape his measures according to their wishes. So that instead of being guided by wisdom and enlightened policy, he has been governed by *town meetings* and *popular assemblies*.†

"It has been said by a gentleman whom I do not see in his seat, (Mr. Hamilton) that the President has purchased Louisiana, to obtain which the Federalists were anxious to go to war. Permit me, Sir, to correct that gentleman. When the king of Spain withheld the right of deposit at New Orleans, which had been solemnly granted to us by treaty, the Federalists were willing to seize by force that island

*This is the term applied by Napoleon to the English. A. H., June, 1917.

†This characterization of Jefferson, by a political opponent, serves as justification of the title accorded Jefferson to-day: the founder of American democracy. A. H., 1917.

and compel a performance of that stipulation which had been guaranteed by contract; they saw in the conduct of the Spanish Court, a determined hostility to this country; and if justice could not be obtained by friendly means, they thought the character and interest of the nation so deeply concerned that they were anxious to enforce it by an appeal to arms. But, Sir, it was the right of deposit alone that they claimed. We then had no right to Louisiana, nor do I believe it was their wish to obtain it on any terms. I have ever viewed the purchase of that immense territory highly pernicious to this country, and a damning evidence of the disposition of Mr. Jefferson to please the multitude, though he should sacrifice the permanent interest of the nation. . . . When this territory shall be added, disunion must be the consequence. . . . The consequence of a separation of these United States is big with calamities, easily foreseen, but difficult and perhaps improper to describe.

"It will be recollected, Mr. Speaker, that Aaron Burr has recently been tried in the Circuit Court of the District of Virginia, for high treason, and after the most able and patient investigation, which was ever made in this, or perhaps any other country, acquitted under the direction of the Chief Justice. . . . What, Sir, has been the conduct of the Chief Magistrate? Congress has been called on to review this decision, and to ascertain whether there is a defect in the evidence, in the law, or the administration of the law. Is it possible to suppose that Mr. Jefferson really believed that Congress has a power to correct the decisions of the courts of the United States? No sir, he knows they have no such power, and that they cannot interfere except there is ground to impeach the judge. The papers which he has laid before Congress, cannot furnish matter even to institute an inquiry. I have understood that these papers contain nothing more than the documents and evidence which were offered to the court and jury on the trial of Burr. It is impossible to collect from them anything which might justify a criminal prosecution; at most they could only prove that the Chief Justice had mistaken the force of the evidence, or had drawn from it incorrect legal deductions; and we all know that this furnishes no just cause of impeachment. Then I ask, What was the object in making this communication? Was it to impair the confidence which the nation had in the integrity of this distinguished man? . . . Whatever was the object, I will venture to say it strikes a deadly blow at the independence of your courts. If every judicial opinion which is not pleasing to the President, is to be brought under the revision of Congress, and the judge in effect denounced who gives this opinion, we may bid a long farewell to an independent judiciary."*

**The Minerva*, Raleigh, N. C. No. 612. Dec. 24, 1807.

As a brief memento^o of the friendship between Gaston and Henderson, the following extract, affording an interesting sidelight on the feelings of the hour, is quoted from a letter of Henderson to Gaston, March 7, 1810:

My dear Gaston:—

. . . I am tired, seriously tired, of attending these County Superior Courts. Nothing but noise, confusion and ignorance. The profit is nothing, the honor nothing. I find I am in a fair way to get rid of what legal learning I possessed and in a few years expect to be as well qualified for a Judge as any Democrat in the State. . . . What can I say on the head of Politicks—will not the doings of this Congress be remembered, long remembered, with horror and astonishment. The dismissal of Jackson will and must lead to war. . . . Is it not strange, passing strange, that the administration should for a moment have believed that the wise of the nation could be imposed on by the miserable tale of British insult. I boldly say there was no insult offered by Jackson, at least the documents published do not show it.

. . . I am gloomy—pray write to me and tell something that will rouse my spirits. If you can tell me nothing new let me know that you are well and expect better times.

God bless you, my dear Gaston, and be assured that I am yours, etc.

Sincere regards,

A. HENDERSON.*

One incident, bearing upon Henderson's life as a public character, is deserving of mention, as an illustration of his self-effacing modesty. In 1818, the Supreme Court Bill became a law; and on December 9, when the nominations for judges were made, the names of both Archibald Henderson and Leonard Henderson, his brother, were presented, along with the names of Judges Taylor, Hall, and Seawell, and Messrs. Bartlett Yancey and Archibald D. Murphey. Although assured of election, Archibald Henderson withdrew his name in favor of his brother. He is quoted by the Hon. Hugh Waddell as saying that "one of the family on the Supreme Bench was quite enough."† An interesting and

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

†In a letter from Raleigh, Dec. 9, to Judge Thomas Ruffin, describing the details of the contest, Archibald D. Murphey says: "One of the Hendersons (it is not settled which) is to be withdrawn. The other will be elected . . ." W. H. Hoyt: *The Papers of Archibald D. Murphey*, I, 122.

authentic anecdote is told of Archibald Henderson in this connection. With all his great powers of reflection, Leonard Henderson was not very practical in matters of business, and made no especial financial success out of the rough hurly-burly of law practice. His brother, Archibald, on the other hand, was conspicuous for practical wisdom and business sagacity. Furthermore he enjoyed a very lucrative practice as a lawyer. When the two brothers were nominated for the Supreme Court Bench, Archibald laughingly remarked: "I am going to withdraw in Leonard's favor—because I can make a living at the law, and Leonard can't."

Our North Carolina Indians

By COLONEL FRED A. OLDS.

Few subjects are more fascinating than the Indians of North Carolina, yet it has required three hundred years and more of study by noted experts to develop their true story, so that one does not have to depend upon tradition, which is all too often mere misinformation.

There were many tribes of Indians in North Carolina, but only two large ones, the Cherokee (really Tsalagi, or Cave-people), and the Tuscarora (really Skaruren, or Hemp-gatherers, because they gathered the *Cannabis Indica*, or wild hemp, for various uses); the Cherokee taking their name from the caves in their high mountain country. Both of these have a written language and considerable literature, books, newspapers, etc.

There have been strong arguments by certain persons to the effect that the Indians of America are the descendants of the "Ten Lost Tribes" of Israel. The Indians were called by the Spaniards *Indios*, because they thought this country was part of India. The Indians had no term or name for all of their people. Their names for individuals, for tribes and for towns, for streams and other things, were all taken from something they observed or which affected the person or locality. Take the word "hominy," for example: it comes from two Indian words, *aham* (he beats), and *min* (grain). The coast Indians in 1586 called those in the interior of North Carolina *Renapoak*, meaning "true men."

It has been proposed by some scientists to call the Indians of this country "Amerind," a contraction of "American Indian," but this is not yet agreed on.

There were more than a score of Indian tribes worth mentioning in North Carolina, the greatest being the Cherokee and the Tuscarora, already referred to, and perhaps the first tribe to be mentioned in history has a curious record. This

was the Roanok, which means, "Northern people," who were found on the island of Wococan (which means curved or bent) by Amadas and Barlowe in 1584. These explorers thought Roanok was the name of the island and Wingandacoa that of the country, but their mistake is now known. The meaning of Roanok, which by custom of speech has become Roanoke, is wampum, peak, or money, made of bored shells strung on strings. The village of Roanok, or Roanoke, was one of those of the Secotan tribe, which in 1584 was found in the peninsula between Albemarle Sound and the lower Pamlico River and its adjacent islands. The word Secotan means "burned place." Later this territory was occupied by the Machapunga, Pamlico and Hatteras tribes, possibly descendants of the Secotans. It is interesting to know that the Secotans had complete belief in the immortality of the soul.

The Tuscarora lived on the Roanoke, Taw (or Torhunta, or Narhontes); and Pamlico rivers. They were much set upon by the whites, and under their chief, Hencock, joined forces with the Coree, Pamlico and others, and tried in 1711, in two wars, to destroy the whites, but were overcome. They went back north, whence they had come, and were adopted politically by the great tribes in northern New York, known as the Five Nations. They were thus given asylum on motion of the Oneida tribe, in the federal council, and it is strange how this was done. First, the Tuscarora were made a baby, next a young man, then a man, then an assistant to the official woman-cooks, then a warrior, and last a peer or chief in the great council, all of these successive stages being passed, each with impressive ceremonies.

And this brings up the point that it was the woman who was, and is in most tribes today, the head of the household and the real head of affairs generally. To her the children belong, and not to the father, and she has all the rights in most tribes that the women of the United States are striving for—in some tribes even more.

The first story told about the Indians in North Carolina

was of course, by Amadas and Barlowe, and from that time until a very recent period there has been no end of misinformation in many ways. The writer will undertake to call the roll of the tribes, and give a word about each:

Moratoc; lived near the Virginia line, about 160 miles from the mouth of the Moratoc or Roanoke River; an important tribe in 1586, but would hold no communication of any sort with the Englishmen.

Cape Fear; lived up that stream, near its mouth, in Brunswick County, of it very little being known except the location.

Choanoc (They of the South, the Southerners); a small tribe in Chowan County, which took its name from them.

Machapunga (bad dust); an affiliated tribe of the Algonquian family, which lived in Hyde County, and which in 1701 had thirty warriors, it and the Coree living together at one village, named Mattamuskeet, lying on the north shore of the lake of that name.

Pamlico; a small tribe, of the Algonquian family, living on the sounds.

Bear River; a tribe which in 1701 had fifty warriors and only one village, Raudauquaquank, this being in Craven County, on the bank of the Neuse River.

Coree; possibly Algonquian, living on the peninsula of the Neuse River in Carteret and Craven counties. In 1686 this tribe had been reduced greatly by bloody wars, its barbarity being noted among the other Indians. The Coree were also called Coranine and Connemoc, and they had one town in 1701, Raruta, with a population of 125. They went into the war of 1711 with the Tuscarora, and in 1715 they and the Machapunga were given a tract of land on Lake Mattamuskeet in Hyde County, where they lived until they became extinct.

Catawba; these were South Carolina Indians, but in 1841 many of them removed to the country of the Cherokee in western North Carolina, but all except two became dissatisfied and returned.

Neuse; lived where New Bern now is, their town being named Chattooka, and removed, after Baron DeGraffenreid burned it, to the Tuscarora, with whom they were specially intimate.

Hatteras; an Algonquian tribe, living on the sand banks about Cape Hatteras in 1701, and frequenting Roanoke Island, their only town being known as Sand Banks, and having 80 inhabitants. These Indians were mixed white and Indian, and claimed that some of their ancestors were white.

Secotan; an Algonquian tribe in 1584, on the peninsula between Albemarle Sound and the lower Pamlico River.

Cape Fear; a little tribe, possibly Siouan, near the mouth of the Cape Fear River in 1661. A New England colony settled there and sent away a number of the Indian children, claiming these were to be educated. The Indians drove off the colonists, but others came and bought lands of the Indian chief, Watcoosa. There were several villages, Necoos being the principal one. In 1665 a second colony of whites settled at Oldtown, in Brunswick County. In 1715 the Cape Fear had 206 people, living in five villages, and that year they took part in the war with the Yamasi Indians, from south of Charleston, and suffered terribly. In 1751 South Carolina asked the Iroquois Indians to be at peace with the Cape Fear, which were then spoken of as a "small friendly tribe."

Keyauwee; a small tribe, near the center of North Carolina, affiliated with the Saponi, Tutelo and one or two others, and found in 1701 near where High Point now is. These Indians had a very strange habit of wearing whiskers and mustaches, and their chief was Keyauwee Jack. This tribe and their affiliates, seven tribes in all, mustering 750 souls, went just over the line into South Carolina and settled on the Pee Dee River.

Neusioc; unclassified tribe, perhaps of Iroquoian stock, found in 1584 in Craven and Carteret counties, which in 1701 had only 15 warriors and two villages, Chattooka and Rouconk.

Eno; a tribe different in physique from their neighbors, all their alliances being with Siouan tribes. They had well-built houses and barns, in which they stored grain and other supplies, and they were quite thrifty. They became incorporated with the Shakori, these two tribes being confederated in 1701. Their chief town was Adshusheer. They also became incorporated with the Saponi and their confederates to the northward, disappearing as a tribe in 1720, but in 1743 still retained the Eno dialect. They lived about the headwaters of the Tar and the Neuse rivers. The names Eno and Shooco, now remaining, tell the story of these Indians, who traded much with the Tuscarora. In 1714 the Eno, Tutelo, Saponi, Occaneechi and Keyauwee, numbering about 750 in all, moved toward the English settlements in the eastern section of North Carolina. Finally most of the Eno went to South Carolina, a few going with the Sapelo to Virginia.

Occaneechi; a rather small tribe found on islands on Roanoke River and later on the Eno River, and who were joined by the Saponi and Tutelo and by the Conestoga, the latter having come from Pennsylvania and taken shelter in North Carolina from the Iroquois. The Occaneechi had two chiefs, one in charge of war and the other of hunting and agriculture.

Cotechney; a small tribe, which has already been described in connection with the extreme eastern Indian septs.

Adshusheer; a tribe associated with the Eno and Shakori in 1711, with its chief town near where Durham now is, its ruler claiming territory and authority as far as the Haw and Reatkin (now called the Yadkin) rivers. It is doubtful that they were of Siouan stock. There is only one mention of them in history; this by John Lawson in 1701. Shakori, or Shocorri, their principal village, was near Hillsboro, its chief being Eno Will, who was a guide for John Lawson, the surveyor-general for the Lords Proprietors.

Saponi; one of the eastern Siouan tribes, now entirely extinct; its language being the same as that of the Tutelo,

and the words Siouan. The Saponi moved eastward, toward the coast country, to get away from Indian raids, and their town in this new location was near where Windsor, Bertie County, now is. In 1715 Governor Spottswood, of Virginia, took them, and other little tribes who had joined with them, to that colony, and from it in 1753 they went to New York and joined the Six Nations, but in 1779 fled to Canada, and so pass out from all knowledge.

Tutelo; almost the same as the Saponi in characteristics. The Iroquois called all the Indians in central North Carolina Tutels.

Cherokee; the best known of all the tribes, and the only one now remaining in the State; a powerful detached tribe of the Iroquoian family, which occupied the whole mountain region in the southern Alleghanies in southwest Virginia, North Carolina, South Carolina, Georgia, Tennessee and Alabama, and claimed the territory all the way to the Ohio River. The Cherokee had three dialects—the upper, middle and lower. They originally came to this part of the country from the north, and their language is undeniably Iroquoian. They were first met by DeSoto in 1540. They came here to escape attacks from the Iroquois and Delaware. They held their mountains against all comers. In 1838 the greater part of them were removed to the Indian Nation, but 2,000 remained, and the Eastern Band, as it is officially known, of the Cherokee Nation occupies 60,000 acres of land, held in common, in Swain and Jackson counties, numbering there 2,285, about 300 more being in Graham County. The Cherokee in North Carolina are given education by the United States in a most thorough manner, from primary school to college. They have served in nearly all of the wars on the side of the whites, having several hundred men in the North Carolina Confederate troops, their chief having been the colonel of the 69th North Carolina Regiment. They have men now in the 1st Regiment of the North Carolina National Guard. Their chief town is Yellow Hill, lying on the Oconalufty (Agwa-

nulta, properly meaning "by the river"), and here their fine school is located, which will in a few years be turned over to North Carolina. The Cherokee are the most widely distributed throughout the United States, the best educated and the most influential of all Indians. There are seven "clans"; wolf, deer, hawk, owl, and three not translatable. The Cherokee in the United States are now probably as numerous as at any time in their history.

Weapomeioc; a small tribe, found by Governor John White in 1586, its village being Chapanoc, on Albemarle Sound; this and the other little tribes referred to in those earliest days having later become known by other names and so passed out of existence.

Croatan; a so-called group of Indians, living mainly in Robeson County. James Mooney, the noted expert, who is regarded as the finest authority on Indian history, says the theory that the Croatan are descended from the "Lost Colony" of Roanoke Island is baseless. Mr. Mooney has spent much of his life in North Carolina, studying these matters, and was here in 1916. He says the Croatan "embrace the blood of the wasted native tribes, the early colonists or forest rovers, runaway slaves and other negroes, and that of a steady stream of the Latin races from coasting vessels in the West India and Brazilian trade." The Croatan applied for recognition by the United States as Cherokee, but it was denied and the Cherokee acknowledge no relationship, having visited the Croatan country on a tour of inspection. There is a queer offshoot of the Croatan known as "Malungeons," in South Carolina, who went there from this state; another the "Red-bones," of Tennessee. Mr. Mooney has made a careful study of both of these branches also.

One thing should be remembered in regard to the Indians of North Carolina, always excepting the Cherokee: In all the South, up to the time of the Revolution, Indian slaves were bought and sold and worked in the fields with the

negroes, and thus amalgamation to a greater or less degree was brought about, the negroes gaining more from the Indians than the latter did from the negroes.

So complete has been the annihilation or absorption of the Indians along the eastern coast that the assertion is made officially that there is now not a native full-blood all the way anywhere between Delaware and Pamlico Sound.

The Indians usually lived in houses made of mat or bark, and within the past seventy-five years the Cherokee had bark houses in their mountain territory. The chiefs of the various tribes had varying authority, and some of them used a baton as the emblem of it; such a baton, of hardwood, beautifully carved, being now in the North Carolina Hall of History.

It should be borne in mind that the Indians were not nomads, for each tribe claimed and lived in a certain tract or region, with well understood boundaries, handed down by tradition and not ordinarily relinquished save to superior force. The land was always held in common, never individually or by family. The fact that the early white settlers did not understand this fact caused trouble and bloodshed and war, again and again.

Many people have an idea that what we call corn, Indian corn or maize, was native here in North Carolina, while in fact it was brought here from Mexico, and its name came from the Arawak word "marish." The North Carolina Indians planted its grains four to the hill, it being thought bad luck for them to touch each other.

There are two other queer beliefs besides those about our Indians, and in conclusion one may be exposed which has prevailed a long, long time, this being that the scuppernong grape was first found on Roanoke Island by Amadas and Barlowe, and that the Indians there esteemed it greatly. As a matter of fact, this grape originated on what is now called the Scuppernong River, the Indian name of which was Askuponong, which means "at the place of the bay tree," this tree,

the North Carolina magnolia, being very abundant there. So on that river, near Columbia, Tyrrell County, this white variety of the dark muscadine or bullace grape, was found about 150 years ago by two men named Alexander, and the river gave the name. It was taken to Roanoke Island and everywhere else where this splendid grape will flourish.

The State Navy of North Carolina in the War of the Revolution

An Address delivered before the Summer School of the State College, at West Raleigh, N. C., July 2, 1917

By MARSHALL DELANCEY HAYWOOD.

LADIES AND GENTLEMEN :

In all the range of North Carolina history I doubt whether a single topic can be found about which so little is known, even by close students of our State's past, as the part borne by her sailors in furthering the cause of American Independence, and so I have decided to speak for a short while this evening on THE STATE NAVY OF NORTH CAROLINA IN THE WAR OF THE REVOLUTION.

At a meeting of the Provincial Council of North Carolina, held in the court-house of Johnston County during the month of December, 1775, it was resolved (on the 21st of that month) that a necessity existed for the fitting out of armed vessels for the protection of the trade of the province. The number of ships first provided for was three, and commissioners were appointed to carry into effect this resolution. One at Cape Fear (the ports of Wilmington and Brunswick), one at New Bern, and one at Edenton, were ordered to be "fitted out with all dispatch." Provision was also made for chartering other vessels at New Bern, Wilmington, and Edenton—and so the Navy of North Carolina had its beginning some months before the Thirteen American Colonies had declared themselves free and independent States. The aforementioned orders of the Provincial Council were promptly carried out, and it may be added that the local Committees of Safety, in the various sea-coast counties, sometimes had a more economical mode of acquiring ships than by purchase; for, when the *Defiance*, under the command of Captain John Cooper, and the *Belville*, under the command of Captain Vance, violated the maritime regula-

tions of North Carolina, while anchored at New Bern, the vessels were promptly seized. A similar fate was narrowly escaped by the sloop *King Fisher*, of which John Strange was owner and Lott Strange master. Another instance, somewhat similar, arose when it was made to appear to the Provincial Congress at Halifax that the brigantine *William*, then anchored in Beaufort Harbor, and of which Philip Westcott was master, was British property, for a resolution was passed by that body on April 10, 1776, directing her seizure and detention till further orders.

On May 9, 1776, the North Carolina Provincial Congress at Halifax opened up negotiations with Virginia for the purpose of securing the construction of two armed ships by that province to co-operate with the North Carolina vessels already on duty guarding Ocracoke Inlet, which could be used as a gateway by British ships in attacking either colony. The same State Congress at Halifax authorized the North Carolina Council of Safety to establish Courts of Admiralty at the ports of Edenton, Bath, New Bern, and Wilmington, and this was accordingly done on June 22, 1776. Admiralty Judges were duly appointed by the same authority and vested with power to commission marshals, registrars, and such other officers as might be necessary for the enforcement of the maritime laws of the province.

In the Summer and Fall of the year 1776 there were marked activities in North Carolina in constructing vessels of a variety of types—some being well-armed ships built by the State, some others being privateers sailing under commissions known as “letters of marque and reprisal,” a third class being fast-sailing small boats used for slipping through the British blockade and importing articles needed by the colonists (their cargoes ranging from cannon and gunpowder to French finery and West Indian rum), and still another type of craft being “row-galleys,” used for river fights and for unloading American ships which were too large to come into the inland waterways. Among the North Carolina ships

of that period were the *King Tammany*, commanded by Captain Sylvanus Pendleton (who later commanded the eighteen-gun ship *Bellona*); the *Pennsylvania Farmer*, commanded by Captain Joshua Hempstead; the *King Fisher*, commanded by Captain James Ducaine; the *General Washington*, commanded by Captain John Forster; the *Joseph*, commanded by Captain Emperor Moseley; and the *Polly*, commanded by Captain John Chase. Then there were the *Lilly*, whose name was later changed to the *Caswell* (Captain Willis Wilson), and the *Johnston* (Captain Edward Tinker)—these ships being namesakes of the Revolutionary leaders Richard Caswell and Samuel Johnston. A similar compliment was paid Thomas Burke in 1782 by naming a New Bern privateer the *Governor Burke*, Peter Raingenoire being her captain and William Savage owner. In thanking Mr. Savage for this token of friendship, Governor Burke wrote: "I am sorry you have determined to give your vessel a name so unfortunate as that you mentioned, and should be much concerned if her fate should in any way resemble his after whom you intend to call her—which is to have laboured much for the public, to his own irretrievable disadvantage."

Among the vessels owned by Henry Montfort, of Edenton (formerly of Halifax), was one called the *Willing Maid*, and another with a name somewhat less sentimental—the *Savage*.

The aforementioned Captain Hempstead seems to have had command of quite a flotilla of North Carolina ships, as we find an order of the State Committee of Safety directing him "immediately to proceed to sea with the armed vessels under his command" for operations in the West Indies, whence the "Jamaica Fleet" was about to sail for some of the neutral ports of Europe, with one twenty-gun ship as its only convoy.

In speaking of the *Pennsylvania Farmer*, it is worthy of note that on it was a detachment of marines, commanded by Captain Robert Turner. When this officer asked to be transferred to the land forces, Colonel Joseph Leech and Captain Hempstead, under date of June 3, 1777, wrote of him: "He

hath been out in the service of his country as a Captain of Marines on board the brig *Pennsylvania Farmer*, and always behaved well in his station." Captain Hance Bond succeeded to the command of the Marines on board the *Pennsylvania Farmer* after the transfer of Captain Turner. Another officer in the Marine service of North Carolina was Captain Samuel Gardner.

Naval activities in North Carolina increased still more as the war wore on. On May 16, 1777, Joseph Hewes wrote from Edenton to Governor Caswell, at New Bern, asking him to send some commissions signed in blank for the use of the ships being fitted out in that place. Hewes said: "There are several persons now here who wish to get commissions for armed vessels that they are fitting out. They can get good security here; but, being strangers at New Bern, might meet with some difficulty there." To the same effect, wrote Michael Payne, of Edenton, on that date: "Several merchants of this place are at this time fitting out armed vessels, and are desirous to have for them letters of marque."

Joseph Hewes, mentioned above (one of the signers of the Declaration of Independence), was for some years a member of the Continental Congress at Philadelphia, and his thorough knowledge of nautical matters gained for him a position of commanding influence in that body on committees considering subjects connected with sea-faring operations. I shall have more to say of him later on.

One noted North Carolina privateer bore the ludicrous name *Sturdy Beggar*. She was fitted out in New Bern and commanded by Captain James Campbell. She mounted fourteen carriage guns, and was manned by one hundred seamen and marines. That this ship was considered "beggarily" only in name we may infer from an advertisement in the *North Carolina Gazette*, on August 8, 1777, which declared that she "was allowed to be the handsomest vessel ever built in America." The *Pennsylvania Farmer*, already mentioned, was not a privateer, but one of the ships belonging to

the State Navy. She carried sixteen guns and eighty men. Among the ships in North Carolina, not already enumerated, were the *Heart of Oak*, commanded by Captain George Denison; the *Resolution*, commanded by Captain Joseph Meredith; the *Lydia*, commanded by Captain Appleton; the *Lord Chatham*, commanded by Captain John Cheshire; the *Rainbow*, commanded by Captain Martin Ferns; the *Fanny*, commanded by Captain Thomas Alderson; the *Betsey*, commanded by Captain Ishol Tinker; the *General Nash*, commanded by Captain Deshon; the *General Gates*, commanded by Captain Cunningham; the *New Bern*, commanded by Captain Cochran Amit (Amyett?), and the *Eclipse*, commanded by Captain Charles Biddle. These vessels brought a tremendous amount of needed supplies to the State, besides making themselves useful to the American cause by preying on the commerce of the enemy. Occasionally one had the misfortune to be captured or suffer shipwreck. Describing a calamity of the latter nature, in a letter to Governor Caswell, under date of December 10, 1778, Robert Smith, of Edenton, said: "I am sorry to inform you that the brig *General Gates*, Captain Cunningham, in the latitude of Bermuda, had the misfortune to be overset and totally lost. Whether captain and crew were saved or not we know not, but are anxious about their safety, as there were on board six young gentlemen of the first families and best expectations in this part of the country, who went volunteers to try their fortune."

The ships fitted out in North Carolina cruised over a much greater area than might be expected. They were continually going to the West Indies, and sometimes crossed the Atlantic to the neutral countries of Europe. In December, 1778, the North Carolina ship *Caswell* formed part of an American fleet raised for an attack on East Florida.

In July, 1778, a ship called the *Holy Heart of Jesus*, commanded by Captain William Boritz, came from some European country to North Carolina with a cargo of cannon. Twenty-three of these were purchased by North Carolina,

and twenty-two by Virginia. Some of these may still be seen in Edenton. Two were presented by that town to the State, and these interesting relics are now mounted on stone bases on the south side of the Capitol in Raleigh. A touch of Civil War history attaches to them from the fact that the United States forces broke off the trunnions for fear the Confederate troops might make use of them—an operation which would have been about as dangerous to the “man behind the gun” as the ones in front of it.

It is greatly to be regretted that so little record remains of the enterprise and prowess displayed by North Carolina seamen during the course of the war. Their operations were both on the high seas and in home waters. Josiah Martin, who still claimed to be Royal Governor of North Carolina, though he had been driven out of the colony, wrote to the home government, from his place of refuge in New York, that while British warships were watching the approaches to large sea-coast cities in America, “the contemptible port of Ocracoke” had become a great channel of supply to the rebels. This warning did not go unheeded, and the blockade around North Carolina was drawn tighter. The North Carolinians, however—who were familiar with the devious channels of the various sounds, rivers, and inlets of their State—were more than equal to the new difficulties by which they were beset. Sometimes they slipped by the British fleet, under the cover of night; sometimes outran their pursuers in an ocean race; and, when odds against them were not too large, would fight to a finish with the “pirates,” as they called the British sea forces. American victories were by no means uncommon occurrences, and occasioned great rejoicing. The naval forces, too, vied with the landsmen in annually celebrating the birthday of American Independence in a manner by no means “safe and sane.” On the Fourth of July, 1778, John Wright Stanly and Richard Ellis (large ship-owners of New Bern) had cannon placed on their wharves and fired all day, with the usual addition of “liquor given to the populace.” Colonel

Richard Cogdell, in referring to the celebration, wrote: "Stanly and Ellis seemed to vie with each other in a contest as to who should do the most honor to the day, but Mr. Ellis had the most artillery."

Of the individual acts of enterprise and heroism displayed by North Carolina seamen, the records tell but little. One marvelous case of spirit and fortitude, however, has been recorded and is well worthy of mention. John Davis—son of the old public printer, James Davis, of New Bern—was in the naval service of North Carolina and was captured in 1780 by the British, who held him captive on a ship off the coast of South Carolina. The captain attempted to compel the American prisoners to do duty on shipboard, and Davis peremptorily refused to obey his orders. Thereupon he was severely beaten, and then was told that the punishment would be renewed unless he would signify his obedience to the captain's orders by drawing a bucket of water from the ship's side. To this he defiantly replied: "If His Majesty's whole Navy was on fire, and one bucket of water, drawn by me, would extinguish the flames, I would not draw it." This answer so enraged the captain that he directed Davis again to be flogged, and declared that the beating should not cease until the prisoner agreed to obey the orders which had been given him. This command was carried out with such inhuman brutality that the body of Davis was almost torn asunder, but his Spartan fortitude never gave way under the prolonged torture, and he died from its effects in a short while. More than half a century after his death, some of the friends of Davis had a record of the circumstances of his heroic conduct entered on the minutes of Craven County, at New Bern.

Of Joseph Hewes, of North Carolina, member of the Continental Congress at Philadelphia, I have already spoken; and it may not be altogether amiss to add a few more words concerning him. He entered the Continental Congress as early as 1774, and (with one year's exception) served until his death in 1779. As member of the Naval Committee and

Marine Committee in that body, he had more to do with organizing those departments of the new government than any other man. The Philadelphia historian Judson, in his well-known work entitled *Sages and Heroes of the American Revolution*, refers to the Congressional services of Mr. Hewes as follows: "He was upon several of the most important committees. Upon the one for fitting out a naval armament he stood in the front rank. He was virtually the first Secretary of the Navy. With scanty funds he speedily fitted out eight armed vessels. He was very active in raising supplies in his own State to strengthen the sinews of war and oil the wheels of the general government." The severe labors of Mr. Hewes finally undermined his health and ultimately caused his death. When he obtained a temporary leave from the Continental Congress in September, 1776, his colleagues Hooper and Penn wrote of him: "After a long and diligent attendance in Congress and the different committees of which he has been a member, he is now upon his return home. From the large share of naval and mercantile business which has been allotted to his attention by Congress, his health has been much injured." It was Hewes who secured for the great naval hero, John Paul Jones, his first commission as an officer of the American Navy. Among the official letter-books of the Governors of North Carolina, now preserved in Raleigh, is one letter to Governor Samuel Johnston from Congressman Robert Burton, of date January 28, 1789 (during the lifetime of Jones), wherein the writer said: "As those men who have fought and bled for us in the late contest cannot be held in too high esteem, and as the Chevalier John Paul Jones is among the foremost who derived their appointment from this State, * * * I take the liberty of offering to the State as a present, through you, its Chief Magistrate, the bust of that great man." Governor Johnston replied: "I will readily accept it on behalf of the State, and will communicate your letter to the next Assembly." What became of this bust, if Colonel Burton ever carried out his intention of sending it, is

not known. It may have been destroyed when the old Capitol, at Raleigh, was burned in 1831. In the above connection it may be added that several most interesting autograph letters from John Paul Jones to Hewes are now preserved in the files of the North Carolina Historical Commission.

This closes the all too brief record I have been able to make of the hardy seamen whose enterprise, daring, and devotion, contributed so much to the important part North Carolina was able to play in the great War for American Independence. These old rangers of the ocean have long since been called from the labors and hardships of this life—some perishing by sea, amid the raging elements or crash of battle, and some resting in neglected and unmarked graves on the bosom of mother earth. It is true that they had their faults, as sailors are but human; yet, in view of all their patriotic services we, who are still permitted to enjoy the blessings of the liberty they helped to win, should let charitable oblivion cover their shortcomings (whatever they may have been), and wish for each brave voyager a safe and happy haven hereafter:

“At the piping of all hands,
When the judgment-signal's spread—
When the islands and the lands
And the seas give up their dead.”

Review of *The Prince of Parthia*

By NINA HOLLAND COVINGTON.

The reputation of Dr. Archibald Henderson as one of the most brilliant of our modern literary critics extends into other countries than our own, and North Carolina is very proud of her distinguished son, but the most pleasing part to us about Dr. Henderson's literary work and researches is that he takes the greatest pleasure in writing about people and events of his own native State, and is never so happy as when he has brought out from obscurity and semi-oblivion some North Carolinian who has achieved something worth while.

We confess to a complete ignorance on the subject of *The Prince of Parthia*, and its author Thomas Godfrey, until we picked up that delightfully "gotten-up" edition of the play with its introductory monograph. With painstaking care the history of the life of the young author—Godfrey was only twenty-three when *The Prince of Parthia* was written—has been brought out by Dr. Henderson, and as we read the interesting narrative of this youthful genius we realize, for the first time, that Wilmington and North Carolina deserve prominent place on the literary map of America, for in Wilmington, the first American tragedy was written, and in Wilmington also its author, the young Godfrey, is buried.

Following the monograph—a model of clear style and interesting biography—is the text of the play itself and even a hurried reading of the production will show how important the play is. The work of a boy hardly out of his teens, it shows merit of no mean order, and causes us to regret the death of Godfrey at the age of twenty-six as a distinct loss to American drama, for *The Prince of Parthia*—his first production—would possibly have been followed by other plays, had not death ended the young poet's career.

Aside from the merit of the play and the interest of the narrative of Godfrey's life, the 1917 edition of *The Prince of Parthia* bears clear evidence to the statement made by the publishers in their announcement of the work:

The original and only edition of Godfrey's play ever published, which likewise includes his poems, was brought out by his fellow-poet, the Reverend Nathaniel Evans, in 1765. This edition is excessively rare and virtually unprocurable. The present edition is primarily due to the loving interest and elaborate researches of Dr. Archibald Henderson, one of the most distinguished of living dramatic critics. In an extended introduction, which is itself a monograph, he for the first time narrates the fascinating story of young Godfrey's life, and with deft strokes paints the artistic and literary background of society, in the cultured circles of Philadelphia and Wilmington, against which the figure of the young poet and dramatist stands forth radiant and distinct.

At this time when a concerted effort is being made by the Drama League of America and other forces, to project the American drama into the focus of national consciousness, the publication of the play is an event of importance.

Not only on the map of early American literature does North Carolina deserve place. With an O. Henry, a Dr. Henderson, a Margaret Busbee Shipp to boast of, besides many others whose excellent work in literature, the old North State is taking prominent part in the literary history of the Nation.

Not until recent years did North Carolina realize the richness of her agricultural resources. May the time soon come when she will estimate at full value the importance of literary achievements. The Patterson Cup—given by one of our public spirited women—is a step in the right direction.

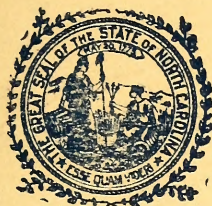
It seems to us that there would be no better investment for some of our millionaires than for them to donate a few thousands (if no more) for the substantial aid of young writers struggling to gain foothold on the very treacherous and slippery Hill of Fame.

