

Vol. VII

JULY, 1907

No. 1

The
North Carolina Booklet



GREAT EVENTS
IN
NORTH CAROLINA
HISTORY



PUBLISHED QUARTERLY

BY

THE NORTH CAROLINA SOCIETY
DAUGHTERS OF THE REVOLUTION

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Great Events in North Carolina History.

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Colonel Alfred Moore Waddell
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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

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NORTH CAROLINA IN THE FRENCH AND INDIAN WAR.

BY COLONEL ALFRED MOORE WADDELL.

“The French and Indian War,” as it is designated in our history, was the American part of the great Seven Years’ War in Europe in which Frederick the Great made his fame. It was the struggle between France and England for supremacy on this continent, or, more accurately speaking, between the genius of William Pitt and the enemies of England, for the possession and control of what is now recognized to be the greatest empire on earth. The years through which it continued were from 1754 to 1763, when the final treaty of peace was made. Nothing in the career of Mr. Pitt so wonderfully demonstrates his stupendous and all-embracing genius as his management of this war. It established his supremacy as a statesman and administrator over every English-speaking prime minister that has ever lived. His correspondence with the Governors and military authorities in the colonies, which has recently been published in two volumes by the Colonial Dames of America, is so astonishing in its comprehensive grasp of the whole field of operations, civil and military, and so minute in its detailed knowledge of every feature of the situation—from the financial needs of each colony and its geographical position and means of defense, the forces at its command, the most desirable routes

for military movements, the methods of remedying defective quartermaster, commissary and transportation facilities, and indeed every other general or detailed matter connected with the conduct of a war conducted three thousand miles from his office, down to instructions as to how certain boats and wagons should be built and hauled, and the like—as to justify the assertion that it is without parallel.

The greater part of the French and Indian War was carried on far from the borders of North Carolina, the principal theatre of it being from the Canada border down to Fort DuQuesne (now Pittsburg, Pa.), and the northwestern frontier of Virginia, but before it ended it was extended along the settlements southwardly to Georgia. The French were very enterprising in conciliating and making treaties with the Indians all the way down to Louisiana. Their first act of aggression was as early as 1753, but matters did not become serious in the way of fighting until 1754. In the latter year Governor Dinwiddie, of Virginia, made an appeal to the other Colonies for help to repel French aggression. To that appeal North Carolina made characteristic answer by voting twelve thousand pounds, and mustering a regiment for the service. In regard to this contribution, Governor Dinwiddie, writing to Mr. Hanbury in London, May 10th, 1754, said, "Except North Carolina, not one of the other colonies has granted any supplies," and it appears from a letter of Governor Dobbs to Pitt, 22d December, 1758, that out of 66,000 pounds raised in the Province, 38,000 had been given to assist the other provincies.

This expedition of 1754, about which he wrote, was the first one in which North Carolina had an opportunity to participate in that war. Fourteen years before that, however, she had sent a company (in 1740) on the expedition to Carthage in the war with Spain, which was commanded by Capt. James Innes; and the same officer, as Colonel, was as-

signed to the command of the regiment raised for the expedition of 1754. He was a native of Cannisbay, in Scotland, and a resident of New Hanover County, living on his plantation, Point Pleasant, about nine miles from Wilmington, on the northeast branch of the Cape Fear River.

He was an experienced soldier, having served "in the old country," as he expressed it, as well as in the Carthagera expedition. In the latter he was associated with General Washington's brother Lawrence, and upon his appointment to the command of the North Carolina regiment and all the forces in 1754, Washington wrote to Governor Dinwiddie: "I rejoice that I am likely to be happy under the command of an experienced officer, and man of sense. It is what I have ardently wished for." Governor Dinwiddie himself wrote to Sir Thomas Robinson in regard to him that he "has been in his Majesty's Army, and is of an unblemished character, of great reputation for his bravery and conduct."

And yet when Innes arrived in Virginia with his regiment he found a state of things so discouraging, and indeed so desperate, that he was compelled to inform the Governor that unless some relief was offered he would have to disband the North Carolina regiment, and let them go home, as they were in actual danger of starvation. Washington had been continually complaining of the miserable mismanagement of the expedition and of the want of necessary supplies, and when to this management was added a spirit of insubordination among some of the officers who refused to recognize the superior rank of Washington and Innes, and among others who were offended at the putting of Innes at the head of the expedition, the climax was reached. Washington, at the beginning of the expedition, was Lieutenant-Colonel and had gone forward with the first detachment of one hundred and fifty men from Alexandria, on the 10th of May, and had arrived within seventy-five miles of the place selected for the crec-

tion of the fort at the forks of the Monongahela when he learned that a French force had come down on the company engaged in building it and had captured them, whereupon he went into camp and awaited reinforcements. Col. Joshua Fry had been made Commander-in-Chief of the expedition, but he died about the 1st of June, and Washington was promoted to the Colonely of the Virginia regiment in Fry's stead. It was at this juncture that Governor Dinwiddie wrote the letter to Washington, heretofore referred to, announcing the appointment of Innes as Commander-in-Chief, and referring to him as "an old experienced officer," which Washington acknowledged in the generous terms already quoted. Innes, who was as modest as he was brave, seemed to apprehend that his age would be against him, and moreover suspected that the Virginians would be dissatisfied with his assignment to the chief command—which proved to be correct, but Governor Dinwiddie wrote to him in these words: "Your age is nothing when you reflect on your regular mode of living," and "as for the expectations of the people here, I always have regard to merit, and I know yours and you need not mind or fear any reflections." After his arrival, however, and upon the discovery of the situation heretofore mentioned, viz, that he could get no supplies and no money to sustain his command, and after notifying the Governor of the facts, without receiving any assistance, he was compelled to disband his force of North Carolinians and let them go home to avoid starvation.

To aggravate the case, supplies were furnished to other troops, some of whom had gone on and joined Washington, and, with the command under him, had surrendered after a gallant fight against superior numbers at Great Meadows. Innes wanted and tried to resign, but was finally persuaded to remain on duty, and when Braddock's expedition was organized in 1755, to which North Carolina contributed about

one hundred men under Major Dobbs, son of the Governor, although they were not in the disastrous defeat but were in the reserve corps under Dunbar—Braddock appointed Innes commander of Fort Cumberland, with a title never before or since heard of, to-wit, Governor of Fort Cumberland, and it was fortunate that he did so, for he rendered invaluable service to Braddock's ruined and fugitive army at that point, notwithstanding he was abandoned by Colonel Dunbar, who succeeded Braddock, and who "went into winter quarters" (in August) at Philadelphia, leaving Innes with 400 sick and wounded, and a handful of Provincials to defend the frontier. He felt the ill usage accorded to him keenly, and, tried again to resign, but was begged by Governor Dinwiddie to be patient, and, yielding patriotically to these solicitations, he continued to do his duty to his King and country faithfully until the spring of 1756, when he returned to North Carolina on leave of absence, and ended his career as a soldier. He died September 5th, 1759, at Wilmington. In 1756 North Carolina sent three companies under Major Dobbs to New York. While these military operations were being conducted on the Pennsylvania and Virginia frontiers, and later in the year, Governor Dobbs of North Carolina was endeavoring as best he could to provide for the defense of the frontier of that province, as the region west of Salisbury was called, and, in the prosecution of that purpose two forts were built, one of them between Third and Fourth Creeks near the present town of Statesville, and the other as is believed, in Caldwell County, in or near what is known as the Happy Valley. These forts were built under the direction and command of a youth of twenty-one years of age who had been a Lieutenant in Innes' expedition, and had been promoted to the rank of Captain in Virginia, and who afterwards became Major, Colonel, and Brigadier-General, and died in

1773 before reaching the age of 39. His name was Hugh Waddell. While erecting these defenses he was engaged in negotiating treaties with the Catawba and Cherokee Indians. During the year 1756, under the same officer, service was rendered at various points in restraining the Indians, and again in 1757, under the same officer, a long and wearisome march, in the face of hourly danger of ambuscade, was made over three of the highest mountain ranges east of the Rockies to the relief of Fort Loudon, which was about thirty miles from the present city of Knoxville, Tennessee.

In 1758 the final expedition against Fort Du Quesne was organized under the command of General Forbes, and to this expedition North Carolina contributed three companies under the command of the same officer, who had been promoted to the rank of Major. It is to be regretted that, so far as this writer knows, no roster of these companies was preserved, but tradition says that among their officers were Thomas Brown, afterwards known as General Thomas Brown, the hero of the battle of Elizabethtown and the "Tory Hole," and Caleb Grainger, of Wilmington.

The battalion was promptly organized, marched at once to Virginia, and went thence immediately to the front. They were placed in the advance corps of Forbes's Army and were employed in scouting, reconnoitering, clearing roads, building bridges and boats, and rendering other valuable service. They had been engaged in this work for some time before Colonel Washington was assigned to the advanced corps, and their Commander, according to the testimony of Governor Dobbs, "had great honor done him, being employed on all reconnoitering parties." There is now in the possession of the writer of these pages a field return made by him on the 25th of October, 1758, which is in a good state of preservation, and with it is also preserved a piece of wood from a table brought by General Forbes from Scotland to Nova

Scotia in 1739, which was presented to this writer by a relative of General Forbes a few years ago, upon learning of the existence of the field-return. Forbes's expedition in a short while after it began operations, like its predecessors, began to be confronted by so many unexpected difficulties that Washington, who had already written to Speaker Robinson that "nothing now but a miracle can bring this campaign to a happy issue," united with the other officers in a council of war, at which the alternative was presented of going into winter quarters or abandoning the expedition. At this juncture, as Sparks, the biographer of Washington, says, "a mere accident occurred which brought hope out of despair." In reference to this occurrence the following passage is quoted from "A Colonial Officer and His Times," where it originally appeared: "This mere accident, which all the historians mention and to which Washington himself alludes as a providential occurrence, but without mentioning any names, was the capture of an Indian, from whom the true situation of affairs at Fort Du Quesne was learned. But although this mere accident, or in other words this event of absolutely vital importance to the success of this formidable expedition which established English supremacy in the South—is carefully recorded, the person who was so fortunate as to accomplish this mere accident is as carefully ignored, to-wit, Sergeant John Rogers, of the North Carolina forces. It was a little thing to do perhaps, but Forbes considered the importance of doing it so great that he offered a reward of fifty guineas and another officer offered a reward of four hundred guineas to any one who would take an Indian prisoner, so that they might get information of the enemy's movements. Rogers accomplished it at the hazard of his life, and from the prisoner captured by him it was ascertained that the garrison at Fort Du Quesne were only awaiting the appearance of the British, when they would withdraw, and thereupon the light

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troops made a forced march and the enemy burned and abandoned the fort."

Poor Rogers was entirely overlooked and never got either of the rewards that had been offered, but after he came back to North Carolina the Assembly voted him twenty pounds for his gallantry, as appears from the Colonial Records of North Carolina, Vol. VI, page 384.

Among the light troops who made the forced march on the fort were the North Carolina companies, and tradition says that a large dog belonging to their commander first entered the ruins. There were with these troops a number of Cherokee Indians, and perhaps a few Catawbias, and when the expedition ended those Indians started on their return home, and while passing through western Virginia discovered some horses running wild in the woods, and, as they afterwards alleged, supposing them to have escaped from the nearest settlements and been abandoned, as sometimes happened, they captured them and went on their homeward march, but they were pursued by the Virginians and a number of them were killed. The survivors on their arrival at home told their story, which infuriated their kinsmen, and the French, who learned of it, added to the flame by telling them that the English were only waiting for a good opportunity when they intended to kill their warriors and reduce their women and children to slavery. They also furnished the Indians with arms and ammunition, and promised them active support. The consequence was that the fall of Fort Du Quesne, so far from affording relief to the people of North Carolina, only served to transfer the war to their own western frontier, and a series of outbreaks followed, which lasted for more than two years, and kept the settlers insecure until the treaty of peace was made between France and England in 1763. The first outbreak was directed against Fort Loudon on the Tennessee river, where there was a garrison of two hundred men

chiefly from South Carolina, and the fort was cut off from supplies and the garrison in danger of starvation. The news of this outbreak and of the murder and scalping of many inhabitants soon spread and the Governors of North and South Carolina organized a considerable force to attack the Indians, when the latter, fearing that they would be destroyed, begged for peace and made a new treaty; but, as was customary with them, they soon broke out again. Thereupon Waddell, now a Colonel, was ordered to re-garrison the fort between Third and Fourth creeks, (Fort Dobbs) and to put five hundred militia on duty to protect the frontiers. He was attacked at Fort Dobbs by the Cherokees on the night of the 27th February, 1760, the assault being made by two parties, but he repulsed them, killing ten or twelve and losing one killed and two wounded. He expected an attack the next night, but the Indians had enough of it, and did not make another attempt.

Colonel Montgomery and Major Grant invaded the Cherokee country and fought an indecisive battle in the Etchoe settlement near the present town of Franklin in Macon County, on the 27th June, but whether there were any North Carolina troops in the expedition or not is uncertain.

The retreat of Montgomery to Fort Prince George caused the surrender of Fort Loudon, which was followed by treachery and murder by the Indians. In the fall of that year (1760) Colonel Waddell was ordered to join Colonel Byrd, of Virginia, in striking the upper Cherokees, but the latter made peace and he discharged his troops.

And thus, strictly speaking, the part of North Carolina in the "French and Indian War" ended, although for years afterwards North Carolina pioneers had to fight the Indians until they were finally suppressed during and after the American Revolution.

