

# THE NORTH CAROLINA HISTORICAL REVIEW

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VOLUME XVIII

APRIL, 1941

NUMBER 2

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## WILLIAM GASTON: SOUTHERN STATESMAN

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The war of the American Revolution was started in New England and that region remained the scene of battle operations for some time. The South did not feel its ravages for awhile, but by 1778 the British had begun their campaign against this section, and those towns along the seaboard were in a panic. In that same year, on September 19, William Gaston, destined to be one of the greatest of North Carolinians, was born in New Bern to Dr. Alexander Gaston and Margaret Sharpe Gaston.

Alexander was the descendant of a Huguenot, Jean Gaston, who in 1640 fled France for Scotland; the latter's sons eventually left there for Ireland where Alexander was born, in Ballymena, county Antrim. He was graduated as a physician from the University of Edinburgh and took his internship in the Royal Navy. The Seven Years War between England and France was then raging so Dr. Gaston saw active service, and in 1762 he was with the fleet which captured Havana.

He contracted a fever, however, which so incapacitated him that he resigned his commission in order to come to America to recover his health; his arrival in New Bern can be fixed some time after the capture of Havana and before May 1, 1764.<sup>1</sup> Soon he became one of the most respectable citizens of this community, which by the time of the Revolution numbered about six hundred persons, and if his real estate purchases may be taken as evidence he became also one of its well-to-do men. When the storm was seen approach-

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<sup>1</sup> This date is the earliest I find which records his name in the town. On that day he bought 100 acres of land for ten pounds situated on the east side of "Pamlico Road." Craven County Deed Book, vol. II. Craven County Courthouse, New Bern.

ing, the physician lost no time in casting his lot with the colonial fortunes, becoming a member of the committee of safety of New Bern, and no one was more zealous in the cause in this district. In May, 1775, he married Margaret Sharpe.

This young lady had but lately arrived from England, coming to the colony to visit her brothers, Joseph and Girarde, who were merchants in the town. Margaret was born in Cumberland County, England, of Roman Catholic parents, who sent her to a convent in Calais, France, for her education. When she married Dr. Gaston she was about twenty years old. Their three children were all born during the war; the first, a son, died as an infant; William Joseph was born in 1778; and Jane two years later. As the war progressed Alexander seems to have made himself particularly obnoxious to the tories in his rôle of member of the committee of safety and as judge of a lower court, although he did not serve in the army.

When battle operations began in the South the British soon established themselves in Wilmington, North Carolina, but in August, 1781, their commander decided to move on New Bern. When the report of this plan reached Dr. Gaston he retreated to his plantation on Bryce's Creek, but as the troops did not approach it was believed this had been a false alarm so he came back to town. On Sunday, August 19, as he was eating breakfast at his home, he was interrupted by the cry that the British were entering the other end of town. A tory troop, riding ahead of the main body of regulars under the command of Captain John Cox had completely surprised the place. The doctor hurried to the wharf, but a short distance away, and started to row across the Trent River to his plantation. The tories rode straight for the river and caught him within gun range, but their hurried shots were ineffectual until Captain Cox calmly and deliberately took aim, and despite the tearful pleading of Gaston's wife shot him down.

The death of her husband placed the sole responsibility for the family upon Mrs. Gaston, for by this time her two brothers were dead. Although Dr. Gaston had left his affairs in some confusion the widow was assured of a comfortable livelihood through his landholdings and slaves, and she was assisted in the management of these by an old friend of the family, John Devereux. Mrs. Gaston trained her children

in the rudiments of learning and manners and instilled in them the precepts of her religion. She was determined that William should have the best education available, and therefore decided to send him away to college. In 1791 it was brought to her notice that a Catholic college had been established in the little village of Georgetown in Maryland, on the banks of the Potomac River, so in the spring of that year, William, at the age of twelve, left New Bern accompanied by Devereux.

In 1789, the same year the Constitution was adopted and the new government of the United States was initiated, Georgetown College, the first Catholic college in this country, was founded by Bishop John Carroll, first Catholic bishop here. When the two New Bernians arrived they found that the college building was as yet uncompleted so they continued on to Philadelphia. Devereux left William here in charge of a French refugee priest, Father Francis Fleming, who became a noted preacher, trusted and honored by Bishop Carroll; this priest died in 1793 while ministering to the sick in the great Philadelphia plague.

William remained in Philadelphia for the next five months, and under the direction of Father Fleming began to prepare for college, at the same time attending classes in the various private schools of the city. Finally, on November 2, 1791, Fleming and his young charge arrived at Georgetown, but found that the college was still not open.<sup>2</sup> The president, the Reverend Robert Plunkett, consented to allow the youngster to remain with him, although there were no other students. Thus the North Carolinian became the first student of the new institution. By summer the college numbered some forty-two boys, and the president told Mrs. Gaston that her son was the best scholar of them all. He was not to remain at Georgetown, for in April, 1793, he caught a severe cold, and fearing consumption his mother brought him home. The next year his educational needs were supplied by the New Bern Academy under the able direction of the Presbyterian divine, the Reverend Thomas Irving, and in 1794 he was sent to Princeton. The next year he was graduated, at the head of his class; among his classmates were Philip Pendleton of Virginia and John Berrien of Georgia.

<sup>2</sup> Francis Fleming to Mrs. Gaston, Nov. 7, 1791, Gaston MSS., University of North Carolina Library.

On his return to New Bern Gaston decided to make the law his profession, and entered the office of François Xavier Martin, who later became the Chief Justice of Louisiana. On September 22, 1798, just three days after his twentieth birthday, having passed the required examinations, he was admitted to the bar of North Carolina, and began that long career which has reflected so much honor on his name and endeared him to all his fellow citizens.

Just a little while before this his sister, Jane, married John Louis Taylor, a prominent lawyer of Fayetteville, who successively became judge of the superior court, presiding justice of the circuit courts, and the first chief justice of North Carolina. The press of Judge Taylor's new duties left him little time for other pursuits, so he turned his practice over to his young brother-in-law, who was thus given a heavy responsibility for one so young. It was not long after his admittance to the bar, however, that the famed Maryland lawyer, Luther Martin, said of him, "Gaston is destined to fill the first place in his profession in the country."

Gaston began his legal career by acting as counsel for the defendant in the case of Gooding *vs.* Henry et al. This particular Henry probably was one of the Henry family of New Bern, good friends of the Gastons. Among the lawyers with whom Gaston practiced at this early date were John Haywood, at that time leader of the North Carolina bar, F. X. Martin, Edward Harris of New Bern, Blake Baker, Samuel Jocelyn, considered then as the greatest equity lawyer in the State, J. G. Wright, and John Stanly, also of New Bern.

Gaston's most important case in this early period was the famous Granville litigation, brought by the Granville heirs of England against William R. Davie, Nathaniel Allen, and Josiah Collins, and tried at the June term, 1805, of the United States Court at Raleigh. The question at issue would affect a great deal of land in the State, so the people became very excited over the outcome. High officials expected the case to be decided against the State and Governor David Stone was preparing to ask the legislature for funds to compensate these people who held the land for their loss. Because of the popular clamor against the plaintiff it took courage for Gaston to accept this case. When it came up before the court only one judge, Henry Potter of Granville, was on the bench. Chief Justice John Marshall, the other circuit judge, had refused to hear the case because the question was

exactly that involved in the current Fairfax title in Virginia, in which he had an active interest. The lawyers for the defense were Duncan Cameron and Blake Baker, while Gaston was aided by Edward Harris.

In his brief Gaston claimed that the plaintiffs had title to the land up to February 12, 1776, and that unless it could be proven that the title was divested their claim was still valid. The defendants held that the Granville claim was invalid because of the Revolution, the bill of rights, and the confiscatory clauses of the state constitution. Gaston maintained that private rights were not suspended by civil wars or revolutions; that the unoffending citizen should not suffer because of his offending nation. He argued that in no respect did his clients differ from other subjects of the king possessing property in the State except as to the magnitude of their holdings; that it was a principle of the law of nations that if a majority changed its government the minority could sell its property and go elsewhere.

In this case Gaston argued upon right reason and natural equity without reference to municipal law, while Cameron contended that the status of Granville removed him from the protection accorded to private ownership; that he but took the place of the king. This latter view was held by Judge Potter, who stated that the law of the case was with the defendants, and the jury returned its verdict accordingly.<sup>3</sup>

Gaston won in another case of some importance in which the question at issue was whether a posthumous child would take a distributive share of the estate. He argued in the affirmative on three counts—through the statute of distribution, the design of the legislature, and the doctrine of the law on analogous subjects. Regarding the first, the statute directed that the surplus, after the widow's share, be distributed in equal portions to the children. He thought the inquiry depended upon the construction placed upon the word "children," and that this word embraced those born after as well as before the death of the father. He maintained that the legislature would not add to the miseries of a posthumous child by forbidding it any part of its parent's personal estate. He found in analogous cases that in all instances

<sup>3</sup> For a scholarly account of this trial see H. G. Connor, "The Granville Estate and North Carolina," *University of Pennsylvania Law Review*, Vol. LXII, (1914), No. 9, pp. 1671 ff. Judge Potter's charge to the jury appears in the *North Carolina Journal* (Halifax), Jan. 27, 1806.

children *in ventre sa mere* were considered, when they came into being, as having the same rights the others had.<sup>4</sup>

A Gaston trait, consistently held during his life, was his advocacy of either causes or cases which although unpopular he thought were right. Such was the noted trial of Captain Edward Tinker, in which he acted as attorney for the defendant. A ship's cabin boy was killed some time in May, 1810, and suspicion soon rested on the captain of the ship. It was not long before public opinion became convinced of his guilt, an opinion bolstered by the confession of the first mate, who claimed to have witnessed the deed. No other lawyer was willing to handle the case, but Gaston believed the man innocent and undertook it. Despite his clever manoeuvring the result was a foregone conclusion and the man was found guilty.

In the meantime Gaston found time for marriage. On September 4, 1803, he was united to the young and attractive Susan Hay, daughter of John Hay, a lawyer of Fayetteville, and niece of William Barry Grove. This beautiful girl died less than a year later, on April 20, 1804. A year and a half later, the young widower was again married, this time to a distant cousin, Hannah McClure, daughter of General William McClure. This union was blessed by three children, Alexander, Susan, and Hannah.

Concomitant with his legal career was his rise in the political world. He entered the party of the Federalists, then led by the fascinating Alexander Hamilton, at the very time it had started to bow to the surge of Jeffersonian Democracy. During the spring of 1800 Gaston announced his candidacy to represent Craven County in the state senate, and he was elected to that body, which convened November 17, 1800. The Jeffersonian Republicans had a majority, so elected one of their number, Joseph Riddick, to the speakership.

In spite of his party and youthfulness Gaston was kept very active during the session. He introduced several minor bills, served on a number of committees (among which was that on finance), and was chairman of three of them. The most important act of this assembly was the action taken against the university. The Republicans felt that it leaned too much to Federalism so determined to take away from

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<sup>4</sup> V *North Carolina Reports*, 248.

it the income derived from the escheats of the State and the unsold confiscated land, which had been granted by a previous assembly. Gaston fought this measure, tried to substitute a milder one, but was only able to obtain a recording of the yeas and nays. After the session he wrote an article for the *New Bern Gazette*, expressing his opinion that the law was unconstitutional, and told his friends that the conduct of the legislature was a disgrace to the State.

Six years later Gaston was again in the state legislature, having been elected to the house of commons in 1807. This session accomplished practically nothing; it spent three weeks on a resolution to send a letter of endorsement to President Jefferson, which properly might seem outside the duties of a state legislature. The anger of the Federalists was aroused by a term in the original address which branded them as "a party which seeks to subvert because it cannot direct," but this was struck out in the final form. Gaston said that the language of the address was "better suited to the trembling slave who falls prostrate at the feet of his despot than to the legislature of a free state." Two reasons were generally given by the proponents of the measure for its passage, one being that Jefferson was an illustrious character, the other that addresses had poured in upon him from all sides, so they should follow suit. To these Gaston replied:

I do not entertain this extravagant admiration. He possesses talents and virtues . . . something to approve and much to censure. . . . But is the legislature of North Carolina bound to address him because he is an illustrious man? . . . Shall we sit in judgement (as a legislature) upon the executive? The *national government was established by the people and not by the states.*<sup>5</sup>

His efforts were as ineffectual in this fight as they were in the presidential campaign which soon followed. After eight years of power marred by frequent disappointments Jefferson handed down the reigns to his successor, James Madison. Gaston served as a presidential elector, having defeated the Madison candidate, General Bryan Whitfield. Gaston was supporting Charles C. Pickney, but the State chose eleven electors for Madison to only three for Pickney. The vote in the Hillsborough district, which had gone Federalist, was

<sup>5</sup> *Raleigh Minerva*, Dec. 24, 1807. Italics mine.

disputed, so the legislature of 1808, convening soon after the electors were chosen, decided to investigate the matter, but Gaston, who was again representing New Bern in the house, was able to prevent any action.

The Republicans decided to send another address to the President, but wished to make it much stronger than the one of the previous year by not only condemning British conduct but even by endorsing the embargo. Gaston tried to substitute a weaker resolution, but that of James Wellborn was preferred. Gaston introduced several bills in an attempt to reform the superior courts and, as chairman, reported a bill to amend the law of descent, and one to make provisions for children born after the making of a father's will.<sup>6</sup> Both these latter bills were passed by the house.

On December 16, 1808, the speaker, J. G. Wright, resigned to accept a judicial post and by unanimous vote of the house Gaston was placed in this position, which, however, he held only a week as the assembly adjourned December 23, after a month's session.<sup>7</sup>

The next session, in 1809, was devoted to an entirely new issue, not seen in the legislature during Gaston's previous periods of service—the banks. Gaston was again in the house, where he was nominated for the speakership, but he lost to the Republican nominee, Thomas Davis, by a vote of 95 to 29. One of the events of this session was the attempt to unseat Jacob Henry, a Federalist, on the plea that as he was a Jew his presence in the assembly was against that article of the state constitution which forbade anyone not believing in the truths of the Protestant religion to hold a state office. Henry's main supporter was Gaston, who argued for religious liberty and tolerance. It has been said that Henry's able defense, one of the best ever heard in a state legislature to this time, was written by the very able and learned Judge Taylor, who was a Republican.<sup>8</sup> At any rate, the attempt was a failure.

The real fight in this session was over the banks of the State, and such a fight it turned out to be that bloodshed was averted by only a thin margin. There were but two banks in North Carolina, one at New Bern and one at Fayetteville. There was some question over the soundness of their oper-

<sup>6</sup> *House of Commons Journal*, 1808, p. 22.

<sup>7</sup> *Ibid.*, p. 42.

<sup>8</sup> See J. H. Wheeler, *History of North Carolina*, II, 74, for Gaston's part in this. Wheeler, a contemporary and friend of Taylor and Gaston, gives Taylor credit for Henry's speech.

ations so the Republicans decided upon a closer regulation. A bill to this end was introduced by William Drew of Halifax, who in the course of the debate made several very personal remarks concerning Gaston, who was a director of the New Bern Bank. The latter then accused Drew of being unacquainted with the subject, and with having made assertions which had no foundation in fact. Before long debate grew so hot that Drew was called to order, and a motion was made to adjourn over the week-end, which was immediately done. The reporter for the *Raleigh Register* noted that "Mr. Gaston was back in his place today, after mutual explanations from the members of Halifax and New Bern for some warmth that had taken place."<sup>9</sup> Gaston was vindicated, as the opposition withdrew its original bill. The banks probably needed some regulation, but the move was of a political nature because those persons connected with the banks were Federalists.

In the nine years of the new century Gaston had been in the assembly four times, but in 1810 he decided to try a new field, the Congress of the United States. His Republican opponent was William Blackledge, already representing that district. Gaston was defeated by a majority of 480 votes; only three of the seven counties gave him a majority, while his own county, Craven, gave his opponent a majority of 249. In 1812 he was back again in the state senate, but in that year the minds of all were occupied with the dominant thought that the Nation was at war, for on June 12, 1812, Congress had declared war on England.

The election for this war-Congress was bitterly contested. Gaston was elected over William Blackledge to represent the district which two years before had refused to have him. His opponent had at first declined to run but finally entered the contest a few days before the election. Gaston, like Federalists all over the country, conducted his campaign upon an anti-war basis. In a pamphlet distributed over the district he told his readers that America had cause for complaint against both England and France, but he thought we were forbidden by our own interests to fight the former as all trade would be destroyed except that permitted by the enemy. He did not believe that seamen's rights would be protected by an invasion of Canada. The people of this seaboard district seem to have agreed with him.

<sup>9</sup> *Raleigh Register*, Dec. 21, 1809.

Congress convened in an extra session on May 24, 1813. Gaston was appointed to several committees, relatively unimportant. He actively entered the first clash occurring between the two parties on the floor. George Richards, reporter for Alexander Hanson's *Federal Republican*, had been excluded from the floor of the house by Speaker Henry Clay who stated that as there were only four seats for these men he had assigned those in order of seniority. Three of these favored scribes wrote for Republican papers, and the one employed by a Federalist newspaper did not write out the debates. The furor over this was the occasion for Gaston's maiden speech in Congress, and marked his first brush with Calhoun and Clay. He stated that:

. . . The subject is worthy of every attention, because it is intimately connected with the first principles of a Representative Government, freedom of discussion and publicity of proceedings. Majorities are frequently tempted to exercise their powers with a high hand. Minorities always suspect them of a disposition to oppress. . . . Forbearance on the one hand will inspire courtesy on the other . . . and a spirit of generous contest would forbid all unnecessary altercation or wanton opposition.<sup>10</sup>

After Calhoun had given his opinion on the matter, Gaston rose again, to examine the argument of the gentleman from South Carolina, which he declared to be pervaded with fallacy as Calhoun "had not exercised his usual critical acumen." Although the committee of the whole voted to exclude Richards, a select committee, of which Gaston was a member, was appointed to study the question and arrangements were made to accommodate more reporters in the galleries instead of on the floor.

This trivial matter disposed of, the Federalists moved to attack the administration on a more serious matter. The French Minister of Foreign Affairs claimed that Napoleon's revocation of the Berlin and Milan decrees had been sent to the French minister in Washington to be transmitted to the State Department. The Federalists suspected that the President had suppressed this important information. Therefore, Daniel Webster on June 10 submitted resolutions calling for information on the subject, and this brought about a very fierce debate. On June 18 Gaston entered the fray,

<sup>10</sup> *Annals of Congress*, 13 Cong. 1 sess., p. 119.

after Felix Grundy of Tennessee had accused the Federalists of being more devoted to the interests of the enemy than to those of their own country. To this Gaston replied:

. . . It will not be deemed egotism I trust, to add, that baptized an American in the blood of a martyred father; bound to my native land by every moral and natural tie that can fasten on the heart of man; without one motive of interest, of passion, or prejudice to seduce the loyalty of my affections, never can I separate myself from the cause of my country, however that cause may have been betrayed by those to whose care it was confided.<sup>11</sup>

Gaston's argument was that although the character of our government needed no protection, for he felt that the assertion of the French Minister was false, at the same time a determination to believe everything right connected with authority and to applaud, without examination of the facts, was characteristic of folly and servility. The Republicans soon realized that the inquiry could not be stifled so the resolutions went to the President. It was found that the fears of the Federalists were unfounded, for the President had not suppressed any such paper that might have prevented a declaration of war.

Little else of importance occupied the attention of the Congressmen in this first session. Before its close Gaston had left for New Bern, as tragedy had again entered his life. On July 13 the long dreaded visit of the British to the coast of North Carolina became a reality, and rumor soon spread in New Bern that the red-coats were on their way to this town. The news so shocked Gaston's wife, Hannah, that she was seized with convulsions, which could not be halted, and she died in the early hours of the morning, leaving her husband with three small children.<sup>12</sup>

By the beginning of the second session, which convened on December 6, 1813, the individual members possessed better knowledge of one another's personalities and qualities. From this time on Gaston became one of the leaders of the Federalists in the House. Of him Charles J. Ingersoll, a Republican member, said, ". . . Mr. Gaston, a handsome man of pleasing address and speech . . . was one of the ablest and most pleasing speakers of the House, a leading

<sup>11</sup> *Ibid.*, p. 239.

<sup>12</sup> Gaston's mother, Margaret, who had been living with them, died some time in 1811.

member of the opposition."<sup>13</sup> Gaston's reputation was becoming national. John Randolph of Roanoke told Francis Scott Key, "I am much pleased with Mr. Gaston's speech on Webster's motion. Chief Justice Marshall had taught me to think highly of his abilities; and my expectations, altho raised, have not been disappointed."<sup>14</sup>

Most of the talking in Congress during the entire period of the war was done by the Federalists. The Republicans were content to let them go on until it became too tiresome, and then to shut them off by taking a vote on the question. The former did most of their acting by voting down Federalist measures and proposals. It was only once in awhile that they were goaded into speech by some Federalist assault, but then frontiersmen like Grundy could stand only so much. Gaston took part in almost every debate of the session. The North Carolina delegation introduced a bill to submit an amendment to the Constitution which would direct a uniform mode of appointing presidential electors, instead of leaving each state to use whatever method it saw fit. Gaston spoke vigorously for the adoption of this reform, but it was voted down. He also opposed a measure which would place the trial of citizens accused of treason under military jurisdiction, and presented a resolution that "pending the negotiations with England it was inexpedient to prosecute military operations against the Canadians for invasion or conquest," which likewise was defeated.

In February the new loan bill came up and by the rules of the House it had to be discussed in the committee of the whole where debate would be free and unstifled. The Federalists determined to take advantage of this situation by covering every subject not hitherto allowed in general debate. Webster wrote his brother that "on the loan bill we hope to get a blow at them . . . Gaston and Grosvenor are prepared to give great speeches on that subject." This speech which Gaston then delivered was one of the two for which he received great praise and which are more often remembered; the other was that on "the Previous Question." In the former one he discussed every question at issue, occupying the floor for two days. He accused the War Hawks of waging the war for the conquest of Canada, and asked them

<sup>13</sup> Charles J. Ingersoll, *Historical Sketch of the Second War between the United States of America and Great Britain*, p. 207.

<sup>14</sup> Hugh A. Garland, *Life of John Randolph of Roanoke*, II, 17.

if they thought the slave-holding states would allow them to incorporate that territory into the Union, even if it could be conquered.

The *National Intelligencer* stated that the ablest speakers on both sides had been engaged in this debate, and praised Gaston's speech, although maintaining that the author of it was incorrect in many of his claims.<sup>15</sup> Gaston's taunts drew the fire of many. John Forsyth of Georgia voiced their resentment when he said:

Mr. Gaston has recommended moderation, liberality, and forbearance, but he has not given us an example. . . . His language is correct, gentlemanly, and polished. No harsh terms deform the smoothness of his periods. . . . It matters not whether the victim is struck down by the butcher's cleve, or a glittering Spanish blade.

Forsyth's remarks had aroused the anger of Gaston, and at the close of the day's session he sent a stiff note to him to inquire if there had been any personal meaning in his words. Soon throughout the capital there ran rumors of an impending duel, for Forsyth's answer had been equally brusque.<sup>16</sup> Friends intervened and the affair passed off without fireworks. Calhoun had noted the storm and, rebuking Forsyth, sought to soothe Gaston's ruffled feelings, saying of him:

Mr. Gaston's conduct seems to me to be in the true spirit of an honest opposition. . . . It is thus we may divide among ourselves and the national strength not be impaired . . . for it comports with the conduct of a good citizen.<sup>17</sup>

The gentlemanly South Carolinian's next words were unfortunate in the extreme, for speaking of certain portions of Gaston's speech he stated that they were untrue in fact. Instantly Gaston was on his feet, and in cold measured tones "of unmistakable significance," demanded to know in what sense Calhoun had used the word "untrue." The House held its breath, until Calhoun quietly replied that he had meant the fact was not as Gaston had stated it, "for he had too much respect for him to have an allusion to any other sense." Within the space of one day Gaston had almost become involved in two duels. Before the session closed he asked that the embargo be repealed, claiming that it was working untold

<sup>15</sup> *National Intelligencer*, March 16, 1814.

<sup>16</sup> Forsyth to Gaston, Feb. 24, 1814, Gaston MSS.

<sup>17</sup> *Annals of Congress*, 13 Cong., 2 sess., p. 1691.

hardship on the people of his section, and this was done shortly afterwards.

When he returned to Washington for the next session Congress had to meet in an old building on Seventh Street, for the British had visited the capital, burning several buildings as they passed through. When certain Federalists tried to annoy the administration by a proposal to remove the capital elsewhere Gaston not only voted against the motion but opposed it vigorously. On January 26, 1815, he presented the petition to grant a charter to Georgetown College, which would thus give the authority to the college to grant the usual degrees, and it was quickly passed. During the entire session a plan to establish a national bank was discussed and a bill for this reported. Gaston objected to several features of the plan, among them being the extent of the capital, the limited proportion of the specie, and the power of the President to suspend even that limit. The bill was finally defeated by the casting vote of Speaker Langdon Cheves; a new and revised version passed by both chambers proved to be so inadequate that Madison vetoed it. This design had to wait the meeting of the next Congress. On December 25, 1814, peace was signed at Ghent, and the thirteenth Congress ended its sessions early in March, 1815. The following year Gaston announced his candidacy for re-election, and on August 18 the *Raleigh Register* stated that he had met with no opposition, his majority being 2,900 votes.

In the new Congress which convened on December 5, 1815, Gaston did much less than in the previous one. Among the new men he made a fast friend of the famed Philadelphia lawyer, Joseph Hopkinson. The outstanding questions of this Congress were those of the tariff and currency. Gaston voted against the tariff bill which was passed by this Congress, as he felt it was unconstitutional and unfair, although Calhoun supported the measure. Gaston also felt that the Second Bank of the United States, established by this Congress, was not what it should be although he was in favor of a national bank. The New Bernian's most important contribution was his speech on "the Previous Question," that device by which the majority could cut off debate and bring a question to an immediate vote. In this classical speech, made on January 19, 1816, he declared that:

. . . Liberty of speech is here in its citidel. Yet even here it is to be strangled. . . . Can it be that the people have selected as guardians of their rights those who should have no right to assert them? . . . It was reserved for us in this age of illumination, and in this freest of all free governments, to adopt a rule which sets common sense at defiance and prohibits the exercise of an undoubted parliamentary right. . . . Dispatch in law making is inconsistent with deliberative freedom. Five times in the course of the last session "necessity" for speedy legislation forced the previous question . . . yet so purely imaginary was this that no legislation took place upon them. . . .<sup>18</sup>

His masterly command of this issue took Clay and his followers so by surprise that no answer could be made to it, and Clay was so mortified that it was long years before he forgave Gaston. Seventeen years later Chancellor James Kent of New York wrote Gaston that "I have read it again this morning and permit me to say it is a masterly and conclusive law and constitutional argument, with the most diligent examination and keen critical analysis of the documentary authorities. It is an admirable production."<sup>19</sup>

Gaston's inactivity may be explained in part by the fact that his attention was diverted, as he had fallen in love with one of the belles of Georgetown, Eliza Worthington, the daughter of Dr. Nicholas Worthington, and soon they began to be seen everywhere together. They were married in the Worthington home on September 3, 1816, by Father De Grassi, the president of Georgetown College. Two children, Eliza and Catharine, were born before Mrs. Gaston's death, which occurred in the Gaston home at New Bern on January 26, 1819.

When the last session ended Gaston left the capital with his bride, never again to return as a Congressman. There is a tradition in the family that he withdrew from Congress because he felt he could not control his temper in its halls, but he was probably most influenced by the needs of a growing family, for his practice was lucrative in North Carolina. Moreover, he belonged to the Federalist party, whose influence and power were practically nonexistent and were soon to disappear entirely. Some years later a Congressman from Ohio asked Webster who was the greatest of the great men of the war Congress. To this Webster replied, "The

<sup>18</sup> *Ibid.*, pp. 699-718.

<sup>19</sup> Kent to Gaston, Nov. 14, 1833. Gaston MSS.

greatest man was William Gaston," and then added with a smile that he himself had come along after him.<sup>20</sup>

From this time on Gaston was honored in one way or another by almost every cultural society and university in the country. In 1817 the American Philosophic Society elected him a member; in 1819 the American Antiquarian Society made him counselor for the state of North Carolina. That same year the University of Pennsylvania conferred upon him the honorary degree of doctor of laws; six years later he was again the recipient of this degree, Harvard University being the donor. The award was due to the distinguished associate justice of the United States Supreme Court, Joseph Story. The latter told William Sullivan that his reasons for naming Gaston were:

He is one of the most distinguished of American lawyers in the highest sense of the phrase, eminent as a statesman and as a private gentleman is all that one could wish for or desire. . . . Hitherto North Carolina has not shared our public honors as she deserved. . . . The honor is on ourselves and not on Gaston. . . . He is truly a doctor of laws, whom to know is to respect.<sup>21</sup>

Gaston also received this degree from Princeton University in 1835 when he addressed the graduating class of that year; he was made an honorary member of the Phi Beta Kappa Society of Yale University, and received many other such honors.

In 1817 James Monroe became the fifth President of the United States, and the period during which he occupied that office has been designated as the "era of good feeling," ironically enough since it was a time during which the most bitter and unscrupulous competition for the Presidency began. At about this time party politics in North Carolina disappeared. Barlett Yancey was elected speaker of the senate for the next ten years because of the absence of party alignments. Despite this beneficial state of affairs the State made little progress in constructive legislation. Too much time was spent in petty bickering over the election of state officials; the penal code was in a sorry condition, but instead of rectifying it the assembly wasted its brief time in such acts as reviewing divorce proceedings. The greatest achievement of the assembly during this period was the establish-

<sup>20</sup> M. S. Manly, "Memoir of William Gaston," *North Carolina University Magazine*, X, 196.

<sup>21</sup> Story to Sullivan, Oct. 22, 1826. Georgetown University Archives.

ment of a new, reformed supreme court, which the State owes to the persistent urging of Gaston.

Craven County sent him to the state senate during the two terms of 1818 and 1819. At both sessions he was appointed by Yancey, chairman of the judiciary committee. Under his leadership a bill was reported for a supreme court, composed of three judges, distinct from the circuit judges, having appellate duties only—except that the superior courts could order equity cases removed there for hearings upon affidavit showing its necessity for purposes of justice. In this report Gaston dwelt upon the evils of the judiciary of North Carolina. Pointing out the faulty organization of the so-called supreme court then in existence, which was composed of all the judges of the circuit courts, he stated that another court was needed to compel all the inferior courts to adhere to the same exposition of the public will. He said that “under the present order property is insecure and liberty endangered, rights ambiguous and law unknown.” He concluded the report by declaring that the supreme court must have men of ability and integrity in order to obtain respect as well as uniformity. Also he demonstrated that the efficiency of the superior courts would be greatly increased.

The bill was passed by both houses in record time.<sup>22</sup> It fixed the salary of the judges at \$2,500. John Louis Taylor, Leonard Henderson, and John Hall, three of the ablest men ever to occupy the bench at the same time, were elected to the new court. Taylor became first chief justice of the State. In the next session a plan to ruin the court by slashing the salaries of the judges was vigorously opposed and blocked by Gaston. Time and again through later years different groups of men, with various motives, tried to abolish or weaken this court, but were defeated, generally through the efforts of Barlett Yancey, Gaston, and other far-sighted leaders of the bar.

While a member of the senate at this time Gaston had occasion to write to Chief Justice Marshall for advice concerning some state business and after answering his questions the Chief Justice told his friend, “I rejoice that you are in the legislature of your state since you determined to withdraw from that of the Union.”<sup>23</sup>

<sup>22</sup> *Senate Journal*, 1818, p. 117.

<sup>23</sup> John Marshall to Gaston, Dec. 11, 1818. Gaston MSS.

