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Duke University, Trinity College  
Historical Society

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ANNUAL PUBLICATION  
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historical Papers.

LEGAL AND BIOGRAPHICAL STUDIES.

*Published by the Historical Society of Trinity College,*

DURHAM, N. C.

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## PREFATORY NOTE.

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The second series of the Trinity College Historical Papers represents work done mostly in the Trinity College Historical Society. The kind reception given to the first series by the public leads me to hope the same consideration may be given to the papers now issued. They are the outgrowth of the devotion of young men to the neglected field of Southern history. It is hoped that they may not be found useless in creating a better knowledge of Southern history among the people of our common country.

May 16, 1898.

JOHN S. BASSETT,  
*Professor of History.*

# Historical Papers.

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## SERIES 2.

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### ASSASSINATION OF JOHN WALTER STEPHENS.

The year 1870 is one of the years that will go down in history as one of great social and political significance, and it well marks the culmination and the decline of the Ku Klux organization. Never before, nor perhaps since, was there a time when prejudice and feeling, intermingled with crime, ran so rampant along social and political lines. It was a time when the negro, or the white man who took any part with the negro in politics, on hearing after nightfall the clattering of horses' feet or the loud tap on his door, would feel his blood run cold in his veins for fear there was a raid on foot and perchance he might be the victim.

John Walter Stephens was born October 14, 1834, in Guilford county, N. C. His parents were good people, comfortably situated on a farm, and were consistent members of the Methodist church. His father died when he was about 18 years of age, leaving a wife, four sons and two daughters. Walter, with his brothers, lived on the farm and supported the family. A few years later he learned to make harness, and went into the harness business. His education was of a very ordinary sort, for he had only the advantages of the common schools. He studied a great deal at home, however. When he grew into more matured life he "often mourned his lack of education, and he used to say that was what every poor man owed to slavery."

In 1857 he married Nannie E. Walters, who died two

years later, leaving him a little girl one year old. At this time he was engaged in the harness business in Wentworth, N. C. In 1860 he was married the second time to Frances Groom, of Wentworth.

About this time he began to trade on tobacco, and connected himself with one Powell, a manufacturer. He worked as collector and agent for Powell, spending the greater portion of his time in Yorkville, S. C.

The war now came on and he went to Greensboro, N. C., and stood an examination, by which he got an appointment. He belonged to what was known as "press agents," a class of men who went over the country pressing horses to be used in the war. He was not in the war until its close, having from some cause been allowed to return to his home in Wentworth.

He was known by all as an honest, fair-dealing, christian man. He was a most loving husband and kind father, and an energetic worker in the Methodist church.

Soon after his return from the war he got into a difficulty with Tom. Ratcliffe. There was a grudge between the two in this way: William Ratcliffe went to Greensboro at the same time Stephens did to stand the examination for an appointment. Stephens was some sharper than William Ratcliffe and got the appointment. This angered his brother, Tom. Ratcliff, to some extent, and it seemed that he determined to get even with him for his brother's sake.

Tom. Ratcliffe lived next door to Stephens and ran a store just across the street. Ratcliffe's chickens—and he had a great many—kept using in Stephens' barn and eating up grain and other food stuffs. They were also destroying his garden. Stephens asked him to make some arrangement to prevent this. Ratcliffe, though warned several times, seemed to pay no attention whatever to the matter. One morning Stephens went down to his barn and found it well stocked with Ratcliffe's poultry. He at once made chase, caught two, and executed them on the spot. Call

ing to Mrs. Ratcliffe, who was in her garden near by, he told her that he had killed two of her fowls, and that she could have them, and that the cause of the killing was evident. She flew into a passion and would not accept the chickens, and Stephens, without having any words with her, good naturedly and smiling, carried them into his house and ordered them cooked. Ratcliffe is informed of it, and thinks that now is his chance. He goes to the court house and procures a warrant for the arrest of Stephens, charging him with having stolen the chickens. Stephens was arrested and placed in jail, where he remained all night. Early next morning he gave bond and returned home.

Ratcliffe was seated on his store porch enjoying the invigorating breeze of the early morning, chatting with some gentlemen. Stephens had very little to say; he was a man of very few words, and in this case he acted. Placing his revolver in his pocket, and taking up a large, heavy hickory walking stick, he went out and walked coolly and calmly across the street to Ratcliffe's store porch. He stepped up on the steps, and, without hesitating, struck Ratcliffe a heavy blow on the head. Lieutenant Baker, an enrolling officer, who was standing on the porch, interfered, and when he did so, Stephens pulled his pistol and began to shoot. When the smoke had cleared away Lieutenant Baker was found to have an ugly scalp wound; the ball, starting just over his eye, cut a deep furrow around to the back of his head. It was indeed a close call, but turned out nothing serious. Also Patrick Law, a magistrate's son, was accidentally shot through the arm.

At the magistrate's trial he was bound over to court. This affair would not have given him much trouble had he not gone into politics. Every politician then of any note had stolen either a cow, pig, horse or chicken, or was accused of it, especially if he happened to be a Republican.

After the above incident, when he entered the political

arena he was given the name of "Chicken" Stephens, by his opponents. This went much harder with him than it otherwise would have done for this reason: In 1866 he moved to Yanceyville, which is the county seat of Caswell county. He moved before court convened. The two places were only about 25 miles apart, and he awaited a summons to trial; but none came. Still other courts convened and the case was never called, nor did they send for him. Finally he learned that the case had been dismissed; and so he was never given a chance to exonerate himself or let the testimony come out in its true light.

All of his life up till about now, he had been a Democrat, but had never taken any very active part in politics. In Yanceyville he was engaged in the tobacco business for some time. Then he served the people for several years as Justice of the Peace in a very satisfactory manner. He had the respect and confidence of the entire county.

But now came the great turning point in his life. He changed from the Democratic party, with which he had voted so many years, to the Republican. The Republicans had a large majority in Caswell, consisting mostly of negroes. Stephens was at once recognized as leader of the Republican forces and received the nomination for the State Senate. He ran against Hon. Bedford Brown, a man who had been in the U. S. Senate for twenty years. This campaign was one in which much feeling was displayed. The neighbors and friends who had held Stephens in high esteem, turned their backs upon him and circulated slanderous reports concerning him. In fact, it may truly be said that he was socially ostracised.

Bedford Brown was old and experienced, and was thought to have manipulated the vote so as to be counted in. Stephens at once contested the election and obtained his seat. This victory immediately called forth the most bitter abuse that could be heaped upon him. He served one term in the Senate, was re-elected and served another. He con-

ducted himself in a manly and most dignified manner, and commanded the respect of that body.

When Stephens was nominated for the Senate, such a sentiment was worked up against him, and so diabolical were the threats made by the adherents of the opposite party, that for his protection at night he had his windows barred with iron and heavier locks put on his doors, and a number of fire arms, that would be available on short notice, placed in his home.

The Ku Klux were abroad in the land and nightly were they whipping, burning and hanging. These were the adherents of the opposite party and many nights Stephens heard them come, stop at his house and then ride on. They seemed to have no idea of attacking Stephens in his own house, as their actions plainly demonstrated; but they were continually warning him that, did he not leave the country, change his political affiliations, or cease to assume the leadership of the Republican party in that, the 24th Senatorial district, he might expect the worst, and that his wife would be a widow and his children orphans. So loud and strong were these threats, that for the protection of his family he had his life insured for \$10,000 and carried two deringers, one in each vest pocket, all the time. His position was a trying one, but he bore it heroically. He was ostracised, jeered at when on the streets, abused, villified and slandered, yet he went his way quietly and opened not his mouth. Finally he was expelled from the Methodist church for his political opinions.

It was in the campaign of 1870, on Saturday, May 21st, that there was a Democratic speaking and mass meeting in the court house at Yanceyville. Stephens lived almost in speaking distance of the court house and could get a plain view of it. He saw the people from the country coming in, and he decided that he would go over and see what was going to be done. He was in great danger and was conscious of the fact, but he went to show them that he was not afraid

to go, and also to see what tactics the Democrats would use in the campaign. When he started, his wife, trying to prevail on him not to go, said: "Mr. Stephens, you know that is a Democratic meeting, and I am afraid you will get into trouble." But on he went. He had to pass his brother-in-law's house and a niece came out and spoke to him. He told her he was going to the court house to the Democratic speaking. She tried to persuade him not to go, and said she feared there would be trouble. He replied: "I am not going to bother any one and one had better not bother me." She saw that it was of no use to talk to him longer, for he had determined to go. He little thought then that there had already been set a trap to catch him and put him out of the way, and that the Ku Klux were the planners. But such was the case; and they had laid their plans well. Before entering the court house he met ex-Sheriff Wiley, whom he had been trying to induce to run for sheriff of the county on the Republican ticket, as there were few in the Republican ranks who were competent to fill such an office. Wiley was a Democrat and seemed to be taken with the idea. He told Stephens that he would give him a definite answer before the day closed.

Stephens then entered the court room and sat down just in front of one of his brothers. Another brother was just across the aisle and a brother-in-law was also in the room. 'Squire Hodnett, one of Caswell's prominent citizens, was speaking. Stephens took out a note-book and pencil, and seemed to be jotting down some things the speaker was saying. The crowd cast very sour looks at him, and the speaker said: "Ah! there sits that Stephens now, taking notes." From this he began to abuse him. Stephens said nothing, but a smile could be seen to play over his face occasionally.

Presently ex-Sheriff Wiley came in and touched Stephens on the shoulder, and said one or two words to him. He arose, and he and Wiley went out together. His brothers



noticed it, but gave it very little thought. There were scores in the room, however, who understood its meaning full well.

There was an old room in the lower end of the court house, on the first floor, which was formerly the clerk's office, but was now used for a wood room.

The speaking was over and he had not come home. Night came on and still he had not returned. Suspicion was aroused at once. His wife was almost raving and said she knew her husband had been killed, or he would come to her. She always knew where he was and knew when to expect him home.

His brothers went in search of him, and several other white citizens, on hearing of his disappearance, kindly volunteered to assist in the search. On making enquiry, this white man had seen him in one place, that one in another, and some saw him leaving town and so on, all about the same time. But strange to say, as many negroes as there were, not one of them had seen him leave the court house; and if any one would notice his movements it would certainly have been they, for he was all in all to them. It was settled in the minds of many that he was still in the court house, and it was immediately surrounded and every room in the house searched, except one, and the key to that could be found nowhere.

The negroes came in great numbers and said that they knew their leader had been killed, and that he was still somewhere in the court house. A careful watch was instituted for the night around the building. Although the negroes were satisfied that their leader had been foully dealt with, they made no demonstration except that of sorrow and grief, for they loved him. It is said that it was strange to see the troubled faces of the negroes on this night. They offered no violence at all, and during the whole night nothing but order prevailed. It is said by some who were on guard that night that they expected that at

any minute the Ku Klux would make a raid on them, but according to the watchmen's calculations, the Clan thought they had done a good day's work and would rest for the night. Another thing was noticeable: As many white people as there were on the streets when the search was begun, they had quietly broken up in small groups and talked in undertones, and then quietly departed for their respective homes early in the evening, seemingly not aware that the leader of the Radicals was missing and that it was causing much concern among his followers.

At the first appearance of light next morning, a tall negro mounted the shoulders of another and looked through the window of the wood room, which could not be opened on the night before. There a horrible sight met his vision. The long, slender body of Stephens was lying on a pile of wood with a slip noose around his neck. The noose was buried deep in the flesh and the jugular vein was cut. The coroner, Dr. Yancey, who was near by, was immediately sent for, and the door was forced opened. The coroner was the first one to enter. Upon examination it was found that, besides being strangled and his jugular severed, he had been stabbed twice in the region of the heart and his leg broken. Beside him lay his hat and the bloody dirk with which he had been stabbed. The two deringers which he was known to have had, on going to the court house, were gone; but his gold watch and chain were still on his body. There were only a very few drops of blood on the floor and one on the window-sill. It was quite evident that the assassin, after committing the deed, had gone out at the window, for the door was found to be locked and thumb-bolted on the inside.

The coroner's inquest resulted in the decision that the "deceased had come to his death by the hands of some unknown party." It seemed to all, who really knew the depths to which politics and some political leaders had sunk, and the great extremes to which so-called good citi-

zens would go, before they would see the black man led to an honest victory, just this: When he left the court-room with ex-Sheriff Wiley he was decoyed down to this room, pushed in, seized and given no showing, deprived of his weapons and rendered helpless. He was then foully assassinated in sight of his own home. From the window of the room could be seen his two little girls playing on the lawn. The body was removed to his home and buried in the afternoon, which was Sunday afternoon, a large number of the citizens attending the funeral; and, to be plain, no doubt some of his assassins were attendants. Suspicion pointed to several prominent citizens, but it seemed impossible to get any evidence on account of the Ku Klux organization, which had now, as it always had, power to execute any plan or purpose however questionable, and then have the assurance that it could not be proved on them.

Some weeks after, Governor Holden ordered Kirk's men to Yanceyville to investigate the matter, make arrests and endeavor to bring the criminals to justice. They were about three hundred in number, with Kirk, Major Yates and Colonel Burgen at their head. It was a rough and reckless, but determined band.

There was a Democratic speaking in the court house and Hon. J. M. Leach was speaking. It was whispered about among the negroes that Kirk's men were coming. The negroes seemed to know all about it. They would say Kirk's men were so many miles away, soon they would say they were at such and such a point, and at length they said "they are here." One who had been catching these whisperings among the darkies looked out of a window, but immediately took his head back in, for around the court house, with guns pointing up at the windows and looking determined, were Kirk's men indeed. Guards were placed in the hall and at the doors, and no one was allowed to go out. The affair seemed to have been worked up well before

hand, for Major Yates immediately entered the room with a posse of men and with a long list of names, and began to make arrests.

Mr. Leach, the speaker, when he saw the uniforms, glittering swords and large guns proceeding down the aisle, very gracefully bowed and said he would resume his speech under more favorable circumstances.

The first person arrested was an old man named Bow. When told to consider himself under arrest, he jerked back violently and straightened his arm to its full length at the face of Major Yates. The Major said nothing, but drew his revolver and fired a shot over Bow's head. This was enough, and the remaining arrests were made without anything to mar the solemnity of the occasion.

Colonel Burgen, by this time, was on his way with a posse of men, to ex-Sheriff Wiley's home, some seven miles distant in the country. He was found in his field and tied on a bare-back horse. His hands were tied behind him and his feet tied together under the horse. In this manner he was brought to Yanceyville and placed under guard. He was afterwards carried to Graham, together with the others who had been arrested.

District Judge Bond issued a writ to have Wiley and the others brought to Raleigh for trial. They went. The trial lasted for many days, but the testimony amounted to very little in solving the mystery and proving who did the killing. This was so because the witnesses largely belonged to the Ku Klux, and they swore in favor of each other. The jury, too, no doubt, was composed of members of the same organization. Wiley testified that he called Stephens out to tell him he could not run for sheriff on the Republican ticket, and that he left Stephens at the bottom of the steps, went across the street and saw no more of him. Others corroborated his statement, and finally it ended in an acquittal of all. This was a time when "ignorance was bliss," for it was certainly "folly to be wise," especially so if one told what he knew.

Hamp. Johnson, an old negro living only a few feet away from the room in which Stephens was killed, whispered it among the negroes that he saw those who went in the room and heard a tremendous scuffle. But the Ku Klux, it was thought, found the means of silencing him, for "Old Hamp" never after that knew anything at all and lived in good style without working.

Some years ago ex-Sheriff Wiley was on his death-bed, and it is said that he was raving and continually talking of Stephens, saying that he could see him and that he had helped to kill him. This report, however, was denied by his friends.

Less than two years ago Felix Roan, a citizen of Yanceyville, died; and it is reported that before he died he confessed that he helped to assassinate Stephens, and that Wiley also helped. The newspapers reported it, saying that Stephens' widow was present and Roan asked her forgiveness before he died, and that Mrs. Stephens said she would forgive him. It is almost a settled thing in the minds of many people who remember the occurrence, that Roan helped to assassinate Stephens and that he confessed it on his death-bed. But his friends and relatives denied it, and it was soon covered up. As to Mrs. Stephens forgiving him, that is entirely untrue, for she had then been dead three years.

Other cases have been reported in which certain men on their death-beds have made, or have tried to make, confessions concerning this assassination, but they were silenced or suppressed.

John Walter Stephens' courage and organizing ability was unquestioned, and under his lead it was known that Caswell county would continue to give an "overwhelming Radical majority, and for this he was killed. He gave up his life for the rights of the people—the right of equal manhood suffrage." He was unswerving in his brave adherence to the principals he professed. He crowned a

worthy life by a martyr's death; he was pursued with fearful malice and bigoted hate to the very portals of the tomb. The perpetrators of this foul deed have escaped the punishment of their crime, at least by the law.

LUTHER M. CARLTON.

NOTE.—The material for this paper is taken from family records, and statements of citizens who are thoroughly acquainted with the incidents related.

L. M. C.

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### THE CASE OF THE STATE VS. WILL.

One of the most remarkable cases ever tried in the North Carolina courts was the case of *The State vs. Will*. It was the most important case on the subject of slavery and fixed a slave's right to defend himself against the cruel and unjust punishment of a master. It was decided at the December term, 1834, of the Supreme Court (*State vs. Will*, 1 *Devereux and Battle*, 121-172). The facts of the case are as follows:

Will was the slave of Mr. James S. Battle, of Edgecombe county, and was placed under the direction of an overseer named Richard Baxter, a man whose temper differed materially from that of his pious namesake. On January 22, 1834, Will and another slave had a dispute over a hoe which Will claimed the right of using exclusively, since he had helved it in his own time. The foreman, who was also a slave, directed another negro to use the hoe, whereupon Will, after some angry words, broke the helve of the hoe and went off to work at a cotton screw about one-fourth of a mile away. The foreman reported the matter to Baxter, who at once went to his own house. While there his wife was heard to say: "I would not, my dear," to which he replied very positively: "I will." He then took his gun, mounted his horse, and proceeded to the cotton screw, ordering the foreman in the meantime to take his cowhide and follow at some little distance. He approached unobserved to Will, who was throwing cotton into the press, and ordered

him to come down. The slave complied, taking off his hat in an humble manner. The two were heard to exchange some words, which were not understood, and then Will began to run. He had gone ten or fifteen yards when Baxter fired, filling with shot a place twelve inches square in the back of the fugitive. Testimony showed that this wound might have proved fatal; but the terrified slave continued to flee. After a moment the overseer directed two other slaves to pursue him through the fields, saying, "He could not go far," while he himself left his gun and rode around the field. Here he met the fugitive and pursued him on foot. He soon overtook and collared him. At this time Will had run more than five hundred yards and not more than eight minutes had elapsed since he was shot. Stinging and bleeding from the wounds of that outrage and fearing a worse punishment all his instincts of self-preservation were aroused. He closed with his antagonist and in the struggle drew a knife and got his adversary's thumb in his mouth. The pursuing slaves now coming up were ordered to take hold of the enraged negro. In striking at these new foes Will wounded the overseer in the thigh. In further struggling he wounded him with his knife in the upper arm, and it was this wound that proved fatal. After dealing these blows the slave released Baxter's thumb and escaped to the woods; but later in the day of his own accord he surrendered himself to his master. The next day he was arrested. On being told that Baxter had bled to death from the wound in the arm, he exclaimed: "Is it possible!" After the escape of Will the other slaves found the overseer sitting where the struggle had been. He said to them: "Will has killed me; if I had minded what my poor wife said I should not have been in this fix." Will was tried in the lower court and convicted of murder. His plea was that he had been under the impression that his life was in danger and that the crime ought accordingly to be reduced from murder to

manslaughter; and on the strength of this plea he appealed to the Supreme Court of the State. In this court he was represented by Bartholemew F. Moore, then a young lawyer of no great reputation, and George W. Mordecai. Against him was the Attorney-General, J. R. J. Daniel.

It is the argument of Mr. Moore and the decision it won that has made this case famous. Bartholemew Figures Moore was born on January 20, 1801, near Fishing Creek, Halifax county. His father, James Moore, was a man of little wealth. The boy spent his early years on his father's farm and in attendance on such schools as were at hand. Not born to wealth he learned from the first to have sympathy for the lowly, and he retained throughout a long and active life a deep confidence in the common man. He studied in the school of Mr. John Bobbitt, of Louisburg, N. C., and in 1820 graduated at the University. He then studied law and in 1823 began to practice it at Nashville, N. C. It was a hard struggle for a young man starting a profession in those days without influence or position. He worked with quiet determination, reading assiduously. At the end of seven years he had made, it is said, only seven hundred dollars by his profession; yet the first five hundred that he had he spent in travel. In 1835, after twelve years of struggle in Nash, he returned to his native county and settled on a small farm near the town of Halifax. At this time his reputation had begun to broaden and success came more rapidly. He was thrice chosen to the General Assembly, and in 1848 he was appointed Attorney-General of the State. In the same year he removed to Raleigh, where he afterwards resided. In 1850 he was appointed a commissioner to prepare the Revised Code of the laws of the State, which was afterwards published in 1855. When the issues of the war came on he took a strong position against secession and expended all his energy to prevent that movement. In his will he said of this phase of his life: "I was unable, under my conviction of the solemn duties of patriotism, to



give any excuse for, or countenance to, the civil war of 1861, without sacrificing all self-respect. My judgment was the instructor of my conscience and no man suffered greater misery than did I, as the scenes of battle unfolded the bloody carnage of war in the midst of our homes. I had been taught under the deep conviction of my judgment that there could be no reliable liberty of my State without the union of the States, and being devoted to my State, I felt that I should desert her whenever I should aid to destroy the Union." After the war he was invited to Washington to consult with President Johnston in regard to the future policy with respect to the State. His advice was immediate restoration to the Union. The policy of negro suffrage and military rule later adopted he opposed continually. Though a Republican he opposed the excesses of that party in politics. He continued for the most part in private life until his death, November 27, 1878. His painstaking and laborious study of the law had brought him ample reward. At his death his estate was valued at more than \$600,000.

It was while struggling against many odds at Nashville that he was retained in the case of *The State vs. Will*. I have been unable to learn under what circumstances he came to be interested in this case. It is possible that this being the case of a slave it was thought that there was no need to be careful in selecting a lawyer. Yet it must be confessed that such a surmise is not in keeping with the feelings of humanity and honor which have usually characterized members of the family of which Will was the property. At any rate no better lawyer, as the event showed, could have been employed.

The point of the case was the right of a slave to defend himself on due provocation from his master or from anyone in the position of the master. Would the provocation, which in the case of a white man would mitigate murder into manslaughter, be good in law in the case of a slave? Of

course such a problem involved the whole relation of a slave to his master. It was of special importance at this time because, as Mr. Moore said in opening his argument, there was then a tendency in public opinion to consider "that any means may be resorted to to coerce the perfect submission of the slave to the master's will; and that any resistance to that will, reasonable or unreasonable, lawfully places the life of the slave at the master's feet." It was necessary, he added, to find the line "between the lawful and unlawful exercise of the master's power."

The "tendency" here referred to had been indicated five years earlier in the case of *The State vs. Mann* (2 *Devereux*, 263), in which the point was decided as to a master's liability for a battery inflicted on his slave. Then it was decided that a master was "not liable for an indictment for a battery committed upon his slave." The opinion was delivered by Judge Ruffin, who said, and his words sound like the sentence of fate for the unprotected slave: The end of slavery "is the profit of the master, his security, and the public safety. The subject is one doomed in his own person and his posterity to live without knowledge, and without the capacity to make anything his own, and to toil that another may reap the fruits. What moral considerations shall be addressed to such a being to convince him, what it is impossible but that the most stupid must feel and know can never be true, that he is thus to labor upon a principle of natural duty or for the sake of his own personal happiness? Such services can only be expected from one who has no will of his own, who surrenders his will in implicit obedience to that of another. Such obedience is the consequence only of uncontrolled authority over the body. There is nothing else that can operate to produce the effect. The power of the master must be absolute to render the submission of the slave perfect. I must freely confess my sense of the harshness of this proposition. I feel it as deeply as any man can. And

as a principle of moral right every person in his retirement must repudiate it; but in the actual condition of things it must be true. There is no remedy. This discipline belongs to the state of slavery. They cannot be disunited without abrogating at once the rights of the master and absolving the slave from his subjection. It constitutes the curse of slavery to both the bond and free portions of our population."

The harshness of this opinion strikes us more forcibly even than it struck the illustrious judge who delivered it. Yet it is not difficult to see that it grew logically out of the theory of slavery. To overthrow it demanded a sagacious appeal to the humane spirit of the court. That was the line followed by Mr Moore. In opening his argument he laid down two propositions: "1. If Baxter's shot had killed the prisoner, Baxter would have been guilty of man slaughter at least; and 2. This position being established the killing of Baxter under the circumstances related was manslaughter in the prisoner." It was on the former of these propositions that he was confronted with Judge Ruffin's opinion in *The State vs. Mann*. Of these sentiments he said: "It is humbly submitted that they are not only abhorrent and startling to humanity, but at variance with statute and decided cases." "Absolute power," he continued, "is irresponsible power, circumscribed by no limits save its own imbecility and selecting its own means with unfettered discretion." The language of the court would have applied to slavery in ancient Rome or in Turkey, but it was in direct contradiction to the opinion of our own Judge Henderson, who had said that the master's power extended "to the services and labor of the slave and no farther," and that the authority over his life was reserved to the law. Judge Ruffin had added to his opinion the statement that he was gratified to know that public opinion would protect the slave from abuse under the harsh ruling of the law. This is an excuse that the

apologists of slavery to this day have not ceased to repeat. It was met by Mr. Moore most effectively: "Wherein lies the necessity to clothe the master with absolute authority over the slave? If this necessity exists public sentiment is not so strong as is claimed. If it does not exist 'the power is given for abuse and not to accomplish the object of slavery.' It would seem that the result of the opinion of the court was 'to teach the kind master how merciful and moderate he is in the midst of such plentitude of power and the cruel one how despised and desecrated he will be if he uses its legal license.'"

It is impossible to summarize here all of Mr. Moore's argument; yet I cannot refrain from introducing one eloquent outburst. Judge Ruffin had said in the opinion already quoted that the slave must be made to realize that the master's power was "in no one instance usurped." This, exclaimed the generous attorney, repressed thought and "reduced into perfect tameness the instinct of self-preservation," a result difficult to accomplish and lamentable if accomplished. But if the relation of slavery required "that the slave shall be disrobed of the essential features that distinguish him from the brute, the relation must adapt itself to the consequences and leave its subjects the instinctive privileges of a brute. I am arguing no question of abstract right, but am endeavoring to prove that the natural incidents of slavery must be borne with because they are inherent to the condition itself; and that any attempt to punish the slave for the exercise of a right which even absolute power cannot destroy is inhuman and without the slightest benefit to the security of the master or to that of society at large. The doctrine may be advanced from the bench, enacted by the legislature, and enforced with all the varied agony of torture and still the slave cannot believe and will not believe that there is no one instance in which the master's power is usurped. Nature, stronger than all, will discover many instances

and vindicate her rights at any and at every price. When such a stimulant as this urges the forbidden deed, punishment will be powerless to proclaim or to warn by example. It can serve no purpose but to gratify the revengeful feelings of one class of people and to inflame the hidden animosities of the other." Was ever the cause of the slave pleaded more eloquently in the land of freedom than by this son of the yoeman class before the highest tribunal of the land of slaveholders?

Attention was then turned to the question of provocation. Could a slave be provoked in law? Had Will been a white freeman or an apprenticed freeman, the crime would have clearly been manslaughter. Mr. Moore demanded for the slave all the consideration of a white man under like conditions, to whom he was simliar in feelings of resentment and in the instinct of self-preservation. The law had not required him to extinguish this instinct, and he accordingly had full right to plead a legal provocation. In conclusion the counsel referred to the necessity of defining the position of a slave in regard to his life. "I feel and acknowledge," he said, "as strongly as any man can the inexorable necessity of keeping our slaves in a state of dependence and subservience to their masters, but when shooting becomes necessary to prevent insolence and disobedience it only serves to show the want of proper domestic rules."

The slave Will was as fortunate in his judge as in his counsel. On the bench was William Gaston, as noted for his humanity as for his ability in his profession. To him fell the duty of writing the opinion. The task was performed clearly and emphatically. It was all on the side of the prisoner. clearly giving him the right of defence against his master's attempt to take his life. It declared: "Unconditional submission is, in general, the duty of the slave; unquestioned power is, in general, the legal right of the master. Unquestionably there are exceptions to this rule.

It is certain that the master has not the right to slay his slave, and I hold it to be equally certain that the slave has the right to defend himself against the unlawful attempt of his master to deprive him of life. There may be other exceptions, but in a matter so full of difficulties, when reason and humanity plead with almost irresistible force on one side, and a necessary policy, rigorous, indeed, but inseparable from slavery, urges on the other, I fear to err should I undertake to define them." The court hesitated to define exactly a legal provocation in a case like this. It did say that if a slave were excited into unlawful violence by the inhumanity of his master, it ought not to be concluded that such passions sprang from malice. "The prisoner is a human being," said the court, "degraded by slavery, but yet having 'organs, senses, dimensions, passions,' like our own." On the evidence no malice could be found, and, it was concluded, none had existed. The killing was accordingly a felonious homicide and not murder.

It was a notable victory and reflected as much credit on the State as on the brilliant and humane lawyer who had won it. It was quoted and commented upon extensively throughout the Union. It fixed forever afterwards the rights of a slave in cases like the one under consideration. In not another instance was a case of kindred nature brought before our courts. Most important of all it was a triumph of humanity and served to commit our law of slavery to a more lenient policy than existed in some other States.

JOHN S. BASSETT.

## WILLIAM J. YATES.

William J. Yates was born in Fayetteville, N. C., August 8, 1827. His father was an invalid, and was what was known in those days as a "wheel-wright." His mother was a member of the M. E. Church for seventy-two years, and she neglected none of the training that her son ought to have. The grandparents of Mr. Yates were English and Welsh, having come direct from Great Britain to this country. From boyhood he was thrown upon his own resources, and gladly assisted in the support of his mother and the younger children. Early in life he showed great devotion and tenderness to his mother, and this feeling was kept up through life, for after he left his old home he made his annual pilgrimage to Fayetteville to see her. He would make any sacrifice for her happiness, and a portion of his first earnings were spent in purchasing a house and lot for her.

Mr. Yates' first permanent employment was in the printing office of the *North Carolinian*, a paper published in his own town, where he served as an apprentice for about seven years. At the end of this time he became a "journeyman printer" in the same office, receiving a few dollars per week for his labor. This enabled him to lay by a little money to be invested in something at a suitable time. The struggles of Mr. Yates' early life for an education are among the most conspicuous in the annals of the State. He was educating himself, and he had not the advantages of a college or university training, yet he was very eager to appropriate every idea that would benefit him in after life. He seems to have known in early life what his mission was, and therefore he began it with great earnestness and anxiety.

As a printer and journalist he was trained in the old school, which embraced such men as the able and celebrated E. J. Hale, editor of the *Fayetteville Observer*, and R. K.

Bryan, editor of the *North Carolinian*, both of whom were the soul of honor and of exceptional ability. These men were in active life while Mr. Yates was young and ambitious, and many were the valuable lessons he learned when he came in touch with them. Besides, they were in great sympathy with the young man, and encouraged him in his chosen field. His labor was not to go unrewarded, and at the age of twenty-seven he purchased the *North Carolinian*, and published it for a time. This step seemed to broaden him, and from that date he became one of the best thinkers in the State. The question as to what to do in an emergency never troubled him for a moment. He could weigh all the advantages and disadvantages of a proposed measure instantly, and with marvellous precision. This caused him to become a leader of opinion, and he was consulted frequently, both in private and public matters. His sound judgment and his strong moral character made him a safe adviser. "He was religious by nature and training, and his moral principle was granite."

The personal characteristics of Mr. Yates are especially striking. He abhorred any semblance of external show or anything that savored of vanity or egotism. These qualities were odious to him, and when met in a man always produced a look of disgust in his face. Those who knew him intimately say that a poor person never appealed to him in vain. He would give the last penny he had to one who actually needed it.

His foresight was phenomenal, especially in politics, where he seldom made a mistake as to men or measures. It is related of him that his judgment in matters of politics was so much sought after that the question, "What does Mr. Yates say?" was asked on every hand. People looked to him for the solution of questions which they could not decide at once for themselves. Breaking a promise was something that was utterly unknown to Mr. Yates. No matter how little the promise might involve, he would not



break it. He was also very kind to young men. He never tired in his attentions to young men in that line of business which was his life vocation.

Mr. Yates was once asked the secret of his success, and he very readily replied, "that it was owing to his individual efforts (blessed by a kind Providence), close attention to business, complying strictly with every promise made, studying hard, working hard, the use of the proper economy, and never engaging in but one business at a time: that of publishing a newspaper." And that *was* unquestionably the secret of his success. He never neglected any duty, never tried to do but one thing at a time, and never gave up a task till it was finished, though he was often forced to work till eleven or twelve o'clock at night.

Mr. Yates' love for the "Old North State" was akin to idolatry. He loved the masses, and may be called a man of the common people. With a wonderful rapidity he surveyed the various institutions of the State, saw their greatest needs, and proposed remedies for their deficiencies. He loved everything that tended toward the development of our resources, and he was never better pleased than when some movement was inaugurated for the uplifting of his fellow-men. He always attended the State Fair, believing it his duty to advocate every measure that might promote the best interests of North Carolina. Nothing that appealed to the philanthropist or the patriot failed to appeal to him. He had great State pride, and always felt that there was something great in the people of his own State. He reviewed the internal improvements of the State with a keen interest. He was always their strong advocate and promoter, and never failed to take a firm stand on every issue that involved the welfare of the citizens of North Carolina. Some one has said: "He was the best exemplar of home institutions and home rule we have ever known. For a man of his strong feelings and positiveness, he was the most conservative writer and adviser we have ever seen."

The State of North Carolina owes Mr. Yates an inestimable debt for the fight he made for education. He was one of the pioneers in the cause of the common schools of the State. He realized that in education there is power, and he registered his vow to disseminate the truth throughout the State. A higher type of citizenship was the burden of his heart, and he thought that this could best be secured by a system of good public schools. He was ahead of his contemporaries in his ideas of education, and we are just beginning to realize what he stood for in this field.

Mr. Yates was an earnest and consistent Democrat, having voted the straight ticket at every election; yet he never failed to criticise severely any wrongs in his own party. His strict loyalty did not make him blind to faults that needed correction, and his liberal views did not cause him to ignore a good measure in the Republican party. His partisanship never made him offensive.

In the fall of 1856 he sold his paper in Fayetteville and moved to Charlotte, N. C., and took charge of the *Democrat*, which paper he conducted till his death. Mr. Yates' strict business principles are best seen in his management of this paper. He published it for about thirty-two years, and during that time it never came out as a half-sheet on more than one or two occasions, and this would not have occurred, probably, had it not been for a destructive fire and the collapse of an adjoining building, which made it necessary for him to vacate his office. He had lofty ideas about journalism, believing that his greatest service to the State would be the publication of a clean newspaper. Not a single time did he debase it for any notoriety, his good judgment and modesty would not allow anything in its columns that would reflect upon the dignity of the distinguished editor. Through its columns he reached the people of the State as few editors have ever done. Back of every editorial was unchallenged sincerity and allegiance to every good cause, so his paper could not fail to have great weight

and influence where it circulated. His was one of the few permanent newspaper successes in North Carolina.

Mr. Yates' influence in politics was felt throughout the State. This was, doubtless, due to his remarkable foresight and the readiness with which he solved problems that demanded immediate attention. His love for politics never made him an office-seeker, but on the other hand, the office frequently sought him. During the earlier days of his life, official honors were repeatedly offered to him, but in every case he declined, believing that he could serve the State better in journalism than in office. Non-partisan offices were the only offices he would consent to fill. He stands out in bold relief as the typical citizen of North Carolina who cared nothing for the little offices that almost craze the minds of the politicians of to-day. Patriotism and love of state, not love of office and money, were the great principles that actuated him to service. He was broader than any political party, he was even broader than the State he served. His great popularity and influence led him to be chosen a member of the Council of State during a portion of Governor Ellis' administration in 1859 and '60. He also held the directorships in two railroads while they were being built, the Carolina Central and the Charlotte Air Line. In addition to these positions of trust, he served on what was known at the time as the "Literary Board" of the State, which board had the power to distribute the money set apart for the public schools before the war. Mr. Yates was also chosen a Trustee of the State University, which place he filled for a few years.

To show further that he touched the interests of the State in other respects, it is necessary to mention his appointments by the Executive of the State at different times. Reposing special trust and confidence in his integrity, the Governor, Thomas Bragg, in the year 1856, appointed him a delegate to the Southern Commercial Convention which met at Savannah, Georgia, in December of that year. In

1880 Governor Jarvis appointed Mr. Yates on a committee from this state to meet similar committees from Virginia, Tennessee, and South Carolina, to make arrangements for the celebration of the Battle of King's Mountain, which was to take place in October. Seven years later Governor Scales appointed him as a delegate to the Southern Forestry Convention which met at Huntsville, Alabama. Other minor appointments were made, but the above are sufficient to show what his attitude was toward every interest of the State.

The labors of this noble son of North Carolina for the insane have endeared him to every citizen. When the Insane Asylum at Morganton first threw open its doors, he was elected director, and he entered the service with all the earnestness of his soul, visiting the institution each month during his connection with its management. A very pleasant incident is told of him while he was director. His frequent visits made him so popular with the demented inmates that it became necessary for him to go through the asylum in disguise, in order to avoid the numerous kisses and embraces with which they saluted him. This did not secure immunity for him for any length of time, for they soon learned again who he was and the trick he was playing on them. No labor in which Mr. Yates ever engaged afforded him more pleasure than this labor for the unfortunates of the State. The directorship was an office which he really cherished. At his death the Board of Directors drew up resolutions of respect, an extract of which will show in what high esteem he was held: "To his wisdom, sagacity, and devotion is due, in large part, the efficiency with which the institution is to-day fulfilling its humane mission."

The best testimonials of the worth of this distinguished man to our State are to be found in the expressions of regret that followed the consolidation of the *Democrat* with the *Southern Home*, a paper published by Mr. J. P. Strong.

The paper resulting from the consolidation about October, 1881, was known as the *Charlotte Home and Democrat*, but Mr. Yates continued his connection with the paper, keeping up that great reputation he had for writing sensible and interesting articles. The *Fayetteville Examiner*, commenting on the consolidation of the papers, said of Mr. Yates: "His strong sense, independent judgment, and honest expression of opinion have obtained for him a high position among the journalists of the State, and secured great influence for the journal which he has for twenty-odd years conducted." The *Raleigh Biblical Recorder* said of him: "His paper has been a great favorite in this office. We liked his sensible and independent way of putting things." The *Charlotte Observer* paid Mr. Yates a high compliment in the following extract: "The *Charlotte Democrat*, under his management for nearly thirty years, has taken hold of the confidence of the people to an almost unprecedented extent. Conscientiousness has been its distinguishing feature and Mr. Yates' claim to that virtue in his valedictory is founded in obvious justice." For fear our testimonials become tedious, we shall desist from citing any more in this connection. Suffice it to say, that the newspaper fraternity from one end of North Carolina to the other, spoke in terms of great praise for the veteran editor of the *Democrat*. He was regarded by them all as one of the best newspaper men in the State. Men of both political faiths were sorry for him to give up his own paper, but his good judgment told him it was the thing for him to do.

After Mr. Yates moved to Charlotte he became identified with the people, and his name was loved in every household. He was a leading spirit in every movement that meant the upbuilding of the town in which he lived. Business men, doctors, lawyers, and bankers respected his intellect, for he was able to grapple with the profoundest problems of society. Dr. Jno. H. McAden said of him:

“He conducted the best weekly paper in the South, and made a continuous success as an editor.” Mr. H. C. Eccles, a citizen of Charlotte, paid him the following tribute: “He was a good and valuable citizen, and his place in this community will be hard to fill. He will be missed as few men are.”

Mr. Yates' phenomenal success as an editor should be an encouragement to the newspaper men of North Carolina. In his life is an example of consistency, honesty, and morality unsurpassed by few men that the State has produced. His one great aim was service, and in the service of his fellow-men he died. His death occurred October 25, 1888, after having spent that day in his office writing for his paper. The subscribers to his paper read the articles written by him the day before his death, while the brain that inspired them was deadened to all earthly things. His death was, indeed, lamentable, and in his demise the State lost a venerable citizen, a celebrated journalist, and his wife a devoted husband. No more loyal man could be found. He was faithful to every duty that devolved upon him. His sincerity and allegiance were proverbial. “He was an ideal elder brother.” His hopes were concentrated in his brother, E. A. Yates, and him he encouraged and helped to educate, thus preparing him for that great sphere of usefulness which he fills to-day as a member of the North Carolina Conference. The inspiration from such a life as that of William J. Yates should be sufficient to show the editors of North Carolina that there is a great work for them. He has placed before them ideals lofty and pure. May they all be as faithful to their fellow-men as he was. If they will follow the lines marked out by him, there need never be any fear for North Carolina's journalism.

ZEB. F. CURTIS.

NOTE.—The material for this paper is taken from old papers and clippings belonging to the various members of Mr. Yates' family. Z. F. C.

## WHAT I KNOW ABOUT "SCHOCCO" JONES.

Leaving out the early chronicle of Lawson, we have had four formal histories of North Carolina, Lawson's being a diary of his journeyings on his professional business of a surveyor, and the history written by Joseph Seawell Jones, of Warren county, North Carolina, being called "Jones' Defence of North Carolina." "Schocco" was a pseudonym, adopted probably because he was born near Shocco Springs, in Warren county, N. C., a place of fashionable resort then, and for some years after. Jones was a young man, full of enthusiasm, with an intellect of brilliant rather than substantial type, with eccentricity on the border line of insanity, sometimes considered the genuine article, and with a love of the sensational, which was the ruling passion of his soul. With the addition of that passion by which Wolsey and the "angels fell," you have a pen picture of a North Carolinian of the olden times, who filled a large space in the public eye of the State and whose sad history was a romance and a failure.

"Jones' Defence of North Carolina" was a development of the period. Dr. Williamson's History of North Carolina had been a failure as a history and not a success as a medical disquisition upon the fevers of Eastern North Carolina.

Xavier Martin's History succeeded Williamson's, and but for his removal from the State in the first years of the nineteenth century and the subsequent loss of his historical materials, his history would have supplied a great want.

Then came a long interval of quiescence about the State History, and its first revival was by the publication of some accounts referring to the Mecklenburg Declaration. It attracted considerable attention in the State, and the subject was given a new interest by the publication of a correspondence between ex-Presidents John Adams and Thomas Jefferson, in which correspondence Mr. Jefferson

had charged that the Mecklenburg Declaration was a fraud, and in connection with it had made some unjust imputations upon the patriotism and loyalty of the North Carolina representatives in the Congress of the Revolution. It excited a furor in the State. It touched our patriotism at the nerve centre. In this tide of popular sentiment in North Carolina, "Schocco" Jones was thrown upon the top of the wave of public indignation. He was fashionably connected, an habitue of the elite society of Shocco Springs, a native of the historic county of Warren, young, ardent and aggressive, and with an individuality of the most eccentric character. Voluble to a degree, his progress was not handicapped by modesty. The man and the occasion met. Jones had literary instinct, ambition, culture to some extent, and surely Mr. Jefferson was an antagonist worthy of his steel. He had the social feeling inordinately, travelled much, knew everybody, and wished to know everybody else, and his purpose to launch a shaft at the memory of the sage of Monticello became widely known. He became a pet of the distinguished men in North Carolina, and men whose lineage ran back to the foundation of the State were fired by his patriotic enthusiasm, and made him the custodian of their valuable family records, which he had no talent for preserving. It was proclaimed that he would prove that Mr. Jefferson was a plagiarist and that he had the Resolutions of Mecklenburg county on his table when he wrote the National Declaration of Independence.

"Jones' Defence" appeared and it added fresh fuel to the flame of patriotism. It did not give entire satisfaction to the mature judgment of the State. Some said it was inaccurate in statement, and others that it was too "efflorescent in diction," but it fired the youthful mind and was the basis of many a college essay and declamation.



## PERSONAL RECOLLECTIONS.

About the time the "Defence" made its appearance, or while in the throes of expectancy, we were a Freshman or Sophomore at the University, and the news spread through the college that "Schocco" Jones was in the village and had come through the campus riding upon the shoulders of a stalwart negro. We were the librarian of the Philanthropic Society and on duty when the news reached us. Soon after, there came into the Library Hall a man, swarthy, tall, long-haired, wild-eyed, who introduced himself as Jo. Seawell Jones, of Shocco. He was attended by several students. The conversation was led by Mr. Jones, and it soon fell into the subject of his "Defence of North Carolina." His whole soul seemed absorbed in the subject. He was unsparing in his denunciations of Mr. Jefferson. He stated that he was then engaged in preparing a "Pictur-esque History of North Carolina" to follow the "Defence of North Carolina." We suppose now, that he meant an "Illustrated History of North Carolina," as he casually referred to some of the historic scenes on Roanoke Island.

We neither saw nor heard any more of "Schocco" Jones, except occasional mention of his being in Washington, and his prominence in society circles, until about 1836. Meanwhile his "Defence of North Carolina" had been generally read and it had various comments. It became a pyre at which the torch of patriotism was fired.

About 1836 it was reported in North Carolina that "Schocco" Jones had been involved in an angry personal dispute in Rhode Island, with a citizen of that State, about the Revolutionary history of North Carolina, which had resulted in a challenge from Jones to the field of honor. The challenge was said to have been accepted and the fight was to come off at an early date. In a short time came a Proclamation from the Governor of Rhode Island, forbidding the violation of the peace within the bounds of Rhode Island. A counter proclamation was promptly issued by

Jones, in which he intimated that the fight could be had across the little State of Rhode Island, without violating its laws. Meanwhile the public mind of North Carolina was on the qui-vive of expectancy.

While the public interest was at its height, a Scotch schoolmaster of the town of Edenton, named McLochlin, raw, credulous, sympathizing, came from Norfolk, Va., by the canal-stage route to his home in Edenton. The stage stopped at the "Half Way House" for dinner. While McLochlin was at dinner, there came from an inside door a man, wild-looking, haggard, nervous, abstracted, and took a seat beside him. He confided to McLochlin's credulous ear, the story of the fatal duel he had just fought on the Virginia line, where he had killed his adversary, and all for North Carolina. He said he was pursued by the officers of the law, showed him a handkerchief saturated with blood with which he had stanchd the blood of his dying adversary, begged his help in this time of his greatest need, asked McLochlin if there was any one in Edenton who would shelter a man who had shed the blood of his enemy for North Carolina. Jones took his new friend to a private room, where he opened the tale of the tragedy. After long deliberation the name of Hugh Collins was suggested as the friend of the distressed. Oh, yes! Jones knew him well. Had met him in Washington in society circles. The very man!

It was arranged that McLochlin should go on to Edenton, go at once to Hugh Collins, who was then fishing a large seine at the old Sandy Point Fishery, and get him to meet Jones at the arrival of the stage in Edenton next day. McLochlin hied him home. Jones remained in hiding.

Jones came to Edenton next day. Collins was in waiting. Damon and Pythias were not more cordial than "Hugh" and "Shoc." A carriage was in waiting. Both were hurried in and off, and with rapid speed they were taken to the safe retreat of Sandy Point Beach. When

they arrived Jones, for greater safety, asked Collins to put out pickets to provide against surprise and to keep his private yacht manned with four stalwart oarsmen, ready at a moment's notice to take Jones to the southern shore of Albemarle Sound. "Hugh," full of the responsibility of his great charge, had everything ready as requested. The oarsmen never left their rowlocks. After a few days Jones came out from hiding, and for ten days no man in North Carolina has been more lionized, petted and feasted. Jack Leary, a veteran wealthy seine fisherman, banqueted him with great and bounteous honor. Thomas Benbury, the oldest fisherman on the sound, claimed him as his honored guest. Others followed. If Jones had asked for \$100,000 we believe he could have had an honored check for it in half an hour.

After some time spent in this round of festivity and honor, Jones went to Mississippi, where he hobnobbed with Seargent S. Prentis, whom "he had introduced into good society at Washington." Finally, in the wilds of Texas, in the days of the old Texan wars with Mexico, he died, a hermit, alone, deserted, unknown—with all his eccentricities a patriot, a lover of his old home, having done some good in his day and generation, and left a name among its historians.

R. B. CREECY.

## DENNIS HEARTT.

If history consists of the lives of great men, whose names are "wrought into the verbs of language, their works and effigies in our houses," North Carolina should contribute many pages to the epitome of civilization; for her institutions, public and private, have been established by men of superior abilities, who have spared neither time nor resources in the founding of a great State. In journalism, as in economic and political growth, the pioneer work has been done by men of strong personal character, who possessed the art of citizenship as well as the talents requisite for their chosen work. These editors, though the remains of their labor often seem eccentric when compared with our modern journals, had great influence among the people, and their memories are forever perpetuated in the ideals of the State they served so well.

Among these pioneers of our press none were purer in public and private life, more energetic, or held greater favor throughout the State than Dennis Heartt, the founder, and for nearly fifty years the editor, of the *Hillsborough Recorder*. Like many of our best citizens, Mr. Heartt was not a native Carolinian. His father was an English sea captain, who settled in New England. Here, in the village of North Bradford, Connecticut, November 6, 1783, Dennis Heartt was born. Very little is known of the young man's early life. In 1798 we find him in New Haven, apprenticed to Read and Morse, printers, the latter a brother to the inventor of the electric telegraph. The young compositor soon became very proficient in his work, and was able to set up 5,000 ems in one morning's time. It was while in New Haven that the following incident is told of Mr. Heartt. When setting up an article written by Noah Webster, the compositor changed the word *fashon* in the copy to *fashion*. In the proof-reading, the "Schoolmaster of the Republic" struck out the *i*. The printer then conformed to the copy,

but in the final proof the Lexicographer corrected his mistake, inserting the ubiquitous *i*. Later in life, when success had crowned his labors, Mr. Heartt frequently related this as an illustration of the trials and vexations peculiar to newspaper men.

In 1802, having served his apprenticeship, Mr. Heartt left New Haven, removed to Philadelphia, and began life for himself. Here he married Elizabeth Shinn, of Springfield, Burlington county, New Jersey, whom tradition represents as "a very pretty little Quakeress." In 1807 he was one of the invited guests of Robert Fulton on the trial trip of the "Clermont." In 1810 he commenced the publication of the *Philadelphia Repertory*, a literary paper. Ten years later he migrated to Hillsborough, North Carolina, and on February 20, 1820, issued the first copy of the *Hillsborough Recorder*.

At this time the population of Hillsborough was 805, "of whom there were twenty-nine more males than females. Orange was a large and prosperous county, though its circulating medium was bank notes, there being little silver and no gold, and its bar had Judges Ruffin, Cameron, and Norwood among its numbers. Judges Badger, Murphy, Mangum, and Nash were then on the bench, or had recently resigned." These men were types of North Carolina's best life, and Mr. Heartt, by indomitable energy and constant application, won a reputation in the State second to none.

Many obstacles to a successful career presented themselves to the young editor. A new settler, coming from a distant section, he would naturally find some difficulty in gaining the confidence of the people and adjusting himself to his new social environments. The stage-coach, the only means of communication with the outside world, must have discouraged an editor accustomed to city life and a fast post-line to the nearest centres of trade. To these must be added the excessive labor and vexation caused by the

presses. "In those days the old, double full Ramage press was used with buckskin balls for inking the forms. Printing was executed under many difficulties. Types were costly and were used from ten to fourteen years. The forms were sometimes underlain with damp paper to bring out the impression. Mr. Heartt engraved the head of his paper, and with leaden cuts of various kinds illustrated his articles and advertisements. He made his own composing sticks of walnut wood, lined with brass. They were good sticks and I remember to this day the sound made by the types as they were dropped by the left thumb into their places." (Governor Holden, 1886.)

These are only a few of the discouragements encountered by Mr. Heartt. If "genius is the art of overcoming great difficulties," his name must be classed with those of Carolina's most gifted sons. His early training as an apprentice, his previous experience in journalism, and the energy with which he began his work soon enabled him to conquer his equivocal environments. He gained the confidence of the people, his subscription list quickly rose to five hundred, and for many years the *Hillsborough Recorder* was the best known paper in Central Carolina. For years, some of the oldest citizens have declared, the only literature found in their homes was the Bible and the *Recorder*, and they "would swear by either." The paper was popularly styled the "New Testament," for it was "true as Gospel." Such being the character of this representative of North Carolina's *ante bellum* life, let us examine some files, and behold in a few coarsely printed pages, worn and "seared like the yellow leaf," a true index to the social conditions of an age forever gone but never forgotten.

The earliest issue before me is dated March 1, 1820, Vol. 1, No. 4. "Published weekly by Dennis Heartt, at three dollars a year, payable half-yearly in advance." "Advertisements not exceeding fourteen lines will be inserted three times for one dollar, and twenty-five cents for

each continuance." "Gentlemen of leisure, who possess a taste for literary pursuits, are invited to favor us with communications." With the exception of a few advertisements, the first of the four pages is filled with articles clipped from exchanges; such as, "A Sketch of Illinois," from the *National Intelligencer*, a paper founded by a North Carolinian, an essay on "Domestic Economy," from the *New York National Advocate*, and a discussion on curing bacon taken from the *American Farmer*. Here is one of the secrets of Mr. Heartt's success in journalism. Instead of filling his columns with the worthless contributions of local literary aspirants, he gave his readers selections from the best current journals, which were usually of practical value to his subscribers. This issue also contains reports from Congress and condensed news from Spain, Paris and Berlin, which vary from three week to three months in age. Illustrations of the inefficient means of communication with other sections of the State are seen in the local notices, frequently no fixed date being given to events in neighboring counties. One of these reads as follows: "Married, a few days ago, in Franklin county, Mr. Robert Harrison, of Raleigh, to Miss Tucker." The advertisements are about fifteen in number, and are quaint in style and subject matter. They usually begin thus, "The subscriber, grateful for past favors, has the pleasure of announcing to the ladies and gentlemen of Hillsborough," etc. In one of these, five cents reward is offered for the capture of an escaped apprentice-boy, dressed in "a blue home-made coat, tow trowsers, and a wool hat. The above reward will be given for apprehending said boy and delivering him to the undersigned, without charges." On the last page we find two essays, "On Friendship" and "Domestic Happiness," written in imitation of that old, eighteenth century style, the literary ideal of the South seventy years ago.

In 1828 we find the paper enlarged, more modern in

appearance and contents, thus evincing the rapid development of the country. In the issues for this year, we get the first intimation of the editor's political opinions, for a motto, the battle cry of half the nation thirty years later, has found its way to the heading of the *Recorder*, "United we stand, divided we fall."

The next number is September 19, 1839. The paper has been further enlarged, now being about twice its original size. This is the first issue that takes an advanced stand on political questions, and here, also, an index to Mr. Heartt's views is found in the heading of the paper, "The Union, the Constitution, and the Laws—the Guardians of our Liberty." There is an account of the proceedings of an "Orange Republican Whig Meeting," held in the Masonic Hall of Hillsborough, Thursday, September 12. At this meeting a "preamble and resolutions were submitted by Hugh Waddell, Esq.," which fully stated the platform of Martin Van Buren and the failure of his administration; in conclusion they resolved, "That we cling with increasing devotion to the cause of constitutional liberty; that we feel it is a cause which can never be despaired of by freemen; and that we will use all patriotic means to assert and maintain the principles by which we are governed." Delegates were appointed to the State Whig Convention to be held in Raleigh, "the second of November next," who were instructed to support John M. Morehead for Governor and Henry Clay for President. The report is signed by John M. Smith, chairman, Dennis Heartt and Nathaniel I. King, secretaries. In an editorial Mr. Heartt speaks of the recent enlargement of his paper and his hope for its improvement. "But to realize this hope, the active assistance of his (the editor's) friends is required. He has perfect confidence in the justice of the cause and soundness of the principles which he advocates; and having truth for his polar star, he has neither wavered nor faltered, even in the darkest hour. He believes that the entire Whig party



are actuated by the same purity of motive, and in their determination to preserve undiminished their high privileges, are animated by a zeal not less fervent than his own. The rich legacy which was won by the active hands and strong arms of the Whigs of the revolution, the Whigs of the present day know can be preserved only by untiring watchfulness and jealous guardianship." This avowal of his allegiance to the Whig party expresses the spirit of Mr. Heartt's political faith. He was ever firm, but never extreme; always an optimist, too generous to make a charge against his colleagues or opponents of which he himself was innocent.

Within the next decade the political battles waged fiercer each year. The clouds of discontent which were to end in turmoil and disunion were constantly gathering and growing dark with the omens of war. Throughout this period of suspense, Mr. Heartt never faltered in his allegiance to the Union, but stood firmly by the principles of the Whig party. In 1844 the *Recorder* supported Henry Clay and advocated the following principles: "A Bank of the United States, and a sound National Currency. A Tariff for revenue with fair protection to American Industry. An honest and economical administration of the National Government. An equitable distribution of the proceeds of the sales of Public Lands." In 1848 Mr. Heartt supported Taylor and Fillmore. The issue for May 21, 1851, gives an address and resolutions before the "Southern Rights Association of South Carolina," which declare in no uncertain language for States' rights and secession. Mr. Heartt has an able editorial on this meeting, and also defends himself from the attacks of the *North Carolina Democrat*, a secession paper published in Hillsborough. A comparison of the title-pages of these two papers tells better than facts the position of Mr. Heartt during that long political struggle which precipitated the Civil War. The *Democrat* cries for "States' Rights; and a strict con-

struction of the Constitution." The *Recorder* holds to its old principle, "The Union, the Constitution and the Laws—The Guardians of our Liberty."

The last of these papers is dated August 27, 1867. "The cruel war is over," and the darkest days of "reconstruction" are at hand. The *Recorder* has not remained unimpaired by the desolation of the struggle, for its size is greatly diminished. Yet the editor maintains his fealty to the Union unshaken, declaring, "We shall pursue the same lights hereafter that have guided us hitherto—ever holding to our motto, 'The Union, the Constitution, and the Laws,' as the Palladium of our safety; and we are not without hope that wise counsels will ere long lead the country back to its former prosperity."

No one can read these papers without being impressed with the purity of their subject matter, the soundness of their principles, and the liberal spirit of the editor. "Talent alone cannot make a writer. There must be a man behind the book; a personality which, by birth and quality, is pledged to the doctrines there set forth, and which exists to see and state things so, and not otherwise; holding things because they are things." If this be true, Dennis Heartt was a representative man in journalism as in private life. He was never harsh or vindictive, and never allowed personal animosities to be expressed in his columns. In politics he was a staunch Whig. Though he owned no slaves and was opposed to that "dire institution," he did not go to the extremes of the abolitionists. In his own words, he always endeavored "so to constrain himself as

'Nothing to extenuate,  
Nor set down aught in malice,'

but in truth and soberness to do justice to all parties." "He never selected an article, or wrote a line for his paper which, dying, he could wish to blot."

As a man, Mr. Heartt was ever temperate, honest, above

suspicion, and habitually truthful. He was for many years a member and officer of the Presbyterian church. "He loved labor and was an indefatigable worker. We have known Mr. Heartt from our earliest youth and we have never known a purer or a better man. His was a heart that harbored no deception, his was a tongue that knew no guile, and his was an integrity that would not bend or deviate." (Editorial in a Raleigh Daily, November 14, 1870.) He was a man of strong personality, eccentric, but humorous and charitable. Of many who were influenced by his character, none have risen to higher distinction or paid a greater tribute to his memory than the late Governor Holden. A ragged, homeless waif, drifting aimlessly, with no protection from the ills of life, William Holden was taken into the home of Mr. Heartt and became his apprentice. At one time the boy's roving nature gained the ascendancy and he ran away from his benefactor. Mr. Heartt advertised for him, offering five cents reward for his capture. The run-away saw this notice, secretly returned by night, entered the office of the *Recorder*, and set up some type which he placed in the form for the next issue. This work completed, the youthful compositor wrote on his desk, "From this day I will be a man." The next number of the paper contained a startling notice which advertised the *Recorder* and its editor for sale, fifty cents being the price set for both. A reconciliation then took place between master and servant. Holden served his apprenticeship, went to Raleigh and founded the *North Carolina Standard*, and was finally elected Governor. In 1886, before the State Press Association he gave the following testimony to his benefactor's character, "His integrity in all respects was perfect. No consideration could have induced him to abandon or compromise his principles, or to do wrong knowingly. I was a member of his family as one of his apprentices, six or seven years, and I knew him thoroughly. There were features in his character and con-

duct which I could not, then, understand, but in reviewing the past I have since seen him in his true light and I declare in this presence that the best man in all respects whom I have ever known was my old master and teacher, Dennis Heartt. \* \* \* What a kind, good man he was! and he was thoughtful, careful, scrupulous and very industrious."

As a printer and editor, Mr. Heartt was devoted to his work. Journalism was his life-work, and he would not prostitute his profession to personal desire or ambition. Political offices and public honors, he could easily have obtained, but he was unwilling to desert the cause which he had early espoused and which had so abundantly repaid him for his labor. He was faithful and energetic. "He generally wrote his editorials two and even three times over, before giving them to the press." (*Hillsborough Recorder*, obituary notice.) "We have seen him, since he passed four score, write his editorials, set them in type, make up his form and even work off his paper at the press and then make up his mails. (He was then postmaster.) He was an ornament to his profession, giving dignity and character to it." (Editorial in *Raleigh Daily* above quoted.) He was modest and reticent. He was "a good scholar and wrote well, but he seldom presented his readers with a column of editorial in any issue. He was a man of refined taste and his selections were therefore excellent." (Governor Holden.)

In January, 1869, Mr. Heartt sold his paper to C. B. and T. C. Evans, of Milton, Caswell county, N. C., who had formerly edited the *Milton Chronicle*. May 13, 1870, he died. "His death cast a gloom over the whole town. Every store, even the saloons and shops, were closed the day of his funeral that all might attend it." He was greatly beloved by all the citizens of Hillsborough, and his name will long be cherished among the people of Orange county. As journalist he leaves us an example which the

modern press would do well to emulate. Always conscientious and sincere, he never printed a line which he did not believe to be true. His personality was seen through the columns of his paper. There never was a time when, in spirit, the *Recorder* was not Dennis Heartt, or the editor the living soul of the paper.

The *Recorder* passed from the hands of the Evans men to Col. John D. Cameron, who removed the paper to Durham, the name being changed to the *Durham Recorder*. In 1881 the paper was bought by Mr. E. C. Hackney, who still edits it. It is now the oldest newspaper in the State.

W. K. BOYD.

N. B.—Materials for the above article were taken from copies of the *Recorder* and papers of Mr. Heartt's family.

W. K. B.

LANDHOLDING IN COLONIAL NORTH CAROLINA.<sup>1</sup>

In 1663 His Majesty Charles II, out of the abundance of his American lands, granted the province of Carolina to eight of the chief nobles of his court. These gentlemen retained the property until 1629, when they sold it to the King. Here it remained until the War of the Revolution. Although these two supremacies, the one of the Lords Proprietors and the other of the King, represent the two distinct periods in the history of the colony, they indicate but little interruption in the history of its private law. This is especially true of the law relating to land. The basis for the future government was the charter by which the Lords Proprietors received their property. When the purchase by the King was made, there was no beginning the government *de novo*. The Crown simply stepped into the place vacated by the former owners. Proprietary laws were for the most part confirmed or but slightly altered. We thus see the importance of the charter of 1663, and can understand why the people in their periodic revisions of the laws saw fit to insert this instrument as a preface to their codes. It is therefore from this charter<sup>2</sup> that we begin to trace the history of landholding in North Carolina.

Three facts relating to land stand prominently out in the royal charter. 1. Carolina was constituted a feudal seigniority, the Proprietors being authorized 'to have, hold, use, exercise, and enjoy the same [their privileges], as amply, fully, and in as ample manner, as any Bishop of Durham, in our kingdom of England, ever heretofore had, held, used, or enjoyed, or of right ought or could have

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<sup>1</sup> Reprinted by permission from the Law Quarterly Review (London) April, 1895.

<sup>2</sup> The first charter was issued in 1663. In order to include a strip of territory to the north of the province, a second charter was issued in 1665. Except as to boundaries it differs in no material sense from the charter of 1663, but being the later it may be considered the more authentic. I have therefore used it.

use or injury.' 2. The Lords were to hold their lands 'in fee and common socage and not *in capite*, or by knight's service.' 3. They were to hold 'as of our manor of East Greenwich in Kent,' and to pay an annual rent of twenty marks, together with one-fourth of all gold and silver ore found within that region. This rent was a mere formality intended for a recognition of the King's ultimate dominion over the granted lands; still it is well to remember that it was eventually paid. At the time of the sale the Proprietors owed rent for seven and a half years, and that amount was deducted from the purchase price.<sup>1</sup>

The charter<sup>2</sup> prescribes the relation between the Proprietors and their future tenants. The Lords, so we read, may at pleasure 'assign, alien, grant, demise, or enfeoff, the premises or any part, or parcel thereof. to him or them that shall be willing to purchase the same, and to such person or persons as they [the guarantees] shall think fit, to have and to hold to them, the said person or persons, their heirs or assigns, in fee simple or in fee tail, or for terms of life, lives, or years; to be held of them [the Lords Proprietors] and not of us, our heirs and successors.' This grant involved a return to subinfeudation, and accordingly the King relaxed for the benefit of the Proprietors the statute *Quia Emptores*. To them also was accorded the right to erect seignories and manors with the accompanying privileges of courts leet and barons. By way of being sufficiently explicit, the people who should settle in the colony were granted the right to hold their land on the above conditions, and were guaranteed the recognized personal and property rights of Englishmen.

The above-mentioned provisions represent one element in the development of the colonial land laws. That was the superimposed factor. It came from without. As it embodied the distinctive ideas of the promoters of the enter-

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<sup>1</sup> Cf. Colonial Records of North Carolina, vol. ii. p. 723.

<sup>2</sup> The charter may be found in Col. Records of N. C. vol. i, p. 102.

prise it may be called the Proprietors', or the King's, contribution to the process of growth which was about to begin. There was another factor, one due to the conditions of life in the colony. As this was interpreted and demanded by the people it may be termed the popular contribution to the same process. These two factors were brought to bear on the English Common Law which the colonists may be considered to have carried with them across the Atlantic. The charter had granted to the Assembly the right to make laws 'consonant to reason and as near as may be to the laws of England.' As more distinctively American conditions arose it was a question as to where the Common Law stopped and where the colonial law began. Confusion arose, and in 1711 the North Carolina Assembly was impelled to declare, not only that the Common Law was binding in the colony, but that all English statutes, especially those confirming inheritances and titles of land, should be enforced<sup>1</sup>. This was not sufficient. In 1749 the Assembly by law declared which of the statutes of England should be recognized in the Colonial Courts<sup>2</sup>. So decidedly did the law swing away from its original mooring that in 1775 it was well out in the stream of a new development. It shall be our task to take up and explain the new features of the law relating to land as they came into existence in the colony.

*Quit Rents.* The most notable kind of landed estates in North Carolina, as in all the southern colonies, was the fee-simple estate held subject to quit rents<sup>3</sup>. It was due to

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<sup>1</sup> Col. Recs. of N. C. vol. i p. 789. <sup>2</sup> See the Revision of 1752, pp. 293 304.

<sup>3</sup> Mr. Justin Winsor falls into the error of saying: 'The efforts to colonize the seaboard region of North Carolina without giving the fee of the land to the people and without care in the selection of colonists, resulted in a failure even more complete than that of the Canadian colonists.' (Narrative and Crit. Hist. vol. iv, p. xxii.) If it were not true that lands held subject to quit rents are held in fee simple (cf. Williams, on Real Property, p. 124), it would still be necessary, in order to show the fallacy of this statement, only to remind the reader that lands were held in North Carolina in exactly



two facts: (1) the inability of the settlers to pay for their lands at once, and (2) the desire of the Proprietors to retain the rent as an acknowledgement of tenure between themselves and their tenants. The latter is shown by the later practice in the Proprietary Period of selling land outright while a very small quit rent was retained 'as an acknowledgment'<sup>1</sup>.

The use of quit rents was retained throughout the Proprietary and Royal Periods, but it is doubtful if they were ever collected even fairly well. Yet in the Proprietary Period the amounts received from this source were considerable<sup>2</sup>. At two different times Thomas Lowndes alleged that the quit rents were sufficient to defray the ordinary expenses of the government<sup>3</sup>. Governor Burrington, however, does not corroborate this statement<sup>4</sup>. The long contest over the manner of paying quit rents, which was waged by the Assembly against Governors Burrington and Johnston, reduced the revenues from this source to a small sum. It was also difficult to collect them. The chief trouble was to get a correct rent roll. The basis of this roll ought to have been the records of the original grants and of the transfer of land between individuals. These records, however, were so carelessly kept that they could not be used for the purpose indicated. Several attempts were made to secure a general registration, but we have no evidence that any one of them was successful<sup>5</sup>.

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the same manner as in Virginia and in South Carolina, and that these two colonies were eminently prosperous. It is more probable that poor harbours and a consequent lack of direct trade with Europe had far more to do with the slow growth of North Carolina than the prevalence of quit rents there.

<sup>1</sup> See Col. Recs. of N. C., i, pp. 383, 392, and ii, p. 58.

<sup>2</sup> Ibid. ii, p. 169.

<sup>3</sup> Ibid. iii, pp. 11, 49.

<sup>4</sup> Ibid. iii, p. 149.

<sup>5</sup> See Ibid. ii, 34-5, and iii, 144. Also Revision of 1752, pp. 275-77, and Ibid. p. 280. [N. B.—We refer to the Colonial Codes as 'Revisions.' They occurred in 1751-2, 1765, and 1773. The laws of 1715 were a revision, but as they were never printed as such they appear in later Codes as original laws.]

Another source of trouble was the medium in which quit rents were paid. In early times the Assembly arranged a table of valuation by which certain products, called on this account 'rated commodities,' were to pass as currency. In these, quit rents were paid<sup>1</sup>. About 1715 the Assembly made these rents payable in colonial paper currency, then much depreciated<sup>2</sup>. To this scheme the Proprietors objected so emphatically that we find no further mention of it until the royal regime. Burrington, the first royal Governor, acting under instructions, brought in a Bill requiring payment in proclamation money. The Assembly demanded that the provincial money should be received also. Each party remained obstinate and the Governor prorogued the Assembly<sup>3</sup>; but that body continuing its demand was alternately prorogued and adjourned until when Burrington was removed from office in 1734 it had passed no Bill on this subject.

The dispute was passed on to Johnston, the next Governor, who at first succeeded no better than his predecessor. After fourteen years of contention this Governor, by heroically suppressing some of the counties and their delegations, managed to pass a quit-rent law that was in conformity with his instructions<sup>4</sup>. Three years later Johnston died in office, and early in the term of his successor the quit rent law was repealed<sup>5</sup>. A new law passed in 1752 seems never to have gone into operation<sup>6</sup>. In the meantime, the small amount of quit rents that was paid seems to have been paid in rated commodities<sup>7</sup>.

Closely connected with the above discussion was another about the place for receiving quit rents. In early times they were paid on the farms of the inhabitants, and although Tynte<sup>8</sup>, and perhaps other Governors, were di-

<sup>1</sup> Col. Recs. of N. C. iv, 920, and iii, 144.      <sup>2</sup> Ibid. iii, 95.

<sup>3</sup> Ibid. iii, 143.      <sup>4</sup> Ibid. iv, p. xviii, and Revision of 1752, p. 285.

<sup>5</sup> Revision of 1773, p. 123.      <sup>6</sup> Revision of 1773, p. 167.

<sup>7</sup> Col. Recs. iv, 920.      <sup>8</sup> Appointed Governor in 1708. Ibid. i, 694.

rected to collect them at specific places, they continued to be paid as formerly. Burrington tried to make the same change, but failed<sup>1</sup>. In 1735 Governor Johnston, after also failing to get such a Bill passed through the Assembly, settled the matter by proclamation, and thereafter the few who chose or were compelled to pay quit rents took them to certain designated places.<sup>2</sup>

The rate of quit rents varied. In the earliest grants it followed the Virginia custom, which was one shilling for each fifty acres. The Proprietors were inclined to put it at a higher figure, but the Assembly petitioned against this, and the Lords agreed in 1668 that henceforth the inhabitants of Albemarle should hold their land on the same conditions on which land was held in Virginia<sup>3</sup>. This concession was known afterwards as 'the Great Deed of Grant,' and it was most carefully preserved. Throughout the colonial period it was considered the fountain of landed rights. Although the Proprietors continually ignored it, the settlers always appealed to it, and in 1731 all the people claimed to hold under it<sup>4</sup>.

*Escheat and Forfeiture.* By their grant the Proprietors had the incidents of escheat and forfeiture as well as the minor rights of wreckage, wastes, fisheries, etc. These are the only survivals of the older feudal incidents in the colonial laws.

Land was granted on condition that it should be properly 'seated' within three years<sup>5</sup>. In 1722 it was held that this was done when the grantee had built a house on, and had cultivated one acre of, each tract granted. The Governor and Council decided whether or not this had been done, and the minutes of this body show that a large part of its business was hearing petitions to declare older grants forfeited and to issue new grants for the same.

<sup>1</sup> Ibid. iii, p. vi.

<sup>2</sup> Ibid. iv, pp. xiv-xvi.

<sup>3</sup> Ibid. i, 175.

<sup>4</sup> Col. Recs. iii, 144.

<sup>5</sup> Cf. the Virginian grants, Ibid. i, 59-67, and also Ibid. iii, 148.

Land escheated as under the Common Law on failure of heirs and for conviction of felony, treason, or *felo de se*. We find but slight mention of the latter cause, most escheats being for failure of heirs, which was held to have occurred when there were no heirs in the province<sup>2</sup>. Like its English model, the County Palatine of Durham, North Carolina had an Escheator with various local deputies. His duty was restricted to deciding whether or not the deceased had heirs<sup>3</sup>. This he accomplished with the assistance of a jury of twelve men, whose verdict he communicated to the Council. Escheatable lands reverted immediately on the death of an intestate holder without heirs. This was important, because the person in actual possession at the moment of escheat might make composition for the land at twopence an acre<sup>4</sup>. The relatives of the deceased holder who were not heirs were given a preference in taking the escheated land on the payment of the composition money. The following was the order as established by the Assembly: the widow or the widower; the father; the mother; the eldest half-brother; the half-sister or half-sisters, each sharing alike; the nearest of kin; and finally the nearest person who should petition for it<sup>5</sup>. The composition money was all that was paid to secure the land, 'be the improvement more or less.' Heirs to land that had been escheated for seven years were debarred from suing to recover the same.

By the royal charter the Proprietors were granted the privileges of mines—for which they were to pay one-fifth of all gold and silver ore—together with the right to wrecks, fisheries, chases, etc. At first they reserved mines for themselves<sup>6</sup>, but by 1712 they were granting them to individuals for a share of the minerals taken out<sup>7</sup>. The privileges of hunting, fishing, and hawking they readily

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<sup>1</sup> Ibid. i, 453.

<sup>2</sup> Ibid. ii, 317, 323, 305.

<sup>3</sup> Ibid. ii, 305.

<sup>4</sup> Ibid. ii, 451, 452.

<sup>5</sup> Laws of 1715, ch. 30; see Rev. of 1752, pp. 11, 12.

<sup>6</sup> Col. Recs. i, 183, 237.

<sup>7</sup> Ibid. i, 847.

granted with the land. They also established wreckers whose duty it was to recover 'all wrecks, ambergrice, and other ejections of the sea'. This office is mentioned in the early correspondence only, and it is probable that it was soon abandoned.

*Conditions of Granting Land.* In 1663 the land held by the whites in North Carolina was claimed either by purchase from the Indians<sup>2</sup> or by grant from Virginia<sup>3</sup>. The Proprietors recognized the latter grants since they were settled according to the usual Virginia allotment, but because the former were large and irregular tracts it was thought that they ought to be reduced to the conditions of the regular allotments. After thus stating their opinions they left Sir William Berkeley, then Governor of Virginia and one of the Proprietors, to settle the matter as he saw fit<sup>4</sup>. We hear nothing directly from Berkeley, but we have evidence that in each case holders were compelled to take out new patents<sup>5</sup>.

The lands first taken were always those along the rivers, insomuch that it has been remarked that the early history of the colony was but the story of a 'search for bottom land.' The Proprietors tried to regulate this demand by saying how much of a grant should lie on a stream. In the Royal Period the King tried to secure a similar result, by directing that of a land grant the side lying on the river should not be more than a fourth of the side at right angles to it.

In 1665 the Proprietors made their first formal proposals to settlers. They offered to each free man who had already come into Albemarle county<sup>6</sup> eighty acres of land for himself and, if married, eighty acres for his wife. A free woman who had arrived with a servant was to have a like

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<sup>1</sup> Ibid. i, 240.

<sup>2</sup> Ibid. i, 19.

<sup>3</sup> Ibid. i, 17, and 59-67.

<sup>4</sup> Ibid. i, 53, 54.

<sup>5</sup> Ibid. i, 253, 270.

<sup>6</sup> Albemarle County lay in the northeast corner of the present State, and was the separate Government out of which the later colony grew.

amount. For each able-bodied man-servant, armed and victualled for six months, the master or mistress was to have eighty acres, and for each weaker servant, 'as women, children, and slaves' above fourteen years, forty acres. Every Christian servant was promised forty acres at the expiration of the period of servitude. Those who should arrive in the next three years were respectively to have sixty and thirty acres instead of eighty and forty. Those arriving in the year 1668 were to have just half as much as those who had already settled there<sup>1</sup>. These amounts were repeated with slight variation in the instructions to Governors until 1684 and perhaps still later, but it is possible that they were not put into practice. In 1694 it was the custom to grant fifty acres to each person brought in without regard to sex or condition. This was in imitation of the Virginia custom with which it was identical. At any rate, from 1694 'proving a right' meant in the colony taking up fifty acres of land for importing one person<sup>2</sup>.

Abuses at times crept into the land office. One of these was allowing a man to prove a right for each time he had come into the country. One James Minge proved on one occasion six rights for himself and four for his negro Robin<sup>3</sup>. To remedy this evil the Council ordered in 1712 that thenceforth a man could prove but one importation for one person<sup>4</sup>. Another abuse was in surveying improperly. In 1729 Maurice Moore received a tract whose survey called for 1,000 acres. Twenty years later it was resurveyed and found to contain 3,834 acres<sup>5</sup>. Against this there was a law on the statute-books as early as 1715, and as late as 1752, which provided that if a man suspected his estate to contain more land than his survey specified he might have it resurveyed, and if the surplus were greater than one-tenth of the whole he should either forfeit the

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<sup>1</sup> Col. Recs. i, 81, 88.

<sup>2</sup> Ibid. iii, 424, 426.

<sup>3</sup> Ibid. i, 635.

<sup>4</sup> Ibid. i, 865.

<sup>5</sup> Ibid. iv, 765, 1012.

same or take out a patent for it'. This, however, was a rather lame remedy, inasmuch as it left the initiative to come from the holder<sup>2</sup>.

The right to receive land for importations could be proved either before the Council, the General Court, or the Precinct Courts. As the province became more extensively settled it was left almost entirely to the last-mentioned body. This condition, however, was reversed in the Royal Period, where we find it almost entirely in the hands of the Council, called for this purpose the Court of Claims.

A noticeable fact in the history of landholding in North Carolina was the usual smallness of the estates. Large estates would scatter the population and consequently would endanger the existence of a young colony. The people understood this, and one of their earliest laws—confirmed by the Proprietors in 1670—declared that no surveyor should lay out for one person more than 660 acres 'in one devidend,' unless the person had special permission from the Lords<sup>3</sup>. This law was to expire in five years, but its spirit continued. Early in the next century the Proprietors limited all ordinary sales to 640 acres in one tract<sup>4</sup>, and the royal governors were instructed to the same end<sup>5</sup>. Larger grants were occasionally met with, but these rarely held over three or four thousand acres. To this there is one exception. In 1737 Murray Crymble and others secured a grant of 1,200,000 acres on which they obligated to settle within ten years one white person for each one hundred acres. The enterprise was hardly a success. When it was finally closed up much more than half of the land lapsed to the Crown, and the remainder was left in the hands of small holders. The whole affair was a speculation and left no impression on the land system<sup>6</sup>.

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<sup>1</sup> Revision of 1752, p. 10 (Laws of 1715, ch. 29).

<sup>2</sup> Col. Recs. iii, 184.

<sup>3</sup> *Ibid.* i, 186.

<sup>4</sup> Col. Recs. i, 706.

<sup>5</sup> *Ibid.* vii, 512, 543; also see Brickell, *Nat. Hist. of N. C.*, p. 12.

<sup>6</sup> See Col. Recs. iv. 253, vi. 718, 773, vii. 453, viii. 52, 63, 254.

When the King purchased Carolina one of the Proprietors did not sell his share of the land. In 1744 this share was laid off to him, and it fell in North Carolina<sup>1</sup>. The Proprietor was Lord Carteret, or Earl Granville as he had been created. He possessed his estates like any other private citizen. He continued to collect his fines, escheats, and forfeitures, as formerly, and to sell land for quit rents. When war broke out with Great Britain the State Government confiscated this property.

*The Fundamental Constitutions and Land.* We cannot pass to the more technical phase of our subject without speaking of the Fundamental Constitutions. As the Proprietors did not seriously attempt to put them into operation a few words will be sufficient here. In respect of personal freedom they were liberally conceived. In respect of landed property and the social organization depending on it, they were decidedly reactionary. They were ill-suited to the people for whom they were intended, and met with slight respect from those who originated them. While it is doubtless true that the Lords desired to put them into possession, it is also true that they never seriously attempted to do it. Along with the first copy that arrived in the colony came a set of rules which were to be followed until the more elaborate system could be made to work<sup>2</sup>. These rules constituted a temporary constitution, and under that the government was conducted. This is as near as the famous system ever came to a vital existence. The political development of the people was steadily away from it. Being intended for a full-grown cock it remained but an unhatched chick, with a few oscillations but never a sturdy stroke. It lingered in an uncertain state for about forty years, and then passed out of sight so quietly that the most painstaking research has not been able to determine when it ceased to exist.

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Col. Recs. 655.

<sup>2</sup> Ibid, i. 181.



The Fundamental Constitutions<sup>1</sup> recognized six classes of landholders; Proprietors, Landgraves, Caciques, Lords of Manors, freemen and leetmen. The first three classes constituted the hereditary nobility. The size of their estates was prescribed by law. Their lands were indivisible, inalienable, and descended according to the rules of primogeniture. These nobles could grant lands for not exceeding three lives or twenty-one years, provided they retained one-third of their property as demesne. Each of these three ranks were to constitute one of the four estates which made up the parliament. There were to be eight properties—one for each Proprietor—one Landgrave, and one Cacique in each County. The land of all these together was to be two-fifths of the County. Manors could be created within certain limits. They were alienable but not divisible. The Lord of the Manor could not grant a part of the manor for longer than three lives or twenty-one years. Each of these four classes had leetmen and could hold courts leet. The freemen held directly under the Proprietors as a body and were required—as well as all other landowners—to believe in a God, who was ‘publicly and solemnly to be worshiped.’ A leetman could not move off from his lord’s estate without that lord’s written permission. The rank was inherited or entered voluntarily. On the marriage of a leetman or a leetwoman the lord was to give the pair ten acres of land for their lives, and for this not more than one-eighth of the yearly produce could be taken as rent.

*The Indians and Land.* Sir Walter Raleigh’s first expedition to Roanoke Island carried to England a young Indian chief called Manteo. Him the next expedition brought back so full of Christian ideas that he was forthwith baptized and made ‘Lord of Roanoke.’ This incident illustrates the attitude of the white man towards the red man’s

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<sup>1</sup> They may be found in any collection of Locke’s writings; also in Col. Recs. i. 187.

land. Everywhere the former claimed all the land and then assumed to allow the latter to hold a part of it as a tenant. For a space the two parties lived side by side, usually as allies. Then there was war. The European won and was in possession to establish his claim.

This process is clearly seen in North Carolina. In 1691 the Proprietors declared that they had long since taken the Indians under their protection 'as subjects to the monarchy of England'.<sup>1</sup> War came twenty years later, and immediately afterwards the Indians' lands were surveyed, that is to say, the savages were restricted to what we should now call 'reservations'.<sup>2</sup> In order to secure this land to the Indians a law was passed which forbade any white man without the consent of the Council to purchase any land that was claimed, or actually possessed, by an Indian.<sup>3</sup>

The estate of the Red Men in their land was merely one of possession. An Act of 1729 (chap. 2) stipulated that the transaction under consideration should not be construed to 'invest the fee simple of the said lands in the Indians.' If, however, an Indian held land individually this Act was not to apply to him.<sup>4</sup> In 1748 (ch. 3, 2d section) an Act was passed to ascertain the bounds of the Tuscarora lands. These lands had been confirmed by treaty in 1713. They were now confirmed anew to the Tuscaroras, their heirs, and successors for ever, or so long as they should live on them. The Indians were to pay quit rents, and no person for any consideration was to purchase any of the land. Those whites then living on it were required to leave at once, but persons who had received grants for parts of it might enter and enjoy the same as soon as the savages had moved off.<sup>5</sup> When in 1776 (ch. 29) the Tuscaroras as a tribe sold their lands and left the province.

<sup>1</sup> Col. Recs. i. 378.

<sup>2</sup> Ibid. ii. 140, 316.

<sup>3</sup> Revision of 1752, p. 39 (Laws of 1715, ch. 59).

<sup>4</sup> Ibid. p. 72.

<sup>5</sup> Ibid. p. 247.

the transfer was sanctioned by the Assembly. The mere consent of the Council does not seem to have been considered sufficient<sup>1</sup> to convey a good title.

*Alienation.* The ordinary form of land transfer in North Carolina was the deed. Its popularity was perhaps as much due to the fact that it was employed by the Proprietors in granting lands to settlers as to its superior convenience. It seems to have supplanted all other forms, except perhaps lease and release. Certain it is that fines and recoveries were not in use in North Carolina<sup>2</sup>.

The absence of fines and recoveries caused inconvenience in reference to two kinds of transfers: (1) conveyances by *femes covert*s, and (2) the barring of entails. In regard to the former it was the early custom for the husband to convey with his wife's consent or for both to convey jointly, acknowledging the conveyance in Court after the wife was privately examined. By Act of 1715 (ch. 28) the latter was made the proper method, but the law was declared not to apply to entails. A difficulty arose from the inconvenience of getting the consent in Court of a *feme* who was either seriously sick or out of the province. In 1751 this was remedied by requiring in such cases, in addition to the husband's acknowledgement, a commission from the clerk to some third party who was to examine the wife as to her consent and report under oath to the Court<sup>3</sup>.

In the early period entails were barred by private Acts of the Assembly. The expense of this prevented ordinarily the alienation of *smallestates tail*. In 1749 (ch. 4, 1st session) the Assembly enacted that entailed estates of less than fifty pounds value should thenceforth be alienated by a deed of bargain and sale for a valuable consideration actually delivered. Such a conveyance was to pass the fee and to bar the entail, remainder, and reversion. To determine the value of such an estate the Secretary of the

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<sup>1</sup> Revision of 1773, p. 369.

<sup>2</sup> Revision of 1752, p. 9 (Laws of 1715, ch. 28),

<sup>3</sup> *Ibid.* p. 337.

province was to issue a writ *ad quod damnum* under which the Sheriff was to appoint a number of 'good and lawful men' to value the land in question and to report on the same. Such a deed of bargain and sale must be acknowledged in Court and duly registered<sup>1</sup>. The more valuable entailed estates continued to be barred, as formerly, by means of private bills.

Alienation by inheritance followed the general English practice, which was primogeniture. This view is supported by two facts. (1) There is not on the statute-book any law which interferes with primogeniture. We should therefore expect the English practice to prevail. (2) We find in various records several references to the 'heir-at-law' in a way which indicates that one of the heirs of an intestate ancestor had landed right superior to those of the other heirs<sup>2</sup>. The Act cited in note 3 indicates that primogeniture was stronger in the colony as a custom than as a right. Its importance was generally lessened by the free alienation by wills and by the ready sale of land for debt. As for wills, they were made under the statutes 32 & 34 & 35 Henry VIII. Social and economic reasons made it difficult for an estate to pay off the debts of its owner,

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<sup>1</sup> Revision of 1752, p 291.

<sup>2</sup> It will be remembered that the American use of the word 'heir' is much wider than the English use of it.

<sup>3</sup> An Act in 1766 (ch: 5)—which is not the first time this Act appears in the Laws—directed the administrator of an estate to give the widow one-third and to distribute the remainder among the children. If any child 'not being the heir-at-law' had received property from the intestate by settlement or otherwise, it was to be counted in his share of the distributed property. 'But the heir at law, notwithstanding any land that he shall have by descent, or otherwise, from the intestate, is to have an equal part in the distribution with the rest of the children, without any consideration of the value of the land which he hath by descent or otherwise from the intestate.' In this Act the term 'heir-at law' is used three times. See also Revision of 1773, p. 343; also Revision of 1765, p. 282. We also note that in 1729 Governor Burrington complained that certain executors in trust had detained 'the residum from the heir-at-law,' after paying legacies. Cf. Col. Recs. iii. 28.

and consequently it was thought best to sell it. By an early law the lands of persons who had left the colony were held for debt<sup>1</sup>. This was repealed in 1746. An English statute (5 Geo. II), called 'An Act for the more Easy Recovery of Debts in His Majesty's Plantations,' relaced these laws. In 1764 North Carolina made a law supplementary to the British Act, but it was disallowed by the King<sup>2</sup>.

*Registration.* From the beginning land deeds were required to be registered. In 1665, twelve years before the Statute of Frauds, the proprietors established the office of Registrar. The Registrar's duty was to record grants from the Lords as well as 'all conveyances of land howse or howses from man to man, as also leases for land howse or howses made or to be made by the landlord to any tenant for more than one year<sup>3</sup>.' The first deed registered was the valid one. At first a deed must be proved by two witnesses before the Governor or 'some Chief Judge of a Court.' Gradually the function was taken away from the Governor, and by 1715 it was centered in the local, or Precinct, Courts, where it remained ever afterwards. This law of 1715 (ch. 38) provided that all land deeds, except mortgages, must be registered within twelve months or they would not convey a valid title. Deeds thus executed passed 'estates in land, or rights to other estates, without livery of seizin, attornment, or other ceremony in the Law whatsoever.' The first deed registered was the valid one, but if a first mortgage should be registered within fifty days a second one previously registered should not invalidate it. The giver of a second mortgage, the first remaining in force, was to lose its equity of redemption. Finally, a mortgage should not bar a widow of her right of dower<sup>4</sup>.

This law did not entirely accomplish its object. In 1741

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<sup>1</sup> Laws of 1715 ch. 18; also Col. Recs. iii. 182.

<sup>2</sup> Revision of 1765, p. 358, and Revision of 1773, p. 328.

<sup>3</sup> Col. Recs. i, 79.

<sup>4</sup> Revision of 1752, p. 20.

many persons through either ignorance or neglect had failed to register their deeds within the proper time. These were relieved by having their time extended one year. In 1756 the same class of delinquents had the time extended two years, and this same law was after that re-enacted five times before 1773.

An interesting fact in this connection is the adherence to the ancient custom of 'processioning lands.' In 1723 (ch. 4) an Act was passed providing that 'the lands of every person in this government shall be processioned and the marks renewed once in every three years.' Two freeholders, appointed for the purpose, and such others as would go along, were to go over the bounds of the land, finding and renewing the marks. These two men made report of their action to the Precinct Court, where the report was preserved by the clerk. Persons whose lands were twice 'processioned' were to be considered sole owners and might plead this Act to that end; provided, however, that this law should not defeat the rights of reversion and remainder, or the titles of orphans, femes covert, lunatics, &c. Persons having these rights were to have liberty to sue for their rights within three years after the removal of disabilities<sup>1</sup>. The law for processioning remained on the statute-books in 1773, but it is likely that it was but poorly enforced<sup>2</sup>.

*Occupation.* In the laws of 1715 (ch. 27) it was provided that all persons who who held titles through sales made by creditors, by husbands and wives jointly, by husbands in right of their wives or by endorsement of parents and who without suit in law should continue in possession for seven years, these persons should have the legal title. Moreover, persons claiming lands, tenements, and hereditaments must present their claims within seven

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<sup>1</sup> Revision of 1752, p. 54.

<sup>2</sup> It was re-enacted in 1792, and further amended by chap. 28, 1816.

years after the rights descended or accrued, or be debarred from suing afterwards. Orphans, *femes covert*s, and infants were allowed three years in which to make claim after the disabilities were removed<sup>1</sup>. This law may possibly be very old law, for as has been said, the laws of 1715 were mostly revisions. Perhaps it is not too much to connect it with a provision of the Proprietors in 1665 which declared that all who quietly enjoyed their land for seven years should not be required to resurvey them for any consideration whatsoever.

The above law deals with occupation where there is 'color of title.' As to occupation 'without colour of title,' we find no mention of it in the early history of the colony. It is as late as 1755 (ch. 5) that we find a law allowing a good title to those who could prove undisturbed possession for twenty years. Here also infants and *femes covert*s could sue within three years after removal of disabilities<sup>2</sup>. This law was on the statute-book of 1765, but in that of 1773 it was indicated as 'repealed by proclamation.' It embodies the only legislation on the subject that is to be found in the colonial laws.

JOHN S. BASSETT.

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<sup>1</sup> Revision of 1773, p. 4.

<sup>2</sup> Revision of 1765, p. 270.

**RUNNING THE BLOCKADE FROM CONFEDERATE PORTS.**

One of the most thrilling phases of the history of the Civil War is that which deals with running the blockade from, and into, the Southern ports. The absolute dependence of the South on European markets, both to sell her cotton and to obtain military supplies, induced the Confederate government early in its existence to foster blockade-running as much as possible. The convenience of neutral harbors in the West Indies, the Bahamas, and the Bermudas was especially fortunate for such plans, and the year 1861 was not half gone before a number of fast sailing, low built, duskily painted ships were plying with much regularity between these islands and Wilmington, N. C., Charleston, Savannah and other Southern harbors.

The destination of a blockade runner was usually Nassau. This place, until it became the metropolis of the blockade trade, was of very little commercial importance. Its inhabitants had supported themselves by a thriftless kind of agriculture and by a sharp—some times too sharp—practice of wrecking. They were idle, good natured, and unambitious. Had it depended on them to manage the blockade trade, the Southern Confederacy might have perished of starvation. English merchants, as well as the Southerners themselves, saw the favorableness of the situation. Ere long the streets and quays of Nassau filled with sharp-eyed men, whose whole bearing betokened the speculator. Agents for London firms opened offices and erected warehouses. Ships began to unload vast quantities of war supplies. The harbor swarmed with craft of all kinds. The one hotel, which had hitherto been a ruinous investment, now became a handsome property. The docks were crowded with rollicking sailors and lounging natives, the latter finding as stevedores the best employment they had ever had. Living of all kinds became extravagantly dear. The men who had so suddenly swarmed thither



were able to live high. The salary of the captain of a blockade runner was more for one month than that of the governor of the island for a year. The English garrison found the expense of living so great that they felt constrained to apply to their government for an increased allowance.

Of course the business of running the blockade was very profitable. The inward bound cargo was purchased at low figures in Europe and sold at high prices in the Confederacy. The return cargo was composed chiefly of cotton bought in a flooded market in the South and sold in a famishing market in Liverpool. As the war continued, these profits increased. If a ship could make only a few successful trips, the profits would be enough to enable the owners to realize a handsome sum, even though she should thereafter fall into the hands of the Union authorities. Those ships that made from twenty to fifty trips—and there were not a few of them—brought immense wealth to their owners. The officers and crews on such ships received, besides their liberal wages, a portion of the profits of the enterprise. While on shore at Nassau they were well provided for by the agents of the London owners. They were usually jolly and reckless fellows, willing to take a great deal of risk and quick-witted enough to extricate themselves from many a tight place. Many of the captains were Englishmen of prolonged naval experience. Some were officers of the English navy, who, tired of the inertia of life on half pay, volunteered in the present business, both for the money and the adventure to be had. If the ship were captured by the Americans there was no great danger for such men. The vessel would be taken to New York, where the ship and cargo would be confiscated, and those of the crew who were not Americans would be released as citizens of a foreign nation. An English officer in this service usually went under an assumed name. For instance, a certain "Captain Roberts," who commanded a

boat called "The Don," was in reality a titled officer in the British navy, and ended his life many years later as a high officer in the Turkish navy. He made six trips from Nassau to Wilmington and returned to England with a snug fortune.

Actually going through the blockade was not so perilous as one may at first be disposed to imagine. The attempt must be made on a dark night. The low-decked vessels were painted as nearly the color of the water as possible, so that they could not easily be discerned from a distance. The success of this feature of their construction is seen in the fact that one of them falling in during the early morning with a number of American cruisers on the South Carolina coast decided to lie to as near the coast as possible. Behind her was a dark outline of forest and here she lay for a whole day unrecognized by the several passing cruisers, who would gladly have snapped her up if she had been discovered.

A blockade runner, having loaded in a Southern port, would wait until a dark night and then, dropping down the harbor during the afternoon and lying concealed behind some highland till the tide was highest, she would make a sudden dash between the grim sentinels that composed the blockading squadron. It was something of an experience to go scooting at a sixteen-knot speed through a swarm of bellowing men-of-war, to hear the shots that were meant for your own unprotected hull whistling over your head, and to know that the next shot might be the one that would send your own craft to the bottom. Over such a scene would glare the rays of the Drummond Lights, which were burnt to reveal the whereabouts of the fleeing vessel. Great as the danger seems, it was not without elements of safety. The excitement often confused the gunners on the blockaders so that their shot went astray. Ten minutes of full speed through such an ordeal was enough to put a swift vessel out of immediate danger. An

hour more would put her beyond the reach of the squadron. From that time the trip might be uneventful until the neighborhood of Nassau was reached. Here a number of cruisers might be expected and the navigator must call forth his most careful seamanship. The Southerners used to complain that this was a virtual blockade of a neutral harbor, but could not get the British government to see the matter in that light. Here the danger was less than on Southern coasts, for the cruisers, being compelled to keep three miles from shore, could not concentrate so as to guard the channel. They accordingly were compelled to try to run down their victims. It created no surprise to see a smart blockade runner come flying into the harbor with an angry Federal cruiser closely at her heels. It was not always possible for the pursuer to refrain from sending a parting shot across the bow of the fugitive, even after the neutral line had been crossed. An hour later both ships might be lying at the same dock and their officers dining in the same hotel.

One of the best situated ports in the South for blockade running was Wilmington, N. C. After the capture of Norfolk, Va., it was farthest north of all the better Confederate ports, and consequently nearest to the most considerable military operations. The mouth of the Cape Fear river is surrounded by shoals and it discharges its waters through two channels or inlets. It was almost impossible to blockade such a place. The blockade runners, who carried their own pilots, often picked out safely and deftly the channel and triumphantly made the port, while the pursuing gunboats went aground on the shoals. Not all of the blockade runners, however, were so fortunate. The approach to the river is to this day lined with the wrecks of the unfortunates that in the ardor of flight ran on the shoals and were not able to get off again.

Of the vessels of this description that came into Wilmington, perhaps the best known was the *Ad-vance*—

named in honor of the wife of Governor Vance. This was a fast steam packet built on the Clyde, and known there as the *Lord Clyde*. She was purchased by the State of North Carolina and used in bringing in supplies for the army, as well as other freight. She made twelve trips successfully and her arrival on each occasion was hailed with thankfulness by the starving people of that State. At last she was captured on account of defective coal. She had been obliged to give up part of her regular supply of anthracite to a cruiser that had brought in two rifled guns for the forts, and to take instead a supply of coal from the Egypt mines. This choked the flues and made so dense a smoke that her course was revealed, and she was chased and captured. Another notable blockade runner from this port was *The Siren*, a fast but small boat of great beauty, that made as many as fifty successful trips.

The actual conditions of life on a blockade runner may best be seen by following the experiences of a captain engaged in that business. One of the best for this purpose is the experience of Captain John Newland Maffit, which I shall relate.

Early in 1862 Captain Maffit sailed about dusk from Nassau for Wilmington, N. C. At daybreak on the following day he found himself in the company of three American cruisers. Increasing speed to the fullest capacity he sailed away from these although they fired briskly. In a few hours he discovered two more just ahead and sailing straight for him. These he managed to escape by running a zig-zag course. A short time later he came across a Spanish ship on fire. Sending a man aloft to keep a sharp lookout, he sent an officer to the distressed vessel. The flames were soon extinguished, thanks were returned, and Captain Maffit sailed on his hunted way. He especially relished the aiding of the Spaniard, because on board of her were two New England ladies returning from a visit to Cuba. He chuckled to think what they would have said

had they known they had received aid from a blockade runner of the Confederates.

