



Harvey.

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

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JOHN HARVEY.¹

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Of all the men who inaugurated the Revolution in North Carolina, John Harvey, perhaps, is least known. But little has been written of his services to his country, and the student of his career will search in vain outside of the bald official records for more than a mere mention of the official positions which he held. These records, however, reveal a career that would do honor to any of his great contemporaries.

The origin of the Harvey family in North Carolina has been the subject of much speculation and has been accounted for in various ways. The traditional accounts credit Virginia with furnishing this family to North Carolina, but whatever may be true of the other branches, this is not true of the branch from which John Harvey sprung. During the middle of the seventeenth century the first John Harvey of whom we have any record, and his wife Mary, lived "at ye Heath in Shetterfield Parish in Warwick Sheare in Ould England." One of their sons, Thomas Harvey, came to North Carolina some time about 1680 as private secretary to Governor John Jenkins. He himself afterwards served as deputy governor during the absence of Governor Archdale. Upon his arrival there he found others of his name who were

¹ Reprinted, with additional matter, from the "Biographical History of North Carolina," Volume IV, by permission of Charles L. Van Noppen, Publisher.

already prominent in the official life of the province. They had settled in Perquimans County on Albemarle Sound, occupying a strip of land between the Yeopim and Perquimans rivers, known to this day as Harvey's Neck. Governor Jenkins died December 17, 1681. Within less than four months Thomas Harvey showed his devotion to the memory of his patron by marrying the bereaved widow, Johannah. In those early days in North Carolina, when the number of men in the province greatly exceeded the number of women, it was probably regarded as contrary to public policy for a sprightly woman to hide her charms behind a widow's veil. Six years after her second marriage Johannah Harvey died. Thomas Harvey bore his loss with becoming fortitude and within less than six months resigned his sorrows into the keeping of Sarah Laker, the daughter of a prominent colonial official, Benjamin Laker, and his wife Jane Dey. By her Thomas Harvey had three children. The second son, a Thomas also, married Elizabeth Cole, daughter of Colonel James Cole, of Nansemond County, Virginia. This union continued only a few years, Thomas Harvey dying during the winter of 1729. He left four sons, Thomas, John, Benjamin, and Miles.² In his will he made provisions and left directions for the education of these boys; one legacy in this will was a hundred pounds proclamation money for the poor of Perquimans County.

The second of these boys was destined to become the most illustrious of the Harveys. He was born some time about the year 1725. According to the provisions of his father's will he received a good education, probably under a private tutor, or, as was not unusual then, in England. We may suppose that, like other boys similarly situated, he gave due

² Hathaway: North Carolina Historical and Genealogical Register, Vol. 3, No. 3, 476-480.

attention to the sports common in frontier settlements—riding, hunting, fishing, swimming, rowing, and other outdoor amusements. Early in life he was married to Mary Bonner, daughter of Thomas and Abigail Bonner, of Beaufort County. They had ten children. It is not unworthy of remark that the Harveys were a prolific family. John Harvey's eldest son, Thomas, had eight children; his second son, John, had three; Miles, his fifth son, had four; while Joseph, the seventh son, had fourteen. John Harvey's grandchildren also proved themselves in this respect not unworthy of their origin.³

We know nothing about John Harvey's early life. As soon as he was old enough to understand such things he manifested a lively interest in provincial politics; the traditions of his family, no less than his own inclinations, would lead him to do so. A promising young man, supported by family influence, wealth, and education, he could not fail to attract the attention of the local politicians of the popular party. He had scarcely laid aside his childish things before they brought him forward as a candidate for a seat in the General Assembly, and elected him a member of the session held at New Bern in June of 1746.⁴ He arrived one day too late to take part in the organization of the House, which was effected by the election of Samuel Swann speaker. The journal quaintly states that, June 12, "Mr. John Starkey moved that as Mr. Samuel Swann had been speaker heretofore and no objection lay against his behaviour in that station he may be chosen speaker." To this proposition there was no dissent. John Harvey's first session was a short one, lasting only sixteen days.

Harvey had entered the Assembly, however, just in time to become involved in one of the bitterest contests connected with

³Ibid. ⁴Colonial Records of North Carolina, IV, 818.

our colonial history. The early North Carolina charters had given to the counties of Chowan, Perquimans, Pasquotank, Currituck, Bertie,⁵ and Tyrrell the privilege of sending five members each to the Assembly, and had allotted to all the other counties only two each. As these latter counties grew in wealth and population they looked with jealous eyes on the extra privilege of the older counties. Rivalries and friction enhanced by local prejudices arose out of this inequality. By having five members each the northern counties had a majority of the Assembly, and of course controlled legislation. The southern counties could do nothing but patiently await their opportunity to strike a more nearly even balance. It happened that just at the time John Harvey entered the Assembly the governor, Gabriel Johnston, a hard-headed Scotchman, threw himself into the controversy on the side of the southern counties. In November, 1746, he called the Assembly to meet at Wilmington.⁶ On account of the difficulties in reaching Wilmington at that season of the year, the northern members had declared that they would not attend an Assembly held at that place. Relying upon the fact that they composed a majority of the members, they expected, of course, that no session could be held without them. In this they reckoned without their host. Little did John Harvey and his colleagues think that Samuel Swann and his colleagues, for the sake of a petty sectional advantage, would surrender one of the most cherished constitutional principles for which the colonists had ever contended—that no number less than a majority of the Assembly ought to be considered a quorum. But this is just what the southern members did, for at the bidding of a royal governor they formed a house composed of less than a majority, and proceeded to business. Only two bills

⁵Northampton County had afterwards been created out of Bertie and given two of the latter's five members. Northampton acted with the northern counties. ⁶Colonial Records, IV, 838.

were passed at this session—one to make New Bern the capital of the province, the other to reduce the representation of the northern counties to two members each. After this had been done the governor with many honeyed words sent the members home.

Of course the northern counties refused to recognize the validity of laws passed by this rump Assembly. So when the governor issued his writs for a new election, commanding them to choose two members each, they refused obedience, and chose five each as usual. John Harvey was one of those elected for Perquimans. But the governor declared the elections void. Thereupon the northern counties appealed to the king. The controversy was long and bitter. Eight years passed before a decision was reached on the appeal, and during these years the northern counties, refusing to send only two members each—the only number the governor would recognize⁷—were not represented in the Assembly of the province. It was not until March 14, 1754, that the board of trade filed its report with the king; the decision was in favor of the northern counties.⁸

Governor Johnston, dying in 1752, did not live to see the end of the controversy he had helped to fasten on the colony. His successor was Arthur Dobbs. He arrived in North Carolina in October, 1754,⁹ bringing instructions to call a new Assembly in which the representation was to be distributed as it had been prior to 1746. This Assembly met in New Bern, December 12th, and was the first session in eight years at which all the counties were represented.¹⁰ John Harvey was returned at the head of the Perquimans delegation. John Campbell was there from Bertie, leader of the northern forces; Samuel Swann from Onslow, leader of the southern

⁷Col. Rec., IV, 856-57. ⁸Col. Rec., V, 81. ⁹Col. Rec., V, 144g.

¹⁰Col. Rec., V, 231.

faction. The northern faction was of course hostile to Swann, and for the first time in fourteen years an opponent for the speakership appeared. An interesting contest ensued. There were fifty-eight members of the Assembly, thirty of whom were of the northern faction, twenty-eight of the southern. On the opening day, however, six members were absent, four of the former, two of the latter party, so that those present were equally divided in their allegiance. This gave the southern members some encouragement, for if their two absent colleagues arrived before those of their opponents, they could re-elect Swann and triumph over the arrogant North. When the house met, therefore, "Mr. Sinclair set up Mr. Samuel Swann; Mr. Thomas Barker proposed and set up Mr. John Campbell, on which the motion was made and the question was put, and the house dividing there appeared an equality of votes." Neither faction was willing to give way. Word was therefore sent to the governor that the house could not yet attend upon him, and his opinion was asked as to the solution of the difficulty. Dobbs replied that it was an unprecedented case, "but in all cases where there was a right, there ought to be a remedy," and he thought the clerk ought to cast the deciding vote. The house would not agree to this, and Swann, realizing that the chances were against him, offered to withdraw. His friends demurred, but in spite of their opposition "Mr. Swann acquainted the members that in order to expedite the business of the house he gave up his pretensions to the said place to Mr. John Campbell, whereupon he was placed in the chair."¹¹ The next morning Governor Dobbs wrote: "Although there may be some little sparring betwixt the parties, yet both have assured me it shall have no effect upon public affairs or make my administration uneasy."¹²

¹¹ Col. Rec., V, 233. ¹² Col. Rec., V, 153-4.

The great event of Governor Dobbs's administration was the French and Indian War. No man was more British in his enmity to the French or more Protestant in his hostility to their religion than Arthur Dobbs. He made the wringing of money out of the province for the prosecution of the war the paramount object of his administration. The Assembly met his demands as liberally as they thought the situation and circumstances of the province justified, but they could not satisfy the governor. Greater demands pressed in impolitic language gave birth to sharp controversies over the limitations on the prerogatives of the Crown and the extent of the privileges of the Assembly. In these debates John Harvey was one of the leaders in stoutly maintaining that the only authority on earth that could legally levy taxes on the people was their General Assembly. Dobbs's first Assembly voted £8,000 for war purposes.¹³ John Harvey was a member of the committee that drafted the bill. An incident connected with its passage is significant and worthy of record. The Council, or upper house, having proposed an amendment, the Assembly, or lower house, promptly rejected it and, instead, resolved, without a dissenting vote, "that the Council in taking upon them to make several material alterations to the said bill whereby the manner of raising as well as the application of the aid thereby granted to his Majesty is directed in a different manner than by that said bill proposed, have acted contrary to custom and usage of Parliament, and that the same tends to infringe the rights and liberties of the Assembly, who have always enjoyed uninterrupted the privilege of framing and modeling all bills by virtue of which money has been levied on the subject for an aid for his Majesty."¹⁴ Within less than a year after this session adjourned all British America was thrown into consternation

¹³ Col. Rec., V, 243 et seq. ¹⁴ Col. Rec., V, 287,

by the disastrous ending of Braddock's expedition. Governor Dobbs at once convened the Assembly in special session, and in a sensible, well-written address suggested that "a proper sum cheerfully granted at once will accomplish what a very great sum may not do hereafter."¹⁵ The house went into committee of the whole, with John Harvey presiding, to consider the ways and means of raising £10,000. Harvey was also a member of the committee to draft the bill which was promptly passed. Three companies were ordered to be raised and placed at the disposal of the governor. The next session of the Assembly, 1756, voted another war appropriation, £4,400.¹⁶ In the meantime the war had been going against the British and the ministry felt that more concerted action by the colonies was desirable. At a meeting of southern governors at Philadelphia, March, 1757, a plan was adopted which apportioned 400 troops to North Carolina.¹⁷ When Governor Dobbs laid this plan before the Assembly, the house, through a committee of which Harvey was a member, promised to do all within its power to carry it into execution.¹⁸ A bill carrying £5,306 was introduced. John Harvey was especially instrumental in securing its passage. He presided over the committee of the whole to consider ways and means, was a member of the committee that drafted the bill, and a member of the conference committee of the two houses. These appropriations were all voted with "alacrity," as the Assembly said, and the governor acknowledged, though they imposed upon the people a debt of "above forty shillings each taxable," which was more than the currency in circulation in the province.¹⁹

The summer of 1757 was one of the gloomiest in the annals of the British empire. Success everywhere crowned the arms

¹⁵ Col. Rec., V, 495 et seq. ¹⁶ Col. Rec., V, 734. ¹⁷ Col. Rec., 750.

¹⁸ Col. Rec., V, 829 et seq. ¹⁹ Col. Rec., V, 1001.

of France. In America, the French empire "stretched without a break over the vast territory from Louisiana to the St. Lawrence."²⁰ The Indians called Montcalm the "famous man who tramples the English under his feet."²¹ In July, however, a new force was introduced into the contest which, it is not mere rhetoric to say, was destined in a few brief months to raise the banner of England from the dust of humiliation to float among the most exalted stars of glory. This force was the genius of William Pitt, "the greatest war minister and organizer of victory that the world has seen."²² The Assembly of North Carolina had quarreled with Dobbs, but the words and spirit of Pitt inspired them, "notwithstanding the indigency of the country," to renewed efforts for the support of the war. John Harvey was a member of the committee that drafted a bill enrolling three companies to serve in the Virginia campaign under General Forbes and appropriating £7,000 for their subsistence.²³ The house requested that these troops be sent to General Forbes "without loss of time." The summer of 1758 was as glorious as the summer of 1757 had been gloomy. In every quarter of the globe England's arms were victorious. In Europe victory followed victory with dazzling rapidity. In America Louisburg fell, Fort Frontenac surrendered, and Fort Duquesne was rebaptized with the name of England's great war minister. The North Carolina Assembly at the winter session voted £2,500 for the North Carolina troops serving on the Ohio.²⁴ After this Dobbs made a total failure in his efforts to direct the Assembly. More zealous than judicious, he allowed himself to become involved in a foolish quarrel in a matter which he was pleased to consider an encroachment upon the king's prerogative; and rather than yield a little where resistance could do no

²⁰ Green: *Short History of the English People*. ²¹ Fiske: *New France and New England*, 309. ²² Fiske: *Ibid*, 315. ²³ Col. Rec., V, 1003. ²⁴ Col. Rec., V, 1063.

good, he foolishly threw away the supplies which a burdened people reluctantly offered. Quarrel after quarrel followed; the sessions were consumed with quarrels. The Assembly refused to frame supply bills at the governor's dictation, and in an outburst of wrath he wrote to the board of trade that the members were "as obstinate as mules," and appealed to the king to strengthen his authority that he might "prevent the rising spirit of independency stealing into this colony."²⁵

While the war occupied public attention little else occurred to attract general interest. John Harvey had gradually forged his way to the front rank of the popular leaders and had become the recognized head of the northern party. In October, 1755, Governor Dobbs wrote to the board of trade, "parties are only smothered, yet not quite laid aside."²⁶ The truth of this observation became apparent at the session of September, 1756. John Campbell was detained at home on account of sickness and sent in his resignation of the speakership. The smoldering embers of faction at once broke forth. The North lined up behind John Harvey in one more effort to break the power of Samuel Swann. But as no one expected such a contest, several members of the Assembly were not present at the opening, and when the roll was called only thirty-eight answered. The majority of these were of the Swann faction, and he was accordingly elected speaker.²⁷ This was the last attempt made to defeat Swann. Events soon occurred that welded the two parties together for united resistance to the encroachments of the governor, and harmony being the first essential for success, Swann was allowed to preside over the Assembly until he voluntarily resigned the honor. Except for matters relating to the war the time and attention of the Assembly were given largely to schemes for internal improvements. John Harvey was concerned in much

²⁵ Col. Rec., VI, 251. ²⁶ Col. Rec., V, 440. ²⁷ Col. Rec., V, 689.

of this uninterestingly necessary work. He served on most of the important committees and was frequently called on to preside over the house in committee of the whole.

