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WILLIE JONES OF HALIFAX

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Willie Jones of Halifax was the outstanding radical of North Carolina in the latter part of the eighteenth century. A consummate politician and an aristocratic democrat, he won for himself the title of the Jefferson of North Carolina. Yet, in spite of the recognition of his importance by historians both early and recent, little has been written about this eighteenth-century gentleman whose life has provoked so much romantic fiction.

Like so many of his contemporaries in North Carolina, Willie Jones was not born in the colony in which he was later to become so prominent. His great-great-grandfather, James Jones, Gentleman, came to America from Wales and settled in Charles City County, or what is now Prince George County, Virginia, where he left one son, James Jones, Jr., who died in 1725. This second James Jones was the father of Robert (or Robin) Ap Jones, born in 1694, who was the grandfather of Willie Jones. A man of wealth and influence, Robin Jones, Senior, lived in eastern Virginia in Surry County or what is now Sussex County.¹ Owning a seat on the Assamoosack Swamp, he was Burgess from Surry County in 1750, 1753, and 1754.² He died at the age of eighty-one, leaving three sons, John, Nathaniel, and

¹ The above information is to be found in the Albemarle Parish Register (pages 44, 46, 162, 166, 169) of Sussex County, Virginia. This Register was kept during the occupancy of the Reverend William Willie. The original register, written in long hand, is in the archives of the Virginia Historical Society in Richmond. These records explode the tradition of the family, as set forth by the North Carolina historian, Wheeler, and by the *Dictionary of American Biography*, that Robin Jones came to Norfolk, Virginia, in the latter part of the seventeenth century as a boatswain on a man-of-war, and that while there he fell in love, and, failing to get a discharge from service, as the ship sailed out of the Harbor, he leaped overboard as

“ . . . Leander swam the Hellespont
His true love for to see.”

See J. H. Wheeler, *Reminiscences and Memories of North Carolina, and Eminent North Carolinians*, p. 196.

² *Virginia Magazine of History and Biography*, VIII (1901), 252, 255-256.

Robin Ap Jones, Junior. The last was Willie Jones's father.³

Born in 1718 at his father's home in Surry County, Robin (or Robert) Jones, Junior,⁴ was sent to the famous Eton School in England, where, as a student of law, he is supposed to have attracted the attention of Lord Granville, who later appointed him his agent for the province of North Carolina.⁵ Robin Jones returned to Virginia and began the practice of law in Surry County, where in 1737 or 1738 he married Sarah Cobb of York County, Virginia.⁶ Of this union, there were born five children: Willie, who was born May 25, 1741, and christened July 5, 1741;⁷ Allen, born November 1, 1743; Robert; Martha, who married Dr. Thomas Gilchrist of Halifax, North Carolina, by whom she had several children; and Charlotte, who died at an early age. After the death of his first wife, Robin married Elizabeth Eaton of Northampton County, North Carolina, and left one daughter, Elizabeth Jones.⁸

Some time between 1750 and 1753 Robin Jones and his family moved to what is now Northampton County, North Carolina, about six miles from the then thriving and important center—Halifax. He built a large colonial residence, "The Castle," three miles south of the present town of Jackson, at what is now called Barrows Mill, on the road leading to Occoneachy Neck and the Halifax Ferry, eight miles south.⁹

From 1754 to 1761 Robin Jones was in the Assembly from Northampton, and in the latter year he was appointed Attorney General for the province of North Carolina.¹⁰ As agent for Lord Granville and attorney for the Crown, he rapidly acquired immense tracts of land by grants, negotiations, and dealings with the Indians, and was probably the largest landed proprietor on the Roanoke River.¹¹

³ Albemarle Parish Register.

⁴ Albemarle Parish Register.

⁵ W. C. Allen, *History of Halifax County*, p. 153.

⁶ Albemarle Parish Register; *William and Mary Quarterly Magazine*, XIX (July, 1910), p. 56.

⁷ His godfathers were Howell Briggs and the Reverend William Willie and his godmothers were Lucy Briggs and Elizabeth Willie (Albemarle Parish Register). Willie Jones's first name is pronounced "Wyley." Its peculiar spelling is due to the fact that he was named for his godfather, Reverend William Willie. (Allen, *Halifax County*, p. 25.)

⁸ Albemarle Parish Register; W. L. Long, "Willie Jones: A Brief Sketch of His Life and Influence in North Carolina," *University of North Carolina Magazine*, XXVI (May, 1909), pp. 22-23; Northampton County Will Book, I, 135.

⁹ Long, "Willie Jones: A Brief Sketch of His Life and Influence in North Carolina," *University of North Carolina Magazine*, XXVI (May, 1909), pp. 22-23; Stuart Hall Hill. The Hill Family, VIII. This is a collection of typewritten material concerning the Hill and allied families, in the library of the University of North Carolina.

¹⁰ James Monro, ed., *Acts of the Privy Council (Colonial)*, IV, 484; Wheeler, *Reminiscences*, p. 196.

¹¹ W. K. Boyd, ed., *Some Eighteenth Century Tracts Concerning North Carolina*, p. 179; Long, "Willie Jones: A Brief Sketch of His Life and Influence in North Carolina," *University of North Carolina Magazine*, XXVI (May, 1909), pp. 22-23.

As to his political interests, it seems only natural that he should have been identified with the royal governors rather than the courthouse ring of the county. He was again elected to the Assembly in 1766 but died on October 2, 1766, in his forty-ninth year.¹²

It likewise seems only natural for a man of such affluence to send his two sons, Allen and Willie, to England to school, where they attended their father's *alma mater*, Eton.¹³ Here they were said to have been under the charge of their father's friend and patron, Lord Granville. The exact year of their entrance is unknown, but it may be assumed that it was between the years 1748 and 1752. It is known, however, that Allen left Eton in 1753, while Willie continued at the school until 1758,¹⁴ after which he spent some time on the Continent making the "grand tour."¹⁵

On his return to North Carolina, Willie was described as a "peculiarly thoughtful and eccentric man." Moreover, he decided to take a vow of celibacy and soon settled down to a bachelor's life. His brother Allen had already built his home "Mount Gallant" on the Northampton side of the Roanoke River, and Willie had his father's old home, "The Castle," left to him. Preferring to live in the town of Halifax, he is said to have torn down his paternal home and built from these timbers, many of which had supposedly been brought from England, a new home in the southern end of the town of Halifax.¹⁶

Situated in an immense park of native white oaks,¹⁷ and surrounded by a beautiful grove of shrubbery, crepe myrtles, and mock oranges, this house is worthy of special note as one of the outstanding homes in colonial North Carolina. Built in accordance with the demands of the times in regard to hospitality and lavish entertainment, it was very large and substantial, and its construction was elaborate and ornate. Of particular interest was a large bay window—

¹² Boyd, *Tracts*, p. 179; *William and Mary Quarterly*, XIX, 56.

¹³ One writer maintains that Willie Jones "had studied at Glasgow," though he cites no authority as proof. See Enoch Walter Sikes, "The Transition of North Carolina from Colony to Commonwealth," *Johns Hopkins University Studies*, Series XVI (1898), p. 81.

¹⁴ In 1922 the late Colonel Fred A. Olds of Raleigh carried on some correspondence with the historian of Eton, Mr. Austin-Leigh, in regard to their stay at Eton, but could only find the dates of their departure, and not of their entrance, since the records of the college from 1748 until 1753 have been destroyed. Fred A. Olds, "Sketch of Willie Jones," *The Orphan's Friend and Masonic Journal* (Oxford, N. C.), February 15, 1924.

¹⁵ Long, "Willie Jones: A Brief Sketch of His Life and Influence in North Carolina," *University of North Carolina Magazine*, XXVI (May, 1909), p. 23.

¹⁶ Long, "Willie Jones: A Brief Sketch of His Life and Influence in North Carolina," *University of North Carolina Magazine*, XXVI (May, 1909), p. 23.

¹⁷ These trees were highly valued by Willie Jones, and in his will he made a provision by which he gave to his wife "the liberty of getting firewood for her own use, on any of my land, except my grove and they are to be held sacred from the axe."

said to have been the first built in North Carolina—which formed a semi-circle with one wide center window and two small ones on each side. It was so constructed in order that its owner might watch the racing of his blooded horses on his private race-track behind the house. This track was used extensively by the residents of Halifax and by those who came from afar to indulge in the sport.¹⁸

This house soon became the council hall of many important meetings and the focal point for the belles and young blades of the section—both groups of which sought Halifax as the political and social mecca of northeastern North Carolina. There are, indeed, many contemporary accounts which elaborate on the town of Halifax and its importance. A brief glance at a few of them may throw some light upon Willie Jones's environment and thereby be of assistance in understanding his life.

The town was located on the Roanoke River, along whose borders—according to an account in 1778—lay the "wealthiest region of North Carolina," its soil "rich and highly cultivated." At this time the principal crops were "corn, pease, and tobacco, in immense quantities, and also some rice." This same traveler saw "vast droves of hogs, ranging among these plantations,"¹⁹ while George Washington, in his tour of the Southern states, said that "the lands are cultivated in Tobacco, Corn, Wheat and Oats, but Tobacco and the raising of Porke for market, seems to be the principal dependence of the inhabitants. . . . Cotton and Flax are also raised but not extensively." He continued by saying that to the town of Halifax "vessels by the aid of Oars and Setting poles are brought for the produce which comes to this place, and others along the River."²⁰

The English visitor, Smyth, in 1774, noted that Halifax was "a pretty town" to which "sloops, schooners, and flats, or lighters, of great burden" came up the stream which was "deep and gentle." He said that Halifax enjoyed "a tolerable share of commerce in tobacco, pork, butter, flour, and some tar, turpentine, skins, furs, and cotton"

¹⁸ W. H. S. Burgwyn, "The Groves," *North Carolina Booklet*, II (1903), 13-14; W. L. Long, "Willie Jones: A Brief Sketch of His Life and Influence in North Carolina," *University of North Carolina Magazine*, XXVI (May, 1909), 23. At his death, Willie Jones willed it to his son, Willie William Jones, who died a bachelor; at his death, his sisters, Mrs. Eppes and Mrs. Burton, acquired possession of it (Allen, *Halifax County*, p. 141). Within the last thirty years, due to inoccupancy and decay, it has been torn down, despite the efforts of the Halifax Chapter of the Daughters of the American Revolution to reclaim and restore it. One lone chimney now stands to mark the spot. (Hill Family, VIII).

¹⁹ Elkanah Watson, *Men and Times of the Revolution, or Memories of Elkanah Watson, including his Journals of Travels in Europe and America, From the Year 1777 to 1842*, p. 52.

²⁰ John Clement Fitzpatrick, ed., *The Diaries of George Washington*, III, 162-163.

and that there were "many valuable fisheries at, or in the vicinity of Halifax." This traveler "visited Willie Jones, esq. . . . among many other gentlemen's seats, and met with a most courteous and friendly reception from all."²¹

The society in Halifax and vicinity was said to have been "considered among the most polished and cultivated in the state."²² Another writer, visiting Halifax in 1785, wrote to James Iredell of Edenton that he had "received the most flattering marks of attention and hospitality from all the inhabitants of that polite and agreeable place" of which he had "formed a pleasing idea," but which exceeded his expectations.²³

Numerous indeed were the visitors who commented on its grace, gait, and opulence. A wedding in 1790 was celebrated by "twenty-two consecutive dinner parties, in so many different houses, the dinners being regularly succeeded by dances and all terminated with a great ball."²⁴

Needless to say, Willie Jones was an integral part of this cultivated society. The young cavalier of pre-Revolutionary days was at this time living a bachelor's life at "the Groves" in the true style of a gentleman and planter. In fact, in these days when North Carolina was still under British rule, he seemed to care little for politics and affairs of state and was far more interested in his neighbors, his horses, and his dogs. By nature a lover of all three, he did not let his business or wealth prevent him from cultivating a "liberality of sentiment and benevolence toward his fellowmen," an "engaging and social turn," and "a friendly and hospitable disposition."²⁵

As befitted a man of his aristocracy and wealth, he spent a great deal of time in the society of fox-hunters and lovers of blooded horses. He owned "one of the finest stables in the South," and he was also "one of the wildest gamblers in the South."²⁶

Sir Nathaniel Dukinfield, a "rollicking young baronet," who was the master of Dukinfield, an immense plantation facing Albemarle Sound in southeastern Bertie County, was one of Willie Jones's intimate friends. After Dukinfield's

²¹ J. F. D. Smyth, *A Tour of the United States of America, Containing an Account of the Present Conditions of the Country*, I, 52, 55-56.

²² Watson, *Men and Times of the Revolution*, p. 72.

²³ T. Lowther to James Iredell, Eden House, N. C., July 4, 1785 (Iredell MSS.—Duke University Library).

²⁴ G. J. McRee, *The Life and Correspondence of James Iredell*, II, 304.

²⁵ G. G. Johnson, *Ante-Bellum North Carolina*, p. 82.

²⁶ R. D. W. Connor, *North Carolina: Rebuilding an Ancient Commonwealth*, I, 217.

departure for England before the Revolution,²⁷ he wrote James Iredell in Edenton many gossipy letters, in one of which he comments on Jones's genuine love of horses:

Sometime ago I met with Captain Kinlock, who had served in Tarleton's Corps; he spoke with great respect of Willie Jones's genteel behavior. Kinlock had got possession of a famous mare of Willie's which was some time afterwards strained in the shoulder, upon which Willie sent a card to Kinlock, wishing, as the mare was a favorite, and useless to him, he would return her, and any horse in his stable was at his service. Kinlock told me, he was so pleased with him that he sent the mare back.²⁸

It is also through the medium of Dukinfield's correspondence that we learn of Willie Jones's most unusual courtship. In January, 1773, Dukinfield wrote that he heard that Willie Jones "is desirous to marry Miss Sukey Cornell, but whether he is likely to succeed, I'm not informed. If he does I wish him happy."²⁹ Miss Sukey lived then in New Bern where she was "not only a reigning toast—she was also one of the richest heiresses in the province."³⁰

In a later letter Sir Nathaniel wrote James Iredell that he had seen Willie's sister, Mrs. Thomas Gilchrist, in Liverpool, and she had told him that her brother had "paid his addresses" to Miss Sukey, but that the latter's stern father had said he "would never give his consent to his daughter's marriage with any person who would risk a fortune on a horse race—upon which he very properly refused and spiritedly declined any further solicitation, saying that as it was his favorite amusement he would not be under any engagement to release it before marriage; but that if it had afterwards happened that his wife should solicit it as a favor, he would submit to anything for her satisfaction."³¹

Three years after his courtship of Miss Sukey, he forsook his life of celibacy—to which he had previously sworn himself—and on June 27, 1776, he married Mary Montfort, "notwithstanding all the appearances of war and destruc-

²⁷ Hill, *The Hill Family*, VIII, 210. See also James Boyd, *Drums*, for accounts of Willie Jones and Sir Nathaniel Dukinfield and of their gay life.

²⁸ McRee, *Iredell*, II, 86-87.

²⁹ McRee, *Iredell*, I, 165.

³⁰ Connor, *North Carolina: Rebuilding an Ancient Commonwealth*, I, 217. Sukey's father, a merchant in New Bern at the time, was a member of the Governor's Council and a Tory during the war. His daughter finally married a certain Leroy of New York and was the mother of the second wife of Daniel Webster. McRee, *Iredell*, I, 139.

³¹ McRee, *Iredell*, I, 187.

tion" at the time.³² She was the second daughter of Colonel Joseph Montfort and his wife Priscilla Hill.³³

Willie Jones's wife was more than twenty years younger than he, and it was said that when she as a child first saw him on his return from England she said, "I am going to marry that man!" And she did. Numerous are the stories of her wit, her beauty, and her goodness. She was regarded as "the most conspicuous among the Revolutionary heroines in the region where she lived, and is said to have been eminent in every quality that constitutes excellence in female character." Possessing a remarkable faculty of gaining influence by the affections, she was regarded by an acquaintance as being "the only person with whom he was ever acquainted, that was loved, devotedly, enthusiastically loved, by every being who knew her."³⁴

Willie Jones and his wife had thirteen children,³⁵ but only five of them lived to maturity. The deaths of these children were terrible blows to their father and after the loss of two of them at once, he was "sick" and "almost distracted."³⁶

Of those children who survived, two were boys, Willie William and Robert Allen Jones. Willie William was born January 31, 1784,³⁷ and attended Princeton College,³⁸ and then the University of North Carolina. From the latter he received his bachelor of arts degree in 1804, and he was a trustee of the institution from 1807 to 1812.³⁹ He was described as "mentally dwarfed," and died unmarried at the Groves in 1837.⁴⁰ Robert Jones, the other son, was born August 11, 1796,⁴¹ and died unmarried in September 1831, at "Rocky Hill," which was the county seat of his brother-in-law, Governor Hutchings G. Burton.⁴² Thus,

³² Thomas Gilchrist to Joseph Hewes, Halifax, N. C., June 18, 1776 (Hayes Collection, Edenton, N. C.).

³³ Mrs. Montfort was the daughter of Colonel Benjamin Hill of Bertie County. She had two sisters, Mrs. Alexander McCulloh of "Elk Marsh," a few miles west of Halifax on the old Warrenton road, and Mrs. John Campbell of Bertie County. Colonel Montfort was a gentleman of distinguished ancestry, having been descended from Simon de Montfort, Earl of Leicester. He had moved to North Carolina from Virginia some time before 1750, and in 1771 he was appointed by the Duke of Beaufort to be the "Grand Master of Masons of and for America"—an office which entailed more authority than any other Masonic officer has ever held in North America. His Commission has been preserved by the Hall of History in Raleigh, but has been lent to the courthouse at Halifax, North Carolina.

³⁴ Elizabeth Fries Ellet, *The Women of the American Revolution*, II, 160-162; John H. Wheeler, *Historical Sketches of North Carolina*, II, 186; Allen, *Halifax County*, p. 59.

³⁵ Hill, *The Hill Family*, VIII.

³⁶ McRee, *Iredell*, II, 112.

³⁷ See will, in which Willie Jones records the dates of the births of his five surviving children, giving as his reason that there was no public record of their birth.

³⁸ Olds, "Willie Jones," *The Orphan's Friend*, February 22, 1924.

³⁹ Daniel Lindsey Grant, ed., *Alumni History of the University of North Carolina*, p. 332.

⁴⁰ Burgwyn, "The Groves," II, 13; Hill, *The Hill Family*, VIII. His will is on record at the Halifax County courthouse. There is a tradition in the Jones family that he was sent to Europe by his father, and, liking the Old World so much, he lived for a while in Paris and later moved to Constantinople, where he kept a harem and lived like a Turkish nobleman, but later returned to Halifax before he died.

⁴¹ Will.

⁴² Hill, *The Hill Family*, VIII.

out of a family of thirteen children, there was not one to carry on the name of Jones.

The three daughters who lived to maturity all married.⁴³ Anna Maria Jones, described as "truly amiable and greatly esteemed," married Joseph B. Littlejohn, Esq., of Edenton.⁴⁴ Her husband had been secretary to General William R. Davie when that gentleman went to France as a member of the Louisiana Purchase Commission.⁴⁵

Another daughter, Martha (or Patsy) Burke Jones,⁴⁶ was the second wife of the Honorable John Wayles Eppes of Buckingham County, Virginia, whose first wife had been Maria, the daughter of Thomas Jefferson. Judge Eppes long represented Virginia as Congressman and United States Senator.⁴⁷

The last surviving daughter was Sally Welch Jones,⁴⁸ who married, first, Hutchings G. Burton, later Governor of North Carolina, and secondly, Andrew Joyner of "Poplar Grove," near Weldon, North Carolina.⁴⁹

And so, with the approach of the stirring Revolutionary days, Willie Jones was living the life of a typical aristocratic planter of the times, holding vast tracts of rich land and possessing a multitude of slaves for that day. In District Nine of Halifax County alone, he owned 9,942½ acres in the year 1790.⁵⁰ As to the number of his slaves, there are no available figures for the period before the Revolution, but according to the Census of 1790, he was the holder of one hundred and twenty slaves, being one of the largest slave-holders in the state, while his brother, Allen, owned one hundred and seventy.⁵¹ Owning so many that "he didn't know his own niggers," he employed a practice

⁴³ See Hill, *The Hill Family*, VIII, for a record of the descendants of these three daughters.

⁴⁴ *Minerva; or Anti-Jacobin*, Raleigh, N. C., May 28, 1804.

⁴⁵ Allen, *Halifax County*, p. 155.

⁴⁶ Will.

⁴⁷ *Virginia Magazine of History and Biography*, III (1896), 396.

⁴⁸ Will.

⁴⁹ Hill, *The Hill Family*, VIII.

⁵⁰ Halifax, List of Taxables; Inventories of Estates; Miscellaneous Papers (1784-1839), in North Carolina Historical Commission archives.

⁵¹ *First Census of the United States, 1790, North Carolina*, II, 64, 77. Commenting on slavery in North Carolina, Ashe says: "There were but few great estates in North Carolina. In 1790, the largest slaveowner, Cullen Pollock, listed on four plantations, 372; Whitewell Hall, 270; Benjamin Luther, 221; Robert Haynes and Thomas Eaton in Warren, each 138. The next largest was Willie Jones, with 120" (S. A. Ashe, *Hist. of N. C.*, II, 18-19). However, there are several mistakes in this account. If one adds the slaves of Cullin Pollock (*Census of 1790: North Carolina*, I, 292), Pullen Pollock (*Ibid.*, I, 293), Cullen Pollock (*Ibid.*, I, 397), and T. King ("ov'r for Pollock"—given in Index as Thomas Pollock) (*Ibid.*, I, 481) one arrives at the figure 372. Whitewell Hall turns out to be Whitmell Hill (*Ibid.*, II, 281, 733), while Robert Haynes turns out to be Herbert Haynes (*Ibid.*, I, 1195). There is no record of a man with a name vaguely similar to Benjamin Luther. Moreover, Ashe ignores Allen Jones's 170 slaves.

customary among large planters—that of renting out a certain number at the first of each year.⁵²

Along with his many other interests, he had a splendid library containing “a valuable collection of books.”⁵³

With such a heritage and such surroundings, it is interesting to see how this man reacted to the Revolution and to state and national politics. His first political venture was at the early age of twenty-six, when he represented Halifax County in the lower house of the Assembly, at New Bern in 1767.⁵⁴ Perhaps it was due to his youth and political inexperience that he played so inconspicuous a part in this Assembly. Indeed, his chief occupation seems to have been that of messenger from the lower house to the Council—the upper house.⁵⁵ He was, however, appointed to two important committees, the committee “to settle the accounts of the province”⁵⁶ and a committee to prepare and bring in a “Bill to amend and continue the several Acts for establishing Courts of Pleas and Quarter Sessions in the Several Counties in this Province and regulating the Proceedings therein.”⁵⁷ This first endeavor in the political field served as a school in which he undoubtedly learned much that was to be of inestimable value in the years to come.

After his departure from this Assembly, there is no record of him in the political field until the year 1771. In this period it may well be assumed that he returned to Halifax and attended to his crops, his Negroes, and his horses.

In 1771 he was again elected to represent Halifax in the lower house. The *House Journal* of the first session credits him with but one activity: “On motion, ordered, that Mr. Willie Jones and Mr. Thomson await on his Excellency the Governor and acquaint him the House is met and desire to know when they shall wait upon him.”⁵⁸

As might be expected from his heritage—both political and social—he was identified during these years with the

⁵² Advertisement in the *North Carolina Journal*, Halifax, N. C., Dec. 14, Dec. 21, and Dec. 28, 1795. (Photostat, University of North Carolina Library):

“On the first day of January 1796, I will rent out sundry Negroes, belonging to the estate of Benjamin McCulloh, Thomas Gilchrist, and Willie Jones.—I shall also rent several plantations of the estate of B. McCulloh.

WILLIE JONES”

⁵³ Stephen B. Weeks, “Libraries and Literature in North Carolina in the Eighteenth Century,” *American Historical Association Report*, 1895, p. 208. Weeks states that a few of these books have survived to our day, but, after a diligent search, I have not been able to find any of them.

⁵⁴ W. L. Saunders, ed., *Colonial Records of North Carolina*, VI, 567.

⁵⁵ *Colonial Records*, VI, 555-563.

⁵⁶ *Colonial Records*, VI, 570.

⁵⁷ *Colonial Records*, VI, 575.

⁵⁸ *Colonial Records*, IX, 136.

royal governors, Tryon and Martin, and their clique. He was in the expedition of 1771 against the Regulators in Orange County as one of the 2,500 officers and men called out by Governor Tryon, and, on May 15, 1771, he was appointed aide-de-camp to the Governor, with the rank and pay of captain.⁵⁹ Several days later, after the Battle of Alamance, Captain Jones, with a company of horsemen, was sent to raid the plantation of Hermon Husband, the leader of the Regulators.⁶⁰

Having "strictly adhered to the party of Tryon during the Regulation," Jones, along with other leaders of the province,⁶¹ "publicly lamented his removal to New York, as a calamity to the Province over which he had so long presided."⁶²

As further indication of his allegiance to the royal clique, in the years 1771-1773 he stood high in the favor of Governor Josiah Martin, the unfortunate successor of Governor Tryon.⁶³ Three successive times he was recommended by Governor Martin to the Earl of Dartmouth for appointment to the Governor's Council. In these letters he was described as a gentleman of "character and fortune," who was qualified to make a "useful" member of that board.⁶⁴ Later Governor Martin was "confident" that he would make a "very honorable and serviceable member" of the Council.⁶⁵ In Martin's last recommendation, dated November 5, 1773, Jones was described as a "respectable and promising" character.⁶⁶

As a consequence, the Board of Trade recommended his appointment to the King in Council and on March 9, 1774, the latter ordered his appointment to His Majesty's Council of the Province of North Carolina.⁶⁷

Having thus far received the approbation of the royal authorities, both in North Carolina and in Great Britain, between 1774 and 1775—a period when the revolutionary

⁵⁹ *Colonial Records*, VIII, 583.

⁶⁰ Marshall Delancey Haywood, *Governor Tryon of North Carolina and His Administration in the Province of North Carolina*, p. 133; William Edward Fitch, *Some Neglected History of North Carolina*, p. 229; Hugh Williamson, *A History of North Carolina*, II, 149, note.

⁶¹ The Speaker of the Assembly, Richard Caswell, later Governor of North Carolina; John Ashe; Hugh Waddell, "the most distinguished soldier of the Province"; Cornelius Harnett, "the John Adams of North Carolina"; Samuel Johnston and Joseph Hewes of Edenton; and Abner Nash of Halifax County. Joseph Seawell Jones, *A Defence of the Revolutionary History of the State of North Carolina*, pp. 69-70.

⁶² *Colonial Records*, VI, 70. Governor Tryon had left to become Governor of New York in July, 1771.

⁶³ *Colonial Records*, VI, 2.

⁶⁴ *Colonial Records*, IX, 360.

⁶⁵ *Colonial Records*, IX, 644.

⁶⁶ *Colonial Records*, IX, 695.

⁶⁷ *Acts of the Privy Council* (Colonial), V, 571; *Colonial Records*, IX, 1105; Walter Clark, ed., *The State Records of North Carolina*, XI, 245.

spirit in North Carolina was reaching a white heat—he forsook all Tory or Loyalist alignments and threw himself whole-heartedly into the Whig cause. Indeed, he went to the extreme in this respect and early became branded even by the more conservative patriots as a radical.⁶⁸

Therefore, upon receipt of the appointment to Martin's Council, he promptly refused it. Commenting on this rejection, Governor Martin, March 24, 1775, wrote the Board of Trade that Jones "declines the honor intended him, and he has indeed taken so extraordinary a part in the present distempered times that I conceive he is of very unfit principles for such a station."⁶⁹

In a later letter, dated November 8, 1776, after his flight to New York, Governor Martin wrote Lord George Germain, deploring the fact that the rebels of North Carolina were "so infatuated with the idea of being an independent State, as declared by the Congress, that they have struck paper money with so liberal a hand, for the support of the war, as to have emitted five hundred and fifty-five thousand pounds, which vast sum was then nearly expended (by September, 1776). The leaders of their Politics at that time were Cornelius Harnett, Willie Jones, and Thomas Jones, who are all very guilty characters."⁷⁰

As to the reason for this change of political complexion, little specific explanation can be given. One explanation may be that, having spent several years in England and on the Continent, he had seen despotic government at close range and, as a result, had formed an aversion to strongly organized governments and monarchical institutions. Yet, if this be true, his early activities in the province would appear in the light of opportunism and hypocrisy. On the other hand, it may have been that in this more or less formative period of his political career he was merely wading through the sea of doubt, trying to decide which policies to pursue. The most plausible reason for his change, however, would seem to be that he was caught in the whirlpool of the new spirit of freedom and liberalism which induced so many men far more conservative than he to renounce the mother country and to take up arms in the struggle for freedom. Or perhaps there was an economic reason for the

⁶⁸ *Colonial Records*, IX, 968.

⁶⁹ *Colonial Records*, IX, 1172.