With the approach of the historic presidential election of 1824, strictly state measures were crowded into the background as the qualities and policies of the five candidates became the center of interest. Secretary of State John Quincy Adams was the Northern candidate, Secretary of War John C. Calhoun and Secretary of the Treasury William H. Crawford were the Southern candidates, while the West offered General Andrew Jackson and Henry Clay. Friends of these men began their campaign as soon as the election of 1820 was a matter of the past, and William H. Crawford was regarded as most likely to receive the fifteen electoral votes of North Carolina.<sup>24</sup>

Friends of Calhoun, however, led by Charles Fisher of Salisbury, thought otherwise and soon they managed to develop a real threat to Crawford's chances. Calhoun persuaded General Joseph G. Swift of New York, well known in North Carolina, to conduct an extensive correspondence with leaders in the latter state. Swift contacted Gaston late in the fall of 1823, and must have been well content with the latter's reply, which in part read:

. . . The high opinion which I entertain of Mr. Calhoun's merits, of his understanding, integrity, firmness of purpose, devotion of views and devotion to his country's welfare, added to the strong personal attachment formed at a moment of bitter party hostilities and fondly cherished since these have ceased cause me to take a deep interest in behalf of his claims to the presidential chair. . . . Since I have perceived a possibility, if not a probability, that the exertions of his friends may not be unavailing I have not hesitated to give such an expression of my opinions and wishes as might operate where they are likely to have an influence.<sup>25</sup>

In March, 1824, Calhoun was eliminated from the contest when Pennsylvania swung to Jackson. In April, Gaston told Webster that while there had been a prospect of electing Calhoun he had felt a strong interest for his success, but now preferred Adams to the other candidates. He felt that the struggle in his State would be between Jackson and Crawford, with the former having the best chance of success.<sup>26</sup> The issue was confused in North Carolina where a "Peoples' Ticket" was pledged to vote against Crawford for the

<sup>24</sup> A. R. Newsome, *The Presidential Election of 1824 In North Carolina*, p. 45.

<sup>25</sup> Gaston to Swift, Oct. 25, 1823. Jos. T. Swift Papers, University of North Carolina Library. This letter was brought to my attention by my friend, Dr. Newsome, whose scholarly account of the election is a valuable addition to the history of the State.

<sup>26</sup> Gaston to Daniel Webster, April 11, 1824. Gaston MSS.

stronger candidate—Jackson or Adams; and that ticket won the victory in November. In December the electors met in Raleigh and cast the fifteen votes of the State for Jackson, but the election had to be decided by the House of Representatives, where it was given to Adams.

Gaston's esteem and admiration for the new President increased steadily during the latter's administration. To one of his former law students he said of one of the President's messages to Congress, ". . . [it] has raised my estimate of his talents, although I knew his acquirements were prodigious. In this message there is an elevation of thought and dignity of conception which would not dishonor a genius of the first order. I admire his beneficent views."<sup>27</sup> Adams entertained a like view of Gaston, whom he proposed to appoint as Secretary of War. This met the opposition of Clay, who wished one of his own followers in the place, so the North Carolinian did not even hear of the plan.

Jackson's active campaign of 1828, with its bitter denunciation of the son of John Adams, caused Gaston to become a participant in favor of the latter. A plea for the reelection of Adams made by the "Committee of Correspondence and Vigilance of New Bern," which appeared in the local paper, was clearly the work of Gaston.<sup>28</sup> He, with two other men from this town, was elected to attend the anti-Jackson convention in Raleigh on December 20, 1827. This was the first party convention ever seen in North Carolina.<sup>29</sup> Gaston gave the key-note address, stating that Adams deserved the accustomed mark of the country's approbation—a second term, for there was no well founded or serious cause for complaint. The President had been approved by all his predecessors, who had used his talents for the country's service in one way or another, while "custom has established that no president could hold office longer than eight years."<sup>30</sup> Ten thousand copies of Gaston's address were distributed. It was of no avail, however, for the State and Nation sent "Old Hickory" to the White House.

Three issues were soon to divert the attention of the people of the State and Nation; the status of financial institutions, internal improvements, and the tariff, which were accompanied by the struggle over the nulification doctrine. Before

<sup>27</sup> Gaston to J. H. Bryan, April 1, 1826. Bryan Papers, North Carolina Historical Commission archives.

<sup>28</sup> *Carolina Sentinel*, Dec. 1, 1827.

<sup>29</sup> R. D. W. Connor, *North Carolina: Rebuilding an Ancient Commonwealth*, I, 511.

<sup>30</sup> *Address On The Administration Convention . . . Raleigh . . .*, Dec. 20, 1827, p. 5.

this last struggle reached its climax, however, another question became dominant in North Carolina, namely, that of the banks.

In 1828 affairs had reached such a point that the governor thought it necessary to recommend to the assembly an investigation of the banks. A joint committee was appointed to consider the question, and it filed a report stating that the condition of the banks was so far improved that the payment of specie should be resumed. A minority report, signed by only the chairman, Robert Potter, recommended prosecution of the banks by the attorney general. Potter magnified the indiscretions and violations of the rules by the banks into extortion,<sup>31</sup> and a bitter debate lasting nine days grew out of the bill he introduced.

Gaston had been elected to represent New Bern in the house and appeared there on September 17. Some three months previously he had been appointed president of the New Bern bank so when the speaker, Thomas Settle, asked him to serve on the joint committee he declined, but accepted the chairmanship of the finance committee. The report of this latter committee, returned some time before that of the investigating committee, declared that the charters of banks were too vague, while the checks imposed upon them were too feeble. It recommended the resumption of specie payment and the closing of a bank which could not do this, but warned that both of these processes must be undertaken slowly.

The debate over the bill presented by Potter to prosecute the banks began on December 29, 1828, and lasted until January 6, 1829. Potter, Charles Fisher, and William J. Alexander were the most prominent men seeking its passage, while Gaston and David L. Swain led the opposition. Gaston, in a long refutation of Potter's charges, presented a detailed history of the banks in the State. He maintained that the evils of the situation were less aggravated at the time, argued that the prospects for their removal were most encouraging, and advanced a plan for improving the condition. Potter held that Gaston's statements were directly at variance with the facts. Gaston warned his listeners that victory for the advocated bill would bring ruin in the State, for not only were the savings of innocent stockholders in the banks but also the literary fund for the education of the poor and

<sup>31</sup> W. K. Boyd, *History of North Carolina: The Federal Period*, p. 126.

the fund for internal improvement. The bill which had seemed certain to pass at the beginning of the debate was lost on the final vote by the casting vote of the speaker. Its proponents blamed Gaston for the defeat, paying tribute to his powers.

The newspapers as a general rule took the same stand as Gaston. The *Carolina Sentinel* published his entire speech, with the comment that:

. . . It is cheering to find those who carry with them a weight of talent and character like Mr. Gaston taking the lead in the discussion. . . . The speech of Mr. Gaston is the most lucid statement of the facts which we have yet seen as the report of the minority is remarkable for contrary qualities.<sup>32</sup>

The *Free Press*, the *Catawba Journal*, the *Raleigh Register*, and the *National Gazette* of Washington, D. C., spoke of it in the highest terms.

Gaston was again in the house for the 1829-1830 term, and was instrumental in obtaining an extension of the charters of the banks at New Bern and Fayetteville, and in defeating the bill to create a new state bank. He was not a member of the next assembly, but circumstances forced him to enter that of 1831-1832, although in May he had refused to run for election. A few days before the election, under strong pressure, he consented to become a candidate for the house. He won the seat by one vote, in the hottest election seen in the town for a long time. Before the election the *Fayetteville Observer* expressed the hope that he would be elected "Clay man and Federalist though he be," because his election would give the State more "dignity and interest." The *Free Press* was also gratified at the result, even though he was "possessed of the evil spirit of Federalism,—were this not the case the most exalted stations in our State and National Councils would be his."<sup>33</sup> This session of the assembly was indeed important and exciting.

Gaston was delayed in New Bern, so did not take his seat until December 5. As was usual he was appointed to the judiciary committee, from which he reported a bill to allow appeals to the supreme court from interlocutory judgements, orders, and decrees of the superior court of law and equity. He introduced the bill to charter the North Carolina Central

<sup>32</sup> Feb. 21, 1829.

<sup>33</sup> Dec. 6, 1831.

Railroad, and saw to it that a bill was passed to repair Canova's statue of Washington, which had been defaced in the fire of the capitol. The most important activity of this session was the fight over the proposed removal of the capitol, discussion of which was brought on because of the recent fire in Raleigh. The designation of the state capital at Raleigh had always been a sore point with the Cape Fear section, and their representatives now determined to have it removed to Fayetteville. Gaston strongly opposed this design, stating that no proposition on which there had been any difference of opinion had come under his notice in which the path of duty appeared more certain, more clear, and more obvious than on this. He branded as false the idea that all Fayetteville needed was the presence of the assembly to become a splendid city. It was in the southwest and did not have the healthful situation of Raleigh, as was proven in the summer when every family that could do so left for other regions. He argued that only thirteen counties out of sixty-four had an active interest in the change, while at least thirty counties disapproved of it. He concluded with the plea:

Let us not leave ruins to proclaim to every passerby that North Carolina is so torn by strife she cannot even agree to erect a House for legislation.

It was not in vain, for on the vote Raleigh remained the capital. This marked Gaston's last appearance in the legislature.

With other leaders in the State he had shared in the interest for internal improvements, but the State suffered from an apathy toward this subject by all but a few. Any action obtained was slow, desultory, and generally inadequate. Little was finally accomplished. On July 4, 1833, when the cornerstone of the new state capitol was laid, an important convention on internal improvements met in Raleigh. It was composed of delegates from various counties of the State, and elected David L. Swain as president. Its most important action was the appointment of a committee of twenty to prepare an address to the State on the subject. This committee was made up of some of the most important men of North Carolina; Gaston was made chairman and to him fell the task of preparing the address, which won wide recognition, far outside the boundaries of the State.

These interests quickly sank into insignificance, however, with the rise of the great issue that rocked both the South and the North, that harbinger of future division, the nullification controversy. In 1816 a tariff bill was passed by Congress in order to protect manufactures; cotton and woollens gained the greatest advantage. It was not long before the South was protesting against the system as ruinous discrimination against her products; its leaders had concluded that protectionism and slavery were antagonistic. The climax of the situation was reached in 1828 by the passage of the "tariff of abominations," an unreasonably high bill passed for political reasons. The South demanded an end to this system. In this emergency the great Southerner, John C. Calhoun, emerged with his doctrine of nullification, whereby a state could nullify a federal law by means of a special convention called to do so, thus repealing the law in question, until it was repassed by three-fourths of the states. Such a convention met in South Carolina in November, 1832, and nullified the tariff laws of 1828 and 1832. Thereupon, President Andrew Jackson proclaimed he would force the State to obey the federal laws, and soon troops were drilling in South Carolina.

The people and the legislature of North Carolina were not slow in expressing their distrust of the course of South Carolina. Early in 1830 Gaston had expressed himself to the governor, James Iredell, as being very uneasy over the discussion which seemed to him to have as its principal object the arraying of different sections of the Union against each other. To Iredell he said, "These geographical divisions are to me more alarming than any other. Would that our North and South, East and West men would be to each others failings a little blind, and to their virtues very kind."<sup>34</sup>

To his son-in-law, Robert Donaldson, he made a more vigorous statement a year later, saying, "Calhoun could not but come out in favor of nullification after having formed a party of zealous and devoted nullifiers. It is impossible for any sophistry to uphold a doctrine which involves such glaring and practical absurdities. What a pity that such a mind as his should be so warped from its rectitude by unholy passions."<sup>35</sup>

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<sup>34</sup> Gaston to James Iredell, Feb. 11, 1830, Gaston MSS.

<sup>35</sup> Gaston to Donaldson, Sept. 3, 1831, Gaston MSS.

The following year, 1832, he finally accepted one of the numerous requests made of him to address a graduating class, his choice being the University of North Carolina. On June 21 he spoke to the largest crowd ever to appear at Chapel Hill, among which were many of the most distinguished men of the State. During the course of the long address he said:

. . . Threats of resistance, secession, separation, have become as household words. The public mind will soon be accustomed to the detestable suggestion of disunion. Conjectures, what may the North do without the South; sneers and reproaches all tend to the same fatal end. What can one do without the other? They will present fields and occasions for border wars, leagues, and counter-leagues. . . .

If it must be so, let parties continue to quarrel with little regard to the public good. They may do the country much harm . . . destroy its harmony and impair its character. Still we have that blessed Constitution, and a name revered. Such a country and such a constitution have claims on you. I entreat you . . . preserve that country . . . uphold that Constitution.

This was not the last public occasion on which he forcibly opposed nullification. At New Bern on December 8 a large meeting was held, with Gaston as chairman. Here too condemning Calhoun's doctrine, he reviewed the history of the country since the inauguration of the federal government, pointed out its progress and its position in the world. He concluded with a ringing challenge:

. . . North Carolina has declared an unshaking adhesion to the integrity of the Union. The people may disapprove of the Tariff much, but they love the Union more. . . . When the Union is endangered . . . then all differences are laid aside and forgotten . . . they have but one voice and that voice is, the Country and nothing but the Country.<sup>36</sup>

It was not long before he received letters from such men as Chief Justice Marshall and William Sullivan in praise of his words. Soon Congress moved to conciliate South Carolina and a compromise was effected by which both sides saved their faces; each could claim a victory although the doctrine of nullification was not admitted outside Calhoun's circle. Gaston felt that "the strong and general expression of the American people against nullification had not killed it," that there was "a settled design among certain leaders of

<sup>36</sup> *Raleigh Register & North Carolina Gazette*, Dec. 23, 1832.

the South to establish a separate confederacy," and that their plan would not be abandoned. Marshall was of the same opinion, believing that many of the most active leaders of such a plan were in Virginia. Before the echoes of this struggle had been lost in the canyons of time Gaston began the performance of those duties by which he rendered his greatest service to the State.

When Chief Justice Taylor died in 1829 Gaston's name was prominently mentioned to succeed him, but upon his refusal even to be considered Thomas Ruffin was elected to the place. Two years later Judge Hall resigned and Gaston was nominated for the vacancy, but this nomination was withdrawn when it became known he would not accept the place. To the chagrin of many, including Gaston, Joseph J. Daniel then became the incumbent. On August 13, 1833, the third original justice, Leonard Henderson, died and pressure became so great upon Gaston as to be irresistible. Governor Swain insisted that if any other name but his was presented for the office the court would be forced out of existence. In eleven closely written pages Judge Ruffin begged Gaston to join him on the bench, declaring that if he did not he would resign and the supreme court would vanish. Others joined in this chorus. Gaston did not at once accede to these demands, as there were a few obstacles which he wished removed before allowing his name to be placed in nomination.

By one of the articles of the state constitution, no one could hold office under the State who should "deny . . . the Truth of the Protestant Religion." Gaston was not worried over this as he did not believe it debarred him, but he did wish the opinions of other state leaders on the subject. The question had arisen before; more than a year previously his son had been made a justice of the peace, but before allowing him to accept the office Gaston had conferred with Judge Ruffin on the matter. Ruffin maintained that the article *may* have been intended to exclude Catholics, but in fact did not do so.<sup>37</sup> Gaston was of the same opinion, telling Ruffin that "this disqualification is not plainly expressed in it—nor can it be inferred—and must therefore be regarded as not contained in it."<sup>38</sup> He felt, as did Ruffin, that no one could say with assurance just what this truth was, that no

<sup>37</sup> Ruffin to Gaston, May 23, 1832. Gaston MSS.

<sup>38</sup> Gaston to Ruffin, Aug. 25, 1833, J. G. de R. Hamilton, ed., *The Papers of Thomas Ruffin*, II, 92.

tribunal could be appointed to determine the question, and finally that he himself believed all the truth of the Protestant Religion. Governor Swain, Ruffin, Edmund Badger, William A. Graham, and others were of the same opinion. Marshall, on being consulted, expressed the same idea, and said that there was no reason why he should not take the office.

Another objection which Gaston regarded as more serious was his financial status. He was \$8,000 in debt, and was giving up an income of about \$6,000 a year to accept one of \$2,500. Arrangements were made to pay these debts off by means of a long-term loan. On November 27, 1833, Gaston was elected to the vacancy by the legislature; he received 112 votes and Seawell 42, while 23 ballots were blank.

Practically universal acclamation met this election. When the court convened in December Judge Daniel refused to be considered for the chief justice-ship, so the other two cast lots, and by this unique method Ruffin became chief justice. Gaston found his new duties extremely interesting, and when in doubt never hesitated to seek the aid of the other eminent judges. Chancellor Kent, esteemed by the whole country as one of the most learned of American jurists, was asked several times for his opinion of a case. Once Kent remarked to Gaston, "Perhaps I have said a great deal too much, considering your far superior and more familiar information and knowledge on the subject of common law doctrine."

Because of North Carolina's position as a slave state many of Gaston's decisions affected the life and happiness of the Negro race, both slave and free. His views on slavery were well known and had been publicly expressed in his address at the state university, where he had said that "slavery was the worst evil that afflicted the South," and that "slavery, more than any other cause, keeps us back in the career of improvement." His judicial decisions affecting the institution were tempered with humanity, very often mitigating the hard lot of this people, although never conflicting with declared law. He looked always to the advancement and well-being of society; if a white man violated the law, even though only a slave suffered, the law punished him. Before his accession to the bench there was a marked uncertainty in regard to the law concerning the protection of slaves from inhuman treatment, but his famous decision in the case of *State vs. Will*, occurring in 1834, became a

landmark in a more liberal and humane treatment. Here Gaston declared that although "unconditional submission was the general duty of slaves" and unlimited power, in general, the legal right of masters the latter did not have the right to slay his slave and that a slave had a right to defend himself against the unlawful attempt of his master to deprive him of life.<sup>39</sup> This opinion was noticed and quoted widely, and was upheld later under different judges. In another case concerning a free Negro, Gaston maintained that the Negroes were citizens of the State and members of society.<sup>40</sup>

Anything which tended to imply that human life was cheap aroused the intense anger of Gaston. Concerning a case in which an officer of the law was involved he said, "There is a recklessness,—a wanton disregard of humanity and social duty—in taking or endeavoring to take the life of a fellow being in order to save oneself from a comparatively slight wrong which is essentially wrong and which the law abhors."<sup>41</sup> In a long and passionate opinion Gaston dissented from his associates in a case involving the separation of one of the jurors from the others for a short time in a murder trial, which he declared might tend to destroy the purity of jury trials.<sup>42</sup> His written decisions are models of our literature, marked by a beauty of style and language as well as by precision of reasoning and logic.

Two years after his elevation to the supreme court, in the year 1835, Gaston, in his fifty-seventh year, twice publicly demonstrated that he was one of the foremost men of his State and Nation in the depth of his statesmanship and courage, his scholarship and philosophy. The two occasions were his participation in the constitutional convention and his address at Princeton University.

For more than forty years there had existed an agitation in North Carolina to amend or change the state constitution, and year by year this grew stronger, more insistent, and at last irresistible. The western part of the State was not represented adequately in the assembly, and each year its members tried to have this corrected. Sometimes, as in the 1819-1820 session, debate on this question took up most if not all the time. In 1834 one of the most remarkable men

<sup>39</sup> XVIII *North Carolina Reports*, 121.

<sup>40</sup> XX *North Carolina Reports*, 385.

<sup>41</sup> XXV *North Carolina Reports*, 193.

<sup>42</sup> XVIII *North Carolina Reports*, 541.

in the history of the State, David L. Swain, was governor, and he was successful in his attempt to have a convention called. To it as a general rule the counties sent their ablest men. Earlier in the year there had been a rumor that Gaston would decline to be a member of the convention, but this was indignantly denied by the editor of the local paper, who said, "In this county the prevailing desire is that Gaston be sent, and every friend of the state would be gratified by his selection. . . . When was he ever known to shrink from labor or shun responsibility when the interests of North Carolina required his services."<sup>43</sup> Gaston was in the hall when the convention was called to order on June 4, 1835.

He served on most of the committees, and probably was the most important single individual there, speaking often and having more influence than any other. The real object of the convention was to change the method of representation, and the plan finally accepted was that of Gaston's. The first real business that came before the body was the status of borough representation. Certain towns, among which was New Bern, were represented in the house, and it was moved to abolish this privilege. Naturally Gaston opposed it, contending that these few representatives guarded the interests of all the towns, that the men sent from them had been among the most intelligent, liberal, and independent members of the legislature, and that care should be taken that the voice of all be heard. To the charge that the trade of New Bern no longer existed, Gaston, while admitting it had diminished, cited figures and statistics to prove that it was still considerable. His arguments were in vain, however, for borough representation was abolished. The next question confronting them was Negro suffrage, concerning which Gaston remarked that the hardship lay in depriving this race of something it had had for a long time. He spoke for another minority cause, because the vote was taken away from the free Negroes, and a later attempt by him to introduce an amendment allowing those to vote who had a certain amount of property was defeated by a vote of 64 to 55.

When the real object of the convention was reached, that of providing a more equitable system of representation, his plan was adopted by which each county sent two men to the senate, and representation in the house was figured

<sup>43</sup> *New Bern Spectator*, Jan. 23, 1835.

according to population, as in the federal system. Gaston opposed the exclusion of slaves from this count, declaring that they were members of society. Easterners were fearful lest the Westerners, having gained control of the assembly, would launch wild schemes of internal improvement. Gaston thought their fears were groundless, although declaring for state improvement. He concluded his plea for better representation by saying:

. . . There is much in North Carolina to respect and love. In no land is justice administered with greater purity. . . . In none is there a more orderly and kind and well disposed population. It is emphatically the Southern land of steady habits. . . . But I wish to serve, and disdain to flatter her. . . .

If the only sure foundation of rational liberty be the virtue of the people, the best safeguard of that liberty is to be found in their intelligence. . . . Not a little has been done lately in the cause of education . . . but no efficient plans have yet been adopted for defusing information throughout the land, and bringing it home to the poor and humble. . . . If righteousness exalt a nation, moral and religious culture should sustain and cherish it.

Gaston also was in favor of biennial sessions of the assembly, observing that this "would give the country one year of repose from electioneering strife and its tricks. From years end to years end the people are now so teased with importunate solicitations for their favor that they have no time to reflect on the merits of their various lovers." His wish was shared by eighty-five members of the convention, while but thirty-five were in opposition.<sup>44</sup> He was opposed to making the election of the governor dependent upon the people's vote instead of the legislature's, observing that the governor's only political power was in granting pardons, and that all required of him was that he be a gentleman in character and manners. But he was overruled on this point. Another reform was the proposition to take from the legislature the power to grant divorces. Concerning this Gaston felt it was ridiculous that a legislature should act in this capacity as it could not ascertain the circumstances in all cases, and told the story of a couple who were divorced by the legislature without their knowledge, because the deed was done by a friend who felt sure they both desired it. "How would you feel," he asked amid shouts of laughter, "if, on going through

<sup>44</sup> *Proceedings and Debates of the Convention of North Carolina Called to Amend the Constitution . . . 1835*, p. 176.

the proceedings of the legislature, you discovered you were no longer married to your wife."

From June 25 to July 2 the convention considered the thirty-second article, which provided that no person could hold an office in the State who did not believe in the truth of the Protestant religion. Debate was bitter and ignorance ran riot. One of the delegates "wished it kept as Sleeping Thunder, to be called up when necessary to defeat some deep-laid scheme of ambition."<sup>45</sup> There were not even five hundred Catholics in the State.

On June 30 a rumor spread through the town that Gaston would speak, and as a result the galleries and floor were packed. One of the correspondents at the event heard all about him frequent allusions to Gaston, and as the latter entered the hall "a breathless silence pervaded the vast assembly and hundreds of eyes threw their eager gaze upon his expressive countenance."<sup>46</sup> In his grand and scholarly plea for tolerance Gaston declared that the union between church and state allowed rulers to enlarge their dominion by extending it over the minds of their subjects, and asked that either this appendage of an established church be blotted out or else that a church be set up as the church of the State. He described the Catholic faith and gave a sketch of its history. For two days he held their deep attention. A reporter noted that when the judge turned the great versatility of his talents, with the force and energy of his powers, upon the delegates of Orange County [who were most vociferous in opposition] it had appeared that this torrent of sarcasm, wit, and humor would bear down everything before it and in common destruction overwhelm the county of Orange. "I looked around in vain for the instructed," the amused correspondent wrote, "and began to fear that the Pope, in the shape of the Old Boy himself, had spirited them away for abusing the Catholics . . . never was defeat more effectual." Gaston had given, according to this onlooker, a succinct history of the Catholic religion in this country, beautiful sketches of distinguished men and characteristic anecdotes. "We shall never hear its like again," concluded he.<sup>47</sup>

This convention had attracted notice all over the Nation, and the debate over the thirty-second article drew attention

<sup>45</sup> *Ibid.*, p. 244.

<sup>46</sup> *New Bern Spectator*, July 10, 1835.

<sup>47</sup> *Ibid.*

from all sides. The *Raleigh Register* reported that Gaston's speech:

. . . was decidedly the greatest effort which has ever been our good fortune to hear, and surpassed the most elevated anticipation of an audience long sensible to that gentleman's great and merited fame. It will hereafter be ranked among the first specimens of popular oratory that our country has ever produced and be read with delight as long as talents and learning are admired. But the rich and finely modulated intonations of his voice must be lost to all who did not witness. . . .<sup>48</sup>

This reference in the *Register* was copied by the *New York Register and Diary* and in many other papers, while most of them made some sort of comment on the speech. There came high praise to him from such men as Chancellor Kent, who "highly approved of its logic and admired its whole texture, taste, candor, and eloquence."<sup>49</sup> Even his opponents in the convention paid high tribute to him, hastening to say that their remarks about Catholics were not reflections upon himself, and one stated that when the people of his county had read the masterpiece their dark ignorance upon the subject of Catholicism would be dispelled and their prejudice dissipated. Judge Toomer paid a singular tribute to Gaston, whom he admired as "profoundly learned in the law, and eminently skilled in the solution of constitutional questions; of irreproachable character and fastidiously scrupulous in matters of conscience." Others spoke in the same vein, but the most that could be done to erase this constitutional permission of intolerance was that the word "Christian" was substituted in this article for the word "Protestant."

The constitutional amendments proposed were ratified by a majority of 5,165 votes. Before ratification by the people had been accomplished, Gaston expressed himself privately to a friend on the amendments. He felt that the system of representation was more liberal to the East than it would be in the future, that the public liberty was materially secured by the provisions to the judiciary, and that although there might have been delicacy and difficulty concerning the issue of the free Negro suffrage he believed his own stand correct. He was dissatisfied with the change in the thirty-second article, saying that "it ought to have guaranteed the most unlimited freedom of opinion just as long as they did

<sup>48</sup> July 7, 1835.

<sup>49</sup> Kent to Gaston, Nov. 26, 1835. Gaston MSS.

not disturb the peace of society," but that politicians "found that here was a fund of ignorance and prejudice which might be made to operate to their immediate advantage." He felt, however, that the amendments should be ratified.

At Princeton that fall Gaston attacked some of the prevalent evils of the day, especially the spirit of lawlessness, lynch-law, and mob rule which prevailed in the West and Southwest; the spirit of bigotry which had been witnessed in a city surrendered for days to arson and outrage; and finally, the growing viciousness and irresponsibility of the press. He thought that other countries would not think much of our institutions if distinguished men, known only as our leaders, were indiscriminately held up to scorn. He concluded by warning that "if our country cease to be the land of law, order, and freedom, our name will cease to be revered. . . . Our country will remain . . . if the soul of national freedom be kept alive."

Chief Justice John Marshall died in 1835 and in North Carolina there was but one name mentioned to succeed him, that of Gaston. Friends of the two claimed that Marshall had often stated that he would retire if he could be sure that Gaston would be appointed in his place. Other papers in the country, such as the *New York Courier*, the *National Gazette*, and the *Georgia Courier* advocated his appointment. Webster stated that he was the only one who could take Marshall's place. President Jackson, however, gave the place to Roger B. Taney, a friend of Gaston's, in recognition of a political debt to the man from Maryland.

The last national affair in which Gaston took an active interest saw the Whig triumph of 1840. He was disappointed at the nomination of General William Henry Harrison, confessing that he did not feel the same interest as he would have had if Clay had been nominated, although he felt that a Whig victory was probable. Although very desirous of a Whig victory, Gaston would not take an active part in the campaign, claiming that the people wished their judges to keep aloof from political contentions.<sup>50</sup> With the Whigs in control of the State he became their choice for United States Senator. Several public characters urged his acceptance. To all these importunities he returned a steadfast refusal; his reply to one was characteristic:

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<sup>50</sup> It was during this campaign that the state song, "The Old North State," the words of which were composed by Gaston, was first played publicly.

My duties now are important to the public welfare as any. . . . To give a wholesome exposition of the laws, to settle the fluctuations and reconcile the seemingly conflicting analogies of judicial decisions; to administer justice in the last resort with a steady hand and an upright purpose, appears to me to be among the highest of civil functions. And so long as God spares me health and understanding to perform these faithfully, how can I better serve my country.<sup>51</sup>

After the North Carolina Senators, Mangum and Graham, arrived in Washington they informed Gaston that the state's Congressional delegation intended to call the President's attention to the fact that a high federal office was due them. If he offered either the post of Secretary of State or that of Minister to England or France they would recommend him for the place. Gaston replied to them at once, with an absolute refusal to be so considered.

On January 23, 1844, while sitting on the bench of the supreme court Gaston had a heart attack and was taken to his office. Later he recovered and as his friends crowded into the room, an air of hilarity succeeded that of anxiety. As he was telling one of his notable stories, however, he sat up suddenly to emphasize a point, but sank back with a groan, and in five minutes was no more. His death shocked and pained the entire State, while expressions of regret came from all over the country. The *New York Freeman's Journal* stated that "few men in our country had secured to a greater extent the esteem of all classes of his fellow citizens." The *Tarboro Press* remarked that "his political career, and his eminent judicial services, are portions of the history of the State; his fame, the common property of the country, will be cherished as a jewel of rare lustre and inestimable value." So ran comment from public and private sources.

Although it may be difficult to estimate his place in the history of the Nation because of his unique refusal to accept national offices (it is certain that he would have reached the prominence and fame of Webster, Clay, or Calhoun had he accepted such offices), it is certainly no task to form an opinion of his place in the history of North Carolina. His many public services, culminating in his ten years in the supreme court, place him in the first rank of her statesmen. His decisions in the court, his public utterances and actions, concerning the status of the slave and the free Negro, give him the right to be considered as a great humanitarian;

<sup>51</sup> Gaston to Bynum, Oct. 31, 1840. Gaston MSS.

other decisions attest his right to be called a great jurist; while his fight for religious liberty and tolerance allow a claim that he be enthroned with other such defenders of this cause as Jefferson. His speeches and decisions may be studied by English classes and scholars as models of the language. These works must be classed as the highest form of literature in the state of North Carolina, for they were admired as such by his contemporaries all over the country. Edward Everett and a host of other New Englanders attested to this. With his daughter, Susan, all North Carolinians may proudly say "his name is a great inheritance," and the town of New Bern, where he was born, lived, and is buried may repeat and remember what their ancestors said almost a hundred years ago "We will cherish his memory and teach our children to emulate his example, and to impress upon their children's children, to the latest generation . . . that our town was the birth-place and home of GASTON."

# WILLIE JONES OF HALIFAX

By BLACKWELL PIERCE ROBINSON

## Part II

Willie Jones was destined to play an even more integral part in solving the affairs of the young state of North Carolina. In March, 1777, elections were held for the first legislature under the new constitution. He again represented Halifax at this session, which met at New Bern, April 7.<sup>159</sup> Also present were most of the prominent citizens of the new State. Though Samuel Johnston and Joseph Hewes were defeated "as the leaders of the late aristocratic movement," William Hooper, Archibald Maclaine, and James Coor—the same political complexion—retained their seats. Samuel Ashe was elected speaker of the senate and Abner Nash, speaker of the house. Yet above all these towered Willie Jones as "the recognized leader of the men who really controlled public affairs in North Carolina."<sup>160</sup> Again he took a leading part in conducting the legislative affairs of the State, serving on several important committees.