Vol. XVII

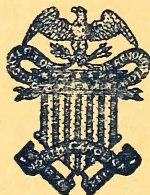
OCTOBER, 1917

No. 2

The North Carolina Booklet



GREAT EVENTS IN NORTH CAROLINA HISTORY



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

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While we live we will cherish, protect and defend her!"*

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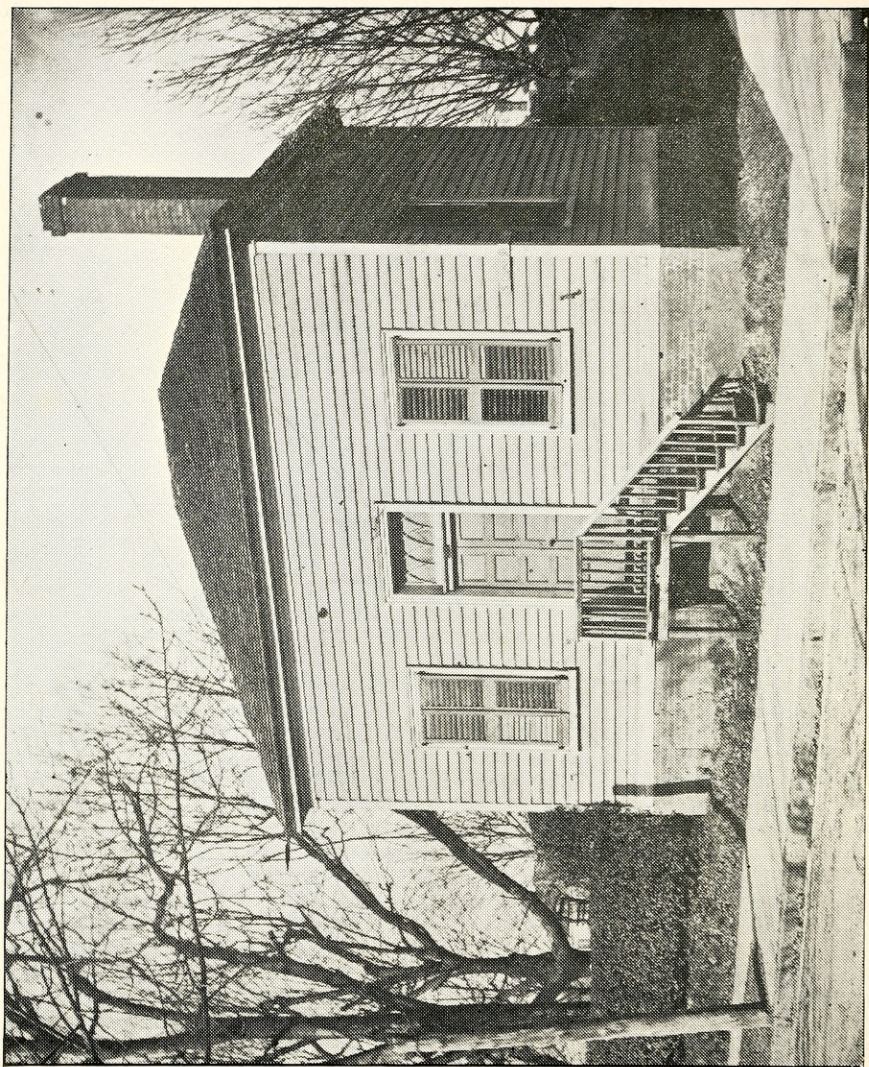
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A few feet away, in the same yard, William R. Davie, and later, Andrew Jackson, studied

The North Carolina Booklet

Vol. XVII

OCTOBER, 1917

No. 2

A Federalist of the Old School

(CONCLUDED)

By ARCHIBALD HENDERSON.

“The most perfect model of a lawyer that our bar has produced.”
ARCHIBALD DEBOW MURPHEY.

XIV.

During the summer of 1801 there appeared a notice in *The North Carolina Mercury and Salisbury Advertiser* (August 6) announcing the recent wedding of “Archibald Henderson, Esq., Member of Congress, to the amiable Miss Sally Alexander, both of this town.” The union of the Henderson and Alexander families was doubly sealed by the marriage of William Lee Alexander, a native of Mecklenburg County, brother of Archibald Henderson’s wife, with Elizabeth Henderson, Archibald Henderson’s sister. In describing his acquaintances in Salisbury during the last decade of the century, Dr. Charles Caldwell says: “Henderson had two sisters, by far the most accomplished women of the place. . . . One of them was married (Fanny, to Spruce Macay), and the other (Elizabeth) single. I sincerely admired both . . . and passed in their society many delightful hours.” Sarah and William Lee Alexander, whose brother was Dr. Nathaniel Alexander of Mecklenburg, a graduate of Princeton, afterwards Member of Congress and Governor of North Carolina, were the children of Colonel

Moses Alexander, first High Sheriff of Mecklenburg County and Colonel of the County Militia until his death in 1772, and his wife, Sarah, daughter of William and Jane Taylor Alexander. This Jane Taylor Alexander was descended from John Alexander, the youngest son of the first Earl of Stirling, who married Miss Graham of Gartmore, Scotland, and emigrated to America in 1659, settling in Stafford County, Virginia, in 1660. Moses Alexander was of the Caledon branch established in Ireland; and his grandmother was, with several sons, among the first to purchase and colonize a large tract of land in Cecil County, Maryland. She fled with others from Munster, the Earl of Stirling having suffered attainder, together with several thousand, from earls to yeomen, during the Dublin Parliament of James II.* The three brothers, Moses, Nathaniel, and Daniel Alexander, shortly after 1750 settled on Rocky River, then in Anson County, afterwards Mecklenburg, now Cabarrus. Nathaniel Alexander, who held the rank of Captain in the North Carolina militia, under the command of Col. Hugh Waddell, was active in protecting the Rowan frontiers against Indian incursions during the French and Indian War. William Lee Alexander, a student at Princeton, a lieutenant in the Continental line during the Revolution, and a very distinguished lawyer in his day, resided for some years in Salisbury; and his sister, Sarah, was doubtless living in his home at the time of her marriage to Archibald Henderson.†

Three children blessed the happy union of Archibald and Sarah Alexander. An early sorrow of their married life was the loss in infancy of a son, named Roger Griswold for Mr. Henderson's warm friend and colleague in Congress, the distinguished Federalist of Connecticut. Two children who survived were Archibald and Jane Caroline. Archibald, who was born on January 8, 1811, was educated at Yale (1826-28) and at the University of Virginia (1828-31), from which

*Johnston: *History of Cecil County*. The title was restored, about a century later, to Nathaniel Alexander, of Londonderry, Ireland, for distinguished service in the British East Indian Army.

†John Steele Henderson: *History of the Alexanders*. "Charlotte Observer," May 11, 1902.

latter he was graduated in the School of Moral Philosophy, July 16, 1831. On December 14, 1840, he was married to Mary Steele Ferrand, a granddaughter of General John Steele. Jane Caroline, a fascinating belle of North Carolina society, was married in November, 1845, to the Hon. Nathaniel Boyden, a native of Massachusetts, afterwards Member of Congress from North Carolina, and Associate Justice of the North Carolina Supreme Court.

About eight o'clock on Monday night, October 21, 1822, Archibald Henderson, at the age of fifty-four, died at his home in Salisbury. In honor to his memory, the Justices of the Supreme Court of North Carolina and the members of the bar in attendance upon the Court unanimously adopted the following resolutions:

Resolved, That we have heard, with the deepest sorrow, of the melancholy event which, since the last term, has taken from our country its distinguished citizen and deprived us of our much esteemed associate, ARCHIBALD HENDERSON, ESQ.

Resolved, That as a token of respect for the memory of our deceased friend, we will wear crepe on the left arm for one month.*

In the *Raleigh Register* of November 1, 1822, the following obituary notice appeared:

DIED,

At Salisbury, in this state, after a very short illness, Archibald Henderson, Esq., Counsellor at Law. This Gentleman's death is a public loss, for he was one of the most distinguished Members of the Bar in the State, and a man of unblemished integrity and honour. To his family his loss is irreparable, whether we consider the breach in their domestic happiness, or the deprivation of his eminent talents.

On Wednesday, October 23, at a meeting of the directors of the State Bank of North Carolina, Salisbury Branch, of which Archibald Henderson had long been president, the following preamble and resolutions were introduced by Col. Thomas G. Polk and unanimously adopted:

The Directors of this Branch Bank, deeply penetrated with the magnitude of the loss which the institution, in common with the

**Hillsborough Recorder*, January 15, 1823.

State, has sustained in the death of their much respected President, *Archibald Henderson*, Esquire, do hereby resolve,—

1st. That they have ever entertained the highest veneration for his virtues, his talents and his integrity.

2d. That, in testimony of the high regard they feel for his character, they will, together with the other officers of this Bank, wear crape on the left arm for the space of thirty days.

3d. That the proceedings of this meeting be published in the *Western Carolinian*, under the direction of the Cashier.

From the minutes.

JUNIUS SNEED, *Cashier*.*

At Lincolnton, on Friday, October 25, the members of the bar in attendance on the Superior Court, held a memorial meeting attended by John R. Donnell, the presiding judge. At this meeting, over which the Hon. Joseph Wilson, Solicitor General, presided, with James Graham as secretary, the following resolution, of several, was passed:

Resolved, as the unanimous and deeply felt sense of this meeting, that we consider the death of *Archibald Henderson* a severe affliction, not only to his professional brethren and friends, but to all who knew him in the wide range of his usefulness. Recollecting his pure and spotless integrity, his profound erudition in the science of the Law, his unequalled powers as an Advocate, the distinguished urbanity of his manners, and his frankness in imparting to others from the vast store of his legal learning; and remembering how uniformly his transcendent talents and virtues have been devoted to the best interests of our country, his death we deplore as a great national loss.†

XV.

In all that has been said, thus far, of the man, his life, character, and political record, no account has been given of his career as a lawyer. Yet it was as a lawyer that he left a profound impression upon his contemporaries and bequeathed to posterity a repute that may well be regarded as enviable. After the lapse of a century, it is extraordinarily difficult to pierce the veil of the past and see the great lawyer in his habit as he lived. Had he been Supreme Court Justice, his written opinions would serve as memorial of his legal learn-

**Western Carolinian*, Salisbury, October 29, 1822.

†*Western Carolinian*, November 12, 1822. For this extract, I am indebted to Dr. Stephen B. Weeks.

ing and mental attainments. But as advocate and counsellor, he must rely for renown solely upon the judgment of his contemporaries. Like the actor who (before the days of phonographs and motion pictures) must rest his fame on the immediate impressions created upon the hearts and minds of his audience in the theater, the lawyer achieves high repute almost exclusively through the opinions of his gifts as orator, logician, scholar, and advocate, handed down through the graphic pictures of contemporary record, vivid memory, or constant and authentic tradition, caught in the purlieus of the law courts or in the halls of justice. In recognition of this immitigable limitation, the effort will here be made to give a faithful picture of Archibald Henderson, the advocate and legal counsellor, as mirrored in the minds and hearts of his contemporaries.

“Who now knows anything of Archibald Henderson, familiarly known as ‘Baldy’ Henderson fifty years ago?” once asked the late Col. R. B. Creecy. “He was the great lawyer of his time in North Carolina. . . . And yet, great as he undoubtedly was, interesting as was his private and personal history, and full of useful lessons as was the whole story of his life, we have never seen any mention of him in any enduring record.” Fortunately there has been preserved in an “enduring record,” not an account of Henderson’s life and career, which is nowhere to be found, but an estimate of his character as lawyer, citizen, and publicist. As an analysis of moral qualities and an appraisal of civic virtues, this essay in character-delineation is unsurpassed in the entire range of our North Carolina literature. It is the obituary account, or more accurately speaking, essay in psycho-analysis, published at the time of Henderson’s death by his close friend and warm admirer, Judge Archibald D. Murphey, over the pen name of “Philo Florian.”* Four years later, the same brilliant pub-

**Sketch of the Character of Archibald Henderson as a Lawyer.* Raleigh Star, January 10, 1823; Salisbury Western Carolinian, January 14, 1823; Hillsborough Recorder, January 15, 1823; Newbern Carolina Sentinel, February 15, 1823. This sketch is copied, with some inaccuracies, in J. H. Wheeler: *Historical Sketches of North Carolina*, II, 386-390. For an exact draft, see *The Papers of Archibald D. Murphey*, edited by W. H. Hoyt, II, 312-319.

licist, one of the most distinguished scholars and broad-visioned, forward-looking men ever born in North Carolina, drew a gallery of admirable pen-pictures of North Carolina characters in his justly famous oration at Chapel Hill (June 27, 1827). In this address at the University of North Carolina, Judge Murphey describes Archibald Henderson as "upon the whole, the most perfect model of a lawyer that our bar has produced." In an interesting letter commenting upon that address, Chief Justice John Marshall, who for thirty-odd years presided over the Federal Circuit Court and had often heard Archibald Henderson at the bar, pronounced him as being "unquestionably among the ablest lawyers of his day." Upon another occasion, Marshall pronounced Henderson "one of the great lawyers of the Nation." At the time of Henderson's death, because of the universal recognition of his eminence as a lawyer, Judge Murphey urged that a monument to his memory be erected by the bar of the State. This monument, which bears the memorable epitaph written by Murphey, was so erected, and is still standing in the old "Lutheran Graveyard" at Salisbury. It is believed to be the only monument to a lawyer as such, ever erected in North Carolina and by the bar of the State.

That shrewd student and astute critic of men and affairs, David L. Swain, in describing the bar of North Carolina, cited Archibald Henderson, Thomas Ruffin, Archibald D. Murphey, William Gaston, Joseph Wilson, Judge Seawell, Gavin Hogg, and Moses Mordecai as the greatest lawyers of the day practising before the Supreme Court. Archibald Henderson is characterised as "probably the most eloquent and successful advocate in criminal offenses, who ever appeared at the bar in North Carolina."* As an orator, he has been spoken of as one who "sustained the character of the profession for legal learning and general literature." The Hon. Burton Craige, who had often seen and heard Henderson at the bar, once said that "he never spoke

*D. L. Swain: *Early Times in Raleigh*. 1867.

more than an hour in any case, but that every word that he uttered was an argument, every sentence eloquence in its true sense, the power of conviction." If his contemporaries and the immediately succeeding generation are to be credited, Mr. Henderson must have especially excelled as an advocate. John W. Moore, the historian of North Carolina, says that he was "one of the very greatest advocates North Carolina has produced. . . . Mr. Henderson classes as an advocate with William Hooper, Governor Davie, Judge Badger, and Governor Bragg, and was perhaps of larger influence as a practicing lawyer than any of them."

When a young man, Henderson incurred an injury to the trachea, which impaired the naturally fine tone of his voice. Despite this handicap, says Dr. Caldwell, "the strength and compass of his mind, his sagacity and penetration, and his power in analysis and argument, and readiness in debate were undiminished, and they all increased with his advancement in years and experience, until he ultimately rose to the head of the bar in North Carolina, and retained that station to the close of his life." Men have spoken of "the impetuous torrent of his eloquence which captivated juries"; and Judge Murphey, whose language is more nicely discriminating, thus details his attributes as an advocate: "His style and manner of speaking at the bar were extremely impressive. . . . He always came to the trial of causes well prepared; and if the state of his health or his want of preparation were likely to jeopardize his reputation in the management of his client's case he would decline the trial until a more favorable time. The courts in which he practiced, and his brother lawyers, understood the delicacy of his feelings upon this point so well that they extended to him the indulgence he required, and a knowledge of this part of his character gave confidence to his clients and attracted crowds of people to hear his speeches. When he rose at the bar no one expected to hear commonplace matter; no one looked for a cold, vapid, or phlegmatic harangue. His great excellence as a speaker consisted in an earnestness and dignity of manner and strong powers of

reasoning. He seized one or two strong points, and these he illustrated and enforced. His exordium was short and appropriate; he quickly marched up to the great point in controversy, making no manœuvre as if he were afraid to approach it, or was desirous of attacking it by surprise. The confidence he exhibited of success he gradually imparted to his hearers; he grew more warm and earnest as he advanced in his argument, and seizing the critical moment for enforcing conviction, he brought forth his main argument, pressed it home and sat down."

The Hon. William A. Graham, who wrote excellent biographical studies of Archibald D. Murphey, George E. Badger, and Thomas Ruffin, and was eminently qualified to pronounce judgment upon the merits of North Carolina's leading lawyers, places Archibald Henderson, William Gaston, and George E. Badger at the head of the list. Of Thomas Ruffin, he says that for the period from 1818 to 1825, "he had hardly a rival in the bar of the Supreme Court of the State or the Circuit Court of the United States, except Archibald Henderson and Gaston." Of George E. Badger, he says: "At the bar of the State he wore the mantle of Gaston and Archibald Henderson for a much longer period than either, worthily and well, with no diminution of its honors."* The late Judge R. R. Heath, who was familiar with Henderson's history and personal characteristics, described him as "the greatest lawyer the State had produced before Mr. Gaston's time"; and the late Captain Charles Price, a lawyer of eminence, described him as "in his day the greatest lawyer of the State."

Certain distinctive qualities marked his career as a lawyer, and characterized his advocacy at the bar. "The sublime idea that he lived under a government of laws was forever uppermost in his mind," says Judge Murphey, "and seemed to give a coloring to all his actions." Respect for the court and its officers, reverence for and obedience to the laws; deli-

*Cf. W. J. Peele: *Lives of Distinguished North Carolinians*, 113, 206, 290, 293.

cate conscientiousness in always endeavoring to live up to the highest ideals of the legal profession, in no matter how slight a case; intellectual and emotional sympathy with the mentality and sentiments of the average man—these were conspicuous attributes of his character. Perhaps nothing endeared him so much to the common people or so effectually won their hearty commendation as the oft-expressed conviction that “the laws were made for the people, and they should be interpreted and administered by rules which they understood, whenever it was practicable: that common sense belonged to the people in a higher degree than to learned men, and to interpret laws by rules which were at variance with the rules of common sense, necessarily lessened the respect of the people for the laws, and induced them to believe that courts and lawyers contrived mysteries in the science merely for the purpose of supporting the profession of lawyers.” He was the inveterate foe of legal pedantry; and in his own practice he translated with rare clarity the mysteries of the law into the simple and expressive language of daily life.

XVI.

The fatal defect of much biographical literature, especially of the briefer sort, is the pointlessness of its panegyric. The subject furnishes the text for a cold catalogue of formal virtues; and the result is that the differentiating qualities, the distinguishing traits, of the individual character are wholly lost sight of. Replace the name of the person biographed by that of another character in the same sphere of activity, and, save for a few dates, the colorless virtues and glittering generalities associated with the original remain equally applicable to the substitute. In order to escape even a semblance of this singular, yet patent, defect of brief biography, a number of personal incidents descriptive of character, loosely called “anecdotes” by an earlier generation, may serve to give some conception of the deeper instincts and larger emotions of Archibald Henderson, the man.

Genuine insight into the character of an individual may be gained through a knowledge of the persons and characters who incarnate that individual's highest ideals. No man who ever lived in North Carolina, William Hooper not excepted, surpassed Archibald Henderson in exalted admiration for George Washington and profound veneration of his memory. Doubtless his first view of Washington at Salisbury in 1791, when he himself was in his early twenties, left upon him an impression so deep and moving as to tinge the whole fabric of his life and thinking.

When Fisher Ames, the distinguished Federalist, was given the congenial task of penning the answer of Congress to Washington's last message in December, 1797, he gave free play to his ardent Federalism and flowing rhetoric, lauding Washington's administration and pronouncing an eloquent eulogy of his life and services. The carping and bitter Virginian, William Branch Giles, supported by Nathaniel Macon, Andrew Jackson, and nine others, voted nay on the answer. Among other things, Giles ungraciously said that if others regretted the retirement of the Father of his Country, he for his part wished him to retire at once; and furthermore, that he thought the country would not suffer, as many men could fill the office of President with credit and advantage. The story is still told in Granville County that, when the news of Branch's speech against Ames's answer reached Williamsboro, Archibald Henderson, deeply incensed, declared that Giles's vote and sentiments "sprang from the oscillation of a wicked heart."

An incident which occurred at Salisbury testifies with equal vividness to Archibald Henderson's reverential estimate of the greatness of Washington. In preparing a series of toasts for the very elaborate July 4th celebration at Salisbury in 1803, General John Steele gave to the fourth toast the following form: "To our illustrious fellow citizen George Washington and the long list of Statesmen and Heroes who coöperated with him in the establishment of American independence." The toast was altered to read, simply, "To

the Memory of General Washington"—in deference to the earnest representations of Archibald Henderson, who urged that "to connect with that name any other name or description of characters would derogate from the respect due to it."

Archibald Henderson was a great lover of learning, a diligent reader of the classics, and a profound student of law in its wider bearing upon the course of human history. In his richly stored library, teeming with works of history and the classics, were scores of volumes by the greatest legal authorities of Great Britain.* At the age of twenty-seven, along with General William R. Davie and Mr. James Hogg, the two men chiefly instrumental in the founding and location of the University of North Carolina, Archibald Henderson was elected a member of the Dialectic Society upon its organization in 1795. Throughout his life he remained a warm adherent of the University of North Carolina—although his own son studied at Yale and at the University of Virginia. When the General Assembly of 1800, as the result of the great hostility to the University aroused by the litigation under the act of 1794 to recover unsold confiscated lands, repealed this act and also the act of 1789, granting escheated property, Archibald Henderson was deeply distressed, and wrote to Walter Alves (Jan. 2, 1801): "Alas! alas! the Legislature of No. Carolina to wage war against the arts and sciences! I blush for my native State. My dear sir, this Phrenzy must be checked or our Country will be lost for ever. That spirit which agitated Europe for ten years and continues to convulse it seems to be exercising its all powerful energy in the U. States and particularly in No. C."†

During his lifetime, Archibald Henderson was not only held in popular esteem as a "philanthropic and worthy citizen," but was revered as being "remarkable for his benevolent qualities." The late Dr. Theodore Bryant Kingsbury, the author of an unpublished sketch of Granville County,

*An appreciable portion of this library, the books bearing Archibald Henderson's book-plate, is still preserved.

†In 1809 Archibald and Leonard Henderson each subscribed one hundred dollars to aid in the completion of the South Building at the University.

says of him: "But few of the many able lawyers of our State ever so impressed their fellow men for uncommon powers as did this illustrious and admirable man. He was amiable and true and noble. . . ." Moore, the historian of North Carolina, says: "He was one of the very ablest lawyers ever seen in the State and possessed virtues to match his intelligence."* Many instances are recorded of his kindly and humane disposition, and his ready sympathy for those in sorrow and distress. Especially was this true in the case of the downtrodden, the afflicted, and the oppressed, whose heritage and environment coöperated in great measure to make of them lawbreakers and criminals.

Upon one occasion he was summoned to make the long journey from Salisbury to Smithfield, to prosecute a man for murder; and he was offered an extraordinarily large fee for his legal services. When he arrived at the court house, the prisoner's wife, who was dressed in black, saw and immediately recognized him. Knowing by reputation his almost uncanny skill as a criminal lawyer, the poor woman gave a shriek of horror, and throwing up her hands, exclaimed:

"My God, Mr. Henderson, have you come all this long way to convict my poor husband of murder?"

So touched and affected was he by this moving plea that he bowed his head, and abandoning the case, immediately left the court room. Mounting his sulky, he drove, in silent meditation, all the way back to Salisbury.†

Archibald Henderson was vigorously opposed to slavery, and believed that the intellectual, economic, and social progress of the South would continue to be seriously retarded so long as the negro remained enslaved. The sentiments in regard to slavery voiced by his friend, William Gaston, at the University of North Carolina in 1832, might well have been uttered by himself: "It stifles industry and represses enterprise; it is fatal to economy and providence; it discourages

*History of North Carolina, I, 428, footnote.

†This incident is erroneously associated, by Judge W. H. Battle, with the name of Leonard Henderson.

skill, impairs our strength as a community, and poisons morals at the fountain head." He heartily endorsed the principles of the American Colonization Society, the fundamental purposes of which were to encourage emancipation and to aid the emigration of the emancipated to Africa. It was believed that, as soon as an asylum should be found for the freed negroes, emancipation would steadily increase. The society began to establish branches in North Carolina in 1819, the work being under the direction of the Rev. William Meade, of Virginia, afterwards famous as Bishop. In Raleigh, according to the Rev. Mr. Meade's report to the society, he found "the same unanimity of sentiment (as at Fayetteville). The Supreme Court being in session, many of the judges and lawyers were collected from the different parts of the State, who cordially joined in the society and testified to the general prevalence of good will to it throughout the State. At a meeting for forming a constitution, the highest talents, authorities and wealth of the State were present, and unanimously sanctioned the measure."* Both Archibald and Leonard Henderson were vice-presidents of the Raleigh Society (1819), of which Governor Branch was president; and Major Pleasant Henderson was a vice-president of the Chapel Hill Society (1820), of which the Rev. Joseph Caldwell, President of the University of North Carolina, was president.†

So successful was Archibald Henderson in the pleading of a cause that at times he seemed to throw over his hearers an almost hypnotic spell, causing a temporary remission of judgment almost compelling conviction. A well-authenticated anecdote is related in connection with a case, in which he secured a verdict of acquittal for the defendant who was accused of stealing a pig. After the successful termination of the trial, Mr. Henderson asked his client:

"Well, sir, what is the truth about stealing this pig?"—
to which his admiring client, with naive earnestness, replied:

*Mss. minutes, Board of Managers American Colonization Society. Report of Meade, June 21, 1819.

†S. B. Weeks: *Anti-Slavery Sentiment in the South*. "Publications of the Southern History Association," II, 2; April, 1898.

“To tell you the truth, Mr. Henderson, before I heard you speak in my defense, I thought I had stolen that pig. But, sir, I frankly acknowledge now that you have fully convinced me of my own innocence.”

The reputation he bore as a repository of legal lore sometimes had amusing consequences. An interesting character in Stokes County was the Lutheran-Moravian divine, Gottlieb Schober, a shrewd old German, who enjoyed considerable local repute as a rough-and-ready lawyer, and twice represented his county as Senator in the State Legislature. Upon one occasion a prospective client came to Schober and solicited his legal advice.

“The fee, mine friend,” said Schober, “is five dollars.”

On receiving the fee, the thrifty old German stuffed the money into his purse, snapped the clasp, dropped the purse into his pocket, and then leaning eagerly forward, said with great earnestness:

“You haf paid me for my legal advice, mine friend, and now I gif it to you. Go out of here, get on your horse, and ride as fast as you can to Salisbury. You go to see old Paldy Henderson. My legal advice to you, mine friend, is: Whatever old Paldy Henderson tells you to do—*you do.*”

About the year 1815 a wide-spread network of crime, in the way of counterfeiting money and altering bank bills, spread over Western North Carolina. The center of this nefarious industry was in Rutherford County; and citizens of some prominence were said to have been implicated in the conspiracy. The terror of the counterfeiters was the great solicitor, Joseph Wilson, a man of “iron will, determined purpose, and massive intellectuality.” For some years the counterfeiters flourished to an extent which baffles modern comprehension, and public opinion in condemnation of their practices was exceedingly difficult to arouse. “Early in 1822 indictments came thick and fast against the leaders of the band for ‘deceit’ and ‘forgery,’ and they employed Baldy Henderson, the astute criminal lawyer and peerless advocate,

to defend them. He seized upon every pretext for continuance, and urged removal of the cases to different counties from those where the presentments originated. When their friend and counsellor, Mr. Henderson, died in October of the same year, before having secured their acquittal, these strong desperate men wept like children, declaring that 'Baldy Henderson was their only hope of escape from the hands of Joe Wilson, the prosecutor.' '*

Archibald Henderson had an immense legal practice, before the Federal Circuit Court, presided over by John Marshall, before the Supreme Court of the State, and in the Superior Courts. In important cases, men of the stamp of Waightstill Avery, William Duffy, Archibald D. Murphey, Frederick Nash, William Gaston, Henry Seawell, Thomas Ruffin, and Gavin Hogg were associated with him; and he and Gaston crossed swords upon more than one memorable occasion in the halls of the Supreme Court. Henderson's greatest legal victories, it is believed, were made without the assistance of counsel, and his power in clearing some desperate criminal from the clutches of the law seemed to be almost akin to wizardry. One of his best remembered achievements is the clearing of the infamous desperado, Nixon Curry, a notorious thief and murderer. In the eyes of his friends, Curry, who was utterly fearless, appeared as a hero; and the case, when it finally came up for trial at Morganton at the Spring term of the court in 1821, filled the court room with a dense and excited throng.

"Baldy Henderson conducted the defence in a forensic effort of great adroitness and power. He commenced by frankly admitting that the prisoner's character was blackened by every crime known to the law, but reminded the jurors that they were under the sanctity of an oath to try him for the particular offence of which he was accused, and no other. He also appealed to them to divest themselves of prejudice and dismiss preconceived opinions. As a slave was not allowed to testify in a court of justice the evidence of the negro who had seen Curry just previous to the killing of (Ben)

*F. B. McDowell: *Some Types of Early Days*. "Charlotte Daily Observer," December 12, 1897.

Wilson, was excluded; and Curry while in jail or in hiding, having married Dovey Caldwell, effectually silenced her as a witness, the wife being debarred by law from giving testimony against her husband. Without these two important witnesses, the State could not make out a very strong case, and the jury returned a Scotch verdict, of guilty, but not proven.

"After the termination of the trial, the sheriff accompanied Curry to the room of the attorney who had secured his acquittal, and in order to show his appreciation Curry emptied a pocket full of gold upon the table and begged his advocate to help himself. Without any ceremony, Mr. Henderson swept the whole amount into the drawer; and when Curry mildly suggested that the charge was pretty steep, 'Old Baldy' is reported to have emphatically answered: 'No, it will take every dollar to wash my hands clean of your infernal rascality.'"*

Archibald Henderson had unbounded reverence for the law, and implicit faith in the essential virtue and justice of the courts. He always carried a cane with ivory head upon which was a silver plate, bearing the inscription which he held as his motto: *Fiat Justitia Ruat Cælum*—"Let justice be done, though the heavens fall." His son was astonished to learn one day that, although he was esteemed a great lawyer, he had never taken the precaution to make a will. When the matter came up for discussion, Mr. Henderson summarily disposed of the question with the quiet assurance:

"My son, the law makes the best will."

XVII.

Two pen-pictures from the same hand, the one gravely formal, the other intimate and personal, will survive as vital contemporary estimates, sincere in feeling, classic in expression. The one is the inscription upon the beautiful monument over his grave in Salisbury:

In Memory of
Archibald Henderson
to whom his associates at the Bar have erected
this Monument
to mark their veneration for the character of a Lawyer
who illustrated their profession by the extent of his learning,
and the

*F. B. McDowell: *Some Types of Early Days*, *ibid.*

unblench'd integrity of his life:
 of a Man
 who sustained and embellished all the relations
 of Social Life
 with rectitude and benevolence:
 of a Citizen
 who, elevated by the native dignity of his mind above the
 atmosphere of selfishness and party, pursued
 calmly, yet zealously, the true interest of his country.
 His loss was felt with a sincere, general and
 unmixed Sorrow.
 Decessit XXI Die Octobris
 Anno Domini MDCCCXXII, Æt. suae LIV.

The other portrait is the opening paragraph of the essay of "Philo Florian":

"I became acquainted with Archibald Henderson in the year 1803, and from that time to the time of his death, I looked to him as a model of that perfect character in the profession of the law which all his brethren should be ambitious to imitate. From him, judges might learn wisdom and discretion, and lawyers the dignity of their profession and the high duties which it imposes. I here speak only of his professional character; that which he exhibited to his country for more than twenty years, with a force and effect that ought to be remembered as long as a reverence for our civil institutions shall be cherished. No man could look upon him without pronouncing him one of the great men of the age. The impress of greatness was upon his countenance; not that greatness which is the offspring of any single talent, or moral quality; but a greatness which is made up by blending the faculties of a fine intellect with exalted moral feelings. Although he was at all times accessible, and entirely free from austerity, he seemed to live and move in an atmosphere of dignity. He exacted nothing by his manner; yet all approached him with reverence, and left him with respect. The little quarrels and contests of men were beneath him: their bickerings, their envyings, their slanderings, and all the workings of their little passions kept at a distance from him: and I have often seen him discomfited at the bar, when contending for his clients, in cases where the little passions only had play. His was the region of high sentiment; and there he occupied a standing that was preëminent in North Carolina. He contributed more than any man since the time of General Davie and Alfred Moore, to give character to the bar of the state, and to impress upon the people a reverence for their courts of justice. His career at the bar has become identified with the history of North Carolina, and his life and his example furnish themes for instruction both to gentlemen of the bench and to his brethren of the bar. May they study his life and profit by his example!"

APPENDIX.

SPEECH OF ARCHIBALD HENDERSON, OF NORTH CAROLINA,
OPENING THE DEBATE ON THE JUDICIARY BILL IN THE
HOUSE OF REPRESENTATIVES.*

On Monday, February 15, 1802, Mr. Davis called for the order of the day, on the Judiciary Bill from the Senate. On this day, several motions for postponement or adjournment were lost.

On Tuesday, February 16, the great debate was opened by the speech of Mr. Archibald Henderson, of North Carolina, as follows:

MR. HENDERSON. I should not rise to offer my opinion on the great question now before the committee, were I not placed in a situation different from that in which I have been since I have had the honor of a seat in this House. The legislature of the State of North Carolina, one of whose representatives I am on this floor, have seen proper to instruct their Senators, and to recommend to their representatives in Congress, to use their exertions to procure a repeal of the law passed the last session of Congress, for the more convenient organization of the courts of the United States; and as the bill on your table has for its object the repeal of this law, and as I shall probably vote against its passage, a decent respect for the opinions of those who have framed and sent forward those resolutions, demand that I should give the reasons which influence my conduct.

And here, Sir, I cannot forbear lamenting extremely that I should unfortunately be placed in a situation where the highest obligations of duty compel me to act in opposition to the wishes of that community to which I immediately belong. It is certainly of great importance that as public function-

*The text of Archibald Henderson's speech, as here given, is reproduced from a rare volume, entitled: DEBATES in the Congress of the United States on the BILL for repealing the LAW "for the more convenient organization of the courts of the United States," During the First Session of the Seventh Congress, and a List of the Yeas and Nays on that Interesting Subject. Albany. Printed for Collier and Stockwell. 1802.

aries we should not only discharge those trusts committed to us with fidelity, and for the general good, but in such a manner as to give satisfaction to those for whom we are acting.

And if I know the feelings of my own heart, I declare, that next to the consciousness of having performed my duty with uprightness, my highest satisfaction is the knowledge that in the discharge of this duty I meet the approbation of my fellow men. But, Sir, if this approbation is only to be obtained by the unconditional surrender of my understanding, and the violation of my oath, I hope I shall be excused if I do not make this sacrifice at the altar of public opinion. Indeed, Sir, were I disposed to forego my own opinion, and adopt that of the legislature of my own state, were I inclined to say, thy will be done and not mine, I should first demand of them an absolution from the oath which I have taken to support the constitution of the United States. As long as that oath is binding on me, I see an insuperable objection to my acting in conformity to their wishes.

I will further remark, Sir, that I am not a little surprised that that august body should have undertaken to decide on a question not necessarily before them, without having an opportunity of hearing the arguments which may be used here either on one side or the other. I will not permit myself for a moment to believe the measure originated in a want of confidence in those who represent the State and the people in this assembly. And yet, if that confidence exists, the reasons for this procedure do not immediately present themselves to the mind.

I hope, Sir, it will not be understood that I mean to cast the most distant shade of disrespect on that body. I feel too great respect for the legislature of my native State to be guilty of such an attempt. No doubt but they were influenced by the purest and most correct understanding. It does not follow, by any means, that because my weak and feeble mind cannot discover perfect propriety in the conduct of men, that therefore it does not exist.

Having premised thus much, Mr. Chairman, I will pro-

ceed to an examination of the question under consideration. It has been usual to divide it into two parts; first, the expediency; and secondly, the authority of Congress to pass the law on the table. This is a natural and correct division; but I shall invert the order of considering the question, and first examine our power to act, before we consider the expediency of acting. And if, after a calm and candid review of the constitution, it should be found that we are prohibited from passing the bill, there will be no necessity for inquiring into the expediency of repealing the law passed last session of Congress for organizing our courts of justice. The relative merits of the old and new judiciary system will be entirely out of view. For I am confident that there is not a member of this body who would wish to pass the bill on your table, if in doing it we must violate the sacred charter under which we are now assembled.

