PRESENTATION OF PORTRAIT

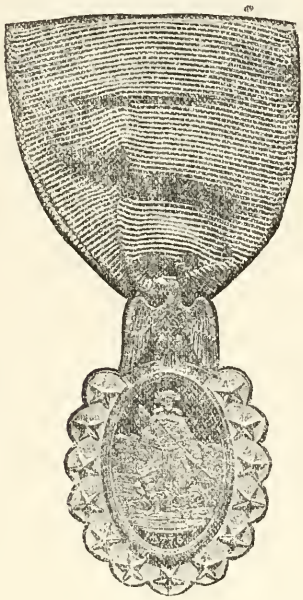
OF

Governor William Richardson Davie

TO THE STATE OF NORTH CAROLINA

IN THE

SENATE CHAMBER AT RALEIGH
NOVEMBER 15, 1910



BY THE

NORTH CAROLINA SOCIETY OF THE
SONS OF THE REVOLUTION

ADDRESS BY

JAMES O. CARR

A MEMBER OF THE SOCIETY

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OF THE

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APRIL, 1908—APRIL, 1911.

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GENERAL REGISTRAR,
WALTER GILMAN PAGE,
Fenway Studios, Boston, Mass.

GENERAL HISTORIAN,
WILLIAM GORDON McCABE, LL. D.,
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* Died in 1909.

OFFICERS

OF THE

North Carolina Society of the Sons of the Revolution

NOVEMBER 15, 1910—NOVEMBER 15, 1911.

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THE OFFICERS, *ex officio*,

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CHARLES EARL JOHNSON,
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PROGRAMME

November 15, 1910.

Music: "The Old North State" and "Hail Columbia."

Meeting Called to Order: By Hon. J. Bryan Grimes, Vice-President of the Sons of the Revolution.

Prayer: By Rt.-Rev. Joseph Blount Cheshire, D. D., a member of the Society.

Music: "The Star Spangled Banner."

Introduction of Orator: By Vice-President Grimes.

Address: "The Career of Governor William Richardson Davie," by James O. Carr, Esq., a member of the Society.

Acceptance of the Portrait of Davie: By Attorney-General Thomas W. Bickett, representing the State of North Carolina.

Benediction: By Bishop Cheshire.

Music: "Dixie" and "Auld Lang Syne."

INTRODUCTORY REMARKS BY VICE-PRESIDENT GRIMES.

Ladies and Gentlemen:

We celebrate this afternoon the seventeenth anniversary of the organization of the North Carolina Society of the Sons of the Revolution. Want of interest in her history has long been a reproach to our State and has caused us to be neglected in the history of our country and almost disdained by our more pretentious neighbors. Our people have in too many cases been ignorant of their own State's greatness and unable to assert or maintain her proper position among our sister States. In the past decade there has been a most gratifying patriotic awakening among our people. Our own writers and the historians of the country are beginning to recognize the heroic part played by our State in the building of the nation and in the life of the republic.

Among the great agencies that have brought about this change are the various patriotic societies formed in this State to preserve the fame and perpetuate the memory of our great men and to celebrate the remarkable events in the history of North Carolina. Of these may be mentioned the North Carolina Society of Colonial Dames, the North Carolina Society of Daughters of the American Revolution, the North Carolina Society of Daughters of the Revolution, the United Daughters of the Confederacy, the Society of the Cincinnati, the North Carolina Historical Commission, the various historical societies, and last, but not least, the North Carolina Society of the Sons of the Revolution.

This organization was instituted to perpetuate the memory of the men and times of the Revolution, and to keep alive "the Spirit of '76." At the organization of the North Carolina Society of the Sons of the Revolution in 1893, Governor Elias Carr was chosen its first president. Our next president was

the late lamented Dr. Peter E. Hines, and our third and present president is that gallant soldier and loyal Carolinian, Colonel Thomas S. Kenan, who, from his couch of sickness, sends you love and patriotic greetings. Among the officers selected in 1893 were Mr. Marshall DeLancey Haywood as Secretary, Dr. D. H. Hill as Registrar, and the Rev. Robert Brent Drane as Chaplain. These three gentlemen have held those positions continuously since that time, and we still delight to honor them.