Having launched the State upon the sea of independence, the assembly, after reelecting Caswell governor, adjourned after a month's session.<sup>161</sup>

He again represented Halifax County at New Bern when the general assembly reconvened November 15, 1777.<sup>162</sup> Perhaps his most important single function at that session was his work as a committeeman "to prepare and bring in a Bill for establishing Courts of Justice in this State."<sup>163</sup> These courts had been suspended since 1773. Being a recognized parliamentarian and grammarian, he was appointed to a committee to correct and revise the journals of the last session of the assembly,<sup>164</sup> and a joint committee to report "What Bills of General and public concern it will be necessary to prepare and bring into this session."<sup>165</sup>

<sup>159</sup> *State Records*, XII, 1.

<sup>160</sup> Moore, *History of North Carolina*, I, 239. Moore erroneously includes Allen Jones as one of the defeated "leaders of the late aristocratic movement." Jones was, however, duly elected and sworn in (*State Records*, XII, 2, 18).

<sup>161</sup> *State Records*, XII, 113.

<sup>162</sup> *State Records*, XII, 255.

<sup>163</sup> *State Records*, XII, 263.

<sup>164</sup> *State Records*, XII, 267. These journals, after correction, were sent to James Green, Jr., to be printed. They were returned to Jones at Hillsboro in July 1778. *State Records*, XIII, 463. Letter from James Green, Jr. to Willie Jones.

<sup>165</sup> *State Records*, XII, 289.

In the field of finance he served on a committee to amend an act to levy an assessment tax;<sup>166</sup> on a committee to take into consideration the allowances made to the governor, the councillors of state, and the delegates to the Continental Congress;<sup>167</sup> and the committee to collect claims connected with the land office of Earl Granville.<sup>168</sup> He also served on the joint committee to bring in a bill for erecting a state house, treasurer's office, land office, and secretary's office, "in the most convenient and central part of this State."<sup>169</sup> Aside from serving on numerous other committees,<sup>170</sup> he introduced a bill "for making provisions for the poor,"<sup>171</sup> and very inexplicably voted "nay" on a bill "to enable the house-holders in the Counties mentioned to vote for Senators to represent them in General Assembly."<sup>172</sup>

It was during this year that several honors were conferred on him. Soon after the new court law went into effect, the council of state appointed him a judge of the courts and sessions of the peace, oyer and terminer, and general jail delivery for the district of Halifax.<sup>173</sup> In addition to this appointment, the council in September, 1777, appointed him a recruiting officer for his district to raise new recruits for the militia.<sup>174</sup> Shortly afterward a new county was named in his honor.<sup>175</sup>

In the assembly which met in New Bern, April 14, 1778, and in a short session which met at Hillsboro, he represented the borough of Halifax.<sup>176</sup> Still dominating the house of commons,<sup>177</sup> he served on many committees of importance.<sup>178</sup>

Still interested in the Indian question, he presented a bill for "quieting and securing the Tuscarora Indians and others claiming under the Tuscaroras in the possession of their lands."<sup>179</sup> Due to the scarcity of food supplies for the people and the army in North Carolina, he presented a bill to prevent the exportation of beef, pork, bacon, and Indian

<sup>166</sup> *State Records*, XII, 405.

<sup>167</sup> *State Records*, XII, 433.

<sup>168</sup> *State Records*, XII, 439-440.

<sup>169</sup> *State Records*, XII, 286-287.

<sup>170</sup> *State Records*, XII, 267, 279, 319, 400, 401, 415.

<sup>171</sup> *State Records*, XII, 337.

<sup>172</sup> *State Records*, XII, 380.

<sup>173</sup> *State Records*, XXII, 907.

<sup>174</sup> *State Records*, XXII, 929.

<sup>175</sup> Ashe, *History of North Carolina*, I, 643-644.

<sup>176</sup> *State Records*, XII, 656, 816.

<sup>177</sup> Nevins, *American States*, p. 364.

<sup>178</sup> *State Records*, XII, 658, 665, 667, 668, 680, 772, 778, 790, 821, 824, 835.

<sup>179</sup> *State Records*, XII, 696.

corn,<sup>180</sup> which bill has been criticized as "unjustifiable in the blow it dealt the trade of North Carolina."<sup>181</sup> He presented this bill, however, in an effort to alleviate the situation in North Carolina, in spite of the fact that it would cripple his own profits. Another example of his altruism is manifested in his vote against an increase in the salaries of the members of the general assembly to forty shillings "for each day's service."<sup>182</sup>

In the three sessions of the legislature of 1779,<sup>183</sup> no man seems to have served on so many important committees as he. These sessions were quite naturally absorbed almost entirely in ways and means of prosecuting the war. As might be expected, he was prominent in the various committees concerned with such legislation. A detailed list of these would scarcely be of avail, but a few of the more important ones may be mentioned. In the various sessions of this year, he served on such committees as the joint committee to take into "Consideration the case of our Continental officers and making a provision for the same";<sup>184</sup> the committee "to Examine into the quantity of Public Tobacco on hand, and to desire ways and means for paying for a quantity of Cannon Imported in the Ship Holy Jesus";<sup>185</sup> the joint committee "to devise ways and means to supply this State with Arms and Ammunition, with the greatest expedition and economy possible";<sup>186</sup> and a committee to raise men to march south.<sup>187</sup> As in 1777 and 1778, he served on important financial committees. He moreover presented a bill to establish state loan offices to borrow money to defray the expenses of the war,<sup>188</sup> and soon thereafter served on a committee to prepare such bills of a "Public Nature as are necessary to be passed into law."<sup>189</sup> He also voted to raise the tax from two to three pence on each pound value of taxable property.<sup>190</sup> The other committees on which he served were manifold.<sup>191</sup>

<sup>180</sup> *State Records*, XII, 725.

<sup>181</sup> Nevins, *American States*, pp. 364-365.

<sup>182</sup> *State Records*, XII, 737.

<sup>183</sup> The first session met at Halifax, January 19, 1779 (*State Records*, XIII, 625); the second at Smithfield, May 3 (*State Records*, XIII, 784); and the third at Halifax, October 18 (*State Records*, XIII, 913).

<sup>184</sup> *State Records*, XIII, 820.

<sup>185</sup> *State Records*, XIII, 632.

<sup>186</sup> *State Records*, XIII, 639.

<sup>187</sup> *State Records*, XIII, 706.

<sup>188</sup> *State Records*, XIII, 808.

<sup>189</sup> *State Records*, XIII, 795.

<sup>190</sup> *State Records*, XIII, 708.

<sup>191</sup> *State Records*, XIII, 628, 630, 635, 650, 653, 657, 663, 668, 675, 678, 679, 691, 710, 801, 802, 915, 920, 921, 922, 923, 924, 940, 965, 967.

The year 1780 marks his emergence into the affairs of the country as a whole, though he had previously received two marks of recognition from the Continental Congress. On April 30, 1780, he was elected a delegate to this Congress at Philadelphia.<sup>192</sup> It would seem no less than the irony of fate that his arch-rival, Samuel Johnston, was also elected to this same body.<sup>193</sup> This apparent compromise in the party divisions which had existed since 1776 was probably provoked by the imminent danger of British invasion from the south.<sup>194</sup>

On June 22 he presented the credentials of the delegates from North Carolina.<sup>195</sup> Evidently his acquaintance with frontier problems had preceded him, for he was soon appointed to a committee to confer on Western frontiers.<sup>196</sup> A short time afterward he served on a committee to "take into consideration the State of South Carolina and Georgia."<sup>197</sup> He also served on eight other committees during his six month's stay in Philadelphia.<sup>198</sup>

It appears, however, that he was far more interested in affairs at home than in Philadelphia. As far back as September 5, 1780, he wrote Samuel Johnston that he was "very anxious to return to No. Carolina" and asked Johnston to "be so kind as to relieve me as soon as your Convenience will permit—pray do not deter it by any means longer than the last of October."<sup>199</sup> This prayer was not answered, however, until sometime in December. He left, accordingly, on December 13.<sup>200</sup>

Shortly after his return to Halifax, he heard reports of General Nathanael Greene's encounter with Lord Cornwallis at Guilford Courthouse and of the action of the colonial officers, who did not acquit themselves "with much more reputation than their men:" in fact, "not enough of them remained in camp after the action to command the men that were left." As a consequence, he immediately offered his services to General Greene and was given the commission of a lieutenant-colonel in a regiment of officers and

<sup>192</sup> Edmund C. Burnett, ed., *Letters of the Members of the Continental Congress*, V, lxi.

<sup>193</sup> Edmund C. Burnett, ed., *Letters of the Members of the Continental Congress*, V, lxi. Johnston, however, did not take his seat until December 29, several days after Jones's departure from Philadelphia.

<sup>194</sup> Edmund C. Burnett, ed., *Letters of the Members of the Continental Congress*, V, lxi.

<sup>195</sup> *Journals of the Continental Congress 1774-1789*, XVII, 543.

<sup>196</sup> *Journals of the Continental Congress 1774-1789*, XVII, 560.

<sup>197</sup> *Journals of the Continental Congress 1774-1789*, XVII, 677.

<sup>198</sup> *Journals of the Continental Congress 1774-1789*, XVII, 797; XVIII, 819, 869-870, 988, 1022, 1072, 1094, 1098.

<sup>199</sup> Willie Jones to Samuel Johnston, Philadelphia, Pa., September 5, 1780 (Johnston MSS.—Hayes Library, Edenton, N. C.)

<sup>200</sup> Edmund C. Burnett, ed., *Letters of the Members of the Continental Congress*, V, lxi.

300 men commanded by Colonel Reade.<sup>201</sup> This new regiment of cavalry joined General Greene in pursuit of Cornwallis, who was making a rapid retreat to Wilmington.<sup>202</sup>

An account of this pursuit was written by Thomas Gilchrist, Willie Jones's brother-in-law, as follows:

Willie Jones wrote a very flattering account a day or two before the pursuit ended. He says Lord Cornwallis is retreating rapidly towards Cross Creek, but is greatly impeded by getting his baggage forward, with sick and wounded, etc. We expect to come up with them in a day or two, and to take part, if not the whole British army; at least, we will recover our artillery.<sup>203</sup>

At this point, however, Greene suddenly changed his tactics and decided to abandon North Carolina and move south, with the hope of crushing Lord Rawdon.<sup>204</sup>

Fearing an attack on Halifax, Willie Jones returned home.<sup>205</sup> Nor were his fears unwarranted. Cornwallis left Wilmington at the end of April and marched northward, his advance guard, under Lieutenant Colonel Tarleton, reaching Halifax on the 6th or 7th of May,<sup>206</sup> where he encountered a large force of militia commanded by Governor Nash and General Allen Jones.<sup>207</sup> After remaining in Halifax two or three days, Tarleton was joined by Cornwallis on his way to Petersburg and then Yorktown and defeat.<sup>208</sup>

About a month after Cornwallis' march through Halifax—June 24, to be exact—Willie Jones was nominated for governor of North Carolina by the house of commons which was meeting at Wake Courthouse.<sup>209</sup> Two days later, however, Thomas Burke had been duly installed as governor.<sup>210</sup> On

<sup>201</sup> McRee, *Iredell*, I, 498-499. Thomas Gilchrist to James Iredell.

<sup>202</sup> Moore, *History of North Carolina*, 315-316; J. Benson Lossing, *The Pictorial Field-Book of the Revolution*, II, 407.

<sup>203</sup> McRee, *Iredell*, I, 499. Thomas Gilchrist to James Iredell.

<sup>204</sup> Moore, *History of North Carolina*, I, 316. In writing of the plan, on April 11th, Greene referred the receiver of the letter to Willie Jones for "further information respecting my plan and reason for my present movement," explaining that "letters being frequently intercepted prevents my being more particular." (*State Records*, XV, 435-436). The editor of the *State Records* supposes this letter to have been written to Governor Thomas Burke [Gen. Nath Greene to Gov. Burke (?)]. It seems more likely to have been written to Abner Nash, who was at that time governor; Burke was not elected to that position until June 25 (*State Records*, XVII, 809) and took office the same day (*State Records*, XVII, 899-900).

<sup>205</sup> This is assumed on the basis of the letter quoted in the foregoing footnote and by the fact that no further mention is made of him in the armed forces of General Greene.

<sup>206</sup> Banastre Tarleton, *A History of the Campaigns of 1780 and 1781 in the Southern Provinces of North America*, pp. 286-287.

<sup>207</sup> The whereabouts of Willie Jones at this time are unknown, but it is probable that he was among this militia collected for defence.

<sup>208</sup> McRee, *Iredell*, I, 503-504; Henry B. Carrington, *Battles of the American Revolution*, p. 569.

<sup>209</sup> *State Records*, XVII, 798. The other nominees were Abner Nash, Samuel Johnston, Samuel Ashe, and John Williams.

<sup>210</sup> *State Records*, XVII, 899-900.

the next day, Jones was appointed to the council of state, and was elected by the general assembly.<sup>211</sup>

He did not immediately take up his duties as councillor, because he was delayed "by his attention to the movements of the enemy." Burke, however, by the middle of July, was most insistent that he come to Wake Courthouse "as soon as possible."<sup>212</sup> Two days later Burke complained that "the Council seem utterly regardless of this Country, Not one has yet met except Gen. Butler, nor have I heard from any except Willie Jones."<sup>213</sup> Burke was no doubt referring to a letter from the latter, written two days previously, in which he thus accounted for his delay:

On the 14th inst. an Express came to Halifax from Virginia, to inform us that the British Horse were on their march from Petersburg for this place by the Way of Hick's ford [Greenville County, Virginia]. That Night I reconnoitred almost to the Ford, until I discovered the Information was groundless. On the 16th I was prepared to sett off for Wm. borough agreeable to your Summons, when another Express arrived, purporting that the British Horse were at Lunenburg Court House on Sunday Morning, that their Rout from thence was Brunswick Court House, Hick's Ford, Halifax and then the Pitch Landing, and that Night I also employed in reconnoitring. Being much fatigued, and moreover much distressed by the Situation of my Family, I was induced to defer my Departure from Halifax. Last Night we got Intelligence that the Enemy marched by the Way of Brunswick Court house, and arrived between ten and twelve o'Clock yesterday, at Hick's ford about 300 strong. We have been assured that they had 500 Men at Lunenburg; possibly some of them may have crossed Roanoke higher up than this, or have taken another Rout down the Country. I can't find any sufficient Object to draw them to Halifax, yet they are confidently expected to be here in two or three Hours. Perhaps they wish to plunder the Town this Trip; for young Mr. Long, who reconnoitred almost to Brunswick Court house, says they sweep everything before them now.<sup>214</sup>

The "British Horse" he feared was undoubtedly Colonel Tarleton's legion cavalry and eighty mounted infantry which had been ordered by Cornwallis July 9 to Prince Edward Courthouse "and from thence to New London in Bedford County," and which was returning to join Cornwallis at Suffolk, July 24.<sup>215</sup>

<sup>211</sup> *State Records*, XVII, 812. The other members were Philemon Hawkins, Spruce McCoy, Benjamin Seawell, John Penn, John Butler, and Edward Jones.

<sup>212</sup> *State Records*, XV, 548. General Thomas Burke to General Allen Jones, July 18th, 1781.

<sup>213</sup> *State Records*, XV, 556. Governor Thomas Burke to General Sumner, July 20th, 1781.

<sup>214</sup> Willie Jones to Thomas Burke, Halifax, N. C., July 18, 1781 (MSS, North Carolina Historical Commission archives, Raleigh, N. C.).

<sup>215</sup> Tarleton, *Campaigns*, pp. 353-359. There is no record of even a British scouting party which visited Halifax at this time.

Evidently realizing that the above rumor was false, he soon departed for Williamsborough in Granville County where he arrived July 23 and "qualified agreeably to Law" as councillor of state.<sup>216</sup> The next day Governor Burke laid before the council the alarming state of "our public situation,"<sup>217</sup> and sought to improve conditions by urging the enactment of five omnibus propositions of a vigorous nature.<sup>218</sup> It is indicative of the wisdom of these proposals and of the influence of Governor Burke that his propositions were approved almost to the letter.<sup>219</sup> After a four day session, the council adjourned.<sup>220</sup>

It was between this sitting of the council and the one which met September 19 that the unfortunate Governor Burke was captured in Hillsboro by the notorious Tory, Colonel David Fanning, on September 12.<sup>221</sup>

When the council met on October 5, however, Alexander Martin, speaker of the senate, appeared and took the oath of allegiance "as Governor, Captain-General and Commander-in-Chief in and over the State for the time being," due to Burke's imprisonment in Charleston.<sup>222</sup>

Shortly afterwards, Burke appealed to Willie Jones in a series of very interesting letters, written while a prisoner at Wilmington and later on James Island, near Charleston, to which place he had been paroled. From the former place, he informed him that he had been furnished with "a bed, some furniture, and a negro wench . . . and some money, all which enabled me to keep Bachelor's quarters, but so different from all that I had ever kept before that I now never have any company and though shut up in a Seraglio, I am almost as difficult of access as His Majesty of Constantinople."<sup>223</sup>

After frequent vain appeals, Governor Burke made his escape in January, 1782, justifying breaking his parole on the basis of the outrageous treatment inflicted on him by the

<sup>216</sup> *State Records*, XIX, 855.

<sup>217</sup> *State Records*, XIX, 855.

<sup>218</sup> *State Records*, XIX, 856-869. These propositions were set out under the heads of (1) Military Arrangements, (2) Civil Arrangements, (3) Revenue Arrangements, (4) Abuses and Remedies, and (5) Execution of laws passed in the Assembly.

<sup>219</sup> *State Records*, XIX, 856-869.

<sup>220</sup> *State Records*, XIX, 868. This is assumed by the fact that the *Journal* of this session stops here.

<sup>221</sup> [John H. Wheeler]. *The Narrative of Colonel David Fanning (A Tory in the Revolutionary War with Great Britain): Giving an Account of His Adventures in North Carolina, From 1775 to 1783, As Written by Himself, with an Introduction and Explanatory Notes*, pp. 32-33; Caruthers, *Revolutionary Incidents*, pp. 206-207.

<sup>222</sup> *State Records*, XIX, 869.

<sup>223</sup> Governor Thomas Burke to Willie Jones, Wilmington, N. C., October 17, 1781 (Thomas Burke Letter Book, 1781-1782, North Carolina Historical Commission archives). See also a letter of Burke's in the same collection, dated January 13, 1782 from James Island, S. C.

British.<sup>224</sup> On his return to North Carolina, he was greatly censured for this act and for his resumption of gubernatorial power from February until the assembly met in April. He maintained, nevertheless, the confidence of men like William R. Davie, Samuel Johnston, William Hooper, James Iredell,<sup>225</sup> and Willie Jones. That Burke greatly respected the latter is seen by the fact that he made Jones and James Hogg sole executors and guardians of his daughter and provided that if she died under twenty-one, or without issue, his entire estate was to go to the descendants of these two executors.<sup>226</sup>

In the meantime Willie Jones attended another meeting of the council of state held at Halifax, December 20, 1781, three months after Cornwallis's surrender. As might well be expected, the tone of this meeting was far different from that of the preceding ones. The acting-governor, Martin, described the prospects for the future as being "truly flattering and seem to presage a peace with our last restless Enemy." The council adjourned after approving the governor's recommendation that the commissions of oyer and terminer, goal delivery, and general sessions of the peace be issued for the trial of "Traitors and other Criminals," and after endorsing the governor's suggestion that the general assembly be called prior to the annual election on April 10.<sup>227</sup>

Due to Burke's resumption of the reins of government, however, the general assembly did not hold its proposed session previous to the election. As a result of this election, Willie Jones was chosen to represent the county of Halifax in the senate, which convened April 15 at Hillsboro.<sup>228</sup>

Though nominated again to the council of state by the house of commons, he was not elected to this office. He thus devoted his activities to matters of legislation and was immediately appointed to the committee of privileges and elections,<sup>229</sup> and the committee to act jointly with a similar committee of the lower house to prepare and bring in bills they thought necessary and proper.<sup>230</sup>

The inconvenience of having no fixed seat of government and no proper accommodations for the assembly having been felt for a number of years, the legislature finally turned its

<sup>224</sup> *State Records*, XVI, 184-186. Governor Thomas Burke to General Nathanael Greene.

<sup>225</sup> Hamilton, in *North Carolina Booklet*, VI, 119.

<sup>226</sup> McRee, *Iredell*, II, 44 (William Hooper to James Iredell); *State Records*, XVIII, 125 (Archibald Maclaine to George Hooper).

<sup>227</sup> *State Records*, XIX, 875-878.

<sup>228</sup> *State Records*, XIX, 1-2.

<sup>229</sup> *State Records*, XIX, 5.

<sup>230</sup> *State Records*, XIX, 5.

mind to planning a permanent seat of government. On May 9 a committee was accordingly appointed by both houses to consider the expediency of selling the old public buildings at New Bern, the seat of the colonial government. Jones served on this committee<sup>231</sup> and on a committee of "Propositions and Grievances."<sup>232</sup>

His chief concern, however, in this and in subsequent assemblies was the question of the confiscation of tory property—a question which long harrassed North Carolina.

Independence had been formally recognized by Great Britain when next the assembly met. Yet this long-desired recognition was by no means the end of all the State's troubles. Adjustments to a new order of things called for statecraft of a superior nature.

Not the least of the problems was that of the tories—a problem in which he and other North Carolina statesmen had long been interested. Indeed, internal strife with these loyalists was perhaps more bitter in North Carolina than in any other of the American states. The first legislation adopted against this minority group was the passage of a test act in 1776 which held out the alternative of allegiance to the State or banishment.<sup>233</sup> The next year the assembly adopted the expedient of confiscation, but provision for such a measure was not enacted until January, 1779, when Willie Jones, representing the committee appointed for the purpose,<sup>234</sup> presented a bill to carry into effect this act "for confiscating the property of all such persons as shall not within a certain time, therein mentioned, appear and admit to the State, whether they shall be received as Citizens thereof."<sup>235</sup>

The first of a long series of confiscation acts, it was followed in November of that year by a more vigorous act which not only provided for a general confiscation, but also listed a great number of the more prominent tories, such as William Tryon, Josiah Martin, Edmund Fanning, Henry Eustace McCulloh, and John Hamilton.<sup>236</sup> The severity of this act prompted fifteen members, led by Willie Jones, to enter a vigorous protest, declaring it involved "such a Complication of Blunders and betrays such ignorance in legislation

<sup>231</sup> *State Records*, XIX, 87.

<sup>232</sup> *State Records*, XIX, 72.

<sup>233</sup> *Colonial Records*, X, 476; Wagstaff, *State's Rights*, 12.

<sup>234</sup> *State Records*, XIII, 668.

<sup>235</sup> *State Records*, XIII, 688-689.

<sup>236</sup> *State Records*, XXIV, 263-264; R. D. W. Connor, *History of North Carolina*, I, 430.

as would disgrace a Set of Drovers."<sup>237</sup> The protest declared this act violated not only the Treason Act of 1777, but also the confiscation act of January, 1777, which made provision for "such unfortunate and Innocent Wives and Children resident in the State, who had been abandoned by their Fathers and Husbands, and also for aged parents in particular cases." The protest continued in the adroit language for which he was so famed:<sup>238</sup>

That we may not draw down upon our Heads the Curses of the unfortunate, helpless, innocent sufferers above referred to, we declare that we war not against such aged parents or against Women and Children, more especially being, as in this Case, our fellow Subjects; and in this public manner testify our Disapprobation.

In mere Modesty and Humility, and that no merit may be imputed to us as Members of the House of Commons on account of the bright Display of Wisdom, Virtue, and Humanity exhibited by the General Assembly in this masterly performance, we enter this our protest.<sup>239</sup>

Thus he sided with the conservatives on one of the most important issues of the day. Nor did he forsake this stand when North Carolina was rent asunder over the clause in the treaty of 1783 which provided that Congress should recommend to the several states the restitution of this confiscated property to its original owners. Such a clause necessarily caused great alarm in North Carolina, since the State had itself received vast sums as a result of the confiscation acts and had furthermore guaranteed the title of the property thus sold.<sup>240</sup>

As might be expected, the cleavage in political alignments widened appreciably. The radicals, now in a large majority, were in no conciliatory mood and refused to accede to the obligations incurred by the action of the Continental Congress in ratifying the Treaty of Paris.<sup>241</sup> Contrary to one statement,<sup>242</sup> Jones did not lead his party in this contest, but instead was allied with the conservative element, headed by Iredell, Hooper, Johnston, and Maclaine. These men, endeavoring to sustain the honor of the new government, "galantly attempted to lift its banner while yet unsullied by the infamy of a refusal to comply with the terms of its

<sup>237</sup> R. D. W. Connor, *History of North Carolina*, I, 430-431.

<sup>238</sup> McRee, *Iredell*, II, 82.

<sup>239</sup> *State Records*, XIII, 991-992.

<sup>240</sup> William K. Boyd, *History of North Carolina: The Federal Period*, II, 8-11.

<sup>241</sup> Wagstaff, *States Rights*, p. 14.

<sup>242</sup> Wagstaff, *States Rights*, p. 14. Dr. Wagstaff asserts that the Radicals were led by Willie Jones in this fight.

virgin treaty, and to plant it in a rock." In this "honorable work," McRee continues, "they were not unaided by many of the purest and best of those from whom they generally, politically, dissented: of this the most prominent was Willie Jones, the 'most adroit statesman, in the opinion of his party, in the State.'"<sup>243</sup>

Jones, indeed, was among those more conservative men who supported "warmly" the cause of the loyalists, "but without other effect than a great diminution of their popularity."<sup>244</sup> Regardless of popular opinion, he threw his weight into a cause which proved to be unsound political strategy for him. Though an incident small in itself, such a stand as he took at this time reveals that here was no demagogue or office-seeker, but a man who, in the courage of his convictions, championed a cause which he knew to be detrimental to his political career. And indeed it did cripple him temporarily: he was not elected to the general assembly in 1783.

This defeat, however, did not cause him to relent in his efforts to insure what undoubtedly appeared to him to be the just cause. In spite of this unpopular sympathy for the loyalists, he was in 1784 elected to the senate, which met April 19.<sup>245</sup> Immediately he was appointed to a grand committee, composed of members of both houses, to examine and report on the governor's message and other state papers, and "to consider what Bills of a public nature are necessary to be passed into Laws . . . and to prepare and bring in the same."<sup>246</sup> The committee reporting on the governor's message recommended that it be concurred with *in toto* and, after a long debate, paragraph by paragraph, it was passed, except that section relating to Article 5 of the Treaty of Paris, which recommended the return of confiscated property.<sup>247</sup>

This section was the subject of a prolonged debate in which he took a prominent part. As far back as the general assembly of January, 1779, he had been interested in this problem, having served on the joint committee to consider the memorial of James Iredell in behalf of Henry Eustace McCulloh.<sup>248</sup> The efforts of this loyalist, McCulloh, to

<sup>243</sup> McRee, *Iredell*, II, 81-82.

<sup>244</sup> McRee, *Iredell*, II, 103. James Iredell to Henry Eustace McCulloh.

<sup>245</sup> *State Records*, XIX, 491. The Senate Journal of the spring session is not published; hence, information concerning Willie Jones's activities is gleaned from the House *Journal* and from other sources.

<sup>246</sup> *State Records*, XIX, 501; XVII, 134. Letter from Archibald Maclaine to George Hooper.

<sup>247</sup> *State Records*, XIX, 530-531.

<sup>248</sup> *State Records*, XIII, 691.

recover his vast domain in America, reveal not only Willie Jones's position on the question of the confiscation, but also the general strife between the loyalists and the state of North Carolina.

One of the largest losers of confiscated property in America, Henry Eustace McCulloh, was stripped of his lands as a result of the previously mentioned confiscation act of October, 1779. Upon hearing of this, he entered upon a lengthy correspondence from London with friends and relatives in North Carolina,<sup>249</sup> as a result of which James Iredell presented his memorial before the general assembly of January, 1779,<sup>250</sup> but to no avail.<sup>251</sup> During and after the war, however, McCulloh kept up his correspondence with such sympathizers as James Iredell, Cornelius Harnett, Samuel Johnston, and Willie Jones.<sup>252</sup> In this series of pathetic letters<sup>253</sup> he reiterates such sentiments as his "strong claim on the Justice, Goodness, and Magnanimity of the State," where he hopes "for a Repeal of the Confiscation Acts as far as they may effect me, or my Property;—as the only thing W<sup>ch</sup>. can be justly bro<sup>t</sup>. in charge agt. me, is an inoffensive residence here,—where I was born, and was resident for many years before the War broke out." Maintaining that he had "never opposed, descried, or done, or been concerned in anything hostile, or inimical to America," he wrote Iredell that he had written "two or three friends, who are Messrs. Caswell, W. Jones, B. McC. [Benjamin McCulloh]."<sup>254</sup>

It was most likely in reply to this letter, written to Willie Jones, that the so-called radical wrote McCulloh:

. . . I can't give the least encouragement even to hope a Recovery of any part of your Property, for I believe, in my conscience, it was your property, backed to [sic] by the Recommendation of Congress, which brought on the damned Confiscation laws in this State. Your friends, and indeed the wiser and better part of the Assembly (which is the smallest in number) have been opposed to the measure, from first to last, and we, from time to time, made every possible effort to prevent or cripple it, insomuch that we were on several occasions rudely charged with Toryism on the floor, and the different parties very near coming to blows in the Assembly: But the Saints of the Back Country, who are waxed very strong by Division or Subdivision

<sup>249</sup> Robert O. DeMond, *The Loyalists in North Carolina During the Revolution*, pp. 159-160.

<sup>250</sup> *State Records*, XIII, 691. A copy of this Memorial appears in McRae, *Iredell*, I, 438-441.

<sup>251</sup> Robert O. DeMond, *The Loyalists in North Carolina During the Revolution*, p. 160.

<sup>252</sup> Robert O. DeMond, *The Loyalists in North Carolina During the Revolution*, pp. 174-175.

<sup>253</sup> A great number of these letters are to be found in Iredell MSS, Duke University Library.

<sup>254</sup> Henry Eustace McCulloh to James Iredell, Carolina Coffee Shop, London, February 5, 1783 (Iredell MSS, Duke University Library). Particularly interesting also are two letters of a similar nature in the same collection: March 17, 1783 and March 23, 1783.

of Counties, had set their hearts upon your lands and I believe would have persevered until they got them, if it had involved the State in Ruin.—a very considerable part of your lands is already sold, as well as other lands, with very little emolument, I believe, to the Public. The Assembly will not meet again until the Fall, nor am I one of the venerable body; however, tho' I do not hope the least success. I promise you the utmost exertions in my power to serve you on this and other occasions.<sup>255</sup>

Thus the sentiment against confiscation had already crystallized when the fifth clause of the Treaty of Paris came up for debate. The representatives "paid no attention to the recommendations of Congress" and there immediately appeared "a settled resolution against the restoration of any part of the confiscated property." General Rutherford, representing the radicals, argued very illogically that Governor Tryon, Governor Martin, McCulloh, or Sir Nathaniel Duckenfield were not British subjects and therefore did not come under the provisions of the treaty. In the house of commons William Hooper supported Congress's recommendation,<sup>256</sup> "with the most masterly eloquence"; in the senate Samuel Johnston and Willie Jones, "who spoke very sensibly," pleaded for its passage. Though there was "not a word of common sense spoken on the other side," the clause was rejected "by a great majority."<sup>257</sup>

An account of the later developments was written by Jones to Archibald Hamilton, who was then residing in London:

. . . I exhibited to the Assembly a petition, in my own name, on your behalf but could not obtain leave for you, to come into the State and become a citizen, nor any particular indulgence whatever.