⁷⁰ *Colonial Records*, X, 900.

change: like a great many large planters, he was indebted to British merchants and saw in the Whig cause a means of canceling these debts. This seems most unlikely, however, on the basis of his later championship of Tory claims and his sense of justice and fair play in general. In fact, as will be seen later, he paid a debt of £1,145 10s. 3d. which, though due a Tory merchant, was confiscated by the State of North Carolina.⁷¹

Perhaps it may be best to accept the comment of the North Carolina historian, Moore, when he says:

Willie Jones was a chapter of contradictions. He was always a leader of the Assembly and yet rarely joined in the debates and then only to utter a few pungent and pointed sentences. Again no man was so democratic in theory and yet so patrician in his habits and tastes. When the House had adjourned after exciting debate, his real strength manifested itself. No man could be so insinuating and convincing at the fireside. Probably Governor Caswell never realized how much his views were colored by the elegant and adroit member from Halifax.⁷²

Without venturing into the series of events between 1763 and 1775 which led to the Revolution, it might be well to review briefly the situation in North Carolina, especially in regard to sectionalism and political factions—elements which tend to reveal the rôle played by Willie Jones.

In spite of the fact that North Carolina was admittedly less aristocratic than her Northern and Southern neighbors as a whole, there were very definite social and economic cleavages between the tidewater and the upper regions which made for a marked degree of sectionalism. This sectionalism was largely due to racial and geographical divergencies. In the East, the people were preponderately of English ancestry, and the dominant element was closely associated with the Established Church, experienced in English institutions, and imbued with English ideals of government. In the West, on the other hand, the population consisted mainly of Scotch-Irish and Germans. In the more aristocratic East, the traditional large plantations, staple crops, and large-scale slave labor characterized the economic and social setup, while in the West, small farms, few slaves, and more democratic forms and ideals of society

⁷¹ Robert O. Demond, *The Loyalists in North Carolina during the Revolution*, Ph.D. Thesis, Duke University, 1938, p. 270. Typescript.

⁷² John Moore, *History of North Carolina*, I, 169.

held sway. In short, the East was an oligarchy, while the West was a democracy. The East, moreover, faced the mother country and Virginia (or in the Wilmington district, Charleston), while the West derived its ideas and its produce from Philadelphia, chiefly by way of the Shenandoah Valley.⁷³

The divergence of these two sections manifested itself quite conclusively in the Regulator troubles, in which Captain Jones was involved. Culminating in the Battle of Alamance, May 16, 1771, this struggle, according to the best authorities, was in no way a forerunner of the Revolution, but was instead a movement against the eastern domination of political spoils in North Carolina. This fact becomes more evident when it is seen that the majority of the Regulators arrayed themselves on the side of the King in the ensuing struggle. Indeed, the Tory army of North Carolina was composed chiefly of these Regulators and the Scotch Highlanders.⁷⁴

It might be repeated that Captain Jones in 1771 was in the expedition of Tryon to suppress the Regulators, who stood for the very principles which he was later to espouse: opposition to the system of centralized office-holding, excessive fines, dishonest officials, and extortionate fees. Indeed he was here opposing the very people whose cause he was later to champion.

In the rapid series of events which took place between the mother country and the colony, North Carolina was of course aroused to an extraordinary pitch of enthusiasm. It must not be supposed, however, that the people of North Carolina were united in their support of the revolutionary movement. Opposed to the Whigs were many of the Regulators, the numerous Scotch-Highlanders, who were nearly all royalists, and a determined minority in the East.⁷⁵

There was, indeed, a rather imposing array of Whigs, who in the beginning had assisted in the various petitions for redress of grievances, but whose ardor gradually chilled when cries for independence were echoed throughout the province. These men—many of them the most prominent

⁷³ R. D. W. Connor, *History of North Carolina*, I, 302, 361; W. E. Dodd, *The Life of Nathaniel Macon*, pp. 16-17.

⁷⁴ John Spencer Bassett, "The Regulators of North Carolina," *Annual Report of the American Historical Association*, 1894, pp. 141-212; R. D. W. Connor, *Cornelius Harnett*, pp. 64-65; Connor, *History of North Carolina*, I, 319; E. W. Caruthers, *Revolutionary Incidents: and Sketches of Character, Chiefly in the "Old North State"*, p. 15.

⁷⁵ Dodd, *Macon*, p. 22; Connor, *History of North Carolina*, I, 361.

and best educated in upper eastern North Carolina—with Samuel Johnston as their leader, “either secretly avowed continued obedience to England, or openly demanded the enactment of the most conservative measures.” In the lower part of eastern North Carolina, a similar party gathered around William Hooper, a staunch conservative whose family publicly avowed the royal cause.⁷⁶ It was against these conservatives that Willie Jones was to fight a life-long battle.

Therefore, from a geographical standpoint, the Whigs had actual domination of a very small part of North Carolina⁷⁷—the old “Southside of Roanoke”—a section which contained at this time between seventy thousand and eighty thousand inhabitants.⁷⁸ With this group Jones identified himself in the coming struggle.

The legislature met on December 4, 1773, and at once set up a committee to obtain the latest news of proceedings in England in regard to America and a committee of correspondence with the other colonies. Thus by 1774 North Carolina was wide awake to the situation and kept in close communication with the other provinces. Sensing the situation no doubt, and foreseeing a concert of action among the provinces, Governor Martin, the last royal governor of the colony, sought to prevent North Carolina from being represented in any such joint action. He thereupon dissolved the existing Assembly on the thirtieth of March⁷⁹ with the idea of not convening it until affairs had quieted down. This plan of Martin’s—according to a letter from Samuel Johnston to William Hooper, April 5, 1774⁸⁰—was communicated by Martin’s private secretary, Biggleston, to Colonel John Harvey, Speaker of the Assembly, who replied that “the people would convene one themselves.” In relating these events to Samuel Johnston and Colonel Buncombe, at the house of the latter, Colonel Harvey was in a “very violent mood, and declared he was for assembling a convention independent of the Governor” and urged these two gentlemen to coöperate with him, saying he would lead the way and would issue hand bills under his

⁷⁶ Dodd, *Macon*, pp. 16-20.

⁷⁷ In opposition to this analysis by later historians is the statement of Moore, who maintained that in North Carolina the independence movement was “universal among all classes of the people, excepting of course, the African slaves.” Moore, *The History of North Carolina*, I, 103-104.

⁷⁸ Connor, *History of North Carolina*, I, 361.

⁷⁹ *Colonial Records*, IX, Preface, pp. xxix; Connor, *History of North Carolina*, I, 344-345.

⁸⁰ *Colonial Records*, IX, 968-969. Reprinted from Jones, *Defence*, p. 124.

own name. Harvey further related to the gentlemen "that he had mentioned the matter only to Willie Jones of Halifax, whom he had met the day before, and that he thought well of it, and promised to exert himself in his favor."⁸¹

This is our first view of Jones as an avowed opponent of the royal regime. Yet even here it might be that he was following the conservative line, since Johnston himself says in the above-mentioned letter that for his part he did not know "what better could be done," since "without Courts to sustain the property and to exercise the talents of the Country, and the people alarmed and dissatisfied, we must do something to save ourselves."⁸²

As a result of Harvey's activities and those of other aroused patriots, a mass meeting was held at Wilmington on July 21st, with William Hooper as chairman. This meeting issued a circular which declared it "highly expedient that the several Counties of this Province should send deputies to attend a General Meeting . . . and there to debate upon the present alarming State of British America and in concert with the other Colonies to adopt and prosecute such measures as will most effectively tend to avert the miseries which threaten us."⁸³

In response to this circular, handbills were duly issued, which called upon the people to elect delegates. The resulting convention was "the first representative assembly that ever met in North Carolina or in America, except by royal authority." Composed of seventy-one delegates, this first Provincial Congress remained in session only three days. Yet in this brief period it issued a "series of spirited and clear-cut resolutions" representing colonial views on the questions in dispute with England: it denounced unequivocally the Intolerable Acts; endorsed the proposal for a Continental Congress, to which it elected William Hooper, Joseph Hewes, and Richard Caswell as delegates; pledged the honor of the province in support of whatever measures the Continental Congress might recommend; and adopted a non-importation agreement and provided for its execution. Finally, it authorized John Harvey to call another Congress whenever he deemed it necessary.⁸⁴

⁸¹ *Colonial Records*, IX, 968-969.

⁸² *Colonial Records*, IX, 968-969.

⁸³ *Colonial Records*, IX, 1016-1017.

⁸⁴ *Colonial Records*, IX, Preface, pp. xxxi, also pp. 1141-1149; Connor, *History of North Carolina*, I, 348-350.

In this first Provincial Congress there were five men whose services were particularly noteworthy: John Harvey, William Hooper, Willie Jones, Samuel Johnston, and James Iredell. These were "the principal pioneers in that great and perilous undertaking."⁸⁵ This Congress, moreover, recommended "to the deputies of the several Counties, that a Committee of five persons be chosen in each County by such persons as acceded to this Association to take effectual care that these Resolves be properly observed and to correspond occasionally with the Provincial Committee of Correspondence of this province."⁸⁶

Dominating the Halifax Committee was Willie Jones, who by now was most ardent in his revolutionary zeal and deeply devoted to democratic principles, the championship of which was to earn for him the title of the Thomas Jefferson of North Carolina.⁸⁷ Indeed, he and Richard Caswell, who was later to be a general in the Revolution, and Treasurer and Governor of the State, were in this and every body of which they were members "the leaders in impressing their views of the true American policy," being "ever agreed and irresistible in their conjoined influence over the deliberative Assemblies of the Revolution and the succeeding years."⁸⁸ As a rule, though, Willie Jones was "never conspicuous on the hustings or in the debates of deliberative bodies, but in his powerful and original mind was to be developed the larger portion of the policy of his people during the continuance of his life."⁸⁹ Although his brother, Allen, was equally active in the Revolution, he was "ever at variance with his brother as to the true policy of the people in the formation of their institutions." While Caswell and Willie Jones were to be the authors of a scheme of government "far more democratic," Allen Jones and Samuel Johnston were "at this time and ever afterwards the great advocates of aristocratic rule."⁹⁰

During the year 1774 and the early months of 1775, the Committees of Safety constantly usurped more and more authority, until they held virtual control of the executive, judicial, and legislative powers. Realizing the desperateness

⁸⁵ Jones, *Defence*, p. 123.

⁸⁶ *Colonial Records*, IX, 1047.

⁸⁷ Connor, *History of North Carolina*, I, 355; Moore, *History of North Carolina*, I, 162; *Colonial Records*, IX, 1101.

⁸⁸ Moore, *History of North Carolina*, I, 168-169.

⁸⁹ Moore, *History of North Carolina*, I, 162.

⁹⁰ Moore, *History of North Carolina*, I, 169.

of the situation, Governor Martin issued writs for a new legislature to convene April 8, 1775. Immediately thereupon John Harvey issued a proclamation for a new convention to meet simultaneously and in the same place as appointed by Martin for the meeting of the legislature. In spite of a counter-proclamation by Governor Martin, the delegates to the convention were duly elected and met at the appointed time in New Bern. The notable fact is that though these were two bodies in appearance, there was only one in actuality. Every member of the Assembly present was a member of the convention, with Harvey alternating between "Speaker" and "Moderator," depending on whether the Governor's private secretary was at the door. The convention formally approved the proceedings of the Continental Congress at Philadelphia. Willie Jones was of course present at this convention and signed the non-importation "Association" which had been drawn up October 20, 1774. The legislature also met, but its proceedings were so revolutionary that on the fifth day of its session it was dissolved by the Governor—thus ending the last legislative body that ever sat in North Carolina under royal rule.⁹¹

With the news of the battles of Lexington and Concord, there was an immediate hue and cry for another general Congress, as a result of which Samuel Johnston—Harvey having recently died—called a Congress to meet at Hillsboro, August 20, 1775.⁹² Willie Jones represented the borough of Halifax and was immediately appointed to a number of very important committees, among which was "a Committee for the purpose of preparing a plan for the regulation of the Internal peace, order and Safety of this Province, and making such arrangement in the Civil police of this Province, as may tend to supply in some measure the defeat of the executive powers of government."⁹³ To this committee was entrusted the duty of proposing a system of government which would supply the want of an executive officer arising from Governor Martin's departure. This committee was recognized as the most important one yet appointed by popular authority and achieved one of the most difficult and trying ends of the Revolution.⁹⁴

⁹¹ *Colonial Records*, IX, Preface, pp. xxxii, xxxiii, and also pp. 1178-1185; Moore, *History of North Carolina*, I, 177-183; Jones, *Defence*, pp. 151-171.

⁹² Connor, *History of North Carolina*, I, 370; Moore, *History of North Carolina*, I, 195.

⁹³ *Colonial Records*, X, 169, 173, 180, 175.

⁹⁴ Jones, *Defence*, p. 198.

Aside from serving on various other committees of importance, Jones was chosen, on September 9, as a member of the Provincial Council, composed of thirteen members, with Cornelius Harnett as president.⁹⁵ This council was the chief executive and judicial authority of the new government and was to meet every three months. It was given authority to direct the military operations of the province, to call out the militia when needed, to execute the acts of the Assembly, and to have appellate jurisdiction over the district committees of correspondence. Finally, in a very elastic clause, it was invested with the power "to do and transact all such matters and things as they may judge expedient to strengthen, secure, and defend the Colony."⁹⁶

Faced with a threatened invasion, its chief concern was quite naturally military—appointments, disbursements, and provisions for ammunition and other military supplies.⁹⁷ Due to the brevity of the journal,⁹⁸ it is impossible to determine the rôle played by Willie Jones.⁹⁹

Cornelius Harnett again convened the Provincial Council, which met on December 18, 1775, at the courthouse in Johnston County. All members were present. This council, in view of the fact that it seemed apparent that North Carolina would "soon be invaded by the British Troops and the Inhabitants destitute of sufficient arms for defence of their lives, liberties and properties," impowered a committee, to which Willie Jones was appointed, to "purchase materials and employ proper persons to make and mend Guns and Bayonets and also to purchase good serviceable Guns, Gun Barrels, Stocks and Locks, Lead and Flints."¹⁰⁰ Like the former, this session met only a short time—seven days—and was chiefly concerned with defence measures.¹⁰¹ Its last session, in February, 1776, was likewise occupied with such measures.¹⁰²

Two months after this last meeting, the Provincial Congress, summoned by Samuel Johnston, met at Halifax on April 4th. Though Jones was duly elected to this important

⁹⁵ *Colonial Records*, X, 214.

⁹⁶ *Colonial Records*, X, 209-210.

⁹⁷ *Colonial Records*, X, 283-294.

⁹⁸ *Colonial Records*, X, 283-294.

These pages contain the complete journal of this session of the Council.

⁹⁹ The other members, besides Willie Jones and the President, were Samuel Johnston and Samuel Ashe from the Wilmington district, Thomas Jones and Whitmell Hill of Edenton, Abner Nash and James Coor of New Bern, Thomas Person and John Kinchen of Hillsboro, Thomas Eaton of Halifax, and Samuel Spencer and Waightstill Avery of Salisbury. *Colonial Records*, X, 214.

¹⁰⁰ *Colonial Records*, X, 354-355.

¹⁰¹ *Colonial Records*, X, 349-362.

¹⁰² *Colonial Records*, X, 469-477.

Complete record.

Complete journal.

assembly, he was prevented from attending, due to the fact that he had been appointed, by the Continental Congress, Superintendent of Indian Affairs for the Southern Department. He had already gone to Fort Charlotte in Georgia.¹⁰³

This third North Carolina Provincial Congress is most significant in that it unanimously instructed its delegates at the Continental Congress "to concur with the delegates of the other Colonies in declaring Independency, and forming foreign alliances."¹⁰⁴ Thus, "North Carolina was the first colony to vote explicit sanction to independence."¹⁰⁵ Along with its duty of providing ways and means of prosecuting the war, this assembly was expected to form "a temporary Civil Constitution,"¹⁰⁶ but this project was abandoned. Instead, the Provincial Council and the District Committees of Safety were abolished in favor of a new State Council of Safety which had, in general, the same powers as the old Provincial Council.¹⁰⁷

Now the undisputed leader of the radicals,¹⁰⁸ Willie Jones defeated the conservative Samuel Johnston as member at large of this council.¹⁰⁹

Until this time, there had been a remarkable unanimity in Whig resistance to the British, but this Congress—especially in its efforts to frame a constitution—marks the first clearly perceptible cleavage along party lines. According to one historian, "the whole proceeding was of a party nature; for there were, even at this early period of the existence of the Whig Government, two rival factions, contending for supremacy and power."¹¹⁰ It was, indeed, a sweeping victory for the Radicals and their leader over the Conservatives—the one party emphasizing the word "liberty," the other modifying it by the adjective "constitutional."¹¹¹

The conservatives were headed at this time by Samuel Johnston and Allen Jones. Though ardent champions of freedom and independence, they seriously and consci-

¹⁰³ *Colonial Records*, X, 501-502. Colonel Ashe erroneously makes him a member of this Congress. Samuel A. Ashe, *A History of North Carolina*, I, 526.

¹⁰⁴ *Colonial Records*, X, 512.

¹⁰⁵ George Bancroft, *History of the United States*, VIII, 352.

¹⁰⁶ *Colonial Records*, X, 515.

¹⁰⁷ *Colonial Records*, X, 579-580.

¹⁰⁸ Connor, *History of North Carolina*, I, 403.

¹⁰⁹ *Colonial Records*, X, 581-582. The other members elected were Cornelius Harnett and Samuel she of the Wilmington district, James Coor and John Simpson of the New Bern district, Thomas Jones and Whitmell Hill of the Edenton district, Thomas Eaton and Joseph John Williams of the Halifax district, Thomas Person and John Rand of the Hillsboro district, and Hezekiah Avery and William Sharpe of the Salisbury district.

¹¹⁰ Jones, *Defence*, p. 358.

¹¹¹ Henry McGilbert Wagstaff, *State Rights and Political Parties in North Carolina—1776-1861*, p. 9; Connor, *History of North Carolina*, I, 402; Connor, "Samuel Johnston," *North Carolina Booklet*, XI (April, 1912), 273.

entiously queried the infallibility of the popular voice, which was encroaching "not so much on the rights of persons, but the right of property," and was clamoring for "the vagrant principle of universal suffrage, the popular election of judges, and the despicable dependence of authority upon the will of the people at large." The Conservatives favored, in short, "not a pure democracy, but rather a representative republic, with annual elections to hold the legislature in check."¹¹²

Against this party were arrayed the forces of radicalism, which, according to "Shocco" Jones, were motivated by "the demagogues of the Whig Party started on their career of popularity." And such was this writer's delineation of Willie Jones and Thomas Person, the two "most eminent and zealous" of these leaders, to whom "the establishment of a democracy was an object of superior importance to the Independence of the Country." These statements, coupled with the assertion that "a much nobler motive animated the bosom of Samuel Johnston and his conservative friends,"¹¹³ seem hardly worthy of comment, except as an example of incense-burning at the altar of conservatism and the hallowed rights of property.

The important thing, however, is that the Radicals, following the sentiments of their leader, resolved at this Congress in Halifax "to establish a purely democratic form of government,"¹¹⁴ while the Conservatives held out for a "splendid government, representing the property of the people, and thus giving by its own independence and splendor a high character of dignity to the State."¹¹⁵ Though a compromise was about to be effected, the new constitution was overthrown, as we have seen, and the Council of Safety was approved as the directing organ of governmental affairs.

This council, which was to sit constantly, held its first session at Wilmington on June 5, and, since Willie Jones, who was designated as President by the Congress, was absent in his capacity as Superintendent of Indian Affairs,¹¹⁶ Cornelius Harnett was unanimously elected President.¹¹⁷ Harnett served in this capacity until August 21, when he

¹¹² Jones, *Defence*, pp. 273-274; Ashe, *History of North Carolina*, I, 528.

¹¹³ Jones, *Defence*, pp. 274-276. This author seems to contradict himself in a following paragraph when he says that the radicals "contended with much show of reason, that the success of the revolution depended upon the adoption of a purely democratic form of government, and that the hope of such a thing was the sole cause of the enthusiasm of the lower orders of the people."

¹¹⁴ *Colonial Records*, X, 278.

¹¹⁵ *Colonial Records*, X, 275-276.

¹¹⁶ McRee, *Iredell*, I, 324-325.

¹¹⁷ *Colonial Records*, X, 619.

resigned and was succeeded by Samuel Ashe,¹¹⁸ who in turn was succeeded by Willie Jones at Halifax, September 27, 1776.¹¹⁹ The latter served as President of the Council of Safety and as virtual Governor of the province until the meeting of the constitutional convention in December, which replaced the provisional government with a permanent one.¹²⁰

Thus at the time of the Declaration of Independence and of the emergence of North Carolina as an independent state, we find North Carolina in the hands of a "radical, omnipotent majority," headed by Willie Jones. Yet, however conscious of their power and strength, they "sought no personal triumph, no personal victory,"¹²¹ in spite of the attacks of such men as Iredell¹²² and Shocco Jones.¹²³ Indeed, in this six-month period between the abortive attempt to frame a constitution and its final adoption, they sought only one triumph—"the great cause in which the minority, as the majority well knew, were also thoroughly enlisted." Thus they did not press the conservatives, but, under the leadership of Willie Jones and Thomas Person, displayed remarkable moderation and a commendable spirit of compromise.¹²⁴

Before completing a discussion of Jones's activities under the provincial government, attention should be turned to his relation to Indian affairs. In 1775 three departments of Indian affairs were created by Continental Congress, and he was one of the commissioners of the Southern department.¹²⁵

The Americans at this time were most apprehensive in regard to the incitation of the Indians by the British. And well they might be. In fact, the most that the Continentals could hope for was their neutrality.¹²⁶ It was, therefore, with this idea in mind that the Provincial Congress of 1776 ordered that "a sum not exceeding one thousand pounds" be advanced to Jones, which sum was "to be laid out in part or in whole at his discretion in presents to the Indians and for his own expences."¹²⁷ As a result of this allotment, in

¹¹⁸ *Colonial Records*, X, 701.

¹¹⁹ *Colonial Records*, X, 873.

¹²⁰ Connor, *History of North Carolina*, I, 404.

¹²¹ *Colonial Records*, X, Preface, p. xxxviii.

¹²² McRee, *Iredell*, I, 334.

¹²³ See above, p. 34.

¹²⁴ *Colonial Records*, X, Preface, p. xxxviii.

¹²⁵ *Journals of the American Congress: From 1774 to 1788*, I, 120-121.

¹²⁶ Connor, *History of North Carolina*, I, 380-381.

¹²⁷ *Colonial Records*, X, 214.

November of that year he joined the other four Southern agents at Salisbury, where they were met by a delegation of Creek warriors.¹²⁸

Upon Jones's suggestion after his return, the Council of State ordered General Rutherford to gather 2,500 troops "to march immediately and carry the war if necessary into the Cherokee Country" where he was "to act with the greatest vigour." An additional five hundred men from the Hillsboro Brigade under the command of Colonel Joseph Taylor were to join him there.¹²⁹ Reporting on this expedition to the Cherokee country, Jones wrote Patrick Henry a glowing account:

We flatter ourselves that the Southern States will suffer no further Damage this Season, from the Savages, as it will employ their whole time to provide Sustenance and shelter for their Squaws, and children.¹³⁰

In the fall of that year, Jones decided to resign as Commissioner of Indian Affairs, as he had "recollected a man who lives two hundred miles nearer to the State of Business."¹³¹ This resignation left him free to devote his talents and energy to his position as President of the Council of Safety and to his duties as member of the state constitutional convention.

Independence having been declared by the Continental Congress, the Council of Safety on August 9, 1776, "recommended to the good people of this now Independent State of North Carolina to pay the strictest attention to the Election to be held on the 16th day of October next," since it would be "the Business of the Delegates then Chosen not only to make Laws for the good Government of, but also to form a Constitution for this State."¹³²

Designed as an effort on the part of the radical Council to put its adherents on guard against any attempt of the conservatives to carry the election,¹³³ this recommendation is attributed to Willie Jones,¹³⁴ who was reputedly most anxious to unseat the symbol of conservatism, Samuel Johnston. While Jones undoubtedly sought Johnston's

¹²⁸ *Colonial Records*, X, 330-331.

¹²⁹ *State Records*, XI, 328. Letter to General Rutherford from Council of Safety.

¹³⁰ *Colonial Records*, X, 861. Willie Jones to Patrick Henry.

¹³¹ *State Records*, XV, 153.

¹³² *Colonial Records*, X, 996.

¹³³ Allan Nevins, *The American States during and after the Revolution*, p. 131, note.

¹³⁴ McRee, *Iredell*, I, 333.

defeat, it seems unlikely that the above recommendation, issued at the meeting of the Council of Safety at Wake County Courthouse, was made by him, since he did not set out for this meeting until about ten days later.¹³⁵

The ensuing campaign was violent and intense in the extreme, with the radicals contending that the conservatives intended a monarchical government adverse to the liberties of the people. The radicals, indeed, were accused of seeking every means "to poison the minds of the people; to inflame their prejudices; excite alarm; and sow in them, by indefinite charges, and vague whispers, the seeds of distrust."¹³⁶ The outcome was a striking triumph for the radicals and the defeat of Johnston. Rioting and debauchery attended the celebration of the victory. Especially was this true in Chowan County, Johnston's home, where he was burned in effigy.¹³⁷

The Congress assembled at Halifax, November 12, 1776.¹³⁸ Chosen as a borough member from Halifax, he took his seat on the first day of the session in which he was to distinguish himself.¹³⁹ At the instance of Allen Jones, on the first day Richard Caswell was unanimously elected President.¹⁴⁰ Since Caswell was classed as a moderate, if not a conservative, such a choice indicated a slight reaction to the rampant radicalism of the October elections.¹⁴¹ On the second day a committee was appointed "to form and lay before the Congress a Bill of Rights and the form of a Constitution for the government of the State."¹⁴² The radical wing as represented on this committee by Willie Jones, Thomas Person, and Griffith Rutherford; the moderates by Caswell and Harnett; and the conservatives by Allen Jones, Thomas Jones, Samuel Ashe, and Archibald Maclaine.¹⁴³

On December 6, Thomas Jones, representing the committee, reported that the form of the constitution was ready for consideration. After a debate, paragraph by paragraph, the bill of rights was passed December 17, and on the follow-

¹³⁵ McRee, *Iredell*, I, 331. Letter from Thomas Jones to James Iredell.

¹³⁶ McRee, *Iredell*, I, 334.

¹³⁷ McRee, *Iredell*, I, 334.

¹³⁸ *Colonial Records*, X, 913.

¹³⁹ *Colonial Records*, X, 915.

¹⁴⁰ *Colonial Records*, X, 916.

¹⁴¹ Connor, *History of North Carolina*, I, 412. Yet on the next day a popular victory was won in the mode of voting, when the house decided that for the future all questions should be determined by voice instead of by counties and boroughs, as formerly. *Colonial Records*, X, 917.

¹⁴² *Colonial Records*, X, 918.

¹⁴³ Connor, *History of North Carolina*, I, 412.

ing day the constitution itself was finally adopted as the constitution of North Carolina.¹⁴⁴

The authorship of the bill of rights and the constitution has been a highly controversial subject, and has been variously ascribed to Willie Jones,¹⁴⁵ Thomas Jones,¹⁴⁶ Richard Caswell,¹⁴⁷ and Thomas Burke.¹⁴⁸ While Willie Jones, who "could draw a bill in better language than any other man of his day,"¹⁴⁹ undoubtedly had a determining influence in the final shaping, it may well be assumed that this, as "all American Constitutions," was a compromise, and that to no one man, but to many, must be ascribed the honor of framing the Halifax Constitution.¹⁵⁰ Nevertheless, granted that the constitution was a compromise, the words of Shocco Jones seem to be particularly pertinent:

They (Willie Jones and Thomas Jones) were most undoubtedly the framers of the instrument; and it bears in so many instances the stamp of the peculiar services of Willie Jones, that I cannot give up the conclusion, which I formed some years since, that he had a material agency in its composition, as well as its adoption.¹⁵¹

Rarely does one come upon such contradictory opinions as those concerning not only the authorship but also the nature of this constitution. One historian asserts that democracy overleaped itself and ascribes the "highly unsatisfactory nature of the North Carolina Constitution" to "an excess of radicalism," which indicated a "natural reaction from the difficulties of the colonists with the royal governors, Tryon and Martin."¹⁵² On the other hand, another historian maintains that the government established was "a representative democracy in form, but in form only,"¹⁵³

¹⁴⁴ *Colonial Records*, X, 974.

¹⁴⁵ Jonathan Elliott, ed., *Debates of the Convention of North Carolina*, p. 394. Jesse Wilson of Perquimans County in the constitutional convention of 1835 asserted that "the constitution is thought to have been as much or more the work (the 32nd chapter excepted) of Willie Jones than any other individual." Ashe adds that if this be true, Willie Jones was "not such a radical democrat as some have supposed. (Ashe, *History of North Carolina*, I, 565.) Allan Nevins, however, says that Willie Jones "did as much to shape the Constitution as Caswell." (Nevins, *American States*, p. 138.)

¹⁴⁶ Jones, *Defence*, p. 287. The author states that the constitution and the bill of rights "were said to have come from the pen of Thomas Jones, aided and assisted by Willie Jones."

¹⁴⁷ Moore, *History of North Carolina*, I, 226. The author refutes Shocco Jones in regard to Willie Jones by saying that Caswell was the real creator of the constitution and that the historian Jones was "far from reliable in his statements concerning Willie Jones."