This article embraces only the general outlines of the subject discussed, and omits much that might be said by way of comment upon individual conduct, and particular events in the several campaigns, as well as in the civil administrations in Virginia and the Carolinas during the war, which, if included, would exceed the limits prescribed for articles in this publication.

A portrait of General Hugh Waddell may be found in each of the following works:

"A Colonial Officer and His Times—1778," by Alfred Moore Waddell, 1890. Published by Edwards & Broughton, Raleigh, N. C.

"Wilmington," by Rt. Rev. Joseph B. Cheshire, in "Historic Towns of the Southern States." Published by G. P. Putnam's Sons, 3 New York City.

"The Story of the Old North State," by R. D. W. Connor. J. B. Lippincott Co., Philadelphia.

LOCKE'S FUNDAMENTAL CONSTITUTIONS.

BY MR. JUNIUS DAVIS.

He who attempts to write of the earliest events in the history of North Carolina with a single aim to the truthfulness of his narrative, will find himself painfully embarrassed by a want of accurate information. And this is notably true as to the story of the first settlers, and the early political history of the Province. Where was the first permanent white settlement in North Carolina—the date of it—the names of the settlers—who knows? Saunders says (1 Col. Rec., Pref. IX): “The first permanent white settlement in North Carolina was made, it may be safely said, somewhere to the eastward of the Chowan River, extending in time down to and along Albemarle Sound. Neither its date, nor its locality may now be fixed with absolute certainty, but it began, doubtless, before 1660, and probably as early as 1650.” I believe the correct date to be after 1660, but I am unable to fix it accurately. It seems to be certain that the first stout hearts, who, pushing into the wilderness beyond the touch of civilization, brought their families and household goods into the new land, came from Virginia and probably from Nansemond County. In July, 1653, the General Assembly of Virginia (1 Col. Rec., 17), regarding North Carolina as a part of that province, granted Ten Thousand Acres of land to the 100 persons, who should first settle on the Roanoke River, and the lands lying south of the Chowan and its branches; and One Thousand Acres to one Roger Green, to be chosen by him, “Having regard to those persons having a former grant.” This proviso, I take it, was merely a saving clause tacked on by some cautious representative of the Old Commonwealth, who held a righteous regard for the first rights.

And this grant seems to have been more of an inducement held out to prospective settlers, a tentative offer, than an actual evidence of an actual settlement. For it is certain that Yardley, when he sent out his first expedition into North Carolina in September, 1653, and his second early in 1654, found no white man in North Carolina, save one lone Spaniard, who had pitched his tent with a family of thirty, "seven whereof are negroes," among the Tuscarora Indians. (2 Hawks, 17.)

Yardley calls his explorations "an ample discovery of South Virginia or Carolina." His first expedition, in September, 1653, went through the sounds as far as Roanoke Island, where the Chief of the Indians "showed them the ruins of Sir Walter Raleigh's Fort." The second, early in 1654, penetrated into the interior, and during it Yardley bought and "paid for three great rivers" (supposed to be the Roanoke, Tar and Neuse) "with the surrounding lands, and took solemn possession of them, on behalf of the Commonwealth of England, by the delivery to them by the Indians of a turf of the earth with an arrow shot into it." His party neither heard of or met any white man save the Spaniard, and he certainly had lost himself, and claimed no allegiance to England. No after mention of Yardley, or his purchase, is to be found in any of the records. The grant from the King of Yeopin, dated March 1st, 1661, (1 Col. Rec., 19), to George Durant, was for land lying on Roanoke Sound and a river called by the name of "Pearquimans." It began at "*a marked oak*, which divides this land from the land I formerly sold to Samuel Pricklove," and is witnessed by two men of English names. George Durant probably came from Northumberland County, Virginia, for the record of his marriage to Ann Moorwood on January 4th, 1659, by Daniel Lindsey, a minister of the gospel in Northumberland County,

is to be found in the court-house at Hertford, N. C. (Hathaway, Vol. 3, page 199.) Durant, who was certainly one of the first "seators," was a man of ability and substance, destined to become prominent in the affairs of the province, and to be abused and villified by Hawks, without the least reason or foundation, as a Quaker and a turbulent promoter of sedition and resistance to lawful authority. On September 25th, 1663, Governor Berkley, of Virginia, issued grants to various parties for land in the Albemarle section of North Carolina, Seven Hundred and Fifty (750) acres to Thomas Relfe, Three Hundred and Fifty (350) to Robert Peele, Six Hundred (600) and Two Hundred and Fifty (250) to John Harvey, Seven Hundred (700) to Captain John Jenkins, and to George Catchwood One Thousand Five Hundred (1500). Both Harvey and Jenkins were afterwards Governors of the Province. These grants all describe the lands by actual metes and bounds, and call for the bounds of other lands belonging to actual settlers at that date, notably John Battle, Roger Williams, Thomas Jervis and others, names well known in the history of the State. It may seem strange to some that Berkeley, one of the Proprietors, should, as Governor of Virginia, be issuing grants for land in the Albemarle section some five or six months after the Great Grant of Charles. But the answer is, that the first grant to the Proprietors did not include the lands on the Chowan or north of the Roanoke.

It is well to note right here one most egregious error into which the historians of the State, Williamson, Martin, Hawks, Wheeler and Moore, have fallen. They all with one voice declare that the first settlers were Quakers and "religious refugees" from the Northern colonies "seeking a haven of rest from religious persecution." The utter fallacy of this statement has been completely proven by Bishop Cheshire, and declared by Colonel Saunders. Indeed it is strange to the

student of history of this day to see the many errors of these historians, notably Hawks, who had the least excuse of any.

I venture the opinion, that the first settlers acquired their lands by purchase or some like concession from the Indians, and that many of them afterwards "made good" by grants from the Governor of Virginia.

On March 24th, 1663, Charles Second, out of that careless generosity in which he was wont at times to indulge himself, granted to the Lords Proprietors the first Great Charter for Carolina. The inducement, or, as a lawyer would put it, "the consideration," for this truly princely gift, was the "laudable and pious zeal for the propagation of the Christian faith and the enlargement of our empire and dominions"—which were burning in the bosoms of these favored noblemen. But it was early ascertained that this grant did not include the settlements which had already been made in the Albemarle section; and so the Proprietors procured from Charles the second charter, dated June 30th, 1665, which extended their northern boundary to the line which now divides North Carolina and Virginia. It was truly a grand and noble estate, which Charles had so lightly and carelessly flung to his friends. It extended from Virginia on the north to the Spanish possessions in Florida on the south, and from the Atlantic Ocean on the east to the Pacific on the west; and included the present States of North Carolina, South Carolina, Tennessee, Georgia, Alabama, Mississippi, Louisiana, Arkansas, Texas, Indian Territory, New Mexico, Arizona and the lower part of California. Over it the Proprietors were made "the true and absolute Lords," with full and plenary powers, even of life and death. There were, however, in the charter two very pregnant and portentous provisions. One was the excepting and "saving also the right, title and interest of all and every one of our subjects of the

English nation, which are now planted within the limits and bounds aforesaid." The other was the restriction put upon the power of the Proprietors to enact and publish laws "for the good and happy government" of the province, which required these laws to have the assent and approbation of the freemen of the said province, or of the greater part of them, or of their delegates or deputies, whom for the enacting of the said laws, when and as often as need shall require, we will that "the Proprietors shall assemble," etc., etc.: "*Provided, nevertheless,* That the said laws be consonant to reason, and as near as may be conveniently agreeable to the laws and customs of our Kingdom of England." It is difficult to conceive why the Proprietors should have proposed such a restriction as this latter upon their otherwise plenary power. I say "*proposed*" advisedly. The grant cost Charles nothing, no expenditure of money, no loss of revenue. He was simply paying so-called debts of honor by giving something which had no value whatever in his eye. He had no love for Parliaments or Parliament law, and the judicial murder of his father at the command of the Parliament of England was then fresh and sore in his memory. He certainly would never have proposed such a limitation upon his bounty, and so I insist that the draft of the charter was left entirely in the hands of their Lordships, and this provision voluntarily inserted by them. It undoubtedly emanated from Ashley, who throughout his entire political career, was a strenuous supporter of the supremacy of the Parliament. If they had been endowed with the gift of prophecy, if they could have foreseen that rugged independence of their subjects, that sturdy resistance against any invasion of their chartered rights, which were so soon to follow, these restrictions would never have been written into their grant. But these Proprietors were great Nobles, in high favor with the King,

arrogant and overbearing toward their inferiors, living in the midst of luxury and plenty, and daily accustomed to obsequious and servile deference from their tenants and retainers, and utterly ignorant of the conditions prevailing in the province. No dream of trouble from the chance inhabitants of their newly acquired possessions far across the wide waters arose for one moment to disturb their serene and complacent indifference. They simply gave no thought to the just rights and welfare of the inhabitants of the land, who had long since lost sight and sense of Kings and Nobles, and who had, with infinite labor and at vast risks, builded their homes in the great wilderness, among the savage Indians, where the King's writ ran not, where Sheriffs and Courts were unknown, and their own stout hearts and strong right arms their only protection. They considered the settlers as "feudal vassals," mere chattels which they had acquired with the fief. Not only was there an utter lack of any community or bond of common interest between these non-resident landlords and their tenants, but their striking and unnecessary parsimony and greed was to destroy all hope of it in the future. The form of government and laws promulgated by them in the very outset were grievously unsuitable, unjust, irritating and surely calculated to create discontent and ill feeling.

In September, 1663, the Proprietors assumed control and sent out their first instructions to Wm. Berkeley, one of their number and then Governor of Virginia. He was authorized to appoint a Governor, with a grand council of six, who were to appoint all civil and military officers, and with the consent of the freeholders or their delegates to make laws, which should be in force until vetoed by the Proprietors. This was not so bad, but the further instructions as to the *parceling out*—not granting—of the lands was a striking exhibition of extreme stinginess and woeful lack of common sense

and common justice. The Governor and Council were instructed to grant to each man "one chayne of land consisting of 66 foote in bredth and 100 chaynes from the River into the country in lenkth, and the remainder of his land to be noe nearer than at the end of 200 chaynes from the River * * * by means whereof there will be 200 men armed and lodged within each myle and quarter square * * * and 10 acres, which is the proportions above, will be as much as one man can well plant and keepe cleane in that growing country."

Not only this, but it was expressly enjoined that those settlers who had bought land from the Indians must "*be persuaded or compelled to surrender them*" and take the small measure meted out by the Proprietors. And right here began trouble—that trouble, which ever after increasing and swelling even at times into revolt, resulted in the downfall of the rule of the Proprietors, and, having thus obtained sturdy root and Royal encouragement, flowed on in increasing volume until it burst into the Revolution and secured perpetual freedom from Royal rule. Ten acres indeed! what content, or joy, or happiness, did the promise of ten acres bring to those men, who had already acquired hundreds under titles expressly protected and secured to them by the great Charter! But this was not all. The settler, who had by great toil, with great peril, built him a house and cleared his lands for cultivation, who loved elbow room, and lived happy because his nearest neighbor was a mile away, who fairly revelled in the glorious possession of broad acres, was to be forced to abandon all these fruits of his labor and make a new home in a fortified village to serve the caprice of his overlords.

Land, the precious soil and the ownership of it, has ever been dear and close to the heart of the Anglo-Saxon from time immemorial even down to the present day. This ardent longing for a freehold was generated in the hearts of

our ancestors in the days of the feudal system, when the rich and the noble and the Church owned all the lands of England, and the stout yeomen were only tenants, and came down to us by inheritance. Land was beyond their reach, and therefore they coveted it and yearned for it above all things. For land even though it was so poor as only to "feed a hog or aiblins twa in a good year," we have always been ready and willing to spend our precious dollars and our blood.

Drummond was the first Governor of Albemarle and he assumed authority in October, 1664. In June, 1665, Woodward, the surveyor for the Province, protested, but with appropriate servility, against the restrictions upon the granting of lands, that the people resented the small acreage allowed, and that new comers were discouraged because of the better terms granted in the other colonies. He concludes his letter with the statement: "Those that live upon a place are best able to judge of that place, therefore the *Petition of the General Assembly that was here convened* will deserve your Honor's serious consideration."

It is important here to note two things, that a General Assembly of the freeholders—the first in the history of the State—had been held under the provisions of the great Charter soon after the appointment of Drummond, and that at the very birth of the Province, the deputies of the people were at war with their overlords.

In October, 1667, Samuel Stephens was appointed Governor and a new set of instructions, that is Laws, issued to him. These were fuller in detail and in some respects more liberal; but still some of the provisions were in express violation of the reserved rights of the people under the charter. On May 1st, 1668, the Proprietors, in tardy response to the protest of Woodward and the petition of the General Assembly, sent out the "Great Deed of Grant," under which lands were to be granted upon the same terms and conditions as

prevailed in Virginia. This document, of brief extent, was considered of such importance "that the original was preserved with the most scrupulous care, and sixty-three years after its date, was formally brought into the Assembly, and ordered into the special custody of its Speaker and its text spread upon its minutes." Nor does this great caution seem to have been in anywise unnecessary, for repeated attempts were afterwards made by the Proprietors and their Deputies, and even by Governor Johnston, under the Royal Government, to declare it revoked and annulled. But the colonists clung to it as a sheet anchor, and as late as 1856 it was invoked by our Supreme Court to sustain the validity of a grant issued in September, 1716, by the Governor and Council in accordance with its provisions. (See Archibald vs. Davis, 4 Jones, 133.)