There was a meeting of the Assembly in October last, but I was not a member; however, I am told the proceedings were similar to what passed in the former Assembly. A Bill was brought in for the sale of all confiscated property which remained unsold, and to compel all persons indebted to British subjects, who came under the denomination of Refugees to pay the money to the Public, barring all claims of such creditors and the same Bill enacted that real British subjects should have a recovery of their debts some four or five years hence, without interest. The Commons and the Senate disagreed on the subject of

<sup>255</sup> Hill, *The Hill Family*, VIII. Copied from English Records. Audit Office, Class 12, Vol. 34, 109. Class 13, Vol. 103. Bundle 117-121. This letter seems to reveal that Willie Jones was perhaps not so "radical"—certainly in the modern connotation of the word—as one is generally led to believe. It at any rate seems to show that he was a believer in the rights of property.

<sup>256</sup> Archibald Maclaine would have assisted him had he not been "laid up with the gout."

<sup>257</sup> McRee, *Iredell*, II, 99. Samuel Johnston to James Iredell. Other letters giving an account of this debate are found in the same work: Hooper to Iredell (p. 100), Iredell to McCulloh (p. 103).

the debts, and after much altercation so much of the Bill as related to those points were struck off and the remainder passed into Law. . . .<sup>258</sup>

The act in regard to the sale of the remaining loyalist property in the State was immediately executed, as a result of which vast sums accrued to the State.

In accordance with this enactment, Willie Jones himself satisfied a debt of £1,145 10s 3d to the British house of Archibald Hamilton and Co. The largest loser, however, was Henry McCulloh, from whom more than sixty thousand acres were taken, though they did not bring in as large a return as did the lands of another of his tory friends, Sir Nathaniel Duckenfield.<sup>259</sup>

It was not until after the Constitution of the United States had gone into effect that the general assembly declared "the Treaty of Peace between the United States of America and the King of Great Britain to be part of the law of the land."<sup>260</sup> This ended the attempt to pass further unfavorable legislation against the loyalists, though the courts were slow in "righting the wrongs already committed."<sup>261</sup>

Aside from Jones's activity in regard to tory confiscation in the senate in April 1784, he, Henry Montfort, and Benjamin McCulloh were appointed as commissioners to liquidate the accounts of the officers and soldiers of the Continental line.<sup>262</sup> He resigned from this position the following year, and was succeeded by John Macon.<sup>263</sup>

Since the problem of tory confiscation was still an important issue in state politics, it was probably on account of his position on this problem that he was not elected to the general assembly in 1785 and 1786, though there is no record of his offering himself as a candidate.

In the meantime there was a growing dissatisfaction with the defects of the Articles of Confederation in North Carolina. As might well be expected, the conservatives, still led by Johnston, Iredell, Maclaine, Davie, Hooper, and Allen Jones, received with eagerness the idea of reform in the weak and ineffective Articles. Not so with the radicals, however. The keynote of their position was dictated by their former

<sup>258</sup> Hill, *The Hill Family*, VIII. Willie Jones to Archibald Hamilton, Halifax, N. C., December 30, 1784. Copied from *English Records* 27, Henry Eustace McCulloh, Bundle 117.

<sup>259</sup> Robert O. DeMond, *The Loyalists in North Carolina During the Revolution*, p. 174.

<sup>260</sup> *State Records*, XXIV, 885.

<sup>261</sup> Robert O. DeMond, *The Loyalists in North Carolina During the Revolution*, p. 168.

<sup>262</sup> *State Records*, XIX, 603.

<sup>263</sup> *State Records*, XXIV, 567.

leader, who, after straying from the party temporarily, was again wielding his subtle and powerful influence as head of the radical, particularistic forces in North Carolina. It was he, indeed, who carried the standard for "an independent state democracy administered along fraternal lines and with just so much connection with the other states as to insure peace between them." His influence for the doctrine of particularism was such that the members of his party, "for a number of years, accepted his views as reenacted law."<sup>264</sup>

He had undoubtedly worked out his states rights' philosophy before November 18, 1786, when he was chosen by the general assembly as a delegate to the proposed meeting of the Constitutional Convention at Philadelphia in May, 1787, to revise the Articles of Confederation. The other members chosen were Governor Richard Caswell, Alexander Martin, William R. Davie, and Richard Dobbs Spaight.<sup>265</sup> Three of these—Jones, Alexander Martin, and Richard Caswell—were avowed particularists, while Spaight and Davie were strongly in favor of a more powerful central government.<sup>266</sup>

Having been formally notified of this honor by a letter from Governor Caswell,<sup>267</sup> he sent in his refusal, in which he said: "I think it will not be in my power to attend there at the Time appointed, and therefore must Request that you will appoint some person in my place as a matter of so much importance must necessarily require the fullest Representation."<sup>268</sup>

In spite of the fact that he did not oppose sending delegates to Philadelphia,<sup>269</sup> it may have been political consistency which bade him refuse the appointment, though his refusal may have been due to the fact that the preamble to the act was conservative in sentiment.<sup>270</sup> Perhaps he doubted the success of the move for a stronger federal government, or thought that Caswell, a particularist, would appoint another of that complexion in his place.

Ironically enough, however, the temper of the delegation was materially changed. Doctor Hugh Williamson was appointed to fill the vacancy,<sup>271</sup> while William Blount was appointed by Governor Caswell in his own stead. Both the

<sup>264</sup> Wagstaff, *States Rights*, p. 5.

<sup>265</sup> *State Records*, XVIII, 462.

<sup>266</sup> Wagstaff, *States Rights*, p. 17.

<sup>267</sup> *State Records*, XX, 601 Governor Caswell to Willie Jones. Copied from the Executive Letter Book.

<sup>268</sup> *State Records*, XX, 611. Willie Jones to Governor Caswell. Copied from Executive Letter Book.

<sup>269</sup> Wagstaff, in *Publications of the North Carolina Historical Commission*, Bulletin 28, p. 49.

<sup>270</sup> Wagstaff, *States Rights*, p. 17.

<sup>271</sup> *State Records*, XX, 637.

new appointees were conservatives who favored a stronger union. Thus only one radical was left—Alexander Martin.<sup>272</sup>

It seems most likely, however, that Willie Jones declined this appointment because he felt that he could do far more good at home in exerting his influence in the interests of state sovereignty. Such would appear to be the case in the light of the fact that the Constitution had hardly been submitted to the people when Willie Jones, described by William R. Davie as being "perfectly anti-federal," began to induce the people in Halifax County "to doubt, very generally, of its [the Constitution's] adoption in the present form."<sup>273</sup>

The ensuing campaign for the April elections to the state ratification convention was hotly contested. The opponents of the Constitution, beginning to call themselves anti-federalists, were marshalled under Willie Jones.<sup>274</sup> From Halifax he personally directed the campaign in the eastern and northeastern sections of the State, while his henchmen, Timothy Bloodworth, Joseph Caldwell, Judge Samuel Spencer, and Major Joseph McDowell, superintended it elsewhere.<sup>275</sup>

Nor were the federalists lacking in activity. Led by their old guard, as in 1776 and in the fight over confiscation, they had succeeded in placing Samuel Johnston in the governor's chair, and with this advantage they launched forth on a heated campaign.<sup>276</sup> Though they no doubt realized that they were rapidly losing ground, they put up a good fight. Especially active were Iredell and Davie in distributing federalist literature.

As the weeks and months went by, North Carolina was intensely interested in the actions of the twelve other states, and Virginia in particular, where the forces of anti-federalism were especially strong. A typical expression of this concern was that of Davie, who was considerably perturbed in regard to Virginia, due to the "great deference this State [North Carolina] has been accustomed to pay to the political opinions of the Old Dominion."<sup>277</sup>

In this same letter Davie gives an illuminating account of Willie Jones's activities during these critical days:

<sup>272</sup> Wagstaff, *States Rights*, p. 17; "Federalism in North Carolina," in *James Sprunt Historical Monographs*, Vol. IX, No. 2, pp. 7-8.

<sup>273</sup> McRee, *Iredell*, II, 215. Davie to Iredell, January 11, 1788.

<sup>274</sup> McRee, *Iredell*, II, 232; Boyd, *History of North Carolina*, II, 30.

<sup>275</sup> McRee, *Iredell*, II, 231-233; Boyd, *History of North Carolina*, II, 33; Delbert Harold Gilpatrick, *Jeffersonian Democracy in North Carolina, 1789-1816*, pp. 21-22.

<sup>276</sup> Boyd, *History of North Carolina*, II, 33.

<sup>277</sup> McRee, *Iredell*, II, 217-218. Davie to Iredell, January 22, 1788.

We have nothing worth remarking here, but the dissemination of anti-federal principles. Mr. Jones continues to assail the constitution, and the Virginia Communications have strengthened his party. You know his opinion has great weight here, and that it is easier to alarm people than to inform them.

Colonel Geddy, who is a late convert, has announced himself a candidate for the convention; and is a most furious zealot for what he calls *W. Jones's system* [Italics in original], which is indeed all he knows about it; but he has raised the old cant that 'the poor were to be ruined by taxes, and no security for freedom of conscience, etc.'<sup>278</sup>

The "W. Jones's system" to which Davie referred was indeed a well constructed formula, which, according to W. E. Dodd, called for (1) a free and absolutely independent State, (2) a genuinely democratic administration, (3) a general improvement in educational advantages for the people.<sup>279</sup> While the latter two objectives were undoubtedly sought by him and his lieutenants, there seems to be some doubt as to the first, based on his activities just prior to and during the convention. Dodd states that Jones and his followers advocated "a rejection of all plans of union with other States" and urged the adoption of a policy—"almost identical with that of Henry Clay fifty years later"—which embraced an autarchic system of agricultural, industrial, and transportation improvements.<sup>280</sup> The "Jones system" did involve such a self-sufficient program but, certainly after Virginia's ratification, any idea he might have had in regard to a complete rejection was abandoned.

Indeed, "the decision of Virginia," wrote Davie to Iredell, "had altered the tone of the Anties here very much. Mr. Jones says his object will now be to get the Constitution rejected in order to give weight to the proposed amendments, and talks in high commendation of those made by Virginia."<sup>281</sup>

Of Jones's continued activity, Davie writes:

Mr. Lamb as Chairman of a Committee in New York, which he styles the 'Federal Committee,' has written to Mr. Jones, T. Person, and Tim Bloodworth, recommending them to be steadfast in opposition, and inclosing a large packet of anti-Federal pamphlets to each of them. It is astonishing the pains these people have taken!

<sup>278</sup> McRee, *Iredell*, II, 217-218. Davie to Iredell, January 22, 1788.

<sup>279</sup> Dodd, *Macon*, p. 51.

<sup>280</sup> Dodd, *Macon*, pp. 51-52.

<sup>281</sup> McRee, *Iredell*, II, 230. Davie to Iredell.

Willie Jones felt some mortification in finding himself in the company of Bloodworth and Persons, etc. etc.<sup>282</sup>

Thus, from the above correspondence, it appears that he sought primarily the *second* feature of his "system," "a genuinely democratic administration." Indeed, adhering "to the letter of the Constitution of 1776 and its Bill of Rights,"<sup>283</sup> he and his disciples sought to achieve these same guarantees of personal rights and liberties as embodied in the North Carolina Bill of Rights. This fact is more clearly evidenced in his activities at the North Carolina convention.

This convention met at Hillsboro, July 21, 1788, and in spite of the fact that they had a majority of 100, the anti-federalists conceded to Samuel Johnston the honor of presiding.<sup>284</sup> The 284 members of this convention represented on the whole the most able men in the State. Foremost in the ranks of the federalists were the ever-present Iredell, Johnston, Davie, Spaight, and Maclaine. Yet conspicuous for their absence were Allen Jones, William Hooper, William Blount, and Judges John Ashe and John Williams—all of whom were defeated. The anti-federalist forces were led by Willie Jones, Bloodworth, Caldwell, Spencer, and McDowell.<sup>285</sup>

On the third day of the convention, just after the report of the committee to prepare rules and regulations for the government of the convention,<sup>286</sup> Jones moved "that the question upon the Constitution should be immediately put,"<sup>287</sup> and was seconded by Person. Described as a "tactical error,"<sup>288</sup> this sudden step was justified by its author, because

the Constitution had so long been the subject of the deliberation of every man in this country, and that the members of the Convention had had such ample opportunity to consider it, that he believed every one of them was prepared to give his vote then upon the question; that the situation of the public funds would not admit of lavishing the public money, but required the utmost economy and frugality;

<sup>282</sup> McRee, *Iredell*, II, 231. Perhaps this "mortification" was real, since Willie Jones did not reply, while the latter two did. Louise Irby Trenholme, *The Ratification of the Federal Constitution in North Carolina*, p. 145.

<sup>283</sup> Dodd, *Macon*, p. 52.

<sup>284</sup> Jonathan Elliott, ed., *The Debates in the Several Conventions, on the Adoption of the Federal Constitution, As Recommended at Philadelphia, in 1787*, IV, 1. Hereinafter this work will be cited as Elliott, *Debates*.

<sup>285</sup> Elliott, *Debates*, p. 250; Trenholme, *Ratification in North Carolina*, p. 109.

<sup>286</sup> Elliott, *Debates*, IV, 1-3.

<sup>287</sup> Elliott, *Debates*, IV, 4. This was the first day of his appearance. *State Records*, XII, 10.

<sup>288</sup> Wagstaff, *States Rights*, p. 23.

that, as there was a large representation from this state, an immediate decision would save the country a considerable sum of money.<sup>289</sup>

This motion was promptly opposed by Iredell, and after a brief discussion Jones yielded,<sup>290</sup> after which an extended discussion ensued. David Caldwell then laid before the house "such rules or maxims as ought to be the fundamental principles of every free government," urging that they should be the standards by which to estimate the Constitution. Iredell, however, ably resisted these propositions, and after "some little altercation, they were defeated by a vote of ninety to one hundred and ninety-six."<sup>291</sup>

The anti-federalists—and Willie Jones in particular—"attempted to disconcert us," wrote Iredell to his wife, "by entering into no debate." Resolute in the attempt to avoid debate, Jones remarked that "he could put the friends of the Constitution in a way of discussing it. Let one of them make objections and another answer them." The burden of the debate, thus thrown to the federalists, was assumed by Iredell, who "spoke more frequently and at greater length than any other on the floor."<sup>292</sup>

Though the anti-federalists were gradually "seduced into debate," their forces were "too numerous and too well disciplined to be beaten." Such was the nature of their leader's command "that a nod was the approval of the highest authority; his sneer the refutation of the most perfect logic; his uplifted finger the token of caution or silence."<sup>293</sup>

The anti-federalists, after a prolonged silence, based their first objection on the arrogation of power by the federal government as set out in the opening phrase of the preamble. "*We the people*," declared the state-rightsman Joseph Taylor of Wayne, "is surely an assumed power. Have they said, We, the delegates of the people? Had it said, *We, the states*, there would have been a federal intention in it. But, sir, it is clear that a consolidation is intended."<sup>294</sup>

A strong protest was also registered, by Judge Samuel Spencer, against the absence of a bill of rights,<sup>295</sup> and later

<sup>289</sup> Elliott, *Debates*, IV, 4.

<sup>290</sup> Elliott, *Debates*, IV, 4-7.

<sup>291</sup> Elliott, *Debates*, IV, 7.

<sup>292</sup> McRee, *Iredell*, II, 234.

<sup>293</sup> McRee, *Iredell*, II, 234. Fordyce M. Hubbard, "Life of William Richardson Davie," in *The Library of American Biography* (edited by Jared Sparks, Boston, 1848), XV, 95-98.

<sup>294</sup> Elliott, *Debates*, IV, 53.

<sup>295</sup> Elliott, *Debates*, IV, 152-155.

against the operation of a federal judiciary within the limits of the State.<sup>296</sup>

The convention remained in session eleven days, and though every important feature of the Constitution was discussed, there was no "appreciable change of sentiment in either party."<sup>297</sup> In spite of the position of isolation to which North Carolina would probably be subjected, Willie Jones and his men believed that a good purpose could be realized by non-ratification, in that it would give added weight to the general demand for amendments. It was in this regard that he made his one "speech" of the convention, setting forth the aims of his party and its demands for a bill of rights. In this speech he urged North Carolina to remain out of the Union for a while, insisting that the State by such action would suffer none of the dire results depicted by the federalists. Concluding a very logical argument, he said:

As great names have been mentioned, I beg leave to mention the authority of Mr. Jefferson, whose great abilities and respectability are well known. When the Convention sat in Richmond, in Virginia, Mr. Madison received a letter from him. In that letter he said he wished nine states would adopt it, not because it deserved ratification, but to preserve the Union. But he wished that the other four states would reject it, that there might be a certainty of obtaining amendments. Congress may go on, and take no notice of our amendments; but I am confident they will do nothing of importance till a convention be called. . . . For my part, I would rather be eighteen years out of the Union than adopt it in its present defective form.<sup>298</sup>

It is highly indicative of his influence that every one of his suggestions was approved by the convention after a short debate. The business of the convention was brought to a head when Iredell offered an amendment to the effect that the Constitution be ratified and that amendments be submitted subsequent to ratification. This, however, was defeated by a vote of 184 to 84.<sup>299</sup> The report of the committee of the whole, which recommended a bill of rights and the submission of twenty-six amendments, as proposed by Willie Jones, was then carried in the affirmative. Those who had voted in favor of Iredell's amendment the day before voted against this report, while those who had voted against

<sup>296</sup> Elliott, *Debates*, IV, 155.

<sup>297</sup> Wagstaff, *States Rights*, p. 26.

<sup>298</sup> Elliott, *Debates*, IV, 225-226.

<sup>299</sup> Elliott, *Debates*, IV, 248-251.

Iredell's amendment voted for the report. Thus in both cases there was a majority of 100 in favor of the anti-federalists.<sup>300</sup>

Having taken "the direction of the Convention into his own hands,"<sup>301</sup> Jones then proposed the following important resolutions, which were concurred with:

Whereas this Convention has thought proper neither to ratify nor reject the Constitution proposed for the government of the United States, and as Congress will proceed to act under the said Constitution, ten states having ratified the same,<sup>302</sup> and probably lay an impost on goods imported into the said ratifying states—

*Resolved*, That it be recommended to the legislature of this state, that whenever Congress shall pass a law for collecting a similar impost in the states aforesaid, this state enact a law for collecting a similar impost on goods imported into this state, and appropriate the money arising therefrom to the use of Congress.

*Resolved, unanimously*, That it be recommended to the General Assembly to take effectual measures for the redemption of the paper currency, as speedily as may be, consistent with the situation and circumstances of the people of this state.<sup>303</sup>

He then proposed another resolution, which was unanimously accepted, that a copy of the resolutions of the committee of the whole, together with a copy of the above two resolutions, be sent to each of the other twelve states.<sup>304</sup>

Aside from these activities which were connected with the main purpose of the convention he was also appointed to a committee "to prepare and bring in an ordinance to establish the seat of government at the place hereafter to be fixed on by this Convention."<sup>305</sup> The convention then adjourned after the passage of a bill providing that the convention would not "fix the seat of government at any one particular point; but that it will be left at the discretion of the Assembly to ascertain the exact spot: Provided always, that it shall be within ten miles of the point or place determined on by this Convention." On the second balloting, Isaac Hunter's place in Wake County was chosen.<sup>306</sup>

Thus, as the recognized leader of a triumphant party, Jones emerged as the most powerful man in the State. Commenting on his "masterly leadership," which had "kept the front of the old radical party quite unbroken," one historian

<sup>300</sup> Elliott, *Debates*, IV, 251.

<sup>301</sup> Wagstaff, *States Rights*, p. 26.

<sup>302</sup> Those which had not ratified yet, besides North Carolina, were New York and Rhode Island.

<sup>303</sup> Elliott, *Debates*, IV, 251-252.

<sup>304</sup> Elliott, *Debates*, IV, 252.

<sup>305</sup> *State Records*, XXII, 26.

<sup>306</sup> *State Records*, XXII, 28, 33.

attributes to Willie Jones the distinction of being one of the first examples of the party boss, though one who was "entirely without the venality of the modern type of this species in America."<sup>307</sup>

Another historian sees in his victory the second triumph, in a second great political crisis, over "his rival," Samuel Johnston.<sup>308</sup> It seems, however, that this rivalry was somewhat overemphasized. Their relationship as delegates to the Continental Congress and as allies on the tory question points to the fact that they were on most friendly terms and were socially, at least, most congenial.

The federalists, in spite of their defeat in the convention, set out immediately to change the temper of the State.<sup>309</sup> The resourceful Davie and Iredell personally assumed the responsibility for the publication of the debates in the state convention.<sup>310</sup> Earnest efforts were made on the part of these men to win the August elections to the general assembly to be held in November, but again they were defeated, though they had made a remarkable gain in one month's time.<sup>311</sup> Jones, who had been appointed to Governor Johnston's council, resigned this position to serve as a member of this assembly.<sup>312</sup>

In order to influence the action of the assembly, the federalists, still undaunted, circulated petitions requesting a second state convention. Resentful of their defeat and of the awkward status of North Carolina,<sup>313</sup> the federalists vented their spleen on Willie Jones, as the one man most responsible for their unhappy plight. Indeed, the indignation of the people in Tarboro reached such a pitch that he and Thomas Person were burned in effigy<sup>314</sup>—an incident which greatly amused William Hooper and other federalists.<sup>315</sup> Such action, however, did not deter Jones from his course. In the early part of September he and Person "were both holding out the doctrine of opposition for five or six years at least." Still a rabid state-rightsman, he insisted that

<sup>307</sup> Wagstaff, "Federalism in North Carolina," *James Sprunt Historical Monographs*, Vol. IX, No. 2, pp. 13, 13n.

<sup>308</sup> R. D. W. Connor, "Governor Samuel Johnston of North Carolina," in the *North Carolina Booklet*, XI, No. IV, p. 282.

<sup>309</sup> Trenholme, *Ratification in North Carolina*, p. 196.

<sup>310</sup> McRee, *Iredell*, II, 235.

<sup>311</sup> Boyd, *History of North Carolina*, II, 43.

<sup>312</sup> *State Records*, XXI, 228, 490.

<sup>313</sup> New York, the eleventh state, ratified the Constitution just after North Carolina's rejection, thus leaving North Carolina and Rhode Island as the two delinquents. Boyd, *History of North Carolina*, II, 43.

<sup>314</sup> William Hooper to James Iredell, Hillsborough, N. C., October 23, 1788 (Miscellaneous Manuscripts—North Carolina Historical Commission archives).

<sup>315</sup> McRee, *Iredell*, II, 238.

North Carolina needed at least that many years "before their judiciary are let in upon us." Davie further wrote Iredell that Jones was "continually haranguing the people on the terrors of the Judicial power and the certainty of their ruin if they are *obliged now* [italics in original] to pay their debts." Such sentiments as these led Davie "to believe there is something more than a mere mistake in point of principle in his conduct. . . ." <sup>316</sup>

Less stinted in his criticism of Jones and his comrades-in-arms was Archibald Maclaine, who wrote Iredell that he had

as small an opinion of one of these gentlemen as I have of the other; and therefore would not trust either of them. Mr. Jones would, in my opinion, sacrifice anything rather than give up the party which he so scandalously patronized. The inflexibility of his pride will soar above every other consideration. <sup>317</sup>

He was also subjected at this time to a newspaper and pamphlet attack of no mean proportions. Though in the first of these denunciations his name was not mentioned, the attack was no doubt directed at him—at least, so he assumed it to be. After a survey of the deplorable conditions under the Articles of Confederation and the dire consequences of separation from the Union, the following denunciation occurs:

*And yet, with all these grievances under which an infant people with impotent struggles labored, he will execrate the Saviors of our Country, the Federal Convention, for a pack of Scoundrels, go to the Convention at Hillsboro full of d-mns and G-d d-mns, blow up an idle Fandango about Bills of Rights and Amendments, and what is still more infamous, throw us altogether out of the Union. Was this a time to smook a pipe, and suck the paw like a surly Bear, when your house was on fire? Was this a time like a Jew-Broker, to bargain about fractions, without a *single Ship* in your harbour, or a *Dollar* in your Treasury? Shall this man be allowed to brand the inimitable Washington with the Appellation of *Scoundrel*, when he is unworthy to clean his shoes?* <sup>318</sup>

A retort to this blasphemous attack was immediately published by him in the *State Gazette of North Carolina*:

<sup>316</sup> McRee, *Iredell*, II, 239, Davie to Iredell.

<sup>317</sup> McRee, *Iredell*, II, 246. Archibald Maclaine to Iredell.

<sup>318</sup> The first part of this pamphlet was published in *The State Gazette of North Carolina* (Edenton), September 22, 1788 (photostat, Duke University Library); the quoted part is found in Trenholme, *Ratification in North Carolina*, pp. 201-202. The latter was copied from a manuscript by George Sterling under Miscellaneous Letters, North Carolina Historical Commission archives.

A SMALL pamphlet, signed 'A CITIZEN and SOLDIER,' addressed to the inhabitants of Edenton district, lately fell into my hands. I do not know who wrote it, nor where it was printed, but it was brought from Edenton to Halifax. The writer asserts, that I called the Members of the Grand Convention, generally, and General Washington and Colonel Davie, in particular, *scoundrels*. To this I answer that I never said so of the whole, or any one of these gentlemen. I know as little of many of the Members of that Convention, as this soldier (who perhaps never drew a sword in the service of his country) knows of me; therefore it would have been wrong for me to have called them scoundrels. As to General Washington, I have long tho't and still think him the first and best character in the world. As to Colonel Davie, I have personal regard for him; I *think* him an honest and a valuable member of the community, and I *know* him to be a man of genius, and knowledge in his profession. To make short of the matter, I swear that nothing can exceed the respect I bear for these two gentlemen, unless it be my scorn and contempt for the 'CITIZEN and SOLDIER.'<sup>319</sup>

The following week after this denial, he was called upon by "An Honest Man" to state publicly his objections to the Federal Government:

CALLING WILLIE JONES  
TO SUPPORT THE INJURED COUNTRY  
TO WILLIE JONES, Esquire

A PUTANIST in oaths has as little credit given to his off-hand swearing as a common prostitute, when she bridles up, acts the prude and lectures on chastity. Your seeming scorn and spurn at the Soldier and Citizen, is but a poor evasion. It is true it is a clumsy performance; it charges heavily; stand forward, answer it, give reputation to your 182 who negatived the learned labor of the choisest worthies of our Empire. Produce to public view your thoughts, your wisdom, your objections to the code handed us from the Federal Convention; or like the grave digger in Hamlet, confess your self: Or in a manly, honest manner, make the best apology in your power.

You are a member of the General Assembly, have unburthened yourself of the burthen of being a Councilor of the State; call together, embattle your myrmidons, head and command them, redress, if possible, your errors, bring forward a new and second Convention, and with a clean mouth and sweet blood, assist and support the country you have injured, to peace, happiness, and honour; to a stand and rank amongst the civilized trading nations of the earth; Then you may once more be seated in the breast of

AN HONEST MAN.<sup>320</sup>

<sup>319</sup> *State Gazette of North Carolina*, Edenton, N. C., October 20, 1788 (photostat, Duke University Library).

<sup>320</sup> *State Gazette of North Carolina*, Edenton, N. C., October 27, 1788 (photostat, Duke University Library).

In spite of these attacks, he seems to have held out for his demand for complete state sovereignty and independence for the time being, though it is difficult to determine his real objective, due to the brevity of the senate *Journals*. At any rate, after taking his seat in the upper house on November 4, 1788,<sup>321</sup> he proposed:

that the two Houses assemble in Conference on Wednesday next at 9 o'clock in the Morning . . . in order fully to hear and deliberate on that subject, as well as to determine on the propriety of convening a Second Convention in this State.<sup>322</sup>

Though this resolution was carried in the senate, it was defeated in the house<sup>323</sup>—an outcome on which he no doubt counted, due to a slight majority of anti-federalists in the commons.

He evidently thought that in this way he could dispose of the petitions and thereby satisfy his party. The federalists, however, were not to be appeased so easily by this test of strength. A week later Caswell proposed a resolution in the senate to call another convention to reconsider the Constitution.<sup>324</sup> This resolution, opposed by Willie Jones, was carried by a vote of 30 to 15. Realizing that he must act promptly, he immediately proposed that three delegates be elected from each county in the annual elections in August and that the convention be held in the last Monday in October. Upon the passage of this resolution,<sup>325</sup> the federalists were indignant at the fact that he had been able to delay the convention for eleven months. Caswell tried to amend the resolution by providing for an election to the convention on the 15th and 16th of December, but this was defeated by a vote of 26 to 21.<sup>326</sup> In the House, however, the bill was amended, the numbers of delegates from each county being increased to five and the day of holding the convention being moved back to the third Monday in November instead of the last Monday in October.<sup>327</sup> Upon its return to the senate, this amendment was concurred with, Willie Jones voting in the affirmative.<sup>328</sup> Thus for another twelve months

<sup>321</sup> *State Records*, XX, 477.

<sup>322</sup> *State Records*, XX, 494.

<sup>323</sup> *State Records*, XXI, 32-33.

<sup>324</sup> *State Records*, XX, 514.

<sup>325</sup> *State Records*, XX, 515-516.

<sup>326</sup> *State Records*, XX, 518.

<sup>327</sup> *State Records*, XXI, 66-67.

<sup>328</sup> *State Records*, XX, 526.

the debate over the Constitution was to hang fire and the status of North Carolina was to present great difficulties.

Jones's activities in the senate, however, were by no means limited to this battle over the second convention. On the first day of his appearance in Fayetteville, where this session was held, he was made a member of the committee of privileges and elections and the joint committee, of which he was later made chairman, "to consider and report what Bills of a general nature are necessary to be passed into Laws at the present Assembly."<sup>329</sup> These proposed bills covered a wide range of legislation and included such proposals as bills for punishing piracy, bigamy, and polygamy, preventing the further importation of slaves and convicts, discouraging gaming, taxing dramatic performances, and levying "a tax to support the government."<sup>330</sup>

In the field of finance he was also active, serving on the important committee "to examine and report on the present state of the public Revenue."<sup>331</sup> He moreover introduced a measure providing that debts should be recovered according to contract, which was passed by both houses.<sup>332</sup> He was also chairman of a sub-committee to examine the accounts of the commissioners of confiscated property, and reported sales amounting to over £200,750, with a balance of £75,715 5s 11d unpaid.<sup>333</sup> Of a most conservative nature was a proposition which he offered, providing that, since representation under the state constitution was "unequal and oppressive," it ought to be distributed "in proportion to the share which such parts respectively bear of the public burthens." The vote in the senate was a tie, and was defeated by the speaker's vote in the negative.<sup>334</sup>

During this session the members were greatly troubled over the situation in the trans-Allegany counties which had been settled by John Sevier and his followers. Accordingly a committee was appointed to take into consideration the situation of "the Inhabitants on the Western Waters."<sup>335</sup> Being a member of this committee, Jones, "a friend of the Western people,"<sup>336</sup> introduced an "act to pardon and consign to oblivion the offences and Misconduct of certain

<sup>329</sup> *State Records*, XX, 478-479, 491.

<sup>330</sup> *State Records*, XX, 491.

<sup>331</sup> *State Records*, XX, 484.

<sup>332</sup> *State Records*, XX, 505; XXI, 46.

<sup>333</sup> *State Records*, XX, 155-156.

<sup>334</sup> *State Records*, XX, 566-567.

<sup>335</sup> *State Records*, XX, 483.

