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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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## THE MECKLENBURG DECLARATION OF INDEPENDENCE.

BY A. S. SALLEY, JR.

For nearly ten years prior to the adoption of constitutional forms of government by the several British provinces of North America, following the breaking out of hostilities in 1775, those constitutions had been evolving from the extra-legal committees that had from time to time during those years been organized at town and county meetings in the different sections of America. With the arising of each new cause for political dissatisfaction the number and influence of these local committees increased, and as their strength and influence increased they assumed greater powers or were voted them by the people in town or county meetings.

When the passage of the Boston Port Bill, as it was popularly called, by the Parliament of Great Britain in 1774 became known in the several provinces the local committees called meetings of the inhabitants, at which delegates were elected to provincial conventions.

The first provincial convention of North Carolina was held in New Bern August 25, 26, and 27, 1774. On the last day resolutions appropriate to the existing political conditions in America were adopted, wherein was incorporated the following recommendation looking to a closer union of the people of the province:

and it is recommended to the deputies of the several Counties, That a Committee of five persons be chosen in each County by such persons as accede to this association to take effectual care that these Resolves be

properly observed and to correspond occasionally with the Provincial Committee of Correspondence of this province.<sup>1</sup>

These committees were chosen soon after the adjournment of the convention.<sup>2</sup> The signers of the Association soon selected their committee in Mecklenburg, as was the case in the other counties. The date can not be fixed, but it was done most likely before January 26, 1775, when Governor Martin made the following statement to the Earl of Dartmouth, British Secretary of State for the American Department, in a letter of that date:

In this Province as in all others to the Northward Committees have been Chosen by the people to carry into execution the measures of the General Congress. Your Lordship will judge of the spirit of these extraordinary Tribunals by the proceedings of that of Halifax County (of which I herewith enclose a copy) towards a very worthy and respectable merchant of that place.<sup>3</sup>

Martin's statement is confirmed by the action of the second provincial convention of North Carolina, held April 3-7, 1775, when occasion was taken to "recommend to the Committees of the several Counties to propose Premiums to the Inhabitants whose Industry may be a proper Subject for their Bounty."<sup>4</sup> Additional confirmation may be gathered from the fragmentary records of the committees of several other counties which have been published in the *Colonial Records of North Carolina*.

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<sup>1</sup> *The South-Carolina and American General Gazette*, October 7, 1774; *American Archives* (Peter Force), Fourth Series, I, 734-737; *Colonial Records of North Carolina*, IX, 1043-1049. The resolution recommended that five persons be chosen but almost every county of which we have any records of the committee of selected more than that number. Rowan and New Hanover counties each selected twenty-five.

<sup>2</sup>In Rowan September 23, 1774 (See journal of the committee, Wheeler's *Historical Sketches of North Carolina*, II, 361); in Pitt December 9, 1774 (See *Colonial Records of North Carolina*, IX, 1095); in New Hanover January 4, 1775 (*Ibid.*, 1107).

<sup>3</sup>*Colonial Records of North Carolina*, IX, 1115.

<sup>4</sup>*Ibid.*, 1185.

We are also uninformed as to who composed the Mecklenburg committee, save that by two contemporaneous records it is shown that Ephraim Brevard was the secretary and Abraham Alexander the chairman. The first of these records was published in *The South-Carolina Gazette; And Country Journal* (Charles Town) for June 13, 1775; in *The North-Carolina Gazette* (New Bern) for June 16, 1775; and in *The Cape-Fear Mercury* (Wilmington) for June 23, 1775. The following are the resolutions as they appear in *The North-Carolina Gazette*:

Charlotte Town, Mecklenburg County, May 31.

*This Day the Committee met, and passed the following*

RESOLVES:

WHEREAS, by an address presented to his Majesty by both Houses of Parliament in *February* last, the *American* colonies are declared to be in a state of actual Rebellion, we conceive, that all Laws and Commissions confirmed by, or derived from the Authority of the King or Parliament, are annulled and vacated, and the former civil Constitution of these Colonies for the present wholly suspended. To provide in some Degree for the Exigencies of the County in the present alarming Period, we deem it proper and necessary to pass the following RESOLVES, *viz.*

1. That all Commissions, civil and military, heretofore granted by the Crown, to be exercised in these Colonies, are null and void, and the Constitution of each particular Colony wholly suspended.

2. That the Provincial Congress of each Province, under the Direction of the Great Continental Congress, is invested with all legislative and executive Powers within their respective Provinces; and that no other Legislative or Executive does or can exist, at this Time, in any of these Colonies.

3. As all former Laws are now suspended in this Province, and the Congress have not yet provided others, we judge it necessary, for the better Preservation of good Order, to form certain Rules and Regulations for the internal Government of this County, until Laws shall be provided for us by the Congress.

4. That the Inhabitants of this County do meet on a certain Day appointed by this Committee, and having formed themselves into nine Companies, *to wit*, eight for the County, and one for the Town of *Charlotte*, do choose a Colonel and other military Officers, who shall hold and exercise their several Powers by virtue of this Choice, and independent of *Great Britain*, and former Constitution of this Province.

5. That for the better Preservation of the Peace, and Administration of Justice, each of these Companies do choose from their own Body two discreet Freeholders, who shall be empowered each by himself, and singly, to decide and determine all Matters of Controversy arising within said Company under the Sum of Twenty Shillings, and jointly and together all Controversies under the Sum of Forty Shillings, yet so as their Decisions may admit of Appeals to the Convention of the Select Men of the whole County; and also, that any one of these shall have Power to examine, and commit to Confinement, Persons accused of Petit Larceny.

6. That those two Select Men, thus chosen, do, jointly and together, choose from the Body of their particular Company two Persons, properly qualified to serve as Constables, who may assist them in the Execution of their Office.

7. That upon the Complaint of any Persons to either of these Select Men, he do issue his Warrant, directed to the Constable, commanding him to bring the Aggressor before him or them, to answer said Complaint.

8. That these eighteen Select Men thus appointed, do meet every third *Tuesday*<sup>5</sup> in *January, April, July, and October*, at the Court-House, in *Charlotte*, to hear and determine all matters of Controversy for Sums exceeding Forty Shillings; also Appeals: And in Cases of Felony, to commit the Person or Persons convicted thereof to close Confinement, until the Provincial Congress shall provide and establish Laws and Modes of Proceeding in all such Cases.

9. That these Eighteen Select Men, thus convened, do choose a Clerk to record the Transactions of said Convention; and that said Clerk, upon the Application of any Person or Persons aggrieved, do issue his Warrant to one of the Constables, to summons and warn said Offender to appear before the Convention at their next sitting, to answer the aforesaid Complaint.

10. That any Person making complaint upon Oath to the Clerk, or any Member of the Convention, that he has Reason to suspect that any Person or Persons indebted to him in a sum above Forty Shillings, do intend clandestinely to withdraw from the County without paying such Debt; the Clerk, or such Member, shall issue his Warrant to the Constable, commanding him to take the said Person or Persons into safe Custody, until the next sitting of the Convention.

11. That when a Debtor for a Sum below Forty Shillings shall abscond and leave the County, the Warrant granted as aforesaid shall extend to any Goods or Chattels of said Debtor as may be found, and

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<sup>5</sup> *The South-Carolina Gazette; And Country Journal* prints "Thursday," but all other contemporary copies and the county court records show "Tuesday" to have been correct.

such Goods or Chattels be seized and held in Custody by the Constable for the Space of Thirty Days; in which Term if the Debtor fails to return and discharge the Debt, the Constable shall return the Warrant to one of the Select Men of the Company where the Goods and Chattels are found, who shall issue Orders to the Constable to sell such a Part of the said Goods as shall amount to the Sum due; that when the Debt exceeds Forty Shillings, the Return shall be made to the Convention, who shall issue Orders for Sale.

12. That all Receivers and Collectors of Quitrents, Public and County Taxes, do pay the same into the Hands of the Chairman of this Committee, to be by them disbursed as the public Exigencies may require. And that such Receivers and Collectors proceed no farther in their Office until they be approved of by, and have given to this Committee good and sufficient Security for a faithful Return of such Monies when collected.

13. That the Committee be accountable to the County for the Application of all Monies received from such public Officers.

14. That all these Officers hold their Commissions during the Pleasure of their respective Constitutents.

15. That this Committee will sustain all Damages that may ever hereafter accrue to all or any of these Officers thus appointed, and thus acting, on Account of their Obedience and Conformity to these Resolves.

16. That whatever Person shall hereafter receive a Commission from the Crown, or attempt to exercise any such Commission heretofore received, shall be deemed an Enemy to his Country; and upon Information being made to the Captain of the Company where he resides, the said Captain shall cause him to be apprehended, and conveyed before the two Select Men of the said Company, who, upon Proof of the Fact, shall commit him, the said Offender, to safe Custody, until the next sitting of the Convention, who shall deal with him as Prudence may direct.

17. That any Person refusing to yield Obedience to the above Resolves shall be deemed equally criminal, and liable to the same Punishments as the Offenders above last mentioned.

18. That these Resolves be in full Force and Virtue, until Instructions from the General Congress of this Province, regulating the Jurisprudence of this Province, shall provide otherwise, or the legislative Body of *Great Britain* resign its unjust and arbitrary Pretensions with Respect to *America*.

19. That the eight Militia Companies in this County do provide themselves with proper Arms and Accoutrements, and hold themselves in Readiness to execute the demands and Directions of the Provincial Congress, and of this committee.

20. That this committee do appoint Colonel *Thomas Polk*, and Doctor *Joseph Kennedy*, to purchase 300lb. of Powder, 600lb. of Lead, and



1000 Flints, and deposit the same in some safe Place, hereafter to be appointed by the committee.

*Signed by Order of the Committee.*

EPH. BREVARD, Clerk of the Committee.

Richard Cogdell enclosed a copy of *The North-Carolina Gazette* containing the foregoing resolutions to Richard Caswell, in attendance on the Continental Congress in Philadelphia, in a letter, dated "New Bern 18<sup>th</sup> June 1775", in which he said: "you'l Observe the Mecklinburg resolves, exceed all other Committees, or the Congress itself. I send you the paper wherein they are incerted as I hope this will come soon to hand."<sup>6</sup>

Governor Martin issued a proclamation June 16, 1775, wherein he denied the allegations made by the committees of the counties in the Wilmington district of designs on the part of the British Ministry and Parliament to enslave Americans and severely denounced the associators in North Carolina.<sup>7</sup>

On Tuesday, June 20, 1775, the several committees in the Wilmington district met in the court house in Wilmington, and unanimously chose Richard Quince, Sr., chairman. Among the matters taken up was Governor Martin's proclamation of the 16th, and a committee of three was appointed to answer it. On Wednesday, the 21st, this committee returned its answer "which was read and ordered to be printed in the public papers and in hand bills." The preamble closed with this language:

We, then, the Committees of the counties of New Hanover, Brunswick, Bladen, Duplin and Onslow, in order to prevent the pernicious influence of the said Proclamation, do, unanimously, resolve, that in our opinion, his Excellency Josiah Martin, Esq. hath by the said Proclamation, and by the whole tenor of his conduct, since the unhappy disputes between Great Britain and the colonies, discovered himself

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<sup>6</sup>This letter and newspaper are in the library at Hayes, the old Johnston home near Edenton.

<sup>7</sup>*Colonial Records of North Carolina*, X, 16-19.

to be an enemy to the happiness of this colony in particular, and to the freedom, rights and privileges of America in general.<sup>8</sup>

At a meeting of His Majesty's Council for North Carolina, held June 25, 1775, Governor Martin called the attention of the Council to the

sedition Combinations that have been formed, and are still forming in several parts of this Colony and the violent measures they pursue in compelling His Majesty's Subjects by various kinds of intimidations, to subscribe Associations, inconsistent with their Duty and allegiance to their Sovereign, The obliging People to frequent meetings in Arms, by the usurped Authority of Committees, the recent Assemblage of a Body of armed Men, in the town of Wilmington for the purpose of awing His Majesty's Loyal Subjects there into submission to the dictates of an illegal and tyrannical tribunal erected there under that name, and the late most treasonable publication of a Committee in the County of Mecklenburg, explicitly renouncing obedience to His Majesty's Government and all lawfull authority whatsoever.<sup>9</sup>

In a letter written at Fort Johnston June 30, 1775, Governor Martin detailed to the Earl of Dartmouth what had happened in North Carolina since his last despatch (No. 33). He recounted the causes which had induced him to issue his proclamation of June 16, enclosing a copy thereof, and wrote of the reply of the committees at Wilmington on the 21, as follows:

The News Paper enclosed will shew Your Lordship that the same spirit of Sedition and extravagance that gave cause to that Act of Government, has produced an impudent and formal contradiction of the undeniable truths it contains, under the authority of a Committee; proving irrefragably that People embarked in a bad cause, scruple not to avail themselves of the basest falsehoods, and calumnies to support it according to custom, and as the last effort of malice, and falsehood, Your Lordship will find this Publication prescribes me as an Enemy to this Province in particular, and to America in General.

Further on Governor Martin wrote:

The Minutes of Council held at this place the other day, will make the impotence of Government here as apparent to your Lordship, as anything I can set before you.

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<sup>8</sup>*Ibid.*, 27.

<sup>9</sup>*Ibid.*, 38-39.

In the next paragraph he wrote :

The Resolves of the Committee of Mecklenburg which Your Lordship will find in the enclosed News Paper, surpass all the horrid and treasonable publications that the inflammatory spirits of this Continent have yet produced; and Your Lordship may depend, its Authors and abettors will not escape my due notice, whenever my hands are sufficiently strengthened to attempt the recovery of the lost authority of Government. A Copy of these Resolves I am informed were sent off by express to the Congress at Philadelphia, as soon as they were passed in the Committee.<sup>10</sup>

Governor Martin marked this letter, or despatch, "No. 34."<sup>11</sup> In it he mentioned three enclosures: the proclamation of June 16, the minutes of the Council meeting of June 25, which he referred to twice, and a newspaper, which he referred to twice—the first time as containing the reply made by the Wilmington district committees June 21 to his proclamation of June 16, and the second time as containing the "Resolves of the Committee of Mecklenburg." The proclamation (endorsed: "In Governor Martins of the 30 of June 1775 No. 34") and the minutes of the Council are filed with the letter in the British Public Record Office, but the newspaper is missing. The original wrapper of the despatch, whereon there doubtless was the Earl of Dartmouth's usual endorsement as to who the letter was from, the number of enclosures, etc., is missing also and the following endorsement which does not state the number of enclosures, has been made on the back of the last page of the letter: "(Origl. mislaid) Gov<sup>r</sup>. Martin 30<sup>th</sup> June 1775. (No. 34.)" The following pencilled memorandum is also there: "Printed Paper taken out by M<sup>r</sup>. Turner for M<sup>r</sup>. Stevenson, August 15<sup>th</sup>, 1837."<sup>12</sup>

<sup>10</sup>These extracts have been taken from a photograph of the original letter, which is on file in the British Public Record Office, London. See also *Colonial Records of North Carolina*, X, 41-50.

<sup>11</sup>The writer has had the use of photographs of the entire letter.

<sup>12</sup>Andrew Stevenson was then United States minister to England. In the Public Record Office is also this memorandum: "1837 July 24. Sent to Mr. Backhouse, Foreign Office, North Carolina 1774-5-6-7. No.

That memorandum and the statements in Governor Martin's letter show that but one newspaper was sent, containing both the Wilmington and Mecklenburg resolutions. Unfortunately the Governor did not mention in his letter the title of the newspaper, but it is perfectly clear that it could only have been a paper issued between June 21 and 30. The two papers then publishing in Charles Town and the one at Williamsburg were all too far off to have received the news of the 21 and returned a printed paper to Fort Johnston by the 30. The next issue of *The South-Carolina and American General Gazette*, which appeared June 23, is not in the Charleston Library's file, but that was too soon after June 21 to have enabled the news to reach Charles Town. The succeeding issue was June 30, and does not contain that news either. The next issue of *The South-Carolina Gazette; And Country Journal* was June 27, and, even if it had contained the two sets of resolutions, it could not have reached Governor Martin by June 30, but it has already been shown that the Mecklenburg resolutions were published in the issue for June 13, and the files of that paper in the Charleston Library show that the Wilmington resolutions were not published therein until July 11.

The only papers near enough to have contained the Wilmington reply of June 21 were *The North-Carolina Gazette*,

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96. Returned to the State Paper Office 21 February 1839." It is apparent, therefore, that Mr. Turner got the paper from the Foreign Office. That he got it for his own use and not "for Mr. Stevenson" is amply attested by the following statement made in 1875 by United States Senator J. W. Stevenson, a son of Minister Stevenson, to a reporter for *The New York Herald* who had asked him if the paper was among the papers left by his father and then in the Senator's possession:

"That document is not among my father's papers, but in its stead is a memorandum which states that though the paper was withdrawn under the sanction of my father it was not withdrawn for his use, but for the use of another person whose name is there given." (See *The New York Herald*, May 15, 1875.)

of New Bern, and *The Cape Fear Mercury*, of Wilmington. These papers were issued every Friday. The only intervening issues, therefore, were those of June 23 and 30. It has already been shown that the New Bern paper of June 16 contained the Mecklenburg resolutions. It is hardly likely that they were repeated immediately. It is clear, therefore, that it was *The Cape-Fear Mercury* that Governor Martin enclosed to the Earl of Dartmouth, and, as Wilmington was too far from Fort Johnston for a paper issued there June 30 to have reached the Governor on the same day—in time to be twice mentioned in the lengthy letter in which the paper was enclosed to Dartmouth, that day—it is also clear that the date of the paper which Governor Martin sent to Dartmouth was June 23, 1775. This is confirmed by the following extracts from a proclamation which Governor Martin issued from “on board His Majesty’s Sloop *Cruizer* in Cape Fear River,” August 8, 1775:

Whereas I have seen a publication in the *Cape Fear Mercury* which appears to be proceedings of a General Meeting of People stiling themselves Committees of the District of Wilmington signed Richard Quince Senr Chairman, in which the well known and incontestible facts set forth in my Proclamation bearing date the 12<sup>th</sup> day of June last are most daringly and impudently contradicted, and the basest and most scandalous Seditious and inflammatory falsehoods are asserted evidently calculated to impose upon and mislead the People of this Province and to alienate their affections from His Majesty and His Government and concluding in the true spirit of licentiousness and malignity that characterizes the production of these seditious combinations with a resolve declaring me an Enemy to the Interests of this Province in particular and America in General.

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And whereas I have also seen a most infamous publication in the *Cape Fear Mercury* importing to be resolves of a set of people stiling themselves a Committee of the County of Mecklenburg most traiterously declaring the entire dissolution of the Laws Government and Constitution of this country and setting up a system of rule and regulation repugnant to the Laws and subversive of His Majesty’s Government.<sup>13</sup>

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<sup>13</sup>*Colonial Records of North Carolina*, X, 142, 144.

On July 6, 1775, Governor Martin wrote a letter ("No. 35") to Dartmouth wherein he said:

I have engaged Mr Alexr Schaw whom I have now the honor to introduce to your Lordship to charge himself with this Letter, and my Dispatch No. 34.<sup>14</sup>

On July 16 Governor Martin wrote ("No. 36") to Dartmouth:

Since the departure of Mr Schaw who was charged with my Dispatches to your Lordship N<sup>o</sup> 34 and 35, Duplicates of which are herewith enclosed. . . . Having an opportunity of writing safely by a passenger in a Merchant's Ship, I could not let it escape me without giving your Lordship the Accounts contained in this letter relative to the operations of the Army at Boston.<sup>15</sup>

The passenger referred to was a Mr. Burgwine, and on September 15 Dartmouth wrote to Governor Martin:

I have received from the hands of Mr Burgwine your dispatches numbered 34, 35, 36, 37 & 38, the two first being Duplicates, the originals of which you mention to have been trusted to Mr Schaw, who has not yet appeared.<sup>16</sup>

The original despatches numbered 34 and 35 reached Dartmouth soon thereafter, and No. 34 is in the Public Record Office, as already mentioned. The duplicate thereof, which was enclosed in No. 36 is still in the collection left by the Earl of Dartmouth, and was described, with its enclosures, in a calendar of that collection which was published in 1895. It retains its original wrapper and thereon is endorsed "North Carolina. Fort Johnston, 30. June 1775. Governor Martin. N<sup>o</sup>. 34. (Duplicate original not rec<sup>d</sup>) R. Sept. 10. 1775. 3 Inclosures." Of these enclosures the minutes of the Council of June 25 is on file in the Public Record Office and is marked "Duplicate No. 36." The duplicate of the proclamation of June 16 is with the duplicate of the letter (No. 34) in the Dartmouth papers and in lieu of a duplicate copy of "the enclosed News Paper" there is a manuscript

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<sup>14</sup>Ibid., 70. <sup>15</sup>Ibid., 96, 98. <sup>16</sup>Ibid., 247.

copy of the Mecklenburg resolutions of May 31, 1775, which Governor Martin had said in his letter were printed in the "enclosed News Paper", and it is endorsed: "In Gov<sup>r</sup>. Martin's of the 30 of June, 1775. No. 34."