This review of the birth and rise of the colony is necessary to a clear understanding of the political conditions existing at the time of the promulgation of the first set of the Fundamental Constitutions, and of the cause of the antagonism and opposition of the colonists to the Proprietors. Thus far the Proprietors had not attempted to establish any stable form of government, but had been content to dole out their laws in the form of changing instructions to each new Governor.

John Locke was a man of great learning and varied attainments, but an idealist, a profound philosopher and of broad religious and political views, but not a statesman, a fascinating conversationalist, an inimitable raconteur, a delightful companion, but not practical and utterly lacking in executive ability. He was born at Pensford, in Somersetshire, England, on August 29th, 1632. His father, who was a country attorney, was a Parliament man, and upon the breaking out of the rebellion against Charles I, entered the army as Captain of a troop of horse in the regiment commanded by Colonel

Popham. Locke's early youth was spent in the midst of war and bloodshed, for the storm of battle raged fiercely around his home. However, in spite of the absence of his father in the army and the fierce strife which was sweeping over the country, his education was not neglected.

In 1646, through the influence of Colonel Popham, he was admitted to Westminster School, where he remained for six years. In November, 1652, he matriculated at Christ Church College, Oxford. In 1658 he took his degree as Master, but continued with his college as tutor and lecturer. It is curious in this age of action and progress to note the range and variety of his studies—logic, metaphysics, philosophy, mathematics, astronomy, history, Latin, Greek, Hebrew, Arabic, Roman Law, theology, chemistry, medicine, etc., etc. In his association here with great scholars of broad and liberal views, men learned in the theory of government, but without experience in its administration, we can readily see how Locke lost all touch with the spirit of Puritanism into which he had been born. His father died in February, 1660, leaving him a small estate, sufficient, with his studentship at Oxford, to afford him a comfortable living. Lord King, his kinsman, says he had the choice of three distinct roads to fame and fortune, the Church, the practice of medicine, and diplomacy, and with equal certainty of success in each. Medicine seems to have been his choice and love, and to this study he devoted the most of his leisure, save for that short dissipation in diplomacy, when he went as Secretary with Sir Walter Vane on his Embassy to Holland. In spite of his great ability and close devotion to his studies, through his neglect of some formalities, he failed to get his diploma in medicine. This failure would have ended his connection with his college but for the intervention of some powerful friends, who had been won to him by his charming personality and marked abilities, and who procured from Charles II a preemptory com-

mand to the Dean and Chapter of Christ Church to continue his studentship with its emoluments.

About this time he became associated in some way with Dr. David Thomas in the practice of medicine, and it was this association that in 1666 accidentally brought him in contact with Lord Ashley. Ashley, afterwards better known as the Earl of Shaftesbury, was a man of brilliant attainments and remarkable abilities. He was a masterly and unscrupulous politician, and had been Royalist, and Roundhead, and Royalist again, as the balance of power shifted. Probably no other man of his high rank and position was ever the subject of so much scathing abuse and bitter satire. Dryden immortalized his memory in caustic verse, and Macauley, in equally bitter and brilliant prose. But "during his long political career, in an age of general corruption, he was ever incorrupt," and he was always a devoted friend and staunch advocate of both civil and religious freedom. He was by far the ablest of the Proprietors, and his dominating personality made him easily the leader in all their conferences. Appointed Lord Chancellor by Charles II, November 17th, 1672, without even a smattering of the rudiments of law, he filled that high office with credit. He was dismissed from office in disgrace in September, 1673, and Lord Campbell says that the first act of his successor, Lord Nottingham, "was to seal a pardon to his predecessor, which had been stipulated for when Shaftesbury took the office, foreseeing that he might do many things for which a pardon might be required, *and wishing to have the pleasure of sinning with an indulgence in his pocket.*" It is difficult to tell which most compels our admiration, the wisdom of the politician or the delicious humour of the sinner.

Ashley was troubled with an abscess in his chest, the result of an ugly fall, which threatened to develop into cancer, but which was eventually cured under Locke's advice and direc-

tion. In July, 1666, Ashley, intending to visit Oxford, and wishing to try some medicinal waters in that vicinity, wrote to Dr. Thomas, who deputed Locke to wait on him. These two men, so great each in his different way, so dissimilar in character, and socially so far apart, were drawn together at their meeting into an intimate friendship, and a close association, that was not to be shaken by either time or fortune. As the result, in July, 1667, Locke left Oxford to live with Ashley as his Secretary.

Speaking of the Lords Proprietors, Bourne, in his life of Locke, Vol. 1, page 236, says: "Of these patentees Ashley was the most active and influential, and thus it happened that Locke, being Ashley's principal adviser and assistant, became in some sort of irregular way the chief secretary or manager of the whole company of Lords Proprietors of Carolina."

In their letter of September 8th, 1663, to Governor Berkeley, the Proprietors urge the necessity of doing something towards the development of their new possessions, "that the King may see we sleep not with his grant but are promoting his service," etc. And yet, in spite of this, nothing was done, but the promulgation of laws, until 1669. In fact, while the Proprietors in 1669 spent some £3200 (equal at this time to about \$75,000 or \$80,000), and other sums later, towards the settlement of South Carolina, they gave little or no financial aid to Albemarle, evidently believing that it was, or ought to be, able to support itself.

But now had come an important need for some settled and permanent form of government and laws for the province, and hence the Fundamental Constitutions. They are always called "Locke's Fundamental Constitutions," and are generally reputed to be solely the product of his pen and brain. But Bourne, whose life of Locke is by far the best that has

been written, says: "Wonderful pains were taken to provide good government for Carolina, and perhaps no colony was ever started with a more elaborate scheme of political, social, and religious organization. Locke had a large share in this work, though there can hardly be any doubt that it was initiated by Lord Ashley, and modified by his fellow Proprietors." A careful study of all the authorities forces me to the conviction that this Utopian scheme was devised by Ashley, aided by the suggestions of Locke, and discussed, modified and then adopted by the Lords Proprietors. It is incredible that a man like Ashley, of such great abilities, of such high position and influence, so arbitrary, and dominating, should have deputed to his Secretary, even though he was Locke, the making of laws, which were evidently intended to be perpetual for all time, for such vast possessions. It is certain, I think, that the general outlines having been framed by Ashley, and agreed upon by the Proprietors, it was given to Locke to draft, and put them in proper shape.

It is a fact, not generally known, that first and last there were five several sets of these Fundamental Constitutions. The first set, dated July 21st, 1669, contained eighty-one articles; the second, March 1st, 1670, contained one hundred and twenty articles; the third, January 12th, 1682, contained one hundred and twenty articles; the fourth, August 16th, 1682, contained one hundred and twenty-one articles; and the fifth and last, April 11th, 1698, of forty-one articles. Of the first set Bourne says "there is extant a draft in Locke's handwriting, dated the 21st of June, 1669, and which with some alterations were issued by the Proprietors on the 1st of March, 1670." This set was never officially promulgated or sent out to Carolina, and but little is known of them. The second set, dated March 1st, 1670, which contained 120 articles, is the one generally referred to as "Locke's Fundamental Constitutions," and is published at length in all of

Locke's works, in 1 Coll. Rec., 187, and 2 Rev. Statutes of North Carolina, page 449. It is this act which I propose to discuss in this article, and which for brevity I shall call Locke's Constitutions, for while there were three other sets adopted and promulgated afterwards, yet neither Locke or Shaftesbury had part in them.

In 1674 Locke's health began to fail, and about November, 1675, he went to France on this account and remained there until the last of April, 1679. Shaftesbury had lost favor with the Court, and was dismissed from the Chancellorship in September, 1673. From this time on he was alienated from the King, was imprisoned in the Tower twice, indicted for high treason, and finally, in November, 1682, fled to Holland, where he died soon after. From the time of his return to England in 1679 until November, 1682, Locke was much of his time in the country, and Shaftesbury too deep in political plots to devote much care or time to Carolina. Locke's connection with the Lords Proprietors certainly ceased when Shaftesbury fled to Holland.

There is some confusion and difference among the historians as to which of the first two sets was actually the one first adopted, but after careful study I feel assured I have named them in their proper sequence. This confusion, as Hawks correctly says (Vol. 2, page 184), arose out of the difference, which prior to 1752 existed between the civil or legal year, which began on the 25th of March, and the historical year, which began on the 1st of January.

I have before endeavored to show the serious differences which already existed between the colonists and the Proprietors, and the conditions which produced them. The Constitutions were intended as oil upon troubled waters, the deliberate result of a sincere desire on the part of landlords, utterly ignorant of the pulse of their tenants, to allay forever the rest-

less fever of rooted discontent. But the people—the governed—were not represented or consulted in their making, and by the voice of history they were in their very infancy doomed to disastrous failure. For when, since the day of Runnymede and Magna Charta, has any set of fundamental laws, in the making of which the people had no part, been of lasting duration?

In the preamble to each and every set of the Constitutions the Proprietors declare them to be “for the better settlement of the government of the said place, and establishing the interest of the Lords Proprietors with equality and without confusion; and that the government of this Province may be made most agreeable to the Monarchy under which we live * * * and *that we may avoid erecting a numerous democracy.*” And in the last clause of each it is solemnly declared that, “These fundamental constitutions * * * and every part thereof shall *be and remain the sacred and unalterable form and rule of government of Carolina forever.*” Hereafter will be seen the careless and indifferent ease with which their Lordships suspended, altered and revoked their “sacred and unalterable pledges” as it suited their pleasure, or their interest. Let us now, as briefly as may be, consider this system of law.

A nobility was created, consisting of Palatines, Landgraves and Casiques, in the order of precedence given; and some twenty or more clauses were devoted to defining their estates, their dignities, devolution of titles, etc. A noble could only be tried for a criminal offense in the Chief Justice's Court, and there only by a jury of his peers. The seven chief offices, besides that of Palatine, to-wit, Admiral, Chamberlain, Chancellor, Constable, Chief Justice, High Steward and Treasurer, could only be held by the Proprietors or their Deputies.

Then came the courts, of which there were a great number. There were eight supreme courts, called the Great Courts or Proprietors' Courts. The chief of these, the Palatine's Court, was composed of the Palatine and the other seven Proprietors. The other seven, each consisted of a Proprietor "with six councillors added to him." A queer attachment was tacked on to all the courts in the shape of a college of twelve assistants, whose sole office was to furnish a body out of which to select the Councillors. In order to preserve their proper dignity and equality, each of the Proprietors had his own especial supreme Court. These Proprietors' Courts had each power to mitigate all fines and suspend all executions in criminal cases arising in any inferior court.

The Palatine's Court, "wherein nothing shall be acted without the presence and consent of the Palatine or his deputy and three others of the Proprietors and their deputies," had jurisdiction to call the sessions of Parliament, to pardon all offences, to elect all officers, to dispose of all public moneys, except those set apart by Parliament for some *particular* public use, and to *negative all acts, orders, votes and judgments of the Grand Council and Parliament.*

Here we find a bold and clear nullification of that most important provision of the Great Charter by which the Proprietors could only make laws with the assent of the Parliament.

Then came the Chancellors' Court, composed of one of the Proprietors and six Counsellors, called Vice Chancellors. It had jurisdiction of all state matters, treaties with the Indians, invasions of the law of liberty of conscience, and of the public peace upon the pretense of religion, and the license of printing. The twelve assistants were called Recorders.

The Chief Justice's Court, consisting of one of the Proprietors and six counsellors called Justices of the Bench, had jurisdiction of all appeals in civil and criminal cases, except

such as were cognizable in the Proprietors' Courts, and the regulation of the registries of writings and contracts. The assistants were called Masters.

The Constable's Court, of one Proprietor and six Counsellors, called Marshals, had charge of all military affairs by land, arms, ammunition, land forces, forts, etc., and "whatever belonged unto war." Each of the assistants was a Lieutenant-General.

The Admiral's Court, one Proprietor and six Counsellors, called Consuls, was an Admiralty Court, and given authority over all ports, navigable streams "as far as the tide flows," shipping, and all maritime affairs. The assistants were Pro-Consuls.

The Treasurer's Court—a Proprietor and six Counsellors, called under Treasurers—had charge of the public revenue and treasury. The assistants were called Auditors.

The High Steward's Court, a Proprietor and six Counsellors, called Comptrollers, ruled over all foreign and domestic trade, public buildings, work-houses, manufactures, highways, sewers, bridges, carriers, fairs and markets, all things pertaining to the public commerce and health, surveying of lands, appointing places for towns to be built on, and prescribing their size and figure. The assistants were called Surveyors.

The Chamberlain's Court was a most remarkable legal machine. Of course it consisted of the usual and indispensable Proprietor and his six Counsellors, called Vice Chancellors. It had cognizance and charge—note well its grave and serious duties—"of all ceremonies, precedence, heraldry, reception of public messengers, pedigrees, the registry of all births, burials and marriages, legitimation and all cases concerning matrimony or arising from it," and "power to regulate all fashions, habits, badges, games and sports." The assistants were called Provosts. How gladly would such a tribunal be hailed and

welcomed in this day of the high tide of Democracy by members of the high and exalted Four Hundred, and of certain other exclusive societies, whose names I have not the courage to mention. But what wot those fustian clad yeomen and dames of Albemarle of fashions or habits, of pedigrees or heraldry, of ceremonies or precedency, in the gloom of the wilderness! To them there came no patterns of fashion from London, or Paris, or even from Philadelphia or New York, and her own good taste in the neat fitting of her gown to her trim figure, was the only pattern or guide to the good women of the Province.