<sup>336</sup> Samuel Cole Williams, *History of the Lost State of Franklin*, p. 238.

persons in the Counties of Sullivan, Washington, Greene and Hawkins."<sup>337</sup> This bill he managed to get passed,<sup>338</sup> but was unsuccessful in his attempt to put through a bill "ceding to the Congress of the United States certain Western lands therein described."<sup>339</sup>

On the Indian question he was willing to cooperate with the federal government. He introduced a resolution that "His Excellency be instructed to write to Alexander McGillvray, Chief of the Cherokee Nation, and inform him that this State, in compliance with the requisition of Congress, will appoint a Commissioner to act for this State in conjunction with the Commissioners from South Carolina and Georgia, in holding a Treaty with the Southern Indians."<sup>340</sup> Also in regard to the Indian question he moved that General McDowell be appointed to confer with the governor on the subject of sending a message "with a talk or talks to the Indians."<sup>341</sup> He was, furthermore, the chairman of a committee to prepare instructions "to be observed by the Commissioners for treating with the Indians."<sup>342</sup>

Feeling perhaps that his mission was fulfilled and that the time was ripe for North Carolina to join the Union, he gained permission to "absent himself from the service" of the senate after December 7, 1788, and departed for Halifax.<sup>343</sup> Though there seems to be some doubt as to his real feelings at this time, the following excerpt from a federalist's letter of January 16, 1789, indicates that he was at least resigned to North Carolina's adoption of the Constitution:

. . . I make no doubt your State will almost Unanimously acquiesce in the acceptance of our Glorious Constitution, as I hear even Wiley Jones has Apostatized from Anti-federalism, another St. Paul's Conversion, if it is really so, tho' I confess I have as little faith as St. Peter had.<sup>344</sup>

During the period between the two state conventions, the decline of anti-federalism was marked.<sup>345</sup> A contempo-

<sup>337</sup> *State Records*, XX, 503.

<sup>338</sup> *State Records*, XXI, 42.

<sup>339</sup> *State Records*, XX, 513. The measure would have had the effect of boosting the price of the Western lands in which he had investments.

<sup>340</sup> *State Records*, XX, 522-523.

<sup>341</sup> *State Records*, XX, 558.

<sup>342</sup> *State Records*, XX, 582-583.

<sup>343</sup> *State Records*, XX, 533.

<sup>344</sup> *State Records*, XXI, 522. Judge J. F. Grimke to General Harrington, Charleston, S. C., January 16, 1789.

<sup>345</sup> Trenholme, *Ratification in North Carolina*, p. 128.

rary account reveals not only this decline, but the fact that Jones had felt a slight remorse on account of his position:

. . . the people in the lower counties are all determined Federalists. . . . Several gentlemen of good information from the back counties, with whom I have conversed, give me the pleasing intelligence of an alteration in the sentiments of the people, who, it seems, from rank *anti's* are now become perfect *fed's*: so fully are they convinced of the ill-policy of separating themselves from the union and of the excellency of our Constitution.

Jones, the celebrated leader of the anti-federal faction, appears convinced of his error, and has declared that he will not attend the convention this time; he has been frequently heard to declare, that, when he was at the convention, and had scrutinized the character of those who were against the constitution, he blushed to think he was seconded by such a vile herd of infamous fellows.

It is the opinion in general here, and from the best information I can procure, I am confident the Federal Constitution will be adopted by this state, at their next convention.<sup>346</sup>

It is important to note, however, that this metamorphosis occurred *after* Madison's proposals for amendments had been made in Congress and there was reasonable assurance that the country would accede to them.<sup>347</sup>

In spite of this feeling of assurance, the federalists were undoubtedly delighted at his refusal to run for the second convention in the fall. Most anxious indeed was Archibald Maclaine who was "persuaded we [the federalists] might have carried our point last year, but for Willie Jones." Maclaine didn't believe the latter acted "on principle" at the first convention; he thought, furthermore, that the latter "was convinced last session of the Assembly, that he had not acquired popularity sufficient to insure the passage of a single bill into law." Maclaine was, therefore, "in hopes he will now take the other side, for which the amendments will furnish a sufficient justification," and felt it was "pretty certain" that Willie Jones would "find a great number of well-meaning members who, ashamed of being led by the nose last year will prove very restive."<sup>348</sup>

Maclaine's fears, however, were unwarranted. The second North Carolina Convention met November 16, 1789, and

<sup>346</sup> *State Gazette of North Carolina*, Edenton, N. C., October 1, 1789 (photostat, Duke University Library). Extract of a letter from a gentleman at Edenton to his friend in Boston.

<sup>347</sup> Benjamin Hawkins to James Madison, Warrenton, N. C., August 27, 1789. Published in *The North Carolina Historical Review*, XV, 167.

<sup>348</sup> McRee, *Iredell*, II, 206. Maclaine to Iredell, Wilmington, N. C., September 15, 1789.

after five days it passed an ordinance of ratification by a majority of 118 votes.<sup>349</sup>

North Carolina's entrance into the Union marked Jones's retirement from the political field, except for two incidents. In 1796 he ran,<sup>350</sup> and was defeated, in the contest for a presidential election.<sup>351</sup> In this same year he stood for a seat in the assembly, "the announcement of which was equivalent to his election."<sup>352</sup> The Jones tradition, however, was carried on by Nathaniel Macon, "his most influential ally." A man of the same calibre as Jones, Macon, likewise of distinguished ancestry and aristocratic background, was imbued with a democratic attitude of mind. He took up the leadership of the Jeffersonian party in the 1790's and held it for thirty years.<sup>353</sup>

Willie Jones's retirement from the political arena of North Carolina did not mean that he had forsaken other fields of endeavor. Indeed, the closing decade of his life was marked by an active interest and a real service in other capacities. Not the least of these was his service as "the real founder of Raleigh,"<sup>354</sup> the capital of North Carolina. As has been seen, the general assembly had tried for many years to establish a permanent seat of government, but not until the convention of 1788 was a definite step taken. This convention left to the discretion of the next general assembly the task of locating it within ten miles of Isaac Hunter's plantation in Wake County. After many "jealousies and bickerings," this determination was reached only after Willie Jones, "who was unexcelled as a manager of men," had "moved on the stormy waters . . . and shaped things to his mind."<sup>355</sup> This selection of Isaac Hunter's plantation provoked such animosity that 119 members entered a protest, but to no avail.<sup>356</sup> The West had wanted Fayetteville, while the East was divided, each delegate wanting the town nearest his own neighborhood.<sup>357</sup>

After two years the assembly finally carried this ordinance into effect and provided that ten people be chosen to lay off

<sup>349</sup> *State Records*, XXII, 48.

<sup>350</sup> *North Carolina Journal*, Halifax, N. C., September 26, 1796 (University of North Carolina Library—photostat).

<sup>351</sup> *North Carolina Journal*, November 28, 1796 (University of North Carolina Library—photostat) Sterling Harwell defeated him.

<sup>352</sup> Wagstaff, in *James Sprunt Historical Monographs*, Vol. IX, No. 2, p. 27.

<sup>353</sup> Virginius Dabney, *Liberalism in the South*, pp. 11-12; Hugh T. Lefler, *North Carolina History, Told by Contemporaries*, p. 141; Wagstaff, *States Rights*, p. 39; Dodd, *Macon*, p. 171.

<sup>354</sup> Hope Summerell Chamberlain, *History of Wake County, North Carolina*, p. 61.

<sup>355</sup> Hope Summerell Chamberlain, *History of Wake County, North Carolina*, p. 57; Kemp Plummer Battle, "Raleigh and the Old Town of Bloomsbury," in *North Carolina Booklet*, Vol. II, No. 9, p. 11.

<sup>356</sup> *State Records*, XXII, 34-35.

<sup>357</sup> Chamberlain, *History of Wake County, North Carolina*, pp. 58-59.

and locate the city within ten miles of Hunter's plantation.<sup>358</sup> Accordingly, by the next year, 1792, a majority of the commissioners, Willie Jones, Frederic Hargett, Joseph McDowell, Thomas Blount, William Dawson, and James Martin, met on the fourth of April and on the next day purchased of Colonel Joel Lane 1,000 acres of land. Within this tract they laid off a city containing 400 acres.<sup>359</sup> It has been suggested that a statue be raised to the memory "of that great Jeffersonian, Willie Jones, as the real founder of Raleigh, for to his interest the actual parceling out seems due."<sup>360</sup> All the commissioners have their names perpetuated in the names of streets in Raleigh.<sup>361</sup>

Soon after the founding of the capital, Jones bought sixteen of the lots, each an acre large, and later built there a summer residence, "Welcome," where he reputedly spent much of his time.<sup>362</sup>

Still following in the Jeffersonian tradition, he was a true friend of education. Conceived of as a third phase of his "system,"<sup>363</sup> educational advancement was one of the "cardinal points" in his program. The first provision for such advancement in North Carolina was coeval with independence.<sup>364</sup> The constitution of 1776—in which he had so great a hand—provided in Section 41 as follows: "A school, or schools, shall be established by the Legislature for the convenient Instruction of youth, with such Salaries to the Masters, paid by the Public, as may enable them to instruct at low prices: and all useful Learning shall be duly encouraged and promoted in one or more Universities."<sup>365</sup>

Not until 1789 were the legislators, absorbed with revolutionary activities and problems of adjustment, able to carry out this instruction. In the meantime, however, William R. Davie, in 1786, obtained from the general assembly the charter of an academy "for the education of youth, under the name, stile, and title of the Warrenton academy," and had himself, with Willie Jones, Thomas Person, Ben-

<sup>358</sup> R. S. Tucker (compiler), *Early Times in Raleigh: Addresses Delivered by the Hon. David L. Swain, LL.D. at the Dedication of the Completion of the Monument to Jacob Johnson with Maps of the City of Raleigh, for the Years 1792, 1834, and 1847*, p. 5.

<sup>359</sup> R. S. Tucker (compiler), *Early Times in Raleigh: Addresses Delivered by the Hon. David L. Swain, LL.D. at the Dedication of the Completion of the Monument to Jacob Johnson with Maps of the City of Raleigh, for the Years 1792, 1834, and 1847*, p. 5.

<sup>360</sup> Chamberlain, *History of Wake County*, pp. 60-61.

<sup>361</sup> Chamberlain, *History of Wake County*, pp. 86-87.

<sup>362</sup> Tucker, *Early Times in Raleigh: Swain's Addresses*, map opposite p. 9; Annie Lane Devereux, "Historic Homes, Part V: Welcome," in *North Carolina Booklet*, Vol. XI, No. 2, pp. 115-116.

<sup>363</sup> Dodd, *Macon*, p. 62.

<sup>364</sup> Dabney, *Liberalism in the South*, p. 58.

<sup>365</sup> *Colonial Records*, X, 1012.

jamin Hawkins, and "other prominent men" named as the board of trustees.<sup>366</sup>

Three years later, in December, 1789, the mandate of the first constitution of North Carolina was carried out by the granting of the charter of the University of North Carolina.<sup>367</sup> Jones was named as one of the original trustees and was present at the meeting of the board at Hillsboro, August 1, 1792, to determine the location of the University.<sup>368</sup> As in the problem of the location of the capital, he came forward with a solution, by offering a motion, which was adopted, that the board would not select any particular spot, but would choose by ballot a place as the starting point, the ultimate location to be within fifteen miles of this fixed point.<sup>369</sup> As a result, "Cyprett's Bridge, now Prince's Bridge, on the great road from New Bern by Raleigh to Pittsboro" was chosen.<sup>370</sup>

On August 4, 1792, the board of trustees passed an ordinance to carry his motion into effect by appointing one commissioner for each judicial district. He was chosen for his district and met November 1, 1792, with the other commissioners to visit in person all places deemed suitable. On the fifth day, according to the report of the chairman, Frederic Hargett, Willie Jones handed to the commissioners "an offer of Col. Joel Lane, of 640 acres near Nathaniel Jones's, at the cross-roads in Wake County, provided the University was fixed at said Nathaniel Jones's. Then proceeded to view New Hope Chapel Hill, in Orange County." The latter place was chosen.<sup>371</sup> Willie Jones also served on the committee of five appointed by the board "to make inquiry for a proper person to be president and to ascertain the terms on which he could be procured."<sup>372</sup>

Even more of a problem than either of the above two was that of raising money to support the institution. Jones donated \$100 to this cause and was exceeded in his generosity by only two others, who contributed \$200 each.<sup>373</sup> Not content to rest on his laurels, however, he and William R. Davie, on January 7, 1793, issued the following appeal which appeared in the *North Carolina Journal*:

<sup>366</sup> *State Records*, XXIV, 863; Walter Clark, "William Richardson Davie," in [W. J. Peele], *Lives of Distinguished North Carolinians*, p. 72.

<sup>367</sup> *State Records*, XXII, 21-24.

<sup>368</sup> Kemp P. Battle, *History of the University of North Carolina*, I, 19-20.

<sup>369</sup> Battle, *History of the University of North Carolina*, I, 20.

<sup>370</sup> Battle, *History of the University of North Carolina*, I, 20.

<sup>371</sup> Battle, *History of the University of North Carolina*, I, 22-23. Reprint of commissioners' report.

<sup>372</sup> Battle, *History of the University of North Carolina*, I, 99.

<sup>373</sup> Battle, *History of the University of North Carolina*, I, 122-123.

Messieurs Hodge & Wills,

We have read the piece signed '*A Friend to the Univerisity,*' which appeared in your papers of the 19th and 26th ult. and we are clearly of his opinion, that a liberal education of the youth of any country must tend to promote the happiness and prosperity of the people. The gentlemen of the county of Orange have already subscribed near *one thousand dollars* toward the endowment of this important institution; and we flatter ourselves that the gentlemen of Halifax County, will not, on this occasion, so interesting to the rising generation, suffer any county in the State to exceed it in making efforts to promote an institution of such vast and general utility.

We have opened a subscription for donations to the University, and either of us, on behalf of the institution, will thankfully receive subscriptions, however small, at any time.

WILLIE JONES

WILLIAM R. DAVIE<sup>374</sup>

Though they were successful in raising \$1,608 in the Halifax District and though a grand total of \$6,723 was realized, all was not sweetness and light. Indeed, there was much criticism against the struggling institution which was charged at different times with being a "federal" institution, as being too "imbued with aristocratic principles," and as being too "liberal" in its teachings.<sup>375</sup>

Five years later the University was still being criticized by the citizens of North Carolina. Jones informed James Hogg that "he had information from Mr. Collins, in Edenton [a wealthy citizen of that town], that our seminary was under disrepute there" and Henry Watters of Hillsboro, an attorney for the University, said that the same opinion prevailed in the Albemarle section, and "that it was mere necessity," which made the inhabitants send their children there, because they thought "meanly" of the teachers.<sup>376</sup>

About this time Jones was appointed by the board to a "Committee of Visitation" to attend the "Annual Examination at the University" on July 4, 1798.<sup>377</sup>

In compliance with this exhortation, he was present during the examination and at the graduation exercises, where, after the conferring of degrees, he "delivered the opinion and judgment of the Visitation Committee, on the exami-

<sup>374</sup> *North Carolina Journal*, Halifax, N. C., January 9, 1793 (University of North Carolina Library—photostat).

<sup>375</sup> Battle, *History of the University of North Carolina*, I, 137-145.

<sup>376</sup> J. G. de Roulhac Hamilton, and Kemp P. Battle, "William Richardson Davie: A Memoir, Followed by His Letters with Notes," in *James Sprunt Publications*, No. VII, pp. 35-36.

<sup>377</sup> *North Carolina Journal*, Halifax, N. C., June 18, June 25, and July 2, 1789. (University of North Carolina Library—photostat).

nation," accompanied by a speech to the faculty and students, in which he stated his satisfaction with his observations.<sup>378</sup> His period of service as trustee expired in 1799.<sup>379</sup>

In addition to his activities in the political, civic, and military life of North Carolina, he also was one of the most successful business men in the State. His large holdings in land and slaves are an indication of his success in this field. He was also somewhat involved in the Transylvania Company of Richard Henderson. First organized as the Louisa Company, and later as the Transylvania Company, this land organization had bought from the Indians all the vast region between the Cumberland and Kentucky rivers, which was partly in North Carolina and partly in Virginia. Here an attempt was made, under the guidance of Richard Henderson, to plant "an independent, proprietary colony without first securing the consent and approval of Great Britain, or, later, of the legislatures of Virginia or North Carolina."<sup>380</sup>

Having established a government for the settlements in this transmontane colony, Henderson's position was described as being "strong." While the governors of North Carolina and Virginia had issued proclamations condemning the activities of the Transylvania Company, it had the support in North Carolina "of such powerful men as Joseph Hewes, William Hooper, Willie and Allen Jones, Thomas Burke, and others"; in Virginia, Patrick Henry and George Rogers Clark were decidedly pro-Henderson.<sup>381</sup>

It is difficult to tell to what extent he was implicated in this speculative project. Two letters of the year 1776 reveal that he had some interest in it at the time. In the first of these, William Johnston, a member of the company, informed John Williams, another member, that he was enclosing a letter from Willie Jones and that "it relates to the company's business."<sup>382</sup> In the second of these, John Luttrell, also one of the members of the company, wrote, presumably to Henderson, the following: "Mr. Wiley Jones<sup>383</sup> has wrote you something respecting Transylvania,

<sup>378</sup> *North Carolina Journal*, July 23, 1798 (University of North Carolina Library—photostat).

<sup>379</sup> Battle, *History of the University of North Carolina*, I, 821.

<sup>380</sup> William Stuart Lester, *The Transylvania Colony*, p. 1; Connor, *History of North Carolina*, I, 294-295; Thomas Perkins Abernethy, *Western Lands and the American Revolution*, p. 124.

<sup>381</sup> Abernethy, *Western Lands and the American Revolution*, pp. 130-132.

<sup>382</sup> William Johnston to John Williams, Hillsborough, N. C., January 17, 1776 (Johnston MSS—Duke University Library).

<sup>383</sup> Professor Lester in *The Transylvania Colony*, p. 256, in quoting an excerpt from this letter erroneously calls Willie Jones "Wiley Toms." A check-up of the original, however, reveals his error (Johnston MSS—Duke University Library).

the Virginians, we are informed have certainly taken possession of that country, at least all within their line. . . ."<sup>384</sup>

By the next year, the attitude of Virginia was most hostile to Henderson's company, and committees of her assembly were busy investigating the claims of this company. Though their pretensions were discussed on the floor of that house, no decision was reached that year. At this time Henderson made "strenuous efforts" to get Samuel Johnston and Willie Jones, "leaders of the conservative and radical parties respectively in North Carolina," to appear at Williamsburg in his behalf.<sup>385</sup>

The following letter of Willie Jones throws some light on his activities in regard to this appearance:

I have just now received a Letter from Colo. Richard Henderson, as Agent for the Transilvania [sic] Company, desiring me to engage you, if possible, to attend and assist in the Dispute relative to Transilvania, before the General Assembly of Virginia, at their ensuing Session. The Assembly stands adjourned to the second Monday in this month, and the appointed day for bringing on the Transilvania Dispute is the third Monday in the Session, so that, making Allowance for Delay, you would probably be in time if you were in Williamsburg by the first day of November. Henderson informs me that the fee proposed by the Company for your Services is ten thousand acres of chosen Lands. I confess I do not think this an adequate Reward,—and yet I must beg leave to urge Mr. Henderson's Request. As you are now disengaged from Publick Business and your Attendance at Williamsburg will, most probably, not be necessary longer than three or four days, I flatter myself that I shall have the pleasure of seeing you there. Your Compliance will greatly oblige the Transilvania Company, and a'so

Dr. Sir

Your most sincerely

Willie Jones

I set off from Williamsburg to-morrow morning and do not expect to return until the 5th of November.

W. Jones.<sup>386</sup>

It was not until November 24, 1777, that a date was set by the assembly for the hearing of the memorial of Richard

<sup>384</sup> John Luttrell to Henderson (?), Halifax, N. C., November 19, 1776 (Johnston MSS—Duke Library).

<sup>385</sup> Abernethy, *Western Lands and the American Revolution*, p. 189. Professor Abernethy states that they were to appear at Richmond, but the next letter, and the fact that the Assembly met at Williamsburg, seem to disprove this statement. *Journal of the House of Delegates of the Commonwealth of Virginia; Begun and Held at the Capital in the City of Williamsburg, on Monday, the Twentieth Day of October, in the Year of Our Lord One Thousand Seven Hundred and Seventy-Seven*, p. 1.

<sup>386</sup> Willie Jones to Samuel Johnston, Halifax N. C., October 9, 1777 (Johnston MSS—Hayes Library, Edenton).

Henderson and Company and then it was postponed until the second Monday in the October session.<sup>387</sup>

Jones was again present at the October session, and though there is no mention of him in any of the senate or house *Journals*, he seems to have been quite active. Richard Henderson, it is assumed, wrote Judge John Williams on October 29, 1778, that "Mr. Willie Jones, one of our agents (and who has been of great service) sett off home yesterday to the fair at Halifax. Mr. Johnston and myself only remain."<sup>388</sup> According to one authority on the subject, the Richard Henderson Company incurred expenses in 1777 and 1778 of approximately \$700 in sound money. This included securing depositions in the back country and paying the cost of witnesses and the traveling expenses of Henderson, Williams, Johnston, and Willie Jones, "a member of their counsel," though it is doubtful that the fee of the latter was included in this sum.<sup>389</sup>

The efforts of these men were of no avail. Nor was their appeal to the Continental Congress for admission as the fourteenth state of the Union any more successful. Thus, after rebuffs from Virginia, the Continental Congress, and North Carolina, Henderson's "grandiose scheme" collapsed, though Virginia in 1778 granted the company 200,000 acres in that part of Virginia which lay within her limits, and in 1783 North Carolina made a similar grant within her western territory.<sup>390</sup> It is probable that Willie Jones received some of this territory in payment of the fee for his services, though there seems to be no trace of such a grant and there is no mention of such in his will.

It was in these years, however, that the town of Jonesborough, "the oldest formally established town in Tennessee (1779)," was named for this "warm friend of the overmountain people." It was the first capital of the State of Franklin and is still the seat of justice of Washington County.<sup>391</sup>

In the year 1795, Jones was among "a number of Gentlemen who were desirous of promoting the navigation of Roanoke River." They employed two men to make a survey of the falls and to estimate "the expence that would be

<sup>387</sup> *Journal of the Virginia House of Delegates*, November 24, 1777, May 20, 1778.

<sup>388</sup> *State Records*, XIII, 491-492. (Richard Henderson(?)) to Judge John Williams, Williamsburg, Va., October 29, 1778.

<sup>389</sup> Lester, *The Transylvania Colony*, pp. 233-234.

<sup>390</sup> R. D. W. Connor, *History of North Carolina*, I, 295-296.

<sup>391</sup> Samuel Cole Williams, ed., *Early Travels in the Tennessee Country*, p. 332.

incurred in making an easy, safe, and compleat passage for batteaux, of ordinary river burthen." As a result of this survey, "these gentlemen"—Willie Jones, Allen Jones, William R. Davie, Nicholas Long, and John Sitgreaves—proposed that "the several neighbourhoods or counties interested in the navigation of the Roanoke, should send Commissioners as Representatives to the town of Halifax on the 29th day of October" to adopt "proper measures" therefor.<sup>392</sup>

After receiving a charter, the newly-created Roanoke Navigation Company opened its "books of subscription" in February, 1797. Shares were sold at \$100 apiece by Thomas Amis, Willie Jones, or Goodorum Davis, the acting managers.<sup>393</sup> At a general meeting of the subscribers "for improving the navigation of the Roanoke" on October 23, 1797, Willie Jones was chosen president.<sup>394</sup> The next June he was succeeded by his brother, Allen, but he still remained a director.<sup>395</sup>

In 1796 he was also a manager of the Halifax Factory Lottery, "for the purpose of raising 5,000 dollars for the term of seven years . . . to establish an extensive FACTORY; for the purpose of carding, spinning, weaving, printing, and dying [*sic*] of cotton."<sup>396</sup>

During the years 1793-1798 he served as administrator of the estates of Benjamin McCulloh, Thomas Gilchrist, and Henry Montfort. Frequent notices in the *North Carolina Journal* for these years evidence his activity in managing these estates.

Having been active in these various fields of endeavor, Jones's career was brought to a close rather suddenly. Indeed, the first news we have of his declining health appears in a letter from Nathaniel Macon to Jefferson, May 24, 1801, in which he says: "Your acquaintance, Mr. Willie Jones, is, I fear not long for this world. He is unable to walk, and there is no probability that he ever will again."<sup>397</sup>

A few days later, on June 4, 1801, he wrote his son, Willie William, then a student at Princeton, as follows:

<sup>392</sup> *North Carolina Journal*, September 7, September 28, 1795 (University of North Carolina Library—photostat).

<sup>393</sup> *North Carolina Journal*, January 16, January 23, January 30, February 6, 1797.

<sup>394</sup> *North Carolina Journal*, October 30, 1797.

<sup>395</sup> *North Carolina Journal*, June 4, 1798.

<sup>396</sup> *North Carolina Journal*, April 17, 1797.

<sup>397</sup> Dodd, *Macon*, pp. 170-171.

I removed here [Raleigh] from Halifax May 15th and am so sick I do not expect to live longer than eight or ten days. Do not let that embarrass you. Pursue your studies as usual, 18 months, or two years. I wish you every blessing and am, My Dear Boy, your affectionate Father.<sup>398</sup>

Fourteen days later, on June 18, his prophecy came true. The *Raleigh Register and North Carolina Gazette* published an obituary which concluded with the statement that

... it may with the strictest truth be said that Carolina has not produced a son of greater mental endowment than Mr. Jones, no one who lived more universally and deservedly respected or died more affectionately and sincerely regretted.<sup>399</sup>

There is no trace of his grave, in the northeast suburbs of Raleigh on land which in 1850 was owned by Matthew Shaw, and which is now occupied by St. Augustine's School. A search for his grave made in 1860 by Thomas Sherwood Haywood and others showed no trace of it.<sup>400</sup>

His will is indeed a most remarkable document. He directed that if he died at Halifax his body should be buried in the orchard beside that of his little daughter, or if he died in Raleigh, it should be buried beside the body of another little daughter; no monument or tombstone was to be placed over him. The will further said: "No priest or other person is to insult my corpse by uttering any impious observations over my body. Let it be covered sunny and warm and there is an end. My family and my friends are not to mourn my death, even with a black rag—on the contrary, I give my wife and three daughters, Anna Maria, Sally and Patsy, each a Quaker-colored silk, to make their habits on the occasion."<sup>401</sup>

As has been mentioned before, he was a deist, as were not a few other men of note in that day. In the private cemetery at "The Groves" is the grave of his little daughter, Mary Montfort Jones, who died June 29, 1781. Inscribed on the marble slab are these pagan lines which her father placed there:

Venus gave the Graces, Pallas formed the Mind,  
With rival art to make the first of womankind.

<sup>398</sup> Dodd, *Macon*, pp. 170-171.

<sup>399</sup> *Raleigh Register and North Carolina Gazette*, Raleigh, N. C., June 23, 1801.

<sup>400</sup> Olds, in *The Orphan's Friend and Masonic Journal*.

<sup>401</sup> Halifax County, Will Book III, 355.

Jove of the wondrous work too soon enamoured grown,  
 Sent the stern tyrant Death, and Claimed her for his own.  
 The Spirit soared to Jove, the fine cold senseless clay  
 Shines in spite of death, as bright as Orient day.

Yet the intense hostility which he imbibed for church establishment is said to have had its origin in religious persecution for non-conforming to the required rites and ceremonies of church and not in a disbelief in the simplicity of true religion.<sup>402</sup> The tradition,<sup>403</sup> however, is that he was buried with the head to the south and the feet to the north to register eternally his disbelief in Christianity.<sup>404</sup>

To understand and appreciate more thoroughly the life and political career of the man Willie Jones, one must take into consideration the eighteenth-century idea of *noblesse oblige*, which was a strong force in Europe—and to some extent—in North America. Perhaps no man in North Carolina so aptly exemplified this spirit. An aristocrat by birth and in sentiment and a man of great wealth, he was no demagogue nor office-seeker, but was instead a statesman whose guiding principles were the independence of a sovereign people and the social and economic well-being of the masses, who looked to him as to a father. Imbued with this concept of service to the State and to the people, he devoted thirty years of his life to the application of this philosophy. A liberal in politics, education, and religion, here was indeed an "aristocratic democrat," cut from the same pattern as Jefferson.

<sup>402</sup> Burgwyn, in *North Carolina Booklet*, 9.

<sup>403</sup> Another tradition which is quite strong is that John Paul Jones, who came to America in 1774 as John Paul, wandered to Edenton and later to Halifax, where he was befriended by Willie and/or Allen Jones. It is claimed that as a result of this friendship John Paul added the surname Jones to that of Paul. It is not the purpose of this study, however, to enter into this controversial subject. See Cyrus Townsend Brady, *Commodore Paul Jones*; Augustus C. Buell, *Paul Jones: Founder of the American Navy*; Phillips Russell, *John Paul Jones: Man of Action*.

<sup>404</sup> Olds, in *The Orphan's Friend and Masonic Journal*.

# RECONSTRUCTION LETTERS FROM NORTH CAROLINA

Edited by  
JAMES A. PADGETT

## PART I

### LETTERS TO THADDEUS STEVENS

With the manuscripts of Edward McPherson, purchased by the Library of Congress in 1908, were a number of papers of Thaddeus Stevens. These have been arranged chronologically in sixteen volumes and cover the years from 1829 to 1868. The collection is composed of speeches, including the one made at Cooper Institute, September 27, 1860, drafts of resolutions, some memoranda, newspaper clippings, telegrams, and letters. A number of the early letters are from members of his own family, but the later ones relate to the political and military problems of the period, both local and national. His correspondents include Winfield Scott, John C. Fremont, Salmon P. Chase, Horace Greeley, and other prominent politicians and statesmen.

In addition to his correspondence with his admirers from the North, there are many letters from the South after 1864. These are of many kinds and relate to various subjects, from threatening letters from the Ku Klux Klan, as the one dated New Orleans, April 14, 1868, to those dealing with the activities of the carpet-baggers and scalawags of the South. The letters from North Carolina to Stevens, here presented, derive their value both from the importance of the era with which they deal and from the relation of Stevens to the events of that period. In the wider historical field to which the correspondence relates one need not expect from it new facts of the first importance or startling interpretations. Yet these letters throw additional light on well known events and help in understanding the period of Reconstruction both in North Carolina and in the United States at large. In presenting these letters the editor has endeavored to reproduce them as written originally, with all their misspelled words and ungrammatical sentences.

Edenton— North Carolina  
December 13<sup>th</sup>. 1865

Hon. Thaddeus Stevens—<sup>1</sup>

Sir:

In our recent Congressional election, I was one of the candidates in this District, My two competitors both declared that they "could not take the oath, if they would, and would not if they could." My position was:—that "I could honestly & truthfully take the oath, having never done any thing inconsistent with it, except *involuntarily* under military or mobocratic coercion." I was beaten *badly*. So much for that.

Some time since, a gentleman of Plymouth N C (Mr. Ed. W. Jones<sup>2</sup>) was appointed Collector of Internal Revenue for this district. After he had executed & forwarded his bond, his surities for very good reasons wrote to the Department, requesting that his bond might be rejected, & his appointment revoked. On ascertaining these facts, I immediately made application for the position, & forwarded a written recommendation signed by all the prominent Unionists of this place, urging my appointment. I have as yet heard nothing in reference to the matter.

I believe, from your position & influence, you can materially aid me. I am a stranger, & I feel a delicacy in applying to you, but hope, that you will excuse the liberty I take. If you would be Kind enough to espouse my cause, & recommend me to the Commissioner of Internal Revenue,<sup>3</sup> the Secretary of the Treasury<sup>4</sup> & any one else you may think proper, rest assured, you shall never have cause to regret it, whilst I sh<sup>d</sup>. ever preserve a grateful recollection of your Kindness.