The people of America have obtained and established, that the powers of government shall be vested in three great departments; the Legislative, the Executive and the Judicial. They have said, that there shall be a House of Representatives, the members of which shall be chosen by the people of the several states every second year. Though this House is composed of members chosen by the people immediately; though they can have no other interest than the great community from which they were sent; though they must return to the common mass in the short period of two years; yet enlightened America did not see proper to entrust the power of making laws to this body alone; they knew that the history of man, and the experience of ages, bore testimony against the safety of committing this high power to any one assembly not checked by some other body. They have therefore erected another branch of the legislature, called the Senate, the members of which are not to be elected by the people immediately, but by the sovereignties of the several states; they are to be chosen for six years, and not for two; and the qualifications requisite to entitle those to a seat, is different from that of a member

of this House. To these bodies are given the power of initiating all laws; but after a bill has passed both of these Houses, before it becomes of binding obligation on the nation, it must be approved of by the President; it is a dead letter, until life is given by the executive. The President is elected not by the people, but by the legislatures of the several states, not by either House of Congress, but by electors chosen by the people. He is to hold his office during four years. This is the second great department of the government. It will be easily discovered from this cursory view of our constitution, the caution and jealousy with which the people have conferred the power of making laws, of commanding what is right, and prohibiting what is wrong. But, Sir, after this law was made, after its authoritative mandate was acknowledged by the nation, it became necessary to establish some tribunal to judge of the extent and obligation of this law. The people did not see proper to entrust this power of judging of the meaning of their laws either to the legislative, or to the executive; because they all participated in the making of these laws; and experience had shown, that it is essential for the preservation of liberty, that the judicial and legislative authorities should be kept separate and distinct. They therefore enacted a third department, called the Judicial, and said that "the judicial power of the United States shall be vested in one supreme court, and in such inferior courts as Congress may from time to time ordain and establish. The *judges both of the supreme and inferior courts shall hold their offices during good behavior*, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office." It is admitted, I understand, by all parties, by every description of persons, that these words, *shall hold their offices during good behavior*, are intended as a limitation of power. The question is, what power is thus to be limited and checked? I answer, that all and every power which would have had the authority of impairing the tenure by which the judges hold their offices, (if these words were not

inserted) is checked and limited by these words; whether that power should be found to reside in Congress, or in the executive. The words are broad and extensive in their signification, and can only be satisfied by being construed to control the legislative as well as the executive power. But gentlemen contend that they must be confined to limiting the power of the President. I ask gentlemen, what is there in the constitution to prove their signification to this end alone? When you erect a court and fill it with a judge, and tell him, in plain simple language, that he shall hold his office during good behavior, or as long as he shall behave well; what, I beseech you, Sir, will any man, whose mind is not bewildered in the mazes of modern metaphysics, infer from the declaration? Certainly that the office will not be taken from him until he misbehaves; nor that he will be taken from the office during his good behavior. Under this impression he enters upon his duty, performing it with the most perfect satisfaction to all persons who have business before him; and the legislature, without whispering a complaint, abolishes the office and thereby turns out the judge. The judge is told: this is no violation of the compact, although you have behaved well, although we have promised that as long as you did behave well you should continue in office; yet, there is now no further necessity for your services, and you may retire. These words, "during good behavior," are intended to prevent the President from dismissing you from office, and not the legislature from destroying your office. Do you suppose, Sir, that there is a man of common understanding in the nation, whose mind is not alive to the influence of party spirit, that would yield his assent to this reasoning? I hope and believe there is not. But, Sir, how is it proved that the President would have had the power of removing the judges from their office, if these words, "during good behavior," had not been inserted in the constitution? Are there any words in that instrument which give the President expressly the power of removing any officer at pleasure? If there are, I call upon

gentlemen to point them out; it does not result from the fashionable axiom, that the power which can create, can destroy. The President can nominate, but he can appoint to office only by the advice and consent of the Senate. Therefore, it would follow, if the power of displacing results from that of creating, that the Senate should participate in displacing as well as creating officers. But however this may be, it is certainly a mere constructive power which he has exercised, because the legislature have, from motives of expediency, acknowledged that he had it. If the constitution does not necessarily give the President the right of removing officers at pleasure, and if that right depend upon legislative acts or constructions, where would have been the necessity for inserting these emphatic words as a check and limitation of executive power, when without them the President has no such power? You are taking great pains to control a power which does not exist. The persons who framed our constitution knew that a power of removal in ordinary cases must exist somewhere. They took care, therefore, that in whatever hands it might fall, the language of the constitution respecting the tenure of the office of a judge should be co-extensive with the whole power of removal, whether it should reside in one or in more hands.

But, Sir, these words, during good behavior, are familiar to the American people. When the political bands which united us with Great Britain were burst asunder, and we assumed among the nations of the earth an independent station, most, if not all the states introduced these words into their constitutions. They were deemed essential, and a meaning has been stamped upon them which it is not in the power of this House to change. Let us for a moment examine some of the state constitutions, and see what signification must of necessity be given to these words. I will first advert to the constitution of North Carolina, as being one with which I am best acquainted. In that instrument it is said, "that the General Assembly shall, by joint ballot of both Houses, appoint judges of the supreme court of law

and equity, judges of admiralty and an attorney-general, who shall be commissioned by the Governor, and hold their offices during good behavior." I ask gentlemen what power is intended here to be limited and checked by the words "shall hold their offices during good behavior." Not the executive, for it is well known that the Governor of that state cannot appoint even a constable. It could not be the meaning of that constitution to check his power of removal, for that of appointment is not anywhere given to him. Then these words must mean, that the legislature should not have the power of removing the judges from office as long as they behaved well. If you do not give this signification to the words, they are of no importance, and might as well have been left out of the instrument. I hope the feelings of the people of North Carolina will not be hurt, and their understandings insulted, by telling us that the meaning of the words may be satisfied by construing them to extend to a prohibition of the legislature displacing the judges, and proceeding to the election of others, without those displaced being guilty of *misbehavior*. If this is correct, what security, Sir, have the people then for the independence of their judges? The constitution has told them that they should be judged by men who, during the time they behaved well, should continue in office, or what is the same thing, should hold them during good behavior. But they are now informed that this was intended to operate as a check upon the legislature's displacing them by selecting others to fill their offices when they had not misbehaved, but not to prevent their passing a law repealing that act by which the appointment to office was made; or in other words, our assembly are expressly forbidden to impair the tenure by which our judges hold their offices, as long as they behave well; but they can repeal the law, and the judges are out of office, though they may be the most virtuous, upright and able men in the country, and have discharged their duties faithfully. Are the gentlemen on this floor from North Carolina prepared to give this construction to that constitu-

tion? Are they prepared to tell their constituents that the provisions of their constitution may be thus evaded, and the whole power of government, legislative, executive and judicial, be concentrated in the general assembly, and absolute despotism imposed upon them? If they are not, I conjure them to pause before they give their vote for the passage of the bill on the table. I will further observe, Mr. Chairman, that words of the same import with those I have quoted from the constitution of North Carolina, are to be found in the Virginia and South Carolina constitutions, in neither of which states hath the Governor the right of appointing judges.

In Virginia, Sir, the judges of the supreme court, in 1792, declared that the assembly of that state had not the power of imposing chancery duties on the district judge, and in delivering their opinions discanted at large on the independence of the judiciary, and said that the assembly could not annihilate the office of a judge, which was secured to him by the constitution. If this is a true exposition of the constitution of that state, I ask gentlemen by what authority they now attempt to impose a different meaning on the same words, when found in the constitution of the United States? Are we to suppose that the whole people of America were less regardful for their rights, less solicitous for independent judges, than the people of a particular state? And unless this is conceded, the doctrine of gentlemen who advocate the passage of this bill must be incorrect.

But it has been said that the powers of each Congress are equal, and that a subsequent legislature can repeal the acts of a former; and as this law was passed by the last Congress, we have the same power to repeal it which they had to enact it. This objection is more plausible than solid. It is not contended by us that legislatures who are not limited in their powers, have not the same authority. The question is not what omnipotent assemblies can do, but what *we* can do, under a constitution defining and limiting, with accuracy, the extent and boundaries of our authority. The very sec-

tion in the constitution (sect. 3, art. 1), which I have read, is a proof against the power of every Congress to repeal the acts of their predecessors. In the latter part of the 8th section it is proposed, that the judges shall receive for their services a compensation, which shall not be diminished during their continuance in office; and yet the salary was fixed and ascertained by a former Congress. The same observations may be made with respect to compensation for President, which can neither be decreased nor diminished during the period for which he shall have been elected. It is not competent for this Congress to vary the compensation to him, which has been fixed by a prior legislature. It is clearly seen, upon a little investigation, that the position which gentlemen take is too extensive, and leads immediately to a destruction of the constitution. It does away all check, and makes the legislature omnipotent. It has been asked, that if a corrupt and unprincipled Congress should make an army of judges, have not a subsequent Congress the right of repealing the law establishing this monstrous judicial system? I answer, that they have not; the same mode of reasoning which attempts to prove this right from an abuse of power, will also prove that you may lessen the compensation of your judges. May not equal oppression be imposed upon the people, by giving your judges exorbitant salaries, as by increasing their numbers? May not the same corrupt and unprincipled motive which would lead men to the raising of an army of judges, lead them to squander the public money? And may they not, instead of giving their judges 2000 dollars a year, give them 200,000? And yet, Sir, if these were to take place, I know of no authority under the constitution to lessen this exorbitant compensation. The government of our country is predicated upon a reasonable confidence in those who administer our public affairs. They must have the power of acting for the public welfare, and this would never have been given them if the possible abuse of this power were a sufficient reason for withholding it.

I will take the liberty of observing further, that this part

of the constitution, which forbids lessening the compensation to the judges during their continuance in office, furnishes a strong argument that it was the intention of the people to place their judges out of the control of the legislature as long as they behaved well; that they did mean to render them independent of the legislature to a certain extent, is obvious; inasmuch as they inhibit the power of reducing their salaries. For it is evident, that if they could take from them their compensation, they might drive them from office; and the consequence would have been, that our judges would have felt all the dependence which results from a consciousness that another body has the power of diminishing their comforts. I ask gentlemen if the framers of this constitution intended to give Congress the power of abolishing the office of a judge, by repealing the law which created the office, and thereby displace the judge? Where could have been the propriety of forbidding his salary to be diminished during his continuance in office?

Is it possible to suppose that they were more anxious to secure that independence which results from permanency of compensation, than that which results from permanency of the office itself? That they should have been altogether regardless of the power which Congress was to have over the office, but limit with the utmost strictness their power of diminishing the salary, when the office itself, upon which the salary depends, was to be at the mercy of Congress? I believe that such folly cannot, with justice, be attributed to these great men who gave existence to this instrument.

Again, Sir, the construction which gentlemen on the other side of the House would contend for, tends to the concentration of legislative and executive powers in the same hands. If Congress, who have the power of making laws, can also displace their judges by repealing that which creates the offices they fill, the irresistible consequence is, that whatever law is passed the judges must carry into execution, or they will be turned out of office. It is of little importance to the people of this country whether Congress sits in judgment

upon their laws themselves, or whether they sit in judgment upon those who are appointed for that purpose. It amounts to the same despotism; they in fact judge the extent and obligations of their own statutes by having those in their power who are placed on the sacred seat of justice. Whatever the legislature declares to be law must be obeyed. The constitutional check which the judges were to be on the legislature is completely done away. They may pass *ex post facto* laws, bills of attainder, suspend the writ of habeas corpus in time of peace; and the judge who dares to question their authority is to be hurled from his seat. All the ramparts which the constitution has erected around the liberties of the people, are prostrated at one blow by the passage of this law. The monstrous and unheard of doctrine which has been lately advanced, that the judges have not the right of declaring unconstitutional laws void, will be put into practice by the adoption of this measure. New offences may be created by law. *Associations* and *combinations* may be declared treason, and the affrighted and appalled citizen may in vain seek refuge in the independence of your courts. In vain may he hold out the constitution and deny the authority of Congress to pass a law of such undefined signification, and call upon the judges to protect him; he will be told that the opinion of Congress now is, that we have no right to judge of their authority; this will be the consequence of concentrating judicial and legislative power in the same hands. It is the very definition of tyranny, and wherever you find it, the people are slaves, whether they call their government a monarchy, republic or democracy.

Mr. Chairman, I see, or think I see, in this attempt, that spirit of innovation which has prostrated before it a great part of the old world. Every institution which the wisdom and experience of ages had reared up for the benefit of man. A spirit which has rode in the whirlwind and directed the storm, to the destruction of the fairest portion of Europe; which has swept before it every vestige of law, religion, morality, and rational government; which has brought twenty

millions of people at the feet of one man, and compelled them to seek refuge from their complicated miseries, in the calm of despotism. It is against the influence of this tremendous spirit, that I wish to raise my voice, and exert my powers, weak and feeble as they are. I fear, Sir, on the 7th of December, it made its appearance within these walls, clothed in a gigantic body, impatient for action. I fear it has already begun to exert its all-devouring energy. Have you a judiciary system extending over this immense country, matured by the wisdom of your ablest and best men? It must be destroyed. Have you taxes which have been laid since the commencement of the government? And is the irritation consequent upon the laying of taxes worn off? Are they paid exclusively by the wealthy and the luxurious part of the community? And are they pledged for the payment of the public debt? They must be abolished. Have you a mint establishment, which is not only essentially necessary to protect the country against the influx of base foreign metals, but is a splendid attribute of sovereignty? It must be abolished. Have you laws which require foreigners coming to your country to go through a probationary state, by which their habits, their morals and propensities may be known, before they are admitted to all the rights of native Americans? They must be repealed, and our shores crowded with the outcasts of society, *lest oppressed humanity then should find no asylum* on this globe!

Mr. Chairman, if the doctrine contended for by gentlemen on the other side of the House should become the settled construction of the constitution, and enlightened America acquiesce with that construction, I declare for myself, and for myself alone, I would not heave a sigh nor shed a tear over its total desolation. The wound you are about to give it will be mortal; it may languish out a miserable existence for a few years, but it will surely die. It will neither serve to protect its friends, nor defend itself from the omnipotent energies of its enemies. Better at once to bury it with all our hopes.

The First Secession Movement

The late Dr. W. R. Wood, Superintendent of the Asylum, some years ago sent me the enclosed letter, with the proceedings of the first meeting declaring secession (in imitation of the Mecklenburg Declaration) ever held. This Declaration antedated the South Carolina Declaration more than two months. This was on 14 October, 1860, and that of South Carolina was on 20 December of that year.

This is a valuable historical document, and, being from that section, I know the statements therein are entirely accurate.

WALTER CLARK.

HON. WALTER CLARK,
Raleigh, N. C.

MY DEAR JUDGE:—I herewith confide to your especial care—*In Memoriam* of a past age and a lost cause—the Minutes of the first declaration of secession ever formulated and promulgated in the Southern States.

The history of this first declaration of secession principles have never been written, and therefore has never been generally known. Mecklenburg with her declaration of 1775 has been oft and oft recorded in letters of living light, high on the pages of fame's immortal scroll in the New World's history. Therefore, and wherefore should not this second movement in behalf of constitutional liberty and the sovereign rights of a chivalrous people, by the sages of old Halifax, in the startling era of the sixties, be handed down to our posterity in the history of American martyrs and Southern heroism.

Perhaps in the remote future, amid the changes wrought by time in the destinies of States, it may come to pass, that the actors in the opening drama of 1860, who, thus launched forth this first declaration of secession in defiance of a

World in Arms, will be considered something more than irrational impulsive visionaries or impetuous fire eaters.

With sentiments of distinguished consideration and esteem, I am, Very truly your friend,

WILLIAM R. WOOD.

Scotland Neck, Oct. 14, 1888.

A CHAPTER OF HISTORY.

TRANSACTIONS OF THE FIRST SECESSION MOVEMENT AND DECLARATIONS OF THE FIRST SECESSION RESOLUTIONS EVER HELD IN THE SOUTHERN STATES, AT PALMYRA, HALIFAX COUNTY, NORTH CAROLINA, OCTOBER 14TH, 1860.

Pursuant to previous notice issued for the purpose of eliciting an expression of opinion relative to the action of the people of North Carolina in the event of the certain election of a sectional President, the citizens of Halifax and adjoining counties of Edgecombe, Martin and Bertie assembled "*en masse*" at Palmyra on the 14th inst. The meeting was largely composed of men of character, of influence and standing in their separate communities. General David Clark, Thos. Jones, Samuel Hyman, A. P. Hyman, L. L. Savage, Henry B. Whitmore, Kenneth Thigpen, Dr. William R. Wood, W. R. Cherry and other kindred spirits were early on hand voicing the sentiments of our people in no uncertain words. Crowds of men, of all conditions and walks of life, from the great slave holders of the Roanoke Valley to the humblest, poorest man in the neighborhood, thronged the village and adjacent groves, manifesting deep and serious interest in the great momentous questions of the times. The meeting was called to order by the Hon. Kenneth Thigpen of Edgecombe. Thos. Jones, Esq., of Martin was nominated to the Chair and A. P. Hyman of Palmyra appointed Secretary.

The Chairman in a brief incisive speech pointed out the

evils of the hour, and with a master's hand portrayed in gloomy colors the threatening troubles hanging like a dark funeral pall over the institutions and destinies of the Southern people. After Mr. Jones had explained the object and interest of the meeting, Gen'l David Clark of Halifax was called on to give his views of the situation. The general was peculiarly happy in the manner and delivery of his remarks, and in a spirited, stirring talk of a few moments completely captured the audience, creating quite a sensation and electrifying his hearers by exclaiming in language most prophetic: "Gentlemen, Lincoln will be elected, all you hold dear, your wives, your children, your property and your sacred honors, are at stake. The hour has struck, the enemy is upon us. The time for action, decisive action, is at hand. The powers of evil have all combined against us to rob us of our substances and dishonor us in our manhood. We must act, act in the living present with all the sublime courage of heroes and martyrs. There is nothing stands between us now and our deadliest foes. The abolitionists and disunionists of the New England States, for the Democrats have played the devil and the Whigs have gone to hell." This brought down the house and the General retired amid a storm of applause. General Clark was followed by the young, impassioned and uncompromising advocate of secession, Dr. William R. Wood of Scotland Neck, in a political argument on the right of secession, beginning with the Hartford Convention and closing in an eloquent and scathing phillipic against Northern abolitionists, and in concluding, declared it the imperative duty of North Carolina to at once withdraw from the Federal Compact and joining her Southern sisters, seek, with them an alliance, offensive and defensive with the powers of Great Britain. And if necessary to preserve and protect her people from Northern aggression and domination renew her allegiance to the British Crown. This open defiance of Northern supremacy again brought down the house, but also brought our Chairman, Mr. Jones, to the floor. Requesting the venerable Samuel Hyman to

take the chair, Mr. Jones made a ringing speech against an alliance with England, advocating with force and effect his "pet idea," an alliance, offensive and defensive, with the Emperor of France. The debate waxed fast and furious for a few moments on these two propositions of Dr. Wood and Mr. Jones, and for awhile considerable merriment and confusion ensued, but debate was cut short and order restored by the ever ready, gallant Kenneth Thigpen, who in a few stirring, startling words impressed the importance of the occasion upon the convention and demanded the appointment of a committee to formulate a platform of resolutions giving emphatic expression to the views of the people. Upon that committee, the following gentlemen were appointed by the Chair:

Hon. Kenneth Thigpen,
Gen'l. David Clark,
Thos. Jones, Esq.,
Dr. William R. Wood,
Lem. L. Savage, Esq.

As a guest of Mr. Jones, Mr. Whitmel Kearney of Warren, who was present and whose people were known to be in sympathy with the movement, was by unanimous consent added to the committee. These gentlemen retired, and after considerable time and much consultation, reappeared and announced the following preamble and resolutions:

1st. Whereas, The people of the Northern section of our common country are forcing through the legislatures of their several States, with all the elements of implacable hatred, so called personal liberty bills, abrogating in its entirety, the fugitive slave laws, subverting the constitution of our fathers, and openly threatening the most sacred interests and institutions of the Southern States by declaring that instrument which binds this Union together as coequal sovereigns a covenant with death and a league with hell.

And, Whereas, The Republican party has proclaimed itself a sectional party, pledged to wage relentless war against the institutions of the South:

Therefore, Resolved, That whereas the Republican States of New England were the first to proclaim the right of secession, we will profit by their example, and their language of the Hartford Convention. *Declare,* That "when emergencies occur which are either beyond the reach of the Judicial tribunals, or too pressing to admit of the delay incident to their forms, States which have no common umpire, must be their own judges and execute their own decisions."

Resolved, 2nd. That henceforth we renounce all allegiance to the United States Government, and appeal to our Legislature to call a convention for the purpose of withdrawing North Carolina from the Federal Compact and negotiating with other Southern States in forming alliances offensive and defensive with the Emperor Napoleon the III. of France.

Before a vote was taken on the committee's report, Dr. Wood, though a member of the committee, appealed to the convention to vote down Mr. Jones' French resolutions, and offered the following as a substitute:

Resolved, That as North Carolinians, we disown, disavow and utterly repudiate all allegiance to the so called Federal Government, and demand the unconditional withdrawal of North Carolina from the Federal Compact, and for the better preservation of her sovereignty as a free and independent State, unite with her Southern sister States in forming an alliance offensive and defensive with the powers of Great Britain, and if necessary to protect her people from Northern aggression and domination, renew her allegiance to the British Crown.

After considerable debate between the parties advocating the French and English propositions, Dr. Wood's resolution was voted down. The preamble and resolutions as they came from the committee were unanimously adopted and the convention adjourned.

A. P. HYMAN,
Secretary.

SAMUEL HYMAN, Sr.,
Chairman.

DR. W. R. WOOD, Scotland Neck.

MY DEAR DOCTOR:—The above is but a rough sketch in pencil of our great Secession Convention in 1860. Try and copy them off as best you can and preserve it in memory of old friends and a lost cause.

Your friend,

Palmyra, A. D. 1866.

A. P. HYMAN.

The above is a truthful transcription of the rough notes referred to by my late father, A. P. Hyman, Secretary of the meeting at the time, as copied out in full by the undersigned at the request of Dr. Wood.

A. P. HYMAN, Jr.

Scotland Neck, August 25th, 1888.

John Washington Bennett, Famous North Carolinian

By GEN. W. A. SMITH.

(Written by request of the Anson County Daughters
of the Confederacy.)

One William Bennett many long years ago married a Miss Huckston and begat William Bennett, Jr.; William Bennett, Jr., married Susanna Dunn, thus uniting the famous Dunn family with the probably more famous Bennett family. William Bennett's father was a captain in the Revolution and his great-uncle was a general, commanding a division in Cromwell's world renowned Ironsides. Isaac Dunn, who was a younger son, and brother to Sir Daniel Dunn, married Miss Mary Sheffield and begat Susanna Dunn, who was the only fruit of this marriage. There was born to William Bennett, Jr., and Susanna Dunn, Lemuel Dunn Bennett, who married Jane Little, daughter of William Little of Marlsgate, England. To L. D. Bennett and Jane Little was born the subject of this sketch—John Washington Bennett.

Descended from a long line of illustrious ancestry on both sides, he inherited extraordinary capacity—a sound mind in a sound body. In the old field schools, in the academy, in the university, his character developed and was marked by mental ability and moral courage of a supreme order and type.

When a youth in his teens his sturdy manhood sought outlet in the existing development of the States on the banks of the Mississippi. While with his cousin, Charles Bennett, he was stricken with that fell disease, typhoid fever. For weeks he daily grew worse till his life was despaired of and his death confidently expected. Treatment of that day denied the patient water or other cooling drink. He lay for

days in weltering heat; his breath hot, his tongue swollen; aye! cracked and parched with the scorching fever. No soothing touch of a dear woman's hand was laid on his burning brow. His bachelor cousin Charles was his only companion and nurse. He begged so piteously and so continuously for water that, manlike, his cousin Charles' patience became exhausted. He brought a bucket of fresh water from the cistern, set it near the bedside and said, "Drink, drink ye all you want, and—and die." Believing the water would kill him, he would not hand it and become his murderer.

By a supreme effort he succeeded in getting the gourd to his mouth and quaffed it off. The cold water revived his strength. Again and again he drank freely of the elixir of life. His overloaded stomach rejected the excessive potations, which had fortunately absorbed, in some measure, the heat of his feverish body. From that moment a turn in the tide set in and he rapidly convalesced to normal health. He returned to his native heath, determined to complete his education and went to the University of Virginia. After graduating, he chose the profession of medicine.

With his sheepskin properly signed by the president and other professors of the Jefferson Medical College of Philadelphia, attesting his proficient qualifications in the science of medicine, he returned to Anson County and located in the new and thriving village of Carolina Female College, since known as Ansonville. Courteous manners, kindly interest, friendly deeds, assiduous application, conjoined with natural ability, soon won him a large, lucrative patronage.

His success was assured and he took unto himself a help-mate, marrying the beautiful, stately, and attractive Miss Rosa Boggan, of the city of Wadesboro, his social equal. It is usually conducive to happiness—mating in the same social circle. Only a few short, fleeting, happy months were granted to them when she winged her flight to Elysian fields.

Soon afterwards the tocsin of war sounded throughout the land and we find our doctor of medicine marching in the

ranks, keeping step to the quivering throbbings of the drum and the martial symphonies of the fife.

On arrival of his company in Richmond his fame as a physician had preceded him—he was taken from the ranks, raised to the rank of captain and appointed assistant surgeon of Chimborazo Hospital. Here his skill as a physician had ample opportunity to develop and display the strong mental capacity and resourceful man behind the energetic surgeon. We have no access to the records, if in existence, and can not know the many successful operations performed upon the hundreds or thousands of wounded carried to the hospital. His retiring disposition shrank from notoriety, and he told not even to his most intimate friends the many serious surgical operations performed. We do know his fame as a surgeon and physician increased with the months of service and experience, because when it became necessary for the government of the Confederacy to establish another hospital in the city of Richmond, known as the Soldiers' Home, Dr. John W. Bennett was selected from the many aspirants, and was appointed chief surgeon with the rank of major in the Confederate army. This position he worthily filled till after Appomattox, remaining with commendable faithfulness at his post until the last patient was discharged.

Returning to his native heath, whose sacred soil had been trod by the vandal hordes of Sherman's army—home laid waste and devastated by fire and sword—his courage equaled the calamity and with renewed energy he sought to repair his fallen fortunes.

Zeal, guided by wisdom and experience, soon made him the loved physician of the section, success crowned his efforts without oppressing the poor (and we were all poor), and all never failing to find in him a man of warm sympathetic heart, ever ready to respond to their call for relief. He gave to every patient the needed attention and did not neglect the insignificant and destitute. His one object in life was to re-

lieve suffering humanity and his zest equaled his physical endurance.

To the mind of the writer one characteristic of his greatness was displayed and exemplified by his disbelief in much dosing. I have heard him say that to exacting patients he had often prescribed and administered bread pills. It was his firm conviction, exemplified in his practice, to sustain the physical being till nature could rectify the malady and restore the body to its normal condition. One day Doctor Bennett and the writer were driving along the lane some three hundred yards north of Mr. Perde Richardson's residence. At that time the old rail fence was the only protection of cultivated fields from stock that ran at large. The better the fence the better the farmer, and planters vied one with another in having the best fence. This fence was laid with rails ten feet long, zigzag like the track made by a crawling snake, hence the name "snake fence."

The rails laid on the ground, or worm as it was called, were placed with great care and precision, sighted by stakes, that each corner should be perfectly in line and straight as the famous "bee line." After the worm was laid, then one rail was placed exactly over another to the number of ten. At the corners, where the rails locked, were planted in the ground two rails, one on either side of the fence, leaning against the corners, acting as a brace to the fence. These two rails formed a lock above the panel and another rail was laid in the locks of each panel—making a very high, strong and substantial fence, proof against raging winds and mean stock—as General Atlas Dargan used to say, "Horse high, pig tight, and bull strong." Such a fence bordered either side of the road—usually termed a lane. Riding along this lane, as above stated, Doctor Bennett became reminiscent, and related the following incident; as near as possible, I quote his own words:

"Riding along here one dark night on a professional call, I heard horsemen approaching at a rapid, flying gait. Fearing

danger, I reined my horse to one side near the fence to escape being run over. To my astonishment I saw neither horses nor horsemen, but the sound of flying feet of race horses cleaving the wind passed obliquely across the road, over the fence and off through the field. Pondering upon this strange occurrence as I rode along, about one hundred yards I overtook Aunt Dicey, an old darky belonging to Mr. Perde Richardson. I asked her if she met or saw any men on horses riding rapidly. She replied: 'Oh, Marse John, dat's dem old race horses; dey rides ever now and den of er night.'

"On investigating the matter I learned that in the Revolutionary days there was a straight level stretch of road here running obliquely across the present road which was used as a race track, and that in one of the races a man was killed."

Doctor Bennett, relating the above, looked straight to the front. He did not even smile and spoke the words of truth and soberness.

Experiencing the desolateness of the empty house and fireless hearth, he again sought and obtained the great boon of the love of another fair daughter of one of Anson's nobility and wedded the lovely maid, Mary Richardson. He bought the commodious residence of the LeGrands, about two miles from Wadesboro, at the beginning of what was then known as Longtown, embracing a section of highway leading from Wadesboro to Cheraw. Said section was decked at convenient, neighborly intervals with the residences of the Marshalls, the Smiths, the Richardsons, the Littles, and the Bennetts. Here allow a digression for a moment to say the name "Longtown" was evidently imported from England, as there is still a similar section so designated, lying in Cumberland County, near the border of Scotland, contiguous to the original and famous "Gretna Green" and adjacent to Marlsgate, the ancient seat of the Little family.

Doctor Bennett's practice was extensive, embracing not only the section of country adjoining, but Wadesboro, Lilesville and adjacent sections. Because of the exposure of his

family in the country to the lawless miscreants of Reconstruction days and afterwards, during his necessary absence in pursuit of his profession, he sold his elegant home and purchased in the limits of the corporation of the town of Wadesboro.

Born among rugged hills, his cradle rocked amid the everlasting foundations of granite cliffs overhanging Jones Creek, his lullabies the singing waters, made him a very child of Nature. Roaming the hills, gun in hand, and resting his weary head on the rocks for a pillow, no wonder he took cognizance of the flora and herbs of health-restoring qualities and turned his attentive genius to the art of healing—the greatest boon of suffering humanity.

A living and live member of the Methodist Church, he died May 6, 1899, in the odor of sanctity, leaving a priceless heritage of a noble life to his wife, two sons and two daughters, and—and to a host of friends. Another brave soldier answered to the last roll call when the Master ordered the angel to beat taps to the loyal soul of John Washington Bennett—chief surgeon of the Confederate Hospital, "The Soldiers' Home."

Biographical and Genealogical Memoranda

Compiled and Edited by MRS. E. E. MOFFITT.

Sketches of Dr. Archibald Henderson appeared in **THE BOOKLET**, Vol. XVI., No. 2, and Vol. XIV, No. 3.

GENEALOGICAL DEPARTMENT QUERIES.

Mrs. J. L. Kline, 480 Claybrooke, Memphis, Tennessee.

GILLESPIE—John Gillespie, of North Carolina, married Miss Craig, and their son John married "Ella Dickey." I want his birth, death, children, and Revolutionary service.

John Gillespie and Ella Dickey Gillespie had a son, James, born October 10, 1809.

Thanking you for your trouble.

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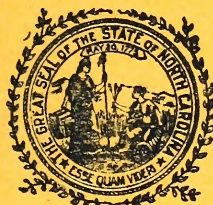
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Postmaster-General.

Vol. XVII

JANUARY, 1918

No. 3

The North Carolina Booklet



GREAT EVENTS IN NORTH CAROLINA HISTORY



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

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The North Carolina Booklet

Great Events in North Carolina History

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The
NORTH CAROLINA BOOKLET

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While we live we will cherish, protect and defend her!"*

Published by
THE NORTH CAROLINA SOCIETY
DAUGHTERS OF THE REVOLUTION

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

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The North Carolina Booklet

Vol. XVII

JANUARY, 1918

No. 3

The Continental Line of North Carolina

BY FRANK NASH.

To pause, even for a moment, in the midst of the turmoil of a world, to consider the part that the Continental Line of North Carolina took in the Revolutionary War, seems, at first blush, puerile. When the philosophical historian, however, comes later to trace through the distant past the causes of the Great War, he will find that the "embattled farmers" of 1776 were inspired by the same idealism that the Allies are now; that the Revolutionary War had the same spiritual import as has the Great War. He will find that the material outcome of that war is small, very small, when compared with its moral effect upon the world at large; that a victorious peace was, in itself, insignificant, as compared with the spiritual conquest of our ally, France, and of our foe, Britain. Had it not been for this conquest the present war would have been a mere sordid struggle for more territory and more power, with America on one side, an interested observer, but not an active participant. As it is she is standing hand in hand and soul to soul with these great democracies, feeling in the depths of her heart that the struggle of 1776 has been renewed, only its theater is the world, and not a small section of a continent.

If the Revolutionary War was waged in defense of the liberties of Americans, much more is this; if it was a protest against autocracy, much more is this; if it was a defense of

democracy, much more is this. The Great War is indeed a life and death struggle between the two antagonistic world political principles, autocracy and democracy, and if the former conquers, then all the blood that our ancestors shed, all the treasure they expended, was shed in vain, were expended in vain.

It is fortunate that we have as president at this time of stress a great historian, as well as a great statesman. He knows, none better, how terribly destructive to life and property has been the lack of organization in all our wars, from the Revolution to that with Spain. So he put in action a thousand wonderful agencies which are welding the 110,000,000 people of this country into an army inspired by one spirit and moving to one end. He knew how much the great souled Washington was harrassed by the folly and dilatoriness of the Continental Congress in raising an army for the defense of their liberties; he knew the disgraceful inefficiency of the militia in the War of 1812, and the equally disgraceful insubordination of the volunteers in the War with Mexico; he knew the unpreparedness of both sides in the War Between the States, as marked also in the Spanish-American War; so he gave us the draft, the wisest, fairest, and most equal way of raising an army for the defense of democracy.

There is little exaggeration in Senator Chamberlain's declaration: "I have sometimes wondered how that distinguished commander of the American forces (Washington), with his splendid aide, Alexander Hamilton, ever had time to organize an army, because they devoted so much of their time to appeals to the Continental Congress and to the States to assist them in organizing an army that might be successful in the accomplishment of victory."

Out of those appeals, however, came the Continental Line. Congress at first refused to make the enlistment longer than for one year. "It is not easy," said Judge Marshall, in his *Life of Washington*, "to account for this fatal error. Some jealousy of a permanent army was, probably, intermingled

with the hope that the war would not be of long duration, and with the fear that much difficulty would be experienced in prevailing on men to enter into engagements of unlimited extent." It took the Long Island disaster, August 27, 1776, as well as much pleading from Washington, to arouse Congress to action. He thus writes to them after that disaster :

"Our situation is truly distressing. The check our detachment sustained on the 27th ultimo has dispirited too great a proportion of our troops, and filled their minds with apprehension and despair. The militia, instead of calling forth their utmost efforts to a brave and manly opposition, in order to repair our losses, are dismayed, intractable and impatient to return. Great numbers of them have gone off, in some instances almost by whole regiments, in many by half ones and by companies at a time. This circumstance of itself, independent of others, when fronted by a well appointed enemy, superior in number to our whole collected force, would be sufficiently disagreeable; but when it is added that their example has infected another part of the army; that their want of discipline and refusal of almost every kind of restraint and government, have rendered a like conduct but too common in the whole, and have produced an entire disregard of that order and subordination necessary for the well doing of an army, our condition is still more alarming, and with the deepest concern I am obliged to confess my want of confidence in the generality of the troops. All these circumstances fully confirm the opinion I ever entertained, and which I, more than 'once in my letters, took the liberty of mentioning to Congress: that no dependence could be put in a militia, or other troops than those enlisted and embodied for a longer period than our regulations have heretofore prescribed. I am persuaded, and am as fully convinced as of any one fact that has happened, that our liberties must, of necessity, be greatly hazarded, if not entirely lost, if their defense be left to any but a permanent army."