In a letter (No. 39) written from aboard the *Cruizer* in Cape Fear River August 28, 1775, Governor Martin said to the Earl of Dartmouth:

I have found myself defeated in almost every attempt I have made to correspond with the well affected people in the upper Country. All of them who have come down here to consult me about their safety, have been intercepted coming or going, and searched, detained, abused, and stript of any Papers they have had about them except a Messenger from a considerable Body of Germans, settled in the County of Mecklenburg, who brought me a loyal declaration against the Very extraordinary and traitorous resolves of the Committee of that County, of which I had the honor to transmit a copy to your Lordship with my last Dispatches.<sup>17</sup>

These resolutions, published in three contemporaneous newspapers of the section; Cogdell's comments thereon in his letter to Caswell; Governor Martin's comments thereon in his letter of June 30 and the duplicate thereof enclosed in his letter of July 16; the manuscript copy thereof which Martin enclosed in his duplicate letter of June 30 accompanying his letter of July 16, and Martin's remarks on the address of the German settlers of Mecklenburg all show beyond refutation that on May 31, 1775, the *committee* of Mecklenburg County declared the laws of the province of North Carolina wholly suspended in Mecklenburg County and, "for the better Preservation of good Order" formed "certain Rules and Regulations for the internal Government of this County" and provided for the selection of certain officers for the county "who shall hold and exercise their several Powers by Virtue of this Choice, and independent of *Great-Britain*, and former Constitution of this Province." This action was not taken with

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<sup>17</sup> *Colonial Records of North Carolina*, X, 231.

any view of declaring absolute independence of Great Britain, but, as the committee themselves declared in the preamble to their resolutions, "To provide in some Degree for the Exigencies of the County in the present alarming Period" when, according to the expressed views of the committee, all laws were suspended in America by the recent acts of the British parliament.

The Mecklenburg records now available are so meager that we are unable to say how many of the provisions of these resolutions were carried out, but it is certain that some of them were. That the inhabitants of the county formed themselves into a militia regiment, as directed, is attested by the fact that the Provincial Congress appointed Thomas Polk colonel, Adam Alexander lieutenant-colonel and John Davidson major thereof September 9, 1775.<sup>18</sup> The records do not show whether the convention of selectmen, which was to act as both an executive and a judicial body, was ever organized or not, but the records of the County Court of Mecklenburg show that that court, which had been established several years before, continued to be convened the third Tuesday in every January, April, July and October thereafter up to and including the July, 1776, term; that the same justices who had composed the court before the passage of these resolutions continued to sit thereon after the passage of these resolutions, and bound men over to keep "the peace to all his Majesty's liege subjects" and, even at their July, 1776, term continued the "crown" docket to the next term; that it was discontinued only after the passage of the Declaration of Independence, July 4, 1776, and that it was reorganized in January, 1777, after a new constitution had been adopted by North Carolina.<sup>19</sup>

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<sup>18</sup>Ibid., 206.

<sup>19</sup>See *Publications of the Southern History Association*, XI, 329-338.



Another evidence that the committee had not intended a secession from the mother country when they passed these resolutions is that at the meeting of the Provincial Congress in August and September following, wherein Mecklenburg was represented by Thomas Polk, John Phifer, Waightstill Avery, Samuel Martin, James Houston and John McKnitt Alexander, that body issued an "Address to the Inhabitants of the British Empire" wherein they avowed themselves loyal subjects of Great Britain, vehemently denied that independence was their object and called on the Almighty to witness that "it is our most earnest wish and prayer to be restored with the other United Colonies, to the State in which we and they were placed before the year 1763" and finally covered the Mecklenburg case with the following language:

Whenever we have departed from the Forms of the Constitution, our own safety and self preservation have dictated the expedient; and if in any Instances we have assumed powers which the laws invest in the Sovereign or his representatives, it has been only in defence of our persons, properties and those rights which God and the Constitution have made Unalienably ours. As soon as the cause of our Fears and Apprehensions are removed, with joy will we return these powers to their regular channels; and such Institutions formed from mere necessity, shall end with that necessity that created them.<sup>20</sup>

That address breathed the sentiments of the whole American people at that time—if we are to judge by their own repeated public and private utterances. But a year later it was different, and the country was ready for independence when the Continental Congress declared it. The home rule government which the committee had provided for Mecklenburg by the resolutions of May 31, 1775, now no longer acknowledged allegiance to the crown of Great Britain but to the State of North Carolina; the temporary independence became permanent, and there can be no doubt that the resolutions of May 31, 1775, very soon began to be referred to tradi-

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<sup>20</sup>*Colonial Records of North Carolina*, X, 201-203.

tionally (though erroneously) as a declaration of independence. That such was the case is evidenced by the fact that scattered through a period of about forty years thereafter we find in current records an occasional reference that indicates as much. The earliest of these is to be found in some reminiscences of the Revolution prepared by Traugott Bagge, of Salem, in the neighboring county of Surry, and is as follows:

I cannot leave unmentioned at the end of the 1775th year that already in the summer of this year, that is in May, June or July, the county of Mecklenburg declared itself free and independent of England, and made such arrangements for the administration of the laws among themselves, as later the Continental Congress made for all. This Congress, however, considered these proceedings premature.<sup>21</sup>

The next account we have of a declaration of independence is in some rough notes prepared by John McKnitt Alexander, of Mecklenburg, in 1800. It appears that his house was burned in April, 1800; that he claimed to have lost therein some records of the Mecklenburg committee's proceedings, and that some time between April 6 and September 3, 1800, he prepared these notes, which are as follows:<sup>22</sup>

On the 19<sup>th</sup> May 1775<sup>23</sup> Pursuant to the Order of Colo<sup>s</sup> Polk<sup>24</sup> to each Captain of Militia in his regiment of Mecklenburg County, to elect nominate and appoint 2 persons of their Militia company, cloathed with ample powers to devise ways & means to extricate themselves and ward off the dreadful impending storm bursting on them by the British Nation &c. &c.

<sup>21</sup>See *The Wachovia Moravian* for April, 1906, 2-3.

<sup>22</sup>The original notes in John McKnitt Alexander's handwriting are not now in evidence, but a copy thereof, which was made for Bancroft about 1855, is now in the New York Public Library and has been reproduced in fac-simile in *The Mecklenburg Declaration of Independence* (New York, 1907) by William Henry Hoyt, A.M. The copy here given has been made from Mr. Hoyt's fac-simile. The blank spaces show where parts of the original had been destroyed.

<sup>23</sup>Bancroft's copyist made explanatory notes to his copy. He states in one of these that a 6 was written through this 5.

<sup>24</sup>The copyist states that "Adam Alexander" was stricken out and "Thos Polk" written above.

Therefore on s<sup>d</sup> 19<sup>th</sup> May the s<sup>d</sup>. Committee met in Charlotte Town (2 men from each company) Vested with all powers these their constituents had or conceived they had &c.

After a short conference about their suffering brethren besieged and suffering every hardship in Boston and the American Blood running in Lexington &c. the Electrical fire flew into every breast and to preserve order Chosse Abraham Alex Esquire chairman & J. McK. A. Secretary<sup>25</sup> After a few Hour free discussion in order to give relief to suffering America and protect our Just & natural right

1<sup>st</sup>. We (the County) by a Solemn and awful vote, Dissolved<sup>26</sup> our allegiance to King George & the British Nation.

2<sup>d</sup>. Declared ourselves a free & independent people, having a right and capable to govern ourselves (as a part of North Carolina)

3<sup>d</sup>. In order to have laws as a rule of life—for our future Government We form<sup>27</sup> a Code of laws; by adopting our former wholesome laws.

4<sup>th</sup>. And as there was then no officers civil or Military in our County We Decreed that every Militia officer in s<sup>d</sup>. County should hold and occupy his former commission and Grade

And that every member present, of this Committee shall henceforth as a Justice of the Peace (in the) Character of a Committee  
M hear and determine all Controversies agreeable to s<sup>d</sup>. laws—  
peace Union & harmony in s<sup>d</sup>. County—and to use every  
spread the Electrical fire of freedom among ourselves

& w

5<sup>th</sup>. &c. &c. many other laws and ordinances were then ma  
after sitting up in the Court house all night—neither

After reading and maturing every paragraph they were all passed Nem-Con about 12 o'clock May 20 1775<sup>28</sup>

But in a few days (after cooling) a considerable part of s<sup>d</sup>. Committee Men convened and employed Capt<sup>n</sup>. James Jack (of Charlotte) to go express to Congress (then in Philadelphia) with a Copy of all s<sup>d</sup>. resolutions and Laws &c. and a letter to our 3 members there. Rich<sup>d</sup>. Caswell, W<sup>m</sup>. Hooper & Joseph Hughes in order to get Congress to sanction or approve them &c &c.

Capt<sup>n</sup>. Jack returned with a long, full, complasent letter from s<sup>d</sup>. 3 members, recommending our zeal perseverance order & forbearance

<sup>25</sup>The word Secretary is interlined above J. McK. A. and the initials are jammed up to After.

<sup>26</sup>The word abjured is written above Dissolved.

<sup>27</sup>ed on the end stricken out.

<sup>28</sup>The figures 180 were stricken out before 1775, showing that the writer had started to write 1800.

&c. (We were premature) Congress never had our s<sup>d</sup>. laws on their table for discussion, though said Copy was left with them by Capt<sup>n</sup>. Jack.

N. B. about 1787 Doctor Hugh Williamson (then of New York: but formerly was member of Congress from this state) applied above by Col. Wm. Polk, who was then compiling a in order to prove that the American people in the Revolution and that Congress com

N. B. allowing the 19<sup>th</sup>. May to be a rash Act effects in binding all the middle & west firm whigs—no torys but not fully represented in the first

The next reference to the traditional declaration is in the following toast that was offered at a banquet held in Charlotte the night of July 4, 1808:

*By Jos. Pearson*—The Patriots of Mecklenburg: the first to declare Independence—May their sons be the last to acknowledge themselves slaves.<sup>29</sup>

The next reference is in the following extract from a valedictory address delivered at Sugar Creek Academy, Mecklenburg County, June 1, 1809, and printed in *The Minerva* (Raleigh) of August 10, 1809:

On the 19<sup>th</sup> of May 1776, a day sacredly exulting to every Mecklenburg bosom, two delegates duly authorized from every militia company in this county\* met in Charlotte—After a cool and deliberate investigation of the causes and extent of our differences with G. Britain, and taking a view of the probable result; pledging their all in support of their rights and liberties; they solemnly entered into and published a full and determined *declaration* of independence, renouncing forever all allegiance, dependence on or connection with Great Britain; dissolved all judicial and military establishments emanating from the British crown; established others on principles correspondent with their declaration, which went into emmediate operation: All which were transmitted to Congress by express, and probably expedited the general declaration of Independence. May we ever act worthy of such predecessors.<sup>30</sup>

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<sup>29</sup>See *The Raleigh Register*, July 28, 1808.

<sup>30</sup>To the asterisk in the foregoing extract the following note appeared in *The Minerva*: “\*The present county of Cabarrus was then included in Mecklenburg.”

The next discussion of this traditionary declaration was brought forth by a discussion which arose over a statement in Wirt's *Life of Patrick Henry*, which appeared in 1817. Wirt claimed that Henry "gave the first impulse to the ball of the Revolution," and the discussion was as to whether the earliest movements toward independence took place in Virginia or in Massachusetts. During the session of Congress of 1818-19 this controversy was a topic of conversation among congressmen, and members from North Carolina, recalling the Mecklenburg tradition, avowed that Mecklenburg County had declared independence in May, 1775, but were unable to furnish any proof of the truth of their assertions. Senator Macon showed considerable interest in the matter, and Representative Davidson wrote to Dr. Joseph McKnitt Alexander, a son of John McKnitt Alexander who had fostered the tradition for so many years, but who had died July 10, 1817, for information. In reply Dr. Alexander sent Davidson a paper which he gave to Senator Macon who sent it to the *Raleigh Register and North Carolina Gazette*<sup>31</sup> wherein it was published April 30, 1819, as follows:

It is not probably known to many of our readers, that the citizens of Mecklenburg County, in this State made a Declaration of Independence more than a year before Congress made theirs. The following Document on the subject has lately come to the hands of the Editor from unquestionable authority, and is published that it may go down to posterity.

North-Carolina, Mecklenburg County,  
May 20, 1775.

In the spring of 1775, the leading characters of Mecklenburg county, stimulated by that enthusiastic patriotism which elevates the mind above considerations of individual aggrandisement, and scorning to shelter themselves from the impending storm by submission to lawless power, &c &c held several detached meetings, in each of which the individual sentiments were "that the cause of Boston was the cause of all; that their destinies were indissolubly connected with those of their Eastern fellow-citizens—and that they must either submit to all the

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<sup>31</sup>See Hoyt's *The Mecklenburg Declaration of Independence*, 1-3.

impositions which an unprincipled, and to them an unrepresented parliament might impose—or support their brethren who were doomed to sustain the first shock of that power, which, if successful there, would ultimately overwhelm all in the common calamity. Conformably to these principles, Col. Adam Alexander, through solicitation, issued an order to each Captain's Company in the county of Mecklenburg, (then comprising the present county of Cabarrus) directing each militia company to elect two persons, and delegate to them ample power to devise ways and means to aid and assist their suffering brethren in Boston, and also generally to adopt measures to extricate themselves from the impending storm, and to secure unimpaired their inalienable rights, privileges and liberties from the dominant grasp of British imposition and tyranny.

In conforming to said Order, on the 19th of May, 1775, the said delegation met in Charlotte, vested with unlimited powers; at which time official news, by express, arrived of the Battle of Lexington on that day of the preceding month. Every delegate felt the value and importance of the prize, and the awful and solemn crisis which had arrived—every bosom swelled with indignation at the malice, inveteracy and insatiable revenge developed in the late attack at Lexington. The universal sentiment was: let us not flatter ourselves that popular harangues—or resolves; that popular vapor will avert the storm, or vanquish our common enemy—let us deliberate—let us calculate the issue—the probable result; and then let us act with energy as brethren leagued to preserve our property—our lives,—and what is still more endearing, the liberties of America. *Abraham Alexander* was then elected Chairman, and *John M'Knitt Alexander*, Clerk. After a free and full discussion of the various objects for which the delegation had been convened, it was unanimously Ordained—

1. *Resolved*, That whosoever directly or indirectly abetted, or in any way, form or manner countenanced the unchartered and dangerous invasion of our rights, as claimed by Great-Britain, is an enemy to this Country,—to America,—and to the inherant and inalienable rights of man.

2. *Resolved*, That we the citizens of Mecklenburg County, do hereby dissolve the political bands which have connected us to the Mother Country, and hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection, contract or association with that Nation, who have wantonly trampled on our rights and liberties—and inhumanly shed the innocent blood of American patriots at Lexington.

3. *Resolved*, That we do hereby declare ourselves a free and independent People, are and of right ought to be, a sovereign and self-governing Association, under the control of no power other than that

of our God and the General Government of the Congress; to the maintenance of which independence, we solemnly pledge to each other our mutual cooperation, our lives, our fortunes, and our most sacred honor.

4. *Resolved*, That as we now acknowledge the existence and control of no law or legal officer, civil or military, within this County, We do hereby ordain and adopt, as a rule of life, all, each and every of our former laws,—wherein, nevertheless, the Crown of Great-Britain never can be considered as holding rights, privileges, immunities or authority therein.

5. *Resolved*, That it is also further decreed, that all, each and every military officer in this county is hereby reinstated to his former command and authority, he acting conformably to these regulations. And that every member present of this delegation shall henceforth be a civil officer, viz: a Justice of the Peace, in the character of a '*Committee man*,' to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, and union, and harmony in said County,—and to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this province.

A number of bye-laws were also added, merely to protect the association from confusion and to regulate their general conduct as citizens. After sitting in the Courthouse all night, neither sleepy, hungry, or fatigued, and after discussing every paragraph, they were all passed, sanctioned and declared *unanimously*, about 2 o'clock, A. M. May 20. In a few days a deputation of said delegation convened, when Capt. *James Jack* of Charlotte was deputed as express to the Congress at Philadelphia, with a copy of said Resolves and Proceedings, together with a letter addressed to our three Representatives there, viz: *Richard Caswell*, *Wm. Hooper* and *Joseph Hughes*—under express injunction, personally, and through the state representation, to use all possible means to have said proceedings sanctioned and approved by the general Congress. On the return of Capt. Jack, the delegation learned that their proceedings were individually approved by the members of Congress, but that it was deemed premature to lay them before the House. A joint letter from said three members of Congress was also received, complimentary of the zeal in the common cause, and recommending perseverance, order and energy.

The subsequent harmony, unanimity and exertion in the cause of liberty and independence, evidently resulting from these regulations, and the continued exertion of said delegation, apparently tranquilised this section of the State, and met with the concurrence and high approbation of the Council of Safety, who held their sessions at Newbern

and Wilmington alternately, and who confirmed the nomination and acts of the delegation in their official capacity.

From this delegation originated the Court of Enquiry of this County, who constituted and held their first session in Charlotte—they then held their meetings regularly at Charlotte, at Col. James Harris's and at Col. Phifer's alternately one week at each place. It was a civil Court founded on military process. Before this judicature all suspicious persons were made to appear, who were formally tried and banished, or continued under guard. Its jurisdiction was as unlimited as toriyism, and its decrees as final as the confidence and patriotism of the County. Several were arrested and brought before them from Lincoln, Rowan and the adjacent counties—

[The foregoing is a true copy of the papers on the above subject, left in my hands by John M'Knitt Alexander dec'd; I find it mentioned on file that the original book was burned April, 1800. That a copy of the proceedings was sent to Hugh Williamson in New York, then writing a History of North-Carolina, and that a copy was sent to Gen. W. R. Davie.

J. M'KNITT.]<sup>32</sup>

This production, however, is entirely inconsistent with the history of the time, both as to America in general and North Carolina in particular, as revealed by the authentic contemporary records. There is not one contemporary record in evidence to sustain it. The traditionary references to a declaration of independence heretofore quoted are neither contemporaneous nor specific, and will apply as readily to the authenticated resolutions of May 31 as to this alleged declaration of May 20. Neither Bagge nor Pearson states that the declaration to which they refer was passed *May 20, 1775*, by a *convention*. John McKnitt Alexander gave May 20 as the date of the passage of the declaration that he so poorly jotted down what he recalled concerning, but he stated that it was passed by a *committee* and gave none of the words of the declaration. The valedictory address follows Alexander's notes as to the day of the meeting—in fact the reference opens exactly as the amended notes opened: "On the 19th of May 1776"—but gives nothing specific in addition. A perusal of the entire

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<sup>32</sup>From the files in the Library of Congress.



address at once discloses that it was written by a person of mature years, and, as the teacher of the Sugar Creek Academy, Samuel C. Caldwell, was a son-in-law of John McKnitt Alexander, it is evident that this reference to the declaration came from the same source as the rough notes of 1800. The resolutions of May 31 preclude the possibility of any such action having been taken on May 20. The resolutions provided for the organization of the people of Mecklenburg into a regiment of militia at a future date. It is evident that the colonel of the regiment could not have called a convention of two men from each company when there were as yet no companies. The resolutions provided for the organization of a convention of two selectmen from each of these companies after their organization. It is further evident that this convention could not have been called together at a date prior to May 31 when provision was made for its organization. This narrative asserts that John McKnitt Alexander was secretary of the convention which passed the declaration. These resolutions show that Ephraim Brevard was clerk of the committee. The narrative asserts that Abraham Alexander was chairman of the convention. The following certificate, which has been published in several historical works, shows that he was "Chairman of the Committee of P. S." for Mecklenburg County:

North Carolina, Mecklenburg County, }  
 November 28, 1775. }

These may certify to all whom they may concern, that the bearer hereof, William Henderson, is allowed here to be a true friend to liberty, and signed the Association.

Certified by

Abr'm Alexander, Chairman  
 of the Committee of P. S.

It will be observed that parts of this "declaration" bear close resemblance to parts of the national Declaration of Independence; in fact the combinations of words "inherent and inalienable rights," "dissolve the political bands which have

connected," "all allegiance," "all political connection," "free and independent," "are and of right ought to be," "pledge to each other" and "our lives, our fortunes, and our most sacred honor" are taken verbatim therefrom. That fact, together with the fact that there had never been any widespread knowledge of the Mecklenburg traditionary declaration, raised doubts as to the genuineness of this paper. Had John McKnitt Alexander's rough notes of 1800 and the valedictory address been brought into evidence at that time, those doubts would have been increased, as critical observers would have seen at once that those two papers and the national Declaration had furnished nearly all of the material from which both the narrative and the "declaration" had been constructed. But, as none of the records which have been cited here to show exactly what it was that Mecklenburg County adopted in May, 1775, were then in evidence, and as there were many people alive who had personally witnessed the passage of what they had long regarded as a declaration of independence, there were many who readily accepted this paper as authentic. Some of those who had witnessed the proceedings in May, 1775, made statements.

One of the first of these was Col. William Polk, who was sixteen years old in May, 1775. He stated in a letter to Judge Archibald DeBow Murphey, August 18, 1819, that he could not vouch for the accuracy of the resolutions in the paper which he enclosed (a copy of the foregoing narrative and "declaration"), and which he said he had procured from Dr. Joseph McKnitt Alexander, but that they were "essentially correct." The *Raleigh Register* for February 18, 1820, published a further statement to the effect that Colonel Polk vouched for "the correctness of the facts generally, though he thought there were errors as to the name of the Secretary," etc. There is nothing in Colonel Polk's statements to prove that the declaration he witnessed the passage of was passed by

a *convention May 20*. The imperfect knowledge which he displayed might easily apply to the resolutions of May 31, and his statement as to the secretary *is* in accord therewith. The paper which he sent Judge Murphey was revised by the Judge and published in *The Hillsboro Recorder* in March, 1821.