It is but right that you should Know something of my antecedents before you entertain any request. I was the Union Candidate in this (Chowan) County in the Conventional Election of Feb<sup>y</sup>. 1861. That whole convention project was defeated by the popular vote of the State. Afterwards, when a convention was peremptorly ordered by the legislature, & it became evident, that secession was a "foregone conclusion" I refused to be a candidate, or have anything to do with the Election.<sup>5</sup> I remained all the time to the close of the war a quiet, conscientious Union man. I have not time or space to recount the particulars, but I had to bear the trials of persecution, I passed thro them in such a way, that I could in our recent Election say to the people truthfully, "I can

<sup>1</sup> Thaddeus Stevens (April 4, 1792-August 11, 1868) will forever be remembered on account of his radical Reconstruction ideas; his almost unprecedented and unexplainable influence over Congress, during the eventful years of Reconstruction; and his Negro housekeeper, who was buried by him in a private cemetery open to Colored and white alike. *Dictionary of American Biography*, XVII, 620-24; Appleton, *Cyclopaedia of American Biography*, V, 677-8.

<sup>2</sup> On February 27, 1866, President Johnson nominated Edmund W. Jones to be collector of internal revenue for the first district of North Carolina. On March 6 his nomination was referred to the committee on finance, and he was confirmed by the Senate, March 19, 1866. *Journal of the Executive Proceedings of the Senate of the United States of America*, XIV, pt. 2, 584, 586, 690.

<sup>3</sup> For a short time after Johnson became President, William Orton was commissioner of internal revenue, but he was soon replaced by Edward A. Rollins, who retained the office from 1865 to 1869. White's *Conspectus of American Biography*, p. 17.

<sup>4</sup> After Chase was sent to the Supreme Court as Chief Justice, William Pitt Fessenden served as Secretary of the Treasury for some time, but when he went to the Senate, Hugh McCulloch, an Indiana banker, who had been Comptroller of the Currency since March, 1863, became Secretary of the Treasury, March 4, 1865, and remained in the office until 1869. *Dictionary of American Biography*, XII, 6-8.

<sup>5</sup> The people of North Carolina, January 30, 1861, elected a large Union majority to a convention and also voted against even holding a convention. Nevertheless, the disunionist minority assembled in Raleigh, March 22, and awaited their chances. Lincoln's proclamations and call for troops led the legislature to call for an election of members to a convention for May 13, which assembled, May 20, and voted for secession that same day. John W. Burgess, *The Civil War and the Constitution*, I, 183-5.

take the oath."<sup>6</sup> I can not only take the oath as Collector— can not only give such surities to the bond as will be satisfactory, but am entirely free from the *unfortunate* habits of the first appointee. The war & its results have nearly ruined me pecuniarily. I have attained that age, at which hard labor would be too much for me; & I have a family of small children growing up around me. Under these circumstances I feel very anxious to get some position that would give me employment & yield me a living. The position of Collector of Internal Revenue would suit me in all respects, whilst I feel that I am qualified to discharge all its duties. If you will take the trouble to inquire of Hon John Pool U S Senator<sup>7</sup> elect from this State, or Gov. Holden,<sup>8</sup> I flatter myself, you will find, that he who asks this favor of you is indeed worthy of it. And now, Sir! if you will be so Kind, as to give my application your assistance by recommending me to the Commissioner of Internal Revenue, the Secretary of the Treasury, & any one else you may think proper, I shall entertain a most grateful recollection of it. I am—

With great respect

Yr. ob<sup>t</sup>. Servt.

William E Bond<sup>9</sup>

P.S. The hon M<sup>r</sup>. Laffin,<sup>10</sup> M. C from 20 N Y District, having had some intercourse with a Pennsylvanian, who has Known me a long time, & having recently in Newberne read a letter I wrote to my friend, can give you some information about me—

W. E B—

<sup>6</sup> On July 2, 1862, Congress passed an act that any officer, excepting the President, before entering upon the duties of his office must take an oath that he had never voluntarily borne arms against the United States, nor held office under any pretended government hostile to the United States, nor yielded voluntary support to such government. In 1865 the act was extended to include attorneys and counselors at law of the United States courts, but this part was declared unconstitutional in the Garland case. The test oath was used to exclude Congressmen, elected in the South in 1865 and under the Johnson amnesty proclamation, from their seats. With great rigidity it was enforced during the carpetbag regime in the Southern states. J. Franklin Jameson, *Dictionary of United States History*, p. 498 (Revised by Albert E. McKinley).

<sup>7</sup> John Pool was born near Elizabeth City, North Carolina, June 16, 1826; graduated at the University of North Carolina in 1847; and was admitted to the bar that same year. He engaged in agricultural pursuits; served four terms in the state senate; was defeated for governor on the Whig ticket, 1860; was a member of the constitutional convention, 1865; and was elected to the United States Senate, December 29, 1865, but was not allowed to take his seat. He was elected again, July 4, 1868, and served until March 3, 1873. He was not a candidate for reelection, but settled in Washington where he practiced law until his death, August 16, 1884. *Biographical Directory of the American Congress, 1774-1927*, p. 1421.

<sup>8</sup> William Woods Holden (November 24, 1818-March 1, 1892) became a printer and then editor. He was a leading secessionist, but began to shift about 1860. He was a delegate to the Charleston and Baltimore conventions; was a member in the secession convention and favored withdrawal from the Union; backed Vance for governor and then broke with him; and ran for governor in 1864 on the idea of withdrawing from the Southern Confederacy. President Johnson appointed him provisional governor in May, 1865; later the Senate refused to confirm him as minister to San Salvador. He became a strong radical reconstructionist and was elected governor in 1868, but was impeached and removed after the Democrats swept the State in 1870. *Dictionary of American Biography*, IX, 138-40.

<sup>9</sup> William E. Bond in 1850 represented Chowan County in the house of representatives in North Carolina. On June 26, 1866, President Johnson sent his name to the Senate for collector of internal revenue for the first district of North Carolina, and his nomination was confirmed, July 26. *A Manual of North Carolina* (1913), p 560; *Journal of the Executive Proceedings of the United States Senate*, XIV, pt. 2, 869, 870, 1155, 1159.

<sup>10</sup> Addison Henry Laffin (October 24, 1823-September 24, 1878) was a paper manufacturer, New York state senator, 1858-59; representative in Congress from New York, March 4, 1865, to March 3, 1871; and naval officer of the port of New York from April 3, 1871, to 1877. *Biographical Directory of the American Congress, 1774-1927*, p. 1197.

Plymouth N C Jan 9th 1866

To Hon Thadues Stephens

Seeing a resolution introduced by you to inquire by what wright the freedmen agents<sup>11</sup> turned over lands that had been abandoned and to inforse the Confiscation act<sup>12</sup> is received by the union men here with a greate deal of Joy as we have some hope that trators will be punished for the treatment that union men received at thare hands the men that had men arested and all of thare property taken from them are the verry men that Johnson has pardoned and given up thare property and lands that was turned over to the government and has been rented for three years and rents paid to the Gov agent and whare they have been Cultivated by union men at the risk of being carried of for being Loyle to the Government have ben turned out of dorse by the order of Col Whitsley<sup>13</sup> of Raleigh the agent freedmens Bureau these union men was put in persession of those abandoned lands by Ed H Willis<sup>14</sup> who was a spsial agent of the treasury department and acting under Col D. H. Heaton<sup>15</sup> who was located at Newburn and no better union man than E H Willis never lived and like the wrighter of this letter he had to leave his home and leave all he had to be Rebbels and seek protection in the union lines these leading Rebbles since they have

<sup>11</sup> The Freedmen's Bureau was created by act of Congress, March 3, 1865, consolidating the various agencies working among the Negroes of the South. It was enlarged and extended by the act of 1866, but had to be passed over the veto of President Johnson. It furnished food and clothing to the needy Negroes; aided them to find employment; provided homesteads for them on public lands; and supervised labor contracts to insure justice for former ignorant slaves. It provided hospitals and schools for them and protected their civil rights. It was under the War Department and maintained an elaborate organization in the South under General Oliver O. Howard. He had an assistant chief in each of the ten districts of the South and a large number of other officers in each district. The Bureau was said to be unconstitutional, unnecessary, engaging in party politics, and involved in graft and mismanagement. The opposition also said it fomented race hatred and advanced the Negroes over the whites. It was to end June 16, 1868, but various acts of Congress kept it alive until June 30, 1872. James Truslow Adams, *Dictionary of American History*, II, 335-6.

<sup>12</sup> The law of August 6, 1861, allowed confiscation of private property which had been put to hostile use and declared forfeited all claims to the labor of slaves who bore arms or worked in military or naval service with the permission of their masters. The act of July 17, 1862, extended this act so as to include most of the ideas of John Fremont and David Hunter and allowed the confiscation of property of local, state, and Confederate officers, both civil and military. Others aiding the South had sixty days to reassume allegiance to the United States. Federal captured and abandoned property acts of March 12, 1863, and July 2, 1864, allowed confiscation, but the proceeds were recoverable within two years after the cessation of hostilities. Property was classed as abandoned if the owner was absent and assisting the Southern cause. Less than one five-hundredth part of the Southern property was confiscated and cotton formed about ninety-five per cent of all confiscated property. Adams, *Dictionary*, II, 15.

<sup>13</sup> Eliphalet Whittlesey of Maine, a cultured gentleman, and former professor in Bowdoin College, on July 1, 1865, became assistant commissioner of the Bureau of Freedmen's Affairs. He at once issued an address inviting the cooperation of both races, and on July 15 he issued a second circular relative to the organization of the Bureau—dividing North Carolina into four districts. He planned to make each county a sub-division and wrote every member of the convention to recommend a suitable person in each county. No delegate replied and he was opposed by the military officers who were acting as agents. On the whole his instructions were marked by moderation and showed good sense, but he advised the white people: "The school house, the spelling book, and the Bible will be found better preservers of peace and good order than the revolver and bowie knife." He denounced the forty acres and a mule legend. In consequence of the reports of General Stedman and Fullerton he was displaced by General Thomas H. Ruger, then in command of the department. General Howard was directed by the court martial to censure Whittlesey, but he refused to obey and recalled him to Washington, where he gave him duties at the Bureau headquarters. No stain, however, is attached to his name, as he acted fairly and impartially. J. G. de Roulhac, Hamilton, *Reconstruction in North Carolina*, pp. 297-300, 313, 315, 321, 324, 211, 305-7, 309-10.

<sup>14</sup> During the recess of the Senate Elijah H. Willis was appointed collector of customs for the district of Plymouth, North Carolina. After the Senate convened, December, 1865, his name was sent to that body, which confirmed him. June 11, 1866. *Journal of the Executive Proceedings of the United States Senate*, XIV, pt. 1, 493, 506; pt. 2, 859.

<sup>15</sup> David Heaton was born in Hamilton, Butler County, Ohio, March 10, 1823. He was a lawyer and legislator; moved to Minnesota in 1857; served in state senate there, 1858-63; and was appointed special agent of the Treasury Department at New Bern, North Carolina, 1863. He declined the position as third auditor of the Treasury Department, 1864. Abbott, Heaton, and Tourgee were the carpetbag leaders in North Carolina and were very jealous of the influence of each other. Heaton was a member of the constitutional convention of 1867, and was in Congress from July 15, 1863, until his death in Washington, June 25, 1870, after being nominated to the 42nd Congress. He was interred in the National Cemetery, New Bern, North Carolina. *Biographical Directory of Congress*, p. 1082; Hamilton, *Reconstruction*, pp. 253, 264, 408-409.

taken Johnson Oath<sup>16</sup> talk of punishing men with as much presumption as if they had bin as Loyle as M<sup>r</sup> Lincoln and inquiring what wright had Willis to take thare property but the por union who lost all he had not one word is said about his loses but we look to this Congress hoping that something will be don for us and for the sake of Confiscation of the Rebbles property thare is not one union man in the south who would not be willing to loose what little the Rebbles left us as for the outh they have taken they do not regard it at all and every office that is to be had thare sure to get it thare is not a single case that I no of except M<sup>r</sup>. Pool<sup>17</sup> who is a union man and I do not think its is wright that those men that don all thay could to brake up this country and who has had so many poor men sen a way for thare Loyelty to thare Government should now return here and be given up thare property and be placed on an eaqueal footing with those who had to leave thare homes and had all taken from them for It Cost somthing to be Loyle here any information you wish to gain you can get it from E H Willis Colector at Plymouth I could site you to a dozen cases whare union men has been turned out of dorse by those freedmens agents and the Farms turned to Rebbles

yours verry respefully

J H Rea

To Hon Tha<sup>d</sup>. Stephens  
House Representitave

(Confidential) G. F. G.  
Bailey's Star Hotel, Front Street, near Market,  
Wilmington, N. C. Jan 11<sup>th</sup> 1865[6].  
The south.

My dear Sir;

I take the liberty to address you a few lines from the most considerable city of *this* perhaps the *most law abiding* and *decent* of the Southern States (if term not gross flattery to apply those terms to any of them) for the purpose of giving you my humble testimony relative to the present temper and disposition of the southern people so far as I have had the opportunity of forming my judgment (prejudiced originally in their favor) during a four Mo's Experience *behind the Scenes* since the termination of the Civil War, and three Mo's Experience *before the scenes* during the latter part of the war as commander of the Post at Raleigh, capital of this State, and of the 3<sup>d</sup>. Brig, 2<sup>d</sup>. Div. 10<sup>th</sup>. A. C. stationed there on duty—

I feel safe in asserting that the feelings of by far the larger proportion of the people of this State are disloyal to the Govt— and Enamoured by the bitterest hatred towards the North and especially towards all who have been prominent in the Struggle against them— This is made abundantly apparent by the radical Southern press, which I am bold to assert reflects the Sentiments of the Southern people as a people

<sup>16</sup> Lincoln, on December 8, 1863, and March 26, 1864, issued amnesty proclamations. Johnson, on May 29, 1865, proclaimed amnesty and pardon so as to procure enough voters to reconstruct the state governments. See page 182, note 33, for a fuller account of this topic. Adams, *op. cit.*, I, 68-69.

<sup>17</sup> See note 7, page 173.

The Southern people, unless they are talking to *Gen. Grant* or some party or parties they suppose to be in influence at Washington, say boldly that they were not & are not conquered— Simply over powered by Numbers— that the North could never have beaten the South but for foreign aid in the way of mercenary troops from Europe, and British America—<sup>18</sup> that the South had to fight the whole world— that the Southern War debt ought to be paid that the South should be paid for their slaves set free by Gov't— and that the Southern Legislatures have done the little they have, under Military Compulsion— The Southern people are Especially bitter against the negro (though *afraid* of him) because he has been made free— Sometimes threatening loudly what they will do with him when his friends the “Yankee troops have been removed. There is not a corporals guard of white citizens in North Carolina who will be willing if all power is placed untrameled in the hands of the people to Extend any rights and privileges to the negro; tho' they have passed laws *ostensibly* for his protection those laws would be practically inoperative if the Military was removed— Were the people of this state at liberty to do as they please, unawed by the United States Military power in their midst God only Knows what a scene of anarchy and confusion would Ensur— In my humble opinion the people are no more fit for self government in the present Excited and confused condition of affairs than the inmates of “Sing Sing” or an Insane Asylum would be if they were colonized some where and left to manage themselves according to their own insane ideas—

Thieving— Highway robbery— Riots—Affrays in which stabbing and shooting are indulged as pastimes, by drunken brawlers. Rape (how any one could *even think* of such a crime in *North Carolina* I dont see) Arson— & all sorts of frauds are more than common— some of them are more than *uncommon* in their way— Plunder prowls abroad over the land— Murder stalks abroad at noonday, and its parent and attendant beastly Intoxication staggers openly at all times and without blush or apology through all castes of Society from the highest to the lowest— from the lowest to the highest— On all sides and among all classes profanity disipation and even some forms of worse vise have become so common as to be but little regarded—

All classes unite in abusing the Negro by word of mouth, and so far as they dare do so, by deeds of personal violence— Instead of moderate praise or even Encouragement to do right and labor honestly and Earnestly for his future welfare and Maintainance with a manly self reliance and self respect, the poor negro hears on all sides nothing but insult and abuse discouragement of Every description is heaped upon him, he is sneered at by all, and informed daily yes hourly that he is nothing more than an animal, that he is utterly unfit to be free, that he is incompetent to care for himself— that his race is now doomed to perish from off all the face of the Earth—that he *will not* work— that he is a thief by nature that he lies more Easily and naturally than an honest man breathes that he is inclined to drink— that not the slightest dependence is to be placed upon him in any respect, that he is destined to starve

<sup>18</sup> This is a false accusation for it is a known fact that Great Britain favored the South in the Civil War. From the beginning Canada was a willing asylum for copperheads, Confederates, and traitors. Its hostility to the North is shown in the famous St. Albans affair. John W. Burgess, *The Civil War and the Constitution*, II, 311.

or become a robber, that he is the lowest and meanest object in the scale of being— that he has no gratitude towards his master for his *many benefits* bestowed upon him that he has none of the natural affections for his own flesh and blood; that he is the most helpless and worthless creature extant;—and finally least he should by chance in an instant of forgetfulness of his miserable condition rise to some trifling feeling of something like manliness and self respect in view of his new condition as a freeman, it is constantly impressed upon him from all quarters and frequently through the medium of the toe of a boot or two and that locality in which a Southerner supposes a negroe's [sic] brains to lie, if indeed he is willing to admit he has any at all that he is after all notwithstanding his freedom, now and forever more, "*Nothing but a demned nigger,*" In my opinion, if the negro possesses any or all of the vices and unpleasant traits ascribed to him— they are directly tracable to the bad company he has been compelled to keep for the past century or two—

The President, and the New York Herald,<sup>19</sup> Copper heads<sup>20</sup> and timid Republicans— and lastly and *leastly* Sand throwers and wool peellers of the South, who are loud in their *protestations* of loyalty, and who would deceive the Government and the people of the North by their *resolutions*, and other *bosh*, to the Contrary notwithstanding, I who have had an opportunity to see the scene shifters at work behind the curtain— and to hear the *private* sentiments of the Southerners publicly Expressed *Sometimes* by word of mouth, feel that the South is *not loyal*, No, not Even Conquered, and if the Military should be removed and the South "left to her own destruction" I fear she would bring a state or anarchy to pass in an incredibly short space of time— The press and the people of the South cry aloud for the Military to be removed, that *civil law*(?) may be *Established*; in my humble opinion no law can be Established here at present Except that law which is Enforced by United States troops, at the point of the bayonet— The "more intelligent classes" as Gen. Grant calls the politicians and large property holders, cry *loyalty loyalty*— Especially to any official of the U. S. Gov't— but it is only a bait, a subterfuge, a piece of trickery, used to get them back into the Union— which to them means to put them beyond the control of Congress and the U. S. authorities, to place them in a position to do as they please, to Exercise power, to shew their talent for anarchy and misrule to give them the opportunity to pass the most oppressive laws, to Enable them to murder, to rob, to intimidate, and drive off, as they please, without fear of punishment— because if tried for crime at all it would be by a jury of their "*peers*" in the same sort of thing— to Enable them to pass laws as they *already have* in this state making the penalty for stealing \$5 worth

<sup>19</sup> The *New York Herald* was established, May 6, 1835, by James Gordon Bennett as an independent journal. It was intended to be a penny paper, but its price was soon raised to three cents and later reduced to two cents, Jameson, *Dictionary*, p. 352.

<sup>20</sup> Copperheads or butternuts were terms applied to the Democrats who opposed the war policy of Lincoln. They were encouraged by the Democratic successes in 1862. They urged restoration of the Union by negotiations and not by war; denounced conscription, military arrests, emancipation, and other war measures; and were especially troublesome in the Northwest and other sections of the North. C. L. Vallandigham of Ohio, Alexander Long, Fernando Wood, and B. G. Harris were noted leaders. They organized in 1862 the "Knights of the Golden Circle," changed to "Order of American Knights" in 1863 and the "Sons of Liberty" in 1864. They controlled the Democratic party in 1864 and included in the platform a plank, written by Vallandigham, denouncing the war as a failure and demanding peace on the basis of a restored Union. Adams, *Dictionary*, II, 57-58.

of property—“death”—under which any perjurer could swear a man’s life away—<sup>21</sup> To Enable them to insult with impunity United States officers and Northern men— I do not fear any open resistance of the Gov’t, in the South— any disrespect to the laws of the United States— but give those lately in rebellion a chance to take their Seats in Congress— and remove the Military from the South— do away with the test oath<sup>22</sup> (which God forbid) and every member from the South in Congress will be in Every way opposed to the interests of the Country and will do all in his power to trig the wheels of Gov’t, and Especially to injure the North by legislation; the violent and disgraceful scenes of old will again be Enacted in Congressional Halls, and “the very Devil will be to pay generally”— as *Governor Vance*<sup>23</sup> said— But mark you; now that the Southern people have begun to discover that the pretences of loyalty are well understood at Washington by our wise and shrewd patriots in Congress, now that the infernal traitors who were but yesterday striving with all their power to break down the Gov’t— and cut our throats— with a cheek to be found only among the people of the South—have imprudently and arrogantly gone to our National Capital and there Knocked upon the doors of the Halls of Congress— been told “go away to your Everlasting darkies— I Know you not” and have sneaked back to their homes— crest fallen and humiliated, like *whipped hounds* to their Kennels— they have continually— and with an air of much apparent disgust— thrown aside the flemsy vail of hypocrisy they had so imperfectly drawn around them, as the *other Ass* in the fable was compelled to throw aside the lions skin having been betrayed in it by his own Ears, and bray, which latter he had Endeavored to impose upon the public as a *roar*— and are now braying loud and long their natural tones of disloyalty treason and hostility to our beloved Gov’t—, To such an Extent is their hatred carried that the term “Yankee” Exceeds any other in approbrium and contempt throughout the whole South—

The Southern people are in the main a cheap and ignorant Set—, and much addicted to *intoxication*; to see a southern politician *sober* is an anomaly— As far as meanness trickery and yankey sharpness go I can safely say they out Herod, Herod, I was told recently by a Southerner that “the noble and high *souled* Southern (Bah!) was vastly superior to the *Mercinary* race that now domineers over them” I told him I admitted it— in a *mercinary* point of view— and so I do—

I beg leave to suggest, with all due deference, that President Johnson is in Error when he says in his Message that the presence of military

<sup>21</sup> On March 10, 1866, the North Carolina legislature enacted a law which gave all persons of color the same rights and privileges as free persons of color before the emancipation proclamation, “except as the same may be changed by law.” The act then proceeded to make several changes in their favor. *Public Laws of North Carolina*, 1865, pp. 99-105; Walter L. Fleming, ed., *Documentary History of Reconstruction*, I, 197-202.

<sup>22</sup> See page 173, note 6.

<sup>23</sup> Zebulon Baird Vance (May 13, 1830-April 14, 1894) was born and reared in Buncombe County; studied law at the University of North Carolina; and began public life as a Clay Whig. He was in Congress, December 7, 1858, to March 3, 1861; was elected to the 37th Congress, but secession prevented him from taking his seat; supported the Union against the secession sentiment in the South while he was in Congress; and supported Bell and Everett in 1860. He favored the call for a secession convention in North Carolina; opposed secession until Lincoln called for troops; and became captain and then colonel of a regiment he organized. He was elected governor in 1862, by the support of the old line Union Whigs; fled Raleigh, April 12, 1865; surrendered in Greensboro, May 2; and was imprisoned in Washington, D. C., until July 6, 1865. *Dictionary of American Biography*, XIX, 158-61.

in the South will have a tendency to impede immigration,<sup>24</sup> "for who would willingly place themselves under military rule, if they could avoid it—" or some thing to that Effect— for although the *necessity* of military law in a State might deter persons from Settling there, how much more would that necessity coupled with its non Existence— do so— Military law and authority, at present in the South is in my opinion all that Enables American citizens from the North to remain here with safety, the same is true of some of their own citizens who have become obnoxious, to the majority, (who are *traitors*) from the loyal sentiments—

I think that if the southern people were at once restored to their rights as they facetiously call the privileges of true and loyal American citizens, and were the Military removed from here, the Southern States would not be safe territory for a loyal Northern man to invest his money in— In Short I firmly believe that nothing but Military power of the Gov'm't— for four years to come will make the South safe for Northern Industry and Capital— which the countries best material as well as political interests require in the South; Without this Military protection the South will be as much shut up to the North, as Japan or China used to be— The Southern people will do nothing to encourage Yankee immigration— on the contrary they will throw Every impediment in the way of a Northerner's Success— I understand that there are in some parts of the South Societies the members of which are Sworn to do all they can to prevent Yankee immigration. of course such attempts will be fruitless but they show the spirit of the people and how venomous it is—

Gen. Grant, cannot find out the real Sentiments of the Southern people in a flying visit through the South— Nor can Congressional Committees or any one who is Known as a Gov't official, or prominent influential man— it is the people who mixes with the people day by day, and has a chance to get behind the scenes, who Knows the real feelings of the people, and gets it from *their Mouths*. I have taken the liberty to address you because I understand you to be in favor of removing the Military from the South— I hope you will read this letter long enough to come to this part of it, and read my apology for intruding upon your valuable time. I am spending the Winter in the South for pleasure after the four years privations of the War— I might settle in the South if I was sure of Military protection otherwise *no*— If you should be so excentric as to wish to Know Who has bored you so Mr. W. P. Fessenden<sup>25</sup> can tell you who I am— So can any of the Maine delegation in Congress<sup>26</sup> I *guess*— or, as the North Carolina "Tar heels"

<sup>24</sup> Johnson, in his message, December 4, 1865, relative to military rule said: "Peaceful emigration to and from that portion of the country is one of the best means that can be thought of for the restoration of harmony, and that emigration would have been prevented; for what emigrant from abroad, what industrious citizen at home, would place himself willingly under military rule?" *Compilation of the Messages and Papers of the Presidents*, VIII, 3554.

<sup>25</sup> William Pitt Fessenden (October 16, 1806-September 8, 1869) grew up in Maine; became a noted attorney; served in the legislature; was elected to Congress in 1840, but served only one term; and entered the United States Senate, January 4, 1854, where he became an outstanding figure. For about ten years he served on the finance committee; he became Secretary of the Treasury, June 29, 1864, but resigned, March 3, 1865, to reenter the Senate. He was a strong Union man and favored Congressional Reconstruction, but he did not belong to the extreme radical group. *Dictionary of American Biography*, VI, 348-50.

<sup>26</sup> The other Senator from Maine was Lot M. Morrill, and the Representatives were John Lynch, Sidney Perham, James G. Blaine, John H. Rice, and Frederick A. Pike. *Biographical Directory of Congress*, p. 286.

would say "*I reckon right smart of Em*" knows me by *name*

Yours resp—

G. F. Granger<sup>27</sup>

Of Maine—

My wife wants to Know "who" I "suppose" I'll "ever get to read that stuff" I told her it would be just like *some one* to read it— G.F.G. p. S. This letter has been very hastily written and is not worth the paper it has consumed, but— I feel as though I had as much right to bore a public Character as any other American "Sovereign" and you happen to be the unfortunate victim— I wish you would drop me a line just to let me know that you have changed your mind about removing the Military from the South

G. F. G.

Mr Stevens

Dear Sir I hav [*sic*] ben [*sic*] a union man all the time I am now god forbid that I sho[u]ld be enney thing else my papers will show that if your opinion prevail and Mr Summers<sup>28</sup> I can live if not union men like my self can not live in the South I ask is thar[*sic*] no protection to union men my god how long shall I be prosacuted [*sic*] by Seccessions I was a Slave holder but never did believe it to be right if you take the South back in the union tho that rebel against the best goverment [*sic*] in the world will give you truble [*sic*] gents will you be so kind as to drop me a line what congress will doo [*sic*] I was born in the South I no her better than you doo if you take her back in the union at this time you will hav truble [*sic*]

Henderson N C

Feb the 8 1866

your friend J. W. Ragland<sup>29</sup>

Mr Stevens and Summers if you wish to now who I am drop me a few lins and let me now who you will take for reference gents let me her from you

yours truly

J. W. Ragland

<sup>27</sup> George Frederick Granger of Maine became first lieutenant in the Maine Infantry, September 22, 1861; captain, September 23, 1861; major, July 1, 1863; lieutenant colonel, September 25, 1864; colonel, October 9, 1864; brevetted brigadier-general of volunteers, June 12, 1865, for faithful and meritorious service during the war; honorably discharged, July 13, 1865; and died February 10, 1883. Francis B. Heitman, *Historical Register and Dictionary of United States Army*, I, 469.

<sup>28</sup> Charles Sumner (January 6, 1811-March 11, 1874) was a great force in Congress during Reconstruction. He was an outstanding abolition leader and one of the founders of the Free Soil party, and served in the Senate from April 24, 1851, until his death. *Biographical Directory of Congress*, p. 1586.

<sup>29</sup> After extended research it has been found impossible to identify J. W. Ragland as well as Chas. Goddard, W. D. Harrison, and Dr. John C. Smith.

P. O. Goldsboro' 22<sup>nd</sup> Feb<sup>y</sup> 1866

Hon Thad. Stevens

Dear Sir, The anxiety with which we await the action of Congress<sup>30</sup> in matters concerning this part of the Union is as exciting as when our Country was divided into two sections, and arrayed against each other on the eve of a great battle.

On these occasions the loyal men of the South have endured feelings agonized beyond description. And how are we now? I need only refer you, sir, to the tone of the Southern press. Every office of trust, honor, or emolument is now in the hands of rebels and you may easily imagine who are the persons of their choice.—“A young *Soldier* who lost his arm at the battle of &c.\_\_\_\_\_ An officer of indomitable courage and intrepidity &c” and so on, eulogizing every appointment. Now I would ask loyal men North and South are such things to continue?— and if so, In God’s name let us prepare to leave. Here we have organized a government and appointed a class of magistrates of foresworn men— men who had held this honorable office previous to the war, and of course taken an oath to support the Constitution— And now these men are appointed by the Gov<sup>t</sup> to decide matters and dispense justice to loyal men. an incident— A gentleman— a magistrate under the Old Gov<sup>t</sup>. and who joined not in the rebellion until he was taken in by Conscriptio, and who, when a fit opportunity offered, deserted from the rebs, was offered for appointment in our present legislature— it aroused all the venom of the house and the press of the State generally and such abuse no man could imagine as was poured out against him denouncing him as perjurer &c &c. And again, this legislature on the recommendation of Gov. Worth<sup>31</sup> are, out of the State treasury, providing artificial limbs for maimed rebels. This sort of Compulsory Charity for treason may suit the palate of some, but the Union men of this State would rather be the dispensers of their own bounty— What! get legs and arms for wretches who when our poor fellows sick and helpless fell into their hands, buried them alive in pits— In the name of heaven if savage warfare, and its abettors are to be so respected let us unite in converting our Country into another Mexican Republic at once

I have no doubt sir, it will be a source of gratification to you to Know that your efforts are appreciated by the genuine loyalists of the South, maugre the slang and vituperations of Copperheads and Rebels which are synonymous terms, differing only in local use.

It is much to be regretted we have so few loyal papers in the South; but this is the best criterion of the loyalty (?) of our citizens:— Again,

<sup>30</sup> When Congress assembled, December 4, 1865, the radicals, led by Thaddeus Stevens, took control of that body. The members elected to seats from the South were not accorded the recognition given to usual claimants for seats. The radicals then pushed through Congress a resolution creating the joint Reconstruction Committee of fifteen members. The House also passed a concurrent resolution, accepted by the Senate, March 2, 1866, that no Senator or Representative would be admitted from the late insurrectionary states until both houses of Congress said “he states were entitled to representation. William A. Dunning, *Reconstruction, Political and Economic*, pp. 51-2, 61-2.