Governor Dobbs, who had grown peevish with age, was given permission in 1765 to surrender the cares of his office to a lieutenant-governor and return to England. While he was busily packing for his trip "his physician had no other means to prevent his fatiguing himself than by telling him he had better prepare himself for a much longer voyage." He set sail on this "longer voyage" March 28, 1765.²⁸ His successor was William Tryon, the ablest of the colonial governors. Tryon's first Assembly met at New Bern, May 3, 1765.²⁹ He laid before the house some correspondence relative to the establishment of a postal route through the province, and recommended that an appropriation be made for the purpose. This was of course a matter of the first importance, and the Assembly, desiring more information than was then available, resolved to postpone final action until the needed data could be collected. However, "desirous that a matter of such public utility should take effect" at once, the house appointed a committee to arrange with the postmaster general for a temporary route until more definite action could be taken. The chairman of this committee was John Harvey. The work was pushed with vigor and success, and a route was laid out from Suffolk in Virginia to the South Carolina boundary line, a distance of two hundred and ninety-seven miles. In a letter to Governor Bull of South Carolina urging him to have the route continued to Charleston, Governor Tryon says, evidently referring to the committee, that the route was established through North Carolina "by the assiduity of some gentlemen" of this province.³⁰

December 20, 1765, Tryon, who had until then been lieu-

²⁸ Col. Rec., VII, 3, ²⁹ Col. Rec., VII, 61. ³⁰ Col. Rec., VII, 100.

tenant-governor, qualified as governor. As was customary when a new governor entered upon his office, he dissolved the Assembly, December 21, and issued writs for a new one. Nearly a year passed, however, before he allowed the members to convene, and they did not meet until November 3, 1766.³¹ That day Richard Caswell, representing Dobbs County, "moved that John Harvey, Esquire, be chosen speaker; and [he] was unanimously chosen speaker and placed in the chair accordingly. Mr. Howe and Mr. Fanning," continues the journal, "waited on his excellency the governor, and acquainted him the members had made choice of a speaker, and desired to know when they should wait on him for his approbation; and being returned acquainted the members that his excellency said he would receive them immediately. The members waited on his excellency the governor in the council chamber and presented John Harvey, Esquire, to his excellency for approbation, who was pleased to approve of their choice. Then Mr. Speaker asked his excellency to confirm the usual privileges of the house, particularly of that of freedom of speech, to which his excellency, for answer, was pleased to say that the house might depend he would preserve to them all their just rights and privileges."

Thus John Harvey at last came to his own. Since the people then had no voice in the choice of their governor, the highest office within their gift was the speakership of the Assembly. To this office the ambitious politician aspired, and to it the leader of the popular party was generally elected. This position, as leader of the province, which John Harvey now assumed, he never lost, though once temporarily laid aside because of ill health. It is of course impossible, from the bare records that have been preserved, to estimate accurately the exact share which he had in the stirring scenes

³¹ Col. Rec., VII, 342.

enacted in the province from now until his death, but we know that as leader of the popular party his was the mind that directed the inauguration of the Revolution in North Carolina. He was the author of many of the movements that culminated in the Revolution, while none were attempted until he had been consulted and his co-operation secured. How he bore himself in his responsible position the success of those movements, guided by him in their inception, bears witness.

At the winter session of 1767-1768 Edmund Fanning moved in the Assembly that the speaker provide for himself, the clerks and other officials "necessary robes, suitable to their stations, and a mace for this house and the Council at the expense of the public."³² The motion was passed unanimously. At the next session Harvey reported that he had written to London to learn what the articles would cost, and now submitted his information to the house for instructions. "Whereupon the house resolved," as the journal states, "that the two silver maces of about two feet long and gilded, weighing about one hundred ounces, do not exceed the sum of one hundred and fifteen pounds sterling, and that the robes for Mr. Speaker do not exceed the sum of fifteen pounds sterling."³³ Harvey accordingly ordered the articles through the colony's agent, Henry Eustace McCulloh. McCulloh sent the robe, but not the maces, because he did not have money enough for the latter. A resolution of the North Carolina Assembly evidently would not pass for currency in London. Referring to the robe McCulloh wrote to Harvey: "I flatter myself it will please, for it is rich and plain. You will want a handsome tye upon the occasion, but that, I recollect, George Gray, of Edenton, can furnish you with. Ninety-nine out of a hundred of the sons of Adam bow the knee to

³² Col. Rec., VII, 656. ³³ Col. Rec., VII, 969.

appearances; so far wise men approve, and make use of them."³⁴

But graver matters than the purchase of parliamentary paraphernalia demanded the attention of John Harvey and the North Carolina Assembly. The Stamp Act had been repealed, but the continent was now in a turmoil from one end to the other over the Townsend Acts. Massachusetts and Virginia, during the summer of 1768, issued their famous circular letters inviting the co-operation of the other colonies in concerting measures of resistance, in order that their remonstrances and petitions to the king "should harmonize with each other." November 11, 1768, John Harvey laid copies before the Assembly.³⁵ Much to the disgust of some of the leaders the house declined to take any action except to give the speaker verbal directions to answer them.³⁶ The house then resolved to present "an humble, dutiful and loyal address" to the king, praying the repeal of the several acts imposing duties on goods imported into America. A committee composed of John Harvey, Joseph Montfort, Samuel Johnston, Joseph Hewes, and Edward Vail was appointed to draw up the address, which Henry Eustace McCulloh was instructed to present.³⁷ Thus the Assembly missed the real significance of the proposition, unity of action with the other colonies. Union was the great bugbear of the king and ministry; they did not doubt that if the colonies could be kept separated they could easily bring them to terms. The policy of the king, therefore, was to avoid as far as possible giving the Americans a common grievance in support of which they could unite. So, too, the king and ministry did not dispute the right of each colony alone to petition the throne for redress of grievances; but they fought desperately against any disposition on the part of the Americans to unite in their

³⁴ Col. Rec., VIII, 59. ³⁵ Col. Rec., VII, 928. ³⁶ Col. Rec., VIII, 9.

³⁷ Col. Rec., VII, 973.

petitions. Johnston and Hewes were so disgusted at the Assembly's flash in the pan that they declined to serve on the committee. But John Harvey acted more wisely. He assumed that the Assembly intended for the committee to act in concert with the committees of the other colonies, and thus improved on the Assembly's verbal instructions. In his letter to Thomas Cushing, speaker of the Assembly of Massachusetts, Harvey said: "I am directed to inform you that they [the North Carolina Assembly] are extremely obliged to the Assembly of the Massachusetts-Bay, for communicating their sentiments on so interesting a subject; and shall ever be ready, firmly to unite with their sister colonies, in pursuing every constitutional measure for redress of the grievances so justly complained of. This house is desirous to cultivate the strictest harmony and friendship with the assemblies of the colonies in general, and with your house in particular. * * * The Assembly of this colony will at all times receive with pleasure, the opinion of your house in matters of general concern to America, and be equally willing on every such occasion to communicate their sentiments, not doubting of their meeting a candid and friendly acceptance."³⁸ In their letter of instructions to McCulloh, Harvey, Montfort, and Vail, said: "The last thing, Sir, which we shall take leave to recommend to you as the sense of the people and which we doubt not will be equally pleasing to you as to us, will be on your part a spirited co-operation with the agents of our sister colonies and those who may be disposed to serve us in obtaining a repeal of the late act imposing internal taxes on Americans without their consent and the which is justly dreaded by them to be nothing more than an introduction to other acts of the same injurious tendency and fatal consequences."³⁹ This

³⁸ The Boston Evening Post, May 15, 1769. ³⁹ Col. Rec., VII, 877.

course taken by John Harvey and the other members of the committee, therefore, saved North Carolina from the odium which a failure to support the common cause would have heaped on the colony.

In the address to the king, which Harvey as chairman of the committee probably wrote, the king was reminded that in the past whenever "it has been found necessary to levy supplies within this colony requisitions have been made by your Majesty or your royal predecessors conformable to the rights of this people, and by them cheerfully and liberally complied with"; and while promising a like compliance in the future, the address maintained that members of the "Assembly can alone be the proper judges, not only of what sum they are able to pay, but likewise of the most eligible method of collecting the same. Our ancestors at their first settling, amidst the horrors of a long and bloody war with the savages, which nothing could possibly render supportable but the prospects of enjoying here that freedom which Britons can never purchase at so dear a rate, brought with them inherent in their persons, and transmitted down to their posterity, all the rights and liberties of your Majesty's natural born subjects within the parent state, and have ever since enjoyed as Britons the privileges of an exemption from any taxations but such as have been imposed on them by themselves or their representatives, and this privilege we esteem so invaluable that we are fully convinced no other can possibly exist without it. It is therefore with the utmost anxiety and concern we observe duties have lately been imposed on us by Parliament for the sole and express purpose of raising a revenue. This is a taxation which we are firmly persuaded the acknowledged principles of the British constitution ought to protect us from. Free men can not be legally taxed but by themselves or their representatives and that your Majesty's subjects within this province are repre-

sented in Parliament we can not allow, and are convinced that from our situation we never can be.”⁴⁰

McCulloh's letters to the committee and to Harvey give the history of the address after it reached him. To the committee he wrote that in accordance with customary procedure he waited on Lord Hillsborough, secretary of state for the colonies, with the address and that his lordship agreed to present it to the king. The answer, he said, would be forwarded through the official channels.⁴¹ To his friend, John Harvey, to whose influence McCulloh owed his appointment, he wrote with more freedom. “The little right I had to expect that warmth of friendship which I have met from you,” he said, “is an additional circumstance to the grateful sense I have of your partial kindness; I am very sensible that my success in the affair of the agency is principally the work of your hand. I wish I may ever have it in my power to make you a more weighty return than words; them I will spare. I am proud and happy in your friendship, and will endeavor to deserve it.

“I don't mean a compliment, but I really think the general idea of your petition is the best I have seen. I should have blushed forever for you if you had not bore [sic] some testimony in the good cause. Surely you have been polite and compliant enough.

“It may be proper to give you a little private history as to your petition. I am convinced they would have been better pleased had you let it alone. Many of my friends (acquaintances rather) in Carolina, have kindly hinted to me, that I would best judge whether I would lay the ideas of the mad (rebellious) Americans at the foot of the throne; and have been kindly concerned for the consequences to me should I attempt it. I am much obliged to them. I see nothing in

⁴⁰Col. Rec., VII, 980. ⁴¹Col. Rec., VIII, 55.

your petition but my soul approves. My spirit as well as my circumstances are independent, and though my Lord H—h [Hillsborough] had the politeness to say *that petitioning in my circumstances was foolish*, (his own words) I insisted I had no discretion to exercise—no question to ask, but that it should be presented in the most proper and official manner; had he refused I would have bent the knee myself—the way it has been done is the only one, and never deviated from but in cases of refusal. I trust in God I shall never want courage to execute your commands. * * * I have it from authority, to acquaint you, that the acts complained of by America are to be repealed; their proud stomachs here must come down. Our politics here are nothing but a scene of confusion. Men's minds seem greatly inflamed. The ministry, etc., seem most cordially detested—it is, however, my opinion that they will keep their seats. * * * One thing let me add—surely Messrs. H. [Hewes] & J. [Johnston] who have refused to act, will not be continued of the committee of correspondence.”⁴²

This Assembly and the governor parted on good terms. Later, because of several deaths among the members, Tryon dissolved it and issued writs for a new election. When the new Assembly met in October, 1769, John Harvey was again unanimously elected speaker.⁴³ They met the governor in good spirits and everything promised smooth sailing; but unexpected reefs were in the way. In the preceding May the Assembly of Virginia adopted a series of resolutions on the questions at issue between the American colonies and the British Parliament. These resolutions were sent to the speakers of the various colonial assemblies. John Harvey laid a copy before the Assembly of North Carolina, November 2, and the house adopted them *verbatim*. They denied the right of Parliament to levy taxes in America. They affirmed the right

⁴²Col. Rec., VIII, 58–61. ⁴³Col. Rec., VIII, 107.

of the subject to petition the throne for redress of grievances. They denounced the act of Parliament requiring Americans accused of treason to be taken to England for trial. They declared "that the seizing any person or persons in this colony suspected of any crime whatsoever committed therein and sending such person or persons to places beyond the sea to be tried is highly derogatory to the rights of British subjects, as thereby the inestimable privilege of being tried by a jury from the vicinage, as well as the liberty of summoning and producing witnesses on such trial, will be taken away from the party accused." An address to the king was adopted which presented in a different form the same ideas embodied in the resolutions; and McCulloh was instructed, after presenting it to the king, to have it printed in the British papers.⁴⁴ Convinced by experience that the ears of the king were deaf to their appeals, the Americans now began to appeal to their British brethren. For these resolutions the house suffered the penalty of dissolution.

The Assembly was dissolved November 6, 1769. But the members had not completed their work and they were not ready to go home. They thought "it necessary that some measures should be taken in their distressed situation, for preserving the true and essential interests of the province," and therefore resolved to hold a meeting "for that very salutary purpose," independent of the governor. Sixty-four of the seventy-seven members immediately repaired to the courthouse and organized themselves into a convention. So far as I have been able to ascertain no account of this meeting has ever appeared in any history and, therefore, at the risk of being tedious and of prolonging this sketch beyond the proper limits, I shall give the account in full as it appears in the *South Carolina Gazette and Country Journal*, of December

⁴⁴ Col. Rec., VIII, 121-124.

8, 1769.⁴⁵ Says that paper, after stating the fact of the meeting, "it was first proposed, for the more decent and regular discussion of such matters as might be taken into consideration, that a moderator should be appointed, and John Harvey, Esq., late speaker of the house of Assembly, was unanimously elected.

"The true state of the province being then opened and fully explained, and it being proposed that a regular association should be formed, a committee was appointed to prepare the necessary and most proper regulations for that purpose, and they were ordered to make their report to the general meeting the next day, at nine o'clock."