On the evening of the succeeding day he found himself without further adventure seventy miles southeast of Wilmington. He dashed off sixty miles at full speed and arranged to pick his way carefully through the blockaders for the other ten. The usual shore lights had been extinguished for fear they might aid the Federals in some scheme of night attack. Says Captain Maffit: "Success in making the destined harbor depended on exact navigation, a knowledge of the coast, its surroundings and currents, a fearless approach, and the banishment of the subtle society of John Barley-corn." In this case his calculations were well made. Just as the lead indicated he was nearing the shore, he heard seven bells strike ahead of him. It was the time for high tide on the bar, as he expected it should be. Looking forward he could dimly make out two men-of-war, so placed as to indicate that the channel lay between them. He decided to dart through, hoping to pass unnoticed, and ordered full speed ahead. A hissing sound, followed by the ascent of a rocket, told him he was mistaken in this. Suddenly a speaking trumpet, that seemed to project over his very deck, commanded: "Heave to, or I will sink you!" "Ay, ay, sir!" came the reply. And then in a loud voice: "Stop the engines!" Every Confederate heart sank. The dreaded fate they had feared so long had come. It was surrender. By this time the momentum of the vessel had carried her beyond the two sphinx-like sentinels, who were making ready to send a boarding party. The gruff voice again rang out: "Back your engines, sir, and stand by to receive my boat." "Full speed ahead, sir, and open wide your throttle-valve!" said Captain Maffit, in a low voice, to his engineer. In the darkness the Federals could not tell that the vessel was not really backing, and, having gotten ready to board, their gunners were not in position to fire instantly. They were soon undeceived and hurriedly opened fire. They

burned Drummond lights, but the mists refracted the rays so as to raise the ship above her true position. Accordingly, many shots passed over her hull, but none struck it.

The next few moments were anxious ones for those on board with Captain Maffit. The ship carried nine hundred barrels of powder, and a hot shot into these might send the crew to a fate more awful than capture. As a matter of fact they escaped by a few moments of rapid sailing, and a short while later they were quietly anchored beneath the guns of Fort Fisher. Next morning the vessel proceeded at an easy sail to Wilmington, where she quietly unloaded her cargo. The gunpowder was sent to the front, and General Johnston used it a few days later in fighting the battle of Shiloh. It was a thrilling adventure, and it illustrates, and better than anything else, the life that men who ran the blockade lived and the spirit it was necessary to have in order to go through it. It indicates one of the most worthy fields of investigation in the whole story of our notable war.

JOHN S. BASSETT.

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#### THE LEGAL REGULATION OF PUBLIC MORALS IN COLONIAL NORTH CAROLINA.\*

The first provision made for a church in North Carolina was in the charter granted to Sir Robert Heath in 1629. Other church provisions were re-enacted in charters to the Lords Proprietors in 1663, and in 1665. Of course these provisions were for a state church, all the efforts on the part of the authorities in England being in this direction, that is to say, to incorporate church and state. The first effort to put these provisions into practice was the vestry act of 1701. Another act, that of 1704, precipitated the Cary Rebellion. From 1730 till 1773 the "Schism Act" was enforced.

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\*In preparing this paper I have consulted "*The Public Acts of the Assembly of the Province of North Carolina*," and "*Church and State in North Carolina*," by S. B. Weeks, Ph. D.

The British Toleration Act, or Act of Indulgence, of 1689, defined the position of dissenters from the Established Church. Dissenters were allowed places of worship protected from disturbance, if they took the oath of allegiance and subscribed to the declaration against transubstantiation. But such congregations had to be registered, and the doors of their meeting-houses left unlocked and unbarred. All ministers had to endorse the Anglican creed, except that Baptists were relieved from subscribing to the doctrine of infant baptism, and Quakers must adhere to the government, abjure transubstantiation, profess faith in the Trinity and in the inspiration of the Bible. Dissenters were excluded from the English universities, and the Anglican ceremony alone was good enough to tie the matrimonial knot. The Corporation and Test Acts kept many from entering corporations or holding public offices.

From 1701 till 1710 there was much opposition to the Establishment, but in the latter year the churchmen got the upper hand and held it for some time. Unexecuted statutes provided for from £30 to £50 for ministers' salaries. The vestry act of 1715 was the first church act to come down to us. The legislation of this troubled period clearly indicates that the right to dissent was not yet to be recognized. The vestrymen appointed in the various parishes were compelled to subscribe to the Anglican creed under pain of a £3 fine, unless they were avowed dissenters. Vestrymen and church-wardens were granted power to purchase glebes and build churches in each precinct with money levied on the poll and collected under a heavy penalty in case of refusal or neglect of payment. But laws are hard to enforce where the moral sentiment of the people is not behind them.

After all this legislation churches and ministers were hard to find in the province, for salaries were small and hardships numerous. The Society for the Propagation of the Gospel, to supply the great need of preaching, now sent missionaries to this promising field. The first eight

who came under the auspices of this society were either extremely weak or vicious. Some were cowardly and vacillating; some were knaves, some thieves, and one was a drunkard. John Urmstone was fond of cider, rum, and trading. He was called "the starving missionary," from his continual complaint of hard times. He was the plague of the church in the province for ten years. This dissipated, worldly-minded divine suddenly disappeared in 1721—presumably to ask of St. Peter admittance at Heaven's gate. It is said the cause of Christ would have been the gainer had he never set foot within the borders of the colony. He was a slave-owner, a liquor-vender, a chronic grumbler, an incorrigible liar, and very avaricious. He administered the sacrament twice in the space of five years. He was much worse than the men he came to save. The next two missionaries, James Adams and William Gordon, were good men. The former remained in the province four months, the latter two years, although suffering greatly in both body and mind. He administered the sacrament several times and baptized nearly three hundred persons.

The Establishment is largely responsible for the backwardness of the State in education and intellectual pursuits. No school teacher was allowed to leave England or to keep school in the province without license from the bishop of London. Restrictions were placed on all schools. In fact, the establishment of schools was not encouraged. While the Occasional Conformity Bill, supplemented in 1714 by the Schism Act, was intended to exclude dissenters from all posts of honor, power and profit, the Schism Act did operate to crush their seminaries and deprive them of the means of educating their children. This was the heritage the mother country gave us. Under these restraints the people were restless. Their opposition had a wholesome effect upon the rulers. The spirit of fear went far toward mitigating the original instructions of the governors. The people were opposed to paying taxes imposed in the name



of religion, when that religion was construed to be identical with conformity to the established church. Out of a poll tax of five shillings imposed for religious purposes, little more than enough was collected to pay the readers who officiated on Sunday, and the occasional clergyman coming from Virginia to preach before the Assembly.

In 1734 Gabriel Johnston became governor. Notwithstanding their folly clearly exposed by former failures, the same instructions that had been sent to Gov. Burrington were repeated to Gov. Johnston, including the church acts and the Schism Act. Gov. Johnston was zealous for the Church. The condition of public morals was painful to him. He reminded the Assembly that the instructions for establishing the clergy were already on their books. He was much grieved at the deplorable and almost total want of divine worship in the province, and wrote feelingly and eloquently about it. In his address to the Assembly in 1739 he says: "The establishment of the public worship of Almighty God, as it is the great foundation of the happiness of society, and without which you cannot expect His protection, deserves your earliest care. That in such a wide-extended province as this is, inhabited by British subjects, by persons professing themselves Christians, there should be but two places where divine service is regularly performed, is really scandalous. It is a reproach peculiar to this part of His Majesty's dominion, which you ought to remove without loss of time." In 1741, under Gabriel Johnston's administration, the only general church act was passed. It provided for a poll tax of five shillings. As this was inadequate in some parishes, special taxes were levied there. As money was scarce, provision was made for paying these taxes in commodities at fixed rates. Stringent fines were imposed upon all refusing or neglecting to pay these taxes. Where the Assembly authorized the establishing of a church, until such house could be built, the courthouse in that parish might be used for religious purposes.

Gov. Johnston believed that it was the duty of all well-regulated governments to keep the Lord's Day holy, and to suppress vice and immorality. So he recommends that all on that day apply themselves to the duties of religion and piety, and by the act of 1741 it was made a misdemeanor to engage in ordinary labor, or in gaming or sport, on land or on sea, within his jurisdiction. Swearing before any one was a grave and punishable offence, but before the representatives of the law the fine was heavier. Drunkenness on any day was fined, but on the Sabbath the fine was doubled. Each party in an act of fornication was fined twenty-five shillings. The father of a bastard was compelled, on pain of imprisonment, to support it; but if the mother would not reveal the father, she was responsible for its support. The provisions in this paragraph were authorized to be read publicly in all places of worship, by the minister, clerk or reader. Persons unable to pay the fines for drunkenness or swearing before a court of record, were put in the stocks not exceeding three hours. A courthouse, a prison, and stocks were ordered to be built in every parish. Violators of the tippling-house ordinance, upon failure to pay their fine or give security, were subjected to the whipping-post. The next year after Gov. Johnston's death all excessive and deceitful gaming was prohibited. One-half of the fines accruing from the violation of this ordinance was devoted to the poor. One-half of all fines arising from violation of acts mentioned herein went to the informers. The other half was devoted sometimes to the Church, sometimes to the province.

Gov. Johnston died in 1752 and was succeeded by Arthur Dobbs. In 1730 the authorities in England had instructed Gov. Burrington to enforce the Schism Act, which had resulted in crippling the educational interests of the colony; these same instructions were, in 1733, renewed to Gov. Johnston; and in 1754, after twenty years of failure, the authorities, having gained no wisdom, again

renewed their old instructions, including the Schism Act. It seemed the home government was doing all in its power to hinder the growth, development, and liberty of the province. Gov. Dobbs began his administration in 1754 with an earnest effort to provide support for a sufficient number of learned, pious clergymen, who were to live in the province. He wished to accommodate these ministers with houses, glebes, and parish clerks, that the rising generation might be instructed in the principles of true religion and virtue.

The next ten years were years of trial. Act after act in regard to church-building or the hiring of clergymen was passed and almost immediately repealed. In 1760 great numbers of dissenters flocked into North Carolina, mainly from New England—Anabaptists, Methodists, Quakers, and Presbyterians. The Anabaptists and the Methodists were distinguished by their ignorance and obstinacy. The dissenters rendered the ministry and liturgy of the Church of England as odious as possible, that they and their doctrines might be the better supported. There was much scheming and corruption. Men took advantage of the technicalities of the acts of the Assembly to become vestrymen, after which they succeeded in making the laws null and void. Vestries worked for their own interests, performing their civic duties and ignoring their ecclesiastical functions. In Rowan county vestrymen refused to qualify and business was obstructed. They wrangled constantly with the governor for an increase of their functions. Many would not go to the polls on election days, so an act was passed to compel all except Quakers to vote or pay a fine of twenty shilling. Shackles were put on all schools. After the repeal of the Schism Act in England, it was re-enforced three times in North Carolina. In educational matters there was less freedom in 1773 than in 1673. A more rigid conformity was required in Carolina than in England. This was tyranny. The history of provincial

North Carolina shows a continual struggle against a government which blindly sought to repress all aspirations whether political, religious, or intellectual.

An act of 1669 had made marriage a civil contract for lack of clergy. In 1715 magistrates were empowered to perform the marriage ceremony in parishes where there was no minister. In 1741, in the palmy days of good old Gabriel Johnston, the right was taken from all dissenting ministers except Quakers, and provision was made that the ministers of the established Church should get all marriage fees, it mattered not who had performed the ceremony, unless the churchmen had positively refused to do so. Marriage of whites to negroes or Indians was prohibited. This was well enough. By this religious persecution, the rights of Quakers and Baptists were taken away. Strange discrimination it was to favor the Quakers in some respects and oppress them in others. The Baptists seem to have been always unfortunate. The Methodists had not yet figured very largely in the province. The Presbyterians ignored all legislation in regard to marriage, and married when they pleased, and doubtless as they liked, in the most approved style; that is, without license or publication. In 1766 the restriction was removed from regularly called Presbyterian ministers, but the minister of the Church of England in the parish got the fee. Not until the Revolution and the constitution of 1776 had swept away the Establishment did the dissenting clergy have the legal right to perform the marriage ceremony.

Presbyterian and Quaker ministers, by special enactment, were released from general or private musters. Baptist ministers had to attend.

While dissenters suffered distraint for tithes and military levies, they were not imprisoned, and only one man, named Borden, was deprived of office on account of religious views. However, dissenters did not figure prominently as officeholders during the royal period. Sixty-six

years of constant agitation culminated in the Mecklenburg instructions of 1775 and the Declaration of Rights in 1776, and crystalized in the Halifax Constitution of 1776 and in the final adoption of the Federal Constitution of 1789. The final triumph of absolute religious freedom in this State was attained by the removal, in 1835, of what seemed to be a ban on Roman Catholics.

B. F. CARPENTER.

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#### **BART. F. MOORE ON SECESSION AND RECONSTRUCTION.\***

Bartholomew Figures Moore was born near Fishing Creek, Halifax County, N. C., January 29, 1801. The first seventeen years of his life were spent on his father's farm. In 1818 he entered the State University and was graduated from that institution in 1820. From 1820-23 he prepared himself for the practice of law, which he began at Nashville, N. C., remaining there until 1835, when he removed to Halifax county, his old home. In December, 1828, he was married to Louisa Boddie, daughter of Geo. Boddie, Esq., of Nash county, who died November 4th, 1829.

On April 19, 1835, he married Lucy W. Boddie, another daughter of George Boddie, Esq. He served in the House of Commons from 1836-'44, with the exception of '38. In 1848 he was appointed by Governor Graham as Attorney-General of the State, and the next Legislature elected him to that position. In 1857 he resigned the position of Attorney General in consequence of an appointment on a commission to revise the statute law of the State. In 1848 he moved to Raleigh, where he remained until his death on November 27, 1878.

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\*The material from which this paper was written was taken from a Memorial Pamphlet, issued by the Bar of North Carolina, and letters written by Mr. Moore to his daughter, Mrs. Capehart, of Kittrell, N. C. They belong to the papers of the Historical Society of Trinity College.

In all the long career of Mr. Moore, as a lawyer, a statesman, or as a private citizen, there is probably nothing which brings out the true character of the man so well as the course he chose to pursue during the days of secession and reconstruction. He was by conviction a Federalist, both in politics and in the construction, which, as a lawyer, he placed upon the Constitution of the United States, and when the question of secession arose he declared himself unalterably opposed to it. For his views he was bitterly denounced by some, but few then stopped to consider, and fewer still recognized, the true motive which prompted him in taking such a course.

Viewed in the light of the then existing circumstances, it was indeed a bold step, and one fraught with the most serious consequences, especially to a man in the high position to which Mr. Moore had attained. He was then, and had been for many years, looked upon as one of the best, if not the best, lawyers in the State. His brief in the celebrated case of the State vs. Will, which, when decided, settled then and forever afterwards the true relations between master and slave in North Carolina, stood then, as it probably does until this day, as the greatest piece of legal argument ever produced in the State. The revision of the statute law of the State, which was entirely under his supervision, and a great deal of it his individual labor, was looked upon by the ablest critics as a work of marked ability. Had he espoused the cause of secession, no man would have stood higher among the leaders than he. But fortunately Mr. Moore was prompted by higher and nobler motives than the mere mercenary, and although deserted by friends and colleagues, he remained true to his honest convictions and unhesitatingly declared his opinion whenever and wherever the opportunity presented.

Mr. Moore was not blind to the fact that the South had grounds for complaint, as he says in a letter to his daughter: "I would not impress upon you that the South has no

cause of complaint. She has many, but if for such cause a people may quit their alliances, then there can be no durable union.”

To him there could be no reliable liberty of the State without the union of the States. He was a close student of the Constitution of the United States and thoroughly understood the principles upon which it was founded. He plainly foresaw the almost inevitable results of a union of the Southern States based upon the principle which prompted secession. A nation composed of States whose union was optional, and necessarily weak, could only come to confusion and ruin.

Probably his own words can give us the best idea of how he looked upon the matter. In his will he says: “I was unable, under my conviction of the solemn duties of patriotism, to give any excuse for, or countenance to, the civil war of 1861, without sacrificing all self-respect. My judgment was the instructor of my conscience, and no man suffered greater misery than did I, as the scenes of battle unfolded the bloody carnage of war in the midst of our homes. I had been taught under the deep conviction of my judgment that there could be no reliable liberty of my State without the union of the States, and being devoted to my State, I felt that I should desert her whenever I should aid to destroy the Union. I could not imagine a more terrible spectacle than that of beholding the sun shining upon the broken and dishonored fragments of States dissolved, discordant and belligerent, and on a land rent with civil feuds and drenched in fraternal blood. With this horrible picture of anarchy and blood looming up before my eyes, I could not, as a patriot, consent to welcome its approach to ‘my own, my native land,’ and truly was I happy when I saw the sun of peace rising with the glorious promise to shine once more on States equal, free, honored and united.”

There have been few, if any, of our great men who have

placed a higher estimate upon a good government, and a free and contented people, than did Mr. Moore. He hesitated at no obstacle, it matters not how great, when the purity of the government was at stake. In a letter to his daughter he says: "I have written, my dear child, more on politics than I intended, but how can I help it, when I regard our country as the best inheritance I can leave to my children; of far greater value than all my property, if that might be preserved in the general wreck of the financial affairs of the day."

Never did Mr. Moore show the honesty of his purpose, and the true love he felt for North Carolina better or to more effect than in the service which he rendered in the utter confusion which followed immediately upon the surrender. Time had proved the correctness of his views, and now when the days of reconstruction began he came forward as the leader in restoring North Carolina to her former position in the Union, which he had fought so hard for her to maintain. On account of his position in regard to secession, the Federal authorities sought his advice. Just after the close of the war President Johnson invited Mr. Moore to come to Washington to join in a consultation in regard to the taking of North Carolina back into the Union. He advised that she should at once be recognized with only such changes in her constitution as were necessary to make it better conform to the changed state of affairs. These changes he said the people should be allowed to make themselves and in their accustomed way. Mr. Moore's advice was not heeded, but it did not cause him for a moment to cease his efforts in his State's behalf.

When the Constitutional Convention was called by President Johnson, Mr. Moore was a prominent member and warmly supported the adoption of every measure which tended to place North Carolina in what he conceived was her proper place in the Union. His ambition was that she should not have her privileges curtailed, but should stand on



an equal footing with any State in the Union. Although he believed in the freedom of the slaves, yet he was bitterly opposed to negro suffrage and vigorously fought against it. He realized that the ignorant negroes had no idea of self-government, and to place the ballot in their hands meant no end of trouble for the whites of the South. Military rule was alike obnoxious in his sight. The presence of Federal soldiers to enforce laws was in direct opposition to what he considered the rights of North Carolinians to govern themselves.

Mr. Moore had little respect for the constitution of 1868, which was drawn up by a convention acting under the orders of General Canby, and which is now generally known as the "Canby Constitution."

In a letter dated March 28, 1868, he says: "It is in my view, with some exceptions, a wretched basis to secure liberty or property. The legislative authority rests upon ignorance without a single check except senatorial age against legislative plunder by exorbitant taxation." Further on in the same letter he says again: "The Radical party purposes to fill our Congressional representation with those men recently introduced from other quarters of the United States, and to impose them upon us through the instrumentality and league of the ignorance of the State, nor have they stopped there—they have proposed for the administration of justice in our Superior Courts men whose knowledge of law is contemptible and far below the requirements of a decent County Court lawyer. The party has had no regard, unless where they thought they would increase their strength, for the selection of a single man of worth or intelligence for any office, however high might be the qualifications demanded for it."

Soon after the adoption of the Canby constitution political excitement in North Carolina became very intense, and certain judges of the Supreme Court openly engaged in the canvass. Against this Mr. Moore felt that something

should be done to preserve the purity of the court. He was the oldest member of the bar and naturally felt that he should take the lead in the matter. Accordingly he drew up and had published in the *Daily Sentinel* of April 19, 1869, the following article, entitled: "A Solemn Protest of the Bar of North Carolina Against Judicial Interference in Political Affairs." "The undersigned present, or former, members of the bar of North Carolina, have witnessed the late public demonstrations of political partizanship by the judges of the Supreme Court of the State with profound regret and unfeigned alarm for the purity of the future administration of the laws of the land. Active and open participation in the strife of political contests by any judge of the State. so far as we recollect, or tradition or history has informed us, was unknown to the people until the late exhibitions. To say that these were unexpected, and a prediction of them by the wisest among us would have been spurned as incredible, would not express half of our astonishment or the painful shock suffered by our feelings when we saw the humiliating fact accomplished. Not only did we not anticipate it, but we thought it was impossible to be done in our day. Many of us have passed through political times almost as excited as those of to-day: and most of us, recently, through one more excited; but, never before have we seen the judges of the Supreme Court, singly or *en masse*, move from that becoming propriety so indispensable to secure the respect of the people, and, throwing aside the ermine, rush into the mad contest of politics under the excitement of drums and flags. From the unerring lessons of the past we are assured that a judge who openly and publicly displays his political party zeal renders himself unfit to hold the 'balance of justice,' and whenever an occasion may offer to serve his fellow-partizans he will yield to the temptation, and the 'wavering balance' will shake.

"It is a natural weakness in man that he who warmly

and publicly identifies himself with a political party will be tempted to uphold the party which upholds him, and all experience teaches us that a partizan judge cannot be safely trusted to settle the great principles of a political constitution, while he reads and studies the book of its laws under the banners of a party.

“Unwilling that our silence should be construed into an indifference to the humiliating spectacle now passing around us; influenced solely by a spirit of love and veneration for the past purity which has distinguished the administration of law in our State, and animated by the hope that the voice of the bar of North Carolina will not be powerless to avert the pernicious example which we have denounced, and to repress its contagious influence, we have under a sense of solemn duty subscribed and published this paper.”

The above article was signed by one hundred and eight prominent attorneys, which was about one-fifth of the entire number in the State at that time. The matter was taken up at once by the Supreme Court and the famous “contempt proceedings” begun. Chief Justice Pearson issued orders that those lawyers whose names were signed to the article should hereafter be debarred from further practice in the courts unless they should appear before him and show cause to the contrary. To save expense and shorten matters notice was served on only three of the attorneys, Messrs. Moore, Bragg and Haywood. When answer to the charge was made, Messrs. Battle, Person, Fowle and Barnes appeared for the defendants. No denial of writing and publishing the article was made by the defendants, but they did disavow any intention of committing contempt or of doing injury to the court. On the other hand they declared their purpose was to preserve the purity of the court and protect the administration of justice. Judge Pearson gave quite an elaborate opinion on the case, strongly implying the guilt of the parties accused, but decided under the law which grants the accused the

privilege of coming into court and purging himself by pleading a disavowal of any intention to commit contempt. Their disavowal, coming within the rule, they were excused, but not acquitted.

The court seemed glad to let the matter go as it did, and well it might. The rebuke was merited, and the court has never recovered from its effect.

No one can doubt the honesty of Mr. Moore's motives in administering this reproof, and although he came out of the contest victorious, the whole matter was a source of the deepest regret to him. He says in a letter to his daughter: "While I rejoice that my course is sustained by all the virtuous and sensible, yet I weep over the degradation into which the court has plunged itself and the liberties of freemen. I had no purpose to degrade the court; God knows that my only object was to purify and elevate it. The conduct of individuals composing the court was unbecoming the judges according to my judgment, founded upon all the past examples of the enlightened men who had adorned our annals. I saw that if such conduct should be tolerated and become common, the judiciary would sink into partizan political corruption. I felt it my duty, as the oldest member of the bar, to lift my wavering voice against the pernicious example. I did so as an act of duty. I feel now still more sensibly that it was my duty."

This one act was probably the greatest single service ever rendered by any man in our State in the cause of the administration of justice. The same spirit of bold opposition to what he considered harmful to the State, which characterized Mr. Moore's course during the days of secession and reconstruction, is seen throughout his entire life. And whatever may be said of him along other lines, he certainly stood as an unselfish protector of the people's interests, displaying in his actions a foresight and sound judgment displayed by few.

J. P. GIBBONS.

**THE LIFE AND CHARACTER OF JACOB THOMPSON.**

North Carolina has contributed much to the history of other States. Many of our promising youths have gone to add their lives and talents to increasing the honor rolls of other sections of the Union. Upon all such she looks with pride and pleasure. But she is not willing that all the honor coming from such lives be claimed by the States of their adoption. It is a circumstance of no small consideration for one to have been a true, native North Carolinian. There is a solidity and strength of character in the general tenor of our good old State that will make itself felt wherever you find it. The mother takes some credit to herself for the achievements of her sons.

One life we should not fail to lay great claims to is that of Jacob Thompson, a native North Carolinian, who gave his life work to the State of Mississippi. He served twelve years as Congressman from that State during one of the most trying periods of the Nation's history, and filled the office of Secretary of Interior in the cabinet of James Buchanan. He was one of the strongest men of his time and exerted a powerful influence in the Nation's capital in the days when Webster, Clay, and Calhoun were crossing swords in the Senatorial arena. His life is worth considering.

He was born in the beautiful little village of Leasburg, in Caswell county, North Carolina, in 1810. His father was Nicholas Thompson, who moved from Orange county and settled in Leasburg about 1801. He was of Scottish descent, and inherited much of the energy and fortitude inherent in the people of the land of Bruce and Wallace. He accumulated a large fortune by farming, tanning leather, and harness making. He was thoroughly honest and upright in all his dealings. It is a fact worthy of notice, that in tracing the ancestors of Jacob Thompson back for several generations, we find them remarkable for their integrity and fidelity to principle.

The wife of Nicholas Thompson was Lucretia Vanhook, daughter of Jacob Vanhook, a Revolutionary soldier, and a man of considerable influence. Eight children were the result of this union, six boys and two girls. The boys' names were, Joseph Sidney, James Young, Jacob, John, William, and George Nicholas; the girls were Ann and Sarah. Of this number, only two are now living,—William Thompson, an influential lawyer of Oxford, Mississippi, and Mrs. Sarah M. Lewis, of College Hall, in the same State. Joseph Sidney, the eldest, was for some time a successful merchant of Leasburg. He died several years ago. James Young, and John were both prominent physicians of Mississippi. Ann became the wife of Yancey Wiley, a nephew of Bartlett Yancey, Caswell's distinguished statesman. These two, Mr. and Mrs. Wiley, also made Mississippi their home. The youngest son, George Nicholas, became a lawyer, settled in Leasburg, and rose to be a leader in the politics of Caswell county.

The subject of this sketch early showed the qualities that added so much to his name in after life. He was a bright, energetic, industrious boy, noted for his remarkable will power. He was prepared for college at the Hawfield school in Orange county, and he entered the University of North Carolina in his seventeenth year. He graduated in 1831, and received the first honors of his class. On the day of his graduation he was appointed one of the tutors of the college. While in college he was converted and for some time thought seriously of entering the active ministry of the M. E. Church, South. Finally, however, he decided to be a lawyer, and after eighteen months' efficient work as a teacher, he resigned his position and began the study of law under Judge John M. Dick, of Greensboro. In eighteen months he received license to practice in the Inferior Courts of the State, and in 1835 he was admitted attorney and counsellor-at-law in the Superior Courts of the State.

At this time Mississippi, with its vast, undeveloped resources, was a tempting field for strong, ambitious young

manhood. Thompson was attracted by it and soon left his native State for this rapidly advancing section of the Great Valley. At the advice of his brother he settled at Pontotoc. The Chickasaw Indians had just ceded the beautiful section around Pontotoc to the government. Owing to the conveyance of lands a great deal of business was required of lawyers in that section. Young Thompson threw all his tireless, well-equipped force into the work, and soon rose in popularity and influence. He made money fast.

But his friends would not let him keep out of politics. The community soon became divided on the question as to whether the State should endorse the Union Bank bonds for \$5,000,000 or not. The first political speech ever made by Mr. Thompson was at a meeting held at Pontotoc for the purpose of favoring that policy and instructing the representatives in the Legislature to vote for the endorsement. Thompson opposed the resolution in a strong and able speech which attracted attention throughout the State. He denounced the banking mania which was running riot over Mississippi, and predicted that the sequence would be overwhelming ruin and universal bankruptcy. The resolutions were adopted, however, but in a short time the whole State had serious cause to regret that Thompson's warning had not been heeded.

After this he was pressed into political service. In 1837 he was nominated candidate for the Attorney-Generalship of his State on the Democratic ticket. He was defeated by a small majority, but in all sections where he was known he received an almost unanimous vote. About this time banks were suspended all over the Nation and the Democratic party seemed to fall into despair, especially in Mississippi.

Under those circumstances Thompson was nominated for Congress in 1839. He was quite young for such a position, but he made an exceptionally strong canvass and was elected by a handsome majority. For twelve successive years he served his State in this capacity, doing valuable work for Mississippi and for the country at large.

His talents and good qualities were recognized soon after he took his seat. In 1841 his second nomination for Congress was made. About that time the Union Bank became utterly bankrupt. The bonds of the Bank which the State had endorsed, and on which the Bank had raised capital to run its career, had been dishonored and the State was called upon to renew its endorsement. The Governor had refused payment on the ground that the State was not legally or morally bound, and an appeal was made to the people. Mr. Thompson was called upon for his views. He supported the Governor in his refusal in a letter setting forth the position so clearly that his views were accepted by the people and were adopted by the Legislature of the State. During the ensuing session of Congress offensive allusion was made on the floor of the House to Mississippi's action in the matter. Mr. Thompson, without any previous preparation, championed the cause of his State in a strong, masterful effort that put a stop to all sneers. This speech is before me and I find it interesting and full of sound reasoning. I cannot give a fair synopsis of it, and will not attempt it. It is the voice of a true statesman and of a great man. Among other things Mr. Thompson condemns the idea of a State or Nation contracting a debt by issuing bonds for loans. He holds that in times of peace no government should contract a permanent debt. He did not believe in giving capitalists and brokers a hold on the Treasury of State or Nation. He also made an eloquent defense of Mississippi's action in not sustaining the bonds. I should like to quote passages of this address, but space is not sufficient.

When the convention of 1844 met, the question of the annexation of Texas was the most prominent issue. As is well known, Henry Clay, on account of his honest opposition to annexation, failed to get the nomination, and James K. Polk was nominated. Jacob Thompson did much toward securing this nomination. He aided Robt. J. Walker in writing the celebrated letter which made annexation the issue



of the campaign. When Polk was elected he informed Walker that he could not offer him any cabinet position, except that of Attorney-General. Walker wanted a higher place and appealed to Thompson to use his influence toward getting it for him. Thompson influenced Polk to make Walker Secretary of the Treasury. When Walker heard of it, he exclaimed: "Oh, Thompson, you are my best friend! Your zeal and firmness have saved me. I can never, never forget you." I will mention in passing that Walker proved to be an unprincipled office-seeker and basely ungrateful to Thompson.

When the Mississippi Democratic Convention met in 1851, Mr. Thompson requested them to nominate some other man for Congress. He had for some time been desirous of retiring to private life and spending the remainder of his days among the quiet and peaceful scenes of his charming home. But when the convention looked for a candidate to fill his place, no agreement could be made, and Thompson was petitioned to become a candidate again. He at last consented. In this election, he was defeated on account of the weakness of his colleagues. He attempted to carry the whole district for his party and lost his own election.

For some time he had been regarded as one of the Father's of the House. His opinions were eagerly sought by his associates. I quote the following estimate from one well acquainted with his character: "Cautious and deliberate in taking all positions on all new issues, yet firm and resolute in maintaining them, he was ever consistent and became a leader on whom the most implicit reliance could be placed. Always prudent, yet firm and determined, sure of his position and well able to defend it, no constituency was ever served with more fidelity, honesty and efficiency, and none ever trusted a representative with more constancy and confidence." He was often weighed in the balance but never found wanting. In 1852, Mr. Thompson became a delegate to the Baltimore convention and contributed as much, and perhaps more than

any other one of its member, to the nomination of Franklin Pierce for the Presidency. After the election, President Pierce tendered Mr. Thompson the Consulship to Cuba but he respectfully declined the honor.

Soon after this, Mr. Thompson was strongly considered for the Senatorship from Mississippi, though Col. Jeff. Davis was finally selected.

In 1856, Mr. Thompson supported James Buchanan in the Presidential Convention. After the election, he was invited to take charge of the Department of the Interior in Mr. Buchanan's Cabinet. This he accepted and entered on his duties March, 1857. He found the Department a mere aggregation of bureaus, working entirely without concert, and the Secretary a mere figure head. With his old time energy, he went to work and infused new life into every department, united all the business under one head, himself the director. The department grew in favor and popularity with the whole country. The business transacted by it was enormous. The volumes of the decisions of Secretary Thompson in law cases alone, were larger than those of the Attorney General.

During this administration, the treachery of one of the clerks of the Department of the Interior caused much adverse and very unjust criticism of the worthy Secretary. An investigation was made by Mr. Thompson's political opponents to find out the truth and it was soon found that he was innocent of any of the charges his enemies had heaped upon him.

When the Civil War had broke out, Mr. Thompson volunteered his services. He went into active service and held several important positions during his stay in the army. He gave valuable assistance to General Pemberton around Vicksburg. He retired in 1863 to serve in the Legislature of his State.

Soon, however, there came a telegram from President Davis, calling him to Richmond. The President had heard that several thousands of people in Ohio, Indiana, and Illinois, were weary of the war and were ready to take up arms and

demand of the United States Government a cessation of hostilities. The Confederate Congress had voted an appropriation toward arming these people, and directed President Davis to send one of our most discreet and reliable citizens to Canada, to confer with those who sympathised with the Confederacy and were willing to aid in bringing the war to a close. This was a secret mission and one liable to subject the ambassador to slander and misrepresentation by the unscrupulous. Mr. Thompson hesitated before accepting it. But he felt it his duty to serve his country in any honorable way possible, and finally accepted. Accompanied by C. C. Clay and W. W. Clery, he ran the blockade at Wilmington, N. C., and sailed to Halifax, Nova Scotia; from thence he went to a point south-west of Montreal where he could confer with the people of the States mentioned above. His experience here read like a romance. Nothing of value, however could be accomplished and he ordered the escaped Confederates under his charge to return home. These were panting for revenge, and, going contrary to Thompson's order, made a rade on the town of St. Albans, in Vermont. For this deed committed by a band of unruly, revengeful prisoners, Mr. Thompson was called an incendiary by the press of the time. He made no defense whatever, but waited for time to reveal the right. He was soon cleared of all such base accusations.

While Thompson was on his way to Halifax from Montreal, President Lincoln was assassinated. Then one of the most unpardonable plots was conceived by certain authorities in Washington City. They decided to charge the President of the Confederacy and his commissioners in Canada with deliberately planning this terrible crime. Perjured testimony was obtained by bribery. A proclamation was issued offering a large reward for the arrest of Jefferson Davis, Jacob Thompson, Clement C. Clay, and others. A friend told me recently that he saw a copy of a telegram in the Historical Collection of the Johns Hopkins University, which reads: "Arrest Jacob Thompson." This tells the tale.

When Thompson heard of this his first impression was to present himself at Washington City, and demand a trial. His friends fearing that justice would not be done him by the authorities in power persuaded him not to do this.

Mr. Lincoln and Mr. Thompson had served in Congress together and had formed there a true and lasting friendship. Each admired and respected the manly qualities of the other. Thompson recognized in Lincoln a real friend and not an enemy of the Southland, and instead of rejoicing at the assassination of the President, he mourned it as a public calamity and a private sorrow. Only a short while before the assassination, Thompson had been recognized by some Federal authorities in Portland, Maine, where he was seeking a vessel on which to escape from the country. The Secretary of War was about to issue an order for his arrest, Mr. Lincoln hearing of this, only a few hours before his assassination, suspended the issuing of the order and expressed a wish that Thompson be allowed to leave the country unmolested. This shows the relations existing between them. It is needless to add that subsequent history has obliterated the envious calumny.

Mr. Thompson and his family soon sailed for Europe where they spent several years before returning to their homes in Oxford, Miss.

Soon after going to Mississippi he had been married to Miss Catharine Jones, the only daughter of Paton Jones, a very wealthy and prominent man. Mrs. Thompson was a lovely woman, possessing fine taste and judgment. She was a favorite of society in Washington, and made the home of her husband the favorite resort of Senators and Representatives. Between her and her husband the utmost harmony and confidence existed.

Their only son, Caswell Macon, married a Miss Fox, and died leaving a widow and two little girls to be cared for by his parents. One of these grand-children is Mrs. Van Leer Kirkman, the beautiful and accomplished Lady Manager of Nashville Exposition of 1897. Her picture appeared in *Munsey's Magazine*, a few months ago.

In private as well as public life, Jacob Thompson bore himself as a man of high character. One says of him: "He was a dear, good man, an excellent friend, sympathetic in nature, kind and generous. In manner dignified, commanding respect. He was remarkable in being never overbearing to inferiors." He was a very successful business man, and managed a large plantation with large profit to himself. He often loaned money but never charged interest. He did not believe in charging interest.

I will close as I began, that North Carolina will do well to lay some claim to the achievements of her distinguished son. His life reflects credit on his mother State, on his adopted State, and the nation at large. The best that can be said of him is that he was a man brave and true. In all his remarkable and chequered existence, he never sold his birth-right. In this age, when the forms of the demagogue and unprincipled office-seeker are so clearly outlined on our political sky, it is refreshing to turn and gaze on one who knew what it meant to be a true citizen of his country.

J. F. BIVINS.

## BOOK NOTICES.

JOHN S. BASSETT.

*Robert E. Lee and the Southern Confederacy.* By Henry Alexander White. Heroes of the Nation's Series. (New York: G. P. Putnam's Sons. 1897. Pp. xiv, 467.) Here is a good military life of General Lee, and a clear view of the Civil War from the Southern standpoint. The strong points of the work are clearness, force, sustained interest, directness, and elevated ideas. Lee is painted as the hero, and yet the narrative is not weakened by that provincial tone of self-confidence that often appears in books by Southerners about their own prominent men or about their own history. Back of Lee the soldier is Lee the man. In Dr. Worth's treatment of this side of his subject is seen the charm peculiar to Virginia breeding which writers like Thomas Nelson Page, and Dr. Woodrow Wilson in his *Washington* have made familiar to many readers. This book is noteworthy for another reason: It is a triumph of reconciliation and union to put a life of Lee in the Heroes of the Nation's Series. Its contemporary appearance with the life of General Grant means much. Both of these men are real American heroes and we of the South feel that Grant is as much ours as him whom we love the more only because he suffered with us the more—and whom we shall always revere as "Marse Robert." White's *Life of Lee* should be read by all Americans.

*American History Told by Contemporaries.* Edited by Albert Bushnell Hart. Vol. I. Era of Colonization, 1492-1689. (New York: Macmillan Co. 1897. Pp. xviii, 606). Here is undoubtedly a book that has been a long time needed. No teacher of History needs to be told that the best way to bring the life of the past into the minds of his students is by making those students go through the closest records of the people of the past. Such records should be original in the strictest sense. They should convey living impressions of conditions at that time. After a student has learned the outline of historical development his best work will be to master through the use of the records the same field taking up nation after nation. If time should be wanting one nation carefully studied in this way will be worth more than three nations skimmed through. In the selection of Prof. Hart's extracts much care has usually been shown; but the space assigned to North Carolina will not satisfy North Carolinians. It could have been wished that the Fundamental Constitutions had been omitted, since they reflect in the slightest sense any real life in the colony. When will historians cease to make this document the back-bone of our colonial history? For a glimpse of real conditions any of the letters of the governors, or the court records, which abound in the North Carolina Colonial Records, would have been more valuable. It ought to be added, however, that the selections of extracts in reference

to other Colonies seems to have been more wisely made. The selection in our own case is due no doubt, to the gross lack of sufficient interest in our own history by our own people. On the whole, Prof. Hart's work is of the greatest importance. Many teachers of American History must only await the completion of the series before making it a required parallel in their classes.

*The Church and Private Schools of North Carolina.* By Charles Lee Raper. (Greensboro, N. C.: Jos. J. Stone. 1898. Pp 247). This noteworthy book contains sketches of sixty-five of the leading church and private schools that have been founded in this State. It was desirable that this story should have been told. The author has told it in a direct, nervous manner, not devoid of interest. He has displayed much industry and patience. He has omitted some local high schools, especially in the Eastern part of the State. Many people will be disappointed because of the omission of Davis School. Possibly the system of preparatory schools established under the auspices of Trinity College should have been discussed. The first half of the book is better done than the latter half. It shows more deliberation. The latter part is not free from inaccuracies. For example, it is said (p. 197) that at the last sessions of the Methodist Conferences "It was decided to introduce a preparatory department [at Trinity College] beginning with the fall of 1898." This is not true. In another place (p. 190) I find this: "Seventy-five thousand dollars would have erected all the buildings the institution needed, or will ever need." But few who understand the conditions at Trinity would limit the development of the institution in the future to so small a plant. In speaking of the failure to get information from Littleton Female College the author says (pp. 240-1): "The writer has again and again written to President Rhodes for information, but with one exception he has shown his supreme indifference. He is either ashamed of the record he has made for his school or has a queer idea of common courtesy." Mr. Raper had a right to say why he had no information about Littleton; but he had no right to say it in a spirit so childishly petulant. These small points show a lack of that restrained judgment which is necessary to proper dignity and reliable statement in historical work. However, Mr. Raper's work has much merit and must be pronounced an important book in a field where almost nothing has been done. It is to be hoped that the author's future work may be free from such faults of historical style as these.

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## ERRATA.

There are many typographical errors in these articles, due to the negligence of the proof-reader, and for which the publisher of these PAPERS is not responsible. The most serious are as follows:

Page 43, second paragraph, read *teachings* for backings.

Page 55, read *Cantwell* for Cantley.

Page 75, second paragraph is by the author, not a quotation. It should be preceded by

### II.—CAVALRY DEPRADATIONS.

Page 123, read *old aristocracy* for only aristocracy.

N. B.—Under the arrangement with the *Trinity Archive* by which these PAPERS are issued, it has not been possible to make all the parts of certain papers run consecutively.

# Historical Papers.

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## SERIES 3.

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JOHN JOSEPH BRUNER, EDITOR OF THE WATCHMAN.

R. L. FLOWERS.

To write anything like an extended and accurate sketch of the lives of the men who were prominent in journalism in this State during the first half of the century, and also during the period of war, and the days of the reconstruction would be to write a history of the progress of the State. It is very probable that no other class of men had a greater influence upon public sentiment. It is the object in this sketch to deal very briefly with the life of one of the veteran editors, one who for more than half a century exerted a wide influence upon the life of the State, and especially of the western portion of it—Mr. J. J. Bruner, editor of the *Carolina Watchman*. If time permitted, it might be interesting to picture somewhat the condition of the State during the first half of the century, politically and socially, and to write solely the editorial life of a journalist would require this. An examination of the files of the *Watchman* during the time of Mr. Bruner's connection with it would reveal great changes in the conditions of the country. When the *Watchman* was started there was not a single daily paper in the State, and no paper published in the State west of Salisbury. The *Watchman* of 1840, contains an advertisement of the "Great Western Stage Line" leaving Salisbury at 5 o'clock, a. m., one day, and arriving at Asheville at 8 p. m., the next, a journey of 39 hours, which for "speed could not be surpassed." The advertise-

ment included a picture of the stage coach and horses. A few years later, great improvement was made and now the paper contains a picture of the engine and coaches used on the North Carolina Railroad, and the schedule shows that the public could travel at the incredible speed of ten miles an hour. "Many people were afraid to ride at this rapid transit." These pictures are reproduced in Dowd's *Life of Prominent Living North Carolinians* given there for the reason they are referred to in this paper, to show somewhat the differences in the condition of an editor then and now. There were no telegraphic dispatches and the circumstances which confronted an editor were very different from those of this day of rapid transit, and telegraphic news.

Mr. Bruner died in 1890, being at the time the oldest editor in the State and the editor of the oldest paper. He belonged to the old school of editors, such as Edward J. Hall, ex-Governor Holden, Wm. J. Yates and others.

The issue of the *Watchman*, of March 27, 1890, is a memorial number, and many of the points of this paper are taken from the extended article by Dr. J. Ruple, for many years his pastor, and still pastor of the Presbyterian Church of Salisbury. The writer said: "The *Watchman* to-day comes out without the name of J. J. Bruner, who for fifty-one years has shaped its course as associate editor, editor and proprietor, and it is due the public that the account of his life and labors should be published. It is impossible to estimate the influence such a man in such a position, and for such a length of time has exerted upon the thinking and action of his constituency. Of him one thing may be said, the *Watchman* never gave forth an uncertain sound, but faithfully and fearlessly watched over the interests of the people and administered the claims of justice and virtue, in high places and in low. The town and country have been benefitted, and not injured by his life, for it was his constant aim to do good."

John Joseph Bruner was the son of Henry and Edith

Bruner, and was born on the Yadkin River, in Rowan county, 12th March 1817. When he was a little over two years old his father died and his mother returned with her children to the home of her father, Col. West Harris, of Montgomery county, North Carolina. His educational advantages were very meagre. In 1825, he was brought to Salisbury by Hon. Chas. Fisher, and his first year in his new home was spent in school, his teacher being Henry Allemand. When he had grown up, he attended school for a few months. The remainder of his education was due to his own efforts, and was received largely "at the case and press of a printing office."

When he was nine years old he entered the printing office as an apprentice under Col. Philo White, editor of the *Western Carolinian*.

Colonel White sold the paper to Burton Craig in 1830, and it was edited by Mr. Craig until 1834, when the paper was bought by Maj. John Beard, of Florida. Mr. Bruner continued in the office until 1836.

In 1832 the *Watchman* was started by Hamilton C. Jones, and in 1839, Mr. Bruner became a partner in the paper.

The *Watchman* of October 1888, contains a history of the paper, written by the editor. It is written in a plain, unassuming style and in his own words gives a history of the paper better than any one else could do.

"This number of the *Watchman* finishes the present volume of the paper and presents a fitting occasion to take a glance at the past history.

The first copy of the *Carolina Watchman* was issued on July 28, 1832, by the late Hamilton C. Jones, Esq., as its editor and proprietor. The design of its establishment was to combat the nullification movement of that time started in South Carolina under the inspiration of John C. Calhoun and other distinguished Statesmen of the Commonwealth. The late Hon. Burton Craig, was the editor of the *Western Carolinian*, published in this place, and was a

zealous advocate of the views Mr. Calhoun; and his vigorous editorials were producing a rousing influence in Western North Carolina, which alarmed Unionists and induced active opposition on their part to the spread of the violent remedy proposed by the South Carolina movement and the establishment of the *Watchman* was the result. Mr. Jones continued to publish the paper for several years after the settlement of the exciting question which gave it birth, ending his connection with it on the 28th July, 1839, by a sale and transfer of the printing office, subscription list and good-will to Mace C. Pendleton and J. J. Bruner. Under the firm name of Pendleton & Bruner, the paper was continued for three years, at the end of which time the Junior partner withdrew for the purpose of collecting a considerable amount due the firm, and paying off accumulated debts. This was accomplished in the course of eighteen months, during which time the paper was continued under the management of the late Mr. Pendleton as editor and proprietor. But finding the business more difficult than he could well bear he sold out to J. J. Bruner, and the late Samuel W. James in January 1844. Under the firm name of Bruner & James, the *Watchman* had a successful run of six years, to July 28, 1850. Mr. James then sold his interest to the present proprietor and drew out, since which time there has been no change in the ownership of the office.

Stoneman's raiders had possession of the office while here on the 12th and 13th April, 1865, and after printing an army news sheet, turned the office upside down, wrecked the principal press and destroyed all they well could. Upon the arrival of the Federal army after the surrender, the commander took possession of it, detailed printers from the army to gather up type enough to print a daily army news sheet, and held possession until about the 4th of July. When at last they turned over the shattered establishment to the owner, he commenced the work



of repairing it, which occupied him until January 8, 1866, at which time the publication of the *Watchman* was resumed. But it had only a brief run of eight weeks when the fire broke out in C. F. Baker's tin shop, (February 26) and extending to other buildings near by finally reached the *Watchman* office and destroyed about half of the stock and reduced the paper to a half-sheet. In this form it was published for twenty-three weeks, until a new press and material could be obtained to issue a full sheet.

On the 10th of January, 1868, the *Watchman* (as an experiment thought advisable at the time) was consolidated with the *Old North State* as was run under the name of *Watchman and Old North State*. [The *Old North State* was a weekly paper started here in 1866 by the Hon. Lewis Hanes.] This arrangement continued only one year when by an arrangement with Mr. Hanes in respect to the business of the office, the *Watchman* retired, leaving the entire field to Mr. Hanes, who in January 1869, changed the name and re-established the *Old North State*. Mr. Hanes continued to publish his paper in the *Watchman* office until the 15th of September 1871, (one year and nine months) and then sold out his interest, J. J. Bruner becoming the purchaser, who immediately re-established his old paper the *Watchman*, and has continued it without a break to the present day.

Before the war the *Watchman* was a Whig paper, and remained so until Lincoln's proclamation came out, calling on the state for troops to coerce the seceding states. It was then devoted to the Confederate cause and zealously supported it during the war. After the war it most naturally took sides with the Conservative party, which embraced both old Whigs and old Democrats, and which after a while, dropped the name "Conservative" and adopted "Democratic" as being more expressive of the political character of those ranging under it.

Nearly all the white people of the South—without re-

gard to the old party names before the war, united in forming the Democratic party after the war, and this paper had no other home to go to.

The paper has been self-sustaining. It has had no other reliance than the patronage of the public, and it has been constantly devoted to what its editor believed to be the best interests of the people. It has doubtless erred at times in judgment. Certainly it has offended individuals and parties, and had to sustain loss by it. But these were never of disturbing importance, but passed as a trifling ripple on the current of its onward way. It has had not less than fifty competitors since its commencement, and some of these very ably conducted—a few deliberately designed to supplant it. Its proprietor is profoundly sensible of the favor by which it has been sustained under every trial, and feels an increasing weight of obligation to make the paper acceptable to those who have stood by it through all the changes and vicissitudes of the past.

Capt. S. A. Ashe, a man for many years prominent in journalism, in a letter to the writer, says:

When I came to Raleigh to live Mr. Bruner was living at Salisbury, and I met him only once or twice. My recollections of him are not so vivid as if our personal intercourse had been more intimate: but I recall—that he had my perfect respect, because of his integrity of character and high purposes in life. In addition, I remember that I entertained very kind, personal sentiments towards him—and this because he himself was kindly in his disposition, (and, also because, I think, he had ever been of the same political faith as my father—an old line Democrat).

As I now recall his editorials, they were noteworthy for their simplicity, clearness and precision of statement.

As an editor, Mr. Bruner wielded a great influence throughout the North-western section of the state. His paper was almost the sole vehicle of political information throughout that region for years; and the esteem in which he was personally held invested his paper with an influence that otherwise would have been lacking. For many years he was a potent factor in state affairs, though he did not aspire to leadership and control. Indeed, my observation has been that when an editor seeks to realize ambitions, he loses the influence that the public accords him while his efforts are regarded as being merely patriotic, not mingled with personal considerations. Mr. Bruner pursued the even tenor of his way, not seeking political distinction, and so wore well: to the last highly esteemed and justly venerated.

Hon. Theo. Kluttz, of Salisbury, for many years a personal friend of Mr. Bruner, writes :

I knew Mr. Bruner well, and was a constant reader of the "*Watchman*" for many years. He was a man of sterling worth, and was possessed of the highest moral courage. As an editor, he belonged to the old fashioned school of which the elder Hale, and Mr. Yates, of the *Charlotte Democrat*, were bright exemplars. Under his control, the *Watchman* was always carefully, conscientiously, and cleanly edited. While neither a profound nor a voluminous editorial writer, he had positive views and convictions on all important subjects, and these he never failed to present fearlessly, tersely, and interestingly. There was never any doubt where he stood, nor was there ever any doubt about the absolute honesty of his convictions. For many and many a year, his editorial utterances shaped and voiced the political feeling and action of his subscribers. Modest, unassuming, usually busily engaged upon the mechanical make-up of his paper, in which he took great pride, he yet had the courage of his convictions, and every disposition to stand by them, as occasional dissentients found to their sorrow.

He served his day and generation well.

I should like to give extracts from many papers after his death, showing the high esteem in which he was held by his associates in journalism, but this paper is already too long. I shall close by giving an extract from the paper read by Mr. Jerome Dowd, Historian of the Press of North Carolina, at the annual meeting in Durham in 1890.

The moral tone of the *Watchman* was always good. A self educated man, Mr. Bruner was wanting in the versatility and rhetorical powers that go to make up the brilliant editor, but his teachings were sound, and he always expressed himself with clearness and force. He was a man of courage and stability. In his private walks he was an exemplary man, a devout christian, and an upright, modest citizen. His life was one long day of trial and struggling. What little schooling he had was paid for out of his own earnings. Although journalism in North Carolina has never been very remunerative, Mr. Bruner made a success of his paper, and at one time had accumulated a considerable amount of property, but the war swept most of it away. Considering his environments, we cannot but pronounce his work in life well done. Few men in the history of North Carolina have accomplished as much with such poor advantages. Beginning the battle of life at the age of nine years, without money or the protecting arm of a father, he grew up to be as a "banyan of the forest, yielding shade and fruit to wide neighborhoods of men."

In 1842, Mr. Bruner was married to Miss Mary Anne Kincaid. He had a large family of children, five of whom survive him.

He was a member of the Presbyterian church, and was faithful in all his "private and public duties of the christian profession."

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### THE DIARY OF A CONFEDERATE REFUGEE.

J. A. S.

In the latter part of the summer of 1896 Mrs. Hellen Clements, of Williamston, N. C., very kindly presented to the Trinity College Historical Society the diary which her father, Mr. D. W. Bagley, kept during the war. This diary is of great interest and value as a record of the movements of the opposing forces, battles, etc., kept by a close observer intensely interested in the struggle, and especially on account of the insight it gives into the lives of those compelled to flee from their homes and seek a refuge from the enemy outside their own neighborhood.

In April, 1861, a meeting was held in the Court House at Williamston to take into consideration the defenseless condition of the county. It was decided to raise money to equip volunteer companies from the county, and to provide for the families of those who volunteered. Of this "Volunteer Fund" Mr. Bagley was elected treasurer. In his diary he entered the names of all who volunteered, and started out with the intention of making a note of the fate and conduct during the war of every soldier who went from Martin county, but during a spell of typhoid fever, which lasted through the summer of 1862, he lost sight of many of them. On account of his outspoken patriotism and zeal in the cause of the Confederacy he was an object of especial hatred to the "human skunk tories," as he calls them, and when the Yankees entered Williamston for the first time, in July, 1862, he was the first man they enquired for. He

had left the town, however, with his family and three servants, having to get up from a bed of sickness to do so. Every house from which the whites had fled was searched, but none so thoroughly as his. He says: "They searched every nook and corner of my house, stole my brandy, broke open bureaus, scattered everything, broke open my office, broke windows, pulled out iron chest and searched for records, letters, etc., got open old papers, and scattered them and other papers over the floor." Mr. Bagley was persuaded to leave by his friends, for it was thought he would be arrested and carried off in spite of his ill health. He had determined not to leave, but thinking they would shell the town, and knowing he could be of no service, he "left, not caring a straw for what little I had left, so we could get an equivalent in vandal blood." On the last day of the month the town was again entered by the enemy. Before the landing the town had been shelled, though no one was hurt by it, and the shells had driven many women and children on foot two or three miles in the country, through the rain that was then falling, and many were wet through and exhausted when they reached a place of safety. He often breaks out bitterly against the "tories," those "white-livered native scoundrels," who were the worst enemies. "Oh, God," he writes, "grant us a Morgan, Jackson, Ashby, or some such spirit with a united people to free us of such mean, vile, and abandoned creatures, who are a disgrace to our species, whose element seems to be among the negroes whom they outrage, strange as it may appear to polite, patriotic, and enlightened men."

Three days after the second entrance into the town the commissioners met and requested Captains Eure and Adams to withdraw their troops from the town, as their presence did more harm than good, giving, as it did, excuse to the enemy for shelling the place.

At the solicitation of his wife and friends he decided to leave Williamston and go to some place where he would be

more safe from capture and freer from annoyance. Secured a house about half a mile from depot at Rocky Mount, and left for his new home September 3, 1862. And now troubles and privations that they had not known before begin for him and his family. Unfortunately the man to whom the house he was renting belonged was an unprincipled scoundrel, and did everything in his power to make life unpleasant for the refugees whose dependence upon him for supplies placed them almost entirely at his mercy. He not only charged enormous prices for what he grudgingly let them have, but did everything in his power to annoy them. December, 1863, having been swindled out of \$400 or \$500 by his landlord that year, and despairing of getting along with him, he decides to move, which he does December 26, to "Shady Retreat," Nash county, about four miles from Rocky Mount. Three families—his own, Mr. Short's, and Mr. Clements', occupied the same house, twenty-nine people in all. This move he especially regrets, because it deprives him of the pleasure of going to the depot and occasionally meeting old friends and seeing passing soldiers. The difficulty of getting provisions now becomes a serious matter. Mr. Short often travels day after day, over rough roads, through rain and all kinds of weather, without being able to buy anything whatever. They have a certificate of need from a government agent, but it does not avail;—they, the refugees, are turned away empty-handed, while others can buy. Mr. Short succeeds in getting a little here, a little there, but starvation seems at times to stare them in the face.

January 6, 1864, he writes: "Flour passed here to-day for which I offered \$100 per barrel, but was told it was for government use and was to be delivered to — at Rocky Mount, and that it was worth \$150 at Warrenton, from whence he had brought his two loads, all of which I have no doubt is a speculator's lie." The next day, January 7, Mr. Short had better success than he had met with in some

time. "Mr. Short engaged to-day 600 to 800 pounds of green pork at \$2.00 per pound. Such a thing has become a curiosity to us to see, to say nothing of eating." Some times they could not get supplies that they had engaged. January 23, 1864, he writes: "Sent to Mr. Battle's mill for meal to-day, and, notwithstanding the fact that they had engaged to supply us, could not get any. I then sent to Watson's mill, four miles the other way, but could get none, so to-morrow we shall be without bread, as we have been without hog meat." Many went over to the lines of the enemy on account of inability to get food, but this they could not think of doing.

While all this is vividly brought out, we feel that the mention of the difficulty of their getting supplies is only by the way, and that the deepest concern of the writer is about the poor soldiers at the front. Added to the difficulty of getting supplies was the difficulty of keeping them after they were gotten, for numbers of rogues were prowling about, and nothing was safe. He often writes bitterly of the extortioners and speculators fattening on the very life-blood of their country, utterly indifferent to her welfare, and caring for nothing save the almighty dollar—"blindly worshipping the Golden Calf," and the farmers raising cotton and tobacco while soldiers were suffering for food.

Mr. Bagley kept posted as well as he was able upon every movement, especially any movement of the Martin county troops, and commented freely upon the situation from time to time. In October, 1863, hearing of an order to remove to Charleston the 17th regiment, composed of soldiers from Martin, Washington, Edgecombe, and adjoining counties, who, on account of familiarity with the country, were especially suited for duty there, he wrote to Colonel David A. Barnes to use his influence with Governor Vance to have the order countermanded. Colonel Barnes replied in a few days, saying that he had laid the matter

before the Governor, who manifested much solicitude for that section, and promised to do at once what he could, "Which is immense if he does," says Mr. Bagley, "as the Secretary of War will hear with more attention what our chivalrous Governor says than he would what a brigade of citizens could say." Under date September 15, 1863, he gives a summary of the things the South has to contend with.

"We have to contend with :

"The wet-blanket set of timid creatures.

"The croakers, with whom all is wrong.

"The money dealers, who take pleasure in producing panic with the solvency and faith of the Government.

"The fence men, who are waiting to see who is strongest.

"The extortioner, who holds back supplies from the soldiers, their families and people, to extort fabulous prices, and has no good word, act, or deed for any but self.

"The speculator in necessaries, who would sink a continent to make money, and nerves himself against the wants of army and people, and expects to be able after the war shall end to buy himself a place among the people and in society.

"The open repudiator of money, cause, President, cabinet and country. (Chief among whom he places William Holden, of Raleigh, editor of the *Standard*, at whose door he lays the death of many a poor, ignorant fellow, who, deceived by the false ideas he disseminated, deserted, only to be captured and made to suffer a shameful death.)

"The open Tories, native and foreign born, who have acted as spies, guides, informers, aiders and abettors, urging on the enemy to outrages we should in many instances have escaped but for them.

"The tobacco and cotton growers who turn a deaf ear to the heart-rending appeals from the loyal press throughout the land on the score of humanity, as well as the cause in which we are engaged.



“The skulkers and deserters, to whose faithlessness many of our defeats have no doubt been due.

“The inability of commanders who should be in the ranks.

“The want of a navy and access to the markets of the world.

“The want of recognition by the maritime powers of the world.

“The fact that the enemy is fighting us with foreigners.

“The disparity in numbers.

“Many of our poor dupes taking the oath to support the Lincoln government, induced by the seductive promises of the enemy, afterwards to find themselves dispoiled and despised by them.

“The contemptible blockade, which has done more to discourage, inflate prices, injure the currency, and demoralize army and people than any other one thing.”

During the last two years of the war he often alludes to the alarming depravity and greediness, so remarkably different from the prayerful devotion and sacrifice of the first two years. Wrote bitterly at times of those who advised any concessions to the enemy. At one place he says: “May a kind heaven grant us an eternal separation from them. We have had no real peace with them. We have been subject to insult and injury for many years, until further forbearance was out of the question. . . . I had rather see all sunk into a dead sea than again be reconciled with the Yankee fanatical race.” Governor Vance’s utterances during the last year of the war were a source of deep regret to him. Says Vance’s message to legislature in 1864 falls far short of former utterances, from a patriotic standpoint. “He panders too much to the Stephens, Brown, Holden and Company’s principles. . . It seems to me to be preposterous to be haranguing for State’s rights when we have no States.” April 26, 1864, he writes: “I read to-day from the *Express* with deep

regret a report of Governor Vance's last speech at Fayetteville. It falls very far short of his Wilkes county speech in patriotism and consistency. He joins with Governor Brown and Vice-President Stephens, and more or less with Holden, of North Carolina, as shadowed forth in their abuse of the late acts of Congress, and shows himself to be more egotistical than I had hoped for. I had feared for him and truly hope he may have been misrepresented in his views. . . . I cannot express my sorrow at seeing such men as him and Stephens at a time like the present . . . straining at straws and giving the enemy renewed encouragement. Stephens and Brown I feel done with, but hope on still for Vance. I have long supported him with all my heart,—say from the reading of his first political letter over two years ago." Though it was partly through his fearless advocacy of some of the things for which Mr. Bagley condemns him that Vance won distinction as the War Governor of the South, it is interesting to note the view taken of the course he pursued by patriotic men who had at first been his loyal supporters. He thinks, too, that the Governor acted very strangely towards Martin county, "she having done more, probably, than any other county in the State in sending men, raising equipments, etc., etc." Here he gives a list of the companies furnished by his county. "When the 34th Regiment was recalled it had a powerful feeling of depression upon every one. Each looked upon the move as saying to us, 'You are given up by a decree in council of your rulers. Be content therewith, and send your able-bodied men to the defense of a more valuable section and people.'" Mr. Bagley, however, rejoices greatly at Vance's victory over Holden in 1864, and records with deep regret the names of the few men of his acquaintance who sank so low as to vote for Holden.

He often mentions Jackson in terms of highest praise,

and dates all of our heavy losses and gloomy prospects from the "loss by death of that great man, Gen. Jackson."

During an assault on Charleston a Martin county boy was shot in the thigh and crawled back about two hundred yards to our fortifications and called for his Lieutenant, who heard and called for volunteers to go and bring him in. "Whereupon . . . very readily offered and did go and brought him safely without injury, except the loss of his pants, which were shot off of him!" Curious how a fellow could come from under fire *sans* pantaloons, with hide intact.

Here is a clipping from a newspaper pasted in the diary, showing how the soldiers amused themselves at times in camp:

FIRST APPEARANCE OF THE REBEL BAND.

MEMBERS OF THE TROUPE.

Captain William Biggs, Manager; Lieutenants G. W. Grimes, William Cherry, W. E. Windley, J. M. Sitterson, M. A. Cotton, A. T. Staton; Sergeants T. A. Cotten, James Keith, L. Haughton, Mr. Edmondson.

PROGRAMME.

PART FIRST.

Overture . . . . .	Company.
I'll Love Thee as Long as I Live . . . . .	Windley.
Gal of "Old Virginny" . . . . .	Sitterson.
Instrumental . . . . .	Company.

PART SECOND.

Mollie Ward, ballad . . . . .	Sitterson.
Lucy Long Polka, { . . . . .	{ M. A. Cotten, Grimes, Sitterson.
Jonnie's Gone for a Soldier . . . . .	Keith.
Powers of Music, { . . . . .	{ Sitterson, G. A. Cotten.
Violin Solo . . . . .	Cherry.
Comic . . . . .	Keith.
Band of Brothers . . . . .	Company.

## PART THIRD.

Overture . . . . .	Company.
Gum-tree Canoe . . . . .	Sitterson.
Aunty Dinah . . . . .	Windley.
New Blue Tail Fly . . . . .	Sitterson.
Instrumental . . . . .	Company.

## PART FOURTH.

Comic Song . . . . .	Keith.
Old Farmer's Bridle, } . . . . .	{ Sitterson, Edmondson.
Jig Dancers . . . . .	Cotten & Brother.
Nigger Wat Spouts . . . . .	Sitterson.
Dental Surgeon, } . . . . .	{ Cotten, Sitterson, Grimes.
Stump Speech . . . . .	Sitterson.

To Conclude with the Grand Drama,

Old Abe Outwitted . . . . .	Company:
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Performance to commence . . . o'clock, P. M. preezackley.

## ROBERT HENRY'S NARRATIVE.\*

BY ROBERT HENRY.

I will proceed to point out and correct some of the errors in Wheeler's History of North Carolina, so far as respects the transactions of Cornwallis crossing Cowan's Ford, on Catawba River, the 1st of February, 1781. Then I will give my own version of that transaction; then I will give the common report of the transaction shortly after it happened.

Wheeler's History pp. 232-'33: "Here" (meaning at Cowan's Ford) "about six hundred militia under General Davidson

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\*Robert Henry, the author of this manuscript, was born in Tryon (now Lincoln) county, February 10, 1765. He went to a medical and law school at Columbia, South Carolina, and after being there three years he settled in Buncombe county, N. C., being one of the pioneer settlers of that county. He wrote this manuscript in the latter part of his life. The original manuscript is in the possession of his son, Wm. L. Henry, of Buncombe county. We are indebted to Hon. D. Schenck, of Greensboro, for the copy from which this was taken. That copy has since been deposited in the Library of the Greensboro Female College.

were posted, and a slight skirmish occurred. A British Colonel (Hall) and three privates were killed, and thirty-six wounded.”

If we take this account to be true, we must conclude that their militia were very bad marksmen, for they had time to have fired five rounds each, which would have been three thousand single shots, at distances varying from fifty yards to less than twenty yards, over a naked sheet of water; that their enemy was not obscured by smoke, being in water above the waist-band, and hanging together by their muskets; that not a single gun was fired by them whilst in the water.

This story, if it bears telling, cannot be accredited to be true, that in firing three thousand shots they only killed four, including Colonel Hall, and wounded thirty-six. The story appears further incredible from this—that in common battles on land, there are as many, and often more, men killed than wounded where the whole force from head to foot is exposed to the fire of the opposite party. In the present case the body, from the waist-band to the top of the head, was exposed—for all below was under water and secure from lead. Wounds in the upper part (of the body) are doubly as apt to kill as those in the lower extremities, from the waist-band downward; hence we would expect double as many killed on this occasion as wounded—but the reverse is told, that only four were killed, including Colonel Hall, and thirty-six wounded.

A further mistake may be noticed. The account states that Davidson had six hundred militia, whereas he had only three hundred. The whole of this quotation should pass for nothing.

The next error that I will notice is on page 235 of Wheeler's History, which I quote: “Soon after the action commenced” (meaning at Cowan's Ford) “General William Davidson was killed, greatly lamented by all who know him as a talented, brave and generous officer.” The true statement is this: Davidson was killed by the first gun that was fired on the

British side on that occasion, for they did not fire a gun whilst in the river; and the gun that killed him was fired at the water's edge on the Mecklenburg side: and if Davidson's clothes had been examined, it is probable that they would have shown the mark of powder. The whole of the Americans had left their stands or posts at the water's edge and judiciously fled, lest the British might hem them in by the river; and utter silence prevailed—not a gun firing on either side; silence was first broken by the report of the gun that killed Davidson.

A further quotation from the same page: "The company commanded by General Graham was the first to commence the attack" (at Cowan's Ford) "on the British as they advanced through the river, which was resolutely continued until they reached the bank, loaded their arms, and commenced a heavy fire upon his men, two of whom were killed." The whole of this is a gratuitous statement, for General Graham was not there—nor was there either officer or private killed at that place except General Davidson; nor was there any one wounded there except Robert Beatty, who afterwards died of the wound. General Graham and his company may have been at Davidson's camp, three-quarters of a mile from the Ford, and two of his men might have been killed there, if they were too tardy in making their escape before the British arrived there.

Another quotation from Wheeler's History, p. 264: "At day-break the British army under Cornwallis, on the 1st February, 1781, entered the waters of the Catawba, then swollen by heavy rains, at Cowan's Ford. The morning was dark and rainy. The light infantry under Colonel Hall entered first, followed by the grenadiers, and the battalions. The piquet of General Davidson challenged the enemy; receiving no reply the guard fired. This turned out the whole force of Davidson, who kept up a galling fire from the bank." Observe the morning was dark but not rainy. Davidson's army was stationed three-quarters of a mile from the Ford, and did

not fire a gun at the British whilst in the river, nor after they came across; all the firing by the American side in the river and on the bank was done by the guard.

Now, I will give my own version of the transaction of Cornwallis' crossing Catawba River at Cowan's Ford, 1st February, 1781. Robert Beatty, a lame man, had taken up a school near the Tuckaseedga Ford, and had taught two days, and was teaching the third, when news came to the school-house that Cornwallis was camped at Forney's, about seven miles from the school-house; that Tarleton was ranging through the country catching Whig boys to make musicians of them in the British army. The master instantly dismissed the scholars, directing them to go home and spread the news, and retired himself. I went home, and that night Moses Starret, Alexander Starret, George Gillespie, Robert Gillespie and Charles Rutledge came to my father's. We lay out that night, and shortly before day-light my brother, Joseph Henry, who had left the army to give the news, and had crossed Catawba at John Beattie's in a canoe; and when he left the army, it was expected that Cornwallis would cross the river at Tuckaseedga Ford. Early in the morning this company crossed the river at Beattie's, about two miles below Tuckaseedga Ford, when we hid our canoe, staid some time at Beattie's—then went up to the Tuckaseedga Ford, and the army was at Cowan's Ford, we went up the river to John Nighten's, who treated us well by giving us potatoes to roast, and some whiskey to drink. We became noisy and mischievous. Nighten said we should not have any more whiskey. I proposed to go to the camp at the Ford, if any one would let me have a gun and ammunition. My brother said he would give me his; Charles Rutledge proposed also to accompany me if he had a gun and ammunition; when Moses Starret gave him his gun. When about to start, I gave Nighten a hundred dollar Continental bill for a pint of whiskey. My brother gave another bill of the same size for half a bushel of potatoes. We dispatched the whiskey. Being thus equipped, we went to the Ford, which was about

a mile and a half. When we arrived, the guard that was there, thirty in number, made us welcome ; the officer of the guard told us that Cornwallis would certainly attempt to cross that night or early in the morning ; that each one of the guard had picked their stands to annoy the British as they crossed, so that when the alarm was given they would not be crowded, or be in each other's way—and said we must choose our stands. He accompanied us—Charles Rutledge chose the uppermost stand, and I chose the lowest, next the getting out place of the Ford ; the officer observed that he considered that Davidson had done wrong, for that the army should have been stationed at the Ford—instead of which it was encamped three-fourths of a mile off, and that some person acquainted in the neighborhood of Forney should watch the movements of Cornwallis' army, and immediately when they would attempt to march, to hasten to the river and give the alarm ; then that Davidson's army might be in readiness to receive them ; the river being in the situation that it was then in, and the army thus prepared to receive them, said that Cornwallis and a million of men could not cross without cannon as long as our ammunition would last. This I thought was a large expression ; but since I think he was correct. He mentioned to each man of the guard to go to his stand again and examine it, so that when the alarm was given, that there should be no mistakes then made. I went to mine, and was well pleased with it—for in shooting, if I would miss my first aim, my lead would range along the British army obliquely and still do damage, and that I could stand it until the British would come to a place the water was rippling over a rock, then it would be time to run away. I remember I looked over the guard to see if there was any person with whom I was acquainted, and found none but Joel Jetton, and my lame school-master, Robert Beatty, with my comrade, Charles Rutledge.

Gen. Joseph Graham's name is mentioned by Wheeler. I was acquainted with him ; but he was not there. Shortly after dark a man across the river hooted like an owl, and was



answered; a man went to a canoe some distance off, and brought word from him that all was silent in the British camp. The guards all lay down with their guns in their arms, and all were sound asleep at daybreak, except Joel Jetton, who discovered the noise of horses in deep water. The British pilot, Dick Beal, being deceived by our fires, had led them into swimming water. Jetton ran to the Ford. The sentry being sound asleep, Jetton kicked him into the river, endeavored to fire his gun, but it was wet. Having discovered the army, ran to our fires, having a fine voice, cried "The British! the British!" and fired a gun—then each man ran to his stand; when I got to my stand I saw them red, but thought from loss of sleep my eyes might be mistaken, threw water into them; by the time I was ready to fire, the rest of the guard fired. I then heard the British splashing and making a noise as if drowning. I fired, and continued firing until I saw that one on horseback had passed my rock in the river, and saw that it was Dick Beal moving his gun from his shoulder, I expected to shoot me. I ran with all speed up the bank, and when at the top of it, William Polk's horse breasted me, and General Davidson's horse, about twenty or thirty feet before Polk's horse, and near to the water's edge. All being silent on both sides, I heard the report of a gun at the water's edge, being the first gun fired on the British side, and which I thought Dick Beal had fired at me. That moment Polk wheeled his horse and cried, "Fire away, boys; there is help at hand!" Turning my eye round, designing to run away, I saw my lame school-master, Beatty, loading his gun by a tree; I thought I could stand it as long as he could, and commenced loading. Beatty fired, then I fired, the heads and shoulders of the British being just above the bank; they made no return fire; silence still prevailed. I observed Beatty loading again; I ran down another load; when he fired he cried, "It's time to run, Bob." I looked past my tree, and saw their guns lowered, and then straightened myself behind my tree. They fired and knocked off some bark from my tree.

In the meantime Beatty had turned from his tree, and a bullet hit him in the hip and broke the upper end of his thigh bone; he fell, still hallowing for me to run. I then ran at the top of my speed about one hundred yards, when the thought struck me that the British had no horsemen to follow me, and that Davidson's army would be down at the river and a battle would take place. Whereupon I loaded my gun and went opposite to the Ford, and chose a large tree, sat down by it, and fired about fifty yards at the British. They fired several guns toward the place where I was; but their lead did not come nearer to me than about two rods.

I will now account for the great difference between the number of the British killed and those wounded, as stated by Wheeler. The water at the Ford was fully waistband deep, and in many places deeper, with a very heavy pressing current, and when a man was killed or badly wounded the current immediately floated him away, so that none of them that were killed or badly wounded were ever brought to the shore, and none but those slightly wounded reached the bank; Colonel Hall fell at the bank. I account for the three British that were killed, as stated by Wheeler, in this way: Beatty, the lame school-master, an excellent marksman, fired twice, at a distance of not more than twenty yards, at the British after they had ascended the high bank, as before stated, and I fired twice about the same distance. I therefore think Beatty being the best marksman killed two, and I killed one.

Wheeler states that on the American side there were two killed. I observe if there was any one killed that it was not at the river, for the British did not fire a gun whilst in the river, and when they arose the high bank, all were gone but Beatty and myself; that if any were killed it was at Davidson's camp, three-quarters of a mile from the Ford of the river. But I never heard of any one either killed or wounded of the Americans, except Robert Beatty, on that occasion.

I will give an account of the balance of my route after firing the last time, as heretofore stated. I went down the river

to John Beattie's, where we had left our canoe; there I found my company, the two Starretts and two Gillespies, my brother Joseph and my comrade, Charles Rutledge. I returned the gun to my brother after counting the catridges—found seven missing—therefore I had fired seven times, as I supposed. The company remained at Beattie's until the next morning; when we took our canoe to cross the river to the Lincoln side, it was proposed that we would go to James Cunningham's fish trap and see if there were any fish in it. When we arrived at the trap there were fourteen dead men lodged in it, several of whom appeared to have no wound, but had drowned. We pushed them into the water, they floated off, and went each to his own home. This is my version of that transaction.

Now, I will give the common report of it. I will begin with the report of Nicholas Gosnell, one of our neighbors, a Tory, who was in Cornwallis' army when they crossed the Catawba at Cowan's Ford. It was frequently repeated from the extraordinary language he used and from his manner of expression—it is therefore better imprinted on my memory. I will endeavor to give it in his own language: "His Lordship chose Dick Beal for his pilot, he well knowd the Ford, and a durned pretty pilot he was, for he suffered himself to be led astray by the Rebel fires, and then had to go down to the Ford afterwards; but if he did bad one way he did good another, for he killed their damned Rebel General. The Rebels were posted at the water's edge—there want many on 'em; but I'll be durned if they didn't slap the wad to his Majesty's men sewisidally for a while, for I saw 'em hollerin' and a snortin' and a drownin'—the river was full on 'em, a snortin', a hollorin' and a drownin' until his Lordship reached the off bank; then the Rebels made straight shirt tales, and all was silent—then I tell you his Lordship was Bo sure super Gille Christilum, and when he rose the bank he was the best dog in the hunt, and not a Rebel to be seen." This is the Tory version of Cornwallis crossing Catawba at Cowan's Ford.

The following is the report of every person who lived at or near the river between Cowan's Ford and Tuckaseedga Ford: That a great number of British dead were found on Thompson's fish dam and in his trap, and numbers lodged on brush and drifted to the banks; that the river stunk with dead carcasses; that the British could not have lost less than one hundred men on that occasion.

Report of soldiers who were in Davidson's army. When Wm. Polk returned from the river after General Davidson was killed at Cowan's Ford, three-quarters of a mile from the Ford—they stated that when William Polk returned from the Ford, and reported the death of General Davidson, that some of the army had left and the rest were in confusion; that Polk prudently marched them off, not being able to fight Cornwallis on equal terms.

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### KING'S MOUNTAIN EXPEDITION.

BY DAVID VANCE AND ROBERT HENRY.

I will now give the statement of Colonel D. Vance and General Joseph McDowell of the manner of raising the army to oppose Colonel Ferguson—its march and defeat of Ferguson.

This part is the statement of Colonel Vance; and on a sarcastic and sneering reply by M. Matthews, saying that they, to-wit, the army under Campbell, was a fierce and formidable set of chickens, and could make great havoc among eggs, if each one was provided with a stick. This elicited a more extensive reply and statement of the whole affair and its consequences from Gen. J. McDowell. I will first give the reasons why Vance and McDowell made these statements. The General Assembly of North Carolina made an agreement with that of Tennessee to run and mark the division line between the two States—and in the year 1799 the State of North Carolina appointed General

J. McDowell, Colonel David Vance<sup>1</sup> and Massentine Matthews<sup>2</sup> Commissioners on the part of North Carolina, who associated John Strother and Robert Henry, surveyors, with the necessary members of chain-bearers, markers, and pack-horsemen for that business, who met and went to the White Top Mountain, a spur of the Stone Mountain, where the Virginia line crossed the latter. Strother did not appear at the commencement. The company were asking a great many detached questions relative to Ferguson's defeat—at length requested that McDowell or Vance would give them a connected account of the whole transaction from first to last. It was agreed that Colonel Vance should give that account. The Colonel agreed to do so on consulting with McDowell, our pilot, Gideon Lewis, who had been a news-carrier, and myself [and related it], on the first wet day that should happen so that we could not progress with the line.

Accordingly a wet day happened, when we were at the head of the Round-About on the Stone Mountain. Our bark camp was soon fixed, and Colonel Vance gave the account, ending with the details of the battle of King's Mountain. Whereupon M. Matthews observed that "we (meaning the army) were a fierce and formidable set of blue hen's chickens among eggs, if each one was provided with a stick." This brought a reply from McDowell. That being done I was provided with a note book, separate from my surveyor's book, to take down a memorandum of particular things that happened, and commenced taking a memorandum of Vance's account of that transaction. Whereupon Colonel Vance, who was an elegant clerk, told me as there was only one surveyor, that I had not time to do it, and if I would give him my book, that he would

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<sup>1</sup> Member of the House of Commons from Iredell County, N. C., in 1791—*Wheeler*, page 62, L. C. D.

<sup>2</sup> Member of House of Commons—*Wheeler*, page 217, Iredell County, L. C. D.

write it for me, as he had leisure. He took the book and returned it to me, saying he had paper of his own, at a spring by the side of Bright's Path in the Bald Ground on the Yellow Mountain. Having taken down his own recollections, and also General McDowell's reply to M. Matthews—which is as follows:

“As I have in some measure to depend on my memory, I will begin with Colonel Shelby's retreat after his defeating the British at Enoree. Colonel Charles McDowell had detached Shelby, Sevier, etc., with a party to go round where Ferguson was camped—who defeated the British and Tories at Enoree, when Colonel McDowell received intelligence of Gates' defeat, and sent an express to Colonel Shelby to retreat. General Joseph McDowell was then Mayor, and I was Captain. Colonel Shelby called a council of all his officers to know what was best to do. It was agreed that we must make a wood's trip to get round Ferguson and join Colonel C. McDowell, carrying the prisoners alternately on horseback, and running on foot short distances. After going some distance, found that Colonel C. McDowell had left his camp, and was retreating towards Gilbert Town, we altered our course and overtook him and the main army.

“After joining Colonel C. McDowell, it was proposed by Colonels Shelby and Sevier that they thought an army of volunteers could be raised to defeat Ferguson, stating that Ferguson's main business was to kill the Whig stock; that he would be at the heads of Broad River, and then go to the head of Catawba to execute that purpose, which would give time to raise an army of volunteers over the mountains, and in Wilkes and Surry counties, all the officers, and some of the privates were consulted, and all agreed that it was right to make the trial to raise an army. It was then agreed that the prisoners should be sent to Virginia; that Colonels Shelby and Sevier and their men should immediately go over the mountains home, and pro-

cure volunteers; that Colonel Chas. McDowell should send an express to Colonels Cleveland and Herndon in Wilkes for them to raise volunteers; and that Colonel C. McDowell should provide some way to preserve the Whig stock on the head of Catawba, and provide some way also to give intelligence of Fergurson's movements.

“The prisoners were accordingly dispatched to Virginia. Colonels Shelby and Sevier went immediately over the mountains; and Colonel C. McDowell wrote to Colonels Cleveland and Herndon to raise volunteers to be ready to march upon the shortest notice; he then called the men on the head of Catawba, and first proposed that they that could not go over the mountains, should take protection on the advance of Fergurson. and thereby save the Whig stock; Daniel Smith (afterwards Colonel), Thomas Lytle, Robert Patton, and J. McDowell, of the Pleasant Garden, absolutely refused, and stated that they would drive the Whig stock into the deep coves under the eve of the Black Mountain;—that others might take protection and save the stock that remained behind. John Carson (afterwards Colonel), Wm. Davidson, Ben Davidson, and others were appointed to take protection, to save the remaining Whig stock.

“James, Jack and Archibald Nail were appointed to be news-bearers over the Yellow Mountains to Shelby, and were to be passing continually—that they were to receive the news in Turkey Cove relative to Ferguson's movements. That Joseph Dobson and James McKay were to be bearers of the like news to Colonels Cleveland and Herndon; and that they were to receive their news at the Montgomery Place, afterwards Joseph Dobson's place.

“Colonel Ben Cleveland appointed his brother, Robert Cleveland, and Gideon Lewis, our pilot, to be news-bearers from B. Cleveland to Shelby. Thus the news went the rounds as fast as horses could carry their riders.

“After Colonel C. McDowell had thus arranged his

business, he received the news that Ferguson was at Gilbert Town. He then collected all the men that he could procure from Burke county, and went to Shelby and Sevier, who had engaged Colonel Campbell, of Virginia, also to raise volunteers. The orders given to the volunteers were to equip themselves as quick as possible, and have nothing to provide when they were called on to march, but to saddle their horses and march on the shortest notice. Those who could not go supplied those who could with anything they stood in need of. It was also announced to the volunteers by the officers that a battle with Ferguson was determined upon, and that they might rely on a battle before they returned home.

“The news went the rounds by the news-carriers already mentioned, of everything that happened in Ferguson’s camp—until the news came that John Carson had played a supple trick on Ferguson—that having saved almost all the Whig stock that had not been driven into the coves by Daniel Smith and Company—that Ferguson began to suspect Carson for saving Whig stock—there being a large quantity of Tory cattle ranging about the large cane-breaks where David Greenlee lives, and that a party of Ferguson’s were fitted out to kill Whig stock, and that they designing to go to that place—and another party was going to the Montgomery place—that is, the place where Joseph Dobson lives on—for the like purpose. Carson went with the party going to the Montgomery place without informing the party going to the Greenlee place that the cattle ranging there were Tory stock, the owners being in Ferguson’s camp. The parties each went to their places of destination, and returned into camp; those who went to the Greenlee place reported that they had killed over one hundred head of three, four, five and six-year-old Rebel steers at McGonaugh place. J. Carson observed that he expected that those steers were the stock of Joseph Brown, Dement and Johnstone, who were there in the camp.”



Whereupon Brown, Dement and Johnstone went and discovered that the steers thus killed were every one theirs. This turned the Tories rather against Ferguson; whereupon Ferguson stated that the Rebels had outwitted him, and that he could not effect his purpose there—that he would start back to Gilbert Town on a given day.

“The news was on its passage to Shelby and Cleveland as soon as the breath left Ferguson’s mouth—it did not stop day or night—it was soon at the place of destination. Immediately Shelby directed Campbell and his men to meet him at a given time at Watauga; and Sevier to meet him and Campbell at 10 o’clock on a given day at the spring in the Bald Ground, on the Yellow Mountains, at the side of Bright’s Path—all of which were done with great exactness. He issued orders for Cleveland and Herdon to meet him on a given day on Silver Creek, in Burke county; and ordered D. Smith, J. McDowell, Lytle, Patton, and those who had taken protection, to meet him at Wm. Nail’s by a given night, which was the night next after the meeting on the Yellow Mountain.

“When the officers met at the spring on the Yellow Mountain, it was quickly agreed that they would send Colonel Charles McDowell with an express to General Gates, for him to send an experienced officer to conduct them in a battle with Ferguson; and as soon as Charles McDowell, with his silver-mounted Tom Simpson rifle, had disappeared, steering for the path on the Linville Ridge, the army descended the mountain on Bright’s Path, and went to Wm. Nail’s that night, where they met Daniel Smith, Thomas Lytle, Joseph McDowell and Robert Patton, the persons who had driven the Whig stock into the coves under the eave of Black Mountain, and also those who had taken protection. When it was agreed that D. Smith, T. Lytle and J. McDowell should remain at the head of the river, as they were considered equal to a small army against Indians; and that the Indians were expected to

fall on the frontier as soon as Ferguson left it; and that they should have those who had taken protection to assist them. It was agreed that Joseph McDowell (now General) should take twenty men with him, and follow Ferguson's trail for fear of surprise—who at the head of Silver Creek, near the Pilot Mountain, came on a squad of Tories who were designing to follow Ferguson, and killed some of them and put the rest to flight—and returned to the army in the morning after staying the night at Wm. Nail's.

“The army marched into Silver Creek, and at the place appointed met Colonels Cleveland and Herndon so exactly that it scarcely occasioned a halt—proceeding on the Cane Creek of Broad River, at a place afterwards called Probit's place.

“Major Billy Chronicle, with twenty men, joined the army; no halt called—still proceeding on. At Camp Creek Colonel William Graham, with one hundred and sixty men well mounted, joined—who gave intelligence that Ferguson had left Gilbert Town, and had crossed Broad River at Twitty's Ford, on his way to Crudger at Ninety-Six, and that Colonel Williams was near to Gilbert Town. It was agreed among the officers [while], still on the march, that Colonel Herndon's foot could not overhaul Ferguson before he would reach Ninety-Six. They then began to count the number of horsemen that they could raise. Beginning with those under Colonel Graham and those of Major Chronicle—Graham's men 160, Chronicle's 20, were to count 200, instead of 180. Campbell mentioned to Chronicle that the lad whom he had with him should not hear their enumeration. Chronicle replied that he was a son of Old Rugged and Tough, that his cheek was too well hooped to leak—the lad [Robert Henry] then [listening] is now our surveyor. They numbered on and found their true number to be between six and seven hundred; but told the soldiers it was between 1100 and 2000 [1200(?)], counting Williams' men.

“Orders were then given for all who were unable, from any cause that would hinder him in a severe march, should fall back into the foot troops, and give their horses to footmen [who needed them, in order to be properly equipped for the march]; a number of exchanges were made. Further orders were given at Gilbert Town to kill some beeves, which was done; and orders were given for the horsemen to be ready to march at a given time, which was very short. Some of the troops who were tardy got none [of the beef (?)]. The line of march was taken to cross Broad River at Pear’s Ford, below the mouth of Green River, to take a near cut on Ferguson on his way to Ninety-Six. The day and night were occasionally showery. We marched on, crossing Ferguson’s trail in the track (?), and proceeded to the Cowpens, and came to a Tory’s house, pulled him out of bed, treated him roughly, and asked him at what time Ferguson had passed that place. He said he had not passed at all; that he had torch pine—that we might light it and search, and if we could find the track of an army we might hang him, or do what we pleased with him; and if no sign of an army could be found, he would expect more mild treatment. Search was made, and no sign of an army found.

“We then camped, and began to send persons to find Ferguson’s track. Chronicle proposed to send Enoch Gilmer as one; it was objected to because he was not acquainted with the country. Chronicle said that he could find out anything better than those acquainted, for he could act any character that he pleased—that he could cry and laugh in the same breath, and those best acquainted would believe that he was in earnest in both; that he could act the fool so that those best acquainted with him would believe him to be deranged; that he was a shrewd, cunning fellow, and a stranger to fear. Hence he was [sent] among others. He went to a Tory’s house on Ferguson’s trail, and stated to him that he had been waiting on Ferguson’s

way from Twitty's Ford to Ninety-Six, but missed finding him; that he wished to join the army. The Tory replied that after Ferguson had crossed the river at Twitty's Ford, he had received an express from Lord Cornwallis for him to join the main army at Charlotte; that he had called in Tarleton, and would call in his out posts, and give Gates another defeat, and reduce North Carolina to British rule as he had South Carolina and Georgia, and would enter Virginia with a larger army than had ever been in America. Gilmer gave this account to the officers. This was some time in the day. They then commenced marching to the Cherokee Ford on Broad River. Night came on, and our pilots missed their way, the night being dark and occasionally raining, so that when we came near to the river it was near daylight; when we came to the river hills it was agreed that we would send Enoch Gilmer to see whether Ferguson had not been apprised of us and would attack us in the river. Orders were given to keep our guns dry, for it was raining. Gilmer was gone for some time, when his voice was heard in the hollow singing [“] Barney Linn [”], a favorite black-guard song. This was notice that all was right. Orders were given that the largest horses should be on the upper side. The order was not obeyed. The river was deep, but it was remarked that not one was ducked. After passing the river, it was agreed that Enoch Gilmer should go ahead, and make all the discoveries about Ferguson that he could. He went off in a gallop. The officers kept in front of the privates at a very slow gait—the men cursing and stating if we were to have a battle, to let it be over, etc.

“All were very hungry, and when we would come to a cornfield, it was soon pulled. The soldiers would cut part of the raw corn off the cob and hand the remainder to their horses. After traveling some miles, the officers saw Gilmer's horse at a gate about three-quarters of a mile ahead. They gave whip to their horses, and went at full speed to gate—alighted, and went into the house. Gilmer was sit-

ting at a table eating. Campbell exclaimed, 'We have got you—you d—d rascal.' Gilmer replied, 'A true King's man, by G—d.' Campbell in order to try Gilmer's metamorphosis, had provided himself with a rope, with a running noose on it, threw it over Gilmer's neck. Gilmer commenced crying and begging; Campbell swore that they would hang him on the bow of the gate. When Chronicle stated that it was wrong to hang him there, for his ghost would haunt the women, who were now in tears. Campbell observed that was right, that we will hang him on the first stooping limb of a tree that they should pass on the road—then sending Gilmer along one or two hundred yards, Gilmer crying and begging for his life, the rope was taken from his neck, and he mounted his horse, and was asked what news he had obtained. He stated as follows: 'That when he came to the Tory's house, he professed to be a true King's man, that he was wishing to join Colonel Fergurson, and desired to know where he was, and that he had kissed the two Tory women; that the youngest of the two informed him that she had been in Fergurson's camp that morning; that the camp was about three miles distant from that place; that she had carried him some chickens; that he was camped on a ridge between two branches where some deer hunters had a camp the last Fall. Major Chronicle and Captain Mattocks stated that the camp referred to was their camp, and that they well knew the ground Fergurson was camped on.

"Whereupon it was agreed on that they should plan the battle, as they knew the ground. They rode a short distance by themselves, and reported that it was an excellent place to surround Fergurson's army, as the shooting would all be up hill—that there would be no danger of our men destroying each other; but doubted whether we had men enough to surround them. It was then instantly agreed on by all the officers, that we would attempt to surround our foes. They immediately began to arrange their men,

without stopping and assigning to each officer the part he was to take in surrounding the hill. By the time this was done, we were close to our enemy. The last whose duty was to be performed was Colonel William Graham with his men, who desired leave of absence, alleging that he had received certain intelligence that his wife was dying with colic, about sixteen miles off, near Armstrong's Ford, on the South Fork. Campbell stated to him that should be the greatest inducement for him to stay, that he could carry the news, and if we were successful, it would be to her as good as a dose of medicine. Graham exclaimed, 'Oh my dear, dear wife! Must I never see her again?' Campbell, in an angry tone of voice, turned to Major Chronicle, and said, 'Shall Colonel Graham have leave of absence?' To which Chronicle replied, 'It is woman's business, let him go.' Graham said he must have an escort—Chronicle told him he might have one; Graham chose David Dickey. Dickey said he would rather be shot (in battle) than go. Chronicle said, 'Dave you must go.' Dickey said he 'would rather be shot on the spot; but if I must go, I must.' Then Colonel Graham and Dickey immediately to the woods, and disappeared.<sup>1</sup>

"Campbell then mentioned to Chronicle that as Graham has gone, you must take his place; turning to Colonel Hawbright, Campbell asked 'have you any objections?' He replied, that it was his wish, as Chronicle best knew the ground. Whereupon Chronicle called, 'come on, my South Fork boys,' and took the lead.

"The hill was surrounded in a few minutes, and the bat-

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<sup>1</sup> Colonel William Graham must not be confounded with Major (afterwards, General) Joseph Graham. They were not related to each other. Colonel Graham came from Augusta County, Virginia, and settled on the First Broad River, then Tryon, now Cleveland County. He married Susan, daughter of William Twitty. Previcus to this battle, he had been a good soldier, an Indian fighter, and was a popular man. See an honorable sketch of him in "Hunter's Sketches of North Carolina," p. 322.

[This note was supplied by Professor Draper or Schenck and Davidson, (Henry)].

tle commenced. Our enemies had two to our one; of course their fire was double that of ours. We killed 247 of them and they killed 143 of our side, agreeably to the account of E. Gilmer and Joseph Beatty, supposed to be the most accurate of any. So that they having choice of ground we fought them two to one; we killed as many more of them as they killed of us, and took more prisoners than we had men to guard them. But we had not a coward to face the hill that day—they all faded off, until within ten minutes of the battle, the last coward left us. Our equals were scarce, and our superiors hard to find.

“This is the most particular and accurate account, my friend, that I can give you.

“Whereupon at the head of the Roundabout, I made a similar statement to our chain-bearers, pack-horse men, etc., Musendine Matthews made the following reply: ‘Ah! you would have been a formidable and destructive set of blue hen’s chickens among eggs, if each one of you had been provided with a good stick. When any body pretends to tell the story of that transaction; it would be to his credit to play the game of shut mouth.’<sup>1</sup> This elicited the following reply from General McDowell:

“‘Before that battle (referring to Ferguson defeat), we had sustained two shameful and disastrous defeats—that of Gates by treachery; and that of Sumpter by carelessness, in quick succession one after the other—upon which, the Tories flocked to the British camps, and increased their numbers to two or three fold; that the county was overrun, and fairly delayed with them, so much that from the pressure of their numbers, the souls of the brave, from necessity were obliged to cower under its weight, and none but the bravest of the brave withstood the shock.’

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<sup>1</sup> All we know about Mussentine Matthews is that he represented Iredell County in the House of Commons for 1789 to 1802 continuously. He was either a Tory or a Cynic, it seems.

[This note was supplied by Professor Draper or by Schenck and Davidson, (Henry)].

## HISTORIC POINTS ON CAPE FEAR RIVER.

BY F. T. W.

There is, perhaps, no part of the State that is annually visited by so large a number of tourists—usually excursionists—as the Cape Fear Section. From the first of July until the middle of September there is an average of one excursion each day. The visitors usually remain from home two days and nights if they are from the western part of the State, reaching Wilmington between 12 and 4 o'clock p. m., and leaving on their return trip the following afternoon between 5 and 6 o'clock. If the train reaches Wilmington early enough, the excursionists go straight to Ocean View and return to spend the night in the city. On the following day the steamer Wilmington makes a trip to sea. If one wishes to get a definite idea of a few experiences of this outing he can do no better than visit the lower and upper decks after it is all over.

Before they have gotten far enough down the river to begin to long for their far away homes many interesting points are pointed out by the reliable captain who seems never to tire of the voyage between South Port and Wilmington, having made fifteen thousand trips.

About a mile below the wharf is a tree at a bend in the river standing out in full view. It is a cedar and is said to have borne the name "Dram Tree" for more than a century. For years it has stood as a land mark, telling the weary sailor that he is fast approaching his journey's end. As to how it derived its name there was an old tradition which says that a number of sailors who had been compelled to land here on account of a storm could not resist the temptation which the cup of sack offered them. They tied their boat to this tree and could not leave until it was dark. They finally got off and began to row with all their power, doubtless thinking of reaching their far away homes. All night they labored and toiled and when morn-



ing came, instead of finding themselves near home, they found that they had neglected the significant part of their work—that of untying their boat.

Eight miles below the Dram Tree is Big Island. The name given to it by the commissioners from the Barbadoes in 1663 was "Crane's Island." These commissioners were sent out to explore the "Cape Fear Country" and to find a good place for settlement. They found on Crane's Island the ruler of this country, the Indian Chief, Stat Coosa. From him they bought a considerable amount of land and were about to leave for their homes when an incident rather embarrassing to one of the commissioners, Captain Hilton, occurred. The Indian Chief came out on their arrival and made a speech which was known to be peaceful from the nature of his gestures. Besides giving the Barbadians supplies and selling them land the enthusiastic chief presented to Captain Hilton two of his daughters. They got on board his ship and refused to leave, merely shaking their heads at his entreaties. He finally got rid of them by promising his early return. The maidens watched in vain for the return of the Barbadians.

Still further down the river can be seen an old pier which seems to have been beaten by the rough weather for years. It is the landing for Old Brunswick, the ruins of which are a half or three quarters of a mile back in the dense forest. Of this old town nothing remains save the ruins of the old church and a few graves. The Colonial Counsel often met here and Governor Johnson spent a considerable part of his time here. The church was built of brick brought from England. In 1751 the British Parliament appropriated the funds secured by the capture of a pirate's vessel for the erection of this, St. Phillips' church, and also St. James' church of Wilmington. The walls are three feet thick and are standing as they were built a hundred and fifty years ago except where they have divided just over the main entrance. The Federal soldiers removed

the corner-stone and papers in it after the capture of Fort Anderson which was near by. Though the grave stones were torn to pieces by the bombs from the battle at Fort Anderson, the walls of the church remained unshattered.