<sup>31</sup> Jonathan Worth (November 18, 1802-September 5 1869) practiced law; served in the legislature; engaged in business, such as plantation, turpentine, railroad and plank road promoter; and became an outstanding leader in politics. In the legislature, 1860-61, he opposed secession as he had opposed nullification in South Carolina nearly thirty years before. After secession he supported the South; was state treasurer, 1862-65; was elected governor in 1865 and 1866; but was removed in 1868 by General Canby. He favored the new constitution of 1866, but opposed the fourteenth amendment to the federal Constitution. He opposed Congressional Reconstruction, but was friendly to Daniel E. Sickles. *Dictionary of American Biography*, XX, 536.

our loyal men have been so cowed down during the war, and with the prospects now before them of power and patronage being again thrown into the hands of their political enemies, And you may judge of their humane feelings by the developments of Andersonville.<sup>32</sup> Now we believe President Johnson to be not only a good man but a wise statesman, Still he is but a *man*. Even his own goodness is a largely contributing cause of his own self-deception; for he judges others too much, I fear, by his own sentiments yet I would say that a more obtuse discernor than we suppose Our President to be, Could not but perceive that Union men,— the object of Southern aversion even more than the Yankee— will be completely ignored by the party now in power here And what good can result to Union men by the examination of such Southern idols as Rob<sup>t</sup> E. Lee? I am really astonished at— I could almost say the duplicity of— acting such a farce

One thing *I* would suggest— and that purely from a desire for the Negro's good— is the setting apart some territory or State for themselves And while I must acknowledge myself vindictive enough to see the arch rebels of the South humiliated, Yet our country is for posterity; and I believe I am sufficiently conversant with the habits of both races to Know that they cannot live together in harmony—, If by themselves, in the laps of a few generations and under proper culture, they might elevate themselves considerably in the social scale but here— both races must become quite transformed in habits and modes of thinking ere they can live together agreeably— You will pardon my thus intruding on your precious time, but I thought It might not be unacceptable to you to Know that the loyal men here appreciate your course.

I am, dear Sir  
Very respectfully  
&c &c

John Robinson<sup>33</sup>  
P. M. Goldsboro'

PS. Might I hope you would do me the favor of ordering a few samples of seeds, cuttings &c from the Patent office to my address? As we are out of the Union we are out of every thing here. J. R.

Graham N. C April 20<sup>th</sup> 66

Hon Thadius Stephens

Dear Sir

you Will Excuse me for making free to ask a Small favor at your hands, I E to Send me Some reading mater political in Favor of the Republican

<sup>32</sup> The prison at Andersonville, Georgia, was operated from February, 1864, to April, 1865. It was hastily erected on account of the drain on the food supply about Richmond. Food, clothing, and medicine for the prisoners were very poor. It was a long stockade covering sixteen and a half acres, later increased to twenty-six acres. A stream running through it furnished it with water. Corn meal and beans, without any meat, made up the usual diet. Respiratory diseases, diarrhea, and scurvy killed thousands. In the summer of 1864 there were 31,678 prisoners in it. The national cemetery there contains 12,912 graves. Captain Henry Wirz was tried and convicted of murder for which he was hanged, November 10, 1865, but later investigation has proved much in his favor. Adams, *Dictionary*, I, 73.

<sup>33</sup> On July 23, 1866, President Johnson nominated John Robinson to be deputy postmaster at Goldsboro, North Carolina, and the nomination was confirmed, July 27, 1866. *Journal of the Executive Proceedings of the United States Senate*, XIV, pt. 2, 1017, 1043, 1169.

party— the peopel here are Deprived of any information only on one Side of the question— We started off when the rebellion Ceased in the right direction but ware Soon Stopped in our Carear by the Cecesion party— We the old union party<sup>34</sup> do not understand why it was that they ware placed in power to reconstruct the Government<sup>35</sup> & then handed over to their political Enemys By the pres backing Down From his reconstruction policy<sup>36</sup> pardining all rebels & Establishing them in rule over the weaker party the Cecesionist have Taken Fresh Courage by the pres Course towards them the Consequence is that union party here are Discouraged & Brow beaten as bad as before the Surrender For Example the provisinal Governor was apointed County & State oficers apointed & Every thing was working well— the next Step was an Election by the hole of the peopel all pardoned & the, Ceces, being the Strongest prevailed & the old & True union party went by the bord the Consequence was they ware all removed & the Ceccs, reenstated Even all the provisinal Magistrates For our County ware removed Mayar Town Comm'ishoners Sheriff & C the provisinal Gov had apointed a majority union magistrates our Cecesion Legislature apointed 70, Ceces, Mgstrates & 8 union So you may Guess at the Chances for the Weaker party, union,— We the union party have not been abel to See any Good results From, Capt, Johnsons reconstruction polacy Commenced & not Caried out— Supposing that you ware in Some Degree Like Myself Not having as Much information as you might wish I have written thus I think a Large mejority of N C will prove the above to be a Good Criterion

as we have no representation in Congress any public Speeches newspapers & C Will be thankfully received at this office— as I am P.M. at this place Graham I have been Solisited to Communicate We do not Consider ourselves out of the World if We are out of the union & having no representativess there we Dont feel So much out of our place to make Such requests I hope to hear from you Soon  
yours very respectfully

Jo<sup>s</sup>. B. McMurry<sup>37</sup>

Honor Thadius Stephens

<sup>34</sup> The Union Party was headed by Lincoln during the war and put the preservation of the Union above everything else. The National Union party nominated Lincoln and Johnson at the convention, June 7, 1864. John Spencer Bassett, *Short History of the United States*, pp. 581, 584.

<sup>35</sup> Lincoln held to the idea that a state could not secede but that the people had rebelled, so that all that was necessary was for the executive to replace this disloyal element by the loyal people. All who would take the oath to support the Constitution and abide by the acts of Congress during the rebellion and the proclamations of the President until modified or repealed by the Supreme Court would be pardoned except civil and diplomatic officers in the Confederacy; military officers above the rank of colonel; naval officers above the rank of lieutenant; those who had left seats in Congress to take part in the rebellion; those who had resigned judicial positions or army or navy commissions to join the rebellion; and those who had treated those found in the service of the United States in any other manner than prisoners of war. When a number equal to ten per cent of the votes cast in 1860 had taken this oath, they could reconstruct the state. Under this plan he reconstructed Arkansas, Tennessee, and Louisiana, and held that the Pierpont government was the real government of Virginia. Johnson added to the excepted classes those who had been governors of so-called Confederate states; those who had assisted in destroying the United States commerce; those who had left the United States to aid the rebellion; those who had taken the oath under the proclamation of December 8, 1863, and then broken it; and those who had more than \$20,000 worth of taxable property. Before Congress met, on December 4, 1865, Johnson had reconstructed all the other Southern states or had them in the process of reconstruction except Texas, and that winter she followed suit. Johnson never made it clear whether he required a majority of those voting in 1860, or merely ten per cent. He and Lincoln personally pardoned many in the excepted classes. John W. Burgess, *Reconstruction and the Constitution*, pp. 8-10, 31-40.

<sup>36</sup> Johnson did not back down on Reconstruction, but Congress took it out of his hands when they refused to seat the Senators and Representatives from the South. Burgess, *Reconstruction and the Constitution*, *passim*.

<sup>37</sup> Jos. B. McMurry was postmaster at Graham, North Carolina, at a salary of \$250 per annum. He was in office in 1866 and 1868. *List of Post Offices and Postmasters in the United States, 1864-1870*, *passim*.

Fayetteville North Carolina 30 April 1866

The Hon<sup>ble</sup> Thaddeus Stevens  
Sir

I write you praying that you will do something for the poor people of this State.

Hundreds of the leaders of the rebellion who took good care to remain at home even by false swearing; carried on such a system of extortion, that they caused the greatest distress; and in consequence, thousands sold their Houses and lands to support their families and in many cases when they refused to take Confederate Scrip for their property, they were threatened with all kinds of punishment for so refusing, the consequence was that property that was worth enough to support a family for two years was sold for what would purchase scarcely enough to keep them one Month. The consequence is that all that kind of property now is in the hands of the most dishonest and unprincipled set of Men in the World. Men who have been well paid for bringing about the rebellion, and that would be glad to do the same again; and for the slaves that they have lost (which they never ought to have had) they have gained by foul means good and valuable property

I sincerely pray that you will give this subject some attention and if the deeds made must remain in force, that the makers may receive some remuneration for their property.<sup>38</sup>

and your humble Servant will be for ever thankful

Cha<sup>s</sup>. Goddard

P.S.

In connexion with the above as regards yourself, in June 1861 I sold my house and lot in Goldsboro N C for good and lawful money (at the price of 1860) before any Confederate Scrip was in existence That I am aware of fraud [*sic*] in 1863 when Confed: scrip was becoming worthless the purchaser offered me the greater part of the payment, I refused the payment, but the purchaser insisted on my receiving it, and under the circumstances I unfortunately did so; and as it is entirely worthless of course I find myself much wronged and pray for redress. Confederate scrip was not made a legal tender therefore can it be made a proper remuneration for property

C. G.

New Berne May 7<sup>th</sup> 1866

Sir

As corresponding Member of a Committee for carrying out the objects of a meeting held yesterday by the Freedmen of this Town

<sup>38</sup> During the war the Confederacy and the states issued bonds and treasury notes. *Specie* was chiefly sent abroad for supplies. Paper money sank to a small fraction of its face value. Counties, towns, insurance companies, and mining companies issued their promises to pay. Before the close of the war the Confederacy alone had issued more than a billion dollars worth of notes. Produce loans and bonds for cotton, tobacco, and turpentine were often used for money. By a law of March 12, 1866, North Carolina fixed the gold exchange value of Confederate money for executory contracts for different times during the period. For illustration, in January, 1862, it was \$1.20; January, 1863, \$3.00; January, 1864, \$21.00; January, 1865, \$50.00; April, 1862, \$1.50; April, 1863, \$5.00; April, 1864, \$20.00; and April, 1865, \$100.00. Bassett, *Short History*, p. 590; *North Carolina Laws, 1865-66, Public Laws, 1866*, pp. 97-8.

I beg respectfully to hand you the enclosed Resolutions. These Resolutions were unanimously adopted by a large and enthusiastic assembly convened to consider certain statements which had been made by Generals Steedman<sup>39</sup> & Fullarton<sup>40</sup> on their recent visit & a letter which appeared in the "New York Herald"<sup>41</sup> I may add that they considered the finding of the Court as stated in that Article to be in direct opposition to the evidence produced, and the gratuitous insult to the gentleman who demanded the investigation as a pitiful effort to wriggle out of a sorry scrape

I am Sir

Yours Very Respectfully

S W Laidler<sup>42</sup>

To The Hon<sup>ble</sup>. Thaddeus Stevens

### Resolutions

Whereas it has pleased His Excellency Andrew Johnson President of the United States to appointment certain Generals to visit the South and enquire into the affairs of the Freedman's Bureau, not as we understand for the purpose of correcting existing evils or perfecting the working of the Bureau, but for the purpose (as appears to us) of finding some ground for demanding its removal & creating Political Capital in favor of the President's Policy which if carried out will (we fear) place us in a very precarious position

Be it resolved

1 That so long as the State and United States Governments refuse to grant us the right of Suffrage (the only peaceable means of protecting our own interests); so long as the punishment inflicted on a colored man for crime (or pretended crime) is different from what would be inflicted on a white man for a similar offence; so long as colored men if necessitated to be abroad after a certain hour at night are subject to arrest search and the forfeiture of weapons (if they have any) while white men can walk at all hours without molestation; in a word so long as we are not made equal before the law, we consider the Freedmen's Bureau an indispensable necessity<sup>43</sup>

<sup>39</sup> General James Blair Steedman (July 29, 1817-October 18, 1883) was born in Pennsylvania and died in Ohio. He learned printing; served in the war in Texas; and settled in Ohio. He was in the legislature; went to California in the gold rush; and became a colonel in the Ohio army in 1861, brigadier-general, July 17, 1862, and fought in Tennessee and the South. He was made major-general, April 20, 1864; was provincial governor of Georgia for a while; served as collector of internal revenue at New Orleans; and returned to Ohio in 1869. He with General J. S. Fullerton made a tour of the South for the purpose of investigating the work and the administration of the Freedmen's Bureau. Their report on the conduct of Colonel Whittlesey and others was a most severe indictment. Colonel Whittlesey was accused of being engaged in farming in Pitt County. This report is found in *The Sentinel* (Raleigh, N. C.), May 3, 1866. Hamilton, *Reconstruction*, pp. 300, 321-3; Appleton, *Cyclopaedia of American Biography*, V, 659; *Dictionary of American Biography*, XVII, 554-5.

<sup>40</sup> General Joseph Scott Fullerton was inspector of the Freedmen's Bureau after the war. He lived in Ohio and Missouri and became a first lieutenant in the Missouri infantry, October 14, 1862. He was made major in the volunteers, March 11, 1863; lieutenant colonel, November 10, 1863; brevetted colonel of volunteers, March 13, 1865 for meritorious services during the Atlanta campaign; and was mustered out, September 10, 1866. He died on March 20, 1897. Francis B. Heitman, *Historical Register and Dictionary of the United States Army, 1789-1903*, I, 440; Hamilton, *Reconstruction*, p. 300, 321-3.

<sup>41</sup> See page 177, note 19.

<sup>42</sup> S. W. Laidler was involved in the Trent Settlement. See page 186, note 44.

<sup>43</sup> See page 178, note 21.

2 That while we strongly condemn the atrocities committed upon the Freedmen in the Trent Settlement<sup>44</sup> by Edward S. Fitz<sup>45</sup> and deeply regret that other Agents of the Bureau have not been able to satisfy all concerned, Yet as a few leaky places in the roof of a mans house would not be considered a sufficient ground for pulling it down & living out of doors neither can we see sufficient reasons in these abuses for removing the Bureau but a greater reason why it should be perfected & maintained

3 That so long as the Federal Government refuses to grant us the right to protect ourselves by means of the Ballot,<sup>46</sup> it is its solemn duty & we will hold it responsible before God for our protection & we believe that this protection will be best secured through the Freedmen's Bureau

4 That we thankfully acknowledge the privileges secured to us by the "Civil Rights Bill"<sup>47</sup> and whenever the Elective Franchise is also guaranteed to us we will ask no further special protection from the Federal Government; for then united with our white friends in the South we will be able to secure for ourselves every desired or desirable means of prosperity

<sup>44</sup> "Some Outrages of the Bureau. Opposite Newbern, on the opposite side of the river, some 2,500 freedmen have been settled for five years past. They were invited there by the military, and located on little plots of ground which they were allowed to cultivate. Eight months ago Edward S. Fitz, a Massachusetts preacher was placed in charge of the Trent River settlement by Captain James, another New England preacher who was then conducting the bureau here. A system of exaction and cruelty was immediately inaugurated. Fifty cents a month ground rent was demanded for every plot on which the miserable little cabins were erected. Every negro who owned a boat had to pay two dollars and a half a month, or his boat was forfeited. Every darkey who kept a store was taxed five dollars a month. Every one who owned a horse was taxed a similar amount. Failure to pay any of these exactions was punished by the imprisonment of the man or his wife—preference being given to the wife—the confiscation of all his property, and in many cases the tearing down of his house. A negro who quarreled with his wife was fined one hundred dollars and sent to prison until he paid it. All the extortions were practiced upon a population steeped in the deepest poverty, scourged by disease, and many of them wanting the common necessities of life, and in this manner an income of at least eight hundred dollars a month was derived by the Bureau. The complaints of the people became at last so loud that Mr. S. W. Laidler, an agent of the American Missionary Society embodied some of the more atrocious cases, in a series of charges, and laid them before Captain Seely, the Bureau Superintendent at Newbern. A court of inquiry was demanded by Mr. Fitz and a committee of investigation was ordered by Captain Seely." The charges laid before the court were many and interesting. The charges were not all sustained, but Fitz was recommended by the court for dismissal. He appended an opinion that these charges were not made against him by Mr. Laidler with any desire to benefit the freedmen, but from more personal spite. Quite a number of charges were sustained.

A Negro boy sixteen years of age was hung up by wrists and left hanging from noon to sundown. A Negro boy found under the store of Joseph Fowle was charged with theft, struck with a brick by him in the presence of Fitz who approved of it, and then hung by the wrists, and Fowler was permitted to pinch him in the most tender parts of the body until he yelled. Fitz had women arrested who spoke disrespectfully to him, but was released after strong protest of Laidler. A Negro man named Perry was kept in jail for debt after he had paid half of it. His wife and child died of smallpox and were buried in the cradle and coffin bought by neighbors. Fitz arrested a boy eight or ten years of age for playing on the road and kept him all night and released next day when his father paid five dollars. He fined two men \$51 and \$5 for firing a gun when only evidence was possession of a gun by one of the men. He fined an old man seventy years of age \$60 and put him in prison until this was paid, because he had warned a man who fled the officers. He was promised freedom if he would catch the man, but he paid his fine. Fitz's uniform fine for resisting arrest was \$15, and \$5 for arrest. *New York Herald*, May 2, 1866, p. 8; *Newbern Daily Times*, May 7, 1866, p. 7.

<sup>45</sup> Edward S. Fitz of the Bureau R. F. and A. Lands, Eastern District of North Carolina, was Superintendent of the Trent River Settlements, James City, near Newbern. He defended himself in the press. *Newbern Daily Times*, May 7, 1866, p. 1; *New York Herald*, May 2, 1866, p. 8.

<sup>46</sup> By 1865 some of the most radical had begun to talk about Negro suffrage; the first Reconstruction act in 1867 required it for the conventions and ratification of the first state constitutions; the fourteenth amendment reduced representation in Congress in proportion as the number of free male citizens over twenty-one who were disfranchised bore to the total number of male citizens over twenty-one; and the fifteenth amendment prohibited the disfranchisement of people on account of race, color, or previous condition of servitude. Dunning, *op. cit.*, *passim*. *Reconstruction*, *passim*.

<sup>47</sup> The first civil rights act was passed over the veto of President Johnson, April 7, 1866. It was an attempt to make the Negroes equal to the whites in the enjoyment of civil rights. Parts of this act were incorporated in the fourteenth amendment. In 1875, as a memorial to Charles Sumner, Congress passed the second civil rights act, but the Supreme Court in various cases declared most of its provisions unconstitutional. Walter L. Fleming, ed., *Documentary History of Reconstruction*, I, 197-202; II, 294, 295, 428.

5 That not bold declamation, high sounding words or multiplicity of promises, but Acts which speak louder than words are the Standard by which we shall judge of our friends; and as the Majority now in Congress have evidenced their determination to exhaust every effort to secure to us all the blessings of freedom, we recognize in them and their supporters our best friends and doubt the sincerity of all pretended friends who oppose their general policy

6 That a Copy of the foregoing Resolutions be forwarded to [His Excellency the President of the United States, This was marked out] to The Hon<sup>ble</sup>. C. Sumner & Hon Thaddeus Stevens and to the Editors of the "Tribune"<sup>48</sup> and The Philadelphia Enquirer<sup>49</sup> and The Washington Chronicle<sup>50</sup>

Asheville North Carolina  
May 15<sup>th</sup> 1866

Hon. Thaddeus Stevens

Dear Sir—

At the request of many good Citizens of this part of the State, I ardently desire as an *humble Citizen*, to make Some direct declairations to you, relative to the Political, Legislative and Executive State of affairs, locally Considered, in our State, Specially in the Western part— And in so doing my Statements Shall be as Correct, impartial and dispassionate as I can make them—

You are, probably, well aware that a very large number of the good Citizens of the Secession States, Specially North Carolina and Tennessee were, at the Commencement of the late war, and are yet, as loyal to the Federal Government as any people in the United States— And that those who Could not remain at home during the war without Committing themselves to the Rebellion fled North Carolina, as did loyal men elsewhere, and took refuge in and behind the Federal Army— They did this, not for Crimes that they had done— Not for the Sake of gain, emoluments or honor— Not for want of *Valor to fight*— But because they were honest and loyal to the Old Government— Government of their Fathers— and loved with an ardent Zeal all the Sacred tenets of our glorious Union— And because they Could not with Such Constituent principles and feelings, breathe in an atmosphere all poisoned with high Treason and blackened by the Fiendish Staunch of murder and the foulest Crimes known to any Laws— These are the reasons why our fellow Citizens bid a last adieu to their homes and loved ones in the sable hours of night and groped their way through wild mountain gorges, Rebel pickets and grurillas in in quest of friends and protection in the Union Army—

Western North Carolina furnished a quota of Officers and Soldiers to the Federal Army, amounting to about four thousand, amongst

<sup>48</sup> *The New York Tribune* was established on April 10, 1841, by Horace Greeley as a penny newspaper. He was assisted by Henry J. Raymond, Charles A. Dana, George Will'am Curtis, Bayard Taylor, Albert Brisbane, and other noted writers. Jameson, *Dictionary*, p. 352.

<sup>49</sup> *The Philadelphia Enquirer* was established in 1829, and was at the time of the Civil War an outstanding news organ of America. *Union List of Newspapers*, p. 613.

<sup>50</sup> From 1861 to 1911 the *Washington Chronicle* was a noted American newspaper. *Union List of Newspapers*, p. 85.

whom I was one—<sup>51</sup> Our men Suffered many privations and hardships and fought and bled on many fields for the Union and the laws in their purity— and Some of us are to-day bearing marks and Caring deadly Missiles in our flesh that we received on the field of Carnage and blood—

And whilst there are Some of our numbers who are men of “no Constitution or Character,” the great body of Union men and discharged Federal Soldiers in North Carolina are men of responsible qualities of no *mean Consideration*, notwithstanding the nefarious efforts, foulmouthed Slanders and vulgar *Slang* and *Slash* of Gen. Tho<sup>s</sup>-L. Clingman<sup>52</sup> “Bill Arp”<sup>53</sup> and other dysloyalist in the South whose highest ambition is to pour out their Seventy times Seven Vials of wrath upon the general Government and Specially upon the Union men in their own Sections—

But the war is over and we are again at our homes and we did hope that all would Soon be well, and that peace would be restored to our Country— But we have no peace— The Offices throughout the whole State organization from Governor down to magistrate and town Constable are filled almost entirely by original Secessionist and “Aristocratic Submissionist” who held Rebel Offices and took an active part, more or less, in the Rebellion, and in their various official Capacities most of them have proved themselves to be as dysloyal to the Federal Government as they ever were, while they have shown more *Vindictive Malice* towards union men than they ever did. The union men never have Suffered to much Severe persecution Since the war was first talked of as they have Since its close, and these dysloyal men have been Clad with So much State authority—

These Officers, generally, are imprudent and reckless, often threatening through their public Journals and their Official Edicts(?) that they “will now accomplish by law and Legislation what they failed to accomplish by Arms in the war.” that they “will make union men Scarce in North Carolina— And that “Union men never Can represent this County” &C. &C. Whilst they Subject the loyal people of every grade and order to the most insulting taunts, indignant charges and disgracefull epithets Such as “Traitors,” “Tories” &C.

Meantime by Some way unaccountable “turn of the wheel on the tickets,” or by some other mysterious accident, the grand jurors both for the County and Superior Courts are chosen in Some of the Counties almost entirely from the Secesion ranks— men who have been “died deep in the wool” and have “kept the faith after the Strictest Sict” of Rebels— They seem to know well their business and “all dance admirably to the pulling of the wires—” In Session they are incessantly

<sup>51</sup> Western North Carolina was almost as loyal as East Tennessee and many of her men either enlisted in the Northern army at first or deserted and joined the Union army as soon as they had opportunity. The mountains of North Carolina were filled with deserters and very few of them were ever apprehended even if the State did maintain a large home guard in that section.

<sup>52</sup> Thomas Lanier Clingman (July 27, 1812–November 3, 1897), after graduating from the University of North Carolina and studying law, served in the North Carolina senate, was in Congress, March 4, 1843, to March 3, 1845, and from March 4, 1847, to May 7, 1858, when he resigned to go to the United States Senate; was reelected in 1861, but withdrew, March 28, 1861. He was an officer in the War, and measured many of the mountain peaks in North Carolina. Appleton, *Cyclopaedia of American Biography*, 1, 658-9; *Biographical Directory of the American Congress, 1774-1927*, p. 824.

<sup>53</sup> “Bill Arp,” Charles Henry Smith (June 15, 1826–August 24, 1903), a noted journalist and humorist, was born in Lawrenceville, Georgia. He practiced law; served in the Confederate army; and was later state senator and mayor of Rome, Georgia. His literary reputation rests on his contributions to the *Atlanta Constitution* for a period of more than thirty years. He spent the latter part of his life in studying and writing. With his combined common sense and genial satire he was a part of precursor of Will Rogers. Stanley J. Kunitz, and Howard Haycraft, *American Authors, 1600-1900*, pp. 694-695.

engaged in presenting and having prosecuted all union men for any and every trivial offence that they may have been Compelled to Commit against the Statutes of the State, either in the Capacities of Citizens or Soldiers during the war— So far, Federal Orders and Federal authority has not been respected by those Courts.

I will give you only one example— A scouting party headed by a soldier who had due and legal authority from Col. G. W. Kirk<sup>54</sup> of the 3<sup>rd</sup> Regt. N. C. Mt. Inftry (Federal) was sent by the Col— from Knoxville Tenn. on an Expedition into Western North Carolina in the Spring of 1864. The object of the Expedition was to recruit Soldiers for the Federal Service and for other lawful purposes— As they passed through Buncombe County N. C. where most of the party lived, having enlisted several raw recruits and being menaced on all Sides by the Rebels, they seized upon and Captured, for their own Safety and protection, a number of guns, pistols and Swords that had been deposited by Rebel scouts at different Citizens' houses in that neighborhood— And this party done nothing more, except they slightly wounded two "individuals" belonging to the "Aristocratic department," a Negro and a dog, who attempted to interfere with the Capture—

But these "Simon pure" jurors have seen proper to have them duly arraigned by indictment before their immaculate "Court of Justice" to answer to the charge of forceably taking arms from those private houses "against the Consent," I suppose, of either the Negro or the dog, but I don't know which, and "against the peace and dignity." of the "peticoat Government" in North Carolina— And are to be publicly tried at the next pending term of Court for the County, when No doubt the Statues of the State will be plead against them and the penalty inflicted accordingly, regardless of Gen. Grant's order or any thing else—

Whilst there are men living in the same County and adjoining Counties who belonged to and operated with Rebel scouts and grurillas although this County and took by theft and force of arms every thing that they Could place their hands upon with safety, from the size of a horse down to the size of a chicken, plundered union men's houses, rifled Safes and trunks, stole women's and children's clothing, and shamefully abused and publicly whiped and hung union women— And last, though not least, they willfully and deliberately murdered union men, boys and women!

Yet these Murderers and Feendish Vandals are going about unmolested and are even protected by State Legislation and are spoken of as being the "right kind of men—"

How long will this awful state of affairs yet exist in our Country—? How long will we be subject to dysloyal rule and this double dealing in law? How long will we have to bow our necks to this galling yoke of dysloyal *wrath and Vengeance* that is being poured out upon us, with—

<sup>54</sup> In 1870 Governor Holden was determined to force the fight on the "Ku Klux Outrages" and to make use of the authority conferred on him by the Shoffner act to intimidate the electorate. For this purpose he organized two regiments of troops—one of them was placed under the command of Colonel George W. Kirk, a bushwhacker of Tennessee, former commander of the 3d. North Carolina Federal troops of volunteers during the Civil War, who was known as a "desperado and brutal character." Kirk recruited his regiment of 670 men in Eastern Tennessee and Western North Carolina, enrolling a number of men who had served under his former command. He took them to Company Shops (now Burlington) and there they entered the state service. Captain B. Rodney in command of the Federal troops in Caswell County protested against the outrages committee by what he termed "nothing but an armed mob." R. D. W. Connor, *North Carolina: Rebuilding an Ancient Commonwealth*, II, 327-28.

out measure, in the shape and under the pretention of law? There is no protection of Safety afforded Union men by the State organization. We can only look up as private Citizens to the high authorities of the Federal Government for protection and Justice— Can any thing be done for us—

The Federal Soldiers on being mustered out of service and arriving home Conducted themselves with a great deal of magnanimity and respect towards the Confederate Soldiers and Citizens of this Country, from whom they had received the most inhumane treatment and unpardonable insults— And they have remained peaceable and law-abiding mostly cheerishing and inculcating fraternal feelings between man and man— But seeing the spirit of the Rebellion reviving again and rapidly kindling into a flame with all its Comcomitant evils— and that persecution— that vile fiend of the Rebellion— is again being turned loose upon them— not with balls and bayonets— but with a perversion of the Civil law, they are becoming very anxious— anxious almost to recklessness— And it is to be feared that the whole Union part of this County will soon be driven into a State of *desperation*.

May Heaven avert it.

I transmit the above statements without any hesitation or fear of Contradiction from any loyal Source whatever, and will furnish Corroborative testimony if necessary—

All of which I respectfully submit to the most judicious Consideration of your Honor— hoping that you may wield an influence in the Congress of the United States that will redound to the benefit and relief of the oppressed Union men in the South—

I am Sir

Very Respectfully  
Your Obt. Servt  
Marion Roberts<sup>55</sup>

Late Surgeon 3 Regt N. C. Mt. Infty— (Federal)

P. S. Least my motives should be suspected allow me to say, that I am not a candidate for any office— Never have been— never have been defeated for office— never have been writted, indicted or otherwise prosecuted at law— for any Crime whatever— And that I have no personal, individual or pecuniary interest in any Suits now at law or pending law. The above letter is written through pure motives, only. M. R.

Goldsboro' N. C. 15<sup>th</sup> May 1866

Hon. Thaddeus Stevens,

Dear Sir,— On behalf of the loyal men of N. C. I beg to offer you congratulation for the sentiments so well— so appropriately and so nobly and patriotically expressed by you in Congress in the detate on the Constitutional amendment.<sup>56</sup>

<sup>55</sup> Marion Roberts was a land owner in Buncombe County. On January 4, 1873, he and his wife deeded to the Methodist Episcopal Church one acre of land on Flat Creek, and, January 27, 1883, he deeded to B. B. Anderson one acre on the same creek. George A. Digges, *Buncombe County Grantor Deed Index*, p. 3003-R.

<sup>56</sup> Thaddeus Stevens took a leading part in the debates on the various parts of the fourteenth amendment, and then on the omnibus amendment after it was assembled. *Congressional Globe*, *passim*.

Notwithstanding the grumblings of Northern copperhead editors<sup>57</sup> and Southern Secession beats malignants, the true and loyal heart of this still great Republic beats responsive to the utterances you put forth on that occasion; and it will be gratifying to you to know that the Union men of the South cherish venerate and applaud your course.

It may not be impertinent to remark— tho' you must be already aware of the fact— that Union men here have got nothing to do with our State affairs. Sheriffs, Magistrates, S. C and C. C. Clerks all, all are selected from among the Secesh.— Nay there has been even appropriation set apart from the State treasury to purchase limbs for maimed rebels, and *we*, of course, are thus taxed to equip the victims of treason. Is this to be borne? is it lawful?

I take the liberty of sending you a few copies (7) of the Raleigh Sentinel, the leading organ of the defunct but still Kicking chivalry. From it you will be able to judge of the amount of contrition felt by the pardon-seekers of the South. Is it not Surprising that president Johnson will persist in maintaining the loyalty of a people who thus glorify themselves for a celdamatizing their country? It might not be politic for me, being appointed here as P. M. by the president, that I should come out publicly either to applaud your course or condemn his, and of course you will use the proper discretion. So Hoping— nay praying that God and your Country may sustain you in your noble efforts

I am

My dear Hon. Sir

Your admiring serv<sup>t</sup>

John Robinson P. M.

P. S. May I hope to hear from you?

J. R.

Hendersonville N. C

Jany the 4<sup>th</sup> 1867

Hon Thaddeus Stevens

Washington D C.

Dear Sir.