The next day accordingly the committee made their report, "which being read, seriously considered, and approved, was signed by a great number of the late members of the Assembly then present, and is as follows:

"We, his Majesty's most dutiful subjects, the late representatives of all the freeholders of the province of North-Carolina, avowing an invincible attachment and unshaken fidelity to our most gracious Sovereign, and protesting against every act that may have the least tendency to disturb the peace and good order of this government, which we are willing, at the risque of our lives and fortunes, to maintain and defend; but, at the same time, sensibly affected with the hardships, difficulties and discouragements the colonies at present labour under, from several taxes and impositions laid on by Parliament, for the sole purpose of a revenue, by which our money is taken from us, without our consent, and applied to the sup-

⁴⁵ For this, and the other material from the South Carolina papers used in this article, I am indebted to Miss Mabel L. Webber, the very efficient Secretary of the South Carolina Historical Society. Miss Webber has been engaged by the North Carolina Historical Commission to make an index to the North Carolina items in the Colonial and Revolutionary newspapers of Charleston, and has done her work with thoroughness and accuracy. These items throw much new light on the early history of North Carolina.—R. D. W. C.

port of new created commissioners of customs, and other placemen: And by other acts of Parliament, we are deprived of that invaluable privilege of trial by our peers and the common law, and made subject to the arbitrary and oppressive proceedings of the civil law, justly abhorred by our ancestors, the freemen of England: And finding, that the most dutiful and loyal petitions and remonstrances from the colonies for redress, have been rejected with contempt; and dreading the evils which threaten us and our posterity, by reducing us from freedom to a state of slavery; and in order to stimulate our fellow subjects, the merchants and manufacturers in Great-Britain, to aid us in this our distress, and to shew our readiness to join, heartily, with the other colonies, in every legal method which may most probably tend to procure a redress, which we believe, will be most effectually promoted by establishing economy, encouraging American manufactures in general, and of this province in particular; promoting industry, and discouraging all manner of luxury and extravagances: We do therefore, most earnestly, recommend this our association, to the serious attention of all gentlemen, merchants, traders, and other inhabitants of this province, not doubting that they will, very readily and cordially, accede thereto; we therefore, whose names are hereunto subscribed, do solemnly promise and agree, to and with each other, that until the colonies are restored to their former freedom, by a repeal of those oppressive acts, we will most truly adhere to, and abide by the following resolutions, to-wit:

First. It was unanimously agreed on and resolved, this 7th day of November, 1769, that the subscribers, as well by their own example as all other legal ways and means in their power, will promote and encourage industry and frugality, and discourage all manner of luxury and extravagance; and will also encourage and promote the use of *North American*

manufactures in general, and those of this province in particular; and such of the subscribers who shall or may have any such for sale, will sell and dispose of them at the same rates as heretofore.

“Secondly. That they will not at any time hereafter, directly or indirectly, import or cause to be imported, any manner of goods, merchandise or manufactures, which are or shall hereafter be taxed by act of Parliament for the purpose of raising a revenue in America, except paper, not exceeding eight shillings sterling per ream, and except such articles only as orders have already been sent for; nor purchase any such after the first day of January next, of any person whatever, but they will always consider such taxation, in every respect, as an absolute prohibition; and in all future orders forbid their correspondents to ship them any goods whatever, taxed as aforesaid, except as is above excepted.

“Thirdly. That the subscribers will not hereafter, directly or indirectly, import or cause to be imported from Great Britain, or any part of Europe, (except such articles of the produce and manufacture of Ireland, as may be immediately and legally brought from thence, and also all such goods as orders have been already sent for) any of the goods hereinafter enumerated, to-wit: Spirits, wine, cyder, perry, beer, ale, malt, barley, pease, beef, pork, fish, butter, cheese, tallow, candles, oil, fruit, sugar, pickles, confectionary, pewter, hoes, axes, watches, clocks, tables, chairs, looking-glasses, carriages, joiners and cabinet work of all sorts, upholstery of all sorts, trinkets, and jewellery, plate and gold, and silversmiths work of all sorts, ribbons and millinery of all sorts, (except spices), silks of all sorts, (except sewing silk), cambric, lawn, muslin, gauze, (except bolting cloth), calico, or cotton stuffs, of more than two shillings per yard, linens of more than two shillings per yard, woollens, worsted 'stuffs of all sorts, of

more than one shilling and six-pence per yard, broadcloths of all kinds, of more than eight shillings per yard, narrow cloths of all kinds, of more than three shillings per yard, hats, stockings, shoes and boots, saddles and all manufactures of leather and skins, of all kinds, until the late act of Parliament imposing duties on tea, paper, glass, etc., for the purpose of raising a revenue in America are [sic] repealed; and they will not after the first day of January next, purchase any of the above enumerated goods of any person whatsoever, unless the above mentioned acts of Parliament are repealed.

“Fourthly. That in all orders which any of the subscribers may hereafter send to Great Britain, they shall and will expressly direct their correspondents not to ship them any of the above enumerated goods, until the above mentioned acts are repealed; and if any goods are shipped to them contrary to the tenor of this agreement, they will refuse to take the same, or make themselves chargeable therewith.

“Fifthly. That they will [not] import any slaves or purchase any imported, after the first day of January next, until the said acts of Parliament are repealed.

“Sixthly. That they will not import any wine of any kind whatsoever, or purchase the same from any person whatsoever, after the first day of January next, (except such wines as are already ordered) until the act of Parliament imposing duties thereon are [sic] repealed.

“Seventhly. For the better preservation of the breed of sheep, that they shall not kill, or suffer to be killed, any lambs that shall be yeaned before the first day of May, in any year, nor dispose of such to any butcher, or other person, whom they have reason to expect intends to kill the same.

“Eighthly and Lastly. That these resolves shall be binding on all of the subscribers, who do hereby, each and every person for himself, upon his word and honour, agree that he will

strictly and firmly adhere to, and abide by, every article in this agreement, from the time of his signing the same, for and during the continuance of the before mentioned acts of Parliament; and every subscriber who shall not strictly and literally adhere to his agreement, according to the true intent and meaning hereof, ought to be treated with the utmost contempt."

Upon the publication of these resolves the newspapers declared with triumph: "This completes the chain of union throughout the continent for the measure of non-importation and economy."

Governor Tryon had been pleased at the action of the Assembly on the circular letter of 1768; but now his wrath boiled over. He declared that the resolutions and address adopted by the Assembly "have sapped the foundations of confidence and gratitude, have torn up by the roots every sanguine hope I entertained to render this province further service, if in truth I have rendered it any, and made it my indispensable duty to put an end to this session."⁴⁶ To Lord Hillsborough he wrote: "I must confess the proceedings of the last Assembly have wounded my sensibility and, being dangerously ill at the time, their conduct took advantage of the then weak state of my mind, and for that reason perhaps has made the deeper impression upon it. I wish I could say with Lord Botetourt⁴⁷ that my prospect brightens. Confidence, my Lord, that delicate polish in public transactions, has received an ugly scratch, and I fear we have no artists here who can restore it to its original perfection."⁴⁸ In his reply Lord Hillsborough declared that the conduct of the Assembly in adopting "measures and resolves so unbecoming and unwarrantable" gave "great concern" to his Majesty.⁴⁹

⁴⁶ Col. Rec., VIII, 134. ⁴⁷ Governor of Virginia. ⁴⁸ Col. Rec., VIII, 169. ⁴⁹ Col. Rec., VIII, 170.

But the friends of the American cause were as much pleased as its enemies were offended. To John Harvey, Henry Eustace McCulloh wrote: "A letter from Mr. Pryor acquaints me of the dissolution of your late Assembly and of my appointment as agent. I am pleased to think the Assembly had virtue to *deserve* the first event; and I am sensible I am greatly to thank *you* for the second."⁵⁰ Later he referred again to their resolutions: "In my opinion the proceedings of your late Assembly have vindicated the honor of the province, and I pray God, future assemblies may ever have wisdom to see, virtue to assert, and courage to vindicate the just rights of themselves and their constituents."⁵¹ Ten days later he added: "Your governor (in my opinion) would have done wiser to have been less passionate; and had he been so I do not believe he would have been blamed here. Lord Hillsborough has found out at last that *dissolutions do no good*."⁵²

A sentence in one of McCulloh's letters reveals the commanding position in the province which Harvey had now attained. Acknowledged leader of the popular party, there was no political position which he could now accept that would have been regarded as a promotion. McCulloh says: "For the reasons you approve, I shall endeavor hard to get some of the vacant seats in the Council filled by gentlemen from the northward. I may be wrong, but I at present conceive it would be a lessening of your dignity and weight to take one of them. Pray write me unreservedly on this subject."⁵³ Many of the leaders of the Assembly had stepped up into the Council; for Harvey alone it was suggested that it would be a step downward.

When the new Assembly met at New Bern in December, 1770, Richard Caswell was elected speaker. It has been frequently stated that the Assembly took this step because they

⁵⁰ Col. Rec., VIII, 171. ⁵¹ Col. Rec., VIII, 181. ⁵² Col. Rec., VIII, 183.

⁵³ Col. Rec., VIII, 184.

were anxious to placate Tryon, and John Harvey on account of his bold stand for the privileges of the colony was not acceptable to the governor. Such a statement is not only erroneous, but does a great injustice to all the persons concerned. It is an insinuation that the Assembly could stoop to the sacrifice of their leader in order to please a royal governor; it is an insinuation that Tryon had no better sense than to bite at the bribe; it is an insinuation that Richard Caswell was not true to the interests of the province and was willing to lend himself as a peace offering at the expense of his leader; it is an insinuation that John Harvey was willing to show the white feather after having so arrogantly waved the red flag. There is no need to seek such a complicated explanation of such a simple event; the plain truth is that John Harvey was at home sick when the Assembly convened and so a substitute had to be found. What better substitute could be found for bold John Harvey than the versatile Richard Caswell? It may as well be said here that John Harvey's relations with Tryon were of the most friendly, and even confidential, nature. In that event in Tryon's career for which he has been most blamed, the Regulator War, he received the sympathy and support of John Harvey.

Whatever may be the sympathies of the people of North Carolina to-day, one thing is certain—the Regulators received scant sympathy from those patriots of North Carolina who organized and conducted the Revolution and won American independence. In a letter to John Harvey, December 21, 1770, while the Assembly was in session and Harvey was at home sick, James Iredell said: "Before I left New Bern the Assembly had done nothing, but since there have been appearances very alarming. The day I left town (New Bern), Mr. Johnston presented a spirited bill to the house upon the subject of punishing the Regulators. * * * This bill, I believe,

sir, you would have thought expedient, though severe, but desperate diseases must have desperate remedies. * * * Your absence, sir, at so critical a period is much to be lamented, but yourself are equally to be pitied for the unhappy occasion, as your country for the unhappy effects of it.”⁵⁴ McCulloh in a letter to Edmund Fanning, whom the Regulators especially detested, refers to Harvey, and two others, as “our common friends.”⁵⁵ Tryon, too, regarded Harvey as friendly to his movement against the Regulators, and there is nothing to show that Harvey felt otherwise. When about to set out on his Alamance campaign, the governor wrote to Harvey: “Though I am apprehensive your situation lays [sic] too remote from the seat of the disturbances in this country to give government in time any aid to suppress the insurgents, I, nevertheless, out of respect to you, take the liberty to inform you that I purpose the last week in next month to begin my march from New Bern to Orange County, so as to be if possible the first week in May in the settlements of the insurgents.”⁵⁶ It is probable that had he not been ill Harvey would have followed the example of Harnett, Caswell, Ashe, the Moores, and other leaders and marched to Alamance with Tryon.

After the battle of Alamance Tryon went to New York and Josiah Martin came to North Carolina. Martin met his first Assembly November 19, 1771. The session was short, for the governor soon quarreled with the house over a measure which he denounced as “a monstrous usurpation of authority that I think provides irrefragably the propensity of this people to democracy.”⁵⁷

The Assembly did not meet again until January, 1773. Richard Caswell, whose bold conduct had been the cause of Martin’s wrath, might very justly have demanded that the

⁵⁴ Col. Rec., VIII, 270. ⁵⁵ Col. Rec., VIII, 223. ⁵⁶ Col. Rec., VIII, 697.

⁵⁷ Col. Rec., IX, 234.

members endorse his conduct by re-electing him speaker. But realizing that it was an improper time for self-seeking, he deferred to the real leader of the Assembly, and himself nominated John Harvey. From this session till the end of royal rule in North Carolina John Harvey was continuously elected speaker of the Assembly without opposition. This January session ended in confusion. During the preceding summer Governor Martin, acting under certain instructions from the king which the assembly had positively declined to follow, had caused the boundary line between North Carolina and South Carolina to be run in such a way as to operate to the disadvantage of the former province. He now called upon the Assembly to defray the expenses of this work and the house peremptorily and sharply refused. In order to give them an opportunity to reconsider their action, which, under the rules of the house, could not be done at that session, Martin prorogued the session from March 6th to March 9th. On the 9th, when he was ready to meet the Assembly again, he found to his astonishment that the majority of the members had gone home. He therefore convened those who remained and commanded them to form a house. They refused unless a majority of the members should return. When Martin asked John Harvey if he expected a sufficient number to return to make a majority, Harvey replied that he had not "the least expectation" that any such event would occur. In an outburst of rage Martin declared that "the Assembly had deserted the business and interests of their constituents and flagrantly insulted the dignity and authority of government," and forthwith dissolved it.⁵⁸ He afterwards wrote to Lord Dartmouth, secretary of state for the colonies, that he had the satisfaction to find that "no ill humour or disposition has been discovered toward me," but "the Assembly confessed

⁵¹ Col. Rec., IX, 594-595.

with one accord that I had acted in every part of this business with uniform and becoming firmness, an effort of candour that I will acknowledge to your lordship I did not expect, but that is not therefore the less pleasing to me. To evince their regard to me the speaker and the other members who remained in town, at the dissolution of the Assembly, paid me a visit on the evening of that day, and complimented me in the most respectful manner. In justice to these gentlemen, my lord, it behooves me to remark to your lordship, that they were the flower of that very heterogeneous body.”⁵⁹ One can not let pass this opportunity to remark that these “flowers,” in the estimation of Governor Martin, soon degenerated into very obnoxious weeds.

The Assembly at this session manifested their regard for John Harvey by voting him out of the public treasury £100 “as a reward” for his extraordinary trouble, assiduity and attention to the business of the Assembly. The Council readily concurred in this resolution and the governor assented to it, declaring that he did so “with the greatest pleasure * * * as it is a token of the just respect of your house to Mr. Speaker, which I am well assured the faithful services of that gentleman will always claim.”⁶⁰ A similar mark of respect, except that the sum was £200, was again shown in 1774.

In the meantime the quarrel with the mother country had continued with increasing bitterness, until it had become apparent to all Americans that if they were to make a successful stand for their liberties they must stand together. So when John Harvey at the December session in 1773 laid before the house letters from Virginia proposing that each colony appoint a committee of correspondence to keep in touch with the committees of the other colonies, the idea found ready acceptance. The following were elected a committee for

⁵⁹Col. Rec., IX, 600. ⁶⁰Col. Rec., IX, 571, 580, 936.