The next witness was Rev. Francis Cummins. He stated in a letter to Senator Macon, November 16, 1819, that he was a young man in Mecklenburg in 1775, and that "in the same year 1775, I think positively before July 4th, 1776, the males generally of that county met on a certain day in Charlotte, and from the head of the court-house stairs proclaimed Independence of English Government, by their herald Col. Thomas Polk." He stated that he was present, but did not take and keep the date and could not be particular as to that; that Rev. Hezekiah James Balch, Waightstill Avery, Hezekiah and John McKnitt Alexander and Col. Thomas Polk were the leading characters "in this business," and that Captain James Jack "was sent with the account of these proceedings to Congress, then in Philadelphia." He did not say that the "declaration" published in the *Raleigh Register* was the one he saw passed, or that it was passed *May 20* by a *convention*. What he said could easily apply to the resolutions of May 31, and his statement as to Captain Jack corroborates the statement in Governor Martin's letter of June 30, 1775, that a copy of those resolutions had been sent to Philadelphia as soon as they were passed.

Captain Jack was appealed to and in a letter to Senator Macon, December 7, 1819, said that he had seen "in the news papers some pieces respecting the Declaration of Independence by the people of Mecklenburg County, in the State of North Carolina, in May, 1775"; that at that time he resided in Charlotte and had been "privy to a number of meetings of

some of the most influential and leading characters of that county on the subject, before the final adoption of the resolutions"; that "among those who appeared to take the lead, may be mentioned Hezekiah Alexander, who generally acted as Chairman, John McKnitt Alexander, as Secretary, Abraham Alexander, Adam Alexander, Maj. John Davidson, Maj. (afterwards Gen.) Wm. Davidson, Col. Thomas Polk, Ezekiel Polk, Dr. Ephraim Brevard, Samuel Martin, Duncan Ochiltree, William Willson, Robert Irwin"; that "when the resolutions were finally agreed on, they were publickly proclaimed from the court house door in the town of Charlotte"; that he proceeded to Philadelphia in June and delivered the "Mecklenburg Declaration of Independence of May, 1775, to Richard Caswell and William Hooper, the Delegates to Congress from the State of North Carolina; that court was in session when he passed through Salisbury. Although he had seen the "pieces" in the papers he did not say that the "declaration" included in those "pieces" accorded with his recollection of that which he took to Philadelphia, nor did he mention a *convention* or *May 20*. He said he carried the declaration to Philadelphia in June. Governor Martin said the resolutions of May 31 were sent to Philadelphia "as soon as they were passed in the Committee." The Rowan court records show that court was held in Salisbury from the 1st to the 6th of June. Jack's statement accords with Martin's and the court records. It is evident that he took the resolutions of May 31 to Philadelphia.

John Simeson, Sr., stated in a letter to Colonel Polk, January 20, 1820, that he had conversed with many of his old friends and others "and all agree in the point, but few can state the particulars"; that, "in the language of the day, every Province had its Congress, and Mecklenburg had its

county Congress, as legally chosen as any other, and assumed an attitude until then without a precedent"; that Colonel Thomas Polk, "as commanding officer of the county, issued orders to the Captains to appoint two men from each company to represent them in the Committee"; that he could not remember all of the committee men but that Neill Morrison, John Flenniken, Charles Alexander, John McKnitt Alexander, Hezekiah Alexander, Abraham Alexander, John Phifer, David Reese, Adam Alexander, Dickey Barry and John Queary were some of them; that he thought Dr. Brevard drew the "declaration"; that it was "in substance and form, like that great national act agreed on thirteen months after"; that the action was taken towards the close of May, 1775; that the "committee appointed three men to secure all the military stores for the county's use—Thomas Polk, John Phifer, and Joseph Kennedy"; that he was "near the head of the line, near Colonel Polk, and heard him distinctly read a long string of Grievances, the Declaration and Military Order above." He admitted that he could remember very little, but made several statements that apply forcibly to the resolutions of May 31. (See resolution 20 in regard to the military stores.) The "long string of Grievances" are in the resolutions of May 31 and the "Military Order" is there. They are not in the Alexander "declaration." He did not mention *May 20* or a *convention*, but said *committee*.

The *Raleigh Register* of February 18, 1820, published a certificate from George Graham, William Hutchinson, Jonas Clark and Robert Robinson reciting that they were in Charlotte May 19, 1775, "when two persons elected from each Captain's Company in said county, appeared as Delegates, to take into consideration the state of the country, and to adopt such measures as to them seemed best, to secure their lives, liberty, and property, from the storm which was gathering,

and had burst upon their fellow-citizens to the Eastward, by a British Army, under the authority of the British King and Parliament"; that "the order for the election of Delegates was given by Col. Thomas Polk, the commanding officer of the militia of the county, with a request that their powers should be ample, touching any measure that should be proposed"; that to the best of their recollection the meeting took place in the court-house about 12 o'clock and Abraham Alexander was chosen chairman and Dr. Ephraim Brevard secretary; that the "delegates continued in session until in the night of that day" and "on the 20th they again met" and a committee read some resolves "which went to declare themselves, and the people of Mecklenburg County, Free and Independent of the King and Parliament of Great Britain"; that "from thenceforth, all allegiance and political relation was absolved between the good people of Mecklenburg and the King of Great Britain"; that the "Declaration was signed by every member of the Delegation"; that they were not, "at this late period, able to give the names of all the Delegation," but could safely declare Thomas Polk, Abraham Alexander, John McKnitt Alexander, Adam Alexander, Ephraim Brevard, John Phifer, Hezekiah James Balch, Benjamin Patton, Hezekiah Alexander, Richard Barry, William Graham, Matthew McClure, Robert Irwin, Zacheus Wilson, Neil Morrison, John Flenniken, John Queary and Ezra Alexander to have been thereof; that "in a few days" after the meeting Capt. James Jack carried the resolutions to Philadelphia; that "a Committee of Safety for the county was elected" and that its acts "were received as the Civil Law of the land in many cases." It is evident from the verbiage of that certificate that those who gave it refreshed their memories to a considerable extent from the publication in the *Raleigh Register*. Nevertheless they put into it some nuggets of truth that will not harmonize with

that publication near so well as with the resolutions of May 31. They said that Colonel Polk was colonel of the militia regiment of the county and that Ephraim Brevard was the secretary of the meeting which they *did not* term a *convention*. They said the delegates "on the 20th again met." They did not remember an all-night session of delegates free from hunger and fatigue and a 2 a. m. unanimous vote on the 20th. They had an indistinct recollection of the truth, as it is revealed by the heading put to the copies of the resolutions of May 31 sent to the gazettes: "Charlotte-Town, Mecklenburg County, May 31, 1775. *This day the Committee of this county met, and passed the following resolves.*" They did not say that the resolutions in the *Raleigh Register* were what they heard read that day. They said the resolutions "went to declare" independence, not that they declared it.

The foregoing statements and letters were published in a pamphlet by J. Gales & Son, Raleigh, 1822.

The next memory witness was Reverend Humphrey Hunter who wrote his Revolutionary recollections to a friend who had requested it. He said that Colonel Polk had issued orders to the several companies to select two men from each company to meet at the court house May 19, 1775, for consultation; that a larger number met on the day appointed; that there was some difficulty in choosing the "commissioners," as it would have made the meeting "too numerous" to have chosen all thought worthy; that the following were selected, and styled Delegates," according to the best of his recollection: Abraham Alexander, Thomas Polk, Richard Harris, Sr., Adam Alexander, Richard Barry, John McKnitt Alexander, Neil Morrison, Hezekiah Alexander, Hezekiah J. Balch, Zacheus Wilson, John Phifer, James Harris, William Kennon, John Ford, Henry Downs, Ezra Alexander, William Graham, John Queary, Charles Alexander, Waightstill Avery,

Ephraim Brevard, Benjamin Patton, Matthew McClure, Robert Irwin, John Flenniken and David Reece; that Abraham Alexander was made chairman and John McKnitt Alexander and Ephraim Brevard secretaries. He gave a copy of the "declaration" which had appeared in the *Raleigh Register* and followed it with comments which clearly show that he drew upon that newspaper article for his narrative.

About 1825 the Alexander "declaration" underwent another evolution. A broadside appeared containing the first three resolutions thereof, with the names appended thereto of Abraham Alexander, Chairman; J. M. Alexander, Secretary; Adam Alexander, Hezekiah Alexander, Ezra Alexander, Charles Alexander, Waightstill Avery, Ephraim Brevard, Hezekiah J. Balch, Richard Barry, John Davidson, William Davidson, Henry Downs, John Flenniken, John Ford, William Graham, James Harris, Robert Irwin, William Kennon, Matthew McClure, Neill Morrison, Samuel Martin, Duncan Ochiltree, John Phifer, Thomas Polk, Ezekiel Polk, Benjamin Patton, John Queary, David Reese, Zacheus Willson and William Willson as signers of the "declaration". The alleged copy of the "declaration", which Alexander had furnished to Davidson, contained no signatures and the only mention of signers in documents then in evidence was that made in the certificate by Graham, Hutchinson, Clark and Robinson. This broadside contained the name of every man who had been mentioned by any of the memory witnesses as having anything to do with the "convention," or committee. It bore many internal evidences of not being a contemporary publication, and, much faith having been put in its authenticity by the super-credulous, its compiler, Dr. J. G. M. Ramsey, and printer, F. S. Heiskell, stated that it had been printed in Knoxville, Tenn., "in 1825 or thereabouts." The minutes of the county court of Mecklenburg for the July and October, 1775, and Janu-



ary, April and July, 1776, terms show that Robert Harris, Abraham Alexander, Robert Irwin, Richard Barry, John Foard, Hezekiah Alexander and Adam Alexander, all alleged "signers" of the "declaration," sat as justices during that time; and, notwithstanding the "declaration" they are alleged to have signed in May, 1775, held court in the name of the Crown.

On October 11, 1827, James Johnson, of Knox County, Tenn., certified to the best of his recollection that "in the month of May, 1775, there were several meetings in Charlotte concerning the impending war"; that being young he was not called upon to take an active part, but that he positively remembered that Mecklenburg County held a "convention," declared independence and "sent a man to Philadelphia with the proceedings." He did not say this was done *May 20*, and did not say that the "declaration" was in the same words as the Alexander production.

July 4, 1828, *The Charleston Mercury* published another version of the "declaration" slightly different in verbiage from all previous versions. The contribution was signed "Guilford." In November of the same year another slightly different version appeared in Garden's *Anecdotes of the American Revolution*, but it is plainly to be seen upon comparing the Guilford and Garden versions that the latter was revised from the former.

In 1829 Judge F. X. Martin, of Louisiana, published a history of North Carolina in which he incorporated this "declaration." It is clear from the context, the circumstances under which it appeared, and the absence of accurate references to the source from which it was obtained, despite the claim in his preface that his work had been prepared twenty years before, that this version of the "declaration" was obtained after the other chapters of his work had been pre-

pared, and the correspondence of Judge Murphey, now in evidence, shows that Martin used the version Judge Murphey published in 1821.

In the same year that Martin's history appeared Thomas Jefferson's works were published, and therein was found a letter from Jefferson to John Adams in which Jefferson declared that this "declaration" was spurious and that he had never heard of it before. Letters of Adams and additional letters of Jefferson still in manuscript show that Adams fully agreed with Jefferson. Jefferson's letter aroused renewed interest in the matter in North Carolina and drew from Dr. Joseph McKnitt Alexander the following contribution, which appeared in *The Yadkin and Catawba Journal*, of Salisbury, of November 9, 1830, under the caption "Declaration of Independence, by the citizens of Mecklenburg County (then including Cabarrus) North Carolina, on the 20th day of May, 1775", and over his full signature:

Estimating this transaction as giving the primary impulse to our national independence; as directly operative in producing the Declaration subsequently made by the Legislature of North Carolina; then by the Legislature of Virginia; and perfected on the 4th of July, 1776, by our National Congress; it becomes a matter of high importance to establish the fact, that the citizens of Mecklenburg county, through their delegates, on the 20th of May, 1775, drew up, signed and promulgated a Declaration of Independence of the British Government, and transmitted the same to the Congress of the United States for their approbation.

In claiming this as the patriotic achievement of our forefathers, we wish to derogate nought from the patriotism and energy of any State, or of any individual on earth, but at the same time, we feel bound, by the most sacred obligations of truth and justice, to guard this our birth-right with vigilance.

To every ingenious mind, the difficulty is at once obvious of establishing by *positive* proof, such a transaction, 55 years after its occurrence, when no record of the transaction could be *officially* kept; when a long Revolutionary war supervened; the place of its occurrence, for a season, being in the occupation of the enemy; when all the delegates are in

the silent grave,<sup>33</sup> and when the validity of the transaction has never been called in question until Mr. Jefferson, in a letter of his recently published, pronounced it "a spurious and unjustifiable quiz";—but difficult as the task may appear, we dread not to meet the closest scrutiny. [Here follow resumes of the certificate of Graham, Hutchinson, Clark and Robinson and the statements of Simeson, Cummins and Jack. These are followed by a resume of a certificate from William S. Alexander, a resume of the statement in Hunter's journal, resumes of statements by Joseph Graham and John Davidson, resumes of certificates by Isaac Alexander and Samuel Wilson, and a resume of the statement by James Johnson.]

There is now a paper in my possession, written and signed by J. M. Alexander, and purports to be extracted from the old minutes, &c Of this there is no date to show when these extracts were made, the introductory part is similar, as far as it goes, to that placed in the hands of Gen. Davie. The Resolves entered into, are in this extract noticed as follows: [Here follows a resume of the John McKnitt Alexander rough notes of 1800.]

I hold these papers, certificates, &c., subject to the inspection of any one desirous of examining them.

From the proceeding certificates, it appears most probable that there were drawn up by a select committee, a declaration of grievances and a formal Declaration of Independence, which, if so, was the paper sent on by Captain Jack to Congress; the original of which is lost to us through the death, shortly afterwards, of Dr. Ephraim Brevard, the Chairman of the Committee, and by the occupation of Charlotte by Cornwallis, where the Dr. lived, and where his papers probably were. But be this as it may, we have an authentic copy of these resolves and bye-laws mentioned in so many of the certificates, in the handwriting of John McKnitt Alexander, and certified by him as Clerk, which had been by him deposited with Gen. Wm. R. Davie, for the use of some future historian; and after the death of the General, procured and deposited with us, by Dr. Samuel Henderson, now Clerk of the Superior Court of this County. [Here follow the resolutions that he had furnished to Davidson and Polk in 1819, and which had been published in *The Raleigh Register* and *The Hillsboro Recorder*.]

These Resolves having been concurred in, bye-laws and regulations for the government of a standing Committee of Public Safety were enacted and acknowledged, &c. &c. The whole proceedings of the delegation, though interesting, are too long for this publication; but to show, in accordance with Gen. Graham's certificate, as to Dunn and

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<sup>33</sup>He overlooked the fact that Major John Davidson, an alleged "Signer" of the "declaration" was still alive and had lately made a statement for him.

Booth, that municipal authority was assumed and acted on by the Committee of Public Safety, I will only copy a certificate now in my possession, viz: [Here follows the certificate, already quoted, from Abraham Alexander, Chairman, relative to William Henderson and following that is a digression to acts and doings of the Provincial Congress of North Carolina in 1776 that have not the remotest bearing on the acts and doings of Mecklenburg County in May, 1775. The contribution then closes with a few remarks criticising Thomas Jefferson.]

Joseph McKnitt Alexander.

Joseph Graham, in a letter to Dr. Alexander, October 4, 1830, said he would give "the details of the Mecklenburg Declaration of Independence on the 20th of May, 1775," as well as he could recollect them "after a lapse of fifty-five years"; that he was present on the occasion, "a lad about half grown"; that during the winter and spring preceding several popular meetings were held in Charlotte at which papers were read, grievances stated and public measures discussed; that on the 20th of May, 1775, "besides the two persons elected from each militia company (usually called Committee-men), a much larger number of citizens attended in Charlotte than at any former meeting"; that the news of the battle of Lexington had arrived; that the "committee were organized in the Court-house by appointing Abraham Alexander, Esq. Chairman, and John McKnitt Alexander, Esq. Clerk or Secretary to the meeting"; that after the usual reading of papers and much animated discussion "they resolved to declare themselves independent"; that "among other reasons offered" was one "that the King or Ministry had, by proclamation or some edict, declared the Colonies out of the protection of the British Crown"; that Doctor Brevard, Mr. Kennon and a third person whom he could not recall were appointed to draft the declaration and retired from the court house, but that while they were out the "committee continued in session in it"; that upon the return of the "sub-committee" Dr. Brevard

“read their report, as near as I can recollect, in the very words we have since seen them several times in print”; that the instrument was read at the court house door; that he understood afterwards that Captain Jack “undertook, on request of the committee, to carry a copy of their proceedings to Congress” and that on his way, at Salisbury Mr. Kennon publicly read the declaration, which was approved by the crowd present. It is evident that Graham’s memory had been much refreshed by the publications he had been reading, but, notwithstanding that, the facts that had imbedded themselves in his memory *would* come forth occasionally. He remembered that the body that passed the declaration was a *committee* and not a *convention*. The only reason he could remember of all those assigned why independence should be declared was “that the King or Ministry had, by proclamation or some edict, declared the Colonies out of the protection of the British Crown,” and that is the very reason why the resolutions of May 31 were adopted, as set forth in the preamble thereto.

Major Davidson, in a letter to Dr. Alexander, October 5, 1830, said that he had been a member of the “Convention” and that he was the sole survivor thereof, but that “being far advanced in years” and not having his “mind frequently directed to that circumstance for some years” he could give “but a very succinct history of that transaction”; that “there were two chosen from each captain’s company, to meet in Charlotte, to take the subject into consideration”; that when they met “a motion was made to declare ourselves independent of the Crown of Great Britain,” which was carried by a large majority; that Dr. Brevard prepared the “sketch of the Declaration of Independence” and that Captain Jack took it to Philadelphia. The only participant in the proceedings who has ever made a statement in regard thereto since the publication of the Alexander “declaration” did not proclaim that

the declaration he had assisted in the passing of. He did not say that it was done *May 20, 1775*.

The certificate which Dr. Alexander alleged that he had from William S. Alexander was to the effect that he "was in Philadelphia in the Spring of 1775," and that "on the day General Washington left that city to take command of the American army in the north" he met Captain Jack who told him that Mecklenburg County "had declared themselves independent of the Government of Great Britain, and that they had sent him on express with their Declaration, to Congress," and that he had delivered it to the North Carolina delegation in Congress. He said nothing that could not be applied to the resolutions of May 31 as the declaration that Jack told him of.

Isaac Alexander and Samuel Wilson, who had also witnessed the proceedings in May, 1775, also gave certificates to Dr. Alexander reciting the fact that they had been present when the declaration was passed. Alexander gave the dates May 19 and 20, and thought that the "declaration" furnished by Dr. Alexander was what he had seen adopted. Wilson was not definite in his statements. Their testimony, like that of all of the others will apply as readily to the authenticated resolutions of May 31 as to the "declaration" of May 20, which is unsupported by a single contemporary document or reference.

The General Assembly of North Carolina at the session of December, 1830—January, 1831, appointed a special committee to examine the evidence bearing on the Mecklenburg "declaration" and other matters and report the result of their work. The report expressed the belief that Mecklenburg County did pass the "declaration" that Dr. Alexander had furnished to Davidson in 1819. It was then resolved that the Governor "be directed to cause to be published in pamphlet form" the report of the special committee, "the Mecklen-

burg Declaration, with the names of the Delegates composing the meeting"; the statements of the memory witnesses heretofore cited, and other papers bearing on other matters. In carrying out the resolutions of the General Assembly Governor Stokes engaged David L. Swayne, a judge of the Superior Court, to edit the pamphlet. His preface thereto is a resume of the evidence bearing on the Alexander "declaration" and an argument for its authenticity. The "names of the delegates present" are declared to be Thomas Polk, Ephraim Brevard, Hezekiah J. Balch, John Phifer, James Harris, William Kennon, John Ford, Richard Barry, Henry Downs, Ezra Alexander, William Graham, John Queary, Abraham Alexander, John McKnitt Alexander, Hezekiah Alexander, Adam Alexander, Charles Alexander, Zacheus Wilson, Sr., Waightstill Avery, Benjamin Patton, Matthew McClure, Neil Morrison, Robert Irwin, John Flenniken, David Reese, Richard Harris, Sr. No information whatever is given as to where this list was obtained, or how it was compiled. If there is anywhere in any contemporary record a mention of the names of the Mecklenburg committee, or of the convention of selectmen provided for by the resolutions of May 31, it has never been put in evidence. It is quite certain that this list was compiled from the various lists given by the memory witnesses. It differs from the list compiled by Ramsey for his broadside in 1825, and contains fewer names than were mentioned by the memory witnesses. Some names had doubtless been edited out to avoid dilemmas. William Davidson and Samuel Martin, for instance, were citizens of Rowan County and Ezekiel Polk, of South Carolina. John Davidson was probably left out because his memory had not been clear enough on what the convention of which he claimed to have been a member did. William Kennon was a citizen of Rowan County and should not have been on this list.