¹⁴⁸ Wheeler, *History of North Carolina*, I, 86. The author ascribes credit to Thomas Jones, Thomas Burke, and Richard Caswell.

¹⁴⁹ Jones, *Defence*, p. 138.

¹⁵⁰ Sikes, "The Transition of North Carolina," *Johns Hopkins Studies*, XVI, Nos. 10-11, pp. 79-80.

¹⁵¹ Jones, *Defence*, p. 139.

¹⁵² Jones, *Defence*, p. 139.

¹⁵³ Nevins, *American States*, p. 141.

¹⁵⁴ Connor, *History of North Carolina*, p. 417.

being more accurately characterized as "an oligarchy in fact and in practice."¹⁵⁴

Upon examination, the latter view appears to be correct, in spite of the fact that the bill of rights,¹⁵⁵ consisting of twenty-five articles, would seem to herald a very democratic document. It declared that "all Political Power is vested in, and derived from the People only," and enumerated the usual guarantees of English liberty, such as trial by jury, freedom of conscience, freedom of the press, etc. These sentiments, whether written by Willie Jones or not, coincide with his doctrines and philosophy.

The frame of the constitution was the vehicle by which the radicals sought to ride into the promised land of a pure democracy; yet the resulting document was—to say the least—very disappointing. Indeed, their chief victory was in the limitation of the executive power. "No more hopeless executive existed anywhere south of Pennsylvania."¹⁵⁶

As to its less democratic features, representation in the legislature was based on counties and certain boroughs as such, and not on population. Suffrage and office-holding requirements were also incorporated. The legislative branch was all-powerful, being allowed to elect the governor and other executive officers, the councillors of state, and the judges, who enjoyed life-tenure. Article 32, moreover, excluded from office-holding any person who denied "the Being of God, or the Truth of the Protestant Religion, or the divine Authority either of the Old or New Testament"—thus excluding Roman Catholics, Jews, atheists, and deists.

However much of the constitution Jones wrote, it is absolutely certain that he fought this article, since he himself was a deist.¹⁵⁷ Being a believer in this more or less fashionable eighteenth-century creed did not prevent him from holding office, and as far as is known, this right was never questioned.

Nor were his activities at this convention confined to work on the constitution. As usual, he figured prominently in various committees dealing with military and financial

¹⁵⁴ Connor, "Ante-Bellum Builders of North Carolina," *North Carolina State Normal and Industrial College Historical Publications*, No. 3, p. 23.

¹⁵⁵ *Colonial Records*, X, 1003-1006.

¹⁵⁶ Nevins, *American States*, p. 141.

¹⁵⁷ *Debates in the Convention of North Carolina, 1836*, p. 394. In discussing Willie Jones's part in writing the Halifax constitution, Jesse Wilson said on the floor of the convention: "Yet under that very Charter was he [Willie Jones] prescribed by the bigotry of the 32d section. Shall a clause be retained in our Constitution which would exclude from office a JONES, the Champion of the Whigs in the Convention of 1776, that framed our State Constitution? . . ."

affairs. A striking recognition of his business ability was his appointment, on November 6, 1776, along with Robert Smith of Edenton and Alexander Telfair of Halifax, by the Continental Congress, "to audit and settle the Continental Accounts in Virginia."¹⁵⁸

Thus, by his thirty-fifth year, Willie Jones had already devoted a significant part of his life to the affairs of North Carolina.

[*To be continued*]

¹⁵⁸ *American Archives*, III, 1562.

WILLIAM HENRY TIMROD, THE CHARLESTON VOLUNTEERS, AND THE DEFENSE OF ST. AUGUSTINE

By GUY A. CARDWELL, JR.

A manuscript memorandum by William Henry Timrod of Charleston, South Carolina, concerning the defense of St. Augustine at the beginning of the Seminole War deserves the notice of regional historians if only because it focuses attention on an incident which is in itself worthy of being described. And although William Henry Timrod is usually known, if at all, because he sired Henry Timrod, the poet of the Confederacy, his own paradoxical personality has interest.

Timrod was a bookbinder by trade, a methodical bookbinder who kept factual records of the happenings of each day; yet he was subject to hallucinations.¹ He attended many churches seeking salvation and, perhaps, a competent preacher; but he also took many apparently morally reprehensible walks "up the road" on Sundays.² The iniquity of the Sunday walks weighed upon him sufficiently to cause him to determine to spend the Sabbath "in future in a better manner," but of his churchgoing he was constrained to write in a state of apathetic disillusionment: "Heard Eleven (14) Sermons this year with the usual effect—"

In 1814 Timrod published a volume of his verses,³ and in 1822 he edited a weekly literary periodical, probably in the tradition of Addison's *Spectator*, called *The Evening Spy*.⁴ But in spite of Timrod's literary aspirations, his memorandum on the defense of St. Augustine, printed below, is succinct and precise, quite without the flourishes that one might have expected of a minor poet. The document serves the historian all the better by reason of its sober tone, for it

¹ The information on Timrod's life which I use in this paper comes for the most part from his day-books, now in the archives of the Charleston Library Society. The Society has in one volume Timrod's journal for 1825-1829 and in another, entitled *In Memoriam Capt. W. H. Timrod*, his journal for 1836. Both volumes are included in the Courtenay Collection.

² There may be no connection between Timrod's "up the Path" or "up the Road" (he used both phrases) and the "up the Path" which Paul Hamilton Hayne defined, but I have found no other mention of the phrase. Hayne wrote that "up the Path" was "the name of a famous drive, during the Colonial and Revolutionary days, in the vicinity of Charleston. A magnificent avenue of live-oaks, concerning which old John Archdale, Quaker governor of the Province for a season, and one of the Lords' proprietors, enthusiastically affirmed that it was such as no Prince in Europe could boast of possessing." See *The Southern Bivouac*, I (Oct., 1885), 263.

³ *Poems on Various Subjects* (Charleston: J. Mill, 1814).

⁴ For announcements of *The Spy* see *The Courier* (Charleston) for Jan. 4 and Jan. 7. No copy of *The Spy* is known to be extant.

supplements and qualifies the rather florid records (both quite difficult of access) kept by two other Charlestonians who also went to St. Augustine in 1836.⁵

Fully to understand the circumstances of Timrod's memorandum, one must recall certain stirring events in the history of Charleston and St. Augustine, events suggestive of the casual but neighborly relationships existing between towns, states, and territories in the comparatively unfederal era before the Civil War.

As early as October, 1834, Indians who had determined not to be moved from Florida to the new western lands were buying unusual quantities of ammunition.⁶ At Cabbage Swamp, on June 22, 1835, a planter discharged his pistol in violation of officer's orders and bloodshed followed.⁷ Then came the killing of Charley-E-Mathlar and the Dade massacre,⁸ and the war was definitely started. Early in January more than sixteen hundred Indian warriors were in the field.⁹ In the course of the month, sixteen large plantations of East Florida were laid waste and captives were tortured and killed.¹⁰

To protect the plantations, two militia companies were sent down the coast from St. Augustine. As a consequence, St. Augustine was left virtually undefended. To add to the difficulties of those left in the city, several hundred Negroes were brought in from outlying plantations; and it was feared that the Negroes might act in conjunction with the Indians. When the perturbed citizens called a meeting to devise means of protection, they discovered that only seventy men, most of them old or sick, remained in St. Augustine and that of the thirty or forty rusty muskets, rifles, and shotguns that were available, not ten would fire.¹¹ But a patrol was organized, ammunition was obtained, and the guns were repaired. Most important of all, appeals for aid were broadcast.

⁵ See *Sketch of the Seminole War, and Sketches during a Campaign*. By a Lieutenant, of the Left Wing (Charleston: Dan. J. Dowling, 1836), and M. M. Cohen, *Notices of Florida and the Campaigns* (Charleston: Burges & Honour, 1836). In *The Courier* for January 1, 1836, Cohen is named as secretary of the public meeting held in Charleston on the previous day.

⁶ Caroline Mays Brevard, *A History of Florida from the Treaty of 1763 to Our Own Times* (Publications of the Florida State Historical Society, No. 4, Deland, Fla.: Printed for the sustaining members of the society, 1924), I, 129.

⁷ John T. Sprague, *The Origin, Progress and Conclusion of the Florida War* (New York, 1848), p. 28.

⁸ For a good account of the Dade massacre, see Albert H. Roberts, "The Dade Massacre," *The Florida Historical Society Quarterly*, V (July, 1926), 123-138.

⁹ Sprague, *Florida War*, p. 97.

¹⁰ Brevard, *History of Florida*, I, 129.

¹¹ Brevard, *History of Florida*, I, 132.

Even before St. Augustine asked for aid, Charleston was aroused by stories of massacres.¹² The first public meeting of the disturbed Charlestonians was convened on December 31, 1835, in compliance with the invitation of Edward North, Intendant.¹³ General Hayne, who presided, made a "soul stirring" appeal, as did I. E. Holmes, J. L. Petigru, and Alfred Huger. On January 1, 1836, *The Courier* announced the proceedings of the meeting and gave the names of the committee that had been appointed to receive and forward volunteers to Florida. On the committee were I. E. Holmes, Alexander Mazyck, Alfred Huger, Samuel Patterson, Charles Edmondston, J. L. Petigru, and R. Y. Hayne. Because of communications from General Abraham Eustis, commanding officer at Charleston, this first meeting did not result in the immediate dispatching of volunteers. According to the newspapers of January 6, the committee was informed by General Eustis that the force in Florida under Generals Clinch and Call was fully adequate. General Eustis further said that requisite supplies were being shipped by the officers of the United States in Charleston and that there would be no occasion for the forwarding of volunteers, arms, or supplies by the citizens. It appears that the citizens, nevertheless, forwarded ammunition and five hundred stand of arms, and on January 8 opened subscription lists for money to furnish aid to refugees. Private donations of from fifty to two hundred dollars were received.

On January 12 receipt of news of a battle fought on the banks of the Amaxura (also called the Outhlacoochee or Whitlachouchee or Withlacoochee) River convinced the committee that it was time to act. The committee dispatched a messenger to General Eustis requesting that a company of regulars be sent to St. Augustine with requisite arms and ammunition. In prompt compliance with this request, General Eustis joined with the committee in charter-

¹² It is to be regretted that chronology prevents one from supposing that one of the tales circulated in Charleston was the account of the Dade massacre which the Indian called Alligator gave to Sprague. One part of Alligator's narrative is hard to surpass for vividness. Alligator declared: "So soon as all the soldiers were opposite, between us and the pond, perhaps twenty yards off, Jumper gave the whoop, Micanopy fired the first rifle, the signal agreed upon, when every Indian arose and fired, which laid upon the ground, dead, more than half the white men. The cannon was discharged several times, but the men who loaded it were shot down as soon as the smoke cleared away; the balls passed far over our heads. The soldiers shouted and whooped, and the officers shook their swords and swore. There was a little man, a great brave, who shook his sword at the soldiers and said, 'God-dam! no rifle-ball could hit him.'" See Sprague, *Florida War*, p. 91. Roberts ("Dade Massacre," p. 132) tentatively identifies the little man whom no ball could hit as Captain George Washington Gardiner. An eyewitness account of the massacre (not Alligator's) is reproduced from *The Telegraph* (Darien, Ga.) in *The Courier* (Charleston) for March 11, 1836.

¹³ See *The Courier*, Jan. 1, 1836. Facts concerning the meetings in Charleston, unless exact citations are given, may be found in Cohen, *Notices of Florida*, pp. 107 ff.

ing a steamboat, the *John Stoney*, and sent on board a company of artillery, Captain Porter in command, and a field piece. By this same steamer the citizens "placed at the disposal of the authorities at St. Augustine, the following articles of provisions, 1000 bushels of Corn, 87 whole and 26 half barrels of Flour, 10 tierces of Rice, 30 barrels of Beef, and 20 of Pork."¹⁴

Bad news continued to arrive from Florida, and on January 21 another public meeting was held. At this meeting, held at the City Hall, Judge Colcock presided and Richard Yeadon, Jr., editor of *The Courier*, acted as secretary. Isaac E. Holmes, chairman of the previously appointed committee of citizens, reported on the work done by the committee and on the situation in Florida. He commented also on the confusion prevalent in "the war and financial Departments of the Government at Washington."¹⁵ General Hayne spoke, saying that four thousand dollars had already been expended by the committee of citizens. General Hayne was followed by General Hamilton, who said that the banks of Charleston had raised between twenty and thirty thousand dollars as a loan to the government for the succor of citizens of the Florida territory. General Hamilton likewise urged the propriety "on the part of both individuals and corporations of this city, in extending pecuniary aid to Florida, of looking for indemnification to the U. S. Government, now so delinquent in its duty towards that section of the country."¹⁶

Shortly after this meeting, the steamer which had taken troops to Florida returned, bringing with it a letter, dated January 20, from F. Weedon, mayor of St. Augustine, and Robinson and Gould, aldermen. After thanking the committee for liberality, the letter added a request: "If a body of volunteers can be sent us to relieve our old men and invalids from the arduous duty of guarding the city, they would be most gratefully received!"¹⁷ The people of Jacksonville had already entreated aid, declaring that starvation or murder stared them in the face.

On January 24 there was a meeting in the evening of all who had volunteered or who were disposed to volunteer for the defense of St. Augustine. General Hayne was called

¹⁴ *The Courier*, Jan. 22, 1836.

¹⁵ *The Courier*, Jan. 22, 1836.

¹⁶ *The Courier*, Jan. 22, 1836.

¹⁷ Cohen, *Notices of Florida*, p. 110.

to the chair. While the meeting was in progress, in came

. . . a gallant corps from Hamburg, under the command of Capt. Cunningham. They marched into the room, conducted by our patriotic and warm-hearted fellow citizen, John L. Wilson, Esq., who, in an eloquent and animating address, announced them as Carolina volunteers, and tendered their services, which were accepted with joyous acclamations.¹⁸

A count of the volunteers already accepted then revealed that the number was sufficient and that others could not be received. The Sumter Guards, the Irish Volunteers, and a company from Charleston Neck under Captain R. K. Payne were rejected. The reporter who wrote the story of the meeting for *The Courier* (of January 25) remarked with some pride: "It is believed that 500 men could have been enrolled."

The committee accepted as volunteers the Washington Volunteers, under Captain J. E. B. Finley; the Washington Light Infantry, under Captain Ravenel; the German Fusiliers,¹⁹ under Captain William Henry Timrod; and the Hamburg Volunteers, under Captain Cunningham.

The terms under which the men enrolled were as follows:

These volunteers offered to remain in St. Augustine for the term of one month, to defend the town; and they were not to go upon any expeditions into the interior against the Indians; as a regular campaign, which it was the part of the General Government to institute, would be necessary to ensure success, and this would shortly be prosecuted; an express from Washington having, the same day that the volunteers were accepted, left Charleston for head quarters with a requisition upon the Governor for a draft of 600 militia for three months service.²⁰

On January 25 General Eustis issued an order requiring the volunteers to embark the following day on the steam-boats *Dolphin* and *Santee*.²¹ Stormy weather on the twenty-sixth prevented the troops from getting ammunition and supplies on board. As a consequence, the departure of the vessels was delayed until January 27 and January 28.

¹⁸ Cohen, *Notices of Florida*, p. 112.

¹⁹ The Fusiliers—like the Washington Light Infantry—was an old and honored company. The company was organized by German settlers in May, 1775, when news of the fighting at Lexington and Concord reached Charleston. First on the list of 137 names of original members stands the name of Henry Timrod, William Henry Timrod's father. See *The Timrod Memorial Association* (Charleston: Lucas & Richardson Co., 1901), p. 29.

²⁰ *Sketch of the Seminole War*, p. 61.

²¹ *The Courier*, Jan. 25, 1836.

The scene of parting was apparently an affecting one for the more emotional of the volunteers and those they left behind. The Charleston poetess, Mary Elizabeth Lee, paid tribute to the soldiers in Mrs. Samuel Gilman's periodical, *The Southern Rose*. Her song of praise, entitled "The Brave Volunteers," began:

A voice from the South tells a sad mournful story,
 Of ruin and carnage, and war's dread alarms,
 And the Angel of Freedom moves by in her glory,
 And summons Columbia's proud patriots to arms!—
 Not in vain does she call, for the pure flame is gushing,
 Like the sun when it breaks through the morning's soft tears,
 And the light of true courage is joyously flushing
 The unclouded brows of the brave Volunteers.²²

A young lieutenant of the volunteers, almost as touched as was Miss Lee, described the morning of the departure in phrases in which he strove for briskness and color:

. . . the busy hum of preparation—the inspection at the City Hall, where we were mustered into service—the march to the Citadel, whence the soldiers were supplied with arms—the valedictory nod of acquaintances—the hurried departure from friends—the fond farewell of relatives—the rapid tho' warm grasp of a brother's hand—the tender yet clasped embrace and sad kiss of a sister—the kiss, sweeter because stolen, from the coy maiden, who in soul half consents to all—but our departure, which, were she frank, she would confess, is the only act of ours that gives her pain.²³

The lieutenant could, he wrote, never forget

. . . that parting hour, the sword girded, the musket shouldered, the knapsack slung—the march thro' the streets—the attendant crowd of anxious friends that pressed around—the hand waved from the thronged window, the hat touched from the filled piazza, and even the very judges of the land, the grave minister at the sacred altar of justice, wafting us an adieu with their white kerchiefs that they give out to the streaming air.²⁴

The *Santee*, with the German Fusiliers and the Hamburg Volunteers on board, got under way on the twenty-seventh. The *Dolphin* sailed early on the morning of the twenty-eighth.

²² Quoted from Cohen, *Notices of Florida*, p. 106. The poem also appears in *The Florida Herald* (St. Augustine), Feb. 6, 1836.

²³ Cohen, *Notices of Florida*, p. 114.

²⁴ Cohen, *Notices of Florida*, p. 115.

Both of the ships probably bore a heterogeneous lot of amateur soldiers. The troops on the *Dolphin* were described as being, in part,

. . . a set of genteel young fellows about the town, who had been *raised* (as they say of horses in some States, and of men in others) most daintily by our dear mamas—Pelhams who had wielded nothing heavier than a cane or a cologne bottle, a riding whip or a curling iron—Bloods, who bought linen cambric handkerchiefs and ribbed silk socks . . .²⁵

Doubtless the men were also in part like the unfortunate countryman in the militia company which went to Florida a month later:

. . . with smooth, turgid, yellow cheeks; a quiet, dumpy nose; thick lips, reaching almost to his ears, which gaped always with a vacant but placid and good humored smile, and displayed a set of large projecting teeth; coarse black hair, like an Indian's, which fell smoothly over his forehead, and half hid his clear, simple, hazle [*sic*] eyes; he was of middle height, and his stomach swelled out like a genuine clay eater's; to his uncouth figure he added a pair of knocked knees and huge splay-feet.²⁶

One may suppose that there was considerable horseplay on board the *Santee* as there was later on board the schooner which bore to Florida a company made up of a draft from the sixteenth, eighteenth, and nineteenth regiments. A soldier from the back country used the exaggerated phrases of the frontier in replying to those who teased him and asked where he came from:

"Why," answered the swamp sucker, with dry composure, "I was raised just at the head of *nowhere*—where rivers freeze, snakes never die, and turkies gobble—just above where Homminy Swamp runs into Mushley river—in the middle, there's a big pond and the scum grows so thick upon it that you can drive a team over it."²⁷

Timrod wrote that the citizens of St. Augustine were overjoyed at the arrival of the *Santee*. The Fusiliers were probably greeted with an even more tumultuous welcome than that which was given the men on the *Dolphin* on the following day:

²⁵ Cohen, *Notices of Florida*, p. 116.

²⁶ *Sketch of the Seminole War*, p. 128.

²⁷ *Sketch of the Seminole War*, p. 127.

. . . men, women and children, all crowd to see us; doors are thrown open, and sashes up. We read our welcome "in a people's eyes;" . . . Our arrival creates a sense of security in the minds of the inhabitants, to which they had long been strangers . . .²⁸

Timrod's Fusiliers and Cunningham's Hamburg Volunteers were comfortably stationed at the Government House, where they spent the first night hoping for an attack. They rather regretted the arrival of the *Dolphin* with reinforcements.

The Washington Light Infantry and the Washington Volunteers were not so fortunate as were the Fusiliers. Some of the glamour of the expedition departed when they found themselves in poor quarters, on bad rations, and subjected to an exacting routine. One of the volunteers wrote:

Constant and severe are our duties, and none are allowed to leave the barracks without permission from the officer of the day; and then our routine is such, that absences are necessarily very brief. For instance, reveillé is sounded at day dawn, when every soldier is obliged to turn out and answer to roll call. He is then dismissed for a half hour, at the expiration of which, the sheep skin calls to drill—that occupies till near breakfast, for which the drum is beat between 8 and 9. At 11, drill again for an hour or more. At 2, peas upon a trencher being played, hey, for dinner: at 4, drill encore: at 5, dress parade. At half-past 8, the retreat is struck up for supper, extinguishing lights, silence, and sleep—when they eat nothing, have no candles to put out, and make a prodigious racket, never closing mouth or eyes. Going to bed, with them only means tumbling on the floor, and wrapping themselves up in reflection and a blanket.

The guard duty is exceedingly irksome and perilous: each vounteer is detailed every alternate night, and during the evening, when not on duty, it oft occurs that the alarm is given, and he has to relinquish the bed I've just described, repair to his post, and remain under arms in momentary expectation of the foe, for hours, and oft till reveillé.²⁹

The plight of these two companies was not altered for the better until several nights had passed and the women of St. Augustine made up mattresses for them. Even then some of the volunteers found it advantageous to board and rent rooms in town.

But the *convenances* were not forgotten by the citizens or by the volunteers. The editor of St. Augustine's weekly newspaper expressed with considerable fervor the appreciation of the community:

²⁸ Cohen, *Notices of Florida*, pp. 122-123.

²⁹ Cohen, *Notices of Florida*, p. 126.

The citizens of Charleston, Savannah, and other places have come forward and evinced a spirit of magnanimity and patriotism seldom witnessed and never ever exceeded by any community of persons. A debt of gratitude is thus heaped upon the people of Florida that can never be repaid. . . . Men, arms and provisions are continually arriving, and we have some hope that before another month rolls around some decisive blow will be struck.³⁰

The Hamburg Volunteers, who by this time were called the "Hamburg Riflemen," paid their compliments to the women of the city:

At a meeting of the *Hamburg Riflemen*, held at Quarters on the 30th January 1836, Dr. C. C. Spann was called to the chair and Sergeant J. R. Frazer appointed Secretary. The object of the meeting being explained by the chair, the following gentlemen—Sergeant Man, Corporal Rice, and Col. Walker were nominated a committee to draft a resolution expressive of their thanks to the ladies of St. Augustine for kindness offered through a committee of Gentlemen on the 29th inst.

The following resolution was offered and unanimously adopted.

Resolved. That we the *Hamburg Riflemen* tender to the ladies of St. Augustine our thanks for their offered kindnesses, but are happy to respond that through the hospitality of the gentlemen of the town, we have been amply supplied with every necessary comfort, since our arrival.

Resolved. That the above be published and a copy transmitted to the ladies of the town.

CHARLES C. SPANN, M. D.
Chairman

GEO. R. FRAZER,
Secretary.³¹

Another testimonial of the same sort was tendered Captain King, of the *Dolphin*, by the "Officers and Privates of the Detachment of Volunteers, from Charleston" who wished to bear testimony to the seamanlike qualities of the captain and to thank him for his "kind and gentlemanly attention to their convenience and comfort during their transportation on board his boat. . . ." The testimonial was signed by Henry Ravenel, Captain; B. M. Lee, First Lieutenant; W. M. Jervey, Second Lieutenant; William D. Porter,³²

³⁰ *The Florida Herald*, Feb. 6, 1836. I have not thought it necessary to reproduce typographical errors in quotations from this newspaper. In the issue for January 6, 1836, the editor apologizes for the "derangement" in the publication, explaining that he has been on duty in the public service and that the paper has been "committed to the care of boys the eldest of which is not over twelve years."

³¹ *The Florida Herald*, Feb. 6, 1836.

³² It is pleasant to note that Porter lived to become captain of the company and later to deliver the oration on the occasion of the revival of the organization in 1873. It is also pleasant to note that he closed his oration by quoting the last five stanzas of Henry Timrod's poem "Christmas." See *The Washington Light Infantry of Charleston, S. C.: An Account of the Revival of the Company . . .* (Charleston: Walker, Evans & Cogswell, 1873).

Ensign; J. E. B. Finley, Captain; C. B. Northrop, First Lieutenant; W. E. Zealy, Second Lieutenant; A. G. Magrath, Ensign; J. A. Ashby, Quarter Master; John A. Mitchell, Chaplain; George Turner, Surgeon; and M. C. King, Assistant Surgeon.

Turning now to Timrod's memorandum covering the period of the voyage to Florida and back to South Carolina, one finds that his narrative adds to what could be known from other sources. Timrod related his experiences in a concise, orderly fashion; and he made a charge found nowhere else: that the prominent and patriotic committee of citizens which supervised the dispatching of men and supplies to Florida made unfulfilled promises to the volunteers.³³ Timrod's narrative incidentally corrects false impressions left by some of Cohen's exaggerated statements. Timrod wrote:

On the 26th [day of] this year I embarked with a detachment of my company on board of the Steamer Santee, at 9 o'clock am—Our destination was St. Augustine, for the defence of which place against the Seminole Indians, we had volunteered—until the regular levies should be organized. The force under my command consisted of Fifty one Officers and men—In the same vessel embarked the Hamburg volunteers Capt. Cunningham consisting [?] of about thirty men. Being oldest in commission, I assumed the command of the whole detachment.

When we sailed the weather was calm and delightful, but the wind gradua[lly] freshened, until at night it blew almost a gale, by which we came very near losing the starboard wheel [house.] We made St Augustine light on the evening of the 27th and came to anchor outside the bar. On [the] morning of the 28th, attemptin[g] [to] cross the bar, we struck [and were?] pumping for nearly three hours, in some little peril,—we at length, however got off and proceeded up to the town where we landed about 11 o'clock A M—

The Citizens were overjoyed at our arrival, in proportion to the extreme state of terror from which we relieved them—They all expressed it as their firm conviction that had we not made our appearance that day, the town would have been attacked in the night—The only troops that occupied the garrison for a week before our arrival consisted of a company of Regulars under Capt Porter and they by constant service every night at the outposts were completely exhausted—After taking possession of our quarters, two very comfortable apartments in the Court House, guards were immediately detailed for the outposts—The night was extremely cold, and the men at the pick[et]

³³ Perhaps Timrod meant that the transportation and subsistence of the volunteers were not paid for. *The Courier* for January 1, 1836, reported as one of the resolutions adopted at the meeting held the day before that the City Council would be requested to make an appropriation to provide the necessary means for transportation and subsistence.

had no protection from the weather yet they performed their duty with the utmost cheerfulness—[On] the [day] succeeding our landing the [rest of?] the detachment for the [defense of?] Augustine arrived consisting of 2 Companies commanded by Captains Ravenel and Finley The commissions of Captain Ravenel and myself bore the same date, but His company being attached to the 16th[?] regiment & mine to the 17th, I yielded to the numerical precedence, and allowed Capt Ravenel to take command of the whole Detachment—Capt—Porter of the U. S. Army was commander of the Garrison—Occupied in the usual details of garrison duty we spent a very pleasant time, until relieved by the regular levies on whose arrival, my company & the Hamburg volunteers embarked for home in the Steamer James Boatwright—Capt Chase. We left Augustine on the morning of the 21st February, and on the 23rd after having the previous day spent about 5 hours in Savannah arrived safe in Charleston—I shall close this Memorand[um] with the remark that [one or more lines have been cut from the page] of the citizens,—not one was fulfilled—nor did that Committee think proper to assign any reason, or make any apology for the shameless breach of faith—One thing is certain, the object, to effect which we had left our homes & families was completely answered—Our arrival in Augustine saved that city, which otherwise would have afforded an easy prey to the savage foe. This was all I had in view and having effected it, I am more [than] satisfied. W. H. T.³⁴

Notations in Timrod's daybook for 1836,³⁵ a volume made from *Miller's Planters & Merchant's Almanac* for the year, serve to carry forward Timrod's personal history. Various entries show that he was unwell for some time. On September 7 he wrote in the daybook, "Resigned Commission." Whether Timrod's illness (perhaps tuberculosis) was brought on or aggravated by the rigors of the campaign—rigors which he did not mention in his memorandum—one cannot tell. Certainly Katie Timrod, the widow of William Henry Timrod's poet son, was not entirely accurate when she wrote that her father-in-law contracted a disease at St. Augustine and died of it a year later in Charleston.³⁶ According to the archives of the Health Office in Charleston, Timrod died "of debility" on July 28, 1838, and was buried in the "Germ. Luth. B. G." He died two years and five months after returning home from St. Augustine.

³⁴ From the volume In Memoriam Capt. W. H. Timrod, Courtenay Collection, Charleston Library Society archives.

³⁵ From the volume In Memoriam Capt. W. H. Timrod, Courtenay Collection, Charleston Library Society archives.

³⁶ Letter to Paul Hamilton Hayne, June 5, 1872, Hayne Collection, Duke University Library.