North Carolina: John Harvey, Robert Howe, Cornelius Harnett, William Hooper, Richard Caswell, Edward Vail, John Ashe, Joseph Hewes, and Samuel Johnston.⁶¹ Thus North Carolina took her first step towards union. The next step was the natural consequence of the first and was easy to take. This was the call that now went abroad throughout the country for a Continental Congress. When Martin learned that North Carolina was determined to join in this congress he determined to prevent it by refusing to call the Assembly together until too late to elect delegates. April 2, 1774, he wrote to Lord Dartmouth that "writs have been issued for the election of a new Assembly, returnable on the 26th of May next, being one day beyond the time to which the late Assembly stood prorogued, but unless some unforeseen public exigency shall make it expedient, I do not propose another meeting of the Legislature until the fall."⁶² Tryon had successfully adopted this plan to prevent the election of delegates to the Stamp Act Congress; but Martin lacked a good deal of Tryon's tact and personal popularity, and the men with whom he was contending were not the kind to be caught twice in the same trap. When the governor's private secretary communicated his determination to John Harvey, Harvey flew into a rage, exclaiming, "In that case the people will convene one themselves." April 5, 1774, Samuel Johnston wrote to William Hooper: "Colonel Harvey and myself lodged last night with Colonel Buncombe, and as we sat up very late the conversation turned on continental and provincial affairs. Colonel Harvey said during the night, that Mr. Biggleston told him, that the governor did not intend to convene another Assembly until he saw some chance of a better one than the last; and that he told the secretary that then the people would convene one themselves. He was in a very violent mood,

⁶¹ Col. Rec., IX, 737, 740, 741. ⁶² Col. Rec., IX, 959.

and declared he was for assembling a convention independent of the governor, and urged upon us to co-operate with him. He says he will lead the way and will issue handbills under his own name, and that the committee of correspondence ought to go to work at once. As for my own part, I do not know what better can be done. Without courts⁶² to sustain the property and to exercise the talents of the country, and the people alarmed and dissatisfied, we must do something to save ourselves. Colonel Harvey said that he had mentioned the matter only to Willie Jones, of Halifax, whom he had met the day before, and that he thought well of it, and promised to exert himself in its favor. I beg your friendly counsel and advice on the subject, and hope you will speak of it to Mr. Harnett and Colonel Ashe, or any other such men.”⁶³

Harvey's bold and revolutionary proposition fell upon willing ears. The people rallied to his support; the convention was called; and in defiance of Governor Martin's proclamation forbidding it, met at New Bern, August 25, 1774.⁶⁴ Seventy-one delegates were present, among them the ablest men in the colony. When they came to choose their presiding officer all eyes turned to one man, the father of the convention, John Harvey. A series of resolutions was passed denouncing the acts of Parliament, stating the claims of the Americans, and expressing approval of the call for a Continental Congress to which delegates were elected. John Harvey was authorized to call another convention whenever he thought it necessary. Then having resolved "that the thanks of this meeting be given to the Hon. John Harvey, Esquire, moderator, for his faithful exercise of that office and the ser-

⁶² This was due to the fact that the Assembly declined to pass a court law in accordance with the king's instructions, and the king refused assent to any other. For a brief account of this long contest see sketch of Cornelius Harnett, in No. 3 of Vol. 5 of *The North Carolina Booklet*.

⁶⁴ Col. Rec., IX, 968. ⁶⁵ Col. Rec., IX, 1029, 1041.

vices he has thereby rendered to this province and to the friends of America in general," the convention adjourned. No more significant step had ever been taken in North Carolina than the successful meeting of this convention. It revealed the people to themselves; they now began to understand that there was no special magic in the writs and proclamations of a royal governor; they themselves could appoint delegates and organize legislatures without the intervention of a king's authority. This was a long step toward independence; John Harvey took it, the people followed.

During the summer of 1774 the distressed situation of Boston, because of the Boston Port Bill, touched the hearts of the American people. In all the colonies the cry went up that Boston was suffering in the common cause. The convention of North Carolina reiterated this cry and the people, by their generous contributions, showed that their sympathy lay deeper than words. From Wilmington, New Bern, Edenton, and the surrounding counties ship loads of provisions were sent free of freight charges to the suffering poor of the New England city. September 20, 1774, John Harvey addressed the following letter to the committee of correspondence in Boston, composed of James Bowdoin, John Hancock, Samuel Adams, and Isaac Smith:

"PERQUIMANS Co., 20th Sept., 1774.⁶⁵

"Honorable Gentlemen.

"Joseph Hewes, Esq., appointed a trustee with me, to collect the donations of the inhabitants of two or three counties in the neighborhood of Edenton, for the relief of our distressed brethren of Boston, being absent attending the Constitutional Congress at Philadelphia, I have the pleasure to send you, as per enclosed bill of lading, of the sloop *Penelope*, Ed-

⁶⁵ Massachusetts Historical Society Collection, 4th Series, Vol. 4, 85-86.

ward Herbert, master, which [I] wish safe to hand, and that you will cause the amount of the same to be divided among the poor inhabitants according to their necessities.

“The captain has received the most of his freight here. The balance will be paid him on return, the cargo to be delivered clear of any expense; which you would have received some months sooner, but the difficulty of getting a vessel on freight prevented. [I] hope to be able to send another cargo this winter, for the same charitable purpose, as the American inhabitants of this colony entertain a just sense of the sufferings of our brethren in Boston, and have yet hopes that when the united determinations of the continent reach the royal ear, they will have redress from the cruel, unjust, illegal and oppressive late acts of the British Parliament. I take the liberty to inclose you the resolves of our provincial meeting of deputies, and have the honor to be, with the most perfect respect and esteem, in behalf of Mr. Hewes and self,

“Honorable Gentlemen, your most obedient and very humble servant,

JOHN HARVEY.”

This cargo was received October 15. It consisted of 2,096 bushels of corn, 22 barrels of flour, and 17 barrels of pork, which, as the Boston committee said in their letter of thanks, was a noble and generous donation from their worthy brethren and fellow countrymen of the two or three counties in the neighborhood of Edenton. “We thank you,” continued the Boston committee, “for the resolves of your provincial meeting of deputies, which you were so kind as to inclose. We esteem them as manly, spirited and noble, worthy our patriotic brethren of North Carolina. The tender concern for, and honor done, this greatly injured and oppressed town and province, expressed therein, demand our particular notice and grateful acknowledgments, which are hereby tendered by

this committee in behalf of the town. In short, your bounty, of which we now partake so largely, and the encouragement given of the increase thereof, lay us under the greatest obligation, and make us almost forget our misery. God grant that our endeavors to restore and preserve the rights of our dear America may be attended with His favor and blessing; then we may hope that we shall have occasion, both *he that soweth* and *he that reapeth*, to rejoice together in the salvation of our God and Saviour. To Him be all the glory.”⁶⁶

And yet there are those who would have us believe that in this great contest with the power of Great Britain none of the American colonies played other than a selfish role!

Foiled in his purpose to hold North Carolina aloof from the Continental Congress, Governor Martin determined to make the best of a bad situation and summoned the Assembly to meet him at New Bern, April 4, 1775. John Harvey immediately called a convention to meet at the same place April 3.⁶⁷ It was a wise precaution, for the Assembly sat only at the pleasure of the governor, who would certainly dissolve it upon the first manifestation of disloyalty. It was intended that the members of the Assembly should also be members of the convention, and this plan was carefully carried out, though there were members of the former who were not members of the latter. Martin was furious and denounced Harvey's action in two resounding proclamations.⁶⁸ The convention replied by electing Harvey moderator; the Assembly by electing him speaker.⁶⁹ The governor roundly scored both bodies, and both bodies roundly scored the governor. It was indeed a pretty situation. One set of men composed two political bodies—one legal, sitting by the authority of the royal governor and in obedience to his writ; the other non-legal,

⁶⁶ Ibid., 86-88. ⁶⁷ Col. Rec., IX, 1125. ⁶⁸ Col. Rec., IX, 1145, 1177.

⁶⁹ Col. Rec., IX, 1178, 1187.

sitting in defiance of his authority and in direct disregard of his proclamation. The governor impotently demanded that the former join him in denouncing and dispersing the latter, composed largely of the same men whose aid he solicited. The two bodies met in the same hall, the convention at nine o'clock a. m., the Assembly at ten, and were presided over by the same man. When the governor's private secretary was announced at the door, in an instant, in the twinkling of an eye, Mr. Moderator Harvey would become Mr. Speaker Harvey and gravely receive his excellency's message.⁷⁰

Neither body accomplished much. The convention approved the "Association" recommended by the Continental Congress, agreed to adhere to it, and recommended it to the people of the province. A resolution declaring the right of the people themselves, or through their representatives, to assemble and petition the throne for redress of grievances was adopted, with the conclusion that "therefore, the governor's proclamation issued to forbid this meeting, and his proclamation afterwards commanding this meeting to disperse, are illegal and an infringement of our just rights and, therefore, ought to be disregarded as wanton and arbitrary exertions of power." Hooper, Hewes, and Caswell were re-elected delegates to the Continental Congress, and a resolution of thanks for their services was adopted. Thereupon Mr. Speaker Harvey returned the thanks of the house in the following words:

"GENTLEMEN:—The sacred trust reposed in you by your country, so faithfully discharged by you, does honor to yourselves; justifies the choice made of you by the last convention; and places you in a situation to receive the best reward a patriotic breast can fill [feel], the applause of your country, who, in order to bear testimony to your merit, have directed

⁷⁰ Col. Rec., Prefatory Notes, IX, XXXIV.

me to convey to you their sincere thanks for the services you have rendered them in the important office to which they appointed you. And it is with great pleasure I now, gentlemen, in behalf of this colony in general and of this convention in particular, return you those thanks which have been so unanimously resolved by the convention to be your due."

The next day John Harvey, or in the event of his death, Samuel Johnston, was authorized to call another convention when necessary.

The Assembly had time only to organize and exchange messages with the governor when it, too, came to an end. Its first offense was the election of John Harvey speaker. The governor had authority to reject the Assembly's choice if he saw fit, but he did not dare do so, however bitter a pill it was. "On the 3d instant, the time appointed for the meeting of the convention," thus he wrote to Lord Dartmouth, "* * * hearing that many deputies from the counties were come here, I issued the proclamation, of which I now transmit your lordship a copy numbered 1,⁷¹ notwithstanding which I found this unlawful body met for a short time and elected Mr. Harvey moderator, by whose advertisement it had been convened. I still hoped the Assembly on what I had to say to it would secede from this convention, although I well knew that many of the members had been sent as deputies to it. And this hope, together with my desire to lay no difficulties in the way of the public business, induced me on the next day to admit the election of Mr. Harvey, who was chosen speaker of the Assembly, and presented by the house for my approbation. Indeed, to say the truth, my lord, it was a measure to which I submitted upon these principles not without repugnance even after I found the Council unanimously of the opinion that it would not be expedient to

⁷¹ Col. Rec., IX, 1177.

give a new handle of discontent to the Assembly by rejecting its choice if it should fall as was expected upon Mr. Harvey, for I considered his guilt of too conspicuous a nature to be passed over with neglect. The manner, however, of my admitting him, I believe sufficiently testified my disapprobation of his conduct while it marked my respect to the election of the house."⁷² The next day the Assembly committed its second offense by inviting the delegates to the convention who were not also members of the Assembly to join in the latter's deliberations. The governor promptly sent the sheriff of Craven County with a proclamation to forbid this unhallowed union. The only notice taken of it was by James Coor, the member from Craven County, who said, after the sheriff had read the proclamation: "Well, you have read it and now you can take it back to the governor."⁷³ "Not a man obeyed it," wrote Martin, who had thus far succeeded in keeping his temper admirably. But on the fourth day of the session the house adopted resolutions approving the "Association" of the Continental Congress, thanking the delegates for their services, and endorsing their re-election. This was more than the governor had bargained for, and when he learned of it his wrath boiled over. He promptly issued his proclamation, April 8, 1775, dissolving the Assembly. It was the last Assembly that met in North Carolina at the call of a royal governor and by its dissolution Governor Martin put an end to British rule in that province. In a letter to Lord Dartmouth, describing these events, he said: "I am bound in conscience and duty to add, my lord, that government is here as absolutely prostrate as impotent, and that nothing but the shadow of it is left. * * * I must further say, too, my lord, that it is my serious opinion which I communicate with the last degree of concern that unless effectual measures, such as British

⁷² Col. Rec., IX, 1212. ⁷³ Col. Rec., IX, 1213.

spirit may dictate, are speedily taken there will not long remain a trace of Britain's dominion over these colonies."⁷⁴

It was impossible for Governor Martin to let slip any opportunity to vent his wrath at a rival. Three days after the dissolution of the Assembly he called the attention of the Council to the proceedings of the convention "signed John Harvey, moderator, wherein are certain resolves highly derogatory to the honour and dignity of his Majesty's government, tending to destroy the peace and welfare of this province, in the highest degree oppressive of the people, and utterly subversive of the established constitution. He therefore submitted to the consideration of this board the propriety of marking its indignation of such unlawful and dangerous proceedings by striking Mr. John Harvey out of his Majesty's commission of the peace for the county of Perquimans, where he resides."⁷⁵ The councilors of his Majesty's governor gravely concurred in these sentiments and John Harvey's judicial head fell at the block.

But little did John Harvey care. His time for earthly honors and earthly contests was rapidly drawing to a close. The last days of his life were spent under the clouds of the rapidly coming revolution. That revolution no man had done more to produce than he. No man watched its outcome with greater confidence, or awaited it with greater hope. But it is one of the tragedies of human life that men often are not permitted to see and enjoy the fruits of their labors and sacrifices. So it was with this man of the people, this political leader with the vision of a prophet, this organizer of revolution destined to mark the beginning of an era in the history of mankind. *The South Carolina Gazette and Country Journal*,⁷⁶ in a letter dated at New Bern, May 19, 1775, announced his death in the following appreciative obituary:

⁷⁴ Col. Rec., IX, 1215. ⁷⁵ Col. Rec., IX, 1215-1216. ⁷⁶ June 6. 1775.

“With inexpressible grief and concern, we have received from Edenton the melancholy account of the death of Col. John Harvey, of Perquimans County, who a few days since died at his seat there after a very short illness, occasioned, it is said, by a fall from his horse. The respectable and uncommon character of this worthy member of society has, for many years past, placed him in the highest department of this province in the gift of the people, that of speaker of the house of Assembly; and the great assiduity and diligence with which he discharged that, and many other important trusts committed to his care, and his perseverance, in seeking the real and substantial good of his country, renders his death a public loss, which will be truly lamented by a grateful people. It is to be hoped that some abler pen will do justice to his manes; we can only say, that as in public life all his actions were directed to the good of his country, so in private his house was one continued scene of hospitality and benevolence, and his purse, his hand and heart, were ever devoted to the service and relief of the distressed. In him the advocates for American freedom have lost a real and true friend! In him this province may mourn a substantial and irretrievable loss.”

On the last day of May, Robert Howe, Cornelius Harnett, and John Ashe, patriots who had not hesitated to follow where John Harvey led, wrote these words to Samuel Johnston: “We sincerely condole with all the friends of American liberty in this province on the death of our worthy friend, Colonel Harvey. We regret it as a public loss, especially at this critical juncture.”⁷⁷ “He will be much missed,” wrote Joseph Hewes from Philadelphia. “I wish to God he could

⁷⁷Col. Rec., IX, 1285. McRee in his “Life and Correspondence of James Iredell,” I, 34, states, and the statement has been repeated, that Harvey died June 3, 1775. Perhaps for “June” we should read “May”.

have been spared and that the G—r [Governor] and Judge H—d [Howard] had been called in his stead.” Few the words, but sincere the tribute, from men who knew his virtues and appreciated his worth.⁷⁸

⁷⁸ John Harvey was buried at Belgrade farm, on Albemarle Sound, in Perquimans County, in a granite tomb said to weigh twenty tons. The tomb was originally on a bluff, but the waves have gradually washed the bluff away until the tomb now lies about three hundred yards from the shore. It has withstood the washing of the waves and is yet in a good state of preservation. It is said that there is an inscription on it, but it is so covered with moss and barnacles that it can not be deciphered.