Waightstill Avery could not have been present, for his fee book, which is extant, shows that during the month of May, 1775, he was in attendance upon the courts of Rowan, Guilford and Surry Counties, and the Rowan court records show that he was appointed "Attorney for the Crown" at Salisbury August 2, 1775. There was no such person as Richard Harris, Sr. There was a Robert Harris in Mecklenburg taking a conspicuous part in public affairs in 1775. John Foard's name is misspelled in the pamphlet. Following the "names of the delegates present" is a copy of the Alexander "declaration." Following this are the exhibits. The first (A) is a reprint of the article in the *Raleigh Register* of April 30, 1819. Following this is the following certificate (B):

I, Samuel Henderson, do hereby certify, that the paper annexed was obtained by me from Maj. William Davie in its present situation, soon after the death of his father, Gen. William R. Davie, and given to Doct. Joseph M'Knitt by me. In searching for some particular paper, I came across this, and knowing the handwriting of John M'Knitt Alexander, took it up and examined it. Maj. Davie said to me (when asked how it became torn) his sisters had torn it, not knowing what it was.

Given under my hand, this 25th Nov. 1830.

Sam. Henderson.

To this certificate there is the following note:

To this certificate of Doct. Henderson is annexed the copy of the paper A, originally deposited by John M'Knitt Alexander in the hands of *Gen. Davie*, whose name seems to have been mistaken by Mr. Jefferson for that of *Gov. Caswell*. \* \* \* This paper is somewhat torn, but is entirely legible, and constitutes the "solemn and positive proof of authenticity," which Mr. Jefferson required, and which would doubtless have been satisfactory, had it been submitted to him.

The certificate of William S. Alexander, who was then dead, was not printed in the pamphlet, but, in its stead, there is a certificate from Alphonso Alexander, Amos Alexander and J. M'Knitt that they had often heard him say that he



had met Jack in Philadelphia and learned from him that he "was there as the agent or bearer of the Declaration of Independence made in Charlotte, on the twentieth day of May, seventeen hundred and seventy-five, by the citizens of Mecklenburg, then including Cabarrus, with instructions to present the same to the Delegates from North Carolina, and by them to be laid before Congress." A glance at that certificate shows that the affiants were more than "willing" witnesses. Captain Jack *could* not have told William S. Alexander all that they certify that he told them Jack said, nor does this certificate accord with what is credited to him in *The Yadkin and Catawba Journal* of November 9, 1830, nor with Captain Jack's own statement.

On November 12, 1776, a convention of the people of North Carolina met at Halifax to adopt a constitution for the independent State of North Carolina—so made by the national Declaration of Independence, passed the preceding 4th of July. Mecklenburg was represented in that convention by John Phifer, Robert Irwin, Zacheus Wilson, Hezekiah Alexander and Waightstill Avery. They had been elected by the freemen of the county November 1, 1776. They had been given certain instructions to follow in the State convention. In 1837 a Charlotte newspaper published a draft of "Instructions for the Delegates of Mecklenburg County, proposed to the consideration of the County." It was dated September 1, 1776. Wheeler, who subsequently published it in his *Historical Sketches of North Carolina*, says: "It was found among the old surviving papers of John McKnitt Alexander, and he is the author of them." Wheeler probably got his information from the newspaper, which is not at hand, but that he is correct is attested by the instructions that were adopted at the county meeting and which were printed in the *North Carolina University Magazine*, 4, 259, with a note saying that they were "in the well-known sharp,

angular handwriting of Colonel Avery, with the exception of Sections 17 and 18, which are in the small cramped hand of John McKnitt Alexander. Sections 10, 11 and 13, as appears from a marginal note in the handwriting of Mr. Alexander, were rejected by the people." In addition to this direct statement as to Alexander's connection with the instructions that were adopted, enough of the ideas of the draft found among Alexander's "old surviving papers" were incorporated into them to confirm Wheeler's statement that he was the author of that draft. That draft also contains some of the very words and ideas of the alleged "declaration" of May 20, 1775. "North Carolina is and of right ought to be, a free and independent State," and "unalienable Rights" are familiar expressions to the point. Like the national Declaration, the rough notes of 1800 and the valedictory address it was evidently used in the preparation of that "declaration."

Prior to this time no copy of the resolutions of May 31 had been brought into the controversy, but in 1838 Peter Force, the well-known historical writer, called attention to an epitomised copy thereof in *The New York Journal* of June 29, 1775, credited to *The South-Carolina Gazette; And Country Journal* of June 13, 1775, and another such copy in *The Massachusetts Spy* of July 12, 1775, credited to the same gazette, and suggested that these resolutions probably accounted for the Mecklenburg tradition. In 1840-1841, while working in London, Sparks saw a copy of *The South-Carolina Gazette; And Country Journal* of June 13, 1775, which Governor Wright, of Georgia, had sent to London, and in 1848 Bancroft also saw it. Both of these eminent historians publicly called attention to their discoveries and expressed the opinion that the resolutions of May 31 constituted the foundation for the tradition and the testimony of the memory witnesses. But the Alexander "declaration" had now become a reality with, a part of the Presbyterian religion of, and a test

of patriotism with many North Carolinians and reliable evidence and logical deductions could not throw it down from the pedestal upon which myth-worshipping idolators had placed it.

About 1845, after the death of Dr. Joseph McKnitt Alexander, the papers which he had bearing on the "declaration" were given into the custody of the State. A paper before unmentioned was now discovered among them. It contained the same resolutions and historical note, with a few textual variations, as were published in the *Raleigh Register* of April 30, 1819.<sup>34</sup> There were several evidences on the face of the paper, however, to show that it was not copied but was improvised as the writer went along. At the end of the 5th resolution, for instance, the writer had written the word State, but seeing that it would not fit the history, struck it out and wrote province. Other words had been stricken out and better words interlined; another evidence of improvisation and not copying. In the narrative the constructor of this paper wrote: "From this delegation originated the Court of Enquiry of this county, who constituted and held their first session in Charlotte immediately on Lord Cornwallis leaving Charlotte in the year 1780—they then held their meetings regularly at Charlotte, at Col. James Harris's," etc. But when the constructor saw that to mention Cornwallis and 1780 would spoil the story he struck the references out. To this paper and the "half sheet" whereon John McKnitt Alexander's rough notes had been written the following certificate was attached:

No. Carolina,            }  
 Mecklenburg County. }

The sheet and torn half sheet to which this is attached (the sheet is evidently corrected in two places by John McKnitt Alexander as marked on it ~~1819~~—the half sheet is in his own handwriting) were found after the death of Jno. McKnitt Alexander in his old mansion house in the

<sup>34</sup>A paper, prepared for Bancroft, showing these variations, is in the New York Public Library.

centre of a roll of old pamphlets, viz: "an address on public liberty printed Philadelphia, 1774"; one "on the Disputes with G. Britain, printed 1775"; and "an address on Federal policy to the Citizens of No. Ca. held at Halifax the 4 of April, 1776," which papers have been in my possession ever since. Certified Novr. 25th, 1830.

J. McKnitt.

In an address delivered at an Academy near Charlotte, published in the *Raleigh Minerva* of 10th Augt., 1809, the Mecklenburg Declaration is distinctly stated, etc.

As to the full sheet being in an unknown handwrite, it matters not who may have thus copied the original record: by comparing the copy deposited with Genl. Davie they two will be found so perfectly the same, so far as his is preserved, that no imposition is possible—the one from the same original as the other is conclusive. I have therefore always taken from the one which is entire, where the other is lost. the entire sheet is most probably a copy taken long since from the original for some person, corrected by Jno. McKnitt Alexander, and now sent on the roll of pamphlets with which these two papers were found I never knew were amongst his old surveying and other papers untill after his death. They may have been unrolled since 1788.

J. McKnitt.

About 1853 ex-Governor Swain, Historical Agent for North Carolina, took these papers from the State archives to the University of North Carolina. The Davie "copy," so often mentioned by Dr. Alexander, was now examined by Professor Charles Phillips of the faculty of the University, who discovered that all of it was gone except the last two resolutions and the following certificate in the handwritng of John McKnitt Alexander, which had received no notice from Dr. Alexander, the legislative committee, or Swain.

It may be worthy of notice here to observe that the foregoing statement, though fundamentally correct, may not literally correspond with the original record of the transactions of said delegation and court of inquiry, as all these records and papers were burnt with the house on April 6, 1800; but previous to that time of 1800 a full copy of said records, at the request of Dr. Hugh Williamson, then of New York, but formerly a representative in Congress from this State, was forwarded to him by Colonel William Polk, in order that those early transactions might fill their proper place in a history of this State,

then writing by said Dr. Williamson, in New York. Certified to the best of my recollection and belief, this 3d day of September, 1800.

J. McK. Alexander.

With the documents before us that have heretofore been cited there can be no reasonable disputation of the conclusion that the paper sent to Davidson by Dr. Alexander, and subsequently published in numerous newspapers and books, was a fabrication. That it was fabricated after the formation of Cabarrus County in 1792 is quite certain and, as John McKnitt Alexander made no mention of Cabarrus in his rough notes of 1800, it is evident that it was fabricated after the publication in 1809 of the valedictory address wherein was incorporated that foot-note about Cabarrus; otherwise there would have been no occasion to bring into the narrative that extraneous reference to Cabarrus.

In the first paper which Dr. Alexander gave out he avoided acknowledging that John McKnitt Alexander was his father; hid his identity under the signature "J. M'Knitt"; mentioned "papers" left in his hands by "John M'Knitt Alexander dec'd," although he produced only one paper, and did not say how many more there were or what their import was; and did not say that John McKnitt Alexander was the author of the paper or tell how the latter came into possession of it, or in what shape it was. He stated that he had found it "on file that the original book was burned April 1800. That a copy of the proceedings was sent to Hugh Williamson in New York, then writing a History of North-Carolina, and that a copy was sent to Gen. Davie." He never produced that "file" during the whole controversy over his paper, but when we compare his first certificate with that of his father on the Davie "copy" it is evident that he was cognizant of the statement his father had made in that certificate in reference to the burned records. In his article in the *Yadkin and Ca-*

*tawba Journal* he stated that there was "an authentic copy of these resolves and bye-laws mentioned in so many of the certificates, in the handwriting of John McKnitt Alexander, and certified by him as Clerk which had been deposited with Gen. Wm. R. Davie, for the use of some future historian." He knew that that was false, for the Davie "copy" contained the father's certificate that that paper was not taken from an original record but was prepared from memory and was only true to the best of his belief, and there was nothing thereon to show that he claimed to have been clerk of the body that passed the "Declaration" which he saw voted. He made it appear that he had the "whole proceedings of the delegation" which, "though interesting," were "too long for this publication." He forgot that at the very outset of the same article he had said that it was difficult to prove a thing after fifty-five years "when no record of the transaction could be *officially kept*." As a matter of fact he never did have a single original record and all that he was ever able to produce was the rough notes, the paper of doubtful origin and the Davie "copy" and of that only the last two resolutions and the certificate were left. At the outset he gave the impression that no records of the convention had been kept, yet at a later point stated that he had in his possession a paper "written and signed by J. M. Alexander, and purports to be extracted from the old minutes." The father tells us that the records had been burned in his house, but says not a word about his notes being a copy of those same original records. The son intimates to us that no official minutes had been kept, and then tells us that he has some extracts taken from the minutes by his father. But the Bancroft copy of those notes shows the evidence on their face of having been written in 1800. In his paper of 1819 Dr. Alexander said the paper had been "left in my hands by John M'Knitt Alexander dec'd" but in his

certificate to the rough copy of the declaration and the rough notes he said they "had been found after the death of Jno. McKnitt Alexander in his old mansion house in the centre of a roll of old pamphlets" which "may have been unrolled since 1788." Not only are the two statements irreconcilable, but contradict the father's statement that his house was burned in 1800 and everything lost. The rough draft of the "declaration", which had been shown by evidence on its face to have been fabricated, was the basis for his subsequent copies for Davidson and Polk, for he tells us in the last certificate that he had "always taken from the one which is entire, where the other is lost." The "other" he referred to was the Davie "copy." He also tells us that "it matters not who may have thus copied the original record." It does matter, however, for it is evident that no "original record" was copied at all. This is not only shown by the face of the paper itself but by the certificate of the father which shows that the "original record" had been destroyed.

We might excuse Dr. Alexander's failure to see that the paper in the unknown hand contained statements contradictory of the rough notes in his father's hand and language stolen from the national Declaration of Independence, on the ground of lack of critical discernment, but for the fact that even after he got the Davie "copy," which should have set him straight, he, even more than before, tried to keep up the deception. The Davie paper was most likely a polished version of the rough notes of 1800, but Dr. Alexander maintained in his certificate of November 25, 1830, that it was "perfectly the same" as the rough draft and that both had been copied from "the original record." The only evidences to connect John McKnitt Alexander with this rough draft, which was the prototype of what was first published in the *Raleigh Register*, are the statements of Dr. Joseph McKnitt Alexander that it had two corrections in his father's hand-

writing (only one is noted by Bancroft's copyist) and that it was "perfectly the same" as the remaining fragment of the Davie "copy," which Henderson certified was in John McKnitt Alexander's handwriting. It seems hardly possible that John McKnitt Alexander would have put only two corrections on a paper which contained statements in conflict with his rough notes and his certificate to the paper he gave General Davie. He would doubtless have noticed that this paper said *convention* and not *committee* as he had said.

It will be observed that Henderson did not certify that the fragment of the Davie "copy" which he found was "perfectly the same" as corresponding parts of the resolutions in the *Raleigh Register*, nor did any one else who saw it before or after it fell into the hands of Dr. Alexander so certify. The legislative committee has left no statement to that effect, and the editor of the pamphlet which was issued by legislative authority merely appends a note to Henderson's certificate saying that to the certificate there is annexed the *copy* of the paper A "originally deposited by John M'Knitt Alexander in the hands of *Gen. Davie*" and that "it is somewhat torn, but is entirely legible." There is no evidence that Judge Swain wrote that note or saw the paper himself. That he did not and that he accepted that note, ready made, from Alexander is attested by the following statement made by Professor Charles Phillips in letters to Lyman C. Draper, June 8, and June 22, 1875:

Gov. Swain had very little confidence in Dr. Jos. McKnitt Alexander; and evidently knew more about him than he told me \* \* \* \* treading on delicate ground when insinuating that Dr. Joseph McKnitt Alexander was guilty of a discreditable *suppressio veri*; he used to talk of it to me confidentially as a *dirty trick* but one which *he* could not expose.

With the Alexander papers before him Professor Phillips, aided and abetted by Governor Swain, published in the *North Carolina University Magazine* for May, 1853, an exposition



of the May 20 fraud. From an official supporter thereof Governor Swain had now become (temporarily) a repudiator thereof. In one of the letters above cited Professor Phillips said that there was "no evidence that John McKnitt Alexander claimed for himself the Secretaryship in 1775" and that the "introductory portion, with the first three of the Resolves, had been torn off the Davie copy," so that they had no opportunity to test the handwriting, though he noted one difference in the two papers. In another letter Professor Phillips wrote: "The condition of the originals in our possession here, the diversity of handwriting, the frequent interlineations, erasures, etc., show that the younger Alexander tried to set forth a poem in Alexandrian measure."

It is very doubtful, therefore, if the original Davie "copy" was "perfectly the same" as the rough draft of the "declaration" in the unknown hand from which Dr. Alexander had "always taken" his copies. By the fragment of it which was left it was impossible to show that it had ever contained the narrative which was published in the *Raleigh Register*, and which contains so many statements at variance with well-established facts, or that the first three resolutions thereof were in the same language as the corresponding resolutions of the publication in the *Raleigh Register*, which contain all of the expressions stolen from the national Declaration of Independence, and, in the fourth and fifth resolutions, notwithstanding the interlineations, erasures, etc., Professor Phillips still noted one difference. An examination of the carefully made Bancroft copy of the rough notes will confirm Professor Phillips's statement as to the interlineations and erasures. Particularly is that the case in the matter of John McKnitt Alexander being named as secretary. A word was evidently erased and his initials crowded in its place and the word secretary interlined.

That Dr. Alexander tried to force the Davie "copy" and his father's rough notes to conform to his *Raleigh Register* publication seems quite likely, and that he was the fabricator of that document is attested by the very best of circumstantial evidence. The writer is not alone in that opinion. In a letter to Draper, July 31, 1875, Professor Phillips said that about 1857 Governor Swain submitted "all the original documents in his possession touching on the subject of the Mecklenburg Declaration" to former Chief-Justice Thomas Ruffin, and asked him for a candid and impartial opinion thereof; that, after due examination, Judge Ruffin returned the papers with the remark:

I want no better case to convict the parties concerned of forgery.

In a letter to his daughter, written a few years after this, Professor Phillips said:

This is Meckl. Decl. time & N. C. has made herself ridiculous as usual of late. When she cd. & might read a veritable Decl. of 1775, she tries to perpetuate the paper of May 20, & so endorse what Judge Ruffin called—"to all intents & purposes a forgery." My Presbyterianism & my patriotism boil with indignation at the fraud of Joe McKnitt Alexander, at its unworthy success.

There are several little internal evidences in some of the papers which Dr. Alexander published that tend to strengthen the opinions of Swain, Phillips, Ruffin and the writer. Once he got that idea into his head about Cabarrus County it asserted itself on all occasions. It appeared with his "declaration," then in his contribution to the *Yadkin and Catawba Journal* and in the certificate which he, Amos Alexander and Alphonso Alexander furnished for the legislative pamphlet. In the certificate which he attached to the rough draft of the "declaration" and his father's rough notes he mentioned the valedictory address, wherein the fact that Cabarrus had formerly been a part of Mecklenburg was first stressed, thus

showing that there was where he first got that idea which he injected into his narrative accompanying his "declaration." Another internal evidence is that in all papers that were submitted as *proof* of the fact of a declaration, from his "declaration" itself to his final certificate, he signed himself "J. M'Knitt," but when he wrote a *defence* of his evidence and his own position he signed his name in full.

In concluding the writer will say that he was once a believer in this "Mecklenburg Myth," as it has now come to be generally known in historical circles, but that he was convinced of its lack of authenticity by the late distinguished historian, Edward McCrady, and that a few years ago he was drawn into the controversy over it by the publication in *Collier's* of Millington Miller's forgery purporting to be an issue of *The Cape-Fear Mercury* of Friday, June 3, 1775, containing a contemporary copy of the "declaration." The moment the writer saw that publication he pronounced it a forgery and, so far as has yet been shown, was the first to so declare in the public prints, and the records will show that, while others were still defending Miller's production as genuine, he was turning up the proofs which eventually convicted him of forgery to the satisfaction even of those who had formerly defended the forgery.

## THE MECKLENBURG DECLARATION OF INDEPENDENCE.

BY BRUCE CRAVEN.

“No less than seven witnesses of most unexceptionable character swear positively that there was a meeting of the people of Mecklenburg at Charlotte, on the 19th and 20th days of May, 1775; that certain declarations distinctly declaring independence of Great Britain were then and there prepared by a committee, read publicly to the people by Col. Thomas Polk, and adopted by acclamation; that they were present and took part in the proceedings themselves, and that John McKnitt Alexander was a Secretary of the meeting.”—*Rev. Francis L. Hawks, D.D., LL.D., in New York, December 16, 1852.*

“The documentary evidence in my possession satisfies me that there was a meeting of the citizens of Mecklenburg at Charlotte, on the 19th and 20th of May, 1775, and that resolutions in relation to independence were discussed and adopted. I entertain the opinion that the resolutions of the 31st May, were the resolutions published in the Cape Fear Mercury.”—*Governor D. L. Swain, in a letter to Hon. George Bancroft, March 6, 1858.*

“The manuscript (May, 20) applies to Mecklenburg County alone; that county only is declared independent. The declaration (May, 31) is not for one county of one colony. It is a declaration of independence of the United Colonies, and made by men who saw far into the future—whose patriotism was not limited by the boundaries of their own county.”—*Col. Peter Force, December 11, 1841, in a letter to John Vaughn.*

“Thus was Mecklenburg County in North Carolina separated from the British Empire.”—*George Bancroft's History, Volume 7, page 231, discussing the resolves of May, 31.*

*Cui Bono?* Some wise man has observed that the only justification for anything to be said or written is that it has never been said before or that it has not been said so well. Judged by this criterion in the face of the evidence alluded to above, the perennial outbursts against the Mecklenburg Declaration of Independence are so futile as to approach banality. If all the variegated criticisms and witticisms could be brought together and condensed, it would amount to merely “words,

words, words, no matter from the heart." Omar Khayyam was a little previous but he struck these anti-history people a sharp blow in his verse about hearing great argument "but evermore came out by the same door wherein he went."

"Who can refute a sneer?" asks Paley in his *Moral Philosophy*, and the question has not been answered. In the shadow of slander, virtue is at a disadvantage in defending itself. The suspicion-breeder is worse than the cuttle-fish, because he hides within pretensions to noble things. This mere groundless suspicion is all there has ever been in refutation of the unshaken testimony of actual witnesses of the proceedings on the occasion of the Mecklenburg Declaration of Independence—suspicion conceived in envy, born in malice, nurtured in conceit, and kept alive in vain imaginations. Not one fact has been presented against the Declaration's authenticity (which has been proven by positive testimony) but it seems that the friends of the facts are expected to explain the endless profusion of delusive suspicions and aspersions invented by the experts in mythology. Though obviously unfair, this expectation will be satisfied until there be "no hinge nor loop to hang a doubt on."

