

Vol. IX

JULY, 1909

No. 1

The
NORTH CAROLINA BOOKLET

*“Carolina! Carolina! Heaven’s blessings attend her!
While we live we will cherish, protect and defend her.”*

Published by
**THE NORTH CAROLINA SOCIETY
DAUGHTERS OF THE REVOLUTION**

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

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INDIANS, SLAVES AND TORIES: OUR 18TH CENTURY LEGISLATION REGARDING THEM.

BY CLARENCE H. POE,

Editor of *The Progressive Farmer*, and author of "A Southerner in Europe," and "Cotton: Its Cultivation, Marketing, Manufacture, Etc."

I have been very much interested recently in a bulky, leather-bound volume of 700 thick and yellowed pages, with old-fashioned f-like s's, an equally old-fashioned style of capitalization, and besprinkled here and there with typographical ornaments that have since gone out of use, its title page reading as follows:

"LAWS OF THE STATE OF NORTH CAROLINA,
Published according to Act of Assembly, by
JAMES IREDELL,

now one of the Associate Justices of the Supreme Court
of the United States.

EDENTON;

Printed by Hodge & Willis, printers to the State of North Carolina,
M, DCC, XCI."

This book, giving in full the more important "Acts of the Assembly" of North Carolina from 1714 to 1791, has, I repeat, interested me greatly, and it is, perhaps, not unnatural to assume that it would be of interest to other North Carolinians. And while there are other copies of the book extant, the number is so very small as to make it practically out of the question for five BOOKLET readers in a hundred to learn directly from it the nature of our eighteenth century statutes. A summary of its more notable features therefore may be not wholly without merit.

The book, as I have suggested, does not give in full all the laws passed from 1714 to 1791; this, of course, would be impossible in a work of 700 pages. The careful threshing of Judge Iredell eliminated nearly all the laws obsolete in 1791 or repealed before that time, and all the private Acts of the Assembly. Of these acts only the titles are given, followed by the word "obsolete" or "private" or the date of repeal. It is to this manner of sifting that the elimination of many of the laws of the 1714-1715 Assembly is due, or as the book has it:

"Laws of North Carolina. Anno Regni Georgii I, Regis Magnæ Britanniæ, Franciæ and Hiberniæ, Secundo. At a General Biennial Assembly, held at the house of Captain Richard Sanderson, at Little River, begun the 17th day of November, 1714, and continued by several adjournments, until the 19th day of January, 1715."

Among the acts marked "obsolete" we note the first, "An Act Concerning Marriages"; the fourth, "An Act Prohibiting Strangers Trading with the Indians" and the sixth, "An Act Exempting New-comers from Paying Levies for One Year." Chapter 7, "An Act for the Better Observing the Lord's Day, Called Sunday, the 30th of January, the 29th of May, and the 22d of September; and also for the Suppressing Prophaneness, Immorality and Divers Other Vicious and Enormous Sins," was repealed in 1741, and only the title is here given; this is also true of chapter 8, "An Act for Establishing the Church, and Appointing Select Vestries." It is also interesting to note that the ninth act was one "for Liberty of Conscience" and for accepting the affirmation of Quakers, and that the tenth, "An Act Relating to the Biennial and other Assemblies; and regulating Elections and Members," was "repealed by His Majesty's order."

But of course we can not go through the book in this haphazard fashion, noting on page after page the things that most impress us. Instead let us take up some of the sub-

jects most likely to interest the reader. For my part I have searched out with especial zest all the legislation bearing on those three extinct classes of our population—slaves, Indians and Tories—and it is of the legislation affecting these that the editors of the BOOKLET have kindly asked me to write. It will, perhaps, be just as well to consider first the statutes regarding slaves and slavery.

I.—LEGISLATION REGARDING SLAVES AND SERVANTS.

The first statute regarding servants and slaves that I have noticed is chapter 24 of the Acts of the Assembly of 1741, which met at Edenton. The first section of this act declares that “no person whatsoever, being a Christian or of Christian parentage * * * imported or brought into this Province, shall be deemed a servant for any term of years” unless by indenture or agreement. This is followed by other regulations regarding “Christian servants.” If disobedient or unruly, they might be carried before a justice of the peace and sentenced to not more than 21 lashes; if they ran away and were recaptured, they were to serve double the time so lost. This law also provided that if any person should “presume to whip a Christian servant naked,” without an order from a magistrate, such person should forfeit 40 shillings, proclamation money, to the party injured. Servants might carry complaints to magistrates who might bind masters or mistresses “to answer complaint at the next county court.” If any master discharged a servant while sick, before the servant’s term of service expired, the county court was to levy on the master for enough to enable the church wardens of the parish to care for the sick servant until death or recovery. If he recovered, the servant was free. Free persons, for minor offenses, were punished by fine, servants by whipping, not exceeding 39 lashes. Free persons trading with slaves were fined “treble the value traded for,” or if

unable to pay this, themselves sold as servants. Any free person brought over as a slave could recover twice his value and compel his abductor to return him to his own country.

Runaway slaves, acknowledging no owner, were committed to jail and advertised for two months; then, if the owner did not appear, hired out by the authorities. An iron collar was put about the necks of all slaves so sold.

Masters could designate one slave on each plantation to carry a gun. No other slave was permitted to carry any kind of weapon. Only slaves wearing liveries were permitted to leave the plantations without passes. No slave was allowed, "on any pretense whatsoever to raise any horses, cattle or hogs." Runaway slaves could be outlawed.