MILITARY ORGANIZATIONS OF NORTH CAROLINA DURING THE AMERICAN REVOLUTION.

BY CLYDE L. KING, A.M.

The purpose of this paper is to make a study of the military organizations of North Carolina, during the American Revolution, with the hope of finding out whether North Carolina or the Continental Congress exercised final and sovereign authority over them. We will examine, first, the various military organizations of the State and, second, the military organizations placed upon the Continental establishment, noting in each case how the troops were embodied, supported, officered, and directed. Then we will determine, if we can, whether North Carolina or the Continental Congress exercised sovereign control over them.

One of the first¹ steps taken by North Carolina toward embodying military forces for the Revolutionary War was to provide² (Sept. 7, 1775) for minute men and militia. For this purpose the Province was divided into six districts. Each of these districts was to raise one battalion³ of minute men to be enlisted for six months. It seems that they were not reenlisted at the expiration of their six months term, at least no further reference is made to them after the battle of Moore's Creek.

In each of these districts, too, a brigade of militia was to be raised. "The militia of every county," so read the resolution⁴ of the Provincial Congress, May 4, 1776, "is to consist of all the effective men from sixteen to sixty years of age and shall be formed into one regiment" and "the regi-

¹ On Aug. 30, 1775, two Continental Battalions had been embodied.

² Col. Records of N. C., Vol. X, pp. 196-199.

³ "Consisting of ten companies, of fifty men rank and file each."

⁴ Col. Records of N. C., Vol. X, pp. 560-564.

ments divided into companies of not less than fifty rank and file." Each company was to be divided into five divisions, one division to consist of all the more aged and infirm men, the other four divisions to draw lots for the first, second, third, or fourth turns to go on service. The militia were to muster once a month at least.

From time to time other military organizations were formed. On April 9th, 1776, three companies of Light Horse were created, "consisting of one captain, one lieutenant, one cornet and thirty-three privates each."⁵ On April 29th, 1776, the Provincial Congress created⁶ five Independent Companies "to consist of one captain, two lieutenants, one ensign, four sergeants, four corporals, two drummers, one fifer, and sixty-eight rank and file." Later, they created a company of rangers and embodied and equipped an artillery company. Thus we see that the legislative power of North Carolina created military organizations at will and regulated their embodiment in detail, and that they did this without reference to any other sovereign body.

How were these organizations supported, how officered, and by whom directed? All of them were paid, armed and maintained⁷ by the State of North Carolina. The field officers for each and every battalion of minute men were recommended by the several districts and appointed by the Provincial Congress.⁸ The field officers of each district appointed a suitable person or persons in each county to enlist minute men. These minute men, when their companies were completed, chose their captains, lieutenants and ensigns, and these appointed their respective non-commissioned officers.

The field officers of the militia were appointed by the Provincial Congress; the captains, lieutenants, and ensigns by

⁵ Col. Records of N. C., Vol. X, p. 506.

⁶ Col. Records of N. C., Vol. X, p. 546.

⁷ Col. Records of N. C., Vol. X, pp. 570-571; XI, p. 529; X, p. 290-1.

⁸ Col. Records of N. C., Vol. X, pp. 196-197.

committees of their respective companies.⁹ The Provincial Congress named all the officers for the five Independent Companies¹⁰ and for the Light Horse.¹¹ In order that this power of appointment should always rest with the State legislature or, in its recess, with the Governor, Sec. 14 of the State Constitution¹² (1776) provided "That the senate and house of commons shall have power to appoint the generals and field officers of the militia and all officers of the regular army of this State" and section 20 provided "That in every case where any officer, the right of whose appointment is by this constitution vested in the General Assembly, shall, during the recess, die, or his office by any other means become vacant, the Governor shall have power, with the advice of the Council of State, to fill up such vacancy by granting a temporary commission, which shall expire at the end of the next session of the General Assembly." The full and ultimate power, therefore, to support and officer these troops rested in the North Carolina Legislature, or, during its recess, with the Governor.

The first decided and effective use made by North Carolina of her military forces was the overthrow of the Loyalists at Widow Moore's Creek on February 27, 1776.¹³ The committees of safety in the various counties, in accordance with the power¹⁴ vested in them by the Provincial Congress, ordered out a certain part of their militia.¹⁵ These forces were placed by the Provincial Council under proper command, and other organizations were ordered to join them, so that by the time of the battle, Colonel Caswell, who re-

⁹ Col. Records of N. C., Vol. X, pp. 200, 204, 207.

¹⁰ Col. Records of N. C., Vol. X, p. 546.

¹¹ Col. Records of N. C., Vol. X, p. 519.

¹² Revised Statutes of N. C., Vol. 1, p. 13.

¹³ Col. Records of N. C., Vol. X, p. 482.

¹⁴ Col. Records of N. C., Vol. X, p. 200 (On Sept. 8, 1775).

¹⁵ Tryon County ordered out "every third effective."

pulsed and scattered the Loyalists, had under him¹⁶ 800 minute men to whom he added the 250 under Lillington. Col. James Moore was near at hand with an army¹⁷ of 1,100 men made up of the First North Carolina Continental Battalion, 150 Wilmington minute men, 200 Duplin militia and 100 volunteer independent rangers. These forces were assembled and directed by North Carolina authorities alone. Again, May 2, 1776, the Provincial Congress drafted 1,500 militia¹⁸ for three months¹⁹ to ward off a threatened attack, and ordered them to march as quickly as possible to Wilmington. At divers times other uses were made of the troops by local or provincial authorities, such as putting²⁰ down local uprisings of the loyalists and preventing them from joining Governor Martin.²¹ Some of her laws, too, show that she was not expecting any other authority to make use of North Carolina troops. The act (April 29, 1776) creating the five independent companies specifically provided²² that they should "be subject only to the control of this or any future Congress, or to any executive power, acting in the recess of the same, to remove or disband them." These companies were also given authority to take enemies' ships as prizes of war—a power assumed only by sovereign States. Thus we see that North Carolina made use of her troops for such purposes and in such ways as her sovereign will directed.

Whenever the urgent need for any one or more of these military organizations seemed to be past, the Provincial Congress disbanded them at will. On one occasion she dissolved the two Southern Independent Companies²³ and at another

¹⁶ Col. Records of N. C., Vol. X, p. 482.

¹⁷ Moore's Hist. of N. C., pp. 203, 204.

¹⁸ Col. Records of N. C., Vol. X, p. 558.

¹⁹ May 11, 1776, this.

²⁰ Col. Records of N. C., Vol. X, p. 761.

²¹ Col. Records of N. C., Vol. X, pp. 440, 536.

²² Col. Records of N. C., Vol. X, p. 546.

²³ Col. Records of N. C., Vol. X, p. 92.

time certain companies of militia.²⁴ On December 15, 1777, she discharged²⁵ the militia companies that she had stationed on the coast and also those on the frontier, creating²⁶ in the place of the latter a special company of Rangers to warn the militia when Indian uprisings seemed imminent. The Provincial Congress and, later, the State Legislature not only assumed full control over these military organizations for itself, but, during its recess, vested its power in the Provincial Council and, under the constitution, in the Governor.

Not only did North Carolina assume sovereign control over her State troops within the State, embodying, officering, using, and disbanding them as she wished but, when outside the State, she exercised the same control over them. Jointly with Virginia, South Carolina, and Georgia, she subdued the Cherokees with no interference or suggestion from the Continental Congress, save the following resolution²⁷ (July 30, 1776): "Information being given to Congress by a letter from the President of South Carolina, that the Cherokees have commenced hostilities against that State, and that he has ordered a body of men to march against them and has applied for assistance to the neighboring states of North Carolina and Virginia:

Resolved: That it be recommended to the states of Virginia, North Carolina and Georgia to afford all necessary assistance to the State of South Carolina and to cooperate against that state in prosecuting the war against the Indians with the utmost vigor." But at once the three North Carolina delegates then in the Continental Congress, lest the home authorities might interpret this resolution as of some force and significance, sent home this statement²⁸ which they

²⁴ Col. Records of N. C., Vol. X, p. 927.

²⁵ State Records of N. C., XII, p. 159.

²⁶ State Records of N. C., XII, p. 160.

²⁷ Journals of Cont. Cong., V, p. 616 (Ford ed.).

²⁸ Col. Records of N. C., Vol. X, p. 679.

all signed: "This resolve is by no means intended to alter the plan of military operations which you have begun or to draw off the Strength of our back Country to a distant part merely for the sake of acting in the same place with the South Carolinians, if the Opposition can be made as effectually in any manner devised by yourselves or from a part of your province from whence hostilities may successfully be carried into the bosom of the Cherokee country. *In fact, nothing is meant but to subdue the Cherokees.*" The States subdued the Cherokees, and then, without any resolution on the part of the Continental Congress, appointed joint commissioners and signed a treaty²⁹ of peace with the Indians. Later in the same year (November, 1776), North Carolina granted to South Carolina, which was then in sore need of troops, permission to raise troops in North Carolina territory. At the same time she embodied two regiments and sent them to the aid of South Carolina,³⁰ maintaining the while full control of them.³¹

We may conclude from these facts that North Carolina assumed the same sovereign control over her troops when without the state or in joint action with other states, as when within the state, a thing impossible had she considered herself and the other states subject to a common sovereign power.

Since North Carolina embodied, supported, officered and directed her troops, maintaining full and final authority over them, whether serving within or without the State; and since the Continental Congress in no sense even *assumed* power over these troops, and since North Carolina in her

²⁹ Col. Records of N. C., Vol. X, pp. 650, 657, 658, 659, 660, 661-9, 889, 895, 912.

³⁰ State Records of N. C., Vol. XI, p. 103.

³¹ Col. Records of N. C., Vol. X, p. 929.

³² There were also many objections made by North Carolina to the raising of troops on her territory by other States, *e. g.*, see N. C. R., XI, p. 663.

military regulations never suggested that the Continental Congress had power to control them, we must conclude that so far as her State troops were concerned North Carolina was a sovereign and independent State.

But there remains for consideration another military organization embodied in North Carolina, the Continental Battalions. These Continental Battalions were supported by money advanced by the Continental Congress to Treasurers appointed by the North Carolina Legislature, to which they reported, and to which they looked for orders and directions.³² The Battalion officers proper were all appointed by the North Carolina legislature. Those officers having charge over one or more battalions³³ were appointed by the Continental Congress upon the nomination of the North Carolina Legislature. These troops, therefore, if any, should be under Continental control.

Let us follow in some detail the embodiment of these troops, to find out by whom they were embodied, and if by North Carolina upon the order of the Continental Congress, whether the State acted in a spirit of obedience or in one of prudent acquiescence.

On June 26, 1775, the Continental Congress resolved "That in case the Assembly of Convention of that Colony shall think it absolutely necessary for the support of the American Association and safety of the Colony to raise a body of forces not exceeding 1,000 men this Congress will consider them as an American army and provide for their pay."³⁴ The Provincial Assembly of North Carolina embodied these troops, appointed their officers (September 1, 1775), divided them into two regiments of five hundred men each, subdivided these into divisions, and stationed these di-

³² Col. Records of N. C., Vol. IX, pp. 482 and 521.

³³ Journals of Cong., Vol. IV, p. 174.

³⁴ Col. Records of N. C., Vol. X, p. 40.

visions where they were most needed in North Carolina. In the same act the legislature provided that "The said two regiments, and every of the above divisions, shall from time to time be disposed of as this Congress or the Council of Safety shall direct."³⁵

The Assembly of North Carolina, one week afterawrds,³⁶ declared that these troops should "be kept in pay three months, unless the Provincial Council shall judge it necessary to continue them longer; and the said Council are empowered to disband them at any time before or after the term of three months, when they shall judge that their service is unnecessary."³⁷ But on November 28th following, the Continental Congress put these two Battalions on pay for one year.³⁸ North Carolina made no change in the terms of her enlistment and embodied her troops on her own plan. The same overriding of Continental regulations occurred the next year. The North Carolina Legislature had declared (April 27, 1776) that the Continental troops should be enlisted for the term of two years and six months.³⁹ On September 24, 1776, the Continental Congress resolved that these troops should be enlisted for the "continuance of the war."⁴⁰ But to this resolution North Carolina paid no heed. This was not obedience nor was it acquiescence, but rather the natural neglect, it would seem, of a sovereign body to take care that its acts should coincide with the requests and recommendations of a Central Committee.

Eight more battalions were finally put upon the Continental Establishment. The embodiment of the Third to the Sixth of these Battalions may throw additional light upon the attitude of the North Carolina Congress to the Conti-

³⁵ Col. Records of N. C., Vol. X, p. 187.

³⁶ September 8, 1775.

³⁷ Col. Records of N. C., Vol. X, p. 203.

³⁸ Col. Records of N. C., Vol. X, p. 338.

³⁹ Col. Records of N. C., Vol. X, p. 544.

⁴⁰ Col. Records of N. C., Vol. X, p. 807.

mental Congress. On January 16th, 1776, the Continental Congress resolved that another Battalion should be raised in the Colony of North Carolina.⁴¹ Acting upon this resolution, the Provincial Congress of North Carolina created, April 9, 1776, not one Battalion, but three and these of 750 privates each, and in addition three companies of Light Horse.⁴² The next day the members of the Provincial Congress bethought themselves of the Continental regulations that, including officers, each regiment should consist of 728 men. Nothing daunted, however, they created a fourth Battalion out of the extra officers and privates, and the President of the Assembly cheerfully wrote to the Continental Delegates at Philadelphia: "It is hoped that you will find no difficulty in getting them placed on the Continental Establishment when it is considered that the Colonies of Virginia and South Carolina are in daily expectation of being invaded and that we have therefore very little reason to hope for succour or assistance from either of them."⁴³ There is in this a spirit of independence that can scarce be reconciled with obedience to sovereign power.

When these Continental forces were needed for military purposes, by what power were they summoned, and, when in operation, by what power were they directed? On October 21, 1775, the Provincial Congress which had already stationed the two Continental Battalions along the coast, ordered them to "oppose to the utmost of their power" the landing of any hostile troops.⁴⁴ We have already seen that North Carolina used the First Continental Battalion at Widow Moore's Creek. Other similar uses were made of them. When within the State, then, North Carolina assumed full control of these troops.

⁴¹ Col. Records of N. C., Vol. X, p. 413.

⁴² Col. Records of N. C., Vol. X, p. 506.

⁴³ Col. Records of N. C., Vol. X, p. 495.

⁴⁴ Col. Records of N. C., Vol. X, p. 186.