The Society is devoting itself largely to the Revolutionary part of our history. Among its patriotic activities may be mentioned the presentation to the Supreme Court of North Carolina oil portraits of Alfred Moore and James Iredell, Revolutionary patriots and later Associate Justices of the Supreme Court of the United States. It has also presented to the State of North Carolina oil portraits of Governors Samuel Johnston, Alexander Martin and Abner Nash. The State now owns oil portraits of all the Revolutionary patriots who occupied the gubernatorial chair whose likenesses are known to exist, except Richard Dobbs Spaight, Sr., Benjamin Smith and William Richardson Davie. We hope soon to be able to present not only portraits of Governors Spaight and Smith, but as our membership grows we expect to commemorate with handsome tablets or busts some other notable men or events in the Revolutionary history of North Carolina.

This afternoon the Society presents to the State a portrait of William Richardson Davie—soldier, statesman and patriot.

This picture was painted by a prominent artist of North Carolina, Mr. Jacques Busbee, who has recently done some notable work in illustrating State history.

We are peculiarly fortunate in having with us a member of the Society, an able lawyer and well-known historical writer, who will address you upon "The Career of Governor William Richardson Davie." I introduce to you Mr. James O. Carr.

ADDRESS BY MR. CARR.

Mr. Vice-President, Ladies and Gentlemen:

On behalf of the Sons of the Revolution I present this portrait of Governor William Richardson Davie to the State of North Carolina.

The biographer who undertakes to single out any one man as the greatest his State has produced assumes a large responsibility for historical accuracy, and at best only expresses his own opinion of greatness; but he who is able to gather together and record the facts, long neglected, upon which rests the enduring fame of those brilliant spirits who created our history and established our system of government may render lasting service to his fellow-man.

When we reflect upon the life of Davie and read the broken narrative of his military and civic services, we picture in our mind a statesman of profound learning, ripe experience and mature age—that age which, attained in the public service, of itself commands respect and veneration. It is with much difficulty that we can bring our minds to the realization that such a wonderful career could have been comprised within the lifetime of a comparatively young man. Yet such is the case.

"Davie was born at Egremont, near White Haven, in England, on the 20th day of June, 1756"—a fact that every school boy should know, as we were then approaching that period in American history which produced leaders, in war and in politics, whose careers aroused the wonder and admiration of all the world. He came to America at the age of five, and made his home with his maternal uncle, Reverend William Richardson, at the Waxhaws in South Carolina, just across the boundary line of Mecklenburg County. Hence, he was but a school boy of nineteen when the patriots of Mecklenburg declared their independence; yet before the war was

over, at the age of scarcely twenty-five, he had won a military reputation equal to that of any of the great commanders of the Southern army. He was but thirty-one when, as a member of the constitutional convention at Philadelphia, he had attracted the attention of the nation as a lawyer and as a statesman, and had merited that reputation which afterwards caused three presidents to turn to him for the performance of most important public duties. At the age of thirty-two he became one of the chief political leaders of the forces in North Carolina which favored the adoption of the national constitution, and though public sentiment weighed heavily against him his strong argument was finally instrumental in convincing the State of the wisdom of his cause. It was at the age of thirty-three that he delivered in the legislative halls of our State that powerful speech on the necessity of public education which so impressed the great Judge Murphey and convinced an unwilling General Assembly of the necessity of establishing a State University. In 1798, at the age of forty-two, President Adams appointed him a Brigadier-General in the United States Army, and during the same year he was elected Governor of North Carolina. The next year witnessed his appointment by the President as one of the envoys of the United States to Paris, whose mission was to formulate a treaty of peace with France, a position fraught with more responsibility at that time, perhaps, than any other duty in connection with the Federal government. Thus it was that the subject of our consideration and the object of our devotion on this occasion, when we seek to commemorate through this Society the deeds of one of our greatest patriots, had rendered his services to his country before he had reached the age of forty-five—an age when many of our most noted public men were scarcely known; and I beg that, in considering the services which Davie rendered to the State and nation, you will not overlook the fact that such services were rendered before he had reached the prime of life.

YOUTH AND EDUCATION.