Suppose at this late date some sensation monger should cast suspicion upon the *Magna Charta* signed by King John at Runnymede, June 15, 1215; that the suspicious ones should argue that there was only an uneventful assembly on that occasion; that later some of the Barons drew up the document and it was accepted (not by John) but by his successor Henry III at the famous conference at Bristol, November 11, 1216. Such quibbling could not shake the faith in the accepted history, but the hypothesis could not be proven untrue to the satisfaction of the ones who for reasons of their own might wish to believe them. *Verbum sap sapienti.*

The motive in this case on the part of the detractors is self-evident. It is the same motive that is responsible for the fact

that some "historians" refuse to admit that North Carolina furnished more troops for the Confederacy than did any of her sisters. The opponents of established facts have no reverence for nor interest in history as history but only as it is selfishly pleasing: they try to make the facts fit their preconceived opinions instead of making their opinions fit the facts. The true historian, on the contrary, delights in the truth whether it be for him or against him. These chronic doubters resemble the green country lad who in his supreme ignorance thought he knew it all and that a giraffe was a myth and a fraud, and when he was finally confronted with the reality, turned away in disgust exclaiming: "Pshaw, they ain't no sich anny-mule."

Let us grant for the sake of argument that the negative suppositions are true; what difference does it make? The resolutions of May 31, 1775, are not now disputed, though formerly they were condemned along with the more formal declaration of May 20. These undisputed resolutions declared "all laws and commissions, confirmed by or derived from the authority of the King or Parliament, are annulled and vacated" and that "whatever person shall hereafter receive a commission from the Crown, or attempt to exercise any such commission heretofore received, shall be deemed an enemy to his country." This in itself is a declaration of independence that can not be denied. The argument of Colonel Force (paragraph 19) on this point is conclusive. Governor Martin, who had not heard of the Declaration of May 20, sent the *Cape Fear Mercury* containing the resolutions to Lord Dartmouth with the statement that the action of the Mecklenburg committee "surpasses all the horrid and treasonable publications that the inflammatory spirits of this continent have yet produced." That Josiah Martin was not partial to North Carolina is evidenced by the fact that he fled from that "inflammatory spirit" to the more peaceful harbor

of South Carolina in that same month of June of 1775, from which time *North Carolina was independent in fact as well as in declaration.*

So if the Declaration as claimed for May 20 falls, the resolutions remain, and only eleven days are taken from Mecklenburg's four hundred and eleven days of priority in defiance of Great Britain. Mecklenburg's only reason for maintaining the claim is that it is the truth and that there is no reason for doubting it. The difficulty of obtaining proof at this time sufficient for persons who do not want to believe, is apparent; but the fact that the Mecklenburg Declaration of Independence of May, 1775, was accepted as "common tradition" before 1800 when all the people must have known whether or not it was genuine and when original records were available, is good indications that the tradition was fact.

Any unprejudiced reader of the evidence will be convinced that in the hundred years of activity, the maligners have not been able to controvert the testimony of the participants who certify positively to the proceedings. In examining the arguments of these controversialists, there need be no partiality, but every suspicion and surmise should be considered as to its comparative worth in offsetting the positive declarations of men who were present May 20, 1775, and whose statements have not been and can not be disproven. It should be borne in mind that the negative argument admits the authenticity of the Resolves of May 31, but contends that they were not equivalent to a Declaration of Independence and that there was no meeting or declaration of any kind May 20! We are now to see if either of the two contentions is substantiated.

#### NEGATIVE CONTENTIONS.

The foregoing review of the suppositious contentions against the authenticity of the Declaration, is perhaps the best that has ever been presented. The omissions, suppres-

sions and misrepresentations are so few as to raise the presumption that they are unintentional. With a rigid cross-examination, the friends of the Declaration could well afford to let the case go to the jury without further argument. The author omits nothing of consequence that has ever been or could ever be argued for the negative. His discussion includes all of various publications, and being in brief, is superior to any of them.

The one item omitted in the history of the controversy is the attempt to prove that May 20 and May 31 came on the same day on account of the eleven days' change in the calendar in 1752. For a long time this was the chief resource, but that the author here omits it is to his credit, as the fallacy is too apparent to engage the attention of any one who professes to be serious. He also does himself credit in not making the extravagant claim that his case is complete, knowing that surmises at their best can not outweigh direct, positive evidence of any kind. It is to be regretted that he allowed his production to be marred by the vulnerable points hereinafter mentioned, though otherwise he could have asked only for a verdict of "not proven," which indeed is the most he can hope for as it stands.

1. Reference is made repeatedly to the "Mecklenburg Myth" and the "May 20 fraud." This is not argument. It is *prima facie* evidence of malice. The "criminals" guilty of the fraud must go for comfort to Dr. Johnson:

"Of all the griefs that harass the distrest,  
 Sure the most bitter is a scornful jest:  
 Fate never wounds more deep the generous heart,  
 Than when a blockhead's insult points the dart."

Sincerely disclaiming any application of the last line to the other participant in this discussion, yet it certainly does apply to the originator of the insult to the Mecklenburg patriots of 1775 who afterwards gave their positive statements



in support of the so-called "myth" and "fraud." This is of course entirely apart from the merit of the question at issue, though that the Declaration has never been accepted as a "myth" is shown by its acceptance by Washington Irving in his biography of Washington; Rev. W. H. Foote, of Virginia, in "Sketches of North Carolina;" Alexander Garden, of Charleston; Andrew Jackson who in "The Hermitage" pointed with pride to a handsomely framed copy of the Declaration made in his native county of Mecklenburg; Force, Lossing, Swain and a host of others.

2. There is a continual nagging as to whether the Mecklenburg meeting was a committee or a convention. This is mere quibbling and has about as much to do with the question as the distinction between tweedle-dum and tweedle-dee has with the bias of jurisprudence. The Declaration was made and it matters not what might have been the correct designation of the organization that made it. The national declaration was made by the continental congress, but the congress might with equal accuracy have been called a committee or a convention. By any other name its action would have been the same.

3. Attention is called to the petition from the North Carolina Provincial Congress of August, 1775, declaring allegiance to the King, and which had the approval of the Mecklenburg representatives, some of whom had signed the Declaration. The intended implication is that this proves that these men could not have signed the Declaration or have had anything to do with it. Was such an apparent inconsistency so wonderful at a time when Edmund Burke was charging Parliament with seeking fresh principles with every new mail from America? The continental congress were then discussing a similar petition with Thomas Jefferson as its sponsor, and the provinces were naturally expected to endorse it. That it was only an attempt to seize the last straw of hope and that Jefferson himself had no faith in it is known to all students

of history. To charge that North Carolina was submissive in the Fall of 1775 is indefensible in view of the fact that the Royal Governor never dared to set foot in the State after May of that year. So the act of Thomas Polk and his compatriots is not so very inconsistent after all. Besides, it is every bit as incompatible with the May 31 resolutions as with the Declaration, and if the petition argues against one, it argues against the other, and the authenticity of the resolutions is not denied.

4. "With the Alexander papers before him, Professor Philips, aided and abetted by Governor Swain, published in the North Carolina magazine for May, 1853, an exposition of the May 20 fraud. From an official supporter thereof, Governor Swain had now become temporarily a repudiater thereof."

The opinion of Professor Phillips is worth no more than the opinion of any of a hundred others (which fact is evidenced by the attempt to back it up with another) but the opinion of Governor Swain is entitled to more consideration than that of any one else for the reason that he studied the question more thoroughly and impartially than any one else ever has, and because of his known and admitted historical ability and his strength and fairness of mind. The implication of the quotation given is that he had been trying to prove the validity of the declaration but had finally been converted to the side of repudiation. The truth is that he had from the first been a doubter but when he finally was confronted with the overwhelming evidence, he was *then* converted and became a supporter of what he knew to be the truth.

This version of his conversion is founded upon his own statement in a letter written from Chapel Hill to Hon. George Bancroft, March 6, 1858 (five years after the date above given) and from which the following is a verbatim extract:

"I wish very much it was in my power to have a personal conference with you in relation to the Mecklenburg resolutions, and other events in our revolutionary history. I have held very free and full dis-

cussion with Dr. Hawks, after a minute examination of all the papers at my command, and we understand each other better, and are more nearly together in opinion than we were at the time we appeared before your historical society. I would like very much to go over the same ground with you. He never saw the evidence on which I rely as conclusive until his arrival here in June last, after the delivery of his lecture in Charlotte. At the close of the examination I gave him a paper copied below, and expressed the opinion that every fact set forth might be embodied in a special verdict, and established by the evidence before us, if an issue were made up and submitted to a jury.”:

The “special verdict,” also quoted from the letter, is as follows:

“The documentary evidence in my possession satisfies me that there was a meeting of the citizens of Mecklenburg, at Charlotte, on the 19th and 20th of May, 1775, and that resolutions in relation to independence were discussed and adopted. I entertain no doubt that the record of the proceedings of the Mecklenburg Committee was burned in the home of John McKnitt Alexander, in the month of April, 1800, and that the Davie paper contains what General Graham, Col. Wm. Polk, and other gentlemen of high character, whose certificates appear in the State pamphlet, believed to be a true narrative of the transactions of those two days. I entertain the opinion that the resolutions of the 31st, May, were the resolutions published in the *Cape Fear Mercury*, and that there was no contemporaneous publication of the proceedings of the 19th and 20th of May. That a copy of the records of these events was placed in the hands of Dr. Williamson, with the intent that they should find a place in history of North Carolina, I believe to be incontrovertible.”

Was Governor Swain a man to say a thing like this of a “myth” after he had studied it for twenty years? Was he the kind of man to help perpetrate a fraud?” Instead of that, every one who knows anything about him, knows that he was one of the most broad-minded and conscientious of men, and a historian who sought the truth without prejudice or partiality. His verdict was formed with all the evidence before him for the negative that has ever been produced but without much of the positive evidence.

So this important witness for the doubters develops on cross-examination into a witness for the believers. It would

seem that the myth hunter was unmindful of the fable about Dædalus who constructed the famous labyrinth for King Minos of Crete only to find himself imprisoned in it.

5. Considerable space is taken up unnecessarily in proving that the *Cape Fear Mercury* sent by Governor Martin contained the resolutions of May 31; so far as is known, this is not denied, though there is no proof that it did not also contain the Declaration of May 20. Further, however, the erroneous statement is made that the records cited "show beyond refutation that on May 31, 1775, the committee of Mecklenburg County declared the laws of the province of North Carolina wholly suspended in Mecklenburg County," but "this action was not taken with any view of declaring absolute independence of Great Britain."

There is no occasion for quibbling over these resolutions of May 31. They are before us undisputed and can speak for themselves. In answer to the belittling imputation quoted, here is the first of the twenty resolutions: "*That all commissions, civil and military, heretofore granted by the Crown, to be exercised in these colonies, are null and void, and the constitution of each particular colony wholly suspended.*"

This is an absolute declaration of independence and is not more formal only because of the previous Declaration. That this meeting was an adjourned one from the former is borne out by the purport of the resolutions, and by the obvious fact that this meeting was assembled to provide laws for the independent people "until laws shall be provided for us by the congress." The laws then adopted were "to provide in some degree for the Exigencies of the County in the present alarming period"; but to attempt to limit the declaration to the county requires unlimited imagination in the face of that first resolution. (See paragraph 19.)

6. The court records of Mecklenburg are cited to show that they were carried on in the name of the King after May,

1775, and that therefore there could have been no declaration of independence. This indeed does suggest legitimate doubt but no more than that, and it is of no weight when brought to bear against the positive testimony of the men who were present May 20, 1775, when the declaration was made. This is as much against the undisputed resolutions of May 31 as it is against the declaration, but it is in accord with both. The resolutions adopted after the Declaration constituted the law for Mecklenburg until the adoption of the State constitution December 18, 1776, and as no provision was made for the changing of the court customs and forms, it is but natural that they should have remained unchanged. As they remained so even after July 4, 1776, the logical inference from the argument would be that the people of Mecklenburg also refused to accept the national Declaration of Independence. It is clear that the custom was immaterial and was not changed except by the new constitution; but it is also well to note that there are but a few scattering instances of the practice and that the real affairs of Mecklenburg were in the hands of the independent committee. (See paragraph 3 preceding, and paragraph 12 of Positive Evidence.)

7. After the national Declaration, we are told:

“The home rule government which the committee had provided for Mecklenburg by the resolutions of May 31, 1775, now no longer acknowledged allegiance to the Crown of Great Britain, but to the State of North Carolina.”

This insinuation as to the allegiance of the May 31 resolutions to the Crown is answered by the sixteenth of the resolutions in the words “whatever person shall hereafter receive a commission from the Crown or attempt to exercise any such commission heretofore received, shall be deemed an enemy to his country.” Is not this sufficient?

8. An exhaustive attempt is made to show that the resolutions of May 31 came to be known as a declaration of inde-

pendence (which was eminently proper) and that this accounts for the claim as to May 20. Every one who ever testified as to the declaration without mentioning the date is brought forward to strengthen this theory. There is "great argument about it and about, but evermore" he comes out by the same door wherein he went. No piece of evidence of any nature can be found to show that the declaration was *not* May 20, and there is before us the testimony of men who were there and who testified positively, after mature deliberation, that the Declaration was made as claimed, May 20, 1775.

9. "This production, however, is entirely inconsistent with the history of the time, both as to America in general, and North Carolina in particular."

The author of this remarkable statement answers it himself in the details of the Fayetteville and Wilmington committees. It is answered again in the admitted resolutions of May 31. It was answered by Thomas Jefferson in his letter to Adams wherein he said, "No State was more fixed or forward than North Carolina." It was answered at the battle of Moore's Creek bridge, February 27, 1776, and it is answered in every chapter of the history of North Carolina, which shows from beginning to end that the Mecklenburg Declaration of Independence was a rational manifestation of the will of the people and in perfect harmony with the history of the State from the beginning to the end of the struggle for independence. (This part of the question was covered in the October number of the *North Carolina Booklet* in the contribution entitled "The Significance of the Mecklenburg Declaration of Independence.")

10. "There is not one contemporary record in evidence to sustain it."

This is answered by the citation given from the Wachovian records in Salem (than which there are none more reliable) written during the revolution and which declares that "The

county of Mecklenburg declared itself free and independent" in 1775. This is a contemporary record, the correctness of which no one can question. (See paragraph 2 of Positive Evidence.)

11. "The traditionary references to a declaration of independence, heretofore quoted, are neither contemporaneous nor specific, and will apply as readily to the authenticated resolutions of May, 31, as to this alleged declaration of May, 20."

Now what can this mean in connection with the writer's continuous contention that there was nothing in the resolutions of May 31 to suggest the thought of independence? All of these "traditionary references" are concerning "a declaration of independence" and if this applies "readily to the authenticated resolutions," then the authenticated resolutions must have had something in them to suggest the thought, otherwise the suggestion could have come only from the reality of May 20. Verily, "he falleth into his own pit." His position is ominously suggestive of the great

"Serbonian bog,  
Twixt Damiatra and Mount Cassius old,  
Where armies whole have sunk."

12. "The resolutions of May 31, preclude the possibility of any such action having been taken on May 20. The resolutions provided for the organization of the people of Mecklenburg into a regiment of militia at a future date. It is evident that the colonel of the regiment could not have called a convention of two men from each company when there were, as yet no companies."

That Mecklenburg County was divided into militia districts or companies from its creation in 1762 is a matter of record. This is proven by innumerable items. In particular is the visit of Governor Tryon to Mecklenburg to review the militia companies in August of 1768, shortly after which time (September 12) each of the companies furnished a quota to march to Hillsboro to help preserve peace.

13. "It will be observed that parts of the 'declaration' bear close resemblance to parts of the national Declaration of Independence."

This is one of the stock arguments for the doubters, but it is not a strong one. There are some expressions in the two documents that are identical, but these same expressions were such as had been frequent in the public discussions for years before 1775. The "identical expressions" are in the resolutions of Richard Henry Lee, June 7, 1776, and some of them in the Bond of Union of the Scotch Presbyterians of 1670. That this reasoning is conclusive is demonstrated by Jefferson's letter to Adams of July 9, 1819, in which (though professing disbelief in the Mecklenburg Declaration), there is no intimation that it occurred to him that there was any undue similarity in the two papers. He brought to bear upon it every possible criticism, and it is not likely he would have omitted this if in his opinion there had been any reason in it. Jefferson was also careful to state that he did not positively assert that the declaration was a fabrication. Aside from this, the similarity is only in minor details. There is no similarity in the form and in the details where we would expect to find it, as for instance in the opening paragraph, "When in the course of human events," etc. If the Mecklenburg declaration had been a fabrication, it would have been fabricated by one familiar with all the papers concerned and who would have had before him the resolutions of May 31 and the national declaration. The fact that it is entirely different in structure and general content from both of these documents is proof that it could not have been founded upon either. If, as alleged, the idea of the May 20 declaration grew out of a confusion about the May 31 resolutions, then it would be supposed that the declaration would contain some expressions identical with the resolutions, but there is not one word of the kind. There is nothing in the remote resemblances of the two declarations (as against their greater differences) to raise a legitimate doubt of the positive and uncontroverted testimony. That the charge of plagiarism is



futile and that the principles and phraseology of professions of unalienable rights have been similar for hundreds of years, are statements amply confirmed by the fact that the Mecklenburg Declaration and the National Declaration are no closer in resemblance to each other than both of these documents are to the Declaration of the United Provinces of the Netherlands, July 26, 1581. The Dutch defiance of Spain and the American defiance of England (two centuries later) recite their grievances and one says "a Prince whose character is thus marked by every act which may define a tyrant," etc., while the other says "he is no longer a Prince but a tyrant." Both outline the objects of government and the duties of rulers; the one says "when he does not behave thus, the subjects may not only disallow his authority but legally proceed to the choice of another Prince for their defense"; the other says "whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government and to provide new Guards for their future safety." These similarities are of substance, and the similarities in exact phrases are the very things that plagiarism would have omitted.

14. The surmises and multitudinous hypotheses concerning the certificates published in the State pamphlet of 1831 are trivial and hardly worthy of mention, though much space is occupied with them. Concerning the certificate signed jointly by Graham, Hutchison, Clark and Robinson (given in full further on in this discussion) the captions criticisms are amusing."

"It is evident from the verbiage of that certificate, that those who gave it refreshed their memories to a considerable extent from the publication in the *Raleigh Register*." "They said that Colonel Polk was colonel of the militia regiment, and that Ephraim Brevard was the secretary of the meeting which they did not term a convention."

The critic does not go to the trouble of attempting to dis-

prove any of these things but expects us to accept his prognostications without question. That there was confusion as to whether Brevard or Alexander was secretary (because of the fact that Brevard did write the declaration) is but natural, but the question at issue is not affected by this. As to the innuendo about refreshing memory and not calling it a convention, we are again reminded of tweedle-dum and tweedle-dee. However, they did refer to the members as "*Delegates*" several times, and delegates to a committee would have been an anomaly too odd doubtless even for a surmise. It would be interesting to know what is meant by the "verbiage" of the certificate; it is really concise and pointed.

"They said the delegates on the 20th again met. They did not remember an all-night session."

There is certainly no discrepancy here. The statement is made that they met the next day and the Declaration was then read. This is in accord with the general statement that the Declaration was read from the court-house steps at noon of the twentieth.

"They did not say that the resolutions in the *Raleigh Register* were what they heard read that day. They said that the resolutions went to declare independence, not that they declared it."

This lack of familiarity with the *Raleigh Register* does not agree with the theory that they "refreshed their memories" from it. If that had been true (which it is was not) is it not probable that they would have said whether or not they were the resolutions they were describing? The other statement is simply incorrect, as by reference to the complete certificate it can be seen that *the action is referred to four times as "the Declaration of Independence."*

This is all that can be said against that definite detailed statement of four men who were present when the Declaration was made, and who testified to the facts ("and on our honor

declare") and whose statement is supported by the strongest of corroborative and contemporary evidence. This certificate, after bearing "the slings and arrows of outrageous fortune" for nearly one hundred years, remains unshaken in its reliability and its accuracy, and so long as this holds true, the Meeklenburg Declaration of Independence will be held as authentic by every one who is searching for the truth and who knows it when he sees it.

15. We are informed that notwithstanding Martin's statement to the contrary, the Declaration as published in his history, was obtained after he said it was. Up to this good time, no one had ever questioned the veracity of Francis Xavier Martin, who emigrated from France and settled in New Bern in 1782, was engaged by the State for a number of years in editing the Statutes, was several times a member of the General Assembly and associated with some of the Mecklenburg representatives who had signed the Declaration, and who was then gathering material for his history of the State. In 1809, he was appointed by President Madison to a position in the Louisiana territory. In the preface to his history dated July 29, 1829, he says:

"The writer imagined he had collected sufficient materials to justify the hope of producing a history of North Carolina worth the attention of his fellow citizens, and he had arranged all those that related to transactions anterior to the Declaration of Independence (July 4, 1776,) when in 1809, Mr. Madison thought his services were wanted."

Further he states that he had hoped to get the time to give more attention to "the work he had commenced in Carolina" but the condition of his health made it necessary for him to put it to press without delay. This is absolutely conclusive evidence that the Martin copy of the Declaration (the one considered as genuine) was in existence long before the discussion arose in the *Raleigh Register* and hence could not have been manufactured for that purpose. More than this,

we have the testimony of Rev. Francis L. Hawks in his Charlotte speech in 1857 that *Judge Martin told him that "he had obtained the copy of the Declaration prior to 1800,"* and that he did not know Garden had printed a copy. Is it likely that this could have been done without the knowledge of John McKnitt Alexander or that Alexander after the destruction of the original, would have certified to an incorrect copy while knowing that the Martin exact copy was in existence? This requires too many ifs for the ordinary imagination. The Martin copy is undoubtedly a verbatim reproduction of the original which was destroyed by the burning of Alexander's house in April of 1800.