But what of their control when without the State? On September 3d, 1776, the Continental Congress resolved that "Two of the Continental Battalions be ordered to march with all possible expedition under command of General Moore to reenforce the army at New York." By whom they were to be ordered the resolution did not state but that the execution of the resolution at least was to be left to North Carolina is shown by the following resolution⁴⁵ of the Continental Congress (September 16, 1776): "It being represented by the delegates of North Carolina, that, from late accounts, it appears that the situation of affairs in that State is such, that it will be dangerous, if not impracticable, to execute the resolution of Congress of the third instant * * * Resolved that it be left to the discretion of the Council of Safety of North Carolina, to execute or suspend that resolution according as they shall think most conducive to the public service and the safety of their particular State."⁴⁶

On November 16th, 1776, the Continental Congress passed the following resolution:⁴⁷ "Resolved that it be recommended to the Convention of North Carolina to station General Moore with the regular troops under his command in such parts of that state or of the state of South Carolina where they will be in capacity to render immediate and seasonable assistance to their friends in South Carolina." The North Carolina Assembly evidently did not consider this as a command of a superior authority directing its own troops, for on November 29th, 1776, following, it put this order into execution in the following words:⁴⁸ "In consequence of In-

⁴⁵ Journals of Cont. Cong., Vol. V, p. 761 (Ford ed.).

⁴⁶ It is very significant to note that the following clause was stricken out: "Provided, nevertheless, that they shall not have power to stop Brigadier-General Moore from repairing to New York." Is this a tacit confession that North Carolina did have full control even over a Brigadier-General? Does it mean that she could have held the troops and not the officer?

⁴⁷ Journals of Cong., Vol. VI, p. 956 (Ford ed.).

⁴⁸ Col. Records of N. C., Vol. X, p. 947.

formation from the Continental Congress that a considerable number of Troops and a large Fleet had sailed from New York, and are supposed to be intended against Charlestown, South Carolina, *Resolved*, That General Moore do immediately march with the troops under his command to the Relief of Charlestown without delay." General Moore led his troops as directed and while in South Carolina looked to the North Carolina authorities for direction.⁴⁹ That the execution of the orders of the Continental Congress was left wholly to North Carolina we can no longer doubt, and it only remains for us to find out whether or not the State considered herself under obligations to execute implicitly Continental orders.

In the early part of 1777⁵⁰ the Continental Congress resolved that all the battalions of Continental troops in North Carolina should join General Washington "as soon as may be" after March 15th.⁵¹ Governor Caswell on February 6th requested General Moore to order three complete regiments to march without delay and join General Washington.⁵² General Moore encountered constant delays always reporting to Governor Caswell, never to the Continental Congress, for aid⁵³ and orders.⁵⁴ In time all of the nine Battalions by order of North Carolina authorities reached General Washington. But North Carolina followed her own dictates, ordering them to depart when she wished and in the way she wished.⁵⁵ This may have been acquiescence, but certainly it was not obedience.

Even after these Continental Battalions were in Washington's camp they continued to look to the North Carolina

⁴⁹ State Records of N. C., Vol. XI, p. 367.

⁵⁰ February 5, 1777.

⁵¹ State Records of N. C., Vol. XI, p. 374.

⁵² State Records of N. C., Vol. XI, p. 375.

⁵³ State Records of N. C., Vol. XI, p. 411.

⁵⁴ State Records of N. C., Vol. XI, p. 412.

⁵⁵ State Records of N. C., Vol. XI, pp. 579, 614; Vol. XII, p. 131. Follow particularly the new Tenth Battalion.

authorities as the authorities to whom alone their obedience, outside of their immediate field operations, was due. In the first place North Carolina recruited the ranks⁵⁶ and punished the deserters. To aid in this, the North Carolina Legislature called upon General Nash or the Commanding officer of the Continental troops to report to the Assembly lists of the different battalions, divisions, companies, parts of companies and names of deserters.⁵⁷ It ordered Continental Battalion officers to recruit in North Carolina or to repair to the North as it saw fit.⁵⁸ It even abolished superfluous Continental offices although the officers were then under General Washington.⁵⁹ That there was need of effective recruiting we may learn from the fact that the nine Continental Battalions, instead of having 6,552 men and officers had 1,385 of whom there were only 655 privates fit for duty.⁶⁰ Yet the Continental Congress gave no orders. Her anguish and feeling of helplessness were no doubt reflected in these words written home by the North Carolina delegate, Corn. Harnett: "For God's sake fill up your Battalions, Lay Taxes, put a stop to the sordid and avaricious spirit which infects all ranks and conditions of men."⁶¹

Not only did the North Carolina Legislature assume full control over these Continental troops while within and without the State, but on May 9th, 1777, vested the Governor, during its recess, with power⁶² at his discretion to appoint "officers to fill up all such vacancies as may happen in the Continental armies," and to remove,⁶³ suspend and censure

⁵⁶ State Records of N. C., Vol. XI, pp. 578-9, 456-7; XII, pp. 9, 10, 59, 60.

⁵⁷ State Records of N. C., Vol. XII, p. 33.

⁵⁸ State Records of N. C., Vol. XII, pp. 59 and 60.

⁵⁹ State Records of N. C., Vol. XII, pp. 48 and 50.

⁶⁰ State Records of N. C., Vol. XI, p. 690.

⁶¹ State Records of N. C., Vol. XI, p. 696; Dec. 16, 1777.

⁶² State Records of N. C., Vol. XII, p. 99.

⁶³ State Records of N. C., Vol. XII, p. 93.

any Continental officer that may behave unworthily. It particularly required him from time to time to give such directions respecting the securing and disposal of deserters as he might judge necessary, and further gave him power "To give such orders as he may think necessary for the removal, marching or disposition of the Continental Troops *in this state or any of them.*"⁶⁴

North Carolina, then, embodied at will such state military organizations as she pleased and directed all of them as she thought best, exercising full and sovereign control over them. She embodied in her own way ten Continental battalions which were paid by the Continental Congress through North Carolina treasurer. The Continental Congress recommended by resolution certain military operations for these troops. The execution of these resolutions was left wholly to the State of North Carolina which maintained and exercised full control of the troops, both within and without the State, even to the extent of punishing deserters though they were under the immediate command of General Washington. The Continental Congress in no place asserted definitely that she had sovereign authority over them while North Carolina not only asserted such authority but exercised it. We must conclude, then, that so far as control over her military organizations was concerned, North Carolina was a sovereign and independent State and that Thomas Burke expressed the common attitude of the people of North Carolina toward the Continental Congress, when he said to the General Assembly: "I consider the Congress at present as a general council of America instituted for the purpose of opposing the usurpations of Britain."

⁶⁴ State Records of N. C., Vol. XII, p. 99.

A SERMON

BY

REV. GEORGE MICKLEJOHN

PREACHED BEFORE

GOVERNOR TRYON'S ARMY AT HILLSBOROUGH

SEPTEMBER 25, 1768

Edited for THE NORTH CAROLINA BOOKLET

BY

R. W. D. CONNOR

Secretary North Carolina Historical Commission

On the important Duty of SUBJECTION to the
CIVIL POWERS.

A

S E R M O N

Preached before his EXCELLENCY

WILLIAM TRYON, Esquire,
GOVERNOR and Commander in Chief of the
Province of NORTH-CAROLINA,

AND THE

TROOPS raised to quell the late
INSURRECTION,

AT

HILLSBOROUGH, in ORANGE County,

On SUNDAY *September 25*, 1768.

By GEO. MICKLEJOHN, S. T. D.

NEWBERN:

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M, DCC, LXVIII.

DEDICATION.

To

HIS EXCELLENCY

WILLIAM TRYON, *Esquire*,

Governor and Commander in Chief of the
Province of *NORTH-CAROLINA*.

SIR,

THE Kind Approbation with which YOU have favoured this DISCOURSE, is as much an Honour as it is a Satisfaction to me; for which I desire Your Excellency to accept my grateful Acknowledgments: And as You, with many other Honourable Gentlemen, have, in so particularly obliging a Manner, signified Your Desire of seeing it published, I have complied with Your Request; which, indeed, I must own, You put it out of my Power to refuse. I heartily pray GOD it may be attended with those beneficial Effects, which You seem to entertain so much Hopes of: And if it should be instrumental in bringing any to a just Sense of the great DUTY inculcated therein, and a religious Observance of it for the future, My Pleasure would be greatly heightened, by the Happiness I am sensible You will receive Yourself. With My earnest Wishes for Your Excellency's present Felicity, as well as Eternal Welfare, which it will always be a peculiar Joy to Me to promote,

I remain, SIR,

Your EXCELLENCY'S

Ever faithful and obliged

Humble Servant,

GEO. MICKLEJOHN.

A SERMON, &C.¹

ST. PAUL'S *Epistle to the ROMANS*, Chap. XIII. Verses
1st & 2d.

Let every Soul be subject unto the higher Powers; for there is no Power but of God; the Powers that be, are ordained of God.

Whosoever therefore resisteth the Power, resisteth the Ordinance of God; and they that resist, shall receive to themselves Damnation.

I AM persuaded, that every one who feels the least regard for the welfare and happiness of his country; and the peace and comfort of his fellow-subjects and countrymen, will look upon the subject as highly proper, and seasonable at this time.

FOR who can reflect upon so many wretched and unthinking men, thus madly attempting to subvert the laws of the kingdom; thus inconsiderately involving friends, relations and neighbours, in the most direful calamity, and foolishly

¹ Extracts from the Journal of the General Assembly of North Carolina:

Friday, November 18, 1768:

Reed from his Excellency a Written Message by Mr. Edwards relative to, and accompanied with one hundred copies of a sermon preached by the Reverend Mr. Micklejohn before the Troops at Hillsborough, which Message is as follows, (that is to say)

Mr. Speaker and Gentlemen of the House of Assembly,

By the particular request of the Reverend Mr. Micklejohn, I desire leave in his behalf to present your House with one hundred copies of a sermon preached before the Troops at Hillsborough. The merit and beneficial tendency of this admirable discourse, gave general satisfaction to all who heard it delivered; a testimony it will undoubtedly receive from every one who reads with attention.

WM. TRYON.

* * * * *

bringing upon themselves destruction here, and damnation hereafter;—who can look upon so deplorable a scene, without feeling the most earnest desires, that every such rash and misguided person could be made duly sensible of the dreadful impiety of so daring and wicked an action, as well as of the certain misery that must inevitably be the consequence?

IT is possible this alarming consideration may prevail with some persons, when every other more laudable motive fails of its proper influence; and, it is to be hoped, that a sight of their danger may bring them to a sense of their duty.

Saturday, December 3d, 1768:

Recd from the Council the following Message Vizt

Mr. Speaker and Gentlemen of the Assembly,

* * * * *

We must also recommend to your consideration the Reverend Mr. Micklejohn who preached to the Troops at Hillsborough printed and dispersed several copies of one of the sermons on the the important occasion.

3d December 1768. In the upper House.

* * * * *

Resolved the following Message be sent to the Council, Vizt,
Gentlemen of His Majestys Honble Council.

* * * We do agree that the Treasurers pay the expence of printing those sermons preached by the Reverend George Micklejohn sent to this House by his Excellency this session.

3d December 1768.

JOHN HARVEY Sp.

* * * * *

Monday December 5th 1768.

Resolved the following Message be sent to His Excellency the Governor, Vizt,

To His Excellency William Tryon, Esquire, Captain, General Governor, &Ca,

SIR,—This House have received your Excellency's Message relative to the Reverend George Micklejohn, with one hundred copies of a Sermon preached by him at Hillsborough, and in his behalf presented by your Excellency to the House, in consequence of which we have Resolved that the Expence of printing the said Sermon be paid by the Public. * * *

5th December 1768.

JOHN HARVEY Sp.

(Colonial Records of North Carolina, VII—939, 976, 983.)

WITH this view, I have singled out the words of the text for the subject of our present meditation: And though I have the pleasure to think I am speaking before those who stand not in need of [2] the admonition they contain, yet I thought it not improper for us to consider the several arguments which enforce this great duty here enjoined; that we may not only be preserv'd stedfast in our obedience to it ourselves, but may be able to convince others of the danger, as well as error of their ways; and keep them, for the future, in the paths of duty and allegiance, from which they have lately so unhappily wandered.

YOU cannot but observe then, in the first place, that this important duty of subjection to lawful authority, is one plain and principal doctrine of Christianity. It is here delivered to the world by an inspired Apostle of CHRIST; by *Him*, whom our LORD, in a vision to *Ananias*, honours with the distinguishing title of "*a chosen vessel to Himself*." He it is, who, thus commissioned from above, gives us, in the name of the most high GOD, this solemn command in the words of the text; to which we are, all of us, both high and low, rich and poor, wise and ignorant, indispensably obliged to pay the highest reverence and regard; and no rank nor station in life, can possibly exempt any one from the strictest obedience to it: For it is directed to all men in general, without any exception—*Let every soul be subject to the higher powers*—and it comes to us by the *Authority* of the same GOD and SAVIOUR, who has given us every other precept that we meet with in holy scripture:—It comes to us from that sovereign LORD OF ALL LORDS, whose name we have the honor to bear; whose subjects we profess ourselves at present; and whose eternal kingdom we hope to become inheritors of hereafter: 'Till men, therefore, have renounced CHRIST, and apostatized from *his* religion—'till they have disowned *his* sovereignty and dominion over them, and given

up all expectations of future happiness from his favour, they must acknowledge themselves bound, by the strongest ties, both of interest and gratitude, to comply with this sacred injunction, no less than with every other command of *his Divine Gospel*.

BUT we may still further judge of the singular importance of this duty enjoined us in the text, from that remarkable stress laid upon [3] it by the great Apostle in several other of his Epistles. When he is delivering his apostolical injunctions to *Titus*, and instructing him in the several branches of his duty as a minister of *Christ*, he gives it him in charge, in a very solemn manner, to put men in mind, to be subject to principalities and powers; to obey *Magistrates*; to speak evil of *no man*; to be no *brawlers*, but *gentle*; shewing all *meekness to all men*. These things, says he, I will that thou affirm constantly, that they which have believed in God, that is, they who have acknowledged the truth of that revelation² *he* has made us in the Gospel, might be careful to maintain good works: These things are good and profitable unto men.

AND in the first Epistle to *Timothy*, he carries this request and reverence for the powers that are lawfully set over us, to a still greater height; making it our duty, not only to be subject unto them, but to implore the favour of Heaven upon them, and the divine blessing on their endeavours for the public happiness and tranquility. *I exhort first of all*, says the Apostle, *that Supplications, Prayers, Intercessions, and giving of Thanks, be made for all Men: For Kings, and for all that are in Authority; that we may lead a quiet and peaceable life, in all godliness and honesty; for this is good, and acceptable in the sight of God our Saviour.*

JUDGE therefore in yourselves, my beloved brethren, and beseech others, in the name of God, to consider how dreadful

² In the text, revelation.

a breach of this duty they must be guilty of, who, instead of praying for the safety of our governors and protectors, presume to threaten their sacred persons with violence, to whom God has commanded us to pay the highest veneration, because they derive their authority from *him*.