Immediately after the receipt of this letter, September, 1776, Congress proposed to the various States a permanent army to be enlisted for the war, and to be composed of eighty-eight battalions. These were to be raised by the various States in proportion to their ability. The share of North Carolina was nine battalions. A bounty of twenty dollars was allowed to each recruit, and portions of vacant lands were allotted to each soldier, from 500 acres to a colonel down to 100 acres for each noncommissioned officer and private.

The Hillsboro Congress of August-September, 1775, acting under the one-year plan of the Continental Congress, had already provided for two regiments of five hundred men each, and had elected the officers as follows:

FIRST REGIMENT.

Colonel—James Moore.

Lieutenant Colonel—Francis Nash.

Major—Thomas Clark.

Adjutant—Wm. Williams.

Captains—Wm. Davis, Thos. Allon, Alfred Moore, Caleb Grainger, Wm. Pickett, Robert Rowan, John Walker, Henry Dickson, George Davidson, William Green.

Lieutenants—John Lillington, Joshua Bowman, Lawrence Thompson, Thomas Hogg, William Berryhill, Hector McNeill, Absolum Tatum, Hezekiah Rice, William Brandon, William Hill.

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

Surgeon—Dr. Isaac Guion.

SECOND REGIMENT.

Colonel—Robert Howe.

Lieutenant Colonel—Alexander Martin.

Major—John Patten.

Adjutant and First Captain—John White.

Captains—James Blount, Michael Payne, Simon Bright, Jno. Armstrong, H. I. Toole, Hardy Murfree, Chas. Crawford, Nathaniel Keais, John Walker.

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

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

Surgeon—Dr. William Pasteur.

The captains were to be commissioned as soon as their various companies were filled up by recruits, thus making rank a reward to the diligent. The Halifax Congress, in April, 1776, added four additional regiments to the Continental Line, and that of November, 1776, three, thus making the quota of nine battalions asked of the State. These battal-

ions were to consist of eight companies, and each company of 76, rank and file. The Continental Congress later refused to receive any battalion containing less than 300 file into the service. A tenth battalion, commanded by Col. Abraham Shepperd, was added to the Continental Line in 1777. It did not join Washington until the Spring of 1778.

Speaking generally, the Continental troops of North Carolina never took part in a battle in which they did not fight well and bravely, but none of the battalions were full when they were engaged in active service. The difficulty of enlisting men for a long term, when they could satisfy their conscience by a three months' service with the militia, particularly when the enlistment for a long term would be followed by marches, perhaps to a distant State, the smallness of the bounty provided by the State of North Carolina for such enlistments, as compared with those of neighboring States, and the remissness of both the Confederacy and the State to provide them with adequate equipment and an adequate commissary, all tended to retard enlistments in the first instance, while numerous desertions among the men depleted the ranks after enlistments had been made. There were four regiments in Charleston in 1776, and it is probable that there were not more than 600 effective soldiers. Not more than 800 marched north with General Nash in 1777, to Brandywine and Germantown. We know that on November 10, 1777, the brigade contained only 520 effectives, 868 in all. (11 S. R., page 676.) And this notwithstanding the fact that Col. John Williams had joined with the 7th, 8th, and 9th battalions. These latter battalions, however, had only fragments of their quotas. Indeed the most striking, and at the same time depressing, fact in the history of the regular troops of North Carolina in the Revolution is the difficulty those in authority had in enlisting a proper number of men and in keeping them in the ranks after they were enlisted. It is true 5,454 names appear upon the roster (16 S. R., pages 1002 *et seq.*), but this number includes all who had died, been captured, dis-

charged, omitted, or deserted; and of the latter there was considerably over ten per cent of the whole number.

The first actual service of these troops was at Charleston, South Carolina. An account of this I take from Ashe's *History of North Carolina*, pages 536-9:

"On the departure of the fleet (British) from the Cape Fear, Lee hastened to Charleston, accompanied by Howe, where he arrived early in June (1776). Moore remained at Wilmington, but two Continental regiments under Nash and Martin reached Charleston on June 11th, followed later by the Virginia Regiment and the Third and Fourth Continentals, not then needed at Cape Fear. A rifle regiment raised in the west likewise repaired to Charleston. Felix Wagner, afterwards long a member of congress from the Buncombe district, says in his Autobiography: 'I was appointed lieutenant in Captain Richardson's company in the rifle regiment. I returned to Watauga and recruited my full proportion of men and marched them to Charleston in May, 1776, joined the regiment and was stationed on James Island.'

"When the fleet dropped anchor off the bar the Charlestonians barricaded their streets and prepared to defend the wharves of their city, and soon troops were stationed on the outlying islands inclosing the harbor. Colonel Moultrie began working night and day constructing a fort on the end of Sullivan's Island by bolting palmetto logs together for walls, with sixteen feet of sand between them. Week after week passed and no attack was made, so that toward the end of June the front of his fort was well finished and thirty odd guns were mounted in it. But powder was scarce, and there were hardly twenty-five rounds of ammunition for the guns. On the northeast of that island lay Long Island, a naked sand bank, and there Clinton landed more than three thousand troops, intending to cross the narrow intervening waters and thus gain possession of Sullivan's Island. To resist his advance Colonel Thompson of South Carolina was stationed at that end of Sullivan's Island with three hundred of his own riflemen, two hundred of Clark's North Carolina regiment, two hundred more South Carolinians under Horry, and with some light pieces on his flank; while Nash, for whom Lee had conceived a high opinion, was placed to defend the rear of the fort, which was unfinished and a post of great consequence.

"After much fortunate delay, in the early morning of June 28th the fleet approached the fort and the battle began. The British brought into action ten times the number of guns that Moultrie could use, but made no impression on the palmetto fort. A flag of blue with a white crescent emblazoned with the word 'Liberty' proudly floated over the rampart. In the torrent of balls the staff that bore it was severed, but as it fell Sergeant Jasper heroically seized the standard and raised it again on the bastion next to the enemy. The attempt

to pass from Long Island was no more successful than the attack on the water. The brave Americans drove the infantry back on two occasions, and the assault both on land and sea was a signal failure. The slow and skillful fire of Moultrie drove off the fleet and destroyed several frigates, the *Bristol* losing 40 men killed and 71 wounded, and the *Experiment*, 23 killed and 56 wounded; while the American loss, after ten hours of incessant conflict, was but 11 killed and 26 wounded. Repulsed, defeated, the army reëmbarked on the vessels and the contest was over."

A fleet under Sir Peter Parker had recently come out of England with fresh troops, commanded by the Earl of Cornwallis. It was joined by transports and men of war, bearing a force under Sir Henry Clinton, and a combined attack was made, by sea and land, upon the fort on Sullivan's Island, but the attack was a complete failure, the fort sinking two of the enemy's vessels, one, Sir Peter's own flag ship. General Charles Lee was in command of the patriot army. In his official report he said: "I know not which corps I have the greatest reason to be pleased with; Muhlenberg's Virginians or the North Carolina troops; they were both equally alert, zealous, and spirited. . . . Upon the whole the South and North Carolina troops and the Virginia rifle battalion we have here are admirable soldiers." This was a very handsome compliment to raw troops from one who was himself a trained and experienced soldier.

The Third Regiment and some companies of the First and Second remained in South Carolina, under the command of General Robert Howe, for the remainder of the year 1776, while the other regiments were with General James Moore in North Carolina. They were distributed at different points in the eastern part of the State, while a small detachment of the Third was at Salisbury with Colonel Alexander Martin. In March, 1776, Colonel James Moore of the First Regiment was promoted to be Brigadier, and on April 10, 1776, Francis Nash was made Colonel of that regiment, and still later, February 5, 1777, he, also, was made a brigadier-general, and was ordered to the western part of the State to expedite the recruiting service. In March, however, he was ordered to join

General Moore, and with him to proceed north with all the Continental troops that could be collected. General Moore died about the middle of April. In a sketch of his life in the *Biog. His. of N. C.*, vol. 2, page 301, it is said: "General Moore was a man of delicate organization and frail constitution, in striking contrast with his heroic soul and fine intellectual capacity. The exposure to which he was subjected that summer and fall (1776) on the malarious coast of South Carolina proved fatal to him. His health gave way, and in January, 1777, he returned to the Cape Fear, and died on the 15th of that month, lamented by all the patriots of North Carolina. It is related that he and his brother, Judge Maurice Moore, expired in the same house on the same day and were buried together. Of General Moore it has been said that he was the most masterful military man furnished by North Carolina in the War of Independence, and probably he had no superior in military genius on the continent."

It is well to notice that in several places in this volume of the *Biographical History* it is stated that General Moore died on January 15th. This, of course, is wrong. He died, as stated above, about the middle of April, 1777. (See 11 S. R., pages 411, 454, and 456.)

On the 20th of April General Nash set out from New Bern to take command of the brigade. From various causes the march of the troops north was delayed, and being further delayed by inoculation for smallpox at their camp at Georgetown, they did not reach Philadelphia until the 1st of July. Hugh McDonald, in his journal (11 S. R., pages 828 *et seq.*) gives such an interesting account of the peregrinations of the brigade and of his own adventures as a private in the Sixth Regiment of the Continental Line that I transcribe a large part of it. He was himself a Scotch Highlander and had fought at Moore's Creek.

"Notwithstanding this scouring (at Moore's Creek) and the just contempt of our fellow citizens, we remained in heart as much Tories as ever. This expedition took place in the month of February, 1776, from which we returned and began to prepare our fences for

a crop the ensuing summer. About the first of June a report was circulated that a company of light horse were coming into the settlement; and as a guilty conscience needs no accuser, every one thought they were after him. The report was that Colonel Alston had sent out four or five men to cite us all to muster at Henry Eagle's on Bear Creek; upon which our poor deluded people took refuge in the swamps. On a certain day, when we were plowing in the field, news came to my father that the light horse were in the settlement and a request that he would conceal himself. He went to the house of his brother-in-law to give him notice, and ordered me to take the horse out of the plow, turn him loose and follow him as fast as I could. I went to the horse, but never having ploughed any in my life, I was trying how I could plow, when five men on horseback appeared at the fence, one of whom, Daniel Buie, knew me and asked me what I was doing here. I answered that my father lived here; and he said he was not aware of that. 'Come,' he says, 'you must go with us to pilot us through the settlement; for we have a boy here with us who has come far enough. He is six miles from home and is tired enough.' His name was Thomas Graham, and he lived near the head of McLennon's Creek. I told Mr. Buie that I dare not go, for, if I did, my father would kill me. He then alighted from his horse and walked into the field, ungeared the horse and took him outside the fence. He then put up the fence again; and, leading me by the hand, put me on behind one of the company, whose name was Gaster, and discharged the other boy. We then went to Daniel Shaw's, thence to John Morrison's (shoemaker), thence to Alexander McLeod's, father of merchant John McLeod, who died in Fayetteville, thence to Alexander Shaw's (blacksmith), thence to old Hugh McSwan's, who gave a half crown for a small gourd when we landed in America. Here I was ordered to go home, but I refused and went with them to the muster at Eagle's. Next day Colonel Philip Alston appeared at the muster, when these men told him that they had taken a boy to pilot them a little way through the settlement and that they could not get clear of him. The Colonel personally insisted on my going back to my father, but I told them I would not, for I had told them the consequence of my going with them before they took me. Seeing he could not prevail with me, he got a man by the name of Daniel McQueen, a noted bard, to take me home to my father, but I told him that I was determined to hang to them. Colonel Alston then took me with him and treated me kindly. Mrs. Alston desired me to go to school with her children until she could send my father word to come after me, and she would make peace between us; but her friendly offers were also rejected.

"On the following Tuesday I went with the same company of horsemen to Fayetteville (Cross Creek), where I met a gentleman by the name of Daniel Porterfield, a lieutenant in Captain Arthur

Council's company, who asked me if I did not wish to enlist. I told him, not with him; but I wanted to see a Mr. Hilton who, I understood, was in the army, and wherever he was, I wished to be. He told me that he and Hilton were of one company, and if Hilton did not tell me so, he would take back the money and let me go with Hilton. I then took the money and was received into the service of the United States June 10, 1776, and in the fourteenth year of my age.

"After my enlistment we continued in Cross Creek until the middle of July, when we went on board of Mrs. Blanctret's boat and floated down to Wilmington, where the brigade was made up, which was commanded by General Frank Nash, and consisted of six regiments. Of the first regiment, Thomas Clarke was Colonel and John Mebane, Lieutenant Colonel; of the second, Alexander Martin, from Hillsboro, was Colonel and John Patton, Lieutenant Colonel; of the third, Jethro Sumner was Colonel and William Davidson, Lieutenant Colonel; of the fourth, Thomas Polk was Colonel and J. Paxton, Lieutenant Colonel; of the fifth, ----- Buncombe was Colonel and ----- Eden, Lieutenant Colonel; of the 6th, Lillington had the command, but being unable from old age to go on parade, when the regiment was made up at Wilmington, he was forced to resign, and Lieutenant Colonel Lamb of Edenton took command of the regiment. Our major died at Wilmington, and Captain Arch'd Lyttle, from Hillsboro, who had been educated for a preacher of the gospel, was promoted to the rank of Lieutenant Colonel. Captain Griffin (sic) McRee, of Elizabeth Town, was appointed Major, and of this regiment (6th) I was a private soldier.

"Not more than three weeks after the brigade was embodied, my Captain, Arthur Councill, a young man who had been raised near Cross Creek, and whose father's house is yet known by the name of Councill Hall, died. This young gentleman was distinguished in the regiment for modesty, gentility and morality. Shortly after the death of Councill, his first lieutenant, who was known by the name of Philadelphia Thomas White, became our captain, and he was as immoral as Councill was moral. As sickness was prevailing in the regiment, we moved out of town about eight miles to a place called Jumping Gully, where we encamped until about the middle of October and were drilled twice a day. In this camp I was taken sick, and continued ignorant of everything that passed for five weeks. One evening, the brigade being on parade, I felt a great desire for home, and thought I saw everything at my father's house before my eyes. I got out of my tent and went away some distance to a running branch. The water, from falling over a large poplar root, had made a deep hole below, and, getting into the hole, I laid my head on the root, which I believe was the sweetest bed I ever lay in. The water was so cool to my parched body that I lay there until ten o'clock the next day before they found me, George Dudley, Sergeant of my company, having crossed within two feet of my head without

seeing me. William Carrol, who was in company with Dudley, discovered me and exclaimed, 'By -----, here he is, turned to be an otter. He is under the water.' Dudley, having passed me, turned back, took me out of the water and carried me to camp. When the doctor came to see me, he said that the water had cooled my fever and that I would recover, though he had given me out before. I did recover and recruited very fast every day after my immersion. . . .

"I shall now give my readers some account of the Captains of my regiment, which was the 6th; but I shall omit the subaltern officers' list; in attempting to recall so many names and characters, I should make a mistake, which I do not wish to do. When the brigade was made up each regiment consisted of eight captains, and of the 6th regiment Arch'd Lyttle was first captain, and Griffin McRee, second, who had very undeservedly enlisted most of his men for six months and returned them for three years, or during the war. This deception on the part of Captain McRee, occasioned many desertions in his company, when six months, the term of their enlistment, had expired. Captain Lyttle was from Orange, Captain McRee, from Bladen. The 3d Captain was George Doherty, who lived on the Northeast River, in Hanover County, and about 25 miles above Wilmington. He was a full-blooded Irishman, about seventy-five years of age, much of a gentleman and a brave soldier. The fourth captain was Philip Taylor, from Orange, a raw Buckskin, destitute of grace, mercy or knowledge as to that which is spiritual, and filled with pride and arrogance. The fifth was Tilman Dickson, from Edgecombe, a dirty Buckskin, who would rather sit on his hams all day and play cards with his meanest private soldier, in his homespun dress, than wash and uniform himself and keep company with his fellow officers as a captain ought to do. The sixth captain was Jemimah Pigue (?) from Onslow, who was a smart officer, a middle-aged man, and a guardian of his soldiers. The seventh captain was Daniel Williams from Duplin, a Buckskin, a gentleman and the friend and protector of his soldiers. The eighth was Benjamin Sharp, who was from Halifax county, and was a very smart officer.

"When the brigade embodied at Wilmington, it consisted of nine thousand and four hundred, rank and file (? , probably 940); twelve colonels, including lieutenant colonels, six majors, forty-eight captains, ninety-six lieutenants, forty-eight ensigns; two drummers and two fifers to every captain's company; one hundred and eighty-two sergeants; eight quartermaster sergeants and sergeants major to each regiment; one drum major, who was an old gentleman from Elizabeth, named Alexander Harvey; one fife major, an Englishman, by the name of Robert Williams, a master of all kinds of music and genteelly bred, who had been transported from England before the war for cursing the royal family; eight doctors, eight adjutants and one Brigade Major, a hatter from Hillsboro, besides sutlers and paymasters.

“On the 1st day of November (1776) we received orders to march to the North and join the grand camp, commanded by Washington. About the 15th of November we marched from Wilmington, under the command of General Frank Nash, and proceeded to the Roanoke River and encamped about a mile and a half from the town of Halifax, in Col. Long’s old fields, who was Commissary General of the North Carolina troops. There we remained about three weeks, when we received orders to turn back and go meet the British at Augustine and prevent them from getting into the state of Georgia, and proceeded by way of Wilmington. On our march we lay on the south side of Contentny Creek, where there were living an old man and woman who had a number of geese about the house; and next morning about twenty of their geese were missing. They came to the encampment inquiring about them; but getting no information among the tents, they went to the General, who said he could do nothing unless they produced the guilty. On his giving them ten dollars, however, they went away satisfied; and I am very sure that I got some of them to eat. . . . The General, after paying them ten dollars, gave the men strict orders to be honest or he would punish the least offense of that kind with severity.

“We proceeded thence to Wilmington where we stayed two days, and thence by Lockwood’s Folly to Georgetown. When we got to the Boundary House we encamped for a short time to rest, and Col. Alston, a wealthy gentleman of the neighborhood, came to see General Nash, and told him he could show him a better camping ground, which was an elevated neck of lands covered with hickory and other good fire wood. The trees were covered with long moss from the top to the ground; and of this we made excellent beds. There we stayed about a month waiting for further orders, where we cut and cleared about one hundred acres of land. During our continuance here, those who had been enlisted by our Major McRee and returned during the war, applied to their captain for their discharge; but he was not aware that any in the camp had been enlisted for six months. They then applied to their old captain, who had been promoted to the rank of major, but he told them in reply to their just request, that he would have them put under guard and punished according to martial law. This rebuff they were forced to bear and remain in silence; but concerted a plan for their own relief; for in the morning it was found that nine had deserted, some of whom were never taken, notwithstanding the claims resting upon them. . . .

“From this pleasant place we marched for Charleston, S. C., and crossed the Pee Dee at a place called Winyaw, about half way between Georgetown and the inlet. Thence to Charleston, and there we had orders not to go any further towards Augustine. We then marched back across Cooper River to Hadrell’s Point, opposite to Fort Sullivan, where we lay the remaining part of the winter and spring until March, 1777, and we were fed on fresh pork and rice

as our constant diet. About the 15th of March, we received orders to march to North and join Washington's grand army. We marched to Wilmington, N. C., and thence to Halifax, where we crossed the Roanoke River. After leaving the ferry and marching up the river about two miles, we came to a fishery, and the commanding officer having desired leave for his men to draw the seine, which was readily granted, by drawing it once, we drew so many that you would hardly miss from the pile what we took for our breakfast. We marched on and crossed the Meherrin at Hikes' Ford. . . .

"As we passed through the State of Virginia, we could scarcely march two miles at a time without being stopped by gentlemen and ladies who were coming to the road purposely to see us. We stopped two days at Williamsburg and rested. We then marched on and crossed the James River at the town of Richmond, where there were fishermen; and having gotten leave there also to draw the seine, every man took as many fish as he wanted. While passing through the town a shoemaker stood in his door and cried, 'Hurrah for King George,' of which no one took any notice; but after halting in a wood, a little distance beyond, where we cooked and ate our fish, the shoemaker came to us and began again to hurrah for King George. When the General and his aids mounted and started, he still followed them, hurrahing for King George. Upon which the General ordered him to be taken back to the river and ducked. We brought a long rope, which we tied around his middle and sesawed him backwards and forwards until we had him nearly drowned, but every time he got his head above water he would cry for King George. The General having then ordered him to be tarred and feathered, a feather bed was taken from his own house, where were his wife and four likely daughters crying and beseeching their father to hold his tongue, but still he would not. We tore the bed open and knocked the top out of a barrel of tar, into which we plunged him headlong. He was then drawn out by the heels and rolled in the feathers until he was a sight, but still he would hurrah for King George. The General now ordered him to be drummed out of the west end of the town, and told him expressly that if he plagued him any more in that way, he would have him shot. So we saw no more of the shoemaker.

"We then marched on until we came to the Potomac River; but early in the morning we were halted and all the doctors called upon to inoculate the men with small pox, which took them until two o'clock. We then crossed the river at Georgetown, about eight miles above Alexandria, near the place where Washington City now stands. There we got houses and stayed until we were well of the small pox. I having had the pox before, attended on the officers of my company until they got well, but what is very strange, in the whole Brigade there was not one man lost by pox, except one by the name of Griffin, who after he had got able to go about, I thought he was well,

imprudently went to swim in the Potomac, and next morning was found dead. About the last of June we left Georgetown for Philadelphia."

I have given this long extract from Hugh McDonald's Journal because it is an interesting account of these events by an intelligent participator in them. It has to some degree the faults of all such narratives, when reduced to writing years after the events have happened: it has a few mistakes of names and of chronology. Yet after all, when compared with the records, it has very few, and the story, with its human interest, brings graphically before us the scenes through which he was passing.

The brigade arrived at Philadelphia on July 1st. They then moved on to Trenton, where they were stopped by Washington until the 26th, when they were ordered back to Philadelphia. Before they reached Philadelphia the order was countermanded. Uncertainty as to the objective of Sir William Howe, who had embarked with his army at New York and, after some maneuvering, had put to sea, was the cause of the brigade's being stopped at Trenton, and also of its return to Philadelphia. On August 22d Washington received information that Howe's fleet had arrived in the Chesapeake, and he ordered General Nash to embark his brigade and Colonel Proctor's corps of artillery, if vessels could be procured for the purpose, and proceed to Chester; or, if vessels could not be procured, to hasten toward that place by land with all the dispatch he could. At Chester General Washington, with the remainder of his army, joined them, and they moved on to Wilmington, Delaware. It is unnecessary to state the further movement of the armies, which led up to the Battle of Brandywine, September 11, 1777. One hundred men of the North Carolina brigade were with General Maxwell, under the command of Colonel Alexander Martin, the rest of the North Carolina troops were with General Greene. I am indebted to Irving's *Life of Washington* for the following account of that battle:

"The Brandywine Creek, as it is called, commences with two branches, called the East and West branches, which unite in one stream, flowing from west to east about twenty-two miles, and emptying itself into the Delaware about 25 miles below Philadelphia. It has several fords; one called Chadd's Ford was at that time the most practicable, and in the direct route from the enemy's camp to Philadelphia. As the principal attack was expected here, Washington made it the center of his position, where he stationed the main body of his army, composed of Wayne's, Weedon's and Muhlenberg's brigades, with the light infantry under Maxwell. An eminence immediately above the ford had been intrenched in the night, and was occupied by Wayne's and Proctor's artillery. Weedon's and Muhlenberg's brigades, which were Virginia troops and formed General Greene's division, were posted in the rear on the heights as a reserve to aid either wing of the army. With these Washington took his stand. Maxwell's light infantry were thrown in the advance, south of the Brandywine, and posted on high ground each side of the road leading to the ford. The right wing of the army commanded by Sullivan, and composed of his division and those of Stephen and Stirling, extended up the Brandywine two miles beyond Washington's position. Its light troops and videttes were distributed quite up to the forks. A few detachments of unorganized and undisciplined cavalry extended across the creek on the extreme right. The left wing, composed of the Pennsylvania militia, under Major-General Armstrong, was stationed about a mile and a half below the main body, to protect the lower fords, where the least danger was apprehended. The Brandywine, which ran in front of the whole line, was now the only obstacle, if such it might be called, between the two armies.

"Early on the morning of the 11th, a great column of troops was descried advancing on the road leading to Chadd's Ford. A skirt of woods concealed its force, but it was supposed to be the main body of the enemy; if so, a general conflict was at hand. The Americans were immediately drawn out in order of battle. Washington rode along the front of the ranks, and was everywhere received with acclamations. A sharp firing of small arms soon told that Maxwell's light infantry were engaged with the vanguard of the enemy. The skirmishing was kept up for some time with spirit, when Maxwell was driven across the Brandywine below the ford. The enemy who had advanced very slowly did not attempt to follow, but halted on commanding ground, and appeared to reconnoiter the American position with a view to attack. A heavy cannonading commenced on both sides about ten o'clock. The enemy made repeated dispositions to force the ford, which brought on as frequent skirmishes on both sides of the river, for detachments of the light troops occasionally crossed over. One of these skirmishes was more than usually severe; the British flank guard was closely pressed, a captain and ten or fifteen men were killed, and the guard was put to flight, but

a large force came to their assistance, and the Americans were again driven across the stream. All this while there was the noise and uproar of a battle; but little of the reality. The enemy made a great thundering of cannon, but no vigorous onset. . . ."

About noon Washington received information that the main body of the British under Howe and Cornwallis were coming along the Lancaster road, undoubtedly with the intention of taking Sullivan by surprise, and thus turning the right flank of the patriot army. If this was true (he sent a squad of cavalry to ascertain if it was true) the enemy was not in force opposite him, and he would cross the Brandywine, and crush the British on its south banks, while Sullivan held the army of Howe. Unfortunately as he was preparing to adopt his plan other information came that no troops had passed along the Lancaster road, and he was not willing to attack the whole British army with the force he had with him. Too late, however, he discovered that the first information was correct. The enemy was two miles in the rear of Sullivan's right and was marching down at a rapid rate, while a cloud of dust showed that there were more troops behind them.

"In fact," says Irving, "the old Long Island stratagem had been played over again. Knyphausen with a small division had engrossed the attention of the Americans by a feigned attack at Chadd's Ford, kept up with great noise and prolonged by skirmishes; while the main body of the army under Cornwallis, led by experienced guides, had made a circuit of seventeen miles, crossed the two forks of the Brandywine, and arrived in the neighborhood of Birmingham meeting house, two miles to the right of Sullivan. . . ."

"Finding that thus Cornwallis had gained the rear of the army, Washington sent orders to Sullivan to oppose him with the whole right wing, each brigade attacking as soon as it arrived upon the ground. Wayne, in the meantime was to keep Knyphausen at bay at the ford, and Greene, with the reserve, to hold himself ready to give aid wherever required. . . ."

"Sullivan on receiving Washington's orders advanced with his own, Stephen's and Stirling's divisions, and began to form a line in front of an open piece of wood. The time which had been expended in transmitting intelligence, receiving orders and marching, had enabled Cornwallis to choose his ground and prepare for action. Still more time was given him by a delay of the Americans in forming their line, arising from a mere point of etiquette. Lord Stirling's division

had accidentally formed on the right of Sullivan; this was taking rank of him; the position had to be changed, and this change was taking place when Cornwallis advanced rapidly with his troops in the finest order, and opened a brisk fire of musketry and artillery. The Americans made an obstinate resistance, but being taken at a disadvantage, the right and left wings were broken and driven into the woods. The centre stood firm for a while, but being exposed to the whole fire of the enemy, gave way at length also. The British in following up their advantage got entangled in the wood. . . .

"The Americans rallied on a height to the north of Dilworth, and made a still more spirited resistance than at first, but were again dislodged and were obliged to retreat with heavy loss. While this was occurring with the right wing, Knyphausen, as soon as he learnt from the heavy firing, that Cornwallis was engaged, made a push to force his way across Chadd's Ford in earnest. He was vigorously opposed by Wayne, with Proctor's artillery, aided by Maxwell and his infantry. Greene was preparing to second him with his reserve, when he was summoned by Washington to the support of the right wing; which the commander-in-chief (who had himself gone to the right wing) had found in imminent peril. Greene advanced to the relief with such celerity, that it is said on good authority his division accomplished the march, or rather run, of five miles in less than fifty minutes. He arrived too late to save the battle, but in time to protect the broken masses of the left wing, which he met in full flight. Opening his ranks from time to time for the fugitives, and closing them the moment they had passed, he covered their retreat by a sharp and well directed fire from his field pieces. His grand stand was made at a place about a mile beyond Dilworth, which, in reconnoitering the neighborhood, Washington had pointed out to him as well calculated for a second position, should the army be driven out of the first. . . . Weedon's brigade was drawn up in a narrow defile, flanked on both sides by woods, and perfectly commanding the road; while Greene, with Muhlenberg's brigade, passing to the right, took his station on the road. The British came on impetuously, expecting but faint opposition. They met with a desperate resistance and were repeatedly driven back. It was the bloody conflict of the bayonet; deadly on either side, and lasting for a considerable time. Weedon's brigade, on the left, maintained its stand also with great obstinacy, and the check given to the enemy by these two brigades, allowed time for the broken troops to retreat. Weedon's was compelled at length by superior numbers to seek the protection of the other brigade, which he did in good order, and Greene gradually drew off the whole division in the face of the enemy, who checked by this vigorous resistance, and seeing the day far spent, gave up all further pursuit.

"The brave stand made by these brigades had, likewise, been a great protection to Wayne. He had for a long time withstood the

attacks of the enemy at Chadd's Ford, until the approach on the right of some of the enemy's troops who had been entangled in the woods, showed him that the right wing had been routed. He now gave up the defense of his post, and retreated by the Chester road. Knyphausen's troops were too fatigued to pursue him; and the others had been kept back, as we have shown, by Greene's division. So ended the varied conflict of the day."

I have given this long account of the Battle of the Brandywine, because it is the clearest description of that battle that I have found. It does not help in solving the problem of the part that the North Carolina troops took in it, because Irving, with the exception of Weedon and Muhlenberg, describes the troops by divisions. Judge Clark says the North Carolina troops were in the division commanded by Lord Stirling (11 S. R., page 15). Mr. Ashe, *History of North Carolina*, page 581, says that they were in the division commanded by General Sullivan, and participated in the battle; but the management was so wretched that none of the brigades in Sullivan's division won any renown. The writer in a sketch of General Nash, in the *Biographical History of North Carolina*, 3d volume, adopts the view that they were with General Sullivan, but in Lord Stirling's division. It is quite probable that none of these assertions is correct, for Thomas Burke, who was himself on the battlefield, writing to Governor Caswell, September 17th, after stating that General Sullivan commanded the right wing, and the confusing reports in regard to the approach of Cornwallis and the discomfiture of General Sullivan at the ensuing battle, says: "The evil did not end here. Greene's division and Nash's brigade, which formed the chief strength of the centre, were ordered to the right to reinforce the troops of that wing. . . . None of the reinforcements had time to get up so as to engage, except Weedon's brigade, who checked the enemy and very gallantly covered the retreat of the whole army." (11 S. R., 621.) On the same day in a letter signed by himself, Penn and Harnett, it is said, "The North Carolina troops were not engaged in the late action."

Soon after the brigade joined General Washington a hundred light infantry men were chosen from it, and they were placed under the command of Colonel Alexander Martin. It is certain that these were part of General Maxwell's brigade at Chadd's Ford, and that both Captain Jacob Turner and Hal Dixon distinguished themselves there. A month later Turner was killed at the battle of Germantown.

Germantown, October 4, 1777, was the first battle in which the North Carolina Continental troops as a brigade took part.

"Germantown, at that time was little more than one continued street, extending two miles north and south. The houses were mostly of stone, low and substantial, with steep roofs and projecting eaves. They stood apart from each other, with fruit trees in front and small gardens. Beyond the village, and about one hundred yards east of the road, stood a spacious stone edifice, with ornamented grounds, statues, groves and shrubbery, the country seat of Benjamin Chew, Chief Justice of Pennsylvania previous to the Revolution. Four roads approached the village from above; that is, from the north. The Skippack, which was the main road, led over Chestnut Hill and Mount Airy down to and through the village toward Philadelphia, forming the street of which we have spoken. On its right and nearly parallel, was the Monatawney, or Ridge road, passing near the Schuylkill, and entering the main road below the village. On the left of the Skippack, or main road, was the Limekiln road, running nearly parallel to it for a time and then turning towards it, almost at right angles, so as to enter the village at the market place. Still further to the left or east, and outside of all, was the Old York road, falling into the main road some distance below the village.

"The main body of the British forces lay encamped across the lower part of the village, divided into almost equal parts by the main street, or Skippack road. The right wing commanded by General Grant was to the east of the road, the left wing to the west. Each wing was covered by strong detachments, and guarded by cavalry. General Howe had his headquarters at the rear. The advance (guard) of the army, composed of the 2d battalion of British light infantry, with a train of artillery, was more than two miles from the main body, on the west of the road, with an outlying picket stationed with two six pounders at Allen's house on Mount Airy. About three quarters of a mile, in the rear of the light infantry lay encamped in a field opposite Chew's House the 40th regiment of infantry under Colonel Musgrave.

"According to Washington's plan for the attack, Sullivan was to command the right wing, composed of his own division, principally Maryland troops, and the division of General Wayne. He was to be

sustained by a corps de reserve composed of Nash's North Carolina and Maxwell's Virginia* brigades, and to be flanked by the brigade of General Conway. He was to march down the Skippack road and attack the left wing; at the same time General Armstrong, with the Pennsylvania militia, was to pass down the Monatawny, or Ridge Road and get upon the enemy's left and rear. Greene with the left wing composed of his own division and the division of General Stephen, and flanked by McDougall's brigade, was to march down the Limekiln Road, so as to enter the village at the market house. The two divisions were to attack the enemy's right wing in front, McDougall with his brigade to attack it in flank, while Smallwood's division of Maryland militia and Forman's Jersey brigade, making a circuit by the Old York Road, were to attack it in the rear."

This was an excellent plan, and notwithstanding the fog, had all the troops in Washington's army done their duty in that battle as faithfully as did the rank and file of the North Carolina brigade, the result would have been very different. That they fought well is the uncontradicted testimony of all. They had been ordered to the front by Washington himself (under whose eye they fought) to reinforce Sullivan and with him had pushed on a mile beyond the Chew House, driving the enemy before them, when Sullivan's troops, having expended all their ammunition, were alarmed by seeing the enemy gathering on their left and by the cry of a light horseman that they were getting around them, and fell back in a disorder that soon became a panic. In an overwhelming fog friends were mistaken for enemies, and what at first promised to be a complete victory was converted into as complete a defeat. It was after the brigade had passed the Chew House and through the camp of the British infantry that General Nash was wounded. Mr. Custis, who was a namesake and favorite of General Washington, and father of the wife of General R. E. Lee, writes thus of General Nash's death in the *National Intelligencer*, issue of February 22, 1841:

"While gallantly leading the North Carolina Brigade, that formed part of the reserve, into action, General Nash was mortally wounded. A round shot from the British artillery striking a sign post in Germantown, glanced therefrom and, passing through his horse,

*This is error. Maxwell's was a New Jersey brigade.

shattered the General's thigh on the opposite side. The fall of the animal hurled its unfortunate rider with considerable force to the ground. With surpassing courage and presence of mind, General Nash, covering his wound with both of his hands, gaily called to his men, 'Never mind me. I've had a devil of a tumble; rush on, my boys; rush on the enemy. I'll be after you presently.' Human nature could do no more. Faint from loss of blood and the intense agony of his wound, the sufferer was borne to a house hard by and attended by Dr. Craik by special order of the Commander-in-chief. The doctor gave his patient but feeble hopes of recovery, even with the chances of amputation, when Nash observed, 'It may be considered unmanly to complain, but my agony is too great for human nature to bear. I am aware that my days, perhaps hours, are numbered, but I do not repine at my fate. I have fallen on the field of honor while leading my brave Carolinians to the assault of the enemy. I have a last request to make of his Excellency, the Commander-in-Chief, that he will permit you, my dear doctor, to remain with me to protect me while I live, and my remains from insult.' Dr. Craik assured the General that he had nothing to fear from the enemy. It is impossible that they would harm him while living, or offer an insult to his remains; that Lord Cornwallis was by this time in the field, and, that under his auspices a wounded officer would be treated with humanity and respect. The dying patriot and hero then uttered these remarkable words: 'I have no favor to expect from the enemy. I have been consistent in my principles and conduct from the commencement of the troubles. From the very first dawn of the Revolution, I have ever been on the side of liberty and my country.' He lingered in extreme agony between two and three days and died admired by his enemies and admired and lamented by his companions in arms. On Thursday, October 9th, the whole American Army was paraded by order of the Commander in-Chief to perform the funeral obsequies for General Nash, and never did the warrior's last tribute peal the requiem of a braver soldier or nobler patriot than of the illustrious son of North Carolina . . . while the epitaph to be graven on his memorial monument should be the memorable words of the patriot and hero on the field of his fame: 'From the very first dawn of the Revolution, I have ever been on the side of liberty and my country.'"