16. All that is said against the Garden copy published in Garden's *Anecdotes of the Revolution* in 1828, is that it is plainly a revision of the Guilford copy published in the *Charleston Mercury* of July 4, 1828. It happens, however, that the Garden and Martin copies are duplicates except for slight variations such as might well be made by the same copyist in copying from the original, and besides Garden acknowledges as his source of information Dr. William Read (a fellow-citizen of Charleston with Garden) who attended Ephraim Brevard in his last illness in 1777, at the home of John McKnitt Alexander. Neither Garden nor Martin knew of the other's publication until it appeared in print, so there could not have possibly been any comparison of their copies. Hence the only reason that can account for their similarity is that they were both verbatim reproductions of the original, as they were. There is no evidence whatever to the contrary.

17. The various suppositions as to how the certificates might not mean what they say, are aired at considerable length, and particular attention is given to an attempt to demonstrate the unreliability of the papers left by Dr. Joseph McKnitt Alexander who was a son of John McKnitt Alex-

ander. Governor Swain is here brought in again to testify, and he undoubtedly did not attach much importance to the papers; but as Governor Swain said that (without these papers) the documentary evidence was sufficient, it is apparent that the case is complete even without this bit of corroborative evidence. The point raised regarding Dr. Alexander's custom of signing his name to his notes as "J. McKnitt" is of no consequence one way or the other, as he afterwards over his full name accepted the signature as his own.

18. \* \* \* "There was no such person as Richard Harris, Sr." \* \* \* "John Davidson was probably left out because his memory had not been clear." \* \* \* "Captain Jack *could* not have told William S. Alexander all that they certify that he told them Jack said."

These are samples of unsupported and unsupportable statements. Just how any one would go about proving that "there was no such person as Richard Harris, Sr.," presents a subject for speculation, as does also the statement about Captain Jack. As for John Davidson, he was not "left out" but is accredited as one of the signers of the Declaration and his name is inscribed on the Declaration monument in Charlotte. Why should he have been discriminated against because of defective memory when all of the Mecklenburg people are supposed (by the doubters) to have been similarly afflicted?

19. "But the Alexander 'declaration' had now become a reality with, a part of the Presbyterian religion, of, and a test of patriotism with many North Carolinians and reliable evidence, and logical deductions could not throw it down from the pedestal upon which myth-worshipping idolators had placed it."

This is the last stroke and immediately follows the introduction of the celebrated historian, Peter Force, as a witness for the prosecution. No sentence of equal length ever contained more errors. The relation between the faith in the Declaration and the doctrine of predestination is too remote for discussion here, and the reflection on the Presbyterians generally is in part due to the false assumption that all the

inhabitants of Mecklenburg from the earliest times have been Presbyterians. What is there to prove that the inhabitants of Mecklenburg were “myth-worshipping idolators?” To be sure it is a mouth-filling phrase, but it is too far from truth to be passed over in silence. No people in history have been further from fulfilling that description than the ones to whom it is meant to apply. It is much better to let the facts speak for themselves, and the facts with regard to Peter Force prove the doubter a Dædalus again.

December 11, 1841, Colonel Force wrote from Washington to John Vaughan in Philadelphia, a letter in reply to an inquiry as to the Mecklenburg Declaration of Independence. At that time, Colonel Force did not have the complete resolutions of May 31 and was in doubt as to the date of the resolutions, though he had the Davie copy of the Declaration of May 20 as published in the *Raleigh Register*. He refers to the May 20 Declaration as the “manuscript” and his views (as a witness for the prosecution) are especially interesting in declaring that *the resolutions are the more important* even if both are considered authentic. The following is the main part of his letter:

“The manuscript (May 20) does not declare the entire dissolution of the laws, government and Constitution of this country. It applies to Mecklenburg County alone; that county only is declared independent—‘a sovereign and self-governing association’ by itself, separated alike from the Crown and the province, and leaving North Carolina and all the other colonies in subjection to the Crown. The declaration in the printed copy (May 31) is of an entirely different character. It does declare ‘the entire dissolution’ in that the whole country is declared independent. The declaration (May 31) is not for one county of one colony; it is for all the colonies. It is a Declaration of Independence of the United Colonies, and made by men who saw far into the future—whose patriotism was not limited by the boundaries of their own county. At that early day, the men of Mecklenburg marked out the true course to be pursued by the whole continent for a redress of grievances; this was afterwards found to be the only course. When they took their ground, they stood alone—their own province of North

Carolina did not join them. They did not ask their fellow subjects to unite with them in so daring an enterprise without first encountering the peril themselves. They did not wait for others to take the first step—they did not stand at ease until the whole were prepared to advance in line; but they boldly and fearlessly marched out to the front, inviting by their example all the rest to follow. These men were the first to declare that the authority of the King and Parliament over 'their colonies' was annulled and vacated. They were the first to incur the responsibility, whatever it might be, of making such a declaration, and publishing it to the world. If I have succeeded in establishing a single truth, or in removing a single doubt—if I have cleared away one of the many clouds of error, that for twenty years have thrown so much darkness around this brilliant star in our history, I shall be entirely satisfied."

Colonel Force was a native of New Jersey, but lived for the greater part of his life in Washington where he died January 23, 1868. For many years he was among the foremost of writers and historians, and his published works are invaluable. There is no record that he ever visited North Carolina, and he certainly had no cause for partiality, yet from the letter, it might be supposed that he had been one of the leaders among the "myth-worshiping idolators" of the Mecklenburg Presbyterians. Moreover, the long-desired conclusive contemporary record was found among the Moravians who were neither Presbyterians, myth-worshipers nor idolators. No "myth" ever sustained such persistent and bitter opposition as has been for a hundred years directed at the Mecklenburg Declaration of Independence; and the real reason the Declaration grows in favor is not idolatry but that truth that makes doubters and traducers wince: "*Facts are stubborn things.*"

20. With apologies to Disraeli for using some of his words in a certain celebrated saying, it may be said that the concluding paragraph of this latest attack on the Mecklenburg Declaration of Independence, is a spectacular manifestation of the idiosyncrasies of a disputatious carper and historical apostate inebriated with the exuberance of his own verbosity.

The paragraph fulfills the requirements of a maximum of error in a minimum of space.

The doubter claims priority in labeling as a forgery the alleged lost copy of the *Cape Fear Mercury* published by one S. Millington Miller in *Collier's Weekly* for July 11, 1905. *Facts speak louder than words.* July 14, 1905, this humble scribe (who has never yet believed in a myth) declared in a brief letter to the *Charlotte Observer* that the Miller publication was a forgery and entirely indefensible. August 23, 1905, this same humble contributor published in the same *Charlotte Observer* a lengthy communication (based on an investigation made in the meantime in the British Public Record office) which according to an editorial in the *Charlotte Observer* was conclusive. In a letter to this same humble writer August 3, 1905, Miller made this interesting statement: "I can not see why you friends of the Declaration oppose this paper when the public is willing to accept it." Miller could not see that to be a friend of the Declaration is to be a friend of the truth.

December 30, 1905, Miller was interviewed in a Baltimore hotel by Prof. Alexander Graham, Dr. George W. Graham and Mr. R. O. Alexander. This committee had much difficulty in finding Miller and only secured this interview on the strength of an offer of five thousand dollars for the paper if proven genuine. Upon inspection the forgery was self-evident, and it was found to be a reproduction in large part of a document surreptitiously purloined by Miller from the private papers of Dr. Graham while making a "friendly" call some months before. The conclusion of this committee was published in the *Charlotte Observer* of January 1, 1906, and the case was settled. The committee, however, had secured from Miller his written consent to show his paper to S. Worthington Ford, and hence by their courtesy Mr. Ford January 5 saw the paper which otherwise he certainly would



not have seen. Mr. Ford's verdict was published January 12, and later he made himself ridiculous by claiming that he and Mr. A. S. Salley, Jr., had done it all. It is perhaps worthy of notice that all the members of the committee were Mecklenburg Presbyterians and Miller was an Episcopalian. Just what the aforesaid doubter was doing all that time is for him to tell, but whatever it was, it most assuredly had nothing to do with proving the forgery. The fact that this publication was rejected and proven false by the most ardent defenders of the Declaration shows that they were sufficiently sure of their ground to resent any false testimony; and such is the truth. (See "That *Cape Fear Mercury*," by Alexander Graham, 1906.)

The doubter confesses that at one time he was a believer in a myth, which in itself ought to disqualify him from giving expert testimony in a matter of fact. This humble scribe not only never believed in myths but he never had any faith in myth-hunters.

The doubter says that he was convinced of his error by the late Edward McCrady, who was indeed a true historian and who did great service for the history of the great State of South Carolina without finding it necessary to attempt to pull down the history of another State. McCrady, on page 579, volume 1, of the *History of South Carolina in the Revolution*, does not discuss the Declaration but says that the *Resolves* "provided for an independent government." Now if the doubter was open to conviction about May 20, why did he not accept McCrady's view of May 31? The setting up of an independent government is a *de facto* declaration of independence, while the doubter in the foregoing discussion says in direct contradiction of McCrady that the Mecklenburg government "acknowledged allegiance to the Crown."

Thus endeth the evidence for the State—of uncertainty. The doubter might well have taken for his motto for that con-

cluding paragraph "*Ir por lana y volver trasquilado*"—which is Spanish, and being interpreted, means in effect "To go for wool and get shorn."

\* \* \* \* \*

Is there left a "hinge or loop to hang a doubt on?" Where is any reasonable basis for legitimate doubt? Is the negative proof conclusive on either of the points at issue—that there was no meeting May 20, and that the Resolves of May 31 did not declare independence? Have not the allegations failed completely in their own presentation?

For many years the doubters charged that the argument for the Declaration was "manufactured" to support an untenable theory. No charge was ever more capable of complete self-application. No one can truthfully say that any of the following evidence is "manufactured," misrepresented or not authentic, but the opposition seems to have as many lives as the "mythical" cat. Ninety years ago they staked their life on opposition to the Resolves and lost. Likewise they lost in the claim that the Resolves were of no consequence. They clamored for the evidence of eye-witnesses as final proof, and received it in abundance. They demanded contemporary evidence and it was produced. They said North Carolina history did not bear out the independent spirit, though any chapter in it proves the contrary. This unashamed brazenness of the doubters suggests the story of the gourd-vine which ran out beyond the top of a stately palm tree and boasted that in a few days it had grown higher than the palm, to which the latter replied: "Yes, and every year of my century of life, a vain hopeless thing like you has made that same boast only to fade away within a few days and be forgotten."

Driven to the last ditch, the enemy now can only "suppose" that the evidence (that they know to be overwhelming) really referred to May 31 in spite of its specific reference to May 20.

Note.—(This is the whole of the argument of William

Henry Hoyt in his recent book "The Mecklenburg Declaration of Independence," of which no contention is omitted in the foregoing discussion.) This line of reasoning, on which the doubters now found their last hope, if applied to the biblical account of creation, would give us something like this: "The first chapter of Genesis mentions the creation of only one planet; there is nothing in it that can not by skillful imagination be made to describe Mars; we know that Mars was created; therefore the story of the creation of the earth is a myth and Michael Angelo's statue of Moses is a fraud." There is nothing deficient in the reasoning except the omission of all evidence proving the existence of the earth, and the fact that the description not only "might refer" but *does refer* to the earth.

The whole controversy "in a nutshell" is the opinions, deductions and surmises (wholly without evidence) of a few modern "historians" for the negative; and for the affirmative is the specific evidence of men who were present May 20, 1775, and the contemporary records that can not be questioned. Which is the more worthy of credence?

Even without the positive evidence of the action of May 20, 1775, there is not sufficient cause for denial of the document that was accepted as authentic among the people who made it. *With* the documentary evidence (given in the following pages) there is no unbiased jury that could fail to return the verdict claimed by Governor Swain fifty years ago—that the facts as to the Declaration of May 20 are incontrovertible.

#### POSITIVE EVIDENCE.

The proposition is that the people of Mecklenburg County, assembled in Charlotte, May 20, 1775, declared independence of Great Britain. This proposition depends for proof upon testimony of men who were present, and contemporary documents. The corollary to the proposition is that an adjourned

meeting was held May 31 when the formal declaration was extended to apply to the whole country, and rules and regulations were adopted for independent government in the county.

*The proof is conclusive that there were two different declarations made on two different dates in May of 1775.*

This fact is denied by certain disputatious critics who have never been able to agree among themselves even as to their own negative hypotheses or the alleged demonstration of them. On the other hand, there is no difference of opinion on the side of the proposition as above stated, and which is amply proven by documentary evidence of unquestioned authenticity.

The resolutions of May 31, 1775 (printed, and held in tradition as "the Resolves") are admitted as authentic in words and date.

These "Resolves" constitute a declaration of independence, in that the first of them declares: "That all commissions, civil and military, heretofore granted by the crown, to be exercised *in these colonies*, are null and void, *and the constitution of each particular colony wholly suspended.*"

The Resolves were so-called because all of them except the first were concerned with laws for the government of the independent county; and they were never referred to as "the declaration" because the action of May 20 was more formal (though limited) and were concerned almost entirely with declaring independence.

These unquestioned "Resolves" were nevertheless ample justification for any "popular tradition" about a declaration of independence, as their scope was even wider, and there could therefore have been no motive for "manufacturing" another declaration.

The Davie copy, made from memory by John McKnitt Alexander, could not have had any possible reference to the "Resolves" as there are no points of resemblance in either form or words in the two documents.

This radical difference between the documents (except for the first of the Resolves) is evidence that the one was supplementary to the other.

Alexander was undoubtedly familiar with the Resolves (which had been printed) and he would not have "manufactured" a false copy of an original he knew to be in existence.

He could have had no motive for misrepresentation in the Davie copy of 1800, as at that time and for many years afterward there was no question raised as to the authenticity of either of the declarations.

That there was no misrepresentation is proven by the close resemblance of the Davie copy to the Martin copy (direct from the original) obtained before 1800, according to the statement of Martin to Hawks as given in an address by Dr. Hawks in Charlotte in 1857.

The Resolves needed no proof and there was therefore no occasion for mention of them by the witnesses called on to testify as to the Declaration, and who doubtless remembered the Resolves as the subsequent laws that were based on the Declaration, but "*two meetings*" are mentioned.

The Resolves were not mentioned as a declaration in the newspapers and hence the "tradition" referred to the other meeting.

The witnesses necessarily knew the Resolves were in print, and therefore would not have testified to another meeting different in organization and results without certainty that their statements were correct in every detail.

Their description of the two-days' meeting could not apply to the meeting of May 31, which was described in the published account in the *Charleston Gazette* with the words: "*This day* the committee of this county met and passed the following Resolves."

The committee could not have met and adopted all these laws based on a Declaration of Independence in one session

except for the fact that the more formal Declaration with the attendant discussion had been attended to at a previous meeting.

Also the description could not have referred to the meeting of May 31, because the witnesses who remembered with distinctness the principal participants and the various details must have also remembered the document at least well enough to distinguish between the two.

The witnesses testified to the Declaration of Independence with the Davie copy before them and knowing that that was the Declaration under discussion; and if it had not been the one they remembered, they would have had no reason for not saying so.

That the proceedings of May 31 were printed is but natural, as any editor of the time with both documents before him would have chosen the later one as being of the more general interest in that it applied to all the colonies.

The theory of a confusion of the two dates on account of the eleven days change in the calendar in 1752 (ten years before the county was created) is entirely untenable. There was no section of America where such error would be less likely to exist than among the scholars of old Mecklenburg. The theory has not one particle of evidence to sustain it. It is pure presumption. In the thousands of private and public records of those times, there is not another instance of such confusion. In the certificate of Joseph Graham, the Declaration date is given as May 20 and that of the battle of Lexington as April 19, this being conclusive that there could have been no confusion.

The theory as to the defective memories of seven witnesses, all of them defective in exactly the same way, demonstrates its fallacy by an automatic application of *reductio ad absurdum*. Examination of the testimony shows that the details were remembered with distinctness so that there was no dis-

crepancy in the evidence of witnesses who had not consulted together.

Hence we have positive concrete evidence of meetings and declarations on two different days in May of 1775; and there is no positive evidence to the contrary.

The documentary evidence demonstrating these conclusions is here given, and they who desire the fuller details for reference, are referred to "The Mecklenburg Declaration of Independence and its Signers," by Dr. George W. Graham; "The History of Mecklenburg County," by D. A. Tompkins; and "The Mecklenburg Declaration of Independence," (Mora-vian Records) by Miss Adelaide L. Fries.

\* \* \* \* \*

#### THE JOINT CERTIFICATE.

1. The first testimony is the joint certificate (published in the *Raleigh Register*, February 18, 1820) signed by George Graham, William Hutchison, Jones Clark, and Robert Robinson, all of whom were present when the Declaration was made. (For their biographies see the publications above mentioned.) They were prominent men at the time the certificate was made, and no question has ever been raised as to their character and reliability. Their testimony can be impeached only by positive evidence as to their defective memory or fraudulent intent, and either imputation bears its condemnation on its face. They considered the matter carefully and were in such perfect accord in their recollections that they signed the same certificate. No conceivable evidence could be stronger. There is nothing in refutation except surmise, and there is overwhelming evidence in corroboration.

#### CERTIFICATE.

State of North Carolina—Mecklenburg County.

At the request of Col. William Polk, of Raleigh, made to Major-General George Graham, soliciting him to procure all

the information that could be obtained at this late period, of the transactions which took place in the county of Mecklenburg, in the year 1775, as it respected the people of that county having declared Independence; of the time when the Declaration was made; who were the principal movers and leaders, and the members who composed the body of Patriots who made the Declaration, and signed the same.

We, the undersigned citizens of the said county, and of the several ages set forth opposite to each of our names, do certify and on our honor declare, that we were present in the town of Charlotte, in the said county of Mecklenburg, on the 19th day of May, 1775, when two persons elected from each Captain's Company in said county, appeared as Delegates, to take into consideration the state of the country, and to adopt such measures as to them seemed best, to secure their lives, liberty, and property, from the storm which was gathering, and had burst upon their fellow-citizens to the Eastward, by a British Army, under the authority of the British King and Parliament.

The order for the election of Delegates was given by Col. Thomas Polk, the commanding officer of the militia of the county, with a request that their powers should be ample, touching any measure that should be proposed.

We do further certify and declare, that to the best of our recollection and belief, the delegation was complete from every company, and that the meeting took place in the courthouse, about 12 o'clock on the said 19th day of May, 1775, when *Abraham Alexander* was chosen Chairman, and *Dr. Ephraim Brevard* Secretary. That the Delegates continued in session until in the night of that day; that on the 20th they again met, when a committee, under the direction of the Delegates, had formed several resolves, which were read, and which went to declare themselves, and the people of Mecklenburg County, Free and Independent of the King and Parlia-



ment of Great Britain—and that, from that day thenceforth, all allegiance and political relation was absolved between the good people of Mecklenburg and the King of Great Britain; which Declaration was signed by every member of the Delegation, under the shouts and huzzas of a very large assembly of the people of the county, who had come to know the issue of the meeting. We further believe, that the Declaration of Independence was drawn up by the Secretary, Dr. Ephraim Brevard, and that it was conceived and brought about through the instrumentality and popularity of Col. Thomas Polk, Abraham Alexander, John McKnitt Alexander, Adam Alexander, Ephraim Brevard, John Phifer, and Hezekiah Alexander, with some others.

We do further certify and declare, that in a few days after the Delegates adjourned, Captain James Jack, of the town of Charlotte, was engaged to carry the resolves to the President of Congress, and to our Representatives—one copy for each; and that his expenses were paid by a voluntary subscription. And we do know that Capt. Jack executed the trust, and returned with answers, both from the President and our Delegates in Congress, expressive of their entire approbation of the course that had been adopted, recommending a continuance in the same; and that the time would soon be, when the whole Continent would follow our example.

We further certify and declare, that the measures which were adopted at the time before mentioned, had a general influence on the people of this county to unite them in the cause of liberty and the country, at that time; that the same unanimity and patriotism continued unimpaired to the close of the war; and that the resolutions had considerable effect in harmonizing the people in two or three adjoining counties.

That a committee of Safety for the county were elected, who were clothed with civil and military power, and under their authority several disaffected persons in Rowan, and

Tryon (now Lincoln County,) were sent for, examined, and conveyed (after it was satisfactorily proven they were inimical) to Camden, in South Carolina, for safe-keeping.

We do further certify, that the acts passed by the committee of Safety, were received as the Civil Law of the land in many cases, and that Courts of Justice for the decision of controversies between the people were held, and we have no recollection that dissatisfaction existed in any instance with regard to the judgments of said courts.

We are not, at this late period, able to give the names of all the Delegation who formed the Declaration of Independence; but can safely declare as to the following persons being of the number, viz: Thomas Polk, Abraham Alexander, John McKnitt Alexander, Adam Alexander, Ephraim Brevard, John Phiifer, Hezekiah James Balch, Benjamin Patton, Hezekiah Alexander, Richard Barry, William Graham, Matthew M'Clure, Robert Irwin, Zacheus Wilson, Neil Morrison, John Flenniken, John Queary, Ezra Alexander.

In testimony of all and every part herein set forth, we have hereunto set our hands.

GEO. GRAHAM, aged 61, near 62.

WM. HUTCHISON, 68.

JONAS CLARK, 61.

ROB'T. ROBINSON, 68.

