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"CAROLINA! CAROLINA! HEAVEN'S BLESSINGS ATTEND HER!
WHILE WE LIVE WE WILL CHERISH, PROTECT AND DEFEND HER."

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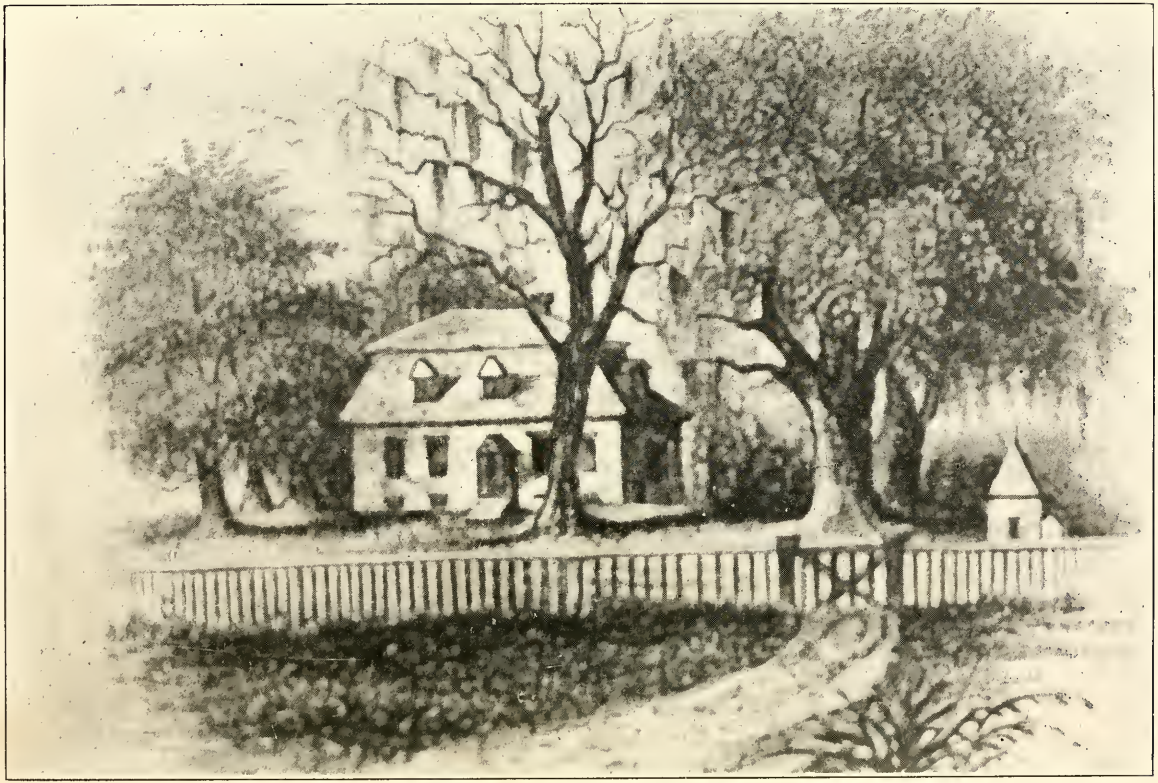

"HILTON," THE HOME OF CORNELIUS HARNETT.

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Vol. V. JANUARY, 1906. No. 3.

CORNELIUS HARNETT: THE PRIDE OF THE CAPE FEAR.

By R. D. W. CONNOR,
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The life and character of Cornelius Harnett have been the subject of eulogy from the pen of every student of his career. Bancroft praises his "disinterested zeal" in the public cause. Richard Frothingham says: "Harnett was the foremost actor in the movement for independence." McRee mentions him as "the representative man of the Cape Fear." Archibald Maclaine Hooper, whose name betrays his parentage, says that Harnett was "the favorite of the Cape Fear and the idol of the town of Wilmington." "He was incomparably the first man of the Cape Fear country," writes another, "and second to none in the state." Mr. George Davis calls him "the pride of the Cape Fear * * * the life-breathing spirit among the people." Governor Swain wrote that "no true North Carolinian will read his public letters without increased respect and affection for the state and without very high admiration of the courage which sustained the writer in the darkest days of the revolution, and the lofty and disinterested patriotism exhibited throughout the whole course of his legislative career."

These expressions of eulogy are justified not only by his public and private services to the state, but also by the confidence and admiration in which he was held by his friends, and the fear and hatred expressed for him by the enemies of

his country. The former manifested their confidence and regard in every possible way. They elected him to almost every post of honor they had to bestow; they followed him in the perilous path of civil war and revolution; they accepted his guidance in the overthrow of one form of government and the establishment of another; and never once did they waver in their support. Josiah Quincy, Jr., of Massachusetts, at a time when that colony was dominated by the genius of Samuel Adams, wrote in his diary that Harnett was "the Samuel Adams of North Carolina." Nor were the enemies of American independence unmindful of his worth and influence. Governor Martin marked him down as one of the four men in the colony who "by their unremitting labours to promote sedition and rebellion" placed themselves "foremost among the patrons of revolt and anarchy." Sir Henry Clinton, too, sought to destroy him by excepting Cornelius Harnett, together with Robert Howe, from his proclamation of pardon in May, 1776.

Cornelius Harnett was born April 20, 1723. The place of his birth is in doubt. There seems to be no evidence in support of McRee's statement that he was born "in the land of Sydney and Hampden." His father, a Cornelius Harnett also, had been living in Chowan county, North Carolina, at least a year before the birth of his son. His mother, Mary Holt, was a North Carolina woman. It seems clear therefore that he was born in this province, and probably in Chowan county, where his father resided at the time of the birth of his son. In June, 1726, the elder Harnett bought from Colonel Maurice Moore two lots within the town of Brunswick. One of the conditions of the sale was that he should build on them "good habitable houses" within eight months. The conditions were fulfilled and Harnett became a resident of Brunswick. The younger Harnett therefore had the good fortune of growing up with the Cape Fear settlement, becoming early in life identified with the interests of its people.

The original settlement of the Cape Fear was made at Brunswick, but shortly after the Harnetts became residents of the town, a new town was begun farther up the river at a more favorable location. From that time the growth of Wilmington was accompanied by the decline of Brunswick. Cornelius Harnett early became identified with the interests of the former. The earliest mention we have of him is a record of the purchase of 300 acres of land in New Hanover county, May 21, 1741. I think this probably marks the date of his removal to Wilmington, but of this there is no certainty. But he was certainly living in Wilmington in 1750. On April 7 of that year he was appointed by Governor Johnston to his first public office—justice of the peace for New Hanover county. A few months later, August 14, he was elected a commissioner for the town, and during the period from 1750 to 1771 he served in that capacity eleven years, though not continuously. The duties of a commissioner in a frontier village, containing at the most only a few hundred inhabitants, appear to be insignificant, if not trifling; yet this was no mean training school for the greater duties that awaited Harnett in the broad fields to which he was shortly to be called. It was in the faithful discharge of these minor duties that he displayed his capacity for the greater ones, and won his way into the hearts of his people.

Harnett's first call to this larger work came in 1754. In the spring of 1753, Lewis Henry DeRosset, member of the colonial assembly from Wilmington, resigned his seat to become a member of the governor's council. Harnett was elected to succeed him, and took his seat February 19, 1754, at a special session held in Wilmington. Twelve other assemblies were elected in North Carolina under the authority of the royal governor, in every one of which Cornelius Harnett was the member from Wilmington. His legislative career covered a period of twenty-seven years, embracing service in the colonial assembly, in the provincial congresses, and in the continental congress.

nial assembly, in the provincial congresses, and in the continental congress.

His career in the assembly historically falls into two parts. The first covers the period between the years 1754 and 1765; the second that between the years 1765 and 1775. One embraced the administration of Governor Dobbs and the war with France for the possession of the continent, closing with the coming of William Tryon and the stamp act. The other was ushered in by the stamp act and witnessed the gathering of the storm which broke into revolution in 1775.