Allow me to congratulate you in reference to your late proposition for the reconstruction of the late insurrectionary States.<sup>58</sup> This proposition is much more preferable than the one introduced at

<sup>57</sup> The Northern copperhead editors backed the Democrats and George B. McClellan in the campaign of 1864. Such men as Samuel S. Cox and C. L. Vallandigham boldly attacked the government officials in certain sections of the North. Burnside went so far as to suppress the *Chicago Times* on account of its outspoken attitude in favor of copperheadism. With the success of the Northern army in the Virginia area and about Atlanta, Lincoln defeated McClellan by a vote of 212 to 21 in the electoral college and a popular vote of 2,213,665 to 1,802,237. James K. Hosmer, *Outcome of the Civil War*, pp. 3-7; Edward Stanwood, (revised by Charles Knowles Bolton), *A History of the Presidency*, p. 307.

<sup>58</sup> Thaddeus Stevens helped push through the Civil Rights bill and the Freedmen's Bureau bill over the veto of the President which proved that Johnson no longer could control Congress. The Reconstruction Committee reported a bill that when the fourteenth amendment should become part of the Constitution, any state lately in insurrection, which had ratified it and adopted a constitution and laws in conformity with its terms, should be entitled to representation in Congress. This did not go as far as Stevens desired, and on the last day of the session he sought to amend it so as to require full Negro suffrage. On February 6, 1867, he introduced a bill which after some changes, became the first Reconstruction bill, and provided the basis of Negro suffrage. The radicals later said that if the Southern states had accepted the fourteenth amendment and the terms of the bill relative to it, although it never passed, they could have gotten back in the Union without being thrown under military rule. *Dictionary of American Biography*, XVII, 620-25.

the instance of Mess Holden Pool and Taylor<sup>59</sup> from the fact that it allows the freedmen to vote without qualification, and because it disqualifies all who held office civil or military under the Confederate authorities.

I assure you that the true Unionists in this mountain Section was not Satisfied with the bill proposed at the instance of Mess Holden & others.

I do hope that nothing short of your bill which has just reached me through the "N. Y." *Tribune* will be accepted by Congress. I mean your modified bill from last Session. This proposition will set the State on its legs just right. It cuts off the proper ones and lets in the right element.

I have forwarded to Congress over forty feet of petitioners for a new State, or the reorganization of the Whole State. These petitions continue to come in, but since the loyal portion of the people find that Congress is taking Steps to reorganise the Whole State they do not care so much about the new.

I know the sentiments of the true Unionists of this Mountain Section and I do hope and pray that Congress will not accept any thing short of your bill. Hoping that you will urge it to its final passage, I subscribe myself yours with great respect

A H Jones<sup>60</sup>

M C from 7<sup>th</sup> Dis of N. C

P. S. I think there should be a severe penalty fixed in the bill for false Swearing. If there is not the rebels will reap the benefits of office by taking the oath.

A. H. J

High Point, N. C. March 11<sup>th</sup>/.67.

Hon. Thadius Stephens

Honored Sir

I drop you a line to ask you to get me the office of assistant U. S. district attorney for the 5<sup>th</sup>. Congressional Dist. . of N. C. Carrying out the Bankrupt Bill. upon the following reasons. I am a poor young man. Thirty-three years of age, Moral and religious, and a Lawyer by Profession admitted in 1857. never taken the Confederate oath for any-thing, never in the army, and can take the test oath if required. and am an unconditional Union man, I approve your plan of reconstruc-

<sup>59</sup> He must refer to Nelson Taylor of New York, who was born June 8, 1821, and died January 16, 1894. He served in the Mexican War; was a colonel in the Civil War and was promoted to rank of brigadier-general; and served in Congress, December 4, 1865, to March 3, 1867. He was a member of the committee on freedmen and invalid pensions. Appleton, *Cyclopaedia of American Biography*, VI, 48.

<sup>60</sup> Alexander Hamilton Jones was born in Buncombe County, North Carolina, July 21, 1822. He engaged in mercantile business; entered the Union army in 1863, but was soon captured in East Tennessee where he was raising a regiment of troops; and was incarcerated in four different prisons. He was conscripted, but escaped, November 14, 1864, and joined the Union forces at Cumberland, Maryland. He was in the state convention of 1865 and was elected to the 39th Congress, but along with the other Congressmen from the South he was not allowed to qualify, although he was a Republican. He served in Congress from July 6, 1868, to March 3, 1871; was defeated in 1870 election; and dropped out of politics. He lived in Washington until 1867; in Maryland until 1884; in Asheville until 1890; in Oklahoma until 1897; and in California until he died, January 29, 1801. He was one of the leaders in Congress to divide North Carolina, and was accused of offering to sell a cadetship to George W. Swepson for \$1,000, but was exonerated. *Biographical Directory of Congress*, p. 1159; Hamilton, *Reconstruction*, pp. 140, 375, 451, 491.

tion in full.<sup>61</sup> Further I never held Civil or Military office in Under the Confederate or state, never sought for one. but I have been kept out of office by the rebels. since the surrender.

I do not wish to flatter, I cannot flatter you, if I was disposed, but I know yours is the only plan that will give peace and quietude to the country, and put the South under loyal rule. I would come & see you but my means are too meagre. to admit of it. so if you please recommend me to the chief Justice<sup>62</sup> of the U-S for said office for the reasons above, given.

I can give references, if necessary. I never owned an negro, and I spent all my means to keep out of the rebel army. Write to me immediately and I will do as you say. I shall never forget you.

Respectfully,

Jacob - T. Brown.<sup>63</sup>

Battleboro N. C. 13 March 67

Hon<sup>r</sup>. Thad. Stevens

Dear Sir.

As you seem to be a friend to all honest men, and a Supporter of humanity, I would like to Call your attention to a Subject of Very great concern to the people of the South. There is here a vast amount of individual indebtedness- created and in existence previous to Lee's Surrender. The means left with which to liquedate this indebtedness bears but a small propotion to the amount available at the time of their creation Creditors are Clamarous for the last dollar and last pound of flesh, Debtors think it is not just to make an insurance Company of them, against unexpected and great national Calamities- That many of those debts are due for Confederate notes, for Corn at 100\$ pr bl, for Bank bills & C & C, and that justice demands that these claims together with those existing before the war should be reduced

<sup>61</sup> Reconstruction would soon have been completed after Congress met, December, 1865, according to the plans of Lincoln and Johnson, but the radicals determined to undo all that had been done and to substitute Congressional for Presidential Reconstruction. Stevens introduced a bill to this effect in the first session of Congress which met in 1865, but it was not pushed. On January 3, 1867, after he thought the time was ripe for his plan, he called his bill up and had it referred to the Joint Reconstruction Committee. After being amended it became the first Reconstruction act, which was passed over the veto of Johnson, March 2, 1867. It abolished the governments in the Southern states; established military governments instead, with an army officer above the rank of brigadier-general in command of each of the five military districts; and provided that these officers could remove civil officials and set up military tribunals, and that the only way of escape for all the seceding states except Tennessee, which had accepted the fourteenth amendment, was to accept the terms laid down by Congress. These were: let Negroes and whites, except those of the latter who were disfranchised, vote on calling a convention; select delegates to a convention; make a constitution providing for Negro suffrage, repudiate the war debt and declare secession null and void; have the constitution approved by the electorate who had voted for the convention; have the constitution accepted by Congress; have the first legislature which convened in the state accept the fourteenth amendment; and then after this amendment had become part of the Constitution of the United States the Senators and Representatives from the Southern states would be seated and military government would end. Basset, *Short History*, pp. 609-10.

<sup>62</sup> Salmon Portland Chase (January 13, 1808-May 7, 1873) was Secretary of the Treasury under Lincoln until the death of Chief Justice Taney, October 12, 1864, when Lincoln appointed Chase to the chief justiceship. *Dictionary of American Biography*, IV, 27-34.

<sup>63</sup> After reporting the facts of the previous summer, December 14, 1870, the judiciary committee of the North Carolina house of representatives offered the resolution, which was adopted by a vote of 60 to 43, to impeach Governor Holden. Of the nine senators who voted against impeachment, Jacob T. Brown of Davidson County was one. The vote in the house is sometimes given as 60 to 46. *The Daily Standard*, December 14, 1870; Hamilton, *Reconstruction*, p. 541.

to a paralel with the means left in *the Country* Generally they think about one half of these amounts existing before the war should be paid— and nothing for Claims Created during the war. It is unnecessary to extend remarks on the Subject— as you will Comprehend the whole matter at once when you devote to it a *Consideration* Reasonable relief from any action of Congress would be hailed as a God Send, by a majority of our people.<sup>64</sup> The Bankrupt law<sup>65</sup> is a relief to Some extent— But this requires a full Surrender of all to pay the debts— which debtors think should be scaled to a minimum below what they Call for. This letter is a private one and the writer would be obliged if you have the time for your private views on the Subject; If upon reflection you think the Subject worthy of Congressional action. It will be for you to inaugurate a measure calculated to secure an invaluable blessing to our people— and their lasting gratitude The Suits, in our Courts are more numerous than ever before, The Costs alone are likely to amount to a Sum greater than all our Taxes Combined. The lawyers and creditors like ravenous wolves— pressing poor debtors to the wall— declaring that it is unconstitutional to do anything for their relief— Hoping to hear Soon from you I am Sir

Very respectfully

W. D. Harrison

P. S. Would like to get your assistance in establishing a Post Office in this place— to be called Valleycot— We have a hundred petitioners—

Morven Anson County N. C. Feby 15<sup>th</sup> 1868

Hon Thaddeus Stevens

Sir, Although I am only acquanited with you from reputation yet I take the liberty of writing to you and trust that my letter will not pass unnoticed by you and also that you will extend me that aid (if in your power) which my Straitened circumstances requires.

I am a practicing physician and before the war was doing well but when the Union Army passed through this part of the country they burnt every thing that I possessed they never left me a vestige but ashes. My house a good Stock of Medicines a fine library my notes & accounts and all the Surgical instruments that a country practitioner usually keeps were destroyed together.

I was in an adjoining county visiting the sick child of a sister when the army passed through & returned to find myself reduced to absolute penury and had it not been for the kindness of Some friends who were not so entirely Stripped of the necessaries of life my family would certainly have Suffered. I then had to purchase such medicines provisions &c as were necessary to carry on my practice on credit and have never yet been enabled to pay my indebtedness.

<sup>64</sup> See page 183, note 36.

<sup>65</sup> The first federal bankruptcy law was in operation from 1800 to 1803; the second from 1841 to 1843; the third, called the Lowell Act, March 2, 1867, to 1878; and the fourth was passed on July 1, 1898, but it has been amended several times and many attempts have been made to repeal it. Jameson, *Dictionary*, pp. 39-40.

I have never yet refused to visit any one white or black poor or rich and the last year being unusually Sickly in this part of the country I did a great deal of practice and as there was Scarcely a Support made by the farmers they are unable to pay their accounts and the colored people will not be able to do so in several years if ever Many of them are old and decrepit Some are widows with Several children and have to depend on the charitable for a support. I have been for several months attending a poor widowed colored woman whose foot will certainly have to be amputated She is living with her former owner who supports her and her five children gartuitously and I do not expect to get a cent for my Services unless I receive it from the benevolent. She is one instance. There are many within the range of my practice equally as poor who have had my Services for the last three years and will require them again.

Now I have no other way of Supporting my family but by my practice and if I do not receive extrinsic aid I shall certainly have to relinquish the practice or practice only for those whom I know to be perfectly responsible and punctual and although this is a disagreeable step I fear necessity will compel me to take it.

I have written to you Sir because I am more familiar with your name (having seen it often in the papers) than any of the other Congressmen and you are I suppose the leader of the great party in whose hands the destinies of the United States are now placed.

I know nothing of your private character nor whether you are wealthy or poor but trust that you are a man of benevolent feelings and if you are not able to help me you will use your influence with some one who is.

I will say in conclusion that I was opposed to the war and never participated in it, that I never owned slaves and that I was not opposed to their emancipation that I educated myself by my own individual efforts. I hope to hear from you soon Direct to Morven Anson County No. Car. and oblige

Very respectfully Your &c

John C. Smith

[*To be continued*]

# NORTH CAROLINA BIBLIOGRAPHY, 1939-1940<sup>1</sup>

By MARY LINDSAY THORNTON

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- DAUGHERTY, JAMES HENRY. Daniel Boone; with original lithographs in color by the author. New York, The Viking press, 1939. 94, [1] p. illus. \$2.00. Juvenile.
- DE MILLE, WILLIAM CHURCHILL. Hollywood saga; with a foreword by John Erskine. New York, E. P. Dutton and company, 1939. 319 p. illus. \$3.50.
- HARRIS, MRS. AGNES (ROUECHE). Grandmother dear; or, One who held a lighted torch; a history of the Catholic church in Salisbury, N. Carolina. [Salisbury, N. C., Privately printed, 1939.] 149 p. i lus. Mrs. Lucian Harris, Belmont, N. C. \$3.00.
- HILLDRUP, ROBERT LEROY. The life and times of Edmund Pendleton. Chapel Hill, The University of North Carolina press, 1939. xi, 363 p. illus. \$3.50.
- LONG, AUGUSTUS WHITE. . . . Son of Carolina. Durham, N. C. Duke university press, 1939. x, 280 p. \$3.00.  
At head of title: A segment of the American scene.
- "Men of affairs" in the public-industrial life of Burlington and North Carolina. [Burlington?] D. C. Johnson, [1940.] 80 p. illus. \$10.00.

- MUMFORD, ELIZABETH. Whistler's mother; the life of Anna McNeill Whistler. Boston, Little, Brown and company, 1939. vii, 326 p. front. \$2.50.
- NEWBOLD, NATHAN CARTER, editor. Five North Carolina Negro educators; prepared under the direction of N. C. Newbold. Chapel Hill, The University of North Carolina press, 1939. xii, 142 p. illus. \$1.00.
- NICHOLSON, ARNOLD. Adventures with a prophet; the story of a hard-boiled editor and a temperamental Ph.D. [Philadelphia, The Curtis publishing company, c. 1939.] 84 p. illus.
- PELLEY, WILLIAM DUDLEY. Door to revelation; an intimate autobiography. Asheville, N. C. Pelley publishing company, 1939. 312 p. \$2.00.
- RAYMONT, F. W. I. Sir Walter Raleigh. London, W. and R. Chambers, ltd. 1938. 48 p. 8 d. Juvenile.
- UPCHURCH, THOMAS BENTON. The story of my life. Oxford, N. C., Oxford orphanage press, n. d. 70 p. illus.

*New Editions and Reprints*

- BARTRAM, WILLIAM. The travels of William Bartram, edited by Mark Van Doren; with an introduction by John Livingston Lowes. . . . New York, Facsimile library . . . Barnes & Noble, inc., 1940. 414 p. \$2.75.
- BLOMQUIST, HUGO LEANDER. A guide to the spring and early summer flora of the Piedmont, North Carolina, by H. L. Blomquist and H. J. Oosting . . . 3rd ed. [Durham, N. C., Printed by the Seeman printery, inc., ] 1940. xvi, 144 p. \$1.00.
- DAVISON, WILBURT CORNELL. The complete pediatrician, practical, diagnostic, therapeutic, and preventive pediatrics . . . 3rd ed. Durham, N. C. Seeman printery for Duke university press, 1940. vi, [316] p. \$3.75.
- FULLER, EDWIN WILEY. Sea-gift. A novel. New York, E. J. Hale & Son, 1873. [Raleigh, N. C.] Reprinted by Gavin H. Dortch, 1940. 348, [1] p. Gavin H. Dortch, Raleigh, N. C. \$7.50.
- GROVES, ERNEST RUTHERFORD. Sex in marriage, by Ernest R. Groves and Gladys Hoagland Groves. . . . New York, Emerson books, inc., 1940. ix, 13-250 p. \$2.00.
- HENRY, O. pseud. of William Sidney Porter. Gift of the Magi; with line illustrations by Stephen Gooden. Toronto, Canada, Oxford, 1939. 32 p. \$75.

- HENRY O. pseud. of William Sidney Porter. [Works.] London, Hodder and Stoughton, ltd., 1939. (Yellow jacket series.) 2 s. The following have been published: Cabbages and kings; Roads of destiny; Sixes and sevens; Trimmed lamp.
- PURVIANCE, DAVID. The biography of Elder David Purviance with his memoirs. . . . Dayton, O., B. F. & G. W. Ellis, 1848. [Reprinted Kimberlin Heights, Tenn., Alva Ross Brown, 1940.] 278 p. illus. The reprint includes additional material.
- ROWE, NELLIE M. Discovering North Carolina. . . . Chapel Hill, The University of North Carolina press, 1940. ix, 363 p. illus.
- [SCHAW, JANET.] Journal of a lady of quality . . . Edited by Evangeline Walker Andrews in collaboration with Charles McLean Andrew . . . 3rd edition. New Haven, Yale university press, 1939. 351 p. illus. maps. \$4.00. Includes additional material.
- SHAFFER, EDWARD TERRY HENDRIE. Carolina gardens; foreword by DuBose Heyward. The history, romance and tradition of many gardens of two states through more than two centuries. . . . Chapel Hill, The University of North Carolina Press, 1939. xviii, 326 p. illus. Garden club edition, with additional material. \$3.50.
- SHANDS, ALFRED RIVES. Handbook of orthopaedic surgery by Alfred Rives Shands and Richard Beverly Raney. 2nd ed. St. Louis, Mo., The C. V. Mosby company, 1940. 567 p. \$4.25.
- STOCKARD, HENRY JEROME. Poems; decorations by Mabel Pugh. Raleigh, [N. C.], Bynum printing company, [c. 1939.] 94 p. illus. \$1.50.
- TRUETT, GEORGE WASHINGTON. We would see Jesus, and other sermons; compiled and edited by J. B. Cranfill. New York, Fleming H. Revell company, 1939. 224 p. \$1.00.
- WOLFE, THOMAS. Look homeward, angel; a story of the buried life. New York, Grosset and Dunlap, 1939. 626 p. \$1.29.
- WOLFE, THOMAS. Of time and the river; a legend of man's hunger in his youth. New York, Grosset and Dunlap, 1939. 912 p. \$1.29.

## BOOK REVIEWS

COLONEL JAMES NEILSON: A BUSINESS MAN OF THE EARLY MACHINE AGE IN NEW JERSEY, 1784-1862. By Robert T. Thompson. (New Brunswick: Rutgers University Press. 1940. Pp. xiii, 359. \$3.75.)

Although this volume is primarily concerned with the life of James Neilson, it is also to some extent an account of the development of New Brunswick, New Jersey, during the first half of the nineteenth century. By 1800 New Brunswick had already begun its career as a commercial, industrial, and educational center and these interests were to grow with the succeeding decades. New Brunswick's location near the mouth of the Raritan made it a natural entrepot for New Jersey's trade with New York City, and also the natural eastern end of any canal which might cut across the State. Fortunately, New Brunswick had more than geography in its favor; it also had aggressive and public-spirited business men. Of these James Neilson was the most important. During his active career of almost half a century Neilson was a merchant, banker, slave owner, and farmer; he was a promoter of turnpike, canal, and railroad transportation. He was also a pioneer manufacturer as well as a land owner in New Jersey, New York, Texas, and Mississippi. In brief, his activities and interests, as Professor Thompson says, "formed an interesting microcosm of the history of the nation as well as of his own community during the half century before 1860."

New Brunswick, however, was by no means a large or very important town (its population was but 11,000 by 1860), nor was Neilson one of the nation's great or famous entrepreneurs. Except for the fact that he was a generous friend of Rutgers and a member of its board of trustees for forty-nine years, the question naturally arises as to why even a professor at Rutgers should spend years in research on Neilson and the university publish this beautifully printed biography. Presumably there are two answers. In the first place, the first half of the nineteenth century was not distinctively an era of great entrepreneurs and business men with large aggregations of capital at their disposal. Relatively it was an age of small things, a period in which the typical entrepreneur was a man like Neilson, comfortably well off, but by no means rich. In the second place it is rare

to find a set of family papers as extensive as that of the Neilson family (deposited in the Rutgers University Library) containing as they do some 30,000 pieces of manuscript and covering the period 1757 to 1937, two-thirds of which are pertinent to the life of James Neilson. The point should also be made that Neilson's widespread activities were typical of the small capitalist of his day. Few early-nineteenth-century capitalists were specialists; opportunities were too varied and widespread. There were few who at some time or other did not participate in the foremost of all American economic enterprises—land speculation. There were few, likewise, who did not participate in the early development of manufacturing and in the rapidly expanding transportation facilities.

Neilson was undoubtedly a man of his age. His real estate speculations, it is true, were mainly concerned with the liquidation and salvaging of land which came to him from his three wives, and which extended from central New York to Texas and which consumed a considerable portion of his time. Like many another capitalist and entrepreneur of this period, Neilson began as a merchant and then expanded to the rôle of promoter of industrial and transportation enterprises. Although he was a leading promoter of industrial activity in New Brunswick, and was himself the chief owner of the first textile mill there, his most important contribution was in the development of New Jersey transportation. For ten years he gave a large share of his time to promoting a canal from the Delaware to the Raritan and he proved to be one of the most successful lobbyists of his day. Later, as treasurer for twenty years of the Delaware and Raritan Canal and its affiliated railroads, he took part in developing one of the first holding companies of importance in the United States.

In one field of activity Neilson did not run true to his economic class. During the Jeffersonian period he allied himself with the Democratic-Republicans and he stayed with the Democratic party until the end, and this, despite the fact that he was attacked by anti-renters in New York and anti-monopolists in New Jersey. Neilson may not have been a great man, but he was an able man typical of the small capitalist and entrepreneur of his day. He represents thousands of others of his type and his life is worth recording. It is doubtful whether a thousand similar biographies would

essentially change what appears to be the prevailing pattern. Although this biography gives a much better picture of Neilson's business activities than of his personality, the former is the most important and the work has been well done.

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JOHN AND WILLIAM BARTRAM: BOTANISTS AND EXPLORERS, 1699-1777, 1739-1823,  
By Ernest Earnest. Philadelphia: University of Pennsylvania Press. 1940.  
Pp. 187, \$2.00.)

The Bartrams, father and son, were two of the most eminent botanists in early America. John was among the first to make a systematic study of the flora and other naturalistic elements in this country and he achieved such distinction in his day that Linneaus called him "the greatest natural botanist in the world." He was one of the founders of the American Philosophical Society, a member of the Royal Academy of Sciences at Stockholm, and "botanist to the King for the American colonies." He was a close friend of Franklin and other prominent scientists and he was one of those outstanding Pennsylvanians who helped to make Philadelphia the scientific capital of eighteenth-century America. William Bartram was interested in botany and also in ornithology. He was more of a poet than a scientist, but his *Travels* holds a prominent place in the history of taxonomy in America. This scientific work, couched in pseudo-classic style and filled with doctrines of man and nature, made a great impression on the literary world. Coleridge and Wordsworth both used it for source material, passages from "Kubla Khan" and "Ruth" being directly attributable to it. The "caverns measureless to man," and the thunderstorm in the "Ancient Mariner" supposedly come from the writings of William Bartram.

These two modest but talented and versatile Quakers lived in Philadelphia, but they travelled extensively throughout eastern America. John Bartram wrote two books of travel as well as hundreds of letters to prominent scientists and political leaders in Europe and America. Mr. Earnest has made good use of these sources in the preparation of his very interesting volume. Most of his study is devoted to John Bartram, "because of his pioneer work, his greater

originality, and the lack of any complete study of his life and work." The reviewer regrets that the author did not present a much fuller account of these two great scientific figures. The average political biography runs to four or five hundred pages, and one suspects that the Bartrams were more important than many of the politicians who have had much lengthier biographies.

John Bartram was a self-taught farmer and he remained a farmer throughout his life. At an early date he began to collect and classify plants. He established a botanical garden which, while not the first in America as most writers maintain, became the most famous. This garden, which is still preserved, contained nearly all species of American plants as well as hundreds of exotic European plants. Bartram also sent hundreds of American plants to Europe. The famous gardens at Chelsea and Kew owe much to his efforts. But Bartram was more than a mere plant collector. He investigated and wrote about many botanical questions. He believed that plants as well as animals reproduce sexually. He was one of the first plant hybridizers. He made great use of plants in the preparation of his "herb medicines," and he taught himself enough about medicine to be able to treat poor neighbors who could not afford to have a doctor. He maintained that plants, animals, and man all operated on similar principles and that Providence provided that a balance be maintained between animal and vegetable life. He had a strong anti-clerical bent and denounced preachers as "mystery mongers," to be classed with the medicine men of the Indians. The Quaker Church finally disowned him because of his "dark notions." He once said, "it is through the telescope I see God in his glory."

William Bartram's *Travels* is a source book on the American Indian. It is filled with the fashionable European idea of the "noble savage" and the philosophy of nature. William's attitude toward the Indian is in striking contrast to that of his father, who believed that the only hope for permanent peace with the natives was "to bang them stoutly." Compared with most of the scientific writing of the time, Bartram's *Travels* is "like a spring wind after a long winter." North Carolina readers of Mr. Earnest's volume will be disappointed with the scanty references to William Bartram's stay on the Cape Fear. Apparently he lived in North Caro-

lina for about two years, but very little is said about this part of his life.

Only a few minor errors have been noted. The word "State" is used instead of "colony" or "province" on several occasions. One would also question the statement (p. 47) that Colden was the first Surveyor General of the Colonies.

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CHAPEL HILL, N. C.

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FAITH OF OUR FATHERS: A BOOK OF SKETCHES OF OLD NORTH CAROLINA CHURCHES  
By Hazel Sellers. (Privately printed. 1940.)

This is a book of 102 pages, with 25 drawings of old churches in North Carolina, and for each a page of what purports to be historical material. There is no imprint to show date or place of publication or printer's name, though there is notice that copyright was applied for in 1940. The foreword is signed by Hazel Sellers; the drawings are signed *Hazel* and the text is ascribed to Marion Brown.

At first glance the book is attractive, but on closer inspection the drawings leave much to be desired, and the text contains so many errors that it is worse than useless. The writer apparently has but a hazy knowledge of history, and lacks a feeling for historical perspective. For instance, in these pages "the Spanish-American War was eminent" in 1740; a church building is transferred bodily from one town to another; Constance, Switzerland, is located in Moravia; "moss grown cedars" which were taken down two decades ago still "stand sentinel" in their old ranks; a Federal hospital becomes Confederate; and Stonewall Jackson is a president of the United States!

As outlined in the foreword, the intention of the artist was praise-worthy, but the book has no place on the shelves of those who desire accuracy.

ADELAIDE L. FRIES.

WINSTON-SALEM, N. C.

## HISTORICAL NEWS

Among the participants in the program of the session of the American Historical Association in New York, December 27-30, 1940, were Dr. George Mowry, Dr. A. R. Newsome, and Dr. Mitchell B. Garrett of the University of North Carolina at Chapel Hill; Dr. Alex M. Arnett of the Woman's College of the University of North Carolina; and Dr. Dorothy MacKay Quynn, Dr. John T. Lanning, Dr. William B. Hamilton, and Dr. Paul H. Clyde of Duke University.

At a joint session with the American Historical Association in New York, December 27, the Conference of State and Local Historical Societies transformed itself into the American Association for State and Local History. Dr. C. C. Crittenden of the North Carolina Historical Commission was elected president; Dr. Edward P. Alexander of the New York State Historical Association, vice president; and Miss Dorothy C. Barck, of the New York Historical Society, acting secretary-treasurer. Members of the council, in addition to the officers listed above, are Dr. George W. Brown, Mr. Sargent B. Child, Dr. Herbert A. Kellar, Mr. Ronald F. Lee, Dr. Harlow Lindley, Dr. James W. Moffitt, Dr. Roy F. Nichols, Dr. Jean Stephenson, and Dr. S. K. Stevens. The immediate program of the Association calls for the publication of a new edition of *Historical Societies in the United States and Canada: A Handbook*; a news letter; and a number of bulletins on how to plan a local historical society's program of activity, how to restore and care for historic sites, how to produce historical plays and pageants, and other similar topics. According to the constitution, the secretary "shall assemble, arrange, tabulate, and make available to the public information concerning activities in the fields of state, provincial, and local history in the United States and Canada, and shall undertake in every way possible to make his office the clearing house for all matters relating to such activities." The first annual meeting will be held at Hartford, Connecticut, on October 8, the day following the annual meeting of the Society of American Archivists at the same place, and joint meetings with the American Association of Museums at Columbus in May,

and with the American Historical Association at Chicago in December are being arranged. Both individuals and institutions are eligible to membership. The address of the acting secretary-treasurer is 170 Central Park West, New York City.

Books received include: Joseph Clarke Robert, *The Road from Monticello: a Study of the Virginia Slavery Debate of 1832. Historical Papers of the Trinity College Historical Society*. Series XXIV (Durham: Duke University Press. 1941); Philip Davidson, *Propaganda and the American Revolution* (Chapel Hill: The University of North Carolina Press. 1941); Josephus Daniels, *Editor in Politics* (Chapel Hill: The University of North Carolina Press. 1941); Dumas Malone, *Edwin A. Alderman: A Biography* (New York: Doubleday, Doran, and Company. 1940); Thomas P. Abernethy, *Three Virginia Frontiers* (University, La.: Louisiana State University Press. 1940); Gertrude S. Carraway, *Crown of Life: History of Christ Church, New Bern, N. C., 1715-1940* (New Bern: Owen G. Dunn. 1940); John Shipley Tilley, *Lincoln Takes Command* (Chapel Hill: The University of North Carolina Press. 1941); and Kathryn Trimmer Abbey, *Florida: Land of Change* (Chapel Hill: The University of North Carolina Press. 1941).

Visiting members of the Duke University department of history during the summer session will be Dr. O. H. Wedel of the University of Arizona, Dr. D. B. Durand of Harvard University, Dr. Paul W. Gates of Cornell University, Dr. Richard H. Shryock of the University of Pennsylvania, Dr. Fletcher M. Green of the University of North Carolina, Dr. Mack Swearingen of the Woman's College of the University of Georgia, Dr. J. J. Mathews of the University of Mississippi, Dr. John K. Bettersworth of Mississippi State College, and Dr. C. S. Davis of Alabama Polytechnic Institute.

Dr. Paul H. Clyde of Duke University will teach at the University of West Virginia during the second summer session.

Dr. Benjamin B. Kendrick of the Woman's College of the University of North Carolina has been elected to the

council and appointed to the executive committee of the American Historical Association.

Dr. Howard K. Beale of the University of North Carolina will offer courses in the history of Reconstruction at the summer session of The Johns Hopkins University. In February his book, *A History of Freedom in Teaching in American Schools* (New York: Charles Scribner's Sons), was published as volume XVI of the Report of American Historical Association's Commission on Social Studies in the Schools.

Dr. George E. Mowry of the University of North Carolina will be a member of the summer faculty of the University of Wisconsin.

Dr. Robert Ernst of the University of North Carolina has published "The Asylum of the Oppressed," *The South Atlantic Quarterly*, January, 1941.

During the winter quarter Dr. A. R. Newsome of the University of North Carolina taught a graduate course in United States history at the North Carolina College for Negroes in Durham.

Dr. Hugh T. Lefler will teach in the summer school of the University of Pennsylvania.

Dr. J. C. Russell of the University of North Carolina will give courses in the summer school of the University of New Mexico. He has recently published the following articles: "The Ecclesiastical Age: A Demographic Interpretation of the Period, 200-900 A. D.," *Review of Religion*, V, 137-147 (January, 1941); "Medieval Demography," *The Cultural Approach to History* (New York, 1940), pp. 291-293; and "Attestation of Charters in the Reign of John," *Speculum*, XV, 480-498 (October, 1940).

## CONTRIBUTORS TO THIS ISSUE

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Miss Mary Lindsay Thornton is in charge of the North Carolina Collection in the Library of the University of North Carolina, Chapel Hill, N. C.