Near Carolina Beach pier is a large grove which is known as "Gander's Hall." It derived its name from the fact that Mr. McIlhenry, who owned the place in 1830, wanted to raise some geese, and as he liked the white feathers much better bought only white fowls. After waiting a long time for them to lay he learned from one experienced in the poultry business that his birds were all ganders.

Probably the most interesting point on the river is where Fort Fisher stood. It was used in the late war as a fortification for what was known as "New Inlet." From the situation it was one of the most important forts in the Confederate States. Whenever that was lost the entire southeastern part of North Carolina was in the hands of the Federals. There were only 1,900 men and 44 guns in the fort. It was not captured until 1865. When we consider that they had one mile of sea-force and one-half mile of land-force to defend against 10,000 Federals with 600 heavy guns, and that the fort was not given up until the last shot was expended and 1,445 of the enemy had been killed, we see that it could not but have been a brave defense. Nothing except the fortifications remain and they present the appearance of sand hills.

Just below the fort are "The Rocks." The Inlet has been closed and in accomplishing this it is said that enough rocks were used to build a wall eight by four feet from Wilmington to South Port, a distance of twenty-four miles.

At the mouth of the river is Fort Caswell. Work was begun on this fort by the government in 1826. It was evacuated just after Fort Fisher fell. Just after this event the commander of the fort received orders to send his men back into the woods, so as to conceal them from the Fed-

erals. Later he received orders to blow up the magazines. The order came at 1 a. m., and the match was at once applied to trains which had been arranged. It is said that our magazine contained nearly 100,000 pounds of powder and when it exploded "the earth trembled and shook" and the effects were felt at Wilmington and even as far up as Fayetteville, a distance of over a hundred miles. This site has recently been fitted up with large disappearing guns, and in March Battery I, Second Regiment, U. S. Artillery, arrived there to hold the fort.

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WILLIAM W. HOLDEN.

BY W. K. BOYD.

PART 1.—1818-1855.

In the history of North Carolina as in that of every Southern State, the years of "Reconstruction" are the most crucial in the civilization and growth of a century. To the student of that period Governor W. W. Holden is the central figure, for he represents not only the dignity and authority of his native State, but also the restored authority of the United States. The natural complexities arising from his delicate position are augmented by his former relations to North Carolina politics. So, for one to attempt to treat in an unbiased way his life and character within the short time of six years after his exit from the scenes of his brilliant but ill-fated career may seem to many at least an unwise and fruitless task. All the difficulties of such a work have been seriously considered in the preparation of this paper. Of a score of letters addressed to as many men who were the contemporaries of Mr. Holden, less than one-half have been answered; less than one-half of these have furnished any definite data, while the remaining fourth convey little more than that the writers were his personal friends but know nothing of his history. But where the evidence of contemporaries

has failed the deficiency has been ably retrieved by files of the *North Carolina Standard*, and these inanimate witnesses of the social and political conditions of the State during more than twenty years of its history have spoken tomes for the energy and sagacity of their master and genius. What I wish to make plain is that no facts are here stated in the spirit of controversy or through the influence of personal opinion. My only aim has been to state facts as I find them, all of which may not be absolutely correct—for many stories of the "Peace Movement" and "Reconstruction" are yet to be overturned, a task well befitting the genius of any youthful Schlieman who shall unearth the hidden mysteries of those years. But "such as I have give I unto you" in the faith and hope that the age of passion is passing away and a new era of reason—cold reason if you wish so to call it—is at hand, when events will be considered from their proper point-of-view, when he who chronicles the "endless processions of the past" shall as the poet

"In his separate star

Draw the Thing as he sees It, for the God of Things as They Are."

William Woods Holden was born in the year 1818, in the county of Orange, near Hillsboro: and that historic town, the immutable witness of changes in civil and culture as they have come and gone for more than a century, was his home during the days of his early youth. When very young he became printer's devil in the office of Dennis Heartt, the editor of the *Hillsboro Recorder*, who well earned the title "Father of the North Carolina Press," and so as apprentice had the advantage of the precepts and example of him who trained more young men for journalism than any other newspaper man in the State. All accounts of these early years are meagre, as would be expected, but there are a few anecdotes and facts gathered here and there which exhibit some of those qualities so conspicuous in Holden's later life. One cold morning when about

twelve years old in making his round with his paper, the young apprentice reached the house of Mr. John Kirkland on the outskirts of Hillsboro and was asked into the dining room to warm. At the table sat a well dressed, handsome young man, fresh from laurels won at Chapel Hill, an extreme contrast to the ill-clad, bare-footed news-boy. "I looked at him," said Holden, many years later, "and thought how happy I would be if I had his opportunities, and then I thought what a gulf there is between us and how uneven are our chances in life. But I determined then and there that I would keep pace with him in life's struggle." When he went to leave the lady of the house said to him, "Wait, and get a biscuit"—then the young man, at her command, buttered a biscuit and gave it to Holden, and as the destitute boy resumed his morning work his determination became a vow. In 1868 Holden was elected Governor over Thomas Ashe, the young man who buttered his biscuit that crisp morning thirty years before. At another time the apprentice ran away from his master. Mr. Heartt, according to custom, advertised in his paper threatening with the penalty of the law those who should harbor the runaway, and offered five cents reward for his apprehension. By chance Holden saw the notice, secretly returned by night and changed the form of the *Recorder* so that when the next issue appeared the public was notified that the *Recorder* and its editor were for sale, and both might be had for the sum of fifty cents. At the same time that the boy altered the type, he scratched upon the desk the words, "from this day I will be a man." The apprentice returned and a reconciliation took place between master and servant. These legends of the boy are characteristic of the man, showing traits that were his during the whole of his long and eventful career—a restless dissatisfaction with his environment, an ambition to make himself the peer of his fellows, and in the advertisement

story are seen the germs of a power of repartee which served him well as political editor.

Mr. Holden's hardships made him the friend of all young men who came under his influence but he rarely spoke in detail of his early life. Once only, in 1868, at a banquet given to all the employees who had ever served in the *Standard* office, do we find him telling of his apprenticeship. At the age of sixteen, he says, he left Hillsboro and went to Milton, walking the thirty miles with only his small bundle of personal belongings for company. In Milton he got employment with Nathaniel J. Palmer, editor of the *Chronicle*, and after working four months went to Danville. Here he wrote his first article for the press, which he slipped under the door of the editorial rooms. Two days later his contribution was published and he walked the streets "the proudest boy in the town of Danville." In a year he returned to Hillsboro, "restless but not dissipated, and full of enterprise and ambition." He then worked in a store, spending all his extra time in study, laying the foundations of that broad culture which ranks him among the best literary men the State has produced.

Soon dissatisfied with his work in Hillsboro, he went to Raleigh, arriving in the city "one bright moon-light night from the town of Hillsboro on an old-fashioned stage with four horses and a horn blowing as we neared the town, with seven dollars of silver in my pocket, knowing no person in Raleigh, in debt in Hillsborough one hundred and fifty dollars, mainly for a gold watch that I bought on credit, and also for a broadcloth coat for which I had promised to pay three dollars per yard." There were then three newspapers in Raleigh: the *Register*, the organ of the Whig Party, and edited by Weston R. Gales; the *Standard*, the organ of the Democratic Party, under the control of Philo White, "editor and State Printer," and Thomas Loring, "publisher and proprietor;" and the *Star*,

a Whig paper, published by Thomas J. Lemay. In the office of the latter Holden found employment, being recommended to the editor by several articles written while still in Hillsborough. He remained in the *Star* office over four years, receiving eight dollars a week, high wages for a printer in those days, working in summer from sun to sun, in winter often till midnight. All his available time was spent in reading law and in 1841 he appeared before the Supreme Court and was admitted to the bar with twenty other young men. The examination was held by Judges Ruffin, Daniel and Gaston. During the examination Judge Gaston asked Holden a question. Holden answered and Gaston said, "Young man, that is correct." Judge Daniel objected, saying, "Brother Gaston, I am not so sure of that." Then followed a learned discussion to the edification of the class, in the end neither being converted to his opponents view. Doubtless the point in question remains unsettled to-day as it concerned an estate in entail under certain conditions.

In politics he was a Whig, true to the backings of "Father" Heartt and Mr. Lemay. In the campaign of 1840, the year that marks the maturity of the Whig ascendancy, Holden made his first political speeches, declaring from the log cabins the many virtues of "Tippacanoë and Tyler too." Though Henry Clay failed to secure the presidential nomination of his party and, on the death of Harrison, was made distinctively to understand by Tyler that the sceptre was no longer in his hands, the North Carolina Whigs remained his ardent and devoted supporters. In 1842 he came to Raleigh and the admiration and loyalty of the Ultra-Whig element made his visit a series of gala-days. The women spun kerchiefs, fine linen, hosiery, and all luxuries of dress known to the female mind which they laid as tribute at the feet of their idealized hero to manifest their faith in his Tariff measures and the superiority of American to foreign manufactures. The men held barbecues and

made speeches, and Holden was among the most enthusiastic. "When I speak of Henry Clay I feel like pouring out my whole heart," he said, and he wrote some ardent paragraphs for the *Register* and *Star* in testimony of his loyalty.

So the Whigs were in the ascendancy and despite the efforts of the Democrats the Whigs again won the State in 1842 by over two thousand majority. Philo White had left the State in 1837 and Loring had poorly supported Van Buren in 1840. What must be done? With a party organ conducted by a weakhearted editor little could be done against such opponents as Lemay and Gales. A change of editors was determined on and a secret meeting of the leading Democrats was held to choose Loring's successor. One of the most prominent young men in the party was James B. Shepherd. He had read the contributions of the little dark-haired apprentice "Bill" Holden, and recognized their literary value. So he proposed the name of Holden as the most promising man to take charge of the Democratic organ. The suggestion was received with derision, but Shepherd persisted and finally gained his point. The proposition was made to Holden, he accepted, and in June 1843 formally entered upon his duties as editor of the *Standard*. What must have been the surprise and chagrin of the Whigs when they read in the organ of their opponents the announcement that W. W. Holden, in the past one of their most promising adherents, schooled from his boyhood in the principles of Whiggery, their associate in the Clay celebrations of the presidency year, had assumed editorial control of the *Standard* and would conduct the paper on its old political principles, that he declared he had ever been at heart a "Democratic Republican of the school of '98 and '99," that he was now a Democrat because the members of that party "have always approved themselves the friends and supporters of equal rights; because they have ever been, and are now,



the advocates of the *many* against the *few*; because whilst they yield to the Federal Government the exercise of its acknowledged and undoubted constitutional powers, they at the same time guard with peculiar vigilance the freedom, sovereignty, and independence of the respective States." He declared himself opposed to all taxation beyond the needs of the government, to a national debt, distribution of public lands, and "in fine, to all the projects, measures, and principles of the modern Whig Party." In conclusion he refuses to support Van Buren for re-nomination as Presidential candidate, believing that there are others in the party "entitled to equal consideration and regard." This declaration of Democratic principles does not interest us because it is the platform of one party for one campaign. But the issues stated lie far deeper than the passions of the hour. They express in the most emphatic manner the constitutional basis of one-half the American people at that time. In them breaths the spirit of nullification of 1832 which culminated in Secession in 1861.

A satisfactory explanation of Holden's change of political affiliations has never been made by friend or enemy. The charge that his separation from the party of his benefactors, Heartt and Lemay, was a deliberate breach of faith actuated by desire for personal aggrandizement can hardly be justified by facts. For at this time the Whigs held the State by a large majority and Holden stood well in the estimation of the leading Whig citizens of Raleigh.\* In 1841 he had married Miss Anne Young, a niece of the founder of Peace Institute, and this alliance further established his relation in political and social life. Moreover the pecuniary condition of the *Standard* was not at all

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\**Standard*, November, 1841: "The North Carolina Temperance Convention met on November 1. Jno. H. Mebane, of Greensboro, was elected President, Rev. Hezekiah G. Leigh, Vice-President, and Lemay, Jesse Brown and Holden, Clerks."

*Standard*, April 13, 1842: "W. W. Holden, Esq., has been appointed assignee in bankruptcy for the county of Wake."

inviting, especially to one whose finances were not in the most prosperous state. Loring was State Printer and received only nine hundred dollars per year for his services; the result was that the Printer lost on an average one thousand dollars on each year's work which was patiently endured as a matter of professional pride. Also the paper had less than eight hundred subscribers, only one-half of whom were cash paying and the advertisers were almost the masters of the editor. Then he was compelled to hazard the risk of borrowing funds with which to buy the *Standard's* outfit. He first secured five hundred dollars from Shepherd and then approached Duncan Cameron, President of the old State Bank, and asked for a loan of two thousand dollars. Now Loring had turned the *Standard* against the Banks, advocating a mixed currency and Mr. Cameron knew that the *Standard* would continue to advocate a "hard-money" currency. But upon Holden's application the money was handed over without hesitancy, the President of the Bank encouraging the creditor in his venture. "You will find," he said, "that the surest, if not the quickest and most permanent and certain road to power in this country, is that of the press. It may not be so now, but in my judgment in future years it will be so. . . . My advice is, as you have chosen the press, to abandon all idea of the law." The result was that "the Bank being on one side and the paper on the other, through the liberality of Mr. Cameron" Holden received the necessary funds which made success possible to him.\*

It is also more than probable that Holden was influenced by a real change of political opinions. The divisions in his party, due to the rivalry of Tyler and Clay, doubtless caused him to examine more seriously than before his reasons for supporting Whiggery, and very likely at the critical moment, Loring, who had been a close friend,

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\**Standard*, August 23, 1868.

stepped in and the victory was won for the Democrats. Perhaps he was coming under the influence of his later chieftain, that greatest of political magicians, Calhoun. At least his conversion was not so sudden as might be expected from the events related, for he tells us that "at the time of the purchase, in June 1843, and months preceding it, it is well known to his immediate personal friends, though he took no active part in political affairs, that he was out and out with the Democratic Party."\*

But it is not necessary to continue at length a discussion of the hidden motive. Some events in history, like certain experiences of the individual, must often be considered as valuable in themselves aside from their causes. Suffice it for us that the results of Holden's alliance with his former opponents, viewed from the standpoint of subsequent issues, far exceed in importance any consideration of the personal incentive.

The campaigns of the next year demand the attention of the student of national politics, for they mark the culmination of Clay's brilliant but ineffective political activities. They interest him who reads the history of North Carolina because a new leader appears who meets the challenge of the Whigs with a courage dauntless as that of Gales or Graham. New life is infused into the ranks of the Democrats and the Whigs are none too confident of the future. The center of the State campaign is a secret letter from the Whig State committee to their constituents urging them to vigorous action. The Democrats are charged as "degenerating into a mere faction," trying to carry "this State for Texas and Disunion." "If by any means an apparent majority is returned for Polk and Dallas, *nothing but*

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\**Standard*, June 28, 1854.

*Standard*, January 19, 1842: A notice of the removal of Holden's law office "to No. 5 in the building of B. B. Smith, Esq., on Fayetteville street." From this it is evident that he had severed connection with Lemay more than one year before he became editor of the *Standard*.

*revolution can help us.*" In order that Clay and Graham, the Whig candidate for Governor, be elected and the State preserved, all loyal Whigs are called upon to attend the poles, see their fellow-men the day before the election and impress upon them the importance of the issues at stake, challenge doubtful votes and prevent Democratic frauds, and in general warn the people against the political falsehoods of the opposition. This circular was signed by Richard Hines, chairman; George E. Badger, Charles Manly, John H. Bryan, Henry W. Miller and Weston R. Gales.

This letter, exposed by Holden, into whose hands a copy fell by accident, became a battle-cry of the enraged Democrats and was copied by their press far and near. The following from the *Tarborough Press* illustrates the zeal with which the above imputations were repudiated:

### “FREEMEN OF EDGECOMBE!

“READ!! READ!!

“We earnestly call the attention of every voter in the county to the following infamous circular, issued by the Federal Coon Central Committee in Raleigh. Read it. Hand it about among your neighbors—rouse up the people from their lethargy—rebuke the imputations of these foul Federal slanderers and strike one more blow for God, Liberty, and the Constitution. . . . Get on your horses and scour the country from one end to the other. . . . Let the indignant thunder of the Edgecombe Democracy be heard reverberating in the mountains of Buncombe. God save the country from such an infamous party.”

Holden's sense of humor and dexterity in epigrammatic ridicule found expression in many columns of political satire. A very good example is the following:

“Gapes in chickens may be easily cured by giving them small crumbs of bread impregnated with a little soft soap; once or twice is sufficient.”—*Raleigh Star*.

“And gapes in coons may be easily cured by giving them small doses of Polk-juice in little soft pieces of Clay. This physic will cure them by killing them outright; ‘once’ will do.”

But the climax was reached when his burlesque on the

leading Whigs appeared, the most piquant attack of the campaign :

## FOR SALT RIVER.

"The substantial packet schooner Scavenger will sail by order of the people of the United States for the head waters of Salt River during the month of November. She carries out as a passenger the Honorable Henry Clay who, after having sought office at the hands of the said people for more than twenty years, has at length received the appointment of Collector of Customs at the head waters of said river, at which point it is expected he will prove in his *official* capacity, that high tariffs make cheap goods. He will carry out a strong corps of surveyors, tide-waiters, bumbailifs, etc. ; and as the country is new and unsettled, it is thought that these officers will find constant employment. The following appointments have already been made: *Surveyors*, Millard Filmore, of New York, and General Markle, of Pennsylvania; Berreen, of Georgia, and Morehead, of North Carolina. *Tide-Waiters*, Stanly, Cherry, and Palmer, of North Carolina, and Pleasants, of Virginia. *Bumboat Women*, Messrs. Mangum and Badger, of North Carolina. These last appointments are considered peculiarly appropriate. Mr. Mangum, it is thought, will sing three times a day, a song of thankfulness for having been delivered from Mr. Edmunds, of Virginia, while Mr. B. will serve as a beacon by standing at the mouth of Old Salt every night with a mammoth cigar in his mouth. The collector, it is presumed, will permit him to while away the long hours by untiring threats of 'revolution' to intimidate the bats and owls."\*

Notwithstanding the vigorous opposition of Holden and the other Democrats, the Whigs carried the State, Graham defeating Hoke by over three thousand majority. But Clay was defeated and an appropriate celebration with martial ceremonies demonstrated the elation of the Democrats over their national victory. They met in capital square, built bonfires and fired a military salute of thirteen guns, then proceeded down Fayetteville street to the residence of Senator Haywood, where cannon were fired and three cheers given for Polk and Dallas, Wright, Texas and Oregon. Senator Haywood then appeared and told the people that instead of speaking himself he would introduce Master Stuart White, a lad nine years old. The boy then addressed the company "in a style which would have honored a much older head." The procession then went

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\**Standard*, October 30, 1844.

to the home of Louis D. Henry, chairman of the State Democratic Committee, "and also to the dwellings of General Saunders and James B. Shepherd, Esq., with music and loud shouts for Polk, Dallas, Texas, and Oregon." When they dispersed is not told.\*

Such is the story of a campaign in the South fifty years ago. It was an age when all that was noblest and worth the striving after in this world centered in public life. Politics alone gave homogeneity to all classes of society. Every one, the rich planter at the watering places, the gentry at the monthly courts and the militia meets, even the slave in the cotton and rice fields, dreamed of an ideal existence where each, through the gift of oratory as well as of intellect, should be victor in a thousand and one political contests and might frame legislative enactments "world without end." Compared with the civilization of to-day, society was primitive and would hardly be recognized as the antecedent of modern culture. The North Carolina Railroad had not yet been constructed and all traffic with the west was by means of the stage and ox cart. Raleigh and Hillsboro were as far from each other in point of convenience as either is to-day from New York. There was little interest in internal improvements and in 1848 the appropriation for the railway from Danville to Charlotte was defeated because such a road would turn traffic from North Carolina seaports. There were no factories and the prejudices of the ultra Southerners often taxed the manufacturing skill of the good housewives. Yet many things appeal to the sympathies of us who live amid the "weariness, the fever, and the fret" of these modern days with a charm unknown to our generation. The freedom of expression in the press is a contrast to the complicated insinuations of modern journalism. Rev. Thomas Loring could publish a dissertation on "Whig Lies" under fourteen heads and still command the respect and esteem of all who knew him.

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\**Standard*, November 14, 1844.

The satires of Holden, the endless bickerings with Gales and Heartt, and the essays and poems in the "old school" style give to these papers a flavor that reminds us of Swift or Addison. Then above all looms the figure of Henry Clay, politician, statesman, and cavalier, as he appears in the campaign of '44, escorted in a landau through the streets of Raleigh by the enthusiastic Whigs, swaying his audience in Capital Square with a magic of words unsurpassed in American oratory, and aged as he was, standing for hours at the grand reception held at the Governor's Mansion and greeting the hundreds of women and children "with a kiss and kind word for all." These reveal to us the chivalry of the past and tell us that the virtues of our fathers live in their children, and lend to the period the charm of an eighteenth century romance.

The attack on Whig leaders and principles continued unabated throughout the next year. Early in 1846 the Democratic Convention assembled and chose Green W. Caldwell as candidate for Governor. Mr. Caldwell refused the nomination and James B. Shepherd was appointed by the Executive Committee to fill his place. His opponent was Governor Graham, who was re-elected by a majority of seven thousand.\*

It was evident that a crisis was at hand. The Whig majority in '46 exceeded that of '42 by four thousand, and if the Democrats were to secure the State, now was the time for action. There must be some diversion to check the increasing Whig sentiment. At this critical time appears a new issue that lies at the basis of all representative government, and in its champion a new leader enters into North Carolina politics. The principle is that of free suffrage and its exponent is David Settle Reid, of Rockingham county. Better to comprehend the social and elective status a brief review of the civil government of our State is necessary.

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\*This year Holden was member of Commons for Wake County.

North Carolina has always been remarkable for its conservative spirit and the secret of this conservatism is found in the old colonial government. The chief magistrate was the Royal Governor, who appointed the Justices of the Peace in the several counties. These officers submitted three names to the Governor, one of whom he appointed Sheriff. The Sheriff collected taxes, executed court decrees, and held the elections for members of the Assembly. The result was that the Justices of the Peace and the Sheriffs soon formed a special caste, and through the influence of their official positions made their nominations for Assemblymen and usually carried the elections. In this way there arose an aristocracy that virtually controlled the colony. Such a government was for the best so long as the character of its citizens was as varied as the settlements. When the last colonial Governor left in 1776 there were two methods by which the government might be continued, popular election or a continuation of the old system. The latter seemed best because the country was so full of Tories that the people could not be trusted to remain faithful to the other colonies, and also the members of the Assembly were unwilling to see the power depart from them. So under the new Constitution the Governor and the Judges were elected by the Assembly, and to insure conservative representation the Senate was placed under the control of the landholders, and only landholders were eligible to represent the people either in Senate or Commons. The law required that a State Senator must own 300 acres and to vote in a senatorial election a man must own 50 acres in the county where he voted. A representative in Commons must own 100 acres and all persons who had paid taxes were allowed to vote. So well did these arrangements work that no change was made until 1835, when a constitutional convention disfranchised the free negro and made the election of Governor popular. State Senators were still elected by the property holders. Oppo-



sition to this law was made the basis of the campaign of 1848.\*

It is not known who originated the idea of making free-suffrage the issue. The law had never been popular with the non-landholders. In 1842 a meeting was held in Lenoir county protesting against the property qualification, and a letter was addressed to Louis D. Henry, who was the county's representative in the Legislature. About the same time Green W. Caldwell brought the matter before the Assembly, but it was unfavorably received. Mr. Reid, who was then a member of Congress, had either written or spoken in opposition to the condition of suffrage.† So the issue was not to take the State by surprise. Perhaps it was Stephen A. Douglas who suggested to Holden the new plan for the opposition. All we know is that Holden, before the Democratic convention met, sent a special messenger to bring Reid to Raleigh for consultation. The result was that through Holden's influence Reid received the nomination for Governor. He refused to accept unless a free-suffrage clause was inserted in the platform. The Democrats feared this would cause a division of the party, but finally consented. Perhaps they were urged to accept the amendment by Douglas himself, who was present, and addressed the convention on the national issues "for nearly two hours with a style and force of logic never equalled in that hall, and with such eloquence as drew tears from the eyes of many in the vast multitude about him." Sam Houston, then Senator from Texas, spoke another evening, being introduced as "the laurelled hero of San Jacinto," and of course defended the Mexican war. Among the resolutions adopted was one declaring that "Congress has no control, directly or indirectly, mediately or immediately, over the institution of slavery, and that we are opposed to

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\*"Suffrage in the State of North Carolina," by Prof. J. S. Bassett, Am. His. Ass'n Report, 1895.

†Letter from John Nichols, Esq., Raleigh, N. C.

the Wilmot, Winthrop, or Webster proviso in whatever shape it may be presented." In the same year Holden was the delegate to the national convention which met in Baltimore. The Wilmot Proviso was the principle question before that body. The "Barnburners" favored the Proviso and thus "opposed the constitutional rights of the South." The "Old Hunkers" fought the measure. Holden favored the non-interference with slavery in the territories.

The campaign was fought in a most energetic manner, with Holden at the press and Reid on the stump. The result was that Charles Manly, the Whig candidate, was elected by the small majority of 854. The Democrats were greatly encouraged. From this time Holden was recognized as a great political leader. In 1850 Reid and Manly were renominated. So strong was the sentiment in favor of free-suffrage that Manly refused to make it the Whig issue. Reid was elected by two thousand majority and the Whigs never again controlled the State. In 1852 Reid was re-elected. He is the only one who has ever been candidate for Governor three times in succession. Vance was thrice a candidate, but not in succession. Free suffrage, after a long fight in the Legislature, triumphed in 1854.

From this time till 1860 the State was under the control of the Democrats. Interest centers not in State politics, but in the National issues. Holden was an ultra-Southerner, a follower of Calhoun, and every editorial on slavery indicates directly or indirectly the condition of public sentiment. In 1849 Holden was among those who advocated a Southern Assembly to express formally the South's position on slavery, believing that to be the "only course to preserve the Union and save the State from accumulated aggression and insult."

"We speak as a citizen, not as a partisan. We love the Union, but we love North Carolina, her vital interests and her untarnished honor more. We would surrender all but these to preserve the Union; surrendering

these, we should announce our willingness to see the State a victim of consolidation and absolute sectional power, and should prove false to our native land."

In commenting upon Calhoun's last speech in the United States Senate, he says too much stress is laid on the balance of classes, the "equilibrium" between the States, and regards the allusion to a constitutional amendment recognizing slavery as unfortunate, for the people have always contended for the constitution as it is, fairly, equitably, and honestly administered. In 1851 he thus expresses his conception of secession :

"We hold the right of secession as an original, pre-existing, reserved sovereign right; that whenever the Constitution is palpably violated by Congress or whenever that body fails to carry out the plain provisions of that instrument when required to protect Southern rights, the Union is dissolved, and that by a sectional majority"—not until then has the State the right to look to "a separate, independent existence." He calls on Legislature to pass resolutions demanding rights of the State and settlement of slavery.—(*January 15.*)

In 1854 appeared this editorial on the growth<sup>d</sup> of abolitionism :

"We verily believe that the worst spirit now out of perdition is the spirit of abolition. It is a compound of ignorance, bigotry, envy, hatred and all uncharitableness. It professes to know even better than the slave does what is best for his own good, for in his case as in others the slave was torn from the owner and forced into freedom."—(*September 6.*)

In the meantime the ranks of the Democrats were dividing into two wings. The movement culminated in the convention of 1858. Col. Edward Cantley, a friend of Holden, arose and moved that as the Democracy of the State was present, the convention resolve itself into a mass meeting and nominate candidate for Governor. Holden and Judge John W. Ellis, of Rowan county, were rivals for the nomination. Holden was undoubtedly the choice of the rank and file, but Ellis received the nomination by a small majority. Moore says the party recognized Holden's ability, but disliked his agrarianism and distrusted his good faith. Such a statement is misleading. Holden's

good faith could hardly be questioned, for he had revolutionized the politics of the State. When he took charge of the *Standard* the Democrats were in the minority and were regarded as "scalawags," for they were opposed to all internal improvements and to progress in general. He changed the attitude of the party in 1848 not only in regard to free suffrage, but he was instrumental in securing the appropriation for the North Carolina Railroad. From this time the Democrats were recognized as the advocates of internal improvement. When the Know Nothing party appeared and threatened a dissolution of his party, Holden remained faithful, and through his efforts the State was saved from the domination of that movement. Perhaps the real cause of his defeat in 1858 was social, not political. He had always been the friend of the common people and took advantage of every opportunity to destroy the aristocratic influence that had prevailed in the State since colonial times, as his policy in 1848 towards suffrage and in 1860 towards taxation demonstrate. In this sense only was he agrarian. That the division of 1858 was social may be verified by the following from the *Raleigh Register* :

. "The lawyers and upper crust generally are for Ellis, while the unwashed multitude are for Holden. We think he is entitled to the nomination and are of opinion that it would be a burning shame if one who has spent his life in making great big men out of the very smallest sort of material should be refused the reasonable reward which he so urgently seeks."

Be these things as they may, Holden firmly believed that his defeat was due to the unfair schemes of his enemies. He does not publish the proceedings of the convention and little is known of the transactions of that body. He supported Ellis, who was elected. But the convention of 1858 marks one of the critical points in Holden's career and so is an important event in the history of his party.

## PART II.—SECESSION AND PEACE MOVEMENT.

The year 1858 was one of the most critical in the history of the Democratic Party in North Carolina, for it marks the beginning of that disintegration of party unity which proved so disastrous in 1860. The rivalry of Ellis and Holden is not the only omen of the impending crisis. Col. Duncan MacRae opposed Ellis for Governor, differing with the majority of his party in regard to the distribution of the proceeds of public land sales. In the same year Moses A. Bledsoe, of Wake County, introduced a new issue into the politics of the State. The only tax on slave property was a poll of forty cents. Originally the amount of this tax was the same as that on three hundred acres of land. Many changes of course had been made, as any effort to regulate taxation by a land basis must prove a failure so long as the value of land varies. In 1858 the tax on real estate was twelve cents on each valuation of three hundred dollars. This law was unpopular with the small land holders: it was claimed that the proportion of revenue yielded by the land owner when compared with that assessed on slave holders was excessive. In Wake county Mr. Bledsoe was a candidate for the Democratic nomination to the State Senate. He was opposed to the existing condition of taxation and advocated an *ad valorem* system, demanding that slave property be taxed on its face value. As most of the slave owners were Democrats, he lost the nomination, but opposed the regular nominee, Geo. W. Thompson, on an independent ticket. Mr. Bledsoe, after one of the most brilliant campaigns in the history of the State, was elected. Mr. Holden, though at heart in sympathy with the *ad valorem* men, remained true to his party and opposed the measure and its advocates. But in 1859 a *Standard* reporter was refused admittance to a Democratic meeting in Raleigh. The division in the party was deeper than conformity to platform clauses could mend.

These dissensions led Holden to consider the tendencies

of those doctrines which had actuated his party for so many years. The result was that from 1858 to 1860, the National issues are not so prominent in the "Standard" editorials, and in the latter year Holden, who had been regarded as an "extreme Democrat of the Calhoun school," renounced his previous professions and appeared as an open enemy to secession and friend to the Union of the States. This second change of party affiliations naturally brought upon him the condemnation of his former allies. But in this act of apparent perfidy he shows himself to be a most careful and and profound student. He is in many respects the Talleyrand of North Carolina politics. Like the French statesman, he entered life under many disadvantages, renounced the associations of his youth, and was one of the leaders in that social as well as political revolution which destroyed the old regime and placed all citizens on a common basis of suffrage. Within a few years he had become the leading political diplomatist of his State: and now that he had taken the important step of adopting a new policy and principle, he might say Talleyrand-like, that he never deserted his party till it had deserted the true interests of the Nation for those of a section, that he neither served this government or that, and never considered the interests of any party before those of his country. But this change was not, from a party standpoint, so radical as that of 1843, for many of the Democrats besides Holden were true Union men, and always declared that they represented the real Democratic Party and that the secessionists were the bolters. Yet secession was the logical conclusion of the Democratic platforms of the past, and members of that party were the authors of the Confederacy.

In 1860 Governor Ellis was renominated for office by the Democrats. Mr. Holden abandoned his previous attitude towards taxation, and joined the *ad valorem* wing of that party. John Pool was nominated in opposition to Ellis, but was defeated. The cause of *ad valorem* taxation was

lost in the Union, but it became the legal system for slave taxation during the Confederacy.

In the same year Mr. Holden was one of the North Carolina delegates to the famous Charleston Convention. The account of the proceedings of that assembly, taken from his private memoirs, not only describes North Carolina's position on the great issue of that time, but is also a valuable sidelight on the condition of feeling throughout the South. It proceeds as follows:

“In the winter of 1860-'61, a State Convention of the Democratic Party was held in Raleigh, and delegates were appointed to a National Convention to be held in Charleston, to nominate candidates for President and Vice-President.

“The delegates appointed to represent the State, were: Bedford Brown, William S. Ashe, Waightstill W. Avery, and W. W. Holden. I travelled to Charleston with Hon. Bedford Brown. I found Hon. R. P. Dick there already.

“And here commences a most important sketch of my history. I had been acting for a long time with the States Rights Party, (not of the Yanceyites) but was in accord with Jackson, Van Buren, and Bedford Brown. I was a State delegate and had a right to speak for the State with Messrs. Ashe, Avery, and Brown. I was jealous for the so-called rights of the South, on the question of slavery, and greatly concerned at the apparently impending election of a sectional candidate for Presidency. But I was not a Secessionist nor a Revolutionist. I was strongly attached to the Union of the States, and felt myself to be a *National* man. But for what I saw and heard, I might have gone with my party and been a Secessionist.

“When I reached Charleston I was taken aside by a friend in whom I had full confidence, who said, ‘Holden, I know you want to do right; I have been here for a day, and I have information of a purpose on the part of some of our Southern friends to dissolve the Union.’ I was

greatly surprised and concerned. He said to me, 'I give you to-night to listen and learn, and in the morning tell me what you think, and what your purpose is.'

'The night of the day on which we all reached Charleston, we held a meeting in our delegation room and Mr. Senator Bayard of Delaware presided. A motion was made to appoint a committee from our delegation to visit the Southern delegations, and confer with them, mainly because some of them were natives of North Carolina. This motion was opposed by Bedford Brown, R. P. Dick, and myself, and voted down. We maintained that it would be a sectional act and under the circumstances would be improper. And there I saw the cropping out of the purpose of which my friend had just warned me. Colonel Bedford Brown had just said to me, 'Mr. Holden, our delegation has very properly decided not to send officially any one to visit the Southern delegates, but we can go as individuals to a great meeting to be held to-night, near this place on Charleston Street. I propose to go, will you go?' William A. Moore of Edenton was standing by, and said he would go too. The meeting was held upstairs in a very large room which was filled. I heard several speeches and they were all for disunion, save the short speech made by Colonel Bedford Brown. Mr. William L. Yancey of Alabama spoke first, for a considerable time. He was followed by Mr. Glenn, Attorney General of Mississippi. Colonel Brown then took the floor, being called out by Mr. Glenn who was his kinsman. He made a conservative Union speech, and was interrupted, and scraped, and laughed down. An Arkansas Militia General whose name I have forgotten, and who was unknown in the conflict between the North and South, replied to Colonel Brown, and ridiculed his views, amid general and vehement applause. Colonel Brown then turned to me and said, 'Mr. Holden, let us shake off the dust from our feet, of this disunion conventicle and retire.'



“We returned to the Charleston Hotel, and very soon a large crowd with a band of music appeared at the front of the hotel. Speaking was going on at various points, and presently, some bold fellow in front of the hotel shouted, ‘Three cheers for the Star Spangled Banner!’ and fled for his life. The reply was from the crowd, ‘*Damn* the Star Spangled Banner, tear it down.’

“The next morning I told my friend who had warned me of the danger of disunion, and of bolting the body, that my mind was made up, and that I would stand by the American Union at all hazards and to the last extremity. A few days afterwards while the vote was going on, and while South Carolina and Georgia and Mississippi and Florida and Arkansas and other States south of us were bolting, another friend of mine, Mr. R. C. Pearson, of Burke, approached me from the rear, and said to me most earnestly, ‘You must make a speech and hold our delegations against going out.’ He had come for me through the Virginia delegation who sat in the rear, ‘For’ said he, ‘from what I have heard, if our delegates go out, Virginia will go out also, and the Convention will be broken up.’ I said, ‘Mr Pearson, I am not in the habit of speaking very often—there are 600 delegates here, and a vast audience besides—it would be a piece of assurance on my part, to attempt to address this body at this time, especially amid this excitement, with Mr. Cushing, the President of the body, hostile to Mr. Douglas and his friends I can’t get a hearing.’ ‘Yes you can,’ said he, ‘I will go around and speak to the Indiana, the Illinois and the Ohio delegations, and ask them when you arise to speak, to insist on North Carolina being heard.’ I then told him I would try as soon as Mr. Seward of Georgia took his seat. I arose and said, ‘Mr. President, Mr. Holden of North Carolina.’ Mr. Cushing sat for twenty seconds and did not recognize me. Then the States mentioned arose and demanded in a voice of thunder that North Carolina be

heard. Mr. Cushing arose and bowed, and gave me the floor. I spoke for ten minutes. I told the Convention I had been sent there by the State of North Carolina, one of the four State delegates; that I could not be a party to any steps looking to disunion; that my party had sent me to maintain and preserve, and not destroy the bonds of the Union; that by an immense majority the people of my State, with *George Washington* the Father of the Country, would frown indignantly on the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which link together the various points."

In his editorials on the Convention he gives further emphasis to the position of North Carolina:

"If North Carolina had gone out, or even waived, the middle States of Virginia, Tennessee, Maryland, Kentucky and Missouri would have followed her example and only the non-slaveholding States would have remained. This would have rendered the Charleston Convention a sectional body without authority to adjourn as a National Convention. The party would therefore have gone to pieces at Charleston, having no common basis on which to re-construct or re-unite its disjointed party. By her firm stand, North Carolina saved the party, and to that extent contributed to save the Union."\*

On Holden's return from Charleston, he attended the meeting of the Wake county delegates assembled to nominate candidates for the Legislature and addressed them "in most earnest terms against Secession and disunion." Resolutions agreeing with his sentiments were adopted by the Convention. "Only one man of that large body voted for disunion."†

In June, Mr. Holden was one of the State's delegates to the Second National Convention of the Democrats which met in Baltimore. Again sectional strife dominated the National interests of the party. The Southern extremists bolted, and nominated Breckenridge of Kentucky for the Presidency; while the Convention supported Stephen A.

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\*May 16, 1860. †Memoirs (unpublished.)

Douglas. The North Carolina delegates were divided, some joining the Secessionists, but Holden maintained a neutral position.

"We declined to secede at Baltimore, but out of respect for the opinions of the fifteen delegates who did and because of the impending elections at home . . . we declined to act or to vote, after the President of the Convention and so many of colleagues had retired. If we had voted at all, we would certainly have voted for Stephen A. Douglas."

The Charleston and Baltimore Conventions were forcible object lessons of those principles which soon plunged the Nation into war. Mr. Holden's policy in those critical months was temporising. He bitterly opposed the Secessionists, but the idea of a moral union never appears in any of his editorials. He held to the old compact view of the Union.

"We believe that the Constitution adopted by the people in 1798, established a government of delegated powers; that the States parted with only so much of their sovereignty as was necessary to render this government efficient as a common agent; that the powers not delegated were reserved to the States respectively or to the people; and that if this government should violate the Constitution and attempt to oppress or injure the minority, that the majority thus controlling the government and violating the Constitution, will have committed a revolution; and that in such an event the majority States would be released and would have the right to secede from the majority and establish a new Federal Union, or to take any other steps which they might deem necessary to their protection, prosperity and happiness."

He declared that a battle was at hand "between the people on the one hand and privileges on the other: between Union and Disunion;" that as yet there is no cause for secession and he "who would deliberately dissolve and destroy the National Democratic party while it stands upon its old and well-known doctrine of non-intervention has but one more step to take to become a disunionist"\*

Such being his interpretation of the Constitution, he recognized Douglas as the regular nominee of his party, but in the campaign he supported the Southern ticket on these

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\*July 11, 1860.

conditions: "That the electors will vote for the strongest man, Breckenridge or Douglass as the case may be, against Lincoln. That is, if the vote of this State will elect either of them over Lincoln, or will put either of them in the House, it is to be cast accordingly. But if the vote will elect neither, nor put either of them in the House, the electors to vote as they please."\*

The election of Lincoln hastened the National crisis and made secession more imminent. Though the defeat of the Democrats was the victory of the non-slaveholding section, Holden still supported the National Government, refusing to regard Lincoln's election as a cause for the withdrawal from the union of the States. Speaking of the "hounds of power," "the fire eaters" who will attack North Carolina and try to force her to secede, he says:

"Let them come. We will receive them with hot shot from this old Democratic battery, and send them howling to their masters. We shall stand like a rock against both disunion and submission. We shall call on the people to come to the rescue. . . . Let them say to the fire eaters, thus far but no farther. Let them tell their representatives that no consultation with other States is necessary, if it be their determination to remain in the Union and give Lincoln a trial."

When South Carolina seceded, and the other cotton States were about to join her, he declared that North Carolina's position was not weakened but strengthened, and called on the border States to intercede and prevent war.

"Let Tennessee, Kentucky, Missouri, Maryland, Delaware, Virginia and North Carolina, stand where they are, so as to be in a situation to act as mediators between the North and the South. It may be that the glory has been reserved for these Middle States of reconciling with each other brethren of extreme views, and of thus preventing the final overthrow of our system."

On January 1, 1861, the Legislature passed an act which declared "that the sovereign people of the State should assemble in convention to effect an honorable adjustment of

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\*August 15, 1860.

the difficulties, whereby the Federal Union is endangered, or likewise to determine what action will best preserve the honor and promote the interest of North Carolina." The time set for election of delegates was in February, but whether the convention should ever assemble was to be decided by the people. George E. Badger, Quenten Busbee, and Holden, were Union candidates for Wake county. Party lines were disregarded and the people voted against the convention. The Union sentiment predominated in North Carolina.

In April news arrived of the bombardment of Fort Sumter. Although Holden disapproved of South Carolina's action, he maintained that the Union could not be maintained by force, and that if President Lincoln should attempt to suppress the seceding States by force, he would by his voluntary action abrogate the Union. Now, more than ever, the mission of the border States was to maintain peace. "If they cannot check and control the two extremes, no other power can." The war proclamation was soon issued, the last link that bound the South to the Union was broken.

"The proclamation of Lincoln . . . has completed the sectionalism of the country. . . . The Union cannot be maintained by force. Men cannot be whipped into freedom. . . . The proclamation of Lincoln is a gross usurpation. He has broken the Constitution. He has assumed and is now exercising unrelegated powers. . . . The Confederate States have grievously erred—they fired the first gun at Charleston—they provoked the war. Admit all this, and still there is no justification for an attempt on the part of Mr. Lincoln to involve the whole country in war and bloodshed. . . . Unchain the tornado and then bid it become a zephyr! Command Niagara to freeze as it falls—civil wars are the worst of all wars."

To border states—"We must unite and command the peace if possible; if we fail in that, *we must fight.*"

On May 1st, the Legislature passed a second act calling for a convention to assemble in Raleigh on May 20th. The meeting of this convention was not subject to the will of the people. The delegates met on the appointed day and ordinances of secession were adopted. Holden is said

to have fixed his signature to the Secession document with a gold pen purchased for the purpose and to have exclaimed, "This is the greatest act of my life."

The Secession convention was the occasion of a re-forming of political affiliations. The Whigs who had opposed the war to the last extremity, such as Badger, Graham, and Vance, united with Holden and the Union Democrats, and were designated Conservatives. The original Secessionists and their followers were still known as Democrats. An extended discussion of the history of these parties is not necessary. The war absorbed the attention of all for the next two years. In August, 1862, Colonel Zebulon Vance was elected Governor by the Conservatives over Colonel William Johnston, of Charlotte, the Democratic candidate. Holden was an ardent supporter of Vance, was influential in securing for him the Conservative nomination, and on the day of inauguration the Governor-elect privately submitted his address to Holden's criticism. There was apparently perfect harmony among the people regarding the war until the summer of 1863, when not only the State Government, but also the whole Confederacy, was thrown into confusion by what has been called the "Peace Movement." This has been greatly misunderstood, and its leaders too unjustly condemned. It was but the popular expression of a desire for peace which was not unknown in the councils of many of the leading Confederate statesmen. In fact, the principal differences between the Peace Party in North Carolina and other advocates of cessation of hostilities, were that the former (1) had its genesis in personal grievances of the people against the Confederate administration, and (2) its leaders were more pronounced and radical as to the measures to which the authorities should resort to secure peace.

The movement was spontaneous in its origin. It spread like wild fire throughout the State in August and September, 1863, and it produced, in the short time of eight

weeks, one hundred meetings that condemned the Administration and demanded peace. It was the result of an inefficient central government and of the gradual occupation of Southern territory by the Federal army. Holden was its acknowledged leader, though he denied that the demand for peace was first made by him. The Conservatives and Democrats united for the suppression of the new party. Perhaps the ablest statements concerning the conditions of North Carolina politics at this time are to be found in the Hillsboro *Recorder*, articles transcribed from the Fayetteville *Observer*, a Conservative organ, and from the *Standard*. A consideration of the arguments of these papers reveals the real condition of the Confederacy from the point-of-view of contemporaries and so gives the most adequate view of the claims of the peace men.

“When our people separated from the Federal Union and united themselves with the government at Montgomery,” says Holden, “they did so in the belief that men of all shades of opinions would thenceforth be political equals, and that the form of government adopted would be so administered as to preserve the rights of the sovereign States and protect free expression of thought and opinion. In this they have been grievously disappointed.” Party lines should have been laid aside and the energies of all directed against the common enemy. The Administration failed to appreciate this necessity and the central government became extremely partisan. No citizens who did not regard Lincoln’s proclamation as ground for dissolution were admitted to the Cabinet, and in the words of Mr. Hale, the editor of the *Observer*, old Whigs as Badger, Graham, Vance, Gilmer, as well as Holden and the Union Democrats, were denounced as “faithless to the South, opposed to the war, and in favor of reconstruction.” Holden says that those who protested against the partisanship of the Richmond authorities were threatened with a “hideous mark” which should disgrace them and their

families. In 1862 the *Observer* was charged with favoring the Union because Mr. Hale supported Vance.

This was the basis of discontent; but there were other more immediate causes. First, the rights of the States and liberty of citizens were infringed. When North Carolina seceded the individual States were the masters of the new system. But now war is no longer voluntary, "the conscription and tithing laws leave nothing to the States, but the central government takes our fighting men with one hand, and the tenth of our substance with the other." The Richmond authorities, in addition to recruiting those of legal age for war, often impressed into service men over forty years of age, and so arranged that what little produce was raised in the various States should all be taken to provide for the army. "Seizures of persons and property," he continues, "have become as common as they are in France or Russia. Personal liberty has been made dependent on the mere will of any officers appointed by the President. . . . Our courts, when they have interposed to protect these unfortunates and to uphold the law, have been disregarded in many instances and their integrity reflected on in gross terms by the war department at Richmond."

Financial depression was another grievance. The Confederate currency was gradually repudiated. In one instance a Cabinet officer refused to accept the legal tender of his own government. Ten dollars in gold would buy one hundred in Confederate Bank notes. When the Confederation was formed, President Davis was urged to buy cotton and make it the basis of supplies and currency, and then call for 500,000 volunteers. Instead he ordered 15,000 stand of arms and borrowed \$15,000,000. Also the State governments were in debt. North Carolina's was one-tenth the value of the entire State if sold for cash.

But that which aroused the greatest resentment was the treatment of North Carolina troops. She furnished more



than her quota of men, who fought in the war in every engagement and were then denied their merited praise. Officers from other States were appointed to command them and when native North Carolinians were promoted they were of the same political affiliations as the Administration. The "crowning outrage" was reached when Major Bradford of Virginia was appointed to collect tithes in North Carolina. "This led to the first public meeting in the State."

Other charges against the Government were that the people had been deceived by the idea that cotton would insure success, and that France or Europe would interfere. The loss of the Mississippi was attributed to the inability of "pet Generals." "Our armies are not materially increasing while our enemies are recruiting from twenty million people," besides the European immigrants. Finally secession was brought about by a few politicians. The "people did not desire to secede;" they were willing to try Lincoln to see if the body of the people would not restore the nation. But the precipitation of the Southern States and Lincoln's cruel policy would not allow this. North Carolina was therefore compelled to fight against her will. This was an able argument and its validity was recognized by the Conservatives as well as the "Peace" men. The Union sentiment in North Carolina was stronger than in any other Southern State with the exception of the "border States." Madison county, in proportion to her population, contributed more men to the army than any other county in the Union. In September 1864, Governor Vance, in a letter to a friend, said: "The *great popular heart* is not now, and never has been in this war. It is a revolution of the *Politicians*, not the people; and is fought at first by the natural enthusiasm of our young men, and has been kept going by State and sectional power, assisted by that bitterness of feeling produced by the cruelties and brutalities of the enemy."

The great result of this maladministration, says Mr. Holden, is that "slavery has suffered more injury during the last two years than would probably have befallen it in the long sweep of fifty years under the old Government. The peculiar champions of the institution have placed it, we fear, on the high road to extinction. And just here, we beg leave to say to the *Observer*, is the source of one of the most serious apprehensions of the people. The sudden emancipation of our slaves in our midst would be the greatest blow which could be inflicted on Southern society. It would ruin this generation beyond redemption and its effects would be seen for ages to come. Nor would this ruin be partial. It would ruin the non-slaveholders as well as the slave holders and finally the slave himself. Subjection, if it should be in reserve for us, would be emancipation." Hence the people desire something better than subjection in the last resort. Peace cannot come through the Confederate Government for Lincoln will only treat on an unconditional surrender, and the Confederate Administration has sworn never to yield except independence be granted. But if Mr. Lincoln will not hear the Confederacy, he might hear sovereign States. Co-operation might be accomplished among the States, war cease, and the questions at issue be left to Statesmen to settle. This would not depress the soldiers; they would fight better when they knew that the people at home were working for peace. The old form of government is not to be desired; but peace would be far more acceptable than the present condition of Mississippi and Louisiana.

These arguments of the Peace men could not be refuted. Mr. Hale, in defence of the administration, could only charge the agitators of being friends and relatives of deserters and non-slave holders, who believed the war was waged against slavery, and consequently were out of sympathy with the Government because it involved destruction of property. This is a plausible explanation

but is not satisfactory when the various locations of dissatisfaction are considered. As before said, there were one hundred Peace meetings. These were held in all parts of the State, especially in the Central and Western regions. Transylvania, Buncombe, Watauga, Wilkes, Yadkin, Forsythe, Guilford, Henderson, Rutherford, Alamance, Iredell, Davie, Rowan, Cabarras, Randolph, Mecklenburg, Stanley, Moore, Wake, Granville, Nash and Wayne were some of the counties in which mass meetings were held reproaching Davis and his cabinet and calling for overtures for peace. In Wayne the dissatisfaction was so great that the women of the county convened and protested against the devastations of their homes produced by the ineffective policy of those who controlled the Government. The disaffection was not local but spread to the army. In order to check it the officers held anti-Holden meetings and finally the *Standard* was not allowed to be circulated among privates. The following is a letter to Holden from a soldier at Kinston:

"The meeting held in this city to act on your course was composed of officers and privates, but the privates had no part in it. They were present, but they did not dare say anything. If the privates could have voted their sentiments, two-thirds of them would have endorsed your views. The soldiers are mad to think that they have got to be represented as being against the *Standard* when it is not so. All they wish is a vote by ballot. . . . We in the 42d are deprived of the privilege of reading the *Standard* unless we do it slyly, as the Colonel has forbidden them to be brought into camp."\*

Another writes and asks Holden not to show his letter or use his name—for if the officers were to hear of his letter they would punish him. Letters also came to the *Standard* office from soldiers in South Carolina and Georgia. But Holden always denied that he favored desertions in the army. His motto was to fight with one hand and bear the olive branch in the other.

Holden and his followers were bitterly condemned by

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\**Standard*, September 3, 1863.

both Conservatives and Democrats. In Charlotte the people burned him in effigy. In September, 1863, a company of Georgia troops passing through Raleigh attacked the *Standard* office, destroyed the presses, and Holden himself was only saved by the intervention of Governor Vance. The next day the Peace men retaliated by demolishing the office of the *State Journal*, the Administration organ. They in turn dispersed at the request of Vance. Vance's official letter to President Davis explains the event in detail:

September 11, 1863.

"The country is in a dangerous excitement and it will require the utmost skill and tact to guide it through safely and honorably. The soldiers who originated the mob belonged to Benning's Brigade and were led by their officers, several of whom I saw in the crowd, but heard none of their names except a Major Shepherd. I have also reasons for believing it was done with a knowledge and consent of General Benning, as he remarked to a gentleman an hour or two previous that his men had threatened it. During its continuance he could not be found, a messenger sent by me to his supposed quarters at the depot was refused admission to him, and although he had ample opportunity after the occurrence to have seen or written to me disclaiming this outrage upon the honor and peace of North Carolina, he did not do so."

The Peace men were largely discontented Conservatives. When Vance was made Governor in 1862, it was understood that he was not in sympathy with President Davis and his policy. But Holden declares that in "August and September, 1863, after he (Vance) had visited Richmond and talked with Mr. Davis he fell into new and curious ways. In a word, he left entirely the thousands upon thousands who had made him Governor and placed himself at the head of the Secessionists of the State." This was admitted by all the Conservatives, for Mr. Hale says in his article elsewhere referred to that now (1863) Governor Vance has an understanding with Mr. Davis and there need be no further dissatisfaction with the Administration.\* Early in 1864 the Confederate Congress passed

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\*Governor Vance publicly expressed his change of attitude toward Davis in a speech at Wilkesboro.

an act suspending the writ of *habeas corpus* in certain cases, among which were the following:

I. Of treason or treasonable efforts or combinations to subvert the Government of the Confederate States.

II. Of conspiracies to overthrow the Government, or conspiracies to resist the lawful authority of the Confederate States.

III. Of persons aiding or inciting others to abandon the Confederate cause, or to resist the Confederate States, or to adhere to the enemy.

How far these clauses were directed against the Peace advocates remains unknown. Mrs. Spencer tells us that "Mr. Holden deemed it prudent to suspend the issue of his paper for two months in the spring of 1864, in consequence of the act suspending the writ of *habeas corpus*." But the *Standard* did not suspend issue till after the elections of 1864.

On February 10, 1864, a mass-meeting of the discontented was held in Raleigh, and resolutions were adopted requesting Josiah Turner, one of North Carolina's representatives in the Confederate Congress, to have the writ of *habeas corpus* put in force again, and also recommended Holden as candidate for Governor in the coming elections. "That as Governor Vance has voluntarily and for reasons best known to himself, made his bed with the destruction leaders, we are indisposed to go over to that side of the house to remove him to his former place. His attempt to transfer his old friends to the support of the Destructives, and his wretched jokes at a time like this, when our people are almost literally bathed in blood and tears, in the midst of their sacrifices and sufferings, will neither add to the dignity of his office nor convince the judgment of his hearers. We shall vote against him with as much good will as we voted for him two years ago." This document was signed by Lynn Adams, chairman; D. A. Wicker and J. N. Bunting, secretaries. Vance was re-elected by a

large majority. The Peace meetings were finally suppressed by force, and the defeat of 1864 marks the culmination of the movement. But until the close of the war there remained a disconted element in the State.

It remains to consider the grievances of the Peace Party as viewed by the Conservatives and other supporters of the Confederacy. The causes of this discontent were not charges trumped up by enemies of the South. The conditions of the government were just as the *Standard* portrays them, and they caused both Vance and Davis much trouble. The following extracts from Vance's letter-book corroborate the claims of the Peace men :\*

#### I. CONSCRIPTIONS.

RALEIGH, N. C., January 26, 1863.

*Hon. James H. Seddon, Secretary of War, Richmond, Va. :*

SIR:—I had the honor to complain to His Excellency the President and your immediate predecessor, Mr. Randolph, in regard to the manner of enforcing the Conscript Act in this State, and of disposing of men in regiments during the month of October last. I am compelled again, greatly to my grief, to complain of the appointment of Colonel August as Commandant of Conscrips for North Carolina, who has recently assumed command here.

Merely alluding to the obvious impropriety and bad policy of wounding the sensibilities of our people, by the appointment of a citizen of another State, to execute a law both harsh and odious, I wish to say, sir, in all candor, that it smacks of discourtesy to our people, to say the least of it. Having furnished as many (if not more) troops for the service of the Confederacy as any other State, and being, as I was assured by the President, far ahead of all others in the number raised by the Conscript Law, the people of this State feel mortified in seeing those troops commanded by citizens of other States, to the exclusion of the claims of their own. This feeling is increased and heightened into a general indignation when it is thus officially announced that North Carolina has no man in her borders to command her own conscrips. While scores of her noblest sons and best officers are now at home with mutilated limbs and shattered constitutions."

*To Jas. H. Seddon, Secretary of War:*

"Gen. Pillow has sent a detachment of cavalry into Western North Carolina to enroll and arrest conscrips without the shadow of law and in defiance of the proper authorities. . . .

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\*July 6, 1863. Disapproves of the appointment of Bradford as Tax Collector for North Carolina. Also officers speculating privately.

“Please order it stopped through Col. Collart, of Greenville, Tenn., or there will be resistance and bloodshed.

“Raids by cavalry bands in the west were another abuse that made the people restive. People were arrested by Confederate soldiers from other States. At another time a young man by the name of Axby, in Cherokee county, was carried off by some Georgia troops. ‘As such proceedings can not be tolerated for a moment, I have issued orders *pendante dite* to the State officers of that county to call out the militia and shoot the first man who attempts to perpetuate a similar outrage without the Marshall of that district.’ ”

March 25, 1863.

“If God Almighty had yet in store another plague worse than all others, which he intended to have let loose on the Egyptians, in case Pharaoh still hardened his heart, I am sure it must have been a regiment or so of half armed, half disciplined Confederate cavalry. Had they been turned loose on Pharaoh’s subjects with or without an impressment law, he would have become so sensible of the anger of God, that he never would have followed the children of Israel to the Red Sea. No, sir, not an inch . . . unless something can be done, I shall be compelled in some sections to call out my militia and levy actual war against them.”

In December 1863, Gov. Vance made the following recommendation to President Davis, concerning the attitude of the Government toward the peace agitators.

“After a careful consideration of all sources of discontent in North Carolina, I have concluded that it will be impossible to remove it, except by making some effort at negotiation with the enemy. The recent action of the Federal House of Representatives, though meaning very little, has greatly excited the public hope that the Northern mind is looking toward peace. I am promised, by all men who advocate the course, that if fair terms are rejected it will tend greatly to strengthen and intensify the war feeling, and will rally all classes to a more cordial support of the Government. And, although our position is well known as demanding only to be let alone, yet it seems to me for sake of humanity, without having any weak or improper motives attributed to us, we might with propriety constantly tender negotiations. In doing so we could keep conspicuously before the world a disclaimer of our responsibility for the great slaughter of our race, and convince the humblest of our citizens—who sometimes forget the actual situation—that the Government is tender of their lives and happiness, and would not prolong their sufferings unnecessarily one moment. Though statesmen might regard this as useless, the people will not, and I think our cause will be strengthened thereby. I have not suggested the method of these negotiations or their terms. The effort to obtain peace is the principle.”

In reply to this Mr. Davis said that he had made “three

distinct efforts to communicate with the authorities at Washington," and each had proved unsuccessful. "The attempt again to send commissioners or agents to propose peace, is to invite insult and contumely, and to subject ourselves to indignity without the slightest chance of being listened to." Peace could only be obtained by the unconditioned surrender of the Confederacy, and this was foreign to the councils of both Vance and Davis.

From this correspondence it is evident that both Holden and Vance were dissatisfied with the Confederacy. But Vance favored waging war to its bitter end. There was no hope for a peace on the terms of the Confederacy, and the Southern States were doomed. Holden and the peace men wished to make constant overtures for peace, and when the end was certain, advocated peace on any terms rather than the useless slaughter of the Southern army. Unfortunately those who were contemporaries of the war and have since attempted to write its history, have neglected to treat of Holden and his party. Says Major Moore: "The siege of Petersburg went on, and the sad news of Gen. Early's defeats in the valley came ever and anon to add fresh sorrow and despair to the South, but with a blind and desperate disregard of the situation, no hand was lifted to stay the slaughter or make terms amid so many combatants." Yet a few pages further he condemns the peace men as unfaithful to their country.

To the peace men were attributed all the misfortunes and reverses of the war. A loyal Confederate in his diary makes these charges.

September 25, 1863.

Had Holden and Company done as he did the 4th April, 1861, we would now have been enjoying a blissful peace and separation from the vile Yankee. We could without the loss of all honor and thousands of our best men left to their families, home and country. The blood of these are upon the skirts of Holden and his coadjutors to a more or less degree, I have no doubt. What does he or they care for the soldier he or they have duped when he is tried by court marshall and shot? And many have thus gone leaving a blasting stigma on his home for his friends to inherit."



March 4, 1864.

“The *Standard* edited by Mr. Holden, of Raleigh, has been a schism, etc., from the first and has been the direct causes of many desertions and many executions of our brave soldiers of this State. He has built up what he calls a Conservative party whose members are doing much injury to our cause, particularly in the upper regions of the State, and murder and robbery have in many instances been the result.”

It is impossible to determine in any definite and final terms the influence of the Peace movement, for it was suppressed by the civil and military authorities. Perhaps the mass-meetings were not so great a danger to the Confederacy as they have been regarded. Says Mr. Holden: “I think it more than likely that these meetings were safety valves to the Confederacy; for the people at home, having expressed their views and opinions and finding that nothing could be done to arrest the war, relapsed into their condition of suffering endurance, and ‘waded deeper,’ as Major Moore says, ‘into the crimson flood.’” Whether the efforts towards peace in North Carolina were connected with the similar agitations in the North, remains unknown. However, a gentleman recently told me that he once saw in some war files of the New York *Herald* an article that stated that overtures for peace were constantly expected from North Carolina; and in January, 1864, Vance wrote as follows to a friend: “It is now a fixed policy of Mr. Holden and others to call a convention in May to take North Carolina back to the United States, and the agitation has already begun. Resolutions advocating this course were prepared a few days ago in the *Standard* office and sent to Johnston county to be passed at a public meeting next week, and a series of meetings are to be held all over the State.” When Sherman’s army entered the State the soldiers expected to be well received, for they believed that a Union sentiment prevailed in North Carolina and that her citizens favored peace.

Whatever may be said regarding the Peace agitators, this fact so well stated by Mr. Holden, remains true.

“North Carolina very reluctantly followed her compatriots of the Southern States in resisting the authority of the Union. The chief corner stone of the Confederacy was the right of secession. North Carolina, therefore was a sovereign State, and had a right to do whatever she deemed best for the protection and prosperity of her people.” So the peace movement was another result of those principles that precipitated secession and war. In regard to Mr. Holden's public life, his political relations during the war alienated from him many of those who had been his friends in the early days of the Confederacy. He and his opponents of the old Whig Party were conciliated at the secession convention. But his position from 1863 to the close of the war again separated him from his old friends. The breach was increased and made lasting by the events soon to take place during the days of Reconstruction.



### KING'S MOUNTAIN EXPEDITION.

BY DAVID VANCE AND ROBERT HENRY.

[Continued from Page 35.]

At the time when the news of Cates' defeat reached Colonel Charles McDowell he had detached Colonels Shelby and Sevier to go around Ferguson's camp to dislodge some British and Tories on the Enoree, near to Ninety-Six. He then sent an express to Shelby to take care of himself, for Gates was defeated. Whereupon Shelby made the best of his way around Ferguson, and fell in with Charles McDowell and the main body retreating towards Gilbert Town. Then it was suggested by Shelby that a sufficient force could be raised over the mountains, with the assistance from Wilkes and Surry counties, to defeat Ferguson. This was agreed to by all the officers present. The troops were raised without government orders; each man had to furnish his own provisions, arms, ammunition, horse, and all his equipage, without the value of a gun-flint from the public; without

pay, or expectation of pay or reward, even to the amount of a Continental dollar, depreciated to eight hundred to one. They were all volunteers; they were under no compulsion to go, but each man in advance consulted his own courage, well knowing he was going to fight before his return. They started in a rainy, inclement season of the year, without baggage wagon, pack-horse, or tent cloth, across the most rugged bar of mountains in the State, and almost pathless, having only a hunter's trail to travel, followed Ferguson through all his windings; at length overtook him at King's Mountain, where he boasted the morning of the battle that "he was on King's Mountain, and that he was king of that mountain, and that God Almighty could not drive him from it." There we overhauled him, fought him two to one, hence their fire was double that of ours; yet we killed 287 [247] of them, to 143 they killed of us. Yet the fate of nations and of battles turn on a pivot. Ferguson, a prudent officer, finding himself beset and surrounded on all sides, ordered his regulars, who had muskets and bayonets, to charge bayonet on Major Chronicle's South Fork boys. The regulars having discharged their muskets at a short distance with effect, in turn the Fork boys discharged their rifles with fatal effect and keeping before the points of the bayonets about twenty feet, until they loaded again, when they discharged their rifles, each man dropped his man. This was treatment that British courage could not stand; they in turn retreated with precipitation; then the flag was hoisted, and all was over.

If they had succeeded in the charge, it would have made a pass-way for his army, and they might have turned on our line on the one side of the hill, and defeated us in detail, or have made good their march to Lord Cornwallis at Charlotte, either of which would have been disastrous to the American cause. We had neither a coward or a traitor to face the hill that day. We were the bravest of

the brave; we were a formidable flock of blue hen's chickens of the game blood, of indomitable courage, and strangers to fear. We were well provided with sticks; we made the egg-shells.—British and Tory skulls—fly like union pealings in a windy day; the blue cocks flapped their wings and crowed—“we are all for liberty these times;” and all was over; our equals were scarce, and our superiors hard to find.

Taking the whole campaign, including the battle, I know of no parallel to it in the annals of ancient or modern warfare; the nearest was that of the Grecian Leonidas and his army at the battle of Thermopylæ with the Great Xerxes. Leonidas and his army were found, victualled and clothed at public expense; each individual of our army had to find at his own expense; Leonidas' army were under government orders; we were under no government at all, but were volunteers; Leonidas' army were furnished with arms and camp equipage; we had to find our own arms, ammunition and horses at our own expense; Leonidas' army were under government pay; we were under no pay or reward or the expectation of any; Leonidas' army had choice of ground at the pass at Thermopylæ; our enemies had the boasted choice of ground; Leonidas' army had to fight superior numbers—so had we; Leonidas had never a coward—neither had we any; but Leonidas had a traitor who was his overthrow and destruction of all but one man; we had neither coward or traitor to face our enemy—hence we were successful; Leonidas would have been successful, and have defeated or put to flight the Great Xerxes if he had not had a traitor aboard; Leonidas' defeat was the destruction of the fine country of Greece, and the burning and destruction of their fine city of Athens, the labor of ages. Our success was the salvation of our county and our liberty. There is no parallel here; we will see if there is in modern times.

The generosity and patriotism of the Great Washington

has been justly boasted of; he did not charge the United States anything for his services during the Revolution; he was found his food and camp equipage by the public, and everything else that he stood in need of; his necessary incidental expenses he kept an accurate account of, and they were paid by the public; he was paid for everything else but his military services. This has been justly considered as great generosity and patriotism and ought never to be forgotten. But this flight of the blue hen's chickens threw this into the shade of an eclipse.

Now we will make the comparison. Washington was rich, and had no family to provide for. We were poor and had families to provide for. He was provided with a horse, victuals, clothing, arms, camp equipage and necessary attendance; we had to provide our own horse, victuals, clothing, arms, amunition and blankets at our own expense. He charged nothing for his military services; neither did we charge anything for our military services, nor did we receive anything for them; he fought the battles of our country with success; we did the same. The expedition against Fergurson, including the battle of King's Mountain, did not cost the State or the United States, the worth of a single continental dollar depreciated down to eight hundred to one. It was all done to the expense of bravery of the actors in that transaction. There is no parallel here.

We will take a view of the situation of the country after the defeat of Gates and Sumpter, and before Fergurson's defeat. Cornwallis was in Charlotte with a large army; Rowdan was in Camden with another large army; Leslie was at Winsbororough with a considerable army; Conger at Ninety Six with a large army; McGirt, Cunningham and Brown, each having considerable force, carrying on a savage warfare of murdering, robbing, burning and destroying. George Lumpkin, Ben Moore and others in Lincoln County, the chief of plunderers, Tarleton

and Wemyss having large bodies of dragoons, the best mounted of any that were ever in the United States. For on the fall of Charleston, the British deluged the country with counterfeit Continental bills, sending emissaries through the three Southern States to purchase up all the best horses belonging to the Whigs, at any price. Besides these armies, numerous squads of Tories, wherever they could collect ten or twelve, were plundering, robbing, and destroying the last piece of property they could lay their hands on belonging to the Whigs. To finish the list, Furgurson with about 1,200 men, three-fourths Tories, whose principal business it was to destroy Whig stock. It is to be observed, that more than one-half of their armies consisted of Tories.

This is a statement of facts that needs no proof; they cannot be contradicted or denied, for everybody knows them to be true. This statement does not take into view the garrisons at Charleston, Savannah, Augusta and other places in the lower country, or the numerous bodies of Tories in the lower part of North Carolina, South Carolina, and Georgia completely under British rule, and North Carolina at the eve of it. We had no army in any of the three Southern States, under Government orders, of any account that I know of, except the poor fragments of Gates' defeated army, lying near the Virginia line. Marion's troops were volunteers, for the State, was under British rule. The Mecklenburg Hornets were volunteers from the counties of Rowan, Lincoln and Mecklenburg.

From this state of things, Cornwallis could easily have carried out his avowed purpose of again defeating Gates, and entering Virginia with the most numerous army that had been on the Continent, by calling in some of his needless outposts, and these numerous squads of petty-larceny plunderers, who were raised from poverty to affluence in a few day's plundering, and having still the expectation of further advancement by getting the Whig plantations. If

he had succeeded the patriotic State of Virginia would have had to contend with him and his army almost single handed, for it could have received little aid from the conquered States, and but little from Washington, or the Northern States, as they had their hands full with Clinton and his New York Tories. This was the most disastrous period for Liberty and Independence from the time of its Declaration to the end of the war. Liberty and Independence were then shrouded in Egyptian darkness. Furgurson's defeat was the turning point in American affairs. The battle, extraordinary as it was, was not more extraordinary than its effects were.

Cornwallis on hearing that Furgurson was defeated immediately dropped the notion of defeating Gates and entering Virginia with a numerous army, being already galled by the Mecklenburg hornets, was panic-struck to think that he would, alas! have, at the same time, to encounter the gaffs and spurs of the blue hen's chickens as soon as he could filch a few days' provisions from under the wings of the Hornets, took night's leave of the Hornets' nest, lest he should disturb the wasps, made a precipitate retrograde march, stopping neither night nor day until he joined Leslie at Winnsborough.

Instantly after Fergurson's defeat, McGirt, Cunningham and Brown quit their robbing, murdering, burning and destroying, and played the game of "the least in sight," and "shut mouth" into the bargain. Lumpkin, Moore and company fled to Nocachey; the petty larceny squads of Torys began to seek their hiding places and holes, like rats and mice when the cat would make her appearance. When Generals Green and Morgan came from the North with all the force that could be spared from that quarter, with the fragments of Gates' defeated army—the brave and cautious General Morgan found that he was unable to fight Tarleton, fled before him, until Williams troops, being chiefly South Carolina and Georgia refugees, who

fought under Williams at Fergusons' defeat, and the other troops who lived on the east side of the mountains, who fought at the same place—heard of Morgan's retreating before Tarleton, and rushed to his assistance. Being thus reinforced, General Morgan turned about, and defeated Tarleton at the Cowpens; General Green had to retreat before Lord Cornwallis until reinforced by the Mecklenburg Hornets, composed of volunteers from Rowan, Lincoln and Mecklenburg counties. Green turned upon Cornwallis, and at Guilford made an equal fight—neither having the victory. How would it have been with Generals Green and Morgan if Ferguson had not been defeated? Tarleton's force would have been greatly increased, and Cornwallis' army would have been more than double the number that appeared on the field of battle at Guilford. All then that Morgan and Greene could have done would have been to retreat and keep out of their way, and permit Cornwallis, agreeably to his avowed intention, to have entered Virginia with the most numerous army that had been in the field since the commencement of the war. Virginia would then have had to contend single-handed with that formidable force, with the assistance of General Greene.

In short, Ferguson's defeat was the turning point in American affairs. The loss of this battle would, in all probability, have been the loss of American Independence and the Liberty we now enjoy. I never on any occasion feel such dignified pride as when I think that my name counts one of the number that faced the hill at King's Mountain the day of that battle. Others may think and speak disrespectfully of that transaction who are in favor of monarchy and individual oppression; but that is not Joseph McDowell, nor you, my friend Bob.

I have written down my narrative, and General McDowell's reply to Musentine Matthews, which he delivered to the boys at the head of the Round-About on the Stone



Mountain, as nearly as memory would serve. Thinking that reading it might fill up a blank in your leisure hours, reflecting on the situation of the times to which the recited facts refer. Your friend, D. VANCE.

I will now relate a few facts relative to the battle at King's Mountain that came within my own view, and not related by Colonel Vance. In Vance's narrative, he refers to Colonel W. Graham's and David Dickey's leaving the army to visit his wife, and Major Billy Chronicle taking his place, and calling on his South Fork boys to follow him. At that time Enoch Gilmer called on Hugh Ewin, Adam Barry and myself to follow him close to the foot of the hill. We marched with a quick step, letting Major Chronicle advance about ten steps before us, but further from the hill than we were, until we met the wing from the other side of the hill. Then, Chronicle having a military hat, but had let it down to shelter the rain from him, and had it not set up, clapped his hand to it in front, and raised it up, and cried, "Face to the hill." The words were scarcely uttered, when a ball struck him and he dropped; and in a second after a ball struck William Robb, about six feet from Chronicle, and he dropped. We then advanced up the hill close to the Tory lines. There was a log across a hollow that I took my stand by, and stepping one step back, I was safe from the British fire. I there remained firing until the British charged bayonet. When they made the charge they first fired their guns, at which fire it is supposed they killed Captain Mattocks and J. Boyd; wounded William Gilmer and John Chittim. The Fork boys fired and did considerable execution. I was preparing to fire when one of the British advancing, I stepped [back] and was in the act of cocking my gun, when his bayonet was running along the barrel of my gun, and gave me a thrust through my hand and into my thigh; my antagonist and myself both fell. The Fork boys retreated and loaded their guns. I was then lying under the smoke,

and it appeared that some of them were not more than gun's length in front of the bayonets, and the farthest could not have been more than twenty feet in front when they discharged their rifles. It was said that every one dropped his man. The British then retreated in great haste, and were pursued by the Fork boys.

William Caldwell saw my condition, and pulled the bayonet out of my thigh, but it hung to my hand; he gave my hand a kick, and went on. The thrust gave me much pain, but the pulling of it [out] was much more severe. With my well hand I picked up my gun, and found her discharged. I suppose that when the soldier made the thrust I gripped the trigger and discharged her—the load must have passed through his bladder and cut a main artery of his back, as he bled profusely.

Immediately after William Caldwell drew the bayonet from me, then the word was that the flag was up—the Whigs then shouted "Hurrah for Liberty," three times at the top of their voices. It was immediately announced that Ferguson was killed. I had a desire to see him, and went and found him dead; he was shot in the face, and in the breast. It was said he had received other wounds. Samuel Talbot turned him over, and got his pocket pistol.

Being in much pain and drouthy, went down, left my gun, being unable to carry her, and when I got near to the branch met David Dickey and Colonel William Graham riding his large black horse, wielding his sword round his head, crying at the top of his voice, "Damn the Tories," and ascended the hill. Having seen him get leave of absence at the commencement of the battle to see his wife, I was filled with excitement and a conflict of passions and extreme pain; but this brought on another set of feelings, that may be understood, but I am not possessed of language to describe.

I then went into the branch, drank, bathed my thigh and hand—then went to see whether Major Chronicle and

William Robb were dead or wounded—found them dead. I saw some of the boys hauling Captain Mattocks and John Boyd down the hill; and Samuel Martin carrying William Gilmer, who was wounded in the thigh.

Several of the South Fork boys were desirous to start for home that night, and were desirous to know how many were killed on each side. Joseph Beatty and Enoch Gilmer were appointed for that purpose of counting. They reported that 248 British and Tories were killed, and that 143 Whigs were killed. They gave no account of the wounded.

In the meantime Hugh Ewin, Andrew Barry and Nathaniel Cook brought their horses and mine; put me on my horse, but could not take my gun. We rode over the battle-grounds; saw in some places the dead lay thick, and other places thin. We went about five miles from the battle-ground, and staid for the night. My wounds pained me extremely. Sunday morning we started for home. When we came to the South Fork, the waters were high, and my Company would not suffer me to ride the river, but took me across in a canoe, and hauled me home in a slide.

I continued in extreme pain, when my mother made a poultice of wet ashes, and applied it to my wounds. This gave me the first ease. On Monday morning by sunrise Hugh Ewin and Andrew Barry came to see me, and immediately after came several Neutralists, as they called themselves, but were really Tories, to hear the news about the battle, when the following dialogue took place between Ewin and Barry on one part, and the Tories on the other:

Tory. Is it certain that Colonel Ferguson is killed, and his army defeated and taken prisoners?

E. and B. It is certain, for we saw Ferguson after he was dead, and his army prisoners.

Tory. How many men had Colonel Ferguson?

E. and B. Nearly 1,200, but not quite 1,200.

Tory. Where did they get men enough to defeat him?

E. and B. They had the South Carolina and Georgia Refugees, Colonel Graham's men, some from Virginia, some from the head of the Yadkin, some from the head of the Catawba, some from over the mountains, and some from everywhere else.

Tory. Tell us how it happened, and all about it.

E. and B. We met at Gilbert Town, and found that the foot troops could not overtake Ferguson, and we took between six and seven hundred horsemen, leaving as many or more footmen to follow; and we overtook Ferguson at King's Mountain, where we surrounded and defeated him.

Tory. Ah! That won't do. Between six and seven hundred to surround nearly 1,200. It would take more than 2,000 to surround and take Colonel Ferguson.

E. and B. But we were all of us blue hen's chickens.

Tory. There must have been of your foot and horse in all over 4,000. We see what you are about, that is to catch Lord Cornwallis napping.

Thus ended the dialogue, not more than two hours after sunrise on Monday; and the Neutralists or Tories immediately departed. It was reported that they immediately swam a horse across the Catawba river by the side of a canoe (the Catawba was much higher than the South Fork), and gave Lord Cornwallis the news of Ferguson's defeat.

Before my wounds were well, I went to Charlotte, and after Cornwallis had left it, where I met a David Knox, a brother or near relative of James Knox, the grandfather of President Polk, who gave me the following information, to-wit: That on Monday next after Ferguson's defeat, he, Knox, being a prisoner in the street in Charlotte, that an officer came to the officer of the guard, and the following dialogue took place:

The first officer said to the officer of the guard, Did you hear the news?

Officer of Guard. No, what news?

First Officer. Colonel Ferguson is killed, and his whole army defeated and taken prisoners.

Officer of Guard. How can that be—where did the men come from to do that?

First Officer. Some of them were South Carolina and Georgia Refugees, some from Virginia, some from the head of the Yadkin, some from the head of Catawba, some from over the mountains, and some from everywhere else. They met at Gilbert Town, about 2,000 desperadoes on horseback, calling themselves blue hen's chickens, started in pursuit of Ferguson, leaving as many footmen to follow. They overtook Colonel Ferguson at a place called King's Mountain; there they killed Colonel Ferguson, after surrounding his army, defeated them and took them prisoners.

Officer of Guard. Can this be true?

First Officer. As true as the gospel, and we may look out for breakers.

Officer of Guard. God bless us!

Whereupon David Knox jumped on a pile of fire-wood in the street, slapped his hands and thighs, and crowed like a cock, exclaiming, "*Day is at hand!*" Hence he was called *Peter's Cock*—having some analogy to the crowing of the cock when Peter denied his Lord the third time.

It was generally considered about Charlotte and elsewhere, that this exaggerated account, given by the Neutralists, of Colonel Campbell's army, foot and horse, at 4,000, which carried a strong air of plausibility with it, was the reason why Lord Cornwallis immediately left Charlotte in the night, after the waters were passible, and did not stop day nor night until he met General Leslie at or near Winnsborough.

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NOTE.—Carefully transcribed from the original manuscript in Robert Henry's handwriting, sent me by mail for the purpose by Dr. J. F. E. Hardy, of Asheville, N. C., January 26th, 27th, 28th and early the 29th, 1874.—*L. C. Draper.*

This copy is taken from the Draper MS., as may be seen from the above, sent me by Judge D. Schenck, of Greensboro, N. C., for that purpose, copied January 31st, February 1st, 2d and 4th, 1898, by Jas. T. Henry, a grandson of Robert Henry, at "Trinity Park."

## WILLIAM W. HOLDEN.

BY W. K. BOYD.

## PART III.—RECONSTRUCTION TO CANBY CONSTITUTION.

The series of events that followed the surrender of the Confederate army are so closely interwoven with the legal and constitutional development of the Nation as well as with that of the South, that a concise and adequate view of the period embracing the years 1865 to 1870 is the most tantalizing task that a student of American institutions might undertake. In this discussion no claim is made to present a final estimate of Reconstruction, State or National. Only those facts will be discussed that are more or less reflected in the life of Mr. Holden, facts that demand the consideration of every dispassionate enquirer into North Carolina's contribution to the progress of the Nation. But in the beginning may the reader pardon one criticism upon the popular conception of the period about to be discussed? Nearly every one who has spoken or written of these years of trial has portrayed them in the very darkest colors, attributed to them not a few evils of the present, imaginary and otherwise. The sins of "carpet-baggers," "scallawags" and "radical misrule" and the offenses of the ignorant freedmen are unfortunately still the themes of as bitter partisanship as ever graced the campaign of 1876. Shall we ever be free from "the weariness, the fever, and the fret" of the dark days of Reconstruction?

The mistake has been and yet is, that the problem of Reconstruction was not so much one of social equality of the Caucasian with an inferior race, but the paramount issues were constitutional. While legislators were devoting time and talent to the legal and constitutional reconstruction of the Union, the attention of the multitude was turned to the status of the emancipated slave. In many instances strife and crime were precipitated by the unprin-

ciplid office-seeker or the well meaning but ignorant descendants of abolition. At least an insane disdain and hatred for everything black "from Touissant to the Devil" culminated in the Ku Klux outrages. These secret clans organized for mutual protection from criminals in localities where the civil authority was too weak to be effective, finally developed into a political organization for the suppression of the new suffragers. It was forgotten that questions of "social equality," questions which deal with humanity in the concrete, "make problem not for head but heart." Consequently the restoration of the Southern States to their sovereignty was delayed. Before a relation of events in North Carolina during this period, some consideration must be given to the attitude of the law makers of the Nation toward the States that were to be re-admitted to the Union.

The problems connected with the restoration of the Union to its former dimensions were the most serious that ever claimed the attention of Congress. It is no wonder then that those entrusted to the task should hold conflicting opinions as to the work in hand. Briefly stated, two theories demanded the attention of Congress. One may be called the "restoration" theory, its genesis was in the mind of Lincoln—the other, that of "reconstruction," a conception of existing conditions held exclusively by the President's opponents. So the issue of the time, from a standpoint of legislation, was one of administration and executive supremacy, Congress or the President? The central point in the struggle was the status of the seceding States, and the history of Reconstruction may be said to begin with Lincoln's inaugural. All eyes were directed to the President-elect and his position regarding the affected States. The only expression on the question of the hour in his address was as follows :\*

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\*For facts concerning Congressional Debates, the author is indebted to S. S. Cox's "Three Decades of Federal Legislation," and E. G. White's "Reconstruction During the Civil War."

"It follows from these views that no State, upon its own mere notion, can lawfully get out of the Union; that resolves and ordinances to that effect are legally void; and that acts of violence, within any State or States, against the authority of the United States, are insurrectory or revolutionary, according to circumstances. I therefore consider that in view of the Constitution and the laws, the union is unbroken."

The President's notion was then, that a seceding State was yet in the Union. "Once in the Union, always in." But the Union's attitude in case of rebellion was not stated.

At first Lincoln was given entire support in his conduct toward the South and also in his views as to a State's relation to the Union. But harmony did not long remain. The first evidence of division of opinion was on July 22, 1861, when Representative Crittenden introduced the following resolution :

"That the present deplorable civil war has been forced upon the country by the dis-unionists of the Southern States, now in arms against the constitutional government and in arms around the capitol; that in the National emergency, congress, banishing all feelings of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged on our part in any spirit of oppression or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the constitution, and to preserve the Union with all its dignity, equality, and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease."

This resolution passed with only two dissenting votes. A few days later Andrew Johnson introduced a similar resolution in the Senate. It was adopted. But on December 4, less than five months later, the resolution was again offered in the House and was tabled, the vote standing seventy-one ayes and sixty-five nays. At the same time Charles Sumner introduced in the Senate a resolution declaring that :

"Any vote of Secession or other act by which any State may undertake to put an end to the supremacy of the Constitution within its territory, is inoperative and void against the Constitution and when maintained by force it becomes a practical abdication by the State of all rights under the Constitution while the treason which it involves still further works an instant forfeiture of all those functions and powers essential to the contin-



ued existence of the State as a body politic. So that from that time forward the territory falls under the exclusive jurisdiction of Congress as other territory, and the State being, according to the language of the law, *felo-da se*, ceases to exist."

Although no action was taken upon this resolution, it foreshadows the future policy of Congress, executed with martial force. The lines were being drawn. Congress was falling into a mood foreshadowed by Thaddeus Stevens when he said :

"Mr. Speaker, I thought the time had come when the laws of war were to govern our action; when constitutions, if they stood in the way of the laws of war in dealing with the enemy, had no right to interfere." (Aug. 2, 1861.)

It is impossible here to trace the growth of that spirit that caused Congress to ignore the indestructibility of the State. It was due to the unusual authorities exercised by Congress during the war, the numerous appropriations and confiscation bills, the border State issues, and the thousand and one questions involved in military operations. Perhaps one of the most important of these influences was the emancipation of slaves, an act that transcended many constitutional technicalities. In January, 1863, Thaddeus Stevens in prophetic words portrayed the future policy of Congress :

"I desire to say," he said, "that I know perfectly well . . . I do not speak the sentiments of this side of the House as a party. I know more than that; that for the last fifteen years I have always been a step ahead of the party I have acted with in these matters; but I have never been so far ahead, with the exception of the principles I now enunciate, but that the members of the party have overtaken me and gone ahead; and they will again overtake me, and go with me, before this infamous and bloody revolution is ended. They will find that they cannot execute the Constitution in the seceding States, that it is a total nullity there, and that this war must be carried on upon principles wholly independent of it. They will come to the conclusion that the adoption of the measures I advocated at the outset of the war, the arming of the negroes, the slaves of the rebels, is the only way left on earth in which these rebels can be exterminated. They will find that they must treat those States now outside of the Union as conquered provinces and settle them with new men, and drive the present rebels as exiles from this country; for I tell you they have the pluck

and endurance for which I gave them credit a year and a half ago, in this side of the House, nor by the people in the free States. They have such determination, energy and endurance that nothing but actual extermination or exile or starvation will ever induce them to surrender to this government. I do not now ask gentlemen to endorse my views, nor do I speak for anybody but myself; but in order that I may have some credit for sagacity, I ask that gentlemen will write this down in their memories. It will not be two years before they call it up, or before they will adopt my views, or adopt the other alternative of a disgraceful submission by this side of the country."

Another doctrine of the supporters of the Congressional policy was the centralization of authority in Congress. In a debate on the confiscation of rebel property, Mr. Morrill of Maine noted that the Nation was in general hostility and that it had the power of defense. He then enquired in what particular department of the government this authority was vested. The answer, he declared, to be in Congress itself.

"In the contingency of actual hostilities the nation assumes a new and extraordinary character, involving new relations and conferring new rights, imposing extraordinary obligations on the citizens, and subjecting them to extraordinary penalties. There is then, no limit on the power of Congress; but it is invested with the absolute powers of war—the civil functions of the government are, for the time being, in abeyance when in conflict, and all state and national authority subordinated to the extreme authority of Congress, as the supreme power, in the peril of external or internal hostilities. The ordinary provisions of the Constitution peculiar to a State of peace, and all laws and municipal regulations, must yield to the force of moral law, as resolved by Congress."

This utterance was revolutionary for it demanded a path of action over a prostrate constitution but that had already been taken by the seceding States.

All the combined hosts of the opposition, however, could not prevail on the President, whose views were safely entrenched behind his wonderful personality. His message of December 8, 1863, contained the first formulated plan for reconstruction. The policy of this message provided for a general amnesty except in the following cases—all who deserted judicial positions or seats in Congress or posts in the army and navy to join the Confederacy—

also all officers in the Confederate army above the rank of colonel or lieutenant in the navy and all of any grade who maltreated colored or white prisoners. With this introduction, Mr. Lincoln proceeded to set forth his plan of restoration.

“Whenever, in any of the eleven States in rebellion, a number of persons not less than one-tenth of the number of votes cast in such State at the Presidential election of the year of our Lord one thousand eight hundred and sixty, each having taken the oath aforesaid (the amnesty oath), and not having since violated it, and being a qualified voter by the election law of the State existing immediately before the so-called act of secession, and excluding all others, shall re-establish a State government, which shall be republican, and in no wise contravening said oath, such shall be recognized as the true government of the State, and the State shall receive thereunder the benefits of the constitutional provision which declares that ‘the United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the Legislature, or the executive (when the Legislature cannot be convened) against violence’”

In the House that part of the message dealing with the the duty of the United States to guarantee a republican government to those States where the constitution was overthrown, was referred to a committee. Its report was adopted by a majority of eight, another evidence of the conflicting opinions on reconstruction in the House. The outline of the bill was as follows, as related by Cox, “Three Decades of Federal Legislation,” p. 339 :

“The President was authorized to appoint a provisional Governor for each of the States declared in rebellion, with the pay and emoluments of a Brigadier-General. He was to be charged with the civil administration until a State government should be recognized. The Governors were to direct the United States Marshals to enroll all the white male citizens of the United States resident within the respective States as soon as the insurrection should be suppressed, and whenever a majority of them should take the oath of allegiance. The loyal people thus to be ascertained were authorized to elect delegates to conventions for the purpose of re-establishing the State governments. Qualified voters in the United States Army were allowed to vote in camps. No person who had held or exercised any civil or military office (except offices ministerial, and military offices below the grade of Colonel), State or Confederate, created by the usurping power, was to be recognized or paid by the State. The constitutions framed by

the conventions of the several States were to be ratified by the people and reported to the President, who would lay them before Congress; and upon their approval by that body, the President would make proclamation recognizing the governments so established, and none others; whereupon the people might proceed to the election of members of Congress, and exercise all other functions of co-equal States. In the mean time the Governor would enforce the laws of the Union and of the particular State, as they existed before the rebellion, except as regards slavery."

In the Senate the bill was passed with two amendments, one fixing the salary of provisional Governor at \$3,000 per annum, the other striking out the word "white" where it occurred in defining the qualifications of voters and office-holders. Mr. Brown offered a substitute depriving the people of the rebellious States of the right to elect Senators and representatives to Congress and Presidential electors until the rebellion should be suppressed and the return of the States be recognized by the President. This was accepted and the bill passed its final reading. There was some hitch when the measure reached the House, but it finally passed both House and Senate. In the main it conformed with Mr. Lincoln's plans. But he rejected it because its provisions would have necessitated the overthrow of the inchoate State governments established according to Presidential plans and proclamations in Arkansas and Louisiana. This action of President Lincoln was seriously considered. Senators Davis and Wade charged him with perpetrating:

"A studied outrage upon the legislative authority of the people."

Also :

"If electors for President be allowed to be chosen in either of those States, a sinister light will be cast on the motives which induced the President to hold for naught the will of Congress, rather than his government in Louisiana and Arkansas."

On January 30, 1865, a resolution passed both the House and Senate and received the signature of the President which refused to accept any electoral votes from the States in insurrection. Applications were made for the admis-

sion of Senators from Louisiana, Tennessee and Arkansas, but they were continued until the next session.

Just four days before his assassination, Mr. Lincoln made the following statement concerning Reconstruction—among the very last words addressed to the public by him. Throughout his career he had foreborne to make any statement of his views on the status of the seceding States—the very question that was the key to all the debates in Congress on Union attitude toward the Confederacy.

“As appears to me,” he said, “that question has not been, nor yet is, a practically material one, and any discussion of it, while it thus remains practically immaterial, could have no effect other than the mischievous one of dividing our friends. As yet, whatever it may hereafter become, that question is bad, as the basis of a controversy, and good for nothing at all—a merely pernicious abstraction. We all agree that that the seceded States, so-called, are out of their proper practical relation with the Union, and that the sole object of the government, civil and military, in regard to those States, is to again get them in that proper political relation. I believe it is not only possible, but in fact, easier to do this without deciding, or even considering, whether these States have ever been out of the Union, than with it. Finding themselves safely at home, it would be utterly immaterial whether they had ever been abroad.”

The death of President Lincoln was of the most serious import to the peaceful restoration of the seceded States. His attitude toward the subject States was most friendly as well as most watchful. Foreseeing the difficulties that should follow the admission of an ignorant people to full citizenship, he suggested in his amnesty proclamation that the Southern States be allowed to institute a guardianship for the negro. Thaddeus Stevens proposed that the South be held under military rule for ten years until the negro might be educated to take an equal civil position with the white. To Lincoln's death may be attributed the frauds of the Freedman's Bureau and many other evils that marked the administration of far inferior successors.

Andrew Johnson, Mr. Lincoln's successor, though a native Southerner, pursued a far less liberal policy toward the South. Though he in the main followed the outlines

of his predecessor's policy and opposed the radical views of Congress, his amnesty conditions were more stringent than those of Lincoln. In addition to the classes excepted in Lincoln's proclamation, Johnson excluded the following:

"All officers who had resigned or tendered resignations of their commissions in the army or navy of the United States, to evade duty in resisting rebellion. All persons who had been or were then, absentees from the United States for the purpose of aiding the rebellion. All military or naval officers in the rebel service who were educated by the Government in the military academy at West Point, or the United States Military Academy. All persons who had the pretended offices of governors of States in insurrection against the United States. All persons who had left their homes within the jurisdiction and protection of the United States, and passed beyond the Federal military lines into the pretended Confederate States for the purpose of aiding the rebellion. All persons who had been engaged in the destruction of the commerce of the United States upon the high seas. All persons who had made raids into the United States from Canada, or been engaged in destroying the commerce of the United States upon the lakes and rivers that separate the British provinces from the United States. All persons who at the time might seek to obtain the benefits of the amnesty by taking the oath presented in the proclamation and were in military, naval, or civil confinement or custody, or under bonds of the civil, military or naval authorities or agents of the United States, or prisoners of war, or who were detained for offences of any kind, either before or after conviction. All persons who had voluntarily participated in the rebellion and the estimated value of whose taxable property was over twenty thousand dollars—and all persons who had taken the oath of amnesty as presented in the President's proclamation of December 8, 1863, or an oath of allegiance to the government of the United States since the date of that proclamation, and who did not keep and maintain the same inviolate." (Cox's "Three Deacons," p. 347.)

On May 29, 1865, the day of the Amnesty proclamation, President Johnson also stated his policy of reconstruction in another proclamation, a document closely related to the history of North Carolina, Mr. Johnson's native State. The constitutional grounds for his action are thus told:

"The fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government—and shall protect each of them against invasion and domestic violence; and, whereas, the President of the United States is by the Constitution made Commander-in-Chief of the army

and navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States, and to take care that the laws be faithfully executed; and, whereas, the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of North Carolina of civil government; and, whereas, it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of North Carolina, in securing them in the enjoyment of a republican form of government; now, therefore, I, Andrew Johnson, President of the United States and Commander-in-Chief of the Army and Navy of the United States, do hereby appoint William W. Holden Provisional Governor of the State of North Carolina."

According to directions, Mr. Holden was to call a State convention at the earliest time practicable. The purpose of the convention was to amend and alter the State Constitution. No persons were eligible who might be included in the fourteen excepted classes of the Amnesty proclamation, and all voters must first take the oath of allegiance. Special applications for pardon by those under ban might be made through Mr. Holden. This was the first of a series of similar proclamations and appointments, and it may be said to end the first chapter in Reconstruction from the national point of view.

Let us now turn to events in North Carolina and study them as they relate to Mr. Holden's life.

In May, 1865, he tells us in his unpublished memoirs, he was summoned to Washington by President Johnson, who requested him to bring with him such other gentlemen as he might choose. Mr. Holden invited William S. Mason, R. P. Dick, John G. Williams, J. P. H. Russ and W. R. Richardson. These gentlemen, with the exception of Mr. Dick, who lived in Greensboro, resided in Raleigh. Others, representing different sections of the State, Mr. Holden would have summoned, but time would not permit, as his orders were imperative. Governors Swain and Vance, B. F. Moore and William Eaton were already in

Washington. When Mr. Holden arrived, President Johnson asked him to furnish names for appointment to offices in North Carolina. Mr. Holden's nominations were as follows: District Judge, Mr. Dick; District Attorney, Wm. L. Mason; Marshall, W. R. Richardson, and J. P. H. Russ, Postmaster of Raleigh. Dr. Robert Powell was appointed State Agent to represent North Carolina in Washington. Holden asked Mr. Powell what he thought would be done with the Confederate Governors. Mr. Powell replied that they would all be hanged. Holden answered that if that course were pursued, reconstruction would be impossible, that Vance had the same relation to North Carolina that Davis sustained to the entire South. In the mean time Governor Vance was a prisoner in Washington. Holden did not visit him in person, on account of their relations during the days of the Peace movement, but privately offered him his services. In July, when Holden had returned to the State, he received news of Mrs. Vance's serious illness. He at once telegraphed to Washington, asking that Governor Vance be released. In a few hours he received an answer, that Governor Vance was on his way home on parole.

In regard to the treatment of the more wealthy Southern planters, President Johnson told Holden that he expected to confiscate the estates of the large slave-holders who were traitors, and would divide the proceeds among the "wool hat boys" of the South, who fought for slavery against their will. Holden and Dick remonstrated. President Johnson acquiesced, but said: "Gentlemen, treason must be made odious, and coming generations ought to know it and profit by it."

At the request of President Johnson, all the North Carolina men in the city met him at an appointed time. During the meeting Governor Swain took Holden outside and asked him not to accept the Provisional Governorship. Holden thought that Governor Swain had apprehensions



for the University of which he was the President. Holden assured him that he was friendly to the institution, and need have no fears for its safety if he (Holden) received the appointment. "We had walked from the White House to a point overlooking the statue of General Jackson," says Mr. Holden, "and when we returned, as we did very slowly, to the ambassadors, where the President and his friends were, it was announced that I had been appointed Provisional Governor." This account of Mr. Holden's is important, for it discredits the popular opinion that North Carolina was not consulted in the appointment of Holden as Provisional Governor.

Having returned to North Carolina, the Provisional Governor at once entered upon the duties of his office. His duties were burdensome, for to him had been entrusted the work of reorganizing civil government, and all officers, from county sheriffs and constables to the highest State officials, were subject to his appointment. Robert W. Best was appointed Secretary of State; Jonathan Worth, Treasurer, and David H. Barnes, Edward J. Warren, Daniel G. Fowle, Ralph P. Buxton, Robert B. Gilliam, Edwin G. Read and Anderson Mitchell. Supreme Court Judges, and Sion H. Rogers, Attorney-General. Many of those who accepted offices and positions of trust from Mr. Holden, were later his political opponents and enemies.

Governor Holden has been for years accused of trying to place the negro on a plane of "social equality" with the white man. But an examination of his Inaugural Address fails to justify the charge. That part addressed to the negro was full of good council, but not a word could have the remotest kinship to "social equality."

"To the colored people of the State I would say, you are now free. It now remains for you, aided as you will be by the superior intelligence of the white people and cheered by the sympathies of all good people, to decide whether the freedom thus suddenly bestowed upon you will be a blessing to you or a source of injury. Your race has been depressed by

your condition of slavery and by the legislation of your former masters for two hundred years. It is not to be expected that you can soon comprehend and appreciate as they should be comprehended and appreciated by a self-governing people, the wise provisions and limitations of the constitution and laws . . . But you are free, in common with all our people, and you have the same right, regulated by law, that others have, to enter upon the pursuit of prosperity and happiness. You should henceforth sacredly observe the marriage relation and you should provide for your offspring.