#### MORAVIAN CHURCH RECORDS.

2. In the *American Historical Review* for April, 1906, Mr. A. S. Salley, Jr., secretary of the South Carolina Historical Commission and who has made an exhaustive study of the wrong side of the Declaration controversy, said: "If the controversy over the 'Mecklenburg Declaration of Independence' is ever settled, it will have to be done by genuine contemporary documents." This from one of the most indefatigable

of those trying to keep history crooked, voiced the forlorn hope of the hosts of error. They had assured themselves (as they had previously of so many other theories now discredited) that this demand was the one that could not be satisfied and hence was the proper one on which to base their last stand. The demand, however, like all others, was fully met, though the doubters (as was expected) remained of the same opinion still.

“In September, 1904, Mr. O. J. Lehman, of Bethania, N. C., discovered among the Moravian archives at that place” a diary of the Revolution written in German by Traugott Bagge (“The most able man of affairs in Wachovia during the War”) in the years from 1775 to 1783. The various events of the period are given in chronological order, and the “genuine contemporary record of the Declaration is here given in the original and in English:

“Ich kan zu Ende des 1775<sup>sten</sup> Jahres nicht unangemerkt lassen, dass schon im Sommer selbigen Jahres, das ist im May, Juny, oder July, die *County Mecklenburg* in *North Carolina* sich für so frey u. *independent* von England *declarirte*, u. solche Einrichtung zur Verwaltung der Gesetze unter sich machte, als jamalen der *Continental Congress* hernach ins Ganze gethan. Dieser *Congress* aber sahe dieses Verfahren als zu frühzeitig an.” “*I can not leave unmentioned at the end of the 1775th year, that already in the summer of this year, that is in May, June or July, the County of Mecklenburg in North Carolina declared itself free and independent of England, and made such arrangements for the administration of the laws among themselves, as later the Continental Congress made for all. This Congress, however, considered these proceedings premature.*”

The most that critical ingenuity can bring against this “genuine contemporary document” is the unsupported hypothesis that because of the indefinite date, the reference is

not to May 20 but to May 31. The other items in the Bagge diary show the writer to have been not only well informed but uniformly accurate. It is not therefore within the proper bounds of inference to even suggest that perhaps he meant the Resolves when he said "*The County of Mecklenburg declared itself free and independent of England.*" The Resolves were a declaration of independence, but they were not so known at that time and were not so called in the newspapers for the reason that their main purpose was to form laws for the independent government founded on the Declaration of May 20. The Resolves did not declare independence for "The County of Mecklenburg" but for all the colonies, while the Declaration did declare independence for "The County of Mecklenburg." The indefiniteness as to the date is therefore unimportant as without it the "genuine contemporary document" proves that there was a Declaration of Independence in Mecklenburg in 1775 which was not the Resolves of May 31.

That this document is of unquestionable merit and in itself proof of the Declaration, and with the certificates of participants conclusive proof of the date as being May 20, is evidenced by the following competent expert testimony:

\* \* \* \* \*

As merchant, financier, politician, as a sturdy, conscientious man, Traugotte Bagge ranks among the first in the history of the State."—*Miss Fries.*

\* \* \* \* \*

"I have been much interested in the revival of the discussion concerning the Mecklenburg Declaration of Independence, and particularly gratified that through your researches among the Archives of Wachovia you have found records which substantiate the claims made for this important event. *I am thoroughly familiar with the records, particularly of the Colonial and Revolutionary periods, of the Moravians in America, and esteem them, local and general, of the highest historical value.*"—*John W. Jordan, Librarian Historical Society of Pennsylvania in a letter, January 21, 1907, to Miss Fries.*

\* \* \* \* \*

"The discovery of the 'Bagge Manuscript' effectually sets at rest the

question of the Mecklenburg Declaration of Independence, except perhaps in the minds of those who are unwilling to consider the matter in a fair and unbiased light.

"The Wachovia Archives are a series of records made contemporaneous with the events themselves, and form an unbroken history of the leading events of our section, and of the principal events of the State, and even of the country at large from 1753 to the present day. *In no case has the reliability of these archives ever been brought into question.*"—*John H. Clewell, Archivist of Wachovia and President of Salem College. The Academy, Jan., 1907.*

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"I wish to express my enthusiastic appreciation of the extremely interesting piece of historical criticism that you have written. It is certainly most clear and convincing and seems to me to be the final word with regard to the document under examination."—*Waldo G. Leland, Department of Historical Research, Carnegie Institution of Washington, in a letter, May 9, 1906, to Miss Fries.*

#### INFLUENCE OF EXCITING NEWS.

3. Joseph Graham, who was present when the Declaration was made, said "The news of the battle of Lexington, the 19th of April preceding, had arrived," and "There appeared among the people much excitement." This reference (corroborated by Rev. Humphrey Hunter) could not have meant the meeting of May 31 in the proceedings of which there is no indication whatever of excitement; in fact the first of the Resolves (declaring independence for all the colonies) is distinctly dispassionate and shows that that matter had already been settled. On the other hand, the Declaration of May 20 is of such a nature as to fulfill the description aside from the fact that various participants testify as to that date, and specific reference is made to the battle.

The Colonial records (Volume IX) demonstrate conclusively that the news of the battle of Lexington was received in Charlotte on or before the nineteenth of May, and hence it could not have excited the meeting of May 31 (in which there was no excitement.) The complete news of the battle was sent out from New Haven April 24 with instructions for for-

warding it to every committee in the colonies, and this instruction was carried out faithfully. The news was received at Edenton May 4, New Bern May 6, Wilmington May 7 (late), and at Charleston May 13. (It was printed in the *Charleston Gazette* of May 16.) From Edenton May 4 (with the note, "For God's sake forward this in haste") it was forwarded to the western counties in North Carolina, arriving at Halifax May 9, and at Hillsboro May 12. From the latter place the news spread rapidly and it undoubtedly was received in Charlotte within the following seven days, and this would have been on or before the nineteenth of May, as Graham and Hunter positively testify. This is cumulative evidence that there were two meetings.

#### THE MARTIN COPY.

4. The Martin copy of the declaration, accepted as the authentic one, was published in the history of North Carolina, by Francis Xavier Martin, in 1829. Martin was then living in the Louisiana territory where he had gone from North Carolina in 1809, and according to his testimony (which is not open to doubt) all his manuscript was prepared before he left North Carolina and the copy of the declaration was obtained before 1800 before the original records in the possession of John McKnitt Alexander were destroyed. Obviously an incorrect copy would not have existed with the original, and hence the Martin copy must be accepted as genuine and accurate as no evidence has ever been presented to the contrary except the usual theorizing of the doubters—those sad, sad words "it might have been" otherwise. The Martin copy is here given in full, with the names of the signers as agreed upon by the witnesses:

*Resolved*, That whosoever directly or indirectly abets or in any way, form or manner countenances the invasion of our rights, as attempted by the Parliament of Great Britain, is an enemy to his country, to America, and the rights of men.

*Resolved*, That we the citizens of Mecklenburg County do hereby dissolve the political bands which have connected us with the mother country, and absolve ourselves from all allegiance to the British Crown, abjuring all political connection with a nation that has wantonly trampled on our rights and liberties, and inhumanly shed the innocent blood of Americans at Lexington.

*Resolved*, That we do hereby declare ourselves a free and independent people, are, and of right ought to be, a sovereign and self-governing people, under the power of God and the General Congress; to the maintenance of which independence, we solemnly pledge to each other our mutual cooperation, our lives, our fortunes, and our most sacred honor.

*Resolved*, That we hereby ordain and adopt as rules of conduct, all and each of our former laws, and the Crown of Great Britain can not be considered hereafter as holding any rights, privileges or immunities amongst us.

*Resolved*, That all officers, both civil and military, in this county, be entitled to exercise the same powers and authorities as heretofore: That every member of this delegation shall henceforth be a civil officer and exercise the powers of a justice of the peace, issue process, hear and determine controversies according to law, preserve peace, union and harmony, in the county, and use every exertion to spread the love of liberty and of country, until a more general, and better organized system of government be established.

*Resolved*, That a copy of these resolutions be transmitted by express to the President of the Continental Congress assembled in Philadelphia, to be laid before that body.

THOMAS POLK,  
 EPHRAIM BREVARD,  
 HEZEKIAH J. BALCH,  
 JOHN PHIFER,  
 JAMES HARRIS,  
 WILLIAM KENNON,  
 JOHN FORD,  
 RICHARD BARRY,  
 HENRY DOWNS,  
 EZRA ALEXANDER,  
 WILLIAM GRAHAM,  
 JOHN QUEARY,  
 ABRAHAM ALEXANDER,  
 JNO. M'KNITT ALEXANDER,

HEZEKIAH ALEXANDER,  
 ADAM ALEXANDER,  
 CHARLES ALEXANDER,  
 ZACHEUS WILSON, *Sen.*,  
 WAIGHTSTILL AVERY,  
 BENJAMIN PATTON,  
 MATTHEW M'CLURE,  
 NEIL MORRISON,  
 ROBERT IRWIN,  
 JOHN FLENNIKEN,  
 DAVID REESE,  
 RICHARD HARRIS, *Sen.*,  
 JOHN DAVIDSON.

#### DUPLICATE COPIES.

5. The Garden copy corroborates the Martin copy, though they could not have been compared in any way before publi-

cation. The Garden copy was published in Alexander Garden's *Anecdotes of the Revolution* in 1828, and it is identical with the Martin copy; but as the latter was then and had for many years been laid away among Martin's papers, there could not have been any conjunction in the two publications. Garden acknowledges as his source of information Dr. William Read who attended Ephraim Brevard (author of the Declaration) at his last illness in \*1781 at the home of John McKnitt Alexander. There is no reason to doubt that the Garden copy was made from the original papers in the year \*1781, and the identity of this with the Martin copy is conclusive that both of them were direct copies from the original, which fact is strengthened rather than weakened by some very slight and unimportant variations in the two copies. As neither of them has any resemblance in structure or detail to the Resolves, the inference is incontrovertible that they are authentic reproductions of another meeting—that of May 20. There is as much difference in the three printed and one manuscript copy of the Resolves as there is in the copies of the Declaration.

6. Another copy was published in the *Charleston Mercury* of July 4, 1828, which differed only in minor details from the Garden and Martin copies, but as it is not so exact in resemblance, no sound reasoning could claim any collaboration between the producer of it and either Martin or Garden. From the fact, however, that it is in substance the same as the others, it is evident that it must also have been a copy from the original, though a somewhat incorrect one. Garden's *Anecdotes* were published about the same time as the "Guilford" copy, but the manuscript had of course been completed before the publication, and as Garden gave another source for his information, there can be no justification for the claim that the Garden copy was made from the "Guilford" copy.

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\*In the manuscript copy, this date was given 1777. It was changed to 1781 by the author.—Editors.



7. In 1793, Dr. Hugh Williamson, who had announced his purpose to write a history of North Carolina, secured a copy of the Declaration from John McKnitt Alexander, which copy Governor Stokes testifies that he saw in Fayetteville in 1793 in the well-known handwriting of Alexander. This in itself is complete proof and this is completely proven. Governor Swain (editor of the State pamphlet of 1831) said in his letter to George Bancroft, March 18, 1858: "A note on page 5 of the State Pamphlet gives us the assurance of Governor Stokes that in 1793 he saw in the hands of Dr. Williamson, in Fayetteville, a copy of this record, together with a letter from J. McKnitt Alexander in relation to it. *I wrote the note myself* under the direction of Governor Stokes; and though I know he had an exceedingly retentive memory, did not at the time attach much importance to it. I have now before me a letter from Israel Pickens whom I knew familiarly from boyhood \* \* \* represented my native district in Congress \* \* \* first Governor of Alabama \* \* \* died in Cuba after his election to the Senate of the United States \* \* \* I know of no living man whose testimony is entitled to higher consideration than that of Governor Davie, Judge Cameron and Governor Pickens." The letter is then quoted to show that John McKnitt Alexander had many years before told him of sending the copy to Williamson as stated. Williamson did not complete the history as projected (stopping with the year 1771) and his papers were lost. (Judge Cameron had also testified that Alexander told him of the Davie copy in 1800.)

8. The testimony as to the genuineness of the Williamson and other copies is corroborated by John McKnitt Alexander in a statement the authenticity of which is not doubted. Immediately after the burning of his house and the destruction of the original documents in 1800, John McKnitt Alexander made from memory a copy of the declaration for Governor Davie. This copy varies from the Martin copy in some de-

tails but is the same in form and substance, and shows that Alexander was very familiar with the original. It is given in the past tense, but could not have had any possible reference to the Resolves nor have been founded on the national declaration from which it is wholly different except in the common phrases of the time. It must have been the record of an entirely different meeting, and as Alexander also gave the date as May 20, there can be no doubt that it was his recollection of that action; and as the paper is practically the same as the Garden and Martin copies, its accuracy is self-evident. Appended to it in the handwriting of John McKnitt Alexander is this conclusive statement: "It may be worthy of notice here to observe that the foregoing statement, though fundamentally correct, may not literally correspond with the original record of the transactions of said delegation and court of enquiry, as all those records and papers were burnt with the house on April 6, 1809; but previous to that time of 1800, a full copy of said records, at the request of Dr. Hugh Williamson, then of New York, but formerly a representative in Congress from this State, was forwarded to him by Col. William Polk, in order that those early transactions might fill their proper place in a history of this State then writing by said Dr. Williamson, in New York."

From this certificate of Alexander, with the corroborative evidence, there can surely be no doubt that a transcript of the original record was sent to Williamson, and Alexander would certainly not have appealed for corroboration of the Davie copy to a genuine original copy without being sure that he was "fundamentally correct." By this alone is fully proven that there were two declarations, and that the more formal one as given in the various copies mentioned was made May 20, 1775.

John McKnitt Alexander left the record of admitted authenticity that he had furnished copies of the Declaration to

Davie and Williamson. If he had been referring to the Resolves of May 31, he would not have mentioned these "copies" but would have referred to the fact that the Resolves were printed in various newspapers of the time.

9. The Resolves of May 31 (given elsewhere in this discussion) show for themselves that they constitute a declaration of independence, and that they are corroborative of the more formal declaration of May 20. There is no inconsistency to be found in the Resolves as supplementary to the Declaration, and as the two documents are available to all, they are their own argument. The first of the Resolves is invulnerable proof that Mecklenburg patriots declared independence in May of 1775.

#### OTHER CERTIFICATES.

10. Capt. James Jack, December 7, 1819, then living in Georgia, testified "respecting the Declaration of Independence by the people of Mecklenburg County, in May, 1775," that he was present "at the time they were adopted," that he was engaged as "the bearer of the proceedings" to Philadelphia, and he delivered "the Mecklenburg Declaration of Independence of May, 1775, to Richard Caswell and William Hooper, the delegates to Congress from the State of North Carolina. Captain Jack's reliability is unquestioned, as is the fact that he did go to Philadelphia with the proceedings, and there is no proof that he meant something different when he said in plain English that it was "the Mecklenburg Declaration of Independence." He further says that Rev. Francis Cummins was a student in Charlotte and present on the occasion mentioned.

11. Rev. Francis Cummins, a Presbyterian minister in Lexington, Ga., November 10, 1819, testified that he was present when the people of the county met in Charlotte in 1775 and "proclaimed independence on English Govern-

ment"; and that Capt. James Jack "was sent with the account of these proceedings to Congress." The certificates of Jack and Cummins are corroborative, but the authors did not consult together, as Jack suggests Cummins not knowing that his certificate had been made a month before.

11. Joseph Graham, whose biography is available to all and whose reliability is unquestionable, testified October 4, 1830, that he was present "on that occasion"; that he attended two meetings"; that Captain Jack carried a copy of the proceedings to Congress; that the news of the battle of Lexington had arrived; that "the committee appointed to draft the resolutions returned, and Dr. Ephraim Brevard read their report, as near as I can recollect, in the very words we have since seen them several times in print"; and that his statements were "all from personal knowledge." This last statement in connection with the reference to the battle of Lexington, leaves no room for doubt of the plain fact that Graham was testifying to the Declaration of May 20, and to the Davie copy or the Martin or Garden copy, all of which were then in print. The Declaration of May 20 contains an explicit reference to the battle of Lexington, while the Resolves do not refer to it in any way, so this witness could not have been describing the Resolves after having already connected the news of the battle with the meeting. This evidence is therefore conclusive not only of two meetings but of the fact that the formal Declaration as testified to by the witness, was a genuine document and was made on the date he gave—May 20.

12. John Simieson, of Providence in Mecklenburg County, testified January 20, 1820, concerning "our Declaration of Independence," that he was present when it was made, and "likewise heard Colonel Polk have two warm disputes with two men of the county, who said the measures were rash and unnecessary. He was applauded and they silenced. \* \* \* *The courts likewise acted independently.* I myself heard a

dispute take place on the bench, and an acting magistrate was actually taken and sent to prison by an order of the Chairman."

13. Isaac Alexander, October 8, 1830, testified that he "was present in Charlotte on the 19th and 20th days of May, 1775, when a regular deputation from all the Captain's companies \* \* \* met to consult and take measures for the peace and tranquility of the citizens of said county \* \* \* who after due consultation, declared themselves absolved from their allegiance to the King of Great Britain, and drew up a Declaration of their Independence, which was unanimously adopted; and employed Capt. James Jack to carry copies thereof to Congress."

14. Samuel Wilson, of Mecklenburg County, in 1830, testified that he was present when "in May, 1775, a committee or delegation from the different militia companies in this county met in Charlotte, and after consulting together, they publicly declared their independence of Great Britain."

15. John Davidson, October 5, 1830, testified "relative to the Mecklenburg Declaration of Independence" that he "was a member of that Convention"; that he and John McKnitt Alexander were the delegates from his company; that "a motion was made to declare ourselves independent of the Crown of Great Britain, which was carried by a large majority. \* \* \* James Jack was appointed to take it to the American Congress."

16. Rev. Humphrey Hunter, in his autobiography written in 1828, testifies specifically as to the Declaration of Independence of May 20 and the details of the meeting in accord with the foregoing testimony, and says that he was present and was twenty years of age, and he testifies as to the Davie copy being the record of the proceedings. The only thing in opposition to the correctness of the testimony of Hunter and the other witnesses is the unsupported surmise that they

might have been talking about the Resolves of May 31 and have gotten the dates and the facts wrong. This same mistake having (by hypothesis) been made by a dozen persons has been aptly described as "a marvelous involuntary error."

17. In the *Raleigh Register*, April 30, 1819, Dr. Joseph McKnitt Alexander published a detailed account of the proceedings of the convention of May 20, which he certified to as being a copy of the records left by his father John McKnitt Alexander, who had written this account from memory after the destruction by fire of the original papers in 1800. There is no reason to question the statements that John McKnitt Alexander left such a record and that the paper signed by F. McKnitt Alexander was a genuine copy of that record, and this direct testimony of John McKnitt Alexander who had kept the original records for twenty-five years is unimpeachable corroborative evidence. The only thing against it is that surmise as to the "marvelous involuntary error" that John McKnitt Alexander had confused the dates and facts, though why one person (to say nothing of a dozen) should mistake May 31 for May 20 has never been explained. The genuineness of the papers produced by Joseph McKnitt Alexander has been questioned but is accepted by Hoyt in his recent book attacking the authenticity of the Declaration. The copy of the Declaration as given by Joseph McKnitt Alexander is the same as the Davie copy found in Governor Davie's papers in 1820 and which is mentioned in the notes left by John McKnitt Alexander. This statement resulted in the discovery of the Davie papers which confirmed the genuineness of the statement in that the Davie copy made in 1800 was found to be the same in substance as the other copy furnished in the Alexander memory record.

18. *The testimony of Governor Josiah Martin in his official papers is a contemporary record that is final with regard to the Mecklenburg Declaration of Independence.* Here surmises

are of no avail. The authenticity of the documents is undisputed, and it is the privilege of every one to examine them and perceive their meaning. June 25, 1775, Governor Martin addressed his Council at Fort Johnston and referred to "the late most treasonable publication of a Committee in the County of Mecklenburg explicitly renouncing obedience to his Majesty's government and all lawful authority whatsoever." June 30, Governor Martin in a letter to the Earl of Dartmouth, said: "The Resolves of the Committee of Mecklenburg which your Lordship will find in the enclosed newspaper, surpass all the horrid and treasonable publications that the inflammatory spirits of this Continent have yet produced, and your Lordship may depend its Authors and Abettors will not escape my due notice whenever my hands are sufficiently strengthened to attempt the recovery of the lost authority of Government."

This is the contemporary record left by Governor Martin, and the only suspicion against it is that it referred to the Resolves of May 31. When Governor Martin made the above statements, he had before him the Resolves of the general committees of Wilmington of June 20 in which he was described as "an enemy to the happiness of this colony in particular and to the freedom, rights, and privileges of America in general." Is it likely that he would have passed over that personal thrust and have described the dispassionate Mecklenburg Resolves of May 31 as "most treasonable." It is not likely, and the denunciatory words apply with more exactness to the Declaration than to the Resolves, though plainly there are references to both. The Resolves did not "explicitly *renounce* obedience" but state the dissolving as having been already accomplished, while the Declaration says explicitly "we hereby dissolve the political bonds" \* \* \* "and absolve ourselves from all allegiance."