The first of these periods may be dismissed with a few words. The work in which Harnett and his associates were engaged, while not without interest and value, was of secondary importance to that which followed. It consisted largely in efforts to curb the governor's demands for money within such limits as the wealth of the colony justified. The province was willing to contribute her full quota to the general cause, and greatly burdened herself in doing so; but there was no limit beyond which the governor was unwilling to go. There were a few sharp encounters between the assembly and the council, the former resenting the attempts of the latter to amend appropriation bills; the latter indignant that the house should treat it with such scant respect. There was a long and unprofitable fight, too, over the court law; the assembly insisting upon keeping the courts independent of the crown; the governor resenting the efforts as encroachments upon the prerogative of the king. The assembly and the governor also found a subject of dispute in the king's instruction to the latter to consider fifteen members of the former a quorum; the assembly refusing, greatly to the indignation of his excellency, to recognize less than a majority of their number. An affair which brought on a three-cornered fight in which the governor, the council, and the assembly all took different grounds, was the appointment of a colonial agent to represent the interests of the province before the various boards in

England. The governor objected to any agent at all; the council insisted upon its right to a voice in his appointment; the assembly was determined both to have an agent and to exercise the sole right of electing him. Aside from these disputes and bickerings the work of the assembly was concerned largely with matters relating to internal improvements, matters in which Cornelius Harnett actively interested himself. To write an account of his services during these years would be to write the history of the assembly for that decade. There were few committees of any importance on which he did not serve; few debates in which he did not take a leading part. He was one of the leaders of the leaders.

But the chief value of this work lay in its being preparatory to the more strenuous work that the next two decades were to bring. Harnett received during these years valuable training in the art of debate, in the tactics and strategy of parliamentary warfare, in the theories and principles underlying the British constitution.

Of no less importance to Harnett than this training, was the broadening of his circle of associates and friends through his services in the legislature. Here he came in contact with the master-spirits of the province; and here he learned to appreciate and estimate the characters and abilities of those with whom he was to fight the battles of the future. When he entered the assembly he found it dominated by such leaders as Samuel Swann, John Starkey, and John Campbell. Among those who were to be his associates in the coming struggles there were John Ashe, the splendid cavalier of the Cape Fear; Richard Caswell probably the most versatile man in the province; John Harvey, the sturdy and uncompromising leader of the popular party; the soldierly Robert Howe, who was to share with Harnett the honor of being excepted from the general amnesty of May 1776; Samuel Johnston, learned in the law and leader of the anti-republican forces in the province; Edenton's accomplished merchant-statesman,

Joseph Hewes, signer of the Declaration of Independence; Alexander Lillington, who was to dispute with Caswell the glory of Moore's Creek Bridge; William Hooper, distinguished in the continental congress for his eloquence. It was in their preliminary fights for self-government during the decade from 1754 to 1765 that these men learned to know and to trust each other.

On Thursday, March 28, 1765, Governor Dobbs died. He was succeeded by William Tryon. Tryon's first asembly met at New Bern, May 3, 1765. The session was a short one. After the adjournment Saturday afternoon, May 18, Governor Tryon asked Speaker Ashe what course the assembly would pursue in regard to the stamp act. Promptly came the bold reply: "We will fight it to the death." Tryon prudently prorogued the session.

But the people did not wait for the assembly to act. The attempt to enforce the stamp act on the banks of the Cape Fear produced a resistance that Tryon was unable to cope with. Lord Bute was burned in effigy; the stamp agent, William Houston, was forced to resign; Andrew Stewart, editor of the Cape Fear Gazette, was compelled to print his paper without affixing the stamp; the people of Wilmington refused to supply the king's ships with provisions because Captain Lobb of his majesty's cruiser Viper seized two vessels which came into port without stamps on their clearance papers; they threw into jail the sailors sent ashore from the Viper to purchase supplies, and kept them there until Captain Lobb came to terms.

When he seized the two vessels, Dobbs and Patience, Captain Lobb referred the matter to William Dry, collector of the port of Brunswick, demanding that he prosecute their captains. Dry consulted the attorney-general, asking if the seizures were legal; if judgment ought to be given against the defendants in spite of the fact that they could not obtain stamps at the ports from which they sailed; and if the case

should be tried in the admiralty court in Halifax, N. S., instead of at Brunswick. To all of these questions the attorney-general replied in the affirmative. This was a signal for another explosion. During Saturday afternoon of February, 1766, a letter signed by Cornelius Harnett and a number of other prominent citizens of Wilmington, was handed to Dry warning him that the people would not permit the Dobbs and Patience to be carried out of the Cape Fear river without their papers properly signed. Dry thereupon consulted the governor who advised him to place the papers on board the Viper. This he neglected to do, and three days later his desk was broken open and the papers taken out.

In the forenoon of February 19, George Moore and Cornelius Harnett delivered to the governor a letter warning him that a mob was about to march to Brunswick to obtain redress of grievances. The mob had gathered at Wilmington and practically compelled Harnett and one or two others to lead them. These leaders thereupon offered the governor a guard to protect him from insult. Of course he refused it. About 300 armed men then proceeded to Brunswick to enforce their demands.

Among the objects which this crowd had in view, was to force the resignation of Mr. Pennington, the king's comptroller, and an active supporter of the stamp act. Pennington sought refuge in Tryon's house. But this did not deter the mob. With their number now swelled to about 500 men, they surrounded the house and sent a delegation of sixty men, led by Harnett, to bring Pennington out. Harnett alone entered the governor's house. Tryon was determined to protect the comptroller, but much to his disgust Pennington became frightened and offered his resignation. Harnett then returned to his friends acompanied by the ex-comptroller. The mob took him to the town where they compelled, not only Pennington, but also William Dry, and the clerks of the court, and all other public officers to take an oath not to sell

any stamps in North Carolina. They then dispersed without doing any damage to property or person. The most remarkable features of these events were the absolute openness of the resistance, and the orderliness of the crowd. The work was done by men on terms of familiar intercourse with the governor, under his very nose, and in the broad open day-light, without disguising themselves as Indians, or otherwise. They carried their point on every issue, but offered neither insult nor injury to anybody.

While these things were happening the commissioners of Wilmington manifested their approval of Harnett's course by unanimously electing him to represent the town in the next assembly. But the assembly was not to meet any time soon. The wily politician who held the reigns of government was too wise to convene the assembly while the people were in such a rebellious mood. He wished to prevent the election of delegates to the stamp act congress, which was to meet in New York some time in October. It was not until November, therefore, after the repeal of the obnoxious act and after the meeting of the congress, that Tryon ventured to face the representatives of the people. He opened the session with a conciliatory message. But the members were not in the best of tempers. They were angry at the governor's delay in calling them together, and wished to let him know it. Harnett was a member of the committee to reply to his message. Tryon was severely taken to task for his action, but he could afford to smile at the assembly's wrath, for in his first contest with the people, he had broken even with them.

Among the governors of North Carolina there have been few abler ones than William Tryon. Courtly, versatile, politic, clear-minded, full of resources, he knew the secret of winning the favor of men. Within less than two years after the stamp act riots he had so ingratiated himself with the men of Eastern Carolina that he received their almost undivided support when he marched against the Regulators.

Even Cornelius Harnett was not only in hearty sympathy with Tryon's course, but accompanied him on his Alamance campaign and contributed largely from his private means to the support of the provincial troops. When the first assembly met after the battle of Alamance, the house entered this record upon its journal: "This house taking into considera- that the account of Mr. Cornelius Harnett in the late expedition against the insurgents and fully convinced of the great service rendered his country by his zeal and activity therein.

"Resolved, That he be allowed one hundred pounds to defray the extraordinary expenses he was at in that service."

When this resolution was sent to the council for concurrence, that house replied as follows: "This house has observed with pleasure the attention which you have shown to the merit and good service of Mr. Harnett on the late expedition against the insurgents." The request was then made that for similar service, a similar allowance be made to Samuel Cornell, member of the council. To this the assembly replied: "This house cannot agree to the allowance proposed to be made to Hon. Samuel Cornell, Esq., though thoroughly convinced of his merit and activity in the late expedition. The allowance to Mr. Harnett was made, not only because his services entitle him to the notice of this house, but in consideration of his not having been in any office or employment from which he could possibly derive any compensation for the great expense he was at in that expedition."

Soon after his victory at Alamance Governor Tryon left North Carolina. He was succeeded by Josiah Martin who arrived in the province in August, 1771. Martin was a common-place man, servilely obsequious to those in authority; tyrannically over-bearing to those under authority. No worse selection could have been made by the king at this time; the people of North Carolina were in no mood to brook the petty tyranny of a provincial governor. It is not strange there-

fore that the poor old province was in a continual turmoil from the time that Josiah Martin took the oath of office until an outraged people took the law into their own hands and drove him forever from their shores.

Martin's failure, however, was not due altogether to his own fault. As Colonel Saunders says: "Governor Martin was unfortunate in the time at which he assumed office in North Carolina; indeed it may be said, that his administration was a sort of general legatee of the ill consequences of all the bad blood and bad government of his predecessors' administrations. And then, too, the harvest of a century and more of seed time was about ripe." Among the legacies left him by his immediate predecessor there were three that were especially difficult to handle. They were: the debt left by the Regulator troubles; the boundary line dispute with South Carolina; and the court-law difficulties. The first of these was settled without much dispute; the second was disposed of by the assembly's absolutely refusing to obey the king's commands; the third was a source of trouble for years to come and was never settled until there were no more royal governors and kings to interfere.