. . . But to be prosperous and happy you must labor, not merely when you feel like it or for a scanty support, but industriously and steadily, with a view to making and laying up something for your families . . . The same Providence that has bestowed freedom upon you, has told you that diligence in business is required of all His creatures, and you cannot expect that your race will escape ultimate extinction if you wilfully violate or disregard this, one of His great commandments . . . I will see to it as far as I can, that you have your liberty; that you are protected in your property and persons; and that you are paid your wages, but on the other hand, I will set my face against those of you who are idle and dissipated, and prompt punishment will be inflicted for any breach of the peace or violation of the law . . .

It is my duty, as far as I can, to render the government 'a terror to evil doers and a praise to those that do well.' And this I will endeavor to do in relation to the whole people of the State of North Carolina, 'without fear, favor or affection, reward or the hope of reward.'"

One of the most delicate duties of Governor Holden was the endorsement of pardons. It was provided that those who were excluded from citizenship by the Amnesty proclamation might secure pardon. Applications must be made through the Provisional Governors of the States. Holden had won the enmity of all the old line Democrats by his action with the Peace party. Now many of these, as well as the survivors of the Whigs, were compelled to apply to him before their disabilities could be removed. It is not my intention to make the basis of this paper the unfortunate personal animosities that were so bitter during this period. But a few accounts of the issue of pardons from Governor Holden's private memoirs are valuable, if not necessary, for they are a sidelight on the political feelings of the time.

"I received every day a large number of applications for pardons, which I read carefully. I was the medium through

which these applications went to the President, and my duty was to mark them granted, postponed or rejected, not that I did that, but they were thus marked for the President. It was for him to grant them, postpone or reject them. During my term of seven months about twelve hundred pardons were thus obtained from the President. I asked him during all of this time to reject only four. Some were postponed, and some were granted.

“About the middle of my term, in August, ex-Governor Graham came to Raleigh. I was sick at the time and confined to my house, and did not see him. He filed in my office his application for pardon, addressed to the President. When I got back to my office I read his application carefully, and was pleased with it. It was an able and truthful paper. I raised up from my place in the office and approached Maj. Bagley, who was pardon clerk, and asked him to endorse ex-Governor Graham’s paper, his pardon to be granted by the President at once. Colonel Cannon, one of my aides, who was standing by, said to me, “Governor, have you seen the New York *Herald* of this morning?” I said “No, what of it?” He said, “The *Herald* says that Governor Graham has been pardoned already, and you are engaged in pardoning a great many unpardoned rebels. I would advise you to send on the paper and mark it ‘continued,’ and in a few weeks see the President and ask him to send the pardon.” Col. Cannon and Maj. Bagley were both old line Whigs, or had been, and both devoted friends to Governor Graham, as I was. I took his advice and continued his case. They advised me to pursue this course and not grant the pardon immediately, lest the Radicals North should complain and lose confidence in the President.

“In the course of a week or so, being still feeble on account of my hard labor, I went to Kedrick Springs and there saw Mr. Don Webb. In the course of a conversation with him, I said, “I hope ex-Governor Graham will soon have

his pardon, and that he can enter public life and be of great service to us." On my return to Raleigh, I found that he had written a communication in the *Hillsboro Recorder* assailing the constitutionality of Congress. The communication referred to was published in the *Hillsboro Recorder* and *Raleigh Sentinel*, and of course, excited attention. We were then under military rule and it was not therefore proper that an unpardoned person asking for pardon should write in that way over his own name.

"Meanwhile, the Hon. Josiah Turner called on me at my office and had a long and warm conversation with me in regard to his pardon and that of ex-Governor Graham. I told Mr. Turner I could not tell him what endorsement I had made on his application, or that of Governor Graham. They were both leading public men, and it was not my habit to give information of that kind, but would tell him of one case of a private citizen and of what I had done. I said, "The summer you wrote your father's application for a pardon he owned a large amount of lands. He was no doubt apprehensive that it might be confiscated. You made him say that if he had been a young man he would have shouldered his musket and fought for the South. I feared that this expression might move the President to refuse his pardon, whereupon I wrote a note of it that your father was an old man and had been a Henry Clay Whig, and that the President might overlook the expression and send the pardon. I received the pardon by return mail and sent it to your father at Hillsboro. I found it impossible to satisfy Mr. Turner, and he left my office evidently unsatisfied. About this time Mr. Turner made a speech in Raleigh. I did not hear him. The speech was said to be against me and my policy of Reconstruction. Under all these circumstances it was not to be reasonably expected that I would at that time write to the President to forward either of these pardons. I had the greatest respect for Governor Graham and did not intend

to be in the way of his pardon. If he could have come to Raleigh and the whole matter explained between us, I would no doubt have written to the President and obtained his pardon.

“An old and esteemed friend of mine, now dead, Council Wooten, of Lenoir county, called on me several times for his pardon. I put him off, but having heard at last from his friends and neighbors in relation to his application and merits, I obtained his pardon. I will make this statement also in relation to Governor Bragg. I had marked his application to be continued as Governor Graham’s was marked. The package containing a number of pardons was received in my office by express, and Colonel Cannon opened it and much to his surprise found Governor Bragg’s pardon. He said, “You marked this application to be continued.” I said, “I did.” He then removed it and put it in my drawer in my room. In a few days Governor Bragg called for his pardon. The clerks in the office of the Private Secretary said it was not there. In a few days Dr. Powell, State Agent, who handed these pardons, came to Raleigh and asked for Governor Bragg’s pardon. I told him the facts. He told me that the President told him the pardon had been received and I might just as well give it to Governor Bragg. Dr. Powell then said he did not know that it was Governor Bragg’s, but thought it was plain Thomas Bragg. I told him I was not disposed to treat Governor Bragg unkindly, but he had not been to see me since I was Governor, but if he would call on me as I returned from the office, I would hand him his pardon myself. Governor Bragg called in that day, 29th December, 1865, and I handed him his pardon.\*

“One day toward the close of my term, Col. Tod R. Caldwell, who had lately been to Hillsboro, said to me that Mr. P. C. Cameron was much concerned about his

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\*NOTE.—Governors Bragg and Graham were two of the prosecutors in Governor Holden’s impeachment.

application for a pardon. I told Col. Caldwell that the President was not disposed to favor applications for conspicuous persons who had been engaged in the rebellion. I could not therefore recommend Mr. Cameron's pardon just then. He said that Mr. Cameron was in town and out in the passage in the Capitol. He said that he was in attendance at the Episcopal Conference. I asked him to request Mr. Cameron to come in. He did so, and I received him very politely indeed. I told him what I had just said to Col. Caldwell, and furthermore I had no apprehension of the confiscation of the property. This did not seem to satisfy him, and I at last said, "Mr. Cameron, I will obtain your pardon from the President." He seemed very glad at what I had said, and said to me, "Governor, please bear in mind that my father-in-law, Judge Ruffin wishes to know before he dies, how much he is worth. I replied, "Mr. Cameron, I am glad you have mentioned Judge Ruffin. He and Governor Morehead stood in the Peace Congress like rocks in the Union. I will see your application to-day," and at the same time asked the President to send pardon to Judge Ruffin and Governor Morehead. I have no doubt that the pardons of Judge Ruffin, Governor Morehead and Colonel Cameron were all granted and sent. It affords me pleasure to be the humble servant through which they were obtained. There were two persons possessed of large means, who obtained their pardons from the President directly, when I had not consented to it, and the President, when informed of the fact, telegraphed me advising me to tax each one of these persons for thus obtaining their pardons, \$10,000 each by way of punishment, which, of course, I declined to do. . . .

"I was robust and in good health when I entered on my duties, but at the end of them I was thin and shallow and and weak, so intensely had I labored as I thought for North Carolina."

For his expenses and services Governor Holden received

seven thousand dollars. This was carefully and economically expended, many minor contingencies of the executive office being paid for out of the Governor's private purse. He also induced President Johnson to turn over to the State the remains of its war property, valued at one hundred and fifty thousand dollars. This was done for no other State. President Johnson was also influenced to suspend the Federal land tax in Guilford county. When Governor Holden retired, there was a surplus of forty thousand dollars in the State Treasury.

In the mean time, a State convention had been called by Governor Holden. It met in Raleigh, October 2, 1865. The ordinance of secession was repealed, slavery prohibited and its acts were ratified by a popular vote. In the plans of President Johnson, the State was now ready to govern itself. An election was ordered. The candidates for Governor were Holden and Worth, the State Treasurer. Neither took an active part in the campaign. Mr. Worth was elected by a large majority. This was regarded as a reaction against the Union and President Johnson sent the following letter to Governor Holden :

*Hon. W. W. Holden, Provisional Governor :*

Accept my thanks for the valuable and efficient manner in which you have discharged your duty as Provisional Governor. You will be sustained by the Government.

The results of the recent election in North Carolina have greatly damaged the prospects of the State in the restoration of its governmental relations. Should the action and spirit of the Legislature be in the same direction, it will greatly increase the mischief already done and might be fatal.

It is hoped the action and spirit manifested by the Legislature will be so directed, as rather to repair than increase the difficulties under which the State has already placed itself.

ANDREW JOHNSON,  
President United States.

## PART IV.—RECONSTRUCTION TO CANBY CONSTITUTION.

The omens of peril in President Johnson's letter were prophetic and soon to be fulfilled. The defeat of the Union candidates in North Carolina and other Southern States was sufficient to give a hostile tendency to the relations of Congress to the States to be restored to the Union. This tendency was precipitated into a fixed policy by the actions of the Southern Legislatures. In certain States laws were passed that classed as vagrants all negroes who refused to work for prescribed wages. Many minor offences were to be punished by fine, and if the fine were not paid, the offending negro was worked out by process of law. An apprentice system was in some States adopted which considered the negro bound to service until a certain age. Some such laws seemed necessary to the Southern law-makers to regulate the liberated slave. But when complaints were filed at Washington, Congress was alarmed and regarded these laws as wilful and direct violations of the freedom of the negro.

The first step in retaliation was the refusal to admit Southern Congressmen until Congress should declare them entitled to represent their States. Then the Fourteenth Amendment was adopted, which declared all "persons born or naturalized in the United States and subject to the jurisdiction thereof," citizens of the United States and of the States where they resided. In other words, the negro was granted the right to vote and placed on an equal civil basis with the white race. The Amendment also excluded prominent Confederates from Federal offices until pardoned by Congress, and invalidated the Confederate war debts. This Amendment must be ratified in each Southern State before its government should be recognized by Congress. At the same time a committee reported that the governments in the Southern States were practically suspended and that those States could not be re-instated in the Union until they should give pledges of their loyalty. This vir-



tually ignored President Johnson's plans of restoration. It was a challenge by Congress. He accepted the issue. From this time on the fight between Congress and the Executive was open and bitter. It culminated in the impeachment of President Johnson and, says Mr. Dunning, "the single vote by which Andrew Johnson escaped conviction, marks the narrow margin by which the presidential element in our system escaped destruction."\*

In October the Southern States began to reject the Fourteenth Amendment. This prepared the way for the famous Reconstruction Act of March, 1867. Under the provisions of this law the Southern States, with the exception of Tennessee, which had been recognized, were divided into five military districts, whose commanders were to be appointed by the President. These commanders were to enroll in each state all male citizens of one year's residence not disqualified to vote by crime or the Fourteenth Amendment. These citizens were to elect members for State conventions. These conventions were to extend the franchise to all classes permitted to vote for the convention and form constitutions. These constitutions were to be submitted to Congress, and if approved the States were admitted to representation and declared in the Union, provided the first General Assembly meeting after the adoption of the Constitution should endorse the Fourteenth Amendment.

This, briefly, is an outline of the Congressional plan of Reconstruction. An extended examination of all its relations to Southern history, and especially to that of North Carolina, is here impossible. That is a work greater than the limits of these papers allow, a work much needed, as yet undone. A volume might be written on phases of Reconstruction in North Carolina and as much be left unsaid. As time and space are passing, only those topics

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\*Studies in Civil War and Reconstruction.—*W. A. Dunning.*

that relate most intimately to Governor Holden's policy will be discussed.

General Daniel E. Sickles was appointed Commander of the Second Military District, composed of North and South Carolina. His headquarters were Charleston. On the day he assumed command, March 21, 1867, he issued a proclamation in sympathy with the principles of the Reconstruction Acts. The government of North Carolina was declared provisional and subject to Congress. Local laws were allowed to be enforced when not contrary to the Union, and cases of neglect of civil officers were to be reported to the Commander. In April, General Sickles removed two policemen in Wilmington for lack of discretion in making arrests and violence in discharging their duties. This and similar acts by other commanders caused the Attorney-General to publish an opinion that the Reconstruction Acts did not give the commanders power to supersede the civil law. General Sickles regarded this as an impeachment of his administration and resigned. His resignation was not accepted. Next he forbade Sheriffs to execute civil process in the sale of property. In North Carolina the Sheriff was about to disobey the order, when he was stopped by special order of Sickles. Finally the case was appealed to the Supreme Court of the United States, and Chief Justice Chase decided that "the military authority does not extend in any respect to the courts of the United States." General Sickles in the meantime ordered a registration of voters as required by Congress. Before the plans of Congress could be carried out, General Sickles was removed and General Canby was appointed commander.\* Under his administration voters registered, the members of the convention were elected, the first instance of negro suffrage in North Carolina, the Fourteenth Amendment was adopted, and a new Constitution was framed, which

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\*"Three Decades of Federal Legislation."—Cox.

was called the "Canby Constitution." This began a reorganization of the State government according to the provisions of the new Constitution. In 1868 elections were held and, as the negroes went to the poles, seven Representatives were sent to Congress who belonged to the Union or Republican party. The Governorship was from this time on a four years' office. The candidates were Thomas Ashe, Democrat, and Holden, supported by the Republicans. Holden was elected by over eighteen thousand majority. Thus was kept the vow made by the chilled newsboy a quarter-century before. The well educated, finely clothed young man who had condescended to butter a biscuit for an apprentice no doubt keenly felt the irony of fate, when the election returns were published and approved by General Canby. Let us review briefly the political career of the Governor-elect.

Born in obscurity, by perseverance and industry he gradually rose to some local prominence in old Whig circles. When his brethren in Whiggery were unaware, he joined the Democrats, and in a few years became one of the leaders in the Free Suffrage campaigns which struck the death blow to the supremacy of the old aristocracy. An elderly lady whose mind is ripe with the memories of our ante bellum history, says that his alliance with the "scalawag Democrats" lost for him social recognition in Whig circles. He was ostracised by the professed leaders of North Carolina's "blue veins." How much more bitter must that ostracism have become in the days of Free Suffrage agitation! An ardent admirer of Calhoun, those who knew Holden's influence as "one who could kill and make alive," declare that he was the strongest State's-right man in Carolina. His lines on the death of Calhoun must be classed with the best poems written in the State. Then his views changed. He became a Union-Douglas Democrat and stood for the Union till the last, and finally signed the Ordinance of Secession. He was reconciled to many of

his old enemies, the best of relations were established with his old rivals, and then he joined the "Peace men," and opposed Vance and the continuation of the war. Old wounds were opened. When the war closed, it was the hope of the Southern leaders to reorganize and continue the State governments as they were in the days before Secession. What must have been the chagrin of the survivors of the old system in North Carolina when Holden, their arch enemy, who had so often supported and as often opposed them, was made Provisional Governor! They had been conquered, but they could not submit to all the dictates of the conqueror. Holden had been appointed Provisional Governor undoubtedly because of Johnson's sympathy for him. Both had begun life in similar circumstances and had worked to success slowly, but surely. Nothing was more natural than that Holden should be selected to represent the Union in the reorganization of civil authority just after the cessation of hostilities. Nothing was more natural than that those whose lives were so inextricably bound to the legends of former days, should rise and defeat him who dared disregard their traditions. When the monster does not down at their bidding, but is victorious in a popular election, all the discontent breaks forth in one demonstration of despair. This is the protest of Worth, the retiring Governor, which he presented to the Governor-elect when the keys to the Executive office were surrendered. It reads as follows:

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,  
RALEIGH, July 1, 1868.

*Gov. W. W. Holden, Raleigh, N. C.:*

SIR:—Yesterday morning I was verbally notified by Chief Justice Pearson that in obedience to a telegram from General Canby, he would to-day, at 10 a. m., administer to you the oath required preliminary to your entering upon the discharge of the duties of *Civil Governor* of the State; and that, therefore, you would demand possession of my office.

I intimated to the Judge my opinion that such proceeding was premature, even under the Reconstruction legislation of Congress, and that I should probably decline to surrender the office to you.

At sundown, yesterday evening, I received from Colonel Williams, Commandant of this Military Post, an extract from the General Order No. 120 of General Canby, as follows:

HEADQUARTERS SECOND MILITARY DISTRICT,  
CHARLESTON, S. C., June 30, 1868.

General Order No. 120.

[EXTRACT.]

"To facilitate the organization of the new State governments, the following appointments are made: To be Governor of North Carolina, W. W. Holden *vice* Jonathan Worth, removed; to be Lieutenant-Governor of North Carolina, Tod. R. Caldwell, Lieutenant-Governor elect, to fill an original vacancy—to take effect July 1, 1868, on the meeting of the General Assembly of North Carolina."

I do not recognize the validity of the late election under which you, and those co-operating with you, claim to be invested with the Civil government of the State. You have no evidence of your election, save a certificate of a Major-General of the United States Army.

I regard all of you as, in effect, appointees of the Military power of the United States, and not as "deriving your powers from the consent of those you claim to govern." Knowing, however, that you are backed by military force here, which I could not resist if I would, I do not deem it necessary to offer a futile opposition, but vacate the office, without the ceremony of actual eviction, offering no further opposition than this my protest.

I would submit to actual expulsion in order to bring before the Supreme Court of the United States the question as to the constitutionality of the legislation under which you claim to be the rightful Governor of the State, if the past action of that tribunal furnished any hope of a speedy trial. I surrender the office to you under what I consider military duress, without stopping, as the occasion would well justify, to comment upon the singular coincidence, that the present State government is surrendered *as without legality*, to *him* whose own official sanction, but three years ago, *declared it valid*.

I am, very respectfully,

JONATHAN WORTH,  
Governor of North Carolina.

The opposition begun on the very day of the inaugural continued throughout the administration. The *Standard* was the organ of Governor Holden, and the *Sentinel*, edited by Josiah Turner, led the fight of the discontented enemies of the government. The partisanship of the press has lost the charm of the forties. The reader no longer catches the spirit of artless, almost juvenile enthusiasm, which gave to the most sarcastic editorials a tone of healthy humanism. One feels that the times have radically

changed. The fight is now one of life and death; he who once falls shall enter the conflict no more.

Only two phases of Governor Holden's administration will here be discussed. They are the famous Reconstruction Frauds and the Kirk Holden War against the Ku Klux. The former was the work of "carpet-baggers" and conscienceless citizens of the State. The latter was the harsh remedy for insubordination to civil authority as revealed in the Ku Klux outrages, and finally resulted in the impeachment of the Executive.

The frauds were connected with the issue of bonds. George W. Swepson, a banker and citizen of Raleigh, made the following statement to the Investigating Committee in 1871: As President of the Western Division of the Western North Carolina Railroad, he was desirous of securing the aid of the State in the construction of his road. The State promised to subscribe two-thirds of the stock for the construction of the road, provided the other third was raised by private subscription. The Company certified to the Board of Improvements that the necessary third had been raised. The Company then turned to the Legislature. Mr. Swepson was told by Littlefield and Dewesse, lobby lawyers, who had great influence with the Legislature, that the Company could not receive the appropriation without paying them ten per centum in kind of the appropriation. This was the amount charged to lobby through the claims of the Company. Mr. Swepson accepted the proposition, the Legislature issued bonds to the amount required, and Littlefield and Dewesse received \$241,000 for their services. The Chatham Railroad Company sold to Littlefield \$100,000 worth of stock on a credit of ninety days, when the bonds were worth sixty-five cents cash in New York. The President of the Wilmington and Tarboro Road paid \$10,000 for a charter. These are only a few of the many outrages committed. In the investigations no charges were preferred against Governor Holden,

Though the Legislature that issued the bonds has received a shadowy reputation, Holden's name is free from any illegal or dishonorable relation with the bonds. In 1876, in the *Weekly Constitution*, he makes the following statement:

"I solemnly declare that I never performed any act while Governor or signed my name with a view to reward or the hope of reward, and I never received a bribe from any one for any of my acts as Governor. . . . I had no veto power as Governor. I did not pass the bills to issue the bonds. I never appealed to any member of the Legislature to vote for these bills. The Presidents and Directors of the various Railways did not come to me for these bonds but to the Treasurer who had the bonds printed, and who first signed them and then turned them over to me to be signed, and to have the great seal of the State impressed upon them by my Private Secretary. I gave the bonds in strict accordance with law, for the issuing of all the bonds save the last batch \$6,666,000 to the Western Railroad. The authority to issue these bonds was devolved upon the treasurer in the last amended charter and he hesitated for two or three weeks as to whether he would order plates and have them printed; but I encouraged him to do it because I wanted the Western people to have those bonds, and I was willing to stretch the law a little to let them have them; and I will state furthermore that I believe the Treasurer was finally convinced that he could legally and properly issue these bonds, by an argument submitted to him by Hon. A. S. Merriman. One of Mr. Swepson's counsel. . . . And I will state further, that the Treasurer and myself could not decide to issue any bonds until we had gone before the Supreme Court in informal session and ascertained for them, distinctly and clearly, what bonds were constitutional and what were not."

If there could have been only evidence against Governor Holden in regard to the bonds, it would surely have been brought before the Senate in his Impeachment. But no charge was made at that time. Whatever may be said of his administration, he was far better than many of his colleagues who have tried to make him responsible in the eyes of the public for their many misdemeanors.

In regard to the Ku Klux in North Carolina, as well as in other Southern States, much has been written. The organization made its appearance in the State in 1867 and 1868, at the same time that the Reconstruction Acts went into effect. It may be regarded as a revolt against the new system. There were many reasons that demanded the

complete emancipation of the negro and made it necessary that that the race should have the right of suffrage. It is not my purpose to discuss these. But that the better class of the white race were excluded from citizenship while all of the freedmen were admitted without limitation, was unjust. Yet nothing else could have resulted from the general trend of events. The institution of the secret Klans may be considered a desperate but unwise and illegal resistance to the new political conditions that faced the Southern people. All restrictions for past offences have been removed but the problem is still existing and the temper with which the solution is sought will be the supreme test the fibre of the nation. In many sections a Ku Klux revival would not be impossible or unpopular. Shall this spirit dominate the relations of the two races, or shall one of charity and mutual sympathy control our actions?

Just as the Ku Klux was opposed to the methods of Reconstruction, the Union League was an association to support the laws and train the negro in the duties of citizenship. It was organized during the last days of the Confederacy. Holden was the President of the League until his election. He then severed his relations with the organization for he believed that no public officer should belong to any secret political order. The ritual of the League was full of officious ceremonies formulated to impress the members with the solemnity and dignity of the organization. The "emblems" were an altar, Bible Declaration of Independence, a Union Flag, Censer of Incense, Sword, Gavel, Ballot-box, and a sickle, shuttle or an anvil to represent industry. The pledge of membership was, "To obtain and perpetuate Freedom, Political equality and an individual Union, I pledge my life, my fortune, and my social honor, so help me God." The League was virtually an organization to support the Republican party. Whatever may be said of its workings, this fact distin-



guishes it from the Ku Klux. It was not an armed society; the Ku Klux was. The League seems to have caused no anxiety or disturbance among the whites until 1867, when, under the influence of the carpet-baggers, the members became insolent and in many cases committed offenses which were not punished by law. This, said General Forrest before the Congressional Committee on Investigation, caused the whites to organize the Ku Klux Klan.

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PART V.—SUPPRESSION OF THE KU KLUX—CONCLUSION.

The Ku Klux Klan, according to the testimony of David Schenck before the Congressional Committee on Investigation, was opposed in its very constitution to the Fourteenth Amendment. So the Klan appeared in North Carolina as soon as the Reconstruction acts went into effect. Within three months after his inauguration, Governor Holden issued a Proclamation in which he stated that the government then in force was constitutionally established and warned the people of the sure results of any attempt to subvert the civil authority, and called on the magistrates and sheriffs to be faithful in the discharge of their duties. This address was of no avail. Negroes were whipped and disorder and demoralization were general. The Legislature which met early in 1869 enacted a law, "making the act of going masked, disguised or painted a felony." The governor issued another appeal, invoking public sentiment to unite with him in the suppression of the outrages. Neither the law nor the proclamation had any influence. In January, 1870, a bill passed the Legislature which authorized the Governor, "whenever in his judgment the civil authorities in any county are unable to protect its citizens in the enjoyment of life and property, to declare such county to be in a state of insurrection, and to call into active service the militia of the State to such an extent as may become necessary to suppress such insurrection; and

in such case the Governor is further authorized to call upon the President for such assistance, if any, as in his judgment may be necessary to enforce the law." This was called the Shoffner Act from T. M. Shoffner, of Alamance County, the member who introduced the bill. He brought upon himself the enmity of the Ku Klux Klan. The Ku Klux decided to hang him and send his body to Governor Holden. The assassins were on their way to execute the decree but were persuaded to return, as a Ku Klux friend of Shoffner's who knew of the plans had taken him to Greensboro. A short time after Shoffner left the State. Who the men were who started on the deadly mission has not been revealed. They were not Shoffner's neighbors, but came from a distance. The one who took him to Greensboro was Eli S. Eustis, a school teacher.

A short time after the passage of the Shoffner Bill, a band of fifty or more Ku Klux entered the town of Graham by night, went to the house of Wyatt Outlaw, colored, seized him, and hanged him to a tree in the public square near the court house. The only offence of the negro was that he belonged to the Republican party and was chief officer of the League at Graham. A half-witted colored man named Puryear professed to know the particulars of Outlaw's murder. In a few days he was missed and after several weeks his body was found in a mill pond with a rock tied to the neck.

Another outrage in Alamance was the whipping of Colliss, a school teacher. He seems to have belonged to that class of well-meaning Northern men who came South in the interests of the negro and humanity but lacked tact and common sense. For his associations with the negro he was severely scourged. Many other whippings occurred in Alamance county.

In Caswell County, from April to the middle of May 1870, twenty-one persons, white and colored, were whipped and scourged. Robin Jacobs, colored, was murdered in

May and in the same month John Walter Stevens, Republican Senator from Caswell, was murdered in the Court-house at Yanceyville, while a Democratic speaking was held in the same building. Mr. Stevens was the leader of his party in the county, a man of integrity and excellent ability. No excuse could be given for his assassination except his political affiliations. For a long time the Democrats declared that he was murdered by order of Holden and his friends, who were jealous of his influence among the negroes. Later investigations have proven, almost beyond a doubt, that the assassination was the work of the Ku Klux.

These are only a few of the many instances of murder and active violations of law in the State. By June 1870, thirteen persons had been murdered, twenty-two whipped and one shot who recovered. In no case were the offenders brought to justice. Solicitors and judges testified to Governor Holden that it was impossible to convict men charged with these crimes. The grand juries could find no true bills. The reasons for this were that the members of the Klan were sworn to protect each other and often members of the grand jury as well as the sheriffs were members of the society, and sentences passed by one local chapter or den were executed by another chapter. In this way a Klan in Alamance might order a negro to be whipped and the order would be executed by a Klan in some adjoining county or distant township.

About this time, Mr. John W. Norwood called on Governor Holden. In the conversation, Governor Holden intimated that if a number of prominent citizens in any county would recommend some one of influence to canvas the county in the interest of law and order and thereby persuade the Ku Klux to disband, he (the Governor) would appoint that one as a representative of the law and grant him a captain's commission. On March 5, 1870, J. W. Norwood, James Webb and Henry K. Nash and others

recommended Dr. Pride Jones, of Hillsboro, for this work in Orange. He was appointed and received the commission and pay of a captain in the United States Army. In Chatham, N. A. Ramsey received a similar commission. These gentlemen did great good in their counties. They assumed no military superiority, but went quietly through the counties examining the condition of the people, and succeeded in suppressing the Ku Klux outrages. That this policy worked so well in these counties may suggest the question, why a similar course was not pursued in Alamance and Caswell and other counties where disorder prevailed. The reason was that in Alamance and Caswell the Ku Klux were more numerous, many of the public officials were members of the Klan, and for one to know the agent of the Governor meant certain peril. At least no one was recommended or volunteered to do the work that Ramsey and Jones undertook in Chatham and Orange. No one, however much he may condemn Governor Holden's policy towards Alamance and Caswell, can fall to sympathize with him. There was no precedent for him to follow, and no one advised him or came to his help as friend or councillor except those of his own party. In 1876, he said :

"In the earnest and long protracted efforts which I made to put down these disorders without resort to military force—efforts extending from the day of my inauguration to the first of July 1870, thus covering a space of tow years—I wrote to many sheriffs, to some judges, to many military officers, to mayors of towns, to many private citizens, to our Senators and Representatives in Congress, to President Grant, asking them for advice and help in the unwelcome work devolved upon me of protecting the defenceless and unoffending against outrage and murder, and in putting down an insurrection which threatened the stability of all government, and the peace, if not the very existence of society. . . . No ex-Governor of the State called upon me to aid me by suggestions or advice in the midst of troubles that shook the very State. No minister of the blessed Lord dropped into my office or my house to pray for me, to restrain me by advice, or to sustain me by words of cheer in the dark and difficult path I felt bound to tread."

None of the proclamations of the Governor were of any influence in Alamance and Caswell. So on July 8, 1870,

in accordance with the provisions of the Shoffner Act, Governor Holden declared these counties to be in a state of insurrection. He then began the organization of the militia to invest the two counties. This was not done, as many have maintained, with any malice or ill-will. In fact Governor Holden's views were lenient when compared with those of some members of his party. Before the military organization was effected, Governor Holden held a conference with the leading men of the administration in his office. There were thirteen present, among them Richard Badger, John Pool, J. H. Harris (col.) and General Willie D. Jones. All agreed that the civil courts failed to suppress the Ku Klux and unless some action were taken at once, no Republican, white or black, could live in certain portions of the State. The military power was necessary. "Governor Holden," says Mr. Badger, "during most of the conference was a listener, and appeared to be anxious to hear suggestions. I sat near him during the entire conference and at every suggestion made by any person he appealed to me either by look, gesture or word, for my opinion in regard to it." Mr. Badger agreed that military occupation and arrests were necessary but maintained that the trials of the arrested should be by a civil, not military court. Mr. Pool said this would not accomplish the object and called attention to Governor Clayton, of Arkansas, who had occupied districts with militia, and tried and executed men and so had broken the Ku Klux in his State. Mr. Badger opposed this method and finally Mr. Pool agreed with him. Mr. Badger said that the writ of *habeas corpus* must not be disobeyed. Mr. Pool said that that was a bad policy, the *habeas corpus* should not be regarded, that if a person were cleared of one charge, he should immediately be arrested on another. Mr. Pool also suggested that D. McD Lindsay be made military commander, that he had been a pirate during the war, and told stories of his daring and cruelty. This was over-

ruled by the other members. Many other similar propositions were introduced in the discussions. "All of these suggestions with regard to using such violent means were objected to by Governor Holden," says Mr. Badger.

It was decided to organize two regiments of volunteers. Colonel Wm. J. Clark was given command of the First Regiment, with headquarters in Raleigh. The command of the Second Regiment was offered to Major W. W. Rollins, of Asheville. He declined, but suggested Colonel George W. Kirk. Colonel Kirk was then appointed, and at Kirk's request, one Bergen was made Lieutenant Colonel. Bergen and Kirk had fought with the Union Army during the last years of the war, and had won the usual reputation, merited or unmerited, of all Southern men who joined the Union cause. It is here impossible to go into details of the campaign that followed the famous Kirk-Holden war. No battles were fought, no blood was shed. It has been claimed that the Governor instituted the military organization in July in order that he might control the coming elections in August. Colonel James Boyd and Mr. W. R. Albright testified in the Impeachment that Governor Holden told them that in the military organization he cared not how the election went. His desire was to suppress the Ku Klux by any means, and any effort he might make would more than repay the labor required if thereby one more crime might be averted. In his memoirs Governor Holden says that he desired to commence military operations two months earlier, but that there were no funds in the treasury that could be used for that purpose, and as soon as D. A. Jenkins, the treasurer, notified him that there were sufficient funds at hand, he commenced the organization of the militia.

Kirk and Bergen raised about six hundred men. The militia law of the State was not strictly obeyed in the mustering, as the law required that negroes and white men be mustered in different regiments, and Kirk allowed

whites and negroes to serve in the same regiment. Many citizens were arrested, mostly at Graham and Company Shops. These were marched to Yanceyville and imprisoned. A. G. Moore and others appealed to Chief Justice Pearson for a writ of *habeas corpus*. This was granted by Pearson, but Kirk refused to obey, saying that the judiciary had "played out," and he held the prisoners under orders of the Governor. Pearson then wrote his opinion of the case, sent it to Governor Holden, saying that if the Executive chose to obey the writ, well; if not, nothing could be done—the power of the judiciary was exhausted and all responsibility for the prisoners rested with the Governor. He said he was following the example of Chief Justice Taney in Merriman's case in 1861. In that case General George Cadwalader, commander of Fort McHenry, refused to obey the *habeas corpus* writ. Chief Justice Taney ruled that Congress alone had the power to put aside the *habeas corpus*, but also said that he could do nothing with Cadwalader, as Cadwalader's power was too strong for him. The point in North Carolina was this, according to Pearson. The Legislature had given the Governor authority to declare counties in insurrection. The military was then more powerful than the civil officials. The military might obey the writ, but was not required so to do. The writ was, therefore, virtually suspended.

The prisoner then appealed to the United States District Judge, George W. Brooks. The Governor then asked President Grant to sustain his position. But the Federal authorities decided that Brooks could not refuse to issue the writ, and advised "that the State authorities yield to the United States judiciary." This subordinated the military to the civil power and virtually ended the campaign. The regiments were disbanded. But the serious state of affairs awakened the Ku Klux to their senses. The organization speedily disbanded.

In the meantime the elections had been held. Troops were sent to some counties to preserve order. The returns gave the Democrats a majority. In the winter of 1871 they met and decided to impeach the Governor for his conduct. The following charges were preferred :

Art. I. That the Governor, "unmindful of the high duties of his office" and "intending to stir up civil war, and subvert personal and public liberty," did, "of his own false, corrupt and wicked mind and purpose," declare the county of Alamance in insurrection, and by armed force made arrests. (The names of those arrested in Alamance are here given.)

Art. II. Same as above, in regard to Caswell.

Art. III. Arrest of Josiah Turner, of Orange, without any cause.

Art. IV. The arrest of certain citizens of Caswell by Kirk and Bergen, by orders of Governor.

Art. V. The arrest of A. G. Moore and refusal to obey writ of *habeas corpus* in his case.

Art. VI. Arrest of others and refusal to obey writ of *habeas corpus*.

Art. VII. Use of State funds to support the unlawful military organizations.

Art. VIII. The refusal to obey the writ of injunction issued at the instance of Richard M. Allison protesting against the use of the State's taxes in the military campaign.

A ninth article, charging the Governor with complicity in the Reconstruction frauds, was about to be introduced, but George W. Swepson telegraphed the members who had the drafting of the charges, that Governor Holden was innocent, and if they insisted on introducing the charge, he (Swepson) would come down from New York and testify in the Governor's favor. The charge was then dropped.

These articles were introduced in the Senate from the



House. The Senate organized as a high court, and the House took in hand the prosecution. The managers for the prosecution were Thomas Sparrow, chairman, James G. Scott, Wm. G. Worth, T. D. Johnson, G. H. Gregory, Jno. W. Dunham, and C. W. Broadfoot. These gentlemen employed as prosecutors for the House, ex-Governors W. A. Graham and Thomas Bragg and A. S. Merriman, late Chief Justice. No appropriation was allowed Governor Holden to secure counsel. He was compelled to pay his own lawyers and in some instances to pay the expenses of his own witnesses. This was not only partisan but unjust. He secured the services of W. N. H. Smith, later Chief Justice, Nathaniel Boyden, J. M. McCorkle, Edward Conigland and Richard Badger. Mr. Badger refused any remuneration for his services. The trial really began on January 30, 1871. The articles were introduced in December of the previous year but time had to be allowed for the collection of evidence. The burden of the prosecution was the *habeas corpus*. Was it suspended by military action? This and other questions involved held the attention of the court, presided over by Chief Justice Pearson, for forty-four days. The result was that Governor Holden was found guilty of all except the first two charges, and the Senate adjudged that "the said W. W. Holden, Governor, be deposed from office and found disqualified from holding any office of profit or trust in the State."

It is not my purpose to enter into any detailed account of the Impeachment and the legal question involved, and the argument of the prosecution and counsel. That would require a knowledge of legal history that few of our best jurists have. But this fact must be felt by every one who reads the proceedings in an unbiased spirit—that whether the Governor was guilty or not guilty, the trial was conducted in the most partisan spirit. The defendant's chances for acquittal were limited by a decision excluding

all testimony regarding the Ku Klux except that relating to Alamance and Caswell. Also whenever there was an uncertain issue, nine times out of ten the Senate would overrule the decision of Chief Justice Pearson and decide in favor of the prosecution. In this, Senator Edwards was prominent, for he always made the motion appealing from the Chief Justice to the Senate. Also the evidence for the prosecution was often doubtful, for example—Josiah Turner was arrested without the order of Governor Holden. No order could be shown for his arrest. Yet the Governor was convicted of this charge. And Mr. Turner when examined made the following statements :

Q. What are your personal feelings toward the accused ? A. I suppose as good as they ever were.

Q. That is not exactly answering my question—what are they now ? A. They are just as good as they ought to be between a good and a bad man.

Chief Justice. Are you on good or bad terms with him ? A. There are no terms between us. I have never passed a dozen words with him in my life. I never had any social relations with him. I never passed a dozen words with him in my life—hardly a good morning."

In his memoirs Governor Holden states that he supported Mr. Turner when candidate for the Confederate Congress, that Mr. Turner visited him in Raleigh, where they planned the campaign and separated the best of friends.

Also two Republican Senators were expelled and Democrats elected to fill their vacancies. One of these was Edwards, above referred to, one of the chief tools of the prosecution. On the day the final vote was taken, says ex-Governor Brogdon, two Democratic Senators were so drunk that they had to be led into the Senate chamber and supported by marshalls until their votes, which were necessary for conviction, were taken.

Through all the proceedings, Governor Holden conducted himself with dignity and honor. He refused to be a party to any method of self-preservation, save the small chance given by the prosecution. In his manuscript I find the following statements :

“One morning, in the Spring of 1870, Chief Justice Pearson called to see me at my house. We conversed a good while. Among other things he said that the Senate of this State has been chosen for four years and he could prove it beyond question. He said he hoped I would concur with and would aid him in a case to be made up by the Supreme Court. I was surprised at the suggestions. The proposition was to me a new one. I had not thought of it but I said to him, ‘Judge, the people in voting for the Constitution, no doubt believed that they were voting two years for the Senate and not for four—and besides it is written the different departments of the government should be kept always separate and distinct, and according to their rule I could not concur with the court.’ He seemed to be, as he no doubt was, profoundly in earnest. The Senate was at that time two-thirds Republican. It was the first Senate under the Constitution. I did not think of the matter any more until I was impeached.

“Mr. Brogden said to me one day, “Governor, I am advised to say, that if you would use your influence with the Legislature to call a Convention the Impeachment proceedings will be stopped. I told Mr. Brogden, ‘I am the first Governor under the new Constitution and can not support a Convention to amend the Constitution at this time. The Constitution has not yet been tried. I could not do evil that good might come.’ He seemed preplexed and troubled and said, ‘I am disposed to think well of the Constitution generally, but it ought to be amended, but you are too careful and squeamish for your own good.’ I went that day over to the lobby of the House of Representatives, and met Dr. Thomas W. Young, my brother-in-law and a member of the House who said, ‘Governor, we want to call a Convention and lack but eight or ten votes of doing so. What will you say?’ I answered, ‘Doctor, I can’t agree to the arrangement to call a Convention on my account.’ He said, ‘We can do it

in both Houses if you will agree to it.' I said, 'No, I can't do it.'"

After his Impeachment, Governor Holden removed to Washington, and was connected with the *National Chronicle*. He finally returned to Raleigh where he was Postmaster for a number of years.

So ends the public life of W. W. Holden. In many respects he is the most unique man in North Carolina history. He is the only Governor in the United States that was ever deposed from office. His trial is a slur on the history of the party that conducted it—still greater is the shame that his disabilities were never removed. Much has been said of Reconstruction and negro rule. But Mr. Holden never recognized the negro as an equal of the white, though he was compelled to protect him. He left the Republican party in 1880 when the negro question was becoming dominant, and his party seemed to be identified with the negro.

The final verdict in regard to his political life remains to be made in the future. But this must forever remain to his credit. He was one of the leaders in the Revolution of 1848 and 1850 that placed all citizens on an equal suffrage basis and so struck the final blow to the only aristocracy.

Whatever may be our judgment of him politically, as a journalist he is the peer of any North Carolina has ever produced. When we consider his literary ability we cannot but lament the fact that one who possessed such brilliant possibilities was compelled to spend his life at the case and press and make his livelihood as a politician. As testimony to his literary tastes I give this extract from Mr. J. H. Bonner to T. H. Hill:

"I remember one stormy autumn night—I think it was in 1865—he and I sat alone by a smouldering log fire in the rear room of the old *Standard* office. We fell to talking about poetry, as was generally the case when we were alone, and I chanced to have in my pocket a copy of your first book. I read to him your "Fireside Fancies." This drew him out, and in return he recited for me several of his own pieces which, so far as I know, have

never appeared in print. I can only recall now a portion of the refrain of one of them. It was this:

—"who can tell  
Where the lone spirit went when  
the frail body fell!"

Gov. Holden had fine poetic taste; he was a good critic, though inclined to favor religious verse. Milton was his poet. He was familiar with the English Classics.

"How old am I growing! More than thirty years have passed since I first became acquainted with Governor Holden. I was then in my sixteenth year, and I gratefully remember the kind and gracious manner and tone with which he greeted me. From that day to the end of his life we were warm friends. We exchanged letters quite frequently up to the time of his paralytic disablement. In '83, when my book of poems was published he managed to write a few tremulous lines expressive of his loyalty of friendship—only ten lines, in which he said; 'If I had the physical strength, John, it would give me peculiar pleasure to review your poems in some North Carolina paper.'"

During the stormy days of "reconstruction," when I held a State office which necessitated frequent business interviews with him, I have seen him calmly endure enough mental and nervous strain to wreck a man of steel. As Jo. and I had come to be chums, the Governor regarded me with real fatherly affection. Often when I was about to retire from the Executive chamber because of the presence of important personages with secret affairs, he would bid me remain. I know much of his unpublished history, and I make bold to say that I believe he always *intended* to do right. After many a critical scene, when the last visitor had withdrawn, and the door had been locked for the day, he has unbosomed himself to me and avowed his purpose to do right. And he at least had the courage of his convictions. He was a brave man. First of all, he was a gentleman. Personal assaults upon him were not infrequent, but he was never harmed. He never carried a weapon. I was once near him, on Fayetteville street, when a malignant man leveled a pistol at his breast. The Governor was always alert. Quick as a flash, he struck the pistol from the assailant's hand with his cane. Instead of following up his advantage with a blow, the Governor, apparently without loss of temper or composure, said to him: "Shame on you, sir!" There was no further trouble.

Though his life was stormy, his enemies always malignant, he showed the greatest charity. He aided in having amnesty to the Ku Klux proclaimed two or three years after his impeachment. His last years were filled with charitable work in Raleigh. He was the friend of the poor of the city, visited them and aided them in their troubles. He, on every available occasion, said he cherished no spirit

of resentment against those who had opposed him. He died in March, 1892. During the last months of his life he dictated his memoirs, written by his daughter. This manuscript is remarkable for the clearness with which everything is stated, though he was then paralyzed and feeble. In conclusion I quote the last section of his "last letter to the public:"

"We live in altered, in new times. The events of the past and the condition of things in the present, warn us of the paramount importance of law and order. There is no safety to society save the reign of law. I have always held that as a citizen and as an officer. I hold it still, with added tenacity, if possible. The paramount thought with all public officers should be, what is my duty, not what the crowd or the mobs, or bodies of friends desire or advise, but what is right now, without regard to party. George Washington himself warns us against the fatal danger of party spirit. General Andrew Jackson does the same. Their farewell addresses are invaluable. General Jackson once said to Colonel Bedford Brown: 'Colonel Brown, you will live to see a great civil war in this country about slavery. I will not live to see it, but I put you on your guard. The tariff has been proclaimed by Duff Green too weak to divide the Union, but he says slavery is strong enough to do it. Mr. Calhoun and Mr. Preston make speeches for the South and against the North, and the North in turn assails the South. One side cuts the wood and lays it down, and the other side sets fire to it. If this sectional feeling is continued I fear the worst.' Jackson and Washington were wise and forecasting. We now have a restored Union. It is the strongest government on the face of the earth . . . The States are not only powerful and never will be. The rights of the States are dead. I simply state facts. I do not say who did this thing or that thing. I speak only of results.

"Mr. Webster said in one of his great speeches in the Senate, that if the pillars of the Union should fall, 'they would be raised not again.' It is not the same Union and it never will be.

"Pass on, relentless world, I grieve  
 No more at all that thou hast given—  
 Pass on, in God's name only leave  
 The things thou never yet hast given;  
 A heart at ease, a mind at home,  
 Affections fixed above thy sway,  
 Faith, set upon a world to come,  
 And patience thro' life's little day.

"The public's most obedient servant,  
 "W. W. HOLDEN."

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# Historical Papers.

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### NORTH CAROLINA METHODISM AND SLAVERY.

BY J. S. BASSETT.

A leading Baptist minister, now quite old, said to me recently: "About all the religion the negroes as a class got before the war, they got from the Methodist and Baptist churches." This remark, so far as it applies to the number who joined these churches, is entirely true. These two churches have been the churches for the people in North Carolina. In their doctrines and their methods they appealed to the popular mind. They have preached to the heart. They early appealed to the enslaved people around them. Other churches, undoubtedly, had negro members. All of them had a few; but no other churches had them in large numbers. In the other churches, as the Presbyterian and the Episcopal, the negroes in the church were mostly slaves or followers of families who had their membership there. In all denominations the negroes had equal rights so far as instruction and communion went; but not equal privileges in the government. They were cared for faithfully by the whites and through patient teaching, many of them came to understand and to practice the fundamental principles of Christian living—a process which undoubtedly helped the slave to bear his servitude and operated to render slavery as a state perpetual. When there were only a few negro members they attended services with the whites, and a certain portion of the church was assigned to them. Where there was a large congregation of negroes

they were given a separate sermon, usually after the whites had dispersed. In earlier days there were a few negro preachers but even then the greater part of the preaching for the negroes was done by white preachers. The influence of the preacher over his flock was something that the whites very properly would not have relinquished to the negro preachers, had there been ever so many of the latter. In 1831 slaves and free-negroes were forbidden by the legislature to preach, exhort or hold prayer meetings. This was a harsh law, and in some cases it was not strictly enforced. In others it was enforced and bore hardly on at least one prominent negro preacher, viz: Rev John Chavis, of Granville. The white preachers preached such sermons as they thought the negro needed and could comprehend. Naturally, this led them to emphasize the duties of servants to their masters, that is to say, they continually preached from the text: "Servants obey your masters." The most independent spirits rejected this kind of preaching. To them it seemed that the white man's religion was but another means of riveting the chains of servitude.

No other leading church in the South, except the Quakers had a better record as to the practice of slavery than the Methodist church. John Wesley pronounced the slave trade "the execrable sum of all villanies." (Luke Tyerman, iii-114.) The last letter he wrote, six days before death, was to Wilberforce, and in it he called our slavery "the vilest that ever saw the sun." (Ib. iii, 650.) Whitfield, however, believed that slavery might be made a means of converting the Africans. He did not think slavery wrong and he bought and worked slaves on his plantation in Georgia. In America many Methodists held Mr. Wesley's view. In the North especially was this true. The Conference in Baltimore, in 1780, declared that slavery "is contrarary to the laws of God, man, and nature, and hurtful to society, contrary to the

to the dictatates of conscience and and pure religion and doing that which we would not that others should do to us or ours." It further declared its "disapprobation on all our friends who keep slaves." (Minutes. pp. 25-6.) This resolution was probably offered by some of the members of the Conference, although there is nothing in the records to show it. It was decided in 1784 that Methodists who bought and sold slaves ought to be turned out of church. Public opinion was found to be against this regulation for a year later it was suspended till a later meeting of Conference. The Conference, however, was particular to add: "N. B. We do hold in the deepest abhorrence the practice of slavery, and shall not cease to seek its destruction by all wise and prudent means." (Mins. p. 55). This change of sentiment was caused by the preaching of Bishop Coke who had just arrived in the country and had begun to preach with vigor against slavery. Southern slave-holders were enraged and in South Carolina he narrowly escaped bodily violence. As a result Methodists were refused access to the slaves and it took years to overcome the opposition. If the matter was taken up in the near future no mention of it was made in the published minutes. In 1795, the church proclaimed a fast, and one of the purpurposes was "to call on the Lord that the Africans and Indians may help to fill the pure church of God."

An important question from the first was the holding of slaves by ministers. The spirit of the church was undoubtedly against it, Whitfield's example to the contrary, notwithstanding. The matter was before the Conference for some time, and it occasioned many disputes—just as later it was to be the cause of the division of the church. At length the two sides came to a compromise. In 1816, it was agreed and enacted that henceforth no Methodist preacher should hold slaves in the States in which the laws would allow them to be emancipated and to live there as freemen. As all of the Southern States required slaves

that were set free to leave those States in a short time on pain of being re-sold into slavery, this did not operate harshly on such preachers in the South as had slaves. Such preachers were, it is fair to say, as a class against Slavery in the abstract, but they were often so placed that to own a slave seemed to them the most humane thing under the circumstances. Thus a preacher might marry a woman who owned slaves. These slaves might not desire to leave their old homes for the colder climates of the free States, and they might have to leave relatives to whom they were deeply attached in order to do so. In such a case a benevolent and intelligent master would most likely consider that the best interest of the slave demanded that he should be still a slave.

As the North became more and more aroused on the question of slavery the Northern preachers became more and more pronounced in their views against it. The compromise of 1816, like the Missouri Compromise four years later, tendered to restrict slavery to the South. By 1844, the Northern section of the country had developed far enough to have the most pronounced views. The matter was opened in the General Conference of that year in regard to a case from Maryland in which a preacher had married a woman who owned slaves, thus becoming a slave-owner. Maryland forbade liberated slaves, to stay in its bounds. The Maryland Conference failed to pass the character of the slave-owning bridegroom, who, it was said, had floun in the face of well known public opinion in his church in coming into his new relation. The case was appealed to the General Conference and the judgment of the lower Conference was confirmed. This gave the anti-slavery movement courage and they at once brought in a resolution of censure against Bishop Andrew, whose episcopal heart had been caught in the meshes by a fair slave-holding widow in Augusta, Ga. The North claimed that the bishop by his marriage had made himself unacceptable to the North—



where the people would not have a slave-holding bishop to hold the Conferences. The majority of the delegates from the free States were men of a new time—reared in the midst of the strenuous controversy over slavery. With them the spirit of the compromise of 1816 went for but little. They were immovable. The resolution against Bishop Andrew was carried by a vote almost strictly sectional.

The result, as is well known, led to the secession of the Southern delegates and the establishment of the Methodist Episcopal Church, South. But the Southern church did not change its profession in regard to slavery. It had contended for the compromise of 1816, and in its own Discipline, first published in 1846, it repeated in the exact words of the old Discipline: "We declare that we are as much as ever convinced of the great evil of slavery; therefore, no slave holder shall be eligible to any official station in our church hereafter where the laws of the State in which he lives will admit of emancipation, and permit the liberated slave to enjoy freedom. 2. When any traveling preacher becomes an owner of a slave or slaves, by any means, he shall forfeit his ministerial character in our church, unless he execute, if it be practicable, a legal emancipation of such slaves, conformable to the laws of the State in which he lives."

As to the care of the Methodists for negroes the record is clear. From the earliest time the Methodists turned their attention to the conversion of the slaves. In many communities in the South, the church began its work as a negro church. It may be said that it was the first considerable body to make the conversion of the slaves a chief object. It had success from the first. In 1795 the Conference rejoiced that many thousands of these poor people [the Africans] are free and pious." (Mins. p. 163-4). When the division between the North and the South came, the latter branch instructed its preachers to enjoin on their congregations the duty of Christians to teach the slave to

read the Bible and the duty of the slave to attend church services. It also guaranteed to colored ministers the privileges usually granted to other like members, "when the usages of the country do not forbid it." The presiding elder was authorized to hold a separate District Conference for colored preachers when there were enough to justify it. Moreover, the the Annal Conferences were given the authority to employ colored preachers to travel and preach—provided that such preachers should have been recommended according to the Discipline. Thus it will be seen that the Southern Methodist church began its life in no spirit of hostility to the negro. This body repudiated the anti-slavery sentiment of the North but it still professed an oppositon to slavery in the abstract and earnestly desired the best Christian development of the slaves.

In North Carolina the progress of Methodism among the slaves was rapid. In 1787, when we have our first statistics, there were within the State, 5,017 white and 492 colored members. In 1790, three years later, there were 7,518 whites and 1,749 blacks. The census etimated at five-year periods after this runs :

Year.	Whites.	Blacks.
1795	8,414	1,719
1800	6,363	2,108
1805	9,385	2,394
1810	13,535	4,724
1815	14,283	5,165
1820	13,179	5,933
1825	15,421	7,292
1830	19,228	10,182
1835	27,539	8,766
1839	26,405	9,302*

This shows a rapid gain of the blacks as compared with

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\* FOOT NOTE.—This is the last year for which I have been able to get the figures.

the whites. A notable feature here is a tendency—not entirely absent from the white column also—for the negro membership to vary sharply, sometimes rising suddenly and then again falling as suddenly. This variation is not unnatural. It corresponds with the emotional nature of the negro. In the eastern part of the State the proportion of negro members was large. This was of course due to the fact that in this section there were vastly more slaves than in the East. An illustration of this is found in Wilmington. Methodism was planted here about the close of the eighteenth century. William Meredith a wandering Methodist preacher came to Wilmington at that time. He was struck with the possibility of doing good in the place. In the suburbs among the negro cabins he bought a lot. He preached faithfully to both black and white in any place he could get. At length he had raised a sum of money, mostly from the penny collection of the negroes, and he built a church building of his his own. His venture was independent of the regular connection, but he held the friendliest relation with the regular preachers as they came through Wilmington, and when he died he left his church and other property to the Methodist organization. Hither came Bishop Asbury in 1807. He preached two sermons on Sunday. At sunrise of the same day John Charles, a colored preacher, preached from the text: “Now no more Condemnation.” The bishop speaks of it as a “high day on Mt. Zion.” The majority of the flock were negroes. By the wealthy people the church was looked down upon as the “negro church.” The only other church in the place at that time was an Episcopal church. Most of the aristocratic ladies attended this church but a majority of the men were freethinkers after the French fashion. The Methodist doctrines were considered all right for the ignorant—whose conduct was thought to be improved by a taste of hell-fire. The congregation were not however,

always left at peace. The records show that on certain occasions the building was wrecked by the popular vengeance.

More striking is the story of the planting of Fayetteville Methodism. Late in the eighteenth century Fayetteville had but one church organisation and that was Presbyterian. The body, however, had no building of its own. One day there came to the place, Henry Evans, a full-blooded negro shoemaker who was going from Stokes county, N. C. to Charleston, S. C. where he proposed to locate. He is thought to have been born free and it is known that he was converted at an early age. He removed first from Virginia to the neighborhood of Doub's Chapel, in what was then Stokes, but is now Forsythe, county. Here he staid one year and was licensed to preach by the Methodists. In Fayetteville he was impressed by finding that the coloree people were "wholly given to profanity and lewdness, never hearing preaching of any denomination." He decided to settle here and to try to build up the negroes. He had not preached long when he found himself the object of the severity of the law. The whites, ever on the alert to detect some early sign of a slave conspiracy, passed a law forbidding him to preach within the town limits. He then met his flock in the "Sandhills," which were desolate places outside of the corporate limits. He thought he had cause to fear mob-violence and he changed the place of meeting from time to time and often his tormenters would go to break up his meeting only to find that he had moved it to some other place. No law was violated. His persecution he bore meekly, and those who spoke to him about the matter got such respectful answers that public opinion at length changed. Many of the negroes were reached, and it was soon noticed that such as had come under his influence were the more docile for it. A number of prominent whites, mostly women, became interested, and began to go to the meetings. His friends increased fast and he was at

length invited to hold his services in town again. More than this, a rude wooden church was constructed and seats in it were reserved for the whites, some of whom became regular attendants on the services. The reputation of the preacher grew rapidly and the white attendants increased in number. At length they filled the entire body of the church and the boards on the side were knocked off so as to allow shed-like additions to be built for the colored attendants. At first the organization was an independent one. But in time it was taken into regular connection and Fayetteville became an appointment on an established circuit. A white preacher accordingly had the work in hand; but the heroic founder was not displaced. A room was built in the rear of the pulpit and here he lived the rest of his life. He died in 1810.

Of Henry, Evans, Bishop, Capers said: "I have known not many preachers who appeared more conversant with the scriptures than Evans, or whose conversation was more instructive as to the things of God. He seemed always deeply impressed with the responsibility of his position. . . . Nor would he allow any partiality to induce him to vary in the least degree the lines of conduct or the bearing which he had prescribed to himself in this respect; never speaking to a white man but with his hat under his arm; never allowing himself to be seated in their houses; and ever confining himself to the kind and manner of dress proper for negroes in general—except his plain black coat in the pulpit. 'The whites are kind to come and hear me preach,' he would say, 'but I belong to my own sort and must not spoil them.'" The humility of the man, we must think, was praise-worthy. It was necessary under the circumstances. But what shall we say of the system that demanded such a prostration of self-respect from a man of the christly courage of Henry Evans! He did a great work, but might it not have been greater had he been untrammelled by the sense of his subordination.

His last speech to his people is noteworthy. Directly after the morning service it was the custom of the white preacher to preach to the blacks. On the Sunday before Evans died, as this meeting was being held, the door of the little rear room opened and the old man tottered in. Leaning on the altar-rail he said very simply: "I have come to say my last word to you. It is this: None but Christ. Three times I have had my life in jeopardy for preaching the gospel to you. Three times I have broken the ice on the edge of the water and swam across the Cape Fear to preach the gospel to you, and if in my last hour I could trust to that, or to anything else but Christ crucified, for my salvation, all should be lost and my soul perish forever." Of these words Bishop Capers said simply and justly that they were worthy of St. Paul.

The early experience of the Methodists in Raleigh is also interesting. Here the negroes constituted a large part of the congregation. When the church was built they contributed their part and they were assigned seats in the gallery. Later an opportunity was given for them to buy a church of their own. Both blacks and whites worked to get money together until the scheme was consummated. When the slaves moved into their own building there was a two-fold rejoicing; by the blacks because they had a building of their own, by the whites because the negroes were out of the building of the whites. The negro church now became a negro mission, and was served by a white preacher assigned by the North Carolina Conference. It was the custom to send some old preacher of great kindness and usually of very good ability to the work. The negroes were very devoted to their preacher, and I have been told showed their appreciation by frequent presents of such articles as pies, cakes and socks. The white members of the churches were still interested in the negroes and exercised a kind of oversight over them, attending their meetings and teaching in their Sunday schools.

On the plantations negroes usually joined the neighboring churches. Owners of some of the large plantations in the East used to unite and pay the salary of some preacher whom the Conference would send them. In such a case the negro church would be made an appointment on a circuit and would have preaching once a month as other places. In the Cape Fear region early in the century I find that one or more missions to the slaves appear on the list of assignments. This means probably that a preacher had several charges composed of negroes and covering a large area. Such a plan was feasible only in the East where slaves were more numerous.

I cannot close without saying just one word that a study of this part of our Methodist history brings to my mind. If we found it wise in the days of slavery actively to superintend the religious instruction of the negroes, would it not be wise now for us, as a church, to give some careful oversight and aid to him? Perhaps our entire separation from him may have been justified in the days of reconstruction, when there was much mutual distrust between the races; but no such a justification seems now to exist. This is not the place or time to make an argument on this point; but I trust that you may feel enough interest in it to endeavor to determine for yourselves. We are our brother's keepers. The black man is our brother and will remain so. To him our church has a duty. Does it perform it by letting him alone?

**COURT SYSTEM OF NORTH CAROLINA BEFORE THE  
REVOLUTION.**

BY S. A. STEWART.

In studying the development of a people nothing is more helpful than a correct understanding of their system of judicature, for here we not only learn their methods of administering justice, but, at the same time, we get an insight into their conception of *justice* itself. There is no question of government more vital to the individual than the mode in which the authority of that government is to be administered. There is hardly another function of government that touches the citizen at a point quite so delicate as the institution which passes judgment upon his deeds and intentions. Hence we find that all peoples at all times have demanded a satisfactory and, to their minds, a fair system of meting out justice to both offender and offended. "Equality before the law" is not alone a plea for an equal voice in selecting the rulers and legislators who are to make the laws, but it is also a plea for an indiscriminating law, applying indiscriminately to rich and poor, bond and free, to be administered by an impartial hand, not without a certain "fear and trembling," yet with a boldness and fidelity becoming a man robed with authority. I say the people not only demand that the laws be impartial, but that the courts in which those laws are to be interpreted and applied be such as will insure fair play to all those bringing suits therein. Thus it is that a knowledge of the court system of a people comes to have such wide significance and suggestiveness.

To treat adequately and explicitly a subject like the one in hand is quite a difficult task on account of general confusion, and in some cases actual lack of certain important records, and on account, also, of a direful want of co-ordination in the system. Different things were tried at different places and times as the exigencies of the case



might demand. The reader should also bear in mind two other points: first, that the amount of territory occupied in early colonial days was very small, and a system of judicature adapted to the narrow limits of a small province would, of necessity, have to be remodeled and enlarged to meet the demands of an expanding settlement; and secondly, that all our institutions were merely attempted adaptations of English institutions to our conditions, consequently many were superfluous and many were unsuited and *unsuitable* to a widely dispersed population occupying an undeveloped country.

With these introductory remarks I am prepared to enter upon my task which is, not to trace all the changes, giving the minute details and dates, but rather, to give a summary, of the Court Systems of North Carolina prior to the Revolutionary war. And it will greatly aid the mind in getting hold of the facts if we divide it into two periods, the first extending up to the close of the proprietary regime in 1729, and the other continuing it to the breaking out of the war.

#### THE GENERAL COURT.

For more than a quarter of a century, embracing the early history of North Carolina, the judicial functions of government, as well as the legislative and executive, were exercised by the Governor and his Council. This we know from the fact that to the "Governor and Council in time of court" were granted thirty pounds of tobacco in each action. It seems that they combined the powers of both law and chancery courts of England. In 1665 authority was granted the Governor and Council to establish what courts might be found necessary. About the same time the province was divided into precincts for the purpose of electing representatives to the Assembly. The same process made the precinct the territorial basis of a new court—the precinct court. Certain functions were taken from

the one previous tribunal and given to the precinct courts. The older tribunal became an appellate court, known as the General Court. It was the forerunner of our present Supreme Court. The Governor and Council continued to hold this court till near the close of the century, when they appointed Justices for the purpose. Just when the change took effect is hard to say, but we know that in the year 1695 Samuel Swann, William Glover, and John Hawkins held the General Court. Another step was taken in 1713, when Christopher Gale received a commission direct from the Lords Proprietors, making him Chief Justice. The number of Associates varied, there being but two in 1713, while in 1716 there were ten. These Associate Justices were equal in authority with the Chief Justice, but in 1718 it was ordered that no court should be held without the latter dignitary being present. These changes mark the chief steps of the development of this court under the proprietary regime.

The authority of this court seems to have been commensurate, on the one hand, with the courts of King's Bench, Common Pleas, and Exchequer; and on the other, with the courts of General Session of the Peace, Oyer and Terminer, and General Gaol Delivery. Its jurisdiction extended territorially over the entire province; but its legal authority was limited chiefly to cases appealed to it from inferior courts, and to cases whose participants were citizens of different districts, and also to civil cases involving more than a certain legally fixed sum, usually fifty pounds. This court also exercised certain non-judicial functions, such as the general supervision of the roads of the province, the regulation of fare and the appointment of ferrymen; and sometimes, when so directed by the Assembly, it apportioned the taxes and ordered the payment of the public indebtedness.

An appeal might be taken from the decision of this court to the King. But before going to the King the

evidence had to be sent from the General Court to the Governor and Council. A day was set for a rehearing, and this body either approved or reversed the decision of the General Court. But it might be carried to the King if either party was still dissatisfied; provided, however, that the party continuing the suit incur the expense of the same, and provided further, that the case so appealed be one involving no less than five hundred pounds. These restrictions practically did away with appeals to the Crown.

The executive officer of this court was the Provost Marshal of the Province. He was appointed by the Governor and Council. It was his duty not only to execute the orders of the General Court, but to summon jurymen and preserve order during the convening of court. He also appointed his deputies to serve the Precinct Courts as he served the General Court. This formed a network of individuals who were in close communication with each other, and through them notice could be given the people of the convening of the assembly, or of an election to be held for members of the Assembly, and of other things of like importance. Another officer of this court was the Clerk, appointed by the Chief Justice, whose duty it was to act as scribe for the court. In 1679 appeared the first Attorney-General in the person of George Durant. He received his commission, as it appears, from the Governor and Council.

#### THE PRECINCT COURT.

This court, as we have already noted, came into existence about 1665 or 1670. It was held by several justices of the peace in joint session, one of whom was usually denominated Judge. Frequent sessions of this court were held, although the number in different precincts varies. Probably, like most other things, its sittings were influenced somewhat by the law of supply and demand, especially by the latter. Likewise the number of justices

in different precincts varied, and no doubt for the same reason. As there were no court-houses to be found prior to 1722, these courts were held at private residences that happened to be convenient and suitable for the purpose.

The territory of jurisdiction of this court was the precinct. Its scope of authority underwent many changes from time to time, but only the more important points are here desired and these may be briefly summarized. In criminal causes its authority extended to all offences not punishable with life, limb or estate; and in civil causes to suits involving more than forty shillings and less than fifty pounds. This court might punish by "fines, amercements, forfeitures, or otherwise."

Like a Board of Commissioners at the present day, this court had charge of many matters of public concern. It might take the probate of wills, and receive entries of land. It also fulfilled the functions of the English Orphan's Court, appointing guardians and binding orphans as apprentices. It looked after the general management, (opening and repairing roads, building bridges and appointing overseers) of the public highways of the precinct. Furthermore, it supervised the administration on estates, appointed constables, and granted franchises for building mills. etc. The fact is, it formed the chief centre of local government in North Carolina during this early period.

The decrees of this court were executed by an officer called in early times provost-marshal, but later he came to be called *sheriff*. He was a deputy of the Provost-Marshal of the General Court and in general sustained the same relation to the Precinct Court as the latter did to the General Court. It was a part of his duty to summon jurymen, which was done in much the same way as at present. There was also a Clerk whose business it was to keep and transcribe the minutes of the meetings of the court. Attorneys, of course, took part in the trial of cases, and in early Proprietary times there was a practice of allowing advocates, men not bred to the law, to use this court as a

kind of practice ground. But an end was put to this kind of thing by an order of the General Court forbidding any person to act as attorney-at-law in the province save such as had been licenced by the Chief Justice and Judges of that court.

On the last day of any session of this court the clerk was required to read in open court the minutes of all the proceedings. After all errors had been duly corrected, and the document had been signed by the justices, it was declared *the record of the court*.

#### JUSTICE OF THE PEACE COURTS.

The first record we have of this court was in Perquimans County in 1679. These officers were given quite an extended range in which to display other magisterial powers, being authorized to inquire by the oaths of good and lawful men of the precinct aforesaid, by whom the truth may be known of all and all manner of felonies, witchcraft, enchantments, sorceries, magic arts, trespasses, forestallings, regratings, and extortions whatsoever.' Usually their jurisdiction in civil cases did not extend to cases involving more than forty shillings.

These magistrates must have been appointed by the Governor and Council, for we find an enactment which boldly affirms that "it has always been the custom, time out of mind, for the Governor and Commander-in-chief to appoint all officers in this government, by and with the consent of the major part of the council."

The executive officer of this court was the constable, appointed annually by the justices of the precinct court, and invested with like powers and authorities as were the constables in England.

#### CHANCERY, ADMIRALTY AND SLAVERY COURTS.

The three courts above mentioned constituted the chief agencies for the administration of justice, but there were three other courts of secondary importance. These courts, it would

seem, were instituted not so much because of any actual need of them, as because similar courts existed in the mother country, but because of the additional fact that they furnished more offices to be filled by the friends and kinsfolk of the Lords Proprietors.

The first of these to be mentioned is the Court of Chancery. This was, as in England, a Court of equity. Its duties do not seem to be either numerous or difficult. "The Governor and the members of his Majesty's Council are the judges of this court," and the presence of the Governor and at least five members of the Council are essential to its sittings. "The Governor may hold court when and where he pleases although it is seldom held oftener than twice a year."

When the General Court was created, the chancery jurisdiction still remained in the hands of the Governor and Council. But other functions were added to these. Wills were proved before it, executor's accounts were received by it, and lands were divided by it, and occasionally we find it hearing charges against citizens, or against officers for misconduct in office.

The second is the Admiralty Court, which consisted of a Judge, a Register, a Marshal and an Advocate. The purpose of the court was to enforce the acts of trade. Previous to 1698, the duties of this court devolved upon the common law courts. In this year, however, North Carolina was attached to Virginia and the one tribunal served both states. But this arrangement did not last, and early in the next century the colony had its own Admiralty Court. This court was not only similar to the Admiralty Court of England, but was an actual offspring of it. Its officers were appointed by it, and to it reports must be made.

The third of this group of courts was the court for the trial of slaves. For slaves to be required to lie in prison for months at a time would entail too much loss of time and labor on their owners, and so a special court was established for the speedy trial of these slave criminals. It

was rather a commission and was composed of three justices of the of the Precinct Court and three slave-owning free-holders. The magistrate whose commission was oldest, determined the time and place of meeting. After hearing the facts in the case the court had power to pass sentence extending to life or members; or it might inflict any corporal punishment short of this. It might also command the proper officer of the law to execute its sentence.

#### COURTS IN THE ROYAL PERIOD.

Such in general were the courts in North Carolina at the end of the proprietary government, and such they continued for several years thereafter. The change of the Colonial government from proprietary to royal had very little effect upon the courts. Only such changes were made from time to time as circumstances demanded. It now remains for us to note a few of the more important of these changes that were made prior to the beginning of the Revolution.

The first one of importance occurred in 1738. An act was passed "by his Excellency Gabriel Johnston, Esq., Governor, by and with the consent of his Majesty's Council, and the General Assembly of this province," abolishing the Provost-Marshals of the Province and appointing instead a Sheriff in each *County*. Three Justices of the Peace in each county must be recommended biennially to the Governor by the court of the county, who must be "most fit and able to execute the office of Sheriff for their respective counties." The Governor appointed the *one* that to him seemed "meet for the office," and he served the next two ensuing years." The same act changed the name Precinct to County, and the old Precinct Court became the County Court, but its organization and functions remained the same in essence as they had been.

The next change of interest came in 1746 when there was a general revision of the courts. At this time it was enacted that the Court of Chancery, and the Supreme or

General Court shall be held and kept at the town of "Newbern." But the same act created a new court, "a Court of Assize, *Oyer* and *Terminer*, and General Delivery." This court was to be held twice a year by the Chief Justice and Attorney General at each of the following places: "at Edenton in Chowan County, at Wilmington in New-Hanover County, and at the court house in Edgecomb County." Thus the State was divided into three judicial districts. The number of districts was increased from time to time as occasion demanded, and it came to be called the Circuit Court, and finally the Superior Court. It should be noted that it was a *splitting off* of certain of the functions of the General Court leaving it to be the Supreme Appellate Court of the State. This latter Court continued to meet twice a year at Newbern.

"And for the better establishing of the County Courts" it was enacted that they should be held four times in each year, and that the Justices of the Peace "shall have power and authority, as amply and fully, to all intents and purposes as Justices of the Peace in the Counties in England as well out of their Court of Quarter Sessions, as within, to preserve, maintain, and keep the peace within their respective Counties."

This system of courts continued without material change till the opening of the war. The great weakness of the whole system was its instability. The court laws were temporary and on account of political disputes between the assembly and the Governor their existence was generally limited to a certain specified period, usually two years.

This led to frequent legislation with its consequent agitations and discussions regarding courts and court systems. But this was greatly remedied in the closing years of Governor Tryon's administration. In 1768, the court question was again taken up, and, while the general features of the system were left unaltered, the duration of the same was extended to five years instead of two, as formerly.



**WILLIAM H. BRANSON.**

BY JNO. C. KILGO.

Very few American families can trace their ancestry beyond three or four generations. This is due to the lack of a historical spirit among the early settlers of a country. They make no records, and only vague traditions carry their histories down to other generations. When the Branson family came to America cannot be accurately determined. It is, however, certain that early in the eighteenth century Thomas Branson came from England and settled in Chatham county, N. C. This makes the Branson family one of the old families of North Carolina, and identifies them with all the periods of the State's growth.

William Henry Branson belonged to the fifth generation from Thomas Branson. William's father was named Thomas, doubtless for the original Branson, and was born in Randolph county, near Asheboro, in the year 1800. For four generations the Branson family remained in this section of the State, a fact which indicates an indisposition to rove from point to point in search of easier fortunes.

Thomas Branson, the father of William H. Branson, was twice married; the first time to Miss Mary Lewellyn, the second time to Mrs. Prescott, who was a Miss Buck. William was the only child by this second wife. He was born near Cedar Falls, Randolph county, May 23, 1860. His father was a blacksmith, a vocation of large importance in the first half of the nineteenth century. The blacksmith was then a manufacturer, making not only all the implements of farming, but all the pieces of iron furniture in the best homes. Longfellow's "Village Blacksmith" commemorates the true dignity and character of the hero of the anvil. So Thomas Branson was a central figure in the industry of his community. He is described as a man with a large and erect frame, strong intellect, and

noble character. He was a man of deep convictions, and held to them with unshaken fidelity; he was energetic and honest in all business transactions, while his genial nature drew about him a host of friends. One who knew him said, "Never was there a more upright man than Thomas Branson." His second wife was a woman of genial nature, and very full of energy. Their only son, William Henry, got a good start in his parents, and his record fully sustained their character in the larger world of activity to which he belonged.

Thomas Branson died when William was very young. This, joined with the extremely poor educational facilities, gave young William no opportunity to attend any other than a local school. Nevertheless, he succeeded in grasping the principles of arithmetic before he was twelve years old, for he never attended school after that age. Nature had endowed him with large mental powers, and from the earliest he seemed to have superior control over his faculties of mind. Young men who cite such instances to defend their indifference to educational opportunities, should first be sure that nature has extended to them such a beneficent hand as it held out to him. He not only had faculties, but they had impetus, and he was always learning. Minds run down, and growth is arrested, but he had the genius of endless growth.

His half sister, Miss Jennie Prescott, married Mr. J. A. Odell, a merchant in the town of Greensboro, N. C. At the age of twelve he went to live with them as a member of the family. This was a new era in William's life. Mr. Odell is not only a man of stalwart character, but his business genius puts him among the business leaders of the South Atlantic States. Young Branson had the life of this man to touch him from the intimate relation of the home at his most impressible age. This may be called good fortune by some men; it was destiny to William Branson. He went into the Odell home, and the Odell

home went into him. He worked in the store as a clerk, and developed his powers to deal with large and varied classes of men. A young boy behind the counter of a busy store is not in the poorest school. To succeed as a clerk requires energetic study and large self-control. William succeeded.

He did not receive a salary for the first four years. He was a member of the Odell home, and was cared for as a son. His fidelity to the home relations was so marked that his sister was never forced to punish him. Mr. and Mrs. Odell always knew his plans, and as long as he was with them, he never left the home without their knowledge and approval. To him manliness and honor were inseparable, and freedom was obedience to duty and truth. It is no surprise that the confidence which grew up in those years never diminished in later years.

William was sixteen years old when the Centennial Exhibition came on in Philadelphia. Mr. Odell, as an expression of appreciation of him and his work, took him to Philadelphia. This opportunity to look out on the world and feel the throb of its energy and genius, meant much to this lad of sixteen years. He did not return home the same boy; he did not live again in the same world; he came back a larger boy in a larger world. The country school in Randolph county, the Odell home and store, and the trip to Philadelphia, and at the same time a short visit to New York, were the schools in which William H. Branson was educated. In the first, he gained access to books; in the second, access to business and society; in the third, access to the impulses of the world. These three attainments in the possession of a highly endowed man aggregated no small capital with which to begin life.

When William returned to Greensboro from Philadelphia he had his wardrobe and fifteen cents in cash. From this time he became an employee of Mr. Odell on a salary

of fifteen dollars a month. Thus he entered on his business career. In this day of restless youth, impatient for a rapid rise to easy and lucrative positions, the history of William H. Branson is a sharp reproof. He began at what men call the "bottom round," not because those who loved him could not have elevated him at once to a higher position, but because their wisdom suggested a better plan. Men rule best who have served most faithfully in every sphere to be ruled. Young Cornelius Vanderbilt is a common laborer in the shops of the New York Central Railroad in order that he may be a better president of the system. Rapid progress means early bankruptcy, and against this calamity young Branson was trained. As the years passed his salary grew, so having learned to live on a small salary, he knew how to save from a larger one. The best product of education is the control that it gives a man of all the powers of his nature. To think accurately is not enough. Unless a man can master his moral desires, high thinking will prove to be disastrous thinking. William Branson had been trained to deny useless desires, and he was no longer in the way of his own success.

At the organization of the Durham Cotton Mill, in 1884, Mr. J. A. Odell was elected President, and William H. Branson was chosen Secretary and Treasurer. Young Branson was practically placed at the head of this new enterprise, for through him Mr. Odell directed the business. At this time the cotton manufacturing interest entered on the period of expansion in the South Atlantic States. The growth was rapid, but the fact that untrained men were necessarily placed at the head of new mills, made it a critical period. Not only were new markets to be opened and new business affiliations formed, but unexperienced labor was to be trained, and new social relations were to be adjusted. It was into the midst of these problems that Mr. Branson was suddenly thrown. He met them with an assuring faith. He was born to lead

men. He knew how to plan a work, and to organize and inspire his forces. No crisis could throw him into a spasm of excitement, but he was calmest when the ordinary man was most excited. During the business panic of the first years of this decade, he showed no timidity, but maintained that stability which alone can secure the integrity of business. Business genius is rare enough, and great enough to command the admiration of all true men, and only a moral quackery discounts it. It is as foolish to think that every man can build or control large business enterprises, as it is to expect every man to write Shakespere's Hamlet, or Goethe's Faust. This talent belongs to the few, just as the poetic genius is a rare talent. Too much may be attributed to opportunity, or so-called "good fortune," but the real opportunity is the man. The modern teachers of economy rest their hopes too much in natural agencies, expecting to produce wealth by changing circumstances. The problem is to be solved in the man, not in the conditions, for the man who lacks the power to control circumstances, lacks the very element of success. Mr. Branson did not wait for times to change and conditions to become better, he changed the conditions. The real leader of men will never lack men to lead. By the force of moral energy the public mind moves about him as an appointed center. He seeks nothing; everything seeks him. The large number of enterprises that sought the fostering care of Mr. Branson illustrates the truthfulness of the statement. He was a Trustee of Trinity College, a Member of the Executive Committee of Trinity College, Trustee of Greensboro Female College, Director of the Fidelity Bank, Secretary and Treasurer of Durham Cotton Mill and Pearl Cotton Mill, Director of the Durham and Oxford Railroad, Director of Odell Manufacturing Company, Treasurer of the Joint Board of Finance of the North Carolina Conference, Steward of Carr Church, a Trustee of Church property, and associated in some way with various

other institutions. These were not honorary positions, but enterprises which sought the wise direction of this strong man. So they were to him responsibilities, and got from his closest study and faithful direction. In the meetings of these Boards he was always active. Mr. Branson's success as a business man cannot be attributed to any one element of character. He was a man whose faculties compassed large and varied spheres, so that he put into his plans ideas gathered from many points of view, and protected on every side.

Men who have large aptitudes for business rarely develop social tastes. There is an antagonism between the two spheres, and only men of great adaptability can so harmonize them as to make them serve each other. The business man regards a social occasion as a waste of time, and when forced into a social assembly, finds himself cramped and vexed. Close calculations and stern facts injure, if they do not destroy, those sentiments upon which society rests. The loss of faculties is a common calamity, especially the more unselfish faculties that cannot be traded in the markets. Mr. Branson was an exception to this rule. He could lay aside the calculations of the office, dismiss from his mind the conditions of the market, shut out the roar of machinery, and throw himself with genial enthusiasm into a lawn party of his little girl, or a social function of largest proportions. He was not dragged into these; he had a highly developed social nature. Three things made him social. He was naturally a man of deep and refined sympathies, and could not, therefore, find his life's satisfaction in himself. The second cause is found in the genial associations of the Odell home. In it he had his natural social sentiments trained and gratified. The third cause was a happy marriage. December 17, 1885, he was married to Miss Clara Sargent, of Greensboro, N. C. Two lives may make one great life, or they may destroy each other. The union in

married life is not a legal agreement, to which society sets its approval. It is a mystical unity, where two thoughts and two impulses so fuse into each other as to consume all separate identity in a new and larger expression. This, and this alone, is marriage. Legal contracts and ecclesiastical ceremonies cannot so unite what nature has forever divorced. The law of congeniality is as rigid as the law of gravity, and ruin can only come from an attempt to reverse it. Forced nature is wrecked history. *William Branson and Clara Sargent were married.* She was to him the ideal woman. Genial, sympathetic, loving, and faithful, she was to him a poem, the passion of whose movement was a divine impulse, keeping alive the diviner sides of his nature. With him, she could never degenerate into a soft social show; with her, he could never become a hardened man of the market. Society is at its best, or its worst, in the home. In this house it was at its best. Mr. Branson had his business day, but when that ended he gave himself to his family. The city of Durham will not forget the evening rides he took with his family. The sight was a sermon on "how to love and how to be loved." Little William, his only son, was sent to the home of a neighbor on the morning of the accident that robbed him of a father, and was not allowed to return home till night. He was brought into his mother's room just at the hour of the day when the family circle was at its best. The little fellow at a moment felt the distress of his father's absence, and his first utterance was, "Mamma, where is papa?" His little life had its joys in the hours of a father's presence in the home. Little Annie's parties, his wife's social occasions, companionship with his friends, and the annual social functions of Trinity College, all received his best contributions of joy and gladness.

His social nature did him great service in his business relations. It not only gave him ready access to the sympathies of men with whom he had transactions, but it saved

his business plans and methods from the monotony of hard and cold mechanism. Between the manager and the laborer there must be something more than a contract. Otherwise, trickery and suspicions arise that hinder, if they do not ruin, an enterprise. Legislation can do very little, if it can do anything, to prevent friction between capital and labor. Likely, it has created more friction than it has prevented. The friction has its rise in that margin which lies outside of legal control, a sphere which modern sociologists have ignored. There must be a point of personal contact between labor and capital, and no increase in wages will ever act as a substitute for this personal and moral bond. Labor wants the inspiration of personal regard; capital wants the assurance of personal confidence. The necessity is a common necessity. Mr. Branson solved the problem, just as very many other wise men have solved it. He touched the lives of those who worked under him with a sincere sympathy and regard. He did not patronize them, as he did not patronize any man. He never called them his "operatives," "hands" or "laborers," but "our people." This was not a conventionalism, for he held them in the high esteem of kinship, and never met them on any other basis. The entire community organized around him with perfect confidence. Free himself from the feelings of lordship, they were free from the sense of serfdom. Friction is not possible under such conditions, and the sorrow of "our people" when this man was smitten down, attested the wisdom and sincerity of his leadership.

When Mr. Branson was seventeen years old he was converted at a meeting held in West Market Methodist church, in Greensboro, N. C. At the same time he joined the Methodist church. His parents were Methodists, and his associations after he left the home of his mother, preserved in him the faith of the household. He was never a bad boy, and knew nothing of "sowing wild oats," an expression used to apologize for the unnecessary sins of



youth. The most intimate companion of his boyhood tells with joy that he never heard young Branson use an impure word, or relate an unclean joke. Upon this foundation of purity and integrity rested his faith in the power of Christ to save him. Into his church membership he put all of his energies. He was a great churchman, studying the doctrines and polity of his church, and using his knowledge for its best interests. He was no bigot, but he was loyal at all times to the church of his choice. In every matter affecting the work of his church, he supported an aggressive policy, and took a broad view of every movement. With the ethics of narrow and selfish men he had no sympathy. Though young, he was one of the most potent factors in the North Carolina Conference. In his own church, his pastor found him an ideal layman, true to his vows, active in all church work, and the center of greatest influence. He was not only active in the business of the church, but in revival services gave his energies to the one work of saving his fellowman. As treasurer of the Joint Board of Finance the entire financial work of the year in the North Carolina Conference passed under his review. He was always present at the sessions of the Conference, never allowing business to keep him away, or to call him home before his work was finished. No man ever heard him complain that the church work interfered with his business. He did not carry his factories to the Conference sessions, and did not fret to return to them. Such fidelity commands confidence, and his church was glad to honor him. Some men use church honors for selfish ends, and seek them for distant aims. Mr. Branson sought nothing; everything sought him. Twice he was a member of the General Conference; the first time at the session of 1894, in Memphis, Tennessee, and as an alternate in the last session, which met in Baltimore, Maryland, May, 1898. In this body he was an important legislator. Broad-minded, aggressive, and wise, he threw his influence where

he judged best for the life and progress of the church. His faith could not be disturbed by those alarmists whose mental horizons were tortured with imaginary storms. "Their wild dreams do not disturb me," he would say. "Our Bishops are wise and godly men and we can risk them," was fundamental with him. Some men are monumental characters whose records impart assurance and give great stability to cardinal truth. In the church, William H. Branson was such a character.

He was a true man. His appearance spoke out the magnificence of his character. Tall and erect, weighing nearly two hundred pounds, with a large head, broad brow, bright and expressive eye, strong features, and noble movement, he was the embodiment of high honor and noble impulses. He had the model figure of a hero. God does not build such temples in which to house bats; the occupant of such a divine structure has exalted rights which, if obeyed, makes him God's nobleman. William H. Branson obeyed them. He was just reaching up to that period of life when everything is full of glad prophecies. All the years of his life were years of apparent preparation, and his friends rejoiced that the depth and breadth of the foundation measured an immense future. In the glow of these hopes, death came to him while he was in the path of duty, the only path in which he ever made a foot-print. A darker shadow never fell on any community than the one that came to the city of Durham when, on the seventh day of April, 1899, William H. Branson, by a fearful accident, was taken away. In him seemed to be unborn history. It will have its birth in higher realms, for there is no cessation of life. Noble powers may not have sufficient time in this life, they will get it in the life beyond.

## A SANER CITIZENSHIP.

ADDRESS BY JUDGE HENRY G. CONNOR

On the occasion of the first annual Civic Celebration of the Trinity College Historical Society, February 22, 1899.

(Stenographically Reported by D. W. Newsom.)

*Ladies and Gentlemen:*

When, at the conclusion of the last political struggle in this State I came out of it somewhat the worse for wear, I was in a frame of mind which made me willing to accept an invitation to do almost anything that looked to the welfare of North Carolina and her people. It did not occur to me when the kind invitation came, that in the discharge of the duty of this hour I should find myself wearied in mind and body, by the duties of the Speakership of the House of Representatives. If so, I should not have taken advantage of the invitation of the President of your Historical Association to impose my thoughts upon you. But I have in the past forty days lived in an atmosphere in which a great deal has been said about the keeping of pledges and promises—a most convenient thing for politicians to do or not to do, according as the exigencies of the times, and the political outlook may suggest to the prudent. I am reminded that “boys make men,” and we men to-day are interested in how the boys are going to think and act. I am not announcing myself as candidate for any office, but want to say a word in season. I have found it very prudent about my own household, not to make promises unless I intended to keep them. I bring to you a message, and trust that you will pass my imperfections by, in regard to the manner of its delivery, in consideration of what I have been endeavoring to do for the welfare of the State.

It is a subject of congratulation to me, as to every citizen of North Carolina, that this institution, under the guidance of these able and zealous gentlemen who so well

lead you in the paths of knowledge and fit you for the duties of citizenship, has established this Society and has inaugurated a series of exercises upon this day. I shall not undertake to indulge in any eulogium upon the father of our country—a subject which has not been exhausted, because it is inexhaustible—but I shall undertake to present to you some thoughts suggested by the example of this gentleman and citizen. The words given you in his message, which has just been read, present him to you in a far better manner than I can do, but we are reminded upon this day when we consider the life, services and example of George Washington, that the heritage which he left us was not only one conferring great rights and privileges but imposing responsibilities and duties. It is the part of wisdom, where one is the inheritor of these, to seek for, and learn to discharge, those duties. It has occurred to me that it would not be an entire waste of this hour, to talk about the demands, the needs and the necessities of North Carolina in a special sense, and of our country in a larger and more general sense, of the coming generation, of the boys who are soon to be men. We are living in a most interesting, I will not say “the” most interesting, age; and it may be that when the history of these days is written, unprejudiced historians will tell our children that we did live in one of the most important periods of the world’s history. We have passed through one of the centuries filled to overflowing with important events, respecting the welfare of the human race. But what the coming century has for us will depend, in a very large measure, speaking from a human standpoint, upon the lessons which we learn from the past and present, and the manner in which we use those lessons, in the discharge of those duties which will come to us in the near future. There can be no question that the political, social, and industrial conditions which demand our attention as citizens, do call for and demand a sane—that is, healthy, strong, type of civic virtue

and manhood. Civilization is but the result of those forces, social, intellectual, and political, which are constantly working out their results, using human agencies as the factors in the problem. That these forces have culminated and brought forth in these the last years of this century, conditions of exceeding interest and importance, no thoughtful man can fail to see. It forces itself upon the attention of all thoughtful men. The first requisite for a good citizen is that he shall be healthy-minded, that he shall be sane, that he shall not be insane or unhealthy. I think it is Carlyle who says, in speaking of Scott, that he was of all men the "healthiest-minded." That is, he had that type of mind and character which took a sound, sane, healthy view of life, its duties, responsibilities, and problems. He says that to be healthy-minded is no small thing. It has sometimes occurred to me that many of the political evils which come to us, and prevent the logical working out of the political forces by which we are surrounded, are brought about by a want of a healthy-minded citizenship, a failure on the part of the citizen to take in the entire situation. A man must not simply look at one side of a problem. That is what we call small politics. There are some who have been in our General Assemblies, if not in the one now in Raleigh, who imagine that every time they vote upon some little measure, for instance, whether the Clerk of the Superior Court shall have twenty-five or fifteen cents for some services, his whole political future is involved. To see these men talking at white heat upon such matters is amusing. Now that is what I call unhealthy-minded citizenship; men who permit their minds to be distracted in dealing with large problems by such influences are not healthy-minded, they are affected too largely by the small things. The truly healthy-minded man enjoys all his surroundings and conditions, because his body is in a healthy condition, and he breathes the pure air and all which comes with it, and he gets life and

beauty and happiness out of it. So the healthy-minded man morally, as I believe Mr. Drummond says, is "in correspondence with his environments." Now the thing to do is to get in a healthy environment and then get in sympathy with it. This is what we need in North Carolina, because, as I said, we have passed through a period in which there has been great disturbance, in which conditions have been such that the healthy laws of political life have not been permitted to operate, or their operation has been disturbed. I am not going to talk to you about any practical political questions. That the political development of affairs in North Carolina has been disturbed by conditions, and I think, to a very large extent, by some very unhealthy conditions, is beyond controversy.

We have reached a period in the political development of North Carolina, when the people have said that they desire to get upon a healthier basis; and to do so, it is necessary that some very important changes be made in their laws, both statutory and organic. These changes are going to impose upon the citizen a degree of responsibility, and upon you young men, duties and responsibilities which will demand the exercise of your very highest faculties. One of the first questions for a healthy-minded citizen to ask, is whether a proposed measure is right. That is the first question which a healthy-mind asks itself. Too often it has been the case in the past that this question has been passed by. Too many simply ask whether it is expedient. Undoubtedly, conditions have existed among us which *have* prevented, I do not say *ought* to have prevented, the best and freest exercise of the highest type of citizenship. We who are living factors in North Carolina, hope that by our efforts, and by the endorsement of the great mass of people of North Carolina, we may present to you, when you shall enter upon the stage of life, conditions which shall enable you, and shall demand of you, that you shall never answer a question

in regard to your political duty in respect to its expediency.

As we all know, this question has given grave concern, and been a disturbing factor in the development of a healthy and sane and civic mind in North Carolina. In obedience to what we understand to be the will of the people of North Carolina, we are seeking to get rid of that disturbing factor. Till we do it, past experience has taught us that it is not possible to give free play to the best type of citizenship in the State. If we shall succeed in the effort there will come to the white man of North Carolina, having put this thing away from them, responsibilities which will call for the very highest, sanest, strongest type of citizenship and manhood. I would impress upon you young men, I would impress upon your minds and hearts, that you must learn and begin now to understand, appreciate, and strengthen yourselves for the discharge of those duties which will come to you when you shall have in your keeping the manhood, reputation, and character of North Carolina; when the political antagonism between the two races shall have disappeared, as I most firmly believe it will do, believing that in my effort to bring it about I am acting from the highest patriotic motives, and without any reward for any party views in this matter, but looking at it as a man and citizen. When done we can no longer excuse ourselves from discharging our duties in regard to the Negroes of the State, but we must meet the responsibilities like men, like sane, sound, virtuous-minded citizens. A man who has no higher conception of what "white supremacy" means in North Carolina than the subordination of an inferior race to the superior is an unpatriotic citizen. It is not for any such purpose that I tell you that for night after night, till past midnight, the best thought of the Assembly of North Carolina has gathered together and worked and struggled to bring about this result, and I trust that the people of North Carolina, and especially the young man-

hood of North Carolina, will not so understand it. When we present to the people an opportunity to remove this disturbing factor from them we at the same time present to them the demand to take with this deliverance a sense of responsibility for these people. This is one respect in which those conditions which are soon to come upon us demand a high order of sane citizenship—to deal justly and rightly with these people, to see that their rights are protected. And by so doing we strengthen ourselves. The whole philosophy lies in this, that in constant antagonism and struggling for supremacy, the worst of both races is brought into play, but by removing this condition, the highest, best and purest motives of both races will be given play and operation. We trust to the young manhood of North Carolina that we shall not be disappointed.

The next subject which engages my mind on this line of thought is this: I believe that the Rip Van Winkleism, with which North Carolina has been twitted, is a thing of the past. If you observe the tendency and the signs of the times in North Carolina, and in keeping with the entire nation, we are on the eave of a great forward movement in the development of industries and in the accumulation of wealth. The carrying of our commerce into all parts of the world, the unbridling and loosing of American commerce and going into the markets of the world to compete with all other nations and peoples, is to my mind one of the brightest signs of the times. I have longed to see the day when commercial slavery should be ended; I believe that the very highest type of manhood is produced by the freest possible play of those faculties with which God has endowed man, so I believe in a community sense, the highest and best in the community, state, and nation, is brought about by the freest possible play of those forces which build up and make a grand and glorious people. Were it in my power I would raze every custom house in the world. They have been the barriers of Christian civil-



ization, done more to delay the time when there shall be a common brotherhood among all the peoples of the world, to retard the development of the human race, to bring about wars and strife, to develop selfishness, and to cause a thousand other obstacles to the highest development of the peoples of this world. I think I see in the signs of the times a removal of these barriers, and as this comes about you are going to find that right here among us, and I see it every day, I see it when sitting in the speaker's chair in Raleigh, when bills are sent from every section of the state, asking us to charter industrial corporations and make the waters do service, to give to the state opportunity to develop its great resources. Now this condition of things is going to bring about a demand that we shall regulate and practically control this new development, this new spirit of enterprise and progress in North Carolina. Nothing that is good should be obstructed, but we know that some times it happens that the very highest aspirations of man have to be guided with discretion, because something is said to us about a zeal that is without knowledge. Therefore it becomes the duty of a sane, sound citizen in North Carolina, to deal wisely with these forces. To thwart or to hinder the development of the state by legislation, to say to the young man whose mind is active, who sees in the river that he passes along in the forest that surrounds his home, an opportunity for usefulness in the acquisition of wealth, that we will not encourage him, to stifle that ambition, is unwise. We should see to it that it develops along healthy, sound lines, that shall work out the highest and best results.

Freedom is defined somewhat like this: It is the right to exercise ones faculties, to do those things which one has a right to do, and in doing them not to interfere with others' rights to exercise like faculties. When you get that condition of things, then you have a Utopia, when every man can move along in harmonious relation with

every other man, working his destiny and reaching out for the highest and best results of his labors, without doing any injury or injustice to any other man. Then you have a sane, sound, political condition, and it is to that end we should strive. In doing that you find a great many disturbing elements.

In the first place, when you go out and begin your life work, you will find a great many people who are always believing that the country is about ruined, that this or that particular industry is overdone, that this or that thing don't pay. These croakers who go about complaining because, forsooth, they have not put in enough industry or skill, have not been willing to fit themselves to discharge the duties of life, that therefore it can't be done. They are unhealthy, or sickly people. A healthy-minded, healthy-bodied young man who has built up for himself a strong, vigorous body, and strong mental, or moral calibre, should not be discouraged by them. I have been hearing about this old state being on the down grade ever since I was 21 years old. In the town in which I live I have heard it prophesied year after year that the town had outgrown itself and was not going to grow any more. I have some friends there who thought that real estate had reached the very highest value years ago. Yet it is higher to-day, worth more, more folks want it, is put to more useful purposes, than ever in the history of the town. So don't get discouraged when you encounter these sickly minded folks, who are always prophesying that the State of North Carolina has reached its acme and is going to take a down grade. That is not a healthy-minded condition. I was very much pleased in reading the other day what I thought was one of the best addresses which I have read for many years, that of Senator Hoar, from Massachusetts, made in Charleston. I think it was one of the best tributes to the civilization of South Carolina and her people, and one of the finest settings forth of the present conditions, by a

wise and good man, I ever saw. He said that the older he grew the more hopeful he became and the more confidence he had in his fellowman. And it struck me that no human being could have paid to that old man so grand a tribute as he unconsciously paid to himself. He had evidently led a healthy life, he was in a healthy frame of mind. He is a man of seventy years, who has spent a large part of that time in public life. And that which gave his words a special value, was that he was in a city and said those words, and applied them to the conditions which he there found, a city which, some forty years ago, expelled his father because of his views about a peculiar institution to which those people were then attached. Now, gentlemen, I tell you it demands a *man* to have said those words, and to have said them in that place. If you and I can live to be three score and ten years old, and can, at that time, give that testimony, if that is our experience, we shall have lived to a grand purpose. The address so impressed my mind that I love to dwell upon it. There are thousands of like experiences. I believe it is the experience of all good men, but it was so generous and brave to have said it then and there. I trust that the time will come when the very highest type of manhood in North Carolina can go to Boston and say the same thing.

Speaking upon this line of what I think to be the future of North Carolina, in respect to the industrial development of the state, I want to say this to you, gentlemen: A man who makes the accumulation of wealth to worship it, to make an idol of it, is a base human being; but the man who makes it, who works and labors and makes it honestly that he may use it for the benefit of his fellowman, is entitled to and should receive, the respect of all good men. Of course advantageous circumstances often give a man an opportunity to make great wealth. You go into the country where our boys are raised, walk about the roads and come upon an old man who has a good farm and a

comfortable home, talk to him and you will find that he is a sane man. He may not be an intellectual man, or have a very broad view of questions, but you will find in general, that he is a man endowed with a good strong mind, and has got sense. I do not speak about those men who, by sharp practices, make money. That is a different class of people altogether. Now, I favor very much that we should put into the constitutional amendment the provision, that a man who has three hundred dollars of taxable property, should vote, whether or not he could read or write. I believe it would be a conservative provision in our law. Were you aware that, by the laws of this state, for many years a man could not sit upon a jury unless he was a freeholder. There is nothing in the possession of a piece of land that confers upon him any fitness for service upon the jury, but it was a recognition of the fact that he had a stake in the welfare of the state, and that was the philosophy of it; that if he was a freeholder and took enough interest in his country and state and family to buy for himself a home, that it gave him an interest and made him a conservative citizen.