The advice of Mr. Custis has been taken. Those words of General Nash have been engraven on the monument erected to his memory by the Federal Government, on Guilford Battle Ground.

His military career was too brief for him to have gained the fame that might have been his had his life been spared.

Short as it was, however, he attracted the attention and secured the respect of Washington and his subordinates. In his dispatches Washington speaks of him as a brave and valuable officer. General Sullivan, in writing to the President of New Hampshire, testifies to his worth. Thomas Burke, then a member of Congress, writes of him that he was one of the best, most respected and regretted officers in the army, and Governor Caswell said his equal was not to be found among the officers who survived him. Colonel Edward Buncombe and Captains Henry Irwin and Jacob Turner were either killed or mortally wounded in this battle.

General McIntosh, of Georgia, was placed temporarily in command of the North Carolina brigade, and continued as such until May, 1778, when he was transferred to take command at Pittsburg and of the western frontier.

The brigade spent the winter of 1777-1778 at Valley Forge, about 23 miles west of Philadelphia. It seems to have endured with patience the terrible suffering of that winter, and to have taken its part in outpost duty. On the last day of 1777 there were present of them fit for duty 572 file, 425 sick, and 137 absent on duty (11 S. R., 703). The battalions were reformed by Washington in June, 1778. They took part in the Battle of Monmouth, June 29, 1778, in the division of Lord Stirling, and under the command of Colonel Clark. After a hot and arduous day the enemy retired that night behind a defile, where they had both their flanks secured by thick woods and morasses, while their front could only be approached through a narrow pass. Washington determined, notwithstanding, to attack them, so ordered General Poor, with his own and the Carolina brigade, to move round upon their right, and General Woodford upon their left, with the artillery to gall them in front. The impediments in their way, however, prevented their getting within reach before dark. They remained upon the ground they had been directed to occupy during the night, with intention to begin the attack early the next morning, while the army at large continued

lying upon their arms on the field of battle, to be in readiness to support them. But the enemy about 12 o'clock that night marched away in such silence that, though General Poor lay extremely near them, they effected their retreat without his knowledge. Washington in his report of the battle said, "The behavior of the troops in general . . . was such as could not be surpassed."

In the reformation of the brigade alluded to above the number of battalions in the brigade were reduced from six to three. Colonel Sheppard's Tenth Regiment made the fourth. Colonels Lamb, Polk, Hogun, and numerous subordinate officers being thus displaced to return home to raise the four additional battalions, asked for by the Continental Congress. "Efforts to obtain recruits under the system of volunteering, even with the large bounties offered, proved unavailing, and the Legislature directed that 2,600 men should be detached from the militia to serve in the Continental army for nine months. They were known as the nine months men. A certain quota was apportioned to each county, and this number was again apportioned by the Colonel of the county among the militia companies, so that every militia company in the State had to furnish its proper share of these troops. Volunteers from each company were first to be called for and to these a bounty of \$100 was offered; and then, to make up the deficiency in its quota each company, by ballot, selected the other men. Every one so selected became a Continental, and those who faithfully served for nine months were to be exempt from any military service for a period of three years.

. . . Boards of Continental officers convened at Halifax and Moore's Creek to arrange officers for the new battalions, and Colonel Hogun was elected to command the first that should be organized. In July, 1778, he marched north with six hundred men." (Ashe, page 589 *et seq.*)

In August he reached Philadelphia and hastened on to Washington's headquarters at White Plains. The North Carolina Brigade had its cantonment for the winter of 1778-9

near Smith's Cove, on the west side of the Hudson, for the security for that pass and as a reinforcement to West Point, in case of necessity. On January 9, 1779, after a long delay (there had been no North Carolina brigadier since the death of Nash), James Hogun and Jethro Sumner were made Brigadier Generals by the Continental Congress.

Perhaps the most dashing exploit of the whole war was the capture of Stony Point, on July 16, 1779. Two hundred volunteers from the North Carolina brigade, under the command of Major Hardy Murfree, took part in the attack. Stony Point is a commanding hill, projecting far into the Hudson, which washes three-fourths of its base. The remaining fourth is, in a great measure, covered by a deep marsh, commencing near the river on the upper side and continuing into it below. But at its junction with the river is a sandy beach passable at low tide, and across the morass, itself, was a narrow causeway and bridge. The promontory was crowned by strong works, furnished with heavy ordinance, commanding the morass and causeway. Lower down were two rows of abatis, and the shore at the foot of the hill could be swept by war vessels anchored in the river. The garrison was about six hundred strong, commanded by Lieutenant-Colonel Johnson.

When Washington suggested his plan to capture Stony Point to Mad Anthony Wayne, it is reported that he said: "General, I will storm hell, if you will only plan it." General Wayne then readily undertook the venture. Washington's plan involved the placing of large bodies of troops near as support for the volunteers from light infantry who were to make the attack upon the fort. These supporters were the regiments of Febiger and Meigs, a detachment under Major Hull and two hundred volunteers from the North Carolina brigade under Major Murfree. Irving in his *Life of Washington*, tells the remainder of the story:

"On the 15th of July, about midday, Wayne set out with his light infantry from Sandy Beach, fourteen miles distant from Stony Point. The roads were rugged, across mountains, morasses and

narrow defiles, in the skirts of Dunderberg, where frequently it was necessary to proceed in single file. About eight in the evening, they arrived within a mile and a half of the fort, without being discovered. Not a dog barked to give the alarm—all dogs in the neighborhood had been privately destroyed beforehand. Bringing the men to a halt, Wayne and his principal officers went nearer, and carefully reconnoitered the works and their environs, so as to proceed understandingly and without confusion. Having made their observations they returned to the troops. About half past eleven, the whole moved forward, guided by a negro of the neighborhood who had frequently carried in fruit to the garrison, and served the Americans as a spy. He led the way accompanied by two stout men disguised as farmers. The countersign was given to the first sentinel, posted on high ground west of the morass. While the negro talked with him, the men seized and gagged him. The sentinel posted at the head of the causeway was served in the same manner; so that hitherto no alarm was given. The causeway, however, was overflowed, and it was some time after twelve o'clock before the troops could cross; leaving three hundred men under General Muhlenberg (?), on the western side of the morass as a reserve.

“At the foot of the promontory, the troops were divided into two columns, for simultaneous attacks on opposite sides of the works. One hundred and fifty volunteers, led by Lieutenant Colonel Fleury, seconded by Major Posey, formed the vanguard of the right column; one hundred volunteers under Major Stewart, the vanguard of the left. In advance of each was a forlorn hope of twenty men, one led by Lieutenant Gibbon, the other by Lieutenant Knox; it was their desperate duty to remove the abatis. So well had the whole affair been conducted, that the Americans were close upon the outworks before they were discovered. There was then severe skirmishing at the pickets. The Americans used the bayonet; the others discharged their muskets. The reports roused the garrison. Stony Point was instantly in an uproar. The drums beat to arms; every one hurried to his alarm post; the works were hastily manned, and a tremendous fire of grape shot and musketry opened upon the assailants.

“The two columns forced their way with the bayonet at opposite points, surmounting every obstacle. Colonel Fleury was the first to enter the fort and strike the British flag. Major Posey sprang to the ramparts and shouted, ‘The fort is ours.’ Wayne, who led the right column, received at the inner abatis a contusion on the head from a musket ball, and would have fallen to the ground, but his two aides-de-camp supported him. Thinking it was a death wound, ‘Carry me into the fort,’ said he, ‘and let me die at the head of my column.’ He was borne in between his aids, and soon recovered his self possession. The two columns arrived nearly at the same time and met in the center of the works. The garrison surrendered at discretion.”

The loss of the Americans was fifteen killed and eighty-three wounded; that of the British, fifty-three killed and five hundred and fifty-three taken prisoners, among whom were a lieutenant colonel, four captains, and twenty-three subalterns.

Henry Cabot Lodge, in his *Story of the Revolution*, tells of the part that Major Murfree and his North Carolinians took in the storming of the fort: "Major Murfree and his North Carolinians in the center were delayed by the tide in crossing the morass, and as they came through they met an outpost. A heavy fire of grapeshot and musketry opened upon them. On they went without a pause as if they were the only troops on the field, and every other column and division did the same." Among other brave and worthy officers, Wayne mentioned the names of Lieutenant-Colonel Sherman and Majors Hull, Murfree, and Posey, "whose good conduct and intrepidity entitled them to that attention." Lieutenant John Daves, one of the North Carolina officers present, was among the severely wounded.

The disastrous defeat of General Robert Howe, in Georgia, in December, 1778, had caused him to be superseded by Major General Lincoln, whom Washington had sent south at the solicitation of the delegates (in the Continental Congress) from Georgia and South Carolina. The remainder of the battalions raised under the nine months plan from the militia of the State were sent to reinforce Lincoln in South Carolina, under the command of General Sumner and were engaged at the battle of Stono, June 20, 1779, and also under the command of Colonel Lamb in the unsuccessful joint attack upon the British defenses at Savannah, Georgia, October 9th. They fought well in both battles. The latter part of the year conditions were so threatening in the State of South Carolina that Washington ordered all the North Carolina Continentals to that State to reinforce Lincoln. General Hogue, in command, they, about seven hundred, reached Charleston and went into camp on March 3, 1780. A short time afterwards General Woodford, who had been detached from the northern

army in December, arrived at Charleston, with about the same number of effectives.

The best short account of the fall of Charleston that I have found is in Ashe, page 608, *et seq.*:

“The British being in possession of Savannah, it was apprehended that Charleston would be their next point of attack, and strenuous efforts were made to put that city in a state of defense. On February 10th, Sir Henry Clinton, having arrived with an additional force from New York, disembarked on John’s Island, and at the end of March he passed the Ashley River above Charleston, taking possession of the Neck, across which Lincoln, had as defensive measures, cut a canal, constructed abatis, and built strong redoubts and batteries. It was thought that the British fleet could be successfully opposed; but on April 9th, it passed the bar, ran by Fort Moultrie and took possession of the harbor. To prevent its ascent, the channel of Cooper River was hurriedly obstructed by sinking there the entire American fleet, and so the way was still open for General Lincoln to retire from the city if he had chosen to do so. But the citizens entreated him to hold the city, and in the vain hope of relief he yielded to their earnest appeals. It was expected that the Virginia Continentals (remainder of, under Colonel Buford, General Woodford had already arrived) as well as militia from that state and the two Carolinas, would come to his aid, and that he would be able to raise the siege when these succors came. On April 6th Colonel Harrington, with some of the North Carolina militia, arrived, having entered the city by way of Addison’s ferry, and Governor Rutledge was collecting the South Carolina militia on the Pee Dee, and awaiting the arrival of the Virginia troops and Caswell’s brigade.

“Day by day the enemy approached nearer and nearer, until at length, on April 24th, Lincoln made a determined sortie to drive off their working parties. The detachment for this assault numbered three hundred men from Hogun’s North Carolinians, Woodford’s Virginians and the South Carolina Continentals. The interruption to the operations of the enemy was ineffectual; and other than this one effort, Lincoln simply endured the trying ordeal of his unfortunate predicament. The fire of the British along the line was continuous, and daily a few of the brave defenders fell at their posts. In all the American loss was 89 killed and 140 wounded; that of the besieging force being about the same. At length, all hope of relief having faded away and all avenues of escape being closed, and the citizens wearying of the siege, General Lincoln convened a council of his officers, and by their advice agreed to surrender. The capitulation took place on May 12th. His army at that time numbered two thousand Continentals, five hundred of whom were then in the hospitals. In addition there were more than a thousand

militia, nearly all North Carolinians, for there were but few South Carolina militia in the city.

“By the surrender the entire North Carolina line, embracing the new battalions as well as Hogun’s brigade, was eliminated from the contest, all that were left being those on sick leave and such officers as were at home unemployed. Included in the surrender were General Hogun, Colonels Clark, Patten, Mebane, fifty-nine other officers and seven hundred and fourteen other soldiers. Under the terms of the capitulation the militia were paroled and allowed to return to their homes, but the Continentals were kept in the harbor. . . . Of the eighteen hundred regulars who went into captivity on May 12, 1780, only seven hundred survived when they were paroled. After an imprisonment of twelve months an exchange of officers was agreed on; those who had not died in captivity were landed on James River, where they were exchanged, and returned to the army.”

In a biographical sketch of General Hogun’s life in *4 Biog. His. N. C.*, by Judge Clark, it is said, “The regular troops headed by General Hogun, were conveyed to Haddrell’s Point in the rear of Sullivan’s Island, near Charleston. They there 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 was offered leave to return 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.” The term “deportation” has attached to it in these latter days a signification so odious that it is well to pause here in the midst of the narration to explain that it was not a forcible deportation. The attempt was to induce the prisoners to enter on board the ships of war, or privateers, or to go as recruits to the regiments in the West Indies, or as volunteers against the Spanish settlements, and a considerable number of them chose to relieve themselves in that way of the severe privations of their imprisonment. But to resume, “He knew also 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, and died at Haddrell's Point, January 4, 1781, where he 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."

Though Major Eaton's battalion, in the early summer of 1781, numbered 400, and General Sumner's brigade in April, 1782, contained 1,000 men, to which, probably, another thousand was added before the year was out, yet the history of the Continental line, strictly speaking, ended at General Lincoln's surrender at Charleston. The surviving officers were found very useful in organizing and leading the militia on several occasions, and General Sumner, with his newly enlisted regulars, 1,000 in number, fought bravely and suffered severely in the battle of Eutaw Springs, September 9, 1781, yet these events are beyond the plan of this article.

I am indebted again to Judge Clark for the following from the biography of James Hogun, sup.:

"The colonels of the ten North Carolina regiments of the Continental Line were:

"First Regiment, James Moore; on his promotion, Francis Nash; after his promotion, Thomas Clark (who, by the way, was the second husband of Nash's widow). Alfred Moore, afterwards judge of the United States Supreme Court, was one of the captains (of this regiment).

"Second Regiment, Robert Howe; after his promotion, Alexander Martin. On his resignation, John Patten. In this regiment Hardy Murfree, from whom Murfreesboro in Tennessee, is 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 a 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 Lee Davidson, killed at Cowan's Ford, was lieutenant-colonel of this regiment.

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

"Sixth Regiment, Alexander Lillington, and 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 Pugh Williams. Of this regiment, William Polk was major.

"Tenth Regiment, Abram Sheppard."

The Civilization of the Old South

BY MILDRED LEWIS RUTHERFORD.

(Historian-General the United Daughters of the Confederacy,
1911-1916.)

PART I.

The civilization of the Old South was truly unique—nothing like it before or since, nor will there ever be anything like it again.

Henry R. Jackson said:

“The stern glory of Sparta, the rich beauty of Athens, the splendors of Imperial Rome, the brilliancy of ancient Carthage—all pale before the glories of the Old South, the South as our forefathers lived it, the South as Washington, Jefferson, and Madison lived it, and, last but not least, the South as our Robert E. Lee lived it.”

And Henry Grady said:

“In the honor held above estate; in the hospitality that neither condescended nor cringed; in frankness and heartiness and wholesale comradeship; in the reverence paid to womanhood and the inviolable respect in which woman’s name was ever held—the civilization of the Old South has never been surpassed, and perhaps will never again be equaled by any people or nation upon this globe.”

It is true that it has been compared to the Feudal System of the Middle Ages, when military lords exercised jurisdiction over serfs, allotted them land, collected taxes from them and in return demanded service in time of war—but there was no love lost between lord and serf.

It has been compared to the English tenant system, where the landlord leases the land, and, so long as the rent is paid, all is well, but if the tenant fails to pay his rent, then he is ejected without mercy—very rarely is there any love lost between the landlord and his tenant.

Very different was the relation that existed between the slave-holder and his slaves under the institution of slavery as

it was in the Old South. By the way, the negroes in the South were never called slaves—that term came in with the Abolition crusade. They were our servants, part of our very home, and always alluded to as the servants of a given plantation or town home—as, “the servants of White Marsh,” “the servants of Warner Hall,” “the servants of Rosewall or Rosewell,” or of Halscot “the servants of Cherry Hill,” “the servants of Round Hill, of Silver Hall,” etc. The servants had no surnames of their own before the war—they had none when they came to us from Africa—but they were known by the names of their owners or owners’ estates. Thus it was that Nancy from the Thornton plantation after freedom became Nancy Thornton; and Tom from Warner Hall became Tom Warner.

There was something in the economic system of the Old South that forged bonds of personal interest and affection between the master’s family and their servants—a pride that was taken the one in the other. The master would boast, “My servants are the best on all the plantations round, best workers, best mannered, most contented, the healthiest.” And the servants in turn would say, “Our white folks are quality folks—they’re none of your po’ white trash. Aint nobody in the world like our ‘Ole Marster’ and ‘Ole Mis’.”

The negroes under the institution of slavery were well-fed, well-clothed, and well-housed. A selfish interest, if no nobler or higher motive, would have necessitated this, for the slave was the master’s salable property. He would not willingly have allowed him to be injured physically. How hard it was for us to make the North understand this!

I never heard of a case of consumption, or rather tuberculosis among the negroes before the War between the States, and now negroes are dying by the hundreds yearly. I never heard of but one crazy negro before the war. Now asylums can not be built fast enough to contain those who lose their minds.

Negroes were immune from yellow fever before the war, and now this is no longer true.

I never saw a drunken negro before the war, for they were not allowed to buy, sell, or drink liquor without the master's consent, and crimes now so prevalent, largely on account of drunkenness, were unheard of then.

The negroes were forced to go to church and white pastors employed to preach to them. They were not allowed to work on Sunday. In proportion to population there were more negroes as church members than whites.

Marriage licenses must be obtained and the marriage take place in the presence of "Ole Marster" or the overseer.

Under the institution of slavery, the negro race increased more rapidly than the white. The reverse is the case today.

The servants were very happy in their life upon the old plantations. William Makepeace Thackeray, on a lecture tour in America, visited a Southern plantation. In "Roundabout Papers" he gives this impression of the slaves:

"How they sang! How they danced! How they laughed! How they shouted! How they bowed and scraped and complimented! So free, so happy! I saw them dressed on Sunday in their Sunday best—far better dressed than our English tenants of the working class are in their holiday attire. To me, it is the dearest institution I have ever seen and these slaves seem far better off than any tenants I have seen under any other tenantry system."

When a white child was born a negro of corresponding age was given. This negro owned the white child as much as the white child owned the negro. The negro refused to take an order from any young person save the owner, and the owner refused to have any order given by any one but the owner. Close ties of affection grew between the two. As an illustration of this, in a child's game, "Playing Dead," my sister was allowed to be covered in the leaves as dead, but my Ann Eliza could not play dead.

How restful the old life was! What a picture of contentment, peace, and happiness it presented! It was something like our grandmothers' garden as compared with the gardens of today.

The old-fashioned gardens with box-bordered beds so dig-

nified and orderly and stately, with four o'clocks, holly hocks, larkspurs, touch-me-nots, wall flowers, bachelor buttons, snap dragons, mignonette, sweet alyssum, columbine and sunflower. How beautiful they were! What lovely overdresses the four o'clocks made for our flower dolls! What beautiful wreaths the larkspurs made, purple and white, which we pressed without compunction in the finest books in our father's library, totally unconscious of the ugly stain left behind.

There were long walks bordered with cape jessamine, banana shrubs, Chinese magnolias, crepe myrtle, rose beds filled with moss roses (I never see a pink moss rose now), yellow roses, red and pink single roses, tube roses; fences covered with Cherokee roses; summer houses covered with honeysuckle, yellow jasmine, woodbine, wisteria or white clematis. The odor of sweet grass and mimosa blooms, the rows of flowering pomegranate bushes, with double blossoms and the bearing pomegranate with single blossoms—apple trees in which the mocking birds' nests were found, and no one, white or black, could rob a mocking bird's nest, and, in the spring, doves cooing to their mates—that's like the old-time days never to return again.

The plantation was the center of social life in the old system and the "Big House" was the center of plantation life. It was always full and room for more. When all the beds were filled, pallets were made on the floors all over the house, and this gave trouble to no one—for there were plenty of servants to do the bidding, and mattresses, feather beds, pillows, quilts, blankets, and marvelous counterpanes in profusion, and linen closets always full.

In the "Big House" there lived "Ole Marster" and "Ole Mis." There were "Young Marster" and "Young Mis," and the children. Then there were the uncles and aunts and cousins to remotest kinship, with carriages, wagons, horses and servants. This gave trouble to no one, for there was plenty in the corn crib, plenty in the barn, plenty in the smokehouse, plenty in the pantry, plenty of turkeys, geese, ducks, guineas, chickens and squabs. Plenty of eggs, plenty

of butter, cheese, cream, curds, clabber, sweetmilk and buttermilk—barn full, yard full, dairy full, pantry full. Shelves lined with jellies, jams, apple butter, quince and peach preserves, brandy peaches, marmalade, and large stone jars filled with pickles, sweet and sour.

The table fairly groaned with good things to eat, and there were no cooks like grandmother's old cooks. The kitchen was never in the house, but way out in the yard. This mattered little then, for there were plenty of little negroes to run back and forth with the covered dishes and hot batter cakes, hot waffles, hot rolls, and even hot ginger cakes. You young people will say "But it was not stylish to have so much on the table." No, not stylish, but far better than the little "dabs of nothingness" that you have today.

You may say, "What sinful waste!" Yes, there was a waste, but it was not sinful, for white and black had enough and to spare. The household servants always had what the white people at the Big House had, and the poor whites near by, if any, had more from "Ole Mis's" generous hand.

The stables were full of riding horses, buggy horses, carriage horses and ponies, so riding parties were the amusement for mornings and afternoons. Every girl and boy in the Old South learned to ride and drive at an early age. The little boys helped to take the horses to water, and to break the wildest colts. This made the masters' sons the finest cavalymen in the Confederate Army.

In the evenings old Uncle Ned, the fiddler, would come into the great wide hall and the Virginia Reel would be danced, "Ole Marster" leading off with the prettiest girl there as his partner. Then the dignified minuet would be called for, and "Ole Marster" would lead out "Ole Mis" with the gallantry of Sir Galahad, and wind up with the cotillion, old Ned calling out the figures, keeping time with his foot and head, as he would sing out, "Salute your pardners," "Swing your pardners," "Sachez to the right," then "Sachez to the left," and finally "Promenade all."

Young people, we could not have danced the "Turkey Trot" nor the "Bunny Hug" had we desired.

Early hours were kept on the old plantation, for every one must be stirring at daybreak. "Ole Mis" would be the first to rise. Hers was a busy life. She started all the household servants to their work—the dry rubbers, and brass polishers. Ah, how those brass fenders, andirons and candlesticks shone! They had few carpets in those days and so the floors had to be polished by being dry rubbed. The garments had to be cut out for the seamstresses, and the looms gotten ready for the weavers, and the spinning wheels had to be started, breakfast had to be given out and the cooks must begin their work.

Early in the morning you could hear the beating of the dough—no biscuit mills then—and if we had beaten biscuits they were made with "elbow grease." You could hear the milkers as they went down to the cow lot, calling the little negroes to keep off the calves. You could hear Aunt Nanny feeding the chickens, with her chick, *chick*, CHICKEE, with a rising intonation of the voice on the last chickee, and then a cackle, and we knew one of the chickens for breakfast was about to meet its fate and have its neck wrung. No refrigerator in those days to keep the chickens on ice over-night.

I can see "Ole Mis" now, with her basket of medicines on her arm, going from cabin to cabin, doctoring the sick babies and the old negroes. Frequently all night long she lingered at the bedside of some dying negro, praying with him and when life had ceased, would close the staring glassy eyes. None in the "Big House" knew of this nightly vigil save "Ole Marster."

I can hear the musical ring of the bunch of keys fastened to her side, or in her key basket, as she walked along, for, while Uncle Eben kept the crib key, and Aunt Lishy the dairy key, and Aunt Nanny the smokehouse key, "Ole Mis" always kept the pantry key. She gave out every meal herself, weighed the flour, sugar, butter, lard, and meal, measured the coffee, and

she always skimmed the cream in the dairy and prepared the milk for the churns, and made the curds.

There was such an unjust article to the South in the *New York Times* last year (1915). Edna Ferber, the authoress, is represented as saying that "The kitchens of the Southern women were left to the device of a company of slaves who ran the house pretty much to suit themselves. The Southern women never knew what provisions there were in the kitchen or cellar or how much food went out each day to furnish feasts in the near-by cabins. They knew nothing of housekeeping."

What absolute ignorance this showed of life in the Old South! Fortunately a Southern girl who had statistics in hand was ready to answer Miss Ferber. She found in a trunk of papers and letters belonging to her great-grandmother, who lived on her plantation in Washington County, Georgia, facts to contradict this in a most certain way. She found the "Plantation Book of 1851," in which the daily routine of work by the mistress of the plantation was given. In this memorandum book was kept not only the household duties, but how many pounds of cotton had been picked by the women and children on the plantation—"Martha 806 lbs., Mary 1,243 lbs., and Eliza 920 lbs." etc., and the prize money allowed them for picking over a certain amount, and then "something to George who couldn't pick, but who helped with the baskets."

Then followed the exact weight of the lard and the meat given to each family—"John and his family 62 lbs. of meat, Lewis, Patty and Martha 30 lbs." Then the amounts given to the decrepit negroes in the cabins. Finally the prescriptions left by the doctor for two of her negro patients. Then the death of a negro baby is recorded. The birth and death of the negroes were always recorded in the Family Bible at the Big House.

Now, when Miss Sarah Prince Thomas (Carol North) sent her answer to the article in the *New York Times*, and asked

that it be printed to contradict Miss Ferber's statements, it was returned, saying that they did not need it. Was this just?

From early childhood we of the South were taught all work was honorable, and every act, even sweeping a room or picking up chips could be made as acceptable in God's sight as any service an archangel could perform.

Each child had some special duty every day. The girl, as soon as she was able to hold a needle or know upon what finger to put the thimble, was made to hem the towels, the table napkins, the tablecloths, the servants' aprons, or to aid in drying the cut glass and silver, for "Ole Mis' always looked after this herself; and the boys were given the care of some one animal to feed and care for, or some gates to lock and unlock, and no one else, not even the negro each child owned, was allowed to do this work for them.

It is true the aristocrat of the Old South did not go into his blacksmith shop to shoe his horse nor his wife into the kitchen to cook, or to the wash tub to wash, but it was not because they were ashamed or scorned to do it, but because there was no need for them to do these things.

History has greatly maligned the old aristocrat of the South. He was not "haughty," he was not "purse proud," and he did not consider himself "of finer clay" than any one else, as history has unjustly represented him.

Aristocracy then was gauged by manners and morals, and not by the size of the bank account, as I fear is too much the case today. Far more time was spent in cultivating the graces and charms of life than in amassing fortunes. They realized that "Manners are of more importance than money and laws"—for manners give form and color to our lives. They felt, as Tennyson said, "Manners are the fruit of lofty natures and noble minds."

It will take us a long time to undo the falsehoods of history about the civilization of the Old South.

Who was the head of the plantation? Why, "Ole Mis";

every one on the plantation must obey "Ole Mis"; and "Ole Marster" said so and he obeyed "Ole Mis" too. Her life was a long life of devotion—devotion to her God, devotion to her church—she was really the pillar of the church—devotion to her husband, to her children, to her kinfolks, to her neighbors and friends and to her servants. She could not be idle for she must ever be busy.

"Ole Marster" could delegate many of his duties to the overseer, while he entertained his guests. He would rise early in the morning, eat his breakfast—and such a breakfast! Broiled chicken, stuffed sausage, spareribs, broiled ham and eggs, egg bread, corn muffins, hot rolls, beaten biscuits, batter cakes or waffles with melted butter, syrup or honey, and the half not told. I can taste those waffles now. My, how delicious they were! Then, after smoking his Havana cigar, he would mount his saddle horse and ride over the plantation to see if the orders given the day before had been fully carried out. Then give the next day's orders, ride to a neighboring plantation and return in time for an early dinner. Dinner was always at midday on the old plantation. If it were summer time, "Ole Marster" would lie down upon the wide veranda or in the spacious hall upon one of those old mahogany sofas, covered with black horse hair, and a little darkey with a turkey tail fan or a peacock feather brush standing at his head to fan him and keep off flies, while he took his noon-day nap. If it were winter, he would go into his library, and, before a large, open fireplace with whole logs of wood, he would discourse upon the topics of the day with visitors.

There was no subject with which "Ole Marster" was not at home—whether politics, philosophy, religion, literature, poetry, or art. "Ole Marster's" sons for generations had been well educated and had a perfect familiarity with the classics—they could read Greek and Latin better than some of us can read English today. The best magazines of the day were upon his library table, and the latest books upon his library shelves.

There were no public schools in the South before the Reconstruction period. The teachers on the plantations were tutors and governesses from the best colleges of the North and South, and in the private schools in the towns and cities were men and women whose education was beyond question. It was somewhat different in the Old Field Schools. There the teacher sometimes knew little beyond readin' and 'ritin' and 'rithmetic, and was considered very learned if he carried his scholars beyond "the rule of three."

"Ole Marster" was rarely as religious as "Ole Mis," and, if he wouldn't have family prayers, "Ole Mis" would, but "Ole Marster" always had a reverence for religion and made his negroes attend church regularly and raised his children with a reverence for Sunday and holy things.

"Ole Miss" often put on a grandmother's cap when only thirty-five—what will the young grandmother of today say to that? Girls married at an early age, for a home was ready—"They never came out, for they had never been in."

How handsome "Ole Marster" was in his broadcloth suit and his silk beaver hat, his pump-soled boots, his high stock and collar, and his gold watch and chain with fob. Bill Arp said the aristocrat was known by the way he toyed with the fob upon his chain.

How quaint and beautiful "Ole Mis" was in her lace cap and satin bows! I wish I had a black silk apron with pockets in it like my grandmother used to wear. What long, deep pockets there used to be in the skirts—sometimes pockets on both sides!

The entertainments would last for weeks at neighboring plantations ten or twenty miles apart. The old family carriage would come before the door, and the maids with the bandboxes and the valets with the horse-hair trunks, with brass nail heads, would strap them behind and cover them with a leather curtain; then they would follow the young people in a spring wagon to the place of entertainment. I can see now just such a party—the old family carriage, high up

on elliptical springs, the driver's seat above the top of the carriage, and the steps which unfolded down, and then folded up.

The footman was there to let down the steps, the lovers were there to assist in mounting the steps, and Bill Arp said the true aristocrat was known not only by the size of her foot, but by the graceful way she could manage her crinoline in mounting the steps of the carriage or descending therefrom. The lovers would mount their horses and act as a body-guard to the appointed place.

The girls were dressed in dainty lawns and muslins—for no girl before her marriage, or until she had passed the marriageable age, was allowed to wear velvet, silk, satin, or lace. On their heads were the daintiest straw bonnets, trimmed with pink roses—a bunch over each ear—and bows of pink ribbons to tie beneath the chin, and the dearest black net gloves and the daintiest black slippers, with low heels, or no heels at all. Their lovers would have thrown not only their cloaks, Sir Walter-like, but themselves in the mud rather than those dainty feet should be soiled by the mud. And it was considered *dreadful if more than the tip of that slipper should show*. What would our grandmothers have said to these short dresses of today?

Hunting parties, riding parties, fishing parties, boating parties, tournaments, charades, dances, and all sorts of joys never dreamed of by the young people of today—no sitting out in the moonlight on the lawns, no hiding in dark corners of the verandas, no love-making after the old people had gone to bed, no automobile rides after dark, no dancing until daylight, and consequently runaway marriages were rarely heard of—and divorces were rarer. While the young men were on their fox hunts, the young girls would be employed with their embroidery—exquisite work they did!

But, oh, the preparation for a wedding feast! Weeks beforehand the plans were laid. "Hunter's round" had to be packed in spices, fruit cake to be made, raisins seeded, citron

sliced, almonds blanched, and later the cakes iced, pyramids of cakes graduating in octagon shape from very large at the bottom to small at top and capped with a figure of the bride with her wedding veil and the groom in black broadcloth that had been bought from some confectionery shop. Little fence rails of icing around the different layers of cakes mounted one upon the other; bunches of grapes made of icing and covered with gold or silver leaf; roses made of white tarlatan and rimmed with icing. How we used to stand around—white children and black—and beg for the cones or the bowls that held the icing after the cakes were finished! I can see, now, the little smeared faces—for the owners unhesitatingly licked the bowls. Then the blanc mange shaped in so many wonderful molds of pineapple, muskmelon, rabbits and roses. Then pig's feet jelly, so stiff, and cut into little squares just big enough for a mouthful—how delicious they were!

Then the day of the wedding! There was the making of the chicken salad and the slicing of the beef tongue and ham and the roasting of turkeys and the icing of the little cakes, the making of the wafers that fairly melted in the mouth, and then the sweet wafers rolled over and oh! so crisp and delicious, and beaten biscuit by the bushel, the watermelon rind preserves cut into such exquisite shapes, fish and bird and flower, and shaped with an artist's eye—the pride of the housekeeper, brought out to be seen if not to be eaten—the mango pickles, peach pickles, brandy peaches, artichoke pickles, cucumber pickles, and cherry pickles! Then the boiled custard and the syllabub—we had no ice cream in those days, for manufactured ice was unknown. Every member of the family present had to take home some of the wedding cake, every young person must have some of the cake to dream on, and to name the corners of the room. The wedding guests lingered on for days, and even weeks, after the wedding was over, and the feasting continued until the last guest was gone.

Those happy days are no more—gone, never to return, and

the civilization as our granmothers lived it, went with it. Happy are those whose memory holds these days in remembrance! My heartfelt sympathy goes out to those who shall never know of them!

Veterans, didn't we have a good time when hog killing time came! Weren't the pig tails and the crackling bread fine? Don't we feel sorry for these young people who never ate a roasted pig tail, or never spent a Christmas on the old plantation?

Time was measured to Christmas, and three weeks before Christmas Day the wagons would go to the nearest city or town to lay in the Christmas supplies. Every negro man had to have a complete outfit, from hat to shoes; every negro woman had to have the same from head handkerchief to shoes; each negro child every article of clothing needed; and warm shawls, and soft shoes, or some special gifts had to be bought for the old negroes too feeble to work. Then there were the barrels of apples, oranges, cocoanuts, boxes of almonds, Brazil nuts, English walnuts, hazelnuts, raisins, citron and currants; then candies galore, kisses with adorable verses, sugar plums, lemon drops, gum drops, peppermint, cinnamon and lemon candy by the quantity, and last but not least, some mysterious packages that were stowed in mother's large wardrobe, which mammy told us with a grave shake of the head were "*Laroes catch medloes*," and for fear they might be animals that would bite us, we religiously let them alone, and forgot to ask about them when Christmas was over.

How happy all were, white and black, as the cry of "Christmas Gif" rang from one end to the other of the plantation, beginning early in the morning at the Big House and reaching every negro cabin—Christmas can never be the same again.