As each of the Proprietors had his own especial high court, and each with equal but ill-defined power, it was vitally necessary to erect some tribunal to compose the disputes, which were certain to arise between them—and hence one reason for the Grand Council.

This was a most important body. It consisted of the Palatine and the other seven Proprietors and the 42 Counsellors of the seven Proprietors' Courts. One of the Proprietors and his deputy and twelve other members, no less, could make a quorum. It was given supreme power, to determine any controversy arising between any of the Proprietors' Courts as to their respective jurisdictions, or method of proceeding—to make peace and war, leagues and treaties, general command over the Constable's and Admiral's Courts for the raising, disposing and disbanding of the land and sea forces—the judging of all causes and appeals affecting any of the Proprietors or the Counsellors of their courts—and the disposition of all monies voted by the Parliament and directed by it to any particular public use. But these, in the opinion of the colonists, were but as trifles, compared with the other and most vital matters. This court was directed "to prepare all matters to be proposed in Parliament. Nor shall any matter whatsoever be *proposed* in Parliament but what has first

passed the Grand Council." One might safely presume that the Proprietors would be content with this two-fold limitation upon the power of the Parliament—that having provided that only such measures should be considered by it as were proposed by their courts, and that then they, sitting in the Palatine's Court could nullify any act so passed—they would be satisfied that this sickly shadow of authority could in no manner be hurtful to their interests. And yet so tender were their Lordships as to their prerogatives, so distrustful of their own perspicacity, and their deputies, so afraid that they—sitting as the Grand Council—might propose some dangerous legislation to this bastard Parliament which it might accept, that by the 76th article it was declared that "No act of Parliament shall be of any force unless ratified in open Parliament" by the Palatine and three Proprietors, or their deputies; and even after such ratification, the act was to continue in force only until the next Biennial Parliament unless in the meantime ratified by the Palatine himself and three other Proprietors under their own proper hands and seals. No deputies this time "an it please you." Pray, of what avail were the reservations of the great charter to the freemen of the Province in the face of this unlawful assumption of more than kingly power? How long would the Parliament of England have suffered such extreme and arbitrary measures on the part of the King?

These were the great departments of the Government and the Chief Courts. But besides these there were County Courts, Precinct Courts, and a special court for the trial of all capital crimes. No cause could "be tried twice in the same court upon any reason or pretence whatever." But appeals to higher courts could be *bought* by paying to the Proprietors prices ranging from £5 to £50 in capital cases.

All jurors in the Precinct Courts were required to own 50 acres of freehold; all grand jurors in the County Courts and

Assizes 300 acres, and all petty jurors 200 acres; and all jurors in the Proprietors' Courts must own 500 acres. A very decided change of opinion on the part of the Proprietors since 1663, when they gravely proclaimed that 10 acres of land was enough for any man to hold "in that growing country."

And yet with all this grand array of courts, all this confused and complicated machinery of law, lawyers were absolutely banned and proscribed. For by the 70th article it was declared, "It shall be a base and vile thing to plead for money or reward; nor shall any, (except he be a near kinsman, nor farther off than cousin, germane to the party concerned) 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 nor indirectly bargain with the party whose cause he is going to plead, for money or any other reward for pleading his cause." This remarkable and unique provision was most undoubtedly the work of Locke, and copied by him after the *Cincia Lex* of the Roman Law—"Ne quis ob causam orandam pecuniam donumve accipiat."

The Parliament, or General Assembly as I shall hereafter call it, was composed of the four estates—the Proprietors or their deputies, landgraves, casiques and freeholders, all sitting together as one body. Only owners of 500 acres of freehold were eligible to the General Assembly, and every voter must own 50 acres. The Assembly was to meet biennially, and at the opening the first ceremony "was the reading of the Fundamental Constitutions, and its subscription by all the members present." For it was declared that no man should sit or vote in the Assembly until he had signed the Fundamental Constitutions. Elections for members of Assembly were to be held biennially.

"All manner of comments and expositions on any part of these Fundamental Constitutions, or on any part of the common or statute laws of Carolina, are absolutely prohibited." And so any criticism or discussion of any of these laws were "mala prohibita," crimes to be punished at the will of the Judges.

An office was established for the registration of conveyances, and one for births, marriages and deaths. The age of every one in the colony was reckoned from the date of the registration of his birth. No marriage was lawful until registered, and no administration could be had until the death of the decedent was registered. So that no man could be legally born, legally married, or legally dead until he was so registered.

All towns were to be governed by a Mayor, twelve (12) Aldermen and twenty-four (24) Common Councillors. The system so provided was a very cumbrous one for the small villages of the Province. This was in 1670; and yet in 1709, near forty (40) years later, it was said, (1 Coll. Rec., 715): "Here is no church, though they have begun to build a town called Bath. It consists of about twelve (12) houses, being the *only town* in the whole Province." This little town of Bath, which forty (40) years after the promulgation of the constitutions, only contained twelve (12) houses, was totally insufficient to furnish men enough to fill the municipal offices required by the above provision. Could there be stronger evidence of the total ignorance of the Lords Proprietors of the conditions existing in Carolina, and their incapacity to foster its growth and prosperity!

Port towns were to be established, and no goods or commodities could be lawfully exported or imported under a heavy penalty, unless loaded or unloaded at a port town.

It was declared by section 95 that no man could be per-

mitted to be a freeman of Carolina or have any estate or habitation within it unless he acknowledge the divinity of God; and by section 101, that no person, man or woman, of seventeen (17) years and upwards could have any benefit or protection of the law unless he was a registered member of some church or religious body. And that in a country in which no church was built until many years after the promulgation of these constitutions!

Very broad and liberal provisions were made for the freedom of religious convictions and worship, and stringent laws against the disturbance of any religious congregation or abuse of any church or religion. But at the same time the Church of England was declared to be the only true and orthodox church, and the only one entitled to support from the public revenues. Locke, sturdy in his defense of entire religious freedom, bitterly opposed this clause and refused to draft it.

All persons were given absolute power and authority over their negro slaves, even that of life and death. This provision needs no comment, save that it never had the sanction of law in any Southern State during the days of slavery.

Now we come to the 112th Constitution, by which the Proprietors deliberately proposed the most illegal and deadly blow at the very life and being of the colonists. It boldly declared that no person whatever should hold or claim any land in Carolina by purchase or gift or otherwise, from the Indians, or any other way whatsoever, save under and from the Proprietors, under pain of forfeiting all his real and personal property and of perpetual banishment. This decreed confiscation and banishment to any man who dared to claim or assert the title which he had previously acquired to the little estate carved out for himself at so great a sacrifice, and which had been expressly saved and guaranteed to him by the very words of the King's Grant. These titles and rights were preserved to him not only by the grant, but also by Magna

Charta, the greatest of those three great testaments, which, Chatham declared, composed "The Bible of the English Constitution." "Nullus liber homo capiatur, vel imprisonetur, aut utlagetur, aut exuleter, aut aliquo modo, destruat, nec super eum ibimus, nec super eum mittemus, nisi per legale iudicium parium suorum, vel per legem terrae."

"Nulli vendemus, nulli negabimus, aut differemus rectum aut justitiam."

Near seven centuries have swept over the world since that historic drama on the willow clad banks of the Thames, when the great Barons, churchmen and yeomen of England wrung with mailed hand from King John this declaration of their rights and liberties. New kingdoms, new principalities, new republics have reared their proud heads among the nations of the world, while others, old and new, have crumbled and vanished into the gloom of eternal night. Weak nations have grown strong and powerful, while others, once strong and powerful, are barely allowed a national existence in the jealousy and fear of disturbing the balance of power. Strange and unexpected cataclysms have from time to time violently altered and changed the destinies of nations. But through all the Anglo-Saxon people alone, crucified at times by war, but purified by revolution, increasing, conquering, broadening and expanding, have reached that great eminence, where standing together, they easily dominate the world. And yet even though they have separated and divided into two great nations, they have each always jealously and religiously preserved unaltered to themselves and to their children as a sacred inheritance, the everlasting shelter and protection of Magna Charta. If the evil day shall ever come, when this great protection from wrong and oppression shall be destroyed, then will inevitably follow violence, distress, ruin and anarchy. And from this day and this fate may God in His infinite mercy ever preserve our people.

All inhabitants over seventeen (17) and under sixty (60) years of age were bound to serve as soldiers, whenever required so to do by the Grand Council.

A copy of the constitutions was to be kept "in a great book" by the register of every Precinct, and signed by every person, whether male or female, over the age of seventeen (17) years; and no such person who had failed to subscribe the constitutions could hold any estate or possession in Carolina, or have any benefit or protection from the law. Any alien could subscribe these constitutions before any Register, and *ipso facto* he was naturalized. And having thus declared the laws some eleven rules of precedency among the nobility were established.

This lengthy abstract of the constitutions is necessary to a full and proper understanding of the laws, so solemnly enacted and declared by the Proprietors for the government of their subjects. It is to be noted here that no system of taxation, of raising revenues for the support of this cumbrous government, and no salaries for any of the officers were provided. One would naturally suppose that in drafting laws which were intended to be forever unalterable, for the government of their new possessions, the Proprietors would have provided some system for the support and maintenance of the officers. Why this was done, or was not done, does not appear. The Provincial Parliament evidently provided for certain of the expenses of the Province. The chief officers certainly took care of themselves in the handling of the public moneys.

Having thus promulgated these solemn declarations of their unalterable will, but a few months passed before the Proprietors declared that "they were not able to put it fully in practice by reason of the want of Landgraves and Cassiques and a sufficient number of people." And yet in the very next breath, and in the same instructions, they speak of four pre-

cinets in Albemarle County, and direct the Governor to issue writs for the election of five representatives in each precinct to the General Assembly. This was fully six years and more after their grant. It would seem that the yeomen of Carolina were not very desirous of being raised into the nobility. In fact, while some twenty-five (25) Landgraves and twelve (12) Cassiques were created by the Proprietors, only two (2) Landgraves and no Cassiques can be credited to this State. The Landgraves were De Graffinreid, and perhaps Eden. Even in the bestowal of these titles of nobility the Proprietors violated the provisions of the grant which restricted them to the inhabitants of the Province. John Locke was the first Landgrave created, and many of the others were never in the Province at all. It would seem that in the beginning the Proprietors sent out to their Governors blank deputations for Landgraves and Cassiques, which were for sale to almost any one who would pay the required price; but these were cancelled or ordered to be cancelled by the instructions to Governor Nathaniel Johnson, in June, 1702, (1 Coll. Rec., page 556.) These facts show what little regard, in fact what contempt, the settlers in North Carolina had for such empty honors. They felt, and correctly, that if they accepted titles of nobility from the Proprietors, that they would be in duty bound as vassals to support their rule; but they had no intention or idea of surrendering their independence for such baubles. From this time on for some years we find the Lords Proprietors, in their instructions to the different Governors, continually lamenting their inability to put their celebrated constitutions in effect and force by reason of the lack of material out of which to build Landgraves and Cassiques. In truth, the provisions of the constitutions were never enforced in North Carolina. Hawks says, "At last, in 1698, these fundamental "immortals" were laid aside by the Lords Proprietors forever." (2 Vol., 185.) In this, as in

many other things, he was in error; for in June, 1702, in their instructions to Governor Nathaniel Johnson, the Proprietors wrote him that "you are to follow such rules as we have given in our Fundamental Constitutions," etc. (1 Coll. Rec., 555.) And De Graffinreid was created a Landgrave August 4th, 1709. It may be curious to note that on the day he received the patent as Landgrave, De Graffinreid paid £50 to the Proprietors in part of the purchase of the land he had bought in North Carolina, and the greater part of it was immediately divided among the Proprietors, who each received a little over £5. It would seem from this that they were glad to get even so little amount as twenty-five dollars.

In commenting upon the existing conditions in the Colony at the time of the promulgation of these constitutions, Hawks most felicitously says, (Vol. 2, page 183): "Their Lordships theorized, the colonists felt: the Proprietors drew pictures, but the hardy woodmen of Carolina were grappling with stern realities. Titles of nobility, orders of precedence, the shows of an empty pageantry, were to them but toys which might amuse childhood; but there was no romance in watching the savage, or felling the forest, or planting the corn, or gathering the crop with the ever-present weapon in reach of the laboring hand. In short, 'the day of chivalry' had not then dawned on the widespread forests of Albemarle; and we may well believe that the rough colonists, in the mass, felt a sublime contempt alike for Palatine and Landgrave, and Cassique."

Governor succeeded Governor in quick succession. Drummond was succeeded by Stephens in 1667, who, in 1670, was succeeded by Carteret. There was some promise of peace and content in the Great Deed of Grant, but it was merely transient. The conflicting instructions to the different Governors, the flagrant violations of the provisions of the Great

Charter, the attempts to deprive the settlers of their lands acquired by them prior to the charter, the attempt to deprive the General Assembly of an independent part in the making of the laws, all combined to produce dissatisfaction and discontent, which at times swelled into disorder and violence. A free Parliament, a free hand in the making of the laws by which they were to be governed and protected in the possession of their lands, were what the people were determined to have. Carteret was unable to breast the storm and carry out his instructions. He left the Province in disgust late in 1675 or early in 1676 to carry the tale of his failure to England, leaving, says Chalmers, "the administration in ill hands and worse order. In truth there was no Governor and no government in Albemarle for about two years." Two of the colonists, Eastchurch, who had been Speaker of the General Assembly, and one Miller, who had a "grievance," followed Carteret to England and to an audience with the Proprietors. Eastchurch, seeming to them "a very proper and able fellow," was made Governor in 1676, and Miller Secretary, and Deputy of Shaftesbury, and also collector of the King's revenue. At this time, according to Hawks, the colony of Albemarle contained some 2,500 to 3,000 people, of course not including tribal Indians. Twenty-five hundred people, and no man yearning for a patent of nobility!

