Vol. XIV JANUARY, 1915 No. 3

The NORTH CAROLINA BOOKLET

"Carolina! Carolina! Heaven's blessings attend her!
While we live we will cherish, protect and defend her"

Published by
THE NORTH CAROLINA SOCIETY
DAUGHTERS OF THE REVOLUTION

The object of THE BOOKLET is to aid in developing and preserving North Carolina History. The proceeds arising from its publication will be devoted to patriotic purposes. EDITOR.

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The North Carolina Booklet

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The Creative Forces in Westward Expansion: Henderson and Boone[1]

By Archibald Henderson.

As focus of the old West, Kentucky has always loomed large in the national imagination as the habitat of the American border hero. Boone and Kenton, Harrod and Clark, Callaway and Logan, lurk vast in the wings of the national theatre, dramatic protagonists magnified to almost superhuman proportions in the mist of a legendary past. About them floats the aureole of traditional romance. Wrought with rude but masterly strength out of the hardships and vicissitudes of pioneer life, the heroic conquest of the wilderness, the mortal struggles of border warfare, this composite figure of Indian fighter, crafty backwoodsman, and crude surveyor has emerged as the type-figure in the romance of the evolution of American character. This model, with its invincible fascination and predominantly heroic attributes, has overshadowed and obscured the less spectacular yet more fecund instrumentalities in the colonization and civilization of the West. To-day, in the clarifying light of contemporary research, illuminating social and economic forces, the creative and formative causes of colonization and expansion, the individual merges into the group; and the isolated effort assumes its true character as merely a single factor in social evolution. We have come to recognize that the man of genius obeys a movement quite as much as he controls it, and even more than he creates it. In the pitiless perspective of historic evolution,

1A paper read at the meeting of the American Historical Association at Charleston, S. C., December 30, 1913. It is reproduced here, with the permission of the editor, from the *American Historical Review*, October, 1914.

the spectacular hero at first sight seems to lessen; but the mass, the movement, the social force which he epitomizes and interprets, gain in impressiveness and dignity.[2]

The hero of the pioneer West, Daniel Boone has played the lofty role of exemplar of the leadership of the *hinterland* movement of the eighteenth century. At the hands of that inaccurate and turgid amanuensis, John Filson, Boone has been apotheosized, in approved Scriptural fashion, as the instrument of Providence, ordained by God to settle the wilderness. Nor was this superstitious delusion confined to Filson. "An over-ruling Providence," says Boone, in speaking of himself, "seems to have watched over his life, and preserved him to be the humble instrument in settling one of the fairest portions of the new world."[3] Fancy has played erratically about this sane and simple figure, envisaging him in countless disguises, from the primitive man returning to nature (after Rousseau) to the genius of modern communism (after Spencer). At the hands of the earlier biographers, Boone has taken on the hue and tone of an unsocial and primitive figure, as unreal as an Indian from the pages of Chateaubriand, perpetually fleeing from civilization in response to the lure of the forest and the irresistible call of the wild. At the hands of later biographers, Boone is fantastically endowed with the creative imagination of the colonizer and the civic genius of a founder of states. In the face of such disparities of romantic distortion, wrought upon the character and role of Boone, the true significance of the westward expansionist movement suffers obscuration and eclipse. Scientifically historic investigation must relegate to the superstitious and the gullible, to the panegyrist and the hero-worshipper, the providential interpretation of our national history.

Meantime, there remains to narrate the just and authentic story of westward expansion, and to project the true picture of Boone as the typical figure of the expert backwoodsman in

2 *Cf.* Henderson, "The Beginnings of American Expansion," *North Carolina Review*, September and October, 1910.

3 Memorial to the Legislature of Kentucky, January 18, 1812.

the westward migration of the peoples. Only thus shall we secure the correct perspective for the social, political, and economic history of the colonization of the West. Such a recital must unmask the forces behind Boone, the chain of social causation, the truly creative forces in the expansionist movement. In such recital, Boone is shorn of none of those remarkable powers as explorer, scout, pathfinder, land-looker, and individual Indian fighter which have given him a secure niche in the hall of national fame. It involves the recognition, nevertheless, that his genius was essentially individual rather than social, unique rather than communistic. In the larger social sense, it involves the further recognition that those of Boone's achievements which had the widest bearing on the future and ultimately effected national results were accomplished through his instrumentality, not in the role of originative genius and constructive colonizer, but in the role of pioneer and way-breaker. Boone's pioneering initiative and his familiarity with Indian temperament found the best field for their most effective display under the guidance of the constructive mind and colonizing genius of Henderson. Boone acted as the agent of men of commercial enterprise and far-seeing political imagination, intent upon an epochal politico-economic project of colonization, promotion, and expansion. Boone may have been the instrument of Providence, as he so piously imagined; but it is inbubitable that he was the agent of commercial enterprise and colonial promotion.

I

The exploration and colonization of the West, with the ultimate consequence of the acquisition of the trans-Alleghany region, was not the divinely appointed work of any single man. In reality, this consummation flowered out of two fundamental impulses in the life of the period, the creative causes of territorial expansion. Intensive analysis reveals the further cardinal fact that it was two racial streams, the one distinguished by unit-characters, individualistic, democratic,

the other corporate in interests, communistic, with aristocratic attributes—their temporary co-ordination and subsequent sharp mutual reaction—which constituted the instrumentalities for the initial steps in the westward expansionist movement. The creative forces which inaugurated the territorial expansion of the American people westward found typical embodiment, the one in a great land company intent upon carving out a new colony, the other in the supreme pioneer and land-looker of his day.

The prime determinative principle of the progressive American civilization of the eighteenth century was the passion for the acquisition of land. After the peace of Aix-la-Chapelle (1748), which left the boundaries of France and England in America unsettled, Céloron de Bienville was despatched in the spring of 1749 to sow broadcast the seeds of empire, the leaden plates symbolic of the asserted sovereignty of France. Through a grant to the Ohio Company, organized in 1748, and composed of a number of the most prominent men of the day in Virginia, England proceeded to take possession without the formal assertion of her claims; and Christopher Gist, summoned from his remote home on the Yadkin in North Carolina, made a thorough reconnaissance of the western region in 1750-1751. Almost simultaneously, the Loyal Land Company of Virginia received a royal grant of eight hundred thousand acres, and in the spring of 1750 despatched Thomas Walker westward upon his now well-known tour of exploration.[4] The vast extent of uninhabited transmontane lands, of fabled beauty, richness, and fertility, excited dreams of grandiose possibilities in the minds of English and colonials alike. England was said to be "New Land mad, and everybody there has his eye fixed on this country."[5] To Franklin and Washington, to the Lees and Patrick Henry, to Lyman and Clark, the West loomed large as the promised land—for settlement, for trade, for occupation—to men brave

4 J. S. Johnston, *First Explorations of Kentucky* (Filson Club Publications).

5 Johnson MSS., XII., No. 127.

enough to risk their all in its acquisition. The royal proclamation of 1763 gave a new impetus to the colonizing spirit, dormant during the early years of the war, and marks the true beginning of Western colonization. The feeling of the period was succinctly interpreted by Washington, who, in describing the "rising empire" beyond the Alleghanies, denominates it "a tract of country which is unfolding to our view the advantages of which are too great and too obvious, I should think, to become the subject of serious debate, but which, through ill-timed parsimony and supineness, may be wrested from us and conducted through other channels."[6]

The second determinative impulse of the pioneer civilization was *Wanderlust*—the passionately inquisitive instinct of the hunter, the traveler, the explorer. A secondary object of the proclamation of 1763, according to Edmund Burke, was the limitation of the colonies on the West, as "the charters of many of our old colonies give them, with few exceptions, no bounds to the westward but the South Sea."[7] The Long Hunters, taking their lives in their hands, fared boldly forth to a fabled hunters' paradise in the far-away wilderness, because they were driven by the irresistible desire of a Ponce de Leon or a De Soto, a Stanley or a Peary, to discover the truth about the undiscovered lands beyond the mountains. The hunter was not only thrilled with the passion of the chase in a veritable paradise of game: he was intent upon collecting the furs and skins of wild animals for lucrative barter and sale in the centres of trade. Quick to make "tomahawk claims" and assert "corn rights," the pioneer spied out the rich virgin lands for future location, there to be free from the vexatious insistence of the tax-gatherer. "The people at the back part of those [North Carolina and Virginia] and the neighboring colonies," writes Dunmore to Hillsborough as late as 1772, "finding that grants are not to be obtained, do seat themselves without any formalities wherever they like

6 *Cf.* Hulbert, *Washington and the West.*

7 *Annual Register*, 1763, p. 20.

best."[8] To exploit the land for his individual advantage, eventually to convert the wilderness to the inevitable uses and purposes of civilization: such was the mission of the pioneer. Acting-Governor Nelson, of Virginia, referring in 1770 to the frontier settlements, significantly remarks: "Very little if any Quit Rents have been received for his majesty's use from that Quarter for some time past; for they [the settlers] say, that as His Majesty hath been pleased to withdraw his protection from them since 1763, they think themselves bound not to pay Quit Rents."[9] The axe and the surveyor's chain, along with the rifle and the hunting-knife, constituted the armorial bearings of the pioneer. Again, with individual as with corporation, with explorer as with landlord, land-hunger was the master impulse of the era.

In a little hamlet in North Carolina in the middle years of the eighteenth century, these two determinative principles, the acquisitive and the inquisitive instincts, found a conjunction which may justly be termed prophetic. Here occurred the meeting of two streams of racial tendency. The exploratory passion of the pioneer, given directive force in the interest of commercial enterprise, prepared the way for the westward migration of the peoples. That irresistible Southern migration, which preceded and presaged the greater wandering of the peoples across the Alleghanies a quarter of a century later, brought a horde of pioneer settlers from the more thickly populated sections of Pennsylvania, and a group of gentlemen planters from the Old Dominion of Virginia, to the frontier colony of North Carolina—famed afar for her fertile farm lands, alluvial river bottoms, and rich hunting grounds. The migratory horde from Pennsylvania found ultimate lodgment for certain of its number in the frontier county of Rowan; the stream of gentlemen planters from

8 "State Paper Office, America, Vol. 192, No. 7," is the reference attached to the transcript in the Virginia State Library, Aspinwall Collection, pp. 77-81. Presumably the modern reference to the original is, Public Record Office, C. O. 5: 989.

9 Nelson to Hillsborough, October 18, 1770. Bancroft Transcripts, Library of Congress.

Virginia came to rest in the more settled regions of Orange and Granville. From these two racial and social elements stem the fecund creative forces in westward expansion.[10]

II

In the first half of the eighteenth century, Pennsylvania felt the impetus of civilization from the throngs of immigrants who flocked into the Neshaminy Valley, the Cumberland Valley, eastward to the Delaware, up the river to the Lehigh, and into the twilight zone of uncertain title towards Maryland. "These bold and indigent strangers," says Logan, Penn's agent, in 1724, "gave as their excuse when challenged for titles that we had solicited for colonists and they had come accordingly."[11] Aside from these bold squatters, who asserted that "it was against the laws of God and nature that so much land should be idle while so many christians wanted it to work on and to raise their bread," came innumerable *bona fide* purchasers of land, fleeing from the traditional bonds of caste and aristocracy in England and Europe, from religious persecution and favoritism, to a haven of refuge, where they received guarantees of full tolerance in religious faith and the benefits of representative self-government. From East Devonshire in England came George, the grandfather of Daniel Boone, and from Wales came Edward Morgan, whose daughter Sarah married Squire, Daniel Boone's father—conspicuous representatives of the Society of Friends, drawn thither by the representations of the great Quaker, William

10 In the history of this epochal movement there is one of the most singular of *lacunae*—a gap almost unprecedented in a period of American life so industriously studied. Close scrutiny of the Draper Collection, generally presumed to be the court of last resort for the career of Boone, as well as of Draper's correspondence, reveals the significant fact that the voluminous records of Rowan, where Boone lived for a quarter of a century prior to his removal to Kentucky, eluded the watchful eye, if not the curiosity, of the indefatigable Draper. An intensive study of these county records, the Draper MSS., the Henderson, Burton, Hogg, Hart, and Benton papers, taken in conjunction with a wider research into the careers of Daniel Boone and Richard Henderson, made by the writer, effects a new distribution of perspective and affords a rational *expose* of the early expansionist movement.