The educational advantages of Davie were as good as could be had in his time. He was reared under the firm discipline and benign influence of his uncle, who was a man of learning and culture, and whose views of life were such as to inspire character and ambition. He imbibed much of educational value around the fireside—that school in which true men must first be trained—and then received every advantage that could be had at "Queen's Museum," a well-known academy in Charlotte. After leaving Charlotte he entered Nassau Hall, Princeton, where he became the companion of men who, like himself, were soon to be leaders in the politics of the nation. He was but a boy when the struggle for independence began, but was under the influence of the spirit of the Revolution; and while at Princeton in 1776 he was in the center of political activity and could hear the clatter of arms as the organization of the American army proceeded in preparation for the resistance of British invasion. Once in 1776 he left his studies and joined the army as a volunteer, but returned to complete his course, graduating with distinction in the autumn of that year. He afterwards studied law and was duly licensed to practice in the courts of the State, but temporarily abandoned his office for the performance of military duties.

MILITARY CAREER.

Davie's military career began when, as a student at Princeton, he left his studies in the summer of 1776 and joined the Northern army as a volunteer. He was then only twenty years of age, and his service was short; but after his graduation in the autumn of that year he returned South where he had opportunity to display his military talents not only to the credit of himself but to the advantage of his people. Davie never had the good fortune to be the sole hero in any great battle, and doubtless no other man ever gained so great a reputation as a soldier without having such an opportunity

presented to him at some time, and still no American officer ever merited such reputation more than he. His military fame rests upon the quality of his work rather than upon immediate results.

Davie was commissioned a lieutenant in Captain Barnett's company by Governor Caswell on April 5, 1779. His company was at once attached to Pulaski's Legion in the Southern army, and on account of his bravery he soon became major. He displayed remarkable courage at the battle of Stono, near Charleston, on June 20, 1779, where he was shot from his horse and severely wounded, barely escaping capture. He was taken to a hospital in Charleston, where he was compelled to remain for a considerable time, awaiting recovery. In the fall of 1779 the General Assembly of North Carolina authorized him to raise a company of cavalry and two companies of mounted militia, but provided no funds for their support. Davie here showed his patriotism in using a large part of the fortune which he had inherited from his uncle in equipping and maintaining his troops. He was then twenty-three years old, but his military ability had attracted the attention of the entire State. With these troops he rendered most valuable services during the remainder of the war. When General Gates was so disastrously defeated at Camden, on August 16, 1779, Davie was hurrying to his assistance, but met him, terror-stricken, fleeing from the conflict, and his army disorganized and scattered. Davie, instead of joining in the retreat, hurried toward the scene of battle, and collected and saved the remnant of the Southern army. Also at Ramsauer's Mill, Rocky Mount in South Carolina, Hanging Rock, and Charlotte, his skillful military manœuvres, as commander of the forces which he had organized at his own expense, justified the language of Professor Hubbard, who said: "With this force he protected the Southwestern part of the State from the predatory incursions of the British troops in South Carolina, and secured the well-affected from the dread of the loyalists, who were in great numbers in that region.

In this service he was always on the enemy's lines, and the duties to which he was called were no less hazardous than important; and, in the practice which they gave him, he rapidly developed those qualities and acquired those habits which soon made his name second to that of none of the famed partisan officers of the South."

Davie was ambitious to be a great military leader, but his ambition was always second to his patriotism. After General Nathanael Greene had assumed command of the Southern army, he first met Davie in December, 1780, when he was greatly impressed by him and urged him to assume the duties of Commissary-General for his army. Davie yielded to the wishes of General Greene and undertook the most difficult task connected with the Southern campaign. Without a dollar at his command he pledged his own credit, collected the war tax "in kind" and gathered together from all sections of the State sufficient provisions to sustain the army through all of its memorable campaign in 1781. And even at the battle of Guilford Court House, while present at the head of the commissary department, he rendered valuable services in rallying the scattered troops as the American lines were broken in the conflict.

Andrew Jackson received his military inspiration from General Davie. His brother, Hugh, was in Davie's command and fought under him at Stono. Andrew and Robert were present at the attack of Hanging Rock, near Waxhaw, and rode on the expedition with Davie. Andrew was a boy of thirteen at this time and learned from Davie his first lessons in the art of war. The three boys—Hugh, Robert and Andrew—looked to Davie as their model, and it has been truly said that "so far as any man was Jackson's model soldier, William Richardson Davie, of North Carolina, was the individual." And no doubt the battle of New Orleans was fought just as Davie would have fought it had he been in command.