The dispute over the court-law arose over the attachment clause. British merchants carried on business in North Carolina through agents, never once setting foot here themselves. In course of time many of them came to be large land owners here. In order to secure debts owed by these merchants to North Carolinians, the assembly in the Tryon court-law, inserted a clause impowering the colonial courts to attach this property to secure those debts. The British merchants objected to this, but the act was not repealed by the king because he expected, when a new law was enacted to have this clause omitted without interfering with the sessions of the courts. Accordingly he instructed Martin not to pass any act including the attachment clause. The dispute began in the assembly of 1773. The committee to prepare the superior

court bill was composed of Caswell of Dobbs, Starkey of Onslow, Hooper of Campellton, MacKnight of Currituck, Montford of Halifax, Martin of Guilford, Harnett of Wilmington, Howe of Brunswick, and Lane of Wake. Cornelius Harnett was chairman of the committee to prepare the inferior court bill. Some of the other members of this committee were Howe, Ashe, Hooper, Thomas Person and Allen Jones. The committees at first reported two separate bills, but as it appeared likely the inferior court bill would be rejected by the council because it extended the jurisdiction of that court, another committee was appointed to join the two into one bill that they might stand or fall together. This committee was composed of Robert Howe, William Hooper, Alexander Martin, Samuel Johnston and Cornelius Harnett. The final bill as reported by them contained in full the attachment clause. The governor informed the assembly that he would not consent to it. A motion was then made to continue the Tryon court law. But this, too, contained the objectionable clause. The governor would not agree to break through his instruction; the assembly was stubborn and would not recede from its position.

Both sides maintained their positions with ability. The governor, bound by his instruction, urged the assembly to leave out the clause and look to the British statute for protection by attachment proceedings. To this the assembly replied that in England proceeding by attachment existed by municipal custom and not by any act of parliament. To leave the remedy out of their law and look to parliamentary statutes for it, was to lose the security altogether. "To secure a privilege so important," said this interesting document, "the mode of obtaining it should be grounded in certainty, the law positive and express and nothing left for the exercise of doubt or discretion." But it was all useless; they were compelled to fall back on their original bill, and to this the governor consented only when the assembly added a

clause suspending its operation until the king's pleasure could be learned. The assembly then spread upon the journal a resolution declaring the justice of their demand and instructing the colonial agent in London to use his full powers in getting the king's consent. He was instructed to say to the king that so important did the people regard this point they would rather be without courts altogether than to lose this protection. But the king refused; the fight continued through several sessions; neither side would yield and several sessions of the assembly went to wreck on this reef. It was useless, however, for the governor to dissolve the assembly and appeal to the people; it was but an appeal from the teachers to the taught. To send the former back to their constituents was but to send them to gather fresh endorsements and to receive renewed support in the fight they were waging. In every stage of the contest the people upheld their representatives, and North Carolina was without courts as long as she remained under royal rule. The governor attempted to create courts by the exercise of the king's prerogative, but the people refused to honor their decrees and the assmbly declined to vote funds for their maintenance. The governor was thoroughly beaten because the people made anarchy tolerable.

The condition of the province and the growing breach between the governor and the assembly, made it imperative that the leaders should not rest in idleness during the recesses between the sessions. They had much information to gather, much to dispense; many lessons to learn, many to teach; numerous plans to conceive, numerous ones to execute. By this time Harnett had become before all other men the leader of the Cape Fear; to him the people looked for guidance in political affairs. It had now become apparent to all thoughtful men that the time had come when it was necessary to devise some scheme for united action among the various colonies. A common oppression had driven them to a common resist-

ance. We are prepared therefore to find foresighted men laying plans to meet this necessity. In March of 1773 Josiah Quincy, Jr., of Massachusetts, visited the Cape Fear section. He left an interesting account of this visit. The night of March 30, he spent at the home of Cornelius Harnett, whom he calls the Samuel Adams of North Carolina, "except in point of fortune." Robert Howe was also present. They spent the evening in discussing the plan of continental correspondence promulgated by Virginia and Massachusetts. Quincy says that the plan was "highly relished, much wished for, and resolved upon as proper to be pursued."

The next session of the assembly began December 4, at New Bern. Soon after the opening of the session Mr. Speaker Harvey laid before the house a number of letters and resolutions received from the assemblies of Massachusetts, Rhode Island, Virginia, Connecticut and Delaware. These were resolutions passed by those assemblies in response to the suggestion made by Virginia, that each province appoint a committee of correspondence to keep in communication with similar committees in other provinces concerning matters of general interest. The proposition met with cordial approval in the North Carolina assembly. A committee composed of Samuel Johnston, Robert Howe and Cornelius Harnett, was appointed to draw up a reply. After adopting this committee's report the house resolved that a committee of nine persons be appointed to act as a committee of correspondence for North Carolina. The resolution named the committee as follows: John Harvey, Robert Howe, Cornelius Harnett, William Hooper, Richard Caswell, Edward Vail, John Ashe, Joseph Hewes and Samuel Johnston.

It is difficult for us at this day to appreciate the significance of this act. It was the first step toward that union of the colonies which resulted in July 4, 1776. The only political bond that had held the colonies together heretofore was the fact that they owed allegiance to the same

throne. Otherwise they were absolutely separate and distinct political units. Not only did they not desire union, but even looked upon such a proposition with fear and aversion. But the stupid policy of the king had given them a bond of union stronger than any political bond yet devised by the ingenuity of man—that of a common oppression. They were driven into it in spite of themselves; and the committees of correspondence were its germs. Of this system, Mr. Fiske says: "It was nothing less than the beginning of the American union. * * * It only remained for the various intercolonial committees to assemble together, and then there would be a congress speaking in the name of the continent."

It is not to be expected that Martin looked with approval on these proceedings in the North Carolina assembly. Seeing whither their policy tended he told them they were consuming time and incurring expense to no purpose and had better go home to consult their constituents. Accordingly he prorogued the session on December 21, 1773.

Shortly after this Martin learned of the proposition to hold a continental congress at Philadelphia in September. He knew that the plan contemplated the election of the delegates by the various provincial assemblies, and he determined to follow Tryon's example to prevent North Carolina's being represented. But Martin lacked a good deal of having the shrewdness of his predecessor; and the men in control of the assembly were not the kind to be caught twice in the same trap. Martin's purpose not to call another assembly until too late to choose delegates, was communicated to John Harvey by the governor's private secretary. "Then the people," exclaimed Harvey in an outburst of wrath, "will convene one themselves." He determined to issue over his own signature, a call for a provincial congress. This scheme was laid before Samuel Johnston and Colonel Edward Buncombe. Both approved it, and Johnston at once consulted William Hooper, John Ashe and Cornelius Harnett. It was just the

kind of proposition that suited Harnett's genius. He at once threw himself into the movement. On July 21, a meeting of the inhabitants of the Wilmington district was held at Wilmington to discuss the plan. A circular letter was issued inviting the people of the province to send delegates to a provincial congress at Johnston court-house August 20. The place was afterwards changed to New Bern and the time to August 25.

Governor Martin issued a proclamation forbiding the convention. The people laughed at him and the delegates met on the day appointed. We are surprised to find that Cornelius Harnett was not a member of this convention, Wilmington being represented by Francis Clayton. The business of the session consisted in drawing up a series of resolutions denouncing the recent acts of parliament in respect to America and setting forth the principles that should guide the actions of the delegates and those of their constituents. It was resolved that a continental congress ought to be held at Philadelphia, and William Hooper, Joseph Hewes and Richard Caswell were elected delegates from North Carolina. The convention closed by authorizing John Harvey, the moderator, to call another convention whenever he should deem it necessary.

Among the most important actions of the convention was the resolution authorizing each county and certain of the larger towns to organize committees of safety. It will, of course, be remembered that there were no courts in the province, and the convention properly felt that something ought to be done to relieve the situation. Besides this it was necessary to have some executive authority to enforce the resolves of the provincial convention and of the continental congress. But the time was not yet ripe for the formation of a permanent organization. The committees were therefore temporary expedients. The system finally developed so as to cover the whole province, one committee in each of the

towns, one in each of the counties, one in each of the military districts, and one for the province at large. The committees were admirably organized, and worked so successfully that their powers were gradually enlarged and increased until they assumed a jurisdiction that would not have been tolerated in the royal government.