11 Hanna, *Scotch-Irish*, II. 60, 63.

Penn, with his advanced views on popular government and religious toleration.[12] Hither, too, came Morgan Bryan from Ireland, where he had gone from Denmark, settling in Chester County prior to 1719; and his children, William, James, and Morgan, the brothers-in-law of Daniel Boone, were intimately concerned in the subsequent westward migration.[13] In 1720 the vanguard of that great army of Ulster Scots, with their stern, rugged qualities of aggressive self-reliance, appeared in Pennsylvania. In September, 1734, Michael Finley, from County Armagh, Ireland, presumably accompanied by his brother Archibald, landed in Philadelphia; and this Archibald Finley, a settler in Bucks County, according to the best authorities, was the father of John Finley or Findley or Findlay, Boone's guide and companion in his famous exploration of Kentucky in 1769-1771.[14] Hither, too, came Mordecai Lincoln, great-grandson of Samuel Lincoln, who had emigrated from England to Hingham, Massachusetts, as early as 1637; and this Mordecai, who in 1720 settled in Chester County, Pennsylvania, was the father of Sarah Lincoln, who married William Boone, and of Abraham Lincoln, who married Anne Boone, William's first cousin.[15] Early

12 George Boone, with his wife, emigrated to Pennsylvania in 1717; and his son George, on his arrival, produced a certificate from Bradnich meeting in Devonshire. Edward Morgan was a member of Gwynedd monthly meeting. *Cf.* Original Minutes of Abington and Gwynedd Monthly Meetings, Pa.

13 *Cf. Bryan's Station* (Filson Club Publications, No. 12); also W. S. Ely, *The American Ararat* (Publications of the Bucks County, Pa., Historical Society); MS. History of the Bryan Family, owned by Col. W. L. Bryan, Boone, N. C.

14 Ely, *The Finleys of Bucks* (Publications of the Bucks County, Pa., Historical Society); also Ely, "Historic Associations of Neshaminy Valley," *Daily Intelligencer* (Reading, Pa.), July 29, 1913. While Archibald, the father, spelled the surname Finley, it appears from an autograph in the possession of the Wisconsin State Historical Society (Draper MSS., 2 B 161), that the explorer spelled it Findlay.

15 Mordecai Lincoln was the great-great-grandfather of President Lincoln. There was another connection between the Boone and Lincoln families: Mary Lincoln, daughter of Abraham Lincoln (1736-1806) and Anne Boone Lincoln, married a Joseph Boone. For data concerning the Boone and Lincoln families, I am indebted to Mr. Andrew Shaaber, the librarian of the Historical Society of Berks County, Pa. *Cf.*, also, *The Early Life of Abraham Lincoln*, by Tarbell and Davis.

settlers in Pennsylvania were members of the Hanks family, one of the descendants being Abraham Hanks, grandfather of the Abraham Hanks of Prince William County, Virginia, who accompanied William Calk on his journey with Richard Henderson over Boone's trail in 1775.[16]

The rising scale of prices for Pennsylvania lands, changing from ten pounds per hundred acres and two shillings quit-rents in 1719 to fifteen and a half pounds per hundred acres with a quit-rent of a half-penny per acre in 1732, soon turned the eyes of the settlers southward in the direction of new and cheaper lands, the prices for which decreased in inverse ratio to their distance from Pennsylvania. In Maryland, in 1738, lands were offered at five pounds sterling per hundred acres. Simultaneously, in the valley of Virginia, free grants of a thousand acres per family were being made; and in the Piedmont region of North Carolina, the proprietary of Lord Granville through his agents was disposing of the most desirable lands to settlers at the rate of three shillings proclamation money for six hundred and forty acres, the unit of land division, and was also making large free grants on the condition of seating a certain proportion of settlers. The rich lure of these cheap and even free lands set up a vast migration southward from Pennsylvania in the second quarter of the eighteenth century. In 1734 the Bryans migrated to Virginia, obtaining a grant near Winchester, whence they removed to the Forks of the Yadkin in North Carolina about 1750.[17] In 1750 the Boones, soon followed by the Hanks and Lincoln families, migrated southward to Virginia; and shortly afterwards, Squire Boone, Sr., with his family, settled at the Forks of the Yadkin in Rowan County. From 1740 there was a ceaseless tide of immigration into the valley of the Yadkin, of the Scotch-Irish and Quakers from Pennsylvania. In a letter to the Secretary of the Board of Trade

16 The original manuscript diary of William Calk is now in the possession of one of his descendants, who permitted me to examine it. William Calk's companion, Abraham Hanks, was the maternal grandfather of President Lincoln.

17 Kercheval, *History of the Valley of Virginia.*

from Edenton, North Carolina (Feb. 15, 1750-1), Governor Gabriel Johnston says, "Inhabitants flock in here daily, mostly from Pensilvania and other parts of America, who are overstocked with people and some directly from Europe, they commonly seat themselves towards the West and have got near the mountains." Writing from the same town on September 12, 1752, Bishop Spangenburg, of the Moravian Church, says that a considerable number of the inhabitants of North Carolina have settled here "as they wished to own land and were too poor to buy in Pennsylvania or New Jersey"; and in 1753 he observes that "even in this year more than 400 families with horse wagons and cattle have migrated to this State. . . . "[18] The immensity of this mobile, drifting mass is demonstrated by the statement of Governor William Tryon that in the summer and winter of 1765 "upwards of one thousand wagons passed thro' Salisbury with families from the northward, to settle in this province chiefly."

This southward-moving wave of migration, predominantly Scotch-Irish and English, with an admixture of a Welsh element, starting from Pennsylvania in the first quarter of the eighteenth century, swept through Maryland, and in the middle years of the century inundated the valley of Virginia and the Piedmont region of North Carolina. About Salisbury, the county seat of Rowan, now rapidly formed a settlement of people marked by strong individuality, sturdy independence, and virile self-reliance. The immigrants, following the course of the Great Trading Path, did not stop at Salisbury, but radiated thence in all directions. The Morgans, Quakers and Baptists, remained in Pennsylvania, spreading over Philadelphia and Bucks counties; the Hanks and Lincoln stocks found refuge in Virginia; but the Boones and the Bryans founded their settlement at the Forks of the Yadkin. A few miles distant was the tiny hamlet of Salisbury, consisting of seven or eight log houses and the courthouse

18 For these several statements, *cf. N. C. Col. Rec.*, IV. 1073, 1312; VII. 249.

(1755).[19] The Boones and the Bryans, quickly accommodating themselves to frontier conditions much ruder and more primitive than those of their Pennsylvania home, immediately began to take an active part in the local affairs of the county.[20] The Boones quickly transferred their allegiance from the Society of Friends to the Baptist Church, worshipping at the Boone's Ford Church on the Davie side of the Yadkin; the Bryans, on the other hand, moved perhaps by the eloquence of the gentle Asbury, who often visited them, adopted Methodist principles.[21] In this region, infested with Cherokee and Catawba Indians, Captain Anthony Hampton with his company of rangers actively patrolled the frontier; and Daniel Boone won his spurs as a soldier under the sagacious Indian fighter, commander of Fort Dobbs, Hugh Waddell.[22] Through the wilderness to the westward, across the mountains, and into the valley of the Holston, the nomadic Boone roamed at will, spying out the land, and hunting and trapping to his heart's content. In such an environment was bred the Pennsylvanian, Daniel Boone, of Quaker stock, with Baptist proclivities. Humble in origin, but strongly marked in his individual democracy, Boone learned the stern frontier lessons of frugality, self-repression, and self-reliance. Here he tasted the sweets of freedom and developed the roving instinct which later marked him out as the supreme pioneer of his time. Chafing under the hampering restrictions of com-

19 *N. C. Col. Rec.*, V. 355 *et seq.*

20 Squire Boone, shortly after his arrival in the neighborhood, was chosen justice of the peace; and Morgan Bryan was soon appearing as foreman of juries and director in road improvements in the county.

21 Says the Rev. Francis Asbury in his *Journal*, in speaking of his frontier congregations: "In every place the congregations were large, and received the word with all readiness of mind. I know not that I have spent such a week since I came to America. I saw everywhere such a simplicity in the people, with such a vehement thirst after the word of God, that I frequently preached and continued in prayer till I was hardly able to stand" (I. 174). *Cf.* also Sheets, *History of Liberty Baptist Association*, and J. T. Alderman, *The Baptists at the Forks of the Yadkin* (Baptist Historical Papers.)

22 Archibald D. Murphey, "Indian Nations of North Carolina," MSS. Collections, N. C. Historical Commission. *Cf.* also Alfred Moore Waddell, *A Colonial Officer and his Times;* and Draper's manuscript Life of Boone.

munity life and realizing himself to be unsuited to the monotonous routine of farming, he was irresistibly impelled by his own nomadic temperament to seek the wider liberty of the wilderness. It is measurably more than surmise to say that he sought wider fields in the vague hope of enjoying there a larger degree of individual freedom under the impulse of pioneer democracy. Virginia and Pennsylvania contributed liberally to the formation of the national character in the cradle of the West. At this precise moment in history was to emerge, out of North Carolina, after a sojourn of a quarter of a century, the incarnation of the individual democracy which afterwards was to exert such a profound effect upon the development of American civilization, and to produce in time an Andrew Jackson and an Abraham Lincoln.[23]

III

Simultaneous with the streaming of the peasant Quakers and Scotch-Irish Presbyterians into the Piedmont region of North Carolina,[24] having as consequence the gradual evolution of the embryonic forms of pioneer American democracy, was proceeding another movement into the counties of Orange and Granville, of families of quality and superior position, destined to exert in equally distinctive ways an ineffaceable impress upon the development of the West. In the middle years of the eighteenth century, attracted by the lure of rich and cheap lands, many families of Virginia gentry, principally from Hanover County, settled in the region ranging from Williamsborough on the east to Hillsborough on the west. Hither came the Hendersons, the Bullocks, the Wil-

23 *Cf.* Turner, "The Significance of the Frontier in American History," *Annual Report* of the American Historical Association, 1893. In this same frontier environment which shaped the Boones and the Bryans, was born a few years later Andrew Jackson; and Mr. William Jennings Bryan is descended from a brother of the Bryan whose daughter was married to Daniel Boone.

24 S. B. Weeks, *Southern Quakers and Slavery;* also *William and Mary College Quarterly,* XII. 129-134; Henderson, *Life and Times of Richard Henderson; Biographical Hist. of N. C.*

liamses, the Harts, the Lewises, the Taylors, the Bentons, the Penns, the Burtons, the Hares, and the Sneeds.[25] There soon arose in this section of the colony a society marked by intellectual distinction, social graces, and the leisured dignity of the landlord and the large planter. Here was forming a new society, constituting the social link between the wealthy and predominant asistocracy in the East and the rude frontier democracy in the West. A similar type of society, that of Piedmont Virginia, produced such champions of the new democracy as Jefferson and Patrick Henry—a society composite of independent yeomen and their leaders, the large planters. It was sharply differentiated from the colonial society of the coast, being inherently democratic in instinct and aristocratic in tone. "Never scarcely in England have I seen more beautiful prospects," writes James Iredell in testimony of the beauty of the lands of Granville,[26] and its richness and productivity as agricultural and grazing land were demonstrated by the yield of great crops of Indian corn and other grain, and the vast droves of cattle and hogs. So conspicuous for means, intellect, culture, and refinement were the people of this social group—a people with "abundance of wealth and leisure for enjoyment," says the quaint old diarist, Hugh McAden[27]—that Governor Josiah Martin, passing through Granville and Bute counties on his way from Hillsborough in 1772, significantly remarks: "They have great pre-eminence, as well with respect to soil and cultivation, as to the manners and condition of the inhabitants, in which last respect the difference is so great that one would be led to think

25 W. H. Battle, "Memoir of Chief Justice Leonard Henderson," *N. C. Univ. Mag.*, November, 1859; T. B. Kingsbury, "Chief Justice Leonard Henderson," *Wake Forest Student*, November, 1898; R. W. Winston, "Leonard Henderson," Frank Nash, "Hillsborough, Colonial and Revolutionary," Nash, "History of Orange County," *N. C. Booklet.* The author has also had the privilege of examining the valuable collection of Hart-Benton MSS., kindly placed at his disposal by Miss Lucretia Hart Clay, of Lexington, Ky.