AND this leads me to a second very material argument, arising from the words of the text, which strongly enforces this duty, and to which it becomes every one seriously to attend: For surely nothing should more fully convince us of our obligation to pay the most ready obedience to this precept of Christianity, than the solemn reason which the Apostle has immediately subjoined: *Let every soul [4] be subject to the higher³ powers; for there is no power but of God: the powers that be, are ordained of God.*

HAD this precept been delivered to mankind without pointing out to them at the same time, this particularly awful sanction; yet even then our observance of it would have remained indispensable: For when God commands, man is to obey.

THAT God, from *whom* we have received life and breath, and all things, and to *whom* we are indebted for every comfort and blessing we enjoy—that God, upon *whom alone* we are to depend to all eternity, and by *whom* our unalterable fate is to be finally determined;—this great and adorable BEING has an uncontrollable right over *his* dependent creatures, to lay upon them whatever commands *his* wisdom sees proper for them, without being obliged to satisfy them of the reasons for such his sovereign will and pleasure. But in the case before us, you cannot but take notice, in how very different a manner God has been pleased to deal with us; for while he gives us this command by his holy Apostle, he graciously condescends to inform us of those weighty reasons

³ In the text, *higer*.

upon which the duty is founded, and which would be most likely to engage us in a religious observance of it.

WE are commanded, therefore, *to be subject to the higher powers*, because the authority they are invested with is from HEAVEN: *The powers that be, are ordained of God!*—They are God's vicegerents upon earth, and instruments in the hand of his providence, for carrying on the grand purposes of protection and government, and for securing the peace and happiness of mankind.

AND though, indeed, they are sometimes unhappily obliged, through the perverseness and wickedness that is in the world, to become *unwilling* avengers, to execute wrath upon every one that doth evil; yet are they, in general, the ministers of God to us, for good, and for the praise and reward of them that do well.

WAS it not for this necessary power which has been committed to them by the ALMIGHTY, every thing must soon be involved in the most dreadful anarchy and confusion. Every man's own will [5] would then be his law; and no language can fully describe those various scenes of misery and horror which would continually arise before us, from the discordant passions and divided interests of mankind. But God, in his infinite goodness, has provided a natural security against all these mischiefs in those different ranks and orders of men, which his wisdom has thought proper should subsist in the world; and in which some are allotted to govern, and others obliged to obey, that so the happiness of the whole community might the more effectually be preserved. And upon these *guardians* of the public and general welfare, God has been pleased to confer a divine authority, to render their persons, as well as ordinances, the more sacred and venerable.

IT is by *him*, therefore, that kings reign, and princes decree justice; by *him* princes rule, and nobles, even all the

judges of the earth: And as it is very beautifully expressed in the book of Wisdom, *power* is given them of the LORD, and *sovereignty* from the *Highest*: To the truth of this important point, we have a greater than *Solomon* bearing testimony; even our blessed Saviour himself; *who*, when *Pilate* was boasting of that power he had over *him*, either to crucify or to release *him*, puts him in mind from whence he had received his authority; and gives him this mild and instructive answer, *Thou couldst have no power at all against me, except it were given thee from above.*

HERE we learn from the mouth of our *Redeemer himself*, whence is derived that dignity and sacredness, which belongs to those who are invested with any public power and office.—Here we behold the God of the universe submitting to that supreme authority *he himself* has conferred upon man; and acknowledging the reverence due to that very power, which was shortly to pronounce the sentence of death against *him*.

BUT we have a still more striking and remarkable instance of submission and respect to the *Civil Powers*, which our blessed Lord, upon another occasion, condescended to shew, and which highly deserves every one's serious attention and regard: It is recorded by the [6] Evangelist St. *Matthew*, in the 17th chapter of his Gospel, that when our Lord was come to *Capernaum*, they who received the tribute money, which was required of every Jew above the age of twenty, demanded of St. *Peter*, whether his *Master* intended to pay it. St. *Peter* very readily engages for his Lord's willing and chearful compliance; as he well knew how exact had ever been *his* observance of every civil, as well as religious duty: But when he came into the house to inform his master of this demand, our *blessed Saviour*, by an easy similitude, leads him to understand, that he had been too hasty in his

promises for *him*; for surely, if the children of earthly princes could plead a freedom from paying any custom or tribute, (as appeared by his own reply to the question our Lord had proposed) much more reasonably might *he* be exempted from it, who was *himself* the *Lord of all things*, and the *Son* of that heavenly *King*, for the service of *whose* temple this particular tribute was paid.—But notwithstanding our Lord might have justly claimed this privilege and exemption; yet, you see, *he* willingly declines it; and, *Least we should offend them*, says *he*, to the Apostle, *go thou to the sea, and cast an hook, and take up the fish that first cometh up; and when thou hast opened his mouth, thou shall find a piece of money; that take, and give unto them for me and for thee*.—What condescension was this in the *Son of God*!—Who but must be struck with admiration at this amazing instance of *goodness*, in thus vouchsafing to work a miracle, rather than not satisfy the demands of public authority; lest, by refusing compliance *himself*, he might countenance others in disobedience and rebellion! And who is there that will presume to offer insult to the powers that are in authority, or shew the least resistance, when he considers how remarkably our Lord was pleased to honour them, by expressing the most cautious fear of displeasing them, and thus wonderfully providing against giving any offence?—In order, therefore, to guard men from incurring the guilt of so heinous a crime, let us, in the third place, briefly consider the dreadful consequences that must attend it.—This the Apostle gives us, in these few, but awful words, *They that*[7] *resist, shall receive to themselves DAMNATION*; not only condemnation in this *world*, but *eternal vengeance* in the *life to come*.—And here again, we cannot but observe, the great importance of this duty of subjection, from that tender care which the goodness of *GOD* has taken to secure our obedience

to it. Some precepts are delivered to us without any particular intimation of the punishment attending our neglect: But this was a matter of so much consequence to the general comfort and happiness of the world, that the *divine wisdom* thought it necessary for us, while we read the sacred injunction, to have before our eyes that future misery which must follow the violation of it: So that, if the love of God, and reverence for *his* commands, should fail to produce this becoming submission, a regard for our own *Everlasting Interest* might possibly prevail.

GOD has, therefore, been pleased, by *his* holy Apostle, to pronounce the sentence of *inevitable perdition upon all those who refuse subjection to lawful power and authority*; as hereby, they not only shew the highest contempt of *his* positive command, but do all in their power to obstruct the gracious designs⁴ of *his* providence, for the *good and well-fare of mankind*. So that, upon calm consideration, every one must acknowledge, there cannot possibly be offered a greater insult to *Almighty* GOD, than thus contemptuously to disregard *his* will, and despise those sacred powers whom *he* has ordained and appointed to carry on the best and noblest purposes in the world: And what wonder then is it that so terrible a portion is reserved in store for every such bold and presumptuous offender?—God is represented in scriptures as the *God of Peace*, and *Lover of Concord*; and we are, for this reason, commanded, in another place, to follow peace with *all men*; because, without this, no man shall see the LORD. Every one, therefore shall hereafter be banished from *his* presence and glory who dares to disturb, in the least degree, that peace and harmony; or endeavours, in any respect, to destroy that good order and government, which it is the intention of HEAVEN should be supported in the world.

⁴ In the text, *desings*.

[8] BUT though we were not able to assign any particular reason for this severe judgment mentioned in the text, yet ought it to be a sufficient warning to every rebellious sinner, to find how positively it is there denounced: For what God has so solemnly threatened, *he* will most assuredly inflict.

THESE then are the principal reasons which enforce the duty enjoined by the Apostle; but there are several others, which, if duly attended to, cannot but add considerable weight to the arguments already offered, and which I shall, therefore, beg leave briefly to mention.

LET it be considered then, that resistance to that lawful power and authority which God hath set over us, can never possibly be productive of any thing but the wildest uproar, and most universal confusion; and, in the end, can never fail of being attended with the most shocking and dismal effects.

OF this we would have seen a dreadful and melancholy proof; and God only knows what worse consequences might have ensued, had they not been happily prevented by the good conduct of those brave men, who distinguished themselves as remarkably by their HUMANITY, as by the VALOUR, they shewed on that trying occasion.

TO their courage and intrepidity will ever be due our warmest gratitude and thanks; which, blessed be God, gave so timely a check to the desperate fury of those rash men who were engaged in that execrable attempt; and to their humanity these very men must ever acknowledge themselves obliged, which bore so long and patiently their repeated and exasperating insults, and treated them afterwards with greater lenity than they could reasonably expect; for where one has not fallen, twenty ought to have suffered.

LET every one learn, that outrage and violence can never answer any other end but to spread slaughter and desolation

around us; and to introduce the most wretched scenes of misery and distress: Let them consider further, how impossible it is that any good can ever be brought about by such wicked means; and that tho[ugh] some [9] may only meet the ruin their rashness has sought, yet many others must unavoidably become partakers in the calamity, who were never partners in the crime.

THE consideration therefore of the present misfortunes, in which many of their fellow-creatures must be involved, as well as the future destruction to which others are exposed by such daring acts of rebellion, will naturally restrain every man from uniting in them who has the least spark of humanity and compassion remaining in his breast.

ANOTHER motive which cannot but have great weight with every generous mind, is the reflection that every the least Insult offered to magistrates and governors, is an act of the basest ingratitude against those who are, under God, our protectors and guardians, not only from foreign Enemies, but from every domestic foe: To them we owe our security from all that numerous train of mischiefs to which we should be daily liable, from the corruption and wickedness of the world, if under no restraint from human laws, and unawed by proper authority!—To them are we indebted for the safe and comfortable enjoyment of all the blessings of private life, and all the advantages we derive from civil society!—Were there not some who would take upon them the arduous business of public government, the execution of laws, and administration of justice, how would vice and iniquity every where triumph! And what must become of the welfare and tranquility of every individual, were men left at full liberty to plan their malicious schemes against them, and knew they could safely execute them whenever they pleased? What must become of the general peace and

happiness of the whole community, when fraud and injustice, oppression and violence, with every other crime that is injurious to society, might be perpetrated with impunity, and without controul? How infinitely then are we obliged to those persons who willingly undertake so important a trust, and by whose care, abilities and vigilance, these evils are prevented, and the public felicity preserved? And how very[10] enormous and shocking is the offence, when in the discharge of their laborious office, they are treated with insolence instead of honour, and meet with threatenings instead of thanks!

BUT lastly, there is one remark I have further to make, and which ought to have a peculiar force with the people of this land, in leading them chearfully to that subjection which is represented in the text, as the common duty of all men.—I would beg leave to observe therefore, that for an *Englishman* to oppose the laws of his country, is an instance of the highest folly and contradiction we can conceive: For such is the singular excellence of our happy constitution, that the laws to which our obedience is required, are, in reality, no other than what we ourselves have been partly concerned in making.

ALL men must know, that it is impossible for a whole province to meet together for this important work; and every one, I believe, will acknowledge, that were they so assembled, very few would be found capable of carrying it on: For as the wise son of *Sirac* very justly observes, *How can he get wisdom that holdeth the plough, and that glorieth in the goad; that driveth oxen, and is occupied in their labours; and whose talk is of bullocks? They shall not be sought for in the public council; nor sit high in the congregation; they cannot sit in the judges seat, nor understand the sentence of judgment:* Since therefore, we cannot all be present in this great assembly, wherein the weighty business of public

government is transacted, we have this peculiar privilege, *and a glorious one it is*, of appointing such persons, in whose abilities, understanding, and integrity, we think we may safely confide, to appear for us, in that august assembly; and who are, upon that account, very properly stiled *our representatives*.

IN consequence then of this choice, which we have the liberty to make, and that full power we voluntarily give into their hands; we not only yield our consent before-hand, to whatever laws they may judge it expedient to enact, but may be justly said to have had [11] a principal share in enacting them ourselves; inasmuch as they are framed by their wisdom, and established by their authority, whom we have appointed for that very purpose.

SO that every man, of the most common understanding, if he will allow himself a moment's reflection, may easily see how particularly it is the duty of every one of us, to submit to the laws of his land; and, how astonishing an absurdity it must appear to all the world, if ever we refuse that becoming subjection.

HOW happy would millions think themselves at this hour, who know no other law than the imperious will of some arbitrary prince, could they change situations with us, and taste the singular blessing we enjoy, in being govern'd by the laws we ourselves have made! Let us take care, we set a due value upon this inestimable privilege; lest, if we slight these distinguishing marks of God's favour, and disturb that excellent form of government which his providence has so long preserved among us,—*He* may be provoked to deprive us of it, and bring upon us the misery which such ingratitude would deserve.

I SHALL now briefly sum up what has been said in this discourse, that we may see how many, and powerful, are the

arguments we are furnished with, to engage us in a steadfast observance of this duty, and enable us to convince others of their indispensable obligations to practice it.

YOU find, then, it is a duty which is guarded from violation by all the most sacred and awful sanctions that could possibly be thought of; and bound upon us, by every tie, civil, moral, and divine.—The peace and tranquility of our fellow-subjects and countrymen demand our obedience to it.—The well-being and happiness of society in general, and the comfort and felicity of our dear relations, friends and neighbours in particular, depend upon it; and without our conscientious performance of it, an universal scene of confusion must soon prevail, and all be involved together in the deepest calamity and horror.

[12] LET all such persons therefore who dare to think of engaging in any act of rebellion and disobedience, be intreated to contemplate a little those various and horrible miseries they will unavoidably occasion, and that may possibly deter them from it:—Let them listen to the cries of the disconsolate⁵ widow;—behold the tears of the helpless orphan; and consider, how they will be able to endure the sad upbraidings of those miserable mourners, who may justly take up against them the lamentation of the prophet *Jeremiah*: *Is it nothing to you, all ye that pass by? behold, and see if there be any sorrow like unto my sorrow, which your rashness and iniquity have brought upon us!*

BUT particularly let them remember, that the blood which may be shed by their means, will hereafter be required at their hands; and that every one of those unhappy souls who shall be brought to an untimely end through their evil counsels and wicked instigations, and sent into another world with all their sins about them, will rise up in judgment

⁵ In the text, disconlate.

against them at the last day, and call for tenfold vengeance on their devoted heads.

LET them be farther put in mind, that gratitude to those who afford us a peaceful security from every ill, should engage us in a steady adherence to this duty, at all times and upon every occasion: Should lead us to return obedience for protection, and repay the kind exertion of their abilities and endeavours for the public happiness, with the easy tribute of reverence and affection.