Now, there is another thing that I think indicates in a high degree a sane, sound citizenship—and I say that in North Carolina we haven't got as much of it as we ought to have—and that is "patience." Did it ever strike you how many failures North Carolina had to record because her people were so impatient? They were so unwilling when a new line of work was undertaken, to wait and abide the result. I do believe that more harm is done to our best development by this spirit of restlessness and unwillingness to wait than any other. They too frequently forget that you cannot manufacture institutions. You boys have learned this was tried in the early settlement of North Carolina. A wise philosopher in England sat down and wrote a constitution for North Carolina, and it was a beautiful piece of work, but you know that when they

sent it over here and tried to make it fit our people—these people that lived in the woods and had good practical sense, they rejected it. It had not grown out of their political conditions and wants. Probably there is nothing in North Carolina affecting its material welfare, which is more needed than good roads; and yet I pledge you my word that if you read the statutes of North Carolina for the last fifteen years, there has hardly been a road law passed by one legislature that was not repealed by the next. I want to say one thing to you about that sort of thing, that in the development of the material resources and other interests of the state that you must have patience. The good things in this life don't grow in a day. One of the saddest and yet one of the noblest lives I ever read in this day and generation is that of Mr. Gladstone. I think he was one of the finest specimens of manhood the 19th century has produced, and pardon me for saying so, but I believe I have read every biography that has been written of him. But this thought always occurs to me in reading of that old man in his great efforts to advance the highest and best interests of his country, that it did seem that every time when he was about to accomplish the great work he had in hand something happened for which he was in no sense responsible, which thwarted and dashed all his hopes. And yet that old man never complained, but went right ahead. He finally succeeded in a large measure. One of the lessons taught us by that old man is the necessity for patience. That is equally true of him whose birthday we celebrate. General Washington rendered to his country no greater service than that which he did between the treaty of peace and the making of the constitution, and that service was rendered not on the battlefield, but when he was with patience and courage holding together the discordant elements which had come out of that great war of the revolution, and which were threatening to separate, disin-

tegrate and destroy the results of that great struggle. If you will permit me, in the presence of these professors, I will advise you to read that chapter in the life of Washington in which he reached the very highest point of greatness. When his soldiers, feeling that injustice had been done them under the instigation of General Gates, and others were threatening to destroy the fruits of the great victory which they had won under his leadership. How he waited and waited! How he held together all those discordant and disturbing elements till, in the Providence of God, and the operation of social and political forces, the constitution of the United States was formed and fixed as the basis upon which has been built the grand and glorious progress of this American nation, and by a due regard to which is to be gained all that is safe and honorable for this great nation in the future.

It is a high test of citizenship to be patient—not to be restless, not to be disturbed by the little passing breezes. Do as David Crocket said, “Be sure you are right then go ahead.” Stick to your guns, and if human experience is worth anything in life, you shall have your reward. There are men in North Carolina to-day who are striking illustrations of this truth, men prominent in political life, who have been rejected over and over again by the politicians. The late Judge Merrimon said to a young man who got uneasy about his political future (he had voted to prohibit the sale of liquor, and the wise men told him he was *done for*, in the political phrase) Judge Merrimon said to him, “Now my young friend, if you want to run for Township Constable, I think that thing would hurt you very much, but if you have aspiration for anything great and grand, do not trouble yourself about it. Be patient and wait, because the patient judgments of men will always be just and right.” It is an unhealthy condition of mind that permits itself to be disturbed and restless over every little obstacle.

Now, another thing. It is not necessary that a man should exert a considerable influence over this world, or that in his life he should be a United States Senator or a Governor. The fact is that we have got a Governor in North Carolina who is just now exerting as little influence as any man in the State. If it wasn't that I am reminded every day that I see a door leading to the executive office, I should have forgotten that he had any office. That is rather a sad condition of things. Why is it so? I will not stop to inquire. I hope it will not be so in the future. But what I was going to say, is this: It is not only necessary that a man shall have character himself to make a good citizen, but shall have enough force behind that character to impress itself upon the community in which he lives. There are many men in North Carolina to-day who are good citizens, that is to say, who pay their debts and taxes, but do not bother themselves about who is nominated for office. If a question comes up in their community, affecting its material or moral interests, they put their hands in their pockets and say like Gallio of old, "we care nothing for those things, we have our families to look after." If they are merchants, they say, "we have our customers to look after, we don't care about these questions." If lawyers, they say, "now our clients take different views of these matters." Now my young friends, such are not sound, strong citizens.

It was said to me by a gentleman in North Carolina some time ago, speaking of one of the best men we had, Judge Joseph J. Davis, "There never arose an issue in the little town in which he lived, that he did not take an active interest in it. No matter what it was, no body had to wait to find out his opinion, because he had at once arrayed himself on the side of right and put his character in the scales." I tell you I have very little sympathy with men who sit about in their stores and offices and on the streets and whittle goods-boxes and the like, who are always talking

about the bad men in their town government, and those who are not the right sort to make aldermen, and this and that always wrong; yet when you call a meeting to get the expressions of the best and highest citizens in the town you never find them there. It is not necessary, and I do not advise you, to be politicians, in the sense that you should enter into the scramble for office, except in so far as it gives you an opportunity to discharge high and responsible duties. In that sense there is a great deal in it. It is not necessary for every man to enter into political life in that sense, but it is necessary when you get twenty-one years old and you get what of course all students are going to get, an education, to be true to the State and the community in which you live, and every time an issue comes up in your town, if nothing more than opening a new street, if it affects the health, the moral, the mental, or any other interest of your town, make up your mind what your duty is and be active. And then you have been a sane citizen. I did not come here to tell you anything new, my young friends, but there is another thing. Be conservative, and what conservatism means is this: it does not mean to be an old fogy about things, but being conservative is always to do this: first, find the condition in which the subject matter of any proposition is; find out its past; if any evil incrustation has grown up around it which demands to be stricken from it, go to work and strike it off, but do not destroy the thing itself. That is one serious trouble in American life, we have not enough reverence for the past. I think it was Burke who said that the great strength of the English people lay in the fact that they never cut loose from their past. They took that which was and made it the basis of that which was to be. You see a striking example of the contrary in the conduct of the French. When things don't suit them the first thing they do is to cut off the heads of the king and of a number of other people, and then some idealist fixes up a scheme of gov-



ernment, ill-suited, and they undertake to fit it on to their body politic, and the last condition is about as bad as the first. The Englishman does not do anything of that kind. When he finds that a certain unhealthy condition exists, he destroys the condition but not the government. As Tennyson says:

“May freedom’s oak for ever live  
With stronger life from day to day;  
That man’s the best conservative  
Who lops the molded branch away.”

It is to preserve the trunk, the germ, the thing. Knock off the dead branches, and growth that is not healthy. As an illustration of this, we felt, and we feel, that we have a growth, something that is not natural, that would not have been there if wisdom and sanity and sound statesmanship had been there; something that has been fixed to the body politic, and in the interest of the thing itself, and for the preservation of the best there is in the State, we cut it off and separate it from ourselves. We get rid of the body of this death that has been hanging upon us. That is conservatism, not radicalism. I say to you that it was the most intense conservatism in the General Assembly of North Carolina that fought day and night for the Constitutional Amendment which will be submitted to the people of North Carolina. It is not radicalism. It was the conservative element in that body that produced that document and it was by labor and effort that the people of North Carolina will never know. That document, whether it will be indorsed by the people of North Carolina, it will not be for me to say, but it was wrought by men with tears in their eyes. I saw men wrestling with what they thought to be duty to themselves, on the one hand and duty to the State on the other. That was generous and manly citizenship. We need that.

Your Historical Society is doing a great and noble work in unveiling the records of the past that you may see what

has been done by the good men of North Carolina, that you may learn and preserve that which is worth having and saving. It is by conserving and preserving the best of that which is, as the basis of building up the best and highest which is to be. That is wise, sane, conservative.

Now I have taken up more of your time than I intended. I confess that this is a subject in which I am deeply interested. I know that you, young men, whose minds and hearts are being stimulated day by day, feel an interest in it. I know that these thoughts, whether you agree with me or not, are of interest to you, and I have taken the occasion to avail myself of your kindness to say this much. But let us all remember that in addition to, and as the complement of, these things, that the highest and best standard of citizenship is always measured by a faith in God and man. I have no confidence in the political purity and welfare of any community that is not based upon Christian manhood. You need not talk to me about a man's having faith in man, who has not faith in God. It can't be. I think it is Benjamin Kidd who says that the work of the people who have done anything for the upbuilding of their State, is based upon a recognition of a supernatural power, something divine. We should, in dealing with these questions, remember always, not that we should in any sense, or under any circumstances, pass the line which the wisdom of the fathers and the experience of the past have shown us, in respect to the mingling of the affairs of church and State. But the difference between the preservation of Christian manhood, and the mingling of church and State, is as far removed as day and night. Cultivate these virtues of manhood and citizenship, but remember always that the basis upon which they are to be built, and the only safe basis upon which the individual or political life of the community can be founded, is the recognition of the great truths taught us by God himself, an implicit faith in God and man. Do that, and then wisely abide by the experiences

of the past, a recognition of not only the present conditions by which all interests are to be harmonized, to be made work for the glory of the State. Then, and not till then, may we hope that this grand old commonwealth may take her place beside others of her most prosperous sisters in the community of States, that we may exert our influence in the affairs of the nation; when these new problems shall be for us to deal with, we may be enabled the better to take our stand beside them and move along side by side with them in a national sense, in working out the problem upon which the hopes of the whole human race depend because as the history of this great republic soon is to be written for the next century, so I believe the history of the whole human race will be written. So it has been given to us to carry the light of Christian civilization, where, I do not know, but wheresoever His hand points and guides and directs it is our duty to go.

## THE CONGRESSIONAL CAREER OF THOS. L. CLINGMAN.

BY JOHN S. BASSETT.

The sketch of General Clingman which his niece, Mrs. Kerr, contributed to *THE ARCHIVE* for March, 1899, deals with the personal side of her distinguished uncle. It has, therefore, seemed to me that a further sketch which should deal with his political career would not be without value to North Carolinians. There have been many sons of our State who are ranked by their admirers as the equals of General Clingman in political ability; but there are few who can be thought to have equaled him in party prominence. His tireless activity kept him thoroughly up in any line of business in which Congress might be interested. In the exciting debates that preceded the Civil War he made it a custom not to retire before two o'clock. He soon was able to learn who were the men who were up latest and by talking to the others early in the evening and to these later on he was able to exchange views with a large number of men, so that when he went into the House in the morning his information as to the latest changes in public opinion was remarkably accurate. His impetuosity, fearlessness, and honesty made him an effective debater. He was ambitious. He determined early in life that he would be President, and but for the sectional issues that stood in his way, it is possible he would have reached that goal. He had the good sense to be a practical politician in the better nature of the term. He knew the people, without pandering to their prejudices; he knew the point beyond which it would not be safe to try to lead them, and in the event he was with them. More than this he was a man of the people. His ideals were their ideals and it was no violence to his conscience when he stood for the things they believed in. He was not fastidious in his dress, although he was neat. He loved homely virtue and those who knew him well believed that in this respect his love was but an outcome of his own character.

It was in 1842 that he was first elected to Congress. He was then thirty years old. In politics he was a Whig, but he was too original in his way of thinking to yield himself to the current of a party majority. He always ran as an independent candidate, and late in life congratulated himself that he had always been free from the tyranny of a nominating convention. His district was a mountain district, lying around Buncombe county. The inhabitants were as independent as he. They were accustomed to look more closely at the leader than at the party. To them he became an ideal—"Tom. Clingman" he was affectionately called by man, woman, and child. He first asked these people for their suffrages in 1840, when he was a candidate for a seat in the State Senate. They responded liberally and he was elected by two votes to his opponent's one. In 1844 in one of his first speeches in the House of Representatives he said of the people of his district: "My district is unapproachable. She stands alone in her strength and dreads no contact with Democracy. On the contrary she courts it. She would gladly embrace in either arm the two strongest Democratic districts in the State and they would fall under that grasp as did the columns of the Phillistine edifice before the strength of Sampson." His prediction was a good one. As long as he led the Whigs in his district the district was theirs beyond question; and when at last he appeared as a Democrat candidate he carried it for that party.

His first notable action in the House was to oppose the rule by which the House refused to receive petitions to abolish slavery. This was a measure which the Southern members, whether Whigs or Democrats had supported generally. It had arisen out of a foolish idea that such petitions were insulting to the dignity of the South. It had given the abolitionists an opportunity to cry that the right of petition was abrogated at the behest of the overbearing slave-owners. Moreover, it did not stop anti-

slavery petitions. On the contrary they came faster than ever. Mr. John Quincy Adams, who was the leader of the anti-slavery sentiment in Congress, always appeared at his desk on the day for receiving petitions behind a huge pile of those documents. To read the titles of these and to refuse to receive them had a greater effect on the popular mind than to have received them would have had. Mr. Clingman realized that the rule in question was inexpedient from a party standpoint and in point of fact futile. He with a half dozen other Southern Whigs voted against the rule and it was defeated. He gave his reasons as follows: "I voted against the rule excluding abolition petitions, not only because I regarded that rule as an infringement of the right of petition, but because I was well aware that most of the citizens of the Northern States viewed it in that light; and I was not willing to do violence to the feelings of a large portion of the Union, for the mere purpose of preserving a rule that was of no practical advantage in itself." It is certain that his opposition did much to defeat the measure.

His next notable speech was one delivered on January 6, 1845, on "The Causes of Mr. Clay's Defeat." There was in Mr. Clingman a strain of Indian blood, his mother's grandmother being Elizabeth Pledge, a daughter of the Cherokee chieftain. It seems to me that from this source Mr. Clingman must have received a certain amount of savage vindictiveness, which came to the front only when he was aroused and which spared no feelings. Here the speaker was smarting under the recent defeat of Mr. Clay, to whom he was ardently attached. He was in no mood for mercy and he attacked his opponents in the most candid manner. He charged them with favoring the abolitionists in the North and opposing them in the South, with being held together solely by "the cohesive power of public plunder," with favoring a high tariff in Pennsylvania and opposing it elsewhere, and with deliberate

“misrepresentation and fraud” generally. Mr. Polk was accused of using language “as doublefaced as the responses of the old Delphic oracle,” and the history of the world afforded no other “example of fraud and falsehood on a scale so extensive.” The Democrats were charged with election frauds through the use of “repeaters” as well as through illegal voters. The members of the “Empire Club,” a political organization of New York which had rendered good services to the cause of Mr. Polk, were denounced as “gamblers, pickpockets, droppers, thimble-riggers, burners and the like.” Moreover in this case he gave a bill of particulars. This he did with great plainness, so that there was no need that any one should not see what he meant.

Mr. Clingman was never an admirer of Mr. Calhoun. In fact he regarded that gentleman as inimical to the true interests of the South, and at this early period in his career in Congress he was accustomed to speak of him with much bitterness. In this speech he said: “Mr. Senator Benton did great injustice to John C. Calhoun, when he said, if common report be true, that the same John C. Calhoun, so far from being a statesman, had ‘never invented even a humbug.’ The fact cannot be disputed that John C. Calhoun was the first to take ‘the very highest ground for the South,’ the prime originator of the policy of objecting to the reception of petitions, of which the twenty-fifth rule was a parcel. Hard then is the necessity which compels the peculiar followers of that gentleman to make a burnt offering of the first and only offspring of that idol.” Later on in this same speech he again took up the same subject. He said: “As I have had occasion to allude to John C. Calhoun, I take it upon myself to say that looking at his course for more than twelve years, with the exception of a few years after 1837, when he hoped from his new connection with the Democratic party that he might become President of all the United States.—I say, sir that

his course, whether considered with reference to the tariff and nullification, to agitation on the subject of abolition and slavery, or his mode of managing the Texas question, is precisely that which a man of ordinary sagacity would take who designed to effect a dissolution of the Union. And that such is his object can only be denied by those who hold him a monomaniac."

Of this speech Mr. Clingman himself said: "To those unacquainted with the state of political excitement then prevailing, this speech will seem excessively violent; but in giving expression to my own earnest feelings, I did not exceed the bounds which party friends justified. The Rev. Mr. Hammett, a Democratic Representative from Mississippi, but a personal friend, afterwards told me that I had said the bitterest things ever uttered on the floor of the House. Mr. Mosely, of New York, a political friend, said that the Democrats, while I was speaking, reminded him of a flock of geese on hot iron. During the first part of the speech, Dromgoole, of Virginia, who sat just by me, seemed to enjoy quietly my hits at the Calhoun wing of the party, between which and the Van Buren or Hunker Democrats there was much jealousy and ill feeling; but after I had directed my attack on the Northern wing of his party, his manner changed and his countenance indicated much anger. I was subsequently told that many members of the party insisted that unless Mr. Yancey, who obtained the floor to speak the next day, would assail me violently, that he should give way to some other member of the party. Hence his remarks, which led to a personal difficulty, were perhaps influenced to some extent by the wishes of his political friends." To the Whigs the speech was greatly satisfactory. It opened the eyes of many of them and aroused the indignation of all; so that Mr. Clingman was of the opinion that at that moment they might have carried the country.

The Democrats did indeed put up Mr. Yancey to reply to



this speech of Mr. Clingman's. Ordinarily Mr. Yancey's speeches were dignified, cultured, and considerate. As a whole this speech, as it appears in the *Globe* was of the same nature. But in a short passage he referred to Mr. Clingman in terms of the greatest contempt. This was more than that gentleman would take. He was a born fighter and no one who knew ever doubted his courage. He challenged Mr. Yancey to fight a duel. The latter was an excellent shot. He accepted and chose pistols for his weapons. At the first shot Mr. Yancey missed and Mr. Clingman unwilling to make any woman a widow fired over his antagonist's head. Then friends interfered and the affair ended.

Except for his position in favor of receiving anti-slavery petitions, Mr. Clingman had at this time said but little about the slavery question. The Wilmot Proviso, however, made it necessary for him to take a stand. Accordingly on December 22, 1847 he spoke on "The Political Aspects of the Slavery Question." He began by discussing Mr. Calhoun. That gentleman had said in the Senate that the territories being common property of the whole Union, Congress had no right to exclude from them any citizen from any State. This statement, said Mr. Clingman, was not true. The territories were truly held for the use of all the people; but all of the citizens could not go to one State. Congress could not carry out that kind of a distribution, but it could do the next best thing; it could distribute the territories among the citizens on a sensible basis. He thought, furthermore, that Congress might regulate all property in the territories, acting however under the provisions of the Constitution. But it must be just to all citizens. He did not discuss the moral grounds of slavery, but he spoke very bitterly of the abolitionists, whose influence, however, he thought to be of no consequence. As for the negroes themselves he pronounced them an inferior race and by no means able to exercise the

gift of citizenship which the abolitionists proposed to give to them.

The most striking part of this speech is that in which reference is made to Mr. Calhoun. Mr. Clingman now returned to, and amplified, the charges he had hinted at in his speech of March 7, 1844; viz., that Mr. Calhoun was responsible for the great feeling in the country on the question of slavery. He said: "After the unpleasant difficulty growing out of Nullification had been satisfactorily settled, there was a general disposition both at the South and the North to bury all sectional and local ill feelings and differences. Unfortunately, however, for the repose of the country, Mr. Calhoun, who had been a prominent actor on the side of Nullification, found himself uncomfortable in his then position. The majorities of everyone of the Southern States were not only opposed to him politically, but viewed him with suspicion and distrust. Being ambitious of popularity and influence, he sought to restore himself to the confidence of the South in the first place and seized upon the slave question as a means to effect his end. He professed to feel great dread lest the North should take steps in contravention of our rights, and to desire only to put the South on her guard against the imminent danger which was threatening her. He only wished to produce agitation enough to unite the South, though every body knew that there was, in relation to this subject, no division *there*. Whether he had ulterior views against the integrity of the Union, it is not my purpose to inquire; I am only looking at *acts*, not inquiring into *motives*. The former obviously looked to the creation of a political party based on the slavery question." To this general charge he proceeded to bring evidence. The conduct of the *United States Telegraph* was cited. In 1833 this journal was known as the organ of Mr. Calhoun. It was edited by Mr. Duff Green. It began at that time to publish a series of inflammatory articles calling on the

“South to awake, to arouse to a sense of her danger.” At the same time it charged the North with the intention of liberating the slaves. It published every abolition document or “frothy incendiary paragraph” that it could find. This matter was printed not occasionally but daily, and whole columns of it at a time. Some sensible democratic papers repudiated this plan. The *Telegraph* denounced them as traitors to the South. In response to this the Richmond *Enquirer* said: “We do not declaim about slavery because we do not believe that the citizens of the North are mad enough to trench upon our rights.” The *Pennsylvanian*, another democratic journal, declared: “The conduct of the *United States Telegraph* in relation to the slavery of the South is incomprehensible. Day after day that incendiary print is endeavoring to stimulate an excitement on this fearful topic, by representing the desperate journals of a few fanatics in New York and Boston as emanations of the late patriotic proclamations of our beloved President”—an allusion to President Jackson’s proclamation against Nullification. When the *Telegraph* took up this line of action, continued Mr. Clingman, the country was resting quietly in the influence of the Missouri Compromise. Neither the South nor the North was alarmed. Nobody was uneasy save Mr. Calhoun and his uneasiness was due to the fear that he was about to be shelved by the public; and so the Southern people must be stirred. “Already,” shrieked the *Telegraph* to the South, “has the ban of empire gone forth against your best and wisest statesmen. Fidelity to you is political death to them! Treason to you is the surest prospect to federal promotion! Is it wise, is it safe, is it honorable to sleep over such wrongs?” “When this occurrence began,” continued Mr. Clingman, “the people of the North, not understanding the game that was to be played, seemed to be surprised. They declared that the South was too timid and too sensitive on the question; that there was no

danger to be apprehended from the machinations of the abolitionists; and that their movements were condemned by ninety-nine out of every one hundred of the citizens of the free States. . . . Intelligent Southern men, too, who traveled through the Northern States declared the same thing." Yet the *Telegraph* was not satisfied. It became more furious than ever. "Such returns seemed to chill the generous enthusiasm of the North." This is strong and not uncertain language. If the charges contained in it are true it marks the beginning of great national calamity. The infuriation of the South in the beginning brought about the conditions of out of which war could not but come. If, as Mr. Clingman charged, Mr. Calhoun wrought that infuriation, and for his own selfish political ends, it is to him that we must charge the misery and death that the war brought to the South and to the North. Is the charge a true one? I am not at present able to say. I have seen politicians do as much in my own day. I am not sure that they would not have done it in 1833. It is but just to add that in 1848 Mr. Clingman retracted this charge to the extent that it gave Mr. Calhoun the intention of dissolving the Union. This change of view was due to an incident which happened at that time and which, said Mr. Clingman, "satisfied me that Mr. Calhoun was really a friend of the Union on the principles of the Constitution." Here it must be remembered, however, that Mr. Clingman's own views were changing, and that when they had completed that process of change he was a Democrat, and one of the most advanced defenders of the Southern rights side then in the party.

In this same speech, Mr. Clingman discussed secession, which was then much talked of. He did not consider secession as beyond the range of the probable, and when it should come he thought that the slave States would be able to maintain themselves. For himself he said: "I am for maintaining our present Constitution of government as

long as any human exertion can uphold it. . . . But when a great organic change is made in that Constitution—a change which is to degrade those who have sent me to represent them here—then, sir, at whatever cose of feeling or of personal hazard, I will stand by the white race, the freemen of the South.”

However much he might have condemned the efforts of Mr. Calhoun in stirring up the South as early as 1833, it is evident that the South once excited he was on the Southern side. As the Northern Whigs came more and more under the anti-slavery influence the Southern Whigs veered more and more away from them. As early as 1848, says Mr. Clingman, he was convinced that the Northern Whigs could not be relied on to keep their promises to the South. In the fall of 1849 he was traveling in the North and he was convinced from what he saw and heard there that in the coming Congress the Northern Whigs and Van Buren men would support the Wilmot Proviso. Moreover, he was of the opinion that many Northern Democrats, tired of contending against the strong anti-slavery current at home, would help to pass the Proviso and thus force President Taylor, the head of the Whigs, either to approve the measure and so to alienate his Southern vote, or to veto it and alienate the Northern Whigs. On his return to Washington he proposed to some of his colleagues that an effort be made to arouse Southern sentiment so that the North should not dare to proceed to extremes. The proposition was agreeable, and by request he wrote to Mr. Foote, of Mississippi, a letter in which he declared that all the South ought to unite in resisting the encroachment of the North “in a manner commensurate with the violence of the attack.” Mr. Foote was a leader of the extreme side of the Democratic party in the South. When, therefore the correspondence between the two was published it made a deep impression on the public mind. The South was aroused. The result was that some of the Southern

Whigs voted against the party candidate and after a long contest Mr. Howell Cobb, of Georgia, was elected Speaker over Mr. Robert C. Winthrop, of Massachusetts; but in this case Mr. Clingman seems to have voted with his party.

In the same session Mr. Clingman made a speech "In Defence of the South against Aggressive Movement of the North." He eulogized the civilization of the South as follows: "I regard it as right to say on this occasion, that whether considered with reference to the physical comfort of the people, or a high state of public and private morals, elevated sense of honor, and of all generous emotions, I have no reason to believe that a higher state of civilization either now exists elsewhere, or has existed at any time in the past, than is presented by the Southern States of the Union." The Missouri Compromise, the constantly growing tariff, the Wilmot Proviso, and the kindred measures were enumerated as acts of Northern aggression. Secession he discussed as a near possibility and he declared "calmly to Northern gentlemen that they had better make up their minds to give us at once a fair settlement; not cheat us by a mere empty form, without reality, but give something substantial for the South." What he wanted was a compromise line at 40° north latitude, with California left to the North, although he said he would be willing to accept the Missouri line for that purpose. The region south of this line was to be left open for a time to all classes and then the inhabitants were to decide its relation to slavery. This he thought a fair compromise. The North would find the South patient under wrongs. But let her beware. "We do not love you, people of the North," he exclaimed, "well enough to become your slaves. God has given us the power and the will to resist. Our fathers acquired our liberty by the sword, and with it, at every hazard, we will maintain it. But before resorting to that instrument, I hold that all

Constitutional means should be exhausted. . . . Sooner than submit to what they [the abolition press] propose, I would rather see the South, like Poland, under the iron heel of the conqueror."

As a practical means of resisting the North he suggested to his friends to make dilatory motions and thus obstruct all business even to the loss of the appropriation bills. This plan was at that time a surprise to the country. It was resorted to for temporary purposes and became known as the "Clingman process." Mr. Clay asked the author where he got the idea. He answered that it came to him one night between midnight and day as he lay thinking on the distressed condition of the country. "Well, said Mr. Clay indignantly, "it is just such an idea as I suppose a man would get between midnight and day." "Neither Mr. Clay nor Mr. Webster liked the speech; but Mr. Clay was tactful enough to keep on good social terms with the speaker. Mr. Webster was more abrupt and the winter had not passed ere he had told Mr. Clingman plainly that he could not maintain social relations with him, a position which the great man soon regretted and which he took steps to reverse. Yet all that the two great leaders could do did not keep the representative from the North Carolina mountains in the Whig fold. He was slowly setting his face towards the Democrats. He opposed the compromise of 1850; but voted for the Fugitive Slave Law. He considered that the measures yielded nothing to the South since the Constitution itself guaranteed the return of fugitive slaves.

His final break with Whiggery came as follows: In April, 1852, a number of Whig leaders in Washington held a caucus to consider the advisability of calling a national convention to nominate a candidate for the presidency. Mr. Clingman favored Mr. Webster for President, because he was conservative. There was a strong tendency to put up General Scott on a platform endorsing the compromises

of 1850. This would make him acceptable to the North. Against this scheme Mr. Clingman and a few other Southern Whigs were united. The caucus was plainly against him. He announced that he could not pledge himself to support the nominee of the proposed convention. He had prepared a resolution demanding that the convention should favor a faithful execution of the Fugitive Slave Law. When he saw that the caucus would not do this he and his friends walked out of it, and from that time he ceased to be a Whig. In due time General Scott was nominated on a Southern platform. In his letter of acceptance he managed not to endorse the platform. Thus it was thought he would please both sections. The result showed otherwise. He carried only two Northern, and two Southern States. Mr. Clingman supported Mr. Pierce, but was himself re-elected in his impregnable mountain district. This district had been carried by President Taylor in 1848 by a majority of three to one. It was decidedly a Whig district. It was a great evidence of the confidence of his people in that they re-elected him in 1852 when he was supporting a Democrat for President. In the present day of party machinery such a thing would be impossible.

Mr. Clingman's next important action was in regard to the Kansas-Nebraska Act. By this measure Mr. Douglas tried to open to possible slave colonization territory made free by the Missouri Compromise. At first Mr. Clingman opposed this measure on the grounds of expediency, although he thought it well founded in theory. He thought it would alienate Northern friends of the South. On the other hand he considered that since the compromise of 1850 had declared for non-intervention, non-intervention it should be everywhere. The Democrats blindly decided to go ahead. They pushed through a bill which the simplest of them must have known would be regarded in the North as a breach of faith. Our North Carolinian



did not hesitate for a long time. He supported the bill in a fervid speech and gave it his vote. Later on he said in a letter to some of his political friends: "I declare to you, gentlemen, that after a congressional service of nearly ten years, I would rather that every vote of mine on all other questions should be obliterated from the journals than be deprived of my participation in that one act."

From that time Mr. Clingman was hardly so prominent as formerly. As a Southern Whig he had attracted attention. As a Democrat he was swallowed up in large numbers. Yet he did his duty faithfully. He opposed the higher tariff, he favored low expenditures, he advocated American intervention in the Crimean War; he wanted the United States to bring on a war with England, or Spain, or France, if possible; so as to overwhelm slavery in the public mind. He favored the Ostend Manifesto and made a speech in its support, and he was bitterly hostile to England and demanded the repeal of the Bulwer-Clayton treaty. His speech to this effect was his last in the House. Shortly after it was made, he was appointed, in May 1858, to the seat in the Senate vacant by the resignation of Mr. Biggs. At the expiration of this term he was elected to the same seat and sworn in at the special session on March 5, 1861. A few weeks later he resigned to follow his State into secession.

In the Senate his career was satisfactory to his friends. He at once became a leader on the Southern side. Although he continued to profess his love for the Union no man insisted more strenuously on the rights of the South. The John Brown Raid was a severe blow to him, and on January 16, 1860, he gave vent to his feelings in a "Speech Against the Revolutionary Movement of the Anti-Slavery Party," a speech which was thought by some to have been his greatest effort. Those who are acquainted with his intense style of oratory may be somewhat disappointed to find this speech full of calm and rather plaintive feeling.

It is as if he were convinced of the hopelessness of his cause and were only bent on making a protest for the sake of posterity against a wrong the consummation of which was already fixed by destiny. He still thought the matter could be settled without disunion, but said clearly that the Southern people were prepared to resort to that if necessary. At this time Mr. Clingman declares that he knew nothing of the plan of Messrs. Slidell and Jefferson Davis to divide the Democratic party, a plan which, he said, "so much surpassed in its insanity and wickedness all similar events in the history of humanity that no one can fairly be blamed for not anticipating it." Of course he resisted such a plan. When Mr. Davis, as a means of developing this sentiment in the minds of Southern Congressmen, introduced a resolution defining the power of Congress in the territories, he made a speech against the resolution. All his efforts were unsuccessful. The party convention saw the consummation of the Davis scheme. After the conventions were adjourned he retired from active politics. He could not stay long in retirement. He was called out by a sentiment in a speech of Mr. Douglas, at Norfolk, Va., in which that gentleman endorsed coercion of the South. This sentiment was repeated in Raleigh. Mr. Clingman then decided to support Mr. Breckenridge. He made several speeches in the campaign and in them advocated resistance in case Mr. Lincoln should be elected.

It was in keeping with the above sentiment that on March 6, 1861, he made some remarks on the motion to print President Lincoln's inaugural. The latter had said that he would recognize no "resolves or ordinances" to the purpose of secession. Mr. Clingman took his cue from this idea. He declared in all the fervor of his best days: "I say the practical question is now upon us; shall we have these forts taken; shall we have a collision; shall there be an attempt to collect a revenue in the seceding

States? It will not do to ask the country to wait two, or three, or more years, as the Senator from New York suggests, to obtain constitutional amendments. If Mr. Lincoln intends to use the power in his hands, as he states in his inaugural, we must have war." As day after day passed and the President gave no further definite assurance of his policy, this conviction settled in Mr. Clingman's mind. On March 19, he again addressed the Senate. He said that if the policy of the President was to be peace why had he not given the country assurance of it? The failure to do so he could but believe meant that a policy of force was determined on. The waiting he foresaw was to give time to collect the scattered army and fleet. Later in life he was convinced that the administration had not at that time decided on war. The cause of the change he thought partly to have been the action of Virginia in refusing to secede. This convinced Mr. Lincoln that if war should come it would be with the cotton States alone and these could be easily overcome. But peace was not to be. North Carolina seceded when called on to fight the Confederacy, and Mr. Clingman resigned his seat in the Senate. He passed out of civil service to the field of military activity and became in the war that followed one of the most efficient brigadier-generals in the Confederate service.

DE GRAFFENREID AND THE SWISS AND PALATINE  
SETTLEMENT OF NEW BERN, N. C.

Although Eastern North Carolina was one of the first regions in America to be discovered, and its advantages of soil and climate were early known, yet, on account of the disheartening failures of the early attempts, it was late in being colonized, especially by settlers direct from the old countries. But the Virginia settlers knew of the region and many of them commenced to work their way southward toward it. Among these we find De Richebourg, a French Huguenot, who had originally been with a colony of Huguenots on the upper James, but who, growing dissatisfied, moved in 1707 with a part of the colony to a place on the Trent River about two miles above the present situation of New Bern. Many other Virginia settlers, some of them bad characters, moved down and settled in the country about Neuse River. But New Bern was not to be founded by these.

About this time Christopher De Graffenreid, a gentleman of Berne, Switzerland, who had met financial reverses, left his country with the determination to seek his fortunes in America. He went to London and there met Louis Mitchell, a Swiss adventurer like himself. Mitchell had been appointed by the Canton of Berne to find out a tract of land in America suitable for Swiss settlement and he had been in the Carolinas for several years exploring. Switzerland, at this time, was overcrowded with persecuted Protestants, and was seeking to relieve herself by colonizing some of them in America.

De Graffenreid and Mitchell seem to have been kindred spirits, so they joined hands and made proposals to the Lords Proprietors of Carolina for a tract of land on which to settle these Swiss colonists. In 1707 they contracted with the Lords Proprietors for 10,000 acres on or between the Cape Fear and Neuse Rivers and their branches. They were

to pay to the Lords Proprietors for this land 10 pounds per thousand acres purchase money and five shillings yearly as quit-rent. Also they were to have the option for twelve years on 100,000 acres at the same rate, and De Graffenreid was to be made a Landgrave of Carolina.

About this same time there was a serious problem confronting Queen Anne and the British government in the question of the disposal of the great numbers of Protestant refugees from the Palatinate, a province in Germany, who were crowding by the thousands into London. These "poor Palatines," as they were then called, had been driven from their homes by the Catholic persecution arising from the War of the Spanish Succession and were forced to seek refuge in foreign countries. Great sympathy was felt for them in England, and Queen Anne, in 1708 offered them protection in England, and about 20,000 of them came over. But they were a great burden, for they had to be supported by the Queen, which cost a great deal, and, besides, created discontent among the English poor. So Queen Anne was looking for some way to get them away and still do her duty by them.

De Graffenreid was a favorite with her and when she heard of his colonization scheme in Carolina, she concluded it would be a good opportunity to get rid of some of the Palatines; so she made an offer to De Graffenreid for him to take 650 of these with him to Carolina as colonists. The offer was gladly accepted, as the advantages were mutual. De Graffenreid and Mitchell wanted colonists, as it would increase the value of their land, and besides, Queen Anne offered to give each Palatine 20 shillings in cash and pay De Graffenreid and Mitchell 5 pounds and 10 shillings for each Palatine, to cover the cost of transportation etc. A formal contract was drawn up between De Graffenreid and Mitchell on one hand and the commissioners appointed by the Queen on the other. For 5 pounds 10 shillings a head, 650 of the Palatines, about 92 families, were to be

transported to Carolina, and each family was to be given a title to 250 acres of land, and enough provisions, tools and stock to enable them to run a year. For five years the Palatines were to pay no rent, but after that they were to pay 2 pence per year an acre quit-rent. After this, as a sign of her good favor, the Queen made De Graffenreid a Baron of England and Landgrave of Carolina. The Lords Proprietors also, as an extra inducement offered to give orders to their Receiver-General in Carolina to supply the Palatines, until they got a good start, with what provisions he could spare.

The Palatines sailed for America in January, 1710, with three directors appointed by De Graffenreid over them, for he himself, had to stay in London to see about his Swiss colonists. They had a terrible voyage over, being driven violently by storms and having one of their vessels plundered by a French privateer. They landed in Virginia not daring to go to Carolina by sea on account of privateers and the bars at the inlets. From Virginia they went overland and by the sound to the county of Bath, as it was then called, and were located in May or June 1710, by John Lawson, the Surveyor-General of the province, on a tongue of land, at the confluence of the Neuse and Trent Rivers, then called Chattawka, the present situation of New Bern.

Ill luck seems to have always been attendant on these poor Palatines. On the trip over, about one-half of their number had succumbed to the hardships of the voyage and died. Now they were located in a rough wilderness with hardly any tools and provisions and insufficient money. They were forced to sell a good part of the movables they did have to the neighboring people, in order to get along until De Graffenreid should come with the Swiss. When De Graffenreid and Mitchell did come in December, after a good voyage over, they found, as De Graffenreid has told us, "a sad state of things, sickness, want and desperation having reached their climax."

It is hard to find out exactly how many Swiss colonists there were, some accounts say 1,500, but as De Graffenreid mentions only one ship load, there could hardly have been that many.

De Graffenreid also found the affairs of the province in a bad way. The Governor was dead and Colonel Cary, the Lieutenant-Governor would not recognize Mr. Hyde, the Governor newly appointed by the Lords Proprietors. De Graffenreid threw his influence on the side of Mr. Hyde, which so incensed Colonel Cary that he would not recognize De Graffenreid's patents and orders, and would not give him the help which the Lords Proprietors had promised and on which De Graffenreid said the life of the colony depended. Thus De Graffenreid was forced to go into debt to support the colony. Soon Colonel Cary and his adherents broke out in open rebellion against Mr. Hyde, and for a good while the province was in a tumult. At length, through the aid of the Governor of Virginia, the rebellion was put down.

All this had its evil effects on the little colony at Chattawka point. It made provisions high, and by it the colony was unable to get the promised help from the Lords Proprietors. However, the arrival of the Swiss put new life into the Palatines, and they both set to work to put things on a firm basis. A town was laid out at Chattawka point and called New Bern, after De Graffenreid's old home in Berne, Switzerland. The land was apportioned, cabins built, provisions provided and everything done to insure success.

But now when the colony seemed to be prospering, a "storm of misfortune," as De Graffenreid has put it, "rushed upon them in the shape of the Indians." De Graffenreid accuses Colonel Cary of being the instigator of this outbreak through revenge and jealousy.

In September, 1711, just before the outbreak and suspecting nothing, De Graffenreid started on an exploring

expedition up Neuse river with Surveyor General Lawson. When a few miles up the river they were both seized by the Indians and made prisoners. They were brought before the Indian council, which, after much deliberation, condemned them to death. De Graffenreid, in a letter to Gov. Hyde, describes in very vivid terms the horrible evening and night he and Lawson passed, in constant fear of death. The Indians stripped them of their clothes and bound them to a tree. Then they built a great fire in front of them and had a big medicine dance around it. All of them were painted, and dressed in the most horrible and fantastical manner. Every once in a while the chief conjurer, who, De Graffenreid said, looked like "the devil among his imps," would dance out in front of them, and with horrible motions threaten them with the most terrible deaths. However, De Graffenreid, through the intercession of a friendly Indian, succeeded in getting a respite. Tradition says he effected this by telling the Indians he was a king, and proving it by showing the golden star, which Queen Anne had given him when she made him a Balm. De Graffenreid was retained as a prisoner but Lawson was executed; the exact manner of his execution is unknown, but it is said the Indians stuck his body full of lightwood splinters, like hog-bristles, and set them on fire, and so gradually roasted him.

This was but the beginning of a great Indian outbreak. The Tuscaroras, with all the Indians of that region, simultaneously attached all the colonists along the Pamlico and Neuse rivers, plundering and slaying them. Of the Palatines and Swiss there were sixty or seventy slain and a good many taken prisoners, and the rest forced to congregate in a palisaded place, where they were nearly starved. All this time De Graffenreid was a prisoner among the Indians, but he finally effected his release by making a treaty with them. In this, he pledged that his Swiss and Palatines would remain neutral in the war between the



Indians and the Carolinians. He also agreed not to take up any land without the consent of the Tuscurora king. In return for this his colony was not to be molested. All of the Swiss and Palatines were to put a big letter N on their houses. This stood for Neuse, and was to be a sign that that house belonged to De Graffenreid's people, and was not to be molested. For a little while this treaty was kept, and the Indians didn't bother the New Bern colony, although they were waging a terrible warfare on all the other whites. But there were some among the Swiss and Palatines who didn't like to remain neutral, while the other people of the province were so hard set, so they broke the truce and attacked the Indians. The Indians then turned on them and came near destroying the colony.

The whole province of Carolina was now in great danger, for the Indians, headed by the Tuscurora tribe, were making great headway. They had driven all the people into strong-holds, had plundered their farms and captured and killed a good part of them. Help was solicited from Virginia, but it didn't come, and then a delegation was sent to South Carolina for the same purpose. The Governor of South Carolina sent Col. Barnwell with a small force of whites and a band of eight hundred auxiliary Indians, which succeeded in subduing the Tuscuroras for a while, but after the South Carolina force left, the war broke out anew. South Carolina was again solicited, and she responded with a force, which, with the Carolinians, effectually put down the Indians.

But the war had lasted over a year now, and the colony at New Bern was in a shattered condition. A good many of them had been killed and a good part of the rest had deserted and were scattered all around the county. They came back to find most of their houses burned and their cattle and tools destroyed and themselves without provisions. De Graffenreid went to Virginia to see if he could get any aid, and he did succeed in getting two boat-loads

of supplies, but of these one was burned up before it got to New Bern, and the other ran aground and most of the contents were lost.

De Graffenreid now determined to try his last chance, which lay in finding a gold mine. One of the chief things which induced him to come to America had been that will-o'-the-wisp which attracted so many of the early settlers, the hope of gold. In the Minutes of the Lords Proprietor's meetings we find a contract by which De Graffenreid and Mitchell were to have a lease of all mines and minerals in the province. Up to this time De Graffenreid hadn't had time to do anything along this line, but now he made an extensive tour into the mountains, looking for silver and gold. But although he searched faithfully he was unable to find any signs of either, and he returned as far as Virginia, completely disheartened. The blow about the mines was a great one, for he had been so sure of success that he had induced a number of skilled German miners to come over, and now these were left stranded without work.

He despaired of success now; his colony was without supplies, he was unable to get any, having run heavily in debt already; his bills of exchange would not be accepted, and he was threatened every day with a debtor's prison. He tried as a last straw to get a rich pardner, and when this failed he sold out his interest in the colony to Col. Pollock, a prominent man in the province, and then went back to Berne, Switzerland, in disgust.

Deserted by their leaders, the colonists were now in a terrible condition, and many of them left for South Carolina. But some few remained, and by hard work gradually put themselves on a firm basis. The natural advantage which the location of New Bern had as a trading centre soon told; the people from the surrounding country commenced to locate in it, and in not so very many years it was considered the largest town in the province.

De Graffenreid, in the manuscript in which he describes his adventures, divides the whole into a series of mishaps and cross-accidents, and this truly seems to be the history of the venture.

De Graffenreid accuses Col. Cary of being the chief cause of all his trouble, for besides instigating the Indian uprising, he accuses him of fraudulently taking money from the Palatines in payment for land to which he could give no title, and this evidently was true, for the General Assembly, in 1711, passed an Act to force Col. Cary to restore the money thus taken. De Graffenreid also lays a great deal of the blame on the colonists themselves, accusing them of being worthless and wicked.

The fact is, De Graffenreid, in his account, hurls accusations of cowardice, incapacity and rascality around so generally that the truth is hard to get at. One begins to think that among all this rascality and incompetence, he himself was not untouched, and that this might have had something to do with the failure. He at least didn't deal fairly with the Palatines, for he left without giving them the deeds to the land which they occupied, and which was one of the stipulations they made with him in coming over. In 1714 we find them petitioning the Assembly, trying to secure titles to their land.

On the whole, De Graffenreid seems to have been a mere adventurer, out for his own interests, and so he naturally deserted the colony when he saw it had failed as a money making project.

Amid all this, one cannot but feel in sympathy with the "poor Palatines;" they had left their country to escape persecution, and came to America only to be cheated and misled on all sides, and finally, after a good part of them had been slain by the Indians, the rest were left in a strange country to shift for themselves.

## NATHANIEL MACON IN NATIONAL LEGISLATION.

The day of myths and mythmakers does not end with the fantastic creations of primæval people. The critic of legendary lore, worn by the study of imperfect records and the analyzation of mental tendencies, may often find a more satisfactory solution to his problem in the humanity around him. Human nature, despite evolution in government and society, has many qualities that are permanent, and none is more prominent than the idealization of its heroes. Mr. McMaster has well said, "George Washington is an unknown man." A credulous public has been deceived for years by the curious inventions of Parson Weems and only within the past few years have Americans begun to write and read of the humanity and real citizenship of the father of their country.

The same is in some degree true of Nathaniel Macon. Those who have attempted to write the history of North Carolina in his generation have so admired the eccentricities of his character that they have consumed time and print in worthless eulogies so far as statesmanship and services to his people are concerned. His public life includes some of the most important and crucial years of our national history; and the intention of this discussion is to state his relations to the more vital questions of his time.

Mr. Macon was elected a member of the Second Congress, which convened in 1791. He was then thirty-two years old and a staunch supporter of the Anti-Federalist party. He had served in the State Legislature, had voted against the adoption of the Constitution because it gave the new Government too many powers, and, true to his native sense of loyalty and Jeffersonian simplicity, had refused any remuneration for his services in the Revolution. The same self-sacrifice he expected of others, for in Congress he opposed the bill promising a grant of land to Count De

Grasse, remuneration of General Greene for personal losses in the war and one making provision for LaFayette when he visited America in 1828, and when the pension system was established, he was one of its most stubborn opponents.

North Carolina was then more prominent in the Union than at any time since, save the months just preceeding secession. She was next to last state to ratify the Constitution and her population ranked her one of the largest in the new federation. It was therefore not only an honor to the individual but a recognition of the State's imperium, that Macon<sup>e</sup> was appointed a member of a committee to report on the resolution making the basis of representation in Congress one for every thirty thousand.

Mr. Macon wished that the bill read *thirty-five* instead of *thirty*, another thirty-four, others thirty-three thousand. It is not necessary to describe the prolonged debates on the various amendments. Long before the question was finally settled, Macon and his colleagues were relieved of their duties. The question of representation was too intricate for the plain and honest gentleman of North Carolina.

Mr. Macon was one of the most uncompromising Anti-Federalists. With Gallatin and the leaders of the party, he fought the United States Bank, the navy, the Jay Treaty and those measures of the administration which tended to increase the authority of the central government. In April, 1796, Wolcott wrote to Hamilton, that "unless a radical change of opinion can be effected in the Southern States, the existing establishments will not last eighteen months." <sup>1</sup>Congress defeated the motion to adjourn on the President's birthday which had been customary. In the second session of the Fourth Congress the reply to the Executive's message, reported by Ames, was warmly debated. It contained a passage complimentary to Washington and expressed regret at his approaching retirement. This was especially noxious to the Anti-Federalists. Giles

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1. Stevens' Gallatin, P. 131.

“wished him to retire, . . . that the government could do only well without him, and that he would enjoy more happiness in his retirement than he possibly could in his present situation.” Finally the reply, including the section mentioned, was adopted with twelve dissenting votes. Among these were Macon and another son of North Carolina, Andrew Jackson, who has been described as a “tall, lank, uncouth looking individual with long locks of hair hanging over his brows and face, while a queue hung down his back tied with an eelskin. The dress of this individual was singular, his manners and deportment that of a backwoodsman.”

There is no phase of our early national life more attractive than the growth and decline of French influence and those measures of Congress, foreign and domestic, arising therefrom. It is improbable that Macon was influenced by French philosophy, for though never a church member his favorite literature was the Bible, and his austere and pure character is an argument stronger than words that he never imbibed the dregs of the skeptical Illuminati. Yet he was an admirer of Jefferson and when the Federalists proposed bills that would restrict citizenship he supported his party's policy of liberty in opinion and action for the individual. In 1798, he spoke against the resolutions prolonging the term of residence for naturalization on the grounds that “if persons have given notice of their intention to become citizens, they have complied in part with the laws; and he did not think it would be right to put it out of their power to comply with the other part.” The next day the Alien Law was proposed and Macon promptly objected to the “extraordinary power” given the President. In July he voted against the abrogation of the French treaty, tho' the indignation over the X. Y. Z. affair was at its maximum and war seemed the only method of main-

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Stevens' Gallatin, P. 133 n.

Annals of Cong. 5th Session. Vol. 1, P. 1779.

taining the national dignity. In the same month, in the debates on the Sedition Bill, Macon opposed the measure because, (1) that interference with the press and liberty of speech may be extended to religious establishments and this is forbidden by the Constitution, (2) that it was an infringement of State authority, since prosecutions of libels were understood by the State conventions to be the duty of the State and not the National Judiciary. He quotes Iredell and Wilson, of North Carolina, to support this. (3) The bill shows lack of confidence in the States, and mutual confidence is the basis of the Union. "This Government depends on the State Legislatures for existence. They have only to refuse to elect Senators to Congress, and all is gone."<sup>1</sup>

Though the act became a law, the arguments of Macon are interesting, for they ably express the views of his party on the constitution, and properly handled might still be valid objections to a censorship of the press, though a century has passed and our ideas of Union have greatly changed.

But Macon was not yet done with the Sedition Law. On January 23, 1800, he moved the repeal of the second section of the law, which fined or imprisoned those speaking or writing with intent to defame the government or excite "illegal combinations." It was expected that the Southern Federalists, among them John Marshall, would join the Republicans and they would carry the House for the motion. Mr. Bayard, of Delaware, moved the following amendment: "And the offences therein specified shall remain punishable at common law: *Provided*, That upon any prosecution it shall be lawful for the defendant to give in his defence the truth of the matters charged as a libel." Macon's resolution was carried by a majority of two, four Southern Federalists supporting the measure. The amendment was also carried by a majority of four, the votes of

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1. Ann. Cong. 5 Sess. Vol. II. P. 2151.

the Federalists. After the voting, however, the Republicans realized that they had been trapped. The amendment made libel a felony, when formerly it was simply an offence to be punished by fine and imprisonment. Also it tended to give the Supreme Court, Federalist in its personnel, that jurisdiction over the common law which the strict constructionists so dreaded. After some discussion, a vote was taken on the resolution and amendment as a whole, the count standing 87 nays to 11 yeas. 'The Sedition law was left to pass out of existence by its own provisions.

No year of Mr. Macon's public life was more important than the year 1800, for then appeared in Congress his political mentor and friend, the dashing, brilliant, but erratic John Randolph. That these two men should have drifted together and maintained intimate relations in private as well as public life, is one of those strange anomalies which we pretend to explain by the law of attractions between opposites, for there is no common quality in the two men, except their eccentricities. Macon was a "typical representative of the honest but scarcely brilliant or interesting democracy of his native State;" simple-minded, ignorant of the ways of the world, and pure as a Roman Cincinnatus. "Jack Randle," as he was known, was a "Virginian Brutus, with eyes that pierced and voice that rang like the vibration of glass, and with the pride of twenty kings to back his more than Roman virtue." "There were few men who were not attracted by him, and those who were his staunchest friends were high-minded and pure Southerners. Macon was bewitched and soon worshipped him as an Apollo, seeing in his friend all that he himself was not, an astute politician and true man of the world. Madison and Gallatin were now in the Cabinet, and these

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1. Randall's Jefferson, Vol. II, P. 532; Ann. Cong., 1799-1801, Pp. 404-423. Trent, "Southern Statesmen of the Old Regime," P. 112.

2. Adams' Randolph, P. 54.



two eccentrics became the House leaders of the ascendant Republican party. In 1801 Macon was elected Speaker, and the honor was his successively until 1806, when the rupture in his party gave the majority to the Northern wing. He won this distinction through force of character and was soon known as the "Father of the House." But let it be remembered that the Speakership at this time demanded a moderator rather than a party leader, the type introduced by Henry Clay.

Mr. Jefferson was not chosen President without the famous deadlock that compelled a radical change in our electoral methods. When the vote on the bill establishing our present system was taken, there was one ballot lacking to make the required two-thirds majority. Macon, the Speaker, claimed his right to cast a ballot as member of the House, overruled the opinion that he was limited to tie cases, voted for the bill and so fixed the present law.

The most interesting phases of his Speakership are the slavery debates and the formation of party factions. In regard to the "dread institution" Macon was a representative North Carolinian. The State never knew the extensive slave system of Virginia on the north or of her sister States on the south. The slave-holders were usually small farmers who saw their servants daily and were bound to them by sympathy as well as by economic interests. It is said that Mr. Macon, until sixty years of age, was accustomed to work in the field with his negroes. His views on the slave trade and abolition are therefore valuable in forming an estimate of the institution in the State.

Mr. Macon's first utterance on slavery was in 1797, when a memorial was introduced in Congress from the yearly meeting of Quakers at Philadelphia, complaining "that certain persons of the African race, to the number of one hundred and thirty-four, set free by members of the religious society of Quakers, besides others whose cases were not so particularly known, had been reduced again into

cruel bondage under the authority of an *ex post facto* law passed for that purpose by the State of North Carolina in 1777, authorizing the seizure and re-sale as slaves of certain emancipated negroes.”<sup>1</sup> In the debates following Macon declared “there was not a man in North Carolina who did not wish there were no blacks in the country. Negro slavery was a misfortune; he considered it a curse; but there was no means of getting rid of it.”<sup>2</sup> He then accused the Quakers of making unconstitutional petitions to Congress, and also of endeavoring to incite slave insurrections in the Southern States. The latter charge was untrue and absurd, but it shows that the colonial anti-Quaker sentiment was not yet extinct. The petition was referred to a committee, who decided that Congress could take no action, as the matter involved the judiciary, not the legislative, department.

The negro problem, however, was not allowed to rest. The next prolonged discussion was in 1804. The Haytian rebellion drove many negroes to America and the Southern people were alarmed, fearing slave insurrections. In January, 1803, Wilmington, N. C., memorialized Congress and asked for protection against these black immigrants. A law was passed which forfeited the ship and punished the captain that brought African negroes into any State that prohibited the slave trade. In spite of this law, the importation increased and was so popular that South Carolina repealed her prohibitory law. Thousands of negroes were sold into the new Louisiana territory. The Quakers of Pennsylvania remonstrated and Bard, of that State, moved that a tax of ten dollars be placed on each imported slave. Mr. Macon opposed this motion because, if the slave were taxed, the government would be compelled to protect the slave ships; and it would be an insult to the dignity of South Carolina as a State.

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1. Hildreth's History of U. S., second series, Vol. II, P. 178.

2. Ibid, Pp. 179-180.

"Gentlemen think that South Carolina has done wrong in permitting the importation of slaves. That may be, and still this measure may be wrong. Will it not look like an attempt in the general government to correct a State for the undisputed exercise of its constitutional power? It appears to be something like putting a State to the ban of the empire."<sup>1</sup>

Here, as well remarked by Hildreth, was the germ of the argument of Calhoun, for States are not only possessed of constitutional powers, but are to be allowed to exercise them, even if it be to the detriment of the nation as a whole. The debate was so warm that the matter was dropped on promises and entreaties of South Carolina.

In the final debates on the suppression of the slave trade, to go into effect in 1808, the question of primary importance to be settled was the disposition of illegally imported Africans. "The argument of those who insisted that the negroes should be sold was tersely put by Macon," says DuBois,<sup>2</sup> 'in the sentence, "In adopting our measures on this subject, we must pass such a law as can be executed.'"

If they are made free, what will become of them, alone in a strange land, not even knowing our language? Are they to be maintained and civilized by the public? In some States, also, "there is a legal provision that an owner of a slave may give him his freedom, on going into court and giving security that the slave that is liberated shall not be a charge on the county. Those persons who deal in this nefarious traffic will never carry their cargoes into a port of the Union where there are no slaves. They will go to the States where slavery exists, and there smuggle them; and, if we pass this amendment, the situation of these States will be most deplorable.

..... Perhaps I may be under the influence of local prejudice, but there is no State in the Union more opposed to the importation of slaves than the State which I have the honor to represent. It was proposed by her, ten years ago, so to amend the Constitution as to give Congress the power of prohibiting the importation of slaves. I believe the proposition passed by an unanimous vote. Certain I am, it had my hearty approbation. But it seems to me if you give these people their freedom, and turn them loose, they must perish."<sup>3</sup> Also, the negroes could not be returned to Africa, for it was impossible to know from what tribe they

1. Ann. Cong., 1805-1806, P. 359; Hildreth, second series, Vol. II, P. 503.

2. "Suppression of Slave Trade," P. 98.

3. Ann. Cong. 1806-1807, P. 171.

came. As to the objection that the government by selling them was engaging in the traffic, let it be remembered that when the United States has obtained judgment against a slave owner, his slaves are liable to be seized and sold and the proceeds go to the treasury.

This point, however, was also unsettled, and the disposal of the smuggled negro was left to the various States.<sup>1</sup>

In regard to the punishment of slave traders, the Southern members opposed the death penalty and favored forfeiture and fine. Mr. Macon did not express his views on this point, but his colleague, Mr. Holland, of North Carolina, said that, as the South did not regard slaveholding as a moral offence, death was too severe a penalty. He wished to place the traffic on political and not moral grounds, and Mr. Macon was of the same opinion.

"I still consider this a commercial question. The laws of nations have nothing more to do with it than the laws of the Turks or the Hindoos . . . If this is not a commercial question, I would thank the gentleman to show what part of the Constitution gives us any right to legislate on the subject?"

Once again in these debates does Macon make a bold stroke. Mr. Bidwell made an amendment to the forfeiture clause: "*Provided*, That no person shall be sold as a slave by virtue of this act." The vote was a tie, 60 to 60. Macon vetoed it. Finally a Senate bill replaced that of the House, and the law instituting forfeiture and imprisonment was at last established. There were many evasions, which were always a crumpled rose leaf to the Southern members. In 1809, in the debates on embargo and foreign intercourse, it was suggested to open trade with Hayti. Randolph was terrified, thinking the policy, if adopted, would cause slave insurrections. Mr. Livermore, who had introduced the idea, replied that there was already an illegal trade between Hayti and North Carolina. Mr. Macon then arose; he was more excited than Randolph, and declared that war with both France and England was preferable to trade with the rebellious West Indian negroes.

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1. *Ibid*, P. 179.

In the meantime there was a break in the Republican ranks which culminated in Macon losing the Speakership and Randolph's temporary retirement from Congress. Randolph's prospects for a long and successful career had been flattering. The Speaker, his intimate friend, himself chairman of ways and means committee, and friend and relative of the President, no man has ever had a better opportunity for a long period of national service. But he was too overbearing and jealous of his colleagues. In the first place, Jefferson and Madison feared the Federalists, who yet held the judiciary, and at Jefferson's instigation and contrary to the advice of Macon, Randolph impeached Judge Chase. He failed, not one of the long list of charges receiving the required two-thirds majority. A failure is never a guarantee of success. Then the Yazoo frauds claimed the attention of the House. Madison and the Northern members favored a compromise, but Randolph was inexorable. Then Randolph and Macon were extreme strict constructionists, and had even denied the right of Congress to bridge the Potomac because Virginia and Maryland had a right of navigation. The result was that by 1805 their fortunes were waning. October 23 Randolph wrote to Nicholson concerning Macon's chances for the Speakership in the new Congress :

"I am now seriously apprehensive for his election; and more on his account than from public considerations, although there is not a man in the House, himself and one other excepted, who is in any respect qualified for the office. I cannot deny that the insult offered to the man would move me more than the injury done the public by his rejection. Indeed, I am not sure that such a step, although productive of temporary inconvenience, would not be followed by permanent good effects. It would open the eyes of many well-meaning persons, who, in avoiding the scylla of innovation, have plunged into the charybdis of federalism . . . . . Do not fail to be in Washington time enough to counteract the plot against the Speaker, and pray apprise such of his friends as are within your reach of its existence."<sup>1</sup>

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1. Adams' Randolph, P. 158,

After a sharp contest Macon was re-elected, and Randolph was once more placed on the ways and means committee.

Jefferson's term was to expire soon and Madison, in the minds of his party, was to be his successor. Randolph could not tolerate Madison, and championed the only man who could rival him, Monroe. As Jefferson and Madison were intimate, he broke with the President, and refused to support the two-million appropriation for the purchase of Florida, although he had engineered the Louisiana purchase. He now fought the administration on every issue, and voted steadily with the Federalists. By 1807 the Northern wing were in the majority, and Varnum, of Massachusetts, was chosen Speaker. "The spell," says Mr. Adams, "was now at an end, and Macon, although retaining friendly relations with Randolph, hastened at this session to draw away from him in politics, and gave an almost unqualified support to the administration."

A relation of Macon's policies on the Sedition Laws and the slave trade are necessary only when his entire life is considered. That part of his career which has made him a national character, which has formed a prominent place in our history however briefly it is studied, was his service in the period of our foreign affairs just previous to the War of 1812. As stated, Macon was for several years but the shadow of Randolph and the influence of the erratic Virginian over him is in no way better illustrated than in the debates on foreign intercourse. In 1800, a bill came before the House to suspend trade with France. Randolph and Macon opposed it, and only through Gallatin's exertions was it passed. During the debates on non-importation of goods from England in 1806, Macon made one of his longest addresses to the House, and urged many objections to the imposed measure. Among other propositions, he gave as his opinion that the solution of our difficulties was to abandon the carrying trade and to

concentrate on the coast trade. Here again his views were identical with Randolph's. But by 1808, he had broken with Randolph and voted for the act excluding French and English vessels from American ports, while Randolph opposed retaliation. Yet he opposed appropriations for increasing our naval force, although the country was drifting nearer war day by day, for he declared that large navies never were, and never could be, conducive to commerce. Another example of his provincial simplicity is, that when war was more imminent than ever, he wished to loan our navy to some foreign power that American sailors might be taught European naval tactics. As a means of defence, he preferred Jefferson's system of gunboats to large frigates.

But embargo was a failure. The law was unsatisfactory, yet repeal meant to yield to France and England. In the spring of 1810, the "American Navigation Act" was substituted. This is often called "Macon Bill No. 1," because introduced by Macon, though the real author was Gallatin, then cabinet officer.

It excluded French and English vessels from our harbor but allowed American vessels to leave port, and confined all importations from France and England to ships direct from those countries. Schouler says, "Had such an experiment as this been undertaken in place of embargo two years earlier, most probably it would have forced England to terms, or else provoked her to such outrageous retaliation that the American people would have sprung to their feet and fought with zeal."

The Bill passed the House but was lost in the Senate. Its defeat was due to the fact that the Anti-Gallatin faction was in the majority. Macon and his committee, however, soon reported a new bill, known as Macon's No. 2. Non intercourse was to expire with the session. Resistance to the decrees of England and Napoleon was abandoned, and, as if to put American influence out for competition, if one

of these powers would repeal its obnoxious laws, the United States would revive non-importation against the other. The effect was disastrous. Napoleon, through an agent, wrote to Armstrong, our minister, that he "loved the Americans" and would revoke his Milan and Berlin decrees if England would withdraw the Orders in Council. Madison then declared trade with England suspended, American vessels, trusting to the good faith of the Emperor, flocked to French ports but in December, 1810, by Napoleon's orders they were seized, and property to the value of ten million dollars was confiscated. Macon wrote to a friend that Taylor, of South Carolina, was the author of the bill, but Smith of Maryland said it was drawn up by the secret contrivance of Madison.<sup>1</sup> One thing is certain: the law was a terrible blunder and has left an ineffacable blur on our diplomatic history.

Mr. Macon opposed the war party until the Leopard-Chesapeake affair, when he declared that America had done all she could to prevent hostilities and now the National honor demanded armed resistance. Yet he wished the war to be defensive, not offensive; and for this reason he did not believe in increasing the navy. No one, he said, expected the war to be a naval one and every cent expended in the repair of ships was useless. The army, he insisted, should be organized on the old Revolutionary plan instead of the new system proposed.

These are the principle questions in which he was involved as Representative in Congress. There were many minor issues that felt his influence which cannot be mentioned. There was one bill introduced by him which, though defeated, has yet greatly affected American ideas. It provided that any citizen of the United States accepting title or gift from foreign powers without the consent of Congress, should cease to be a citizen and be incapable of

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History of United States. Vol. II, 299.

1. Schouler, Vol. II. P. 196 n.



holding office. The amendment passed the House but was lost in the Senate. It was an able expression of that unpopularity which foreign family alliances have always received in this country. Mr. Macon also introduced an amendment which forbade any Congressman to hold civil office while National Representative. Tho' never incorporated in the Constitution as an amendment, this requirement was established by Congress as a regulation for its members.

In 1815 Mr. Macon passed into the Senate. Tho' his long service to the lower House made him one of the leading men of the day, his Senatorial career is of little interest. Perhaps this is because the destiny of the Nation was forever decided, in many respects, by the close of the War of 1812: Federalism was dead, the early Republican platforms had radically changed, the broad construction theory was dominant, and Macon could well say in 1824, that not a principle of his party was identical with those of the earliest days of National history.

As Senator, Mr. Macon voted against the first and second Missouri Compromises, opposed Internal Improvements, and, though he thought a National Bank would be expedient, he did not believe the Government had the authority to establish such an institution and therefore voted against its charter. It would be profitable and interesting to study his constitutional theories, but so few of his papers have been preserved and his speeches were so brief, that this is impossible. A letter of 1833 to S. P. Carson is a nucleus from which to draw general conclusions concerning his views on tariff and nullification.

"There can be no doubt that the United States are in a deplorable situation, . . . My opinion has never been a secret, and I have always stated it to those who wanted to know it. In the year 1824 the constitution was buried. The Senators who were then present will, it is believed, recollect the fact, and it was never afterward questioned by me while I continued in the Senate. . . . I never believed that a State could nullify and remain in the Union, *but always believed that a State could secede when she pleased*, provided she would pay her portion of the public debt.

"This right I have considered the best guard to the public liberty and the public justice that could be desired and it ought to have prevented what is now felt in the United States—oppression.

"A government of opinion, established by sovereign States, cannot be maintained by force. The use of force makes enemies and enemies cannot live in peace."

Mr. Macon was chairman of the Senate Committee on the Panama Congress. The committee's report was lengthy and against the United States, participation in the scheme. It was drawn up by Tazwell of Virginia and was defeated. Macon also cast a solitary vote against appropriations for Lafayette's reception on his visit to America—likewise he fought the appropriation asked by the Columbian College of Washington. He was economical even to parsimony, and to the last was jealous for the rights of the individual States.

In 1824 he received the electoral vote of Virginia for Vice-President and from 1825 to 1827 was President, *pro tem.*, of the Senate. In 1828 he resigned and returned to private life, having reached the Psalmist's limit of years. The public knew him again in 1835, when he presided over the State Convention which reformed suffrage, and once more in 1837 he was elector on the Van Buren ticket.

No study of Macon's public life would be complete without mention of those friendships whose traditions cast upon them the halo of the Platonic. His admiration of Randolph is proverbial in our political folk-lore. Mr. Adams, in his *Randolph* in the "Statesmen Series," infers that this affiliation was one-sided, that Randolph used the enchanted Macon as a tool to project his ambitions. Facts do not corroborate this view. Macon had an influence over his mentor that no other Congressman had. On May 24, 1812, Randolph made an *anti bellum* speech when there was no motion before the House. He was called to order by a member, but was sustained by the Speaker. Finally, after repeated interruptions and as many times sustained, the breach of parliamentary law was too evident, and Ran-

dolph was requested by the Speaker to produce a motion in written form. Angry words resulted, and there might have been another duel added to the long list of those days, but Macon interferred, soothed the temper of the angered Randolph, and nothing serious resulted. For this and other reasons the Virginian might well say: "If wisdom consisted in properly exercising our judgment upon the value of things desirable, Mr. Macon was certainly the wisest man I ever saw. In 1808 they separated in politics. There was doubtless an estrangement in social relations. From 1813, when Randolph failed to return to Congress, we know the old warmth of feeling waned. In 1815 Macon wrote to Nicholson that he had not heard from Randolph since the latter's retirement from public life, and that he could not account for the cold reception given Nicholson by Randolph recently in Baltimore.<sup>1</sup> Some time later amicable intercourse was re-established; for in 1826, Randolph, again in public life, wrote that his old friend Macon reminded him daily of "the old Major who verily believed that I was a none-such of living men." In his will Randolph bequeathed to Macon, "My oldest high silver candlestick, my silver punch ladle with whalebone handle, a pair of silver cases with handles and my crest engraved thereon, my hard metal dishes that have my crest J. R. in old English letters; also the plates of the same engraving, the choice of four of my best young mares and geldings, and the gold watch by Raskell . . . May blessings attend him, the best and purest and wisest man that I ever knew."

Macon was also an intimate friend of Benton. "Mr. Macon," he says in his "Thirty Year's View," "was the real Cincinnatus of America, the pride and ornament of my native State, my hereditary friend through four generations, my mentor in the first seven years of my senatorial and last seven of his senatorial life." "He spoke more

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1. Adams' "Randolph," P. 202.

good sense while getting in his chair and getting out of it than many delivered in long and elaborate speeches." Madison, Monroe and Jefferson were strong in Macon's affections. One of the last and perhaps most pathetic of Jefferson's letters was directed to Macon. There is nothing in American biography more touching than these paragraphs from the old chieftain, alone and retired at Monticello, to his younger partisan, still strong and able for the battle. "I read no newspaper now but Ritchies," he says, "and in that chiefly the advertisements, for they contain the only truths to be relied on in newspapers." Is this the retribution for the errors of the *National Gazette*? He continues, "I feel much greater interest in knowing what has past two or three thousand years ago . . . I read nothing but the heroes of Troy, of the wars of Lacedæmon and others, of Pompey and Cæsar, of Augustus, too, the Bonaparte and parricide scoundrel of that day."

Unfortunately Macon destroyed his correspondence and for this reason many problems of his life must remain unsolved. In private life he was neat, punctilious, economical, plain and unostentatious. Yet to know the man, fully to appreciate his spirit and what he was to those who knew him intimately for years, is for us impossible. We can only read the idealizations of his many admirers, and conclude that this "Last of the Romans," as Jefferson named him, was among the "noblest of them all."

## BOOK NOTICES.

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Abraham Lincoln, A Man of the People. By Norman Hapgood. (New York: The Macmillan Co., 1899. Pp. xiii. 433.)

Mr. Hapgood's book is perhaps the most satisfactory portrayal of the character of Lincoln that is before the public. It is not so close and intimate a study as Herndon's but it covers fully the period of the war, which Herndon, goes over so hurriedly as to make his work seem, as indeed it is, incomplete. The treatment of Hapgood is sane, interesting, and devoid of eulogy, except as the incomparable character of his subject eulogizes itself. It shows Lincoln in a most human light. It is not wanting in certain small inaccuracies; but a book is to be measured by the good there in it and not by the bad. By this standard the work is a success.

J. S. B.

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The History of South Carolina under the Proprietary Government, 1670-1719, and The History of South Carolina under the Royal Government, 1719-1775. By Edward McCrady. (New York: The Macmillan Co., 1897 and 1899. Pp. ix. 762 and xxviii. 847.)

Mr. McCrady's purpose is a laudable one. He has come to the rescue of the history of his State and with a great deal of industry has produced two large volumes. He has used the printed sources that relate to his subject with a spirit of fairness and with no little ability. But as to the unprinted sources his work is disappointing. There are, he says, 36 manuscript volumes of records brought over from the Public Rolls office in London and awaiting publication by the State of South Carolina. These documents seem to be accessible to the historian, since Mr. McCrady refers to them in a few cases; but in his whole work, wherein there is an abundance of footnotes, he has referred to these documents less than fifteen times. The references to the North Carolina Colonial Records are many times more numerous. All this seems to indicate that Mr. McCrady's work must be done over again when the documents to which I refer are in print; for it is most probable that such a publication will reveal much that is now unknown. At any rate it will be worth while to have a work that is on the sure basis of public documents. Besides this there are some inaccuracies as the confounding of Sir Hovenden Walker, who was in South Carolina in 1719, with Deputy Governor Henderson Walker, of North Carolina, who at that time was in his grave. Each work is too closely chronological in form to be clear, and the former lacks a Table of Contents. This fault is remedied in the second volume, and in each volume it is lessened by an adequate index.

J. S. B.

The Philadelphia Negro : A Social Study. By W. E. Burghardt Du Bois, Ph.D., Sometime Assistant in Sociology in the University of Pennsylvania: Professor of Economics and History in Atlanta University. (Publications of the University of Pennsylvania Series in Political Economy and Public Law, No. 14, 1899. Pp. xx, 520.)

The Future of the American Negro. By Booker T. Washington (Boston: Small, Maynard & Co., 1899. Pp. x, 244.)

There is no better indication of the Negro's progress than the rise of colored scholars and educators. That a race produces men who view the problems of humanity from the standpoint of reason, and rely on the fruits of their intellect for a livelihood, is a certain sign of an advance toward maturity in thought and feeling. This, more than the information set forth, lends interest to the subjects of this review.

Mr. Du Bois's monograph is by far the more scholarly and valuable. A graduate of Harvard and two years a student at Berlin, he has applied to his subject the best of modern methods; and his four hundred pages form perhaps the most complete social investigation by an American writer. He first reviews the history of the Negro in Philadelphia, and one is impressed that the prejudice and hard feeling against the colored man has been largely due to economic causes. Negroes were brought into the colony and city at an early date, and were finally emancipated by a gradual process. Although degraded, they were so inspired by freedom and directed by able leaders that they made considerable progress. But the rise of factories and immigration of foreign labor, as well as the antipathy of those opposed to abolition, checked this development and increased crime and poverty. Gradually economic adjustment allayed excitement and a normal condition was attained, but the inpouring of emancipated Southern blacks at the close of the war caused another crisis, marked by idleness, poverty, and vice.

With such a history for a background, a social study of any people must be instructive. Limited space forbids extensive review. One of the most significant chapters is on the family which "was destroyed by slavery, struggled up after emancipation, and is again not exactly threatened, but neglected, in the life of city Negroes." Another on "organized life" contains many suggestive ideas on the church and its hold on the people. "As a social group the Negro Church may be said to have antedated the Negro family on American soil, as such it has preserved, on the one hand, many functions of tribal organization, and on the other, many of the family functions." One equally important chapter discusses crime and it is shown that the percent of Negro crime in the city today is far less, according to population, than before the war, "that after the war it decreased until the middle of the seventies and then, coincident with the beginning of the new Negro immigration to cities, it has risen pretty steadily." Much of this increase has been due to change of life and economic competition. Finally, what is said of "color prejudice," makes one wonder that even so much has been done by Negro individuals. Speaking of the graduates of one colored school, he says: "From one-half to two-thirds of these have been compelled to leave the city in order to find work; one, the artist, Tanner, whom

France recently honored, could not in his native land much less in his native city find room for his talents. He taught school in Georgia in order to earn money enough to go abroad."

The most striking element of Mr. Washington's book is its elevated moral tone. "The time has come, it seems to me, when in this matter (the race problem) we should rise above party or race sectionalism into the region of duty of man to man, of citizen to citizen, of Christian to Christian; and if the Negro, who has been oppressed and denied his rights in a Christian land, can help the whites of the North and South to rise, can be the inspiration of their rising into this atmosphere of generous Christian brotherhood and self-forgetfulness, he will see in it a recompense for all that he has suffered in the past." The burden of the subject matter is the need of industrial training among the Negroes. There are many sentences that smack of the proverb, as, "The American dollar knows no prejudice." The essay that reaches current conditions is the one on lynchings, and the immoral effects of mob law on the people is established by carefully prepared statistics. Again, we find this passage:—"I am not pleading for the Negro alone. Lynching injuries, hardens, and blunts the moral sensibilities of the young and tender manhood of the South. Never shall I forget the remark by a little nine-year old white boy, with blue eyes and flaxen hair, after he had returned from a lynching; 'I have seen a man hanged; now I wish I could see one burned.' Rather than hear such a remark from one of my little boys, I would prefer to see him in his grave."

After considering the thoughts and work of these men, we can not but feel that the negro is not in all an evil; that some day he will cease to be a "problem"; and that that spirit of pathos and melody that has been his characteristic in the past, may be a fore-gleam of a valuable and effectual citizenship in the future.

W. K. B.





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## PREFACE.

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The "Historical Papers" of the Trinity College Historical Society were discontinued in 1902 when *The South Atlantic Quarterly* was established. Recently, however, it has been decided that there ought to be some ready receptacle for really worthy papers prepared by members of the Society aside from a journal like *The Quarterly*, and for this reason it has been deemed advisable to revive the "Historical Papers." The present series—the fifth—will be followed by annual installments in the future, till the Society is able to begin the publication of a quarterly journal of its own, for which enterprise it is making plans.

# Historical Papers.

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## SERIES 5.

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### "THE PHILOSOPHY OF HUMAN HISTORY."\*

BY REV. T. F. MARR, OF THE WESTERN N. C. CONFERENCE.

I shall not devote this hour to the study of any special phase of our religious, social or political life. There is no want of discussion, more or less profound, on all these topics. I will not take up your time in the rehearsal of what is perhaps more familiar to you than to myself. I shall offer some general reflections on the destiny of the human race, or The Philosophy of History. This is a subject with which all thoughtful persons are concerned.

We can do no better than adopt the following clear, concise definition of our subject given by Mr. Flint. Mr. Flint says: "The philosophy of history is not a something separate from the facts of history, but a something contained in them. The more a man gets into the meaning of them the more he gets into the meaning of it, and it into him; for it is simply the meaning, the rational interpretation, the knowledge of the true nature and essential relation of the facts." When you have learned the causes producing and giving character to an epoch and the end toward which it tends you have come to understand its philosophy. All history has a philosophy because events are always connected by some principle of final causation. Therefore, to know the meaning of history is to understand

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\*An address made at the Civic Celebration of the Trinity College Historical Society, February 22, 1900.

its philosophy also. A clear understanding of the significance of its facts constitutes the chief value to be derived from the study of history. History is to the human race what biography is to the individual. "Humanity is the man of history." But this is a biography which cannot be written until the world's historical life has reached its close. At present, the life of humanity is in its flow, and we are in the midst of it flowing on in the stream of the ages. The past is behind us, the present is around us, and the future lies undeveloped before us. We are somewhat in the position of a soldier on the field of battle, ignorant of the commander's plan, and from our position incapable of knowing what has taken place or how the fight is likely to issue. But while this is true, there is an important sense in which we are spectators, and in the light of reason and revelation have grounds for the philosophical criticism of human history.

If we consider the nature and capacities of man, we will be forced to the conclusion that he is destined for a state of ideal perfection—in other words, a truly rational life—a life of moral freedom, justice, goodness and love. According to the absolute determinations of reason, advancement toward this ideal constitutes the only worthy conception of human progress. Earth's noblest souls in all ages have been profoundly stirred by this idea of man's destiny and have consecrated their best efforts to its attainment. Here the labors of the scientist, the statesman, the teacher and the minister have all centered. I know there are those among us who regard this as an idle fancy and who persistently refuse to be comforted by prospects so fair. To them there are no golden sunsets. They are not thrilled with the martial music inviting the race to its final triumph. They contend that the many failures of man in the past constitute sufficient ground upon which to predicate his ultimate failure. Such a conclusion, however, does not follow of necessity. We have seen the tree cast

its buds in untimely birth and spring's loveliest flowers withered in the unfolding of their beauty, but spring was not a failure. Soon those gaunt old arms were covered with dainty green, and flowers fairer still bloomed over the graves of withered beauty. While there are numberless cases of abortive attempt and failure in nature it does not follow that nature is an abortion and a failure of its proper end. So with man, through all his mistakes and failures divine wisdom leads on to perfection. "Though he fall he shall not be utterly cast down." The only questions that remain to be answered are How? and When? By what agent or agency will such a result be brought about? and when is its accomplishment to be expected?

I. Let us endeavor to answer the first question—How? Will the progress of civil liberty and the establishment of free institutions accomplish it? This seems to be the prevailing idea at present. We proceed on the assumption that when the stars and stripes float over a country its night of care must necessarily vanish. It must be confessed that in many instances this would be a decided step in advance; but still the end would not be reached. Notwithstanding the fact that we have, for so long a time, enjoyed the blessings that come from civil liberty and free institutions, our imperfections are too glaring to need comment. It is to be seriously doubted if at any period of our life as a nation we have had more unsupplied wants than we have to-day. The restlessness and dissatisfaction that prevail are alarming. Nor is this spirit confined to any one class of our people, it comes from the cottage and the mansion alike. But it may be urged that the probation of our institutions is not sufficient—that they only need more time in which to answer our fondest expectations. In order to ascertain whether this position affords ground for hope let us examine our civilization in its highest forms. To do this we must go to those places where all the elements that make up our national life

center. If it be urged that these are not our best places, we answer; True, but here, and here alone, has our civilization culminated. If an European would study American civilization he goes to New York to do it. What does he find here? Undoubtedly some of the best people in the world. But right over against them some of the most degrading forms of vice that ever cursed the most benighted nation on earth. Here avarice and greed surpass anything ancient Rome ever knew. The spirit of gambling is so rank that its virus is poured through the entire nation. Here thousands roll in luxury and ease, while tens of thousands are doomed to the most abject poverty. Nor is there the remotest promise in our institutions that this condition will be relieved. While many worship at the altars of our God, still infidelity stalks forth in open day. I ask if the life of institutions, under which such things live and thrive, multiplied by a million of years, is likely to bring perfection?

Then again, it is a fact worthy of note that the potency of free institutions depends upon whether they are thrust upon or spring out of a people. They cannot live except supported by a virtuous populace, and it is not within their province to produce that populace. This clearly implies the going before of a power that makes their very life possible and the fact that of themselves they have no essential virtue and can produce nothing. Free institutions, as they exist among us to-day, cannot even cherish and give fair play to those virtues necessary to keep such a government alive, much less create them. Our institutions have not in themselves the elements of their own perpetuity, but over them all is written: "Dust thou art and unto dust shalt thou return." These observations are made in full view of the glory that has come to our nation through these very agencies. Nor would we detract one ray from their lustre, only we would place them where they properly belong. Light they have, 'tis true, but it



is a borrowed light. As much as we love them, thoughtful men know full well that they can never solve all our problems. To-day they stand as helpless in the presence of certain great questions as gods made with men's hands. And instead of renewing their youth their impotence becomes more apparent with age. To them the cry of broken hearts and wrecked fortunes goes up, but no answer comes back. Nothing is clearer than that we must expect help from another source.

2. The advancement of science and the general diffusion of knowledge are much looked to as the promise of a better future. Much stress is laid upon the marvels of scientific discovery and their application to human uses during the last fifty years.

That human life in all its departments has been blessed by these cannot be doubted for a moment. They are indeed the marvel of the age. We can but stand in wonder and admiration before them. And no doubt this is but the beginning. Science will continue to bless so long as she recognizes Nature as a great temple built by the Almighty Father's hand, and seeks her light from Him. But science has no promise of bringing men to a perfect state, for she, too, has lifted supplicating hands to God for light in which to walk.

As to the general diffusion of knowledge—it must be remembered that knowledge is a power for evil as well as for good. Light in the head is not always goodness in the heart. Both observation and experience abundantly prove that our goodness has not increased with our knowledge. Some of the highest sources of human knowledge have become hot beds of atheism. Perhaps not openly, but Judas like, they betray with a kiss. While the mob is dangerous, that danger is increased manifold when a trained mind guides its madness. This is generally the case, for, as a rule, it is the learned who plot to overthrow governments and enthrall the liberties of mankind. It was

this same crowd that robed Christ in purple and scoffed into momentary silence His Messianic claims. It does not follow from this that ignorance is the parent of devotion. But we must beware of expecting the regeneration of human society from the mere diffusion of knowledge. Unless permeated and actuated by higher influences the widest diffusion of knowledge will only make society less wise in what constitutes real perfection and true welfare.

Then again that which is imperfect cannot produce perfection. We cannot impart to others the qualities we do not ourselves possess. In the long ago an old nation imagined that the sum of all was known, and consequently engraved on its coin the twin pillars of Hercules with the motto above them: "Ne Plus Ultra." The wise old king of Israel had pretty much the same idea; for he considered the man who should come after him almost entirely out of a job. Soon, however, the old nation had cause to change her motto; for one of her own sons, sailing through those gates, discovered a new world, whereupon she re-engraved her coin: "Plus Ultra." No man since that time has dared crown the present. Every scientific text-book in our schools to-day which is over ten years old, is practically useless. Old encyclopedias are classed with the almanacs of last year. He who anchors to the present bids success adieu.

3. But to whom shall we go? To christianity, of course, says one. Very true; but all depends upon what you mean by christianity. To some men it means no more than budhism. A large body of professed christians see no more in it than a body of doctrines and ethical precepts with a visible institute of worship and moral discipline. Such a christianity has no power to bring the life of a fallen race to perfection. Our present condition demands more than rules of conduct. Without the revelation of power revealed knowledge could be of little worth. We want the ability to obey these doctrines and precepts, and that power is not in the human race.

It is no longer a question as to whether christianity is to become the religion of the world—it would become such **through** social and commercial causes alone. There can be **no** hope for the salvation of man in the mere establishment of christian institutions.

Not all are angels who look like angels; neither is every thing christian which assumes its guise. Far more important than the number of missionaries we send abroad is the message they carry. Christianity is the interference of God in human destiny. It is divine power incarnated in the life of humanity. It is the incorporation of a divine principle into the corrupted life of the race, through the incarnation of the eternal Word. It is the indwelling of God in man by the Eternal Spirit of life. The union of God and man in the person of Jesus Christ is therefore the central fact in the history of the universe. Here is the only ground upon which a philosophy of human history can be predicated. No other principle can be found upon which to unite all rational creatures. It may be regarded as a stumbling block and foolishness, but you cannot get around that stumbling block or avoid that foolishness. Just as Christ becomes a part of the corporate life of humanity will the world approach perfection. The old prophet spake truly in declaring that the babe was set for the rise and fall of many—a truth which perhaps he did not fully grasp at the time. But each passing century has been a comment, and now the world is beginning to awake to the fact that the Nazarene has a voice in the conduct of its affairs. The reign of a personal Christ must be established over the hearts and lives of men. If christianity is nothing more than a fine ethical code, it is scarcely worth the heathen's while to tear down the temples of his gods to make it a place. "Christianity without Christ cannot save." When such a reign is established, a superintending God is placed over human history. As well divorce creation from Divine wisdom and power, as to sever human history from Divine providence.

It is not to be inferred from what has been said, that we would dispense with institutions and the general dissemination of knowledge altogether. Their utility depends entirely upon their character and aim. All means are to be valued just in proportion as they contribute to the best interests of the race. It may be safely asserted that only those institutions which are based upon and draw their inspiration from the incarnation as stated above can worthily stand for God's truth, and prove a blessing to the world. Such institutions are useful in bringing men to a knowledge of the truth, and must therefore continue to the end of time. More to be feared than the avowed enemies of god, are those institutions which refuse to recognize the Divine hand in human destiny.

It is not without good reason that I assert this to be the only solid ground upon which humanity can stand. Here we learned our true dignity and worth—created in the image of God, and destined for an eternal career. Until this great truth dawned upon man he was regarded as only a little better than the cattle upon the hills. The force of these great truths in determining human progress will be clearly seen if we compare the civilization of the valley of the Nile with that of the Hebrew nation. History does not bear upon its pages the record of any nation having arisen to true greatness that did not embody these great truths in its constitution, and live them in the lives of its people. Without them learning is dangerous, and power is a monster. The old prophets found the fittest types of certain great powers in the jungle; and the same is true of many to-day. Let others build on their little sandbars if they will, but the incarnation is our Gibraltar; let us build upon it.

But strange to say, the world calls the man who occupies this position narrow. On the same ground, the man who built upon the rock might have been called narrow, because he rejected the broad plain for the one impregnable spot. Call it narrow if you will, but here is the only foundation

sufficient to bear up the destinies of immortal beings. Here is love as broad as the needs of sinful man. Here is expiation as efficacious as the love that inspired it. Here is a power sufficient to lift man to glory and dignity undreamed of by the creeds and philosophy of the ancients. Here is the soul of every good thing. Oh, that we might learn with Paul, the weight of the great truth: "Other foundations can no man lay than that which is laid—Jesus Christ."

So I call you to record that here is a fact that the builders of states must reckon with, and it is going to occupy a more prominent place in the future than it has in the past. When I first saw advertised the little book called *The Larger Christ*, I thought it was the production of some crank; but now I begin to realize with the author, the magnitude of the truth he labors to assert. And let me say here that this is pre-eminently a lesson for the future statesman to learn; and one that he must learn except his fabric be consumed. "The nation that will not serve Thee shall perish."

II. Now let us note briefly the last question—When? I think the mistake we too often make is that of expecting a temporary destiny for the race. That improvements have been made in the past and will continue to be made in the future cannot be doubted for a moment. The world will continue to grow better. Our faith must stand firm in the belief that the good will finally predominate.

Yet we must not expect to find the end here. When Abraham left home at the call of God it was for the land of promise, but when his feet stood on the hills of Palestine, his desires were broader than ever. The promised land was sufficient to tempt him from home, but not to satisfy him. Looking far into the future he declared himself a pilgrim and that he sought a city whose builder and maker is God. God never intended him to rest here, but did not tell him so in the beginning. The promise of

a spiritual seed and that of a heavenly Canan were reserved for a broader understanding to appreciate.

Earthly millenniums may tempt an infant race because it cannot understand anything better, but they cannot bring satisfaction. Their chief good lies in that they open to the eye of vision spheres of activity and enjoyment beyond. At each vantage ground attained hope sings to the human heart: "It is better further on."

In young life, when there are no shadows to darken and no clouds to lower, we may dream of earthly bliss, but these dreams are soon dissipated and the hard cold fact presses itself upon us that, strive as we may, there is no completeness in this life. The mysteries which then gather around us cannot be dissipated except we view this life in connection with the life to come. The best are ready to say with Jacob: "Few and evil have been the days of thy servant."

So it is with the life of the race. He who expects to find in this world anything answering to the promise in man will be sorely disappointed. The promise is more than appears in the fruit. God has given those buds of promise an eternity in which to unfold. Therefore we see the fruit here in a state of immaturity. Does the life of man, as we behold it now, answer to the elaborate preparation God made for it?

Suppose you God made this world, girdled it with oceans, carpeted it with green and arched it with flaming skies as a place for man to eat and sleep for a few days and then die? If so, you might well write across the heavens in letters of fire: "Much Ado About Nothing."

Take the history of the world. Have the many millions of earth labored and fought and died that we might enjoy the pittance of blessing that falls to our lot to-day, and nothing more? Can we imagine the temporary destiny we now enjoy a sufficient compensation for six thousand years of suffering and toil? When the angels shouted for joy over a new made world was it in view of what we are

to-day? If so, all rational creatures would unite in pronouncing it a gigantic farce. But such is not the case. An allwise God would do better than that. Nothing has yet appeared in the church which could in any sense constitute an adequate result of Heaven's great sacrifice and the awful tragedy of the cross. If this were all, Christ could not be satisfied with the travail of his soul. There can be no significance in Christ's resurrection if man is to find his perfection here.

This is not the end; all things point to something higher and better. We should remember that man's life on earth is but one act in the drama of that life which shall never end. This act cannot be interpreted until the entire play is unfolded. No single transaction in this life can be rightly understood except viewed in the light of eternity. God has in prospect for man fairer Edens than even that of his primeval home.

As christians we are not discouraged when earth's fairest flowers are blighted, for He in whose hands is our destiny hath declared that all things work together for our good. We build our hopes upon the Incarnation rather than upon philosophy of human institutions. We look to the Church of God rather than to politics. The universe is our home rather than these sectional limits bounded by narrow minds. Our ambitions prefer God's good time for their realization to selling themselves for a mess of pottage to-day. I believe that our ship will have a landing safe, triumphant, glorious. Though the earth be moved we will not fear, for God is our refuge. Since Christ is the determining cause in the history of the world, eternity must necessarily be its goal. Though earthly millenniums come they will not constitute an end of human progress or satisfy human desires. Let no man forbid the hope they inspire, however, for christianity is abundantly able to produce all we expect. Let the universal heart of humanity lift up the prayer to the world's restorer: "Thy kingdom come—Thy will be on earth as in heaven."

THE ADOPTION OF THE FEDERAL CONSTITUTION BY  
NORTH CAROLINA.

BY J. A. BEST.

The Legislature of North Carolina called a Constitutional Convention to meet at Hillsboro, in July, 1788, to consider the adoption of the proposed Federal Constitution. In a short time much opposition to the Constitution arose, among the most prominent opponents being Willie Jones, of Halifax, General Person, of Granville, Timothy Bloodworth, of New Hanover, Dr. David Caldwell of Guildford, and Col. James McDowell, of Burke. On account of the great influence of these men it was at once seen that North Carolina would be in the doubtful column. The position of the Republicans was defended in a pamphlet prepared by Col. George Mason, of Virginia, and this was distributed throughout the State by the opponents of the Constitution. To this, Col. James Iredell, of Edenton, ably replied in another pamphlet. The Federalists also had the aid of a publication called *The Federalist*, issued by Alexander Hamilton, James Madison, and John Jay. The campaign was hotly contested on both sides prior to the election of delegates, which resulted in a victory for the Republicans.

The Convention consisting of two hundred and eighty-eight members met in the Presbyterian church in Hillsboro, on July 21, 1788. Although the Republicans were in the majority, the Convention elected Gov. Samuel Johnson for the president. He was a man of sterling quality and although he differed from the majority in his views they were willing and anxious for him to preside. The Convention immediately proceeded to business by appointing a committee, consisting of Messrs. Davie, Person, Iredell, McDonald, Battle, Spaight and Samuel Spencer, to prepare certain rules and regulations for the control of the Convention during the discussion of the Constitution; and



recommending a committee of three members from each District as a Committee of Privileges and Elections. When these committees had reported and their reports had been acted upon, there began a battle royal between the eloquence and logical arguments of the Federalists led by James Iredell and the shrewd political manoeuvres of Willie Jones aided by assistants with able arguments.

The Federalists were led by Col. James Iredell, the most learned man of the North Carolina Bar, and an excellent Constitutional lawyer; he was a fluent and eloquent speaker and logical debater; he had made a thorough study of the Constitution and of our needs for such an instrument; and he was ready at all times to defend it and meet the arguments of the other side. During the sitting of the Convention, he delivered no less than thirty-two speeches. His speeches were so forcible that the bitterest opponents of the Convention could but sit and listen and when they attempted to answer him, they could make but feeble replies. He was ably assisted by Col. William Richardson Davie, who had won fame in the War of the Revolution and who was an able lawyer and debater; by Gov. Johnston, "calm, lucid and convincing;" by Archibald Maclaine, "sensible, pointed and vigorous," a man whose high temper often increased the opposition of antagonists of the Constitution; by Richard Dobbs Spaight, a descendant of Gov. Dobbs; and by the young John Steele of Salisbury.

The Republicans were lead by Willie Jones. The following from McRee's life of Iredell is a good characterization of this man:

"Willie Jones, of Halifax was the most influential politician in the State: ultra-Democratic in theory, he was aristocratic in habits, tastes, presence and prejudices: he lived sumptuously and wore fine linen; he raced, hunted and played cards; he was proud of his wealth and social position; and fastidious in the selection of associates for

his family. A patriot in the Revolution, he was now the acknowledged head of a great party. He was zealous of his authority, and prompt to meet any attempt to undermine his power. His knowledge of human nature was consummate; and in the arts of insinuation he was unrivalled. He had the powers of forecast, and combination in an imminent degree; and his plans, if sometimes intricate, were always ingeniously constructed. As a spider in its web, speedily apprised of any disturbance at its extremities by the vibration of its thread, is alert to repel assault or secure a victim, so ever on the *qui vive* he was resolute and efficient in his defence, and the assailant often became the assailed. Though generally relentless, and uncompromising as a partisan, he had a generous heart, and on more than one interesting occasion, had given signal proof that he could soar above the murky atmosphere of party. He was a loving and cherished disciple of Jefferson, and was often taunted with his subserviency to Virginia 'abstractions.' He seldom shared in the discussions. His time of action was chiefly during the hours of adjournment: then it was that he stimulated the passions, aroused the suspicious, or moderated the ardor of his followers; then it was that, smoking his pipe, and chatting of crops, ploughs stock, dogs, etc., he stole his way into the hearts of honest farmers and erected there thrones for himself." This was the man who held the destiny of North Carolina in his hands. His word was law among the majority of the delegates. He was assisted by Judge Samuel Spencer, "candid and temperate," and a good debater; by Dr. David Caldwell, a Presbyterian divine, he was a man of the closest, of theories, impractical and tenacious. He was a good preacher and did much to elevate the people of Western North Carolina, but in politics he was out of his field. He was ignorant of its workings, a zealous patriot, but often blinded by prejudice. He had been looked up to by

the people among whom he lived till he thought he was right in every position he took and could not be induced to change his position, no matter how clear, to others the thing might be. Jones was also aided by Timothy Bloodworth, who was resolute almost to fierceness and almost radical in his democracy; by Col. Joseph McDowell and by the Rev. Lemuel Burkitt. The debate conducted by these eminent men lasted for eight days and can be favorably compared with the debates in the Convention of any other State.

The first clash came when Willie Jones proposed that the vote should be taken without a discussion. He claimed that the members had had ample time in which to consider the Constitution; and that they had already made up their minds, and therefore there was no need of a prolonged discussion and of greater expenditure of State funds. Iredell opposed this motion, and said that they had been sent there to deliberate upon an important measure and that it was nothing but right that they should thoroughly-discuss the Constitution and the advisability of adopting it, before they voted upon it. He closed with these words: "I trust that we shall not go home and tell our constituents that we met at Hillsboro; were afraid to enter into a discussion of the subject; but precipitated a decision without a moment's consideration." He carried his point and it was decided to discuss the Constitution coolly, candidly and in a committee of the whole House.

The Convention then resolved itself into a committee of the whole house with Elisha Battle in the chair. Immediately Rev. Mr. Caldwell proposed certain rules or maxims which he considered ought to be the fundamental principles of every free government. They were as follows: 1. A government is a compact between the rulers and the people. 2. Such a compact ought to be lawful in itself. 3. It ought to be lawfully executed. 4. Unalienable rights ought not to be given up if not nec-

essary. 5. The compact ought to be mutual. 6. It ought to be plain, obvious and easily understood. Mr. Iredell objected to these rules, claiming that the Constitution was on a higher basis than a compact. Mr. Spencer and several others objected to being bound by rules in the discussion of so important a subject, and also claimed that to establish the validity of these laws would require as long as it would to discuss the Constitution. When the roll was taken it was seen that the rules had been defeated by 163 to 90 votes.

Mr. Johnston then moved that the constitution be discussed by sections. This was objected to on the grounds that it would take up too much time; but Iredell contended that they had been sent there to decide upon the constitution and that a thorough discussion in all its parts was indispensable. The motion was carried by a large majority.