In 1799, Davie wrote a book entitled "Instructions to be Observed for the Formations and Movements of the Cavalry."

This was a work of such merit that the General Assembly ordered it printed and distributed at the expense of the State in contemplation of the impending war between the United States and France.

DAVIE AS A LAWYER.

In 1782, after the war was over and peace was restored, Davie returned to his chosen profession, where he was soon to achieve great fame. He practiced in all of the courts of the State, except Morganton Circuit; and the sessions of the courts at Halifax, Wilmington, Fayetteville, Edenton, Hillsboro, and other places, witnessed his most brilliant efforts. For years there was hardly an important case in which he was not employed. Among his competitors at the Bar were Alfred Moore and James Iredell, who afterwards became distinguished members of the Supreme Court of the United States, and each was among the foremost lawyers of this country; but even they often had to yield to the success of Davie before the juries and courts of his circuit.

The field of the lawyer at that time was vastly different from that of to-day. "Case lawyers," "code lawyers," and "constitutional lawyers" were not known, because we had neither cases nor codes, and our constitutions were then in their swaddling clothes. Our legal system was in its infancy, and the lawyer who could bring the most powerful reasoning to bear upon points at issue, using the English law as analogous, was the most successful lawyer.

In reasoning and illustrative powers, Davie had no superior. His education was thorough, so far as thoroughness could be attained in this country. He was painstaking and prepared his cases well. He was ambitious and brooked no defeat. In appearance he was tall and graceful and had the air of an aristocrat. He had an analytical and logical mind, his style of speech was clear, and he often reached flights of eloquence. Thus equipped he feared no competitor.

He was the first lawyer in the country to take the broad position that the court had the power to declare an act of the

General Assembly unconstitutional. He understood the doctrine that the different departments of our government should be separate and distinct, but he held the Constitution to be subject to construction by the courts just as any other statute law, and he was instrumental in securing from the courts of North Carolina the first decision in this country declaring an act of the Legislature to be in conflict with the terms of the Constitution, and this principle was laid down in a most able opinion written by Judge Ashe.

DAVIE AS A LEGISLATOR AND STATESMAN.

After Davie had secured his license to practice law, he made his home in Halifax, where, in 1783, he married Sarah Jones, a daughter of General Allen Jones, and a niece of Willie Jones. Being connected with the leading men of the State, it required but a few years of practice in the courts to render him one of the best known and most highly respected citizens.

From the year 1786 until 1798, when he was elected Governor of North Carolina, he was almost continuously in the legislative halls of the State or engaged in the performance of other duties which, during the formative period of our State and national governments, required the highest degree of intelligence, wisdom and character. As a member of the General Assembly of North Carolina his views on public questions shaped the statute law of our State from 1786 until 1798, as perceptibly as the opinions of Chief Justice Marshall shaped the policies and legal foundations of our national government while he presided over the Supreme Court of the United States. During the time that Davie was a member of the General Assembly of North Carolina he had no superior in that body, and he was always foremost in any legislation pertaining to the courts, the general policy of the State government, or its relations with the national government; and the student of our political history will find the legislative journals a most interesting study during this period.

Perhaps one of the greatest speeches that Davie ever delivered was that on behalf of his bill for the creation of the University. If we are to be guided by the opinion and recollection of Judge Murphey there is no doubt that this speech secured the establishment of this institution, and it justly earned for Davie the title of "Father of the University." And we must remember that his speech on that occasion was not inspired by the traditions of a century which now make that institution dear to the hearts of all true North Carolinians, but he was speaking from a deep conviction as to the needs of a State which had adopted a government necessarily based upon the intelligence of the governed. Nor did his interest cease when the General Assembly had performed its duty. As Grand Master of the Masonic Order of the State he officiated at the laying of the corner-stone and became the leading spirit in framing the regulations for the government of the institution. Even the courses of study were worked out in detail and prepared by Davie personally, with a view to fitting a student for public service, and though, after his connection with the university was severed, the authorities adopted a purely classical course which obtained for years, yet when the university was re-opened in 1875 Davie's scheme of studies was re-instated and its essential features are maintained to-day. In 1811 the University conferred upon Davie the degree of Doctor of Laws, and he was the first person so honored by that institution.