As in a family life when a child is disobedient and must be punished, so in plantation life a disobedient or unruly negro had to be whipped or punished. It was natural that he should prefer to run away to escape a punishment he justly deserved

and knew he would surely receive, especially tempted to run into a free State when incentives were offered to him to come and be transported by some underground way and hidden from the owner. It was perfectly natural also for him to give the most exaggerated reports of his treatment to willing listeners, who really set a premium upon these exaggerations.

"Aunt Cinthy," living in Florida where Northern tourists so often go for the winter, understood this. When reproached for saying what was absolutely false about the condition of the negro under slavery, she said: "Honey, I am jest obleeged to zaggerate a leetle about these things to edify the Northern tourists—they wouldn't give me any money if I didn't."

The unnatural thing to the Southern planter was how educated and intelligent men and women of the North could believe he would willingly injure his salable property by hitching him to a plow, or allowing him to be cruelly beaten. To him there was no difference between hiding his negro worth \$1,200, or more, and hiding his pocketbook which contained the same amount of money. This interference with his personal property was stealing, no matter how viewed, and it irritated him beyond measure. He knew perfectly well, should he retaliate by taking the horses of the abolitionists from their stables, or cows from their barns, or cattle from their fields, or furniture from their homes, or bank notes from their pockets, it would quickly have been a question of law and imprisonment. It has been estimated that 75,000 negroes were thus hidden from their owners before 1860.

These fanatics took out "Personal Liberty Bills" contrary to the Constitution, to protect them, on the plea that there was a Higher Power than the Constitution. Indeed, in their fanaticism, they publicly burned the Constitution, and even said if the Bible stood for slavery, better burn the Bible, too.

Now, there is no doubt that this was one of the many interferences with Southern rights which forced Southern men to advocate secession in order to secure the rights guaranteed to them by the Constitution. Many think because this interference with the runaway slaves was one of the *occasions* of

war that the war was fought to hold the slaves. Never was there a greater mistake. Out of the 600,000 men in the Confederate army 400,000 never owned slaves. What were those men fighting for? There were 315,000 slave-holders in the Northern army. Did they wish their slaves freed? General Lee freed his slaves before the war began. General Grant did not free his until the Thirteenth Amendment passed, for Missouri's slaves were not intended to be freed by the Emancipation Proclamation.

Southern men always believed in State Sovereignty, and Southern men always have stood by the Constitution. Fair-minded Northern men saw this and said the South had by the Constitution the right to secede and contended that the Abolition Party was only a minority party in the North. George Lunt, of Boston, said, "The majority of the men in the North felt outraged at the actions of the Republican party at the time in interfering with the rights of the Southern States."

Had the South prevailed, the Union would have been preserved and that too by the Constitution. Our negroes would have long ago been freed by gradual emancipation, as Southern slave-holders had already done, were desirous of doing still, and, had no interference come from the abolitionists, there would be now no race problems to adjust.

Neither would there have been any need to change the Constitution except to legislate more strongly to enforce the laws against the slave trade as it was being still carried on by Northern States contrary to law, and the right to free their own slaves, as was claimed by the slaveholders of the Southern States. State Sovereignty would still remain, while the inexpediency of secession would have been proven by war. We would have, today, not only a grander and more glorious Union with no danger threatening us from a centralized government, but we would have a true democracy with States Rights stressed, as President Wilson advocates, a government formed *of* the people, *by* the people and *for* the people—knowing no North, no South, no East, no West.

PART II.

WHAT MADE THE CIVILIZATION OF THE OLD SOUTH?

It was, undoubtedly, the institution of slavery.

Why then did not the institution of slavery as it existed in Egypt, in Greece, in Rome, in Russia, in France, in the British Colonies, in New England, and other Northern States, produce the same civilization? That it did not, history has proven. There must have been another reason, then, than the mere institution itself.

The difference evidently was in the slave-holders of the South—men of that old Cavalier stock having the fear of God which gave them minds tuned to justice, and hearts trained to love, and pocketbooks opened to the needs of humanity, and I think the open pocketbooks had much to do with it. These men of the Old South lived with open-handed hospitality. One rarely heard of slaveholders in the South amassing great wealth like Stephen Girard of Philadelphia, or Peter Faneuil of Boston, Mass. The Southern slaveholders did not drive close bargains, but were generous in all their dealings, believing in the doctrine of "live and let live." Many slaveholders lived far beyond their means, and the surrender found them greatly in debt on account of liberality to their slaves.

From Jamestown and Plymouth Rock flowed two mighty streams of influence—dissimilar and, for more than a hundred years, entirely separate—two types of men with distinct ideals of life. One loved England and the established church, and came simply to investigate the New World and its possibilities, and fully intended to return to England some day, and had no desire to withdraw from the mother church.

The other had no love for England and had a grievance against the established church, deliberately planned to make a new home in this country, and never desired or intended to return to the mother land or mother church.

The backbone of the Virginia stream, or the Jamestown

Colony, was composed of men from leading families in England, gentlemen of the best English society, the landed gentry born to wealth and very loyal to their king. They were of the Cavalier stock. Many had lost their fortunes by high living, no doubt, and desired to come to this new world, expecting to find it a veritable Eldorado. When they decided to remain they patterned their social institutions after England, where they had been accustomed to large landed estates with tenants or servants. Coming with this old patriarchal idea of life, they became an agricultural people, making a diffusive civilization, settling on burgesses or plantations, having their indentured servants and living as in their old home.

Not so with the New England stream or Plymouth Rock Colony. They, too, were Englishmen, but did not come from the landed gentry, but from Puritan stock. They had a grievance with England in regard to an interference with their liberty to worship God as they pleased. They did not love the king or the landed gentry, so they began to lay the foundations of new social institutions and to set up new altars of justice and religion, and thus really became autocrats in the administration of the law.

The Jamestown Colony coming from English blood born to rule, their very instincts of life tended to develop political leaders and statesmen.

Their life on the plantations under the institution of slavery in controlling their slaves, fitted them to control themselves and others, so we find for fifty out of seventy years of the early government of our Republic, Southern men filled the Presidential chair. Every man from the South was reelected for a second term, and two offered a third term, while not a President from other sections during this period ever held a second term. Thus was the ability of Southern men to control the affairs of State acknowledged by the people of the country.

The Plymouth Rock Colony, settling in towns and cities, made a cohesive civilization and developed traders, manufac-

turers, and men fitted for commercial control of the country. Their nearness to each other in the cities and towns also developed literary instincts, and there the leading men of letters were found during those early days of the Republic. A literary atmosphere was created by close contact and Massachusetts particularly produced many poets and philosophers, and the finest essay writers of that day came from New England.

These people were a methodical, painstaking people, exact in all business calculations, in all State regulations. They instigated research, and undertook historical investigations and so we find not only the statistics regarding their affairs accurately kept, but everything pertaining to their history recorded.

The Jamestown Colony did not write their history or accurately keep their statistics—hence we are suffering for this today, because our statistics have been prepared by those who did not know them as we did not know them ourselves, and we are often forced to go to the British Museum and other archives in England to find some of the history of those early days.

While the men of the South were eminently literary, they could not as in New England create a literary atmosphere, for they lived miles apart and rarely had any opportunity to meet in groups to discuss literary topics. They had the ability to write books, and they wrote much for local papers, but there was no need to print books for the money that would come to them from the printing.

The South produced great orators, and great political statesmen whose writings have come down in the political history of our country, excelled by no other section.

The Jamestown Colony thought little of the value of statistics. They were big-hearted, open-handed, free livers, given to hospitality, and as was said before, often lived far beyond their means. The care of their slaves was always a very heavy expense. The institution of slavery brought on an immunity from drudgery and gave leisure for the cultivation of the mind and manners. It made gentlemen and gentlewomen.

There was little attempt at grandeur or display—a beautiful simplicity was the charm of the life of the Old South. There was no need to study ethics, it was inborn in white and black. While there were different degrees of wealth—one man owning more slaves than another, or men of business affairs in the towns and cities owning few or no slaves, yet there was little difference in social standing—the line being drawn on education, manners and morals more than on the family tree and the pocketbook. Intellectual advantages and manners were to them of paramount importance. Character always counted for more than blood or money. And sneer as one may at the chivalry of the Old South, it was that which sweetened Southern life. Southern men were not only the champions of the women of their households, but the protectors of all women.

Now, while the Plymouth Rock Colony also produced gentlemen and gentlewomen, they were of a different type. While at heart they may have been just as true they lacked the social graces, and charming manners that the civilization of the Old South produced.

This difference came out very strikingly when Thomas Jefferson and John Adams were at the same time representatives from the United States Government in France. They had with them their daughters, Martha Jefferson and Abigail Adams—both well educated young women. Queen Marie Antoinette said that Martha Jefferson had the most exquisitely gracious manners she had ever seen in any young girl, and could be at home in any royal court; while the prim manners of Abigail Adams, the little New England maid, oppressed her.

The Jamestown settlers and their descendants, while not Puritanical in their religion, were religious. While Jonathan Edwards was preaching "Hell Torments" from a New England pulpit, the churchmen in Virginia were preaching "The love of God to sinful, dying men."

Read that tablet on Old Cape Henry Lighthouse commem-

orating the planting of the Cross by THIRTY members of that Jamestown Colony, April 26, 1607.

Read Richard Crashaw's Prayer, that was used in the daily service at Jamestown, in which is found: "Arm us against difficulties, and strengthen us against base thoughts and temptations. Give us faith, wisdom and constancy in thy service."

Read how the Rev. Robert Hunt held daily services under the stretched sails of one of those first three vessels that brought over this first permanent English Colony.

Go to Jamestown Island today and see the remains of that old church built there. Read the history of that church and see in Virginia churches today the remains of the communion service used there.

Read of that *first* Fast Day, and that *first* Thanksgiving Day before even the Pilgrim Fathers had left England.

Read of the missionary work of Alexander Whitaker, the *first* Protestant missionary to American Indians.

Yes, they were religious, but they believed in a religion of joy and happiness and never believed in a religion that carried a long and sanctimonious face.

The Plymouth Rock Colony were Puritans in word and deed. They recognized no church, no creed, no king by divine right. They said they were only responsible to God and to their own consciences. Life with them was simply a preparation for death, but their liberty became intolerance, and having been persecuted they also began to persecute. They allowed no Christmas festivities, no May Day joys, and their children were actually punished for being merry. A man was even forbidden to kiss his wife on Sunday. Nathaniel Hawthorne once said, "Let us thank God for such ancestors, but let us also thank Him that each generation brings us one step farther on in the march of ages."

The Cavaliers and their descendants and the men who settled the Southern colonies, into whose blood came that of the Irish, the Scotch, the Welsh, the French Huguenots,

made up a people who have no superiors in the world—and today, after all these years, the purest Anglo Saxon blood out of rural England is to be found in the Southern States, and Englishmen have testified that the purest English is spoken not in New England, but in the Southern States.

The Puritans and their descendants and the other colonies that settled the North, into whose blood came the Dutch, the Swedes, the Danes, the Quakers, made a sturdy race, whose strength of character and business qualifications have always made them prominent as men of large affairs in the business world, and has given them great prominence in religious activities and ability in financing large undertakings. While it is written that Robert Morris, of Pennsylvania, financed the Revolution, we must not forget that Thomas Nelson, of Virginia, borrowed on his own credit, \$2,000,000 for the Continental Congress and this money was never returned to him.

By the way, it was the American Revolution that brought the Cavalier and Puritan with their descendants close together to form one deep, swift current of national life, and the difference in Puritan and Cavalier blood was forgotten in the one mighty united effort to gain American independence. When Massachusetts suffered, every Southern colony suffered with her and quickly came to aid her. George Mason, of Virginia, wrote to his children to go in deep mourning when the services were held to pray for the relief of Massachusetts. When the Boston Port Bill passed, every one of the Southern colonies responded with aid to Massachusetts.

At the time of the Revolution, every colony was a slave holding colony. There really was no question of abolition of slavery and no sectional feeling until the time of the Missouri Compromise in 1820, which drew attention to the political power of the slave holding states.

Who was most responsible for the bringing over of African slaves—the North or the South? How glad I am to right a wrong against Massachusetts! It was a Dutch vessel, in

1619, sailing the English flag, that sold to the Jamestown Colony the first twenty "NEGARS," as John Rolfe called them. This was one year before the Mayflower set sail from England, so Massachusetts can not be blamed for that. That they were sold and not indentured is proven beyond doubt from authorities incontrovertible—such authority as George Bancroft (Vol. 1, p. 125), America's greatest historian; and Lyon Gardiner Tyler, Virginia's authority on Colonial history.

The strongest testimony is a paper in the possession of the descendants of Governor Yeardley, who was one of the Jamestown Colony to buy these Africans. He says they were bought in a spirit of humanity, with no thought of later commercial value. These creatures were suffering horribly on that slave ship and the Jamestown settlers felt they must be relieved, so bought them, and then tried to civilize them by putting them to work.

If African slavery was a sin, the Spaniards and English were the sinners. It is true the slave trade in the United States was begun by Massachusetts, and in the main carried on by her, not as a private enterprise, but by the authority of the Plymouth Rock Colony (Colonial Entry Book, Vol. IV, p. 724).

Slavery was abolished in the Northern Colonies from no conscientious scruples, but simply because the slave labor was unprofitable (Fiske's *Critical Period of American History*, p. 73).

Southern planters never, if it could be avoided, allowed their slaves to be sold at public outcry. It only happened when a man died without a will—then members of the family tried to buy the slaves in by families.

The South has suffered greatly from misrepresentations in regard to the institution of slavery. History has grossly maligned, not only the institution, but the slaveholder. Cruelty as practiced in East Indies, the Barbadoes and elsewhere have been repeated and located in the South. One

traveler declared he saw in his travels a negro in a cage exposed to wild birds and his eyes literally pecked out—and encyclopedias and historians have located it in South Carolina. In the first place there are no wild birds in South Carolina to have done the pecking, and in the second place no Southern slaveholder would have stood for this for a moment.

The slaveholder has been accused of cruelty in separating mother and child on the slave block. The selling of slaves in the South did not separate mother and child as often or with such cruelty as did the slave traffic in Africa—as did the hiding of the fugitive slaves from their owners—as did the “Exodus Order” in Reconstruction days. Southern States had very rigid laws along this line. In Louisiana, if a slaveholder separated mother and child, he must pay \$1,000 and give up six of his slaves. Other states also had binding laws. We find, in the Massachusetts *Continental Journal*, March 1, 1778, an advertisement of a slave mother to be sold “with or without her six months’ old child.”

The Southern planter has been accused of cruelty to his slaves—no cruelty on the part of any overseer can compare to that of the middle passage on the slave ships, where, on that long voyage, they were huddled as standing cattle and suffered from hunger and thirst so that they died by the hundreds. Let it be remembered that no Southern man ever owned a slave ship. No Southern man ever commanded a slave ship. No Southern man ever went to Africa for slaves.

General Lee said, “There was no doubt that the blacks were immeasurably better off here than they were in Africa—morally, physically, and socially.” He thought the freeing of them should be left in God’s hands and not be settled by tempestuous controversy.

The South has been vilified for not educating the negro in the days of slavery. The South was giving to the negro the best possible education—that education that fitted him for the workshop, the field, the church, the kitchen, the nursery,

the home. This was an education that taught the negro self-control, obedience, and perseverance—yes, taught him to realize his weaknesses and how to grow stronger for the battle of life. The institution of slavery as it was in the South, so far from degrading the negro, was fast elevating him above his nature and his race.

We dared not teach the negroes on the plantation to read lest men of the John Brown type would urge them to rise, burn and kill our men, women and children on the plantation. Nat Turner, a free negro, did learn to read and was responsible for that insurrection in 1836 that resulted in the murder of sixty whites.

No higher compliment was ever paid the institution of slavery than that by the North, which was willing to make the negro its social and political equal after two hundred years of civilization under Southern Christianizing influence. Never has been recorded in history such rapid civilization from savagery to Christian citizenship.

Charles E. Stowe said, "There must have been something in the institution of slavery of value to have produced such a beautiful Christian character as Uncle Tom" in his mother's book.

The black man ought to thank the institution of slavery—the easiest road that any slave people have ever passed from savagery to civilization with the kindest and most humane masters. Hundreds of thousands of the slaves in 1865 were professing Christians and many were partaking of the communion in the church of their masters.

All that the South wishes is justice. This she has never had. In all of her history she has never been an invader but a defender of rights.

The War between the States taught us of the South our unpreparedness. The war in Europe is teaching our whole nation our unpreparedness. Thank God for President Wilson—a man of peace and a man of vision! The Revolutionary War brought Cavalier and Puritan together in a common

love of country, so we, today, North, South, East, and West are being brought more closely together than ever before as true Americans under one flag and loyal to a Democratic Government with State Sovereignty stressed. We must be ready, after this war ends, to lend a helping hand to all nations needing help—for no blessing will come to us if we allow selfishness to engulf us.

Remember that this civilization that has replaced the old civilization rests with you and me whether it shall be a better civilization or not. Upon the individual man and woman in this country rests a fearful responsibility. Shall our influence—unconscious influence—which is the strongest—be for the upbuilding or the pulling down of this great Nation which God has entrusted into our keeping? God grant that we shall one and all stand ever on the side of RIGHT.

Colonel Hardy Murfree, of the North Carolina Continental Line*

BY COLONEL W. L. MURFREE.

Hardy Murfree was born in Hertford County, North Carolina, on the 5th of June, 1752. At the early age of twenty-three he was appointed Captain of the Second Regiment of the Continental line of North Carolina by the Provincial Congress, which met at Halifax, August 21, 1775. The earliest action of this body was to pledge the coöperation of North Carolina with the other colonies in raising a Continental army for the common defense of the country. In fulfillment of this pledge, after directing the formation of a force of "Minute-men," designed for local operations, it proceeded to organize two regiments, which became a portion of the Continental army, and which served throughout the Revolutionary war.

Hardy Murfree's father, William Murfree, was a man of prominence in the community in which he lived, and was a member from Hertford County in the North Carolina Congress, or Convention, as it would be called in the language of the present day, which convened at Halifax, in the following year on the 12th of November, 1776. The duty of this body, as described in the call issued for its formation by the Committee of Safety, was "not only to make laws, but also to form a constitution which was to be the foundation of all law; and as it was well or ill ordered, would tend to the happiness or misery of the State."—(Wheeler's *History of North Carolina*, pp. 84, 85, 86.)

That the constitution framed by this body was "well ordered," is very manifest from the fact that it proved so

*This Biographical Sketch of Colonel Hardy Murfree was delivered before the Tennessee Historical Society, at Murfreesboro, Tennessee, December 8, 1885, when Major D. D. Maney, "on behalf of all the descendants of Hardy Murfree and himself," presented to that historic organization the sword of this distinguished officer of the North Carolina Continental Line, which was accepted by Judge John M. Lea. Colonel W. L. Murfree lived in St. Louis, Missouri.

satisfactory to the people of North Carolina that, without amendment, it continued to be the organic law of the State from 1776 to 1835, a period of 59 years.

The two regiments contributed by North Carolina to the general defense, passed, as soon as they were organized, under the control of the Continental Congress, and acted chiefly in the main body of the army, under the command of Washington.

In the daring assault which resulted in the capture of Stony Point, there was selected from the North Carolina troops a battalion of picked men, and Hardy Murfree, who was then a Major, was placed in command. At the time there had been organized a corps of light infantry, composed of a battalion of picked men taken from each of the following States: North Carolina, Virginia, Delaware, Maryland, Pennsylvania, Connecticut, and Massachusetts; each battalion being under the command of a field officer. As already stated, Hardy Murfree was selected to command the North Carolina battalion. General Anthony Wayne was placed in command of the whole body, and to this corps of choice troops was committed the daring enterprise of storming Stony Point. Major Murfree, with his command, took his position according to his orders in front of the enemy's lines. He opened a rapid and continuous fire, for the purpose of drawing the attention of the garrison to his command, while the storming columns moved steadily and silently on his right and left to the attack on the fort. The result is matter of familiar history.

In the next year it appears that Major Murfree and his command had been transferred to the South. In his note book, which is now in the possession of a member of the family, there is an order by General Jethro Sumner, dated Warren County, June, 1780, addressed to Major Hardy Murfree, and also a copy of a letter from General Sumner, dated Hillsboro, May 18, 1781, addressed to "Col. Lamb or Maj. Murfree," relating to the movement of troops.

It may here be remarked that, in addition to the historical and documentary data, there are many interesting traditions concerning Hardy Murfree and his comrades, during the time of his service in the Continental army. It is said that in the battle of Germantown, October 4, 1777, he assisted in bearing from the field General Francis Nash,* who was mortally wounded. Colonel Murfree's sash was used upon this occasion to support the wounded General, and still bears the stains of his blood.

There are persons now living who were told by those who knew him well, his brother-in-law and son-in-law, that before the war closed Major Murfree was promoted to the rank of Colonel. He has always been accorded that title.

Colonel Murfree was married on the 17th of February, 1780, to Miss Sally Brickell, daughter of Matthias Brickell and his wife, Rachel Noailles Brickell. Mr. Brickell was a member of the Provincial Congress of North Carolina in 1776.

After the close of the war Colonel Murfree devoted himself to his private affairs. Elkanah Watson, in his book of travels in the South, published soon after the war, speaks of him as an "intrepid officer of the Revolution," whom he found busy with his plantation, on the banks of the Meherrin River, near the town of Murfreesboro, North Carolina. The town of Murfreesboro, Tennessee, was named in honor of him.

Colonel Murfree's wife died on the 29th of March, 1802, and five years afterwards he migrated to Tennessee, where he owned large bodies of land. He settled on Murfree's Fork of West Harpeth, in Williamson County, and on the 6th of July, 1809, he died. Although he had so recently identified himself with the people of Tennessee he had made many friends, and his funeral was attended by a large concourse of people. He was interred with Masonic honors, and an oration was delivered upon the occasion by Felix Grundy.

The following account of his funeral is taken from the

*The Gen. Francis Nash, who fell at the battle of Germantown in 1777, was the man in whose honor Nashville was named.

Democratic Clarion, published by Thomas G. Bradford, in Nashville, Tenn., July 21, 1809. This old newspaper is now in the possession of Mrs. Mary M. Hardeman, a granddaughter of Colonel Murfree:

On Sunday, the 9th instant, agreeable to notice, the Masonic funeral of Col. Hardy Murfree was celebrated. At 9 o'clock the procession formed in Franklin, in the following order:

Masonic Lodges, preceded by Tilers with drawn swords.

Philanthropic Lodge, Col. Edward Hard, Master, followed by the members.

Past Masters.

Franklin Lodge, Col. N. Patterson, Master. Members.

Nashville Corps of Volunteer Cavalry, Capt. Heussar.

On the procession arriving at the gate of the garden the Philanthropic Lodge stopped, and the Franklin Lodge advanced first to the grave. At the conclusion of the Masonic funeral rites the subjoined oration was delivered by Felix Grundy, Esq., after which the military advanced and fired three volleys over the grave.

The surrounding hills were covered with vast numbers of people, and the awful silence which pervaded such an immense crowd evinced the feelings of the spectators for the memory and virtues of the deceased. Col. Murfree was said to be nearly the last survivor who commanded a regiment during the Revolutionary war. The heroes and sages of that day are rapidly passing off the stage of life, but a few years more and nothing will remain but the remembrance of the virtues of the gallant patriots who established the freedom and independence of their country.

The following are extracts from the oration delivered upon the occasion by Judge Felix Grundy:

“ . . . Masons have lost a brother, soldiers have lost a hero, the world has lost a citizen and a man worthy to be remembered—ye military men, he was also your brother in arms. When the voice of an injured country called him to her relief, he paused not, he left his peaceful habitation, he marched to the tented field—he felt the injustice and indignity that were offered to his country—while timid, irresolute minds were considering whether submission or resistance to the unjust demands of the old government should be preferred, in his mind there was no conflict, he saw there was but one course honorable for his country, that he adopted and pursued it—although the prospect was gloomy and unpromising he did not hesitate—he staked his property and life on the event of the doubtful contest. When in the field he was no idle spectator of the events—the plains of Monmouth bear testimony to his valor and intrepidity. In the attack on Stony Point he held a distinguished and dangerous

command. On both occasions and many others he taught bravery to his soldiers by example; he never shunned danger, his gallant soul was a stranger to fear. You, ye aged men, who also partook in the dangers and difficulties of our country, know that although he was the greatest advocate for discipline, he had the talent of enforcing it rather by persuasion and example than coercion—those under his command considered his displeasure as the greatest punishment that could be inflicted on them—military men, remember his name and imitate his virtues.

“Let all present revere his memory, who, with his compatriots, brought liberty and independence to our country. We are now floating on the surface of a smooth sea, they buffeted the storm; we now enjoy the cool and refreshing breezes of peace; the scorching heat of the summer sun and the battle’s danger was theirs. . . .

“Enough of our brother’s character has been portrayed in the rough field of peril and danger; let us trace him in the private walks of life, where peaceful virtue, with her associates, delight to dwell. His presence, which was a terror to the enemies of his country, to his family and friends was a refreshing shower. The implements of war being laid aside, he was the affectionate husband and the tender father. He has left no consort behind him to mourn his death—his children are with us. Often will they revisit this spot, they will view it as holy ground, consecrated by the remains of their father.

“Of the benevolence of our deceased friend all who knew him can speak! With a liberal but unostentatious hand, he relieved the wants of the distressed. With those feelings which masonry inspires, he fed the hungry, clothed the naked, and dried up the tear upon the widow’s cheek.”

Colonel Murfree left two sons and five daughters, all of whom were married. None of them are now living; the second generation has passed away, but the third and fourth are numerous. A large proportion of his descendants are residents of Tennessee, a few of Mississippi, some live in Kentucky, and some in Missouri.

Colonel Murfree’s letters and memoranda show that he was a finely educated man, and of great native intelligence. He was of a generous and enthusiastic temperament, and was endowed with many noble traits of character. He was in every respect an honorable and upright man, a gallant officer, greatly beloved in private life, and most exemplary in his domestic relations. His private character is one which adds lustre to his public services.

In Memoriam

Entered into the eternal joy of her Lord on January 10, 1918, Mary Armistead Moore Matthew, the beloved wife of Patrick Matthew, formerly of Scotland, now of Edenton, North Carolina, daughter of the late Mrs. Susan Augustus Moore Righton, and niece of Miss M. E. Moore, of Edenton.

Descended from a long line of brilliant and distinguished ancestors, the noblest qualities of her antecedents culminated and found expression in her rare and charming personality. She used the gifts with which she was so richly endowed for the glory of God and the good of her fellow-man.

Her mind was as keen as a rapier, but possessed a depth a statesman might envy. She was a leader in all the educational, charitable, civic and church activities and an inspiration to the community in which she went about doing good.

She was a faithful, devoted member of St. Paul's Episcopal church, and filled with honor and efficiency the offices of president of the Bell Battery Chapter, United Daughters of the Confederacy, and regent of Penelope Barker Chapter, Daughters of the Revolution, and was a member of the North Carolina Society of Colonial Dames.

The historical tablets erected in Edenton are a memorial to her, and mark her interest and love for her native town.

With sincere grief we join the procession of the sorrowing in the loss of one who was dear to us. Her memory will be cherished in the hearts of all that knew her, for her broad sympathy and tender, loving nature responded readily to the joys and sorrows of others, and she made life a sweeter, fairer thing for all with whom she came in contact.

DUNCAN CAMERON WINSTON WALES.

RESOLUTIONS OF RESPECT TO MRS. PATRICK MATTHEW.

Realizing the Society of the Daughters of the Revolution has sustained an irreparable loss in the death of our beloved member, Mrs. Patrick Matthew, for ten years Regent of the

Penelope Barker Chapter, the following resolutions have been adopted:

1. Since it has pleased God in His wisdom to call to higher service our friend and useful member, Mrs. Matthew, with a deep sense of our loss, we wish to express to her husband, Mr. Patrick Matthew, and her aunt, Miss Mary E. Moore, our tender and sincere sympathy.

2. That we mourn the loss of a brilliant and stimulating presence among us. May we press forward with renewed energy in the work she loved so well. The memorials she was instrumental in erecting in and around Edenton, are of great value to the State and to coming generations. Edenton, so rich in historical association and great deeds, was to her a trust, to revive and keep in the hearts of the living, and well did she fill her trust.

3. That she was faithful in all the relations of life, and the State has lost one of the most active and patriotic women.

4. That while her vacant place fills our hearts with sadness, we humbly submit to the will of God.

5. A copy of these resolutions be sent to her family and that they be entered into the minutes of the Society of the Daughters of the Revolution and the Edenton papers please copy.

Respectfully,

MRS. MARSHALL WILLIAMS,
State Regent.

MISS GEORGIE HICKS,
Historian.

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Biographical Sketch

BY MRS. E. E. MOFFITT.

MISS MILDRED LEWIS RUTHERFORD

Miss Rutherford contributes an article on the "Civilization of the Old South" in this issue of *THE BOOKLET*, and which we hope will be reproduced in widely circulated journals.

Miss Rutherford was born at Athens, Ga., July 16, 1851. She is a daughter of William and Laura Battaille (Cobb) Rutherford, of Athens. North Carolina is one of her ancestral states. Her ancestors, the Lewises and Cobbs, lived in Granville County; she descends from the Lewises of Warner Hall and many of the distinguished families of the Old Dominion. Her great grandfathers, Col. John Rutherford and Major Francis Boykin, were with Gen. Nathaniel Greene in the American Revolution.

Miss Rutherford was educated at the Lucy Cobb Institute of Athens and subsequently its president for seventeen years. Again in 1917 she is president of Lucy Cobb. She is an inveterate reader and is trying hard to right the wrongs of history. Her studies cover every phase of literature and language and from her many activities is known nationally as educator, author, and historian. She is an educator of ability, as attested by her long service as president of that great Georgia institution, The Lucy Cobb. As an author her work includes many books and addresses. One of notable importance, "The Thirteen Periods of United States History," much used in schools and well deserves to become a text-book in all the States of the Union. This compilation is authoritative, reliable, and without sectionalism.

Miss Rutherford is State Historian of the Georgia Division of the United Daughters of the Confederacy. She was Historian General of the U. D. C., 1911-'12-'13-'14-'15-'16 and resigned from this office on account of the time-limit.

Her life has been, and is, one of great mental activity, be-

sides one of great responsibility, doing all with that energy and faithfulness characteristic of her forefathers.

She is a compiler of Southern history; and of English authors, French authors, American authors, and "The South in History and Literature." In patriotic work she is a potent factor. She is a member of the Society of Daughters of the American Revolution, to which she gives invaluable service in recording events of that period dear to the hearts of patriotic descendants. She is a member of the National Society of Colonial Dames of America in the State of Georgia, an organization that has brought to light facts in history by delving into old letters, court records, family wills and deeds, which by neglect would have been destroyed.

As a Daughter of the Confederacy and a long-time historian of that order, she has been assiduous in her researches, using every endeavor to see history made straight for the Southland. Her limited experience of that unfortunate period of our history, together with a great cloud of witnesses, she has unraveled many a tangled web of misreckoning and has woven the true threads of history into a fabric for the benefit of the future historian—and in which the South will greatly rejoice.

In this short sketch it is impossible to touch but lightly on the benefits bestowed by Miss Rutherford on her country. Her pleasing personality, added to her accomplishments of head and heart, have won for her an enviable place as a chronicler of history and a woman of high endeavor.

An address on "Historical Sins of Omission and Commission," dealing with events from 1754 to the present time, which she made at the General Convention of the U. D. C.'s at San Francisco in 1915, stands out for itself as one of abiding interest and importance. This address covers thirty-six pages and is well worthy of being reproduced on vellum, bound in morocco and placed in every library in this Nation.

With unprejudiced eyes, a sane look at things as they were, readers of the North, South, East, and West will put the stamp of justice on the brow of Miss Rutherford as an unbiased citizen and a champion of rights to all.

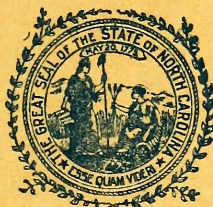
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APRIL, 1918

No. 4

The North Carolina Booklet



GREAT EVENTS
IN
NORTH CAROLINA
HISTORY



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

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Great Events in North Carolina History

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While we live we will cherish, protect and defend her!"*

Published by
THE NORTH CAROLINA SOCIETY
DAUGHTERS OF THE REVOLUTION

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APRIL, 1918

No. 4

The Origin of the Regulation in North Carolina*

BY ARCHIBALD HENDERSON

THE Regulation has been exhaustively studied, and is still something of a *cause célèbre* in North Carolina history. The origin of the movement has remained veiled in an obscurity which the diligent efforts of innumerable investigators have hitherto failed to illumine. The contemporary work¹ ascribed to Hermon Husband, a leader of the Regulators, opens with the statement:

In Orange County the first disturbance is generally ascribed to have arisen; but Granville and Halifax Counties were deeply engaged in the same quarrel many years before Orange. . . . For though Granville County had been at war, as it were, some years before the disturbance in Orange, yet we never heard of it till it broke out in Orange.

Researches made by the writer in the records of Granville County and the state archives at Raleigh have brought to light records and documents of crucial importance which have not hitherto been known to exist, or been available to historical students.

In his *Impartial Relation* the author, presumably Husband, quotes several passages from a manuscript, by an un-

*Reprinted from THE AMERICAN HISTORICAL REVIEW, Vol. XXI, No. 2, January, 1916.

¹An *Impartial Relation of the First Rise and Cause of the Recent Differences in Publick Affairs, in the Province of North Carolina*, printed for the Compiler (1770, pp. 104). With certain slight omissions, this work was reprinted in Wheeler's *Sketches of North Carolina*, II, 301-331. The collation was made from a copy in the library of the Philadelphia Library Company. There is also a copy in the John Carter Brown Library at Providence.

known author, generally denominated "The Nutbush paper."² The writer has recently discovered a contemporary copy of this address in its entirety, which has been missing for almost a century and a half. It is evidently in the handwriting of the author, George Sims, and is thus acknowledged by him, as well as bearing his signature in three places.

Of the author, who when this address was written had either been in Granville County but a short time or at least had formed but few acquaintances there, almost nothing can be stated at present. The Sims family settled in Granville probably before the time of its formation in 1746; in 1747 and 1748, entries in the county records refer to Sims's Road and Joseph Sims's ferry-landing on Tarr River. Henry Sims is first mentioned in the county records in 1747; and Joseph Sims, whose name occurs in the county records in 1746, qualified as captain of the Granville County militia on May 30, 1750. The first inspector of the first government warehouse in Granville County was Benjamin Sims, appointed August 31, 1749; other members of the family mentioned in the records are William Sims (1758), John Sims (1760), and Elisha Sims (1772). In 1777 Caswell County was set off from Orange, which had been formed in 1751 from Granville, Johnston, and Bladen counties. On the roll of taxpayers, listed in Caswell County in 1790, is found the name of George Sims, under the roll for "St. David's District."³

Despite the obscurity surrounding the material facts of the life of George Sims, the paper, for all its violences of prejudice and crudities in expression, is an able statement of grievances; and as an appeal to action, it indubitably exercised a powerful influence over the minds of the yeomen of Granville. It is dedicated to Captain Thomas Person, prominent figure in the Regulation movement—the one figure in that yeoman

²The title, as given in Wheeler, is described as mutilated; it is made out to read as follows: "A serious address to the inhabitants of Granville County, containing an account of our deplorable situation we suffer . . . and some necessary hints with respect to a reformation." It is to be observed that the copy here printed, made for Capt. Thomas Person and prefaced with some observations of the author, carries the brief title: "An Address to the People of Granville County."

³*North Carolina State Records*, XXVI. 1262.

insurrection who subsequently won high place and reputation in the colony. This paper, as the first effective summing-up of the grievances of the people, was surely a proximate cause of the Regulation.