When the preamble was read Dr. Caldwell objected to the expression, "*We, the people.*" He said that the convention at Philadelphia had assumed a power which did not belong to them; they were the representatives of the Legislatures and not of the people and had no right to say "*We, the people.*" Colonel Davie, a member of the Philadelphia convention, answered Dr. Caldwell. He gave the reason for the calling of the convention, and the objects of the proposed union, which were as follows: 1. To protect us against foreign powers. 2. To defend us against internal commotions and insurrections. 3. To promote the commerce, agriculture and manufactures of America. He then gave the defects of the old system and some reasons for the new, mainly as follows: The chief object was the happiness of all the people in all the States. The old confederation could not secure treaties, foreign powers refusing to make them because there was no power in America to enforce them. "The old method, founded on State government solely, would be tottering and inefficient. It became, therefore, necessary to bottom it on the people

themselves, by giving them an immediate interest and agency in the government." He said further, "The act of the convention is but a mere proposal similar to the production of a private pen," and that it was now before the people. If they saw fit to adopt it, it was "*We, the people.*" If they saw fit to reject it, they were bound by none of it, and the convention claimed no power whatever in saying "*We, the people.*" Mr. Joseph Taylor contended that the intention was a consolidation of all the States. He said: "Had it said '*We, the States,*' there would have been a federal intention in it. But, sir, it is clear that a consolidation is intended." This country is too large for consolidation. He could not see but that the convention had assumed power and he was opposed to all assumption of power. Mr. Caldwell, always zealous for local rights, could not understand why they had said "*We, the people,*" and still contended that there was an assumption of power.

The policy of the Republicans was to keep silent as much as possible, and by so doing force the Federalists to begin the debate and assume objections. This the Federalists did faithfully, explaining and defending almost every clause in every section. The Republicans objected very strenuously to Section 4, Article I., claiming that Congress was given undue and dangerous power in the election of Representatives and Senators; and to the section giving the House of Representatives the sole power of impeachment. They claimed that the House of Representatives might impeach any officer on the continent, and they only could impeach, not even leaving to the State Legislatures the power of impeaching state officials. The Federalists claimed that in the power over elections, Congress had no more than was necessary for the preservation of the government. If it were left solely to the states, they might refuse to elect Representatives and Senators, and thus the government would be destroyed; and in regard to the matter of impeachment they showed that it

applied only to officers of the United States government and in no wise to the officers of State governments.

There was considerable debating on the 8th section. The Republicans claimed that the powers of taxation given to Congress were too great; that they covered the whole field of taxation and left the State no means, whatever of raising a tax without interfering with Congress; that the people would not submit to it; that it would require an army to collect those taxes; that they would desire their taxes levied by their own representatives, men with whom they associated, who knew their conditions and not men living in some other states, as the Representatives in Congress would be; and that when they gave up their purse strings and their swords, as they would be compelled to do under the Constitution, they would give up their only safe guards of liberty.

The Federalists claimed that those powers given Congress in regard to taxation were absolutely necessary in order for Congress to procure funds in times of danger and because a government could not procure loans without the power of taxation; that a tax levied by Congress would be collected with less expense than one levied by the State and then turned over to Congress and could be collected much more quickly in times of danger; that such a tax would be levied by the Representatives as much as one levied by the State Legislature; that the old method under the Confederation was a failure; and that we could trust our Representatives; if not, our government would be a failure.

The Republicans objected to the power placed in the hands of the President in Section 2, Article II. They claimed that it was not necessary to give one man so much power; that his influence would be too great in the country and especially over the military on account of his being Commander-in-chief of the army, navy and militia; that he could too easily abuse such extensive power; and that Congress should control the movement of the army.

The Federalists admitted that the President would be Commander-in-chief of the army, navy and militia; but they claimed, that Congress who had the power of raising armies could certainly prevent any abuse of that authority in the President; that Congress supported the army and could impeach the President if he abused his authority; that it was necessary for one man to have charge of the army, as had been demonstrated when Congress gave Gen. Washington the exclusive command of the army.

There was a long debate on the second clause of Section 2, Article II. The Republicans argued that the Legislative, Executive and Judicial functions of government ought to be forever separate and distinct from each other; that the Constitution gave the Senate the chief executive power, in the fact that they must agree to all treaties and to all appointments by the President. They said that the Senate was to try all impeachments of the executive department of the government and being a part, themselves, they would not convict themselves, thus denying the right of trying and convicting men who might be guilty of high crimes; that too much power was given too few men, in as much as two-thirds of the members present could make a treaty, fourteen being a quorum, and ten two-thirds of a quorum. These ten men could make treaties and alliances, and might involve us in difficulties; and that we were unsafe when we had no power of bringing them to account.

The Federalists replied that the power of making treaties could nowhere be so safely lodged as in the President and and Senate, because the extreme jealousy existed between the States would not admit of it elsewhere; that the Legislative and Executive were compelled to be connected in a certain degree, for a government would be impossible, if there was a complete separation.

The Republicans put forth their full power of argument when the article relating to the Judiciary was read. They

objected to the exclusive jurisdiction of the Federal court in all cases of law and equity arising under the Constitution and laws of the United States, to the appellate jurisdiction in controversies between citizens of different States, and in a few other instances, because they believed the law would be oppressive in its operation. They said there would be a clash between Federal and State courts; that these courts would be a great and unnecessary expense while the State courts would be idle and useless; that in as much as all officers would have to take oath to support the general government, it would carry everything before it, and thus bring about the consolidation so much dreaded; and that it was an injustice to a poor man because he would not be able to carry his case to this court on account of the expense, while the State court could settle the case just as well. They also claimed that in civil cases they were not granted the right of trial by jury and that that was reason enough to condemn the Constitution.

The Federalists replied that a Supreme Federal Court was necessary; that it would not necessarily conflict with the State courts; because it had a separate field from State courts, and pointed out the field of each court, and that being the case it would not cause consolidation; that they were not denied the right of trial by jury, since what was not expressly taken from the States by the Constitution, still remained to them; that the Representative of the people could provide a method of trial for civil cases, as they saw fit; that the reason they did not say that civil cases should be tried by jury was because no general rule could be laid down to fit all the States, in as much as some cases were tried by jury and some were not; that they therefore thought it better to leave all such regulations to the Legislatures, conceiving that there could be real danger from a body of their own representatives. But the Republicans were not satisfied. They said that if they



could not have any fixed rule in the Constitution they ought to have a Bill of Rights, which would guarantee their rights to them.

There were no objections made to Articles IV and V, but but they were explained by the Federalists.

The Republicans objected to Article VI, claiming that it meant the distruction of State law; that it was too general; and that its extent ought to be limited and defined. In answer to these objections, Gen. Johnston said: "The Constitution must be the supreme law of the land, otherwise it will be in the power of any one State to counteract the other States and withdraw itself from the Union" and "that the laws made in pursuance thereof by Congress ought to be the supreme law of the land, otherwise any one State might repeal the laws of the Union at large."

After the debate was finished, Gov. Johnston made the following motion, "That this committee having fully deliberated on the Constitution of the United States of America, by the Federal Convention lately held at Philadelphia, on the 17th day of September last, and having taken into their serious and solemn consideration the present critical situation in America, which induces them to be of opinion, that certain amendments should be proposed subsequent to the ratification on the part of this state, and not previous to it. They therefore recommend that the Convention do ratify the Constitution, and and at the same time propose amendments, to take place in one of the modes prescribed by the Constitution."

This was not the plan of Willie Jones. He cited the wish of Jefferson that nine states should adopt and the others should hold off until certain amendments could be obtained. His plan was not to determine on the constitution, neither to adopt nor to reject it; "but to leave ourselves at liberty, and when we obtain the amendments we can adopt if we like." Through his influence he kept Johnston's motion from being put before the committee,

and the following report of the committee of the whole House was adopted by a vote of 184 to 84 :

“*Resolved*, That a declaration of rights, asserting and securing from encroachment the great principles of civil and religious liberty, and the unalienable rights of the people, together with amendments to the most ambiguous and exceptionable parts of the said constitution of government, ought to be laid before Congress, and the conventions of the states that shall or may be called for the purpose of amending the said constitution, for their consideration previous to the ratification of the constitution aforesaid on the part of the State of North Carolina.

#### DECLARATION OF RIGHTS.

“1. That there are certain national rights of which men, when they form a social compact, cannot deprive or divest their posterity, among which are the enjoyment of life and liberty with the means of acquiring, possessing and protecting property and pursuing and obtaining happiness and safety.

“2. That all power is naturally vested in, and consequently derived from, the people; that magistrates, therefore, are their trustees and agents, and at all times amenable to them.

“3. That government ought to be instituted for the common benefit, protection and security of the people; and that the doctrine of non-resistance against arbitrary power is absurd, slavish and destructive to the good and happiness of mankind.

“4. That no man or set of men are entitled to exclusive or separate public emoluments or privileges from the community, but in consideration of public services, which not being descendible, neither ought the offices of magistrate, legislator or judge or any other public office to be hereditary.

“5. That the legislative, executive and judiciary powers of government should be separate and distinct, and that

the members of the two first may be restrained from oppression, by feeling and participating in the public burthens, they should at fixed periods be reduced to private station, return into the mass of the people, and the vacancies be supplied by certain and regular elections, in which all or any part of the former members to be eligible or ineligible, as the rules of the constitution of government and the laws shall direct.

“6. That elections of representatives in the legislature ought to be free and frequent. and all men having sufficient evidence of permanent, common interest with, and attachment to the community, ought to have the right of suffrage; and no aid, charge, tax or fee can be set, rated or levied upon the people without their own consent, or that of their representatives so elected; nor can they be bound by any law to which they have in like manner assented for the public good.

“7. That all power of suspending laws or execution of laws, by any authority, without the consent of the representatives of the people in the legislature, is injurious to their rights, and ought not to be exercised.

“8. That in all capital and criminal prosecutions, a man has a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence and be allowed counsel in his favor, and to a fair and speedy trial, by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty (except in the government of the land and naval forces), nor can he be compelled to give evidence against himself.

“9. That no freeman ought to be taken, imprisoned or be dispossessed of his freehold, liberties, privileges or franchises, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the law of the land.

“10. That every freeman restrained of his liberty is entitled to a remedy to enquire into the lawfulness thereof, and to remove the same if unlawful, and that such remedy ought not to be denied or delayed.

“11. That in controversies respecting property and in suits between man and man, the ancient trial by jury is one of the greatest securities of the rights of the people and ought to remain sacred and inviolable.

“12. That every freeman ought to find a certain remedy by recourse to the laws, for all injuries and wrongs he may receive in his person, property or character; he ought to obtain right and justice freely without sale, completely and without denial, promptly and without delay, and that all establishments and regulations contravening these rights, are oppressive and unjust.

“13. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

“14. That every freeman has a right to be secure from all unreasonable searches and seizures of his person, his papers and property; all warrants therefore to search suspected places or to apprehend any suspected person without specially naming or describing the place or person are dangerous and ought not to be granted.

“15. That the people have a right peaceably to assemble together to consult for the common good or to instruct their representatives; and that every freeman has a right to petition or apply to the legislature for redress of grievances.

“16. That the people have a right to freedom of speech and of writing and publishing their sentiments; that the freedom of the press is one of the greatest bulwarks of liberty, and ought not to be violated.

“17. That the people have a right to keep and bear arms; that a well regulated militia composed of the body of the people trained to arms, is the proper, natural and safe

defence of a free state. That standing armies, in time of peace, are dangerous to liberty, and therefore ought to be avoided, as far as the circumstances and protection of the community will admit; and that in all cases, the military should be under strict subordination to, and governed by the civil power.

“18. That no soldier in time of peace ought to be quartered in any house without the consent of the owner, and in time of war in such manner only as the laws direct.

“19. That any person religiously scrupulous of bearing arms ought to be exempted upon payment of the equivalent to employ another to bear arms in his stead.

“20. That religion, or the duty which we owe to our Creator and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore all men have an equal, natural and inalienable right to the free exercise of religion, according to the dictates of their consciences; and that no particular religious sect of society ought to be favored or established by law in preference to others.

#### AMENDMENTS TO THE CONSTITUTION.

“1. That each State in the Union shall respectively retain every power, jurisdiction and right which is not by this constitution delegated to the Congress of the United States, or to the departments of the Federal government.

“2. That there shall be one representative for every 30,000 according to the enumeration or census mentioned in the constitution, until the whole number of representatives amounts to two hundred; after which that number shall be continued or increased as Congress shall direct upon the principles fixed in the constitution by apportioning the representatives of each State to some greater number of people, from time to time, as the population increases.

“3. When Congress shall lay direct taxes or excises, they shall immediately inform the executive power of each State

of the quota of such State, according to the census herein directed, which is proposed to be thereby raised; and if the legislature of one State shall pass a law, which shall be effectual for raising such quota at the time required by Congress, the taxes and excises laid by Congress shall not be collected in such State.

“4. That the members of the Senate and House of Representatives shall be ineligible to, and incapable of, holding any civil office under the authority of the United States, during the time for which they shall respectively be elected.

“5. That the journals of the proceedings of the Senate and House of Representatives shall be published at least once in every year, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy.

“6. That a regular statement and account of expenditures of all public monies shall be published at least once in every year.

“7. That no commercial treaty shall be ratified without the concurrence of two-thirds of the whole number of the members of the Senate; and no treaty, ceding, contracting, restraining or suspending the territorial rights or claims of the United States, or any of them, or their, or any of their rights, or claims of fishing in American seas, or navigating the American rivers shall be made but in cases of urgent and extreme necessity; nor shall any such treaty be ratified without the concurrence of three-fourths of the whole number of the members of both houses respectively.

“8. That no navigation law, or law regulating commerce, shall be passed without the consent of two-thirds of the members present in both houses.

“9. That no standing army or regular troops shall be raised or kept up in times of peace without the consent of two-thirds of the members present in both houses.

“10. That no soldier shall be enlisted for any longer term than four years, except in time of war, and then for no longer term than the continuance of the war.

“11. That each State respectively shall have the power to provide for organizing, arming and disciplining its own militia, whenever Congress shall omit or neglect to provide for the same. That the militia shall not be subject to martial law, except when in actual service in time of war, invasion or rebellion; and when not in the actual service of the United States, shall be directed or inflected by the laws of its own State.

“12. That Congress shall not declare any State to be in rebellion without the consent of at least two-thirds of all the members present in both houses.

“13. That the exclusive power of legislation given to Congress over the Federal town and its adjacent district, and other places purchased or to be purchased by Congress of any of the States, should extend to such regulations as respect the police and government thereof.

“14. That no person shall be capable of being President for more than eight years in any term of fifteen years.

“15. That the Judicial power of the United States shall be vested in one Supreme Court and in such courts of admiralty as Congress shall from time ordain and establish in any of the different States. The judicial power shall extend to all cases in law and equity, arising under treaties made, or shall be made under the authority of the United States; to all cases affecting ambassadors, other foreign ministers and consuls; to all cases of admiralty and marine jurisdiction; to controversies between two or more States, and between parties claiming land under the grants of the different States; in all cases affecting ambassadors other foreign ministers and consuls, and those in which a State shall be a party. The Supreme Court shall have original jurisdiction in all other cases before mentioned; the Supreme Court shall have appellate jurisdiction as to matters of law only, except in cases of equity, and of admiralty and maritime jurisdiction; in which the Supreme Court shall have appellate jurisdiction both as to law and

fact with such exceptions and under such regulations as the Congress shall make: but the Judicial power of the United States shall extend to no case where the cause of action shall have originated before the ratification of this Constitution, except in disputes between States about their territory, disputes between persons claiming land under the grants of different States, and suits due the United States.

“16. That in criminal prosecutions, no man shall be restrained in the exercise of the usual and accustomed right of challenging or excepting the jury.

“17. That Congress shall not alter, modify, or interfere in the times, places or manner of holding elections for Senators and Representatives, or either of them, except when the Legislature of any State should neglect, refuse, or be disabled by invasion or rebellion to prescribe the same.

“18. That those clauses which declare that Congress shall not exercise certain powers be not interpreted in manner whatsoever, to extend the powers of Congress; but that they be construed either as making exceptions to the specified powers where this shall be the case, or otherwise, as inserted merely for greater caution.

“19. That the laws ascertaining the compensation of Senators and Representatives for their services, be postponed in their operation until after the election of Representatives immediately succeeding the passage thereof, that excepted which shall first be passed on the subject.

“20. That some tribunals other than the Senate be provided for trying impeachments of Senators.

“21. That the salary of a judge shall not be increased or diminished during his continuance in office otherwise than by general regulations of salary, which may take place on a revision of the subject, at stated periods of not less than seven years, to commence from the time such salaries be first ascertained by Congress.

“22. That Congress erect no company of merchants with exclusive advantages of commerce.



“23. That no treaties which shall be directly opposed to the existing laws of the United States in Congress assembled, shall be voted until such laws shall be repealed or made comfortable to such treaty; nor shall any treaty be voted which is contrary to the Constitution of the United States.

“24. That the latter part of the fifth paragraph of the ninth Section of the first Article be allowed to read thus—nor shall vessels bound to a particular State be obliged to enter or pay duties in any other; nor when bound for any where in the States, be obliged to clear in another.

“25. That Congress shall not directly or indirectly either by themselves or through the judiciary interfere with any one of the States, in the redemption of paper money already emitted and now in circulation, or in liquidating the public securities of any one of the States, but each and every State should have the exclusive right of making such laws and regulations for the above purposes as they shall think proper.

“26. That Congress shall not introduce foreign troops into the United States without the consent of two-thirds of the members present of both houses.”

Following the adoption of the report of the committee the following resolution was adopted by a large majority, viz:

“WHEREAS, The Convention has thought proper neither to ratify nor reject the Constitution proposed for the government of the United States; and as Congress will proceed to act under the said Constitution, ten States having ratified the same, and probably lay an import on goods imported into the said ratifying States:

“*Resolved*, That it be recommended to the Legislature of this State that whenever Congress shall pass a law for collecting an import in the States aforesaid, that State enact a law for collecting a similar import in goods imported into this State, and appropriate the money arising therefrom, to the use of Congress.”

By this resolution it was plain that they intended to adopt the Constitution later, and on November 21, the second Convention met at Fayetteville and ratified the Constitution.

There has been much debating and a bloody war on the question of the right to secede but from the speeches and explanations on each side, both those for, and those against, the Constitution, nothing can be found which mentions the right of that doctrine, nor the right of nullification, but from their speeches it is plain that they considered these things impossible.

It probably was best that North Carolina held off, for the majority of the people in the State did not understand the Constitution, but when the speeches of the Federalists at the Convention at Hillsboro had been published and sent out among the people they saw that the Constitution was for their best interests and therefore adopted it without further discussion at the second Convention.

## AD VALOREM SLAVE TAXATION, 1858-1860.

BY W. K. BOYD.

There is no phase of American history more profitable for study than economic conditions and changes in the South from the close of the Revolution to 1860. The state historians have universally neglected economic development. Politics monopolized scholarship as completely as it did society, and if the economic interests were ever seriously considered, there is no evidence in works extant. It remains for the younger investigators to reconstruct from data and material too often meager and unsatisfactory, those forces which made possible the glory as well as the internal decay and civil strife of a departed and almost forgotten civilization.

North Carolina occupied an unique position among the slave States. The Quakers and Scotch-Irish were never in sympathy with the slave system, and many opponents to it arose among these stocks. Benjamin Lundy said that he made his first abolition address at Deep Creek, North Carolina. Coffin, the founder of the "Underground Railroad," was a Guilford county Quaker. In 1857 Helper, another native of the State, published his "Impending Crisis," which clearly presented the evil effects of slavery on industry. In 1858 a member of the State Senate began a revolt against the existing system of slave taxation which illustrated many evil effects of slavery on the non-slave holders. By 1860 this revolt had become a State issue.

By the constitution of 1835 all slaves under twelve and over fifty years of age were exempted from taxation, and all between those ages were subject to a poll tax. The amount of this capitation tax was fixed year by year. In 1836 it was twenty cents; in 1852 was forty cents, and in 1860 was fifty cents. This variation was due to variation in land tax, for the poll was to be equal to the revenue on

three hundred dollars' worth of land. Slaves were therefore not listed as property, but as persons. It was claimed that this was a compromise. The Eastern counties consented to the abolition of boroughs and the admission of the West to the same basis of representation, provided that slaves be taxed as persons. The ad valorem men, the innovators and friends of a new system, rejected this view. Also there were many unsatisfactory clauses in the Revenue Acts. One thousand dollars at interest yielded \$1.80 revenue; the same amount hoarded, nothing. The same amount invested in land was taxed thrice the amount in trade. So Governor Reid in 1852, in his letter to the General Assembly, advised that an ad valorem method be adopted in all taxation except slave property. Nothing was done to relieve the situation and inequalities continued. In 1859, by the Comptroller's Report, \$203,000,000 slave property yielded \$118,330 revenue, while \$98,000,000 land paid \$191,980. Land was rated 20 cents per hundred dollars value, slaves  $5\frac{3}{4}$  cents per hundred. An opportunity was open for a man of broad sense and political tact to win prominence for himself and relief to the burdened by offering a remedy to these conditions.

Such a leader arose in 1858 in Wake county. This was Moses A. Bledsoe, member of the State Senate for that county, who introduced a bill which proposed to levy taxes ad valorem on all property in the State, slaves not excepted. In an able address he showed that the average revenue of one thousand dollars in land property was \$1.50. A mature, healthy slave was worth the same amount or more, yet was taxed but fifty cents. He estimated that between one-third and one-half of the property in North Carolina was slave property, yet less than one-seventh of the revenue was levied from these slaves, three hundred thousand in number. By this system the small land owners and the slave holders were not taxed in proportion to the value of their property. Slaves were very

profitable and brought a good price on the market. An offer of \$1,100 each for 110 was refused in Pitt county about this time.\* There was thus little inducement for the poor to acquire land. Inequality in taxation would tend to discourage those wishing to establish homes.

Mr. Bledsoe claimed that the taxation of slaves as persons was contrary to the Southern position on slavery. "Let me say to you that if you oppose this just doctrine (that slaves are property), if you attempt to exempt slaves from the same rules that apply to every other kind of property, you will abandon your strongest ground of defense against the assaults of the Black Republicans and Abolitionists." If slaves are property, why not tax them as such? "If my neighbor inflicts an injury upon my slave, I may seek redress in the courts of justice and recover damages done to my property, but I can recover nothing for the pain inflicted on my slave as a person; that is a deed for which he must be indicted, convicted, and punished as an offense against the peace and dignity of the State."

About this time the Raleigh Working Men's Association was organized. Its purpose was to protest against certain features of the Revenue Acts that appeared unjust to the laboring men of the city. For instance, the tax on interest was \$2.40 per thousand. But tools, implements and even carriages were assessed at one per cent. or \$10 per thousand. Mr. Bledsoe drafted the constitution of this society, but slave taxation was so overshadowing in importance that little notice is made of it in the press of the time.

Mr. Bledsoe's bill failed to secure the required majority to become a law. But such an impression did his agitation make, that *ad valorem* taxation was discussed from mountain to sea and became the dominant State issue in

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\*Letter, Pulaski Cowper, Raleigh, N. C.

1860. Now the Democratic party won the State by an appeal to popular sympathy. Through its efforts the last colonial restrictions on suffrage were removed and the party entered on its career of supremacy as the champion of the people. But the slave aristocracy dominated the party and the proposed reform in taxation, in many ways a benefit to the poorer classes, was rejected by its leaders. The State convention which met at Charlotte found no place in its platform for the measure. But the Whig-Know-Nothing convention adopted the reform and Mr. Bledsoe was widely spoken of as an excellent gubernatorial possibility on their ticket. Here should be noted a difference in political methods. The Whigs favored an ad valorem system only as it should be the expression of the popular will through a convention. In the Assembly of 1858 Gorrell and Turner had introduced bills to submit the taxation question to a popular vote and a convention. Mr. Bledsoe thought this unnecessary, that the reform might be by legislative enactment. Perhaps this was the reason that Bledsoe did not receive the Whig nomination. John Pool, of Pasquotank, was the chosen one and his opponents in the campaign urged that he had not formerly been in sympathy with the ad valorem movement. This charge might have been due to a wilful misrepresentation and confusion of methods to the people by the opposing politicians.

This issue of 1860 not only dealt with one of the most vital of civic problems, but was also not the least of the economic problems of slavery, for it involved the relative values of slave and other property. It caused dissention among the Democrats and had not national issues made necessary loyalty to party creeds there might have been a serious rupture. Mr. Holden, the editor of the "Standard," the Democratic organ, was in 1858 in sympathy with Mr. Bledsoe, but in 1860 sacrificed his individual views to the will of his party. The fight was close. In Raleigh

the "Adder," a campaign sheet, was edited from the "Standard" office by John Spellman. This gentleman later was editor of the "State Journal," the Democratic organ that succeeded the "Standard." The "Little Ad" was published in Greensboro by J. M. Sherwood, the editor of the "Greensboro Patriot." Unfortunately files of these papers have not been preserved and the regular papers must be consulted for information regarding the campaign.

The arguments adduced are of more than passing interest and importance. The address of the Democratic Executive Committee was an able document, signed by E. G. Haywood, chairman. The argument, though able, is purely theoretical and well represents the speculative tendency of the Southern mind. Value alone must not be the standard of revenue; such a method would be onerous to the poor. Governments are instituted for the protection of the rights of individuals and if value be the measure of revenue, what must be the amount levied for personal defense? Slave taxes are taxes on labor and history shows that excessive labor revenues are never successful. Slaves are also capital and one of the principles of political economy is that "governments must never lay such taxes as will inevitably fall on capital." By the proposed reform 300,000 slaves would yield more revenue than millions of whites. Productiveness, cost of production, and protection must be considered as well as value in any equitable system.

The opposition relied for their argument on facts rather than theory. Perhaps the best exposition of their policy was by the "Greensborough Patriot," whose editor, let it be remembered, issued the "Little Ad." "What will be the feelings of the owner of \$1,200 worth of land when he understands that he pays just three times as much tax on it as his more fortunate neighbor does upon his slave worth the same money?" It was also claimed that the existing system caused emigration. "Why do they go

away? Ask them. They all most inevitably reply, that our State is behind the age, taxation is oppressive, and we must go to a State where a different system prevails." But the most practical argument was the experience of other States. All the Southern States except Virginia and North Carolina had the ad valorem system. Moreover North Carolina was then carrying an excessive debt and not the least reason for the new system was to diminish this debt. A few years before Georgia was practically bankrupt; she adopted the ad valorem system and by this time had become the equal of any of her neighbors. "There is no complaint in that State about high taxes, notwithstanding her great and extensive public works. Her people are taxed less than the people of almost any State in the South." If her example were followed, taxes would be diminished, not in amount, "but the funds from which the Legislature must levy the revenue would be so greatly increased, that the per cent. to be paid would be greatly less for each tax payer. This is the experience of other States and we may make it ours."

Thus both parties presented their views of the issue and worthily defended them. Mr. Ellis, the "middle of the road" Democratic nominee, was elected by six thousand majority. Quite naturally the East, where slavery had a strong hold, supported Ellis. Mr. Pool, a native of Pasquotank, lost his own district. It was in the Western and some of the Central counties that the ad valorem cause was strongest. In Wake Mr. Bledsoe failed to receive the Democratic nomination for the Senate. Geo. W. Thompson was chosen by the county convention to represent the party in his stead. Mr. Bledsoe at once announced himself an independent candidate. The contest was one of the memorable local campaigns in the State. Both men were able politicians and good stump speakers. Mr. Bledsoe was triumphantly elected. "Well do I remember that warm summer night in August when



the news reached Raleigh from the country precincts announcing the election of Mr. Bledsoe. The town was wild and his admiring friends took him upon their shoulders and paraded the streets with him."\*

Returned to the General Assembly, Mr. Bledsoe again presented a bill providing for the institution of an ad valorem system. This required but a few votes to make the requisite two-thirds majority.

Thus ended ad valorem agitation in the Union. The history and nature of the movement present many questions for thought and speculation. Though apparently a movement of the non-slave holding class, on close examination many slave owners are found among its most ardent friends. Mr. Bledsoe himself was one of these. Frequently articles may be found among the paper files signed by slave masters who defend the reform. This must have been the result of the love of the Southerner for speculation and politics, for as slaves were more valuable than ever in 1860, personal interests would certainly not win their support for the ad valorem method. Surely if the war had not been precipitated, the ad valorem cause would have triumphed two years later, for this method of taxation was adopted by North Carolina when she entered the Confederacy. Both political parties now favored the ad valorem system, "the old Whigs because they advocated it in 1860, and the old Democrats because, the war being about slavery, discord might ensue if slaves should escape their due taxation; the latter thought the non-slave holders might not fight so readily, unless slave property, lands, etc., should be placed on the same footing."

In the "Public Laws" of 1861-62-63-64, chapter 53, it is enacted that "an ad valorem tax of two-fifths of one per cent. be levied" on (1) real estate, (2) "all slaves in the State, excepting such as the county courts may have

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\*Letter from John Nichols, Esq., Raleigh, N. C.

exempted, or may hereafter exempt from taxation on account of bodily or mental infirmity, to be taxed according to value, which value is to be ascertained by the same persons who assess the value of lands.”

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N. B.—The sources from which data and facts have been obtained are interview with Mr. Bledsoe; letters from Messrs. Pulaski Cowper and John Nichols, of Raleigh, and Judge MacRae, of Chapel Hill; newspaper files in the State Library.

W. K. B.

**SAMUEL JOHNSTON IN REVOLUTIONARY TIMES.**

BY T. MURRAY ALLEN.

During the period just preceeding the Revolution, North Carolina more than any other time in her history felt the need of conservative leaders. The development of the State from a colony, thoroughly dependent upon the kingdom of England to a self-supporting commonwealth, was an epoch of greatest importance, and had it been left to a too radical leadership would probably have failed. The leading party of the State at time was the Whig party and this was divided into two parts, conservative and radical.

To the conservative element of this party belonged Samuel Johnston, a statesman whose every work was for the advancement of his people, and whose influence was felt in every public meeting and in every public act of the most turbulent time in the history of his State.

Samuel Johnston was born in 1732, in Dundee, Scotland, and was the son of John Jonston and Helen Scrymour. His father, who was Gabriel Johnston, came to this country in 1736, settled in Chowan county, and was appointed Surveyor General of the Province.

Samuel's advantages of education were the best the country afforded, and at an early age he took up the study of law in Edenton under Thomas Barker. He married Penelope, the only child of Governor Eden, and resided at Hayes, a country place near Edenton.

Samuel Johnston's ability, early asserted itself, and at the age of nineteen he was appointed one of the clerks of the District Superior Court and a little later was made one of the deputy naval officers of the port of Edenton.

Even at this time, and while holding these positions under the Royal Governor; he showed plainly his ardent and unflinching advocacy of the rights of the people.

In 1765, he was a member of the General Assembly from Chowan and soon developed into a leader of that

body and showed plainly that he was destined to become a leader in the political affairs of the future.

Even at this time the colony was in a blaze of excitement and public meetings were held in all sections of the country to discuss questions of the public welfare, and a foreshadow of the inevitable revolution was beginning to cast itself over the Colony.

The people in the crisis which was soon to come must have leaders and it was to the call for these that such men as Samuel Johnston, Willie Jones, and John Harvey responded.

Samuel Johnston was ever conservative, almost to a fault in his early career and in consideration of the times he was ever mindful of the welfare of his people. However, at the outbreak of the Regulators and in their suppression, he showed plainly his sympathy for Governor Tryon, and his condemnation of the action of the people, but was soon afterwards in the opposition, promoting the movement for resistance to Governor Martin with such activity and intelligence that he was, at the death of Harvey, chosen to take his place as leader of the people.

In the Assembly of 1771, Samuel Johnston was again member from Chowan and shows as before his steady development into a wise and conservative statesman, and here shows beyond a doubt his love for and advocacy of the rights of the people. It was at a meeting of this Assembly that it was brought forth that the people had been abused in the collection of a poll and liquor tax for the redemption of a lot of "paper" that had previously been issued. Samuel Johnston introduced a bill to discontinue these illegal taxes, and it was immediately and unanimously passed, but was later vetoed by the Governor. This seeming inattention to the distresses of the people was noticed by the House and as a result a resolution was drawn up which strongly condemned the Governor, and declared that they ought to be discontinued. The Gov-

ernor dissolved the Assembly on the day this resolution was passed, and issued a proclamation charging the officers to disobey the instructions of the House and to continue the collection of the aforesaid taxes, until they should be repealed formally and according to law.

The patriotic feeling developed by the agitation of this question, says Mr. Jones in his *Defense of North Carolina*, lasted during the continuance of the royal government, and under the guidance of Johnston, Caswell and Person it soon acquired strength and boldness sufficient to assail the existence of the royal government. It was at this time and for several years following that the Governor was at continual quarrel with the popular assembly and on many occasions showed his fear of the power of that body by extending the time of its meeting from date to date and frequently adjourning it just at the point of the passage of an important act.

For several years Samuel Johnston was the representative of his county in the Assembly and during that entire period of antagonism by the Governor he always showed his opposition to the Royal Government.

In January 1773, the Assembly after much opposition by the Governor, met in New Bern, and the House at once gave note of its temper by the selection of Col. Harvey, as Speaker. It was at a meeting of this Assembly that communications ever read from the provinces of Massachusetts, Virginia, Rhode Island, Connecticut and the counties on the Delaware, proposing to establish in each province a committee of correspondence. On January 8th such a committee was appointed including among others Samuel Johnston, which shows plainly his attitude in regard to the opposition of the people to the Royal Government, and the position that he would take in the revolution fast approaching.

The outcome of these frequent clashes between the Governor and people could lead to but one end and that was

revolution. The people were restless and every effort to break up an assembly of their representatives only made them worse and brought on more rapidly the end. Colonel Harvey knew that every effort to call a meeting of the Assembly would meet with opposition from the Governor, and he realized that other steps must be taken in order that North Carolina should be represented at the Continental Congress to meet at Philadelphia.

In 1774 Col. Harvey met Willie Jones at Halifax, and it was decided that should the meeting of the Assembly at New Bern be defeated by any action of Governor Martin, a Provincial Congress should meet in place thereof, and should take steps in regard to North Carolina's representation at the National Convention. The next day Colonel Harvey met Samuel Johnston and Colonel Edward Buncombe at the latter's house and they also heartily endorsed the action advocated by Jones and the Speaker. It was now that the fear of the effects of the much popular power began to appear in Johnston's public acts and his conservatism prevailed at this meeting with Buncombe and Harvey. In the course of a letter to William Hooper, Johnston says, "He (speaking of Harvey,) seemed in a very violent mood and declared he was for assembling a Convention independent of the Governor and urged upon us to cooperate with him. He says he will lead the way and will issue handbills under his own name, and that the Committee of Correspondence ought to go to work at once, as for my part, I don't know what better can be done." With the accession of these two men to his proposition Harvey felt sure of success and the ball of the revolution was set rolling in North Carolina.

The people received the proposition of Provincial and Continental Congress with enthusiasm, and this showed most plainly the state of the public mind.

About the first of July 1774, the handbills were issued, and by the first of August many of the counties had held

their elections, and on August 25th, 1774, the Provincial Assembly met at New Bern and elected John Harvey as moderator. Samuel Johnston was a member from Chowan, and, says Mr. Jones, "was eminently distinguished for his amiable virtues of private life as well as his zeal in the cause of American freedom." Mr. Johnston was placed at the head of the Chowan delegation. He was later elected moderator of the Provincial Congress to succeed John Harvey. The latter was a trying and hazardous duty, but Johnston manfully fulfilled all obligations which ascended to him from his predecessor. Johnston called his first meeting of the Assembly at Hillsboro, for the 20th day of August, 1775, and in accordance with his summons, they met promptly on that day. At this Assembly every effort was made by the members to carry with them the unanimous voice of the people and the most violent of Whig leaders showed their prudence as politicians. At this time we find Samuel Johnston and other conservative Whig leaders professing allegiance to the King but denying his authority to impose taxes and swearing to support the Whig authorities of the Continental and Provincial Congress. The mildness of this test simply tended to postpone the final outcome. On the 24th of August, this Congress declared unanimously that they would assist in the support of a Continental army, and connected with this was a resolution appointing a committee to prepare a plan for the regulation of the internal peace and safety of the Province. Samuel Johnston, president of the Congress, was appointed president of this committee. This officer was practically the Governor in the interregnum between the abdication of Governor Martin, the last of the Royal Governors, and the accession of Governor Caswell under the Constitution. This committee was the most important ever yet appointed by popular authority and achieved one of the most difficult ends of the Revolution. It substituted a regular government, resting entirely on popular

authority, for that of the Royal Government, and it annihilated every vestige of the power of Governor Martin.

The Provincial Council, consisting of thirteen members elected by the Congress became the supreme executive power of the State government and Samuel Johnston was placed at its head.

This brings us up almost to the point of the Declaration of Independence and it has been my endeavor to show Samuel Johnston's undoubted position in regard to the people and their rights. He realized more than any one else, the necessity of conservatism, and to his influence can be traced many of the good results which everywhere followed North Carolina's actions in regard to the Revolution.

On April 4th, 1776, Samuel Johnston summoned the Provincial Congress to assemble at Hillsboro, and at this meeting the important question of independence was moved, discussed and unanimously approved, a committee was appointed to draw up a report in regard to the usurpations and violences committed by the King and Parliament of Great Britain. Also some mention was made in regard to a Constitution but no deliberate action taken. However, as a result of the deliberations of this meeting, the question of a Constitution was brought boldly forward on April 13th, 1776, and Samuel Johnston, among others was appointed on a committee to prepare a civil Constitution. Within this committee was fought a most desperate battle, produced by the project of a total abandonment of the conservative principles of the British Constitution. The most important characters of the Provincial Congress were divided in opinions as to the principles of the new government, and each steadfastly conceived the safety, welfare and honor of the State to depend upon the success of his favorite schemes. From the members of the committee to draw up a Constitution the names of Samuel Johnston and Allen Jones are selected as leaders of the Conservative



party. They had made great sacrifices in the cause of the revolution. Samuel Johnston had succeeded John Harvey as the leader of the Whig party. He had published over his own name an order for the election of the Congress of August, 1775, and had been thrown forward in every crisis as civil head of the State. He had shrunk from no responsibility however heavy, from the performance of no duty however perilous, in the cause of the American revolution. His every ability, his body, his purse were at the services of his country, and he lavished these resources upon the people with all the profusion of a spendthrift. It is impossible to doubt the patriotism of such a man. But when the reckless proposition to abolish even the very elements of the British Constitution and to substitute in their stead the incoherent principle of democracy was strongly urged by a majority of the committee, he shrunk from it, fearing the unrestrained rule of the people as much as he feared the rule of a reckless monarchy. He was a lover of freedom and of the national independence of America, but he was no believer in the infallibility of the popular voice.

He had seen the rights of the colonies violated, not so much the rights of persons, but the rights of property, and it was against this that he fought most zealously. The principle of universal suffrage, the popular election of judges, and the dependence upon authority upon the will of the people at large are never heard of in the relation of North Carolina until the demagogues in the Whig party started on their career of popularity.

But Samuel Johnston was not a man of that changeable, irresolute character that leans to every gale. The whims of an ever-changing public never altered his honest conviction, he was unaffected by the clamors of the unrestrained mob led by the less conservative politicians, whose object seemed popularity and public favor rather than the welfare of the people.

His every thought was for the good of his fellow-citizens, he was an advocate of the people's honest rights, and the champion of a sound government, built upon the most solid foundations. But for the efforts of Samuel Johnston the old Whig party, would have fallen under the leadership of its more radical members, some of whom were designing and ambitious men. With Samuel Johnston the national independence of his country was the very element of his political enthusiasm and beyond this he believed in a strong government representing the property of the people and giving a character and dignity to the State. But all schemes and forms of government were as nothing to him when compared with the national independence, and with the achievement of this great object he was prepared for either a monarchy, aristocracy, or any other form of government except a rash and uncontrolled democracy. All of the Whigs of the State were for independence and there was no split in the leading party until the question of form of government came up. On either side of the debate were arranged many of the most enlightened and politic men of the State and the rivalry was always strong.

At a meeting in Halifax the question of independence was settled with a decision to empower delegates to Philadelphia to vote for a declaration against Great Britain, and with this out of the way the question of the constitution became more prominent. Mr. Johnston in his correspondence often speaks of the proceedings of the committee on the constitution. After the committee had been in session four days, he writes: "I confess our prospects are at this time very gloomy, our people are about forming a Constitution, and from what I can at present collect of their plan, it will be impossible for me to take any part in the execution of it. Members have started on the race of popularity and condescend to the usual means of success."

The Radicals soon found themselves in a majority on the committee and it was resolved to establish a purely democratic form of government.

The dissatisfaction of Samuel Johnston at such a course was well known and all feared to alienate the support of so important a personage from the new government, so they prudently consented to make terms with their defeated rival, and a compromise was effected and peace made through the efforts of Thomas Jones of the conservative party. From this date the tone of Johnston's letters to Mr. Iredell changes, and he seems to take courage in his work.

It is very evident that many concessions were made by the Radicals in order to gain the important service of his co-operation.

This committee however failed in its endeavor to form a Constitution and only a committee was appointed to draw up a form of government for use until the next meeting of the Congress. The Radicals continued to keep the name of Samuel Johnston off this committee and to exclude him from a seat in the Council of Safety which was to meet on the 11th of May.

Their inveterate opposition continued even after the adjournment of the Congress, and many of the most respectable Whigs professed to doubt the sincerity of Johnston's attachment to the American cause, and the private letters of that day show an undoubted intrigue to ruin his character as patriot and statesman.

This opposition to Samuel Johnston is best shown in the next election of members of the Congress, when every effort was put forth by the Radical party to defeat him as member from Chowan.

This object they gained and when the Congress assembled in Halifax on the 12th of November, Samuel Johnston, although present, was not there as the representative of Chowan county, but on business connected with the treasury. He took a deep interest in the questions before the Congress, and here as elsewhere, he contributed by his genius, talents and influence to preserve the conservative

character of the assembly. By means of his friends he was able to exert a large influence on the Constitution finally adopted and it is wonderful that that Constitution was so free from objection and should remain for nearly sixty years untouched and unaltered.

In 1780, Johnston was elected a member of the Continental Congress at Philadelphia and served until 1782. In 1787 he was elected Governor of North Carolina to succeed Caswell who was ineligible for re-election and in connection with this Moore says in his History of North Carolina, "For many years the serene wisdom and integrity of this distinguished man had been known and appreciated in every portion of the State. His high conservative and aristocratic views had made him unpopular at times, but no one ever distrusted his honor or judgment. As an orator he was crippled by hesitancy in his speech, but at times he could be highly persuasive and was even luminous, learned and exhaustive in his discourse. No statesman in America ever bore a more spotless reputation, and no man was more straightforward and sincere in all his words and deeds. He did not possess the versatility and genius of Caswell, but he was a profound lawyer and a long trusted leader of the most intelligent portion of North Carolina's people. He possessed great wealth and a pedigree that reached back through ages of titled ancestors in Scotland. He had out-lived the prejudices against him and the State was again lavishing as of yore her honors thickly upon him."

Mr. Johnston was an unqualified admirer of the Federal Constitution and was President of the Convention, while Governor of the State, which met at Hillsboro, on July 21st, 1788, to consider the Constitution and by which body it was rejected. He was also President of the Convention at Fayetteville in November 1789 which ratified that instrument.

Johnston was the first United States Senator from North Carolina and served from 1789 until 1793.

In February 1800, he was appointed a Judge of the Superior Court, which office he resigned in November 1803.

Mr. Wheeler, in his History of North Carolina says of him, "After enjoying every honor that the State could heap upon him, he voluntarily resigned all public employment, deeming true what the wise soldier of Charles V, when he resigned his commission, declared so necessary "*aliquid tempus interesse debet vitam nortemque,*" and peacefully departed this life in the year 1816."

## THE CONTRIBUTION OF THE ARCHIVE TO HISTORY.

BY J. S. BASSETT.

THE TRINITY COLLEGE ARCHIVE was established in the beginning of the college year of 1887-8. Before that time there had been a college periodical published by the students but it had been found impossible to sustain it. The misfortune which overtook this venture had made its supporters rather too conservative about understanding a new one. When I entered college in 1886 there was a general notion about the place that the college ought to have a magazine, and in the spring of 1887 this feeling somehow had taken the shape of a definite purpose. I do not remember that any official action had been taken by either of the Societies, yet so much had been said about it that when we left college in June it was with the expectation that when we returned the two societies would unite in the publication of a magazine.

On our return there was a new President, Dr. Crowell, and a new Professor of English, Professor Armstrong. Each gave hearty encouragement to the proposed magazine. Professor Armstrong, whose department was vitally concerned, gave the matter much of his time. He suggested the name ARCHIVE and it was his idea that we make it a sixteen page quarto, bound in white, somewhat after the fashion of the *New York Nation*. This dress was never very popular with the students, but it was complimented by some of the State papers. It was abandoned in 1891, after it had been used for four volumes.

The contents of the first volumes embraced few contributed articles, and of these almost none dealt with historical subjects. In 1891 Dr. Weeks became Professor of History at Trinity and there appeared a number of articles from him and from his students which are original investigations and contributions to our State history. In 1892, the Trinity College Historical Society was formed, and it created much of the spirit of research which has borne fruit in many ways in recent years. The greatest step forward in the history of

THE ARCHIVE was taken when it fell into the hands of the class of 1896. The preceding year there had been certain serious discouragements and this class came to the task with a determination to make a success out of it. They planned to double the number of the pages hitherto printed and to use a better quality of paper. They set themselves, however, above all things to improve the character of the contributions. The majority of college publications in the South have been filled with colorless college compositions or orations, and from this fault THE ARCHIVE had not been free. The Class of 1896 took the position that when a student wrote for his magazine he should write something worth reading, or should at least attempt it. With a view to this end work was planned and subjects were assigned. It was then that the Historical articles in THE ARCHIVE took on a character higher than ever before. The standard then set has been held by succeeding editors, and it has thus come about that no other publication now published contains so many original articles on North Carolina history. In 1896 arrangements were made to reprint certain of these articles in a series known as The Annual Publication of Historical Papers of Trinity College, four series of which have appeared.

In view of this activity the following bibliographical summary has been made. It embraces all the articles of an original nature which have appeared in THE ARCHIVE. Not all of these were prepared under the direction of the department of History. Many of them were published also in the Historical Papers; and in such cases they have been marked with the letters H. P. with a Roman numeral to indicate the series.

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## BILL ARP.

BY D. W. NEWSOM.

In the days when the ire of the Irishmen waxed warm in the hope of tearing loose from England, young Robert Emmet, spurred by a vision of freedom, attempted to arouse an insurrection at Dublin. But the battle of Vinegar Hill had somewhat soured the spirit of Irish rebellion, and the young Emmet, after creating a tumult of a few hours, was taken prisoner, tried, and hanged. It was during this tumult that the Scotch-Irish parents of Caroline Ann Maguire fled from their native home in old Ireland for a new home in the western world. They settled in Charleston, South Carolina. It was there that Caroline Ann was born, and it was she who was to become mother of Major Charles H. Smith, more familiarly known by us Southerners as "Bill Arp."

In the year 1815, when the yellow fever pestilence spread over Charleston, Caroline Ann was then a maid of seven summers, and her only brother, James, was two years older than she. Their father and mother had fled from rebellion in Ireland only to fall the victims of a deadly fever in a far away land, amid strange people. They both died the same day, and were buried in the same grave. In a vast new country, an orphan brother and sister were left alone, to cherish the memory of loving parents, and the dream of the old Irish home over the sea. But the crown of sorrow was yet to come. During the panic the brother and sister became separated. James was sent to Boston on a sail vessel, while his sister was sent to Savannah, Georgia. Each was placed in an orphan asylum, and during the lapse of fourteen long years they sought to find each other, yet sought in vain. But how good are the ways of Providence! James was taken from the asylum by a good man, grew to years of manhood, and married the good man's only daughter. His sister was taken from the Savannah

asylum by a wealthy widow living in Liberty county, and was given the advantages of school. The school she attended was taught by a young man, Asahel Reid Smith. Young Smith became attached to this sweet orphan girl, felt the current of his being set towards her, told love's old sweet tale, and they were married while she was still his pupil. Smith made every effort possible to assist his young wife in finding her lost brother, but finally abandoned all hope. That lost brother had also spent many a weary day and night searching for the lost sister. He visited Charleston twice in the hope of getting some clue to her whereabouts, but he too must suffer the bitterness of disappointment and despair. Both the sister and brother had placed advertisements in Northern and Southern newspapers, but no answer ever came from them. The brother knew that somewhere he had a sister, an only sister, and all that made life bearable to him in this vast new country, was the hope that some day he should look into those tender eyes again, and catch something of the memory of other days. He wondered how she would look, and whether they would know each other. In his quiet moments he pictured her to himself as a full-grown woman, yet with all the gentleness, modesty, love and fidelity of a true sister. Has she found any young life to love, and to love her! Would to God I could know whether she is comfortable and happy! Shall I ever see her again, or can it be that somewhere in this great land, grief shall wear her tender life away, and I be left without a tie to bind me to a world of sorrow and separation! Such thoughts must have crowded and wearied the hours. As the years passed on, children were born to each of them, and were growing up. Finally, in the year 1833, when Major Smith, our "Bill Arp," was seven years old, his father made one more effort to find the wife's lost brother. He advertised in a Boston paper, and the advertisement was seen and answered by her brother James. The answer

was written in tears of joy, and is still a sacred treasure in the family. James boarded the first vessel bound for Savannah, for there were no railroads in those days, and in due time landed there, taking a steamboat then to Augusta, and thence by stage 170 miles, to Lawrenceville. "Bill Arp" loves to tell about the joyful meeting, for indeed it must have been a scene full of tearful joy, and one that memory can never lose. From that time until death separated them, they visited and revisited, and were happy in each other's love. A kind Providence had kept watch over them, to bring them face to face again.

And so our "Bill Arp," born in Lawrenceville, Gwinnetta county, Georgia, June, 1826, claims to be the boy, the only boy, about the house, but he delights to tell about those visits from Georgia to Massachusetts, sixty-five and sixty-seven years ago, and how, in 1834, his parents and his brother went to Boston in a sail vessel from Savannah, and in passing Cape Hatteras, well-nigh shipwrecked, and would not risk the sea on their return, but his father bought a carriage and a pair of good horses, and the family came all the way to Georgia by land and never crossed a railroad, for there were none to cross.

"Bill Arp" grew to manhood in the village of Lawrenceville. His father was Asahel Reid Smith, a native of Windsor, Vermont, whose grandsire, Asahel Reid, was killed at the battle of Lexington, 1776. When twenty-two years of age, his father went to Georgia to teach school, after having acquired a good education in Massachusetts. He taught for several years in Liberty county, not far from Savannah.

During the Civil War "Bill Arp" served in the Army of Northern Virginia, in 1861-2, as Major on the staff of General Barton, who was killed at Manassas, and after his death, was transferred to his successor, General G. T. Anderson. In 1863 he was ordered by President Davis to go to Macon, Georgia, and assist Judge Nesbit in organiz-

ing a Military Court to try some prisoners charged with treason. At a later date he was appointed Judge Advocate of a Military Court at Rome, Georgia.

He claims to be a cross between Massachusetts and South Carolina, with a rebellious strain of Scotch-Irish blood in his veins. As did most boys of those times, he received his share of education in the school of manual labor. He attended college at Athens, Georgia, where he attained some honors in his class, and, as is not unusual with college boys, fell in love with a "Maid of Athens," and sang the old song with something of Byronian fervor. But he found a more willing mate in his own town, and wedded a lassie of sweet sixteen, Mary Octavia Hutchins, the beautiful, hazel-eyed, and black-haired daughter of Hon. N. L. Hutchins, the Judge of the Circuit Court.

Out in the suburbs of the pleasant town of Cartersville, in north Georgia, may be seen "Bill Arp's" home, a stately, old-time mansion overlooking the country round about. Facing this mansion is a large grove, where grows many a stately oak. In the distance, hills and valleys alternate, and fast-flowing streams go by in endless song. No fence surrounds the mansion, no gate stands latched against the stranger, no unfriendly dog bids defiance. Everything breathes the air of hospitality. "Bill Arp" keeps open house as in the olden time, and all who come are welcome. On the facier of his parlor mantle are painted in golden colors, the words, "The ornaments of this house are the friends who visit us." "Bill Arp" is truly a home-builder and a home-lover. His wife is his sight-tower, his main stay, and the tributes he pays to her are the charm of his domestic letters. She is a model housekeeper, a loving mother and grandmother. During the Civil War she was a refugee, and had an anxious experience in fleeing from the invader. When asked her age, she replies: "That depends upon whether I count the war in, or out, or double the four years of trouble; but I



am now nearly seventy." With all these years, her Pocahontas hair is as black as ever, and she seldom sits down to rest. It is the boast of "Bill Arp" that he has always been loyal and true to his wife. Not long since, a matron rode five miles to see and hear him, for she said she wanted to see one man who was brave enough to admit that he was a subdued and obedient husband.

He has a tender and intense love for children, and is a man whom children love instinctively. He explains his love for children by saying: "I am one of ten, and my wife was one of ten, and we have ten and they have twenty, which makes fifty in all that we have had to mingle with." In his home, six sons and four daughters have long since come to maturity, and though they are scattered from New York to Mexico, and from Florida to San Antonia, they still love the old folks at home, and often come together under the old roof to talk and live over the old days—those days of long ago, that are the treasure of both parent and child, so resplendent with the fulness of hope, sympathy and love. Such a home is a poem in itself. The very name brings thoughts and feelings that lie dearest to the human heart. To it fancy looks back from the turbulence of years, when the vocations of life have dispersed its inmates and weakened the connection of earlier years, and nothing in the ordered universe appears so full of simple joy, of hallowed worth—yea, so rich in all that is dear to human life! And so our "Bill Arp" feels a sadness as he sees these large families fade away. Still, he realizes as the years go by, that those stately oaks, the colonial mansion, hills, valleys and streams do not, after all, make his true home. No surveyor's chain and compass set its limits, but it is embowered amid human hearts.

As a college boy, he organized and became editor of a college paper that kept the boys in a ferment of fun and expectation. After he married, he studied law for two months, and was admitted to the bar on a promise of con-

tinuing his studies. Soon after this he removed to Rome, a new and thrifty town, and put on the airs of a veteran lawyer. There he pursued his profession diligently for twenty-seven years, and a number of times was Mayor or Alderman. Often he indulged his critical and humorous pen over the signature of "Sam McCrackin," a witty old Irish well-digger, but not until the spring of 1861 did he assume the nom de plume of "Bill Arp." He informs me that this came about in the following manner:

"Some time in the spring of 1861, when our Southern boys were hunting for a fight, and felt like they could whip all creation, Mr. Lincoln issued a proclamation ordering us all to disperse and retire within thirty days, and to quit cavorting around in a hostile and belligerent manner.

"I remember writing an answer to it as though I was a good Union man and a law-abiding citizen, and was willing to disperse, if I could, but it was almost impossible, for the boys were mighty hot, and the way we made up our military companies was to send a man down the lines with a bucket of water and sprinkle the boys as he came to 'em, and if a feller sizzed like hot iron in a slack trough, we took him, and if he didnt sizz, we didnt take him; but still, nevertheless, notwithstanding, and so forth, if we could possibly disperse in thirty days, we would do so, but I thought he had better give us a little more time, for I had been out in an old field by myself and tried to disperse myself and couldnt do it.

"I thought the letter was right smart, and decently sarcastic, and so I read it to Dr. Miller and Judge Underwood, and they seemed to think it was right smart, too. About that time I looked around and saw Bill Arp standing at the door with his mouth open and a merry glisten in his eye. As he came forward, says he to me: "'Squire, are you gwine to print that?"

“I reckon I will, Bill, said I. ‘What name are you gwine to put to it?’ said he. ‘I don’t know yet,’ said I; ‘I havent thought about a name.’ Then he brightened up and said: ‘Well, ’Squire, I wish you would put mine, for them’s my sentiments;’ and I promised him that I would.

“So I did not rob Bill Arp of his good name, but took it on request, and now, at this late day, when the moss has covered his grave, I will record some pleasant memories of a man whose notoriety was not extensive, but who brightened up the flight of many an hour in the good old ante bellum days.

“He was a small, sinewy man of 135 pounds, as active as a cat and always presenting a bright and cheerful face; and was as brave a man as nature ever makes.

“He was an humble man and unlettered in books; never went to school but a month or two in his life, and could neither read nor write; but still he had more than his share of common sense; more than his share of good mother wit, and was always welcome when he came about.

“Lawyers and doctors and editors, and such gentlemen of leisure who used to, in the olden time, sit around and chat and have a good time, always said, ‘Come in, Bill, and take a seat;’ and Bill seemed grateful for the compliment, and with a conscious humility squatted on about half the chair and waited for questions. The bearing of the man was one of reverence for his superiors and thankfulness for their notice.

“Bill Arp was a contented man—contented with his humble lot. He never grumbled or complained at anything; he had desires and ambition, but it did not trouble him. He kept a ferry for a wealthy gentleman, who lived a few miles above town, on the Etowah river, and he cultivated a small portion of his land; but the ferry was not of much consequence, and when Bill could slip off to town and hear the lawyers talk, he would turn over the boat and the poles to his wife or his children, and go. I have known

him to take a back seat in the court house for a day at a time, and with a face all greedy for entertainment, listen to the learned speeches of the lawyers and charge of the court, and go home happy, and be able to tell to his admiring family what had transpired. He had the greatest reverence for Colonel Johnston, his landlord, and always said that he would about as leave belong to him as to be free; 'for,' said he, 'Mrs. Johnston throws away enough old clothes and second-hand vittels to support my children, and they are always nigh enough to pick 'em up.'"

Among Southern writers, "Bill Arp" occupies a place unique and interesting, and all his utterances are thoroughly original in their good sense and good humor. The seventy-five years of his life have been full of varied experiences, and to sit and listen as he calls back the good old ante-bellum days, rekindles the fires that animated the Blue and the Gray in those days when it was bliss to be alive, and pictures the period of the Reconstruction, one feels himself transplanted to places enchanted; and though there is a pathos that comes with his story of the decay of the old aristocracy, his story of the rise of the common people brings a sense of comfort.

His years are rich in faith, rich in hope, and rich in charity. Away back in the olden days he had faith in God, faith in his fellow-man, and faith in his country. Throughout the years, amid the troubled movement of events, this faith has abided, steadfast and unyielding. It looked across the years and exulted in the enormous growth that should crown this new century, and to-day it glimpses the largess of days that are yet to be.

"Bill Arp" is a man of hope, and the world instinctively covets the association of the hopeful man, because he is the strong man, faithful and brave. Such a man cannot have mean or ignoble thoughts about himself or his fellow-man. He is not ignorant of the sorrow and suffering to

which the generation of man is heir, but his eyes are turned towards the infinite, and his soul claims kinship with things eternal. Such a man finds no sorrow, because he looks for none. If he cannot be a Socrates he will love study none the less; if he cannot be a Milo he takes none the less pride in the care of his body; if he can never hope to be a Cræsus, still he toils none the less faithfully. Passing events and the flight of years lay no cares upon his life, for years are not the measure of his life. In the spirit of true philosophy, he meditates: "I must die. Must I then die lamenting? I must be put in chains. Must I then also lament? I must go into exile. Does any man then hinder me from going with smiles and cheerfulness and contentment? You may fetter my leg, but my will not even Zeus himself can overpower." Such a life is like the song of a plowboy, it is twice-blessed; it blesses him who sings and him who hears. Amid a world of busy men, that is a valuable spirit which lifts itself above the perturbations, misfortunes, disappointments, and groans, and instead of murmuring, "Wretched am I, an old man: have I kept my gray hairs for this?" exclaims, "Dear Crito, if it is the will of the gods that it be so, let it be so!"

Hope brings cheer. Whoever saw "Bill Arp" when he was not cheerful? Whoever heard him sorrow or complain? Unlike the Persian poet who continually complained because he had no shoes to wear, "Bill Arp" is thankful that he has feet. Whatever may be to-day's task, he goes about it with the light-heartedness of youth, and his delight in every duty is philosophic. If genius is the capacity for taking infinite pains, then "Bill Arp" is a prodigy. Ofttimes, as I have read his letters, have I been impressed with the accuracy with which he sees every detail of human life, and the common everyday occurrences that pass before us unnoticed, become interesting, attractive, and instructive when he talks about them. He has

eyes that see, ears that hear, and a heart that feels, and everything that God has made, to him has something of interest. He enjoys life, and knows how to make others enjoy it. A few good men have blessed the world with their fortunes, but he has blessed men by scattering into their life faith, hope, love and cheerfulness.

Though Major Smith has passed the allotted years of man, being in his seventy-fifth year, his eyesight is not dimmed, nor his mental powers abated. Old Father Time has mellowed him down into the love of the Southern people. In introducing him recently to a Mississippi audience, a college professor said: "I cannot say that 'Bill Arp' is the greatest man of the South, nor the best man, but I will say that he is the best loved man in all our Southland." What a blessed compliment was that!

Forty years ago he began to write his weekly letters for the Southern press, and during all these years he has hardly missed a week in dispensing good cheer, good advice, and good philosophy to the Southern people. His letters are printed in more than 700 weekly papers. Verily we Southern boys have grown up under his tuition, and though our files contain more than 2,000 letters from his pen, we are always glad to hear from him, and it is our hope that the years will deal gently with him, and fill his declining days with all that is rich and hallowed.

SOME NEW MATTER RELATING TO THE MECKLENBURG  
RESOLUTIONS—MAY 31, 1775.

BY J. S. BASSETT.

My attention was called during the past summer to a document which has an important bearing on the controversy long waged around the Mecklenburg resolutions. Although this matter has been in print since 1895, it has never before been under my observation, and I have never seen it referred to in any discussion of the said resolutions. It will, therefore, be useful to call the attention of ARCHIVE readers to it.

From 1772 till 1775 Lord Dartmouth was English Secretary of State for the Colonial department. As such it was his business to receive the official reports of the various higher officers in the English colonies. These reports were preserved in the Public Rolls Office, in London, and in recent years they have been admirably arranged and calendared by the Royal Commission on Historical Manuscripts. The activity of this commission has continually brought to light important documents which in one way and another have for a long time been lost sight of. In its investigations it found, a few years ago, a large number of official documents in the possession of the Dartmouth family. They were examined and many of them proved to be letters and other colonial reports addressed to the earl whom I have just said was a Secretary of State from 1772 till 1775. The Royal Commission turned these over to Mr. B. F. Stevens, a reliable English student of documents relating to the colonies, with instructions that they should be calendared. The result was a volume of 673 pages on the American documents, and this appeared in 1895. It is known as The Fourteenth Report, Appendix, Part X., Historical MSS Commission; The MSS of the Earl of Dartmouth, Vol. II.

On page 323 of this volume is an abstract of a letter from Governor Josiah Martin, of North Carolina, to Dart-

mouth, dated June 30, 1775. This letter was received by Dartmouth, September 10, 1775, and was a duplicate of another letter. It happened that the original letter has been preserved in the Public Rolls Office, and it is printed in the Colonial Records of North Carolina, Volume X., p. 41. In it Martin uses the often quoted expression: "The Resolves of the Committee of Mecklenburgh, which your Lordship will find in the enclosed newspaper, surpass all the horrid and treasonable publications that the inflammatory spirits of this continent have yet produced." This expression has been said to refer to the 20th of May resolutions. The Public Rolls Office, it is said, once contained the newspaper to which Martin referred; but it has long been lost. The value of these newly calendared papers is that the abstract of this duplicate letter supplies this loss. From the endorsement on it we learned that the letter contained three enclosures, two of which have been preserved. One of these two is the long lost Mecklenburg resolutions to which Martin referred. Mr. Stevens's abstract which relates to this enclosure is as follows:

"N. D. [1775, May 31.]—Resolutions (20) of a Committee of the County of Mecklenburgh in North Carolina. Signed at Charlotte Town, by order of the Committee, Ephraim Brevard. Suspending all laws and commissions given by the crown and proposing measures to establish a government for the province. 4 folio pages. Endorsed: In Govr. Martins of the 30 of June, 1775, No. 34."

Of the three enclosures in Martin's letter, one was the minutes of a meeting of the council, June 25, 1775; another was the resolutions to which I have referred; the other was a proclamation by the governor.<sup>1</sup> Thus it is

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<sup>1</sup> The other enclosure preserved in the Dartmouth papers is the minutes of the Council of North Carolina for June 25, 1775. The third enclosure is missing, but it is clear from the letter with which the enclosures were sent that it was a proclamation issued by Governor Martin. (See N. C. Col. Recs. X., 45.)



evident that the Mecklenburg resolutions to which the governor referred were those in the enclosure. The fact is of great importance in the controversy. These resolutions, it will be seen, are those of May the 31st, 1775, about which there has been no controversy. Why did not Martin send the 20th of May resolutions? The answer must be that he knew nothing about them. Why did he know nothing about them? He knew about the resolutions of May 31. Would he not, also, have known about the more radical resolutions of May 20, if they had been passed? It will be remembered, also, that Martin says in the letter of June 30, that the Mecklenburg committee sent an express to the Congress at Philadelphia with the resolutions adopted. Local tradition says that Captain Jack took the resolutions of May 20 to the Congress at Philadelphia. By the preservation of this enclosure it is evident that Martin means to say that the 31st of May resolutions were sent to the Congress. Does this not prove that local tradition, when it referred to the May 20 resolutions, really confused them with the authentic May 31 resolutions?

In this connection it is worth while to recall another point made against the May 20 resolutions a few years ago. It will be remembered that Governor Martin, in a proclamation of August 8, 1775, referred to resolutions of "a Committee for the County of Mecklenburg most traitorously declaring the entire dissolution of the Laws of Government and Constitution of this country and setting up a system of rule and regulation repugnant to the Laws and subversive of His Majesty's Government." Now this proclamation came before the Provincial Congress which met at Hillsborough, August 20, 1775. That body passed a resolution that the said proclamation of the governor 'is a false, scandalous, scurrilous, malicious, and seditious Libel, tending to disunite the good people of this province, and to stir up Tumults and Insurrections, dangerous to the

peace of His Majesty's Government, and the safety of the Inhabitants, and highly injurious to the characters of several Gentlemen of acknowledged Virtue and Loyalty; and further, that the said paper [proclamation] be burnt by the common Hangman." This resolution was passed unanimously. In this Congress Mecklenburg county was represented by Thomas Polk, John Phifer, Waightstill Avery, Samuel Martin, James Houston, and John McKnitt Alexander. The majority of these are associated with the Committee which prepared the Mecklenburg resolutions. They were stern Presbyterians. When they voted that the charge of Martin was false they probably spoke the truth. If the 20th of May resolutions had been passed they could not have truthfully voted for the resolutions at Hillsborough, nor could any one else in the Congress have so voted who had taken the trouble to inquire about the facts.<sup>1</sup>

Thus two blows are dealt the 20th of May resolutions. 1. Martin knew nothing about them on June 30, 1775, and the resolutions to which he referred in the letter of that date were those of May 31. 2. Thomas Polk, John McKnitt Alexander, Waightstill Avery and others knew nothing of them on August 25, 1775, when the above resolution was passed in the Provincial Congress. As the years go by more and more evidence will come out on this and other unsettled phases of our history and we shall at last know the truth, which is all that any of us can demand. To the acquisition of the truth let us proceed with unfaltering effort and without bitterness.

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<sup>1</sup> See N. C. Col. Rec. X., 144, 164, 180. The facts referred to above became the subject of a controversy between Mr. W. W. Henry, of Virginia, and Dr. George W. Graham, of Charlotte, N. C.; but the latter cannot be said to have destroyed the arguments of the former. (See Va. Mag. of Hist. and Biog. IV., 111, 224 and 334.)





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SERIES VI.

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# Historical Papers.

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## SERIES 6.

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### WHAT OUR SOCIETY MAY DO FOR NORTH CAROLINA HISTORY.\*

BY JOHN SPENCER BASSETT.

It is more than twelve years since the Trinity College Historical Society was established for the purpose of aiding in the development of North Carolina, and general American, history. It took in the beginning the general purpose of supplementing at this institution the department of history in the creation of a spirit for historical study. Its specific objects have been to collect historical materials, to preserve and display interesting relics of the past, to make and publish researches into our history, and in any other possible way to kindle a spirit for history among the men and women who come within the influence of this training-house of culture. How well it has done these things is not for us to say. But at the beginning of another year it is well for us to go over our own purposes in our own minds and to ask ourselves if there are not some ways in which we can improve the service which we are giving to the common cause.

And in the first place what is the nature of the common cause? I answer it is a cause of devotion. We are enlisted in the work of making clear the cause of truth. We are to roll back darkness, first in our minds and then in those of other people. We are set to cause others to see, by the common obligation of all men of mind, namely, the obliga-

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\*An address before the Trinity College Historical Society, October 13, 1904.

tion to pass on to others the torches which we have been fortunate enough to receive. The task given us is not a matter of our own profit. We shall never see the bread which we cast on the waters come back to us in the form of dollars, or in the shape of dignity or position. At the best we shall never have for any trouble that we may take any other reward than the consciousness that we have stood as men in the places in which we have been placed, and, perchance, that we have placed our own bodies in the breach so that those who come after us may see further into the distance by standing upon them. And yet this is all that we have a right to expect. It is a glorious thing to fill the place into which one's life is put.

But my purpose is not to lay down principles. I want to speak of particulars. I want to discuss the means by which this Society may lay its hands to the task which confronts it.

In the first place, we must recognize our common basis of sympathy and purpose. Not every man at college is, will be, or ever can be, a historian. This is because certain tastes and mental inclinations are embraced in the make-up of a historian. But there are always in our student-body certain men who do have a tendency toward history, just as there are men who lean toward science, and others who lean toward languages, and others who lean toward mathematics. These men who are thus marked out by their natures for the guardians of historical knowledge have it in their power to organize and act together in the most sensible way for the promotion of the best aims of this society. It is to them that I appeal. As for those who do not come within this number—and they will know best of all whether or not they come within it—I have only a sincere godspeed for them in the sphere in which they are more properly called. It is for us others, who are touched with the mania which afflicted Scott's Old Mortality, that I have reserved my appeal. To such ones I



say, Let us reason together. What may we do for the history of our State, and for history in general?

I answer, we can love North Carolina history. It is certainly not the greatest part of history. I should tend to delude you if I told you that we are the greatest people in the union, or in the world. We are certainly a virtuous people, an honest people, kind, generous and true; we make life pleasant for ourselves and for the strangers within our gates. But other people, I think, have had a greater influence on the development of our common country than we. If, therefore, the choice had to be made between the history of the nation and the history of our State, it would be foolishness for me to say take North Carolina history. Fortunately, the choice does not have to be made. There is room enough for all. And when you are reasonably familiar with the history of the nation it is the time for you to go rather deeply into the history of your own State.

Moreover, it is not necessary for ours to be the greatest history for us to love it. We do not love our mother because she is rich, or beautiful, or crowned with the dignity of the world; but because she is our mother. Also, we do not love the history of North Carolina because she is the richest or the most influential of States, but because she is North Carolina. We know, and all the world knows, that she has enough of virtue and enough of achievement to warrant the love of anyone. She has, also, enough of good sense not to demand, or to like, the flattery of her sons. Furthermore, it is no breach of filial respect for us to venture in the spirit of true sonship to tell her the truth.

In the second place, we must be willing to sacrifice for history. We must be willing to sacrifice time, comfort, and money. Results will not come of themselves, let us love never so well. We must have a willingness to put our shoulders under the burden till they pain us from its

heaviness. If there were one hundred men in North Carolina who would agree to give their best and sole charitable efforts to placing the writing of North Carolina history on a proper footing, it would not be ten years before no State in the union should exceed us in this department of our thinking. But they would have to be men of devotion. They would have to be grimly in earnest in their undertaking. They would have to be willing to undergo as frequently as was necessary the expenses of common meetings, the expenses of publication, and the inconveniences of the loss of much time. They would have to give up a notion common to many good people that history is a kind of mania for antiquities, an amusement fit for harmless old men and unmated old women.

People often ask why there is not a vigorous North Carolina Historical Society, like, let us say, the Historical Society of Pennsylvania. I think it is because we have, as a people, never been willing to sacrifice ourselves to the necessary extent. We have been willing to have other people do it: we have been willing to try to get the State to do it: but how often have we been willing to tax ourselves for the common burden. If we had in this State a society the members of which must pay an annual fee of not less than five dollars, and if twenty or a hundred men were willing to join on that basis, it would be an indication that there was enough sacrifice in the movement to insure success. In saying this much, I have no intention to underestimate the good intentions of those worthy people who have launched movements for such societies in the past. They have done, no doubt, what was wisest in view of the conditions which confronted them. I merely give this statement as an illustration of what I have in my mind when I seek to impress on your minds the kind of sacrifice which is necessary to build up the great State society which we all must desire to see established.

It is this kind of devotion which we must have if we are

going to make this society the best possible servant of our State. I do not think that it is an impossibility for us at Trinity to set on foot efforts like these in building up our own Society. We are not rich enough to tax ourselves to the extent indicated. It would be a fair test of our sense of sacrifice to put our annual required contribution at one dollar, leaving members to go beyond that as they were able in a voluntary manner. This we ought to do as our absolute duty; but it would be strange if, when we had thus given our own best efforts to the cause, there should not be others who should be willing to share our burdens. But whether there were such persons or not, the task would not be impossible through our own efforts. We are not a weak aggregation of men. We are young, it is true, and most of us poor. But some day we are going to be rich. It would be a strange thing indeed if, out of all the accumulating of wealth which is going to happen in North Carolina in the next twenty-five years, none of it should find its way into the pockets of Trinity men. It is true, also, that when you are out in the world of action you are going to give away various sums of money to objects which appeal to you. It ought not to be too much to hope that in that happy day you will turn back to this hour and remember the needs of this Society. I have faith that if the Society does its duty by North Carolina, you will have the penetration to discover the fact, and discovering it, you will have enough of the old spirit of Trinity to put your gifts here. And if you forget us, then for myself and for those who shall come after you, I will say that we will toil on, in the faith that there is somewhere in the good providence of God the aid which is necessary to give efficiency to our zeal and our hopes.

I should like to give you briefly the story of a certain historical society. It was founded long ago, before the American revolution. It was founded by men who had an abiding faith in themselves as the chosen of God. They

put many small efforts into their work. They brought their gifts as they could. They thriftily husbanded their resources. At last there came a day when the perils of youth had been passed. Then the Massachusetts Historical Society stood as an influential and financially independent institution. They were able to charge no annual fees at all and from their vested funds to have a competent income. They support a generous publication fund; they have a handsome building of their own; and there are not many proper demands on their resources which they are not able to meet without inconvenience. All their success has come out of their willingness to sacrifice for the common object. Not many members of that organization today would be willing to appear at the pearly gates with the consciousness that they had not put the Historical Society into their wills. It is equally true that there are not many historians in America who would not consider it one of the greatest honors which could befall them to be asked to join this society. What this great organization has done in Boston during the past century I see no reason why we should not do in North Carolina, but perhaps on a smaller scale, in the next century.

You will observe that I have spoken several times of a publication fund. It seems to me that no historical society ever more than half lives till it has a publication of historical papers and documents. It is then brought into a vital relation with the general public; for it brings the truth which it may be able to discover to the attention of the world. It makes itself a servant of the hundreds of students in every part of the country who are trying to reconstruct historical truth. It aids also very vitally the life of the very society which conducts the publication; for how better can one stimulate the writing of history than by offering to persons who have it in them to write the inducement of ready and respectable vehicles of reaching the reading world. The "itch for publication" has

been responsible, no doubt, for the appearance of much formless and heavy historical literature; but it has stimulated to authorship far more persons who would not otherwise have begun to write than it has wearied of the class who read. And for the reader who does not desire to peruse such books there is always the ready relief of not reading them.

Next to historical workers our Society needs, I think, a fund the proceeds of which shall be irrevocably fixed for purposes of publication. If it ever fulfils its best purposes it must have that fund. As to how to get it, that is a matter of careful consideration. At present it seems safe to say that a fund of \$2,000 well invested would give us the desired results. It might well be larger; but if we could raise that much we should make a creditable beginning. How long do you think it ought to take us to raise that much among ourselves? Would it take five years or ten years? I do not know; but I think I know this, that it is absolutely necessary that we raise it. I mean that as a society we cannot afford to be without at least this much. And if we do not raise it within five years, we shall have to raise it within ten, and if not within ten then it must come within fifteen—or we must fall short of our opportunity. What shall we do? We have already decided to raise the sum. We shall begin this year; for if we do not begin this year we shall have to begin next year. We shall raise as much as we can now. But what we raise we shall save with the greed of a miser. Next year we shall raise some more. Some day we shall have the required amount. It may come after you and I shall have been gathered to the dust of our fathers, but we will put such a spirit of sacrifice into this Society that it can never forget our hopes till they are fully realized. We shall live in our successors; and as for ourselves, we shall be so full of the spirit that we are creating that wherever we go we shall remember to send back to the old mother of our

historical aspirations as liberal contributions as our means will allow. We shall say to the constant importunity of charity—and it will always importune us—“No, I have another cause in which I am enlisted, I and a band of devoted ones, and my gifts are reserved for it. Go you to those who are not so engaged.”

Our Historical Society ought to be a life affair with most of us. We are going to various places in life's struggle. We ought to carry with us a thread of affection which will always bind us to this work. Our best work for North Carolina history cannot be done in college. Here we can only hope to form a taste for research, or to discover a liking for it. As we get more mature we shall see more certainly the call to each of us to write something. Happy shall we be if we shall have cultivated through the intervening time that first impulse which came to us at college.

There are a hundred phases of our history which need to be written, if the men of sufficient earnestness and capacity should present themselves to undertake the tasks. Will you get ready to undertake some of them? Train yourselves well now. Make historians of yourselves gradually and without discouragement. It is the work of an aristocrat in the sphere of the mind. It will bring you rich rewards in the approval of your own conscience. There will be those in the future who seek out the good deeds of this generation, and in their reckoning up of things you will not be forgotten. We historians, if I may class myself where I want to be, have an advantage over all other people. We get the last word at everybody. And we are a clannish set. We love to preserve the memories of our brethren. Would you like to join the ranks, and insure that our successors will write you down among the immortals? You need not hesitate. I assure you that men of less worth than any of you are there writ down, and will continue to be so till the end of historical research.

In 1710 there was in North Carolina a man named John Lawson. He was not the most brilliant man who met around the boards of the magnates of the shores of the Albemarle. Other men were as witty, others were as well dressed, others were as well liked for companionship. We know not if he had his peculiarities; but I should not wonder if he had them and if there were not men in that region at that day who sneered at the queer things that Lawson did. They sneer at such men as he today. But Lawson had his innings. He wrote a book. Many men were in the colony who could have written it; but he alone wrote it. Today he has a permanent place in the memory of all North Carolinians; and the bodies of the venison-stuffed scoffers who spoke loftily of "poor old Lawson" have long ago been transformed into green grass, which in turn has passed into piney-woods steer, and from there the Lord only knows where they have gone. So far as the world knows they were as important in the form of green grass or brindled steer as in the form in which they passed their contemptuous judgments about the peculiarities of Lawson, the historian. What will be known of you a hundred years from today when the stone at your grave shall have crumbled and your own body shall have been resolved into chemical elements in which it existed before the food you ate for breakfast this morning had passed into beef, and wheat, and breakfast-food? Your fate is to be as you wish.

To sum up what I have said; this is my conception of the duty of this society to North Carolina history. It is to love it, to sacrifice for it, to organize for it, to build a publication fund for it,—rapidly if we can, slowly if we must,—and finally to write for it. Some of us may do all of these, all of us may do most of them. May we not hope that out of the large number of young men who pass from these halls every year to fields of labor in this State there will be found a tithe which shall pay their vows at the

shrine of our State's history? May we not hope that they will form a Trinity group of historians who shall be known for their good work and their pride of allegiance to the society in which their aspirations had birth? Such a group I would have you become, generous and fair in regard to other groups, but loyal with the old Trinity loyalty in regard to ourselves. If you should become this, whatever else you may become, you cannot fail to create the strongest positive force for our historical uplift that, in my judgment, has ever existed in this State.



**AN EDITORIAL FROM THE TRINITY COLLEGE ARCHIVE  
NOVEMBER, 1904.**

All historical minded people should read with interest the paper by Dr. Bassett in this number. Attention is especially called to the purpose of the Trinity College Historical Society to establish a publication fund, as mentioned in the article. The Historical Society has in its possession a large number of documents and papers which, if printed, could be used by students of history elsewhere and would be of great value to them. It desires to publish these documents and others that it is continually receiving, and appeals to all who are interested in the history of North Carolina to contribute to the establishment of a fund which shall be used perpetually for this purpose. Below is an extract from the society's constitution which will show under what conditions the fund will be raised and managed.

"ARTICLE IV. SECTION 1. The Society shall create and build up a Publication Fund the interest on which shall be used for no other purpose than historical publication. This fund shall be invested under the supervision of the authorities of Trinity College. It shall be allowed to accumulate until such time as the Society shall deem proper for beginning a publication.

"SEC 2. All funds received from the membership fees of non-resident members shall go to the publication fund, and at least half of the amount received from the membership fees of resident members shall go to the said publication fund.

"SEC. 3. Any person who contributes as much as ten dollars at one time shall be made a life-member of the Society with no further dues to pay.

"SEC. 4. The Society shall appoint a responsible person who shall act as Agent for the Publication Fund."

Dr. J. C. Kilgo, president of Trinity College, Durham, N. C., has been designated as agent, to whom contributions may be sent.

**THE MANUFACTURE OF TOBACCO IN NORTH CAROLINA.**

BY A. B. BRADSHER.

The markets for the bright leaf tobacco are nearly always in the near-by city or town. Warehouses are erected in the centers of large tobacco-growing districts. There is much strife among the towns to get the location of the warehouses, because the daily sale of large quantities of leaf turns much money loose and the town's general business is thereby benefited. Many towns in North Carolina owe their very existence to that of the warehouses therein. A quotation from a writer on the subject will give some idea of the commercial importance of these :

“Within the past ten years eight markets for the sale of tobacco have been established in as many different towns in the ten counties constituting the ‘new golden leaf belt’ of North Carolina. These towns contain twenty warehouses of spacious size. Upon the floor of each of these may be seen daily from 15,000 to 50,000 lbs. of bright tobacco.”

The ordinary warehouse is constructed with plenty of floor space and plenty of light from above and on all sides. Many warehouse concerns use the number of square feet of skylights in their advertisements. Attached to the sides is a driveway, covered with some kind of roof, arranged so that wagons can easily be unloaded to the floor and may also be loaded from it. The floor of this driveway is somewhat lower (something like three feet) than the main floor.

The tobacco is taken from the wagons, placed on a broad truck, in a round pile, with the heads outward and the tails toward the center. This is wheeled upon the scales, where it is weighed. Here a tag bearing the weight of the pile and the name of the planter is placed in a cleft stick and the stick in turn placed in the top of the tobacco.

The pile is then put in the place allotted it in the long rows of piles on the floor. A farmer puts all of his tobacco together in one row. This accomplished, the tobacco is ready for the auction, and the owner, should the bid not be satisfactory, has the right to reject it and may sell again as he wishes.

The charges for handling loose tobacco in this character are not burdensome. For weighing each pile the fee is ten or fifteen cents. The auction fee is ten or fifteen cents per hundred pounds, and if more than a hundred pounds the fee is set at twenty-five cents. Then in addition there is a commission of  $2\frac{1}{2}$  per cent. on the amount of the sale, which is the warehouse charge.

On auction day the floor is crowded with buyers, farmers, and others who have the sale less in concern. The auctioneer is the center of attraction. He starts off in a whoop and holds out remarkably well, uttering not a single word that is audible to an unpracticed ear. In the meantime buyers are pulling out bundles from the piles, examining them and bidding (the latter mostly by signs). As fast as a pile is sold a clerk takes down the price and the buyer's name, and marks the grade for the buyer according to his direction. Following the sale is a crowd of hands for each buyer, taking up the tobacco in large square baskets, four feet long and wide and something like six inches deep. These filled, they are hauled to various prize houses, redrying plants, and factories. An auction sale of tobacco is one of hustle and motion. Often 150 sales will be made in an hour. In a town of some size, where there is more than one warehouse, one sale follows another. The warehouses have a regulated system by which they sell, one having first sale one day, another the next, and so on. A certain hour is fixed at which the bids must be cashed. Failure to comply with this rule puts the buyer on the black list and his purchasing power is at an end. The farmer goes to the office in the building,

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gets his money, less the handling and selling commission, and goes his way.

The following are the principal markets of North Carolina in their relative importance, with an approximate amount sold annually by each :\*

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Winston.....	22,500,000	Wilson.....	22,000,000
Kinston.....	18,000,000	Greenville.....	12,000,000
Rocky Mount.....	10,000,000	Durham.....	7,000,000
Oxford.....	6,500,000	Henderson.....	5,500,000
Reidsville.....	5,000,000	Louisburg.....	4,500,000
Goldsboro.....	4,000,000	Smithfield.....	3,500,000
Greensboro.....	3,000,000	Mt. Airy.....	3,000,000
Roxboro.....	3,000,000	Robersonville.....	3,000,000
Ashpole.....	3,000,000	Lumberton.....	2,500,000

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There are many more markets scattered over the State of less importance, which, on account of lack of importance, are omitted.

From the warehouse the tobacco is taken either to a redrying plant, or to a prize house where it is packed in hogsheads and shipped to one. The redrying machines are comparatively modern inventions and are one of the greatest time, labor and money savers in the business. Before these machines came into use the tobacco was either hung in frames in prize houses and there dried by the air, or was thrown, heads and tails, in large heaps upon the floor and dried by a continual shaking up with pitchforks. Both took much time, labor and space. But now the tobacco is practically all dried by machinery. This drying machine consists of a series of rooms in which are placed coils of steam pipes with valves attached to regulate the heat, and through which passes either a broad belt or a stick chain. This belt is made of galvanized wire net and it is upon this that the tobacco to be dried is placed. It is placed across the belt in regular order, with the heads pointing forward. Two negroes are usually

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\*These estimates kindly furnished by Mr. J. S. Cobb.

employed in putting the tobacco on this belt. The belt takes it directly into a highly heated chamber, and then it goes from one to the other until some three or four are passed, all of which are heated at from 150 to 170 degrees. When it passes from the last hot room (and by this time it is thoroughly dry) it goes into a cooling room and thence into an ordering room, where it receives enough moisture from steam to make it capable of being handled. In each of the sections of the drier there is a fan, circular in shape, some six or eight feet in diameter, which revolves with great rapidity, giving a uniform heat and circulation in each section.

From the steaming room the tobacco passes out of the machine and is taken off the apron (belt) and packed in hogsheads by either screws or hydraulic presses. The hogsheads are then nailed up and numbered, and the grade, year of crop, and weights stenciled upon the ends. The hogsheads are next placed in storage, where they remain for some one, two, or three years, new tobacco being very little used in manufacturing. The hogsheads are packed in storage, two, three and four deep. Thus with about 1,000 pounds in each hogshead, a great amount of tobacco can be stored in a comparatively small space. Tobacco is redried in four cities in North Carolina, namely, Greenville, Kinston, Winston and Durham. The drier in Durham, which contains four machines of large capacity, is the largest of its kind in the world. The machines which have the belts can dry from 17,000 to 22,000 pounds per day. The stick machines, which use the same heating apparatus, but have the tobacco hung on sticks, can dry from 40,000 to 50,000 pounds per day, and there are two of each kind in the establishment spoken of.

The tobacco improves with age in color and sweetness, and when it is taken out it goes with little delay to the consumer.

The tobaccos manufactured in North Carolina, as a rule,

find their final form in either chewing or smoking tobacco, snuff or cigarettes. Some cigars are made also, but few. Of these I shall treat of the plug, or chewing, tobaccos first.

The tobacco is first picked, bundle by bundle. These are then sprinkled with water and when they are high in order the bundles are untied and picked leaf by leaf, assorted and separated into the different grades suitable for the different brands manufactured.

These leaves are then steamed, and when thoroughly moist are stemmed (a process of removing the midrib.) Following this process is the "casing," or flavoring process. These flavorings are cooked in large cisterns and are sprinkled on the tobacco uniformly. The flavoring is composed of alcoholic liquors, licorice, etc. This is the secret of all manufacturers, and much of the popularity of the brands depends upon this part of the manufacture. These flavored strips are then passed over a series of heated rollers, which presses the surplus flavoring out, and thoroughly dried, but are re-ordered and packed in bulk until needed. The next step is to weigh the tobacco, enough at a time to make a plug, when it is in turn placed in a shaper, which gives the desired size and form to the brand. These plugs are then wrapped by experienced men. The wrappers of the plugs are carefully selected as to color and character of leaf so that all plugs of the same brand will look alike. These plugs are then dried and packed in iron boxes, where they are pressed and creased. Hydraulic pressure is used, and while they are under pressure they are put in gums and allowed to sweat or ferment—some slightly, others under a longer process. After the fermentation process they are taken out, carefully inspected and the perfect ones tagged and packed in boxes. When the boxes are filled, enough pressure to put the heads in is used. When this is done they are branded with name, size of plug and the gross and net weights on each box.

A groove is placed on each box, in which the government stamp must be placed, varnished and canceled. The boxes are strapped four or five together and are then ready for shipment.

Snuff is the second article the manufacture of which I shall take up. There are five kinds made in the United States, but of only two shall I speak, since only these are either used or made in North Carolina. These two are "Scotch" and sweet snuff, both of which are the dipping variety. The two are very much alike in manufacture, the one exception being that the sweet snuff is flavored with some preparation of licorice before the tobacco is ground.

"The material used for making Scotch snuff consists of a heavy, dark tobacco of medium grade and good 'fatty lugs.' It is before use stored away for at least two years. It is then taken out bundle by bundle and passed through a cutter, stems and all, which yields a coarsely cut product. It is then packed in hogsheads and made to go through three states of fermentation, requiring on an average about six weeks. Through each state it is arrested by exposure to air. After this, the tobacco is thoroughly dried and then passed into the pulverizing machines, which are a series of mills, each of which has three heavy iron rollers rubbing against a concave face of a hemispherical iron vessel, the pulverized tobacco being discharged at an opening in the bottom. From these machines it is passed upon a bolting cloth not unlike that in a flour mill. Thence it is passed into a machine, where it is packed automatically in packages ready for custom trade."

The granulated tobacco plays the leading role in the manufacture in North Carolina. The tobacco which goes into the make-up of a brand of smoking tobacco is of several grades. The hogsheads of the different grades are taken to the cutting room and stripped. Here the tobacco is fed into the cutters and is coarsely cut. It is then flavored and passed into a granulator. When it passes from

the granulator it is sieved and redried and then is ready to be packed for sale. The casing used is composed of lark-beau sugar, alcoholic liquors, etc.

This is an interesting process. The tobacco is fed into the hoppers above the machine room and comes down through pipes, is automatically weighed, packed, stamped and labeled. Three hands are employed on each machine. One puts the cotton sacks on the shape which receives the tobacco, another ties the sacks, and one has general management of the machine. The ease and rapidity with which these sacks are tied is marvelous. These machines turn out from fourteen to twenty sacks per minute, or from ten to fifteen hundred per day. From these machines the sacks are packed in cartoons, and they, in turn, in wooden cases, usually of twenty-five pounds each, but sometimes of fifty, and less often in hundred pound cases.

The manufacture of cigarettes requires more judgment, skill and experience than any line heretofore mentioned. All tobacco used in cigarette-making has to be stemmed. The strips are run through a "casing," or flavoring, machine, and then are run directly into the cutters. The machines are so constructed that the tobacco, which is very high in order, is cut in long shreds. The tobacco is run under a blade in the form of a hard "cheese," which is made by the compression of two metal chain belts which run together as they approach the blade. The blade has a vertical motion and cuts a shaving from the cheese with each downward stroke. From this machine the tobacco is run through a revolving drier and thence through a cylindrical dresser, which separates the shreds, and is then stored away until needed in the machine room.

In the cigarette machine the finished product is made. The tobacco is spread uniformly upon a small canvass belt to the machine and this feeds the tobacco evenly into the continuous stream of paper which goes through the machine. The tobacco is rolled into shape, pasted, cut off the right length, and comes out ready for packing. This



machine also stamps the name of the brand of tobacco on the cigarette. These machines turn out from 200 to 250 cigarettes per minute. These are inspected and the perfect ones packed in pasteboard boxes, some brands twenty, but mostly ten, in a box. These small boxes are packed in larger pasteboard boxes, fifty and above to the box, and these in turn packed in wooden cases for shipment.

There are some few cigars made in North Carolina, but not in large enough quantities to have any large or well-equipped establishment. They are made by hand, as a rule, and of a tobacco not grown hereabouts.

The manufacture of strips is a process which is growing in North Carolina on account of the export trade. Especially is this true of the British-American stemmery at Durham. Here tobacco is stemmed for both domestic and foreign trade. This process is the taking of a large portion of the midrib from the tobacco leaf. The tobacco is steamed to a high state of moisture, which makes the stems easily selectable from the leaf. It is stemmed leaf by leaf and the strips are passed through the drier and then packed in hogsheads. The tobacco is packed dry, especially that for export trade, owing to the import duty on tobacco, for the tax on water is the same as that on the tobacco. This is also one reason why the tobacco is stemmed in this country. It is packed in hogsheads, from 850 to 1,000 pounds per hogshead.

The tobacco manufacturing towns in North Carolina are Durham, Winston-Salem, Wilson, Reidsville, Mt. Airy and Statesville.

In Durham are situated the cigarette factory of the Export Branch of the American Tobacco Co.; the two smoking tobacco concerns, W. Duke, Sons & Co., and Blackwell's Durham Tobacco Co., of the American Tobacco Company; the stemmeries of the British-American Tobacco Company, and the Carrington Cigar Co.

In Winston-Salem are the R. J. Reynolds Tobacco Co., Brown & Williamson, Lipfert, Scales & Co., Bailey Bros.,

Taylor Bros., Ogburn, Hill & Co., Whitaker-Harvey Co., E. L. Lockett, A. H. Bodenhamer, M. L. Ogburn & Co., S. A. Ogburn, F. M. Bohannon, Kerner Bros., and others. These factories put up plug, chewing and smoking tobacco. The city of Winston leads in the output of plug and comes second in the total number of pounds of tobacco manufactured in North Carolina.

Some little plug tobacco is manufactured in Mt. Airy and Reidsville. The manufacturers in Mt. Airy are the Prather & Whitlock Co. and the Hadley-Smith Co., with one or two others. Those of Reidsville are the F. R. Penn Tobacco Co., Robt. Harris & Bro., A. H. Motley Tobacco Co., and D. F. King.

Wilson, the newest tobacco manufacturing town in the State, confines its manufactures to smoking tobacco and cigarettes. The principal concern there is the Wells-Whitehead Co.

Statesville also manufactures some little tobacco, but has in the past few years declined in output and importance, and is still on that plane. Leaksville, too, is among the minor manufacturing towns of the State.

The cigar factories are scattered all over the State, the most important being the branch of the American Cigar Co. at Greensboro. There are two small ones at Charlotte, one in Elizabeth City, and some three or four in Winston.

The following tables taken from the 1900 census will show the comparative output of North Carolina with other States in the Union in different lines :

State	Smoking	State	Plug
North Carolina.....	17,239,357	Missouri.....	72,423,982
New York.....	1,366,138	Kentucky.....	72,423,982
Maryland.....	10,399,748	North Carolina.....	24,144,270

State	Pounds Tobacco	Cigars	Cigarettes
North Carolina.....	306,464	17,370,874	
North Carolina.....	2,064,831		649,314,810
New York.....	20,871,600		17,421,167,950
Virginia.....	3,565,975		7,429,133,030

A total of 43,804,731 pounds manufactured in North Carolina.

Owing to the inability to secure statistics it is impossible to give the output by cities, but Durham is the largest smoking tobacco town in the world.

The total valuation for the output of North Carolina for the year 1900 was \$16,751,383. When one looks at this and realizes that this much wealth is produced from the soil and enterprise of the Old North State, it dawns upon him that tobacco has done no little thing for this State. Credit may be given to tobacco for the existence and maintenance of some of North Carolina's most thriving cities. So, looking at the tobacco industry from the commercial point of view, we have a continuous shower of blessings.

**MAJOR W. A. GRAHAM.**

BY URAL HOFFMAN.

In the Old North State there are a number of men who, while they rise head and shoulders above their fellow men in their immediate community, are not known as they should be throughout the State. They may never climb very high on the ladder of fame, but the services which they are giving their commonwealth should not be overlooked.

One such person is Major William Alexander Graham, of Lincoln County, a leader and promoter of every worthy undertaking of his county. He belongs to the very distinguished family of Scotch-Irish Grahams whose civil and political services have been so valuable to North Carolina. His grandfather was General Joseph Graham who served so brilliantly in the Revolutionary War and in the War of 1812 and who, subsequent to the Revolution, took an energetic part in the political enactments of the State. His father was the Hon. W. A. Graham, who was United States Senator from North Carolina from 1840 to 1843, Governor of the State from 1845 to 1849, Secretary of the Navy under President Fillmore, and who is esteemed by some as "the greatest man produced by North Carolina."

Major Graham was born at what was then the small village of Hillsborough, in Orange County, December 26, 1839. His youthful days gave promise of a bright future and he was given a thorough preparation for college at schools in Hillsboro, Raleigh and Washington, D. C., and at the early age of seventeen he registered at the University of North Carolina. Here he remained for three years, at the end of which time he left to continue his studies at Princeton. He was graduated there in 1860, and spent the following year teaching. It was at this time that he removed from his old home at Hillsboro to his grandfather's old colonial mansion in Lincoln County where he resides at present in a fine country residence, which was built in 1894 to replace his grandfather's home which was destroyed by fire.

But his stay in his new home was short, for as soon as the war between the States broke out he returned to Hillsboro and enlisted in the Orange County Cavalry, Company K, 2nd N. C. Cavalry. He was immediately elected first lieutenant, and afterwards succeeded Josiah Turner as captain. His first service was in eastern North Carolina, on the Neuse river. From here he was soon transferred to Virginia, and in the spring of 1863 he joined the cavalry division of the army of northern Virginia. With it he served till the battle of Gettysburg where, on July 3, he was disabled by a wound received while leading his regiment. As soon as he had sufficiently recovered, Governor Vance appointed him major and assistant adjutant-general of North Carolina, which position he held to the close of the war.

Though short, Mr. Graham's military career was notable. On May 13, in what is known as Foscue's Skirmish, in Jones County, this State, with only forty Confederate soldiers, he defeated a brigade of the enemy composed of three thousand men. For the bravery displayed in this action, he was complimented in general orders from district headquarters. He also won distinction because of the successful charge he led against the Union forces at Brandy Station.

North Carolina holds the honor of being "First at Bethel, farthest to the front at Gettysburg and Chicamauga, and last at Appomattox," and Mr. Graham has the honorable, unique and enviable distinction of being the last North Carolinian to give up his position of service to the Southern Confederacy.

As he made himself conspicuous in military affairs, so he has done in politics. But this distinction has not come from his being a scheming manipulator or "boss," but rather from the firm stand he has always taken against just such men. His conservatism has been the cause of his defeat several times. In 1867 he was nominated by the Conservatives as their candidate to the Reconstruction Convention, but failed of election. In this campaign he was strongly

opposed to the enfranchisement of the negro, and though the negro did obtain possession of the ballot, opposition to such still smouldered in his breast, blazing out again in 1900, when he was an earnest worker in the campaign for white supremacy.

In 1874, and again in '78, he was nominated and unanimously elected State Senator from his district, comprising Lincoln and Gaston counties. In the Senate chamber he went actively into the proceedings, and through his advocacy a number of bills of great benefit to the farmers were passed. One such measure was the law prohibiting the deduction of two pounds from each bale of cotton—a law that has saved millions of dollars to the farmers. Another important bill passed through his instrumentality was the law allowing verbal contracts. Furthermore, it was on his motion that the act for the sale of the Western North Carolina Railroad was so amended as to secure for the convict labor furnished by the State to the purchasers the \$500,000 which paid the State tax in 1885.

For upwards of twenty years Mr. Graham has been active in the democratic council chamber, always ready to do all in his power for his party. When Lieutenant-Governor Jarvis was elevated to the governorship by the election of Vance to the United States Senate, Major Graham lacked only two votes in the democratic caucus of being made president of the State Senate. The latest honor at his party's hands is his election to the House of Representatives from Lincoln County.

On June 8, 1864, he was married to Miss Julia B. Lane, of Amelia County, Virginia. This union was the culmination of one of the many romances of the war between the States by which a large number of the fair daughters of the Old Dominion were transferred to other States. To them have been born nine daughters and two sons. Their companionship has been, as it were, an unbroken chain of happiness, and their home is noted for its open-hearted hospitality and welcome—a happy survival of ante-bellum days.

Though a born soldier and legislator Mr. Graham is an all-round good farmer—one of the few who keep abreast of the times. He owned the first double-footed plow used in the county; the first cotton gin, with condenser, west of the Catawba river, and the first separator. During the existence, in this State, of the Grange, an association devoted to the promotion of agricultural interests, he was an active member. In 1888 he united with the Farmers' Alliance and still retains his membership. He steadfastly refused to follow some of the leaders in the prostitution of the order to partisan political purposes, but with a few others held it to the purposes for which it was originally organized. He was the formulator and inaugurator of the plan of the Business Agency of the North Carolina Farmers' Alliance, which is still in operation, being the only practical business affair developed from the Alliance movement in the entire United States. Of this agency's fund, which guarantees the contracts of the agency, he was elected trustee. At the expiration of his present term he will have held this position for twenty years.