A SOUTHERN ADVOCATE OF METHODIST UNIFICATION IN 1865

By NORA C. CHAFFIN

The usual discussion of the mental attitude of the South in 1865 reveals a state of mind of a people defeated externally and materially but essentially unchanged from the historical concepts and ideologies of the Old South. Such a state of mind was probably prevalent at the close of the Civil War; but now and then one can find an articulate leader of a minority that had experienced a mental revolution during the crushing years since 1860. There were Southern people who wanted to see the militant sectionalism of the Old South replaced by a sincere national loyalty. In 1865 an occasional influential leader was unafraid to voice these views as he boldly advocated some act that would reunite separate groups of similar organizations in the North and in the South. Such a man was Braxton Craven, educator, author, minister, and former slaveholder and supporter of secession in North Carolina. In a letter (printed in full below) to Bishop Edward Raymond Ames of the Methodist Episcopal Church on July 24, 1865, he proposed the reunion of the Methodist Episcopal Church, South, with the Methodist Episcopal Church. At this time Craven was an active and widely known minister in the Southern church, while Ames was one of the most influential bishops of the Northern branch.

The seriousness with which some national leaders viewed sectional divisions within ecclesiastical bodies in the United States was revealed in the debate in Congress over the Compromise of 1850. During those exciting days, John C. Calhoun spoke with uneasiness about the growing differences among religious denominations.¹ He and Daniel Webster both referred specifically to the division within the Methodist Church. In his famous speech of March 7, 1850, Webster, in commenting upon the remarks of Calhoun, spoke in these words:

The honorable senator from South Carolina the other day alluded to the separation of that great religious community, the Methodist Episcopal Church. . . . I was in hopes that the differences of opinion

¹ W. W. Sweet, *Methodism in American History* (New York, 1933), pp. 276-277.

might be adjusted, because I look on that religious denomination as one of the great props of religion and morals throughout the whole country, from Maine to Georgia, and westward to our utmost western boundary.²

When ecclesiastical differences became sectional in nature, they contributed their share toward sectional rather than national loyalty. A mutually voluntary effort toward reunion of the two branches of Methodism in 1865 would have constituted at least a gesture toward national solidarity. At the close of the war, Braxton Craven held an opinion of this kind; moreover, as his letter reveals, he thought that if such a union could not be agreed upon immediately, it would be many years before effective action could be taken.

The Methodist Episcopal Church, South, had suffered severely from the effects of the war. By 1865 it had lost a third of its membership; and its schools, publications, missions, and machinery of organization and operation had either collapsed or were in a thoroughly demoralized condition.³ In the confused state of the church, its chances of survival as a separate organization appeared doubtful.⁴

At the close of the war, the Northern branch had suffered some diminution in membership, but it had increased in power and prestige in the United States.⁵ The loyalist activities of its members and officials, under governmental sanction, were acknowledged as a moral and practical support to the Union.⁶ In 1864 the General Conference sent a delegation of distinguished churchmen to President Lincoln to express the loyalty of the church to the government.⁷ In his reply to this delegation, Lincoln gave official recognition to the important work of the church during the war:

Nobly sustained as the government has been by all the churches, I would utter nothing which might in the least appear invidious against

² *The Works of Daniel Webster* (Boston, 1853), V, 331.

³ Sweet, *Methodism in American History*, p. 289; Homer Hastings, *The Methodist Episcopal Church, South, during the Reconstruction Period* (unpublished thesis in the Duke University Library, 1933), p. 137.

⁴ Hastings, *The Methodist Episcopal Church, South, during the Reconstruction Period*, p. 26; *The American Annual Cyclopaedia and Register of Important Events of the Year, 1865*, V, 552.

⁵ W. W. Sweet, *The Methodist Episcopal Church and The Civil War*, p. 46, and also Chapters II, III, IV, V; *Appleton's Annual Cyclopaedia, 1865*, V, 554.

⁶ Sweet, *The Methodist Episcopal Church and The Civil War* (Cincinnati, 1912), Chapter V; H. M. Johnson, *The Activities of The Methodist Episcopal Church in the South during the Reconstruction Period* (unpublished thesis in the Duke University Library, 1933), Chapter I; Hastings, *The Methodist Episcopal Church, South, during the Reconstruction Period*, Chapter VI; Paul H. Buck, *The Road to Reunion 1865-1900* (Boston, 1937), pp. 61-67; W. L. Harris, ed., *Journal of the General Conference of the Methodist Episcopal Church, 1865*, (New York, 1864); *Appleton's Annual Cyclopaedia, 1865*, V, 651-552; *Christian Advocate and Journal* (New York, June 1, 1865), Vol. XL, No. 22, p. 172.

⁷ Harris, *Journal of the General Conference, 1864*, pp. 155-156.

any. Yet without this it may fairly be said that the Methodist Episcopal Church, not less devoted than the best, is, by its greatest numbers, the most important of all. It is no fault of others that the Methodist Church sends more soldiers to the field, more nurses to the hospitals, and more prayers to heaven than any.⁸

It was with this aggressive, nationalistic Methodism that Braxton Craven proposed Southern reunion in 1865. From a somewhat casual study of his life up to this time, there is little to indicate the mental routes that led him to his proposal.

Craven was born of humble parentage and was reared as an orphan in the home of a small farmer in Randolph County—a part of North Carolina populated by small farmers and an occasional large slaveholder.⁹ He attended a few sessions of neighborhood schools, and for a short time studied at New Garden School (now Guilford College, North Carolina). This ended his formal education. At his request, he was permitted to take the required examinations for the degree of Bachelor of Arts from Randolph Macon College, and in 1851 that degree was conferred upon him.

In 1842, at the age of twenty years, Craven became principal of an academy, Union Institute, in Randolph County. Under his direction this school grew into Normal College (1851), a state-chartered institution empowered to issue certificates to teachers in the common schools of North Carolina. By 1859 he had seen Normal College in turn develop into Trinity College (now Duke University), affiliated with the North Carolina Conference of the Methodist Episcopal Church, South. Craven was licensed to preach in 1840 and joined the North Carolina Conference in 1857. Because of his numerous professional and literary activities, he was recognized by 1860 as an author, educator, and minister of growing power and influence in his State.

When the Civil War came, Craven was appointed captain; and from December, 1861, until January, 1862, he was in charge of the Confederate Prison at Salisbury. From that time until 1863 he gave his full time to his position as president of Trinity College.

As the war continued, the college steadily declined in patronage and financial support; and in 1863 Craven re-

⁸ Harris, *Journal of the General Conference, 1864*, p. 380.

⁹ Unpublished Census Reports of the United States for 1850, MS. Records in the North Carolina Historical Commission archives, Raleigh.

signed his position to accept appointment as pastor of the Edenton Street Methodist Episcopal Church, South, in Raleigh. He remained there until a few months after the close of the war when he returned to his former position as president of Trinity College. It was during his last months as pastor¹⁰ in Raleigh that he wrote to Bishop Edward R. Ames advocating the union of the two branches of Methodism as is shown by the letter reproduced below.

Ames was widely known in the United States in 1865. He was the son of a New Englander who had moved to Ohio and had become a political leader in his adopted state. As a youth in his home, Bishop Ames met many men in public life. His formal education was limited, but he did spend two or three years studying at Ohio University. After teaching for a time in a seminary, in 1830 he joined the Illinois Methodist Conference. A decade later the General Conference elected him secretary of the Missionary Society for the South and West. His duties in this connection carried him into many sections of the North, South, and West. When he was elected bishop in 1852, he traveled even more widely throughout the United States.

During the Civil War Ames was very active in behalf of the Union. He was appointed chaplain in the army and did effective work among the soldiers. In 1862, with Hamilton Fish, he was appointed by the War Department on a commission to visit the Union prisoners at Richmond and to provide for their comfort at the expense of the United States. The appointment of this commission aroused the indignation of the South, and the fact that Bishop Ames was one of its members appeared to be especially distasteful to some Southerners. A Confederate officer, a former Methodist minister, wrote a letter to Jefferson Davis warning him against Ames, whom he characterized as an "astute politician . . . in the garb of a Christian minister." The commission was refused entrance to Richmond; the reason seems somewhat nebulous.

In 1864 Ames was one of the committee appointed by the General Conference to "wait on the President and convey the loyal sentiments of the Conference." It was to this

¹⁰ This sketch is based on the following references: Thomas N. Ivey, "Braxton Craven" in S. A. Ashe, ed.-in-chief, *Biographical History of North Carolina*, IV, 102-112; *The National Cyclopaedia of American Biography*, III, 445-446; J. Dowd, *Life of Braxton Craven* (Raleigh, 1896); W. K. Boyd, "Braxton Craven" in A. Johnson and D. Malone, eds., *Dictionary of American Biography*, IV, 516-517; Correspondence of Braxton, 1850-1882, Manuscript Division, Duke University Library; Executive Papers: Clark, MSS., in the North Carolina Historical Commission archives, Raleigh.

group that Lincoln made his reply praising the work and loyalty of the Methodist Church. Both during and after the war, Ames was energetic in extending the activities of the Methodist Church throughout the South. On different occasions he was offered important positions by the government of the United States but declined because of his ecclesiastical duties.¹¹

It was to this energetic churchman and staunch worker for the Union that Braxton Craven addressed his letter on July 24, 1865.¹²

BRAXTON CRAVEN TO EDWARD R. AMES

Raleigh N. C.

July 24, 1865

Rev. Bishop Ames.

Our relations to each other will, I hope, excuse me for saying, that I regret the action of the Bishops of the Methodist Episcopal Church, at their late meeting, in reference to Methodism in the Southern States.¹³ I humbly think, they did too much, or not enough. If neither reconstruction nor reoccupation is to be attempted in a regular well defined mode, then all reference to the subject, either officially or by correspondents in the principal papers, will be productive of irritation, estrangement and permanent evil. If, however, either of the above is to be tried, then all indefiteness [*sic*] as to mode, time and agencies, will only increase the obstacles to be encountered, and perplex those who wish to act right personally, and do the best things for the good of the church and the glory of God. If, under the instructions of the General Conference of 1864,¹⁴ the Bishops can take no steps toward reconstruction, and yet are under obligation to occupy any portion of the so-called Confederate States, either by receiving conferences in whole or in part, or by receiving individuals whether ministers or laymen, or by organizing mission conferences, or by sending single missionaries to apparently unoccupied fields, then, in my opinion, they are constrained by the highest authority in the church,

¹¹ This sketch is based on the following authorities: J. Wesley Johnston, "Edward Raymond Ames," *Dictionary of American Biography*, I, 242-243; Matthew Simpson, ed., *Cyclopaedia of Methodism* (Philadelphia, 1878), p. 34; Sweet, *The Methodist Episcopal Church and The Civil War*, pp. 88-102, 142-143, 151-154, 208-210; Sweet, *Methodism in American History*, pp. 219, 267, 294-295; *Appleton's Annual Cyclopaedia, 1864*, p. 514; Harris, *Journal of the General Conference, 1864*, pp. 177.

¹² Correspondence of Braxton Craven, 1850-1865, Manuscript Division, Duke University Library.

¹³ This reference is probably to a meeting of the bishops of the Methodist Episcopal Church on June 15, 1865. At this meeting it was "resolved to occupy, as far as practicable, those fields in the Southern states which may be opened and which give promise of success. The Bishops declared themselves, however, to have no authority to originate any plans of union, and to be bound to adhere strictly to the provisions of the discipline and the directions of the General Conference." *Appleton's Annual Encyclopaedia, 1865*, V, 552.

¹⁴ As a part of "Report No. V of The Committee on Missions," the General Conference of 1864 passed the following resolution:

"Resolved, that the bishops be and they are hereby authorized, when in their judgment the interests of the work require it, to organize Annual Conferences in the states and territories not embraced at the close of this General Conference in any of the Annual Conferences. . . ." Harris, *Journal of The General Conference, 1864*, pp. 387-388.

to inflict great mischief upon the cause of God in these states. The last General Conference apparently did not look beyond things as they then were, but surely if those men of God were now in Conference assembled, they would adopt some more eligible plan by which the great breach in Methodism might be obliterated, and the church in unity of power might move on successfully to the accomplishment of her part in evangelising the world. And certainly the Board of Bishops with their wisdom in council, and their fervent piety toward God, can and will find some less objectionable plan for executing the will of the General Conference, or devise some method by which original action in this matter can be had at an early day.

Immediate regular official action is the more important, because time will inevitably increase the difficulties in the way of successful operation or adjustment. Already not a few very harsh and very unnecessary things have been published in the papers. Some writers are discussing subjects whereof it is certain they either understand nothing, or (which we do not wish to believe) they are purposely using misrepresentation, un-Christian passions and inflammatory language, to array parties, fortify prejudice and perpetuate the discord that has been so ruinous to church and state. Other parties, apart from the wrong writing they may do without provocation, will naturally and far too promptly, retaliate, and thus, the two sections will assume hostile attitudes and revive, if not create, a vindictive sectionalism, greatly to be deplored by all who love the Lord Jesus Christ. And in all such times and occasions, there are ambitious designing men, prompt to speak, full of advice, apt in leading the multitude, who purposely raise a storm, that they may be masters of its fury, and reap fame from its destructive power. The difficulties between the Church North and South, could now be easily adjusted; but if passion, prejudice, ambition and intemperate zeal shall belabor the question till 1868, I fear "it will be past mending." The action of the Holston Conference, St. Louis, and some other localities,¹⁵ may seem like the dawn of a glorious day to the M. E. Church, and to the unobservant may promise easy and rapid success, but clouds, darkness and storm will usher in and continue with a day commenced on that plan. The great Methodist heart in the South beats with warm, true life; it is neither dead in sin, nor corrupt in the practices of the traitor; it will either move on to great and lasting good within its own regular organization, or go back in a body to its former position, or, if broken to fragments by the overwhelming uncompromising power of the old family household, find a home in other churches, stand firm in isolated congregations, or wander away homeless and ruined. Regular, immediate systematic action on both sides is the imperative demand.

¹⁵ "Early in 1865 the bishops received information that a number of ministers and members of the Methodist Episcopal Church in east Tennessee, desired to attach themselves to the Methodist Episcopal Church. Bishop Clark went to Athens, Tennessee, on June 1, 1865, and organized the Holston Conference of the Methodist Episcopal Church." *Appleton's Annual Cyclopaedia, 1865*, V, 551.

Under authority given them by the War Department of the United States, representatives of the Methodist Episcopal Church followed the federal armies into the seceded states and were empowered to take over "all houses of worship belonging to the Methodist Episcopal Church, South, in which a loyal minister, who has been appointed by a loyal Bishop of said Church does not officiate." Sweet, *The Methodist Church and The Civil War*, p. 98. See also Sweet, *Methodism in American History*, Chapter XIV; Buck, *The Road to Reunion*, pp. 61-67; Hastings, *The Methodist Episcopal Church, South, during the Reconstruction Period*, Chapter I; Johnson, *The Activities of the Methodist Episcopal Church in the South during the Reconstruction Period*, Chapter I.

I am very frank to say that I do zealously favor *reconstruction*, and I believe that is the sentiment of the vast majority of the church. Not that I believe the M. E. Church, South, is corrupt, as some writers with fustian [*sic*] Rhetoric and inconclusive Logic, attempt to show; nor do I think it would fail to sustain itself within these lands, or that the M. E. Church would easily and speedily occupy the whole country. Such considerations neither affect my preferences, nor my conclusions. The mission of the church is by Divine assistance to spread scriptural holiness over the earth. Whatever retards this, is to be avoided. The multiplication of sects, ecclesiastical divisions, and denominational controversies manifestly impede the work of God; and those, who promote them for unnecessary causes, are wrong. There is no necessity for the two organizations of the Methodist Church in the United States; they cannot exist with their organic aggressive policy without friction, strife, and denominational war. The separation *ought not* to continue. The two should be one. Every reason for continuing the separation is a reason fraught with mischief to the Union, enervation to the Church on both sides, and infinite harm to the souls of the people. Every reason for reconstruction, is one of enlarged piety, efficiency to the Church, safety to the nation, and universal good will to man. As to conditions of reconstruction, most that have been proposed are neither Methodistic nor desirable.¹⁶ Such accusations and tests as many have proposed are unknown to Church History. No church, hitherto, has made political questions, articles of faith or tests of membership and the general doctrine of the Protestant world is, or at least has been, that no ecclesiastical body has the right to consider political questions, or make inquisition of their members in regard to them. If the Church commences this course on unionism or slavery, she may probably will find it equally necessary to gravely consider and decide all political platforms in the future. Over much zeal hath surely carried most of the American churches away from their own conservative, anti-political constitutions. Now that the *great evil* is irrevocably dead, they will sooner or later recede from their war measures, and return to their primitive apostolic non-intervention. Common sense, it seems to me, points out the necessary and only basis of pacification, effective operation and reconstruction.

1. Remove the line and act of separation, all coming under the control of the General Conference of the M. E. Church, and all property belonging to that Church as prior to 1844.

¹⁶ The following selections from an editorial entitled "How Shall We Go South?" claim to state the position of the Methodist Episcopal Church in June, 1865: "A glance at facts as they exist will show successive [steps] in a process provided for, which, it is believed, will reconstruct our church at the South so that it shall be composed there of those who, without respect to color, are true to the government and in sympathy with us in regard to the question of slavery. . . . (1) Missions [may be established] in the United States and Territories not included in any of the Annual Conferences (*Journal General Conference*, 1864, pp. 197-198.)

"2. Members in good standing in any evangelical church in the South or elsewhere 'may be received at once into full fellowship with us by giving satisfactory answers to the usual inquiries.'

"3. Ministers from the Methodist Episcopal Church, South, may be received into our church as others of Methodist faith provided they give satisfactory assurance to an annual or quarterly Conference of their loyalty to the National government and hearty approval of the anti-slavery doctrine of our church (*Journal General Conference*, 1854, p. 240).

"4. The Bishops are authorized to organize annual conferences in the states and territories not embraced in any of the annual conferences when in their judgment the interests of the work require it. (*Journal General Conference*, 1864, pp. 387-388.)" *Christian Advocate and Journal* (New York, June 1, 1865), Vol. XL, No. 22, p. 172.

2. We thereby take, subscribe, adhere to, and obey the discipline of the M. E. Church, as it now is, conscientiously and in good faith.

3. We thereby go into that church as we now are, including conferences, Bishops, appointments, and all other things, except Book Agents and similar Gen. Conference appointees, whose offices would of necessity expire by reconstruction.

It may be agreed that every man who thus returns in the church as an organic body, shall be loyal, and the test of loyalty be, that he has taken the oath, or oaths required by the civil authority. I have no objection to this, though utterly unnecessary, because I do not believe that any man ought to belong to any church, if he will not yield obedience to the lawful government over him. As to subscribing "anti-slavery doctrines," that can mean nothing more than subscribing to the Discipline, for no one ever heard of such a thing as subscribing the records or minutes of an ecclesiastical body as a condition of union; and it is not even to be supposed that any member of the Northern conferences would have been expelled, if he had spoken and voted against any motion or resolution ever introduced in any of them. Hence there can be no real objection to the *terms* of reception, adopted by the General Conference of 1864. I feel confident that the great body of the Church, South, would accept them without difficulty or hesitation, provided all could go together in a regular, systematic way, without disorganisation, disparagement, or confusion. Then, the disintegrating and absorbing process is ruinous in a financial sense. All our church property is held directly, or in trust for the uses and purposes of the M. E. Church, South; now if that church should cease to exist without any organic action or legal change, the whole of this property would escheat to the several states, and much of it be lost to the Church. Certainly no sane man or men would, for a mere abstraction, a defunct error given up and renounced, or for any common or personal considerations, advocate and attempt to execute a policy, whose success, without any thing gained to doctrine or discipline, would at one blow corrupt the whole church south of the Potomac. Reconstruction is practicable, easy, and Christian; it is every way desirable, and I believe, very generally desired, if it can be accomplished in the mode and spirit above indicated. The policy adopted by the Gen. Conference may have been very wise during the war, but it would be difficult to conceive a more objectionable scheme for the country as it now is; and if that is the only action had, and shall be the course pursued, till 1868, it will effectually prevent reconstruction, and will inaugurate an evil that will last for many generations.

Many of our people think, and not without some grounds for so doing, that the church North does not desire reconstruction on any basis whatever. I cannot believe this is true. I will not suppose that Northern Methodists are so self-righteous, so self-confident, or so intolerant as to reject fellowship with a people whom they have striven so hard to retain in the Union. Admit that slavery is wrong; if we damn all who have held the contrary opinion, we shall send to perdition very many of our English and American ancestors. We of the South have erred, we have been punished, and I trust we have repented; and it must not be presumed that men of God wish to follow the fire

and sword, devastation and pecuniary ruin of the army, with an ecclesiastical guillotine that will stain the temples of God with the blood of souls.

But it is said "The South is corrupt, bigoted and *tainted* with treason." Those who say this, form their opinion without information, or they falsify purposely, or they unwisely believe all the Southern correspondents of Northern papers. Some of this correspondence is for unholy political purposes, some is purely malevolent, and some is the general conclusion from partial and insufficient data. The South is in no sense what it was five years ago. Religiously it never has been *corrupt*, we have multitudes of people who daily enjoy communion with God. As to bigotry, church exclusiveness is said to be both its evidence and its chief support. The civil authorities must settle the question of *treason*; whatever wrong the great body of the people committed in this respect, was an error of judgment, and a present willingness to believe and be governed by contrary opinions, ought to be sufficient. But again it is said "The South is proud, defiant, rebellious and unsubdued." The South has manliness, self-respect, and a certain mental elevation, that neither armies, nor Logic can overthrow. They have not associated very freely with Federal Soldiers, nor have they very generally received them into their families. In all business intercourse I presume our people have been courteous, and sufficiently submissive; but socially, we must know something of a man, before we receive him on terms of intimacy. Mere uniform is no sufficient guarantee of moral and social respectability. Let any man of known good character, North or South, vouch for any officer or private, and he will have no just cause to complain of deficiency in respectful attention. The South is neither hostile to the Government nor to Northern states; the Union feeling has not been as strong in twenty years as it now is. The great heart of the people was never in the war at all; they neither murmur, repine nor fret at the issue. They give up slavery willingly and many of them gladly. They have no grudge nor ill feeling toward their former servants, but are strongly attached to many of them, and are disposed to treat them kindly; and where the contrary does exist, it arises from improper conduct of the freedman, originating frequently from the foolish or wicked advice of some impudent soldier. No power could induce the South to vote the continuance of slavery. The people have accepted the pacification in good faith, willingly loyal, hopefully cheerful, and generally contented. The state of society is not what the North thinks it is; it was not during the war what it was supposed to be. There is nothing in the South to hinder good, honest, hearty fellowship with North, East, and West, legally upon the Constitution, socially upon good morals and manners, and ecclesiastically upon fervent piety toward God and universal good will to man.

Then why should not Methodism be reconstructed on fair Christian terms? Why should not sectionalism be buried in the grave of the great rebellion? Why should not the divided heart of this great and holy church, be one again in love, power and usefulness? Doubtless not a few North and South will strive to prevent the union. Some have taken ultra positions from which they will be unwilling to recede;

some have become famous by leading this ultraism either way; some in each have become odious to the other section; and some will conscientiously adhere to present arrangements. But these and such as these should not hinder the good work. All personal consideration must give way before any plan, that will righteously bring great masses of men together to work for the good of souls. May wise councils prevail, and may the work of God prosper in our hands.

I remain respectfully your brother in Christ

HERMON HUSBAND'S CONTINUATION OF THE IMPARTIAL RELATION

Edited by ARCHIBALD HENDERSON

Introduction

The popular uprising in North Carolina, covering the years 1765-1771 and having many later repercussions, has been the subject of articles, essays, and books almost innumerable. Until the appearance of Bassett's careful and objective study in 1894,¹ almost everything published on the subject was vitiated by obvious bias, whether prejudice or prepossession depending upon the particular *parti pris*. There was no halfway ground; it was violently pro or con, Regulator *versus* Royalist, common people *contra* corrupt officialdom. It was all or nothing: wholly black or wholly white. The partisanship of the champions of the Regulators' cause finally reduced itself to absurdity in the baseless claim that the skirmish at Alamance was the first battle of the American Revolution.

When Wheeler's *Historical Sketches of North Carolina* appeared in 1851, there was first made available to the general public Hermon Husband's remarkable pamphlet, known as the *Impartial Relation*.² This authentic specimen of sensational eighteenth-century journalism, by the man who was indubitably the leading champion of the Regulators, is the primary single source for a knowledge of the Regulator's side in the complicated issues at stake.

The second Regulator pamphlet, *A Fan for Fanning*, is often ascribed to Husband but, from internal evidence, was undeniably written by another hand. It ranks considerably below the *Impartial Relation* as source material, since it almost slavishly follows Husband's pamphlet. Nevertheless, certain additional data and pertinent comments by the anonymous author give it rank as an independent source,

¹ John Spencer Bassett, "The Regulators of North Carolina," *Annual Report*, American Historical Association, 1894, pp. 142-212.

² Hermon Husband, *An Impartial Relation of the First Rise and Cause of the Recent Differences in Publick Affairs in the Province of North Carolina*, printed for the Compiler (1770, p. 104). With the omission of the observations on the Granville District and Husband's adaptation of two of the Rev. James Murray's *Sermons for Asses* (London, 1768; Philadelphia, 1769, 1770), Husband's pamphlet is printed in John H. Wheeler's *Historical Sketches of North Carolina*, two volumes in one (Philadelphia, 1851), Vol. II, pp. 301-331. Two copies of the original edition are known to exist. One is now in the John Carter Brown Library, Providence, Rhode Island. The collation by John H. Wheeler was made from a copy in the library of the Philadelphia Library Company. Cf. Wheeler, *Historical Sketches of N. C.*, II, 331. Wheeler says: "This is the only perfect copy of Husband's book extant; I found it in the Library of Philadelphia, and for its use I am indebted to the courtesy of Lloyd P. Smith, the intelligent and urbane librarian of the company."

although it covers events only to 1769. It appeared in weekly parts, the first being issued on October 25, 1771; and the tenth and last part to appear was presumably issued on Friday, December 7, 1771. The ten separate parts were then bound together and sold from "the Printing-Office at the head of Queen-Street, in Boston." The proprietor of the printing-office was probably Daniel Kneeland, who in 1771 advertised as "Printer, head of Queen Street." From the title page, the site of the printing house is further identified as "opposite the Seat of William Vassel Esq" who lived at Pemberton Square, almost opposite Queen, afterwards Court, Street. It is not known why there were only ten parts, which carry the narrative less than half way through the period covered by the Regulation proper. Perhaps the sale did not warrant the issue of further parts.

Only two copies of the original edition are known to exist, one in the Library of Congress and one in the New York Public Library. This pamphlet was reprinted in its entirety by a careful student of North Carolina history, David L. Swain, in the *North-Carolina University Magazine*.³ It has not, like Husband's *Impartial Relation*, been reprinted in any history of North Carolina. It was reprinted in full in *Some Eighteenth Century Tracts Concerning North Carolina*, edited by the late W. K. Boyd (Raleigh, 1927). In general it has, quite unwisely, been neglected by historians as an original, contemporary source.

A third primary source for the history of the Regulation is a powerful document, first known as "The Granville Paper," from which Husband quotes seven paragraphs. Because this anonymous document was, as Husband points out, dated "Nutbush, Granville County, the 6th of June, Anno Dom. 1765," it has been called "The Nutbush Paper." The title, as printed in Husband's *Impartial Relation*, is: "A serious Address to the Inhabitants of *Granville* County, containing a brief Narrative of our deplorable Situation by the wrongs we suffer, — And some necessary Hints, with respect to a Reformation." The seven paragraphs quoted by Husband were all that was known of this paper until 1915, when a manuscript copy of the complete text was discovered by the writer in the archives of the North Carolina Historical Commission. It bore the simple title: "An Ad-

³ David L. Swain, "The War of the Regulation," *North-Carolina University Magazine*, IX (1859-1860), 121-161, 327-345, 456-469; X (1861), 17-35, 129-138.

dress to the People of Granville County. By George Sims." The author of the address, revealed by this discovery, was a native of Brunswick County, Virginia, the son of George Sims and Martha Walton, his wife. Born about 1728, he removed in 1764 to Granville County where he was married to a Miss Bullock, whose people had emigrated thither from Hanover County, Virginia. In a contemporary document Sims is denominated: "School Master." After suffering indictment, conviction, and a jail sentence for publishing the "Serious Address," he removed to Caswell County, North Carolina, where he died in 1808.⁴

The document printed below, called the *Continuation*, adds a fourth to the three primary source documents described above, presenting the insurgents' side of the Regulation imbroglio.⁵ The fact of the existence of this presumably unique copy was brought to public attention in 1936 by Douglas C. McMurtrie in his *Eighteenth Century North Carolina Imprints, 1749-1800*.⁶ This pamphlet is in the Huntington Library, San Marino, California; and is now published in the *North Carolina Historical Review* with the gracious permission of Dr. Max Farrand, Director, and the board of governors of the Huntington Library. The *Continuation* was doubtless published by the same printer who issued the *Impartial Relation*; but neither the name of the printer nor the place of publication of either the *Impartial Relation* or the *Continuation* is known. At the foot of the title page of the former is the statement: "Printed for the Compiler, 1770;" the title page of the *Continuation* carries the statement: "Second Part.—Printed for the AUTHOR, 1770."