BUT some men may have neither humanity nor generosity enough in their tempers, to be affected by such considerations as these. To them therefore we must open the sacred page, (which, perhaps, they have never before looked into) and point out the solemn and positive command of God enforcing this great duty; and tho[ugh] they may not regard an earthly potentate, yet surely they will stand in awe of the MAJESTY of HEAVEN: Or, as holy *Job* emphatically puts the question: *Shall not HIS EXCELLENCY make them afraid? and shall not His DREAD fall upon them?*—Shew them, moreover, [13] the foundation upon which the reasonableness of this duty is supported: Tell them, that obedience to the civil powers is required of us, not only because God has commanded it, but given us also this very solemn reason, enforcing that command;—that they were instituted and ordained by Himself. When they read therefore, that there is no power but of God, beseech them seriously to consider how detestable they must render themselves in His sight, who, instead of submitting⁶ to every ordinance of man for the Lord's sake, (as we are taught by another Apostle, is our bounden duty) dare to rise up themselves, and compel others to unite with them, in opposition to any law that has been legally established; or to obstruct the ministers

⁶ In the text, sumitting.

of justice in the execution of that high office they are obliged by oath to discharge, and which has been derived to them from the authority of the *Almighty* himself.

NOTHING, one would think, could so effectually strengthen our obligation to the duty of subjection, as this single consideration, that whosoever resisteth the power, resisteth the ordinance of God; and that every such wicked and desperate attempt is not only treason against an earthly sovereign, but rebellion against the most high God.

AS a farther motive to this duty, and because example is more prevailing than precept, bid them turn their eyes upon the meek and blessed Jesus, and behold him in that gracious and condescending act of submission, I mentioned in the former part of this discourse.—Ask them, if they are not sensible, that He who could feed five thousand men with a few loaves and fishes, could have supported millions with the same ease, to have protected him from the resentment of the civil powers, if he had thought fit to have made the least opposition? But instead of shewing resistance, we behold Him here manifesting the most tender concern and regard for the support of their authority; and by that miraculous method he took to pay obedience to it, convincing mankind of the necessity and importance of this great duty.

SHALL man then presume to refuse that submission which God himself has thus condescended to pay? This amiable pattern we [14] have before us in the person of our great *Redeemer*, ought to have an irresistible influence upon all who call themselves by *his* name; and was, no doubt, intended for our imitation by that gracious Being, who came from HEAVEN with this peculiar design, to leave us an example that we might follow his steps.

FINALLY, whereas the more various and powerful the motives are, which enforce any duty, so much more aggra-

vated will be the crime which leads us to break through them: Oh! beseech them therefore, in the pathetic words of *St. Peter*, to repent of this their wickedness; and pray God, if perhaps the thought of their heart may be forgiven them. This repentance and contrition, if accompanied with future obedience, may not only procure them pardon at an earthly tribunal, but when they come to stand before the judgment seat of CHRIST, will be one means of their obtaining mercy from the Lord in that day, and escaping the vengeance which will otherwise fall upon them. And this leads me to the last motive we have, to enforce their observance of this Christian duty enjoined in the text; the consideration of that eternal misery denounced against those who neglect it.

IF men have no love for their country; if they have no regard for the peace and happiness of those around them; if they have neither humanity nor compassion; neither gratitude nor generosity in their breasts; if they have no veneration for their king, nor reverence for the best constitution in the world; yet they must have some affection for themselves: And though they may despise the commands of GOD, and the example of a SAVIOUR, yet they cannot disregard their own everlasting welfare. This motive then may possibly bring them to repentance, and a better mind, when every other has failed of its influence; and let us not omit incessantly, and importunately, to urge it upon them.

WARN them of the certain perdition they must inevitably bring upon themselves; and exhort them to consider in time, how fearful a thing it is to fall into the hands of the LIVING GOD! Tell them our God is a consuming fire to such workers of iniquity, and able [15] to destroy both body and soul for ever; and bid them therefore remember, that though they may escape from the sword of justice in this life, they cannot escape the DAMNATION OF HELL.

MAY the good grace of God preserve us at all times from falling into the like crime, that we may never incur so dreadful a condemnation. And as we of this land are peculiarly blessed at this time with one of the most amiable and excellent Governors that ever adorned a province, who has given us his *promise*, that the felicity of his people shall ever be his principal care; let it be our perpetual study and delight, by every means in our power, and particularly by all dutiful submission to *him*, and *those* whom *he* shall set over us, to render *his* government as peaceful and happy to our affectionate SOVEREIGN, as he will endeavour to make it to us his grateful subjects.

SO shall we secure the blessings of Heaven on ourselves and our posterity; and whenever we are removed out of this troublesome world, shall become members of that blessed kingdom, where universal peace and love, and uninterrupted concord and harmony, will reign for ever and ever. *Amen.*

BIOGRAPHICAL AND GENEALOGICAL MEMORANDA.

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

R. D. W. CONNOR.

Robert Diggs Wimberly Connor, the author of the sketch of John Harvey, which appears in this number of the BOOKLET, is fast coming to the front, among that class of writers trained to the work of investigation and is now devoting himself largely to historical research. As Secretary of the North Carolina Historical Commission he is discharging his official duties with credit to himself and honor to the State. A biographical sketch of him may be found in the BOOKLET, January, 1907.

CLYDE L. KING.

Clyde L. King, born May 1, 1879, at Burlington, Kansas, is the son of Peter and Sarah (Taliaferro) King; graduated from Kansas State Normal, Emporia, Kansas, 1904; Michigan University, 1907, A.B.; 1908, A.M.

He had a teaching experience three years before entering Kansas Normal Schools, Mound City, Kansas, then resigned in order to enter Michigan University in the fall of 1905. In the summers of 1905 and 1906 he was Instructor in the Teachers' Institutes in different counties in Kansas. During the summer of 1907 he served as Instructor in the Department of American History in Kansas Normal College at Emporia (a college course having been added since 1906 to this institution). He was elected as Fellow in American History, 1907-'08, in Michigan University and was called upon to act as "quizmaster" in one of the American History courses.

Mr. King is a member of the Kansas State Historical As-

sociation and the American Historical Association. He belongs to the University societies, but is more interested in the "Acolytes", a Philosophers' Club of the University, and he prizes his membership in this club more than any other.

In 1907 Mr. King was elected Assistant in the Department of American History and Government in the Kansas Normal College, and after his election he was granted the "Honorable Peter White Fellowship" for 1908, when he asked and received a leave-of-absence from the Kansas position in order to profit by a year's study as Fellow in Michigan University; after which he returns to the position in the Normal College in June. Recently he has passed successfully the examination for the Master's degree.

It will be seen that Mr. King's course of study has brought him in intimate relation to North Carolina history and his article in the present number on the "Military Organizations of North Carolina during the American Revolution" will be hailed with much interest by the readers of the BOOKLET. This carefully prepared treatise is collated from approved official and documentary *data* and adds another valuable monograph to the BOOKLET's collection, which will be the more appreciated as coming from a citizen of a distant State.

MARSHALL DE LANCEY HAYWOOD.

Marshall De Lancey Haywood was born in Raleigh, North Carolina, on March the 6th, 1871. He is the son of Dr. Richard Bennehan Haywood (1819-1889), an eminent physician, at one time a surgeon in the service of the Confederacy; and he is of New York ancestry on the maternal side, his mother, whose maiden name was Julia Ogden Hicks, being connected with some of the first families of her native State.

Mr. Haywood is the grandson of Sherwood Haywood

(1762-1829), a man who was venerated and affectionately beloved in private life and highly honored as a man of sterling integrity. He was among the earliest settlers of Raleigh.

This Sherwood Haywood was a son of Colonel William Haywood, and a nephew of Lieutenant-Colonel Sherwood Haywood and Major Egbert Haywood—all patriots of the Revolution, and sons of Colonel John Haywood, who was member of the Colonial Assembly, Treasurer of the Northern Counties of the Province, Commissioner of Coast Fortifications, etc., prior to the Revolution. Sherwood Haywood, of Raleigh, already mentioned, married a sister of Governor William Hawkins, and a daughter of Colonel Philemon Hawkins, Jr., who—like his father, Colonel Philemon Hawkins, Sr.—was an officer in the Revolution.

Through his mother, Marshall De Lancey Haywood is lineally descended from Robert Hicks, who settled at Plymouth, Mass., in 1621; John Hicks, of the Colonial Assembly of New Amsterdam; Lieutenant Colonel Thomas Hicks, High Sheriff of Queen's County in the Colony of New York; Lewis Morris, of Morrisania Manor, Chief Justice of New York and first Governor of New Jersey; Attorney-General James Graham and Surveyor-General Augustine Graham, both of the Colony of New York; and Major John Graham, of the Second New York Continental Regiment. Through the wife of the last named, Mr. Haywood is also descended from the historic Ogden family of New Jersey.

Marshall De Lancey Haywood early evinced a love for letters, and his experience as Clerk in the Attorney General's office and as local editor of a daily newspaper, led him into a broader field of literature of a higher and more substantial character. When twenty-nine years old, he entered Johns Hopkins University and took a special course as a student of history. On returning to his State in 1901 he became As-

sistant State Librarian; following this he was appointed Librarian of the State Agricultural and Mechanical College. All of these positions he filled with credit, besides the benefit of becoming conversant with standard works and particularly in that line of literature bearing on the history of his State. He has collected books and pamphlets bearing on the history of North Carolina and also owns a most valuable collection of book-plates, engraved portraits, and autographs.

With a patriotic ancestry, and rare opportunities for studying old and forgotten lore, Mr. Haywood has devoted much time to the service of the Society of Sons of the Revolution in North Carolina and is Secretary of the organization, the object of which is to preserve and perpetuate the memory of the War for Independence, devoting surplus funds to the painting of portraits of eminent men who have cast luster on the State, and to similar patriotic purposes.

Mr. Haywood was elected an honorary member of the Society of the Cincinnati in the year 1897 and is now its Secretary. He is equally interested in the United Sons of Confederate Veterans, having served on several of the committees of that organization.

To the Masonic Order he is devoted, and was chosen Historian of the Grand Lodge of North Carolina. His book on the "Beginnings of Freemasonry in North Carolina and Tennessee" has given great satisfaction and has received much applause.

He is the author of numerous other historical sketches, notable among them a book entitled: "Governor William Tryon and His Administration in the Province of North Carolina." Mr. Haywood has been an important factor in the life of the BOOKLET, and has contributed the following articles: "Governor Charles Eden" (1673-1722), Vol. III, December, 1903; "The Genesis of Wake County," Vol. V,

July, 1905; "John Lawson"—the Colony of North Carolina's earliest Historian—(—1711), Vol. VI, April, 1907; "The North Carolina Peace Society, 1819-23," Vol. VII, April, 1908. This last mentioned article comes in opportune time, when the Hague Tribunal, Carnegie Peace Endowment, and general efforts to substitute arbitration for force of arms, are claiming the attention of the world, looking forward to that brighter day when the nations shall learn war no more.

At present Mr. Haywood has in preparation a work dealing with the lives of Bishops of the Protestant Episcopal Church in the Diocese of North Carolina, running down to the division of the Diocese—this including sketches of Bishops Ravenscroft, Ives, Atkinson, and Lyman.

Mr. Haywood's devotion to historical research, his painstaking industry and literary ability led to his selection as one of the editors of the "Biographical History of North Carolina From Colonial Times to the Present," which is to be completed in ten volumes. The name of Capt. Samuel A'Court Ashe as editor in chief is sufficient to attest the high merit of this work. It is published by Charles L. Van Noppen, a bookman of established reputation. The sketches in this publication represent the best work of some of the best writers of the State; the result is meeting with the highest commendation and the BOOKLET adds its voice to the general verdict—that "the publication is of great excellence and of equal merit with the historical productions of the best American authors." Up to the present time Mr. Haywood has written more than one hundred sketches for that work.

Through a series of steady successes Mr. Haywood is daily adding to his reputation as a writer of history. An interesting sketch of his life, with portrait, may be found in Volume VI of the Biographical History, by Capt. S. A. Ashe, to whom the editor is indebted for the facts set forth in this sketch.

ABSTRACTS OF WILLS.

FROM SECRETARY OF STATE'S OFFICE.

Will of Adam Gambell, of Glasgow, Scotland; Nov. 14, 1694.—John Land, living in London; Adam Hill, in London; John Argy, in France; Robert, Thomas and John West, sons-in-law of Thomas Pollock; John Hunt, brother James Gambell, of Glasgow; Thomas Pollock and John Hunt, Exrs. Test: Henel Gregory, Elizabeth Hunt, W. Lynch.

Will of Thomas Gough, Dec. 18, 1794.—Son Robert, daughter Sarah, wife Sarah, whom I appoint Exx. Test: Anthony Dawson, John Williams, Juliana Taylor.

William Flovell, Newton, New Hanover. Dec. 8th, 1737; Meh. 1, 1737-8.—Two hundred pounds to be paid by my executors in six months, to build an English Church in Newton, and my pew in the English Church of Charlestown to be sold and the amount laid out for "Communion Plate" for the said Church in Newton: niece Elizabeth Colleton, now wife of George Colleton, of South Carolina; Uncle William Hale, late of Nassau, New Providence; William Roper, Elizabeth Colleton, Rufus Marsden, John Davis and Jos. Wragg, Exrs. Test: Roger Rolfe, Mich. Higgines, Armand deRossett, M. D.

Mary Glaister, Pasquotank. 9th day, 4th month, 1740; Oct. Court, 1740.—Cousin Henry Palin, son of Thomas, decd.; cousin Thomas Palin, cousin Ann Riding, daughter of Thos. Palin, decd.; cousin Mary Glaister Palin, daughter of Thos., decd., and cousin Mary Palin, daughter of John, decd.; John Palin, son of John, decd.; cousin Sarah Palin, cousin Susannah Pritchard, daughters Sarah Honeycutt and

Ruth Scott; Elizabeth Scott, daughter of Stephen, Mary Joans, Mary Morris, Sr., Sam'l Newby, son of James, Hannah Stafford, Sarah Martin, wife of Nath'l; friend Thomas Pritchard, cousins Sarah Palin and Mary Clark, Exrs. Test: David George, John Henby and Joshua Scott.

Dr. John Gourley, Onslow, Jan'y 2d, 1746-47; Jan'y 7th, 1747-48.—Mother Elizabeth, if alive; brother George Gourley, sisters Grizzle and Mary, Sam'l Johnston Exr: £40 (pounds) to buy Bibles and New Testaments for the poor children on New River; nephew John Gourley. Test: James Glenn, Geo. Coheenaw.

Gordin, Nath'l; July 14, 1755; Jan'y Court, 1756.—Son Nathaniel, daughter Tamer, son George, daughters Elezele and Elizabeth; wife Amy, Exx. Test: Thomas Bartlift, Emanuel Davis.

John Haywood, Edgecombe. Feb'y 18, 1758; June Court, 1758.—My father, sisters Deborah and Mary, brothers Egbert and Sherwood. Test: Robert Wasson, Joseph Pope, Samuel Pittman.

John Jacob Horn, Craven. Feb. 4th, 1744; Nov. 20, 1744, Wife, sons Jacob, Henry and Samuel, daughters Mary and Elizabeth Slabbach, daughter Margaret; wife Mary Magdalene and Nicholas Purefoy, Exrs. Test: John Grnade, Jas. Wilcox.

HELEN DEB. WILLS,
Historian and Genealogist.

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