Mr. Graham is also an author of no mean repute. As such he has made some very valuable contributions toward the recording of North Carolina history. His greatest work is entitled, "General Joseph Graham and his Revolutionary Papers." Not only does it cover the life and labors of his renowned ancestor but it gives a very full account of numerous Revolutionary events in this State that no other historian has been able to investigate so well. Without doubt the most complete and trustworthy record of the battle of Ransour's Mill is a paper from his pen, which was published in the second number of the fourth volume of the North Carolina Booklet. In addition to these two works he has written the history of the 2nd North Carolina Cavalry, and of the South Fork Association of the Baptist Church.

In religion the Major is a Baptist, and is an active participant in all the work of his church. For more than thirty

years he has been connected with the mission board of the South Fork Association, and has served as its Moderator since its organization in 1878. Mr. Graham has also presided over several sessions of the North Carolina Baptist Conventions and is regarded as a presiding officer of unusual capacity.

Personally Mr. Graham presents a very prepossessing appearance. He stands six feet high and is very corpulent, weighing two hundred and seventy-eight pounds. His face always beams with characteristic Irish humor, and his blue eyes sparkle with genial wit. His soft, musical chuckle is very contagious, and his joke or reminiscence of the war is invariably enjoyed by the hearer. Though nearing the three score and ten mark, he is still hale and happy and strong.



## OLD DURHAM TRADITIONS.

EDITED BY JOHN SPENCER BASSETT.

Durham county is of recent origin, but the remarkably rapid development of its population, both as to numbers and as to changes in manner of living, serves to remove to a long distance from the present the customs and traditions of the region in the days when the county had not been thought of. Most of the people who remember the former days are now old, and it is but natural to expect that they will soon pass out of the world. It would, therefore, be proper if some one who has the true history of the community at heart would concern himself to gather up all the facts and interesting stories of the by-gone days and put them in printed and accessible form for the use and delectation of posterity. It is in something of this spirit that some of the members of the Trinity College Historical Society have undertaken to gather what they may of the general nature indicated, and in this number of *THE ARCHIVE* they give some of the results of their labors. Other results, it is hoped, may follow this group of stories, till the whole nature of Durham's past may be brought vividly before the present and future denizen of the place.

## THE PEELERS.

On the newly macadamized road which runs from Durham westward past the Erwin Cotton Mill, at a spot two hundred yards or more below the point at which the county road passes under the railroad, is a place which has a certain weird interest for those people who like to know the legends of the past. It is known as the Redmond Place, and because of a fine spring of clear water it is frequently visited by some Durham people who have never heard of the dark traditions concerning it which have come down in the minds of old people in the

community. Seventy years and more ago this place belonged to a family by the name of Peeler. They were people of poor social standing, and many dark stories were told to the discredit of its members, both male and female. They pretended to keep an inn and sold spirituous liquor, as was the custom in most inns of the day, and uproarious times were often witnessed in the small house which has long since fallen into decay. At that time the road ran close to the house, and traces of the old roadway are still to be seen.

Mr. H. A. Neal, who lives less than a half mile from the place, has collected the facts about the Peelers. He says:

“When my grandmother moved into the neighborhood about fifty or more years ago, there were some old Rhodes women near the place who had known the Peelers. They told her that Ben. Peeler took in travelers and very often killed them. They said that more than one had been known to go there and had never been seen afterwards. Tradition asserts that he disposed of the bodies of his victims in an old well which people now living have pointed out. He had a pasture on a creek southwest of his house in which he always kept several horses. He often carried horses to Raleigh for sale, and the supposition was that he killed his guests in order to get their mounts. There were two girls and the family was very wild.

“The grandson of one of the old ladies (Mrs. Rhodes) says that she has heard his grandmother speak of the Peelers, but only remembers that there were two boys, and one of them was called ‘Pet-Tich-Eye,’ the other ‘Red-Wine.’

“An old gentleman, Alvis Neal, says that Ben. Peeler had a wife, and the family left the Redmond Place when he was small. He had never heard of their killing

people, but they had the reputation of being a very bad family.

“Another old gentleman, Turner Browning, says there were two families of Peelers. Ben. Peeler lived at the Redmond Place, and took in travelers, the other family lived about half a mile further down the road near a cross-roads. This place is now sometimes called Peeler’s Cross-roads.”

History is not concerned with proving whether or not Ben. Peeler really did kill travelers for their horses, or whether or not he or his family were really bad people; but it does like to know what fancies of the horrible or the fearful hung around the beautiful Redmond Spring of the present day in the minds of the people of this neighborhood seventy-five years ago. Perhaps some poet of the future, or some writer of romance, may be able to give us in a form true to the spirit of the day the story of the adventures of “Pet-Tich-Eye” and his uproarious brother who boasted the name of “Red-Wine.”

#### THE CORNWALLIS ROAD.

To the people of North Carolina from 1776 till the recent Civil War, the most striking incident in the history of the State was the coming of Cornwallis in 1780 and 1781. Other events were probably more important, but here was a genuine adventure. It came with the glare of war, it swept over the whole breadth of the State, it settled to a large extent the fate of the revolution, and it brought into the bounds of North Carolina one of the few world figures who ever visited it. In the numerous traditions which have come down from this visit it is clear that the people did not treasure any hard feelings for his coming or his going. Stories are found in abundance which relate some kindly action of the British commander.

One of the commonest traditions of Cornwallis’s

march is to point out some road which he is locally believed to have traveled. There are, perhaps, few counties in the State which have not such a road. I have heard of such a tradition in the neighborhood of Raleigh, and in the northern part of Granville, and in Durham county there is a road which is generally believed to have been used by Cornwallis. Yet the route by which he came is minutely described in his own letters and in the account which his lieutenant, Tarleton, wrote and published, with a large detailed map of his journeying. In the light of such evidence it is possible to say that the British general visited neither of the three localities named.

The road in Durham county which tradition calls "the Cornwallis Road" is found about four miles south of Durham and runs in a northwesterly direction to Hillsboro. It is now unused in most of its parts. When I first saw it my companion called my attention to the fact that it was an old military road, built after the ancient fashion which took no notice of grades. It was, in fact, not till the year 1800 that Telford convinced English people that in building roads it was better to go around a hill than to climb over it, and all the earlier English military roads were built on the principle that the shortest distance between points is a straight line. Now it happens that there is recorded evidence that in another campaign, and one nearly as famous as that of Cornwallis, a road was built through this very region—a military road, too—and there is not much doubt that it is this road which popular tradition has ascribed to Lord Cornwallis.

In 1771, when Gov. Tryon determined to restore order and obedience to law in the region inhabited by the Regulators, he marched with an army from New Bern to Hillsboro. He proceeded up the Neuse to Johnston Court House, where he halted for a few days. Thence

he proceeded to Hunter's Lodge in the forest of the newly formed county of Wake, about four miles south of the site of Raleigh, and here he halted again, calling the reluctant Wake militia to rally around his standard. A respectable number of them came, some willingly and some unwillingly, and the governor moved on toward Hillsboro. Till that time no good road had been made through the unsettled wilderness to the westward. Only a bridle path marked the way and this was not practicable for the artillery and the baggage wagons. Tryon, therefore, cut a new road straight to the neighborhood of Hillsboro, calling it "Ramsgate Road." The name survives in the vicinity to this day, but the popular mind has modified it into "Ramcat," and a part of this "Ramcat Road" is still in use. The road which Durham tradition points out as Cornwallis's is probably that laid out by Tryon. It ought to be called Tryon's road, or—to follow his own preference—"The Ramsgate Road."

Another historic road in Durham county is a part of the old Trading Path, which ran from the James river at Bermuda Hundred to the Catawba Indians, near Charlotte. It was the first route of travel through this part of the country, so far as we know, and it was in use as early as the middle of the 17th century, that is to say at the time when the first settlers were finding homes on the shores of the Albemarle Sound. Possibly it was established along a line first marked out by the Indians in their tribal wanderings. At this time it was used frequently by the traders who went out to the Indians for Colonel Thomas Stegg the elder. He was a man of means, and the business he built up fell to his grandson, the first William Byrd, who continued it in the old manner. Byrd's son, William Byrd the second, has given us a definite account of the Trading Path. It crossed the Roanoke river at Moniseep Ford,

about a mile west of the point at which the river crosses the North Carolina boundary line, curved southward through Granville county, passing westward through what is now Durham county to the town of Hillsboro, thence across the Haw by what is known as the Haw Old Fields, thence by the site of Graham, across Alamance river at the famous battlefield, to the Yadkin at Trading Ford—nearly north of Salisbury—thence south to the Catawba Indians on the Catawba river. The route is clearly traced on the map in Tarleton's *Campaign* where the old pioneer's path though now a great highway, was still called in certain places the Trading Path.

That part which passed through Durham county entered it at a point opposite the little station of Green's, on the O. & C. Railroad, passed westward near Williardsville on the railroad to Roxboro and thence to Hillsboro. It was long a favored road between Granville county and Hillsboro and was used as the regular means of wagoning to Petersburg, Va., till the R. & G. Railway was built. It traversed that part of the country which lies about ten miles north of Durham. Will not some local antiquarian take upon himself the task of locating this old road exactly? And that done, will not some funds be raised for erecting memorials along its course by which men who pass may understand that this was the artery through which pulsed the first blood of civilization in these parts?

#### THE PINHOOK SETTLEMENT

BY W. S. LOCKHART

The student of history has long ago learned that the situation of a country and the nature of the soil are large factors in determining the character of a people. This is especially true of the section in which Durham is situated. The city is built on a low ridge which serves as a watershed between the Eno and the Neuse

on the north, and New Hope creek, which is a tributary of the Cape Fear, on the south. As might be expected the soil is poor and unsuited to the cultivation of most crops that a pioneer would be likely to raise. So a student is likely to conclude that in the early settlement of the country this section would not be taken up by the first settlers. The more fertile tracts along the New Hope on the south and the Eno and Neuse on the west and north attracted the new home-seekers and the land lying between them was for some time left vacant. Later on, when the settlements became more thickly populated, the shiftless were pushed out of the fertile acres and came into this poor section of country and built themselves homes. As all know, the shiftless and poor are liable to give way to the less refined forms of vice and we find the people of this section no exception to the rule. Also it is likely that the vicious element from adjacent sections drifted into such places as this, being spurned by the more wealthy communities. As proof of the poverty of these people one only has to drive out along the country roads in any direction from Durham. He will have to go almost a dozen miles before he finds a house of any consequence that was built before the Civil War.

The foregoing, I think, accounts largely for the straitened condition and low morality of a large number of the old inhabitants of this section, for almost any old citizen can, if he chooses, tell you interesting tales concerning the exploits of certain characters who used to live here. These people generally lived in little communities, each of which had a distinctive name. One of these places which was in what is now the suburbs of the city of Durham was called Pinhook.

Pinhook was near the place where the West Durham Cotton Mill has been erected. The house stood about a hundred yards southwest of the southwest corner of the

mill. Some questionable characters kept a resort there, and near by there was a grog shop. Why the place was called Pinhook is not known, but it certainly went by that name for a number of years before the Civil War.

Near this place was a camping ground where wagoners stopped on their way to Raleigh and other eastern towns before the time of railroads. The campers got water from the Pinhook well and made use of the grove near by, where they tied their horses and were protected somewhat by the trees from the weather. It is said that a man, who later was a citizen of Durham and became quite rich, was a pale, sallow-looking boy at the time Pinhook was experiencing its balmiest days. He carried watermelons out to the old camp ground, piled them up in the fence corners, and sold them to the wagoners who doubtless found them refreshing after their long draughts of fiery corn liquor which they bought from the Pinhook grog shop. In this way he started a fortune which became quite considerable before his death.

Besides being a favorite stopping-place for the wagoners, Pinhook was known for miles around. Its fame spread as far as twelve or fifteen miles northwest, as may to this day be learned from the old inhabitants of the country communities, and even the students of the University at Chapel Hill had the habit of coming over when they wished to go off on a lark. It was known as a place of brawls and rough-and-tumble fights, drinking, gambling and other forms of amusement, where the natives and visitors met to have a rough, roaring, and, to them, glorious time.

Pinhook was the best known of a number of houses of rather shady reputation around West Durham and a little west of it. The section from this settlement as far east as the wye near East Durham was, in the language of a citizen of Durham, "a roaring old place"



before and for a while after the war. Down near the wye a man named Vickers kept a liquor shop, and just west of him one William Pratt, who was quite a wealthy man for this time, also dispensed "the universal panacea." It may be added that at various times liquor was sold at several other places in what is now the city of Durham.

An amusing incident is told of an old man of the neighborhood, now many years dead, who, not to mention a rather ordinary cognomen, gloried in the prænomen, "Wash." He was a notorious rowdy, a man who drank and was known far and wide for his boisterous carousing. When the North Carolina Railroad was in process of construction, it was announced that on a certain day a train would approach within a few miles of the place where Durham is now situated. Many of the people of the community collected at the appointed time to see the new wonder. Among these were the aforementioned "Wash" and his wife. Like almost all trains, ancient and modern, this train was late and after waiting some time "Wash" announced that he was thirsty. So with much fussing and in spite of the protestations of his wife he declared that he was going to Vickers's tavern to get him some liquor. The good lady objected in a most strenuous manner, urging the great danger from the expected train, but "Wash" was obdurate. He, therefore, secured a bushel of corn, a gallon jug and a blind horse and set out. It was not more than a mile to the tavern and it so happened that the ever watchful Mrs. "Wash" spied the train approaching from one direction and her husband from the other at the same time. Screaming at the top of her voice and with outstretched arms she ran to meet her beloved spouse. Before she reached him the train passed and the blind horse, frightened by the unusual noise, threw the doughty tippler and broke his jug. Immediately Mrs.

“Wash’s” fear was turned into joy and she ran back to her friends, clapping her hands and shouting: “Glory to God! ‘Wash’ is safe and his jug of liquor’s broke!”

With the growth of the city of Durham these old inhabitants learned new ways and many of their descendants are now regarded as the city’s most valuable citizens. Indeed, with new conditions, the old have almost been forgotten and it will be only a few years till you cannot find a man who ever heard of Pinhook. Thus the old is being continually swallowed up by the new.

GENERAL SLADE'S JOURNAL OF A TRIP TO  
TENNESSEE

The following journal was found among the Slade Papers in the handwriting of General Jeremiah Slade, of Martin county, N. C., and although there is nothing in it which directly attributes it to his authorship, it seems undoubtedly to have been his composition. It is the view of a broad-minded man, a shrewd observer, and an intelligent North Carolinian made at a time when there were few people in the State putting down on paper their impressions of the things which they saw around them. It is copied here with faithfulness, the editor taking no other liberty than now and then to write out an abbreviation or other expression which otherwise would obscure the sense and to reduce to modern form the author's capitalization. The beauties of nature deeply impressed the diarist, and his descriptions of the mountains are almost good literature. It has required some self-restraint to keep the editor from improving them in some essential points. J. S. B.

A Journal of a Journey from Williamston, Martin County, N. C., to Nashville, Tennessee, commenced on the 27th day of June, 1819.

Dined at John Griffin's, stopped at Wilson Sherrod's, fed and rested my horse, bill 25cs., and arrived at Tarboro that evening.

28.

After arranging some private business and visiting my friends with whom I had some agreeable conversation on the subject of my journey, set out about 10 o'clock, bill Mrs. Gregory \$1.50, McWilliam \$1.20. By 12½ arrived at Mr. W. Parker's to dinner, spent about 2 hours in very agreeable conversation with him and his amiable lady; bill 50cs. Set out at 3 o'clock, stoppd.

at Daniels a few minutes to have my horse watered and get some grog, went on, met very unexpectedly an old acquaintance, Mr. James Blount, from Georgia. After usual ceremonies went on and arrived at sundown at the well known stand in Nash County, Mr. J.— T's, where I put up the night. Went to bed supperless. Saw there all the features of uncivilized life and that Mr. T——'s daughters though unmarried all had separate names, as Polly H——, Ann B—— &c.

## 29.

Set off from T——'s before sunrise. Bill 50cs. Memo. a lame man with a blind horse staid last night at T——'s who had been eight days traveling from Raleigh there, only thirty-five miles. Arrived at Majr. Alford's to Breakfast, where I met with every attention, and treated very hospitably, Bill 50cs. Arrived at Raleigh at 12 o'clock, at Col. Cooke's. After dinner having dressed strolled out to stroll up and down the principal streets without appearing to notice one of the puffed little great men of the city, being resolved to observe as little ceremony towards them as they are usually in the habit of shewing to all strangers, and after visiting my cousins at Mrs. Pullum's, conversing with them for a while, I returned to my lodgings. In course of the day had occasion to call on the deputy clerk of the Federal court on business, was ushered into his office with all the hauteur of a French exciseman, and treated with every mark of supercilious pride and haughty arrogance and finally dismissed with contempt. After supper I retired to my room where I was visited by J. B. Slade, my relation, who staid with me all night & we pass the time much more agreeable than I had done during the day.

## 30th.

Left Raleigh at Sunrise, Bill \$2.00 with a perfect confirmation of former opinion "that the citizens are a per-

fect set of blood suckers who prey upon the vitals of the State and wallow in luxuriant indolence." Arrive at Jones' to brkft,; bill 60cs. Arrived at Chapell that evening in a severe shower of Rain (which tho' not so agreeable to my situation was most acceptable to visitors to that part of the country, as it was and had been for some time so dry as to endanger the crops of corn in all the upper country. Wheat crops uncommonly good, price 25cs per bus. & little or no demand for it at that or even any price). At Mrs. Mitchell's Hotel was met and greeted as soon as arrived by cousin Jeremiah and Thomas B. Slade, dined, after the shower was over went with Cousin Thomas to Mr. Mooring's Hotel, was introduced to several collegiates of respectability & to Mr. Mark Henderson, attorney at law, whom I found particularly agreeable, polite and attentive, & as we returned to Mr. Mitchell's invited us to his father's, Pleasant Henderson's Esqr. to sup & spend the evening, which we accepted, (Cousin Thomas from an inclination to be with the young ladies of the family & I for the gratification of an acquaintance of so respectable a family). On entering the house I was introduced by Cousin Thomas to a Miss Kittrell & to Miss Eliza Henderson, only daughter of Mr. P. H., who, take her all in all (tho' not a Venus di Medici in form & feature) is as pretty, agreeable, and desirable as is rarely to be met with. She was easy in her manners, gracefull in her actions & movements, condescending and affible in conversation, still modest and unassuming. We spent the evening till late bed-time in very agreeable conversation, when we retired to Mrs. Mitchell's & rested for the night.

Thursday, July 1st.

After breakft. visited college which appeared almost deserted, except now and then a solitary Bachelor silently gliding across the long passages. The Dialectic

Hall appeared much improved since my last visit, the library has received a large acquisition of books to the amt. of five hundred dollars within the last year. Met there Mr. Thomas Green, of Va., late of the senr. class. He appeared very much reserved, and tho' we had been formerly acquainted he seemed not disposed to renew it. Returned to Mrs. Mitchell's to dinner and shortly after set out for Hillsboro, accompanied by Cousin Thos. Bill with Mrs. Mitchell \$2.00. We arrived at Thompson's Inn in Hillsboro at sunset, disappointed in our expectations of meeting Mrs. Doctr. Pugh & others on their way to Louisiana, nor did they arrive during my stay in Hillsboro.

## 2nd.

Left Hillsboro after Breakft, Bill \$1.80. Crossed Troliner's Bridge about 12 o'clock: had a smart words with Mrs. Troliner about the toll, paid 20cs and parted in friendship. Dined at Mr. Cook's, found him to have been a red coater, dinner & horse feed 50cts. Went on to Mr. James Dicks, stopped, claimed acquaintance, and took some good whiskey, paid 10cts. Arrived at Greensboro at sunset, put up at the sign of the Three Ships under Sail; looked more like nine stack-poles with sprouts grown out round them. Suppd. and staid that night, bill \$1.00 cts.

## 3rd.

Next morning eight o'clock found me at friend Stockton's where it was difficult for me to determine whether my appearance was a greater source of satisfaction to the good family or myself. The truth is that I received every mark of attention and respect, as well as every demonstration of unalloyed friendship and almost relative affection. The overflowing of their spontaneous good wishes was almost overwhelming, as they entered into the circumstances of our first acquaintance and re-

lated all the occurrences of our earliest knowledge of each other, with every exaggeration of my actions and imputing to me many credits to which I thought myself unentitled to, and all before genl<sup>m</sup>n. & ladies of the first standing, who happened to be present to my considerable discomfiture. I Breakftd. & dined with them, and in the evening went to Salem, paid bill for Brkft. & Dinr. & H fd. 80cts. At Salem after some ceremonious obsevances I obtained the pleasure of the girls' company at my room in the evening.\* They suppd. with me & staid till dark when I escorted them to their homes, and parted with them loaded with their good wishes. Returned to my lodgings for the night.

## 4th.

Rose & wrote a letter to Capt Edwd. Yellowly, placed it in the p. office, paid my bill, \$2.80 cts. & set out on my journey, Dined at Hauser town, pd. bill 50cts. Set out for Mr. Sheppard's but past there and reached at dusk Mr. Unthank's, ten miles beyond the Pilot Mountain, whose granduer & sublimity exceeded my most sanguine expectation. Its summit appears like a Hat Crown above the brim, as the mountain rises like an obtuse cone from its base to an enormous height: there it is capped by a vertical column of rock for the height (from the distance I was from it) of from one to two hundred feet perpendicular, the rock bare and inaccessible for even human exertion, except only on one side, where with great difficulty it may be surmounted. The top is the form of a dome and elegantly crowned with trees and shrubbery.

## 5th.

Left Unthank's at sunrise, bill 65cts. Arrived at the foot of the Blue Rdge to breakfast at Mr. Mankin's, where while brkft. was preparing I indulged in all the

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\*General Slade's daughters were sent to Salem Academy.

surrounding sublimity of the mighty ridge stretching from N. to S. that seemed almost to war with Heaven and to place a final bar to the northwest winds. Set out from Nankin's at eleven o'clock (bill 65cts.) to ascend the mountains. Drove up to the first level but found it too much for my horse. At the second rise dismounted, laid off my coat & walked up, driving my horse before me. On reaching the second level, at the half-way spring, I fell in with a young gentn. resting, who afterwards turned out to be Mr. Wm. McKenny, of Surry, N. Cr., who had ascended the mountain just before me. After partaking of a copious draught of the delightful crystalline water that trickled from an impending rock, we set out in company, and after winding some time between impending cliffs in a winding and circuitous direction we came to the third rest, which happened to be the top of a knob, bare and open to all the country below and commanded the view of all the country to the southward & eastward; and I am certain my mind was never more delighted and astonished at the same time. The hills and valleys beneath pictured to me at once the ocean after a severe gale of wind. The hills next the ridge resembled waves when sinking and bobbing about, while the Sorrowtown [Saura-Town] Mountain to the east and the Pilot to the So., with its top like a combing swell, seemed moving on apace as if intended to sweep over the intermediated space and try their force against the mighty Ridge. We proceeded then to the summit, which seemed to overlook the world. After resting a few minutes we descended a hill to a branch, the head of the Ohio River. Then proceeding up a glen for a quarter of a mile we came to an excellent spring and partook freely of the water and rested a while. Went on through the mountains, a very bad road for about three miles to Mr. McKenny's brother's, where we stopped, had our horses fed, and dined. After dinner I



went on alone, Mr. McK. not going farther (bill 35cts.) ; and at dark I arrived at a Mr. Betts', five miles below the Poplar Camp, where I put up for the night.

6th.

Left Betts' early (bill 50.) Descended Iron Mountain about eight o'clock, where I could but stop a few moments and admire the stupendous height of the surrounding cliffs & knobs, where it would seem that nature had frolicked & sported with her daughter earth & tried into what grotesque contortions she could throw her ; for such a beautiful contrast of acclivity and declivity never before had presented itself to my view. After crossing at the bottom a small rivulet, my way wound along on the edge of a declivity hewn out of the rotten rock (of which these mountains seem to be composed), just sufficiently wide for a waggon to pass, which reminded me of Capt. Riley's "Jew's leap along the Atlas," where for half a mile had I have met a waggon, one of us must have inevitably have tumbled down the precipice into the river below, that was dammed & deep. My curiosity had to give way to my necessity in stopping to examine the iron-works at Poplar Camp furnace, as my time would not admit of any delay. I passed on over hills & valleys and narrow ravines to Jackson's Ferry across New River, the main prong of the source of the Ohio. It was about a hundred yards wide & twenty five feet deep at the ferry, apparently still, lympid, and as clear as crystal (ferriage 25). Crossed to Mr. Saunders' immediately on the opposite bank where I breakfasted (bill 37½). Proceeded up along the bank of the river for about two miles where the eye could not possibly be more engaged & delighted than with so diversified a scene of impending rocks, stupendous cliffs, and tumbling roaring cascades, that rolled over the ledge of rocks that stretched athwart its current in every direc-

tion. The road struck off at right angles with the river along a rivulet to the north and through valleys of appearance, that seemed in many places to be threatened with overwhelming destruction from the impending hills, until I came into the main stage road from the eastern to the western country, a few miles below the town of Wythe, in Va., where I soon arrived, passing along a valley in a high state of cultivation, with a neat house and farm for every quarter of a mile. Houses chiefly built of hewn logs with chinks left large, plastered & whitewashed outside, that gives them quite an agreeable & neat appearance. Wythe, like most inland towns, has but one street, which is the main stage road that runs through it from east to west, which is filled on each side with neat buildings, chiefly of wood in the manner before described, however, with some exceptions of elegant brick & stone. The court house is large but built of wood and in a very ordinary manner, & much out of repair, and stands in the middle of the street, which gives it a still more disagreeable appearance. Its situation, however, is pleasant & agreeable, standing on a plain just under the Blue Ridge that overhangs it & seems to frown on it with supercilious grandure. I stopped at the Wythe Hotel, striking for its large sign & superfluous emblematic paintings, which time at present won't permit me—had I an inclination—to describe. In the evening set out for Mr. Drury's [?] a stage house, 14 miles from Wythe (bill 60). Passed along a valley equally striking for elegance and high state of cultivation as thickly inhabited as usual to the stage house, where I came at dark. Found it much crowded with travellers, supped and some desultory conversation, retired for the night.

7th.

Set out at five o'clock for Abington, forty five miles distant, where I arrived after stopping at 8 o. at an old

Dutchman's house, a stage house, for brkft. (bill 42), who related several anecdotes of the Revolutionary War—"all of which he saw and part of which he was." Passed along the valley of Holston River, which I crossed many times, the road running nearly straight and intersecting the meandering of the Holston. Passing over the nolls & knobs of the hills, that project to it on either side, covered with fragments. Knobs of limestone rock, left bare & projecting out of the ground in every direction, so that it is impossible to pass without tumbling over them, form for about ten miles the most disagreeable road I ever travelled, and would not risk my head in a public stage on any considerations, as they go thundering over the rock at half speed in a four horse stage with very frequently a drunken driver; and a striking result is that you will scarcely pass a stage house without seeing two or three wrecked stages.

I dined at a miserable tavern about 17 miles below Abington (bill 42½), stopped at a very decent brick tavern about 8 miles from A., rested & took some refreshment (paid 15). The valley of the Holston so far is very fertile and in a high state of cultivation, the country becoming more level as I progress down the river which runs west.

Abington, or Abingdon, is something larger than Wythe, but not so handsomely situated, being more broken. The buildings are principally wood, but a greater proportion of brick with an elegant brick C. H. the town has not still the neatness of appearance that Wythe has: has but one tavern which, tho', is a good one & well furnished & attended. It is more a manufacturing than a commercial, & in consequence of the salt works in its vicinity is a place of considerable resort of, and importance to, all the western country. Salt sells at the works at \$1.75 per 52 lb. & that very damp.

8th.

Left Abington after brkft. (bill \$2.), the road very muddy & slippery in consequence of a rain the night before. Dined at Mr. Goodson's (bill 50c). The country, as I descended along the Holston was more fertile in appearance, but in a worse state of cultivation than below Abington. The inhabitants seemed more like the lessees of some large proprietor than the real possessors of the soil, which I afterwards ascertained to be the fact; for as I passed, once in about every three or four miles, I could see an attempt at style and grandure, but entirely void of taste or elegance (notwithstanding they seemed to have spared neither labor or expence), and still the outward appearances as far exceeds the housewifery as ours does theirs. I proceeded on to Mrs. Nicely's, where I arrived at sundown, where Mr. Mushrow, of Va., who had traveled with me from Mr. Goodson's, & I were compelled to become our own hostler, the widow's servant being gone to a neighbor's reaping. Mrs. N. lived about three miles within the Tennessee line, so that this was my first essay into that State, where altho' so near the Va. line, still I thought that I perceived a striking difference in the manners and habits, which afterwards as I progressed into the State developed themselves still more forcibly—which assimilated more to the manners of our State in the less refined part.

9th.

Set off from Mrs. Nicely's at sunrise (bill 50). Came to Mr. J. L. Gains to brkft. who was a distant relative of Mr. Mushrow's and nephew to Genl. E. P. Gains, of the U. S. Army, who treated us with much attention (bill 40.). We passed some smelting mills across a branch of the Holston. They were at work and seemed to be new & in fine order. About a half mile below is

the head of navigation of the Holston, which is principally carried on by rafts in times of freshets. However, they navigate the river also with keeled bateaux, built very sharp from 60 to 70 feet long and 8 or ten feet beam, with a companionway extending nearly two thirds of their length, raised to the height of six feet above their gunnels, with space left on each to pass from stem to stern; & this companionway is shingled over and bears a striking resemblance to an old fashioned hip-roofed house. These boats are used to take down salt which is waggoned from the factory near Abington to the Mussle Shoals and below; but these boats seldom ever attempt to ascend the river, in consequence of the obstructive rocks and shoals and the extreme distance, which is 750 miles from the Mussle Shoals. This landing is called the Boat Yard & appears to be a place of business as there are stores and shops. One mile still down the Holston, which is an hundred yards wide with many beautiful islands in it, is a new toll bridge across the north fork of the Holston, which is also 100 yards wide at its junction, built upon stone pillars in very neat and workmanlike manner, & for strength and elegance excels anything of the kind I have ever seen (toll 25). Dined at Mr. Vaughan's (bill 50), proceeded on to Surgoinville, a new town on the Holston ten miles above Rogersville, which as yet is neither conspicuous for elegance, neatness, or design, and appears more like the result of mad speculation than for beneficial design, for publick utility, accomodation miserable for both horse & man.

10th.

Set out from Surgoinville after sunrise (bill \$1.00), left Mr. Mushrow complaining of the headache as usual, arrived at Rogersville to brkft. (bill 75). Rogersville, the county seat of Hawkins County, is a considerable place for an inland country town. Built chiefly of

brick, has considerable trade, and is much resorted, being the half way stage from Abington to Knoxville. It is situated in the valley of the Holston but not immediately on the river: the land of an inferior quality to the eastern part of the valley and less improved, the inhabitants consequently less wealthy. Left Rogersville at 12 o., went on alone still along the valley of Holston, which is bounded on the N. & W. by the Clinch mountain, and on the east by the Blue Ridge. The valley is intersected by innumerable streamlets of pure limestone water of crystalline clearness, across many of which are grist & saw mills that seem to have been profitable, as near most of them the mud-plastered log huts are contrasted with huge brick houses, built at much expence apparently, but entirely destitute of taste or elegance. My horse nearly exhausted, scarcely able to get him along. Was overtaken by Mr. Mushrow & Mr. Sims, of Nashville, & we proceeded in company to Mr. Nall's where we dined (bill 50). Here the valley appeared much narrower than I had seen it, seemingly not more than a mile wide and more fertile. We all set out in company, passed along the river bank for some distance, then turning a little more to the west the valley widened and became much more level than I had seen since I crossed the Ridge & of inferior quality, more thinly inhabited and the habitations more miserable than before. We passed Bean's Station at sundown, where Mr. Mushrow stopped, but Mr. Sims & myself went on to the Widow Copeland's, two miles further, where we stopped for the night.

11th.

We set out before sunrise from Mrs. Copeland's (bill 75), passed through much such country as we had done the latter part of the day before seventeen miles to Mr. Juornegain's to brkft., rested three hours (bill 75),

Proceeded to Knoxville thro' a still poorer soil, the mountains having disappeared on both sides and the country become quite a level piney woods. In my way to Knoxville I passed the town of Rutledge, which is the county seat of Sevier Co'ty. It is a very inconsiderable place of a most miserable appearance, built chiefly of log-houses, with a very indifferent court house, which is rather singular in this State, as their chief pride seems to be displayed in building fine brick court houses and jails. Such a display of large daubed signs I never before witnessed. It would seem from their magnitude and the glaringness of the representations attempted to be painted on them that the people were only susceptible to occular demonstration. One at a miserable looking log inn more particularly attracted my attention: it was nearly of the size of a large barn door, (with a counterscarp suspended to the bottom about eight inches on which the inn-keeper's name was inscribed in capitals), on which I am certain that the venerable Father of his Coutry was never so basely caracatured. He was represented on horseback, his horse white with a neck that bore about the same proportion to his body that a heron's does; and indeed the whole representation was equally absurd & ridiculous.

#### KNOXVILLE.

Is situated on the west bank of the Holston on a very broken hilly place, intersected by a creek that runs nearly through the centre of the town, across which are several mills, besides tanneries and whiskey distilleries which gives it quite an unpleasant scent along those streets most contiguous to it. The town has, however, a very neat and agreeable appearance, a place of extensive trade for an inland town, and of much resort, having been the seat of government of the State for some time, has apparently very respectable society and considerable

refinement. The town is about the size of Raleigh, N. Ca. but more thickly built, mostly of brick but not in so good taste.

12th.

Left Knoxville by sunrise; on thro' a much leveller country than I met with on this side of the Blue Ridge. Land of an inferior quality & much thinner inhabited and more in style of N. Ca. Stopped at Campbell's Station for brakft. but could not be accommodated, proceeded five miles further to Mr. Meredith's, where we breakfted. & rested till afternoon; proceeded at 4 o.; my horse taken sick on the road shortly after I was left by Mr. Sims, he not knowing my situation. However, resting my horse occasionally and walking by his side encouraging him and he getting better, I proceeded at a slow rate over a very poor, barren, hilly country. At length descended a valley that was overhung by very high hills on both sides, at the bottom of which stands the little town of Kingston; but it being in the night and so dark, I was not able to see anything distinctly, so as to form any opinion relative to its situation or extent. I arrived at South West Point at Mr. Clark's ferry, where I found Mr. Sims, who appeared much rejoiced to see me come up, it then being ten o. and he prepared to go to bed, having given me out.

13th.

Crossed Clinch River at sunrise which at this place is about one hundred and fifty yards wide, carrying 14 feet water, the water as clear as crystal and moving on with a still but majestic current, the valley of the river on the west side narrow but very fertile. The country here becomes very hilly & broken and thinly inhabited in consequence of sterility. Arrived at the stage house, Mr. Brown's at the foot of the Cumberland Mountain to breakft, my horse much recruited. Rested and then set



out to climb the impending cliffs of the mountain, I walked & drove my horse the whole way up, 2 miles. The heat was intense, it being then about noon. Passed on about ten miles thro' a most broken, unpleasant country to the Crab Orchard, during which I passed the celebrated Spencer's Hill (which is said to be turnpiked, toll  $37\frac{1}{2}$ , but is a perfect burlesque on the name of turnpike). One & a half miles up & two down, most part of the way at an angle of 90 degrees and that way scarcely wide enough between the impending rocks, that seem tottering on their summits—many of them—, some one or two hundred feet high, & threatening to tumble down & crush the astonished traveler into atoms: to pass with a single gig or carriage [was impossible]. We dined at Crab Orchard and proceeded on to the stage house on "the Barrens," as they are very appropriately called, through the most miserably poor country I have ever seen, mostly level, covered with grass & shrubbery of dwarf chestnut & black-jack, very few of which attain the height of ten feet, with now and then a solitary hut or hunting camp. And let me remark here, for the first time I took a distaste to venison, which is the chief diet in this part of the country. This stage house is kept by a Mr. Devon, and a most miserable hovel it is. We arrived there after night, could scarcely get anything for our horses, much more ourselves, to eat. Shortly afterwards two stages arrived and kept so much noise we scarcely slept any during the night.

## 14th.

Set out at sunrise, had dispute with the bar-keeper (if he might be so termed) about the bill, as he wanted Mr. Sims to pay for supper when he had eaten none. Passed thro' much the same kind of country as before described since crossing the hills to Mr. Bradley, who keeps a toll gate for a bridge across My Mamma's Creek,

that cost perhaps twenty dollars; took a nap of sleep while they were preparing breakft. after resting our horses set off again, cross the bridge, and ascended Primrose Hill, where, had I a fortune sufficient to support myself in ease, I would choose to live in preference to any place in all Tennessee. The soil on the top of the hill is sandy a little intermixed with rocks, perfectly dry and agreeable, commanding a view of all the circumjacent country, the growth principally chesnut of the loftiest kind. It is about a mile across the top. Its extent otherwise I was not able to ascertain. Descended it and passed along a quite sandy road interspersed with hills and valleys for some distance, until I descried thro' the foliage of the trees the blue ethereal sky below me, when on a sudden after taking a short turn around a knob we began to descend the Cumberland mountain, which went off at an angle of 45 degrees for about two miles when we descended into a very uneven country resembling the waves of the sea when subsiding after a smart gale. We seemed to pass on the pinnacle of a wave, which sunk into huge ampitheatres of 40 or 50 feet depth, representing the state of the ocean after a storm had just subsided, and then wound along in meandering form in a westerly direction covered with a luxuriant growth of poplar, chesnut, and oak to Sparta, the coty. seat of White, where we stopped, fed our horses, and proceeded for Col. Smiths thro' a level country, mostly prarie and level, where we arrived at dark. Col. Smith informed us that his house was full, & that we must proceed to a Mr. Clark's about four miles farther. The road being very stumpy & narrow & it quite dark, it was with difficulty that I could drive a gig thro' it without getting upset. However at a late hour of the night we arrived at Mr. Clark's, which was a miserable hut, and after much entreaty were to have food for our horses and a bed to lie upon, but no supper;—& hav-

ing had no dinner that day, it went particularly hard on us.

15th.

Set off at sunrise, proceeded through a tolerably level country to Mr. Shaw's where we brkftd. Set out after breakft, traveled along immediately upon the top of a seeming wave whose base seemed to be at the centre of gravity; for notwithstanding below grew the most luxuriant forests of poplar, walnut, sugar maple, chesnut, beach &c, we were passing above their tops, whose gloom prevented our seeing the depths of the valleys beneath. The top of the wave, for I can compare it to nothing besides, was literally inlaid with broken fragments of free stone, the most disagreeable road I ever saw. Our horses having lost some of their shoes could scarcely get along. At 1:10 we arrived at W. A. Muck's, where we made them get us coffee at that time of the day. We then set off again and proceeded along a like wave or ridge, for four or five miles, when we descended a most intolerable rocky road, which is ironically called "Feather-Bed Hill," into the valley of the Caney Fork of Cumberland river, which runs about northwest to the ford. This river is about one hundred yards wide: was quite shallow at this time, being very low. The country on the west side of it surpasses any I have before seen in the western country in the fertility of its soil and is much less broken than the valley of the Holston, or its branches. Proceeded about twenty miles thro' a country of the greatest fertility I have ever seen, except Roanoke low-grounds, which surpasses it only in its durability. This being in many places rolling is subject to wash away as soon as cleared & put into a state of complete cultivation. The most fertile part I think I passed was what is called "The Cedar Bottoms," which in point of fertility excells any land I ever saw; but then there lies at the bottom of every branch or bottom

exposed a sheet of limestone rock that pervades this country at a certain depth, & indeed in most places huge piles & sheets of it lie piled & spread over the face of the earth in every direction. We arrived at Mrs. Carteret's in Wilson County, and after some persuasion gained permission of the negroes to stay all night, Mrs. C. being absent at meeting. However we got something to eat & retired for the night.

16th.

Set out at sunrise from Mrs. Carteret's and passing thro' the same kind of country as the preceding evening rather in a higher state of cultivation, the farms teeming with the luxuriant crops of corn; but notwithstanding the fertility of the soil still the people live in the most miserable, dirty looking huts I ever beheld in any country. Arrived at Lebanon to brkft., where I stopped to make arrangements about my business in Tenn. until the next day, while Mr. Sims went on twenty five miles farther to his mother's in Davidson County, who before he set out introduced me to Genl. Saml. Houston, a lawyer of Lebanon, whose attentions, politeness, and assistance in my business were of very essential service to me in the prosecution of my business. Visited Mr. Isaac Kennedy & delivered him a letter after a recognition on his part of me. Treated me with every mark of attention he possessed, offering me his house, bed & board gratis, which I declined. He then gave me every information about my business I deserved and furnished me with names of what gentlemen to call on for testimonial information. Returned to Lebanon and wrote to the justices and to the gentlemen whose depositions I wished to take requesting them to meet me on Thursday next at Lebanon.

Lebanon is the county seat of Wilson, is situated on each side of a small creek that runs thro' a large cedar

valley. Is eligible only for a large spring of limestone water that spouts up in a cave near the centre of the town, that makes up from the creek, that furnishes an ample supply of that indispensable for the whole town & would for one of ten times its size. The town is only built on two streets as yet, which intersect each other at right angles, in the centre of the intersection of which streets stands a very elegant two story brick court house with a cupola which instead of embellishing detracts from the elegance of the building, as it is awkwardly formed and disproportionate, its spire being taller than the base and ornamental parts of the cupola, and all the way of the same size, passing thro' balls of the same size in a number of places. On its top is placed a gilt eagle *volant* that seems to be holding on to the point of the spire with great exertion, striving against every passing breeze. Fronting the court house diagonally are a large brick jail and a stone clerk's & sheriff's office. The chief buildings of the town are of brick, there being no timber immediately in its vicinity to build wooden houses of, except cedar, which never grows large: hence it took the name of Lebanon. It has five or six stores, which seem to do a tolerable business, and three publick houses, less fantastic in their signs than I have seen anywhere in the State. In winter the streets are remarkably muddy, and in summer equally dusty in consequence of the flatness of its situation & the stiffness of its soil.

17th.

Set out for Nashville after brkft. Passed thro' cedar glades of barren rock for about three miles when the land became more rolling and less rocky. Saw some excellent fields of corn & tobacco. Arrived at Mr. I. F. Davis' to dinner, the most pleasant situation I have seen in West Tennessee (bill 50). Passed on thro' a still rolling country in very good state of culture of corn &

tobacco to Stone's River, which at the ford is about one hundred yards wide at common tide, but was extremely low then, being nearly dry over. On the other side was a level, extending along the river of the width of a quarter of a mile, the quality of the Roanoke low-lands, of rather a darker hue, called "The Clover Bottoms." The country from there to Nashville is more rolling than on the north side of Stone's River and equally fertile and far superior in point of cultivation to any part of West Tennessee, the farms being laid out in some taste and good brick buildings on the principal ones, built many in taste & style. The lands mostly cleared & very thickly settled. I arrived at Nashville in the evening and put up at the inn, a hotel kept in as much pomp and style as the Tontine Coffee House in New York, or Renshaw's Hotel in Philadelphia. I was ushered into the bar in great pomp, presented with the coffee-house book, and pen & ink, to write my name and place of residence.

**SOME UNPUBLISHED LETTERS OF NATHANIEL  
MACON**

The following letters from Macon to Andrew Jackson are preserved in Macon's handwriting in the Jackson Manuscripts, which were donated to the Library of Congress by the children of the late Montgomery Blair, of Montgomery county, Maryland. They are now published, through the courtesy of the library authorities, because they help to complete the picture of the life of this influential North Carolinian.

J. S. BASSETT.

JACKSON MSS.

PHILA. 17th Jany., 1796.

Sir

I enclose you a copy of the report of the Committee Claims on your petition, and sincerely wished that it accorded more with my ideas of right. I attended the Committee while they had the petition under consideration, explained the nature of the claim and shewed the laws & resolutions under which it originated, together with a letter from the Treasurer of North Carolina on the subject, But to no purpose

Congress have not yet passed a single act this session, none of the Committees to whom important subjects were committed have reported, Every thing contained in the speech of the President is before some Committee, as well as a bankrupt system and plan for establishing offices for the sale of land in the territories of the United States, A motion has been made on the subject of a navigation act, and not yet acted on

You will see by the papers that a Robert Randall and Charles Whitney had an easy plan for obtaining land, however they were disappointed,

The last accounts from Europe are very vague and

contradictory, It is I believe certain that General Jourdan has retreated, but every thing else is too uncertain to trouble with

I am sir

Yr most obt. Servt.

NATHL. MACON.

PHILADELPHIA 13 Feb 1800

Sir

I was last evening pleased with the reception of your very agreeable favor of the 9 ultimo, and will certainly give my aid towards establishing the post road you mention, As you *recollect* well, you know that it is a general rule with me to vote for every post road that may be deemed useful, and I have no doubt, but that from Jonesborough will be very much so.

Believing that Mr. Claiborne gives you all the Congressional proceedings, you will excuse me from saying a word about them, especially when I tell you that scarcely anything has been done worth communicating; there is however one subject of the first importance, to which every true Republican ought early & seriously to turn his attention, I mean the election of President & Vice President, I am induced to mention this, because I have some reason to believe that your acquaintance Parker of Virginia has written to the govr of Tennessee on this subject, & not in the most favorable terms, of the man that is certainly best qualified to fill the office of President, in fact, he is not in favor of Mr. Jefferson, of whose character & talents it would be useless to praise, because they are known to all, I have mentioned this circumstance, to inform you of the industry of the men, who do not wish Mr. J. to be President. I have not heard of the sentiments of your governor You will consider this letter as confidential, because I am not at liberty to tell



you how I got the information of Parkers having written, but of the fact I have no doubt.

I enclosed you some time past a pamphlet, have you received it. Believe me to be

Sir yrs sincerely and truly,

NATHL MACON.

WASHINGTON 12 Jan, 1801

Sir

I only write to let you know that I have not forgotten you, Claiborne who continues to deserve well of his country I know gives you all the information which this new city affords—I answered my former letters or at least one of them; But on this point my friendship gets the better of your forgetfulness, you see I will not say neglect because I know you are incable [*sic*] of that.

Congress have passed an act this session which is to authorize the Delegate from the North Western Territory to receive pay & to frank letters, The house of Representatives have passed a bill to erect a Mausoleum, which is now in the Senate

A bill to alter the Judiciary system of the U. S. is now before the H— of R— It is nearly like the last that was before the H— at their last session. It is apprehended that the bill will pass—The treaty drags heavily on, & will not I expect be ratified without annexing some conditions, The Sen [*mutilated*] it is said have voted against the 2 & 3 articles but what they will do, when they come to the final vote is considered doubtfull

Jefferson & Burr have an equal number of votes, & I incline to think that J. will be easily elected by the H. of R.

Remember me respectfully to all my old acquaintances, especially to those who lately removed from the District which I represent—I am

Sir yrs. truly & sincerely

NATHL MACON.

BUCK SPRINGS 26 August 1833

Sir

I have this minute received your letter of the 17,\* instant, and answer it with all the friendly feelings with which I believe it was written. Before I do this, permit me, to say, that I have no documents, having given all mine away, not even the proceedings of South Carolina relative to Nullification nor the proclamation

The governments of the United States and of the States are governments of opinion and not of force, this opinion was held when the Hartford convention was in session and has not changed and that a conquered State, was not in the Union nor could not be without an act of Congress to admit her; sovereign power cannot commit treason or rebellion or be subject to the laws relating to either; hence a State being sovereign to a certain extent, as well as the United States, cannot commit either; The people alone in our country possess unlimited sovereign power, and they delegate it to their governments as they please

Force applied to a State government, as well as I recollect is not hinted at in the Constitution of the United States, because she cannot commit treason or rebellion, It goes on the ground that every State will perform her duty. The case of South Carolina, was not like the insurrection in Pennsylvania, the people of South Carolina acted under State authority, and the people of Pennsylvania under no legal authority.

If South Carolina would not permit the laws of the

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\*August 17 Jackson wrote to Macon from The Rip Raps, where he was then staying, discussing a letter from Macon to Carson, which letter was just before this published in a Norfolk, Virginia, paper. He wrote at length in defense of the proclamation against the Nullifiers, basing his communication on the friendship which had long subsisted between him and his venerable friend. The letter is preserved in draft in Jackson's own hand in the Jackson Manuscripts in the Library of Congress. The Carson to whom Macon wrote was doubtless Samuel P. Carson, of Pleasant Garden, N. C., who served in the National House of Representatives from December, 1825, till December, 1833. Later he moved to Arkansas, where he died in 1840.

United States to be enforced within her limits, she was out of the Union and ought to have been treated as a foreign power; The Union is a matter of choice and interest; without this it cannot be lasting, but if the federal government be justly and wisely managed, it will be as lasting as the Atlantic, the Allegany or Mississippi

No confederation or league can last long after the States which form it begin to fight, people are never satisfied by being beaten, and freemen whenever conquered, loose their energy and boldness

The history of Religion, proves that force cannot change opinion, and in this country political opinion would be as difficult to change, as that of Religion: You will perceive that I do not approve the enforcing act, though I have not seen it, the contents have been stated to me, I take no newspaper, of course know but little of anything from home

Permit me to say, I have no recollection of the law you mention nor of my vote, though no doubt, is entertained, but that they are correctly and truly stated and it may be that both Mr. Jefferson and myself, may have done wrong, in the very hot times, in which we acted; I however never approved of construing the Constitution by precedent, and have constantly tho't, that every department of the government, had always the same right to construe it, as those had, who were before them and that each ought to correct the errors of the former, if any were made

Last wednesday for the first time, I heard, that my letter was published; I believe it was an answer, to one received, but I am become so forgetful, that I cannot say positively, since I quit public life, my rule has been only to acknowledge letters, except to one person

The ratifications of the Constitution by the States are all I believe different from each other; I do not recollect enough of them, to say much about them; but none of

them, I imagine gave up the right to secede, and this right is the only one that can prevent bargaining legislation, whenever that shall become common liberty must be nearly gone. If law could have controlled opinion Mr. Jefferson would never have been president.

That the Constitution of the United States must depend on opinion, the following facts will demonstrate, a few of the large States perhaps a half dozen, can put an end to it, by not passing laws to elect representatives or not passing them to elect electors of the President and Vice President, and thirteen of the smallest, can do the same, by not electing Senators

Whenever a State becomes uneasy under federal legislation, the act which causes the uneasiness, ought to be reviewed with the greatest care, and if it contains the least injustice it ought to be altered. As far as I have heard, Virginia acted with great propriety and great dignity toward South Carolina, her doings no doubt had some good effect

I never wrote a letter, expecting it to be published, in one case, I was not so attentive as I might or ought to have been; to one received, in which a modest request was made for an answer to be published; the request escaped my observation. Perhaps it might not be amiss to say, that I never tho't General Washington had authority to issue his proclamation declaring the neutral situation of the country, that seemed to me, belonged to Congress

If it should ever happen, which God forbid, that the United States and a State be at war, the Constitution of the Union may [be] considered as gone, as dead, since 1824 I have tho't that by construction it had become almost unlimited; no one disapproves of the tariff more than I do; and my hope has been, that Congress knowing its unjust operation would relieve those who suffered; In truth since 1824 I have considered it dead

and a new one made by construction. It has been my lot to differ in some things with every administration; but I hope never for the mere sake [of] opposition

The fame of the administration, which has paid the public debt and adjusted the claims of the people on foreign governments for wrongs done them, will be as lasting as the fame acquired by the battles of New Orleans, though it may have committed some errors in the opinion of a part of those who have generally and sincerely supported it, to err is common to man, and who knows, when men differ in opinion, which is right

Accept my best wishes for your health and happiness, and believe me to be very truly and sincerely your friend

NATH MACON.

N. B. On reading over this letter, I believe, I have made a mistake, in saying, that the legislatures of a few great States, could put an end to the federal government, by not passing laws to elect representatives, I now think that Congress may pass a law for that purpose but if the people of such States should refuse to elect, then the case would happen.

N. M.

BUCK SPRINGS 25 September 1833

Sir

Your letter of the 2d instant\* was received on the 20, and would have been answered sooner, but company prevented. I have read it and the documents enclosed over and over again, they have not changed my opinion as to the right of a State to secede, if this opinion be erroneous, it is of long standing and will probably go with me to the grave, that South Carolina ought to have pursued a different course, is never doubted, but her doings, cannot take away the right of other States, or destroy

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\*For Jackson to Macon, Sept. 2. 1833, see Jackson Mss.; also Am. Hist. Rev. VII, 111.

her own, The first convention of North Carolina rejected the Constitution, the legislature called a second, which, ratified, she had the same right to have called a third and that might if it tho't proper have rejected it again; South Carolina could not have been in the Union under the operation of her acts, she would have been, what North Carolina was before she adopted the Constitution, a foreign power; The same feeling which caused North Carolina to adopt, would have operated on South Carolina not to leave the union: The word Union is a force more powerful than fleets and armies

Nine States, as well as I recollect, might have carried the federal constitution into operation, leaving four under the confederation, if they tho't proper, to continue under it, yet the confederation was not to be altered without the consent of every State, The union will not be weakened by the rights to secede, it is one that will not be abused because it cannot be the interest of one to abuse it, but if unjust legislation should force a State to secede, that would not be an abuse, but if a State should secede with or without cause, she can not get into it again by her own act

If a territory would not be a State, she could not be forced to be one, she could not be forced to be a member of the union as a State, without her consent, so that force cannot be used to bring a territory into the union or keep a State in it.

When the federal and the State governments differ, the people must decide, which they will obey, without being guilty of treason, without this they must commit it against one or the other, a horrid choice, whether to be hung by the sheriff or the marshall. A conquered country is at the mercy of the conquerer, no rights but what he pleases to give, The conquest of South Carolina would put her out of the union, and she would not be a Territory, with the right to come into it.

Permit me, to observe, that I have constantly tho't and

often said, that the proclamation and nullification, ought to be laid by, as unfit for use in United States: to nullify and be in the union and to be conquered and be in the Union, seem to be impossible.

I never kept a copy, but of one letter I ever wrote, that was a private one, not connected with public affairs, of course I have no copy of the answer to Mr. Carson's letter, nor have I seen it in print, though I have been told that it was in his circular to his constituents, it contained my opinion when wrote. In speaking of the proclamation, I mean that part which relates to States rights

The opinion, that a State cannot secede, seems to me, like the old British doctrine, once a subject always a subject, and that a conquered State would not be unlike Ireland; one of the most excellent and happy parts of our form of government is that either State or individual may leave it, when they please, our double governments cannot be kept together by force, if they can the condition of unhappy Ireland must be the fate of a conquered State

I live 12 miles from Warrenton, I mention this, to account for the delay in the receipt of your letters, and scarcely ever go or send there, You will perceive that I have endeavored not to repeat the contents of my former letter. I do not yet recollect enough of the Massachusetts case, to say a word about it

That your life may be as happy and contented as it has been prosperous and brilliant is the sincere wish of sir

Your friend and Hble Servt

NATH MACON\*

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\*Indorsed in Jackson's handwriting: "It is evidence of weakness—his votes and speeches in 1808 and '9 in support of the laws to enforce the embargo, he voted for the *bloody bill* then—it is treason to resist the laws by force—it is treason to secede—preserve this for history.—A. J."

SELECTIONS FROM THE CORRESPONDENCE OF  
BEDFORD BROWN—I., 1832-1856.

In the spring of 1906 Mr. F. W. Brown, of Yanceyville, placed in the keeping of the Trinity Historical Society a number of letters written to his grandfather, Hon. Bedford Brown, sometime United States Senator from North Carolina, a man very prominent in the political history of the State. They cover a number of years, from 1832 to 1868. The writers include men of national as well as State reputation. Among them are Martin Van Buren, who writes six letters; James Buchanan, who writes two; George M. Dallas, two; F. P. Blair, one; D. S. Dickinson, one; and Weldon N. Edwards two, R. J. Powell and Matthew W. Ransom each one. To these have been added copies of two letters written by Mr. Brown; one to Martin Van Buren, whose original is in the Library of Congress, Van Buren MSS, transcribed by Dr. John S. Bassett, recently Professor of History in Trinity College; the other, written to James Buchanan, whose original is in the collections of the Pennsylvania Historical Society, copied and presented by Dr. John W. Jordan, Librarian of that society. Believing that these letters may be of value to those interested in the political history of North Carolina and of the nation, they are now made public, published in two installments, the second installment to appear in the next issue.

WILLIAM K. BOYD, President,  
Trinity Historical Society.

**Van Buren to Brown.**

(No date.)

My dear Sir

I have awaited so long, under the impression that S. W. S. might write me, as you thought he would, until it is too late to send my letter to Raleigh. It is of course not agreeable to be drawn into such matters, but such things can not always



be avoided, and a man who like you always means right can scarcely do wrong. When you see or communicate with that unadulterated relic of Nathaniel Macon Democracy, the purest that ever existed, Mr. N. Edwards, remember me kindly to him. Do the same to Mrs B and your family and believe me to be

Very truly yours  
M Van Buren

Mr Brown.

**George M. Dallas to Brown.\***

My dear Brown,

It is not improbable that you became, during the last session, so completely tired of me, and have been so much in the habit of associating myself with the remembrance of a very tedious and uncomfortable and protracted absence from your better half, that the sight of my name may produce any thing but agreeable impressions.

The sooner, however, this first repugnance is worn off the better: for I am obstinately determined not to be forgotten by one of whom I think often and much. Make up your mind, therefore, with as much philosophy as you can muster, to write and be written to.

What are you at in North Carolina? Do the pioneers of independence keep steady and onward for the President? And what are the hopes and dangers of your Vice-Presidential favorite? Has Mangum proved the better prophet, or is Phil Barbour's prospect less promising than heretofore? I conclude that, like some of your friends, you have thrown yourself "in medias res;" and I rely upon your telling me, not what you wish, (for *that* I know already), but what is actual fact or fair calculation.

You may possibly have noticed by the "Globe," that I carried my threats of political action into effect almost as

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\*This letter is unsigned and undated, but the penmanship is that of Dallas. and it seems to have been written before the autumn of 1832.—W. K. B.

soon as I got home. A few days satisfied me that my friend, The Bank, was, either with or without its own consent and connivance, taking a somewhat too ostensible part in the political canvass. The institution, as an useful agent of government, is one thing:—its directors or managers, or partizans, are quite another thing:—both united are not worth the cause which depends on the re-election of Jackson. On the very day of my arrival, I passed by a large Town-meeting convened to denounce the Veto and uphold the bank:—and the sight of it roused me into an immediate effort to procure a counteracting assemblage on the same spot, that day week. Some very kind friends strove to throw cold water upon my ardor by hinting that my votes and speeches in the Senate were recent and well remembered:—that my position would be awkward, if I did not fall into the ranks of those who at least condemned the Veto etc. I took counsel of my own conscience and judgment:—and being perfectly self-convinced that I might be both a true and constant friend of the Institution, and at the same time an unflinching adherent to Democracy and the re-election of Jackson, I attended the meeting—made my speech—and felt instantly relieved from what seemed to me, before, might be thought an undecided or equivocal attitude. The truth is, as you know, that altho solicitous to save the corporation by a re-charter, I never conceived it to be of the immense and essential importance described by my Senatorial neighbor on the left and in the rear:—I was always for the sentiment which is now hoisted most high—Jackson, bank or no bank.

We have, I think, quite weathered the gale which at first threatened all sorts of mischief. Our opponents, by excessive indiscretion, vapouring, and slander, have helped us as is their usual practise. The Veto has perhaps driven from our ranks about as many as it has attracted to them. Certainly, it has produced very little dangerous effect. Had its marrow been compressed into one twentieth of its length;—had it forborne to go into those mooted fields of doctrine about which

every third or fourth man entertains different opinions—it would have been one of the most victorious and standard papers ever issued by the Executive. As it is, I do not believe that it has done more harm than is involved in shaking the rotten leaves from the hickory tree. In this City we shall lose strength:—there is a discontented body of Irish who seize the opportunity to resent the execution of Porter and pardon of Wilson, and who are led on by disappointed gentlemen of some talent, great industry, and considerable influence among their countrymen. But beyond the limits of the City, we are strong as heretofore, perhaps stronger. The State may not give quite as large a majority as it did in 1828:—but her majority will still be overwhelming.

You notice that we still hold on to Wilkins. The policy of doing so is obvious to every one. Mr. Van Buren has no foothold upon which reliance could be placed:—and had he, so much must be done in order regularly and effectually to undo the existing arrangements of the party in the State, that sufficient time is not left. The strongest consideration, however, is this:—Our electoral elections take place in November: our State or Governor's election in October. Now the result of the October struggle may powerfully if not vitally affect the struggle in November:—if the tide sets in one way, there may be no arresting it. We are all, therefore, bent upon carrying Wolf as triumphantly as possible. But to do this, we must destroy the power of the Anti-Masonry in our populous western counties; and we have nothing to oppose this monster half so efficacious as the personal popularity of Wilkins. His name is a tower of strength in that section. To drop it would endanger the whole campaign. I believe I judge this subject impartially and fairly. My friendly feelings towards Mr Van Buren cannot be questioned. No one dreams that Wilkins can be elected; but every body perceives that to shift the attitude of the state under present circumstances would be pernicious in the extreme to the main object, upon which everything depends.

How fares nullification? Calhoun, Hayne, and M'Duffie seem determined to play the game out. Forsyth, Drayton, and Cheves have acted the parts of true patriots, and if the South were to rally upon their principles and pursue their recommendations, the Tariff might gradually be offered as a voluntary sacrifice upon the altar of general goodwill and patriotism. Dreadfully as I fear Free Trade would operate throughout the eastern and middle states, and, indeed upon the vigor, independance, and happiness of the whole country, I cannot think it would be half as bad as the dissolution of the Union, or the shortest possible civil war. We are in this quarter, however, like Jack Falstaff—averse to giving or doing anything “*upon compulsion*.”—and really the perpetual sling of intimidation to which the South Carolina nullifiers have resorted and still resort, may well excuse our stickling upon the point of honour.

The course of Wilkins and myself, as to the report of the Committee of Conference, has met public and almost universal sanction. Some furious Clay men now and then attack Wilkins: but they obviously do it merely because of the altercation between himself and Clay, and because of his continuing a resolute Jacksonman.

**George M. Dallas to Brown.**

(Dec. 8, 1833.)

Dear Brown,

I have never had courage enough to express to you the sincerity with which both Mrs Dallas and I condoled with yourself and Mrs Brown upon the melancholy event that compelled you so suddenly to quit Washington for home last winter. None, out of your family circle, could have felt more sensibly the affliction by which you were visited. I trust, however, that time has had its healing effect, and that your excellent wife bore the calamity without inflicting upon her already delicate health a permanent depression.

The present session of Congress promises more of excite-

ment than of real interest. The great questions which threatened the peace of the country are at rest:—and none but mere agitators will be disposed to disturb them anew. The coming Presidential canvass may probably soon produce fresh phases of party, and strange combinations of men: but I do not think that we shall be convulsed as we have been on fundamental and universal principles or systems. If you perceive any thing which holds out a different prospect, let me know of it, and indulge my appetite for political disquisition by communicating your own views and calculations.

The topic on which I anticipate most congressional heat is that of the Bank. It may be well, indeed, to take it up as a sort of safety valve, through which all the wordy ammunition of the opposition may be expended, and all our own fever let off, without any danger to the country, the government, the constitution, or the laws. The Bank is a fine target:—in its present impudent position he must be a bad marksman that cannot hit it hard and sure:—and no blow can be too severe for the brazen political managers by whom it is directed. Pennsylvania is sadly changed on this subject, and I shall not be surprised to find her legislature passing resolutions to quicken the downfall of an institution which, a few months ago, she was so anxious to uphold.

I shall feel curious to know how my late friends of the Senate stand affected towards each other. Can you say what attitude he of Massachusetts occupies in reference to him of Kentucky? Is there no hope of such a division among the foe, as will give the administration a chance of getting along? Is Mr. Taney to be immolated as was Mr Van Buren:—that is, to be rejected by the Senate, in order to be shouldered by the people? Will the majority of your body use their power with forbearance, or are they disposed to drive matters to extremities:—to arrest the progress of government or to force it into measures which, however high handed they may seem, will be triumphantly borne out by the people against a factious Senate?

I wish you would kindly remember me to Col. Benton, Col. King, Mr. Mangum, and Mr. Rives.

Ever very truly, Dr. Sir,

G. M. Dallas

Honble Bedford Brown.

8 Dec. 1833

Senate.

**Bedford Brown to Martin Van Buren.\***

Caswell County, N. C. 24th Sept, 1834.

My dear Sir:

I was very happy, to receive your letter, of the 7th inst., an answer to which, has been delayed, until this time, in consequence of the absence, contemplated by you, on a tour in the western part of New York.

The result of our elections, for the State Legislature is, as you suppose, decidedly favorable, to the administration. I have no doubt, but the majority, for the administration will be, from twenty to thirty, on joint ballot, in our Legislature. The coalition presses here, as is their custom, in other States, *affect* a triumph, for the double purpose, of effect abroad, and to keep the spirits of their party up, in this State, in the hope, that they may be able, to produce a division, among the friends of the administration. To accomplish this end, every artifice, has already been, and will continue to be, put in requisition by them. Unfortunately, their ability, to do mischief, in this way, is increased, by having two opposition presses, at their command, in the City of Raleigh while our cause, is without any aid, of that kind, at that important point. So firmly fixed however, is public Sentiment, in this State, in favour of the President of the United States, that I am thoroughly convinced, that every effort, to shake it, will prove unavailing. Indeed, if any change, takes places, in public opinion, between this and the assembling of our Legislature, I am satisfied, it will be, favourable, to the administration. The entire failure of the Bank, and its faithful

\*Van Buren MSS, Library of Congress.

allies, to produce the mischief and the widespread ruin, throughout the country, which were so vociferously proclaimed, by the leaders of the opposition, from the Capitol, has become a standing topick, of derision and ridicule, even among the most illiterate classes, of our Citizens. Added to this, is the unusual state of prosperity which is at this time prevailing, throughout our country. I am quite sure, that the people in N. Carolina, are at this time, enjoying more *solid and substantial* prosperity, than at any period, since my recollection. This of course, will powerfully aid, the good cause.

As regards my re-election, to which you so kindly allude, I entertain great confidence of success, unless some of our party, should imprudently, bring forward, another administration candidate, and thus by dividing the party, accomplish the wishes of the opposition. I do not believe, this will be done, as I have not heard of a single individual, who is elected a Member of our Legislature, and who can be relied upon, as a friend of the administration, that has expressed any opposition, to my re-election. On the contrary, very many of the Jackson candidates (and indeed all of that party, who expressed their opinion, as to the election of Senator, so far I have been informed) declared themselves in the popular assemblies, in favour of my re-election. Believing that you feel an interest, in my success, is my apology, for troubling you, with the details, above given.

I cannot, My dear sir, conclude this letter, without recurring for a moment, to the scenes, of the last eventful session of Congress. It was indeed well calculated, to test the firmness and resolution of those, who were participants in them. To no friend, of the administration, is more due, the meed of public approbation, for fixed and unalterable purpose to sustain it, at its period of greatest difficulty, than yourself. When others, of our friends, seemed almost to despair, I often heard you express, your entire belief, of the triumphant results, which are rapidly developing themselves,

in the elections that are taking place, in the different States. This course cannot fail, (as I know it has already), to add greatly to the favour which you before enjoyed, among the republican party in this, and in other States.

The contest in your State, will no doubt, be a severe one, but I have great faith, in the democracy of New York, and cannot permit myself to doubt, that the result, will be, the complete overthrow, of the combined forces, and that your State, will again add another claim, to the gratitude of republicans. I remain your friend.

B. Brown.

**W. C. Rives to Brown.**

Castle Hill Nov 28 1834

My dear sir,

Permit me *first* and *foremost* to congratulate you as I do with all my heart, on your proud triumph, and that of the great Republican cause which has just been so gloriously achieved in your person by the fine and noble Democracy of your state. No person, I assure you, can have enjoyed this splendid triumph with more heartfelt pleasure than I do, as well from sentiments of personal friendship, as from devotion to the public cause with which you are identified.—after this *outpouring of the spirit* on an occasion so joyful to all true disciples of Republicanism, I beg leave to ask you kind remembrance of my friend, Mr. Hatch, who was your chaplain during the last session, and will be a candidate for the same appointment, again.—He was, for many years, our pastor here and I know him to be a most excellent and worthy man. He gave, I believe, entire satisfaction in the discharge of his duties, the last session, and I shall be very much gratified to learn that the favour of the Senate has been extended to him again.

Mrs. Rives desires me to offer you her congratulations,



and I remain, my dear sir, with sentiments of cordial esteem  
and respect yours

very truly

W C Rives

Honl B. Brown,  
Senator of U. S.

**Martin Van Buren to Brown.**

Utica (N. Y.) Sep 7 1836.

My dear Friend,—

Although the accounts are not so explicit as we would desire, I think I cannot deceive myself in believing, that the administration has succeeded in your election; and if so, the re-appointment of one who has been so able, so useful, and so disinterested a supporter of it must, I am sure, follow of course. Believe me, my dear Sir, that you would not but have been gratified to have witnessed the deep interest which has been taken here in the N. Carolina elections on your account. It is with great sincerity that I say to you that the more I have reflected on your course last winter the more I have found to admire in it. We were, at the moment, so immersed in trouble and anxiety that we could even not do our friends the justice they deserved. I was however happy to find on my return that the people had not been at all neglectful on this point. Yourself, Forsyth, Benton and Wright have, I assure you, laid up a store of popularity which can not fail to turn to account hereafter.

I am on my way to the western part of our State where I propose to spend some weeks. We are to have a severe contest this fall, but will certainly succeed. The artillery as well as small arms of the bank, and of the aristocracy of all the Union are to be turned upon us, but it will, I trust, be all in vain.

I shall be happy to find a letter from you on my return,

and wishing to be kindly remembered to your family, I am  
Dr Sir                      Very truly Your friend,

M. Van Buren

To Bedford Brown Esq.

**John K. Paulding to Brown.**

Washington 11th Nov. 1839

Dear Sir,

I have just finished reading your address to the Students of the University of North Carolina, which you were so kind as to send me, and for which I beg you to accept my best thanks.

It gratifies me to see our distinguished men occasionally turning aside from Politics, to give lessons of wisdom, virtue and patriotism to the youth of the country. It is a custom highly becoming in a free country like ours, for never can any man apply his faculties to higher purposes, than that of stimulating the rising generation to the ardent pursuit of learning, science, and love of their beauty. The higher the station, the more impressive the lesson, and when the force of example adds weight to the precepts, as in the present case, they cannot fail in having a salutary effect on all who hear them.

You will pardon me, for playing the critic, on one single page the only one I can select for the purpose. You give England the credit of having first crossed the Atlantic in Steam Boats. Such is not however the case. The first Steam Boat that ever crossed the Atlantic, was built in the United States and was navigated by citizens of the United States. I do not this moment recollect her name or that of her Commander but assure you the fact is beyond doubt.

I look forward with pleasure to a renewal of our acquaintance in the course of a few weeks, and am, Dear Sir

With great respect and regard

Your friend

J. K. Paulding.

Honble Bedford Brown.

J. R. Poinsett to Brown.

Washington

Augt. 28 1840

My dear Sir

Our friends in the North State must not stay beaten: but rally and fight the battle in the fall with renewed vigor and a fine determination to conquer. Victory under such circumstances will be the more honorable. Can we aid you from hence by furnishing your orators with facts and arguments? It is in the field and not from the closet that the battle must be fought and won. This appears to be the tactics of the opposition and they must be met in the same way. With great regard

I am Dear Sir

yours truly

J R Poinsett.

Levi Woodbury to Brown.

(Private.)

Washington, 11th Sept. 1840.

Dear Sir:

Yours of the 7th inst. has just been received. I am happy to state in reply, that the President named the case of your brother to all the Cabinet not long since—and I have no doubt the first suitable opportunity will be improved to oblige him and you

We do not despair here of North Carolina or any other Southern State because we believe your people to be intelligent and capable of self government—and we know, that being so they cannot hesitate to support Mr. Van Buren rather than Gen. Harrison. They cannot commit suicide, by voting for an abolitionist. They cannot abandon all their long tried principles of democracy by voting for a man in favor of the highest tariff, of a National Bank and the mildest schemes of Internal Improvement.

But in order to prevent such a calamity pains must be taken to enlighten them, when in error—to reclaim them when misled. Every man who can speak or write should take the field and disseminate correct information; or you may rest assured the vessel of State will be driven by the adverse gales of action and of Federation on the brakiers.

Is there nobody in Graham's district or Lewis Williams' to talk or distribute light?

Excuse my earnestness. For unless the South proves true to her old principles and true interests, what can they expect of the northern democracy fighting alone and single handed?

Truly

Levi Woodbury

P. S. I shall take the liberty to send you (a note) occasionally. The defection of N. Car. has already done infinite mischief. Had she elected Saunders the contest in November would have been more spirited.

**Buchanan to Brown.**

Washington, 30 July 1841.

My dear Sir,

I was most sincerely rejoiced at the receipt of your letter of the 13th Instant. Knowing your aversion to write, I consider a letter from you of eight pages as the highest evidence of your regard: and I can assure you I have no friend with whom I desire to stand higher than yourself. Your frank and manly character has secured my warmest regard. When Old Rip wakes up again to his true interest, you will again be called into public life.

You doubtless take the Globe and therefore I need not inform you of passing events. All the confidential friends of Tyler say that he will veto the Bank Bill: and of this I entertain no doubt, should it remain unchanged as I believe it will in every essential particular. What will be the character of his veto is the important question. If whilst vetoing

Clay's Bill, he endorses the Treasury project, he will sink almost beneath contempt. Clay and his friends may then take Tyler at his word and adopt Ewing's "richetty thing." In that event the stock will not be taken and he will stand disgraced before the world. I believe Tyler desires to set up for himself; and yet he suffers the work of proscription still to proceed. Ewing and Granger are filling all the offices under them, it is said, with Clay's friends. Should he come out boldly and give us an Old Hickory veto, I shall stand by it whilst there is a shot in the locker; but before I enlist, I desire to see him manifest his faith by his works.

King orders me to command you to rouse yourself, to exert all your talents and energies in North Carolina and put down the d—d Whigs. He wants to see you back here again. The beauties of a fine foot and ankle and a luxurious form no longer make the same impression upon him as formerly. He is sinking gracefully into the vale of years; but his will be a green old age. He often speaks of you with great kindness.

I write in the midst of engagements to express my gratification at having opened an epistolary intercourse with a friend whom I so much respect and esteem. When the session is over I shall give you longer letters than I receive: at present I know you will be satisfied with the assurance of my warmest friendship and respect.

James Buchanan.

Hon. Bedford Brown.

Van Buren to Brown.

Kindwhook Jany 14 1843

My dear Sir

I have received your kind letter in which you state that you have received one from Genl Romulus M. Saunders, requesting you to inform him whether you had in conversation said as was reported in the Register, that I had told you

“that I had long known him (Saunders) and that he thought no man in N. Carolina capable of filling an office but himself.” You add, that in a moment of excitement occasioned by the manner in which the Senatorial election was conducted, you had to your regret, permitted yourself to use my name, in conversation, in reference to Mr. Saunders—that the precise words employed by you are not recollected, but that the idea intended to be conveyed was that I had remarked that I considered Mr. Saunders as urging his claims to office too much, to the exclusion of others in N. Carolina and that he seemed to consider none others in N. Carolina as capable of filling office, or entitled to fill office but himself—that the communication occurred about the time when the appointment of Mr. Saunders as Commissioner under the French treaty expired and when his name was presented to Genl Jackson for the appointment of Comptroller or Minister to Spain.

Although you do not ask a reply, I can well conceive that it will be agreeable to hear from me on the subject.

After the lapse of so many years, you will not, I am sure, be surprised to learn that I have no recollection of the conversation to which you allude. But whilst this is so, I can not look upon myself to gainsay a statement made by one, in whose purity and love of truth I have such unqualified confidence, as I have in yours, and who was, for obvious reasons more likely to bear the subject in mind. That I ever seriously supposed, that Genl Saunders entertained the extravagant opinion, that in the great and patriotic state of N. Carolina there was no one capable of filling office but himself or designed to attribute such an opinion to him according to the literal import of the expression in the Register, is not at all probable. I remember the fact that Genl Saunders was a candidate for the office of Comptroller upon the expiration of that of Commissioner under the French treaty, but can not call to mind the circumstances under which that application was made or the particular feelings which I entertained

in respect to it, with sufficient certainty, to enable me to speak with safety in respect to them, as to my own knowledge. Your statement leaves me no room to doubt that I was at that time impressed with the opinion and expressed it to you that he was too desirous for office himself and too indifferent to the claims of the rest of his fellow citizens. Of the precise terms in which this opinion was expressed I can not speak (They) may have been stronger (than the) occasion called for, a (result) it is not always in the power (of those) who are in any way (concerned with) the administration of (party) to avoid; but I can safely say (say) that in forming it I was not influenced either by unfriendly feelings toward Mr. Saunders (or) an indisposition to promote (his) wishes in regard to office (or anything) that could be done with what was due to the (party's) service and without injustice (to him)

I am Dr Sir, very truly (your friend) and obedient servant

M. Van Buren.

Hon. Bedford Brown.

**Van Buren to Brown.**

Lindenwald

October 21st 1844

My dear Sir

Although (un)certain where to address my letter I cannot omit, at least attempting to thank you for your interesting and friendly letter. The sentiments it expresses are precisely those which a knowledge of your character taught me to expect from you. I do not believe that you were ever duly sensible of the estimation in which you have been held by me, since opportunities were afforded me to become thoroughly acquainted with you, and as no possible motive for misconstruction can any longer exist there is no reason why I should not speak my mind to you without reserve.

Long before the Panick Session I held you in high respect but the proceedings of that most extraordinary session and your noble bearing in it, which was not excelled in any of the great points of character by that of a single senator, seemed to satisfy me that I had before fallen far short of doing justice to your merits. From that period until I left Washington, I never failed to bring your name before our friends when they wanted candidates for Vice President etc. I was thus furnished with opportunities for witnessing how often modest merit has to give way to blustering pretension. With the exception of Col Benton and Mr Wright and Mr Blair I scarcely ever found any whose appreciation of your merit corresponded with my own. Excuse me for inflicting this much upon one so diffident and unpretending as I know you to be. I could not omit it with justice to myself.

I regret your leaving the old North State, for which I cherish feelings of respect and regard, founded upon ancient and honorable recollections, because I fear she can illy spare such men. I have however not the slightest doubt that the welfare of your family if not your own happiness, will be essentially promoted by it. In no state in the union will your merits be more justly appreciated than in that to which you go. If they continue their past well doing, by sustaining their great representative, they will deserve the thanks and (.....) respect of their political brethren throughout the Union. That they will do this I cannot permit myself to doubt.

(Unsigned).

Van Buren to Blair.

Lindenwald

August 16th 52

My dear Blair

Do me the favor to forward this to that best of men Bedford Brown. Where are you and what are you about that I do not hear from you. That promised visit from Mr(s)



Blair and yourself must not be lost sight of. Choose your own time but come if it should not be until late in the season. You have I hope congratulated the Col. on his election. I(t) has refreshed me much and was anticipated with confidence. Present me kindly to your household and believe me

ever your friend

M. Van Buren.

**Van Buren to Brown.**

Lindenwald

August 16th 52.

My dear Mr. Brown

You will see by the enclosed what use my son Smith has made of the speech you had the goodness to send him and for which I beg you to accept my thanks. Your steady and disinterested friendship since we parted adds one more to the many instances in which I have experienced that those I did the least for whilst at the head of the Government have proved the most reliable friends. In your case instead of using the term least, I should say nothing, although I can with truth say that there was not among my associates in public life a single man in whose patriotism capacity and honor I placed a higher confidence.

Where are you and what are you doing? I have heard of you in Missouri and now again in Virginia. You are I hope happy in all things as you certainly deserve to be. Be assured that you are not likely to overrate either the warmth or the respectful nature of my feelings towards you, feelings which I have embraced every proper opportunity to express. You ought to make me a visit. Nothing would afford me more real pleasure. Do try to do so. Present me very kindly to your Household and believe me

Your friend

M Van Buren

My friend Mr Blair through whom I forward this will always be happy to accompany you to Lindenwald.

Bedford Brown Esq.

Van Buren to Brown.

Lindenwald

Sep 17, 52.

My dear Mr. Brown,

I would have acknowledged the receipt of your kind letter long before this but have had my son Col. Van Buren for a long time dangerously sick at my house. He is now, thank God, convalescent and I hope out of danger, but will I greatly fear never entirely get over the deleterious effects of his Mexican campaign.

I need not (say) my dear Sir, with what satisfaction I read the favourable account your letter gives me of your condition in all essential particulars, and the gratification it affords me to find the good old principles for which we battled together so firmly rooted in your heart and mind. This does not surprise me in the least because I always knew you to be a root and branch man. Such men may be silenced for a season by the depravity of the times and the ascendancy of shiftless and unsound men but they never alter.

If we were to form a judgment from appearance we should be bound to conclude that not only our Great State but almost all the Northern and Western States will go for Pierce and King. I do not allow myself to doubt that such will be in the main the case. But the Whigs, and particularly those of the north and west are a terrible set of fellows. They cannot, apparently, get up the slightest enthusiasm, and yet are quite confident of carrying some two of the three great States. Too sharp sighted not to see that they can not have a hurrah election they resort to the solids, and are attempting every faction by the inducements they think most likely to catch it, money being always a principal ingredient in their dish. The abolitionists and anti renters are the two great separate interests to which their attention is directed. If they could by any possibility get the former to vote their ticket they would without doubt carry this state. The candidate of that party at the last Gov'r election has come out in favor of

Genl Scott under various and very (flimsy) pretences. But I have not the slightest apprehension that they will be able to do that. Their vote will undoubtedly be divided between Hale and candidate of the ultra abolitionists. The Liberty party divided our attention between these two and I think them safe, that is the masses of them, agt the direct use of money. One of the Whig judges has just decided that the Rensselaer title to the manor is good for nothing and that all the unimproved lands in the patent belong to the State. This has of course produced considerable sensation but what its precise effect on the election will be is a question not easy to solve. My belief is that the anti rent party will at their convention take the Whig State ticket and our electoral. If they do it will have a very great effect. The Whig party in New York is influenced by men who are to a great extent themselves, and their friends still more so, deeply interested in the nine million canal contracts which they still hope to realize, notwithstanding the established unconstitutionality of the cause and the equally well established rank corruption of the contracts themselves. Anxious as they are to win the Presidential election, they are still more so in regard to the State Ticket and if they must take the one or the other it will not be the last. So you see how difficult it is to tell with any degree of certainty what the result will be of an election into which such powerful and profligate interests will be introduced. Upon a fair poll between Democrats and Whigs the former would succeed by a tremendous majority and I think they will anyhow.

So far as anything I can do may be regarded as a compliment this letter may be so regarded, for with the exception of an occasional hint to our incorruptible and stirring friend Mr. Blair it is the first and will probably be the last private letter I will write during the canvass. It would make me nervous to (be) cited in the papers for anything I say and I rely upon your discretion upon that point. My health and spirits have not been half so good at any former period of

my life and all I want to make me happy is a visit from Blair and yourself.

Present me very kindly to your household and believe me truly yours

M. Van Buren.

Bedford Brown Esq

**Thomas H. Benton to Brown.**

July, 6, 1853.

Dear Sir,

I want to write the chapter of the beginning of the slave agitation, as talked of between us when I last saw you. I wish you to call and see me the first time you come to Washington that I may have the benefit of your recollections.

Yours truly,

Thomas H. Benton.

**F. P. Blair to Brown.**

(Private.)

Silver Spring 30 Oct 55.

Hon Bedford Brown.

Dr Sir

you and I have so long agreed in our views of the public good that I think we will probably be together again in our efforts for it in the coming crisis. I believe that the feud growing out of the repeal of the Missouri Compromise is pregnant with much danger and that moderation and firmness in the next chief Magistrate—somewhat akin to that which distinguished our old Hero—can alone bring the union safely through the trial. Compromise between the extremes North and South is essential to the preservation of peace.

In my late tour through the northern States I frequently heard the name of Col Fremont mentioned by sagacious and devoted friends of the Union as one that might be popular

with the people for the presidency from the instances of his principles which in his youth recommended him to the patronage of Poinsett, then the leader of the Union party in his native state—from his disinterested services to his country as a pioneer and explorer doing much for science and the material interests of the public at his private expense—from his incurring the most dangerous personal responsibility under the secret orders of the Govt before he was to wrest California from the meditated attempt of the British to seize it which his prompt and bold conquest with a handful of men was just in time to anticipate—and from his subsequent military success in completing the annexation which was accomplished by the surrender of the embodied force of the enemy to his Battalion. The persecution he afterwards endured from the enmity of Polk's administration to Col Benton, ending with his dismissal from the army is likely to give his claims a better requital; and the more readily as he bore his wrongs with such patience and renewed his efforts for his country in another capacity with such modest unpretending willingness. The fact that he is not identified with any of the isms of the day—that he has not any tail or clique of partizan followers to provide for,—that he has never by any violent partizan course, offended either of the great parties which made the old divisions is another strong circumstance to recommend him to the present jumble of parties.

Now if you are uncommitted I think with one and other well wishers of the Union that it is worth the experiment to see how Fremont's cause would take with the public. I wish you would write him a letter to ascertain his views in relation to politics generally and the present questions of difficulty especially. If they comported with yours and after consultation with other leading men of your state you should deem them worthy of consideration you might submit them to the public without committal on your part. If in the end it should be found that he was taken up with any

prospect of success and you should lend him your countenance it would avail him much in the South where you are known as one of the truest and ablest of the old Democratic union party. Govr Floyd of your state\* thinks well of Fremont as a candidate and some leading men of South Carolina propose him. If you write do it at once and address him here where he will be in a few days. I understand he is now in New York where he is making preparations to bring out the Journal of his Explorations and pioneer adventures

Yr friend ever truly

F. P. Blair

P. S. I do not wish you to let Fremont or indeed any one know that I have written you this letter.

**Bedford Brown to James Buchanan.†**

Baltimore, Md.

September 21, 1856

My Dear Sir,

I left home a few days since on a visit of business, in the Northern part of Virginia and having progressed that far, I determined to extend my visit to Wheatland that I might pay my respects to you in person and have the pleasure of taking you by the hand. Perceiving, however, by the papers that you were absent several days since, the uncertainty of finding you at home induces me to relinquish my anticipated enjoyment. Believe me, My Dear Sir, when I say, with unaffected sincerity, as time passes onward, I value with added regard, the noble band of patriots and friends with whom it was a pride and pleasure to have been associated with in the National Councils, in days gone by. No one was more gratified at your safe return to America, than myself, and no friend is more pleased at your having been placed in the posi-

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\*Not of N. C., but of Virginia.—W. K. B.

†The original of this letter is in the possession of the Pennsylvania Historical Society. For a copy I am indebted to Dr. John W. Jordan, Librarian of the Society.—W. K. B.

tion which you now occupy, in relation to the people of this republic.

A few words now, explanatory of my own course with respect to the presidential nomination. I returned to N. Carolina last Autumn after an absence of many years and purchased my ancestral possessions which I had sold on leaving the State. After, all political relations had ceased for so long a period between the people of the State and myself, of course both delicacy and propriety dictated, that I should make no effort, to direct public sentiment, as to the nomination. Before, the last annual Message of Genl Pierce and that subsequently written on Kansas affairs, you, I believe, would have been decidedly the choice of the democratic party of N. Carolina. This, however, together, with the influence from Washington occasioned a change in favor of the former. In this state of things, my name was suggested as one of the Delegates to be chosen by the General Democratic convention of the State, to attend Cincinnati.

I consented to be placed in nomination and to represent the will of the convention, at Cincinnati—which I knew, would be expressed for Genl. Pierce—with however the explicit declaration if he was not nominated at Cincinnati that my vote should then be given to yourself. I did not believe at any time, that he could be nominated and entertained the opinion that the ultimate contest would be between yourself and Mr Douglass. That you were, at least the second choice then of N. Carolina, I scarcely have a doubt. That preference was however rendered unavailing, and my vote in the meeting of the delegation, preparatory, to casting its vote in convention, nullified, by their decision to give the entire vote of the State, to Mr. Douglass. Not only that vote, was, as I believe, contrary to the wishes of the majority of the party in N. Carolina, but the vote of our delegation to give a largely ascendant vote to *the Softs* of New York—contrary to my concurrence—was clearly violative of the wishes, of the party of the State. When it was manifest that the ulti-

mate contest, would be between yourself and Mr. Douglass, I did not fail to use every honorable effort, to aid your cause among my numerous friends and acquaintances from other states, however unavailing among the fixed majority in my own delegation. I was extremely mortified by the active administration exertions at Washington, not only to aid the nomination of Genl. Pierce but in the event of his failure to dictate the next choice to the party. Never was there, a more noble and honorable triumph of the popular will achieved, than was by your nomination against these combined influences.

Pardon this explanation which I consider due to a long standing friendship and also to truth. The country is now passing through the most portentous crisis which it has encountered since the revolution. I trust, in God, that the cause now so inseparably connected with its destiny, will triumph as I sincerely believe it will. My own County will vote the Democratic Ticket by eleven hundred majority. The State, I think, by some fifteen or twenty thousand majority. The entire South including Tennessee and Kentucky, will I scarcely have a doubt vote the same way. The battleground most anxiously looked to now is Pennsylvania and the State of Indiana. The first, I will not allow myself to doubt, the last, Govr Bright with whom I conversed on yesterday and who is just from there, gives me very encouraging accounts from. These two states with the vote of the entire South would carry the cause. There are four or five other Northern and Northwestern States that present good prospects.

I was told, on yesterday, by a very influential old line whig of Maryland, who lives in the Prince George District, that a Democratic majority of 1600 is anticipated in the Counties composing it. Heretofore, he informs me, it has given about 1400 *whig* majority.

I have never known such intense excitement as there is in N. Carolina, always before so moderate, as prevails with



respect to the possible chances for Fremont's election. Many are prepared for separation in that event. Those are not, however, my views believing that acquiescence in an election constitutionally made, is both Democratic and proper, unless followed by practical legislative aggression and then the case is plain, however much to be deprecated.

Supposing you to be literally overwhelmed with the letters of numerous correspondents, I request you not to trouble yourself to answer this, however pleasing it would be under different circumstances to receive a letter from you. If you have any paper or Document at any time, that would be of interest, I should be gratified to receive it. My Post Office is Locust Hill, Caswell County, N. C.

With my best wishes for your health and happiness,

I remain, My Dear Sir,

truly your friend

Bedford Brown

Hon. James Buchanan.

**Buchanan to Brown.**

Wheatland, near Lancaster, Penna.

30 Sep: 56.

My dear sir

I sincerely regret that I have only time to acknowledge the receipt of your kind and interesting letter of the 21st Instant and to say that I cordially reciprocate all the friendly sentiments which you have expressed towards myself. I recollect, with peculiar pleasure, our intercourse in "the auld lang syne" and have watched your wanderings from your native soil with all the interest of warm personal and political friendship. I am convinced that your own happiness will be promoted by your return to the "Old North State" in which I shall always feel much interest.

The shrewdest and most experienced Democratic politi-

cians in this state firmly believe they will carry it in October against all the "isms" now thoroughly fused and combined; but in November they entertain no doubt.

from your friend

very respectfully

James Buchanan.

Hon: Bedford Brown.

## THE FOUNDERS OF RICH SQUARE MEETING.\*

BY JULIANA PEELE.

In the latter part of the seventeenth century there was a large body of Friends in Southeastern Virginia. These came mostly from the colonies of Pennsylvania and Jersey, with some additions from the Mother Country.

The Friends in Northeastern North Carolina were at the first mainly a continuation of the Virginia Quakers. Their natural increase drove them southward to seek new homes. It may be well to note, however, that about the first seeds of Quakerism in North Carolina were sown by William Edmundson and George Fox, who came on a religious visit to the Albemarle district in the year 1672. These Friends were the first missionaries who travelled within what is now North Carolina. Edmundson was the first to come, and he found but one Quaker in all the province—Henry Phillips, who had come hither in 1668. To this man's house Edmundson immediately went; and there he held the first meetings for worship ever held in the State. Thus we see that the peaceful Quaker was the first to proclaim the gospel of love within our borders.

Edmundson seems to have found the inhabitants in an unsettled condition, with no sort of religious confirmation. "They came," said he, "and sat down in the meetings smoking their pipes, and the Lord's power broke forth among us and many were convinced." The growth of Quakerism in what is now Pasquotank and Perquimans counties was also rapid, for the records show that from 1681 to 1685 they were frequently setting up monthly and quarterly meetings, and a yearly meeting was held among them in 1698.

The pioneer members of Rich Square Meeting were but an extended and extending wing of the Virginia Quakers,

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\*This article was first published in the *Roanoke Chowan Times*. It is here reprinted with a few changes and notes furnished by Mr. W. A. Bryan as the introduction to a more comprehensive study of the records of the Friends in Northampton county.—W. K. B.

together with some additions from the more eastern meetings of North Carolina. All along in and between the dates of 1730 and 1760, and even later, we find records of deeds to lands bought by some of these in Bertie, Hertford, and Northampton counties (though Northampton was not formed till 1741). Two meetings for worship were regularly held in private houses prior to the building of old Rich Square Meeting House—one in Hertford, the other in Northampton.

However, in 1760 their numbers had so increased that they builded a house for worship, and requested a monthly meeting. This was granted by Eastern Quarterly Meeting of Friends; and the first monthly meeting was held in the new house the seventh of June, 1760. I believe the records of this monthly meeting from its establishment nearly one hundred and forty years ago to the present time have been preserved intact.\*

Upon the roll of members registered soon after the meeting was settled we find the following names: Page, Hall, Copeland, Gray, Peele, Jacobs, Parker, White, Ross, Pitman, Knox, Hollowell, Brown, Griffin, Elliott, Baughm, Outland and others.†

Space permits that only a few of the prominent characters be treated. John Copeland came from Perquimans county and settled near what is now the village Ahoskie. A weekly

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\*I heard of these records just before the past Christmas holidays and made a special trip to the home of the writer and looked over the records of this meeting, which date back to 1760. They are in good condition and contain much material which is of historical interest. Many of them relate to marriages among the Friends, and to those who have never had the pleasure of seeing a Quaker marriage they would be highly interesting. This society keeps a complete record of all the marriages among its members, especial care being taken that none marry outside the fold. I think members have been expelled for disobeying in this respect, but the rules are not so stringent now as in the early days. Possibly the part of these records which is of greatest historical interest is that which relates to the Quaker in his relation to slavery. The slaves were early freed and to these people is due in a great degree the early sentiments against the evil of slavery. The writer takes this question up in another part of this article.—W. A. B.

†Many of the Friends now living in the vicinity of Rich Square bear these names, showing that they have lived true to the faith of their fathers.—W. A. B.

meeting for worship was held at his house before Rich Square meeting house was built. Thomas Knox came from Isle-of-Wight county, Virginia, and settled near where Thomas C. Peele now resides.\* Knox was one of the first overseers of the meeting, a man much used upon important committees, and the one left to complete the meeting-house, and have it properly registered. This he did and reported it to the meeting second month, seventh day, 1761. Robert Peele, Sr., came from Nansemond county, Virginia, about 1742 and settled most probably near the village Woodland. When his son Robert took the home, a weekly meeting for worship was also held at his house.

Moses Hall, Sr., was also much used in the early days of this meeting. Whence he came, the writer has no certain knowledge, but it is believed upon good authority that he settled not far from the home of the late Joseph Hall,† and that he owned a large body of land thereabout.

Richard Jordan stands out in bold relief among the early Friends of Rich Square. Though he came here from Isle-of-Wight county, Virginia, eight years after the meeting-house was built and may not strictly be considered a founder, yet his deep earnest christian life was a strong source of ingathering during the last quarter of the eighteenth century. He was a minister of the gospel with a large gift. We find this entry in his journal, written in old age: "I have now visited many of the smaller meetings, and all the yearly meetings for discipline in the world, some of them several times; and have everywhere been treated with courteous consideration." Were the historian to search the early records of Rich Square Monthly Meeting he would soon notice that the name of John Peele is the one which appears most frequently upon its pages. He came from Nansemond county, Virginia, and settled probably about a mile from the old Peele home-

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\*This is the home of the writer, and is slightly over two miles west from Rich Square.—W. A. B.

†Adjoining the land of T. C. Peele, referred to above.—W. A. B.

stead recently owned by William T. Peele. He, too, like many others of the early settlers, was a large landholder. Tradition says his plantation extended all the way from his residence to the Roanoke River. He married a certain Mary Nasworthy, only daughter of a wealthy Virginia planter, and from them descended the Peeles of Northampton county. He was a man of a fair education, for one of his time, wrote a good hand, and endeavored to educate his children. One of his sons became a medical doctor—John Peele, father of the late Isaac Peele and grandfather of the Peele family of Jackson, N. C. He, as well as other Friends, owned a large number of slaves.

Rich Square Monthly Meeting was settled just about the time when a few of North Carolina Friends were beginning to feel that slavery was an evil from which the Lord was requiring the Quakers to cleanse their hands. From 1758 to about 1800 various concerns of the body and plans for the amelioration or emancipation of their slaves are to be found on record.

The course at last pursued by North Carolina Friends was for the owners of the slaves to transfer them to trustees appointed by the meeting, whose duty it was to look after these wards, hire them out to suitable parties, receive their wages, and use the same for their benefit, and to provide means to transport them either to a free state or to Liberia whenever way opened for it. Among our old family papers the writer has found a list of the names and dates of birth of sixty negroes, born to her great-grandfather, John Peele, and transferred to two of his sons, Edmund and Thomas, and by them, in 1809, to the trustees of the meeting. Another list names fourteen negroes belonging to the same Edmund Peele, that appear to have come to him by his wife, also transferred upon the same date to the trustees of the Meeting. Another list gives names and dates of birth of twenty Quaker negroes, sent through the trustees to Indiana; another of twenty-eight who were sent to Liberia in 1827, and still

another of fifty-eight who doubtless were also sent to Liberia. Doubtless, similar papers could be found in other Friends' families. In this connection, it may be well to state that the aged and infirm negroes generally remained with their former master.

The Friends possessed true Southern hospitality, enjoyed social gatherings and big weddings. After one of great-grandfather John Peele's daughters was married, in Rich Square Meeting House, he got upon a stump in the grove, and invited the entire meeting to go home with him and dine. Tradition gives several other similar instances.

An old time Quaker marriage would be a novel thing today. When two members intended marriage with each other, they both appeared in a monthly meeting, the man went into the women's meeting, took the woman by the hand, and led her into the men's meeting. There they declared their intention of marriage with each other, then they went back into the women's meeting, and again declared the same intention. After this was done the meeting usually appointed a committee to ascertain whether they were clear of other marriage engagements, and to obtain the consent of the parents or guardians of such as were minors. At the next monthly meeting the parties re-appeared, and in the same manner, expressed their continued intentions, and asked liberty to marry. If the committee entrusted with the case reported favorably, and the meeting was satisfied, they were left at liberty to marry. Wedding presents were often given, but by the nearest connections only.

That the founders of Rich Square Meeting were alive in their faith, is evident not only by their patient endurance of losses and reproaches, both during the War of the Revolution and in the work of freeing their slaves, but they were growing in numbers, for in 1768 they settled a new meeting in Edgecombe county, and in 1794 a monthly meeting was established in the upper part of this county, at a place called

Jack Swamp; while the membership in these parts was scattered or spread over five counties.

By consulting the records one notices a pretty general decline of the Quakers about the close of the 18th and the beginning of the 19th centuries. The historian would naturally ask, "What caused this decline?" If he searches for the answer to this question he will find that though there were many minor reasons the one far more effective than any or all others was slavery.

After the invention and introduction of the cotton gin, cotton became a staple crop in North Carolina, and the State at once determined to keep the negro. The Quaker felt that she could not keep him and so thousands of them emigrated to the new lands of the free middle West. In some instances whole meetings went at one time. Jack Swamp was almost an example of this. In the year 1810 the writer's mother with her parents went with about forty others from this immediate neighborhood to Mount Pleasant, Ohio.