In 1677 Eastchurch sailed from England, stopping in the West Indies, where, beguiled by love, he dallied some months till he was married. Miller went on to Albemarle, and upon his arrival, without the least warrant of authority, usurped and took to himself the government and control of the affairs of the Province. Drunk with his stolen authority, and often, the historians say, with liquor, he ruled the Province and squeezed the people in the lordly manner of the ancient robber Barons of the Rhine. In six short months he gathered to himself some five thousand dollars (\$5,000) in money and

thirty-three (33) hogsheads of tobacco from one item alone, the export duty on tobacco. Tobacco was virtually the currency of the Province, and by this time a very considerable and lucrative trade in it between Albemarle and New England settlers had grown up, and this Miller made strenuous efforts to break up and divert to England. Out of his oppressions and extortions sprang what is generally called "Culpepper's Rebellion." The colonists had lived for two years and more in peace and content, and without a Governor. The breath of freedom was in their nostrils. The Proprietors had seemingly abandoned or forgotten them; for here was this man, one of themselves, allowed to plunder them with impunity and without authority. The inevitable happened.

"The law protects not us; then why should we be tender,
To let an arrogant piece of flesh threat us."

Vexed and oppressed beyond endurance by the extravagant actions of Miller, the people arose in 1677 and seized and imprisoned him and the deputies of the Proprietors. Chalmers says, (2 Carroll, 304): "They seized the royal revenue, amounting to £3,000, which they appropriated for supporting the revolt; they established courts of justice; they appointed officers; they called a Parliament, and for years exercised all the authority of an independent State." What nobler and bolder stand for their just rights could any people have taken! And this was but the prelude to what followed. For from now on, upon reading the history of our State as written in her records, we will find our ancestors in constant revolt against the oppression and injustice of their rulers. The insurgents, and among them were the most prominent and wealthy men in the Province, including the President of the Grand Council, in defense of their action, declared that Miller had "positively cheated the country out of 130,000 pounds of tobacco, had raised the taxes, misappropriated the public

funds, and denied them a free Parliament." Miller, escaping from prison, fled to England to spread his complaints in every quarter, and with the eager and confident expectation of warm approval and armed support from the Proprietors. He had before complained and triumphed, but now he met only bitter disappointment and humiliation.

Eastchurch now arrived in the colony with a commission as Governor, and authority from the Proprietors that was unquestionable. But the colonists were in an ugly mood. They had tasted of independence, and it was sweet and gracious to their taste. They would have none of Eastchurch, and he went to Virginia to seek aid and military support to establish himself firmly in the enjoyment of his just rights as Governor. But, fortunately for the colonists, he died before a sufficient number of troops was gathered to him.

Culpepper boldly followed Miller to England and confronted him before the Proprietors. Their accusations against each other and recriminations brought distress to both. Miller was put aside with contumely, and Culpepper indicted for treason; but he, that is Culpepper, was defended by Shaftesbury himself and acquitted. Undoubtedly he could have only been defended and acquitted upon the ground that Miller was a mere usurper, with no lawful claim to the authority and power which he had exercised over the Province. This uprising of the people against oppression was the first armed expression in the State of that yearning for freedom and independence, which later on was so often and so conspicuously displayed by them. It was a brave and reckless deed which the men of Albemarle did, in the very face of the extreme and bloody punishments which had so recently been inflicted in Virginia by the vindictive Berkeley on the unfortunate followers of Bacon. But there was this pregnant difference in the results of these two uprisings: Virginia was a

royal Province, and a fleet and soldiers were sent to it to crush Bacon and his adherents; while the Proprietors forgave, even to the verge of approval, the acts done in the Province of North Carolina. Looking at this event from the standpoint of their interests, it is impossible to account for their extremely weak and vacillating, indeed almost apologetic course of action, save upon one ground, their habitual aversion to the expending of any money out of their own pockets for the protection of their interests in Albemarle. If they had sent a fleet and soldiers to put down the revolt with a stern and bloody hand, and had followed this with strong government, how far-reaching may have been the effect! It would most probably have secured to them their possessions until the revolution; and even in that struggle might possibly have made the States South of Virginia loyal to them and their King. And if so, it is certain there would have been no King's Mountain, no Guilford Court House, no Yorktown, and no independence. It is difficult, if not impossible, for any impartial student to ascribe this uprising of the people to any other cause than that of a just and manly indignation and resentfulness of an unlawful invasion and denial of their rights. And yet Hawks heaps abuse and vilification with overflowing measure upon Culpepper and his followers. To him Miller was "the champion of order," "freedom's martyr," and his opponents, unprincipled, unscrupulous, bad, "a set of vulgar and ignorant insurgents and anarchists, * * * acting under the guidance of unscrupulous, artful and better informed leaders, whose most appropriate elevation would have been, not to the honor of legitimate office, but to the topmost heights of the gallows tree." This was a direct fling at the Proprietors, who afterwards appointed or recognized both John Harvey and Colonel Jenkins, who were both leaders in Culpepper's Rebellion, as Governors of the Province. Hawks even went to the extreme

of abusing Shaftesbury for, that in defending Culpepper, "he robbed the gallows of its due." Truly North Carolina has been unfortunate in her historians! When one of her own sons, and he a man of such marked ability, declares false judgment against his own people, what better opinion could we expect from others. The Lords Proprietors themselves, at the time of the occurrence and after full consideration and examination into the facts, formed a very different view from that which Hawks wrote into the history of his State. Miller, repulsed by the Proprietors with contempt, was not content to leave the matter so, but carried his complaint to the Committee of Trade and Plantations, which as his Majesty's interest in the revenue was concerned, promptly called on the Proprietors for an explanation. The answer of the Proprietors, under date of November 20th, 1680, is in many respects a remarkable paper, (1 Coll. Rec., 326). It begins, "Mr. Thos. Miller, *without any legal authority*"—the italics are in the original—"got possession of the government of the County of Albemarle in Carolina in the year 1677, and was for a tyme quyetely obeyed, but doing many illegal and arbitrary things, and drinking often to excess, and putting the people in generall, by his threats and actions in great dread of their lives and estates, and *they, as we suppose getting some knowledge that he had no legal authority*, tumultously and disorderly imprisoned him, and suddenly after Mr. Biggs and Mr. Nixon for adhering to Mr. Miller and abetting him in some of his actions, and revive an accusation against Mr. Miller of treasonable words, for which he had been formerly imprisoned, but never tryed, and appoynt Mr. Culpepper to receive the King's customs, etc." It further states that they had appointed Seth Sothell, "a sober, moderate man," who had lately become one of the Proprietors, Governor, but that he had been "taken by the Turks and carried into Angiers,"

(sic) ; that on hearing of this they had appointed John Harvey Governor until the arrival of Sothell, and sent his commission by Robert Holden, who had been appointed by the King's commissioners of customs, Collector of his Majesty's customs in Albemarle; that Harvey had died and the Grand Council had appointed Colonel Jenkins in the place of Governor, "*ad interim*," and that they were sending out Colonel Wilkinson temporarily as Governor. This report or explanation is a complete justification of the action of the colonists, evidently so intended, and a repudiation of the acts of Miller that whilom, "Champion of order" and "freedom's martyr." Harvey and Jenkins were both later on Governors of the Province; Holden, Durant, Blount, Willoughby, White, Bruner, Slocumb, Calloway, Lillington, Jarvis, and many other of the adherents of Culpepper, bore names which have since illumined the pages of the history of this State.

Harvey died very soon and was succeeded by Jenkins. But little is known of the short official life of Jenkins, but he was evidently "*persona non grata*" to the colonists, for he was deposed by the people. We are not enlightened by the historians as to the cause of his deposition, but as the Proprietors did not resent it, but seemingly concurred in it, by appointing Wilkinson to succeed him, we must assume that the people had just grounds for their extreme action. Sothell was worse than Miller. Hawks says, (Vol. 2, page 486): "His principles would not have disgraced an education in a college of thieves, and his morals illustrated the purity of a gambling-house. He had purchased the right of Clarendon as Proprietor, for no other purpose than to be placed officially in a position to plunder; and it was not long ere he had exhibited evidence that he was capable of almost any crime, and equally an adept in all." Hawks was right this time, for Sothell well merited all the abuse and opprobrious names

which Hawks heaped upon him in that vigorous style of which he was such a master. The patience and endurance of the colonists was finally exhausted, and in 1688, although Sothell was one of the Lords Proprietors, one of their lawful sovereigns, he was seized by them and imprisoned preparatory to being sent to England for trial. Sothell, however, did not want to be sent to England, but, Governor though he was, begged that he be tried and judged of by the General Assembly of the Province. The General Assembly found him guilty on all the charges brought against him, banished him from the Province for twelve months and compelled him to abjure the government of the Province forever. The Lords Proprietors mildly protested against this action of the colonists as "prejudicial to the prerogative of the Crown and to their honor." But they quietly submitted as usual and sent out another Governor. It does not concern us, however, to follow any further the fortunes of the various Governors sent out to Albemarle. A few specimens of them is sufficient. Raper says (page 6), that "From 1674 to 1712 the colonists knew little of governmental restraints except those of their own making, and drove out of office six of their fourteen Governors or Deputy Governors."

A mere cursory review of the Fundamental Constitutions makes it plain even to a casual reader, that they were utterly unsuited to the times, the situations and the people. There were laws in abundance—laws that were good, and others that were bad—some that were chimerical, and others most sensible—some despotic, others mild and lenient—and some Utopian, while others were brutal. Balancing the bad against the good, the bad greatly predominated. And to this was added the still greater evil of weak and unprincipled Governors. Hence the people refused the constitutions, and they were never enforced in Albemarle. Over and over again did

the Proprietors in their letters and instructions to the Governors and Deputy Governors of the Province acknowledge their inability to enforce the provisions of the constitutions; and always for the same and entirely erroneous reason that they could not find men worthy of nobility. If they had said that they could not find men who were ready and willing to buy themselves titles of nobility, that would have been nearer the truth. The weak and vacillating policy of the Proprietors, their greediness for revenue and stinginess for appropriations and financial aid, their easy condonation of the insubordination and revolts of the colonists, the weakness, greed and lack of principle and courage of their various Governors and Deputy Governors all inspired the people to a system of constant and persistent resistance against the laws and their rulers. Most unfortunately, the records of the proceedings and debates in the General Assemblies of that period have been lost, and we will never know the people's side of the question, the true reason for those acts, which have induced historians to denounce the early settlers of Albemarle as refugees from justice, absconding debtors, and law-breakers, reeking with turbulence and sedition. The truth is, and I am cherishing the hope that in the very near future an historian will make it plain, that they were a race of sturdy, independent, self-respecting men, always ready to obey cheerfully just laws and honest rule, but equally ready to resist oppression and evil rule. With the injustice of the first laws still rankling in their hearts, about the only effect of the coming of the constitutions was to knit the people more firmly together in their determination to resist all unjust laws.

And so the Fundamental Constitutions, after a stormy life spent in vainly striving to make a home in Albemarle, were shipwrecked and lost. They were never enforced, never abrogated or repealed, but simply died from inanition.

As it may interest some of the readers of the BOOKLET to know in what manner and by what mystic words and rites nobles were created in the Province, I give below a copy of the patent which was granted by the Proprietors to Landgrave, Thomas Smith, of Charleston, South Carolina. It is in the following words:

William Lord Craven, Palatine of Carolina, and the rest of the Lords Proprietors of the same, to all officers and ministers, & all the free inhabitants of the Province of Carolina, Greeting.

Whereas, his most serene Majesty, Charles 2nd of Great Brittain France & Ireland King Defender of the Faith &c of his special grace and favor has given and granted to us: together with the Province of Carolina power of constituting States, Degrees & Titles of Dignities and Honours in the said Province & Preferring to the said Degrees men of Merit & gracing & adorning such with Titles of Honours. And Whereas according to the forms of Government by us Established & which is perpetually to be observed by us and our successors: its appointed that there shall be a certain number of Landgraves and Cassaques who shall be the Perpetual & Hereditary Nobles and Peers of our Province of Carolina. And Whereas Thomas Smith a person of singular Merit will be very servisable to us by his great Prudence & Industry & we being willing to reward a Gentleman that has deserved so well of us we have Constituted him a Landgrave.....

Know ye therefore that as a lasting Monument both of our favor and his Merits we have promoted the said Thomas Smith & credited him Landgrave and by these presents do prefer to and confer upon the same Thomas Smith the Name, State, Degree, Style, Dignitie, Title & Honour of a LANDGRAVE together with four Barroneys each of which shall

containe Twelve Thousand Acres of Land and Other Privileges pertaining to the said Dignity, and forever unseparably Annexed to the same, and we have given and granted & by these presents in behalf of ourselves our Heirs & Successors, do give and grant to the said Thomas Smith his Heirs and Successors the Name, State, Degree, Stile, Dignity, Title, and Honour of Landgrave together with the four Barroneys Ennixed & all & every the rights Preeminencies privileges and Immunities belonging to the said Dignity, to hand and to hold the same according to the Dignity of our FUNDAMENTAL CONSTITUTION with and by these presents granting that the said Thomas Smith and his Heirs aforesaid shall always successively bear the name and enjoy State, Degree, Style, Dignity, Title and Honour of Landgrave and possess the four Barroneys annexed, and that Every one of them should bear, have and possess, and by the name of LANDGRAVE be called and named, and that the said Thomas Smith & his Heirs aforesaid should be successively held in in all things as Landgraves and be treated and Reputed as such, and every one of them should be so held, and reputed. And that they should forever have hold and possess and each of them enjoy the four Barroneys Annext paying annually for each acre a penny Lawful money of England to us and our Heirs, which payment is to commence about the end of the year One Thousand Six Hundred and Ninety. And Furthermore that the said Thomas Smith and his heirs aforesaid, all and singular of them should possess and use by the name of LANDGRAVE all and every the rights, privileges, preeminencies and Immunities which in Law & right belong to the said State. In witness whereof we have caused these our Letters to be made Pattend under our Great Seale of Carolina; given from and under our hands the Thirteenth day of May Anno. Dom. 1691.