In all the history of our people there has been nothing else like these committees. It would be difficult to find another example of government which touched the lives of the people so closely as they did. Born of necessity, originating in the political and economic conditions of the time, they make one of the most interesting and instructive chapters in our history. Of them Colonel Saunders says: "Usurping some new authority every day, executive, judicial or legislative, as the case might be, their powers soon became practically unlimited." Governor Martin properly characterized them as "extraordinary tribunals." In every respect they were extraordinary, insurrectionary, revolutionary. Illegally constituted, they demanded and executed such authority as the royal government had never dreamed of, and received such obedience as it had not dared aspire to. Yet not only did they not abuse their power, but voluntarily resigned it when the public welfare no longer needed their services. They were the offsprings of misrule and rose and fell with their parent.

The Wilmington and New Hanover committees were the most perfectly organized, the most active and the most readily obeyed of any in the province. It is impossible to give even the faintest idea of their work within the limits of this sketch. There was the work of enforcing the resolves of the continental congress and of the provincial convention, some of them most exacting and most burdensome in their operations. There was the duty of inquiring into the conduct and actions of individuals, for these committees not only determined "what acts and opinions constituted a man an enemy

of his country, but passed upon his guilt or innocence and fixed his punishment." There was the necessity of raising money by subscriptions and fines—for gunpowder, arms, and all the implements of war had to be purchased. The militia had to be enlisted, organized, armed and drilled. Correspondence with other committees had to be kept up. In short, a revolution had to be inaugurated, and it fell to these committees to do it. The success of that revolution bears witness to the ability with which their work was done. Of these committees, Cornelius Harnett was the master-spirit, the genius, the soul. Their work was his work. Throughout their existence he dominated their actions and the great work which they did in the cause of freedom is his monument. When the Wilmington committee was organized he was unanimously elected its first chairman. When the New Hanover committee was organized a few months later he was at once unanimously elected chairman of the joint committee. His work here won for him later still, after the provincial committee was established, not only a place on that committee but the chairmanship of it, a place that made him the chief executive of the new born state.

When Governor Martin saw the way the current was setting and learned that he was foiled in his effort to prevent the election of delegates to the continental congress, he determined to make the best of a bad situation and so called an assembly to meet at New Bern April 4, 1775. John Harvey at once issued circulars calling for a convention to meet at the same place April 3. It was intended, and so carried out, that the members of the assembly should also be members of the convention. Cornelius Harnett again came forward as the representative in both bodies from Wilmington. Governor Martin was furious and denounced the action of Harvey in a thunderous proclamation. The members replied by re-electing Harvey moderator of the convention and speaker of the assembly. Never was such an anomalous situa-

tion seen before or since, I believe, in the history of the world. One set of men forming two bodies—one legal, sitting by the authority of the royal governor and in obedience to his writ; the other illegal, sitting in defiance of his authority and in direct disobedience of his proclamation. The curious spectacle is presented of the governor calling on the former body to join him in denouncing and dispersing the latter, composed of the same men whose aid he solicited. The two bodies met in the same room and were presided over by the same man. "When the governor's private secretary was announced at the door," writes Colonel Saunders, "in an instant, in the twinkling of an eye, Mr. Moderator Harvey would become Mr. Speaker Harvey * * * and gravely receive his excellency's message." The convention lasted five days. On April 7, a resolution was passed renewing Harvey's authority to call another convention whenever he deemed it necessary, and giving the same power to Samuel Johnston in the event of Harvey's death. The assembly's life was not prolonged any longer than the life of the convention. Having passed some resolutions endorsing the course of North Carolina's delegates in the continental congress, it was dissolved by the angry governor, April 8, 1775. This was the last time a royal governor was to dissolved a North Carolina assembly.

April of 1775 was a stirring month in North Carolina. It witnessed the convocation and adjournment of the most revolutionary body ever held in the state. It saw the convening and the dissolution of the last assembly ever held here under the authority of the British crown. It saw the governor of the province openly defied in his palace at the capital, closely watched by armed men, and virtually beseiged in his own house. It saw the guns he had set up for his own protection seized and carried off by the men he had been sent to rule. It closed upon the flight of the terrified governor from the capital to the protection of the guns of Fort Johnston at the mouth of the Cape Fear river.

The atmosphere was charged with the revolutionary spirit. Men breathed it in with the very air they sucked into their lungs and then showed it forth to the world by their actions. Events crowded one upon another in rapid succession. The committees of safety were everywhere active in the discharge of their various duties, legislating, judging, executing, combining in themselves all the functions of government. The news of the battle of Lexington spread like wild fire through the province, arousing the forward, stirring the backward, and putting an end everywhere to all hope of a peaceful conclusion of the difficulties. The news was sped on its way by the committees and in no other instance did they give better evidence of their usefulness. Governor Martin complained that the rebel leaders knew about the battle at least two months before he did, and that he did not learn of it in time to counteract the influence which the "infamous and false reports of that transactions" had on the people. The news reached Cornelius Harnett on the Cape Fear in the afternoon of May 8, and he at once hurried it on to the Brunswick committee with the admonition, "For God's sake send the man on without the least delay and write to Mr. Marion to forward it by night and day." The proceedings of the second continental congress, which met amid all this excitement, were followed with the closest attention. John Harvey, after a life devoted to the interest and liberty of his country, died at his home in Perquimans county, leaving a gap in the ranks of the patriots impossible to be filled. Scarcely had this sad news reached the Cape Fear before Cornelius Harnett was joined by Robert Howe and John Ashe in a letter to Samuel Johnston urging him to call a provincial convention without delay. The suggestion met with favor, was endorsed by the committees of several counties, and approved by Johnston. He issued his call July 10. Six days later Governor Martin wrote to Lord Dartmouth: "Hearing of a proclamation of the king, proscribing

John Hancock and Samuel Adams, of Massachusetts Bay, and seeing clearly that further proscriptions will be necessary before government can be settled again upon sure foundations in America, I hold it my indispensable duty to mention to your lordship Cornelius Harnett, John Ashe, Robert Howe, and Abner Nash, as persons who have marked themselves out as proper persons for such distinction in this colony by their unremitting labours to promote sedition and rebellion here from the beginnings of the discontents in America to this time, that they stand foremost among the patrons of revolt and anarchy." Within less than a week after this letter was written 500 men, wearied of Governor Martin's abusive proclamations, placed themselves under the leadership of John Ashe and Cornelius Harnett, marched to Fort Johnston, and burned the hated structure to the ground. "Mr. John Ashe and Mr. Cornelius Harnett," wrote the frightened governor, "were the ring-leaders of this savage and audacious mob." Thirty days later, at the time and place appointed, a third provincial congress met in open session in defiance of the rewards offered by the impotent ruler for the arrest of the leaders.

The congress met at Hillsborough, August 20. One hundred and eighty-four delegates were present. Cornelius Harnett was there from Wilmington, associated, however, with another distinguished and able Cape Fear leader, Archibald Maclaine. Harnett's share in the work of the convention was of the greatest importance, but lack of space forbids an account of it here. The one thing that can be noticed was the reorganization of the committee system. At the head of the new system and acting as executive head of the new government, was placed a provincial committee, called the provincial council. Its membership was composed of thirteen persons, one from the province at large and two from each of the six military districts into which the province had been organized. Serving under this council were to be committees in the several districts.

Extensive powers were given to the provincial council; it was, as I have said, the executive head of the government, subject to no authority except that of the general congress. The success of this new scheme depended entirely upon the character and ability of the men who were to put it into operation. They were chosen as follows: Samuel Johnston, for the province at large; Cornelius Harnett and Samuel Ashe, for the Wilmington district; Thomas Jones and Whitmill Hill, for the Edenton district; Abner Nash and James Cook, for the New Bern district; Thomas Person and John Kinchen, for the Hillsborough district; Willie Jones and Thomas Eaton for the Halifax district; Samuel Spencer and Waightstill Avery, for the Salisbury district. We can estimate the importance of this organization from the fact that Governor Martin denounced it in unmeasured terms.

The first meeting was held October 18, at Johnston courthouse. Of this meeting Bancroft writes: "Among its members were Samuel Johnston, Samuel Ashe, a man whose integrity even his enemies never questioned, whose name a mountain county and the fairest town in the western part of the commonwealth keep in memory; Abner Nash, an eminent lawyer, described by Martin as 'the oracle of the committee of Newbern and a principal supporter of sedition'; but on none of these three did the choice of president fall; that office of peril and power was bestowed unanimously on Cornelius Harnett, of New Hanover, whose disinterested zeal had made him honored as the Samuel Adams of North Carolina." By virtue of this office Harnett became the chief executive of the new government. The establishment of this central committee with adequate powers and authority immediately bore good fruit. Governor Martin wrote that the authority, the edicts and the ordinances of the congresses and conventions and committees had become supreme and omnipotent and that "lawful government" was completely annihilated. There can be no better comment upon the effectiveness of the ad-

ministration of Harnett and his colleagues. Everywhere the spirits and activity of the patriots took on new life, and everywhere, according to Martin himself, the spirits of the loyalists drooped and declined daily. So effective was the work and so necessary did the council prove itself to be to the welfare of the province, the next convention passed a resolution requiring it to sit continuously instead of only once every three months. The council, now called the council of safety, continued at the head of the government until the adoption of the state constitution; and Cornelius Harnett remained at the head of the council until elected a delegate to the continental congress.