26 McRee, *Life and Correspondence of James Iredell*, I, 434.

27 Foote, *Sketches of N. C.*

them people of another region."[28] From this society came such eminent democratic figures as the father-in-law and preceptor of Henry Clay, Thomas Hart; his grandson, the "Old Bullion" and "Great Pacificator" of a later era, Thomas Hart Benton; Richard Henderson, president of the colony of Transylvania, known to his contemporaries as the "Patrick Henry of North Carolina"; John Penn, signer of the Declaration of Independence; William Kennon, eloquent advocate of the Mecklenburg Resolves of May 31, 1775; and others almost equally distinguished. Like the society of the Virginia Piedmont, it was, to employ the words of Turner, "a society naturally expansive, seeing its opportunity to deal in unoccupied lands along the frontier which continually moved toward the West, and in this era of the eighteenth century dominated by the democratic ideals of pioneers rather than by the aristocratic tendencies of slave-holding planters."[29] From the cross-fertilization of this society of gentry, of innate qualities of leadership, democratic instincts, economic cast, and expansive tendencies, with the primitive, pioneer society of the frontier, frugal in taste, responsive to leadership, ready and thorough in execution, there was evolved the militant expansive movement in American life. Out of the ancient breeding-ground of North Carolina, from the co-operative union of transplanted Pennsylvania and Virginia stocks, came at the same moment the spirit of governmental control with popular liberty, and the spirit of individual colonization, restive under control. In the initial co-ordination of these two instincts, with the subsequent triumph of the latter over the former, is told the story of the beginning of American expansion.[30]

Soon after his arrival in Rowan, Squire Boone, Sr., resid-

28 *N. C. Col. Rec.*, IX. 349. Martin comments: "These advantages arise I conceive from the vicinity of Virginia, from whence I understand many, invited by the superior excellence of the soil, have imigrated to settle in these counties."

29 Turner, "The Old West," Wis. Hist. Soc. *Proc.*, 1903.

30 See Henderson, "The Pioneer Contributions of North Carolina to Kentucky," *Charlotte Observer*, November 10, 1913.

ing at the Forks of the Yadkin some twelve miles from Salisbury, was chosen as one of the worshipful justices of the county court. From the earliest sessions of the court, three years before the erection of a court-house, he acted in this capacity, deciding the many simple questions arising under frontier conditions: registering the branding marks for cattle; selecting constables and road-overseers, and their routes; determining the scale of prices of foods and liquors for the licensed hostelries; and the like. By the end of 1756 he was presiding in the new courthouse—a frame-work structure, thirty feet long and twenty feet wide, provided with an oval bar and "cases" for the attorneys. One of the attorneys who occupied one of these "cases" and argued suits before Squire Boone was a young man of Granville County, whose geniality had won him many friends and whose ability had won him a large legal practice.[31] "Even in the superior courts where oratory and eloquence are as brilliant and powerful as in Westminster-hall," says an English acquaintance of Henderson's, "he soon became distinguished and eminent, and his superior genius shone forth with great splendour, and universal applause." Wedded to the daughter of an Irish lord,[32] and moving in the refined circle which included a Richard Bennehan, an Alexander Martin, a John Penn, a William Hooper, and their compeers, he was nevertheless conspicuously democratic by conviction and in practice. His law partner, who married the widow of Lord Keeling, was John Williams—a stout exponent of the principles of democracy. Among his intimate friends was that "aristocrat in temperament, but democrat in politics," Thomas Hart, whom an acquaintance, Dr. J. F. D. Smyth, described as "an accomplished and complete gentleman." Henderson was well acquainted with Squire Boone, frequently appearing on legal business before

31 The earliest court records of Granville County show that he and his first cousin, John Williams, enjoyed the most extensive practice in the court.

32 Kingsbury, "Chief Justice Leonard Henderson," *loc. cit.*

him; and likewise formed the acquaintance of his son, Daniel, the nomadic spirit, hunter, and trapper, who occasionally told him bizarre and startling tales of his wanderings across the dark green mountains to the fair valleys and boundless hunting grounds beyond. These stories of Western explorations Henderson heard from the lips of Daniel Boone himself, who was eager to remove to the West at the first convenient opportunity.[33]

Daniel Boone was an explorer of remarkable individual initiative. Prior to 1769 he had already traveled as far as Florida on the south and as far as Kentucky on the west. During the period from 1763 to 1769, doubtless through his long extended absences and his enforced neglect of affairs at home, he became deeply involved financially. His nomadic instincts, with the consequent neglect of the work on his farm, seem to have prejudiced even his father against him. The heavy indebtedness which he incurred—indeed the entire career of the simple-hearted pioneer demonstrates his constitutional carelessness in business and financial transactions—involved him in suits instituted against him by some of the most prominent citizens of Salisbury—John Lewis Beard, the philanthropist and devout churchman; Dr. Anthony Newnan, the active Whig; Hugh Montgomery, the wealthy landlord of Wilkes; John Mitchell, and others.[34] In this hour of his poverty and distress, Boone turned to his friends, the law partners, Henderson and Williams. "A person so just and upright" as Boone could have become involved in such financial difficulties only through a certain naive indifference to the forms of law and heedless neglect of customary business precaution. In reference to this gloomy period in Boone's career, Thomas Hart wrote his brother Nathaniel in 1780: "I have known Boone in times of old, when poverty and distress had him fast by the hand; and in

33 Draper's MS. Life of Boone.

34 Court records.

these wretched circumstances I have ever found him of a noble and generous soul, despising everything mean."[35]

In the earlier years of Boone's residence in Rowan, at some time prior to 1763, Richard Henderson first formed the acquaintance of Boone. The fact of cardinal importance is that he knew Boone in a two-fold capacity—not only as hunter, trapper, and explorer, but also as surveyor and road-maker. Not without distinct historic significance was it that in the year 1763, and so, at the same time with England's futile proclaimed estoppel of purchase of lands from the Indians by individuals or corporations without crown grants,[36] Richard Henderson one day arose from his "case" in the tiny courthouse of Rowan, and facing the "oval bar" which supported the elevated bench from which Squire Boone, as one of the "worshipful justices," had for a decade dispensed rude justice, moved the following:

It is ordered that a Waggon Road, the best and nearest, be built from the Shallow Ford upon the Yadkin River to the Town of Salisbury, and the following persons are appointed to lay off and mark the same, to wit, Daniel Boone, Morgan Bryan, Samuel Bryan, and James Bryan . . . and accordingly they appear upon Notice and be qualified before the nearest Magistrate for their Faithful discharge of their office, etc.

When the time was ripe for the defiance of the edict of crown governors against purchases from the Indians without

35 Morehead's *Address*, at Boonesborough (1840), p. 105, note.

36 The royal proclamation of October 7, 1763, avowed it to be His Majesty's "fixed determination to permit no grants of lands nor any settlements to be made within certain fixed Bounds . . . leaving all that territory within it free for the hunting grounds of those Indian subjects of your majesty." Text in *Michigan Pioneer and Historical Collections*, XXXVI. 14-19 (1908). In his elaborate papers on the subject of British Western policy, Professor C. W. Alvord, however, successfully maintains that the royal proclamation of 1763 did not set permanent western limits to the colonies, and that it was the intention of the Board of Trade to promote westward expansion by the peaceful purchase from time to time, under royal authority, of land situated in the Indian reservation. *Cf.* "The Genesis of the Proclamation of 1763," *Michigan Pioneer and Historical Collections*, Vol. XXXVI.; "The British Ministry and the Treaty of Fort Stanwix," Wisconsin Historical Society *Proceedings*, 1908.

royal grants, upon the basis of the royal proclamation of 1763, it was but natural that Henderson should engage as the man best fitted to spy out the wilderness of Kentucky and later to cut out a passage thereto through the dense and tangled laurel thickets—a passage far-famed in history as the Wilderness Road—his friend "Dan Boone," as he familiarly called him, whom he had known for many years as a most competent scout and expert road-cutter in the frontier county of Rowan.

IV

The designs which Henderson and his associates cherished for the acquisition of Western lands found early expression in some form of organization. After the proclamation of 1763, which assured the lands at least temporarily to the Indians, these men realized that these lands must eventually be thrown open to colonization.[37] They accordingly organized themselves into some sort of company, for the purpose of engaging an expert scout and surveyor to spy out the Western lands, and later to examine into the feasibility of making a purchase ultimately from the Indians. Their original intention, indubitably, was to colonize the territory thus to be acquired. But when the clouds of war finally gathered and a clash with Great Britain loomed threatening and imminent on the horizon, their original plan of extensive colonization inevitably assumed momentous political consequences; and in the event they endeavored to found a fourteenth American colony in the heart of the Western wilderness.

This company, so far as known, has left no documentary record of its activities in the earlier stages of its existence.

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37 The chief object of the proclamation of 1763 was to allay the alarm of the Indians; and in pursuance of this idea the colonists were positively prohibited from making settlements on the Indian lands. Nevertheless the roving bands of determined settlers along the Indian border rendered the situation critical. In the very preamble of the proclamation, the Lords of Trade describe the sovereign as "being desirous that all Our loving subjects, as well of Our Kingdom as of Our Colonies in America, may avail themselves with all convenient Speed, of the great Benefits and Advantages which must accrue therefrom, etc." The veiled intent of the Board of Trade, it would appear, was to control, not to prevent, expansion westward.

All the evidence points to the fact that it consisted of three partners only: Richard Henderson, Thomas Hart, and John Williams. The organization first bore the name of "Richard Henderson and Company." Some years later, after the plans for colonization had passed the stage of preliminary investigation, new partners were successively added. The name of the organization, "Richard Henderson and Company," was altered, first to the "Louisa Company," and then to the "Transylvania Company."[38]

The first exploration which Daniel Boone ever made on behalf of Richard Henderson and Company was in the year following the royal proclamation of 1763. The partners evidently anticipated Washington in the realization that the proclamation was only a temporary expedient to quiet the minds of the Indians. Boone was vastly impressed by the Western territory as a field for settlement, and was eager on his own account to move his family to this new region. It is clear that he anticipated removal to the West with his family, as the immediate result of his first exploration in the interest of Henderson and Company.[39] Boone's enthusiastic descriptions of the Western wilderness retailed to Henderson and his associates, Hart and Williams, doubtless aroused in their minds the first suggestion of the larger opportunities for settlement and investment afforded by the rich but tenantless West. Accordingly they engaged Boone, who upon all his pioneering and hunting expeditions continued to penetrate further and further westward, to do double duty upon his next expedition. Boone was instructed, while hunting and trapping on his own account, to make a wider cast than he had ever made before, to examine the lands with respect to their location and fertility, and to report his findings upon his return.

38 Kentucky MSS., I; Draper MSS. *Cf.* Alden, *New Governments west of the Alleghanies before 1780* (Madison, Wis.)

39 The county records show that in the early part of this same year, viz., on February 21, 1764, Daniel Boone and his wife "Rebeckah" sold all their property in North Carolina—consisting of a home and 640 acres of land.

The expedition must have been transacted with considerable circumspection. In 1767 George Washington, writing to his agent, Crawford, with reference to threatened future competition for the best Western lands, shrewdly counsels: "All this may be avoided by a silent management, and the operation carried on by you under the guise of hunting game."[40] With a business sagacity like that of Washington, who was later to learn of Henderson's desire to found an independent colony in the West, Henderson fully realized that the exploration must be conducted with circumspection, if the lands were to be secured.[41] Boone proved himself a thoroughly satisfactory agent for the examination of the country, his trustworthiness being in no small measure due to his ingrained taciturnity and his faculty of keeping his own counsel. It is obvious, however, that Henderson gave to Boone, as Washington gave to Crawford, discretion to trust the secret of his errand to those in whom he could confide and who might assist him in making further discoveries of land. In one instance, at least, the circumspect Boone deemed it prudent to communicate the purpose of his mission to some hunters in order to secure the results of their information in regard to the best lands they had encountered in the course of their hunting expedition. In the autumn of 1764, during the journey of the Blevins party of hunters, to their hunting ground on the Rock Castle River, near the Crab Orchard in Kentucky, Daniel Boone came among the hunters, at one of their Tennessee station camps, in order, as expressed in the quaint phraseology of the day, "to be informed of the geog-

40 Washington to Crawford, September 21, 1767. Sparks, *Life and Writings of Washington*, II. 346-350. In the same letter, Washington admonishes Crawford to "keep the whole matter a secret, or trust it only to those in whom you may confide, and who can assist you in bringing it to bear by their discoveries of land."