In 1787, when North Carolina was called upon to send delegates to the Constitutional Convention at Philadelphia for the purpose of framing a new constitution, Davie was one of the delegation who was chosen to serve, his associates being Richard Caswell, Alexander Martin, Richard Dobbs Spaight, William Blount and Hugh Williamson—a delegation of most able and eminent men. Davie was the youngest of these, and while he seems to have been modest in his appearance before the National Convention, yet he impressed that body by his statesmanlike conduct and soon became one of its most highly respected members. Roger Sherman and Oliver Ellsworth,

of Connecticut, led the fight in that body to have inserted in the constitution a provision that the smaller States should have an equal number of Senators with the larger States. This provision seemed destined to divide the convention and to prevent the adoption of the constitution, and it could not have been adopted with this provision in it except by some one of the larger States voting with the smaller ones. Davie was skeptical about a constitution too representative in its terms, and believed in those "checks and balances" which have often, since the formation of our government, saved us from disaster. After the most mature consideration, and with the knowledge that such a course might meet with the disapproval of his people, he was the first of the North Carolina delegation to announce upon the floor of the convention that he would support this provision and vote to give the smaller States the same representation in the Senate as the larger ones, and the other delegates from North Carolina joined with him in this vote; hence, the vote of North Carolina, under the leadership of Davie, secured the adoption of the Constitution by the Philadelphia Convention, which otherwise would have failed. This act upon Davie's part, and his statesmanlike views disclosed during the session of the convention, gave him a national reputation and endeared him to the members from the smaller States. Afterwards he was turned to in many instances by the United States Government to perform important and responsible duties.

When the National Constitution came before the people of North Carolina for adoption, Davie was one of its most powerful advocates, and though, for a long time, he met with overwhelming opposition, yet he and his associates finally convinced the people of the State of the wisdom of this instrument.

DAVIE'S MISSION TO FRANCE.

In 1798, the relations between the United States and France were so strained that war seemed inevitable, and much concern was shown, not only by the National Government, but

also by all the State governments; and no pains were spared to secure efficient and competent men at the head of the public affairs. In 1798, Davie was chosen Governor of North Carolina on account of his military experience and ability, and also on account of his extended information and sound views in connection with the State and Federal governments. At that time the only hope of peace was by a proposed treaty, and the President appointed Oliver Ellsworth, Patrick Henry and William Vans Murray as envoys to France for this purpose. Patrick Henry declined the appointment, and President Adams and Timothy Pickering, Secretary of State, turned towards Davie as the best fitted man for this work. Oliver Ellsworth, then Chief Justice of the United States, who was acquainted with Davie's work in the Constitutional Convention at Philadelphia, visited him at his home in Halifax with the apparent purpose of ascertaining his feelings with reference to accepting this high position. Ellsworth wrote to Secretary Pickering from Halifax on March 26, 1799, stating that he thought Davie would accept if the appointment were tendered to him, and commended his dignified manners, political information and high character. On the receipt of this letter Pickering, without hesitation, recommended his appointment, and the President approved; but both the President and his Secretary of State agreed that, on account of Davie's influence and value as Governor of the State of North Carolina, under existing circumstances and conditions, it would be extremely unwise to have him resign as Governor at once, and that he should not accept this appointment until the last moment. Hence, in sending Davie his commission, he was requested not to accept at the time being, but simply to notify the Federal Government that he would accept when his services might be required, and this he did.

On May 8, 1799, President Adams wrote, in making this appointment: "The character of this gentleman for ability, integrity and sound political principles inclines my judgment in his favor, although personally he is a stranger to me." He was thus appointed on June 1, 1799, and resigned as Gov-

ernor of North Carolina on the 10th of September, in the same year. He sailed from Newport with Chief Justice Ellsworth on their mission to France on November 3d following. He was second in rank on this commission, and the journals of the proceedings in Paris do not disclose the services that he rendered as distinguished from those of the other members of the commission, but there are many things which indicate that he rendered distinguished and valuable services and was received with the greatest consideration, not only by Talleyrand, who was at that time Minister of Exterior Affairs, but also of Napoleon himself. The secretary of the commission afterwards stated that when Napoleon was addressing the commission he appeared to forget that Davie was second in rank and directed his remarks almost entirely to him. He was singled out as the object of special attention by Napoleon, who presented to him certain ancient Roman medals with these words: "Accept and convey these with you to America, so that monuments of the Roman Republic may become pledges of amity and union between the republics of France and the United States."