The document, of which the foregoing is a copy, is very ancient, and is now in the possession of Mr. Edw. S. Tennant, of Spartanburg, South Carolina, whose father, Edward Tennant, was a lineal descendant of the Landgrave. The signatures have been cut off; and on the back of it is endorsed "The Landgrave Pattent, Englished." So the original was probably in Latin, and this is only a translation.

The four Baronies, 48,000 acres of land, were taken up by the Landgrave on the west side of Cape Fear River, in what is now Brunswick County, and included the large island at the mouth of the Cape Fear River called "Smith's Island," which took its name from the Landgrave.

INDUSTRIAL LIFE IN COLONIAL CAROLINA.

BY THOMAS M. PITTMAN.

If full credit be given the early writers on Carolina, we must believe that the men of that period were chiefly concerned to avoid every form of industry that involved physical labor or inconvenience. Lawson says, "Some of the men are very laborious and make great improvement in their way, but I hardly dare give them that character in general." And again, "The planter sits contented at home whilst his oxen thrive and grow fat, and his stocks daily increase; the fatted porkets and poultry are easily raised to his table, and his orchard affords him liquor, so that he eats and drinks away the cares of the world, and desires no greater happiness than that which he daily enjoys." It is quite possible that Lawson, and Brickell who copied him closely, had in mind the attraction of new settlers to Carolina and sought to convey the idea that living was easy. Col. Byrd, on the other hand, was contemptuous towards Carolina, and most likely fell into exaggeration from that feeling. He says in the Westover MSS.: "The men for their parts, just like the Indians, impose all the work upon the poor women. They make their wives rise out of their beds early in the morning, at the same time that they lie and snore till the sun has risen one-third of his course, and dispersed all the unwholesome damps; then, after stretching and yawning for half an hour, they light their pipes, and, under the protection of a cloud of smoke, venture out into the open air; though if it happen to be never so little cold, they quickly return shivering into the chimney corner. When the weather is mild, they stand leaning with both arms upon the cornfield fence, and gravely consider whether they had best go and take a small heat at the hoe; but generally

find reason to put it off 'till another time. Thus they loiter away their lives like Solomon's sluggard, with their arms across, and at the winding up of the year, scarcely have bread to eat."

No such imputations, however, attach to the mothers of those early days. They are ever spoken of with high appreciation. Lawson tells us: "The women are the most industrious sex in that place, and, by their good housewifery, make a great deal of cloth of their own cotton, wool and flax; some of them keeping their families, though large, very decently appareled both with linens and woollens, so that they have no occasion to run into the merchant's debt, or pay their money out in stores for clothing." Again, "Many of the women are very handy in canoes and will manage them with great dexterity and skill, which they become accustomed to in this watery country. They are ready to help their husbands in any servile work, as planting, when the season or the weather requires expedition; pride seldom banishing good housewifery. The girls are not bred up to the wheel and sewing only, but the dairy and the affairs of the house they are very well acquainted withal; so that you shall see them, while very young, manage their business with a great deal of conduct and alacrity." An incident recorded in George Fox's Journal shows that women of even the highest station were skilled in the handling of boats. On one occasion he was unable to bring his boat to the shore, when the wife of the Secretary of the Province, seeing his strait, as he says, "came herself in a canoe, her husband being from home, and brought us to land."

As opposed to the suggestion of indolence on the part of the men, the proposal of Tymothy Biggs to the Lords Proprietors in 1679, concerning Albemarle, shows that "Ye Inhabitants have liven and gott Estates under ye Lord^{ps} there by their owne Industry and brought it to the capacity of a hope-

ful settlement and ere these had it had your Lord^{ps} smiles and assistance but a tenth part of what your Southern parts have had It would have been a flourishing settlement."

It must not be supposed that the settlers were entirely dependent upon the labor of their own hands in the mastery of this new land. There were many slaves in the colony—white, Indian and negro—to whom fell the greater burden of reclaiming the wilderness. The whites consisted of male and female convicts who, we are told, were "bought by the planters for the terms specified in their respective warrants, and worked with the negro slaves, under the lash of an overseer." Many of these, by industry and reformation of life, prospered when finally released from bondage, so that one old writer tells us that "thousands of them, if we are not misinformed, have by turning their hands to industry and improvement, and, which is best of all, to honesty, became rich, substantial planters and merchants, settled large families, and been famous in the country; nay, we have seen many of them made magistrates, officers of militia, captains of good ships, and masters of good estates." This was written of Virginia, but the similarity of conditions in the two colonies makes the statement as applicable to one as the other, except that there were more of such slaves in Virginia than in Carolina.

Naturally the first interest of the settlers was the building of houses, the clearing of land and the development of agriculture. There was no inn or place of accommodation. Literally a place to lay the head had to be created from timbers yet standing in the forests. Title to their lands was also dependent upon such improvements. Their grants contained a proviso, that if the grantee, his heirs or assigns "doe not seat or plant or cause to be seated or planted upon y^e s^d Land wⁱⁿ three years after y^e next Insueing y^t then it shall be lawfull for any Adventurer or planter to make choice and seat

thereupon." That agriculture was prosecuted with enterprise and vigor is manifest from the extraordinary statement, that aside from the supplies grown for their own necessities, tobacco, the great market crop, was grown to such extent in Albemarle, that in 1679, it yielded annual custom duties of at least £8,000 sterling—a most remarkable showing when we recall that the total white population of all the scattered settlements in the colony did not equal that of one-third or fourth rate town of the State at this time. At an earlier date even, the competition of this product with that grown in Maryland and Virginia had so embarrassed the trade of those colonies that they sought to induce a reduction of the crop.

The mild winters and fertile lands were so favorable to vegetable life that prodigious crops were produced—almost beyond credulity. Like favorable conditions furnished an opportunity for breeding horses, cattle, sheep and swine to great advantage, which the settlers availed of to become rich in flocks and herds. Lawson declares that the "beef of Carolina equals the best that our neighboring colonies afford. * * * The veal is very good and white. * * * Mutton is generally exceeding fat and of a good relish. * * * The horses are well shapen and swift. * * * The pork exceeds any in Europe." The writer of this paper has old letters of a later period, from which appears a custom of driving hogs in great droves to the Virginia markets from North Carolina. These products of the forest, farm and field were so greatly in excess of the needs of the people as to support a considerable export trade in "beef, pork, tallow, hides, deer skins, furs, pitch, tar, wheat, Indian corn, peas, masts, staves, heading boards, and all sorts of timber and lumber for Madeira and the West Indies, rosin, turpentine and several sorts of gum and tears, with some medicinal drugs." Many fish were also exported and considerable quantities of butter and cheese of good quality.

Manufactures, in the modern acceptance of that term, can scarcely be said to have had an existence in the colony. Yet the existence of a lumber trade suggests, and credible historians argue, that saw-mills must have existed here at a time when mob violence would not tolerate them in England. Good brick and tiles were made and worked into buildings still in use; also lime, which was made of oyster shells, the limestone deposit being too far inland for the convenience of the early settlers.

Buildings were at first of extremely primitive design and construction. Col. Byrd's description of the houses and fences will interest the older readers by its close resemblance to those of their own recollection. "Most of the houses in this part of the country are log cabins, covered with pine or cypress shingles, three feet long and one foot broad. They are hung upon laths with pegs, and their doors too turn upon wooden hinges, and have wooden locks to secure them, so that the building is finished without nails or other iron work." The fence: "They also set up their poles without any nails at all, and indeed more securely than those that are nailed. There are three rails mortised into the posts, the lowest of which serves as a sill with a groove in the middle, big enough to receive the end of the poles; the middle part of the pole against the inside of the next rail, and the top of it is brought forward to the outside of the uppermost. Such wreathing of the poles, in and out, makes them stand firm, and much harder to unfix than when nailed in the ordinary way." In a little while, however, frame, brick and stone houses came into vogue, and were fairly representative of the growing prosperity and ambitions of the people. They also evidence the improved facilities for building and the presence of skilled artificers and mechanics. Some of the houses of the Colonial period would make a creditable appearance in advanced and

prosperous communities of the present day. Dr. Rumble gives an account of the "Old Stone House" erected in Rowan by Michael Braun (Brown) of "native, unhewn, but rather well-shaped blocks of granite laid in cement so durable that it still stands in ridges between the stones." We are without the record of any furnace making iron plates in this State during the colonial period, but the inscriptions on the plates of the fire-box or stove of this house give pretty certain assurance of their American manufacture and indicate the possibility of Carolina origin. On one plate the inscription is

COM. BAN. NI:
1766 "

On another—

GEORGE ROSS. ANN
MARY ANN
FURNACE."

It was quite evidently the work of a German-American, but whether from Pennsylvania or North Carolina, does not appear.

Brickell, whose book was published in 1737, notes that "The men are very ingenious in several Handycraft Business, and in building their canoes and houses." Describing the houses of the period, he says, "The most substantial Planters generally use Brick and Lime, which is made of Oyster Shells, for there are no stones to be found proper for that purpose, but near the mountains; the meaner sort erect with Timber, the outside with Clap-Boards, the Roofs of both sorts of houses are made with Shingles, and they generally have Sash Windows, and affect large and decent Rooms with great Closets, as they do most beautiful Prospect by some noble River or Creek." Dr. Hawks adds, "The chimneys of the better class of houses, as well as ovens, were built of brick. Indeed, a brick chimney was a mark of gentility in its owner."

Naturally the earlier and more important trades repre-

sented among the early artisans were those connected with the building and related interests, as sawyers, brick, tile and lime makers, carpenters, masons, and blacksmith. The services of the smith, however, were by no means confined to the building interests. He was the metal worker of the community. "We have abundant evidence of his early presence in the province, though the iron which he wrought was all, at first, brought from abroad. The division of labor which in older countries characterized this branch of mechanical art, did not obtain in Carolina. The smith who made or repaired the implement of husbandry, was equally skilful in mending the gun-lock or making a hinge. So valuable was this artisan to the neighborhood that we find on the records of the Council, during the Indian War of 1711, representations made from a neighborhood of the indispensable need of a blacksmith in the settlement, and a consequent special order that he should be exempt from military duty, that he might not be obliged to march against the savages, and thus deprive the people of his important services." (Hawks.)

The carpenter, too, was in demand for making the furniture, implements and vehicles of the period, as well as for house building.

Another group of workers, most important, were those who contributed to the clothing of the people as tanners, shoemakers, weavers, tailors and hatters. The tanners learned from the Indians a mode of tanning deer skins, which converted them into a soft and pliable material of great toughness and endurance. This was extensively used for the ordinary dress of woodmen, and was admirably adapted to that purpose. The abundance of hides and the facilities for tanning them at small cost made this a most important industry, so that Dr. Hawks doubts "whether any manufactory in the province was more common than that of leather."

The shoemaker was sometimes tanner, too; and often a general worker in leather, making harness and saddles as well as shoes. They were reputed more numerous than weavers and smiths combined.

Dr. Rumples describes the towns as "composed of the public buildings, the residences of some of the county officials, a store or two, a hatter-shop, a blacksmith shop, a tailor shop, and a few inns."

There were also the trades relating to commerce—coopering and ship-building, both of which were considerable industries, the preparation of naval stores, the manufacture of tar, etc. To these should be added the fishing industry, licensed by the Governor. One writer mentions seeing, at one time, three New England whalers at Cape Fear.

The German settlements in the later Colonial period furnish probably the most interesting examples of industrial life in the history of the period embraced in this paper. Their indifferent knowledge of the English language cut them off largely from participation in the general movements of the times. "Hence letting public affairs alone, and attending to their home interests, they surrounded themselves with well-tilled farms, and adorned their premises with capacious barns and threshing-floors. Who has not seen the immense double barns, with wide double doors, to admit a four-horse wagon with its towering load of hay, or straw or wheat; and the threshing-floor, where the horses tramped out the wheat, and the wind-mill blew the chaff into the chaff-house? And who has forgotten the long stables where the cows were yoked to the trough, each one knowing her place, while the calves were tied to a trough at the other wall." (Rumples.)

The first Moravian settlers, who founded the village of Bathabara, consisted of twelve men, the most complete industrial group that ever came to the State. There was a minis-

ter, a warden (the business man), a physician, a tailor, a baker, two carpenters, a gardener, a shoemaker and tanner, and three farmers. Within the first year they had established and put in operation seven distinct enterprises, as follows: Carpenter Shop, Tailor Establishment, Pottery, Blacksmith Shop, Shoe Shop, Tannery, Cooper Shop. A mill was under way, but had not then been completed.