It has been only imperfectly realized that the Regulation remotely received its initial impetus from the bipartite division of authority in the colony of North Carolina, between the agents of Lord Granville and the royal governor. When Earl Granville in 1744 united with the other Lords Proprietors in surrendering to the crown the sovereignty of the province of Carolina, he alone reserved to himself all rights as owner of the soil, in his share of the grant. Fully one-half of the province of North Carolina was embraced in Granville's district; and those who occupied lands within this district were required to pay annual quit-rents. As early as 1755 a committee of the assembly formally reported on the abuses of Lord Granville's agent and his subordinates; but no action was taken. On January 24, 1759, following vigorous protests against injustices which remained unredressed, a number of citizens seized Francis Corbin, Granville's principal agent, bore him to Enfield, where he had an office, and held him in duress until he gave a bond. Especial hostility was expressed by the disaffected toward the attorney-general of the colony, Robert Jones, jr., who was also a personal favorite of Earl Granville.⁴ In his *Impartial Relation*, Husband says that when the "Nutbush paper" was circulated at a meeting of the Orange County court, August, 1767, "after we had tried to plead our own cause at the bar against extortion," "some persons who lived adjoining Granville line told us they feared that matter would ruin some of us, for that just such a case had been undertook in Granville County years ago, and that they were at law about it to that day".

⁴*N. C. Col. Rec.*, V. lvii; *A Genealogical History*, by Col. Cadwallader Jones (1899), p. 2 *et seq.*; *William and Mary College Quarterly*, October, 1897, p. 121. Jones, called *Robin*, settled in Granville County as early as 1748, and during the years 1756 to 1766 served as attorney-general of the colony, alternating with Thomas Child. He was the father of Willie and Allen Jones, famous in the annals of the State. *Cf.*, for example, *Life of John Paul Jones*, vol. I., by Mrs. Reginald De Koven (New York, 1913).

The original petition by sundry of the inhabitants of Granville County, of date March 23, 1759, protests bitterly against the practice of Robert Jones, jr., in demanding exorbitant fees for his legal services, etc., and asks that he be prohibited from pleading at the Granville bar. This petition, hitherto unpublished it is believed, constitutes a fundamental document in the written history of the Regulation. The copy here presented, collated from the original records, was kindly supplied me by Dr. Thomas M. Owen, of Montgomery, director of the Department of Archives and History of Alabama. This Searcy petition was read at a meeting of the Granville County court, in the presence of the justices William Person, Daniel Harris, Gideon Macon, Thomas Person, and William Hunt. The presence of Thomas Person on the bench is to be noted. In his *Impartial Relation*, Husband says that as a result of the petition, the officers sued the subscribers for a libel, indicted the author of the paper, and imprisoned him; "which lawsuits have remained to this day" (1769). It is impossible to authenticate these statements, as the third volume of the Granville County Records, for 1759-1767, has disappeared. Below follows the petition of Reuben Searcy and others; Searcy was a prominent citizen of the county, sheriff in 1763, and afterwards clerk of the county court (1771-1783). The effect of the Searcy petition is clearly perceptible; for on May 14, 1759, Robert Jones testified under oath before the governor and council that "he had heard it was intended by a great number of rioters to petition the court at Granville to silence him, the deponent, and that if no such order was made, to pull deponent by the nose and also to abuse the court." Following a formal address to the governor by the assembly on May 15, a proclamation was issued and reputed rioters were incarcerated; but the jail was immediately broken open and the prisoners set free. Corbin's legal actions against the rioters were prudently withdrawn, and the issues temporarily settled. The rioters lived in the counties, not only of the present Granville and Halifax, but also of Vance, Warren,

Edgecombe, Wilson, Nash, and Franklin. The riot at Enfield presages the breaking-up of the court at Hillsborough in 1770; the petition of Searcy is the natural precursor of the Nutbush paper of George Sims.

As the rioters at Enfield protested against the illegal practices of Corbin, and the commoners of Granville in the Searcy petition protested against the exorbitant fees of Jones, so George Sims appeals to the inhabitants of Granville to rise against the tyrannies and exactions of Benton. The taking of extortionate fees constituted the primary and fundamental grievance of the people; but in connection with the protests against Jones, it may be mentioned that the closure of Granville's office in 1765 was on all hands cited to Governor Josiah Martin in 1771 as a chief cause of the Regulator troubles.⁵ When the people moved on to these lands, after 1765, conflicts with the colonial authorities as the result of the refusal of the people to pay taxes were inevitable.

ARCHIBALD HENDERSON.

I. THE PETITION OF REUBEN SEARCY AND OTHERS, MARCH 23, 1759

To the Worshipful Court of Granville County Greeting. The Petition of Sundry of the Inhabitants of the County aforesaid. We his Majesties true and faithful subjects humbly beg leave to shew your worships that notwithstanding the many Liberties Rights and Privileges granted us by his Majesty King George the Second etc. whose subjects we are and whose person Crown and dignity we are ready and willing now and at all other times to defend and do with the greatest sincerity profess true obedience and loyalty, but Liberty that dearest of names and Property that best of charters, seems to be too much detracted, as we verily believe by the illusive insinuations of Mr. Robert Jones Jr. Therefore your Petrs. humbly pray your worships to take the same into your wise and deliberate considerations and as far as in your powers lie, redress and relieve your Petrs. with many others from his unjust impositions and exorbitancy. Therefore to proceed in the first place that eloquent Gentleman through his wiles and false insinuations to which art and chicanerie he owes his great success and high preferment in this Province that we your petitioners verily believe has not only impos'd on the inferior class of mankind

⁵N. C. Col. Rec., IX, 49. Cf. Bassett, "The Regulators of North Carolina (1765-1771)," in *Annual Report, American Historical Association*, 1894, p. 150, note. In 1761 Robert Jones was appointed Lord Granville's agent (Granville County Records, August 11, 1761). Jones died on October 2, 1766.

but has likewise impos'd on his Excellency Arthur Dobbs Esqre.⁶ Governor etc., of this Province together with his Majesties' Honourable Council that notwithstanding their wise and mature considerations together with their just honest and righteous intentions for the benefit and welfare of the inhabitants of this our Province in general, yet that gentleman thro' false and unjust Representations in matters relating to our County of Granville hath prevailed on his Excellency and Honours aforesd to issue a Commission of Peace for our said County thereby leaving out of said Commission several worthy gentlemen that were very serviceable and beneficial to our said County and more especially to the upper inhabitants thereof for the lack of which magistrates or a sufficient number of such your petitioners labour under great disadvantages and inconveniences and also Justice likely to be much retarded which certainly is very disagreeable to your worships as well as petitioners. And furthermore the Legislature of the Province have in their wise and deliberate consideration allowed and stated a set fee very sufficient for an Attorney practising in our said Province to have and receive for his care and trouble in prosecuting Suits in any of our Courts of Judicature but Mr. Jones instead of the fee allow'd by law frequently demands and receives double that fee without any matter or remorse of conscience, so that it has become a general practice and custom among chief of our Attornies, and by the great volubility of speech and the superiority that he by his wiles insinuations and chicanerie as aforesd. has insinuated himself into, very frequently works on the passions of weak juries to blind their conception of Justice in order to gain his point so that men flock daily to him to comence very trivial and frivolous lawsuits which tends to the great disadvantage and prejudice of our inhabitants for all which insults and injuries your petitioners humbly beg your worships to exclude and prohibit the sd Mr. Jones from pleading at our barr for the future and your petitioners as in duty bound shall ever pray.

II. AN ADDRESS TO THE PEOPLE OF GRANVILLE COUNTY BY

GEORGE SIMS ⁷

"Save my country, Heaven!" shall be my Last.⁸ Pope.

⁶Arthur Dobbs, a native of Ireland, was appointed governor of North Carolina by the crown and took the oath of office on November 1, 1754. In connection with the Enfield riots, Governor Dobbs was popularly credited with showing a friendly disposition toward the rioters. Upon his death at the age of eighty-two, on March 28, 1765, he was succeeded as governor by William Tryon, who proved singularly unsympathetic with the regulating element in respect to their alleged grievances.

⁷For the collation with the original manuscript, until recently hidden away in the Capitol building, I am indebted to the kindness of Mr. R. D. W. Connor, secretary of the North Carolina Historical Commission.

⁸Ending of epistle I. of Pope's *Moral Essays*.

Dedicated to Capt Thomas Person.⁹

by his

Obt. Hmble. Servt.

G. SIMS.

TO CAPT. THOS. PERSON.

Sir.

The honour you do me by requesting a copy of my address to the inhabitants of Granville County does not raise my vanity to such a height; but what I am mortified down to the lowest degree imaginable, at the thoughts of granting your request. Not, because it contains any thing, either false, or criminal. I wish from my heart the facts therein related were not so notorious as they are: But the mortifying reflection is this, I wrote it for the common people to understand, and therefore took not the pains to be methodical, as I should have done, if I had known, or imagined, it would ever have come within the Scrutiny of Gentlemen. I do not intend by this Sir, to insinuate that I could write so methodically, as to stand the test of a critic, or in other words to commence author. Were I to entertain such a vain conceit, I should be afraid the very trees in the forest, rocks, hills, and vallies, would all resound the echo of that vain thought to my eternal shame and confusion. But, forasmuch as the facts treated of, whether generally, or particularly, are so notorious, and the conclusions so natural, that, it is no hard matter for me to compose a subject of this nature methodically enough to bear at least a perusal among Gentlemen, who are acquainted with my Circumstances. Because where nothing extraordinary can reasonably be expected, no great disappointment can happen, if nothing extraordinary be found. However, as I had not the presence of mind to make these reflections before it was too late, I gave you my promise, from which I cannot now in honour recind, therefore, I have this request to make, which I hope you will be candid enough to comply with; I do imagine, that you will communicate it to Gentlemen of penetration, and as I am positive, that, it will not bear criticising on; either in the orthographical, or grammatical perfections, I insist, that, at your leisure, you would correct those deficiencies, which are too egregious to bear the sight of a Critic at ten yards distance, that is if you intend to shew it to any Gentleman, who has not yet seen it. Otherwise, I do not care, since you are acquainted with the Author,

⁹Known in history as General Thomas Person; born January 19, 1733, died November 16, 1800. Began life as surveyor for Lord Granville; sheriff of Granville County (1762), justice of the peace (1759, 1763, 1764), representative in assembly for Granville, 1764, 1768-1785 continuously, 1788-1790, 1793-1794; senator in assembly 1787, 1791; elected (May 11, 1784) to Continental Congress, but never took his seat. The most vigorous democrat and vehement champion of the rights of the common people; leading Regulator and able adviser in their cause; included by Gov. Tryon in the list of those excepted from the benefit of pardon; captured and imprisoned; secured his release and was never brought to trial. Cf. sketches: S. B. Weeks, in *N. C. Booklet*, IX. 1; and T. B. Kingsbury, in *Weekly Star*, Wilmington., N. C., July 20, 1877.

you will easily look over the imperfections of the performance without censure; Since you cannot expect any accurate performance from so small abilities, which, however small, the person who is endowed with them, is proud of nothing more, than the honour of subscribing himself your very hble Servt.

G. SIMS.

N. B. I imagine it may be a matter of mirth to some Gentlemen to see my writing appear in the method of an Author, having a dedication prefixt. However let such remember, that as to the subject, I write the truth, and as to form, I write in my own Style.

I am yrs. etc. G. SIMS.

Gentlemen, You are chiefly strangers to me, there are very few of you, that I am personally acquainted with, and I imagine that some of you begin to wonder, what I am going to offer to a company of men that I know nothing of. However, Gentlemen, when I consider myself as a member of Granville County, I am no longer a stranger among you, but a brother of that community to which you all belong, and as such, I look upon it as my indispensable duty, to exert myself in vindication of those rights and privileges which our Constitution has endowed us with, when either persons or things endeavour to destroy them, and as this is evidently the case at this present juncture, I think it is high time we should all exert ourselves, in our defence against the common evil, which has almost overrun our land, and this is the motive Gentlemen, which induced me to desire a convention, and an audience of you, that I may lay before you, those grievances which oppress our land. Not, because you do not know it Gentlemen; but, because you do, and that by knowing it, you may the more cheerfully join with me, in such methods as I shall propose, for the recovery of our native rights and privileges and to clear our country of those public nuisances which predominate with such tyrannical sway. And, I hope to see you all unanimously zealous and combine as one man to throw off the heavy yoke, which is cast upon our necks, and resume our ancient liberties and privileges, as free subjects. Who under God are governed by his august Majesty George the third, whom God preserve. And in order to explain myself on this subject, I shall undertake 1st. To explain what law is, when abstractedly considered. 2ndly. The utility or use of every human negative, and positive law. 3rdly. I shall undertake to shew the most notorious and intolerable abuses, which have crept into the practice of the law in this Country. 4thly. The mischief which necesarrily flows from, or follows the abuse of the law, and the absolute necessity there is for a reformation. 5thly. Propound such methods to effect this reformation as appears to me most probable of success. And, Lastly, I shall recommend the whole to your serious consideration, and insist that we be no longer strangers when the common evil, which we groan under, calls so loudly for our interposition. There-

fore let us unite as brothers of one community, to recover our privileges, which are trampled under foot, by a handful of wretches, who are fitter for halters than Officers¹⁰ of a Court. In the first place it is no hard matter to explain what law is; neither is it very material to my purpose whether I explain it or not; but as I promised to do it, and, because it may in some sort give us an idea of laws in general, and their obliging power; I shall explain it in the words of the learned Mr. Dawson,¹¹ who in his treatise of the origin of law, Says, That law is the rule of acting, or not acting, laid down by some intelligent being, having authority for so doing. This, Gentlemen, though it is short, yet it is a comprehensive description of all laws, whether divine or human, whether natural or revealed, negative or positive. And, without entering into definitions of particular laws, or tedious observations on the nature and property of Laws, I shall descend to the second proposal which was to shew the general utility or use of laws. And I may venture to affirm that the laws of all well regulated Societies will aptly fall under one of these three general heads or divisions. 1st. To secure men's persons from death and violence. 2ndly. To dispose of the property of their goods and lands. And 3rdly. For the preservation of their good names from shame and infamy. Under one of these three general heads, I say the laws of all well regulated societies will aptly fall; The further any system of law deviates from these great and general ends, the nearer it approaches to those systems of law, which are the productions of despotism and tyranny. But we are the people Gentlemen, who have the happiness of being born under one of the most perfect forms of government in the known world. We are a part of that stupendous

¹⁰Foot-note in original manuscript: "Let it be remembered that whenever I mention Officers of the Court (which is a summary comprehension of the ministers of Justice if largely taken) I mean no more than, Clerks, Lawyers, and Sheriffs, and not the Wpl. members of the Bench, whose authority I revere, and hold them in the highest veneration."

The particular objects of the distrust of the inhabitants of Granville County were Robert Jones, attorney-general of the colony and agent of Lord Granville; and Samuel Benton, colonel of the Granville County militia, and clerk of the county court; but other county officers and lawyers generally were complained against. There are certain conspicuous exceptions to those in bad odor with the disaffected. Among the "worshipful members of the bench" (justices of the county court) during the period referred to, who, in the language of Sims, were "revered" and "held in the highest veneration," were Thomas Person, Reuben Searcy, Gideon Macon, and Richard Henderson. For Thomas Person, *cf.* note 9 *supra*. Reuben Searcy was the author of the trenchant protest against Robert Jones, jr. Gideon Macon, an emigrant from Virginia, was the father of the democratic statesman, Nathaniel Macon, the friend and intimate of Jefferson. Richard Henderson was a young attorney whose "amazing talents and general praise had not created him a single enemy"; in appointing him to the highest court in the colony, the governor in a letter to the Earl of Shelburne said of him that he lived among a people who "will be happy at having such a distinction paid to one who resides among them, and for whom they entertain an esteem." (*N. C. Col. Rec.*, VII, 697). Later, protests were made in both Orange and Granville against sheriffs who were grossly in arrears in their accounts. Conspicuous exceptions were Thomas Hart, who, as sheriff of Orange, was proved to have been "not a farthing out in his accounts" (*N. C. Col. Rec.*, VIII, 233); and Samuel Henderson, sheriff of Granville, to whom, upon examination of his accounts, the county was found to be in arrears and the account was allowed (Granville County Records, June 19, 1759).

¹¹George Dawson, *Origo Legum; or, a Treatise of the Origin of Laws, and their Obliging Power* (London, 1694).

whole, which constitutes the glorious, and formidable kingdom of Great Britain. The Sceptre of which is swayed by his present Majesty, George the third, of the royal house of Hanover, and right heir to the crown, and royal dignity, according to a Protestant succession, settled by an act of parliament in the reign of Queen Ann of blessed Memory. We are the subjects, I say, of this august monarch, who in conjunction with the united power and authority of the Lords spiritual, Lords temporal, and house of Commons, maintain and uphold this inimitable System of law, which his royal ancestors, and their predecessors, have from time to time enacted, and established for the safety of his kingdom, and the benefit of his leige subjects, by securing our person from death and violence: By disposing of the property of our goods and lands, and by providing methods for the preservation of our good names from shame and infamy. All these privileges, Gentlemen, we dare to call our own, under the protection of that (almost) immutable system of law, which is confirmed by the triple combined authority of the King, Lords, and Commons, as you have heard before and transferred by them to all his Majesty's plantations in North America, and else where as a model to form their laws by, and as a touchstone to try the validity of such laws, as shall be enacted by any Legislative power, within his Majesty's extensive Dominions.

This, Gentlemen, is the inexhaustible fountain, the source whence we draw our claims to these privileges that our situation as free subjects undoubtedly entitles us to, And that we may be provided with such laws, as the particular circumstance of our province, may from time to time require.

We have an assembly, which somewhat resembles that grand tripartite conjunction of the King's authority, Lords, and Commons. Here we have a Governor, Council, and an Assembly of Representatives chosen by the populous¹² to enact laws for the benefit of the Commonwealth, as occasion may require in conformity to the laws aforesaid. And I suppose, they have answered those ends, or whether they have, or have not, is a matter, which I shall not now undertake to determine. However, we have a set of laws peculiar to this Province, for a System I cannot call them, because they are mostly temporary and subject to change.

There is none that I know of, if they were honestly complied with, that would not answer the end intended by our great Legislature at home; except, it be some petit private acts in favour of some particular persons, who by false insinuations and sinister practices have obtained the same, which, I shall treat of in their proper places. Well, Gentlemen, it is not our mode, or form of Government, nor yet the body of our laws, that we are quarrelling with, but with the mal-practices of the Officers of our County Court, and the abuses which we suffer by those empowered to manage our public affairs; this is

¹²Populace.

the grievance, Gentlemen, which demands our solemn attention, and in order to make it evident, I shall according to my promise in the third place shew the notorious and intolerable abuses which have crept into the practice of the law in this county, (and I do not doubt in the other counties also, though that does not concern us). In the first place, it is well known, that there is a law which provides that a lawyer shall take no more than 15/ for his fee in the County Court. Well, Genl. which of you have had your business done for 15/ ? Do not the Lawyers exact 30s for every cause, and 3, 4, or 5 pounds for every cause that is attended with the least difficulty? Yes; they do Gentlemen, and laugh at our stupidity and tame submission to these damned extravagancies. And besides the double fees, which they exact from you, do they not lengthen out your lawsuits, by artifices and delays, so long as they perceive you have any money to grease their fists with? And numberless other devilish devices to rob you of your livings in a manner diametrically opposite to the policy of our State, and the intention of our Legislature. I dare engage for you all, Gentlemen in the affirmative, I believe there is none here at present, but what must acknowledge that this is exactly the Case. Well, Gentlemen, if there were no more public evils, this, alone is sufficient [in] a little while to ruin our County in these litigious times. But hear another evil greater by far, if possible. Mr. Benton¹³ in his former, and in his present capacity, is a subject worth a particular scrutiny. View him but in his former, and then view him in his present capacity, and make an estimate of the service he has done you, in requital for the favour you did him by taking him out of prison or what was next door to it, and sending him Burgess. He was universally esteemed a person calculated for what is called a poor mans Burgess, and indeed he has proved a poor mans Burgess, he forgot that you sent him to do your business, Gentlemen, his mind (like his eyes) is turned inward, and all his transactions below have been for the benefit of that dear self of his, which is so much in his own good graces, that he is plundering his County to enrich that dear object! You had a great deal of reason, I acknowledge, Gentlemen,

¹³First heard of in Granville County, N. C., on January 2, 1752, when he produced his commission as justice of the peace. On July 6, 1756, he was in prison and refused to serve when appointed justice of the peace (*N. C. Col. Rec.*, V. 591); acted as justice of the county court in the years 1752-1755, 1763, 1764, and perhaps at other times; colonel Granville County militia, 1765; clerk of the court from 1765 until the time of his death shortly prior to April 17, 1770; representative in the general Assembly from Granville County in 1760, 1761, 1762 (April and November), 1764-1765, 1766-1768. The Granville County Records show him to have been prominent and active in county affairs, notably as commissioner for the erection of a court house, gaol, stocks, and whipping-post. At various times he presented bills for his services against the county, running up into hundreds of pounds. He was the grandfather of Thomas Hart Benton, the famous statesman, who was born (March 14, 1782) near Hillsborough, on the old road to Haw River, about half a mile from the river Enoe, where stood the mill of Thomas Hart. Samuel Benton's son, Jesse, the father of Thomas Hart Benton, was a representative in the assembly in 1781, lieutenant-colonel of militia, and accompanied Judge Richard Henderson on his journey over the Wilderness Road to Kentucky in 1775. Cf. the erroneous account of Thomas Hart Benton's forbears in the biography by W. M. Meigs (Philadelphia, 1904).

to imagine that a person who had suffered by the malpractices of others would make a benevolent patriot, when in a public capacity; but how much have probabilities deceived you; judge ye!

He is Colo. Benton, now chief Officer in our military affairs, he is Clerk Benton, chief Clerk of our County Court, in which double capacity I believe, Gentlemen, there is None [of] us that envies him, but in the execution of his office. I believe there are none of us that have the good of the Commonwealth at heart, but must resent the usage he gives us here. The Clerks tell us there is no law to ascertain their fees, and therefore they are at liberty to tax our bills as they please, and the misfortune is Gentlemen, that we are obliged to pay it, be it what it may; I think, Gentlemen, if there be no law to ascertain the Clerk's fees, there is no law to compel us to pay any fees at all. However, let us see what advantage Benton the poor mans Burgess makes of this deficiency in our law, if you give a judgment Bond for five pounds only, and this Bond goes into Court, the Clerk for only entering it on the Court docquet and issuing an Execution, charges you with forty one shillings and five pence, I had it from Benton's own mouth, at which time he vapoured as high, and with the same confidence that a fighting gamester has, who is endowed with courage of a highwayman, with oaths and execrations that he had taken it and would take it.

However, Gentlemen, I hope you will disappoint him, I am determined till he produces law that shews me what the fees are, to pay no fees at all, and I hope you will all follow the example, and see where Benton will get his obliging power to compel us to pay them. All these abuses are founded upon so false a basis, that [the] least resistance will overturn the whole mass. For, where there is no law, there is no transgression in not complying with the arbitrary demands of a lawless Officer, and where the law gives a right, the same law will give a remedy, when this law is violated, and that our rights and privileges are violated in the highest degree is manifest, not only from what has been said, but from the daily practices of our Officer. It is time, and high time, Gentlemen, that we should endeavour to save our sinking County from the impending ruin, which will be the necessary consequence of these cursed practices. I told you Gentlemen, I would undertake to sum up the abuses, which have crept into the practice of the law in this County. I have indeed undertaken it, but if my paper would permit, I am positive your patience would not. To say all that might be said on this subject alone would fill a large volume; therefore, I must abridge the catalogue, that I may perform my promise in other particulars; but remember by the way, the hardships that we suffer by building the courthouse etc. for Benton to bring grist to his own mill: But I shall treat of this subject with an instrument prepared to regulate this hardship.

And therefore I shall proceed to the 4th proposal, which was to shew the mischief that naturally flows as a consequence from these

cursed practices, and whatever I say Gentlemen, to illustrate this melancholy subject. Need I mention one instance to set forth the misery which we groan under? Does not daily experience shew us the gaping jaws of ruin, open, and ready to devour us? Are not your lands executed, your negroes, horses, cattle, hogs, corn, beds, and household furniture? Are not these things, I say, taken and sold for one tenth of their value? Not to satisfy the just debts which you have contracted; but to satisfy the cursed exorbitant demands of the Clerks, Lawyers and Sheriffs. Here they take your lands which perhaps are worth four or five hundred pounds, and sell them at public vendue for about forty or fifty pounds. And who buys? Why the same villians who have taken your negroes and other personal estate, and have the County's money in their hands. This has furnished them with money to buy off the rest of your livings, at the same rates as you have heard. It is reasonable Gentlemen, that these Officers should be allowed such fees, as may give them a genteel maintenance, but then is it reasonable that they should rob the County to support themselves in such damned extravagancies, and laugh at us for being such simpletons as to suffer it? No: Gentlemen, there is no reason that I know of; except they want to reduce us down to that despicable state whence they rose, and a pitiful estate it was, Gentlemen. There were none of our arbitrary Governors, whose descent were not as obscure, and dispicable, as their transactions in a public capacity have been base and illegal. But it is a received maxim among the unhappy subjects of electoral Dominions, that they have the most to fear from a King who hops from the dunghill to the throne. But to return from my disagreeable digression, let us make an estimate of the difference between getting our livings by honest industry and getting them by these cursed practices. We will suppose ourselves all to be men, who labour for our livings, and there is a poor man among us, who has dealt for about 4 or 5 pounds in such things as his family could not possibly do without, and in hopes of being spared from the lash of the law till he can sell some of his effects to raise the money; he gives a judgment bond to his Merchant, and before he can accomplish his design his bond is thrown into Court, and Benton the poor mans Burgess has it to enter on the Court docquet and issue an execution the work of one long minute. Well, Gentlemen, what has our poor neighbor to pay Mr. Benton for his trouble? Why, nothing but the trifling sum of forty-one shillings and five pence. Well he is a poor man, and cannot raise the money. We will suppose Mr. Benton condescends to come to terms with him. Come (says he) and work. I have a large field and my corn wants weeding (or something like that). I will give you 1/6 a day, which is the common wages of a labourer in these times till you pay it off because you are a poor man, and a neighbour I will not take away your living. Well how many days work has our honest neighbor to pay Mr. Benton for his trouble and expense in writing about a min-

ute? Why, he must work something more than 27 days before he is clear of his clutches. Well the poor man reflects within himself. At this rate says he when shall I maintain my own family. I have a wife and a parcel of small children suffering at home and I have none to labour but myself, and here I have lost a month's work and I do not know for what, my merchant not yet paid, I do not know what will be the end of these things; however, I will go home, and try what I can do towards getting a living. Stay neighbour, you must not go home, you are not half done yet, there is a damned Lawyers mouth to stop before you go any further, you impowered him to confess that you owed £5., and you must pay him 30/ for that, or, else go and work nineteen days for that pick-pocket at the same rate, and when that is done, you must work as many days for the Sheriff, for his trouble, and then go home and see your living wrecked and tore to pieces to satisfy your merchant.

Well Gentlemen, if this were the case, would it not be a melancholy thing? But it is worse by ten degrees than anything that you have yet heard. It is not a persons labour, nor yet his effects that will do, but if he has but one horse to plow with, one bed to lie on, or one cow to give a little milk for his children, they must all go to raise money which is not to be had. And lastly if his personal estate (sold at one tenth of its value) will not do, then his lands (which perhaps has cost him many years toil and labour) must go the same way to satisfy these cursed hungry caterpillars, that are eating and will eat out the bowels of our Commonwealth, if they be not pulled down from their nests in a very short time, and what need I say, Gentlemen, to urge the necessity there is for a reformation. If these things were absolutely according to law, it would be enough to make us turn rebels, and throw off all submission to such tyrannical laws. For, if these things were tolerated, it would rob us of the very means of living, and it would be better for us to die in defence of our privileges, than to live slaves to a handful of Scapegallows, or perish for want of the means of subsistence. But, as these practices are diametrically opposite to the law, it is our absolute duty, as well as our Interest, to put a stop to them, before they quite ruin our County. Or, Are become the willing slaves of these lawless Officers, and hug our chains of bondage, and remain contented under these accumulated calamities? No, Gentlemen, I hope better things of you, I believe there are very few of you, who have not felt the weight of their Iron fists and I hope there are none of you, but what will lend a helping hand towards bringing about this necessary work. And in order to bring it about effectually, we must proceed with circumspection, not fearfully, Gentlemen, but carefully, and therefore, it will be necessary to mention certain rules to be observed in our proceedings. And first, let us be careful to keep sober, that we do nothing rashly; but act with deliberation. Secondly, Let us do nothing against the known and established laws of our land, that we may not appear as a faction endeavouring to subvert the laws, and overturn

our system of government. But, let us appear what we really are, To wit, free subjects by birth, endeavouring to recover our native rights according to law, and to reduce the malpractices of the Officers of our Court down to the standard of law. For, we must remember that it is not the Body of our laws, we are fighting with, this would be the highest folly, since it is the known established law of our land, that is a bulwark to defend those privileges, which we are contending for, except there be any late private acts, that favour them in these devilish practices, if there be any such law, I say, Gentlemen, it deviates from the use of the law, which I cited to you in the beginning and consequently derogatory from the System of the laws of England, and so we are bound by no authority to submit to them, but there are no such laws that I know of. Thirdly, Let us behave ourselves with circumspection to the Worshipful Court inasmuch as they represent his Majesty's person, we ought to reverence their authority both sacred, and inviolable, except they interpose, and then Gentlemen, the toughest will hold out longest. Let us deliver them a remonstrance, setting forth the necessity there is for a suspension of court business, till we have a return from the Governor, in answer to the petition, which we shall send to his Excellency on the occasion. The remonstrance to their Worships, and the petition to his Excellency I have ready drawn, which I shall communicate to you after I have made my last proposal, which is this, I promised that the last paragraph should be a recommendation of the whole to your serious consideration, and insist upon some points necessary to be concluded on; but as all that has been said is so self evident, and the matter so important, that I am in hopes, you have all considered the subject, and made such conclusions as may inspire a resentment against the abuses which we suffer, therefore, my proposal is this, I am a stranger, I say to the chief of you. I have not moved in these matters out of any vain ostentation, or any private pique that I have against any of our arbitrary Governors, but a true zeal for the good of my County, was the only motive, which induced me; neither do I desire the pre-eminence in any thing among you, I am a stranger, I say, therefore it may be, that you have not that confidence in me, which you can repose in some of your acquaintances whose resolution you know will answer the end of these undertakings. If so Gentlemen, name the man, I will be the first on his list to follow him through fire and water, life and death if it be required in defence of my privileges, and if you choose me for your leader I can do no more. Here I am this day with my life in my hand, to see my fellow subjects animated with a spirit of liberty and freedom, and to see them lay a foundation for the recovery thereof, and the clearing our County from arbitrary tyranny. God save the King

Nutbush,¹⁴ Granville County

6th June 1765.

¹⁴A settlement on Nutbush Creek, which runs through the northern part of what is now Vance and Warren counties, formerly Granville County.

APPENDIX

Since this article was originally printed, a few additional bits of information have been forthcoming.

In the "Catalogue of Mr. Murphey's materials for the History of North Carolina," under division 6, is listed: "George Sims address to the people of Granville on the subject of abuses by officers of Courts" (In "The Papers of Archibald D. Murphey," ii, 419—Publications of the North Carolina Historical Commission).

In a "Muster Roll of the Regiment in Granville County, under the Command of Colo. William Eaton, as taken at a General Muster of the said regiment 8 October, 1754" is found—"Captain Benjamin Simm's Company," containing seventy-five names (State Records of North Carolina, xxii, 378-9).

In the Archives of the North Carolina Historical Commission there are a number of claims for members of the Sims family. The following is a specimen:

Indent. No. 296 Auditor's office the 29th day of June, 1782. This [mutilated] Certify that George Sims Exhibited his claim and allowed [mutilated] Shillings Specie Test JE. RICE Clk	STATE OF NORTH CAROLINA Hillsborough District JOHN NICHOLS Ad MURPHY
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Other claims of like character, which were allowed, are as follows:

James Sims	Hillsborough District	1781	£ 0 — 6—0
Leonard Sims	" "	1781	£ 1486—16—0
" "	" "	1781	£ 440— 0—0
William Sims	" "	1781	£ 1106— 8—0
Martin Sims	" "	1782	£ 26— 2—0
Murrey Sims	" "	1782	£ 10—16—0
Isham Sims	" "	1782	£ 18— 9—0
Robt. Sims	" "	1782	£ 7—11—0
Thos. Sims	" "	1783	£ 9— 2—0
Mark Sims	" "	1783	£ 9— 0—0
Martin Sims	" "	1783	£ 3— 6—0
William Sims	" "	1783	£ 3— 6—0
Murrey Sims	" "	1783	£ 2—10—0
" "	" "	1783	£ 9— 2—0
Isham Sims	" "	1783	£ 3—16—0

The Ride of Captain Jack—1775*

BY MARY GROOME MCNINCH

I

Come hear the ride of Captain Jack
To Philadelphia and back.
John Gilpin never rode as he;
Not Paul Revere, as you shall see,
Nor Tam O'Shanter's maddest mile
Your ear shall from my tale beguile.
'Twas in the year of seventy-five
When liberty began to thrive;
The "Hornets' Nest" was not yet named,
Nor "*Esse quam videri*" famed;
The fashion was a coat of red,
"God save the King!" forever said;
And be he wrong or be he right,
"God save the King!" from morn 'till night.
But men in Mecklenburg there were
Who dared King George's wrongs aver;
Here in a house of logs, they broke
Their sceptered king's unlawful yoke.
Brave pioneers with conscious power!
They fashioned in that golden hour!
A nation's cradle of repose.
Outside an eager crowd drew near
To give the patriots praise and cheer.

II

Then Captain Jack agreed to be
The messenger to Congress. See!
His hat they bring, his spurs, his sword,
He mounts his horse, a farewell word,
The message safe in hand, at last,
The hated street of Tryon passed,
The stream that skirts the hill is crossed,
They see him gain the wood! He's lost
To view, and then they cheer again
And echo calls a faint refrain.
What ear could follow fast enough,
That beat on beat of thudding hoof?
What eye could mark them flashing by
The woods, the streams, the changing sky?

*Published by request.

All day, all day, all day once more,
Nor half that daring ride is o'er.
No courier of prose nor song
E'er yet did ride so fast and long.
Five hundred weary miles he went,
And half a score of horses spent
Before the Quaker town he spied,
Or rested from his fearsome ride!

III

At once our delegates he sought
And showed the documents he brought,
The president of Congress deemed
The act too premature. It seemed
That Jefferson, with wiser eyes,
Knew how to use the "spurious" prize;
And in the immortal page he wrote,
Its substance, he, methinks, did quote;
And thus, though lost to history,
The tidings served their end, you see.
Whatever fate the paper met,
Its bearer we cannot forget.
James Jack is dead long, long ago,
His fame, indeed, shall not be so;
For we will ever tell how he
Rode far and well for liberty.

An Inventory

Of the Estate of John Rowan, Esqre. Deceas'd, Taken by Benjamin Smith (Guardian Thereof) a Copy of Which Was Delivered to the County Court of Brunswick, Term Being the Next After His Appointment, Which Was at June Term 1782

(Contributed by North Carolina Society of Colonial Dames of America)

LANDS IN BRUNSWICK COUNTY

No.	Quantity of Acres.
1. A tract of land with improvements thereon, containing 320 Acres in (what was formerly, at the time of the grant called the Precinct of New Hanover but now) Brunswick County, on the Southwest side of the Northwest branch of Cape fear River joining on the upper side lands formerly George Gibbs's but now possessed by Mrs. Dry-----	320
2. A Tract containing 360 Acres joining and below the above on the River -----	360
3. A Tract containing 176 Acres joining above and below by sd Rowan's land on the River -----	176
4. A Tract containing 320 Acres joining the above and below on land formerly Colonel Notton's, being on the River & strikes the Woods Creek by the lower line-----	320
5. A Tract containing 640 Acres on Woods Creek joining Mr. Rowan's land-----	640
6. A Tract containing 640 Acres on Woods Creek joining Mr. Rowan's land-----	640
7. A Tract containing 640 Acres on Woods Creek-----	640
8. A Tract containing 640 Acres on Woods Creek & Rattle Snake branch -----	640
9. A Tract containing 500 Acres back of the Mill Lands-----	500
10. A Tract containing 500 Acres on Alligator Branch back of the Mill Lands. -----	500

The above ten Tracts with one of 640 Acres on the Island in New Hanover County mentioned below constitute *Rowan Plantation*, containing 5376 Acres, on which are two Saw Mills, on one Dam indifferently found with tools.