It was under the direction of this council that the North Carolina troops marched to Moore's Creek Bridge and on the 27 of February, won the initial victory of the revolution. General Moore's report of his victory was made to President Harnett. This battle entirely changed the aspect of affairs in North Carolina. Heretofore the people had not considered seriously the question of independence; but now no other proposition met with such nearly universal acceptance. Day by day the conviction steadily grew upon them that there was no hope of coming to terms with the royal government, except upon humiliating conditions, and rather than submit to these the people preferred to risk all in a cast for independence. The convention, which met at Halifax April 4, 1776, was expected to take some definite steps to give official expression to the prevailing desire. The day after the assembling of the convention Samuel Johnston wrote to James Iredell: "All our people here are up for independence." Accordingly on April 8, a committee was appointed, composed of Cornelius Harnett, Allen Jones, Thomas Burke, Abner Nash, John Kinchen, Thomas Person and Thomas Jones, "to take into consideration the usurpations and violences attempted by the king and parliament of Great Britain against America, and the further

measures to be taken for frustrating the same, and for the better defence of this province." Cornelius Harnett was elected chairman, and it was he who prepared and read the report which the committee submitted April 12. On that day he arose in the convention and in a clear ringing voice read the following bold and epoch-making report:

"It appears to your committee, that pursuant to the plan concerted by the British ministry for subjugating America, the king and parliament of Great Britain have usurped a power over the persons and properties of the people, unlimited and uncontrolled and disregarding their humble petitions for peace, liberty and safety, have made divers legislative acts, denouncing war, famine and every species of calamity, against the continent in general. The British fleets and armies have been, and still are, daily employed in destroying the people, and committing the most horrid devastations on the country. That governors in different colonies have declared protection to slaves, who should imbrue their hands in the blood of their masters. That ships belonging to America are declared prizes of war, and many of them have been violently seized and confiscated. In consequence of all which multitudes of the people have been destroyed, or from easy circumstances reduced to the most lamentable distress.

"And whereas, the moderation hitherto manifested by the united colonies and their sincere desire to be reconciled to the mother country on constitutional principles, have procured no mitigation of the aforesaid wrongs and usurpations, and no hopes remain of obtaining redress by those means alone which have hitherto been tried, your committee are of opinion that the house should enter into the following resolve, to-wit:

"Resolved, That the delegates for this colony in the continental congress be impowered to concur with the delegates of the other colonies in declaring independency, and forming foreign alliances, reserving to this colony the sole and

exclusive right of forming a constitution and laws for this colony, and of appointing delegates from time to time (under the direction of the general representation thereof), to meet the delegates of the other colonies for such purposes as shall be hereafter pointed out."

The convention unanimously adopted the report. Comment is unnecessary. The actors, the place, the occasion, the time, the action itself, tell their own story far beyond the power of the pen to add to it or detract from it. Discussing the growth of the sentiment for independence in America, Mr. Bancroft says:

"The American congress needed an impulse from the resolute spirit of some colonial convention, and the example of a government springing wholly from the people." Following an account of how South Carolina let slip the honor of giving this impulse, Mr. Bancroft continues: "The word which South Carolina hesitated to pronounce was given by North Carolina. That colony, proud of its victory over domestic enemies, and roused to defiance by the presence of Clinton, the British general, in one of their river, * * * unanimously" voted for independence. "North Carolina was the first colony to vote explicit sanction to independence."

Immediately after the adoption of this report the convention took up the consideration of a constitution for the state.

Harnett was a member of the committee to prepare the document. But this was a matter too important for slight consideration, and the committee recommended that it be postponed until the next session of the convention. At the same time the powers and authority of the council of safety were extended and the council was ordered to sit continuously instead of quarterly.

A few days before the adjournment of the convention the enemy again paid their compliments to Harnett's zeal and influence. This time they came from Sir Henry Clinton. Sir Henry had reached the Cape Fear too late to co-operate with the Highlanders in their disastrous attempts to subdue the colony, so there was nothing left for him to do but to issue a proclamation, and sail away again. Accordingly, just before sailing, he proclaimed from the deck of his majesty's man-of-war, Pallisser, that a horrid rebellion existed in North Carolina, but that in the name of his sacred majesty, he now offered a free pardon to all who would acknowledge the error of their way, lay down their arms, and return to their duty to the king, "excepting only from the benefits of such pardon Cornelius Harnett and Robert Howes."

To this proclamation the council of safety replied by unanimously re-electing Cornelius Harnett president. This occurred at their Wilmington session in June. In July they adjourned to meet at Halifax. On the 22 of the month the council received news of the action of the continental congress on July 4.

Five days later they resolved that August 1, be the day for proclaiming the declaration at Halifax. Thursday, August 1, 1776, becomes therefore, a marked day in the annals of the state. The sun rose clear on this first day of the new month, symbolic of the new state just rising out of a night of oppression and wrong. With the rising of the sun came the vanguard of the large crowd that was to assemble that day from the surrounding country to hear the official announce-

ment of North Carolina's new-born independence. By noon the village was alive with the eager throng. The ceremony was simple but none the less impressive. The provincial troops and militia companies, proudly bedecked in such uniforms as they could boast, were present in full battle array. With drums beating and flags unfurled to catch the first breath of freedom, this martial escort conducted the president of the council to the front of the court-house. As the August sun reached its mid-course in the heavens, Cornelius Harnett, bare-headed, bearing in his hand the document which bore the words so full of meaning for all future generations, cheered by the enthusiastic throng, solemnly ascended the platform and faced the people. Even as he unrolled the scroll the enthusiam of the crowd gave vent in one prolonged cheer, and then a solemn hush fell on the audience. Every ear was strained to catch the words that fell from the lips of the popular speaker. As he closed with those solemn words pledging the lives, the fortunes and the sacred honor of the people to the declaration, the tumultuous shouts of joy, the waving of flags, and the booming of cannon, proclaimed that North Carolina was prepared to uphold her part. As Harnett came down from the platform the soldiers dashed at him, seized him, and bore him aloft on their shoulders through the crowded street, cheering him as their champion and swearing allegiance to the new nation. It must have been a proud moment in his life and one that compensated somewhat for the sacrifices he was yet to make for his people.*

Soon after this the fifth and last provincial convention assembled at Halifax. Harnett sat for Brunswick county. This convention adopted the first constitution of the state of North Carolina. Harnett was a member of the committee which drafted it and exercised a large influence in its preparation. His influence and efforts caused the insertion of that imperishable clause which forbids the establishment of a state church in North Carolina, and secures forever to every per-

son in the state the right to worship God "according to the dictates of his own conscience." If Thomas Jefferson rightly considered the authorship of a similar clause in the Virginia constitution, one of the three really great events of his life, surely the authorship of this clause in the North Carolina constitution was none the less one of the great events of Cornelius Harnett's useful career. But he did not blazon it to the world by having it recorded on his tomb.

This convention elected the first officers of the new state. Richard Caswell was elected governor. Harnett was chosen first councillor of state. By the election of Caswell as governor the chairmanship of the convention became vacant, and Harnett was elected to fill the vacancy. The journal of the last one of those remarkable conventions that separated North Carolina from the British empire is signed by "Cornelius Harnett, President."

Harnett was re-elected to the council by the first legislature which met under the constitution. He did not serve long, however, as he was soon afterward selected a delegate to the continental congress and resigned his seat in the council. He took this action reluctantly. It meant loss of comfort and ease, sacrifice of both money and health, but he did not feel justified in declining, for purely personal reasons, the service the state desired of him. He, therefore, entered upon his duties in June, 1777, and served three years in congress. A detailed account of his services there is impossible in this sketch. They were faithful and able. The field was narrow, however; the situation disagreeable; his health poor; and the expense of living great. He wrote to his friend Burke that living in Philadelphia cost him £6,000 more than his salary, but he adds: "Do not mention this complaint to any person. I am content to sit down with this loss and much more if my country requires it." He missed the comforts of home, wearied of the quarrels and bickerings of congress, suffered with the gout, until he was thoroughly worn out.