41 The meagreness of our information on the subject of this initial exploration may thus be naturally explained. An acquaintance of Henderson mentions that the latter preserved the strictest secrecy about his earlier land ventures. Repeatedly taxed afterwards with having acted as the agent of the land company, Boone consistently and most honorably refused to violate Henderson's confidence.

raphy and locography of these woods, saying that he was employed to explore them by Henderson and Company."[42] In this tour of exploration, Boone hunted and scouted through the valleys of the Tennessee and the Holston, but did not penetrate to the fabled region of Kentucky. His companion on this expedition was his relative, Samuel Callaway, and together they accomplished a two-fold object: hunting and trapping on their own account, and secretly prospecting and exploring on behalf of the land company.[43]

V

Just why Henderson and his associates did not act immediately upon the report brought back by Boone and Callaway—a report doubtless highly favorable, as was the case with all the "news of a far country" brought home by the pioneers—there is no extant explanatory evidence. Henderson and Williams, as law partners, were engaged in an extensive and lucrative law practice; and in the prosecution of their profession spent a large proportion of their time in traveling from one end of the extensive colony of North Carolina to the other.[44] The heavy obligations of this extensive and rapidly enlarging law business in all probability sufficed to delay the immediate prosecution of the Western enterprise.

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42 Haywood, *Tennessee*, p. 35 (1823 Ed.) The accuracy of Haywood's testimony in this instance must be recognized as indisputable. Judge John Haywood was intimately associated, both personally and legally, with Richard Henderson's two sons, Archibald and Leonard; and his successor to the post of reading clerk to the North Carolina House of Commons, in 1789, was his friend, Major Pleasant Henderson, Richard's brother, and pioneer with Boone at Boonesborough, and with Robertson at the French Lick. On his removal to Tennessee, Judge Haywood formed the personal acquaintance of many of the pioneers, from whom he received innumerable accounts of their personal experiences. Notable figures among the pioneers in Tennessee, such as James Robertson, John Sevier, and Timothee de Monbrun, were personally known to the Tennessee historians, Haywood and Putnam.

43 Ramsey (*Annals of Tennessee*) unearthed the fact that Boone, while acting as the secret agent of the land company, was accompanied by Callaway—a fact which Ramsey, with his intimate knowledge of the pioneers and their history, probably derived directly from Callaway or his immediate descendants.

44 *Cf.* McRee, *Life and Correspondence of James Iredell*, I. 96-97; Henderson, *Life and Times of Richard Henderson*, Ch. II.

It was not, indeed, until several years later that Henderson and Company once more actively interested themselves in the problem of Western investment and colonization. In the *Virginia Gazette* of December 1, 1768, a newspaper in which he advertised, Henderson must have read with astonishment not unmixed with dismay, that "the Six Nations and all their tributaries have granted a vast extent of country to his majesty, and the Proprietaries of Pennsylvania, and settled an advantageous boundary line between their hunting country and this, and the other colonies to the southward as far as the Cherokee River, for which they received the most valuable present in goods and dollars that was ever given at any conference since the settlement of America." It was now generally bruited about the colony of North Carolina that the Cherokees were deeply resentful because the Northern Indians at the treaty of Fort Stanwix had been handsomely remunerated for territory which they, the Cherokees, claimed from time immemorial.[45] Henderson, who had consulted often with Boone and reflected deeply over the subject, foresaw that the Western lands, though ostensibly thrown open for settlement under the aegis of Virginia, could only be legally obtained by extinguishing the Cherokee title. His prescience was directly confirmed by royal action, when Stuart, Superintendent for Indian affairs in the Southern Department, at the treaty of Hard Labor, October 14, 1768, acknowledged the Cherokee title by establishing the western boundary as a line running from the top of Tryon Mountain (now in Polk County, North Carolina, on the South Carolina line) direct to Colonel Chiswell's mine (now Austinville, Virginia), and

45 *Cf.* Ranck, *Boonesborough* (Filson Club Publications, No. 16); also Henderson, "Forerunners of the Republic: Richard Henderson and American Expansion," *Neale's Monthly*, January, 1913.

thence in a straight line to the mouth of the Great Kanawha River.[46]

It was at this crucial moment that the horse peddler, John Findlay, Boone's old friend of the Braddock campaign, wandered into the valley of the Yadkin. Findlay had actually been successful in reaching Kentucky in 1752; and now delighted Boone with his stories of the desirability of the country and the plentifulness of the game. The conjunction was a fortunate one in many respects. Boone was heavily in debt to his attorneys, the firm of Williams and Henderson, for legal services, and to other prominent citizens of Rowan County. Indeed he had been summoned to appear in Salisbury at the March term of court. John Findlay, John Stuart and Daniel Boone all came to Salisbury to attend court, Judge Henderson arriving on March 5.[47] The attested presence at Salisbury of Boone, Findlay and Stuart, three of the six explorers of Kentucky in 1769, simultaneous with Henderson, only a short time before the departure of Boone's party on their tour of exploration, makes it certain that the final conference to devise ways and means for the expedition was held at this time and place. Certain it is that on May 1, 1769, Daniel Boone as the confidential agent of Richard Henderson and Company, accompanied by five companions,

46 *N. C. Col. Rec.*, VII, 851-855. "Should they [the Cherokees] refuse to give it up," writes Johnson to Gage (December 16, 1768), with reference to the action at the treaty of Fort Stanwix, "it is in his majesty's power to prevent the colonies from availing themselves of the late session in that quarter, till it can be done with safety and the common consent of all who have just pretensions to it." *Cf.* Stone, *Life of Sir Willim Johnson*, II, 307; *Journals of the House of Burgesses of Virginia*, 1770-1772, preface, p. xix.

47 Court records. See also "Diary of Waightstill Avery." *N. C. Univ. Magazine*, 1856. Judge Henderson left Salisbury for Hillsborough on March 16.

left his "peaceable habitation" on the Yadkin for a two years' exploration of Kentucky.[48]

Boone and Findlay visited Kentucky in 1769, not only to hunt and trap, but "for the purpose of examining the country."[49] Boone himself relates that he and Stuart, after getting settled in their camp, "proceeded to take a more thorough survey of the country";[50] and the entire course of Boone's actions during this period demonstrates that some powerful influence held him in Kentucky until his work of exploration was completed. Had Boone desired merely to discover a location for his own and neighboring families living at the Forks of the Yadkin, he might easily have discovered such a location in Madison and Garrard counties, which he first visited, or in the neighborhood of Station Camp Creek, in Estill County. Had he desired merely to hunt and fish and trap, he might well have found satiety in the proximity of his first camps. But there was a motive deeper than the desire to discover a location for a few families, or to range far and wide in search of game which was bounteous in plenty in his immediate vicinity. This motive was, assuredly, to employ Boone's own words, "to recruit his shattered circumstances"; and his financial obligations were to Williams and Henderson for legal services, and to other prominent citizens of Rowan County. The prosecution of the task of exhaustively exploring the Kentucky area was indubitably undertaken by Boone in the effort to meet these financial obligations.

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48 Aside from numerous authorities, from Peck, who studied Boone's career during Boone's own lifetime, down to the author of *The Winning of the West*, there is the testimony of those historical students who were fortified by the contemporary documents—Lossing, who examined the Transylvania papers lent him by President D. L. Swain, of the University of North Carolina, in 1856 (Swain's original letter to Lossing is now in the writer's possession); Hall, who examined the vast mass of evidence in the Hogg Papers, chiefly letters of the partners of the Transylvania Company; and Putnam, authentically informed through his intimate personal acquaintance with the early pioneers as well as through his unrivalled collection of pioneer documents. Thus, independently, from North Carolina, Kentucky, and Tennessee, the fact is related in identical form, from documentary evidence, as well as from personal record.

49 Filson.

50 "Memorial to the Legislature of Kentucky."

Disheartened by his disasters, his two captures by the Indians and the loss of all his peltries, Boone would otherwise have welcomed the opportunity to return to North Carolina with his brother Squire, who came out with supplies.[51] It is extremely likely, in the light of subsequent events, that Squire Boone bore a message from Henderson to Daniel Boone, urging upon him, now that he was in the country, to remain in it long enough to secure a more detailed knowledge of its geographical and topographical features. With Squire Boone, John Stuart and Alexander Neely as companions, Daniel Boone at once began that elaborate series of explorations ranging from the Kentucky River on the north to the Green and Cumberland rivers on the south. By the first of May, 1770, the exploration of Kentucky had only just begun; so that Boone, fixed in the resolve to accomplish the undertaking upon which he had been despatched, preferred to remain alone in Kentucky while Squire returned home. From this time forward, Daniel Boone ranges far and wide through north-central Kentucky, visiting the Big Lick and the Blue Lick, exploring the valleys of the Kentucky and the Licking, and traveling as far down the Ohio as the Falls, the present Louisville. In July and again in September, following a second return to the settlement for supplies, Squire rejoined Daniel in Kentucky, and from December, 1770, until March, 1771, they scouted through the southern and western portions of Kentucky, exploring the valleys of the Green and Cumberland rivers, and hunting in company with the Long Hunters, among whom were Kasper Mansker, who discovered the lick that bears his name, and Henry Skaggs, who, because of his knowledge of the Cumberland area, as reported by Boone to

51 *Cf.* Boone's *Autobiography* (Filson). It is problematical, but not unlikely, that Squire Boone was sent out with these supplies for Daniel Boone and party by the land company. It is noteworthy that Squire Boone was accompanied on his journey by one of the Neely family, Alexander, for whom Henderson had hitherto acted as legal counsel.

Henderson, was subsequently engaged to act as the agent of the land company, fixing his station at Mansker's Lick.[52]

On his return to North Carolina in 1771, Boone's glowing description of Kentucky "soon excited in others the spirit of an enterprise which in point of magnitude and peril, as well as constancy and heroism displayed in its execution, has never been paralleled in the history of America."[53] In 1772, the Watauga settlers secured from the Cherokee Indians, for a valuable consideration, a ten years' lease of the lands upon which they were settled. Boone, who had established friendly relations with James Robertson, communicated to Henderson the details of the leases and purchases which Robertson, Brown, and Sevier had made of the rich valley lands. After consulting with the Indians, Robertson informed Boone, acting as Henderson's confidential agent, that he believed, if the inducement were large enough, the Indians would sell. Following his own disastrous failure to effect individual colonization without attempting to secure by purchase the Indian title, in 1773, Boone in 1774 advised Henderson and his associates that the Cherokees were disposed to sell the Kentucky area.[54] Having previously assured himself of the legal validity of the purchase, and after personally visiting the Cherokee chiefs in their principal village to secure their consent to the sale, Henderson proceeded to reorganize the land company,

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52 An exhaustive study of Boone's itinerary has been made by the present writer, in order to fix the exact route which he followed. In addition to the wealth of local materials, the Draper MSS., including Draper's Life of Boone, are rich in information on the subject. Through the personal investigations of Mr. John P. Arthur, of Asheville, N. C., who went over Boone's route in North Carolina, as well as the researches of the present writer, this portion of the route has recently been marked by the Daughters of the American Revolution under the direction of Mrs. J. Lindsay Patterson, of Winston-Salem, N. C. *Cf. Home and Country*, April, 1914; *Sky-Land*, September, 1914.

53 Morehead's *Address*, at Boonesborough (1840).

54 In a little newspaper, *The Harbinger*, published at Chapel Hill, N. C., in 1834, the venerable Pleasant Henderson, brother of Richard and fellow-pioneer with Boone at Boonesborough, writing from Tennessee, relates that in 1774 Richard Henderson was "induced to attempt a purchase of that country (the Kentucky area) from the Cherokee Indians through the suggestions and advice of the late Col. Daniel Boone."

first into the Louisa and then into the Transylvania Company. With the aid of his associates he carried through the treaty of Sycamore Shoals, purchased for £10,000 sterling the Indian title to the greater portion of the Kentucky area, and commissioned Boone to cut out a passage to the heart of Kentucky. Boonesborough became the focus of the great struggles for predominance on the Western frontier.[55] There was the struggle of the white man against the red man, of the colonial against the Briton. There was the struggle of the Transylvania Company, first against Royal authority, and then against the authority of Virginia. But deeper than all was the struggle between the spirit of individual colonization as embodied in the pioneers, and the spirit of commercial enterprise as embodied in the Transylvania Company. The conflict between the individualistic democracy of the pioneer and the commercial proprietorship of the Transylvania Company was settled only when George Rogers Clark, with iron hand, forced upon Virginia his own selection as virtual military dictator of the West. The drastic settlement of that conflict also made possible the most spectacular and meteoric campaign in Western history—closing only when Clark and his unterrified frontiersmen grounded their arms in Kaskaskia and Vincennes.[56]

55 *Cf.* the writer's *Life and Times of Richard Henderson;* "The Beginnings of American Expansion"; and "Forerunners of the Republic: Richard Henderson and American Expansion," *loc. cit.* In a supplementary paper, the present writer purposes to detail, *in extenso*, the history of this expansionist movement from 1772 onward. All the accounts hitherto given of this momentous episode in our national history are singularly fragmentary and inaccurate. The recent discovery by the present writer of many documents not hitherto accessible to historical students clarifies the entire situation. Only now for the first time is it possible to throw into true perspective Boone's abortive effort to invade Kentucky in 1773, his relation to the Transylvania Company in the capacity of confidential agent, Henderson's prudent procedure in securing the highest legal sanction for the purchase, the details of the "Great Treaty" of Sycamore Shoals, the invasion of Kentucky in 1775, and the subsequent history, both governmental and corporate, of the Transylvania Company.