The *Continuation* is of prime importance as an historical source document for filling the lacunae in our knowledge regarding the legal suits in which Husband became entangled. The best and perhaps the only satisfactory way to make this clear is to tell here, as succinctly as possible, the story of these suits. On May 1, 1768, when Regulator

⁴ The texts of Sims's *Serious Address*, and of the petition of Reuben Searcy and others, March 23, 1759, edited by the writer, were published with the title "The Origin of the Regulation in North Carolina," in the department, "Documents," in the *American Historical Review*, Vol. XXI (January, 1916), No. 2. These were reprinted in the *North Carolina Booklet*, Vol. XVII, No. 4 (April, 1918), pp. 171-'86, and in W. K. Boyd, ed., *Some Eighteenth Century Tracts Concerning North Carolina*, pp. 175-192. These same documents were also reprinted in Jane Morris, *Adam Symes and his Descendants* (Philadelphia, 1938), which contains valuable historical and genealogical data regarding George Sims and the Sims family.

⁵ *A Continuation of the Impartial Relation of the First Rise and Cause of the Recent Differences in Publick Affairs, in the Province of North-Carolina, &c.* Second Part. Printed for the Author, 1770.

⁶ University of North Carolina Press, Chapel Hill, 1938. This bibliography was first printed in three parts in the *North Carolina Historical Review*, Vol. XIII, Nos. 1, 2, 3. (January, April, July, 1938).

indignation had reached its first high pitch, Edmund Fanning, colonel of the Orange County Militia, headed a posse of twenty-seven armed men who the following day seized Herman Husband and William Butler, leading insurgents, and bore them off to Hillsborough. Husband, a busybody and *agent provocateur*, was not at this time a Regulator, according to William Butler's and John Pyle's affidavits, both of which are herein set forth; and according to William Butler's testimony, Husband refused even to have anything to do with the movement. There is considerable evidence, from Husband's *Impartial Relation* and other contemporary sources, to show that Husband never officially joined the Regulators. Nevertheless, because of his assiduity as a pamphleteer and his activity as writer, agitator, and legislator in pressing for redress of the Regulators' complaints, Husband was universally regarded as the spear-head of Regulator attack.

In the warrant issued against him in May, 1768, Husband, although avowedly not a Regulator, was charged with "Traterously and feloniously conspiring with others in stirring up an Insurrection." After a brief trial, Husband and Butler were thrown into jail, where they remained until midnight. They were informed of the plan to transport them to New Bern for trial; and perhaps for purposes of intimidation they were led to believe that, if tried there, they would surely be convicted and hanged. In fear of his life, Husband sent for Fanning, who was aroused from slumber, that he might propose to give recognizance for good behavior. Fanning welcomed this opportunity to draw Husband's fangs and thereupon drafted a most humiliating paper for Husband to sign, containing the following terms: that in future Husband should neither give his opinion of the laws, nor attend popular assemblies of protest; should forbear from voicing Regulator grievances and should warn others against doing so; should agree to tell the people he believed all the taxes to be according to law; and should do his utmost to keep the people quiet. This document, which he must have accepted with strong mental reservations, Husband signed, believing that it was the only way to save his life. He was then released under bond, as was also William Butler who likewise signed, to appear for trial at the following term of court.

During the several days before his case came up at Hillsborough in September, 1768, Husband, according to his own account, was brutally badgered and insulted by the militia. They repeatedly thrust bayonets to within a few inches of his body; once a soldier fired a musket "in his face" with the muzzle directed just above his head; and on another occasion a number of these rude bullies dragged him into a public house, set him upon a table, formed a ring around him, and cruelly taunted him. He was finally committed to the "New High Gaol," which contained on the interior a gallows, or its semblance, to terrorize the prisoners. So restricted were the quarters that not all the prisoners could lie down on the floor at the same time. "I looked on myself," relates Husband with a touch of *macabre* humor, "as a Captive among Enemy Indians, Nabobs, or Lord Inquisitors."

The following introduces the new data supplied by the *Continuation*.

To defend the four suits which had been brought against him, Husband retained the services of the distinguished lawyer, Abner Nash, afterwards governor of North Carolina. Ironically enough, Abner Nash was the brother of Francis Nash, Clerk of the Orange County Court, whom the Regulators were trying to convict of extortion. Abner Nash engaged James Milner, a scholarly lawyer and aristocrat of Halifax, as assistant counsel. Paralyzed by fear of conviction and execution at the hands of his oppressors, Husband blindly gave notes and signed bonds written by the lawyers—as he declares "without examining a word in them." As to the fees, Husband elsewhere states that the lawyers "soon got all the money I had [amount not specified] and Bonds and Notes for £150 more."

At two places in the *Continuation*, Husband relates that under a verbal agreement he made with the lawyers who, he maintains, were too wary to give him a written obligation, they agreed jointly to defend his suits; and in addition Nash made a solemn commitment, which Husband held to be of the highest importance, "to Plead the whole cause of the Regulation all over the Province," as described in the detailed story of the people's grievances which Husband had already prepared and circulated broadcast throughout the countryside. Moreover, Nash agreed to sue for damages for Husband's arrest and false imprisonment. As Husband felt

sure he could prove he was not a Regulator, in the technical sense, he believed he could win the suit for damages, which would enable him to reimburse Nash and Milner.

Although this elaborate agreement was verbal, Husband avers that he had "Evidences," presumably witnesses or affidavits or both, in support of his description of its main features as given above. Of the four suits brought against Husband at Hillsborough, September, 1768, three were dismissed for lack of evidence; and the fourth, although a true bill was found, resulted in acquittal.

At the March, 1769, term of Superior Court at Hillsborough, Nash and Milner demanded of Husband payment of the obligations. Husband, however, proved obdurate, refusing to pay on the ground that the obligations, having been obtained under duress, were invalid. Moreover, he contended that Nash and Milner had failed to keep their agreement to plead the whole cause of the Regulation all over the province. They had done so in defending Husband at Hillsborough; but as "was generally known they had deserted the Cause, by not speaking to it at Halifax, before the Assembly, and at Salisbury." Although Husband claimed that Nash and Milner had voided their contract, he proposed a compromise: to pay Nash and Milner "as much as he could do with Honor, and without being laughed at for a Fool." The attorneys declined the proposed compromise, refusing to abate one jot or tittle of their bill. Accordingly at the September, 1769, term of court, Nash and Milner each brought suit against Husband for debt; and the suits were continued to the next court.

At the March, 1770, term of Superior Court at Hillsborough, Milner brought suit for debt, damage £50; and Nash also brought suit for debt, damage £325—in each case, proclamation money. In both suits the jury found that there was no duress as Husband contended; but in each suit assessed for the plaintiff the nominal 6d. damage and 6d. costs. Three days later, Milner moved in arrest of judgment, filing his reasons therefor; and Nash presumably did the same, for the cases were continued.

When these suits finally came to trial, Husband again pled duress and offered to introduce testimony to prove the unjust manner in which the obligations had been obtained. Husband was so voluble in defending his own case as to anger his attorney, Marmaduke Jones, former attorney

general, who refused to make the plea advanced by Husband. The court refused to accept any of Husband's "evidences." Milner was given judgment for £50. On being informed that Nash's suit was precisely similar, which was not true, as explained above, the jury without leaving their seats gave judgment for £325 in Nash's favor. Husband felt himself grossly exploited and deeply wronged. Nash had postponed suing for damages on Husband's behalf; and finally refused outright "for Fear of incurring the Displeasure of Government, &c."

Despite their legal skill and cunning, the shrewd lawyers were balked – perhaps "bilked" would be a better word – in their efforts to collect of Husband the sum of £375. When execution was afterwards issued upon these judgments and levied upon Husband's land, the sale thereunder was stopped by a mob of Husband's sympathizing, Regulating friends. In commenting upon these judgments against Husband, the Rev. Shubael Stearns, Baptist divine and purported author of *A Fan for Fanning and a Touchstone to Tryon*, ironically exclaims (in the closing words of that pamphlet):

Oh LIBERTY! thou dearest Name! and PROPERTY! thou best of blessings! Whither are ye flown from the inhospitable land of Tryon and Fanning! blasted by the perjurous breath of Villains, who sell their Conscience for an *unworthy* price, the smile of an *injurious* man, ye are forced from the Courts, (miscall'd) of Justice.

Two other interesting contributions to our understanding of the Regulation are made by the *Continuation*. Rednap Howell, a witty and satiric versifier, who came to North Carolina from New Jersey where his close relative, Richard Howell, was sometime governor, wrote forty-odd humorous ballads and jingles anent the Regulator claims, complaints, and contentions. In the stanza given below he attributes the theft of a horse to John Frohock, misspelled "Frohawk," Clerk of the Rowan County Court at Salisbury. The verse shows two precious grafters and oppressors of the Regulators in cynical confab:

Says Frohawk to Fanning, to tell the plain truth,
When I came to this country I was but a youth;
My father sent for me; I wa'n't worth a cross:
And then my first study was to steal for a horse.

I quickly got credit, and then ran away,
And hav'n't paid for him to this very day.

Apparently Howell attributed to John Frohock the theft of a horse which, if Thomas Harrington's affidavit on oath, reproduced in the *Continuation*, is to be credited, should with more justification have been saddled upon Edmund Fanning. The story contained in this affidavit, if true, is a particularly damning exposé of Fanning's *hauteur*, scorn of the common people, and flagrant dishonesty.

The other significant contribution of the *Continuation* concerns the famous cases against Edmund Fanning and Francis Nash for extortion. Originally both were found guilty according to Governor Tryon; and in each of seven cases, and presumably in others, Fanning was fined one penny and costs. Fanning appealed, and Nash secured a continuation. No mention of Nash's conviction has been found in the Orange County records. Specific opinions were rendered upon these suits by representatives of the entire range of English and American law: the justices of the county court, the attorney general of North Carolina, the chief justice of the superior court, a distinguished barrister of the Inner Temple, London, and the attorney general of Great Britain. The North Carolina Superior Court, the highest court in the colony, after exhaustive study finally decided that Fanning had not knowingly charged fees not permitted under the act of 1748. The verdict, in effect that Fanning's takings were not tortious, was specifically "*Nil debet*" – the defendant owes nothing. In the *Continuation*, Husband argues plausibly that it is impossible to prove a man not ignorant of the law. The Regulators' chance for success in the courts against Fanning and Nash, guilty of extortion though these court officials might be, was *nil* – if the court ruled that Fanning, one of the shrewdest lawyers in the province, was ignorant of or innocently misinterpreted the law. Not Husband's attorneys, not any attorneys, could prove that Fanning and Nash were not ignorant of the law. The dice were loaded against the Regulators. Fanning and Nash couldn't lose.

A CONTINUATION of the
IMPARTIAL
RELATION
OF THE
First Rise and Cause
OF THE
RECENT DIFFERENCES,
IN
PUBLICK AFFAIRS,
In the Province of *North-Carolina,* &c.

SECOND PART.

Q5W2

Printed for the AUTHOR, 1770.

A CONTINUATION of the IMPARTIAL RELATION OF THE

First Rise and Cause, &c.⁷

It takes a considerable Time when a People is under Oppression to find out the true Causes, Sources or Defects of Government, from whence Oppression rises: These Defects or Causes are not seen by the Public; they first feel the Oppression, and in a steady and uniform Proceeding for Redress, the Causes are traced and found out one after another; and then the Wisdom, Care and Prudence of our Ancestors are seen as well as the Defects, which nothing but Time and Experience could discover. In the first Part of this Relation, or Narrative, we found a Defect in choosing our Juries, and have since discovered the Advantage and Privilege of Juries wholly taken away and invaded by a mischievous false Doctrine and Practice, that Juries are not Judges of Law, but of Facts only.

We receive Prejudices and false Notions by Education in our young Years, which never wear out [4] but by great Exercise and Use of Reason and Helps we receive from one another; who having found the Truth, do preach or publish it to others.

In my younger Years, nothing was more common than to hear Jurors acknowledge such and such a Case went contrary to Equity and Justice; but complain the Law was against him, or them, and they could not help it:—And this Law was commonly received from the Mouth of the Lawyers or Judges. Thus I was persuaded the Law was a mysterious Matter, that none but the Learned understood; and that the learned Men in every Court was so mixt, that one watched another, and the Judges set above, being swayed by Interest by Means of large Salaries. But when I could not but see the whole Court was jointly in one Interest, I began to lament that the Jury had not Privilege to be Judges of the Law, and was glad to observe, when it suited the Interest of the Court, the Lawyers and Judges allowed they were.—The first Instance I observed, was an Officer who had extorted; he plead Ignorance of the Law, and though the Law expressly said Ignorance did not excuse, yet the Judge told the Jury, if they could think in their Consciences that he was really ignorant, they might find

⁷ Hermon Husband, commonly called Harmon, the author of this pamphlet, was born in Cecil County, Maryland, October 3, 1724. His parents were members of the Established Church of England. After undergoing several "varieties of religious experience," he joined the Society of Friends. Following his removal to North Carolina, he was disowned by Cane Creek Monthly Meeting, January 7, 1764, for outspokenly criticising the meeting's action in granting to Rachel Wright, a fellow-member of the Society who had committed some disorder, a certificate of removal to Fredericksburg, South Carolina. He finally settled at Sandy Creek, then in Orange, now in Randolph, County. Husband was a man of integrity, studious habits, and business ability. A natural agitator, he became the chief adviser and pamphleteer of the revolting petty farmers of North Carolina. Often indicted and twice imprisoned during the period of the Regulation, he was never convicted. He led the fight for reforms, sought by the Regulators, in the Assembly in 1769-1770. After the defeat of the Regulators at Alamance, May 16, 1771, Governor Tryon offered £100 or a thousand acres of land for his capture; but he succeeded in escaping to Maryland. He subsequently removed to Pennsylvania and became an active leader in the Whiskey Rebellion of 1794. He was captured, tried, and placed under sentence of death in Philadelphia; but was pardoned by Washington through the intercession of Dr. David Caldwell, the famous teacher, and of Alexander Martin and Timothy Bloodworth, the then senators from North Carolina. He died at a tavern on his way home, after release from prison. See Stephen Beauregard Weeks, *Southern Quakers and Slavery*, pp. 178-182; Frank Nash, "Herman Husbards," S. A. Ashe, ed., *Biographical History of North Carolina*, II, 185-193; Eli W. Caruthers, *Life of David Caldwell*, *passim*. See also Hermon Husband, *Some Remarks on Religion* (Philadelphia, 1761), reprinted in W. K. Boyd, *Eighteenth Century Tracts*.

him not guilty.—This was a weak Jury, ignorant like myself, who took the Judge's Word for such Things.

I reasoned a little on the Matter, and found the Reason of the Law was the Impossibility of proving a Man not ignorant; and though Reason, upon which Law is founded, would not punish a Man any further than to make Restitution, who really was ignorant, yet the Law could not excuse him, by Reason then every one would plead Ignorance.

The second Instance was, when two Lawyers disagreed about the Law, neither of them could find the Matter that would clear the Defendant; the Jury was ordered (and the Court allow'd it) [5] to take the Law-Book with them, and see if they could find it.

The third was an Officer, indited for Extortion, who owned the Fact, but plead it was a Mistake, and that he found it out before he got two Miles from the Man's House, and told his Companion he had wronged that Woman, the Man's Wife, out of a *Shilling*; and that near a Year afterwards, when the Man had made a publick Complaint, and had even sent the Receipt to the Governor, which was proved in Court, as a Reason the Receipt could not be produced on the Trial.—He, the Officer, had sent the *Shilling* back.—The Court let the Jury know they might clear the Officer, which they did; and the Officer indited the poor Man for Perjury after he returned back the *Shilling* to him.

Fourthly, I observed the Lawyers took double treeble, and tenfold Fees, and plead Custom along against Law,

Fifthly, I observed the Jury's Oath was always a true Verdict given according to Evidence.

Sixthly, I observed Juries were to be men of equal Rank with the Person tried, and not Men learned in the Law.

Seventhly, I considered Assembly-men were chosen by the common People, and not by Men learned in the Law, and that common Men could best understand the Meaning of common Men, of whom the Majority of the Assembly is composed, and that though an artful designing Lawyer may be in a House of Assembly, and frame a Law in such Words as may be construed to mean different from the common Apprehension of People, yet the Majority of the House understood them in the common Sense; therefore common Men were best Judges of the Intent and Meaning of the Majority of the Members of any House of Assembly.

Eighthly, I found the Maxims of Law, and the Intent and Design of it was to come at the real Truth, Equity and Justice, that it might be [6] a Praise to them who were honest and Well-doers, and only a Terror to wicked dishonest Persons.

Ninthly, I considered the Constitution was composed by Christians, who profess to be above the Letter of the Law, but are to be guided by the Theory of Spirit and Design of it.

Tenthly, I considered the Spirit of the Times ought to be considered, such as when JAMES the Second assumed a Power dangerous to the Liberties of the common People, who first created that Power to protect them that very Liberty; the same Actions in the Letter of the Law were Praiseworthy and virtuous as would have been downright wicked and rebellious in the Time of WILLIAM and MARY.

The Actions of *Jehu* is recorded with divine Approbation, while *Absalom's* is recorded with the contrary; from all which, I concluded a Juror's Duty was to bring in such a Verdict as he thought would always remain and last agreeable to his Conscience in the Sight of God, who judges Man according to the good or evil Intent of his Heart; such a Judgment the sweet Judge and Psalmist of Israel said, in his dying Expressions, was like clear Sun-shine after Rain on the tender Grass.—The tender Grass was the Bud of Truth and Honesty, or the Principle of Truth in the Heart of every honest Man who was Neighbour to the contending Parties, which would start forth or exult with Joy thereby, taking a fresh Growth and Encouragement to abide in well-doing.

A certain Author, (from the Political Register) has these Paragraphs, in a Piece to a Jury-man.

"The Law, says he, are the Paladium of Property; they are the surest Safe-guard of our Lives, and the strongest Fence to our Lands. All Law is or ought to be right Reason; but there ever was, and always will be, a Struggle between Men's Reason and their Passions, between Law and arbitrary Power.

[7] "The Law of this Nation, as by a Compact with the Crown in the Magna Charta of this Kingdom appears, does indeed defend and secure the Lives, Liberties and Properties of the Subject as far as human Prudence could devise;—but the grand and principal Law of the Land, on which the Justice of all the rest depends, is that for trying all Disputes and Differences between Subject and Subject, and all Crimes against the Crown *per* Peers, or by a Jury of twelve honest Men, of the same Rank and Degree with the Persons disputing or accused, to be elected without Prejudice of Party, and bound by Oath to try such Dispute, Difference or Crime, according to the best of their Understandings, and to bring in according to their Consciences an impartial Verdict.

"Our Ancestors were indeed so justly jealous of their Liberties, and so careful to arm against any unjust Prosecutions of the Crown, that they fixed Grand Juries as an advanced Guard, who were, before any Prosecutions could be carried on, to find it *Billa Vera*, that there was just Cause or Reason for it. But this Grand Barrier of *British* Liberty has been often borne down by arbitrary Power, and Prosecutions, carried on against the Subject by Star-Chamber Information. But though Prosecutions are now become common, yet they are nevertheless a national Grievance, and a very great Encroachment upon our Laws and Liberties, and should therefore teach us to be more vigilant and careful in keeping those Rights which yet remain.

"Though Trials by a Jury of twelve honest Men, of equal Rank with the Person tried, is yet left us, and is indeed the great Law on which all our Lives, Liberties and Properties depend, yet there is a Doctrine lately inculcated, that tend to destroy the very Use and Essence of them.—That which arbitrary Power cannot batter down, it may undermine; the Form of Juries as that of Parliaments, has by long Usage been rendered too [8] sacred to be attacked; but what does the Form of any Thing avail without the Use?

"As Hypocrisy in Religion is a gross Affront and Mockery of God, so good Forms kept up in any State, are, when turned to bad Uses, a gross Affront and Mockery of the People.

"It is now-a-days confidently asserted by some, that Juries are not Judges of Law, but of Fact only. What can be more false, what more injurious to the Subject? Or what can tend more to overturn all our Laws and Liberties? For if this pernicious Doctrine should be allowed, Juries would be so far from being a Security to the Subject, that they would be often a Snare, and that which our Ancestors intended as a Bulwark to defend our Lives and Properties, would become a strong Engine to batter them down;* because any Person might then be

**I have often observed a Court to blind the Jury, and give them base Directions; and when the Verdict displeased the Publick, in general, they never fail throwing the Blame on the Jury, saying, his Country have condemned him, and the Laws of his Country has condemned him. They often extort a Verdict from a Jury that they would not give for Shame themselves if it had been left to their own Verdict.*

prosecuted for the most innocent Action, or for acting according to any Law of the Land which arbitrary Power did not like, and found guilty and punished at the Pleasure of the Court; for they need only to charge such Action to be seditious, riotous, &c. and then prove the Fact. The Jury must of Course bring him in guilty, if they are not Judges of Law but of Fact only.

But this wicked Doctrine that tends to subvert all our Laws and Liberties, is no more contrary to Reason than Practice; for do not Jurors upon all Inditements for Murder take upon themselves to judge whether the Prisoner is guilty of Murder or Manslaughter, and find accordingly?—[9] When a Person is prosecuted upon a Statute, is not such Statute usually read to the Jurors? for what Reason, but because they should judge whether the Matter of the Person accused be in such Statute or not? Are they not then Judges of Law as well as of Fact? Is not the Jurors Oath, that he will well and truly try, and true Deliverance make; that is, that they will fully, truly and impartially try the Prisoner, whether he be guilty of the Crime laid to his Charge or not, and according to their Consciences either acquit or condemn him in their Oath? There is none of this new unjust and dangerous Distinction between Matter of Law and Matter of Fact; but they are sworn to try the Prisoner impartially, and according to the best of their Understanding to bring him in Guilty or not Guilty. The first Part of a Jury's Consideration is, whether the Matter laid to the Charge of the Prisoner be a Crime or not. The second, whether or no he committed it. If the Matter laid to the Charge of the Prisoner be not itself a Crime, how can any Jury, without breaking their Oaths, bring him in guilty of the Fact? Is it not the greatest Absurdity to say that a Man is guilty of an Innocent Action? Can Innocence be Guilt?*

**As I said before, we receive false Conceptions of Things by Education in our young Years; so when the Regulators were first indicted for rescuing the Mare,⁸ I thought the Jury could not but find them guilty, because of the Law. But this brought great Concern*

⁸ Sandy Creek Church was established late in 1755 by the Rev. Shubael Stearns and fifteen other Baptists from Opequon in Virginia. Stearns, bred a Presbyterian, was born in Boston, January 28, 1706; and at the age of forty-five he embraced the Baptist faith at Tolland in Connecticut. The Sandy

on my Mind, when I considered how every honest Man who was acquainted with their Motives approved in his Heart what they did. I lamented the State of Christianity, to think twelve honest Men must on Oath condemn a Man for acting a Part of the highest Virtue and most noble Spirit, that of saving his Country from being robbed and plundered by Villians, which the Laws themselves allows to be worse than open Robbers. How cruel I thought it was, if I happen on the Jury, to condemn the Men I wish Success to in their Undertaking, and know and believe in my Heart and Conscience is the only true Men for the publick Good our County affords. But as soon as I heard one of the Inditements read, I was eased, and I told some of my Neighbours, was I on the Jury, I would clear every Man, for they were not Guilty in the Manner and Form they stood charged. I further considered, was the Inditement drawn to the exact Truth, I questioned if a Man on the Jury could, with a clear Conscience, condemn them; though they might say they were guilty of the Facts charged, but they were Virtues instead of Crimes. The Inditement must have run thus to have been the Truth, viz. That as the Officers of the County had, contrary to Law or Justice, robbed and extorted from the People, and combined so together, that no Redress could be had by the Law, and that out of mere Necessity to save the Country from abject Bondage and Slavery, Robbery and Rapine, they gathered together, and retook the Mare, to convince the Rogues that the honest Men could no longer submit to such Usage, but would have a hearing before the Legislative Body, which was impossible to be obtained but by this Way.—Here I saw the Wisdom of our Ancestors in framing the Law to condemn Rioters, though to Redress either a real or pretended Grievance, because Men with an evil Design might raise a Riot, for at any Time some little real Grievance might be found; the Law is therefore good and just, and must stand as it is. And the Law prescribes the Form of the Inditement, which sets forth with what evil Intentions and Motives the Party must be actuated by to be liable to the Punishment; and also actuated by to be liable to the Punishment; and also prescribes the Jury to be impartial honest Men, whose Hearts are the Temples of Truth, and are to judge according to the Spirit and Intent of the Law, which is but a Rule to come to real Equity and Justice, as far as human Prudence could devise.

[10]Whenever a Jury brings in the Prisoner guilty of the Fact, yet not being convinced in their Consciences of the Crime of it, leaves that to the Court, [11] it is commonly called a special Verdict; but the proper Appellation is, indeed, special Perjury; because they do not, according to their Oaths, well and truly try, and true Deliverance make: For when a Jury are not convinced in their Consciences, that both the Matter laid against the Prisoner be such a Crime as is mentioned in the Inditement, and that he also committed it, they are bound by their Oaths to bring him in not guilty.

Juries should always consider by what Method the Prisoner before them stands accused. If he does not stand there according to the common legal Manner, by a Presentment of the Grand Jury, but by Information, they may then very reasonably suspect that the Prisoner's Crime is not such as it is called, because Prosecutions by Informa-

Creek Association, consisting of nine churches, was organized June 2, 1758. In August, 1766, the Sandy Creek leaders issued a call to each neighborhood to send delegates to a gathering for the purpose of investigating the question "whether the free men of this country labor under any abuses of power or not."

After various public protests and vigorous efforts to redress the people's wrongs, all of which proved abortive, the Sandy Creek Association abandoned the struggle toward the close of the year 1767. In the spring of 1768 the country people and small farmers of Orange County organized to combat two new evils: the sheriff's notice that unless the people came to five designated places to pay their taxes he would distrain at a cost of 2s.8d. for each distress; and the rumor that the people would soon be taxed 8d. each, not for a modest "government building" but for a veritable "palace," for the erecting of which the Assembly had voted the huge sum of £15,000.

While these would-be Regulators, as they styled themselves, were in a tense state of suppressed indignation, an incident occurred which set off a popular explosion. In conformity with the notice cited above, the sheriff, John Lea, distrained upon a leader of "The Mob," as they were then called, who had not paid his taxes, seized his mare, saddle and bridle, carried them to Hillsborough, and sold them to pay the tax. So inflamed were the Regulators by this legal but ill-advised action that sixty or seventy of them, armed with clubs, staves, and muskets, hastily assembled and led by the mare's owner seized a former sheriff, Tyree Harris, tied him to a tree, and re-took the mare. See G. W. Paschal, *History of North Carolina Baptists*, Vol. I; Archibald Henderson, *The Conquest of the Old Southwest; Colonial Records of North Carolina*, VII, 764.

tion are seldom brought but when no Grand Jury will find the Bill; therefore they should in such Cases always supply the Place of a Grand Jury by taking upon themselves to determine the Nature of the Crime, and not by an iniquitous special Verdict cast the Prisoner as it were into the Power of his Prosecutor. Juries are bound to see with their own Eyes, and not through the Opticks of the Bench, nor are their Consciences to be controlled by the Court.

There are Cases relating to Property that often happen between Subject and Subject, which are intricate, and require nice Distinctions; here the Judges must help the Jury to distinguish: But in all criminal Cases between the Crown and Subject, the Crime of the Fact as well as the Fact itself, should always be fully and clearly proved to the Satisfaction of the Consciences of the Jury; or otherwise they cannot, without Perjury, but bring in the Prisoner not guilty.

Lawyers often puzzle the Jurors and others, with subtle and nice Distinctions about the true Meaning of Words, and differ in no one more than in the Word Libel.

Some Lawyers will say a Libel may be either true or false, and that its Truth makes it rather more a [12] Libel than if it was false; but who was ever yet prosecuted for writing or publishing a Libel that was true, and where the Word false was not expressly mentioned in the Inditement? Therefore it appears plain, that Falsehood must be joined to Defamation to make a Libel.

The great Lawyer, Lord Chief Justice *Holt*, says, That whoever asserts Things in Writing, must also, at his Peril, prove them to be true.

If what a Man has wrote or published be Truth, with what Conscience can a Jury bring him in guilty of writing or publishing a false Libel? It is surely contrary to right Reason, and therefore should be so to Law too. To charge a Person with publishing a Libel that is false, and yet refuse him the Liberty of proving it to be true, such Refusal cannot but be to every honest Man's Conscience the strongest Evidence of its Truth.—

Can Right Reason call Truth a Crime? If not, I hope the Laws of England never will. Miserable indeed must be the State of that people where writing truth against a Man is accounted a Crime—yet I own I Discommend, nay highly blame the Writing of even Truth itself, if Defamatory, when it concerns only private Persons; But if the Rights or Liberties of the Publick are any wise interested, Truth, and all the Truth, however Defamatory, ought always to be told, for otherwise how could the Publick ever oppose any oppression at all? As suppose a Man was by arbitrary Power illegally imprisoned, and denied the common Relief of the Law; in such Cases, would not the publick be highly concerned therein? for might not the same hard Treatment be every Man's Case? Should not therefore such Man publickly complain thereof, and make his true Case known to others, that they might take proper Measures to prevent it being their own?