**THREE LETTERS RELATING TO CONDITIONS IN  
EASTERN CAROLINA IN 1864.**

The originals of the following letters are in the possession of the Trinity College Historical Society. They illustrate conditions in Eastern North Carolina during the last year of the Civil War. General J. R. Stubbs, to whom they were addressed, was a member of the State Senate and Chairman of the Military Committee, and was then living in Raleigh. Because the local history of Halifax and Martin counties is unwritten, some desirable notes and references are omitted; but just as they are, the letters may be of service to him who shall in the future write that history, and if reading them may lead some one to investigate the life in that section during the period of the war, their publication will be more than justified.

WILLIAM K. BOYD.

**Major Gilliam to Stubbs.**

At Home Sunday night.\*

My dear Stubbs:

Our people are somewhat exercised over a yankee raid from below and I write to give you what news I have. Our last is by Dick who left Shep's before day this morning. On Friday and yesterday Capt. Pitt fought them from Gardiners Bridge to Foster's Mill. Yesterday evening they pressed him back from the latter place and they camped at Skewanky. A few officers went to Williamston after night. All of our soldiers except Pitt's Company and one piece and its men of the alla. Battery had been sent to Weldon. Last night four companies of infantry reached Spring Green to help Pitt. The force of the enemy is variously estimated. Pitt says there are 1200. Mathusbee saw their camp fires last night and he thinks there is a brigade. They have but six

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\*Probably written from Halifax in December, 1864.

pieces of artillery. Our pickets this morning were at Newt Allsbrooks. Nothing more is known. Their gunboats had not reached Williamston. It is said one was blown up by a torpedo. I do not think they will come above Williamston. Whitford, at Tranter's creek will be in their rear if they do—and unless Pitt understates them his force is equal to theirs. Of course they know his position and strength. If they were strong and intended coming farther they would not have consumed two days from Gardens Bridge to Williamston. We have quite a body of troops at Weldon and they are no longer needed there and I presume others reached Pitt this morning. Your folks were well on yesterday. Mathusbee sent Adeline and Winney and their children down into Shep's negro quarters and has hid your horse and provided as well as he could for your hogs. Your Perry place is probably safe, unless the negroes choose to run off. I shall go down in the morning with all who will join in. Should have done so today but heard the yankees had gone back from Fosters Mill. His mill was burnt—no other burning up to this morning—though I fear Jo Biggs has one cotton gin less. I will add to this what I may hear later in the morning. I shall see the mail man from Hamilton. I am of the opinion that they will not go as far as your family. Shep, with Church, Mathusbee, Sylvester Hapell Ben Jewett are now in camp, in the swamp. Major Magill has vanished.

#### Monday Morning

Our last news was from Hamilton at 1 O. C. yesterday. The Yankees were still at Skewanky. Fagan says from their camp fires which he counted there are not more than 600 in all of which 80 are cavalry and not more than 2 pieces of artillery. We have reinforcements of infantry and artillery—some regulars besides those first reported.

I think they have by this time gone back—they have not put a picket this side of town. In my opinion you need not

give yourself much concern—there are not enough of them to scatter through the country and so your Perry place will in all probability be treated with its past neglect. I trust so. I will write again by next mail if no earlier opportunity offers. It is as cold as hell. My wood is low and I am certainly better off than you. I have eggnog morning and night—a barrel of good brandy helps as a convenience in house keeping amazingly. Give my love to our friends. You know them. I will come up in a few days. There are several sales to come off soon when (pork?) is to be sold which I must attend to buy for my sister. Nothing else keeps me here.

Most truly,

Gilliam.

Major Gilliam to General Stubbs.

Halifax 15 Dec 64

Dear Stubbs—

I tried to write you on yesterday but the mail left me. I came from Hamilton on Tuesday—about a thousand yankees went up crossed Curoh's creek below Butler's Bridge at an old mill, flanked our little force at the bridge and ran them off—remained six or eight hours at Jack Shmads and went back. The fort had but 14 effective men, but was not attacked. They did no damage there nor in the cont. They came and went the Spring Green road and I am sure did not interfere with you. They damaged Hassel I understand—stole his wife's clothes and his money. I could have gone down to your place but Butler's bridge was burned by them when they left. I think they robbed Job Ewell for prisoners taken by us were drunk, they said on his brandy. Jim Hinton was picked up on a scout. Zillowhy in command now—a good exchange for us. I'll write again by next mail.

I'll be with you next Wednesday and bring some rip. Sorry to hear you are sick. Love to Daniel Carrie and all.

Truly

Gilliam.

F. W. Moore to Stubbs.

Tarboro Dec 20 64

Genl J R Stubbs

Dear Sir

Yours of the 17th is to hand and thought I would write you a line or so if in time. I have written H. D. R. today to send Weathersbee word to send for you. The Yankees are in Winston and are on the road in force so I think it doubtful about H. D. R. Sending word or Mr. Weathersbee sending. 8 Gun Boats and 1500 land troops are at Williamston and advancing. Genl Seventhrope will start them back in short as he is after them. I must communicate bad news to you though I regret to do so. The enemy took every thing you had at the Perry place negroes Horses Mules Hogs and burnt all the Houses barns etc as I understand from G. M. Burros. Genl I live about Two Miles from Town When you reach Tarboro come and stay with me until your conveyance comes after you.

I am very Resply yours

F. W. Moore

P S I want you to be certain to come.

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the conception of State sovereignty, and in North Carolina it gave rise to many notable incidents.

Instruction by the legislature was to a great extent an attempt of the States to control national legislation. For in controlling the senators they controlled, or at least influenced, national legislation. The members of the lower house were distributed according to population, and therefore one section might dominate this house. In the senate one State was equal to another, and if the legislatures of the various States could control the actions of their senators, the sovereignty and interest of each State would be protected. Again, the senators were elected for a term of six years, a long time for one man to hold so important an office when the States were watching to see whether the general tendencies would lead to centralization or to States rights. Consequently there was very early a claim by the States to control their senators. Thus, instructions of the first legislature of North Carolina declared "that the right to elect implies the right to instruct," and practically every State in the Union exercised the power of instructing until near the middle of the last century. This instruction was uniformly used by the legislature in which, unfortunately, the will of the whole people was not always expressed, due to the unequal distribution of representation and restrictions of suffrage.

Instruction was usually followed by the resignation of the senators when the will of the legislature and of the senator conflicted, indeed, it was often demanded. This does not imply lack of confidence in the senator's integrity, simply a divergence of policy, for the senator as well as the legislature looked upon resignation as a duty and a privilege, because under the constitution as under the confederation, the senator must represent the will of the State, not personal conviction. Instruction and res-



ignation were therefore in keeping with the nature of the federal government. This custom also seemed to receive strength from English precedent, for Burke denounced the doctrine in the following words when he represented India in the British Parliament: "Authoritative instruction, a mandate issued which a member is bound blindly and implicitly to obey, to vote, and to argue for, though contrary to the clearest conviction of his judgment and consciousness; these are things entirely unknown to the laws of the land, and arise from a fundamental mistake of the whole order and tenor of our constitution."

There are, however, a few instances in which the senator refused to follow the resolution or resign, but public opinion was always against him. The confidence of his people was lost and he was branded as a traitor. Rarely did such a one ever regain the confidence of the people that he previously held.

This right of instructing was unquestioned in North Carolina in the first quarter of the last century. All accepted it as a prerogative of the legislature, and when resolutions of instruction were debated in our early history, it was the expediency, not the right, that was questioned. The journals of the legislature show that a committee was appointed at each meeting of the Assembly to draft resolutions to our senators and representatives in Congress regarding its ideas on national policies. These resolutions sometimes contained more than a dozen different items of instruction which the Assembly generally passed without much deliberation.

It is not my purpose to discuss all of these instructions, only to notice those which illustrate the constitutional theory of the legislature and its effect upon the senators, and also the growth of the opposition to this theory that became so strong in the Jacksonian era.

Three cases may be selected which show the sweeping nature of instruction and the different stages in the development of the opposition. In the case of Senator Stone in 1812 it seemed that expediency defeated the resolution; in the caucus resolutions of 1823 their private character defeated them; and in the Mangum resolution of 1835 the whole idea of instructing public officials, whether in public or in private matters, was boldly attacked.

The most famous case of senatorial instructions in our early history was that of David Stone during the War of 1812. Practically every senator before him had been instructed while in office, but in most cases the instructions were in harmony with the ideas of the senator and consequently there was no serious conflict. In the case of David Stone, however, the assembly and the senator had different ideas concerning the prosecution of the War with England, therefore the assembly proceeded to exercise its authority, and the following condemnation of his policy was introduced into the House of Commons, but was indefinitely postponed for reasons of expediency:

“In all free and well organized governments, more especially those of a republican form where all political power is wisely vested in the people, it is the inherent right of the constituents to call in question, to consider, and finally, if necessary, to reprehend the moral and public conduct of their representative . . . Whereas, David Stone, a senator of this State in Congress of the United States, did for reasons best known to himself and in opposition to the true and obvious interest and policies of the United States, and contrary to the wishes and expectations of the good people of this State, vote against the law imposing a direct tax upon the people of the United States in order to support the war . . .

We are lost in astonishment, we cannot conjecture what was the matter, by what consideration, by what scheme of moral and political turpitude he could have thus acted and so misplaced the confidence reposed in his hands. Resolved, therefore, that the vote given by Mr. Stone in the Senate of the United States, viz.: on the law levying a direct tax, on the act imposing a general embargo, and on the appointment of Mr. Galatin ambassador to Russia, we consider in principle down right submission to the enemy. Resolved, that the confidence of this legislature be withdrawn from said David Stone and that all communications of a public nature from the General Assembly to him be interdicted."

These resolutions, although indefinitely postponed, show the strict supervision of the legislature over a senator, and the severity of condemnation of that official's policy if it did not coincide with the wishes of the legislature. As a result of these resolutions, Mr. Stone in the year following tendered his resignation to the General Assembly. Thus we see almost at the beginning of our national history that the State legislature was opposed to the chief characteristics of the United States Senate; namely, its stability, its freedom from party rancour and faction. Evidently in the eyes of the legislature the senator was a mere agent, holding his office according to the constitution for six years, only when his wishes were in harmony with those of the General Assembly. When the Assembly changed its views a corresponding change of policy might be demanded of the United States Senator. Thus the Senate, which was intended by the framers of the constitution to be the conservative and most stable part of our government, might become subject to the fickleness of State politics.

The next resolutions which were debated very much in the Assembly were those of 1823 condemning the cau-

cuses of the members of Congress in which candidates were nominated for the presidency. This debate is famous, as it marks the change towards the principles which later were embodied in the Whig party. The Democratic party had been in power from the beginning of the new century, and the power of instructing had rarely ever been debated. This debate, however, shows the beginning of a somewhat organized opposition to this doctrine. The majority of those who opposed the resolutions of instruction as an abstract right of the legislature became Whigs and those that favored them became Jacksonian Democrats. The resolutions were also opposed because they instructed a senator in his private conduct, which even Bedford Brown and Robert Strange, Democratic leaders, opposed. The resolutions were as follows:

“Resolved, That the senators in Congress from this State and our representatives be requested as a means for preserving the rights of the people in the choice of the president to withhold their continuance from the practice of meeting in caucus by the members of Congress and that they use their exertion to prevent a nomination from being made in caucuses of persons to fill the offices of president and vice-president of the United States.”

Among those who opposed the theory and came out boldly against this right which had been exercised from the beginning of the government, was Mr. Blackledge. He asks the question: “Are we not stepping beyond our constitutional limits in instructing or advising our representatives in Congress?” He says further: “I conceive that there could be no right or expediency in tendering advice or instruction, where there is no responsibility between the party instructing and the party instructed. The members of the House of Representatives

are elected by the people, are responsible to the people only, and so far as we compose a small unit in the vast sum of the people, so far and no farther can we expect our advice or instruction to have weight with our members of Congress. They owe to us no allegiance as members of the legislature, nor in any other capacity but as individuals of the community; as a legislature we have no influence in their election. The same holds true with our senators who are eligible for re-election. There is no more propriety in instructing our senators than our electors." He said also if the legislature can instruct in one thing it can instruct in all things, and then Congress would be nothing more than a body of men that recorded the edicts of the State legislatures. Mr. Brown said in opposition to the question: "We are called upon to instruct our members of Congress, how they should act, not in their public character as representatives, but prescribing rules of conduct which are to govern them in their private capacity as individuals." Others opposing the resolution were Messrs. Roane, Taylor and Strange.

On the other side Messrs. Fisher, Iredell, Stanly and others upheld this right of the legislature. They considered the legislature as the "grand inquest of the people of the State, as the guardian of their rights, as the watchman placed by them upon the walls to give the 'alarm of approaching danger.' It is our right, our duty fully to investigate and fearlessly to challenge the movements of any man or any set of men, which in our opinion threaten our liberties or impair our rights." Precedents of all the States are quoted to strengthen their argument, and the case of censuring Senator Stone is cited.

The resolution was lost 82 to 45. This did not mean, however, that the majority of the people were against

the absolute right of legislative instruction, for the great majority still held this privilege as non-debatable. The private character of the caucus and expediency alone defeated the bill. If this right had been taken away from the legislature at this time practically the whole State would have considered its power in Congress as null. In the meantime, however, political conditions in North Carolina were coming to a crisis. The western counties were demanding a reform in the system of representation and other fundamental changes in the constitution which were opposed by the people of the East. There was a similar cleavage over internal improvements. Here, as elsewhere, a great wave of democracy was rising, which submerged the country in the Jacksonian Era. This change affected political conditions; the people became restless and discontented with the legislature; it was only a step from the sectional to the more national ideal, that sovereignty rests in the people, not the States. Indeed the States are only the agencies through which the people act. Consequently, legislative supervision of senators is unconstitutional and unwarranted. Such seems to have been the attitude of the Whig party in North Carolina. We have seen that in 1823 opposition to instruction was made by men who later became Whigs; and this right of instruction became a prominent issue when political affairs produced a reaction against the Democratic party and gave control of the State to the Whigs. The culmination of this process was in 1835, when the Constitutional Convention was convened, largely through the leadership of the Whigs or western men. But the year previous the right of instruction was an issue in the assembly when the resolutions to instruct Senator Mangum were introduced.

Indeed, the resolutions of the Assembly in the year 1834, instructing Willie P. Mangum, brought forth one

of the most interesting debates in the history of our legislature. The situation was this: Jackson had been somewhat humiliated by the Senate of the United States adopting resolutions condemning his financial policy. The Democrats were in a small majority in the State, so they determined to instruct Willie P. Mangum, the Whig senator, to vote for expunging the resolutions of the senate and thereby remove this humiliation from Jackson. It was seen from the first that there would be a severe contest between the two parties, for the Whigs opposed this right of instruction from a constitutional standpoint. The resolutions as introduced by Mr. Potts, of Edgecombe county, were: "Resolved, that the legislature of a State acting as the representative of the people of the State have a right to instruct their senators in Congress, and a just vindication of the character of our political institutions requires that such instructions should be given whenever a senator misrepresents the will of the State upon great questions of national policy or in time of public emergency, also that Willie P. Mangum, one of the senators from this State in Congress of the United States, be instructed to vote for expunging from the records of the senate of the United States the resolution declaring that the President, in his late executive proceedings in relation to the public revenues, had assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both."

As this debate was waged chiefly upon constitutional principles, we will give the chief points set forth by the two parties in support of their contentions. The chief speakers against the resolutions were Messrs. Flemming, Graham, Outlaw, Branch, and Norcum; those in favor were Messrs. Potts, Green, Edwards and others. A very good summary of the argument against the resolutions

is seen in the speech of Mr. Norcum, of Edenton. He said that the senate is a creature of the federal constitution, which was not adopted until eleven years after our State constitution. Our constitution does not recognize such an office. Therefore the power to elect which we have is conferred upon us by the federal constitution. We are the mere instruments to elect, but the senators represent the people as truly as the State legislature represents them. For us to instruct, is one agent instructing another agent; both are agents of the people. He further says it resolves itself into this: "Is this legislature the supreme or sovereign power of the State? If this is so, we can instruct or command, if not, we have no such authority." He continues that the senator is a representative of the sovereign power, but the legislature is not really sovereign, for the governor in many States can veto an act of the legislature and after forty days it is dissolved and a new one is elected. Moreover, courts can repeal its edicts. In his speech he also challenges that phrase of the first legislature regarding instruction, saying the right to elect does not imply the right to instruct. For instance, the senate elects the Supreme Court judges, but no one would dream of their dictating to them. Again, electors elect the President, but it would be absurd to think of their dictating the policy of the President.

Mr. Outlaw said from a practical standpoint the resolution had a threefold object: (1) To expel Judge Mangum from the senate of the United States, (2) to fill his place with some member of the Democratic party, (3) to strike a blow at the United States Senate through Judge Mangum. He says the Bill of Rights is the only thing that speaks of instructing, but this was adopted eleven years before the establishment of the national government, and therefore could only refer to State matters.



Besides, that clause in the Bill of Rights says that the people should instruct, but we are not the people, only their representatives. Many other notable speeches were made against the resolutions, but their essential points are the same as those given.

The arguments set forth in favor of the resolutions were the same as had been produced ever since the establishment of the government. There are no new ideas in the arguments. Prestige gave the points their weight. They claimed the right from the nature of the government. They cited that clause in the Bill of Rights which gives the people the right to instruct their representatives. They said that the State legislatures are as truly the constituents of the senators as the freemen are the constituents of the legislatures of the States; that the right to elect gave them the right to instruct. As one expressed it: "In absolute monarchies the people have no such right, but this right is exercised even in England, which is a limited monarchy. In 1829 Sir Robert Peele, who represented the University of Oxford in the House of Commons, resigned his seat because he would not vote for the Catholic Emancipation Bill which his constituents favored. This right has universally been held sacred in the United States. . . . If the people have a right to instruct, it lies with the legislature because it would be a mere shadow if it existed merely in the unorganized people. Mr. Mangum says he is willing to be governed by the will of the people, but did the will of the people send him to the senate? If it did, then the will of the people is now expressed by the legislature. Mr. Mangum virtually says, my constituents have the right to elect me, but after that I have nothing more to do with them nor they with me. Such language is not even tolerated in the House of Commons of Great Britain." Moreover, it was thought to be the

implicit duty of the legislature to express to the senators its ideas on national politics. If a senator votes for a measure which the people in general oppose, he is not to be condemned, but the legislature, if it fails to convey to him the wishes of the people. Precedent after precedent, which was not hard to find, was cited in defense of these resolutions.

The resolutions were adopted by a small majority and conveyed to Mr. Mangum, who finally resigned because he would not obey them. On his resignation the Raleigh Star had the following comment: "One by one all who might honor us in the council of the country are sacrificed to appease party rancour." The Raleigh Register said: "Let not the friends of the constitution and of public liberty quail under their momentary defeat. They have defended the good cause nobly and gallantly; and although they have lost the battle, they are not conquered. The enemy will have a short-lived triumph. The torch of truth has already been kindled which will soon dispel the present surprising darkness and infatuation." Many similar comments were made upon the result, which showed that the people in general through the United States were beginning to see the evil and undemocratic spirit which was embodied in the doctrine. All the leading magazines and newspapers were condemning it in their editorial columns.

When the legislature met in 1836 Judge Robert Strange was elected to succeed Mr. Mangum. Now both of our senators were Democrats who favored the abolition of the United States Bank and the establishment of the Sub-treasury. In 1838, however, the Whigs, who were strong supporters of the bank, had a majority in the assembly. Thus, there was a Whig legislature which believed in the bank and two Democratic senators who were supporters of the Sub-treasury. With this situ-

ation the Whig majority determined to use the power of instruction, as it was the only way by which the senators could be influenced. Moreover, the State was slow to give up this sacred right, for it was a right that died a fighting death; also expediency played a great part, for the contest between the Bank and Sub-treasury was severe and every means was employed in the different States to carry out the programme of the party in power. So in North Carolina Mr. Rayner, later a congressman, introduced the following resolutions: "Whereas, we believe that a great crisis has arrived in the political history of our country on the issue of which we conceive the safety of our free institution to depend; and, whereas, we conceive it our bound duty as representatives of the free men of North Carolina to express in calm and dispassionate language our opinions on the great questions which have been for sometime, and some of which are still, agitating the public mind: Resolved, that this General Assembly do condemn the Sub-treasury which the administration is endeavoring to establish."

These resolutions were adopted by the Assembly and copies were sent to Senators Brown and Strange, who resigned at the meeting of the Assembly in 1840. Again, the legislature of North Carolina in 1842 instructed its Senators to vote against the protective tariff of that year. This legislature also elected Mr. William Haywood to the Senate of the United States; as the tariff bill passed before he entered upon his duties as Senator, he was not called upon to vote on a tariff measure until 1846, when the Walker Revenue Tariff was introduced. Mr. Haywood was against a revenue tariff and feeling the responsibility of obeying the legislature that elected him, he resigned as senator of the United States.

These instances which have been mentioned show

what a dominating influence the State legislature exercised in national legislation. As some one said, if the right of instruction is sound, then Congress is a second Parlement of Paris, which only records edicts of other bodies. Although that comparison is too much overdrawn, yet this doctrine is another one of the many proofs that the national government was considered an agent of the States, and that federal officers were not officers of the people in general, but representatives of the States. Under such restrictions it was impossible for a senator to act with any degree of independence. When he did so, he was scorned by his people and branded as a traitor. In those cases mentioned, we have seen a gradual growth in the opposition to this right. In the case of Senator Stone it seemed that expediency caused the defeat of the resolutions, in the case of the caucus resolutions of 1823 it was decided that a representative was free to act except in legislative duties, in the Mangum resolutions the whole idea of instruction with the intention of exacting obedience or resignation was boldly attacked. Moreover, there is found in the speeches of the opposition to these resolutions a more liberal and democratic spirit than hitherto had existed. The idea that the legislature was the constituency of the senators is denied and that the right to elect implies the right to instruct is declared false.

Again, judged by these sweeping resolutions and by the exercise of many other powers of the old legislature, we must conclude that the nature of the early legislature was far different from the nature of the modern one. The early legislature of North Carolina had far more power than the one of today, it assumed practically all the prerogatives which the Crown and Parliament of England held before the Revolution. The Constitution of North Carolina before 1835 was the one adopted in 1776

when there was no central government at all; the Articles of Confederation had not then been adopted and so the constitution was framed independent of any other power. In other words, the early legislature of North Carolina claimed almost Parliamentary powers. It is true that in theory it only represented the sovereignty of the people, but in reality it was almost sovereignty itself. For this reason it appears that much of the irritation which existed between the early legislature and the national government, was due to the fact that there was not that accommodation between the two which ought to have existed. The relation between the two, however, was much better adjusted after the constitutional reforms of 1835, for the spirit of these reforms expressed itself in giving the people larger powers and in making the legislature less autocratic.

SELECTIONS FROM THE CORRESPONDENCE OF  
BEDFORD BROWN—II., 1859-1868.

The second installment of the political correspondence of Hon. Bedford Brown is here given, the first having been published in Series VI of the Historical Papers. It is intended to supplement these letters in a future number by a study of Mr. Brown's political career.

WM. K. BOYD.

**Matt W. Ransom to Brown.**

Raleigh,

Jan'y 17th 1859.

My dear Sir,

In returning you the letters which you have done me the honor to permit to read, I can not refrain from expressing the high gratification which your kindness has afforded me. I find it difficult to explain the many emotions of pleasure which I felt on reading those beautiful sentiments of friendship and esteem which have been left you by the first men of this age, and I can not deny the fact that as a North Carolinian I was proud of the place which one of her favorite sons held in the judgment and affections of his noble peers, and I was yet prouder that I had been distinguished by you as one worthy to be trusted with and disposed to appreciate these cherished treasures. Among the many happy incidents of my intercourse with you nothing has given me so pure a pleasure as this simple evidence of regard, and it is not a form, when I assure you, that I shall always remember it with a gratitude as sincere as it will be full of pleasant appreciation.

The generation of great men with whom it was your fortune to be associated with in the National Councils is fast passing away and it is the second duty of those to

whom they left the best lessons of patriotism to preserve with filial tenderness every memorial of their wisdom and virtue. It will be a gratification to me to possess something connected with the illustrious worthies whose confidence you enjoyed and I have taken the liberty, which I know you would pardon, of keeping copies of the letters. I desire to have something by me to show that one, who must be pardoned for saying that he is one of the nearest relatives of Macon and has always been honored by the attachment of Edwards, had the happiness and the worth to secure the confidence, if not the admiration of their true and ever valued friend, and their able and faithful co-laborer in the great cause of the "Rights of the States."

I trust, Sir, that it will be some gratification to you to know that with the younger men of the generation you hold (retain) the same unblemished fame and excite the same attachment and cordial association which you enjoyed with King and Dallas in what I pray may not prove the best days of the Republic.

It is with a deep and ardent wish to see you long in the service of your beloved State and I hope that it may be my good fortune to retain and heighten the esteem which I now feel you honor me with.

I am with highest regard

Your friend,

M. W. Ransom.

Hon. Bedford Brown.

Senate Chamber.

D. S. Dickinson to Brown.

Binghamton

June 6, 1860

My dear Govr

Your esteemed favor of the 30th has just reached me, and I hasten to acknowledge your kindness in writing me. But for a heavy press of calls and correspondence, I should have acknowledged the high sense I entertained of your generous partiality for me at Charleston, though I could only have said what I say now, and what I said to friends who assured me of your friendship, that I could only return you the warm tribute of a grateful heart:—an honor which will be remembered and appreciated, whether in the quiet walk of retirement or in the public employment.

We have fallen, my Dear Sir, upon evil times, and it will require our best energies to rise above the influences that threaten us. It does not become me to speak of rival candidates, and I will not. True, it is the first time in the history of the country, when the minority and doubtful states have insisted upon forcing a single candidate out of a large number, upon majority states to the point of disruption.

For myself I have not sought the place and will not decline it. It is conceded by all intelligent men, I believe, that I could carry the state without question if nominated, and which, acting under leadership which they find it difficult to cast off suddenly, a majority of our delegation have thus far voted against me. I know it is the sentiment of the democracy and other conservative sentiment, that I should be nominated, and I believe, released from the associations which leadership imposes, a decided majority of the delegation prefer me. I am thrice repaid for all the pains and penalties of public life in which you can so deeply sympathize in the



generous public sentiments which greet me on every hand and from distant states of the confederacy.

We can save the party, the country and the constitution but we shall have no child's play. We must adopt no machinery—enter upon no experiments. The country demands and must have a well known man—known in the council of the nation. Not merely one who can make a speech or write a letter but one who has been tested and has given some evidence beyond that of sun shine (pattern) of fairness and fitness. If I am not such an one, I pray do not let me be nominated; for no other one can be elected and none other should be.

In case of a scramble in the convention at Baltimore,—a thing I fear too probable, the nominee put forth by the Southern States, should be carefully chosen. *He*, with Bell and Lincoln would most probably go with the House, and if an old line conservative democrat, would most likely be chosen. Hastily but

Sincerely Yrs

D. S. Dickinson

Hon Bedford Brown.

**A. Ward to Brown.**

Sing Sing N. Y., June 7 60.

My dear friend

I am in the receipt of your favr of the 30th ultimo and hasten to say to you that I concur in opinion with you in every thing you have so ably and eloquently said. It will not do to have Douglas and yet I fear he and his friends will insist on a nomination and if he does not succeed at Baltimore he will be put in nomination by his northwestern friends.

I am sorry to say that a majority of our delegates are of the old freesoil stamp and I fear they will continue to cast their votes for Douglas altho I have heard that Mr.

Corning of Albany says there will be a change in their vote. If Dickinson is put in nomination we will carry this State for him. I have sent your letter to him. He is a grateful man and will fully appreciate your kind feelings. I will, if in health, hope to meet you in Baltimore.

I am with sentiments of esteem and respect  
 Your sincere and devoted friend  
 A. Ward.

Hon Bedford Brown.

Van Buren to Theodore Miller.

Lindenwald,  
 June 11, 1860.

My dear Mr. Miller

Did you make the acquaintance of Bedford Brown of N. Carolina, at Charleston? If you did not let me advise you to do so without fail at Baltimore. He is without exception one of the best and truest specimens of the old Republican school now left in the country, an old and constant friend of Genl Jackson and my own, one on whom as much as any other man, we relied for support of our respective administrations in the Senate of the U. States. He has been Gov of his State, and represented it for two terms in the Senate;\* I never knew him to be a candidate for office nor the time when we had any reason to believe that he would accept one or we would have been most happy to offer it to him. I at least would think the country fortunate to get such a man for the office of President or Vice President. Mr. Wright loved him as a brother and thought as much of his talents and his unsurpassed integrity as I have always done.

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\*Van Buren makes a mistake. Mr. Brown was never Governor of North Carolina. He was twice elected to the United States Senate.—W. K. B.

Please say to him that the responsibility of his not receiving a reply to his letter to my son John rests with me and the money he shall have in good time. I however caused it to be (read) to Messrs. (Aager) and company by Smith and them to understand the character of its writer. Present me kindly to him and also Mr. Edwards of the same State if he is with you. Accept my best wishes for a safe deliverance and believe me as ever

Your friend

M. VanBuren.

Theodore Miller Esq.

**J. Spear Smith to Brown.**

Baltimore 25th Jany: 1861

I have just received your speech of December last and have read it with infinite satisfaction. In these days of dereliction from duty, it affords me sincere pleasure to know that one whom I have long held in the highest estimation, still clings to those principles which have made us a potential member of the family of nations.

You say you "are certain that an immense, an overwhelming majority of the people of the slave-holding states, desired most anxiously a safe and honorable settlement of these differences in the Union—if possible."

I hope this is so and coming from so well informed a statesman I ought to give it full credence. But, when I look around and see how coldly the Southern members of Congress, with few exceptions, receive the various propositions of adjustment, I cannot help feeling painful doubts. It seems to me that, these gentlemen are perfectly indifferent, whether any of these propositions be doomed to failure, or to success. They must not however fairly represent the opinions of their constituents, and from what we have witnessed, I greatly fear that the opinions of the people cannot be fully and fairly

obtained for any purpose however grave. They are blinded in a whirlwind of passion, excitement, and enthusiasm. With no one to fight they are preparing like the poor knight of La Manchon, to fight even windmills And thus lashed up into the fury of fanaticism, they go and vote headlong, for their own destruction, designing stimulations ministering to, and driving them on in their impetuosity.

I have become so distrustful of all men and all parties that my thoughts wander into a more gloomy path than yours. These lead me to think, that this fearful disunion has been long, and maturely planned. Its plotters are able, artful, and indefatigable. They looked far ahead to their good, never lost sight of it, and turned every incident to good account, for its attainment. Hating the Union, they yet pretended to love it so as not too abruptly, to shock the sentiment of the people. In the meantime, they availed themselves of every opportunity for uprooting that sentiment by inflaming the popular mind with indignation at every taunt or threat of the North. Idle words of passion, of fanaticism, or of stump oratory, were blazoned forth as subversive of slavery. Bad and infamous as was such language, it was entitled only, to scorn and defiance. Scorn, for their unfriendliness, defiance for their impotency.

These plotters are too intelligent, not to know that the personal liberty bills, when unconstitutional, were a nullity, and subject for the Sword of Justice and not for that of the soldier. They knew the Supreme Court would decide them so to be, and the instances, in which the Federal Law had failed to restore the fugitive, were few or none, whilst the restorations were numerous. It is true, there have been occasional mobs, but where is the country in which there are no outbreaks of this sort?

They knew too, that no Southern right has once been

violated by the Federal Government—that in every foot of territory adapted to slave labour, there it would go, and no earthly power could prevent it—that the constitution could not be so altered as to endanger the slave interest—that it is a physical impossibility, as there is not public domain enough, to create such a number of free states, as by a two thirds vote to bear down, the fifteen slave states.

Now with these obvious truths before us, what other construction can I give to the course of these men, but that of a fixed determination to break up the Union? It may be asked, why? The best answer for them, is insanity. Though one might without any great ill nature trace it to motives of the worst character, but I cannot think of presenting to you, so hideous a tableau.

You may be assured that Maryland will hold her present position, until every effort has failed to accomplish a proper settlement. Most of the Border States seem to demand something of the Govt, tho in my humble opinion the constitution of the U. S. gives the largest guarantee for all our rights. To this great protective instrument, they should firmly adhere. If hereafter, an attempt should be made to interfere with the transfer of slave property into a territory, adapted to it, it will be time enough to sever the ties that bind us together. So likewise in regard to slavery in the District of Columbia, to the interior traffic, or the fugitives.

Still, I think something should be done if for no other reason to afford the desired satisfaction—to calm the apprehensions of women and children, and to restore those fraternal relations, so indispensable to a happy union of so many states.

With the greatest respect, I am My Dear Sir, your  
obtd. svt. and friend

J Spear Smith

Hon: Bedford Brown.

L. I. Brown to Bedford Brown.\*

U. S. Steamer San Jacinto  
Off the Congo, W. Coast of Africa  
At Sea, Feb 13th 1861.

My dear Uncle,

Supposing that my father has from time to time kept you advised respecting myself, since leaving America, I have been induced to allow quite too long a time to elapse without carrying out a desire which I have often felt—to write to you. Not that I suppose I can say anything respecting this remote and benighted country that will interest you—but because duty and inclination prompt me to do so—and because I feel well assured that you will be gratified to hear from me. I have often had the gratification to hear from you through letters which I have received from Washington and elsewhere,—and have also not unfrequently seen your name in the newspapers that have been forwarded to me, as taking part in the recent National canvass and through all of these sources of intelligence I have been glad to hear that you were in the enjoyment of good health. As respects myself, I feel thankful that, notwithstanding the many trials and anxieties incident to the discharge of my then and now responsible duties, as well as the natural feeling of regret that I have experienced from being so long and far away from all that is dear to me, I have generally enjoyed reasonably good health. I have endeavored to avoid, as much as possible the sun and shore which is very important in this hot climate. We are now in the heated term of midsummer, —and the weather is not only very warm but there seems to (be) a want of vitality about it that is very

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\*This letter is a personal one. It is, however, published on account of its historic associations. It will be remembered that a few months after this letter was written, on November 8, 1861, the *San Jacinto* overhauled the British mail steamer *Trent*, one day out from Havana, and took from her Messrs. Mason and Silldell, Confederate Commissioners to Great Britain and France.

oppressing to me and to all on board the ship. We are anxiously looking forward to the arrival of every mail in the hope that we may have something relative to our order being sent out by the Navy Department for our return home. We have been venturing to hope and shall trust that Mr. Lancy has sent the order and that they are now enroute for this station. But should this not be the case, it is feared that the successor of Mr. T. will in the press of other matters overlook us, and in that way be kept out here for an indefinite period. I do not know what you would be able to do in the matter, and indeed in view of your great kindness to me heretofore and on so many occasions, I feel reluctant to tax you on the subject. I know however, that you will excuse me for laying the matter before you so that you will be able (to) exercise your judgment with regard to it.

I suppose you have long since been made acquainted through the newspapers of the result of our cruising during the past six months and deem it unnecessary to give you particulars of the same, but will only say that the San Jacinto has made two captures, the first on the 8th Aug and the latter on 1st Oct, both vessels having on board full cargoes of slaves amounting in the aggregate to something over twelve hundred. I will be entitled to prize money from the capture of these vessels which I suppose will amount to some five hundred dollars in the aggregate.

Letters and papers which I received by the last mail, give sad and deplorable accounts respecting our troubles at home. I trust however, that the next mail will bring us accounts of a better feeling prevailing. Though it must be confessed that to us matters look gloomy enough at present and there is a great deal of alarm felt throughout the Squadron for the *safety of the Union*. *We hope however for the best*. I am getting on very well in the discharge of my official duties. Every thing

is in perfect order, and I always take a good voucher for every cent I pay out. I pay strict attention to every branch of my business and feel assured that everything *must come out exactly right*.

I receive letters from my dear wife regularly every month. She spends most of her time with her sister in Annapolis and seems to be in good health and spirits. She spends most of her time in reading historical works and the general improvement of her mind. She is very economical and does not seem to care at all about *dress* and *fashion*. Her devotion to me cannot be surpassed, and every day of my life, my dear uncle, but tends to confirm me in the conviction that I have made a *wise* and *most judicious choice* of a wife.

Remember me most affectionately to dear Aunt Mary and my cousins, and sincerely hoping, dear Uncle, to see you soon, I remain most affectionately

Your Nephew

L. I. Brown.

Please remember me affectionately to my uncles when you see them.

**W. N. Edwards to Brown.**

Poplar Mount, near Ridgeway N C 22 Nov 65

My dear Brown

I cannot tell you how often I thought of you during the late canvass and how sincerely I wished you success. When I reflected how many prejudices and passions were enlisted every where and upon the distempered state of the public mind, I confess I have fears for the result. With the present condition of the country, with gloom and despondency prevailing (in every bosom—the People poverty stricken (the whole South is a Pauper)—it is impossible to raise the public eye to a standpoint from which it can view and appreciate merit—and your defeat would not have excited



wonder, however much I would have regretted it. We want a chastened public sentiment—disciplined by experience—but I will not go into this thesis. “Non sum qualis eram.”—it costs me no little labor to write and more to *think*.

My purpose is to acknowledge your very kind letter, written at the close of the Convention—and to offer you more than all thanks for your more than kind concern in the matter of my application. I must beg yr attention again to it when you get to Washington—your presence I am sure will effect my release. I hear nothing yet from it. I am still in the cold—and should old age bid me depart hence—the reflection that I was under the ban would not lighten the passage of my last moments.

The vote in this county and throughout my old District may be misconstrued to my prejudice—but I have not (for the first time in 50 years) failed to attend an election till the two last, nor have I disclosed my preference to a living soul. I thought that my situation impliedly imposed silence upon me as a duty. We have lived, my good friend, in the Harvest time of the Republic; the present generation are but Gleaners in the Field.

May every blessing and all happiness attend you

In great haste

Yr faithful and fast Friend

W. N. Edwards

P S Pray write me from Washington

Hon Bed Brown

Locust Hill

Caswell Co

R. J. Powell to Brown.

Washington D. C.

16th March 1867

My dear Sir:

Yours of the 10th ult enclosing \$25 came duly to hand.

I have delayed responding because I could not say anything definite as to what Congress would do.

You have doubtless seen the military side of the 39th Congress. A supplemental bill providing machinery will doubtless be passed in a few days. Neither of these bills are what they should be, but I hope our loyal people will accept the Situation and in good faith do what is required of them.

Evil Councils have prevailed long enough. Those who have had control of our State affairs for the last fifteen months and have utterly failed to take a single step in the right direction, but on the contrary have by their folly greatly contributed to bring these harsh measures upon us, should now be willing to stand aside and let others who can right the ship of state take command.

How strange, yea it is passing strange that those leaders who led our people into the great folly, which desolated our State and filled it with widows and orphans during the war and who for fifteen months of peace have had entire control and who have utterly failed to render any good service, should still insist upon being further trusted.

I would harm no one. But we confine madmen to prevent them from doing injury to themselves or others and I do hope that our people will set these political madmen aside and put forward men who can and will render good service to the State.

Very Respectfully and truly yours

R. J. Powell.

Hon. Bedford Brown

Locust Hill,

Caswell C. N. C.

W. N. Edwards to Brown.

Poplar Mount near Ridgeway, N. C.

12th May, 1868.

My dear Brown

I have long most earnestly desired and often resolved to write you: but the "Vis Martiæ" of old age holds the Will in complete subjection and has so crippled and benumbed my faculties that I cannot ever entertain *myself* by thinking, much less afford entertainment to a friend, and in the effort I now make I can do no more than offer you the sincere assurance of my affectionate remembrance and unabated regard, esteem and best wishes. Every day admonishes that "non sum qualis eram" and that in extreme age one becomes rather the creature of sensation than of reasoning—that is, when he loses the power of thought and derives no amusement from its exercise he seeks gratification chiefly in feeding and tasting. I am now fourscore years old and months beyond—and that you may see the deep channels which the resistless tramp of time has made, I send you my Photograph—it is the mere shadow of what I once was—so true is it that coming events cast their shadows before. Nevertheless my Health is good—spirits not bad and but for the troubles of my country and affections of my countrymen could spend the remnant of life in tranquility and ease. I mix seldom with the outside world, determined at the outset to avoid the losses and crosses attendant upon the kind of labor we now have. I tenant out my land as best I can and rely upon the scant supplies thus furnished.

So much for myself. Now tell me of *yourself*. How are you and Livingston and all others in whom you take deep interest. How do you employ your time; permit a friend to be inquisitive. I see you are still up and doing—still ready for yr country. Love of country estab-

lished upon principle has become a habit with you and its promptings are always heeded. I was glad to see you buckle on your armor in the late canvass and assist to drive back the hoard of evils that threatened to engulf us. Your example is worthy of imitation by the best sons of our good old state. It presents to the world the striking contrast between Intelligence and Virtue and the stolid ignorance and vice of the masses whom those who are engaged in wickedly plotting our Ruin would employ to effect their nefarious purpose. Statesmanship and honest public zeal are spurned and the sinks of corruption and the lowest moral debasement are searched to place over us guardians and rulers fit only for the shades of Phebus.

I know not what is in the womb of the Future—nor can I devise what will be the character of its offspring. Time can only inform us, but I am certain, that, such is the feverish excitement of the public pulse and the perditious agitation of the public mind, unless conservative principles shall be reestablished, we shall be visited with anarchy, Chaos and serfdom. In such vile durance you and I and all good men would be excused for reasoning thus with life—

“If I do lose thee, I do lose a thing,  
That none but Fools would keep.”

I am truly glad to see that you are a Delegate to the Dem. convention in N. York the 4th July and pray you not to fail to attend. We want virtue and intelligence there. The next presidential election will, I think, be the severest trial through which our country has ever passed. I should be pleased to see but one issue in the Platform of the convention, the issue of “State Rights.” It is so comprehensive as to embrace all others. Upon it the Sound People in N and S can rally and work together. These rights restored, our salvation is certain

and Republican government will reassume its pristine purity and healthfulness of action. I have some preferences for the election of Hancock. He is great. He is a gentleman and statesman and orthodox as a Politician—but this is more conjecture than matured opinion. I want you to go and choose for me. Call on your friend Buchanan on your way. He knows all about him. Would not his election bring Pa. back to us? We never lost our power in the Gov till Pa abandoned us. But I am tired and must stop this discursive talk.

Pray come and see me and make me feel like old times. I like to look back on the scenes and friendships of old "Lang Syne" and recall the green fields of young life. If you will but come to see me we will bury for a season the dirt and filth of the present times and teach each other to practice, as best we can, the philosophy that teaches that

"What's gone, and what's past help, should be past grief."

Offer, if you please, my kindest regards to Livingston and remember me in kindness to my good Friend, Mr. Kerr; but above all accept with my best wishes the assurance that I am truly and sincerely

Yr fast Friend

W. N. Edwards.

To

Hon. Bedford Brown

Yanceyville

N. C.

**JAMES ROBERT BENT HATHAWAY—A GLEANER IN  
NORTH CAROLINA HISTORY.**

BY WILLIS SMITH.

James Robert Bent Hathaway was born on February 9, 1841, in the town of Edenton, North Carolina. He was the son of Burton W. and Sarah Ann Hathaway. He received his education at the Edenton Academy under the Rev. James T. Pickett, and later other excellent instructors. While yet a boy he connected himself with the Methodist Episcopal Church and ever thereafter remained a consistent and active member of the same. At eighteen years of age his father died, leaving to him the management of his estate which, at that time, was of considerable extent, consisting chiefly of real estate and negroes. Thus we see that even before he had reached the threshold of manhood a great business responsibility was thrust upon him. It was possibly this responsibility which fitted him for his later usefulness in the business world.

On July 23, 1861, in Hertford, North Carolina, he was married to Margaret Z., the daughter of James V. and Mary C. Reed, and by her had two children; a son and a daughter. His son, Dr. B. W. Hathaway, is now a prominent citizen of Merry Hill, North Carolina. In 1864 he was mayor of the town of Edenton and engaged in the mercantile business. He was at this time a very prosperous man financially and otherwise. But the Civil War destroyed his business, freed his negroes, and left him with nothing. Later, in 1869 he again entered the mercantile business, but in 1875 his accumulated earnings were swept away by the results of the panic of 1873. In 1879 he began a banking business and was successful until 1895, when the financial stringency of 1893 forced him to give up his business. For several years prior to 1892 he was again mayor of Edenton. From

that time he held no other official position. During the three years following the closing of his banking business he had no steady occupation.

Thus indeed for a time did the cloud of despair seem to hover about him. But through it all he was the best example of his own idea of fortitude which he expressed several years before his death in the following words: "Fortitude is one of life's most useful lessons, certainly one of the most difficult to learn. It is taught so beautifully and impressively by the ferns as they bloom in the glens and dells of the forest; their leaves are brightest when the wind blows coldest and where the shadows fall the thickest."

But a more difficult and valuable work awaited him; that of the publication of an historical journal, *The North Carolina Historical and Genealogical Register*. He was endowed for this work with a love for the history of the past; he was intensely interested in the work of reclaiming lost facts concerning the history of North Carolina. A letter from a lady in Georgia in 1898 started him in genealogical research. Being already in love with the past he grasped the opportunity offered, and thus he began the work that gave him recognition beyond his native town and State. With the recovery from the United States government of some French Spoilation claims he was furnished the means with which he could begin the publishing of historical and genealogical facts that he discovered in the old records of Chowan county. From the very beginning of this work the desire to find out and publish unknown genealogical facts grew upon him. Thus, he was led to labor with untiring zeal that he might accomplish the task to which he had devoted himself. Soon he extended his researches into other counties of North Carolina and some of those of Virginia. It was in this manner that

he came to publish a magazine dealing with the history of North Carolina, in which investigators in genealogy throughout the nation are interested.

The first number of this magazine was published in January, 1900; it was a quarterly and ten other numbers were published. Each issue contained valuable facts and information concerning the history of North Carolina that could be obtained nowhere else. From its pages could be secured a truthful and accurate account of many happenings of importance in North Carolina, and in many cases the complete genealogy of a family could be obtained, which would have been impossible in any other printed source. Among the items of interest published in this magazine is an Abstract of Land-grants, taken from the Secretary of State's office, at Raleigh, N. C., for Shaftesbury Precinct, Chowan Precinct and Chowan County. Some of these grants date as far back as the time of William Berkeley, Governor of Virginia in 1663, while there are others dating in the nineteenth century. There is also an Abstract of Wills, executed and probated prior to 1760. Not until after this date were wills recorded in the county in which the testator lived. Prior to this they were filed with the Secretary of the Colony and recorded by him. Another item of interest is an Abstract of Conveyances, compiled from the office of Register of Deeds, for Chowan county at Edenton. These records include deeds and conveyances of many of the eastern counties, and are of great value to the genealogical student, since the names of bargainer and bargainee are given, the date of conveyance, and other specifications that dealt with such transactions at that time. Fully remembering that posterity is ever interested in its ancestors and desiring to foster this interest, Mr. Hathaway included in his magazine an Abstract of Marriage Bonds. An original of one of



these bonds is copied, showing to persons now living that it required a bond of £500 (\$2,500) to secure a marriage license by our ancestors.

Besides these, there are many other papers and articles of interest, such as an account of the first church built in North Carolina, of the Edenton Tea Party, articles of Peace with the Tuscarora Indians, and a register of officers of North Carolina troops in the Continental Line. Indeed it may be said that almost every fact of interest concerning the early history of North Carolina is spoken of in this publication.

That it would have been a success had the editor lived to carry on his work is assured by the fact that during the short time of its existence the Register secured for itself subscribers scattered over thirty States of the American Union, from Texas to New Hampshire, and from North Carolina to California. But under the conditions that he labored the publishing of this magazine was a great sacrifice for Mr. Hathaway. Each number left him with a deficit which he was compelled to make up. The North Carolina public did not at first recognize the valuable work that he was doing, and consequently he was left to make his way as best he could. In seeking to accomplish his task he was an arduous laborer, working each day as long as any clerk or register would keep his office open. It now appears that he considered his work both a pleasure and a duty, although he often went without the necessaries of life that he might be able to publish the magazine containing the fruits of his efforts. However, nothing could persuade him to give up his work, and he would neither ask nor accept assistance from friends. He wished to have as many subscribers and advertisers as possible, but was not willing to burden anyone except himself with the financial loss, for he felt that it was a project of his own to be supported by

himself until the public at large came to his assistance as subscribers and advertisers.

That it was no money making scheme is clearly proven by the fact that at his death there was found a deficit of four hundred and fifty dollars. His son, writing of his father's work, said:

"Could my father have been persuaded to permit himself to be aided with clerical and financial aid, I feel sure that the enterprise could have been placed upon a substantial basis, and would have made a different showing. But the labor was too great for one man, and he paid the penalty of his devotion to the work by a breakdown in health which carried him to an untimely end."

Thus, having sacrificed his time, money and health he was called from life before his task was completed, and at Merry Hill, North Carolina, on the twenty-second day of September, 1904, at 4 o'clock in the afternoon, James Robert Bent Hathaway departed this life and entered into eternal rest; age sixty-three years, seven months, and thirteen days.

When we look carefully over Mr. Hathaway's work we are impressed with his absolute devotion to his task. Another characteristic which cannot help but be noticed was his wonderful memory, which aided him so effectually in carrying on his work. At his death there was left considerable genealogical data, yet it was worthless because of the use he had made of his memory in collecting the missing parts. The purpose of the Register can best be told in the editor's own words, clipped from the first number:

"It will be our province to glean from the public records of the eastern counties of North Carolina, as well as those of adjoining counties of Virginia, the history of those who severed the ties of friendship, blood and home in the Old World to brave the perils of the

deep and the greater perils of the wilderness to lay the foundations of the social fabric that has become the pride of every North Carolinian, and the admiration of her sister states in the great constellation which forms the American Union. We shall tell of the birth of their children, the marriage of their sons and daughters, the successes and distinctions they achieved in life, silently cover with the mantle of charity their faults, and speak reverently and respectfully of the fall of the curtain in the last act of the drama of life, remembering that the foundation of our present civilization so well and solidly laid, is, and will ever continue to be the credit of those who laid them while posterity can alone claim the credit for the improvement and development of the rich legacy they bequeathed."

That his work is now appreciated is evidenced by the many eloquent tributes dedicated to him. Chief among these is that of Col. R. B. Creecy, editor of the Elizabeth City Economist, for many years recognized as the oldest active editor in the United States. I quote it in full:

" 'Tis said that death loves a shining mark.' It might be said with more prosaic accuracy, that death is no respecter of persons. In its own appointed time it knocks impartially at all doors. To some the summons comes without premonition, to others warnings oft repeated portend the final roll-call. By the wise and virtuous the warnings are heeded and utilized in preparation for an event the most common and the most serious in the mysterious drama of life, in which each man plays his part and makes his exit.

"In this drama our deceased friend was of the wise who heeded the warnings and was purified by them for the final summons. He had 'sounded all the depths and shoals' of honor, and in all the varied vicissitudes of a prolonged pilgrimage he had proved himself a man, in

adversity and in prosperity? He met them both with the serenity of a philosopher and the trust of an humble Christian, who looks in faith upon the benevolence of an over-ruling Providence.

“He had been a merchant, a politician, a banker, and in all an enterprising citizen. For a time, in all of them fortune had smiled upon him, but reverses came. But God knew best what was best for him and for the section, and the work for which he was intended.

“He was a born ethnologist. He studied the past with the plain and honest purpose of making us acquainted with our ancestry. That great and pious task was the glory of his useful old age. He was truly the “Old Mortality” of Albemarle. He re-chiseled the fading lines of our forgotten grave-stones and introduced the present generation to its forgotten fathers. He revived the memory of the dead past. He brought back to us the ideals of our past glorious history. How well his work was done, all of us know who have read his truthful genealogy of the old families of Albemarle.”

Believing thus, that the life of this man, who served well his time and generation, together with generations that are past and those that are to come will be remembered, let us say of his work :

“So long as men can breathe or eyes can see,  
So long lives this and this gives life to thee.”

## THE ROSE OF SHARON BAPTIST CHURCH.

BY R. T. HOWERTON, JR.

[EDITORIAL NOTE.—In the autumn of 1906 Mr. A. E. Lloyd, of Durham, presented to the museum of the Historical Society a large, old-fashioned lock, which, according to very reliable tradition, had once belonged to the door of Rose of Sharon Baptist Church, the oldest church in the vicinity of Durham. A little inquiry revealed the fact that the church was the antecedent of the First Baptist Church; the church records were also found: and from them the following study has been made by Mr. Howerton, of the Senior class.—WM. K. BOYD.]

The Rose of Sharon Baptist Church was probably an arm of the Shady Grove Church of Wake county. It was organized August 12, 1845, by a presbytery consisting of Rev. Jesse Howell, Wm. Dupre, and John Judd. The church was established at Piney Grove Schoolhouse, about one mile south of West Durham, and became a member of the Raleigh Association. As the only Baptist churches near here were Mt. Moriah, about eight miles southwest, and Cedar Fork, the same distance east, this was a favorable location for a church. But its schoolhouse was not in the center of the community, so a new location was desired. About 1850 it was decided to build a church at Prattsburg. Prattsburg was a settlement in the eastern part of Durham, and the church lot was in front of the Union Depot. Prattsburg then consisted of a store and a few houses owned by Mr. William Pratt. When the North Carolina Railroad was building, the railway authorities wanted to make it a station. Mr. Pratt wanted to charge for the land on which the depot was to be built. Dr. Bart Durham lived further up the road and offered the company two acres of land

if the station should be named Durham. The offer was accepted; the depot was built near the present site of the Southern freight depot; Prattsburg disappeared and Durham's Station has grown into the present city of Durham.

The railroad was built through the grove of the church yard and the trains frightened the horses so that it became necessary to secure another site for a church. The church was given four acres of land on what is now Cleveland street, and the contractor who built a church on this property received in exchange the old church and the lot near the railroad. The house was completed and the congregation moved in 1854.

Rev. Jesse Howell was the first pastor of this church, serving until 1859. It was customary for the pastor to resign at the close of the year to give the church an opportunity to elect another pastor if desired. This custom was abolished in 1876 and the pastor was elected for an indefinite length of time. However, the pastor and church agreed that three months' notice should be given when a change was desired. During Mr. Howell's pastorate two churches were organized, Mt. Herman Church (1848) in Orange county, and Berea Church (1858) about five miles from Durham on the Fayetteville road.

In 1859 Rev. J. C. Marcom was elected pastor and served until November, 1861, when Rev. Jesse Howell was elected and served until 1863.

Rev. O. Churchill was then elected to serve for 1864, but it was discovered that he belonged to the Red Strings, a secret order considered treasonable, and in July, 1864, he was asked not to attend church any more as pastor. The name Red Strings was derived from the Biblical account of Rahab, the harlot, who aided Joshua's spies while in Jericho. It was agreed that a red

string should be the token or sign by which she would be saved for her services when the city was attacked. So the people of Durham thought the Red Strings was a society which hid spies and gave them information, for which they would not be harmed if the Yankees invaded the South.

Rev. A. D. Blackwood was then chosen pastor and served until 1867, when Rev. Jesse Howell was again elected and served until 1871. In 1867, on the third Sunday of April, the Sunday-school was organized. After this part of the work was begun it was the means of organizing every other church except the North Durham Church, organized in 1907; in this instance a church and Sunday-school were demanded at the same time. In 1870 the church became a member of the Mt. Zion Association, which was organized at Mt. Moriah Church, Orange county.

In 1871 Rev. F. M. Jordan was elected pastor, serving until 1875, when Rev. A. F. Redd served one year. During Mr. Jordan's pastorate help was extended to the Wake Forest ministerial students for the first time.

The discipline of the church during this early period was very strict. They required all male members to attend church conference or give an excuse to a committee. They believed in a strict interpretation of the Bible and governed the church accordingly. In 1856 there seems to have been some doubt concerning Biblical teachings on strong drink, and this query was introduced: "Is it right or wrong for a professor of religion or a member of a church to be seen in a grogshop or in a drinking crowd where there is rioting and intoxication, and participating with such in the use of alcohol or ardent spirits?" It was finally decided wrong. The whiskey question came up again in 1873, and resolutions were passed forbidding the making, buying or selling

intoxicating liquors *for gain*. Several members were excluded on account of these resolutions.

As the town grew social inducements increased, and it was an evident fact that church members, in order to enjoy *innocent* amusements and *harmless* games would make a loose construction of the Bible. The church, however, took the matters in hand. The first resolution was passed against dancing in February, 1868. It was resolved that any member of the church guilty of dancing or running Scotch ramble after music would be subject to discipline. In 1874 the question of dancing was again brought before the church, connected with card playing. The following resolutions were passed: "Resolved, that we believe dancing and social card playing by church members to be inconsistent with the religion which they profess, and further, that the members abstain from it and not permit it in their homes."

The church in its early life was a typical country church of its time. There was preaching once a month and communion every quarter. In 1873 preaching began to be twice a month; in 1876 twice on Sunday and communion every month.

In taking their seats in church the men sat on the amen side, right of the pulpit, and the women on the other, a custom which prevails in some country churches today. It was not until 1876 that the bashfulness of one sex for the other vanished and the men and women began to sit together. The Sunday morning this custom went into effect Mr. Durham preached a sermon from the text, "We have seen strange things today."

A portion of the church was set apart for the negroes, who were allowed to be members of the church before and after the war. It is interesting to note that the negroes were rarely brought before the church for violation of any laws before the war, but after the war, from



1866 as late as 1874, they were frequently brought up for various offenses and turned out. There is no record of any negroes taking letters of dismissal after the war, and the revised roll of 1880 appears without any colored names. It is uncertain whether they were all dismissed or whether they joined separate churches for negroes.

By 1876 the town of Durham was quite a thrifty little place and as the church had grown in proportion to the town it became necessary to employ a pastor to devote all his time to church work. Rev. C. Durham, of Goldsboro, was then elected and served until 1888, when he was elected Corresponding Secretary of State Missions.

Mr. Durham was one of the most progressive and energetic pastors the church ever had. When he took charge of the work he instituted a systematic plan for contributing to foreign and State missions, education, poor, and Oxford Orphan Asylum. The church responded liberally to this plan. It is interesting to note that the congregation gave then about four times as much to State missions as to foreign missions, while today the contributions are about equal for the two objects. The church was evidently a firm believer in missions, having due regard for home and foreign missions as they developed, and as their ability to give increased.

In 1877 the name of the church was changed from the Rose of Sharon Baptist Church to the Durham Baptist Church. The name Rose of Sharon was assumed by the Hopkins Grove Baptist Church, which is about six miles north of Durham, and which was organized in 1878 by this church. Another church organized the same year was Yates Church, on the Chapel Hill road, three miles southwest of Durham.

It seems that the site on Cleveland street was not

centrally located enough for the members of the church, so in 1878 they sold all of their property except the lot where the parsonage now stands and built a brick church on Mangum street, nearer the center of town, the present site. The following year the parsonage was built.

The relation of the Sunday-school to the church was closely guarded by the church. Prior to 1883 the Sunday-school officers and teachers were elected by a vote of the Sunday-school, but this year the election was placed in the hands of the officers and teachers. In 1887 they were elected by the church conference and it was not until 1890 that the Sunday-school was again allowed to elect its own officers and teachers, provided they were members of the church.

Mr. Durham not only worked, but he put his members to work. In 1885 he appointed eight committees to report quarterly. The following committees were appointed: (1) On all kinds of Missions. Among the duties of this committee was to study missions and inform the members on missions and distribute mission literature. (2) Committee of Ushers was appointed for the first time. (3) Committee on Absentees. (4) Committee on Sick. (5) Committee on Strangers. (6) Committee on Music. (7) Committee on New Members, and (8) Committee on Mission Prayer-meetings and Evening Sunday-schools. The last committee was divided into two parts; one for the eastern part of Durham and the other for the western part of Durham.

The last committee was very active and Sunday-schools were immediately begun in each section. The people in the western part of Durham met in a house owned by Mr. James Blackwell and the people of East Durham met in the public school. The former Sunday-school had about 100 members while the latter about 75

members. Sometime before 1888 the church purchased a lot on Chapel Hill street and built a brick church on it, and January 18 of that year 55 members were dismissed to organize the Blackwell Baptist Church, which later became the Second Baptist Church. It was then that the name of the Durham Baptist Church was changed to the First Baptist Church of Durham. The Third Baptist Church or the East Durham Baptist Church was organized in 1889 and 29 members were dismissed to effect the organization.

Mr. Durham's attitude towards woman's prominence in church affairs was not very favorable, and it was not until March 4, 1887, that they became organized into two societies, the Ladies' Missionary Society and Ladies' Aid Society. These societies have been of great service to the church, and the woman's work of this church is today leading all other Baptist churches in North Carolina.

The discipline of the church during this progressive period was also very strict. In 1878 a member was charged with covetousness for not paying his year's subscription. They required all members to give something or state why he couldn't. Resolutions were again passed against dancing in 1878. In 1883 a motion prevailed that all members who had been absent six months from church and did not take a letter should be dismissed.

On Mr. Durham's retirement in 1888, Rev. G. P. Bostic, of Concord, was chosen pastor, serving until 1889, when he resigned to go to China as a foreign missionary, where he is working at the present time. Mr. Bostic was a popular and an energetic pastor. It was left to him to finish the work of establishing the second, and third Baptist churches. The most important event in his ministry was a revival held in the fall of 1888,

after which 57 candidates were baptized and received into the church.

In 1889 Rev. J. L. White, of Elizabeth City, was elected pastor, serving until 1892. About this time the temperance question was a live issue in Durham. On December 5, 1889, the church adopted the following resolutions: "Whereas, the scriptures clearly condemn intoxicating liquors, therefore be it resolved that any member of the first Baptist Church of Durham, N. C., who shall give his influence to or vote to license bar-rooms, when the question of license or no license is before the people, shall be under censure of the church, subject to discipline and deemed unworthy of Christian fellowship; further, that this does not interfere with political views, local or national." These resolutions caused much debate until it was agreed to have the justice of the resolutions decided upon by seven ministers of other towns to be selected by the pastor, one from the majority, and one from the minority. The committee recommended that the clause regarding voting to license bar-rooms be repealed and substitute the following resolution: "Resolved, that it is the sense of the First Baptist Church of Durham that the spirit of the scriptures is clearly against the liquor traffic and against the use of intoxicating liquors as a beverage."

In 1889 the church made a hard effort to have the Baptist University for Women established here. It also had the coöperation of other churches and the town, and all together offered \$50,000 in money and property for its establishment here. The offer was not accepted and the University was established in Raleigh.

In 1893 Rev. W. C. Tyree, of Amherst, Virginia, was elected pastor, serving until 1902, when Rev. C. J. Thompson, the present pastor, was elected. The history of the church during the pastorates of these two minis-

ters assumes the modern phase, with which most people are familiar. A few statistics, however, will show the development during this time. The churches organized were West Durham in 1893, Edgemont in 1902, and North Durham, in 1907. The church membership has increased from 548 in 1894, to 732 in 1907. Its liberality in giving is one of its most commendable characteristics. In 1894 its total disbursements amounted to \$2,289.50, and in 1907 the disbursements amounted to \$10,438.18. The property of the church has been improved from time to time until it now has a valuation of \$25,000.

The principal characteristics of the church which have led to its success were: (1) Its strict discipline during its formative period. (2) Its persistent energy, and (3) Its ready adaptability to conditions as the town grew.

## COLONEL WILLIAM J. HICKS.

BY ROBERT L. FERGUSON.

Among the various great men who have graced the annals of North Carolina in its past, we may well place Colonel W. J. Hicks, of Oxford, N. C. His integrity has rendered him illustrious while his ability in his profession as a self-made man and his public services have gained for him an enviable reputation in North Carolina. While yet a youth he won the high esteem of all his associates. This continued until at present he is admired for self-attainment, personal excellence, patriotism, and the exalted sentiments which animate him in every sphere of life.

He is of a distinguished lineage. Among his ancestors was Peter Hicks, a fair type of a high-born Englishman. He was the earliest adventurer of the Hicks family to come to America. He settled in Spottsylvania county, Virginia, and became the foremost pioneer of his county,—aye, the very making of it. His son, also Peter Hicks, was for a number of years high sheriff of his county, and became a brilliant brigadier in the Revolutionary War. He attained a great age, dying in 1844, and enjoying the veneration and high esteem of his community.

William is the grandson of this Peter Hicks, through his son Martin. He is thus one of the representatives of those men whose axes had first rung in the forest of old Spottsylvania county, and is a worthy scion of an illustrious stock, whose virtues and excellence he has inherited, while his every efforts are worthy of the lineage.

He was born on February 18, 1827, in Spottsylvania county, about thirty miles from Fredericksburg, Va. At the age of three his mother died, and since his father, by ill luck and other means, we know not how, had lost

his fortune, the early youth of William was beset by various difficulties. His body was frail, weak and delicate, but his inner ambition would not allow him to succumb to such weakness and frailty. Like Gladstone, he determined to develop his body, even at the very hazard of his life and his every energy pointed in that direction. Nor were his labors in vain. In later years he developed into a stately figure, tall, large-framed and well proportioned—indeed a specific type of vigorous manhood.

His educational advantages were handicapped by the prolonged illness of his father, which forced him to remain at home and manage the farm. Accordingly, at the early age of fourteen the responsibility of management was thrust upon his shoulders. Soon after that his father died and he was thrown upon his own resources even more than ever. His youth became that of a hard struggler; not content with grappling with the clod and soil, he seized every opportunity to improve himself. By dint of perseverance he educated himself, and although he failed to attain to the height of a college education, he met with the greatest success in his chosen line of work. He was so awakened to the importance of remedying his deficient education that he carried his book with him as he worked by day and vied that he would outwatch the wee-lone hours of the night in his pursuit for knowledge. At times, it seemed as though adverse circumstances would grind the very essence of ambition from his youthful mind. But not so. In the midst of adversity and ceaseless struggling he was victorious.

The time had come for him to decide upon his life's avocation. Farming had already proven insufficient for his field of activity. He now turned to stone-cutting and quarrying stone. At this he received a scope of experi-

ence which rendered him invaluable service in after years. Though his life, up to this time, had been chiefly consumed with agricultural pursuits, yet from his early childhood he displayed an innate skill for fashioning useful tools and toys. While he was still engaged in stone-cutting, he lost no time in mastering the miniature points about carpentry, which rendered him an expert at that trade. Nor did he lend a deaf ear to the mill-wright business. At this he worked for nearly sixteen months and gained a perfect knowledge of its every detail.

Eager to know the fundamental principles of a machinist he applied himself to that trade with such energetic perseverance and indefatigable courage, coupled with inborn talent, that, in a remarkably short time, he became an expert machinist. Thus, with the knowledge of a stone-cutter, carpenter, mill-wright and machinist, he had built a foundation for one of the most competent architects and contractors that North Carolina has ever produced.

In 1848 he moved to North Carolina and first began the construction of a mining plant near Greensboro. Later, he moved farther east and built a paper mill on the Neuse river near the Falls of Neuse. Being near Raleigh, he soon located there, and settled down as an architect, contractor and builder.

Here he married Miss Julia Louise Harrison, of Raleigh, on the 4th of March, 1858. She is living now and they are considered to be one of the most venerable, lovable couples in the State. She has ever been alert to her duty in assisting her husband, and well might we say no family has ever been more congenial than this one. They have four children living—two sons and two daughters. The eldest of these holds one of the most important positions of all the American Tobacco Company—that of treasurer. The other brother is located in



Montgomery county as a manufacturer. The elder daughter is at home with her parents, but is to be married in quite a short while; the younger daughter is already married and living in Pittsburg, Pa.

With the outbreak of the war, Mr. Hicks turned his paper mill on the Neuse into a powder mill, which rendered the Confederacy invaluable services in furnishing the grey veterans with ammunition. It was one of the chief sources from which the Confederacy was supplied with gunpowder, and although he was not a fighter in the struggle, his services were even more important than that of many generals in the army.

For sometime North Carolina was becoming famous for her rosin fields. So, after the war, since the powder mill had been destroyed by the enemy, Mr. Hicks ventured into the rosin business. The demands for this article were so great that his business thrived and prospered with amazing rapidity. But his mind was of such a constructive nature that he was compelled to return to his old trade.

In 1869 the State decided to erect a penitentiary building. After surveying all North Carolina for the most efficient architect, the board of directors could find no one who was half a peer to Mr. Hicks. Accordingly he was elected to the high position of superintendent and architect for the State. He performed his duties so satisfactorily that the honor of COLONEL was conferred upon him by popular will. He held the position of architect for the State, and Warden for the Penitentiary, for twenty-five years, the longest consecutive term on record that such a position has been filled in all the United States.

During this period of his life he erected many buildings for the State and private residences. Under his supervision was built the governor's mansion and nearly

all of the handsome brick structures in Raleigh. Throughout all portions of the State he built many county roads and railroads—among these the old Cape Fear and Yadkin Valley line, out of Greensboro. These alone will be a perpetual monument to his posterity.

After severing his connection with the State he again entered private business in Raleigh in 1894. During this period Trinity College had great need of his skill. The tower of the main building had collapsed and authorities sought for help in many northern cities, especially Baltimore and New York, but all to no purpose. At last, Colonel Hicks stepped in with his skill, foresight and sane judgment, and prevented the whole building from total destruction.

But few of us realize the fact that Colonel Hicks enjoys the honor of having superintended the construction of every brick building of Trinity College and Trinity Park School, save the Main Building. This alone should give him an honorable place in our midst. For this reason his venerated portrait now graces the wall of the college library, and his will be a time-honored name among the annals and archives of Trinity College in years to come.

In 1898 he was elected superintendent of the Oxford Orphan Asylum. Here his services met marked success. A great cause, tottering under the burden of debt, and almost prostrated for lack of means by which it could be steered; with buildings insufficient to supply the demands of the children, and at times not knowing one day where food would come from to feed children upon the next; such was the condition of that cause when Colonel Hicks took charge. From this state of reeling uncertainty, he has steered the institution clear of debt, has stirred up the people of North Carolina concerning their duty to the cause, thereby instituting an annual income

for its support. In place of this lack and privation of the children, he has, with the aid of the teachers and other workers, succeeded in obtaining for them better food than that of the average child with father and mother. He has erected twelve modern, well-equipped buildings and the children live in circumstances fifty per cent better than the average child. This has almost made his name immortal among the people of North Carolina.

In the realms of Masonry he figures as one of the foremost and most influential Masons that North Carolina has ever produced. He has gone through every degree in the category of Freemasonry, except the last one—an attainment which rarely can be reached by any save the most influential and most venerated, and those who have the good fortune of sinking far down into the realms of four score years of age.

With the passing of the 4th of March, 1908, he will have been married a half century. At that time he will celebrate his golden wedding, an event much looked forward to by his immediate family in his declining days. He has reached the zenith of his course and is now weltering toward his haven of rest. He mastered himself, created opportunity, loved his State, lived for its people, and laid the best that was in his heart and brain upon the altar of the State's need.

After all, there is nothing grander than the living of such a life. Well might it be said of him, as was said of Grady: "I have seen the light that gleamed at midnight from the headlight of a giant locomotive, rushing onward through the darkness, heedless of danger and uncertainty; and I have thought that it was grand. I have seen the light come over the eastern hills in glory, driving the lazy darkness like mist before a sea-born gale, till leaf and tree and sprig of grass sparkled as myriad

diamonds in the morning; and I have thought that it was grand. I have seen the light that leaped at midnight athwart the storm-swept sky, skimming over chaotic clouds, mid howling winds, till cloud and darkness and shadow haunted earth flashed into midday splendor, and I knew that it was grand. But the grandest thing in all the world, next to the radiance that flows from the Almighty, is the light of a noble and beautiful life, wrapping itself in benediction around the destinies of men." Such has been the life of Colonel William J. Hicks.

## HENRY CLAY'S VISIT TO RALEIGH.

BY EARL R. FRANKLIN.

Probably the greatest event in the history of Raleigh during the middle part of the last century was the visit of Henry Clay in the year 1844. This was a year of one of the most exciting presidential campaigns in our history. Henry Clay was the nominee of the Whig party, which had come into prominence during the previous fifteen years and had dominated national politics for four years. On the other hand, James K. Polk, a native of North Carolina and graduate of our University, was the nominee of the Democratic party, or as it was better known, the Loco Foco party. Many elements made this campaign exciting—the men and the party principles. There was Henry Clay, the idol of the Whig party, who had been noted for his prominence in national politics for twenty or thirty years; while on the other hand there was Polk, a dark horse candidate and unknown to the public, who was the head of a party which had dominated national politics, with the exception of four years, from the beginning of the new century. Besides, there was the bank and sub-treasury question, which had been the paramount issue for twelve years, also the Texas and other less important questions.

All of these playing their part made Clay's visit to Raleigh a memorable event in our State history. Clay had promised two years before this to come to this State, but had never come, so the leading Whigs took advantage of this opportune year and pressed the invitation upon him to fulfill his promise during his canvass. Clay accepted the invitation to come to Raleigh on the 12th of April. After this announcement had been made, the people of the State began to look forward to and prepare for this great event. It was not merely a local affair

for Raleigh, but an event toward which the whole State looked with great interest.

It is useless to say, during such an exciting campaign, that Raleigh and vicinity and indeed the whole State did their best in preparing for his visit. It seemed that the people forgot party prejudices, as strong as they were, and joined hand to hand to give the State's distinguished visitor a most cordial welcome. The committee on entertainment prepared a great public barbecue sufficient to feed several thousands. As the Raleigh Register stated, the people throughout the State highly fed their animals for the event. One farmer in the west sent word to Raleigh that if they needed any meat to let him know, and he would see that meat would not be a question in entertaining the people.

Besides the preparation for the public entertainment, the ladies of Raleigh and vicinity prepared various souvenirs and emblems on Clay and his visit. One of these was the Clay banner which was executed by Charles Doratt. The design was as follows: "On the right side of the picture, a female figure robed in the national flag is endeavoring, although weak and exhausted, to raise herself from the ground; she is surrounded by dark clouds, and near her in the background are representations of envy and discord. In the center of the picture is a full length picture of Henry Clay, with his left hand assisting the female to rise and with his right hand pointing to the right of the picture, which represents a clear beautiful sky, a view of the ocean crowded with ships discharging their cargoes on a beach covered with merchandise. In the foreground is a rural scene on a beautiful spring morning." Also various verses were composed to celebrate the occasion, such as the following:

“Nature is ever the same, they say,  
 Today the proof's before our face;  
 She made the first of the race of clay  
 And Clay is still the first of the race.”

In retaliation to the Locos who sneered at the Whigs and called them “Coons,” from the emblem of the party, we find these words:

“Of all the gay tenants that live in the wood  
 And dance by the light of the moon,  
 To say what is true and stick to his word,  
 Boys, give us that honest old coon.  
 To say what is true and stick to his word,  
 Boys, give us that honest old coon.”

Also we find in the Raleigh Register an ode to Henry Clay, from which I quote a few lines:

“We greet thee now.  
 But as the mighty deep,  
 Wakes from her giant sleep,  
 When the wild storm hath power;  
 Ten thousand hearts with one wild pulse do leap;  
 While from the mountain's side,  
 And valleys green and wide  
 Are gathering at this hour  
 Gray sires and eager sons to hail the day  
 That welcomes to each hearth and home the  
 Patriot Clay.  
 Thou art no stranger here;  
 For noble deeds like thine,  
 Through the long lapse of time,  
 Shall rear for thee a shrine,  
 In every home and heart where freedom still is dear.”

While these extensive preparations were being carried on, the time for his arrival was drawing near. A committee of the following was ordered to meet Mr. Clay below Wilmington at Somerville, where he was to land, and escort him to the city: Messrs. Gaither, of Burke; Pearson, of Davie; Montgomery, of Montgomery; Hale, of Cumberland; Hill, of Northampton; Williams, of Surry; and Grimes, of Pitt. To coöperate with this

committee was a committee of eighteen—two from each congressional district. On account of a day's delay Mr. Clay did not arrive at Somerville until Wednesday morning at sunrise. Here he was met by the above named committee and escorted to Wilmington, where he made his first public speech in the State. It was short but touching; from it we quote a few words: "I have long looked forward to this visit to North Carolina with a pleasing hope and now having set foot upon her soil for the first time today, my fondest anticipations were in a course of being realized, and the event will form an epoch in my life." He further said, "I come not as a political gladiator, but as an American citizen. I take the hand of one party as cordially as I do another, for all are American citizens. I place country far above all parties." Mr. Clay spent the day and night at Wilmington. On Wednesday night a great ball and reception were given in honor of him.

On Thursday morning, between six and seven o'clock, Mr. Clay took his departure for Raleigh, accompanied by the Clay committee. At seven o'clock p. m. they were half a mile from the town, where they were met by the Raleigh delegates, which consisted of Captain Smith's cavalry, Captain Lucas' light infantry, and the special committee of reception, besides the countless throng, and were escorted to the Governor's mansion, where he was a guest during the visit to Raleigh.

As to the people who greeted Mr. Clay as he approached the town, we will accept his own statement, which was that the whole State was there. It was an enormous crowd for Raleigh at that time, when we consider the size of the town and the sparsely settled community. The Raleigh Register states that "One would think that the whole world were Whigs—men, women, children, and coons." We further quote: "From every



county, from every town, from every hill and valley, came forth her gallant and true-hearted sons, to swear anew their allegiance and fidelity to the unaltered and unalterable principles of the Whig party. The planter left his field in the very midst of planting time, the mechanic abandoned his vocation, the lawyer forsook his books and his briefs, the merchant his ledger and his counting room, the physician his pills and patients, to come up one and all to the grand council of State." The visiting ladies were entertained in the homes of the Raleigh people—"the string of every latch was hanging on the outside of the door"—while the great majority of the men came in their covered wagons of 1840, bringing with them provisions sufficient to last them through the visit. It was stated that four or five acres were occupied with the wagons and other vehicles.

On the night previous to Mr. Clay's arrival, the great throng of people gathered at the capitol square under the strains of the Salem band. Here several prominent speakers were called upon, and made Whig speeches. First Edward Stanley was called for and responded with an hour's speech. Then H. K. Nash being called for, responded in an enthusiastic speech. Finally Mr. Brownlow, editor of the Jonesboro Whig, being called for, though not a speaker, as he said, entertained the crowd with his wit and humor. Some one of the audience later said that "the way he did curry the Locos and make the fur fly was distressing." Another said "he ought to be indicted for violating that provision of the constitution which forbids the infliction of cruel and unusual punishment."

The crowd reassembled at the capitol square on Friday at 12 o'clock, and several distinguished visitors made speeches, among them Mr. Shelton, of Buffalo Springs, Va.; and Mr. B. W. Leigh, of Richmond, who

was later one of Virginia's U. S. Senators. "His speech," as someone said, "was worthy of Virginia in her palmy days." Among others who spoke were Messrs. Cherry and Reade, both of whom were prominent in political affairs of the State. The last meeting of the crowd was on Saturday night, at which time Messrs. Badger, later a U. S. Senator and member of Tyler's cabinet, Moore, Syme, and Harris being called for made appropriate speeches.

The above mentioned features, though important in the event, were not, of course, the chief part of the occasion. The great and most important meeting took place on Saturday morning, when Henry Clay, the longed for visitor, spoke. The great crowd gathered at the capitol square at eleven o'clock and formed the procession which on the day before had met him. The procession marched to the Governor's Mansion, where it was joined by Clay and his party, who were drawn by four gray horses in an open landeau, and escorted to the platform in the capitol square, which was built for him to speak from.

Mr. Clay spoke for two hours, and said in part: "A long cherished object of my heart is accomplished. I am at your State capital in the midst of you. I had expected to find some hundreds, perhaps a few thousands, assembled here to greet me, but I did not expect to see the whole State congregated together, but here it is." Mr. Clay then took up the issues of the day; first, he spoke of the manner of electing members of the House of Representatives. From the establishment of the Union there had grown up a custom among the States to elect their congressmen as we now elect our presidential electors, that is, by the State. Congress, seeing the evil of this method, made a general rule for the election of congressmen, and that rule was by the district. To this

rule some States complied, others did not. Among those that did not were Missouri, Mississippi, Georgia, and New Hampshire. These congressmen were permitted by a Democratic Congress to take their seats, while New Jersey elected by district, was deprived of some of its members. Mr. Clay said that he was in favor of election by district and the enforcement of the law. The next question was the illegal way of admitting Michigan into the Union, which was sanctioned by the Democratic party. In passing he condemned Dorrison in Rhode Island, which he said had been encouraged by the Jackson party. Another question which he touched upon was the tariff, which had been a live question for thirty years. As we all know, he was the great compromiser between the North and the South upon this question in 1832, when South Carolina nullified the tariff of that year. He advocated a tariff for revenue with incidental protection. He said, "I believe no great nation ever has existed or can exist, which does not derive within itself essential supplies of food and raiment and the means of defense. We must reject both high tariff and free trade." He strongly advocated sound money, which, he said, could be brought back permanently only through the establishment of a Bank of the United States. He also advocated an equitable distribution of the funds from the public domain among the several States according to the federal population. He ended the two hours' speech with the following paragraph, which sent a thrill of enthusiasm accompanied with a sense of sadness: "We are about, fellow citizens, finally to separate. Never again shall I behold this assembled multitude. No more shall I probably ever see the beautiful city of oaks. Nevermore shall I mingle in the delightful circles of its hospitable and accomplished inhabitants. But you will never be forgotten in this heart of mine. My visit to your State is an epoch in my life. I shall carry with me

everywhere and carry back to my own patriotic State, a grateful recollection of your kindness, friendship, and hospitality which I have experienced so generously at your hands. And whatever may be my future lot or destiny, in retirement or public station, in health or sickness, in adversity or prosperity, you may count upon me as an humble but zealous coöperator with you in all honorable struggles to place the government of our country once more upon a solid, pure and patriotic basis. I leave with you all that is in my power to offer, my fervent prayer that one and all of you may be crowned with the choicest blessings of heaven, that your days may be lengthened to the utmost period of human existence, that they may be unclouded, happy, and prosperous, and that when this mortal career shall terminate you may be translated to a better and brighter world." A newspaper writer describes Mr. Clay's manner of speaking in the following terms: "There was a sort of indefinable simplicity about his manner, a majesty in his voice, a swelling, overpowering grandeur and sublimity in many of his sentences that must be heard to be appreciated. We must confess that the half had not been told us."

On the termination of his speech, Mr. Badger introduced to him Miss Harris, of Granville, who had come to see and present to him a silk vest pattern, which she had made, and request that he should wear it upon his inauguration. The vest was accepted together with the request in a very pleasant way. The great crowd moved towards Bennehan's Grove, better known as Baptist Grove, not far from the capitol. The great barbecue was served here and several thousand visitors partook of Raleigh's hospitality.

After the people had enjoyed themselves at the public barbecue, they began to think of returning home. Some lived in the far west and some in the extreme eastern part of the State. On Saturday night those who re-

mained in the city enjoyed a great display of fireworks. In the exhibition there were two fire balloons, one of these had Henry Clay's name upon it, and they said it went directly towards Washington City. On Sunday, Mr. Clay attended church at Edenton Street. Monday he received visitors at the mansion, while on Tuesday he was carried over the city. On Thursday he left Raleigh for Petersburg, accompanied by the Virginia committee.

While everything seemed bright, happy, and pleasant to Clay during his stay in Raleigh, yet he was in the midst of death so far as his presidential aspirations were concerned. While here he penned his own doom, known as the Raleigh letter. On April 17 he wrote a letter to the Petersburg National Intelligencer, expressing his views on the Texas question. The people had demanded his views on the question, so he expressed them in this letter.

This letter being so important in the history of the campaign, I will give briefly his views on the subject as expressed in this letter. He said he was in favor of annexing Texas "if it could be done without loss of national character, without the hazard of foreign war, with the general concurrence of the nation, without any danger to the integrity of the Union, and without giving any unreasonable price for it." He said he did not think this could be done. He sums up his views in the following words: "I consider the annexation of Texas at this time without the consent of Mexico, as a measure compromising the character of the nation, involving us certainly in a war with Mexico and probably with other foreign powers, dangerous to the integrity of the Union, inexpedient in the present financial conditions of the country, and not called for by any general expression of public opinion." From a theoretical standpoint this seems plausible, but did not satisfy the people. So ends Clay's visit to Raleigh.

**SOME SOCIAL TRAITS OF THE QUAKERS OF RICH SQUARE.**

BY W. A. BRYAN.

## I.

I have previously given a short history of the founding of Rich Square meeting and need not go into details here. Suffice it to say that prior to 1760 many Quakers moved from Virginia and some of the far eastern counties of the colony of North Carolina to Northampton county and settled around Rich Square. At the quarterly meeting held in the Old Neck in Perquimans county in May and June of 1760, the following was recorded in the minutes: "It appears to this meeting by the petition of friends of Northampton, Edge Comb, and Hertford Counties, they the Inhabitation of said Counties, Called Quakers, Requested to have a Monthly Meeting Settled amongst them at their meeting at Rich Square in Said County the first seventh day in each month and also a general first day's meeting the day following which. Said request of theirs is approved by this meeting and accordingly granted." This meeting was soon thereafter established and met at the homes of the Quakers until a meeting house could be built. The house was built on what is now the public square of the town, and even now the old burying ground, which was near the meeting house, is clearly traceable. About the middle of the nineteenth century the house was moved to a point east of town and is still situated at this point, near the railroad station.

Since this paper is not intended to give a history of the Rich Square meeting it will be well to hasten to my subject. I shall treat some of the social relations of the Society, especially as regards marriage. All who know aught of the Quakers know that they have remained about as puritanic in their religious ideas as any sect in

our State, but even the strictest of the sect could not withstand the change which has come about during the past two hundred years, and today the Quakers are in many respects as broadminded as any of the believers. The older members of the Society adhere to the plainness in dress advocated by former generations, but the younger members show clearly the tendency towards modernism. This breaking away from the old puritanic idea is very clearly shown by noting the development as regards marriages and the church's relation thereto.

That we may get some idea as to what a Quaker marriage is like, I take one account from the records: "11th month 1760. Thomas Hollowell and Mary Peelle published their intentions of taking each other in marriage the first time. This meeting appoints Elizabeth Hall and Rachel Daughtry to inspect into the young woman's clearness and make report to nex meeting."

"12th mo. 1760. Elizabeth Hall and Rachel Daughtry being appointed by last monthly meeting to enquire into Mary Peelle's clearness in relation to marriage we finding her clear have had satisfaction there in. Thomas Hollowell and Mary Peelle appeared at this meeting and desired a answer to their proposals last monthly meeting. Matters appearing clear they are left at liberty. This meeting appoints Rachel Daughtry and Rachel Copeland to attend the marriage of Thomas Hollowell and make report to next meeting."

"1st mo. 1761. Rachel Daughtry (and) Rachel Copeland was appointed by last monthly meeting to attend the marriage of Thomas Hollowell for good order's sake and make report to this meeting things was carried on decently and in good order."

This merely gives the process in the women's meeting. The man had to go through the same step in the men's meeting, which appointed a committee to examine him,

and to attend his marriage and report how it was conducted.

The record of the marriage is as follows: "Whereas Thomas Hollowell of the County of Perquimans, son of John and Sarah Hollowell of the colony of Virginia and county of Norfolk, and Mary Peelle Daughter of Robert Peelle of Northampton County and Elizabeth Peelle Deceased, having Publicly declared their intentions of taking each other in marriage, the People called Quakers in the county of Northampton according to them whose Proceedings therein after a Deliberate Consideration thereof with Regard unto the Righteous Law of god and Example of his People Recorded in the Scriptures of truth in that case, were approved by the said meetings they appearing clear, of all others, and having also Consent of Parents and Relations concerned.

"Now these are to certify all whom it may Concern that for the accomplishment of their said intentions this seventh day of the twelfth month called December in the year one thousand seven hundred and sixty, They the said Thomas Hollowell and Mary Peelle appeared in a Publick assembly of the aforesaid People and others met together in the County of Northampton in their Public meeting Place at Rich Square, and in Solemn manner he the said Thomas Hollowell taking the said Mary Peelle by the hand did openly Declare as followeth: 'Friends you are my witnesses that I do take this my friend Mary Peelle to be my wife Promising through divine assistance to be to her a True and Loving husband 'till death separate us,' or words to this effect, and then and their in the Said Assembly the said Mary Peelle did in like manner declare as followeth: 'Friends you are my witnesses that I do take this my friend Thomas Hollowell to be my Husband Promising through Divine assistance to be to him a True and Loving wife 'till Death separate us,' or words to that effect.—



“And the said Thomas Hollowell and Mary Hollowell his now wife, as a farther confirmation thereof did then and their to these Presence set their Hands, and we whose names are hereunto subscribed being Present among others at the Solemnization of the above said marriage and subscription in manner aforesaid as witnesses thereunto, have also to these Presence Subscribed our names the day and year above written.”

The Quakers have always kept a strict oversight among their members and in the old times it was the custom to disown them when they went astray. In later years the records show that the wayward have been worked with and reclaimed when possible, and they are not so readily disowned now as formerly. It was then practically unpardonable for a member to marry outside the fold, but we note from a study of the records a greater and greater leniency on this point, and now the members often marry outside the society and continue to retain their standing among Friends, but even now the church tries to avoid such when practicable. Permit me to quote several instances recorded in the records of the Women's Monthly Meeting at Rich Square to show how such matters have been dealt with, as well as to show the growing leniency in dealing with them. I note the following:

“8th mo. 1762. It appeared to this meeting Ester Ross after Precaution hath taken a husband not in unity amongst friends. Mary Peelle and Sarah Duke are appointed to draw on a paper of Denial and produce to next monthly meeting. . . . Whereas Mourning Ham daughter of Henry Ham having joined herself in marriage with one not of our Communion, therefore we can do no less than testify to the word that she is not of our Communion.”

A case of slightly different nature is stated thus: “It appeared to this meeting that Ruth Daughtry hath

married out from amongst friends without ever being cautioned before marriage, therefore friends appoint Mary Parker and Elizabeth Jordan to treat with her and see if they cannot bring her to a sight of her out goings." We note that she justified her conduct and was accordingly disowned.

In 1790 we note the following: "There was a Complaint brought from the Preparative Meeting against Sarah Copeland for intermarrying with a man not of our society, and also against her mother Mary Copeland for giving her a wedding in her own house." A committee was appointed to visit them, but not getting satisfaction, papers of denial were ordered for both mother and daughter.

1802. "There was a complaint handed up from the Preparative meeting to this against Rachel Outland for marrying with too near kindred." She was disowned for this. In regard to this point we notice the following was added to the discipline in 1832: "No member of Society shall marry the sister of his deceased wife nor no woman shall marry the brother of her deceased husband."

1817. "There was a complaint handed from the preparative meeting held at Rich Square to this against Ann Lawrence for attending a marriage contrary to discipline." She was later disowned.

1840. Note here the change: "Miriam Britton formerly Hall having married contrary to discipline requests to retain her right of membership amongst friends." A committee was appointed to visit her and reported a good degree of satisfaction and she was retained as a member. Many of the Quakers were moving to the far West about this time and it may have been for this reason that the members were retained when possible, but leaving this out of the question there was a growing laxness in the dealings with the members.

There is possibly no sect that is more strictly moral than the Quaker, and for this reason immorality has been and is severely dealt with. There was always a standing committee to search out immorality and report it to the meetings. The private lives of the members were examined into and the records call a spade a spade, sparing none who had strayed from the paths of rectitude. The sexual vices were punishable by expulsion, so that no man or woman having illegitimate offspring could have any part among these people. The keeping of questionable company was a cause for expulsion. Note the following: "5th mo. 1774. A complaint was made to this meeting against C— P— for giving her consent to join in marriage with a man not of our society and contrary to our discipline, also for suffering rude and bad company to frequent her house." She was visited by a committee, but as she persisted in her ways she was denied.

Also this: "it appeared to this meeting that R— P— daughter of S— P— having had her education among the people called Quakers but for want of taking heed to measure of grace wherewith she has been favored hath so far rebelled against the divine command as to be disobedient to parents, also a swearer and a lyer and often frequents bad company." Therefore a paper of denial is ordered against her.

"7th mo 1785. there was a complaint brought into this meeting against R— W— for not using her husband well, and for not attending to her business at home." A committee was appointed to reconcile R—and her husband and they reported to the next meeting "that they had not that satisfaction they desired, things seemed much out of order." She was later disowned.

"4th mo 1794. There was a complaint brought to this meeting from the Preparative meeting against Pharaby Knox for taking Strong Liquor to Excess." She was

disowned. Of a different nature is the following, taken from the records in 1852: "A Complaint against Mary Elliott for absenting herself from our meetings also for deviating from our well known principles of plainness of speech and dress." She was disowned.

These few extracts will give some idea as to the strictness of the people called Quakers. The records contain many such accounts and in them all one is impressed with the stern justice which was meted out to rich as well as poor. Extravagance in dress and ornaments has always been preached against by them, and nothing is more characteristic of the Society even today than the old-fashioned "Quaker bonnet" and the plain though neat dress worn by the strictest of the sect. In all things they are a painstaking and economical people and few are the homes among them where there is ever want of the necessities of life. Their lifelong training in frugality and plainness has made of them a peaceful and prosperous people, whose history clearly demonstrates that "Blessed are the meek."

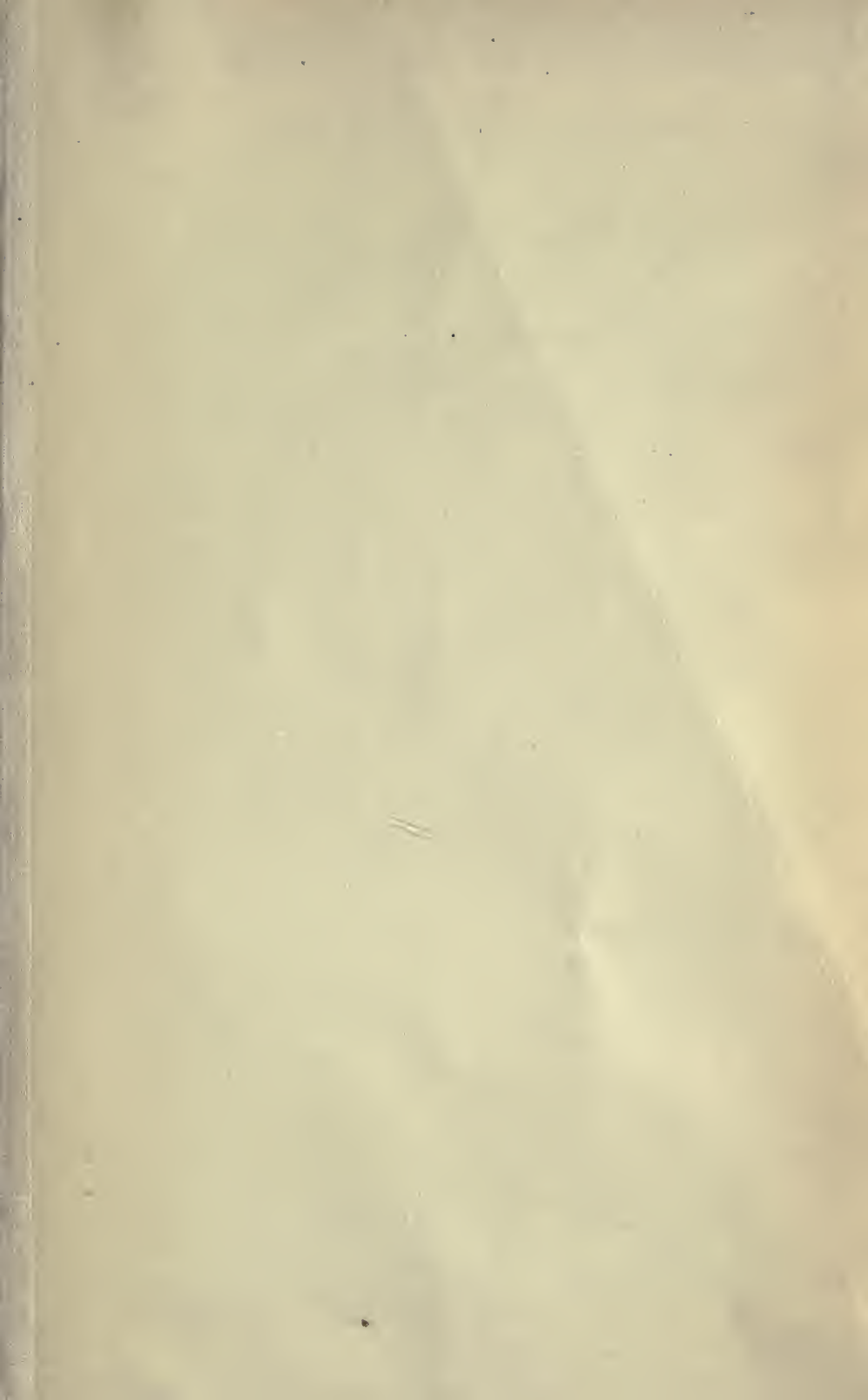


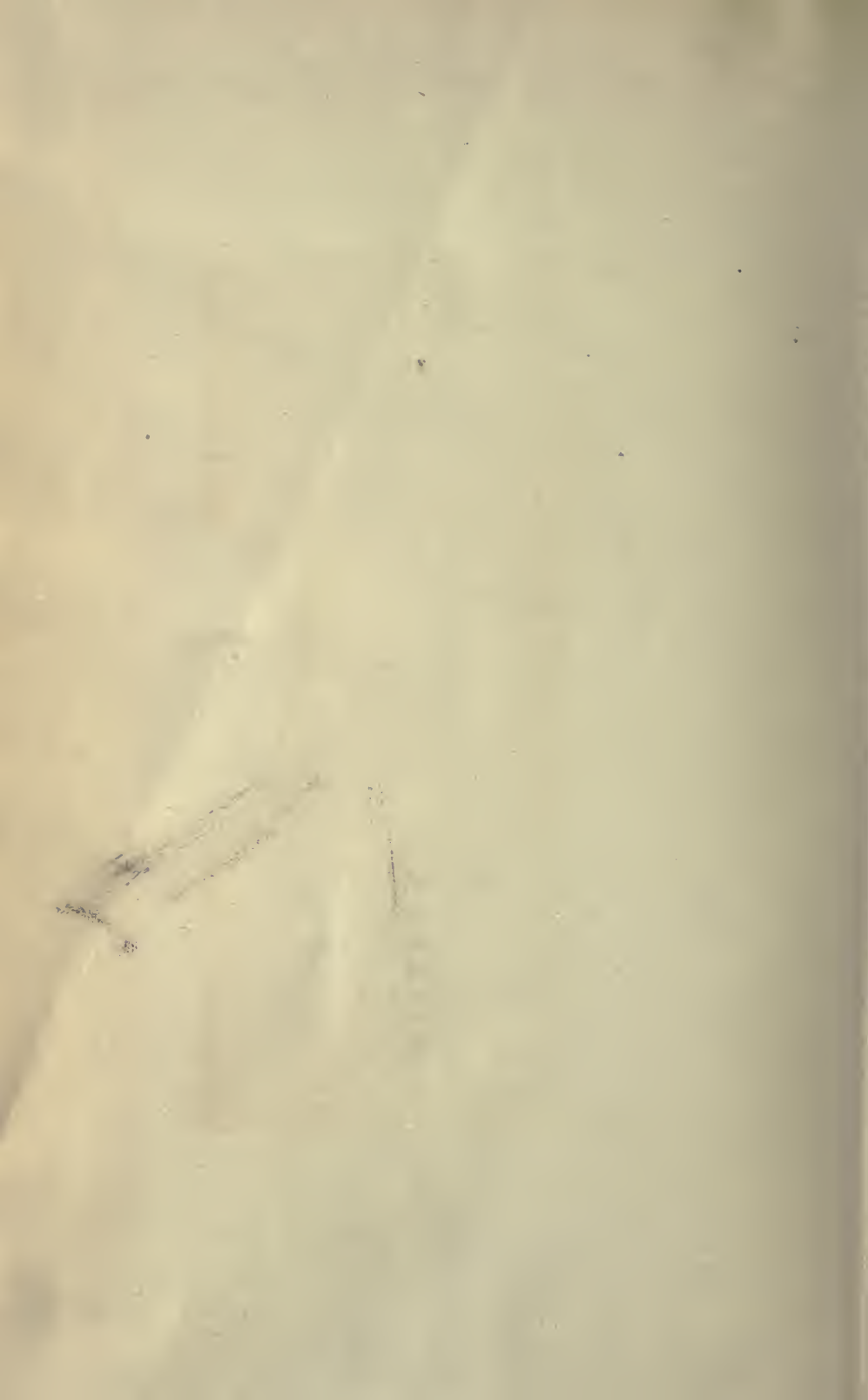












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