NB. Since my taking possession the Dam, which was very much broken, has been made up and the Mills that were rotten and tumbling down have been repaired. There is also a grist mill on said Plantation, very much out of order.

12. A Tract containing 400 Acres on the lower side of Hoods Creek, joining the Halton's.....	400
13. A Tract containing 300 Acres on the Southwest side of the Northwest Branch of Cape fear river joining the above, granted to Roger Moore, Esqre. by him sold to Mr Halton and then to Mr. Rowan.....	300
14. A Tract containing 300 Acres on the Southwest side of the Northwest branch of Cape fear river, joining the above and runs about half a mile below Woods Creek.....	300
Two Lotts in the town of Brunswick No. 354 & 356.	
Total Of Lands in Brunswick County	5736

LANDS IN NEW HANOVER COUNTY

11. A Tract containing 640 Acres on the Island between Black River and the Northwest branch of Cape fear River bounded by the said Rivers, the Thoroughfare and lands below belonging to the estate of James Murray.....	640
15. A Tract containing 350 Acres on the Northeast side of Black River opposite to the lower end of Colonel Halton's.....	350
Island. Total in New Hanover. 990 Acres	

LANDS IN BLADEN COUNTY

16. A Tract containing 640 Acres on the North East side of the Northwest branch of Cape fear river, joining (when the patent was granted) Henry Simonds land.....	640
17. A Tract containing 320 Acres on the Southwest side of the Northwest of Cape fear river, when patented joining Mc-Knights	320
18. A Tract containing 291 Acres on the Northeast side of the Northwest branch of Cape Fear river at the time of the pattent joining the upper side of Nathl Moores.....	291
19. A Tract containing 500 Acres on the West side of Waccamaw Lake and joining land formerly belonging to Joseph Waters	500
20. A Tract of Land containing 360 Acres on the North side of the Waccamaw Lake, when pattented joining John Clayton's land	360
Total in Bladen County	2111
Total of Lands, 20 Tracts.....	8837

Besides which there are several papers about lands which appear to be of no consequence but are carefully preserved among them a Warrant dated in 1744 for 4000 acres of land in Bladen County.

N.B. Mr. Denning in his Tax list for the Estate returns 195 Acres of land near Newbern in Craven County, all of which Marsh, but I cannot find any Titles to Them.

AN INVENTORY of the slaves, stock of Horses, Cattle, Hogs, Sheep, Furniture, & All other personal property belonging to the Estate of John Rowan, Esqre. deced. which have fallen into possession of Benjamin Smith, Guardian thereof.

SLAVES

Men.	Women.	Boys.	Girls.
1. Robin	1. Tasey	1. Dicky	1. Phillis
2. Quamino	2. Bella	2. Sancho.	2. Marianne
3. Tim	3. Barbary	3. Bartholomew	3. Coomba
4. Nick	4. Molly	4. Toney	4. Betsy Rose
5. John	5. Margaret	5. Joe	5. Matilda
6. Ludlow	6. Present	6. Peter	6. Amey
7. Martin	7. Frankey	7. Jacob	7. Jemima
8. Walley	8. Dorinda	8. Cuffey	8. Lucy
9. Amyntor	9. Easter	9. Adam	9. Cornelia
10. Thaw	10. Betty	10. Prince	10. Amaritta
11. Toney	11. Dianna	11. Bob	11. Darinda
12. Veuter	12. Charlotte	12. Jupiter	12. Martha
13. Ned	13. Muria	13. Amyntor	13. Molly Snow
14. Frederick	14. Charlotte	14. Roger	14. Princess
15. Josh	15. Frankey	15. Tommy	15. Rose
16. Daniel	16. Grace	16. Daniel	16. Sary
17. Peter	17. Thareba	17. Will	17. Lena
18. Jemmy	18. Venus		18. Present
19. Boneta	19. Sal		19. Phoebe
	20. Bet		20. Abigail
	21. Milley		21. Shareba
	22. Lucretia		22. Katy
	23. Chloe		23. Priscilla
	24. Willoughby		24. Fanny
	25. Patience		25. Nanny
	26. Melly		26. Peggy
			27. Amelia

Totals

Men	19	(This Inventory of Negroes taken July 23, except Amelia, who was born between that and September Court.)
Women	26	
Boys	17	
Girls	27	

HORSES

2 Stallions, (1, 3yr old. the other 2 yr old, both blooded.)	14 Head
5 Mares, blooded, one of which died between taking the Inventory and Delivery to the Court.	1 2 yr old Filley 2 Yearlings Js 4 Horses, one of which very old and died Sept. 10th. 1 Old Horse & (I did not see 1 old Mare but was told they were in the woods.)
4 Country Mares	
1 2 yr old colt.	
2 yearlings Js.	
—	—
14 Head carried Over	Total 23 Head of Horse Kind.

NB. I have put down the Horses as blooded from information not of my own knowledge being unacquainted with their breed.

CATTLE	HOGS	SHEEP
2 Bulls	1 Boar	1 Ram
20 Cows	2 Sows	5 Ewes
1 Full Grown Heifer	16 Shoats	6 Lambs
2 Two year old do.	11 Pigs	—
8 Yearling Bulls & Steers	—	13
5 Do. Heifers	30	
9 Bull Calves		
8 Cow Calves		
—	Totals of Stock	
55 Head, exclusive of 2 yr old killed for Estate & Mrs. D's use.	23 Head of Horse Kind 55 Cattle 30 Hog Kind 13 Sheep Kind	

NB. One of the lambs killed for Mrs. Denning's use between taking account & presenting it to court.

There had been 4 sows one of which by information died and another was gone in the woods to pig. She was up a day or few days before.

A Shoat & Pig was killed for Mrs. Denning's use between taking the account and Court, therefore 28 remained.

This account of the Stock taken July 18th.

PLATE

A Silver Tea Kettle & lamp	2 pr plated candle Sticks
A Plated Tea Urn	A plated bread basket
A Silver Coffee Pot & waiter	2 plated waiters, 1 large & 1 small
A Silver pint mug	A plated dish Cross
4 Salt cellars with blue glasses	A Do Sugar basket
A pr Silver Snuffers & a dish to hold it	4 do bottle boards

- 1 do. Cruet stand with glass
castors
- 2 broken Salt Cellers
- 1 punch ladle marked ^RIxS
- A Plated Soup ladle
- 2 Silver Soup Spoons, 1 marked
L
1½E
- A case containing 18 Table
Spoons marked with an arm
& hand, holding a drawn
Cutleaux
- A Small case containing 18 de-
sert Spoons marked as
above.
- 11 Tea Spoons, a strainer & pr
Sugar Tongs marked as
above.
- A Milk Pot

- R
- 9 Table Spoons marked I M
- 10 Tea Spoons and a Strainer
marked S R
- Three of the last mentioned
Table and three of do Tea
Spoons lent to Mrs. Den-
ning by the young Ladies
Approbation.
- 6 Old Tea Spoons much worne
marked thus, 2 SC, 1 IR, 2
MC, & 1 SR.
- The above articles are put down
to the best of my judgment
but there may be a mistake
as it is difficult to dis-
tinguish between real plate
and articles that are well
plated.

BOOKS

	No. Vols.		
2 Old Bibles besides a smaller in good condition and 3 torn -----	6	Laws of North Carolina----	1
The New Testament -----	1	Plays -----	1
2 Common Prayer Books & part of another & one of the 2 torn -----	3	Littleton's Latin Dictionary	1
FOLIO		Religious Book, title page of--	1
Millers Gardiners Dictionary	1	which torn off -----	1
A Religious Book, title page to which torn out -----	1	Single Sermons -----	1
History of the Reformation of the Church of Eng- land -----	1	French Navigation -----	1
Do, being a supplement to the above -----	1	The Deserted Village -----	1
Tillotson's Works -----	1	Haseldens Daily Assistant..	1
The English Pilot -----	1	OCTAVO	
Hugh's History of Barbadoes	1	Ann Odd set of Blackstone's Commentaries -----	3
Laws of Barbadoes -----	2	2 Sets of Atkinson's System of Navigation -----	2
Burnets History of his own time -----	2	Hoopers elements of Uni- versal erudition -----	1
—		Fenning's English Diction- ary -----	1
21		Cavallier's memoirs of the Wars of the Cevennes ..	1
		Vertot's Revolutions of Spain translated by Moyan ---	1
		Well's Geography -----	1

Gradusad Larnassum -----	1	Cockburn's nature & cure of Fluxes -----	1
2 Sets Crouch's Brit. Cus- toms -----	2	Book concerning Festivals--	1
Collection of Revenue, Stat- ute & Acts relating to Ireland -----	1	Rapin's History of England, odd -----	9
Wilson's Navigation -----	1	Swift's Works -----	8
Hales' Treatise on Ventila- tors -----	1	Do, an old set, 3, 4, 5, 6, 8, 9,	6
Echards Roman History ----	2	Do Do., 1, 2, 4, 5, 7, 9, 10 11	8
Chamberlaynes State of Gt Britain -----	1	Pope's Odyssey -----	5
Defence of the Christian Revelation by G Little- ton & G West, Esqrs.---	1	Rambler -----	4
2 Sets of Ovids Metamorp in Usum Delphine -----	2	Tatler odd, 2d, 3d, 4th, Vols	3
Nelsons off. of Justice of Peace -----	1	Guardian, 2d Vol.-----	1
Virgil in Us Delphini.-----	1	Addison's Works (odd) 2d, 3d, 4th.-----	3
Clarke's Justin -----	1	Spectator, Odd Set, The 3d Vol. Wanting -----	7
Washingtons abridg'of States	1	Harvey's Meditations -----	2
Tillotson's Sermons -----	1	Vindication of the Authority of Christian Princes.---	1
Hillary's Essay on the Small- pox -----	1	Abel's Trigonometry -----	1
Campbell's Naval History--	4	Latin Testament -----	1
Religious man's Library or a sure guide to Heaven	1	Memoirs of Count de Forban	1
Lelands view of deistical writers -----	2	An odd vol of Tristram Shandy -----	1
Kennet's Antiquities.-----	1	Thoughts on Religion -----	1
Annals of King George.-----	1	A Method of Prayer -----	1
Mortimers Husbandry ----	1	Bills of Lading -----	1
Ovids Epistles -----	1	Vernon's Compleat Compting ho. -----	1
Clarks Cornelius Nepos.-----	1	Gift of Physick -----	1
Sallust in Us Delphine ----	1	Ruddiman's Grammer -----	1
Cheyne's Essay on Health--	1	Letters &c relating to May Rule -----	1
New View of London -----	1	Three sets of the Mariners compass rectified -----	3
French Grammar -----	1	A Companion to the Altar--	1
Hornecks Sacrament -----	1	Indeaux's directions to Ch- wards -----	1
The Christian Defense against the fears of death -----	1	Merchants Companion -----	1
2 Sets of the Whole Duty of Man -----	2	Dilworth's Spelling Book.---	1
Congreve's Works -----	1	Latin Vocabulary -----	1
The necessity & advantage of publick prayer -----	1	Clarks Introduction -----	1
		Palaires new method of learning to read and speak French -----	1
		Clarks Osops fables, Lat & Eng. -----	1

The Adventurer -----	4	2nd Vol of Harvey's Medi-	
Molyneaux's case of Ireland		tation -----	1
&c. -----	1		
Dythe's Spelling Book-----	1	DUODECIMOS	
New Manuel of Devotions---	1	Stockwood's treatise of the	
The Knowledge & practice of		figs &c -----	1
Christianity made easy-	1	Book concerning Merchan-	
Clarks essay upon studying	1	dize -----	1
Plato's Works -----	1	Familiar forms of speaking	
London Dispensary -----	1	Lat & Eng. -----	1
Inst. Groc. Granit. compenda.	1	Esops fables 1-----	1
Groc. Sententia. -----	1	Present State of England---	1
Greek Testament -----	1	Gray's Communion Sermons	1
Retraite spirituelle, Pouran		2 Sets of Introduction to ye	
jour chaque mois. -----	1	8 parts of speech -----	2
An Alarm to unconverted sin-		Atlas minunusar, a new set	
ners -----	1	of pocket maps -----	1
The Holy sacrament, A Trea-		Cordery, 1, Vade mecum or	
tise -----	1	a comp ⁿ for a Chirangn-	2
Devotions -----	1	Court Kalender for 1763,	
Wright's treatise on Anthu-		Riders Brit. Mesling for	
netic -----	1	1752 -----	2
Familiar guide to the Lords		4th Vol of Gilblas, 2 ^d Vol	
Supper -----	1	Bullenasth's works 1---	2
Roman Histry by Quest ⁿ &		A very small torn spelling	
Ansr -----	1	book -----	1
Travels Through Flanders,			
Hold ^d &c -----	1		228
Vocabularum latiale -----	1	PAMPHLETS	
Clarks Erasmus -----	1	The American Najz No 7 for	
Bailey's Dictionary -----	1	April, 1758	
The Gazeteer's history of		The Registers Office, Act of	
Europe -----	1	Parliament for New Stile.	
The Exemplary Mother (odd)	1	Hales Act of a dico. to distille	
Introduction to the Lords		Sea Water.	
Supper -----	1	Acts of Parliament.—Proceed-	
Pope's Iliad, 6 Vol, Virgil's		ings of the Prov. Congress at	
Works, Lat & Eng. 2		Hillsborough A.D. 1775.	
Vols. -----	8	Some Acts of Parliament passed	
The World 6. An Odd Vol.		in 1756.	
of the preceptor. 1-----	7	Newspapers from July 1774 to	
Sherlocks Discourses -----	1	Sept 1775.	
The Ladies Companion ----	1	Some torn naval Instructions.	
Odd Volumes Not mentioned		Journals and Acts of Assembly.	
Above :		Life of the Dutchess of Ormond.	
Lord Landownes Works ..	11	Directions for sailing along the	
Virgil Lat & Eng by Martyn	1	Coast of N & S Carolina.	

A Sermon—Cleonice, Queen of Tyria.

Barbodoes Almanack for 1761. N York Almk.

Letters &c concerning a Libel.

A book of pictures & a parcel of loose & A map of the Meditn. Sea and its ports.

Do. of the port & Harbr of Mar-seills.

Do of Pennsylvania.

A Plan of the City & Suberbs of London.

4 Do of the Coast of N. C.

A Prospect of the City of Dublin. a torne plan or map.

2 old scales, 2 mathematl or Surveys Instruments, 2 Dials.

A Surveyors Compass.

Female Spectator Book 6th.

GLASSWARE

- 5 Decanters x1
- 6 Salvers to hold Jelly Glasses
- 4 Cake Salvers
- 2 Tumblers
- 4 Cyder Glasses
- 3 Tart Pans
- 52 Jelly x1, & 1 Sillabub glass
- 6 sweetmeat plates
- 19 small Candlesticks for Salv-ers
- 19 Cream glasses 2 sweetmeat cups
- 6 Tumbler Tops
- 2 Candle Stick nossels
- 3 Salt Cellars x1 ‡2
- 1 Vinegar & 1 Pepper Cruet †

CHINA

- 3 Two Quart blue & white bowls
- 1 Quart do.
- 3 blue & white dishes, 1 large the other 2 middle sized †
- 3 do coffee cups

QUEENSWARE

- 2 Quart bowls †
- 3 half pint do. †
- 35 plates, 6 of which †
- 1 small oval dish †
- 3 butter plates, 2 †
- 6 cups & saucers †
- 2 egg cups, 1 pepper box
- 2 Butter boat covers
- 1 Tureene Cover

STONE OR DELFWARE

- 5 Plates, 2 of which x & 3 †
- A Salad dish †
- 3 Tureene Covers
- 4 spitting basins
- 25 oval cheese dishes
- 13 round do.
- 1 milk pot
- A green pickle or buttler leaf †
- 11 odd covers of different kinds
- 1 broken blue & white butter boat & a broken plate both †
- 13 large jugs, 6 milk pans
- 5 jars or sugar pots
- 3 DemiJohns, wickered
- 3 large case bottles
- 5 doz & 10 com bottles
- 1 snuff bottle
- 5 Flasks
- 1 open mouthed bottle
- 5 brandy bottles

BRASS TIN PEWTER & OTHER

WARES

- 10 Candle molds †
- A Gallon measure *
- A Quart do. *
- A Tea Box, pewter or lead
- A Cheese toaster & Breadbasket
- A tin milk pan
- A tin Quart mug x
- A chocolate pan & sifter †
- A Sugar Cannister †
- 43 Cake pans
- 2 Bells

- 6 Brass candlesticks, 2 of which broke, 3 of which ‡ & 1 x
 2 small pewter basins, 1 of which broken, 1 ‡ & 1 x
 5 straw dish mats
 A Marble mortar & iron pestle ‡
 A Sett of large steel yards
 A pr. wooden Scales & 5 lead weights
 An old Wagon Flat Box
 A Spy Glass
 A case containing 1 doz large green handled knives & forks tied with silver
 A case containing do small
 2 old Knife cases
 11 knives & forks like the above but most of the caps broke off and 3 ‡, 1 x, & one to Sawyer
 An old fork
 A Marble bowl*, 4 weavers Hays x
 2 pk old cards *
 A Buff sword Belt
 A leather Car'ouch box & pouch
 A powder Horn & gun
 A spoon mould
 2 Dice Boxes
 1 small Horse or Cow belt
 1 Odd spur
 a Small bag with some root or herb
 2 bottles with liquid medicine
 4 boxes with physic Scales but only one with weights
 A pewter Ink stand no glass *
 A wooden sand & one do. pounce box *
 A case with five odd lancets given out for use
 2 Sur cases containing 1 doz bottles each, a case with some bottles
- A Box containing an hedge Sheat
 2 broken coffee pots & 2 case bottles
 1 Flask, a brass mortor and iron pestle
 A Box containing 35 panes of glass
 A Tin bird roaster
 A very large broken Syringe
 2 old pewter rims & 1 plate broken, which I melted in spoons & gave 2 to Lucas & 1 to Fogartie
 2 Kegs with dried paint & pt of another
 3 old brushes, 4 wooden Keel-ers
 2 fifty six weights
 a Box containing a few files and some broken worthless things
 1 pr files for fencing
 A large tin Grater
 A Brass Knocker
 A small quantity of old rusty iron ware of no consequence
 2 Portmanteaus

HOUSE LINEN & BEDDING

- 2 Tea Napkins, the young ladies had *
 2 Table cloths, 1 very good*, 1 very bad ‡
 6 Damask napkins to match the good table cloth *
 2 Sets of Bed curtains * & 1 do window *
 10 Feather beds, 1 Mattress & 2 Pillows
 4 Bolsters, 6 Blankets, 3 Quilts
 3 Sheets & 1 counterpane, mostly old and in bad order

NB. Those articles marked x were left out for the overseer and those ‡ for Mrs. Denning's use. Those * for plantation or young ladies.

AN INVENTORY of the Personal Property Belonging to the Estate of John Rowan, Esqr. Deceas'd (continued) Taken on the 22nd & 23rd June, 1782 by Benj. Smith, Guardian, Thereof.

FURNITURE

A cedar Desk *
 1 old walnut do.
 4 Mahogany bedsteads, 2 of which incomplete
 2 Common bedsteads
 1 Mahogany Card Table
 2 Do. Dining Tables
 1 looking glass very old, framed
 1 Mahogany round Tea Table (broken)
 1 Old Harpsichord
 5 Wooden Chests
 A Backgammon Box with dice
 A Pine Couch
 2 Doe or Ash Bedsteads
 A Mahogany Chest of Drawers
 A Looking Glass without a frame
 2 Dressing Glasses
 A Walnut arm chair with a worked bottom
 4 wooden oak or pine chairs
 An old Trunk
 A Travelling or Plantation medicine chest with vials, directions &c.
 2 close stool chairs
 An old chest of Drawers
 6 oak or pine tables, 1 broken
 3 Mahogany Waiters ‡
 2 Do. Tea Boards ‡
 A Clock, An old Fiddle, An English Flute
 2 Mahogany Arm chairs
 15 Do. or Walnut chairs, 7 of which broken
 5 broken painted arm chairs, very much out of order x
 A broken Mahogany box, and some Mahogany pieces of Chairs, Tables, Bed Rails &c.
 A broken pr of Bellows

Lantern, Caston & Dish.

3 Iron Pots, 1 Brass Kettle
 An Old knife Box, a small Dutch oven
 A Skillett & a broken frying pan

VARIOUS ARTICLES

7 window sashes & one old picture frame
 5 Horsenetts, An iron Rack in the Kitchen to hang pots upon
 6 pr Iron dogs, 6 pr Tongs & 2 Shovels
 A Logger head, A Trivet, A Gridiron
 An incomplete Jack
 A Ditto Copper Stile, a bunch of curtain rings
 A Broken Crane, A Walking Cane
 A Side Saddle
 62 Pearle Fish & 17 Counters
 A Small quantity of old iron

PLANTATION & OTHER TOOLS

2 Bar & 2 Fluke Plows, 3 pr Iron Traces
 25 Hoes, 2 Ox Chains, 20 Axes, 4 old Scythes
 2 Broad Axes, 5 x cut saw, 3 of which old
 7 Augers, 1 whip Saw; 2 Tap borers
 An Iron Scale beam, 2 Ads, An Hand Saw
 2 Chissels, 1 Gouge, 1 Square, 6 Mill Saws
 A Brand, A Weavers Loom
 2 Large spinning Wheels, 1 small do.
 A Machine for making lines
 A Forge, 2 Anvils, 2 pr Bellows, one of them useless

7 Hammers, 2 large Vices, 1 of 2 cart wheels lying separate
which useless from an old cart body

1 Hand Vice, 3 pr of Tongs, A
Drill, 2 Scine plates, 1 pr
Pincers, 2 Old Files

BOATS

An old Boat called the Glory
A do canoe, called the Pidgeon,
in bad order

CARRIAGES

An old riding chair

FINIS

ACCOUNT SALES of the Personal Estate of John Rowan; Esquire,
Deceas'd (Sold by Order of Brunswick County Court) at Rowan
August 15, 1782.

<i>Parties Names</i>	<i>Articles Sold</i>	<i>No. of Prices.</i>		
		<i>Vols.</i>	<i>£</i>	<i>s. d.</i>
Jacob Leonard	Popes Iliad	6	1	8
Joseph Watters	Swifts Works	8		16
Willm Watters	do	8	1	14
Joseph Watters	do	6		13
Lewis Dupre	Harvey's Meditations	2		11
	Popes' Oddyssey	5	1	10
Wm Dry	The Tatler	3		10
Benj Smith	The whole duty of Man	1	1	
Lewis Dupre	A Dictionary	1		8
Benj Smith	A Lott of Books			10
do	do			4
do	Odd Set of Blackstone's Com.			10
do	Sure guide to heaven			10
William Watters	Naval History		1	10
Thos Craike	History of Barbadoes			15
Jno Grange, Senr	Rapins History			11 6
Thos McLaine	Millers Gardiners Dicty			15
Jno Grange Snr	A Book			5
Joseph Watters	do		1	5
William Watters	Virgil	2		6
Thos McLaine	2 Books			5
Benja Smith	1 do			2
do	A lot of Books			8
Lewis Dupre	A Book			4
Wm Watters	2 Books		1	1
William Dry	2 Books			2
Benj Smith	1 do			8
do	4 do			4
Benj Smith	1 do			2
William Jones	A Lott of Books			6
Benj Smith	3 Books			3
William Watters	2 do.			10

<i>Parties Names</i>	<i>Articles Sold</i>	<i>No. of Prices.</i>		
		<i>Vols.</i>	<i>£</i>	<i>s. d.</i>
Jacob Leonard ----	A Lott of Books -----			3
Saml Richardson ---	1 do. -----			2
Benj Smith -----	1 do. -----			4
Jacob Leonard ----	1 do. -----			3
do -----	1 do. -----			3
Joseph Watters ---	1 do. -----			13
Jacob Leonard ----	1 do. -----			1
Jacob Leonard ----	1 do. -----			4
Benj Smith -----	1 do. -----			4
Thos Craike -----	1 do. -----			4
Willm Watters ----	A Flute & a Fiddle -----	1		15
Sam'l Richardson --	A Blunderbuss & A Gun -----	1		
Willm Watters ----	A Powder Horn -----			12
Thos Craike -----	do -----			8
Willm Jones -----	A Surveyors Compass -----	4		3
Robert Schaw -----	A Sun Dial -----			10
Alexander Hostler --	Sundry Maps -----			9
Benj Smith -----	Do. Pictures -----			5
Thos Craike -----	Pearle Fish & Counters -----	1		
Benj Smith -----	A Sun Dial -----		3	9
Thos Craike -----	2 Jugs -----		16	
Thos. Neale -----	2 do -----		5	
do -----	2 do -----		11	6
Thos Craike -----	2 Butter Pots 17/2 2 Jugs 2/ -----	1	17	6
Saml Richardson ---	A Sun Dial -----		3	9
Benj Smith -----	A Physick box -----		8	
Robt Schaw -----	A Keg with paint -----		5	
Benj Smith -----	A Box of Glass -----		17	
John Tyler -----	A Box of Sundries -----		5	
Willm Watters ----	A Portmanteau -----		8	
Alexr Hostler -----	A Do. -----	3	8	
Willm Jones -----	A Jack -----		8	
do -----	A Gin Case -----		18	
John Tyler -----	A Do. -----	1	2	
Thos Craike -----	A Box of Sundries -----	1	6	
Robert Schaw -----	Sundries -----		3	
Wm Dry -----	A Backgammon Box -----		12	
Benj Smith -----	Sundries -----		12	
Willm Jones -----	do -----	1	11	6
Thos Craike -----	2 Jugs -----		6	6
Benj Smith -----	2 Horse Netts -----		6	
Thos Craike -----	2 Horse netts -----		4	
Thos Neale -----	Dogs & Tongs -----		4	
Wm Watters -----	Dogs & Tongs -----	1		

<i>Parties Names</i>	<i>Articles Sold</i>	<i>No. of Prices.</i>		
		<i>Vols.</i>	<i>£</i>	<i>s. d.</i>
Saml Richardson	-- Ditto -----	1	2	6
Ditto	--A Stile & A Crane -----	3	10	
Hen Watters	-----2 Tea Boards -----	1	5	6
John Tyler	-----A Gin Case (Mrs. Denning's) -----			0
Hen Watters	-----A Lott of Sundries -----			1
Benj Smith	-----An Horse nett -----			1
John Tyler	-----Sundries -----			3
Benj Smith	-----Lott of com bottles -----			19
	7d a 3/2 pr doz.			
Thos Neale	-----A pr of Files -----			5
Alexr Hostler	-----A Lott of patty pans -----			1 8
Mrs Dry	-----6 knives & forks -----	3		
Thos Neale	-----A Sett of do, large & small -----	18	10	
Hen Watters	-----6 Plates -----	10		
Gilbert Eccles	-----1 doz do. -----	1	16	
Joseph Watters	-----1/2 doz do. -----		17	6
Mrs Dry	-----1/2 doz, most of them cracked -----			5 6
Thos Wright	-----A Bread basket -----			8
Gilbert Eccles	-----A Table Bells -----			14 6
Thos Neale	-----A Punch Bowl -----	1	1	
Thos Wright	-----do -----	1	3	
Gilbert Eccles	-----A Small Do. -----		15	6
Willm Watters	-----A Table Bell -----		9	
Mrs Dry	-----A China Dish -----		9	
Thos Wright	-----Fruit Plates & a lot -----		2	
Ditto	-----do -----		3	
Gilbert Eccles	-----1 pr Salt Cellars & a lot -----		10	6
Thos Neale	-----2 Decanters -----	1	2	6
Mrs Dry	-----2 Glass Covers -----		1	
Thos Neale	-----Salver & Glasses -----	4	10	
Thos Wright	-----3 Glass plates -----		4	6
Henry Watters	-----3 do. -----		4	6
Thos Neale	-----2 Salvers -----		18	
Benj. Smith	-----A lot of Glass -----	1		
Thos. Neale	-----A Fork -----		1	
Henry Watters	-----A spy Glass -----	1	17	6
Thos Craike	-----A Rum Case -----		16	
Willm Vernon	-----A Mahogany Table -----	9		
Thos Wright	-----1 Ditto -----	7	4	
Wm Dry	-----A Salver & Glasses -----	1	1	
Gilbert Eccles	-----A Card Table -----	2	11	6
Robert Schaw	-----A Mahogany Bedstead -----	5	5	
Sam'l Richardson	--A looking glass -----			8
Wilm Jones	-----A Desk, very old -----			19

<i>Parties Names</i>	<i>Articles Sold</i>	<i>No. of Prices.</i>		
		<i>Vols.</i>	<i>£</i>	<i>s. d.</i>
Thos Lucas -----	A Bed & Bolster-----	2	4	
Benj. Mills -----	1 do. -----	1	10	
Ditto -----	Ditto. -----	3	10	
Wm Vernon -----	Ditto. -----	7	2	
Benj Smith -----	A pine table -----		7	
Ditto -----	Ditto. -----		2	
D ^l McLeod -----	2 Candlesticks -----		7	
Benj. Smith -----	2 Pine Chairs -----		4	
Benj Mills -----	A Bag of feathers -----		10	6
Thos Craike -----	A bedstead & rods -----	2	1	
Drury Allen -----	½ doz. Chairs-----	9	1	
Gilbert Eccles -----	½ doz. do. -----	9	1	
Benj. Mills -----	a Bedstead -----	3		
Thos Craike -----	A Chest of Drawers -----	4	9	
Sam'l Richardson -----	a large Chest -----	1	7	
Thomas Lucas -----	Ditto. -----		6	
Thomas Craike -----	An Easy Chair -----	1	13	
William Watters -----	Ditto -----	1	5	
Thomas Lucas -----	A Chest of Drawers, very old-----		4	6
ditto -----	An old Trunk -----		10	6
Robt Schaw -----	A Bedstead -----	1	19	
Dan'l McLeod -----	A wooden box (Mrs Denning)			
Thos Lucas -----	A large Chest -----		10	
Gilbert Eccles -----	An Harpsichord very old -----		3	
Thos Lucas -----	A Bedstead -----		6	6
Jno Grange, Senr -----	A marble mortar & a pestle -----	1	8	
Dl. McLeod -----	Scales & weights -----		4	
Thos Craike -----	Sundries in a lot -----		8	
Henry Watters -----	An old picture frame &c -----			6
Ditto. -----	11 head of Sheep a 28/6 pr head-----	15	5	6
Benj. Smith -----	A Stallion -----	35		
Benj. Smith -----	The Clock -----	12	10	
Thomas Wright -----	2 Cows & calves -----	8		
Benj. Smith -----	2 Ditto & Ditto -----	7		
Ditto. -----	2 Ditto & Ditto & a Bull-----	7	15	
Ditto. -----	Ditto -----	7	15	
Thos Wright -----	1 Cow -----	3	15	
Jas. Richards -----	15 Head of young Cattle -----	37	5	

 £313 " 14 " 5

TOTAL AMOUNT OF EACH PURCHASER'S ACCOUNT.

	£	s.	d.
A Allen, Drury -----	9	1	
C Craike, Thomas -----	16	4	6
D Dry, Jane Mary -----	3	15	6
Dry, William -----	2	5	0
Dupre, Lewis -----	1	3	0
E Eccles, Gilbert -----	15	12	
G Grange, Senr, John -----	2	4	6
H Hostler, Alexander -----	3	18	8
I Jones, William -----	8	5	6
L Leonard, Jacob -----	3	12	0
Lucas, Thomas -----	4	1	6
M MacLaine, Thomas -----	1	0	0
McLeod, Daniel -----		11	
Mills, Benjamin -----	8	10	6
N Neale, Thomas, Senr -----	28	0	0
R Richardson, Samuel -----	7	13	3
Richards, James -----	37	5	0
S Schaw, Robert -----	8	2	0
Smith, Benjamin -----	79	19	0
T Tyler, John -----	1	10	
V Vernon, William -----	16	2	
W Watters, Henry -----	20	12	
Watters, William -----	10	10	
Wright, Thomas -----	20	9	6
	£313 "	14 "	5.-

ACCOUNT SALES on the 18th February 1783 of Property Belonging to the Estate of John Rowan, Esquire, Deceased, sold by Benjamin Smith, Guardian of said Estate under Direction of Brunswick County Court by Auction at Rowan.

<i>Purchasers Names</i>	<i>Property Sold</i>	<i>Prices.</i>		
		£	s.	d.
Cains, John -----	A Sorrell Stallion -----	44	10	
Denning, Margaret -----	An old riding Chair -----	3	15	
Fogartie, Edmond -----	A Sorrell Horse -----	25		
Lucas, George -----	A Sorrell Filley -----	12		
Lucas, Thomas -----	An old black mare -----	2		
Mills, James -----	Walley & Franky -----	150	5	
Smith, Benjamin -----	An old Black horse -----		10	
Do. -----	An old road mare Phoenix -----	6		
Watters, Henry -----	a young sorrel do Polly -----	20	15	
Watters, William -----	A sorrel colt -----	3	5	
do -----	A do filley -----	9	1	

£277 " " -

The Passing of the Dram Tree

BY RICHARD DILLARD, M.D.

When the gigantic ice-floe on the Albemarle was driven eastward by the winter's storm, its impact, like an irresistible Alpine glacier, swept before it the lone sentinel cypress tree that had stood for more than two centuries, waist deep in water, at the eastern entrance of Edenton Bay.

Come storm, come sunshine, there it stood, the most prominent object in the landscape. By day lifting up its head to the sunshine, and all night to the stars. Securely anchored to the bottom, like Prometheus chained to his rock, it mocked the fury of the white-maned breakers, or made love to the evening zephyr upon its æolian harp. It warned the seaman from the treacherous shoal, and welcomed the mariner from the distant clime to its peaceful port. It furnished the geographer with his line of demarcation for Edenton Bay, and was a guide-post on the 36th parallel of latitude.

Long ago, when Edenton was a busy port and did a flourishing West India trade, it was the custom to keep a bottle of the best West India rum hid in a hollow within its bulbous trunk. It was the duty of each incoming captain to keep the bottle well filled, and whenever a vessel cleared the port and passed the "Dram Tree" the captain and his crew would lower a boat, row to the tree, and drink to the health of Edenton friends, to a prosperous voyage, and a safe return. And so it received, and has always borne, the pseudonym of the "Dram Tree."

Alas, how many mutations of men and things it has witnessed! It saw Edenton as a village, then a borough town whose wharves were crowded with the busy sons of commerce. It saluted the royal governor as he passed in his barge from Eden House to his capital at Edenton. When the Cupola House was built it was standing there; it saw the spire of

St. Paul's church when it first lifted its gilded cross to the evening sky. It watched that gathering of patriotic women on the courthouse green, as they emptied their caddies of tea; it caught, like a wireless tower, within its tangled meshes of leaves the first vibrations from the bell at Independence Hall; it caught the first glimpse of Flosser's hostile fleet as it steamed slowly up the sound. Bass and perch and sun-fish cradled their spawn within the convolutions of its wide-expanded bole and the schoolboy marked its distance from the shore as a fit measure of his swimming prowess. It commanded and demanded attention; no matter the point of view, there it was sharply outlined upon the waste of waters, and always a pleasing object to the musing eye.

For generations grandfathers have told grandsons the story of the "Dram Tree," and so it came to pass that everybody knew and loved the old tree. But the "Dram Tree" has vanished. The old man about town has lost a companion of his youth, the landscape a familiar and distinctive charm. In peace let it rest beneath the turbulent waters, and let each wave, as it sweeps by to the shore, murmur a gentle cadence in echo to the associations and traditions of the past!

Sic transit gloria mundi.

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