To make a Libel of any Writing, the words of it should not have a forced Meaning, by Inuendoes drawn from an Orators fertile Brains, put up[13]on them, but the Sense of them should be plain, clear and obvious to every one, for otherwise, so great is the Lawyer's Art, that

he would Wire-draw Treason from the most sacred Truth, and make a Libel of the Lord's Prayer; as for instance, in these Words, For thine is the Kingdom,—Oh, says Mr. Attorney, this is a treasonable Expression, for, by Inuendo, it is saying the King has no right to the Crown.—There are, indeed, no Words which Lawyers cannot by forced Constructions torture into Treason.—Jury-men may therefore well smile when they see those learned and eloquent Gentlemen take such Pains to perswade them that such Words carry a very different Sense from what their own Reason plainly tells them.

Publick Grievances can never be Redressed but by publick Complaints; and they cannot well be made without the Press.

Now if publick Oppressions cannot be removed without publick Complaining, and if such Complaints, tho' ever so just and true, should be deemed Libles against those who caused them, would not the Rights and Liberties of the Public be in a fine situation? Our Laws would then be Delusions, our Rights but Shadows, and our Liberties a Dream; to secure the Lives, Liberties and Properties of the Subject from all such Oppressions, is the sole End or Intention of Juries: And while they have Knowledge to act according to their Oaths, they will be a sufficient Guard against them.

When Juries act according to their Consciences, and bravely resist the illegal Attempts of Arbitrary Power, they not only secure the Lives and Properties of their Fellow Subjects, but transmit their Names and Virtues to Posterity in the shining Records of eternal Fame. The Conscience of a Jury is the Supream Law, the Law of right Reason; over which no Rhetorick from the Bar, no Direction from the Bench, should ever have the least Sway or Influence. The Hearts of honest Men are the Temples of Truth, which no Interest can corrupt, no Power of Perswasion change. They will stand like a Rock, firm and immovable against all the Waves of Corruption, or Winds of Arbitrary Power."

Now there seems to rise an Objection in weak Minds, and know it by Experience, that if the Jury is to be sole Judges of Matter of Fact and Law too, whose Consciences are not to be controlled by Lawyers nor Courts, then of what Use are Lawyers and Courts?—Their Use is to keep up Authority, Order and Rule in bringing Cases and Matters before the Jury, that the true State of the Case may be known, and each Party an Opportunity and Authority to bring any Evidence, and not be surpris'd into a trial, or tired out by tedious Delays.—But of all Men in the World Men in Authority, or Lawyers, are most unfit to be Judges in a common Way; and the Reason is plain, for right Judgment cannot be attained to by human Learning no more than Religion, because right Judgment is a part of Religion, and can only be obtained by laying down our own Wills. There is Certainly very few Men put into Power who are not ambitious for it, and daily serve their own Wills; and Lawyers are generally to be bought with Money to any Side, to sway the Juries Minds with long artful and subtle Pleas and Arguments.

It seems to me that this was not the first Intent and Design of Lawyers;—but their Work was only to see the Action rightly entered, stated, speak to it at proper Time and Place, &c. to prevent Confusion,

because every Man could not possibly tell when it was a proper Time to attend, speak, &c. And I am the more confirmed in this Opinion, by reason the Lawyers tell us, if we will give them no more Money than the lawful Fee, they will do no more for us than the Law obliges them to [15] do. And I dare say the Law obliges them to do all that is necessary, and was thought necessary by the Founders of the Law. And the Founders of Law are Men enlightened, of reforming Principels, at the Beginning of each Reformation; for Lawyers to be Law-Makers, they never are but in a degenerate Time, when they are sure to corrupt the Law to serve the Interests of the Courts, 'till they load the People with Oppressions, and force a Reformation; this has been the Case of Mankind since the World began. See the History of Israel from *Moses* to our Lord. These Reformations before Christianity were generally made by the Sword; and too much so since. But it seems to me the *English* Constitution is a Plan which, if rightly Carried on and improved, may be able in itself to reform by legal Proceedings. A Care in having the Juries the Choice of the People themselves; that is, impartially chosen, and them Jurors a right Knowledge of their Province and Duty, is all at present that is wanting to compleat a Reformation without the Sword; the Care of choosing Assembly-men, and their Province and Duty, has already been treated of in the first Part of this Work, when the Consequence and Duty of Jurors was but young to us.—Methinks when a Reformation can be brought about in our Constitution by a legal and constitutional Manner, then will commence that Thousand Years Reign with Christ, and utter downfal of Mystery *Babylon*, who has truly made the Nations of the Earth drunk, poysoned their Understandings, and bereaved them of Sense as much as strong Drink will do.

I shall now break off this Discourse, whether it may be called Preface or whatever else any one may please to call it, and begin the Relation of Facts in the same Manner of the first Part, *viz.*

[16] The first Thing we had to do was to choose a new Assembly, which we carried again, notwithstanding the Court Party treated and used all Means in their Power by scurrilous low and pitiful Slander of our two late Members.

As Colonel *Fanning*⁹ and *Harmon Husband* became the two Patrons of the two contending Causes, our Election was a fair Division, and shewed which Side the Majority of the Hearts of the People was;

⁹ Edmund Fanning, born April 24, 1739, in Suffolk County, Long Island, New York, was educated at Yale College where he won distinction in his studies, became a Berkeleian scholar, and was graduated with the bachelor of arts degree in 1757. About 1760 he removed to North Carolina, studied law under Robert (commonly called Robin) Jones, sometime attorney general of the province, and was admitted to the bar in 1762. A soldier of fortune, of very moderate means, he settled at Childsbur, in 1766 changed in name to Hillsborough; and in March, 1763, was appointed register of deeds of Orange County. During the next five years he amassed a respectable estate, as attorney charging all the traffic would bear and as register habitually practising extortion, whether deliberately or through ignorance of the law, it is impossible to determine.

An aristocrat by birth, Fanning was a social snob, a high Tory in politics; and while always courting the favor of his superiors, he was arrogant and supercilious to his inferiors. Of attractive personality and ingratiating manners, he won the friendship of many of the leading men of the province. He became the favorite and *protegé* of Governor William Tryon. In place of Maurice Moore, whom he dismissed in 1766 for his activities in the Stamp Act disorders, Tryon appointed Fanning assistant judge for the district of Salisbury. Fanning represented Orange County in the Assembly, November session of 1762, and also from 1766 to 1768; was colonel of the county militia, and probably the most prominent man in the county in 1768. The following year, as the result of the widespread support of the Regulators' cause, Fanning and Lloyd were supplanted in the Assembly by Hermon Husband and John Pryor.

For details of Fanning's later career consult Archibald Henderson, "Queen's College," *Raleigh News and Observer*, March 6 and April 3, 1938; M. DeL. Haywood, *Governor William Tryon*.

the Votes stood thus,

<i>Hermon Husband,</i>	642
<i>John Prior,</i>	455
<i>Edmond Fanning,</i>	314
	<hr/>
Total,	1411

The half of which Total is the Number of Voters, or nearly thereabouts, which is between Seven and Eight Hundred; Six Hundred and Forty-two of which Voters were on our Side in their Hearts. What a vast Majority; yet arbitrary Power has such Advantage, that they expect notwithstanding to overcome us though the Odds is nearly the same all over the Province. The first of which Advantages, was the Power of proroguing the Assembly from *May* the 1st, to *November* the 30th; which verifies the Truth of the City of *London's* Remonstrance to the King, that *James* the Second would not let his Parliament sit because they were not subservient enough to his Designs; arbitrary Power is in Substance always one and the same.

The next in Course is the Trial of *Hermon Husband*, whose case is related in the first Part of this Work. He drew up a Plea and gave to his Lawyer¹⁰ a true State of his Case (which was nearly the same with the One printed as aforesaid) setting down the Names of each Evidence against the different Parts of the Case as they were to prove; if his Lawyer did not show this to the opposite Lawyers and the Court, yet they could see the Case in Print and when the trials come on, there being two actions for Notes to two different Lawyers. [17] on the first Action the Lawyer for *Hermon Husband* plead *Duress*, and offered Evidences, but the Court would not suffer one to be sworn;—his Lawyer soon gave out speaking. Then *Hermon Husband* informed the Court, how he could never see the declaration against him, and how he had informed his Attorney of it in time last Court, and had desired him to plead it that the Court had not then seen cause to abate the Action till he had been served with a declaration; and now as they debarred any Evidence, from some Defects he did not understand, he therefore claimed his declaration by reason he might get council upon it how to state his action, as not to be debarred of his evidence. This was nearly the Substance of what *H. Husband* said, when his Lawyer got up, in a passion, and said, he would plead no such Plea for him for all his Estate. The Judge once demanded of the Lawyer to lay in his Plea in Writing, and *Husband* took hold of the paper he had gave his Lawyer as a true State of the Case, so far as he could state it without a declaration; but it was not suffered to be heard. One of the Judges said, read the Heads of it. *Husband* told him it was already writ as short

¹⁰ Marmaduke Jones, it appears, was Husband's attorney. According to Governor Tryon, who entertained a high opinion of Jones's ability as a lawyer, he was a cousin of Sir Marmaduke Wyvill, Baronet, and a grandson of another Sir Marmaduke Wyvill of an older generation. The latter's daughter, Ursula, was married to a certain Jones of Furnival's Court, London; and these were Marmaduke Jones's parents. Following the death of Robert Jones, attorney-general of North Carolina, 1756-1766, on October 2, 1766, Governor Tryon appointed to the vacancy Marmaduke Jones who, he informed the Board of Trade, "had long been a resident, of first credit and capacity, above forty years old, educated in England. . . ." Jones was a member of the Council in the administration of Governor Josiah Martin, being appointed by Governor Tryon on May 1, 1771. In 1768, then a magistrate, Jones declined the post of associate justice of the superior court, offered him by Tryon who described him as "not inferior in abilities to any of his profession in this country." He died in Wilmington, and was buried there on August 22, 1787. See M. DeL. Haywood, *Governor William Tryon*, pp. 50-51; G. J. McRee, *Life and Correspondence of James Iredell*, II, 179.

as it could be.—However in about an hour or less, the Court told the Jury to give in their Verdict; as the Defendant had no Evidence that could be admitted, &c. they must give Judgment without hearing any.

Hermon Husband then told his Lawyer, he had never seen or read one of the Notes, nor received the least Value, but the Lawyer would not plead it. The opposite Attorney was asked if he had any Evidence; who said, he had not thought any necessary.—The Jury then gave their Verdict against the defendant; when immediately the Jury was informed there was another Action exactly similar; upon which they were sworn, and gave Judgment accordingly, never rising from the place.

We shall not rack our Brains to find out [18] Names to call this Work by, but content ourselves with producing a Copy of some of the Oaths of some of the Evidences taken since before a Magistrate, though some material Ones refused unless brought before the Courts or Assembly, they having Actions depending, &c. But before we go further, we will give the Substance of a little Dialogue between one of the Jury, and *Hermon Husband* and his Wife, to serve to shew the Necessity of informing ourselves of the Duty and Privilege of Juries, *Viz.*

Juryman. Well, I think you stood no Chance at all; they would not allow you one Evidence.

H. H.—d. No, but I never heard of such a Thing before.

Juryman. Well, and cannot you find no Way to help yourself yet, by Chancery nor no way.

H. H.—d. No. I don't think I can. All the Chance I stood was in my Country.

Juryman. But what could we do? you see they would allow you no Evidence.

H. H.—d. Knowledge is the Thing now wanting: Had you retired, may be you might have refused to give a Verdict till you had heard the Evidence.

Juryman. I would never pay it, it don't signify; it is so unjust. A Man's whole Estate for nothing at all.

H. H.—d's Wife. Ay, I had them Notions. I thought I would scald them, and what not. I am out of all such notions now.

Juryman. And what will you do then, I suppose it will take every Thing you have; how upon the Earth, will you do? and for nothing at all.

Wife. Do, why, to be sure, I have had some Thought what to do: In Summer one can lay on a Floor for a few Nights, and bind out the Children, and hire out to Service, among other People, &c. [19]

Juryman. But you see they have indited two or three this Court for Perjury; others threatned with Writs, and every Man is as liable to be ruined the same way as you; so where will you find Places.

Wife. I have considered all that too; but I conclude before it comes to that Pass it will end in a Fight.

The Qualifications relating to the case are as follows, *Viz.*

North-Carolina, Orange County.

On the Twenty-fourth Day of *April*, 1770, came *William Butler*¹¹ before me one of his Majesty's Justices for the County aforesaid, and

¹¹ William Butler, a resident of Orange County, was an active leader of the Regulators. He was a brother of John Butler, sometime sheriff of the county, afterwards lieutenant-colonel of Orange County minute-men in 1775, and brigadier-general during the Revolution. John Butler, who lived at Mt.

being duly sworn on the Holy Evangelist, doth depose and say, That he was at Work for *Hermon Husband* at Times, off and on, from the Beginning of the Regulation, about *February* or *March*, in the Year 1768, 'till he, this Deponant, as well as the said *Hermon Husband* were taken Prisoners on the second Day of *May*, 1768; and that he, this Deponant, had frequent Conversation with the said *Husband* on the Subject of the Regulation, and often pressed him to joyn, but that the said *Husband* always refused, and recommended a Care and Industry in choosing Assembly-men and Vestry-men, and Petitioning, as the only safe Way to obtain a redress of Grievances, and utterly refused to be concerned in any other Way or Means of Redress. And this Deponant further saith, that while they, [t]his Deponant and the said *Husband* where bound with their Arms behind Backs, and Feet under the Horse's Belly, in the Night after the said [s]econd Day of *May*, he heard Col. *Edmond Fanning* bring the said *Husband* under the following Promises, *viz.* That the said *Husband* should not give his Opinion of the Laws, nor frequent assembling himself among People, nor show any Jealousy of Officers taking illegal Fees; and not only to forbear speaking so himself, but if he heard any others speak so to [20] reprove

Pleasant some sixteen miles west of Hillsborough, did not support the Regulators and testified against them. Upon returning to Hillsborough from Halifax, where he had been attending the sessions of the superior court, Colonel Fanning produced a warrant issued by Chief Justice Martin Howard for the arrest of William Butler, Peter Craven, and Ninian Bell Hamilton, leaders of the Regulator party who has retaken the mare from the deputy. On May 1-2, 1768, a posse in two divisions, headed respectively by Fanning and Thomas Hart, a former sheriff, arrested Butler, an avowed Regulator, and Hermon Husband, who had not openly joined the Regulator movement, on the charge of inciting to rebellion, and threw them into prison at Hillsborough. Husband obtained his release through a mixture of cunning and servility; but Butler played a much nobler part and refused for a long time to accept bail, asseverating "I have but one Life, and I freely can give that up for this cause; for, God above knows, our Cause is just." When the cases came to trial in September, Butler, Samuel Deviney, and John Philip Hartso were convicted of a "rout and rescue." Butler was sentenced to imprisonment for six months and to pay a fine of £50; but the governor remitted the punishment and granted Butler six months in which to pay the fine. This fine was never paid, as a year later the governor pardoned all who had been found guilty on these charges.

After Tryon in 1768 had marched his army through the disaffected regions, the Regulators sullenly submitted; but Husband and Butler, it was stipulated, were not to be included among the persons to be exempted by proclamation from pardon. The stipulation was not kept by Tryon as to Husband, but Butler's name did not appear in the list of thirteen persons excepted from pardon in Tryon's proclamation, October 3, 1768. In the disgraceful riots at Hillsborough, September 24 and 25, 1770, Butler was one of the ring-leaders, although he had been treated by the governor with the greatest leniency. No sessions of the superior court were held at Hillsborough in March, 1771; and the entry on the court records is fully explanatory: "The persons who style themselves Regulators and under the conduct of Herman Husbands, James Hunter, Rednap Howell, William Butler, Samuel Deviney and others, broke up the Court at September Term last, still continuing their riotous meetings and severely threatening the Judges, lawyers and other officers of the Court, prevent any of the Judges or lawyers attending. Therefore the Court continues adjourned till September Term, 1771."

Along with some fifty to sixty others, William Butler was indicted at New Bern, March 11, 1771; one of the cases was for an assault on John Williams at Hillsborough, September 24, 1770, another for the attack on Fanning's house the following day. Each of the sixty-two indictments was returned "a true bill"; and under the riot law these defendants would be considered outlaws if they did not appear for trial within sixty days. Butler remained at large until the engagement at Alamance, May 16 following; and on June 9 Tryon issued a proclamation offering a reward of £100 sterling or 1000 acres of land for the apprehension, dead or alive, of Husband, Hunter, Howell, and Butler. However these four Regulators immediately after the defeat at Alamance had fled to Maryland. In 1771 the Assembly asked for the pardon of all but Husband, Butler, and Howell. Many prominent Regulators, including Butler, sued for pardon; and in his petition Butler declared: "It is with the utmost abhorrence that I reflect on the proceedings of the people called Regulators, being fully convinced that the principles which they espoused are erroneous. . . ." In a long and informative letter to Butler, November 6, 1772, Hunter remarks: "The people want you back and I think you would be quite safe. . . . Our governor has got Fanning to forgive the pulling down of his house and he has published it in printed advertisements all over the country." At the battle of Guilford Courthouse, March 15, 1781, William Butler, in the army of Cornwallis, fought against James Hunter, the "general" of the Regulators, and his own brother, General John Hogan. At the outbreak of the Revolution the King, for reasons of policy, through Governor Josiah Martin issued a proclamation of pardon for all, save Husband only, who had been concerned in the Regulation. William Butler has been described by an apologist for the Regulators as a "thoroughly brave and sincere man."

Colonial and State Records, Vols. VII, VIII, IX, X, *passim*; J. S. Bassett, "The Regulators of North Carolina (1765-1771)," *Annual Report*, American Historical Association, 1894, pp. 141-212, *passim*; M. DeL. Haywood, *Governor William Tryon*; Francis Nash, *Hillsboro, Colonial and Revolutionary*, and "History of Orange County" in *North Carolina Booklet*, Vol. X (October, 1910), No. 2; and Joseph M. Morehead, *James Hunter*.

and caution them not;—And that he would tell the People he believed all the taxes were agreeable to Law,† and use all other his Endeavours to keep the People quiet.—To all which the said *Husband* consented, with an Exception or Reserve of Liberty to assemble himself among People, and converse freely when Elections was on Hand.

†*In Days of Isr[ael], obtaining a Redress of Grievances in a legal or co[n]stitutional Way was not known; But then Men were excited by God's Spirit to redeem their Country by the Sword: So now though some Men can see into a legal way, yet Numbers do not see into it; and such are excited by God's Spirit now, as formerly, to redeem their Country in the best Manner they can see any Probability of success. So that though some Men are for Mobs and some for legal Methods, yet all are actuated by the same Spirit of Love to their Country, and seldom do any Mischief, but shews their Strength.*

And this Deponant further saith, that at the next Superior Court, he, this Deponant, was put into Prison, which Prison had been newly built, and Stockaded all round, and that between two Joices of the Prison, over the Middle of the Floor, there was a Pin neatly and nicely fixed which very much frightned and scared him, this Deponant, by reason it looked like a Gallows to hang men on; and that after some Time, the said *Husband* was also brought into the said Prison, and that he, this Deponant with others of the Prisoners, pointed at the said Gallows, and shewed it to him the said *Husband*.

And this Deponant further says, he then believed, and does still believe, the said Gallows was fixed there on Purpose to scare if not to hang some of the Prisoners on; and that they were so crowded in the said Prison as that they could scarcely all lay down at once.—And this Deponant further saith, that he, this Deponant, being afterwards sentenced to lay six Months in Prison, [21] a Petition was presented to him to sign,—to the Governor, to procure his Releasment; in which Petition it was represented, that he, this Deponant, had been deluded and drawn into the said Regulation by some others: And this Deponant says, that, on Account it contained such Untruths, he denied signing it;—and after which he, this Deponant, was brought before some of the Governor's Council, who had the said Petition, with this Deponant's Name to it, and they asked him who it was that had deluded him; but that he, this Deponant, told them, he never had consented to, nor signed, the said Petition by reason it represented Things untrue;—and that they asked him if *Hermon Husband* had not deluded him, and administered to him, this Deponant, his Oath.—And that he made Oath accordingly before them, that *Hermon Husband* never did draw him into the said Regulation, but, contrarily, had ever refused to have any Concern therein; and this Deponant further saith not. To all which this Deponant upon his Oath aforesaid declares to be the Truth according to the very best of his Knowledge; and says, so help me God.—Witness my Hand,

WILLIAM BUTLER.

SWORN to before me the Day and Year first above written,

*John Low.*¹²

¹² John Low, justice of the peace for Orange County, sympathized with the Regulators.

John Pyle's Evidence is as follows, viz.

ABOUT three Days before *September Court*, 1768, *John Wilcocks*¹³ and *Hermon Husband* came to my House.—*Wilcocks* took me aside and said, that *Hermon* had made ready to leave the Country.—I answered him, that the Consequence of flying would be desperate; for I believe he is clear of the Charge laid against him. I [22] have had divers Discourses with the Regulators, who informed me he has no ways joined them. I also talked with him the Morning after he was taken Prisoner; for I out-rid the Companies that were going to relieve him, and found by his Answers he had not joined them above two Miles from Town. I met with one Lett, and asked him what had become of Hermon? who said he had been set at Liberty, and had confessed that the Levies were just; and had promised never to give his Neighbours Advice in Publick Affairs.—I passed him, and soon after met Hermon, and asked him, what he was taken for? I always understood, says I, that thee has not joined the Regulators. I have not, says he; but the Officers pretend to join that Petition sent to Maddock's Mill two Years ago with this late Regulation.—The Regulators, says he, has been often with me to join, but I always refused; and so gave me some particular Reasons for it, one of which was, that if a devouring Vermin came to take his Hens, they must take four or five before he could be provoked enough to shoot it to take its Life; much more to shoot Men.

Now after I had given this Relation to Wilcocks, which was all true, I called to Hermon, and asked him what his Horse was shod all around for? To take the Mountain, or upper Roads, said he, so as to leave the Province.—I told him that would shew Guilt, forfeit his Estate, and bring his Family to Want.—He said, better so than to be killed; and then my Family be equally brought to Poverty: For when they took me Prisoner, they put me into a Guard-house, contrary to all Law; then removed into the Goal, which I thought was my Safety till I had a Hearing, and so went to sleep; but they then took me out of the Goal, contrary to Law, in the dead of the Night, and tied my Hands behind by Back, and my Feet under the Horse's Belly, then advanced with me some Distance from the Goal, and I be[23]lieve, had it not been for the Scouts bringing News that my Neighbours were after me, I should not have seen Home again; then by giving Bonds, and making some unjust Promises, I was released: But what will release me now; Thousands of Pounds Cost spent, the Town entrenched and fortified, the Prison stockaded, and a Gallows, they tell me, built on Purpose to hang me on, and by all Likelihood without a Hearing, &c.

¹³ John Wilcox (spelled Wilcocks by Husband in the *Impartial Relation*) was a storekeeper at Cross Creek (later Fayetteville) who went to Philadelphia twice a year to buy goods. He acted as Husband's agent in buying books and pamphlets, especially such as looked toward or advocated independence. There is a tradition long current in North Carolina that there was some association, possibly of family relationship, between Husband and Benjamin Franklin. Throughout the period of the Regulation there is no likelihood that Franklin corresponded with Husband and sent him political pamphlets of a patriotic nature, as Franklin sailed for England on November 8, 1764, and was gone more than ten years, returning to Philadelphia on May 5, 1775.

In his *Impartial Relation* Husband published several letters from Wilcox, showing that the latter exerted himself to the utmost to aid Husband in 1768. So active had been Wilcox's participation in the Regulation that he was among those excepted from pardon by Tryon in his amnesty proclamation after Alamance. Wilcox was captured by Tryon's forces and carried to Wilmington, where he was released on bail. Presumably he was never brought to trial. In later years he and a brother-Regulator, Joseph McPherson, set up an iron furnace in Chatham County. Cf. H. Husband, *An Impartial Relation*; E. W. Caruthers, *David Caldwell*; *Colonial Records*, *passim*; *Boston Gazette*, August 11, 1771.

I had much more Discourse with Wilcocks; he owned Hermon's Case was desperate, but that he would take Care he should have a Hearing according to Law, for that he was well acquainted with Mr. Ash,¹⁴ a Commanding Officer, and he would get him to take Hermon under his Protection, and see that no Violence should be used to his Person; and to speak to Marmaduke Jones, a Lawyer, who was coming up to speak for the Country, and asked me to go to Town with him, which I did. And we had not been in town above an Hour when Wilcocks took Mr. Ash aside—and I was surrounded in the Street by a Party which I took to be Mr. Ash's Men; when they had blackguarded me, disagreeable to my Age, Principle and Practice, I was accosted by Edmond Fanning.—I informed him of my Errand to Town, which was to employ an Attorney in the Behalf of Hermon Husband.—He accused me, with saying, I intended to come with Cotten and burn the Town, and would prove it by Philip Jackson.

Jackson was called, and says, I did not say so Colonel. Well, what did you say Mr. Jackson. I said, after your Men was in Town, under arms, in order to oppose the stamp act, you received a Letter which advised you, Sir, either to lay down your Commission or not suffer your Men to oppose the King's Laws; and that you judged John Pyle to be the Author of the Letter; and as he was riding along the Street, you called to him to stop, and took hold of his Horse's Bridle and ordered him into your House, or you would take him in. [24] Pyle refused: Then you pulled him Head foremost off his Horse;—And as Pyle paid some Cost in that Affair, now (I said) he intends to have some Satisfaction.

Fanning then ordered me out of the Town. I told him, Transgressors should be brought into Town, and put in Gaol. I look on that Authority which drives me out of your Town to be arbitrary. He then resumed his Countenance and stept towards me, and ordered me to be gone.—I got quite scared, and asked Liberty to get my Horse, and Started off without paying my reckoning. And when I got out of Town, I left the Road, fearing I should be pursued and abused.

In about Twenty Minutes I saw Wilcocks coming; the Usage, as he told me, he recieved I shall not mention; but I asked him what Encouragement we could give Hermon; he said that Ash had promised to receive him some Distance from the Town, and if I would take the lower Road he would take the upper, and try to meet Jones, and some other of his Friends, and wondered that they had not come. So I went, but heard of nor saw none of them.

The Country People was by this Time chiefly gone to Town; so I left Hermon at my House, and followed after them, and never expected to have seen Hermon again; but Wilcocks returned the Night before Court, and found me on the Road in the night, and Hermon was with

¹⁴ John Ashe, born in 1720 in the Albemarle region, was distinguished as orator, resolute leader at Wilmington during the Stamp Act troubles, influential and progressive legislator, and brigadier-general during the Revolution. He served in both of Governor Tryon's campaigns, 1768 and 1771, against the Regulators, with the rank of major general. At Briar Camp, March 3, 1779, during the Revolution, his command, after a brief stand, ignominiously fled before the British advance. A Court of Inquiry, held at Ashe's request, acquitted him of "every imputation of a want of personal courage," but decided that he did not take all necessary precautions to secure his camp and gain intelligence of the enemy's movements. He died under tragic circumstances, due to merciless warfare, in October, 1781. S. A. Ashe, "John Ashe," S. A. Ashe, ed., *Biographical History of North Carolina*, IV, 36-52.

him when I first saw them; all which Relation is just and true, to the best of my knowledge.

THEN came before me John Pyle, and made Oath that the above and within Writing is true. Proved before me,

JACOB BROOKS.¹⁵

April 23, 1770.

William M'Farson's Evidence is as follows, viz. [25] Some time, before the General Court was held at Hillsborough, in September 1768, a Discourse commonly passed throughout the Country, that Hermon Husband would be there condemned, and put to Death, through a suspicion of being Protector of the Regulators; which was Cause of great Sorrow to me, for I have been well acquainted with him well on to twenty Years, and knew his Principles and Practice to be such, that he was not worthy of Death. When Court come on, my Curiosity led me to leave the Regulators, who was encamped nigh the Town, and endeavour privately to inspect into their Designs.—When I went to the Town, I was taken up by the Guards, and took before an Officer, who gave me Leave to go where I saw fit through any Part of the Town. As I walked along I saw Col. Fanning, who was viewing his Part of the Army, they being in an exercising Form, the Drums beating and Colours flying; and as I drew nigh, the Colonel saw me, and met me in a genteel Manner, and said, well, how do you do Mr. M'Farson. When I answered, he said, well, what Temper is the Regulators in this Morning. I said, the People seems temperate, but they take it hard that thee, and other Gentlemen concerned therein, should offer to touch Hermon Husband's Life. Touch his Life, says he, he must be put to Death. Oh no, Col. Fanning, says I, don't say so; that is hard; its very hard.—He must says he, most surely die, as sure as he is born of a Woman. I considered some Part of the Day whether I should tell Hermon or not what I had heard. At length I told him; who said, well, now I will go off. I waited on him till he mounted his Horse, then rid by his Side discoursing of the matter.—John Wilcocks fell in with us as we left the Regulators camp, and said to him, what, Mr. Husband, you really are a going off. He said, yes, I believe I had best, for if they get me into the Town, they design to [26] hang me.—Then Wilcocks hastily rode on before us, and began to lament in this like Manner; Oh shocking! shocking! my God! I wish I had never been born. Then he stoped his Horse, and was, as I conceived, much in Anguish of spirit; and says, Mr Husband, but will you not stand Trial; for if you don't the Country is ruined, is ruined. Hermon said, do'st think I had better stand Trial? yes, it would be best, yes, Sir, it would, and I will stand by you to the very last. During which Discourse, we had rode near three Milles; when on a sudden Hermon resolved to return with Wilcocks to the Town, and advised me to ride Home, I being then so far on the Way, which I did with a sorrowful Heart. The above Account is just and true, to the best of my Knowledge.