56 Henderson, "Forerunners of the Republic: George Rogers Clark and the Western Crisis," *Neale's Monthly,* June, 1913; James, *George Rogers Clark Papers,* 1771-1781 (Ill. Hist. Soc. Publications, Vol. VIII); Turner, "Western State-Making in the Revolutionary Era," American Historical Review, I, 70-87, 251-269.

In his appeal to the Kentucky legislature, the octogenarian Boone says that he "may claim, without arrogance, to have been the author of the principal means which contributed to the settlement of a country on the Mississippi and its waters, which now (1812) produces the happiness of a million of his fellow-creatures; and of the exploring and acquisition of a country that will make happy many millions in time to come." The present research compels us to discount the high-flown language of the ancient petitioner for land. Boone was the pathfinder and way-breaker—wonderful independent explorer and equally skilled executant of the designs of others.[57] But to Henderson, Hart, Williams, and their associates, animated by the spirit of constructive civilization, rather than to Boone, with his unsocial and nomadic instincts, belongs the larger measure of credit for the inauguration of the militant expansionist movement of Western colonization. The creative causes of the Westward movement were rooted, not in romance, but in economic enterprise, not in Providence, but in political vision. It was the Transylvania Company which at its own expense successfully colonized the Kentucky area with between two and three hundred men; and with true revolutionary ardor defying the royal authority as expressed through the crown governors of the colonies of North Carolina and Virginia, exhausted all means, through appeals to the Continental Congress, to Patrick Henry, Jefferson, and the Adamses, and finally to the legislature of Virginia, in their ultimately fruitless efforts to create a fourteenth American colony. And yet, despite this failure, Henderson and his associates furnished to the world "one of the most heroic displays of that typical American spirit of comprehensive aggrandisement of which so much is heard to-day."[58] It is a coincidence of historic significance that just one day after the dropping musketry at Lexington and Concord was heard round the world, Henderson and his little band reached the

57 *Cf.* Henderson, "Forerunners of the Republic: Daniel Boone," *Neale's Monthly*, February, 1913.

58 Hulbert, *Pilots of the Republic.*

site of the future Boonesborough. Here the colonists reared a bulwark of enduring strength to resist the fierce incursions of bands of hostile savages during the period of the American Revolution. Unquestionably the strenuous borderers, with their roving instincts, would in any event ultimately have established impregnable strongholds in the Kentucky area. But had it not been for the Transylvania Company and Daniel Boone, no secure stronghold, to protect the whites against the savages, might have been established and fortified in 1775. In that event, the American colonies, convulsed in a titanic struggle, might well have seen Kentucky overrun by savage hordes, led by English officers, throughout the Revolution. In consequence, the American colonies at the close of the Revolution would probably have been compelled to leave in British hands the vast and fertile regions beyond the Alleghanies.

The Old North State

(*Carolina*)

By Mrs. Julia E. Cain.

Grand "Old North State," we love thee, we love thee,
From the blue skyland to the waving sea.
We love thy hills, thy streams, thy mountains grand—
Thy golden, waving fields, all o'er the land.
We are proud of thy forests, towering high,
Lifting their peaks aloft to the sky—
The sturdy oak, the long leaf pine,
The walnut, the maple, and the trumpet vine—
Thy luscious fruits and flowers rare,
With all the world beyond compare.
Oh! grand Old North State, we love thee, we love thee,
From the mountain top to the billowy sea!

We are proud of thy sons—aye, every one,
Who fought our battle and victory won,
Who stand for the right, who crush the wrong,
While bursts from their hearts sweet liberty's song;
Who justice and honor and truth proclaim,
Writing in history thy fair, good name.
Oh! grand Old North State, we are proud of thee,
From the mountain top to the billowy sea—
From Currituck to Cherokee!

We are proud of thy daughters, thy women grand,
Who bless our homes, all over the land,
In peace, in war, a patriotic band,
Working, giving, with true heart and hand.
Oh! grand Old North State, we bless thee, we crown thee,
From the blue skyland to the waving sea.

Thy flag doth wave all o'er the State,
Our hearts beat true, to liberty great,
And ready are we, at our country's call,
To defend our homes—our land, *aye all.*
Oh! grand Old North State, we *crown thee, we bless thee,*
From mountain top to the waving sea—
From Currituck to Cherokee!

The Contributions of North Carolina to the Development of American Institutions*

Commencement Address at Wake Forest College, May 21, 1914, by Simeon E. Baldwin, M.A., LL.D., Governor of Connecticut; Professor of Law in Yale University; formerly President of the American Historical Association and of the American Political Science Association.

There is no State of the Union which has not done something, good or bad, towards the development of American institutions; but the part thus taken by those of them who wear the proud title of the Old Thirteen is the most conspicuous. It is they in whose honor were devised the thirteen stripes upon our flag. The older and the newer States are alike represented by its stars: the stripes perpetuate the memory of the Old Thirteen alone.

It is they only who have a background of ancient history. I say ancient; for the creation of one of our newer States, born into purely American and republican surroundings, is separated from the first settlement of Plymouth or the Carolinas, under English and monarchical auspices, by a tract of time of whose length years are no measure.

One of our American historians has said, and not untruly, that the men of the colonial era undertook "to develop thirteen autonomous States out of as many land companies."[1] This was a harder task for the people of the two Carolinas than for those of any other of the colonies. Their charter scheme, as developed by the Proprietaries, was vitally un-English and un-American. So far as it bore the stamp of any nationality, it was Roman.

The first Earl of Shaftesbury who, as Lord Ashley, was one of the grantees in both the charters from Charles II.,

*Published in *Bulletin* of Wake Forest College, October, 1914. Reprinted by special request.

1 Chamberlain, *John Adams*, etc., 150.

was the author of the English *Habeas Corpus Act of* 1679, which has done so much to secure the freedom of the individual against the power of government. It is one of the paradoxes of history that he, ten years before, with the aid of his private secretary, the philosopher, John Locke, prepared the original constitution for the government of the Carolinas adopted by the Proprietaries, which, had the freemen ever really accepted it, would have set up here forever a formidable bar to the growth of republican institutions.

By its terms, you will recollect, a territorial nobility was set up, the highest in rank bearing the German title of Landgrave.

There was to be a parliament, meeting in one chamber, but by Article 79, "To avoid multiplicity of laws, which by degrees always change the right foundations of the original government, all acts of parliament whatsoever, in whatsoever form passed or enacted, shall, at the end of a hundred years after their enacting, respectively, cease and determine of themselves, and without any repeal become null and void, as if no such acts or laws had ever been made."

One provision which, if in force to-day, would be unpopular with some of this audience, was directed against lawyers. "It shall be," reads Article 70, "a base and vile thing to plead for money or reward; nor shall any one (except he be a near kinsman . . .) be permitted to plead another man's cause till before the judge in open court he hath taken an oath that he doth not plead for money or reward, nor hath nor will receive, nor directly or indirectly bargained with the party whose cause he is going to plead, for money or any other reward for pleading his cause."

By Article 95, no one could hold an estate or become a freeman, or even reside in the province, who did not acknowledge a God and that he is to be publicly and solemnly worshipped. This, no doubt, is the inherited cause for the clause in the present Constitution of North Carolina, debarring

atheists from office. But two other States now hold to that position.[2]

All elections, under the Locke scheme (Article 32), were to be by ballot. In 1760, this regulation, which had been continued in force until that time, was repealed and *viva voce* voting substituted. This brought North Carolina in line with England and most of the Southern colonies.[3] A few years later, however, she reverted to her original plan, and it was made the subject of a constitutional provision in 1776. Her Constitution of that year was the first which, in any State, required the ballot.[4]

In one respect, however, she differed from all these. Free negroes, born in the State, who paid public taxes, were held to be citizens, and entitled to vote at elections, if not before, certainly after the Constitution of 1776.[5] It was this, in fact, more than anything else, that occasioned the calling of the Constitutional Convention of 1835, by which their right of suffrage was taken away.

There is little else in the "Fundamental Constitutions" of 1669 of which any substantial trace survived the Revolution. They never went into full effect, and were substantially abrogated by the Lords Proprietors, in 1693. The division of the Carolinas into two provinces, followed by the surrender of the Proprietary title to the Crown, early in the eighteenth century, put an end to the aristocratic government devised by Shaftesbury and Locke. From that time on till 1776, the problems of North Carolina were the same with which the other English colonies had to contend.

As the tension of the bonds between them and the mother

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2 Arkansas and South Carolina, Report of American Historical Association 1899, I, 121.

3 McKinley, The Suffrage Franchise in the Thirteen Colonies, III.

4 It had been a feature of the West Jersey Concessions of 1676-7, and of Penn's Frame of Government, promulgated in 1683.

5 Thorpe, Constitutional Hist. of the U. S., I, 176; *State v. Manuel*, 4 Dev. & Battle Law Rep., 25; Report of Am. Hist. Association for 1895, 276.

country increased, North Carolina was the first to declare herself in favor of throwing off allegiance to the British crown.

We may or may not take the view that the story of the Mecklenburg County resolutions of May 20, 1775, is a myth.[6] Legends are the foundations of history, and the date solemnly placed upon the great seal of North Carolina ought not lightly to be disregarded. But were we to accept all that has ever been claimed for the time of that action and the words in which it was expressed, Mecklenburg County could only speak for itself. On April 4, 1776, the provincial congress at Halifax spoke for the State at large. This body unanimously empowered the delegates from North Carolina in the Continental Congress to concur in action by that body, should it be taken, "in declaring independency and forming foreign alliances." She was thus, in the words of Bancroft.[7] "the first colony to vote an explicit sanction to independence."

In the Convention at Hillsborough, in the latter part of 1775, a further step had been advocated by many. Dr. Franklin's scheme for a permanent confederacy of all the colonies was brought forward by one of the delegates, but it was decided that such an organization ought only to be set up in the last necessity, and then only after consultation with the Provincial Congress.

Soon after the Declaration of Independence had created the United States of America, North Carolina elected a Convention to frame a Constitution. One of her most prominent citizens, Governor Burke, consulted John Adams, the leading authority in the country on the subject, in regard to the proper form to adopt. Adams advised placing the State on the footing of an independent sovereign; having a bicameral legislature; requiring annual elections; but choosing judges for

6 See the paper of Messrs. Salley and Ford. Am. Hist. Review, April, 1906.

7 Hist. of the U. S., V, 238.

life. It was a maxim of public science, he wrote, that "where annual elections end, there slavery begins."[8]

In general his recommendations were followed, and with the result that the Constitution for North Carolina outlasted every other of the Revolutionary period except that of Massachusetts, which was also modeled largely upon Adams' advice.

North Carolina had, under the Fundamental Orders (Art. 75), biennial elections. When these were superseded by Royal authority, annual elections were substituted, and this continued to be the scheme until 1836, when an amendment to the Constitution reëstablished the original system.

In thus abandoning annual sessions, North Carolina led the way for the whole country. They are now retained in only two States.

On this anniversary day of one of her collegiate institutions, it is not to be forgotten that North Carolina was the first State of the American Union to put into her Constitution a provision for public education. Article XLI of that instrument, adopted December 18, 1776, declares "that a school or schools shall be established by the Legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices, and all useful learning shall be duly encouraged and promoted in one or more universities." Only three other of the constitutions of this period contain any provisions on this subject.[9]

The establishment of the University of North Carolina, towards the close of the eighteenth century, was followed, in 1822, by the appointment of one of the Professors as State Geologist and Mineralogist. His report, as such, published in 1824 and 1825, on the Geology of the State, presented the first survey of such a nature made by any of the States,[10] and

8 Life and Works of John Adams, I, 209, 211; IV, 195.

9 Hildreth, Hist. of the U. S., III, 385.

10 Dexter, *Yale Biographies*, VI, 593.

thus became the beginning of a long series of studies which have revealed to the country its natural sources of wealth.