Harnett's letters are among the most valuable in the correspondence of the revolution, throwing such a flood of light on that interesting period as few other letters do. It has already been seen the estimate that Governor Swain put upon them. Any one who reads them carefully in the light of the events they describe will readily concur in that estimate.

In February, 1780, Harnett made his last journey from Philadelphia to Wilmington, "the most fatiguing and most disagreeable journey any old fellow ever took." He had not long to rest under the shade of his vine and fig tree as he had hoped to do. Only one year of life remained to him, a year of gloom, hardship and suffering. The summer of 1780 was the gloomiest time of the war for the Americans. Charleston fell; Colonel Bufort's Virginia regiment was annihilated at Waxhaws; Gates exchanged his northern laurels for southern willows at Camden; Ninety-Six was captured, and Cornwallis marched into North Carolina. Here came relief. On the top of King's Mountain came the first break in the clouds; and soon after this Tarleton's renowned corps was cut to pieces at Cowpens.

Scarcely had this good news revived the drooping spirits of the patriots when a great disaster befell the Cape Fear country. On January 29, 1781, Major James H. Craige, one of the most energetic officers of the British army, sailed into the Cape Fear river with a fleet of eighteen vessels and four hundred and fifty men. Wilmington was occupied without opposition. Major Craige had come with express orders to capture Cornelius Harnett, and one of his first expeditions from Wilmington was sent out for this purpose. Harnett was warned in time and attempted to escape; but he had gone only about thirty miles when he was seized by a paroxysm of the gout and was compelled to take to his bed at the home of his friend, Colonel Spicer, in Onslow county. The enemy overtook him here, and regardless of his age and condition, in a manner unusually brutal, carried him to Wilmington.

Here he was confined for three days in a block-house. His condition had now become so precarious that Craige was induced to release him on parole.

He had not long to enjoy his freedom, and none realized it better than he. Yet he politely declined the services of the physicians, though grateful for their attention. On April 28, he wrote with his own hand his will, bequeathing "to my beloved wife, Mary, all my estate, real, personal, and mixed, of what nature or kind soever, to her, her heirs and assigns, forever." He then breathed his last.

Harnett's grave is in the northeast corner of St. James church-yard in the city of Wilmington. He contributed liberally to the erection of the first St. James church, was for a long time a member of the vestry, and always retained a pew in the church. In spite of this, and of a great deal of other evidence to the contrary, a tradition has been handed down, repeated by Hooper, and after him by others, that Harnett was an infidel. The train of evidence is too long to be followed here and I must content myself with merely observing that in my opinion the statement is an erroneous one. Much has been made of the epitaph on his tomb-stone, selected by himself.

"CORNELIUS HARNETT,
Died April 20, 1781.
Age 58.
" 'Slave to no sect, he took no private road,
But looked through Nature up to Nature's God.' "

It should be noted here that the date on the stone must be incorrect, as his will is in his own hand-writing and is dated April 28.

Mr. Harnett lived just outside of Wilmington. His house, surrounded by a grove of magnificent live-oaks, stood on an

eminence on the east bank of the Cape Fear, commanding a fine view of the river. Here Harnett lived at ease, for he was a man of wealth, entertaining upon such a scale as to win a reputation for his hospitality, even in the hospitable Cape Fear country.

"His stature," says Hooper, "was about five feet nine inches. In his person he was rather slender than stout. His hair was of a light-brown, and his eyes hazel. The contour of his face was not striking; nor were his features, which were small, remarkable for symmetry; but his countenance was pleasing, and his figure, though not commanding, was neither inelegant nor ungraceful.

"In his private transactions he was guided by a spirit of probity, honor and liberality; and in his political career he was animated by an ardent and enlightened and disinterested zeal for liberty, in whose cause he exposed his life and endangered his fortune. He had no tinge of the visionary or of the fanatic in the complexion of his politics. 'He read the volume of human nature and understood it.' He studied closely that complicated machine, man, and he managed it to the greatest advantage for the cause of liberty, and for the good of his country. That he sometimes adopted artifice, when it seemed necessary for the attainment of his purpose, may be admitted with little imputation on his morals and without disparagement to his understanding. His general course of action in public life was marked by boldness and decision.

"He practiced all the duties of a kind and charitable and elegant hospitality; and yet with all this liberality he was an exact and minute economist.

"Easy in his manner, affable, courteous, with a fine taste for letters and a genius for music, he was always an interesting, sometimes a fascinating companion.

"He had read extensively, for one engaged so much in the bustle of the world, and he had read with a critical eye and

inquisitive mind. * * In conversation he was never voluble. The tongue, an unruly member in most men, was in him nicely regulated by a sound and discriminating judgment. He paid,nevertheless, his full quota into the common stock, for what was wanting in continuity or fullness of expression, was supplied by a glance of his eye, the movement of his hand and the impressiveness of his pause. Occasionally, too, he imparted animation to his discourse by a characteristic smile of such peculiar sweetness and benignity, as enlivened every mind and cheered every bosom, within the sphere of its radiance.

"Although affable in address, he was reserved in opinion. He could be wary and circumspect, or decided and daring as exigency dictated or emergency required. At one moment abandoned to the gratifications of sense, in the next he could recover his self-possession and resume his dignity. Addicted to pleasure, he was always ready to devote himself to business, and always prompt in execution. An inflexible republican, he was beloved and honored by the adherents of monarchy amid the fury of a civil war. * * * Such was Cornelius Harnett. Once the favorite of the Cape Fear and the idol of the town of Wilmington; his applauses filled the ears as his character filled the eyes of the public."

EDWARD MOSELEY: CHARACTER SKETCH.

By D. H. HILL.

"Of all the men who watched and guided the tottering footsteps of our infant State, there was not one who in intellectual ability, in solid and polite learning, in scholarly cultivation and refinement, in courage and endurance, in high Christian morality, in generous consideration for the welfare of others, in all true merit in fine, which makes a man among men, who could equal Edward Moseley.

Hon. George Davis.

Fortunately for men of action the judgment of their contemporaries is often modified or reversed by the clearer judgment of posterity. Of Wycliffe, the first translator of the Bible into our "modir tonge" and one of the stoutest opponents of ecclesiastical tyranny, a contemporary, Lewis, says, in his "Life of Wycliffe:"

"On the feast of the passion of Saint Thomas, of Canterbury, John Wycliffe, the organ of the devil, the enemy of the church, the idol of heretics, the image of hypocrites, the restorer of schism, the storehouse of lies, the sink of flattery, being struck by the horrible judgment of God, was seized with the palsy throughout his whole body, and that mouth, which was to have spoken huge things against God and his saints, and Holy church, was miserably drawn aside, and afforded a frightful spectacle to beholders; his tongue was speechless and his head shook, showing plainly that the curse which God had thundered forth against Cain was also inflicted on him."

Of this same Wycliffe Dr. Patterson Smyth says, in the tempered judgment of 1899:

"In him England lost one of her best and greatest sons, a patriot sternly resenting all dishonor to his country, a reformer who ventured his life for the purity of the church and the freedom of the Bible—an earnest, faithful 'parsoun of

a toune' standing out conspicuously among the clergy of the time.

> 'For christes lore and his apostles twelve
> He taughte—and first he folwede it himselve.'"

In like manner if we should credit the official contemporaries of Edward Moseley, he was "of all men most base." Gov. Hyde and his followers in the Legislature of 1711 joined in a petition to "The Palatin and Lord Proprietors" to "remove those three restless Incendiaries Col. Carey, Mr. Porter and Mr. Moseley from having any share in the government." Gov. Pollock, smooth and suave, complains that "he was the chief contriver and carry-er on of Col. Carey's rebellion." Gov. Burrington, passing rich in the vocabulary of expletive, brands him as "the great land-jobber of this country," and further declares to the Legislature that Moseley is "a person of sufficient ability" to be "Publick Treasurer," but wishes that his "integrity was equal to his ability." Gov. Johnston writes the Board of Trade that "the only remains of faction in this colony is kept up by Mr. Moseley and the Moors."

The remarkable continuity of this courteous attention from crown officers, extending as it does over a good many years, reveals the dynamics inherent in the man. Even if we had no record of Moseley's life other than this continuous gubernational vituperation, we should still be inclined to say, "Official lions found no hind in him; here was a man."