William M'Farson came before me and proved that the above and within Writing is the Truth. Proved before me,

JOAB BROOKS.¹⁵

¹⁵ Jacob and Joab Brooks were justices of the peace of Orange County, who were in sympathy with the Regulators.

April 23, 1770.

Stephen Jones's Evidence is as follows, *viz.*

North-Carolina, Orange County.

Came Stephen Jones and Acquilla Jones before me, one of his Majesty's Justices for Orange County, and made Oath, that they went at the Request of Hermon Husband to the Superior Court at Hillsborough, in September 1768, when the Governor's Forces were there, to be Evidences for the said Husband on his Trial there, and that they got into Town on Monday Morning; but by the Usage they saw and received, got so scared before Night, that they made their Escape out of Town to run Home, and that the Duty to serve an innocent Man, nor yet the Penalty of Fines, bore no Weight in Comparison of the Danger they apprehended themselves in, [27] and that they never were so scared before, or afraid of loosing their lives, imprisoned, or being ill used, and trusted to their Horses Heels, under God's Mercy, and the Cover of the Night, to escape the Danger, riding as fast as their Horses could hold. Sworn to before me the Day and Year first above written.

JOHN LOW.

He had Evidences also to prove that Nash¹⁶ had agreed to plead the whole Cause of the Regulation in every Court in the Province, which they had not complied with; the reason why their Deficiency herein was not before urged was, that they might plead it themselves, which would strengthen the Proof, for in the Notes there was no Mention of it; but they were too cautious to do this.

There was numbers of other Evidences who were summoned from a Distance, who were Governor's Men at the Time of the Camp, which were to prove the Usage Husband received after they had drove all his Friends from him, such as pushing their Bayonets at his breast, setting him on a Table to make Game of him, and firing a great Gun in his Face, whose Muzzle was directed just over his Head, &c. As also John Wilcock's Evidences was much more material than is set forth in the Case of the said Husband printed heretofore, which Husband either did not know or think of, for they obliged Wilcocks to become counter security for Husband's Appearance, and then frightened him away by Force and as soon as he was gone indited Husband for going into the Regulators Camp, at their own Request, through the said Wilcocks.

What Evidence is already given, we think will convince any Honest Man, that them Bonds or Notes of Husband's was by Duresse, that no

¹⁶ Abner Nash, third son of Colonel John and Anne (Owen) Nash, was born in Virginia, August 8, 1740. Emigrating to North Carolina about 1760, he resided for a short time at Hillsborough where his brother Francis, settled; and then removed to Halifax, Halifax County. He represented that town, 1764-5, and the county 1769-1771, in the Assembly. In 1779 he represented Jones County in the senate, in 1782-5 in the house of commons. While a resident of Craven County, he was elected delegate to all four of the Provincial Congresses of North Carolina. Elected to the Continental Congress in 1778, he declined to serve, conjecturally because of poor health. In 1782 he was again elected to Congress, and served, with but one brief intermission, until his death in New York, December 2, 1786. He achieved the distinction of denunciation by the royalist Governor Josiah Martin who termed Nash "an eminent lawyer, but a most unprincipled character of this country." In 1777 Abner Nash was speaker of the first house of commons of the State of North Carolina; and two years later, following the resignation of Allen Jones, he was again elected speaker. During the most trying period of the Revolution, 1780-1781, he was governor of North Carolina. Archibald Henderson, "Abner Nash," *Durham Herald-Sun*, December 19, 1937.

Man could have withstood; though his Lawyer observed, that it was a Weakness in him to be afraid of his Life; as also others pretended it was a mere Piece of Ridicule to think that a Man of Mr. Hus[28]band's Knowledge in the Laws of England could once conceive his Life to be attempted at, much more in Danger. We shall just give a Paragraph of a Letter from one who busied himself much in such Discourse, which is as follows, *viz.*

I HAVE your Good, Mr. Husband, as well as the Good of the whole County at heart. I shall unbosome myself to you in a Manner I would do to very few concerned. I shall therefore impart to you some of the Knowledge I have gained from the Law-Books,—for writing, copying, carrying about, or dispersing a Libel; and any thing tending to stir up and inflame the Minds of the People to a Dislike to a Government, or even to a single Person, is a libel; the Sentence is Confiscation of goods and chattles, painful Punishment, publick Shame and perpetual Imprisonment.—Mobs and Riots, (that is, where a Number rise without Arms, and only murmur) are Treated generally with Lenity as to the Multitude; though, where the Offence is against Government, the Ring-Leaders are to suffer death without the King's Pardon; but where they take up arms to remove a Grievance, it is expressly said, that whether it be to remove a real of even a pretended Grievance, it is deemed High Treason, and the Punishment is Forfeiture of Goods and Chattles, Lands and Tenements, and the Guilty to suffer the most horrid Death allowed by the English Laws. Something of this I mentioned before, but with some degree of uncertainty, but am convinced since, beyond the Possibility of a Doubt, that the above Account is Truth. However, Sir, I can assure you, with the utmost Confidence, that this Affair, if it stops here, will never be represented by Col. F. to the Governor otherwise than as a Mob, &c.—See page 25 of 1st Part.[29]

A LETTER from *H. Husband* to his Lawyers.

To MR. MILNER,¹⁷

As thou desired me to send Word from the Assembly whether I moved them Suits to Chancery, this is to inform thee, that we did not meet in Assembly; and as many Lawyers were at our Court, who refused to be employed, I expected that to be the Case among you all.

Besides, as much Money as I have given among you, I am not sensible any of you has yet done me the least Service, though my Cause was the most innocent and just.—So that I may truly say, with the Psalmist,—¹⁸

High pampered Bulls, a Law train'd Herd
From divers Counties met,
With Strength proportioned to their Rage,
Have me around beset.

¹⁷ James Milner was an aristocrat and a man of culture. Some volumes from his library, which have been preserved, bear an armorial bookplate. He was a prosperous lawyer who lived in Halifax.

¹⁸ Husband's paraphrase is of Psalms, XXII, 12-22:

Many bulls have compassed me: strong
bulls of Bashan have beset me round.
They gaped upon me with their mouths,

They gape on me, and every Mouth
 A yaning Grave appears,
 Indians Dance, or Bull of Pope,
 Less dreadful is than theirs;
 My Strength like Potters Earth is parched,
 My Tongue cleaves to my Jaws,
 And to the silent Shades of Death
 My fainting Soul withdraws.
 Like Blood-hounds, to surround me, they
 In pack'd Assemblies meet;
 They bound my inoffensive Arms,
 They tied my harmless Feet,
 Then all my Cash, among them, they
 For Fees and Costs divide:
 All my other Estate and Ware,
 Whose Chance 'twas, Bonds decide.

Abner Nash agreed with me, and promised to Plead the whole Cause of the Regulation all over the Province, according to the Plan draw'd [30] up in the Detail of our Grievances, which I then delivered among you;* and in particular he was to sue for my Damages, and told me General Warrants were already condemned in England, for we then

**See the first Part as far as that Time.*

supposed they took me by a General Warrant;† and when I pressed

†When the Inditment was traversed the Warrant was called for, but none appeared; and the Judges called Thomas Hart,¹⁹ who arrested Husband, who, upon his Oath said, he had none, knew of none, and believed there was none. The Sheriffs also was called, who Evidenced there was none. We mention this because now they pretend a Warrant can be found.

as a ravening and a roaring lion.

I am poured out like water, and all my bones are out of joint: my heart is like wax; it is melted in the midst of my bowels.

My strength is dried up like a potsherd; and my tongue cleaveth to my jaws; and thou hast brought me into the dust of death.

For dogs have compassed me; the assembly of the wicked have inclosed me: they pierced my hands and my feet.

I may tell all my bones: they look and stare upon me.

They part my garments among them, and cast lots upon my vesture.

But be not thou far from me, O LORD:
 O my strength, haste thee to help me.

Deliver my soul from the sword; my darling from the power of the dog.

Save me from the lion's mouth: for thou has heard me from the horns of the unicorns.

¹⁹ Thomas Hart was born in Hanover County, Virginia, in the year 1729. About 1757 he, together with his four brothers, John, Benjamin, David, and Nathaniel, his sister Ann, and his widowed mother, Susanna Rice Hart (Mrs. Thomas Hart, Sr.) emigrated to Orange County, North Carolina. Through Earl Granville's agent, Thomas Hart acquired five tracts of land, and his brothers two other tracts; and after 1777, when Caswell County was formed from Orange County, the Hart brothers acquired seven other tracts. Thomas Hart was sheriff of Orange County in 1762 and 1763; and in a day when sheriffs were notoriously dishonest, the records show that he was, as stated, "not a farthing out in his accounts." He held many offices: justice of the peace from 1764 to the outbreak of the Revolution; captain, major, and lieutenant-colonel successively of the county militia; representative in the assembly, 1773 and 1775; delegate to the first Provincial convention; one of the first justices of the peace after

him not to delay, even at the same Court that the Governor was up at, he told me it was better to delay it 'till the next Court, to see if I appeared clear of the Charge, as I had ever informed you I was; which accordingly appeared at the next Court—for I would not have you think I knew no better than to undertake to prove myself clear of the Charge,—it lay on them to prove me guilty: And you must needs know, that had I been conscious of Guilt, I would have been sensible it was dangerous to have undertaken as I did to prove myself clear, which, as soon as I had done, I spoke to Nash to sue for my Damages;—but he excused himself for Fear of incurring the Displeasure of Government, &c.

Now as I heard at the same Time of the Assembly's not meeting, that Nash had got over his Fears, and had a-fresh embarked himself in the Cause of Truth, or the Regulation, as we then called the Cause, it weighed as one Reason with me, among many others, of not applying to Chancery; for it was him that employed thee, because he agreed with me to procure and choose [31] another Attorney who should, for Fifty Pounds, Plead the same universal cause.—So that if you appear for me yet in the Recovery of my damages, it is not possible I can fail of obtaining as much at least as will satisfy your Demands.

This thou art to show to Abner Nash, and speak to him about it.

H————— . H————— .

May 16, 1770.

Now it appears by this Letter, and it also was at first confessed by the Attornies, that they were to plead this Cause universially for that sum of Money; and the first Court they did so, but at the Close of it, and before next Court came on, it was generally known they had deserted the Cause, by not speaking to it at Halifax, before the Assembly, and at Salisbury. And as they had Husband's Notes of Hand for the Money, and he could not remember, as he was in so much of a Fright, and careless about Property, whether the Evidence to the Notes heard the agreement: This he conceives to be the Reason he was not served with a Declaration; for had they confessed to the agreement, they would become liable to be sued for the Performance of their Bargin.—But we fully believe, that though Husband in his said Letter says, if they would still plead his Cause for the Recovery of his Damages, he could not possibly fail of Recovery, &c. that in that he is much mistaken, and believe he is convinced of it himself before now; for though by our complaining to the Assembly about the picking the Jury, we got thereby something of a more impartial Jury last Court; and they seeing we gained upon them at the Inferior Court, which had the choosing of the Jury for our next Superior Court, the Justices con-

independence was declared, and the first state senator from Orange. He was commissary to Tryon's army in 1768, and was whipped by the rioting Regulators at Hillsborough, September 24, 1770. He owned a mill and a store in Hillsborough, and for a time his partner in the store was Nathaniel Rochester, one of the founders of the city in New York which took his name. Thomas Hart was a full partner in the Transylvania Company, which in 1775 purchased some 20,000,000 acres of land from the Cherokee tribe and founded the colony of Transylvania, the first name of the state of Kentucky. He and Rochester removed to Washington County, Maryland, in 1782 and were partners in business there, setting up a flour mill and a rope and nail manufactory. About 1796 Hart removed with his family to Kentucky, settling in Fayette County near Lexington. His oldest niece, the widow Ann Hart Gooch, was married to Jesse Benton; and these were the parents of Thomas Hart Benton. Thomas Hart's daughter, Lucretia, was married to Henry Clay in 1799. Thomas Hart, who lived to be upwards of eighty years, dying in 1808, was a man of high character, strong intellect, and wide influence. Archibald Henderson, "The Hart Brothers," *Durham Herald-Sun*, October 27, 1935.

cerned took the Advantage to meet early the first Day of Court, and choosed all the Jury themselves to try their [32] own Causes, and choosed mostly Officers concerned; and though the Justices not concerned quarreled with them about it all the next Day, their Case being desperate, they would not give it out: So that our Chance at the Law is entirely at this Time out of the Question, and that particular Horn of the Beast which reigns in our District not to be brought down now by a legal and constitutional manner. But now though Husband's Affair has taken up most of the Subject, yet his is but one among Hundreds. We will give a Copy of one or two more, or the Heads of a few, and so conclude.

The Oath of Thomas Harrington, *viz.*

About the Year 1760, Edmond Fanning borrowed a Mare of me, for which I paid Five Pounds about two Months before he borrowed her of me, near Anson Court-House, for His Boy to ride home on, and promised to return her in three Weeks, or four at the out-side. The Mare not coming for a Year, I sent to him by James Piggot; and he sent me Word to come and pay for Wintering the Mare. About a Year after that, I saw him myself, and asked for my Mare; he threatened, if I did not hold my Tongue, he would Horse-whip me. About three or four Days after, Anthony Huchins brought me a Three Pound Bill, and said Colonel Fanning sent it to me. I said, for what? I hope he don't think I will take that for my Mare.—Huchins said, he did not know; may be he gives you this for the use of her, and will send her to you by and by; you had as good take this, and may be he will make you full Satisfaction hereafter: So I took that Three Pounds. And the March following, I being abused by a certain Person, made my complaint to Colonel Fanning, as King's Attorney, and an Action ensued, upon which I recovered Judgment for Five Pounds Damages; and one Lawyer Dun²⁰ informed [33] me, he had got the Money, and demanded Col. Fanning's Fee, for which he kept Three Pounds, and paid me

²⁰ John Dunn, connected on the distaff side with the famous Erskine family, was born about 1730 in Waterford, Ireland. According to tradition educated at Oxford University, on attaining his majority he emigrated to America, landing at Charles Town, South Carolina. After a brief sojourn there, he removed to Rowan and settled in the tiny hamlet of Salisbury, the bounds of which he helped to lay off. He was designated clerk of the court of pleas and quarter sessions in 1753, on the erection of the county in March of that year. This post he held until he became a licensed attorney in 1755. He soon acquired several tracts of land, in and out of town, one of which included a large mountain which to this day bears his name. For twenty years he was a prominent barrister in Salisbury, with William Kennon as his sole rival for supremacy.

In August, 1774, he signed a paper prepared by Benjamin Booth Boote, which was a protest against the actions of the patriots in Boston "in opposition to the British acts of parliament touching tea," etc. At the first meeting of the Rowan Committee of Safety, under the chairmanship of William Kennon, Boote's paper was ordered to be posted between the gallows and the whipping post, "to demonstrate the contempt in which the committee hold the authors of so infamous a performance."

About June 3, 1775, when Captain James Jack traveling express to Philadelphia, stopped in Salisbury, the Mecklenburg Resolves of May 31 preceding were read by their presumed author, Colonel William Kennon, in open court, presided over by Judge Alexander Martin. Boote and Dunn pronounced the paper treasonable and declared that the bearer should be detained. At the meeting of the Rowan Committee of Safety, July 18, 1775, Boote was charged with receiving letters from Governor Josiah Martin, of the same tenor as his fiery proclamation of June 16 preceding. In conjunction with representatives of the Mecklenburg Committee of Safety, William Kennon and Adlai Osborne, formerly chairman and secretary, respectively, of the Rowan Committee of Safety, arrested Boote and Dunn on July 31, 1775, and carried them to Charlotte. Later the prisoners were carried to Camden, South Carolina; and, upon receiving the sentence of the South Carolina Provincial Congress, were incarcerated in Charles Town. After prolonged efforts and many petitions to the authorities in both North Carolina and South Carolina, they were released; and on August 8, 1777, both took the oath of expurgation for disaffected or suspected persons.

From this date Dunn's loyalty was no longer questioned, and he resumed his former position as leading attorney in Salisbury. Soon afterwards he became State's Attorney for Rowan County. On

Forty Shillings only. After this, some Time, I saw Colonel Fanning, and told him I had paid Dunn Three Pounds for his Fee in such an Action, &c. Fanning said, it is well enough.—He being then in the Governor's company, &c. I did not ask him for my Mare. In May, 1769, I asked him (being afraid of affronting him) in these like words, *viz.* Col. Fanning, you know how Times has been: I am travelling, and would be glad you could help me to some Money. He made no Reply, but ordered his Attendance to make a Bowl of Grog; and the boy gave it to me, and Col. Fanning walked off. I said, Col. Fanning, are you going off so: Won't you stay to talk no more to me? He said, I am coming back directly. I waited some Time, when the Clerk said, he was not coming back that night. Then I followed him, and found him among company, and civilly called him to the Door; but he never regarded me. Then I said he was a Villain; or something like it;—and in a few Minutes one Lion came, and arrested me for Four Pounds odd, on Account of Col. Fanning, and put me in Prison, where I lay from Saturday till Monday, and then gave Bail, and appeared accordingly at Court, when my Bail gave me up; and I was put into prison and never was brought before the Court; but after Court the Jaylor told me, Col. Fanning said he had got Judgment against me for the Debt. I told the Jaylor, I was not worth Forty Shillings, and could pay nothing, and prayed for the Benefit of the Act of Assembly; and it was about fifteen Days before I was let out to the Bounds, and stayed there seven Days more before I was released by the Law.

Orange, ss. This Day Thomas Harrington appeared personally before me [34] one of his Majesty's Justices in the said County, and made Oath on the Holy Evangelists of Almighty God, that about eight or nine Years ago he lent a Mare to Col. Edmond Fanning, to the Value of Five Pounds, and makes Oath to this, with the within Contents of his Paper. Sworn before me this 26th Day of August, 1769.

JOHN M'GEE.

John M'Vay's Oath, *viz.*

John M'Vay, of Orange County, and Province of North-Carolina, deposeth and saith, That one Crumby, a Sub-sheriff, under Dunn, High-sheriff, came to his House in the Year 1765, and took eight large prime Deer-skins, which he, the Deponant, saith was to the Value of between Four and Five Pounds, and carried them away for one Levey. The Deponant carried the Money to redeem the Skins the next Day, with the Distress-money, and offered it before several Evidences; but he would not let him have the Skins, nor never has given him any Satisfaction for them.—The Sheriff's Name complained against is Charles Appa Crumby.

*THE above Deposition Sworn to by John M'Vay, Deponant, before me,
WILLIAM THOMSON.*

August 8, 1781, Adlai Osborne, John Dunn, and Matthew Troy were appointed commissioners to repair the courthouse in Salisbury. John Dunn died early in 1783, letters of administration on his estate being issued on March 25 of that year. He was buried at his country place, some three miles from Salisbury. Archibald Henderson, "William Kennon," *Durham Herald-Sun*, September 15 and 29, 1935; Jethro Rumble, *Rowan County*.

May 14, 1768.

The Levy was generally Ten or Twelve Shillings.

Daniel Smith's Case, viz, He produced a Receipt thus,—

Received of William Adams, November 11—1766, Eleven Pounds, Eleven Shillings and [35] Nine-pence, in full Satisfaction for the Debt and Fees on the Exe.—Elwick against Daniel Smith,

CHARLES BRUCE.

On the Back of which Receipt he made Oath as follows, viz.

May 21, 1768.

This Day he personally appeared before William Thompson, one of his Majesty's Justices of the Peace, and made Oath, That after he had paid the within, there came another Sheriff, named Abraham Glenn, and served an Execution for the same Cost and Charges, for which he was obliged to give his Bond and Security. Sworn to before me,

WILLIAM THOMPSON.

Things of which Kind are out of Number.

Next we will just give a Sketch of the Bills of Costs, viz.

William Few, ²¹ had six Actions for trifling Differences and Debts,		
one of which was discontinued; the Bill of Cost was	£	8 13 0
Second Verdict, for £ 1 19 8, Debt & Cost,		9 18 1
Third Verdict, for 7 0 0, Do. & Do.		21 1 0
Fourth Verdict, for 0 13 4, Do. & Do.		7 5 4
Fifth Verdict, for 1 1 2, Do. & Do.		11 4 6
Sixth Verdict, for 0 0 0 Cost,		13 6 5
	£10 15 0	£ 71 8 4
		10 15 0
		£ 60 13 4

²¹ William Few, Sr., born in Pennsylvania about 1709, removed to Maryland as a young man, settling in Baltimore County. In 1758, accompanied by his whole family, he emigrated to North Carolina. Here he settled on a tract of 640 acres of land, some seven miles east of Childsburg, Orange County, which tract he purchased from James Taylor. In conjunction with his brother James, William Few erected a saw and grist mill upon Eno River. In 1764 he purchased what was afterwards known as the "Kirkland place," a plantation of some 200 acres one mile east of Childsburg and removed thither with his family. In 1767 he purchased a tract of land on Little River.

William Few was a man of education and substance, highly regarded in the community. He kept a tavern at his house and was several times foreman of the county court grand jury. He was sympathetic with the reforms for which the Regulators were agitating; but he took no part in the agitations themselves. It is noteworthy that he, and John Butler, who was opposed to the Regulation, at the September court, 1768, went on the bond of the latter's brother, William, one of the most active of the Regulators.

As the result of going surety for several persons, William Few became entangled in law suits in 1769 and 1770. Judgments against him compelled him to sell a large part of his property to meet them. He himself removed with his family to Georgia in 1771; and left to his son, William, Jr. (born June 8, 1748), the settlement of his estate. Following the battle of Alamance and the disgraceful execution of his son, James, a religious zealot, William Few suffered the disaster of having his crops of wheat, barley, and oats devoured by the horses of Tryon's army, and trampled down and ruined, a punishment devised by the governor for the father and family of James Few. On June 27, 1770, William Few conveyed the Kirkland place to John Butler, then sheriff; and he in turn conveyed this tract to the Scotch merchant, Ralph MacNair, on July 23, 1771. To make up for Tryon's vindictive seizure of his crops, Few was later amply compensated for his losses by the colonial assembly.

In his *Atticus* letter Maurice Moore denounces Tryon for the execution of James Few, who he says was "in a state of insanity," and for his cruel treatment of William Few and family. "The sacrifice of Few, under its criminal circumstances, could neither atone for his crime nor abate your rage; this

So that in recovering Ten Pounds, Fifteen Shillings, the Costs is Sixty Pounds, Thirteen Shillings and Four-pence.

We have had many Men as able as Hermon Husband quite ruined within these few Years, such as Dowell, Tapley, &c. and Hundreds of others [36] of smaller Circumstances, that it becomes thus necessary to lay the Case before the Publick, but more particularly before our own Assembly, that they may fall on some other Method of choosing Juries, and that all their Constituents, with the joint Assistance of all America, may lay their Shoulders to the Work heartily, for the Law never was designed to be such an intolerable Expence and Perplexity to the industrious Farmers and Planters.

In the Cape-Fear Mercury, July 11, 1770, is an Extract of a Letter, from a Gentleman in New-York to his Friend in Boston, *viz.*

“THE Concurrence of the several Branches of the Legislature of North-Carolina to an Establishment for an Agent at the Court of G.———t. B.———n. Has given great Uneasiness to all the true Friends of America here, who have adverted to it. This is an Affair I make no Doubt but you have observed the Ministry assiduously labouring to accomplish; and doubtless it is to answer some very gracious Purposes. Their Creatures, in the Aff——es, will be for appointing such Tools as their Patrons shall dictate, and the Councils, in most Colonies, holding their Places during Pleasure, will rarely oppose a Ministerial Choice. The G——s we see daily are either *Plus* or *Minus*, as the Electricians say, *i. e.* as they are charged; considering all which, and that the Concurrence of the whole Legislature is necessary to constitute an Agent, it is easier to imagine than describe what Sort of Animals will appear in that Character. Should such unpropitious Establishments obtain universally throughout the Colonies, may not these instruments of Thralldom be convenient Media of virtual Representation? Nay, may they not be said to be actual Representatives when thus legally constituted; and if Seats should be [37] offered them in the House of Commons, how would their Friends here stickle for the wished for Consumation?”

task was reserved for his unhappy parents. Your vengeance, sir, in this instance, it seems, moved in a retrograde direction to that proposed in the second commandment against idolaters; you visited the sins of the child upon the father, and, for want of the third and fourth generation to extend it to, collaterally divided it between brothers and sisters. The heavy affliction, with which the untimely death of a son had burthened his parents, was sufficient to have cooled the resentment of any man whose heart was susceptible of the feelings of humanity; yours, I am afraid, is not a heart of that kind. If it is, why did you add to the distresses of that family? Why refuse the petition of the town of Hillsborough in favour of them, and unrelentingly destroy, as far as you could, the means of their future existence? It was cruel, sir, and unworthy a soldier.”

William Few, Jr. remained in North Carolina until the autumn of 1776 when he rejoined the family in Georgia. “I was among the first,” he records in his Autobiography, “who proposed to raise an independent company of infantry in the town of Hillsborough. About twenty young men came promptly into the measure. We enrolled ourselves, chose our officers, purchased arms and uniforms, and an old British corporal was employed to teach us the manual exercise. In 1776 the convention of North Carolina convened at Hillsborough, which was composed of the most respectable of men of the State. There I first learned the principles of our controversy with Great Britain, and began to think on politics. This convention resolved to raise two regiments of continental troops, and the greatest part of our little independent company were appointed officers. I was then offered the commission of Captain, but other engagements prevented my acceptance.”

The three brothers, Benjamin, William, and Ignatius, all became distinguished citizens of Georgia. William Few had a remarkable career, as soldier, lawyer, judge, banker, alderman, Congressman, and senator, in both Georgia and New York. See “Memorial of William Few, containing his autobiography,” in *Magazine of American History*, VII (November, 1881), 340-358; Maurice Moore, *Atticus* letter, *Virginia Gazette*, November 7, 1771; *Colonial Records*, VIII, 615, 751; XIX, 846; *Biographical Directory of the American Congress, 1774-1927*; Frank Nash, *Hillsboro, Colonial and Revolutionary* M. Del. Haywood, *Governor William Tryon*.

The Answer. "A Completion of this Scheme would render the Government of the Colonies meerly Ministerial indeed. We well remember who were lately constituted of his M———s C———l, in the government above recited! However, Sir, the Plan in Question has no Chance for Universality, as it had been pushed to the uttermost in this Colony by the head Ingineer of the Forces, and miscarried."

This Paragraph has just come to our Hand's; and we blush with Shame at our Conduct. But as we aim at nothing but real Truth and Honesty, the truth itself will, we hope, make some appology to our Sister Colonies in our Behalf.

As we said before, in the Beginning of this work, that it takes a considerable Time when a People is under Oppression to find out the true Causes, as you may see in Page 1, 2, &c. which was written before this came to our Hand.—Now we had found ourselves betrayed by our former Assemblies, in which our Governor observes insolvent Sheriffs, Treasurers and their Securities, could command a Majority. We had taken a good deal of Pains to put in a new Assembly: Such Part of it as was new, we only appologise for. We imagine there was near forty Colts in the House, that were undock'd at the Time that Affair was transacted.—Men coming out of a Lethargy of Security, is like Men awaking out of Sleep; though they have a true Feeling, their Senses are scattered;—And the Animal that the Gentleman hints at in his letter was so disagreeable, and affected their Feeling so much, that what little Sense they could so suddenly collect was wholly taken up in opposing of him, while the Completion of the Scheme escaped their Attention, though not their Feeling; for before they [38] all got to their own Homes, the Scheme itself was discoursed over with Regret, and Resolutions formed, that at the next Sitting the first Motion should be for a Resolve against the Scheme for the future.

We have heard it objected, that it would be Dangerous to leave all the Lawyers out of our Assemblies, lest the Court Party should be able to steal all our Privileges from an ignorant or unexperienced Assembly. So far of the Objection is true, that such old experienced members as have been true to the Interest of their County, by all Means keep in, and such Men as have studied the Law from a Motive purely for the Good of their Country; but such as have studied and learnt the Law for Gain, it is contrary to Nature and their Interest to preserve our Liberties as they ought to be Preserved.—But there were Lawyers in the House at that time plenty, who had been old Members, and if it should be said they were missed because some of their Brethren had been left out; we answer, that any Man who would give away the cause of the Publick for ever so great Affronts, especially while he holds the Trust, cannot be safely trusted with it. We well remember, in our County, one of the Court Party, when he saw the Election was like to go hard with them, he pretended to be convinced, and that he had discovered so much Roguery used, that out of pure Zeal to bring it to Light, and detect it, he made Interest to go Representative himself; and by this he gained and carried a considerable Pole. And after he had lost his Election, some honest Men who had been drawn over, was lamenting the Loss, because he knew and could have brought so

much Roguery to light.—Then we observed to them, that if their Candidate had a true Principle, he would work some on Credit if he had the Good of his Country really at Heart; though he could not go himself, he would lead and inform them who had gone to do what he [39] intended to do; and this is a true Mark: For we would not be understood to exclude a Lawyer, if he really has the Good of the Public at Heart. We might, perhaps, have took more Pains to have distinguished between good and bad Lawyers; but as there is little Danger of affronting a good one, we leave them to distinguish themselves; and return our Thanks to the New-York and Boston Gentlemen, and have the Pleasure to assure them, every one of our Enemies here are utter Enemies to WILKES,²² and the Cause of Liberty; we mean in our own County; for out of it we may be evil spoken of, (by means of false Representations) by good Men.