Within three weeks after their arrival six acres of land had been cleared and planted in winter wheat. During the first year not less than fifty acres were cleared and prepared for farming purposes. "In the first summer they gathered wheat, corn, flax, millet, barley, oats, buckwheat, turnips, cotton and tobacco in addition to the garden vegetables. Fruit trees were planted, and various kinds of medicinal herbs." (Clewell.)

Many reminders and specimens of the handiwork of the early days are preserved in the intensely interesting museum at Salem, which the writer of this paper was permitted to visit during the fall of 1906, through the courtesy of Judge Starbuck, and Mr. Lineback, the custodian. It is a pleasure to note that the community planted upon an industrial basis so sound and prudent has steadily prospered during its entire history and stands to-day unsurpassed by any community within the State in all the elements of a prosperous, enlightened and elevated citizenship.

NOTE.—The materials for this paper are drawn from Lawson's, Brickell's and Hawks' Histories of North Carolina, Bernheim's German Settlements, Reichel's Moravians, Clewell's Wachovia, Rumple's Rowan, The Colonial Records, etc.

An Address at Banquet Given by Newport News Chamber of Commerce to the League of Virginia Municipalities and Visiting North Carolinians Preceding the Launching of the U. S. Cruiser North Carolina.

BY HON. JAMES ALSTON CABELL.

“Governor Swanson showed good discretion in selecting Hon. James Alston Cabell to represent him at the ‘North Carolina launching’ banquet. Mr. Cabell’s address was scholarly, tactful, generous and eloquent, and, with the good taste of a gentleman, he paid tribute to North Carolina’s valor, chivalry and glorious achievement, without giving his remarks the sickly savor of flattery. In an address of this character, by a speaker of one State to an audience from another, one is apt to be either patronizing, or gushing. Mr. Cabell went to neither extreme. His praise consisted not in the emptiness of fine phrases, but in the recitation of the facts of history. It seems to us to have been an admirable address for such an occasion and was duly appreciated, we doubt not, by our neighbors from the Old North State”—*Editorial Richmond Times-Dispatch, October 7, 1906*

“OUR DEAREST NEIGHBOR—THE OLD NORTH STATE”

“Great souls by instinct to each other turn,
Demand alliance and in friendship burn.”

I suppose it is understood that the Governor of Virginia was to have responded to this toast, but was unable to be present. I have been requested by him to express to you his heartfelt regrets. When your accomplished chairman informed me of the condition of affairs, and asked me to come to you, I thought of a scene in the closing chapter of one of Tom Page’s stories, “Mah Lady,” in which the minister, standing before the couple about to be married, asks: “Who gives this woman to this man?” and the old darkey said: “When he ax dat question and look at me and I think about all the suffin’ we done been thro’, and old Missus and Marse

Phil all gone, and dere ain't nobody to took up for de poor chile, I couldn't help it, so I says, when he ax dat question, 'Unc. Billy.'"

So when I thought of the Governor of Virginia being away, especially at this time, just as the big crowd has assembled here to witness the ceremonies of the marriage of a veritable queen, the battleship North Carolina to the king of waters, and that there would be no one to speak for the "poor chile," for the Governor of North Carolina will have his hands full in speaking for Virginia, I feel like "Unc. Billy," and am here to speak all unprepared and unfitted as I feel myself to be.

I do not know that I am wholly unfitted to respond for North Carolina. Some of my ancestors, of whom I am proudest, were North Carolinians, and played a prominent part in all the eventful epochs of her early history, and I am proud to say I am a member of the North Carolina, as well as the Virginia Society of the Cincinnati. I know her history, and delight to recall her glorious past, rich in lofty and heroic examples, and to witness her splendid present, so full of courage and industry and wisdom.

We all must admit that North Carolina had an excellent start, because when she began her career she was "Virginia," and she has done so amazingly well that we Virginians like to remind her of it, and we are proud to know that her first permanent settlement was made by Virginians. But she goes back of this and tells us that she boasts of the first English settlement in the new world, and that Virginia Dare, the first child of the English race, born on this continent, was hers. She was then known as "Virginia." Her first Governor, William Drummond, came to her from Virginia, and he began from the start to make her a record by becoming a patriot and martyr. Every boy knows that she boasts of being

once the home of Daniel Boone, that prince of pioneers, king of Indian fighters and pride of Kentucky. Not to speak of Flora McDonald, that picturesque and lovely Scotch heroine, as well as a number of romantic characters. But when we come to call over the names of her truly great men, and to look at her history, so resplendent with great names and great deeds, we must admit that no after-dinner speech can do her justice.

As I stood last April by the grave of Cornelius Harnett, in Wilmington, and took part in the laying of the cornerstone of the monument to be erected to his memory, and heard the long roll-call of North Carolina's immortals, I felt what the orator said was true, that the very air we breathed was fragrant with the incense of offerings laid on the altars of liberty and constitutional government, that that hallowed spot was richly red with patriotic blood. That the page of history was luminous with the records of deeds of valor done by North Carolina's sons.

But her's is indeed a wonderful history. It is connected with much of the romance of the career of Sir Walter Raleigh and Queen Elizabeth. No less a man than the famous John Locke drew up for her the most elaborate and comprehensive scheme of government ever devised for any colony. It was called the "Fundamental Constitution or Grand Model." From the earliest times she offered a retreat for the oppressed and unfortunate, and her history has been singularly free from the charge of persecution. She has ever been prompt to assert her rights and stand up for what she believed to be just. The first blood shed in the cause of the Revolution was upon her soil, and was that of her sons. First at the battle of the Alamance, May 16, 1771, and again at the battle of Moore's Creek Bridge, where Caswell defeated the British February 27, 1776. Henry Alexander White, in his recent History of the United States, says: "That this was the first clear vic-

tory won by the Americans in the war of independence. It was great in its results. It caused the failure of the British plan to land a large army in North Carolina." In spite of Mr. Jefferson and Mr. Ritchie it appears to be proven that she pronounced the first declaration of independence. She had her own tea party. Fully as patriotic and much more delightful to read of than any Boston ever produced. Colonel Hunter's ride (with the halter around his neck with which he was to have been hung) on Fanning's own stallion, down the side of the steep rock to Deep River, put Putnam's little exploit, down the steps, out of sight. Her resistance to the stamp act was bolder and more effective than that in any of the other colonies. The defiance she flung to tyranny, and the love and devotion she gave to liberty was second to none. King's Mountain and Guilford Court House changed the tide of war and led to Cornwallis's defeat at Yorktown. She has always played her part well. Slow to determine but prompt to act. She voted against secession, and was the last State to leave the Union, but the first blood shed for the Confederacy was that of one of her sons. She seems to have raised a storm by asserting the proud claim to 'First at Bethel, farthest at Gettysburg, and last at Appomattox.' I am not going to get into hot water by discussing this matter, but will simply say that the glory that North Carolina won in the Confederate war will endure as long as this country endures, or as men revere devotion to duty and splendid courage. How well she fought is shown by the wonderful record of 127,000 of her sons sent to the Confederate armies, 42,000 of these killed or wounded. What a story! What a glorious record! I wish that time permitted me to say all that I could, and all that I would like to say about this grand old State.

No Virginian will knowingly withhold the praise that belongs to North Carolina. She was once Virginia. She was

Virginia before the three famous ships sailed into this beautiful harbor, three hundred years ago, whose advent North Carolina is going to help us celebrate next year. Her first permanent settlement was made by Virginians in 1688. When she gave tobacco, potatoes and Indian corn to the world she was known as Virginia. It was all then "Virginia." All one then, and all one now, if our hearts are to make answer, whatever the difference in name. Our destinies have ever been, and must ever be the same, bound together as we are by a thousand tender memories and a thousand ties of common interests. As in the past, so in the future, America will again require the leadership of Virginia and North Carolina.

In the past, North Carolina was singularly careless about her history. She was content to do splendid things and let others claim the glory. The old books told us her principal products were "tar, pitch and turpentine," but they said little of her great products—her splendid women and her noble men. Believe me, she has always had something precious and distinctive in manhood and character to contribute to American life. She has awakened at last to the importance of letting the world know of her great children, and what they have done for this country. She is showing a past glittering with glorious deeds and an ancestry full of lofty and heroic examples. The sole object we have in view in recounting the great deeds of our ancestors and keeping alive their memories, is to infuse into the minds of the people a like spirit. This, indeed, is the object of all history, and as Lord Bolingbroke says: "It should be neither to soothe our indolence nor to gratify our vanity." The true and proper object is a constant improvement in private and public virtue. In this age of money-making, when the lust of wealth is threatening the ruin of the country, it is well that the people should be reminded by the examples of men who have gone

before, that they owe something to their motherland. A child-like attachment to the native soil has in all ages been the strongest and simplest basis of patriotism. It has ever been the inspired theme of all great seers and poets, and it is to-day the stronghold of all nationality.

Wherever this spirit is appealed to, in the rugged mountains of Switzerland, on the vine-clad waters of the Rhine, on the sacred soil of France, or in the marshes of Holland, we see the old worldworn nations becoming children in the violence of their passions.

What better way to foster this spirit, and infuse a love of native land and inspire the hearts of the people, than to keep before them the great deeds of their ancestors. The citizens of Rome placed the images of their ancestors in the vestibule of their houses, so that whenever they went in or out, those venerable busts met their eyes and recalled the glorious actions of the dead to fire the living, to excite them to imitate and even to emulate their great forefathers. The success answered the design. The virtue of one generation was transfused, by the magic of example, into several; and the spirit of heroism was maintained throughout many ages of that commonwealth. Let us continue to keep alive the memory of the great men who made these great States what they are, keeping ever fresh the recollection of the illustrious deeds of those great patriots who have gone before us, and by the magic of example, let them be infused into this generation. Let the people who know who were the men that established Virginia and North Carolina; that in their veins ran the blood of fierce, war-like, liberty-loving ancestors, rendering them incapable of counting the costs of resistance when liberty was at stake; let them know that the bold spirit which sustained their fathers in the trying hours of the Revolution and the Confederacy, has been transmitted to them unimpaired as their heritage and birthright.

North Carolina
State Library

BIOGRAPHICAL SKETCHES OF CONTRIBUTORS.

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

[ALFRED MOORE WADDELL.

Hon. Alfred Moore Waddell, LL.D., whose valuable article on "North Carolina in the French and Indian War" appears in this issue, was born in Hillsboro, N. C., September 16th, 1834, educated at Bingham's School, Caldwell Institute, and graduated at the University of North Carolina, class of 1856. He read law under Chief Justice Nash, Judge Bailey, Judge Battle and Hon. Samuel F. Phillips. Since 1856 he has made his home in Wilmington, N. C. He edited the *Wilmington Herald* in 1860; entered the Confederate Army in 1861; was made Adjutant and advanced to Lieutenant-Colonel; was elected to Congress in 1870; was re-elected three terms; served from March 4th, 1871, to March 4th, 1879; was Chairman of Post-office Committee of the House during his last term; was elected Mayor of Wilmington five times. Colonel Waddell is a lawyer of acknowledged ability and distinguished for his power and eloquence as a public speaker and as a painstaking historian. He has brought to light many instances in the history of our State which have been generally unknown to the people of the other States. Col. Waddell was one of the twelve writers who contributed an article for Volume 1st of THE BOOKLET. His article was entitled "The Stamp Act on the Cape Fear." This recital of events leading to the Revolution is founded on the incontrovertible fact, that the Stamp Act, which was passed by the British Parliament March 22, 1765, and the repeal of which occurred just one year afterwards, was one of the most potent causes of the Revolution of 1776, which resulted in the estab-

lishment of the government of the United States; that in the old Colonial town of Brunswick, sixteen miles below Wilmington, on the Cape Fear River, the *first* armed resistance to British oppression on this continent occurred on the 28th of November, 1765. This was ten years before the Revolution and nine years before the Boston Tea Party. Colonel Waddell asserts "with absolute confidence, that while all the other colonies were resolute in their determination to resist the Stamp Act, yet in *one colony only* did they openly, in large numbers and with arms in their hands, resist in armed force a 20-gun sloop of war—in an attempt to land the stamps, and this two weeks after they had compelled a stamp master to resign his office."

Col. Waddell, in the article referred to, has given a full recital of the events leading to this armed resistance, not only the tradition as handed down to sons and daughters of the men who did these things, but the facts which are verified by Governor Tryon's letter book, which was discovered in London in 1848. There were various versions of the story before the contemporaneous records were brought to light, although in regard to the main facts they agreed. One of these versions confused these events with the "tea parties" of Edenton and Boston, which occurred several years afterwards.

North Carolina has ever been noted for the liberty-loving spirit of her people, and Bancroft, in his first edition, paid a magnificent and just tribute to this characteristic as displayed by them in Colonial days; but in editions published during the war for Southern Independence the tribute was eliminated and no longer appears in that standard work. Great credit is due Colonel Waddell for espousing the cause of the Cape Fear section, a section as historic as any in America, not only famous for its resistance to unjust oppression, but for the *first* victory of the American Revolution, won at Moore's Creek Bridge on February 27th, 1776, which

has been most ably written up by Prof. M. C. S. Noble of the University of North Carolina, in March number of *BOOKLET*, 1904.

The chief historical work written by Colonel Waddell is a volume entitled "A Colonial Officer and His Times"—this being a biography of his ancestor, General Hugh Waddell, who figured so conspicuously in the period just preceding the Revolution.

Col. Waddell comes of distinguished ancestry. His great grandfathers were Gen. Francis Nash (for whom Nash County and Nashville, N. C., and Nashville, Tenn., were named), mortally wounded at Germantown, Pa., October 4th, 1777; General Waddell (colonial); Col. J. Pugh Williams (revolutionary), and Alfred Moore, Justice of the United States Supreme Court (1799-1805), for whom he was named. His father's mother was the only child of General Nash.