Hence it is no surprise to find modern writers, who have tried to roll the mists away, saying, as Weeks does: "He (Moseley) was the broadest-minded man who lived in North Carolina during the first half of the 18th century. He was a patriot rather than a partisan and as such espoused the cause of religious fredom against the bigotry and narrowness of his age and country;"

Or to find Shinn saying: "It can not be doubted that he was hot tempered and was perhaps often too hasty and liable

to cultivate strong antipathies; yet he was a patriot in his day and did more than any other early character to make the unlettered Carolinians feel that by royal charter 'it is granted that the inhabitants of this province shall have, possess and enjoy all libertys, franchises and privileges as are held, possessed and enjoyed in the Kingdom of England.' In every contest he was on the side of the people."

That Moseley was always "on the side of the people" and that in spite of royal governors he retained their confidence is abundantly shown by such facts as these. One year after Gov. Hyde's assembly petitioned for Moseley's 'removal from having any part in the government,' the people elected him a member of the Assembly. In 1715, in the face of Pollock's charge and just two years after it was made, that he was the backbone of the Cary trouble, the representatives of the people elected him their Speaker. Gov. Burrington's epithet of "land grabber," and doubt as to his having integrity enough to be Treasurer did not deter the Assembly of 1731 from electing Moseley Speaker nor from saying with some heat: "The Members of the House declare that they are very well satisfied as well with his integrity as his ability, his accounts always appearing just and true."

Of the early life of the man thus so differently judged, we have few records; his later life is almost literally a history of the province, so large is his part in its doings. He held almost every office then open to a citizen. Indeed for robust persistence in office-holding Moseley is without a peer in Carolina history. The first year that he appears in our records he was a member of the Cary Council: he dies still a Council member, although his service was not continuous. The office of magistrate, then a very honorable and responsible one, he held nearly all his life. From perhaps 1708 until near his death he was Treasurer of the Colony, and also part of the time precinct treasurer. For many years he was Surveyor-General. He was a Commissioner for running the boundary

line between North Carolina and Virginia and also between North Carolina and South Carolina. He was judge of the Court of Admiralty, five or six times Speaker of the House, President of the Council and thus Acting-Governor, Commissioner on Wages, and for Revisal of laws, chief baron of the Exchequer, and finally Chief Justice of the Colony. This perpetuity and variety of office-holding seem too to have come, not because he was a chronic seeker of office, but solely because he was the fittest man to fill the office.

What were the characteristics of the man who was thus honored by his people?

In the first place it was not necessary for him "to usurp a patriot's all-atoning name," for he seems to have sincerely loved his adopted colony, and to have served it with the steadfast purpose of making it a home fit for free men. Although himself a member of the established church of England, a contributor equal in generosity to the Governor towards its support, and a propagandist of its faith to the extent of sending to England for Prayer Books for distribution, yet there seems no doubt that he set his face like flint against an alliance of church and State in America. Although frequently on terms of such intimacy with crown officers that it would have been to his interest to wink at their usurpations of authority, he steadily resisted all such encroachments on the rights of the people. He was Speaker of the House that in 1715 dared to pass the memorable resolution "that the impressing of the inhabitants, or their property, under pretense of its being for public service, without authority from the General Assembly is unwarrantable, a great infringement of the liberty of the subject, and very much weakens the government by causing many to leave it."

Col. Saunders says of this resolution: "The man who, at that early day, in the wild woods of America, could formulate that resolution, and the people whose assembly could fling it in the face of the government, were worthy of each other."

While holding a royal commission as member of the Council, Moseley refused to pay his quit rents to the royal Receiver at a rate different from what he thought the laws of the colony prescribed, and encouraged others to take the same position.

In the second place he had the boldness of thought and of action that people admire in their leaders. When but a comparative stranger in the province, he did not hesitate to join with Cary in actions which though in themselves illegal redounded to public good. When he believed that Gov. Eden's relations to the pirate Thache or Teach were suspiciously criminal, he with the aid of his brother-in-law, Maurice Moore, made bold to forcibly enter the office of the Governor's secretary and seize official papers apparently for the purpose of disclosing criminality on the part of the officers of the province. On his arrest for this attempt "to bring the good government, diligent and just administration of him the said Charles Eden as Governor to detract, asperse and contempt and to move and stir up debates, strifes and differences, sedition and discord and dissention in this province," as the warrant charged, he could not forbear saying that the governor, chief justice and others with him could procure armed men to come and arrest him but could not raise them to destroy the pirate. He incurred the hostility of Gov. Burrington and was committed to the common jail for interposing in behalf of a poor man without legal counsel, whom the Governor was prosecuting with acrimonious speed. It is not hard to imagine that it was his influence as Speaker that led the Assembly of 1733 to protest against Gov. Burrington's "long disuse of assemblies," and to declare that "the Affairs of the Province in our humble Opinion required the Meeting of an Assembly before this time, not only for an Application to his Majesty toward the Good and happy settlement of this province, but also for the suppressing the many Oppressions, which so loudly have been complained of through the whole

province, which could in no other way so properly be represented as in an Assembly."

In the third place Moseley had the common sense and self-poise on which people rely in troublous times. There was no sham, no affectation, no sounding hollow in his make-up. This is nowhere shown more conspicuously than in the reply that he, Christopher Gale, John Lovick and William Little sent to the Virginia Commissioners who had written them as North Carolina's Commissioners to settle the disputed boundary line between the two States. With lordly pomp the Virginia Commissioners had written: "We think it very proper to acquaint you in what manner we intend to come provided, that so you, being appointed in the same station, may, if you please, do the same honor to your country. We shall bring with us about twenty men, furnished with provisions for thirty days: we shall have with us a tent and marquees for the convenience of ourselves and our servants. We bring as much wine and rum as will enable us and our men to drink every night to do the good success of the following day; and because we understand that there are gentiles on the frontiers, who never had an opportunity to be baptized, we shall have a chaplain with us to make them Christians."

Men of less common sense than the Carolina Commissioners would have been at a loss to know what reply to make to this startling announcement. But the sturdy sense of Moseley and his associates did not desert them.

"We are at a loss, gentlemen," wrote these downright men, "whether to thank you for the particulars you give us of your tent stores, and the manner you design to meet us. Had you been silent about it, we had not wanted an excuse for not meeting you in the same manner; but now you force us to expose the nakedness of our country, and to tell you we cannot possibly meet you in the manner our great respect for you would make us glad to do; whom we are not emulous of outdoing, unless in care and diligence in the affair we come to meet you about."

"That keen thrust under the guard," comments Mr. Davis, "delivered too with all the glowing courtesy of knighthood, is exquisite. My lord Chesterfield could not have improved it. If the Virginians were as familiar with sweet Will as they undoubtedly were with the value of tent stores, they must have had an uncomfortable remembrance of Sir Andrew Aguecheek—'An I thought he had been so cunning in fence, I'd have seen him damned ere I'd have challenged him."

But there is another side to the man's character that is pleasant to recall. Active man of affairs as he was, accumulating a fortune as he did, he was withal, in the best sense of the words, a man of letters. His private library, including books on law, on theology, and on general literature, was perhaps the most extensive in the province. A part of his library was left by him as a foundation for a public library in the town of Edenton.

A devoted lover of North Carolina and a diligent student of its history pays this hearty tribute to Col. Moseley's worth:

"The great debt of gratitude that North Carolina will ever owe him is due to his undying love of free government, and his indomitable maintenance of the rights of his people. Doubtless no man ever more fully realized than he 'that eternal vigilance is the price of liberty,' nor was there ever upon any watch tower a more faithful sentinel than he. And to him, above all others, should North Carolina erect her first statute, for to him, above all others, is she indebted for stimulating that love of liberty regulated by law, and that hatred of arbitrary government that has ever characterized her people."

CELEBRATION

OF THE

ANNIVERSARY OF MAY 20, 1775

WITH AN ADDRESS BY

GEN. JOSEPH GRAHAM

Giving Reminiscences of the Day and Other Mecklenburg Revolutionary Events

AT

CHARLOTTE, N. C., MAY 20, 1735

W. A. GRAHAM
Lincoln County, North Carolina

CELEBRATION OF THE ANNIVERSARY OF MAY 20, 1775.

By W. A. GRAHAM.

The first celebration of the anniversary of the Mecklenburg Declaration of Independence, Charlotte, May 20, 1835.

The attendance was estimated to be at least five thousand, ceremonies were held in the "church grove" now First Presbyterian church. The Governor of the State (Swain) was present and reviewed the troops.

James W. Osborne (afterwards judge) father of Judge Frank I. Osborne, after a brief and eloquent preface read the Mecklenburg Declaration.

Franklin Smith was "orator of the day." He gave a succint account of the aggressions of England which led up to the Declaration; sketched the character of the convention and commemorated the virtues of its members.

At the dinner U. S. Senator Willie P. Mangum, Governor Swain and others spoke at length upon the political questions, probably upon General Jackson vs. the United States Bank.