From the
REGULATORS.

²² John Wilkes, English agitator and reformer, was born in St. John's Square, Clerkenwell. In politics he was a stormy petrel, at a time when bribery and corruption were matters of course. So violent were his assaults upon Lord Bute that they eventuated in sweeping Bute from office, March 8, 1763. In the famous "No. 45" of his newspaper, the *North Briton*, Wilkes charged that certain statements in the King's speech were false. The King instituted proceedings against Wilkes under a "general warrant"; and although Wilkes was arrested and thrown in the Tower, he was soon released, as the illegality of general warrants was established.

After being expelled from the House of Commons and outlawed, Wilkes withdrew to the Continent where he remained for four years. On returning to London, he stood for parliament and surrendered to his outlawry. He was fined £500 and sentenced to a year in jail; and this martyrdom, for he had been elected M. P. by a heavy majority on March 28, 1768, gave him immense popularity. On his release from prison, he was re-elected by the Middlesex electors and once more expelled. Again Wilkes ran and overwhelmingly defeated Luttrell, his opponent; but the outraged Commons actually seated Luttrell.

From this time forward Wilkes became the champion of the people, in particular of the artisans and lower middle class who bitterly resented disfranchisement. One of the chief planks in his platform was the defence of individual liberty against Ministerial or Parliamentary attack. It is known, although the facts have not yet been fully disclosed, that Wilkes entered into relations with the discontented groups in the American colonies who opposed the Stamp Act; and he is thought to have inspired some of their most aggressive actions. Indeed he is credited with having been the English representative of the Boston "Sons of Liberty."

The Regulators looked upon themselves as the logical successors of the Sons of Liberty, in opposing British tyranny and governmental corruption. The call of the Sandy Creek Association, August, 1766, to meet at Maddock's Mill, on October 10 following, heralded the "peasant uprising." This call begins: ". . . Whereas that great good may come of this great designed Evil the Stamp Law while the Sons of Liberty withstood the Lords in Parliament in behalf of true Liberty let not Officers under them carry on unjust Oppression in our own Province". . . ; and, in closing, uses these words, expressive of a thoroughly realistic facing of fact: "For take this as a Maxim that while Men are Men though you should see all those Sons of Liberty (Who has just now redeemed us from Tyranny) set in Offices and Vested with Power they would soon corrupt again and oppress if they were not called upon to give an Account of their Stewardship." See *Colonial Records*, VII, 249-250; and Husband, *An Impartial Relation*, 9-11. The gratitude of Revolutionary patriots of North Carolina to John Wilkes was evidenced by the naming of a county for him just one year after the outbreak of the American Revolution. For Wilkes, consult Horace Bleackley, *John Wilkes*. The activities of mobs, banded together to resist the operation of the Stamp Act, began in Massachusetts, August 14, 1765. The term, "Sons of Liberty," for these bold groups, often riotous in character, did not come into general use until November or December, 1765. It is interesting to note that John Ashe, one of the leaders of the Sons of Liberty in Wilmington, North Carolina, served under Tryon against the Regulators in the campaigns of 1768 and 1771 with the rank of major-general. An especial object of the resentment of the Sons of Liberty in Rhode Island was Martin Howard who in 1765 wrote in defence of the right of the British parliament to tax the American colonies. Martin's two pamphlets were provoked by the pamphlet of Governor Hopkins of Rhode Island, entitled *The Rights of Colonies Examined*; and bore the titles: *Letter from a gentleman at Halifax to his friend in Rhode-Island, containing Remarks upon a pamphlet entitled, The Rights of colonies examined* (Newport, 1765), and *A defence of the Letter from a gentleman at Halifax to his friend in Rhode-Island* (Newport, 1765). On August 27, 1765, a mob marched through the streets bearing effigies of Augustus Johnston, attorney-general, Dr. Thomas Moffatt, and Martin Howard, eminent lawyer; and these effigies, each with a halter around the neck, were suspended on the public gallows. In the evening they were cut down and burned in the presence of cheering thousands. The next day plundering and burning began; and Howard's house was destroyed. Martin Howard received his appointment as chief justice of the province of North Carolina (July 26, 1766) in partial compensation for his losses. There is a note of ironic comedy in the circumstance that Howard, the especial object of the vindictive wrath of the Rhode Island Sons of Liberty, was regarded as the true friend of the North Carolina Regulators, who looked upon themselves as the spiritual heirs of the Sons of Liberty. Philip G. Davidson, "Sons of Liberty and Stamp Men," *North Carolina Historical Review*, IX (January, 1932) 38-56; *Boston Gazette*, September 2, 1765; Husband, *Impartial Relation*, pp. 71-72; Archibald Henderson, "Martin Howard," *Winston-Salem Journal and Sentinel*, March 17, 1935; *North Carolina Gazette*, November 20, 1765; *Colonial Records*, VII, 123 ff. 198; X, 98.

BOOK REVIEWS

THE NEGRO IN NORTH CAROLINA POLITICS SINCE RECONSTRUCTION. By William A. Mabry. HISTORICAL PAPERS OF THE TRINITY COLLEGE HISTORICAL SOCIETY, SERIES XXIII. (Durham, N. C.: Duke University Press. Pp. vii, 87. \$1.00.)

The Negro's part in North Carolina political history since Reconstruction follows pretty generally the pattern familiar in all Southern states. There were first, his subjugation by the "Redeemers" through intimidation, fraud, and gerrymandering; second, his unsuccessful alliance with an independent white party in the 'eighties; third, his cooperation with the Populist party in the 'nineties; finally, disfranchisement and political proscription by constitutional devices near the turn of the century. Divergencies from the usual pattern that make the Carolina story exceptional are: an industrialist, rather than the usual agrarian, leadership of the independent effort of the 'eighties; a more successful cooperation with the Populists than obtained in any other state, a success that put the Fusionists in power for four years and placed many Negroes in political office; and finally, more than usual violence accompanying disfranchisement around 1898-1900. Both the conformity and the exception to the usual story of racial politics make the North Carolina example worth studying.

By careful use of the Russell, the Butler, and the Waddell manuscript collections at Chapel Hill, the Simmons collection at Duke, and the rich and growing library of memoirs and biography of the period, Mr. Mabry has put together a valuable monograph. Nothing startling in the way of fresh interpretation and originality of insight emerges from the study, and the Populist part of the story will never be complete until the Marion Butler papers at Chapel Hill are a great deal more available than they are now. Also one wishes, considering the competence of the work produced, that the author had attempted to give the political skeleton its flesh and blood of social and economic life — as H. M. Bond did under the modest and under-stated title, *Negro Education in Alabama*. Still, one has no right to complain of an author's failure to do something which he has not attempted to do and which his title does not necessitate. The monograph does revise in a general way the complacent account of "White Supremacy" politics that has passed for the history of the period up to the present. The reviewer,

for one, feels greatly indebted to Mr. Mabry for this clarifying study of a too-much neglected period.

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JEFFERSONIAN DEMOCRACY IN SOUTH CAROLINA. By John Harold Wolfe. (Chapel Hill: The University of North Carolina Press, 1940. Pp. xi, 308. \$2.50.)

This volume by John Harold Wolfe, professor of history in Appalachian State Teachers College, fills a real need in the historical writing of South Carolina. The greater interest attached to the Revolutionary period and to the Nullification struggle has tended to leave the history of the State between our two wars with Great Britain a comparatively unexplored field, especially as far as monographic material is concerned. Examining with care a large amount of material, both published and unpublished, Professor Wolfe has endeavored to portray the political history of South Carolina throughout the period in which Federalist and Republican ideas were struggling for dominance. The State's part in and her reaction to national events are stressed, but the course of development within the State is not neglected.

In view of the generally accepted dominance of the Charleston and low-country aristocracy in state politics down to the legislative reapportionment of 1808, it might be taken for granted that South Carolina would exhibit an unswerving devotion to the cause of Hamiltonian Federalism and that the political terrain of this State would not be debatable ground. This is exactly what the author does not take for granted. After two chapters of general background he takes up the "Republican Beginnings" of the 1790's and poses the question (page 40): "Did the Federalists control politics in the state during the 1790's and the most cultivated social groups even later?" The remainder of the book is an effort (successful, in the main) to give a negative answer to this question. During the 1790's the author finds political control fairly evenly divided between Republicans and Federalists, with the Republicans winning in 1796 and then a slight swing toward Federalism in 1798 as a result of the difficulties with France. In this respect there is a parallel with North Carolina political history. After 1800

the Republicans are found to be in almost complete control as far as national elections are concerned: "During the entire first decade of Jeffersonian control, 1801-1810, both of the South Carolina senators and a majority of her representatives had been Republican. Indeed, during the second half of the decade she did not send a Federalist to either house of Congress" (page 242). In 1812 and 1814, however, Benjamin Huger, a Federalist from the Georgetown District, was elected to the lower house of Congress. The author, moreover, does not fail to mention Federalist successes in gaining control of the city government of Charleston. The concluding chapter gives a good portrayal of South Carolina's enthusiasm, both in and out of the halls of Congress, for the War of 1812.

In reaching his conclusions Professor Wolfe does not hesitate to differ "with the findings of so respected a historian as the late Professor U. B. Phillips and others" (Preface, page viii; pages 40-41, 63-65, 138-139), both as to the dominance of Federalists in South Carolina politics and as to an appraisal of the character and services of Charles Pinckney, long the leader of the Republican forces in South Carolina. In the latter case conflicting evidence is carefully examined, although the author usually tends to give Charles Pinckney the benefit of the doubt.

It is unfortunate for the general value of his book that the author did not choose to give a more adequate background for other Jeffersonian leaders and followers. The reader is nearly always left uninformed as to their economic and social status and he is not often told from what section of the State they came. One would like to know what class and what section of the State contributed the greater portion of Jeffersonian leaders and also what type of Charlestonians espoused the cause of democracy. Thomas Lehre is mentioned twenty-five times (twice in the body of the book and twenty-three times in the footnotes) and he appears at times to have been in almost daily correspondence with Jefferson or with Madison, and yet no further information is given about him than that he was a Republican leader of Charleston and sometimes a member of the state legislature. The same observation might be made about John Hunter, once United States Senator, and about many others. At no place in the book is an explanation of South Carolina congressional districts given and only rarely is it told from

what section of the State a representative came. In view of the author's generally excellent topical divisions and subdivisions it is to be regretted that he did not devote a separate section to the influence of the press in the political struggles of the time. No mention is made of the establishment of *Miller's Weekly Messenger* at Pendleton early in 1807, the first paper of the up-country and a Jeffersonian organ.

A few minor errors are evident. It is implied on page 5 that all South Carolina Germans came from states to the northward and on page 83 the name of the British Minister of Foreign Affairs is erroneously given as Greenville. These errors, however, detract but little from a work for which students of South Carolina history will be grateful.

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FOREIGNERS IN THE CONFEDERACY. By Ella Lonn. (Chapel Hill: The University of North Carolina Press. 1940. Pp. xi, 566. \$5.00.)

This record of the services rendered to the Confederate States of America by foreigners and by foreign-born citizens will take rank as one of the foremost contributions to the mounting volume of revisionist literature in that field of American history. In it we have presented, for the first time, an adequate appraisal of the importance of a large segment of the Southern population. It might not be too much to say that, for the first time, we have been told of its existence; and the telling has shattered some venerable traditions.

Foreign immigration into the United States during the two decades preceding the Civil War did not go entirely to the free states. In 1860 the foreign-born in Mobile constituted twenty-five per cent of the white population, in Charleston thirty per cent, in Savannah thirty-three per cent, in New Orleans forty per cent, in Memphis forty-two per cent. There were 3,263 Irish in Charleston, 3,100 in Savannah, 4,100 in Memphis. In New Orleans there were 24,398 Irish, 19,752 Germans, and 10,564 French. There were 43,464 Irish and 88,487 Germans in Arkansas. Ten per cent of the people in Texas were born under a foreign

flag. Many races were represented among the 250,000 foreign-born in the Confederate States with Irish, German, French, and English predominating. They were slave-holding planters, merchants, professional men, skilled craftsmen, and unskilled workers.

Having discussed the geographical distribution of the several racial groups in her first chapter, Miss Lonn then traces their relationship to every aspect of the intersectional conflict. There is an excellent chapter on their divergent and changing attitudes toward slavery and secession; there are long accounts of the prominent military and civil officials under the Confederacy; and there is a chapter on military companies of foreign-born and one on foreign-born adventurers. The array of such prominent men is imposing: cabinet members Benjamin, Memminger, and Mallory; diplomats and special commissioners Henry Hotze, Father John Bannon, Reverend Patrick N. Lynch, and John A. Quintero; officers Patrick R. Cleburne, Prince de Polignac, Heros von Borcke, and a host of others; and entire companies of French, Polish, Italian, Spanish, and Irish troops, including the famous German Fusiliers of Charleston, the Emerald Guards of Mobile, and the Louisiana Zouaves.

Finally, there are three outstanding chapters dealing with the contributions of the foreign-born in special fields of military service such as engineering, secret service, ordnance, and medicine; with foreigners of distinction as teachers in schools and colleges, as business men, and as manufacturers; and with Confederate legislation and diplomatic conversations respecting foreigners in particular reference to citizenship and conscription.

It is a remarkable book, excellently documented, containing a splendid bibliography, and, considering the enormous quantity of facts and statistics presented, written with a pleasing style that excites admiration.

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FREEDOM OF THOUGHT IN THE OLD SOUTH. By Clement Eaton. (Durham: Duke University Press. 1940. Pp. xix, 343. \$3.00.)

In this volume, which won him the Centennial Prize offered by the Duke University Press for a scholarly manu-

script in the field of social, literary, or artistic history of the United States, Professor Eaton has combined sound scholarship with a high degree of literary and artistic skill. The result is one of the most stimulating and valuable works on the ante-bellum South to appear in recent years. It is an extensive and intensive study of intellectual activity of the Old South. It examines the trammels which, from time to time, prevented that section from preserving the freedom of thought so loudly championed by its leaders in the colonial and early national period.

As long as the aristocrats were the leaders in the Old South, liberal views were, with very few exceptions, expressed by whomever held them and wherever they pleased. The deism of John Randolph of Williamsburg, the cosmopolitanism of William R. Davie, the advanced views of Thomas Jefferson on almost every social and political question, and the anti-slavery views of many of the revolutionary leaders were allowed to develop within these individuals. They could, moreover, express them in the press and from the platform, if they so desired. These liberals of what Professor Eaton has aptly called the Jeffersonian phase of Southern history refused to be bound to their section or to their country by narrow points of view. "The Revolution had shaken them out of petty concerns and the routine of plantation life into a world of spacious ideas." This, together with the education of many abroad and the declining profitableness of slavery, made it possible for tolerance to characterize the actions of the men of the period.

Professor Eaton is concerned much more, however, with the *decline* of liberalism, which coincides with the increasing entrenchment of the slave system, the attack on it by the abolitionists, and the fear on the part of the powerful minority—the slaveholders—that the status quo might be upset. In a provoking, yet convincing, statement, the author declares, "The rise of the common man to political power as symbolized by the election of the uneducated Andrew Jackson to the presidency was undoubtedly a threat to freedom of thought and expression." With Hamiltonian insight, Professor Eaton asserts, "The essence of preserving freedom of thought is the protection of minority rights—the safeguarding of the right to express opinions odious to the majority."

The emergence of Calhoun and the others who looked upon slavery as a "positive good" sounded the death knell for freedom of thought in the Old South. While there were those who insisted on retaining individual points of view—"free lances," the author calls them—they did so at their own risk. And, of course, their lot was not always a happy one. The powerful minority began skilfully to manipulate pressure groups and to sway the common man by propaganda so that the loudest acclaimers of the status quo were those who did not enjoy whatever fruits there were to be derived.

By the time of the period of storm and stress, reason had disappeared from religion, the economic shortcomings of slavery had been virtually overlooked, and the South had constructed an "intellectual blockade" around itself. This intellectual self-sufficiency served at once to stifle realism and to preserve an outmoded and impractical romanticism that did little more than to dispell what vestiges of freedom of thought there were. The South had been thrown on the defensive. Its policy came to be that of holding fast to those ways of life that had become most dear. Professor Eaton concludes: "The Southerners of the ante-bellum period preferred the old patterns of life, the path of conservatism But sectionalism, the lack of European contacts, a puritanical religious background, the influence of slavery, intensified the distaste for radicalism or utopian experiments The bitter feeling of sectionalism continued to grow, exacerbated by politicians, fire-eaters, and anti-slavery crusaders, until an intellectual blockade was set up by the South not only against abolitionism, but also against many associated isms that were destined to triumph in the future."

Freedom of Thought in the Old South is more than the title suggests. It is an intellectual and, to a considerable extent, a cultural history of the Old South for the period from 1790 to 1860. Its discussion of life and letters, its analysis of legal and political problems, and its timeliness make it a book well worth reading. One gets the impression, at times, that the author labors at an unnecessary length in describing conditions in the South that have come to be well known to a great many. Few, if any, now believe that all masters lived in beautiful white houses or that the large slaveholders were more than a small portion of the popula-

tion. Yet a considerable portion of the first two chapters deals with these wellknown facts. The author does not seem to have had the opportunity to examine Carroll's *Slave Insurrections in the United States*. There are times, moreover, when the author is retracing steps made familiar by Virginius Dabney in his *Liberalism in the South*. Nevertheless, it is a remarkable synthesis, based on extensive original research. New fields have been explored, and old ones have been more carefully examined. This is, indeed, an outstanding contribution to the literature of the antebellum South.

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HISTORICAL NEWS

A memorial to the late Captain Samuel A'Court Ashe, historian of North Carolina, was unveiled in Capitol Square, Raleigh, September 13. Mr. George Gordon Battle of New York delivered the principal address.

The Decendants of Adam Spach held their biennial reunion at Friedberg Moravian Church, nine miles south of Winston-Salem, on October 20.

The North Carolina Society, Daughters of the American Colonists, unveiled in the State Capitol in Raleigh, October 24, a tablet in memory of Virginia Dare, first child born of English parents in the New World. Dr. C. C. Crittenden delivered the principal address.

The Cape Fear Valley Scottish Festival was held at Fayetteville, October 14-November 2. Paul Green's historical drama, "The Highland Call," was staged for a three weeks' run.

The Society of Daughters of Colonial Wars of North Carolina unveiled at Statesville, November 11, a marker to Fort Dobbs, erected in the 1750's as an outpost against the Indians.

The annual meeting of the North Carolina Archaeological Society was held in Charlotte, November 23. Papers were read by Professors Robert Wauchope and Guy B. Johnson of the University of North Carolina, Professor Douglas Jeter of Davidson College, and Reverend Douglas L. Rights of Winston-Salem. Professor Johnson was elected president for the year 1940-41.

On November 24 Shaw University, Negro institution of Raleigh, celebrated the seventy-fifth anniversary of its founding, with exercises in the city auditorium. Mr. J. Melville Broughton, governor-elect of North Carolina, delivered the principal address.

The State Literary and Historical Association, the Folk-Lore Society, the State Art Society, and the Society for the

Preservation of Antiquities (each a North Carolina State-wide organization) held their annual meetings in Raleigh, December 4-6. The fortieth annual session of the State Literary and Historical Association took place at the Sir Walter Hotel, Thursday and Friday, December 5-6. On Thursday evening Mrs. Edith Taylor Earnshaw of Wake Forest read selections from her own poems and Mr. Struthers Burt of Southern Pines delivered the presidential address. A reception to members and guests of the Association and allied societies was then held. At the Friday morning session Mr. William T. Polk of Warrenton presided over a discussion of "A Program of Library Development for North Carolina," during which Dr. Robert B. House of Chapel Hill spoke on "Straws in the Wind" and Miss Marianne R. Martin of Leaksville spoke on "A North Carolina County Library." Afterward Dr. Archibald Henderson of Chapel Hill reviewed North Carolina books of the year and a business meeting was held. The final meeting took place Friday night in the Hugh Morson High School auditorium. Mr. Macon R. Dunnagan of Raleigh announced that the winner of the Mayflower Cup award was Mr. David Cohn of Yanceyville, whose book, *The Good Old Days*, had been adjudged the best original work by a resident North Carolinian published during the year ending August 31. Dr. Robert D. W. Connor of Washington, D. C., Archivist of the United States, then delivered an address, "The Use and Abuse of History."

The twenty-ninth annual session of the North Carolina Folk-Lore Society was held at the Sir Walter Hotel, December 6, with the following program: presidential address, "Shakespeare and North Carolina Folk-Lore," Dr. George P. Wilson, Greensboro; "Chinese Folk Remedies," Mrs. Minnie B. Hussey, Greensboro; singing of folk songs, Mr. and Mrs. James York, Farmington; "Tales of Witches and Ghosts," playing of records made in 1940 by the secretary, Dr. Frank C. Brown, Durham; and a business meeting.

The North Carolina State Art Society held its annual meeting in the old Supreme Court Building, December 4-5. The first evening there was an address by Mr. Robert C. Vose of Boston, Massachusetts, followed by an exhibition

of paintings and a reception. The next day a business session was held.

The first annual meeting of the North Carolina Society for the Preservation of Antiquities took place at the Sir Walter Hotel, December 5. Following a business session, a number of talks were made: presidential address, Colonel Joseph Hyde Pratt, Chapel Hill; "The Adam Spach Rock House," Dr. Adelaide L. Fries, Winston-Salem; "Richmond Pearson and Richmond Hill," Mr. J. H. Folger, Mount Airy; "The Work Projects Administration Archaeological Project," Professor Robert Wauchope, Chapel Hill; "The National Park Service and North Carolina," Dr. C. C. Crittenden, Raleigh; "The Function of the State Park System in the Preservation of Our Antiquities," Mr. Thomas W. Morse, Raleigh; "The Progress of Restoration Work at Bath," Reverend A. C. D. Noe, Bath; and "Prospects for Rebuilding Tryon's Palace," Miss Gertrude Carraway, New Bern.

The Society for the Preservation of Antiquities has recently acquired "Richmond Hill," the home of Richmond Pearson, former Chief Justice of the North Carolina Supreme Court, in Yadkin County, and has been instrumental in securing the donation of the Adam Spach Rock House, in Davidson County, to the North Carolina Historical Commission. It is expected that restoration work on both these places will be undertaken shortly.

The Indians of Robeson County staged a pageant of their history, directed by Miss Ella Deloria, at Pembroke, December 5-7.

The Society of Mayflower Descendants in North Carolina held its annual meeting in Asheville on December 7.

Dr. C. C. Crittenden attended a conference of historians, ethnologists, archaeologists, linguists, and others at Brenau College, Gainesville, Georgia, October 19-20, to hear reports of specialists who had studied the more than forty stones containing inscriptions purporting to relate to the fate of "The Lost Colony," which have been found in North

Carolina, South Carolina, and Georgia. Dr. S. E. Morison, head of the history department of Harvard University, presided. The group approved resolutions declaring that "the preponderance of evidence points to the authenticity of the stones," suggesting further avenues of investigation, and stating that, until a more thorough study had been made, no final dictum concerning the stones' authenticity could be given forth.

North Carolinians taking part in the program of the Southern Historical Association in Charleston, November 7-9, were Dr. Fletcher M. Green and Dr. Mitchell B. Garrett of the University of North Carolina; Dr. B. B. Kendrick of the Woman's College of the University; and Dr. R. H. Woody of Duke University. Dr. Kendrick was elected president of the Association for 1941. In attendance also were Dr. Charles S. Sydnor, Dr. Ruth Ketring Nuermberger, and Dr. Nannie May Tilley of Duke University; Dr. H. T. Lefler, Dr. A. R. Newsome, Dr. Howard K. Beale, Dr. George E. Mowry, Mr. Robert Ernst, Dr. Cecil Johnson, and Mr. W. T. Couch of the University of North Carolina; Dr. C. C. Crittenden, Mr. D. L. Corbitt, and Miss Mattie Erma Edwards of the North Carolina Historical Commission; Dr. D. A. Lockmiller of North Carolina State College; Mrs. Lillian Parker Wallace and Miss Alice Keith of Meredith College; and Dr. J. H. Wolfe of Appalachian State Teachers College.

Dr. A. R. Newsome of the University of North Carolina, Dr. R. H. Woody and Dr. Ruth Ketring Nuermberger of Duke University, and Dr. C. C. Crittenden and Mr. D. L. Corbitt of the North Carolina Historical Commission attended the fourth annual meeting of the Society of American Archivists at Montgomery, Alabama, November 11-12. Dr. Woody presided at the session on "Archival Materials on the Civil War and Reconstruction" and Dr. Crittenden, substituting for Dr. Christopher B. Coleman of the Indiana State Library, who was unable to be present, delivered an address on "Some Problems of State Archival Administration."

Professor Howard K. Beale of the University of North Carolina was on the program committee of the American

Historical Association that drew up the program for the 1940 annual meeting of that organization. He was chairman of the nominating committee which nominated the officers of the Association for 1940-41.

Dr. A. R. Newsome and Dr. H. T. Lefler of the University of North Carolina have published a school textbook, *The Growth of North Carolina* (Yonkers-on-Hudson: World Book Company. 1940).

Dr. J. C. Russell of the University of North Carolina has published "Dictionary of Writers of Thirteenth Century England" (1939-40 supplement), *Bulletin of the Institute of Historical Research*, XVIII (1940), 40-42; and "Attestation of Charters in the Reign of John," *Speculum*, XV (1940), 480-498.

Dr. Carl H. Pegg of the University of North Carolina has been promoted to the rank of associate professor.

Dr. George E. Mowry of the University of North Carolina has been promoted to the rank of assistant professor.

Dr. J. Carlyle Sitterson of the University of North Carolina is on leave of absence for the academic year, enabled by a Rosenwald fellowship to conduct research in the history of the sugar cane industry.

Dr. Hugh T. Lefler of the University of North Carolina during the fall quarter taught a graduate course in history at the North Carolina College for Negroes in Durham.

The *Bulletin of the History of Medicine*, Volume VIII, No. 8 (October, 1940), includes "Research on the History of Medicine, in American Universities: I. The University of North Carolina," by Professor Loren C. Mackinney of that institution. The list includes studies made during the past fifteen years and also projects now in process. Among the authors listed are six graduate students in history (representing eight units of research) and four history professors (representing fourteen units of research). Additions to the bibliography will be published from time to time

as they are reported to Professor Mackinney, Chapel Hill, N. C.

An article of interest is James W. Moffitt, "Early Baptist Missionary Work among the Cherokees," *The East Tennessee Historical Society's Publications*, No. 12 (1940), pp. 16-27.

The North Carolina Historical Commission has published Bulletin No. 40, the Commission's *Eighteenth Biennial Report*, 1938-40 (44 pages). Copies may be had gratis.

(A Guide to Depositories of Manuscript Collections in North Carolina, Bulletin No. 41 of the North Carolina Historical Commission (18 pages), has been published and may be had free.

Books received include: Mary Elinor Lazenby, *Herman Husband: A Story of His Life* (Washington: Old Neighborhoods Press. 1940); Grover Parsons Fowler, *The House of Fowler: A History of the Fowler Families of the South* (privately printed. 1940); Merrill Jensen, *The Articles of Confederation* (Madison: The University of Wisconsin Press. 1940); William B. Hatcher, *Edward Livingston: Jeffersonian Republican and Jacksonian Democrat* (University: Louisiana State University Press. 1940); E. Merton Coulter, *Thomas Spalding of Sapelo* (University: Louisiana State University Press. 1940); Mason Crum, *Gullah: Negro Life in the Carolina Sea Islands* (Durham: Duke University Press. 1940); Henry Kyd Douglas, *I Rode with Stonewall* (Chapel Hill: The University of North Carolina Press. 1940); Ernest Earnest, *John and William Bartram* (Philadelphia: The University of Pennsylvania Press. 1940); Robert O. DeMond, *The Loyalists in North Carolina during the Revolution* (Durham: Duke University Press. 1940); *Guide to the Material in the National Archives* (Washington: Government Printing Office. 1940); David Kelly Jackson, editor, *American Studies in Honor of William Kenneth Boyd by Members of the Americana Club of Duke University* (Durham: Duke University Press. 1940).

The National Archives and the American University, both in Washington, D. C., are coöperating in offering a program for the training of archivists.

“The Albert J. Beveridge Memorial Prize of \$200 is awarded biennially in the odd-numbered years for a monograph in manuscript or in print in the field of American, including South American, history. . . . In awarding this prize, the committee in charge will consider not only research, but also clearness of expression, logical arrangement, and general excellence of style. . . . All works submitted in competition . . . must be in the hands of the prize committee on or before June 1st of the year (1941) in which the award is made.” Persons interested in this statement of the committee and desiring further information should address Dr. William T. Hutchinson, Chairman, Albert J. Beveridge Memorial Prize Committee, Box 4, Faculty Exchange, University of Chicago, Chicago, Illinois.

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