The Constitution of 1776 required the chief officers of the State to be Protestants, or, at least, not to deny the truth of the Protestant religion. It also declared that all officers must acknowledge the inspiration of the Old and New Testaments. Only one other State did that. As time went on and the Roman Catholic church became stronger, some of its members were appointed to high office. They took the ground that a Roman Catholic, simply by being such, did not deny the truth of the Potestant religion: on the contrary, they said, he believed most of its doctrines, though adding more. William Gaston, when appointed to the bench, took this ground, and it was approved by Chief Justice Marshall and Chief Justice Ruffin, whom he consulted. To put the matter beyond the limits of question, the Constitutional Convention of 1835, after full debate, substituted for *Protestant* the broader term, *Christian.*[11]

Few now seriously dispute that under our system of government the courts have implied power to test the validity of every statute by the touchstone of the Constitution. We inherited this doctrine from the era of the Confederation, and the courts of North Carolina early came to its support. Her Constitution of 1776 guaranteed the right of trial by jury in all controversies at law respecting property. The General Assembly passed a statute requiring suits against purchasers of confiscated estates to be dismissed on motion. Such a motion was made in such a suit in 1786, and the court, a year later, denied it, on the ground that the law violated this constitutional guaranty, and was therefore void. The decision thus rendered was the second ever rendered in the English-speaking world to the point that if a written statute

11 Great American Lawyers, III, 72, 76, 111.

conflicts with a written constitution, the statute must give way.[12]

North Carolina was the first State to affirm the principle of freedom of incorporation for the promotion of a business enterprise. By an Act passed in 1795, she allowed any persons, who desired, to incorporate themselves for the purpose of building and maintaining canals.[13] This was the first legislation of the kind since the beginnings of the Roman empire.[14] Other of the American States had before allowed individuals to incorporate themselves for certain charitable purposes. It was the far-sighted policy of North Carolina, which extended this principle to organizations for business purposes. They builded better than they knew. Soon followed elsewhere, in and out of the United States, it was destined, during the next century, to work a world-wide economic revolution.

In one respect North Carolina, in my opinion, has exercised an unfortunate influence on our judicial institutions. The English-speaking nations stand alone in the world in their division of the functions of a decider of civil causes between one man, whom we call a judge, and a dozen others whom we call a jury. By the common law of England, from whom we derived this practice, the judge had a double duty: to decide any points of law that might be raised, and to guide the jury on the path to a right conclusion on the facts. Legal questions on which counsel seriously differed seldom occurred; but disputes as to the facts of the case were incident to every jury trial. The English judge was accustomed to express his

12 *Bayard v. Singleton*, Martin's Reports, 48; Baldwin on *The American Judiciary*, 100, 110; Coxe on *Judicial Power and Unconstitutional Legislation*, 248. The court also relied on the supremacy of the Articles of Confederation. The next Legislature (November, 1787) enacted that the treaty with Great Britain was part of the law of the land, and to be enforced in all courts accordingly. Stat., Rev. of 1819, I, 559. See the history of the first decision (given in New Jersey in 1780, in the case of *Holmes v. Walton*), in the American Historical Review, IV, 456.

13 Chapter 432, Laws of North Carolina, Ed. 1821, I, 769.

14 Report of the American Historical Association for 1902, I, 274.

own opinion, if he thought it would promote a proper decision as to what facts really had been established by the proofs, and how far these were, if found by the jury to exist, controlling in their effect. In 1796, North Carolina, which, down to that time, had followed in this respect the rule of the common law, abrogated it. Chief Justice Ruffin, soon afterwards, in a well-known case, did what he could to minimize the effect of this statutory prohibition of an ancient practice.[15] But legislatures are stronger than judges. The Act of 1796 in North Carolina set up one of the early precedents in support of diminishing judicial power, which have gradually, in most of our States, made the American jury a very different thing from the jury of the common law.

The courts of North Carolina rendered an important service to the country, in leading the way towards placing the American law of charities on a broad foundation. It was long a question of warm dispute at the bar, whether our courts of equity had the jurisdiction over charitable trusts possessed by the English Chancellors, independently of the ancient statute of charitable uses, passed in the reign of Queen Elizabeth. In 1819, the Supreme Court of the United States, in an elaborate opinion by Chief Justice Marshall, took the negative view. If this precedent were to be generally followed, and the statute made the sole test of what was a lawful charity, many bequests for worthy purposes would be sure to fail. The next year, after full argument, the English doctrine as to equity jurisdiction was recognized in the Supreme Court of North Carolina.[16] Other States followed the reasoning which had led to this result. Horace Binney, one of the greatest of American lawyers, by his researches in the rolls of the English Chancery, demonstrated before the Supreme Court of the United States, in the Girard College case, that Marshall was wrong. The great Chief Justice's decision was

15 *State v. Moses*, 13 North Carolina Law Reports, 452.

16 *Griffin v. Graham*, 8 North Carolina Law Reports, 96.

finally overruled, and the North Carolina doctrine of charities established in its place.[17]

North Carolina was the last of the States represented in the Constitutional Convention of 1787 to ratify its work. She was also the last State to become a member of the Southern Confederacy. The cause of delay, in both cases, was, at bottom, the same. It was her conviction that, in large affairs, existing political relations ought not to be disturbed without strong cause. It was political conservatism. It was the quality which made her and South Carolina, her early sister, the only States which maintained a general property qualification for office until after the Civil War.[18]

When the Federal Convention met, in 1787, North Carolina was in territory the largest State but one[19] of the Old Thirteen. Her geographical conditions justified the statement, in the official report of her delagates to the Gopernor of the doings of the Convention, that North Carolina was doubtless the most independent of the Southern States, for her people were able to carry her own produce to market.[20] Being thus independent in her position, she offered the fairest field for the last battle ground against those who in 1787 were for the entire reconstruction of the government of the United States. She naturally stood for State sovereignty in everything where it was not vitally necessary to accord supremacy to the States acting together, or to the people of all of them,[21] speaking in each.

At the time when North Carolina was to express her judgment on the merits of the new Constitution, two great men were contending for the mastery in the arena of theoretical politics: Jefferson and Hamilton. North Carolina sided from the first with Jefferson. He was representing us abroad in

17 *Russell v. Allen*, 107 United States Reports, 163, 167.

18 Report of the Am. Historical Association for 1899, I, 114.

19 Georgia.

20 Farrand, *Records of the Federal Convention*, III, 84.

21 Report of the American Historical Association for 1905, I, 104; see State Records of N. C., I, 390.

1788, but wrote to his friends here that he favored the ratification of the new Constitution by nine States, which would insure an organization under it, and rejection by the other four, unless and until it was strengthened by a bill of rights.[22] Under the leadership of Willie Jones, the first Constitutional Convention, held in that year at Hillsborough, substantially followed this advice. Without either ratifying or rejecting the new Constitution, it declared that bill of rights and twenty-six amendments ought to be laid before Congress and a new Convention of the United States that should or might be called for such purposes of amendment. The most important of the principles thus put forward were incorporated in the Constitution, on the recommendation of the first Congress, secured largely by the action of North Carolina in refusing an unconditional ratification.

Hardly had the Supreme Court of the United States been organized when suits were brought in it against several of the States to collect debts due from them to citizens of other States. Chief Justice Marshall, as a member of the Virginia Convention, had declared that the Constitution gave no authority for such actions. Hamilton had taken the same ground in the Federalist.[23] With only one dissenting opinion, however, the Justices of the Court took the other view. This dissent was by Mr. Justice Iredell of North Carolina. The States, he said, were sovereign as to all matters concerning which sovereignty had not been granted to the United States. It was the settled law that a sovereign could not be sued in court. Consequently the States, being sovereign, could not be so sued, except in the few cases specially authorized in the Constitution of the United States. The plaintiff in the case at bar was a private citizen suing for a contract debt. There was no special authority for such a suit, and therefore, in his opinion, it should be dismissed.

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22 Jefferson's Writings, Library Ed., XVIII, 14; Bancroft, *History of the Constitution*, II, 459, 460; Elliott's Debates, IV, 226.

23 Thorpe, *Constitutional History of the United States*, II, 266, *et seq.*

A storm of protest swept over the United States when the decision of the Court was announced. Governor Hancock, of Massachusetts, one of the States that had been sued, called a special session of the Legislature to consider the matter, and declared that this new doctrine tended to a consolidation of all the States into one government "which would at once endanger the nation as a Republic, and eventually divide the States united."[24] The speedy result was the adoption of the Eleventh Amendment to the Constitution, which prevented any such suits for the future, and struck out of existence those already brought.

The United States, under the Articles of Confederation, were what a recent English writer has declared that every independent nation is—"the organization of organizations."[25] They were a feeble organization of thirteen strong organizations. The ordinary nation has for its constituents all its people, but they are organized politically in various territorial divisions, such as counties, towns, and cities, and socially in various business, or ecclesiastical, or institutional divisions. Some of them are associated in the form of banks, or railroads; others as or around universities; as churches and dioceses; or as societies of a less formal character for promoting particular theories of human conduct.

The constituents of the United States of the Revolution and of the Confederation were thirteen peoples, not one. Each of these peoples were grouped in different forms of organization, under a local government of their own; but the United States, as such, claimed no authoritative jurisdiction over any of these groups in any State, and had none over the State itself.

The Constitutional Convention of 1787 attempted a compromise between those who were for abandoning this system of government entirely, and those who thought it could be strengthened and preserved. It is certain that the great

24 Thorpe, *Constitutional History of the United States*, II, 290.

25 Lindsay, *The Political Quarterly*, I, 140.

majority of the people of North Carolina were originally opposed to the ratification of the Constitution. The Hillsborough Convention of July 21, 1788, would probably have voted it down without debate, had it not been for the influence of James Iredell.[26] She had found herself strong enough, alone, to handle a very serious insurrection by the suppression of the "Regulators," and later to put down the rising designed to found the new State of Franklin, and to convict, in 1787, its leader, John Sevier, of high treason. During the Revolution, she had seen most of the Regulators siding with the British, and feeble as the government of the United States then was, she had found herself, with the aid of that government, still able to cope with any invading force, and all their Tory auxiliaries.[27] Her worst enemy was her own over-issues of paper money, and with that problem, she, like Rhode Island, preferred to deal for herself. Why then should she join the States which were seceding from a confederation which by its terms, to which each had solemnly agreed, was to last perpetually?

The leaders of North Carolina so far had held its course steadily, from the first, in one direction: away from aristocracy; towards popular institutions. They endeavored to make, and they did make, the new government more closely a government of the people, before accepting its authority.

Any strongly marked national characteristic that makes for good is a national asset. It endears the State to its people. It is their voice. It speaks the habit of their mind. In the case of a private business concern, long established and well reputed, a part of its property, well recognized by law, is the good will of those who know on what principles it has been conducted. Much more is the good will of its people of value to a State. That spirit of conservatism which has always marked North Carolina has helped to steady the course of

26 Elliott's Debates, IV, 4.

27 Life and Works of John Adams, VII, 308; Report of Am. Hist. Association for 1894, 180, 209; Winsor, *Narrative, etc., Hist.*, VII, 190; Tarleton's Campaigns, 119, 270; State Records of N. C., I, xiv, xviii.

American government. It was fostered by the circumstances of her earlier history. It was strengthened by the nature of her main industry. Agriculture binds the man to the land, and in the land there is something of the eternal and unchangeable. Conservatism detaches itself from the transitory. It makes for unity in political action. It is unwilling to have untried forms of government imposed upon it. It distrusts abstract philosophies, unripened by time.

There is a certain unity in the history of North Carolina. The Royal province, of which she originally formed a part, soon broke in two. South Carolina followed the ways of cities; North Carolina those of the country and the farm.

Half a century later North Carolina broke in two. The people of the mountains pushed the frontier Westward and laid the foundations of Tennessee. For the people on the Atlantic slope, the current of industry followed the waters toward the sea. Agriculture added to itself commerce and manufacture.

The twentieth century came. It found North Carolina still mainly a State of the country and the farm, but, towards the West, of a rough country and rocky farms. The everlasting hills still stood as they were two hundred years before, the home of sturdy mountaineers, largely reflecting the manners and the ideals of the American of two centuries before.

It is no bad thing for a State to have representatives of the thought of the eighteenth century uniting for the shaping of her institutions with representatives of the twentieth. On the one hand, it assures the permanence of popular government: on the other, it guarantees the benefit of whatever new means time brings to make popular government more truly by the people and for the people.