Colonel Waddell was married first to Miss Savage, of Wilmington, and second to Miss Gabrielle de Rosset, of the same city. This genial and gifted gentleman at this writing resides in Wilmington and is engaged in the practice of law.

MR. JUNIUS DAVIS

Mr. Junius Davis, the author of the article in this number of *THE BOOKLET*, entitled "Locke's Fundamental Constitutions," is a prominent lawyer of the Cape Fear section of North Carolina, and was born on the 17th of June, 1845. He was the son of Hon. Geo. Davis, at one time Attorney-General of the Confederate States, who at the time of his death, in February, 1896, was called the first citizen of Wilmington; a man of unsullied character and eminent for his ability, culture and public service. The mother of Junius Davis, the first wife of his father, was Miss Mary Adelaide Polk, daughter of General Thomas G. Polk, of Mecklenburg County, and a granddaughter of Colonel William Polk, of the Revolution.

The subject of this sketch began his education in the primary schools of Wilmington, and on reaching his twelfth year he became a pupil of the celebrated Bingham School. In 1861, after the war began, the family having removed to Charlotte, he there studied for a few months, but on reaching the age of seventeen he enlisted as a private in Moore's Battery, which was Company E of the Tenth North Carolina Regiment. He passed through the dangers and perils of war, serving faithfully as private and corporal; was in the engagements at Plymouth, New Bern, Drury's Bluff, Bermuda Hundreds, battles around Richmond, in the trenches at Petersburg, Battle of the Crater, the assault on Fort Harrison, and continued to endure the hard experience which fell to the lot of Lee's veterans, and had the good fortune of escaping without any serious wound. It was with a sad heart, after hearing of the surrender of General Lee, that he with some companions pursued their way towards Bedford City, Va., with the purpose of joining Johnston's army; when they reached the vicinity of Greensboro they heard of Johnston's surrender, and that the last Confederate army had disappeared. Corporal Davis came to Greensboro and surrendered himself to the Federal provost-marshal at that point and was paroled. He then returned to his home in Charlotte, obtained employment for a time, returning to Wilmington in the fall of 1865 at the age of twenty years. In the absence of any other opening he engaged himself as a clerk in a dry-goods store. Indeed, at that time nearly every one was in a similar condition; young men all over the South were ready and willing to do any honorable service to earn a livelihood. As a clerk Mr. Davis was faithful, rendering efficient service to his employers, and passed through that period after the war that tried men's souls, with that resolution which insures success.

In the year 1867 Junius Davis began the study of law in his father's office, and obtained his license to practice in the

County Courts; was associated as a partner with his father until the death of that gentleman in 1896.

Inheriting much of the talent of his father and trained by him in the details of professional work, Junius Davis fell into the same careful habits of precision and thoroughness that were the distinguishing traits of that honored lawyer and public-spirited citizen.

Mr. Davis has attained an honorable position in his profession, and his opinions are held in as high esteem as that of any other lawyer in the State of North Carolina. He is an honorary member of the North Carolina Society of the Cincinnati and a member of the North Carolina Sons of the Revolution, and a member by baptism of the Protestant Episcopal Church.

On January 19th, 1874, Mr. Davis was married first to Miss Mary Orme Walker, daughter of Thomas D. and Mary Vance Walker. Mrs. Davis having died, some years later he married Miss Mary Walker Cowan, daughter of Colonel Robert H. Cowan, of Wilmington. He has had eleven children, of whom nine survive.

Mr. Davis is of distinguished lineage. Among his ancestors were Roger Moore, Sir John Yeamans, John Baptista Ashe, Major Alexander Lillington, Col. Sam Swan, as well as from other equally worthy lines of Colonial ancestors, whose axes had first rung in the forests of the Cape Fear. With such blood in his veins he is a worthy scion of illustrious stock.

Mr. Davis partakes of his father's literary and historical turn of mind, is interested in the local history of the Cape Fear, his public addresses though but few, on account of his arduous professional labors, have a genuine literary flavor, and his style is strong and forcible. His historical addresses show research and familiarity with the history of the State, and can be relied upon as thoroughly accurate.

(The above facts, chiefly condensed from a sketch of Mr. Davis in Biographical History of North Carolina by Capt. S. A. Ashe.)

MR. THOMAS M. PITTMAN.

Mr. Thos. M. Pittman, the author of the article in this issue entitled "Industrial Life in Colonial Carolina," is a practicing lawyer in the town of Henderson, North Carolina, where he devotes his time to his profession. He was born in Franklin County, North Carolina, November 24th, 1857. He was the son of Alfred H. Pittman and Elizabeth (Neathery) Pittman. His parents died when he was about fourteen years of age, but up to this period they had given him the best educational advantages that were attainable in the town where they lived. At the age of fourteen he began work at the Meeklenburg Iron Works and settled at Charlotte, N. C., where for four years he was diligent as a clerk, and won the esteem and confidence of his employers. At the age of eighteen he began the study of law, and at the age of twenty years received his license; was admitted to practice in the District and Circuit Court of the United States in 1878. In the fall of the same year, without waiting the usual three years, he was almost immediately appointed Examiner in Equity in the Circuit Court. Mr. Pittman, with these exceptional advantages, besides being an almost omniverous reader, has risen to the topmost round of his profession and has won the esteem and kindly consideration of his professional brethren, and of his countrymen. He has devoted much of his leisure time in gathering materials and making studies of North Carolina History, and has a notable collection of historical material hardly to be equalled in the State.

Mr. Pittman is a writer of ability and has delivered and written many addresses on different epochs in our State's history. Among the most important—

"The Great Sanhedrin of the Jews and its Criminal Procedure."

Address on "English Words."

The Race Question and Socialism.

The Preparation for Baptist Work in North Carolina.

The Revolutionary Congress of North Carolina, and the Monograph on John Penn, "the signer," written for the NORTH CAROLINA BOOKLET, Vol. IV, September, 1904.

Address on Nathaniel Macon.

Address before the Baptist State Convention at Greenville, N. C.

Address at Guilford Battle Ground, July 4, 1902.

J. S. Carr Prize Essay.

Lemuel Brickett, A Sketch.

John Porter and the Cary Rebellion.

Address to Summer School at A. & M. College, 1903.

He has written several sketches for the Biographical History of North Carolina, 1906-7.

Mr. Pittman is a prominent member of the Baptist Church, and has filled the offices of Deacon, Clerk, Sunday School Superintendent, Teacher, Vice-President of the Baptist State Convention, and of the American Baptist Historical Society, and many other offices that are recorded in the annals of this progressive denomination.

Mr. Pittman married Mrs. Harriet Lassiter, formerly Thrower, in June, 1884, and they have two children, Elizabeth, a graduate of the Boston Conservatory of Music, and Thomas M., Jr., a civil engineer on the Illinois Central Railroad.

GENEALOGY.

The Pittmans are of German extraction, and were settled on the Rhine at an early period. They were in England prior to the settlement of Virginia. The first of the family in this country died at Jamestown within the first ten years of that settlement. Later two branches of the family settled in America, one in Rhode Island, the other in Virginia. His grandfather, Merritt Pittman, came to Halifax County, in

this State, from Isle of Wight County, Virginia; his father was James Pittman, who was settled on the James River.

Thomas M. Pittman's maternal ancestor was Richard Bennett, who came to North Carolina from Maryland about 1750 and settled in Halifax, N. C. He was one of three brothers. One settled in Marlborough County, S. C., and gave the name of Bennettsville to the county town; the other settled in Anson and was ancestor to Judge R. T. Bennett and others of consideration in that county. He numbers among his ancestors the Neatherys and Lancasters of Revolutionary fame.

With Mr. Pittman's determined will, noble ambition and character, together with a superior intellect, he will continue on the road to success, ranking with the best in all his undertakings.

COMPILED BY MARY HILLIARD HINTON.

HON. JAMES ALSTON CABELL.

The Honorable James Alston Cabell, lawyer, legislator, writer, was born in Richmond, Virginia. He belongs to an English family of undoubted antiquity, which was seated in the counties of Devon, Wilts and Somerset. His ancestor came to Virginia at a very early period. During the Colonial and Revolutionary epochs of our history, the members of his family bore a conspicuous part in all public affairs, and rendered their country useful and distinguished services in war as well as in peace, serving in the Colonial wars, the House of Burgesses, the Committees of Safety, the Conventions and the Army of the Revolution. His father, the late Col. Henry Coalter Cabell, was a prominent lawyer, and in the Civil War was Chief of the Artillery of the Army of the Peninsular, and Chief of Artillery of McLaw's Division of the Army of Northern Virginia. The mother of the subject of this sketch

was Jane Alston, daughter of Major James and Catherine (Hamilton) Alston, of Abbeville, South Carolina.

Mr. Cabell is a graduate of Richmond College, and also of the University of Virginia, having had three degrees conferred upon him by the latter institution. While at the University he was prominent in athletics as well as in his studies; was editor of *The Virginia University Magazine*, which he conducted with marked ability, and won the scholarship in the Scientific Department and a thousand dollar prize. He was called to a professorship in the Central University of Kentucky, which he filled for two years. This position he resigned in 1880, and joined his father in the practice of law at Richmond. In 1884 he was elected a member of the City Council. In 1893 he was elected a member of the General Assembly of Virginia. He was re-elected and served until 1897, when he declined re-election. In 1896 his constituents desired him to become a candidate for Congress, but he had determined at the close of his legislative duties to devote himself to his profession and literary labors. He has recently been conspicuously mentioned as a candidate for Governor of Virginia. He married June 12, 1895, Miss Ethel Hoyt Scott, of New York City. He served for nine years as Chairman of the Virginia Commission on the Uniformity of Legislation in the United States.

Mr. Cabell is a member of the State Bar Association and the American Bar Association; a life member of the American Historical Association, the Southern Historical Association, and the Virginia Historical Society. He has been a member of the Advisory Board of the Association for the Preservation of Virginia Antiquities since its organization. He re-organized the Virginia Society of the Cincinnati, and was elected President of Temporary Organization of the Virginia Society in 1890. He is also an hereditary member of

the North Carolina Society of the Cincinnati. He was elected President of the Sons of the Revolution in Virginia in 1895; President of the Alumni Association of Richmond College in 1896, and Commander of the Virginia Commandery of the Military Order of Foreign Wars in 1899. He is a graceful speaker.

Mr. Cabell is an active, honorary, or corresponding member of a number of literary historical and scientific societies in this country and abroad; is editor of the *Virginia Masonic Journal*, and is the author of a number of scientific historical and biographical treatises and papers.

This excellent address, delivered by this popular and talented Virginian, at a banquet given by the Newport News Chamber of Commerce last autumn before the launching of the U. S. Cruiser *North Carolina*, has been republished in THE BOOKLET at the suggestion of a prominent North Carolina lawyer.

ABSTRACTS OF WILLS

From the Office of Clerk of Superior Court of Chowan County, Edenton, N. C.

Will of Stephen Cabarrus, of Pembroke, Chowan County, October 20th, 1807. Sisters Marianna, Cadette and Julia Cabarrus, now living at or near Bayonne, \$3,000. Brother Augustus, now living with me, nephews Thomas and Augustus Cabarrus, now living with me; sister-in-law Clarence, wife of my brother Bartholemey Cabarrus, now living at Paris, France; my large diamond ring and gold snuff box, formerly belonging to my beloved deceased wife, Mrs. J. Charrier, sister of my beloved wife and wife of Mr. Jean Charrier *fils*, living at Bordeaux, France, all her sister's clothes, her diamond earrings, diamond Aigrette, our double gold wedding ring and a garnate necklace; my friend. General William Richardson Davie, living in S. C., my friend Judge John Louis Taylor; Sophia Niel, her sister Polly Niel, children of Julia Beaulien Charrier, wife of Jean Charrier *fils*. Samuel Tredwell, Judge John Louis Taylor, John Roulhae and brother Auguste, Exrs. My servants, Louis, Sylvia, Lorient and John I desire emancipated and to each \$100.00. Test. John Otis Freeman, Nat. Bond. From the office of C. S. C. Chowan Co., Edenton, N. C. Abstract of Will of Stephen Cabarrus.

Abstract of Wills taken from Secretary of State's Office.

Will of Elizabeth Anderson, Nov. 1732; prob. Dec. 1733. Son James, son Carolus, daughter Elizabeth Pitman, daughter Elizabeth Anderson, Eliz. Pitman's son, Wm. Anderson, daughter Sarah Anderson, granddaughter Elizabeth Anderson, granddaughter Sarah Anderson.

Will of Henry Bonner, Chowan. Son Henry, son Thomas, grandson Richard Lewis, daughter Elizabeth Lewis, daughter

Deborah, daughter Mary, granddaughter Sarah Lewis, granddaughter Deborah Lewis: Sept. 1, 1738.

Will of James Ansell, Sept. 12—1738; prob. Apr. 1—1740. John Ansell, daughter Sarah Roberts, grandson James Roberts.

Will of William Badham, Chowan. Oct. 28—1736; Ellen, daughter of Martha Dunston, relict of John Dunston, born at Edenton, Aug. 1st—1733, land I Bought of William Willson; 250 acres adjoining Orlando Champion to her sister Mary, born June 6th—, 1735.

Wife Martha, Barnaby Stetz Dunston, Richard William Dunston, Arthur Laport, son of Jonho Laport.

HELEN DEB. WILLS.

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