In response to the toast "Our guest, General Joseph Graham, the living witness of the scene we have met to commemorate and the bold and intrepid defender of its principles," General Graham spoke as follows:

Fellow Citizens:—On this day three-score years ago, I was in this place, and heard the discussion of those venerable fathers, and finally their unanimous vote on the adoption of those resolutions, and in a short time after when proclamation was made, the people assembled and they were read at the Court-House door, where they were highly approved by all. Perhaps upwards of half the men in Mecklenburg and now Cabarrus counties were present. This and some previous

meetings had a tendency to give tone to public sentiment, that was manifest throughout the Revolutionary War, and for many years after. I had the honor to be personally acquainted with each of the fathers who signed those resolutions; they were men of sound common sense, actuated by pure patriotism, appeared to be governed by no motive but their country's welfare, perhaps a majority of them too old to do military duty, but always ready with their counsel to their families and neighbors, to assist the common cause. It yet may be remembered that before the fall of Charleston, a magazine of gun powder was moved from Camden to this place for greater safety and was guarded sometime by the students of the Academy at this place—that an alarm of the vailed, and several of the old fathers, signers of those Resolu- enemy's advancing here, some weeks before they came, pre- tions, with others, came to Charlotte on a certain day with bags in which they filled the gunpowder, and carried it off in different directions—they appeared like so many boys who had been to mill. It was concealed in separate places—afterwards it afforded us a seasonable supply—not much of it got damaged and the enemy got none. *

At that time we had no parties among us, we were but one party and that for our country. Then and for a dozen years afterwards, a man who was popular, and had the public confidence, was called on to face the greatest dangers, and to make large sacrifices of his time and property in the common cause. What nominal pay he received was in a depreciated currency—it was evident that money was not the motive by which he was governed, but to drive the enemy from our country and to establish the Independence which they had declared,—the fact is there were no loaves and fishes to divide, as in modern times, to scuffle about, for it now appears the

* General Davidson to General Sumner, October 10, 1780, at Rocky River, reports receipt of 29 "caigs" of this powder from within four miles of Charlotte, of which he knew nothing until a day or two before.—Col. Records, Vol. XIV, p. 683.

plentier they are the greater the risque that the public tranquility may be disturbed, and finally may produce more evil than at present anticipated.

It would be tedious to recount all the effect produced by the discussion and Resolutions passed in this place sixty years past, how faithfully those men, their neighbors and their offspring, acted up to the professions they then made—how they regularly furnished their quota of men while the war was at a distance, but after the fall of Charleston and Buford's defeat, they were called out *en masse,* when Mecklenburg became a frontier against a powerful enemy,—need I mention that several of her brave sons fell in the battle at Ramsour's Mill,—that in the well-fought battle of Hanging Rock, she lost the lamented Capt. David Reid, and six privates and had eleven wounded—had her proportion of men and suffering in the disastrous defeat of General Gates on the 16th of August, 1780, or the affair at Wahab's, under Col. Davie in September in the same year, when a party superior in numbers was surprised and beat in the vicinity of the main British army or when the British army of 5,000 Regulars marched into this village in all the pomp of War, on the 26th of Sept., 1780, was opposed by Col. Davie in a kind of Parthian fight with 350, chiefly of this County, and our well-tried friends of Rowan,—or that during the 12 days they stayed, their sentries were shot down, their piquets harassed, and a foraging party of 400 driven back from McIntyre's farm about 7 miles North of this place, with some loss, by only a few men of your native sons—that waggons with stores from Camden were captured and destroyed, two or three miles to the South of this place. These circumstances induced Col. Tarleton in conversation with a lady in the neighborhood, to compliment this place with the name of "The Hornets' Nest."

When General Green took command of the Southern Army, on the 3rd of December, 1780, this County having

been the seat of war so long, supplies of provisions and forage being nearly exhausted, he detached General Morgan over Broad River, and moved with his Army down near Cheraw. As an evidence of the estimate in which you were held, he relied upon the inhabitants between the Catawba and Yadkin Rivers as a central Army, otherwise his dispositions would have been inconsistent with the general rules of war in such cases. Need I mention that after Tarleton's defeat at the Cowpens, when the enemy advanced in full force on the banks of the Catawba, on the memorable 1st of February, 1781, in that cloudy and drisly morning when they passed at Cowan's Ford, were opposed by about 350 men, a majority of your native sons, endeavoring to defend their domicils under command of the brave and lamented General Davidson, who there fell, and two of your citizens who may be well remembered by several of those present, Robert Beatty and James Scott—that the atmosphere was so dense the sound of the artillery and platoons were distinctly heard by all the mothers, wives and sisters of those engaged, who lived here and to the North of this place. That our friends of Rowan and some other counties who had retreated from Beattie's Ford, were defeated at Torrence's Tavern on the same day by Col. Tarleton—that afterwards the British passed on to Salisbury—about 700 men were collected in their rear composed of the citizens between the Yadkin and Catawba, and having none but field officers, they could not agree among themselves who should take the command, and finally they selected Gen. Andrew Pickens, (of S. C.,) who with six or eight South Carolina refugees, had been at the defeat at Torrence's Tavern, where he was without command. After his appointment and the Brigade organized, it moved on after the enemy; when arrived near Hillsboro, he sent a detachment of men of this county, who at Hart's Mill within 1 1-2 miles of Hillsboro, the enemy's headquarters, killed and captured a piquet of 25 Regulars and some Tories'—that at Pile's defeat,—at the battle of Whitesell's Mill, and other

places of minor importance they acted a conspicuous part, that at the battle of Alamance, at Clap's Mill on the 2d of March, 1781, when about 500 on each side were engaged, you sustained more loss in proportion to numbers than any corps engaged,—John Ford (a carpenter) who built some of the houses now standing in this village, and David Johnston, were killed—Robert Morris, Esq (of Mill Grove), Samuel Martin, Clerk of your Court, and John Barnett were wounded, Joseph Mitchell (of Stoney Creek) and John Stinson, who I believe is yet living, were taken prisoners. But why need I refer to all the occurrences of this eventful campaign. The historians, Doctor Ramsey and Judge Johnston, (both of South Carolina), atrributed those actions to the militia of South Carolina because the officer, who had the command was from that State; great injustice is likewise done by said historians to the affair of Hanging Rock and other movements. While General Sumpter commanded, the milita of this county frequently were his greatest force, and after he was appointed to raise a Brigade of State Troops, it may be remembered that the Regiments of Hampton, Polk and Hill were chiefly raised between the Yadkin and the Catawba, and the many brilliant actions they performed are placed to the credit of South Carolina because the Generals from that State happened to have the command. As well might the salvation of the South be placed to the credit of the State of Rhode Island, because General Green was commander.

At the time those Resolutions were adopted, there were 13 militia companies in Mecklenburg and Cabarrus Counties, the practice was at company muster, each company elected two of their number as committee men, usually those for whom they had the most confidence in for intelligence. As well as I can remember, it was first practiced in the autumn of the year 1774, and had several meetings in the Winter and Spring previous to the meeting of May, 1775. The Committee were continued for 15 years after. What time they ceased is unknown to me. In the year 1789 and 1790, when

I had the honor to represent this County, they usually met after the election and formed instructions to their Representatives in the General Assembly. You have several public laws on your Statute Book, that originated in those committees, that have never been repealed or amended in 45 years.

On taking a retrospective view for 60 years back, the difficulties, embarrassments and dangers, that were before us, and comparing it with the present flourishing and happy condition the country is now in—what great cause of gratitude to the Supreme Ruler of the Universe. How many blessings we are and have been favored with, that in the common course of human events can not be attributed to any other cause.

Having merely glanced at the reminiscences of the Revolutionary War, all but the expedition to Wilmington in the fall of the year 1781, under the command of General Rutherford where a detachment of cavalry of 100, mostly from this County, and Rowan, at the Raft Swamp, charged and defeated upwards of 400 Tories, and at the Brick House opposite Wilmington, defeated a superior number to our own, a few days before the British evacuated Wilmington. This campaign was the last in which your militia was engaged in the Revolutionary War, and I think fully redeemed the pledge made by those fathers in their behalf on the 20th of May, 1775. The occurences of note which took place since that time, perhaps most of you who are advanced in life, remember.

The account of the celebration is given in full in General Joseph Graham and his Revolutionary Papers—it is from the Miners and Farmers Journal, Charlotte, N. C., May 22nd, 1835. The address is from the Western Carolinian, Salisbury, N. C., June 20th, 1835. I regret that I did not obtain it in time to put in the book.

W. A. Graham.

Machpelah, N. C., Nov. 1st, 1905.