I come from a State which calls itself the Land of Steady Habits. North Carolina and Connecticut were alike chartered by Charles the Second. He gave to North Carolina a charter of aristocracy, and to Connecticut a charter of democracy. He gave to North Carolina the harder task. She

must win for herself what was the birthright of Connecticut. How has she marked her progress to the goal?

Let me recapitulate what seems to me the highest of her achievements. In what great things did she press forward first, and set the pace?

1. In declaring for independence of Great Britain, in April, 1776.

2. In providing by her Constitution of December, 1776, for a secret ballot, and for public education at public cost.

3. In passing, in 1795, the first general incorporation law for business purposes since the time of the Roman empire.

4. In discarding annual for biennial elections, in the amendments to her Constitution in 1835.

The first step, if anything, it costs something to make. These five steps that I have mentioned, each in its day, worked a great innovation in American institutions, and one of them—that towards freedom of incorporation—in universal political science.

We of other States are glad in these things to recognize the primacy of North Carolina, and to congratulate her on the public service she thus has done to the country and the world.

Sir Walter Raleigh as a Poet

By Nina Holland Covington.

When that gorgeous Pageant, the Age of Elizabeth, comes upon the stage of history, there is no more splendid figure among the actors than that of Sir Walter Raleigh, who makes his spectacular appearance before the queen by throwing his velvet coat upon the muddy ground so that she may walk over dry-shod. Characteristic indeed of the man and of the age is this anecdote of Raleigh's young years. The romantic courtier lived in a period well suited to his varied talents and accomplishments, for it was an age of war, of exploration, of colonization, of learning, of wit, of extravagance in speech and dress, and an age which gave fullest encouragement to literature.

Perhaps the most important thing in Raleigh's career as it affected history was the fact that he made numerous attempts to establish settlements in America, and although these settlements were not permanent, nevertheless, as has been so well said,* "You cannot measure great events with a yard-stick. Men die, ideas are immortal. The idea of another England beyond the Atlantic, conceived by the master mind of Sir Walter Raleigh, was the germ from which, through the development of three centuries, has evolved the American nation of the twentieth century. There is a vital connection, both physical and spiritual, between Roanoke and Jamestown. Among those who founded Jamestown were ten of the men who had co-operated with Raleigh in the settlements at Roanoke. In these men we have the physical connection between the two, while to the idea conceived by Raleigh and to the spirit of conquest and colonization which his attempts on this island called into existence, the English race in Europe, in Asia, Africa and Australia and the islands of the sea, and in America, owes the world-wide prominence which it to-day

*R. D. W. Connor *"Sir Walter Raleigh and His Associates,"* Booklet, Vol. X 1, No. 3.

enjoys among the races of mankind. Nothing can be clearer, therefore, than that we, in looking back over the events of the last three centuries, can hail the Roanoke settlements as the beginning of English colonization in America and throughout the world."

But though Sir Walter Raleigh is most important as a colonizer, that was but one side of this versatile hero of history, for he was also a courtier, soldier, manager of men, explorer, business man, historian and poet. Perhaps his poetry has not been, after all, very important in English literature, and he certainly is not well known as a poet, nor can he be ranked as one of the great poets of England, but still there is merit enough in his verse to lift it far above mediocrity.

The poems of Raleigh that have come down to us are not numerous. The "Cynthia" has long been lost, and there are only about twenty other poems which can be correctly ascribed to him. No attempt was made in Raleigh's lifetime to collect his poems, and, for some time after his death, his poetry was not considered important enough to be preserved. In the first collection of his poems there were only three poems; in the second there were only nine. It has taken careful research work to gather together these long neglected poems of Raleigh, and there is still dispute among critics and literati as to whether certain poems generally accepted as Raleigh's are really his or not. It is not often that men of action have either time or inclination to write verse. It is the man who has leisure to dream dreams, and to think deeply over the mysteries of nature and humanity who usually gives the world its great poems. But still, Sir Walter Raleigh, busy as he was during the years in which most of his poetry was written, wrote, besides the long poem "Cynthia," about twenty other poems which are of interest and literary value. The poem "Cynthia" itself must have contained, it is thought, about ten thousand lines—equal in length to two books of the "Faery Queene."

Spenser, who acknowledges that he owed much to his inter-

course with Raleigh (they were neighbors in Ireland), and who was most grateful for Raleigh's encouragement as the "Faery Queene" was being written, dedicated the first three books to Raleigh with the sonnet which begins:

> "To thee that are the summer's nightingale
> Thy sovereign Goddess's most dear delight."

And Raleigh appended to these first three books of the "Faery Queene" the sonnet which begins:

> "Methought I saw the grave where Laura lay,
> Within that temple where the vestal flame
> Was wont to burn: and, passing by that way,
> To see that buried dust of living fame,
> Whose tomb fair Love and fairer Virtue kept,
> All suddenly I saw the Faery Queene,
> At whose approach the soul of Petrarch wept;
> And from thenceforth those graces were not seen
> For they this Queen attended, in whose stead
> Oblivion laid him down on Laura's hearse,
> Hereat the hardest stones were seen to bleed,
> And groans of buried ghosts the heavens did pierce;
> When Homer's spright did tremble all for grief
> And cursed the access of that celestial thief."

a sonnet which, though it is far too extravagant in sentiment, nevertheless contains some fine lines. Milton admired it, and imitated it in his sonnet beginning:

> "Methought I saw my late espoused saint
> Brought to me like Alcestis from the tomb."

Marlowe's well known pastoral poem, "The Passionate Shepherd to his Love," called forth a reply from Raleigh that was musical, bright and clever, with that touch of bitterness that so many of the Elizabethan lyric poets affected. It was written probably in 1599, and mentioned and quoted in Walton's "Complete Angler" in 1653 as a poem "made by Sir Walter Raleigh in his younger days."

Belonging also to Raleigh's younger period is the beautiful elegy on Sir Philip Sidney, which would alone give him a place in English literature. Edmund Gosse says of it: "It blends the passion of personal regret with the dignity of public grief as all great elegiacal poems should. One stanza might be inscribed on a monument to Sidney:

"England withhold thy limits, that bred the same;
Flanders thy valour, where it last was tried,
The camp thy sorrow, where the body died;
Thy friends thy want: the world thy virtue's fame."

The poem over the authorship of which there has been so much dispute, "The Lie," is, like all of Raleigh's poems, dignified in tone, and has that independent, spirited air which doubtless Puttenham meant to describe when he said, in his "Art of English Poetry," "For ditty and amorous ode, I find Sir Walter Raleigh's vein most lofty, insolent, and passionate." It is not known exactly when "The Lie" was written, but it seems probable that it belongs to that period of his first imprisonment in the Tower after his secret entanglement with Elizabeth Throckmorton. The first two stanzas will show the character of the piece. Bitter, haughty, defiant in tone, smooth and rippling in measure, it easily takes its place among the striking poems of our language, and is important as being representative of the poetry of the period. For, extravagance of expression, smoothness of phrase and rhythm, with a slight cynicism, were the characteristics of the lyric poetry of this age of English literature:

"Go, Soul, the body's guest,
Upon a thankless arrant:
Fear not to touch the best;
The truth shall be thy warrant.
Go, since I needs must die,
And give the world the lie.

Say to the court, it glows
And shines like rotten wood:
Say to the church, it shows
What's good, and doth no good:
If church and court reply
Then give them both the lie."

And particularly interesting to us, because it seems rather bold on Raleigh's part, and more openly defiant that he ever expressed himself elsewhere, is the third stanza:

"Tell potentates, they live
Acting by others' action.
Not loved unless they give—
Not strong, but by a faction:
If potentates reply
Give potentates the lie."

Entirely different from this is "Sir Walter Raleigh's Pilgrimage," which is perhaps the best known of his poems. The poem is very beautiful and full of striking metaphors. The last stanza is especially interesting and startling, and from what is implied there this poem is often said to have been written the night before he died. But most critics seem to agree that it belongs to the time following the trial at Winchester when Raleigh, having been convicted of treason, thought that the king would have him immediately executed. And Raleigh's supposed accomplices, Markham, Gray and Cobham, were actually led out before his (Raleigh's) very eyes for their execution, and then, on the scaffold, their lives were saved by the king's pardon. This was on the tenth of December, 1603. Gosse, Archdeacon Hannah and others think that the "Pilgrimage" was written on the night of the ninth of December.

SIR WALTER RALEIGH'S PILGRIMAGE

Give me my scallop-shell of quiet,
My staff of faith to walk upon,
My script of joy, immortal diet,
My bottle of salvation.
My gown of glory, hope's true gage;
And thus I'll take my pilgrimage.

Blood must be my body's balmer;
No other balm will there be given;
Whilst my soul, like quiet palmer,
Travelleth towards the land of heaven;
Over the silver mountains,
Where spring the nectar fountains:
There will I kiss
The bowl of bliss;
And drink mine everlasting fill
Upon every milken hill.
My soul will be a-dry before;
But after, it will thirst no more.
Then by that happy blissful day,
More peaceful pilgrims I shall see,
That have cast off their rags of clay,
And walk apparelled fresh like me.
I'll take them first
To quench their thirst
And taste of nectar suckets,
At those clear wells
Where sweetness dwells,
Drawn up by saints in crystal buckets.

And when our bottles and all we
Are filled with immortality,
Then the blessed paths we'll travel,
Strowed with rubies thick as gravel;
Ceilngs of diamonds, sapphire floors,
High walls of coral and pearly bowers.
From thence to heaven's bribeless hall,
Where no corrupted voices brawl;
No conscience molten into gold.
No forged accuser bought or sold,
No cause deferred, no vain-spent journey,
For there Christ is the king's attorney,
Who pleads for all without degrees,
And He hath angels, but no fees.
And when the grand twelve million jury
Of our sins, with direful fury,
Against our souls black verdicts give,
Christ pleads His death, and then we live.

Be thou my speaker, taintless pleader,
Unblotted lawyer, true proceeder!
Thou givest salvation even for alms;
Not with a bribed lawyer's palms.
And this is mine eternal plea
To Him that made heaven, earth, and sea,
That since my flesh must die so soon,
And want a head to dine next noon,
Just at the stroke, when my veins start and spread,
Set on my soul an everlasting head!
Then am I ready, like a palmer fit,
To tread those blest paths which before I writ.

Of death and judgment, heaven and hell,
Who oft doth think, must needs die well."

The references to his trust in God that occur in the "Pilgrimage" are found in all of the writings of the latter part of Raleigh's life. Beginning his career as gay courtier, with so little care or reverence for religion and God that people spoke of him as an atheist, the troubles of his last years seem to have made him deeply religious. In that remarkable unfinished attempt of his, "The History of the World," we have frequent passages to show how prominent a part reliance upon God was playing in Raleigh's life during those thirteen long years of his imprisonment.

In regard to the lost poem "Cynthia," written to Queen Elizabeth, and in her praise, Gosse says, "The long passage which we have in Raleigh's poem, *The Continuation of Cynthia,* is, I think beyond question, a canto almost complete of the lost epic of 1589. It is written on the four line

heroic stanza adopted ten years later by Sir John Davies for his *Nosce teipsum,* and most familiar to us all in Gray's "Elegy." Moreover it is headed "The Twenty-first and Last Book of *The Ocean to Cynthia.*" Another note in Raleigh's handwriting styles the poem "The Ocean's Love to Cynthia," and this was probably the full name of it. Spenser's name for Raleigh, the Shepherd, or pastoral hero, of the Ocean is, therefore, for the first time explained. The twenty-first book suffers from the fact that the stanzas, but apparently not many, have dropped out in four places. With these losses, the canto contains 130 stanzas, or 526 lines. Supposing the average length of the twenty preceding books to have been the same, *The Ocean's Love to Cynthia* must have contained at least ten thousand lines. Spenser, therefore, was not exaggerating, or using the language of flattery towards a few elegies or a group of sonnets, when he spoke of *Cynthia* as a poem of great importance. As a matter of fact, no poem of the like ambition had been written in England for a century past, and if it had been published, it would perhaps have taken a place only second to its immediate contemporary, "The Faery Queene." Archdeacon Hannah places the poem, *The Continuation of Cynthia,* in his volume of Raleigh's poems, as belonging to the era of 1603-1618—Raleigh's years of imprisonment—and includes, with the "long passage" mentioned by Gosse, two fragments which lead him to this conclusion. Gosse thinks the fragments were written in this period, but that they have nothing to do with "Cynthia," since the meter is entirely different. Gosse is probably correct in his view—the meter proof being almost conclusive evidence that the fragments do not belong to the "long passage." However that may be, the long passage of "The Continuation of Cynthia" is in the same vein and meter as the lost part of "Cynthia," and gives us a good idea of the character of that poem.