The chief question with which the commission had to deal in forming a treaty between the United States and France was forever to put an end to the depredations against American vessels by the French, and to see that the "American flag was to pass in all directions unmolested by the French." In this the commission succeeded, thus averting the impending war and establishing peaceful relations between the two countries.

A study of the habit of mind, character and ability of Davie convinces us that this treaty was more the work of Davie and Talleyrand than that of any other men connected with it.

DAVIE AS A POLITICIAN.

As a politician Davie was much of an aristocrat on public questions. He did not believe in the aristocracy of position, but of intelligence. He had been a power in the formation of

the Constitution of the United States and the adoption of that Constitution by the people of North Carolina, and was as thoroughly committed to the provisions of the Declaration of Independence and to the new doctrine that the people should govern themselves, as was the most ardent Democrat; but he was also convinced beyond doubt that a government by the people must be a government based upon intelligence. He had grave fears of the stability of a government too popular in its provisions, and his convictions led him in the direction of the tenets of Hamilton rather than those of Jefferson. He naturally felt that popular clamor should not control in public questions as against the weight of intelligence. He was not a demagogue and was absolutely incapable of using popular arguments in which he did not believe for the purpose of advancing his own interest. In his last campaign, when he had been urged against his will by the Federalists to become a candidate for Congress, and when Jeffersonianism had taken possession of the political minds of the State, he was so scrupulous about being misunderstood that he announced the following platform: "I desire that it may be clearly understood that I never have, and that I never will surrender my principles to the opinion of any man, or description of men, either in or out of power; and that I wish no man to vote for me who is not willing to leave me free to pursue the good of my country according to the best of my judgment, without respect either to party men or party views." He did not have to consult his constituents in order to form an opinion on public questions. In this campaign Davie was defeated by Willis Alston, who, though he had previously professed to hold the same political views as Davie, could not resist the popular tide of Jeffersonianism, upon which he saw he could be swept into office.

Thus ended Davie's political career in North Carolina at the age of much less than fifty. We will search all North Carolina history in vain to find the man who has rendered the State greater services within so limited a period of time;

nor can we find one to excel him in patriotism, ability and that high degree of character and political integrity which he so eminently displayed. When, in 1803, he decided to leave the State and return to his plantation, Tivoli, in South Carolina, where his uncle had directed his boyhood, and where he was to remain in retirement for nearly twenty years to advise and counsel the greatest men of this nation, our State sustained a loss which it could have ill afforded but for the fact that Davie had helped to shape and frame our State government and to establish it so firmly that it was beyond danger. He died on the 18th of November, 1820, and left numerous descendants. In 1836, some years after his death, the General Assembly of North Carolina gave Davie County its name in honor of his memory.

And now this portrait of this great man—painted by Mr. Jacques Busbee, an artist whose promise in his profession leads him in the direction of that eminence which the subject of his sketch attained in statesmanship—is presented to the State by the Sons of the Revolution, to the end that, as it adorns these walls, it may stimulate the ambition of future generations and inspire them to better things.

ACCEPTANCE BY ATTORNEY-GENERAL BICKETT.

Mr. Vice-President, Ladies and Gentlemen:

While Mr. Carr was reading his admirable address it occurred to me that Priscilla was not only a very charming maiden, but also something of a philosopher when she put to Alden the question: "Why don't you speak for yourself, John?" It must be a source of pride to us all that the time has come when a North Carolina pen and a North Carolina brush can preserve for all time the story and the features of one of the great soldiers and statesmen of Revolutionary times.

North Carolina is happy, in that in every crisis of the Nation's life her sons have risen to the necessities of the hour. Among the very foremost in her long roll of honor stands the name of William R. Davie—

"Great in the council, glorious in the field."

His life and character constitute a distinct asset of the State, and must be forever associated with the epoch-making chapters of the Nation's history.

The address of Mr. Carr is a permanent contribution to the historical literature of the State, and will keep before our eyes a man whom we cannot afford to forget.

In presenting the portrait of General Davie to the State the Sons of the Revolution render to us and to posterity a very real service. "And their works do follow them."

In proper time this portrait will be placed on the walls of the Governor's Office or in the Executive Mansion.

COMMERCIAL PRINTING COMPANY, RALEIGH, N. C.