Why did Governor Martin June 25 refer to the "late pub-

lication?" The Resolves were published in the *Charleston Gazette* of June 13, in the *New Bern Gazette* of June 16, and in the *Cape Fear Mercury* of June 23 (?) and doubtless Martin had all these papers, as his connection with New Bern was as friendly as with Wilmington and that with Charleston much more so. Then why did he choose the *Cape Fear Mercury* as best expressing the "most treasonable" publication? There could be no reason except that the *Cape Fear Mercury* had more treason in it than the other papers. Also, the only excuse for saying that the *Cape Fear Mercury* was June 23 instead of June 30 is that if it were the latter, it would indicate that it did contain more treason and hence would account for the difference of Martin's temper June 23 and June 30. These are indications that the *Mercury* contained some reference to the Declaration in addition to the Resolves; but from any standpoint, the Martin documents afford irresistible contemporary evidence of Mecklenburg's "most treasonable" action in May of 1775, and in connection with the other equally reliable evidence, points definitely to the Mecklenburg Declaration of Independence of May 20.

\* \* \* \* \*

For full details of the documents cited in the preceding paragraphs, reference may be had to the publications previously mentioned (and to Moore's *Defense of the Declaration*, 1908,) which give biographies of the witnesses with their certificates and letters in full, with others in corroboration. All of the testimony taken together proves other details of the meetings not here mentioned; the purpose in this argument was to prove that the Resolves of May 31 were in themselves a declaration of independence, and that a more formal declaration was made May 20. The first part of the claim is proven by the document itself in its first resolution, and by the comment on that resolution by Force and others. The second claim has in its support the positive statements of



men who were present, and contemporary documents of unquestioned authenticity. *That there were two meetings in May of 1775, and that the two existing documents are both authentic, are facts proven beyond possibility of controversion.* The positive evidence is not hypothetical. Every item is authentic and undisputed. The negative surmises can not shake them. They are clear, strong, definite, detailed, specific. They demonstrate every claim conclusively, and leave no palliation possible for slurs on the monument that stands in Charlotte commemorative of "this brilliant star in our history." All who reverence history should glory in it. It is not narrow. It is American, and as the Mecklenburg patriots showed their broadness of spirit by "not standing at ease until the whole were prepared to advance in line, but boldly and fearlessly marched out to the front," so every true citizen of the nation for which that example was set, should not try to increase "the clouds of error," but should turn from prejudice and face the truth, and as a true American take pride in the manifestation of that fierce spirit of freedom that could not be held and true to the prophecy of Mecklenburg has realized the ambition of a great and free people. The case is complete, and "this brilliant star" shall continue to shine undimmed by the hazy theories of those unable or unwilling to accept the truth.

## MR. SALLEY'S REPLY.

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The reader is requested to examine the evidence quoted or cited in both of the foregoing papers before accepting the conclusions of either of the writers. Selected quotations from Hawks, Swain, Force, Bancroft, or any one else, should not be accepted as evidence unless the whole article from which a quotation has been taken is read.

The truth-seeking reader will discover a wide difference between the import of the statements of the "seven witnesses of most unexceptional character", and that ascribed to them by Dr. Hawks and Mr. Craven. He will find that a little quotation taken from Mr. Force is turned to account to show that Mr. Force believed in the alleged declaration of May 20th. All of Mr. Force's writings on the subject show that he held only the resolutions of the 31st authentic. Bancroft held the same views. McCrady held the same views, and although Mr. Craven tries to turn a quotation from McCrady against the writer, the writer is satisfied that no impartial reader will agree that there is any inconsistency between what he has written and what McCrady wrote. There are witnesses who will corroborate the writer as to General McCrady's views.

On pages 235 and 236 there are some quotations from letters bearing on Bagge's reminiscences. These must not be misunderstood. Mr. Waldo G. Leland, who has been one of the writer's earnest collaborators on this subject, and to whom I am indebted for several very valuable points and authorities, agrees with me that only the resolutions of May 31st are authentic and that all the evidence is against the alleged declaration of May 20th, and he can not be quoted as favoring it. Mr. Craven could have found some equally apt quotations from the writer's own statements in reference to Miss

Fries's paper. Bagge's reminiscences were not contemporaneous with 1775. They were written in 1783 and critical readers will appreciate the value which I have given them.

Mr. Craven says (205) that the resolutions of the 31st "are not now disputed." He has not carefully read the book by Dr. George W. Graham. He says (211) that so far as is known" it is "not denied" that "the *Cape Fear Mercury* sent by Governor Martin contained the resolutions of May 31." He has evidently not seen the communication of Dr. George W. Graham in *The American Historical Review* for January, 1908. Mr. Craven himself (245-246) tries to create the impression that Governor Martin referred to the alleged declaration of May 20th in some of his contemporaneous records. There is not a scintilla of evidence to show any such thing and Mr. Craven does not offer any.

He tries to make light (208) of the writer's distinction between the use of "committee" and "convention." The writer pointed out that those witnesses who naturally knew the most about affairs of 1775 always said committee but that the fabricated declaration contained the word convention. Critical readers will appreciate the differentiation.

He tries to show that the 31st resolutions are equally as inconsistent with the action of the Provincial Congress in August, 1775, and the proceedings of the county courts, as is with the alleged declaration. The critical reader can pass upon that matter with better judgment than can Mr. Craven.

He tries to create (212) the impression that the court records show that court was still held in the name of the crown after July 4, 1776. No court was held in October, 1776, showing that the national Declaration of Independence put an end to the "crown docket."

He insists that Mecklenburg County was divided into militia companies from its creation in 1762. That is not confirmed by *Wells's Register* for 1775, which contains the mili-

tary establishment of North Carolina. If there was a full regiment in the county why was one organized under the 31st resolutions, and why were the companies directed to "provide themselves with proper Arms and Accoutrements?"

Mr. Craven takes a different view of the 31st resolutions from that held by any previous advocate of the alleged declaration. He claims that those resolutions constituted a declaration of independence and quotes an extract from them (211) to sustain his view. That extract *must* be construed with the whole document. Critical readers will observe the distinctions the writer has drawn.

He wants to know why Joseph McKnitt Alexander did not use the 31st resolutions in his fabrication if such it was. Because he did not have a copy; otherwise he would not have fabricated at all when Representative Davidson called for a copy of the traditional declaration. If he had ever had a copy we may be sure he would have dragged it into the controversy with the same claim Mr. Craven makes—that they were secondary to the declaration and an outgrowth thereof. An opinion that no critical observer not afflicted with Mecklenburgomania will ever accept.

Mr. Craven says (218): "Up to this time, no one had ever questioned the veracity of Francis Xavier Martin." Take a look at Note 2 on pages 32-33 of *Southern Quakers and Slavery* by Stephen B. Weeks, of North Carolina. In a private letter to the writer Dr. Weeks says: "When he did not pervert facts he was careless in the collection of facts and his work is worthless when unsupported." That is confirmed by the work itself. Attention is further invited to the account of Martin by Charles Gayarre, some time United States Senator from Louisiana, in *Fernando de Lemos* (246-249). It is there made evident that Martin was in his dotage when he told Dr. Hawks that he got that copy in Western North Carolina before 1800. Is it not probable that

Dr. Hawks asked him the leading question: "Before 1800"? The writer has shown where he got it. Murphey's correspondence with him is sufficient. Murphey had its prototype and shows that it came from Joseph McKnitt Alexander. Martin's copy contains no signers. Why does Mr. Craven add them to it in his work? Readers are asked not to take Mr. Craven's statement as to John Davidson (220) but to examine the State pamphlet the writer was discussing and see if the name is there given as a "signer."

Mr. Craven denies that Garden's account is the counterpart of Guilford's. Readers are asked to compare them. Mr. Craven states that Garden got his information from Dr. William Read. Garden nowhere says so. Dr. Read did not attend Dr. Ephraim Brevard "in his last illness in 1777", for Dr. Read joined Washington's army in the North in 1776 and served with it as Deputy Surgeon-General until 1780 when he was detached to the South with Gates's army, and Dr. Brevard had no last illness in 1777 for he was at the siege of Charles Town in 1780. Dr. Read told Garden an anecdote about General Lock of North Carolina and of course that makes him authority for the Mecklenburg story that Garden published. Dr. Read was not a "fellow-citizen of Charleston with Garden", but resided on his plantation in Georgetown District about seventy-five miles from Charleston.

As to the writer's part in showing up the fraud of Millington Miller the reader is invited to examine his paper in *The State* (Columbia) of July 30, 1905; Mr. Craven's of August 27, 1905, in the *Charlotte Daily Observer*; Professor Alexander Graham's paper in the same for October 4, 1905; the writer's pamphlet *The True Mecklenburg Declaration of Independence* published in October, 1905, and hundreds of criticisms from all over the United States and see whose work has counted for the most. And if any one has any curiosity to know the inside history of how Millington Miller was forced

to "show-down" the writer is willing to display the private correspondence whereby that result was obtained and he has no fear that any one will agree for a moment that Mr. Craven's efforts, or those of the pompous committee from Charlotte that tried to ridicule a man of Worthington Ford's position in American historical literature, had much to do with bringing that event about. But that matter has nothing to do with this discussion, even if it does show the credulity of a Mecklenburg myth worshipper.

The writer has not the slightest fear that any impartial reader of recognized critical ability will find in his paper *any* "omissions, suppressions and misrepresentations." He is equally confident that critical readers will find his own words not only misconstrued, misrepresented and garbled, but improperly quoted. The effort to make this writer reflect on the Presbyterians generally of North Carolina is a gross misrepresentation. The reader is asked to carefully compare Mr. Craven's excerpts from the writer's paper and his own comments on those excerpts with the paper itself.

The quotation from Disraeli (222) is apt—for a man lacking originality. It is cumulative evidence on what is apparent throughout Mr. Craven's paper: that memorized quotations constitute his chief source of originality. The use of "words, words, words" (203-204) is the second time he has availed himself of that identical argument in controversy with this writer. The injection of such personalities into a discussion of an historical question is unhistorical and unethical, but it has invariably been the favorite method of those who can not rebut the evidence and can not refute the arguments of those who have from time to time contradicted the authenticity of the alleged Declaration of Independence of May 20, 1775.

## MR. CRAVEN'S REJOINDER.

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"A little nonsense now and then is relished by the best of men," and I fully appreciate the concluding paragraph of the foregoing reply. I respectfully plead guilty to the charge of repetition in using the famous quotation, "words, words, words," with regard to certain frequent incursions into the rich field of North Carolina History. My only defense is my inability to find another quotation that is sufficiently accurate and appropriate. As to the further charge of "unhistorical and unethical" conduct in the use of personalities, I demur, and cite the fact that in my lengthy reply to Mr. Salley, his name is mentioned twice, and in his fifteen brief paragraphs replying to my reply my name is mentioned seventeen times.

In paragraph number two of the reply, a personal opinion is expressed as to the views of Force, Bancroft and McCrady, and the statement is made: "There are witnesses who will corroborate the writer as to General McCrady's views." As I gave the "views" themselves, the readers have as much right to opinions as any one else.

Dr. George W. Graham is brought forward to confound my argument, but it happens that Dr. Graham has carefully read all of the preceding discussion and endorses my position.

The "crown docket" is again brought into court with the claim that "the national Declaration of Independence put an end to the crown docket." In this point I have the authority with me, as can be seen by reference to the bottom of page 167 preceding, where Mr. A. S. Salley, Jr., says "and at their July, 1776, term, continued the 'crown docket' to the next term."

"It is there made evident that Martin was in his dotage

.....” This was one of the few friends of the Declaration who had not been declared defective in memory, and in the last days it seems that even he is not to be spared. He told Dr. Hawks that he obtained the copy of the declaration “before 1800”, and the baseless insinuation of “dotage” is of no consequence whatever. Furthermore, the unsupported and unsupportable statement “in a private letter” of Dr. Stephen B. Weeks (who is a near neighbor in my home town) is not sufficient to even raise a question as to the reliability of Francis Xavier Martin.

It is true that Dr. Ephraim Brevard died in 1781 and not in 1777 as stated. At the time of his death, General Gates had his headquarters in Charlotte, and Dr. William Read was with him. Dr. Read attended Dr. Brevard in his last illness at the home of John McKnitt Alexander and there secured the information given later to Alexander Garden.

The “committee from Charlotte” was not “pompous” and made no attempt to ridicule Worthington Ford. The committee’s report was printed January 1 and Mr. Ford’s twelve days later, and hence Mr. Ford ridiculed himself by claiming that he exposed the Miller forgery.

Regarding the reflections on the Presbyterians, this depends upon whether or not it would be considered a compliment to be called a “myth-worshipping idolator”. The writer’s *animus* is also shown by the coinage in the reply of the amorphous word “Mecklenburgomania.” Instead of mania on his part there is simply a paretic condition of an otherwise able mind with regard to May 20, 1775, and incidentally to March 15, 1767. Concerning the real evidence as to facts on these dates he sticks to his contention: “I didn’t see it; therefore it isn’t so”.

In conclusion, I hold these truths to be self-evident:

1. Personal opinions and surmises and hypotheses are not entitled to any consideration in this discussion.



2. The testimony of eye-witnesses is the strongest of all testimony, and there are seven for the Declaration of May 20 and none against.

3. Contemporary evidence is next strongest, and there is such evidence for the Declaration and none against.

4. Corroborative evidence is next in importance and there is an abundance of it for the Declaration; and corroborative evidence is not admissible without previous positive direct evidence of which there is none against the Declaration.

5. The Resolves of May 31, 1775, are undisputed and are their own argument as to whether or not they constitute a Declaration of Independence.

## BIOGRAPHICAL AND GENEALOGICAL MEMORANDA.

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COMPILED AND EDITED BY MRS. E. E. MOFFITT.

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### BRUCE CRAVEN.

A biographical sketch of Professor Bruce Craven appeared in the Booklet for October 1908 with his contribution entitled "The Significance of the Mecklenburg Declaration of Independence." Among his recent writings (besides various newspaper contributions) are the following: The Modern Schoolmaster, in *Educational Foundations of New York* for September; The Value of Words, in *The Boston Journal of Education* for November 12; Testing the Teacher's Efficiency, in *Educational Foundations* for December; Religious Education, in *American Education*, of Albany, for January; and Non-Religious Moral Training, in the *New York School Journal* for January.

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### ALEXANDER SAMUEL SALLEY, JR.

Alexander Samuel Salley, Jr., son of A. M. Salley, was born in Orangeburg County, S. C., June 16, 1871. He was prepared for college at Sheridan's Classical School of Orangeburg, S. C., and afterwards was graduated from the South Carolina Military Academy in 1892. He studied law and in 1889 was admitted to the bar. He is the author of *History of Orangeburg County, S. C., 1704 to 1782*; and compiled and edited *Marriage Notices from the South Carolina Gazette and its Successors, 1732-1801*; *Marriage Notices from the South Carolina Gazette and Country Journal (1765-1775)* and from the *Charlestown Gazette (1778-1780)*. He has also edited the following: *Register of St. Philip's*

Parish, Charlestown, S. C., 1720-1758; Journal of the General Assembly of South Carolina, Mar. 26, 1776-April 11, 1776; Journal of the Grand Council of South Carolina, 1671-1680; Journal of the Grand Council of South Carolina, April 11, 1692-Sept. 26, 1692; and Vols. 1-8, South Carolina Historical and Genealogical Magazine, 1900-1907. He is likewise a frequent contributor of historical, biographical, and bibliographical articles to various publications. He is now Secretary of the South Carolina Historical Commission.

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NOTE.—The Edwards & Broughton Printing Company, Raleigh, N. C., has recently published "Defence of the Mecklenburg Declaration of Independence," by James H. Moore, of Macon, Ga. This scholarly work has been well received by historical critics, and the reviews of it given in leading northern and southern periodicals have been, with but few exceptions, favorable to the author's contention. We hope to secure from Mr. Moore an article, summarizing the evidence in favor of the Mecklenburg Declaration, to be published in the BOOKLET.

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*To the Readers of the North Carolina Booklet:*

It is the intention of the "North Carolina Society Daughters of the Revolution" to give a detailed account of the unveiling of the Bronze Tablet which they caused to be erected in the State Capitol on Oct. 24, 1908. This will appear in a future number or in an extra issue of the BOOKLET.

This tablet represents the first patriotic effort that the Society has made. It commemorates the heroism of the women of the Edenton Tea Party of 1774, "who by their patriotism, zeal, and early protest against unjust taxation by British authority, helped to make this Republic and our Commonwealth possible."

Since the organization in 1896 of the North Carolina Branch of the "General Society Daughters of the Revolu-

tion," its endeavor has been to carry out the tenets of the Constitution, the objects of which are "to perpetuate the patriotic spirit of the men and women who achieved American Independence; to commemorate prominent events connected with the War of the Revolution; to collect, publish and preserve the rolls, records and historic documents relating to that period; and to encourage the study of the country's history."

The first four years of the life of the organization, was given principally to the reading of State history, endorsing patriotic movements in this State and other sister States, and the writing of sketches of the patriots through whom members became lineally eligible to membership.

The requirements were that these sketches should be historically correct, and embodying such traditions as would render them more interesting and acceptable. Many of the members complied with these requirements, and these sketches after being read and approved were deposited with our Librarian, in the archives of this Society.

While continuing in the work of perpetuating the deeds of our ancestors, a wider field was opened, that of erecting memorials, as object lessons to posterity. At a meeting of the Society in December 1900, Mrs. Spier Whitaker, then our wise patriotic and zealous Regent, suggested a *memorial* to the patriotic ladies of the "Edenton Tea Party of Oct. 25, 1774," as an object especially appropriate for a Woman's Society. This suggestion met with the most hearty approval of the members, and a resolution adopted to make this the *first* event for commemoration.

Pertinent to the above, our honored late Regent (1902), Mrs. Daniel Harvey Hill, made the following clear, concise and authoritative statement in a preface to the BOOKLET:

"These stout-hearted women are every way worthy of admiration. On Oct. 25, 1774, seven months before the defiant

farmers of Mecklenburg had been aroused to the point of signing the Declaration of Independence, nearly twenty months before the declaration made by the gentlemen composing the vestry of St. Paul's Church, Edenton, nearly two years before Jefferson penned the immortal National Declaration, these daring women solemnly subscribed to a document affirming that they would use no article taxed by England. Their example fostered in the whole State a determination to die, or be free."

To accomplish this purpose, various schemes were devised for raising the required funds without calling on the public for contributions. It was then decided to publish in convenient form "Sketches of Great Events in North Carolina History" with the twofold object—the one to raise from the yearly subscriptions a fund for this memorial, and the other to place in the hands of the reading public interesting sketches relating to the past history of the State, Colonial and Revolutionary, and that the most painstaking and competent scholars and educators in the State be requested to write the articles.

The enterprise first took form in May, 1901, under the modest title of the "North Carolina Booklet" and continued as a monthly publication for four years, and was changed to a quarterly in 1905, containing three articles instead of one.

The work still continues as a quarterly, "supported by the cordial sympathy and cooperation of many of the best equipped scholars and writers of the State, who have so cheerfully contributed numerous articles, free of cost."

The tablet which now adorns the walls of the Rotunda represents over five hundred dollars, the profits of four years arising from the publication of the BOOKLET, and the profits of one entertainment given by the blind pupils of the State Institution who cheerfully aided with their talents in this patriotic undertaking.

There yet remains in bank a creditable fund, which stands as a nucleus to which subscriptions to the BOOKLET will be added with which to erect other memorials.

There were similar movements to that of the "Tea Party," which history has not recorded. Women in other counties of the State met to declare their determination to stand by principles resisting tyranny, and leading to Independence, which should be commemorated.

In order to do this a larger subscription list to the BOOKLET will become necessary. Therefore we appeal to the patriotic citizenship of the State, to aid the Daughters of the Revolution in a venture that has proved thus far successful.

The eighth volume is well advanced, and the outlook is encouraging. The Editors still continue to admit to its pages such articles of historical investigation as will aid the already awakened spirit of the people, viz, the claim of North Carolina to a high place in the history of the United States.

# INFORMATION

## Concerning *the Patriotic Society*

### "*Daughters of the Revolution*"

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The General Society was founded October 11, 1890,—and organized August 20, 1891,—under the name of "Daughters of the American Revolution"; was incorporated under the laws of the State of New York as an organization national in its work and purpose. Some of the members of this organization becoming dissatisfied with the terms of entrance, withdrew from it and, in 1891, formed under the slightly differing name "Daughters of the Revolution," eligibility to which from the moment of its existence has been *lineal* descent from an ancestor who rendered patriotic service during the War of Independence.

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### "*The North Carolina Society*"

a subdivision of the General Society, was organized in October, 1896, and has continued to promote the purposes of its institution and to observe the Constitution and By-Laws.

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### Membership and Qualifications

Any woman shall be eligible who is above the age of eighteen years, of good character, and a *lineal* descendant of an ancestor who (1) was a signer of the Declaration of Independence, a member of the Continental Congress, Legislature or General Court, of any of the Colonies or States; or (2) rendered civil, military or naval service under the authority of any of the thirteen Colonies, or of the Continental Congress; or (3) by service rendered during the War of the Revolution became liable to the penalty of treason against the government of Great Britain: *Provided*, that such ancestor always remained loyal to the cause of American Independence.

The chief work of the North Carolina Society for the past seven years has been the publication of the "North Carolina Booklet," a quarterly publication on great events in North Carolina history—Colonial and Revolutionary. \$1.00 per year. It will continue to extend its work and to spread the knowledge of its History and Biography in other States.

This Society has its headquarters in Raleigh, N. C., Room 411, Carolina Trust Company Building, 232 Fayetteville Street.