To describe, then, this part of "Cynthia," is to describe the whole poem. Soft and subdued in tone, worshipful, but not merely flattering in sentiment, with the gentle, sad movement

of the elegiac meter and containing some of the most beautiful imagery we can find in his poems, the fragment that we have makes us regret deeply the loss of the whole.

In August, 1618, the year of his death, Raleigh wrote his "Petition to the Queen, Anne of Denmark." Anne made an effort to save him, but in vain. On October 28 he was executed. The poem is the last appeal of a doomed man to his queen, and the sad, resigned tone of his petition seems to indicate that he feared the appeal would be in vain. It closes with these pathetic lines:

"If I have sold my duty, sold my faith
To strangers, which was only due to One;
Nothing I should esteem so dear as death.

But, if both God and time shall make you know,
That I, your humblest vassal, am oppressed,
Then cast your eyes on undeserved woe;

That I and mine may never mourn the miss
Of Her we had, but praise our living Queen,
Who brings us equal, if not greater bliss.

On the night before his execution Raleigh wrote the last poem of his life after bidding farewell to his faithful wife, the Elizabeth Throckmorton, for whose love he had forfeited his place as one of the favorites of Queen Elizabeth:

"Even such is time, that takes in trust
Our youth, our joys, our all we have,
And pays us with but earth and dust;
Who, in the dark and silent grave,
When we have wandered all our ways,
Shuts up the story of our days;
And from this earth, this grave, this dust,
My God shall raise me up, I trust."

On the chill morning of October the twenty-ninth, 1618, Raleigh went out so bravely to his death that those who witnessed it have handed down to posterity in words of admiration and praise the account of the glorious end of Sir Walter Raleigh.

And so died on the scaffold one of England's bravest, most progressive, patriotic and learned men. Upon the history of France is the stain of the blood of Joan of Arc. The darkest blot upon England's pages of history is the execution of Sir Walter Raleigh.

Biographical and Genealogical Memoranda

Compiled and Edited by Mrs. E. E. Moffitt.

ARCHIBALD HENDERSON.

A biographical and genealogical sketch of Dr. Archibald Henderson appeared in the October number of The Booklet in 1912. Since that time the subject of this sketch has added volumes to literature. It becomes necessary and highly proper that the continued activity be noted in The Booklet of any one of our contributors, many of whom are young—not yet in the zenith of life. Dr. Henderson's contribution this month is his brilliant historical essay: "The Creative Forces in Westward Expansion: Henderson and Boone." Like other of his creations, it will be hailed with delight by our readers. It is due to Dr. Henderson to record here the various activities that have won for him the distinguished place he holds in the literary world.

The literary passions of his childhood were Joel Chandler Harris ("Uncle Remus") and Samuel L. Clemens ("Mark Twain"). *Tom Sawyer* and *Huckleberry Finn,* the latter his favorite of all others, he came almost to know by heart. He happened one day to read that William Archer, the great English critic, said that "*Huckleberry Finn* was the best story written on either side of the Atlantic in the preceding twenty-five years." This dictum so expressed his own deliberate, if immature, conviction that it awakened in him a genuine respect for literary criticism. The incident marks the beginning of his concern for literary criticism.

He read Cooper's and Scott's works, and in fact read almost everything coming under his eye in his father's extensive library, except "Les Misérables," that enormous tome which looked too formidable to tackle. Later it appealed to him on a rainy day as the last resort. He read uninterruptedly until the word "Finis" stared him in the face! Well for him; its moral purpose and uplifting idealism made a profound and

lasting impression upon him. For the future he resolved to judge a book not by its physiognomy, not solely in terms of literary art, but also in terms of humanistic purpose.

With a father's influence as a churchman, instilling into him the principles of honor, uprightness and truth; a mother's and grandmother's influences as idealistic preceptors, the young lad grew up under such examples as laid the foundation for manhood's success.

This sketch would be incomplete if there were omitted mention of an occurrence that had much to do with shaping his career. After marriage in 1903, at which time he received only the meagre emoluments apportioned an associate professor in a university, he realized the need of adding to his exchequer, and accordingly he resorted to his pen in the effort to balance the deficit. He wrote for the clever magazine, *The Readers,* an essay two and a half pages long entitled *"The Present Vogue of Mr. Shaw."* Imagine his surprise shortly afterwards to receive a check for $25.00. In his heart he never really dreamed that any one would look at his writings. Thus encouraged by this tangible recognition, he began writing under the *nom de guerre* of "Erskine Steele" essays for different papers. These essays awoke great curiosity and provoked high tributes for the unknown author. It was some years before the original of "Erskine Steele" became known to the public. During that period he had won a place for himself in the national magazines over his own signature.

With the best advantages for a fine education, a retentive memory, patient industry and deep penetration, Dr. Henderson may be justly described an exceptionally erudite man.

As publicist, he has worked unremittingly, and often at considerable financial sacrifice, for the uplift of his State and the South.

As scientist, he has made important contributions to mathematical journals, and won the recognition of such famous

institutions of learning as Cambridge University (England) and the University of Chicago.

As man of letters, he has won the reputation of being the leading critic of the modern drama in the United States.

As public speaker, he is sought all over the country; a leader in this line.

As historian, he is the acknowledged authority on the movement of Westward Expansion during the period from 1750 to 1800.

Dr. Henderson raised the funds to erect a great memorial to "O. Henry," North Carolina's greatest man of letters. He has labored to honor North Carolina and her genius always; and has written appreciations of Christian Reid, John Charles McNeill, Margaret Busbee Shipp, O. Henry, etc.

He has been a pioneer in North Carolina in advocacy of woman suffrage. His writings on suffrage have attracted national attention. He has made able speeches in North Carolina on the subject.

He has written much since October, 1912. His article, "The Creative Forces in Westward Expansion," appeared in the *American Historical Review,* October, 1914. He has been invited to be a contributor to the *Mississippi Valley Historical Review.* His article, "The Invasion of Kentucky" (1775), appeared in the last issue of that magazine (1914). His article on George Washington and the Declaration of Independence appeared in the *North Carolina Review,* February, 1912.

"The Mecklenburg Declaration of Independence," *Journal of American History,* Vol. VI, No. 4 (October-December, 1912).

"Forerunners of the Republic," *Neale's Monthly* (N. Y.), January-June, 1913.

"Richard Henderson: His Life and Times," *Charlotte* (N. C.) *Observer,* Sunday issues, March 9 to June 1, 1913.

"Daniel Boone and the Wilderness Trail," published in *Salisbury Evening Post,* July 4, 1914.

"The Inauguration of Westward Expansion," in *News and Observer* (Raleigh), July 5, 1914; *Charlotte Observer* (Charlotte), July 5, 1914.

"European Dramatists" came from the press on December 20, 1913. This work consists of a collection of essays which treat of six representative modern dramatists outside of the United States, some living, some dead—Strindberg, Ibsen, Maeterlinck, Wilde, Shaw and Barker. For this work Dr. Henderson has received the highest tributes from scholars, dramatists, newspapers and magazines. Edwin Markham's recent pronouncement that Archibald Henderson "stands to-day as the chief literary critic of the South and in the fore-front of the critics of the nation," calls especial attention to the new book. *The Pall Mall Gazette,* of London, says: "Dr. Henderson is one of the most vivacious of the younger writers of the day on matters of the theatre, and here he is at his liveliest."

Dr. Henderson keeps entirely abreast with the times. He is a member of the "American Historical Association," "Mississippi Valley Historical Association," "Ohio Valley Historical Association," "North Carolina State Literary and Historical Association," "North Carolina Sons of the Revolution," and although entitled to membership in, he has not yet joined, the "North Carolina Society of the Cincinnati."

Dr. Henderson was recently honored by being chosen national representative of the "Drama League of America" for the States of North Carolina and South Carolina. He is a member of the Drama League of America, the Poetry Society of America, and the Author's Club of London.

During the last ten years, in addition to the books which he has published, Dr. Henderson has published considerably over one hundred essays. These have appeared in five different languages, in great magazines and representative journals throughout the world. This great productivity and

publication in so many countries have contributed much to building up his European reputation as a literary critic.

Dr. Henderson's latest achievement was the materialization of his efforts to commemorate the work of "O. Henry" (William Sidney Porter), a native of Greensboro, N. C., considered the greatest American short-story writer of his day.

It was December 2, 1914, when, under the auspices of the State Literary and Historical Association of North Carolina, there was presented to the State a bronze memorial tablet to "O. Henry," designed by the famous American sculptor, Lorado Taft, and purchased with funds raised by popular subscription.

It has recently been stated that there are States in the Union which buy twenty-five copies of Dr. Henderson's books for every one copy sold in North Carolina. His writings are doubtless better known in Boston, New York, Chicago, Cincinnati and Philadelphia than they are known in Raleigh, Charlotte, Greensboro, Wilmington, and Winston-Salem; and they are more widely read in England, Germany and Norway than in North Carolina.

Dr. Henderson's latest book is "The Changing Drama." The reputation won by him as a dramatic critic—in particular of the modern drama—is evidenced by the fact that many hundreds of copies of "The Changing Drama" were sold in advance of publication (October 31, 1914). Already this book is hailed by critics as the ablest and most brilliant book on the modern drama ever written by an American, and regarded by many as "the standard work on the subject."

On the 23rd of June, 1903, Dr. Henderson was married to Miss Minna Curtis Bynum, of Lincolnton, N. C., a lady of rare accomplishments, having been awarded the degrees B. A. and M. A. from the University of North Carolina in June, 1902. She is the daughter of the late Rev. Wm. Shipp Bynum, a noted Episcopal preacher of his day. Mrs. Henderson, herself a woman of brilliant literary attainments, is the helpmate of her husband in his literary work, and indeed "the sum of all that makes a just man happy."

*GOVERNOR SIMEON EBEN BALDWIN.

Hon. Simeon Eben Baldwin, Governor of Connecticut, was born at New Haven February 5, 1840, the youngest son of Roger Sherman Baldwin, Governor of Connecticut and United States Senator. On his mother's side he is a descendant of Governors Haynes, Wyllys and Pitkin, of Connecticut. He was educated at Hopkins Grammar School of New Haven, Yale College, the Yale and Harvard Law Schools, and was admitted to the bar at New Haven in 1863, where he practiced his profession before both the State and the United States courts for thirty years.

In 1893 was appointed an Associate Justice of the Supreme Court of Errors, and in 1907 Chief Justice. Has since held places of honorable distinction.

He has been president of the New Haven Colony Historical Society, the American Historical Society, the American Bar Association, the Association of American Law Schools, the International Law Association, the American Social Science Association, and is now (1912) president of the American Political Science Association, the American Society for the Judicial Settlement of International Disputes, the Connecticut Academy of Arts and Sciences, the Trustees of Hopkins' Grammar School, and the Connecticut Society of the Archæological Institute of America, and Director of the Bureau of Comparative Law of the American Bar Association. He is a member of the American Antiquarian Society, the American Philosophical Society, and the National Institute of Arts and Letters, a Fellow of the American Association for the Advancement of Science, a corresponding member of the Massachusetts Historical Society, the Colonial Society of Massachusetts, and the *Institut de Droit Compare* of Brussels.

*Facts from Legislative History and Souvenir of Connecticut, Vol. VIII, 1911-1912.
Also *Review of Reviews; Who's Who in America.*

He received the honorary degree of LL.D. from Harvard in 1891, and from Columbia in 1911.

He has published a "Digest of the Connecticut Law Reports," "Modern Political Institutions," "American Railroad Law," "Illustrated Cases on Railroad Law," and "The American Judiciary." He is also one of the authors of "Two Centuries' Growth of American Law." He has contributed numerous articles to magazines in United States and foreign countries.

Governor Baldwin has long been the dean of the Yale Law School, and represents the best element of the old-line Eastern Democracy. He is a lecturer and writer on subjects vital to the interests of his state and country.

Governor Baldwin has won for himself the character of a just man, a respecter of law as the basis of civil society, and is a firm believer in the precepts of Christ. Richard Hooker, that great philosophical prose writer of the sixteenth century, has given its best definition: "Of law no less can be acknowledged than that her seat is the bosom of God; her voice the harmony of the world; all things in heaven and earth do her homage; the very least as feeling her care, and the greatest as not exempt from her power."