Negroes, mulattoes or Indians, giving false testimony in courts, were severely punished:

"Every such offender * * * shall have one ear nailed to the pillory, and there stand for the space of one hour, and the said ear to be cut off, and thereafter the other ear nailed in like manner, and cut off at the expiration of one other hour."

The offender might also be sentenced to "thirty-nine lashes, well laid on, on his or her bare back, at the common whipping post."

No slave could be set free except for meritorious service, "judged and allowed by the county court." Any "negro, mulatto or Indian slave, otherwise set free" could be taken up and sold by the Church wardens, and the money applied to the use of the parish. (Speaking of Indian slaves, it would be interesting to know how many of this class there were.)

During the Revolutionary War it was asserted that Tories liberated slaves and turned them loose for the purpose of disturbing the peace, so that in this period emancipation was made more difficult than before. No one could free slaves except for meritorious service and by express permission of

the county court. Slaves otherwise emancipated were turned over to the sheriff and sold to the highest bidder, the person delivering them to the sheriff getting one-fifth of the selling price. The 1777 statute says that "the evil and pernicious practice of freeing slaves in this State ought at this critical and alarming time to be guarded against by every friend and well-wisher to his country."

The Assembly of 1779 went even further, since many negroes were "going at large to the terror of the good people of the State," and directed that all slaves liberated before the passage of the act of 1777 could be taken up and sold in the same manner as those liberated after its passage. This law—which, by the way, seems to me to savor strongly of the *ex post facto* principle—has this interesting proviso: "Provided, that nothing herein contained shall deprive of liberty any slave, who having been liberated, and not sold by order of any court, has enlisted into the service of this or the United States previous to the passing of this act." It may surprise some readers to learn of negroes fighting in the Revolution, but there are records of pensions paid black Revolutionary soldiers yet to be seen in the State Treasury Department.

The General Assembly of 1753, which met at New Bern, amended the law of 1741 so as to prohibit any slave carrying a gun unless the master gave bond for the slave's good behavior, and even then no slave could carry a gun after the housing of the corn crop, and not more than one slave on each plantation in crop season. Slaves discovered hunting with dogs could be whipped, not exceeding thirty lashes.

The Assembly of 1774 passed an important statute setting forth the penalty for killing slaves. For the first offense, the guilty man or woman was to suffer one year's imprisonment; for the second offense, the death penalty was prescribed. This act did not apply in the case of outlawed or

rebellious slaves or slaves "dying under moderate correction."*

A peculiar statute is that of 1777 making it unlawful for any slave in Halifax, Northampton, Bute, Granville, Edgecombe or Wake, to grow any tobacco for his own use. The next session of the Assembly, which first met at New Bern and then at Halifax, passed a rigorous law against slave stealers. The death penalty was prescribed for all such criminals and for all persons carrying free negroes out of the State for the purpose of selling them into slavery.

Chapter 5 of the Laws of 1786 recites that "the importation of slaves into this State is productive of evil consequences, and highly impolitic"; it, therefore, imposes the following import duties on all slaves brought into the State whether by land or water:

Negroes under 7 and over 40 years of age, 50 shillings; between 7 and 12, or between 30 and 40, 5 pounds; between 12 and 30 years, 10 pounds. Slaves imported directly from Africa, whatever their age, were subject to a tax of five pounds each. The sixth section of this chapter also provides that "every person who shall introduce into this State any slave or slaves" from any of the free States should "enter

*It is interesting to observe, by the way, that this Assembly of 1774 is the last whose acts are introduced by Latin references to George III. Its acts begin: "Anno Regni Georgii III, Regis Magnæ Britanniaë, Franciaë, and Hiberniaë, Decimo Quarto. At an Assembly begun and held at New Bern the 20th day of March in the fourteenth year of the reign of our Sovereign Lord George the Third, by the grace of God of Great Britain, France and Ireland, King, Defender of the Faith, etc., and in the year of our Lord," etc.

How very differently reads the introduction to the very next section of this book: "A Declaration of Rights. At a Congress of Representatives of the Freemen of the State of North Carolina, assembled at Halifax the 17th day of December, in the year of our Lord One Thousand Seven Hundred and Seventy-six, for the purpose of establishing a constitution or form of government for the said State."

into bond with sufficient surety in the sum of fifty pounds, current money, for each slave, for the removing of such slave or slaves" to the State from whence they were brought, within three months thereafter.

It is also set forth in chapter 17 of the Acts of 1786 that "many persons by cruel treatment of their slaves, cause them to commit crimes for which many of the said slaves are executed, whereby a very burdensome debt is unjustly imposed on the good citizens of the State; for remedy whereof" all former laws providing for reimbursing masters of executed slaves at the public expense were repealed.

The next year (1787) an act was passed making it unlawful for any negro or mulatto to "entertain any slave in his or her house during the Sabbath or in the night between sunset and sunrise" on penalty of 20 shillings for the first offense and 40 for each subsequent offense.

In 1788 it was found necessary to enact a more stringent law against trading with slaves. All free persons trading with any slave without written permission from the master specifying the articles in question, were to be fined ten pounds for each offense. Slaves selling articles without permission were to be reported to the justice of the peace and given not over thirty-nine lashes.

II.—LEGISLATION AFFECTING THE INDIANS.

Let us next take up the laws regarding the Indians. Many of these, of course, were obsolete when Judge Iredell made his collection of laws, and are, therefore, excluded from the book. It is very creditable to our ancestors that the first Indian law of special note, that on page 119 (Laws of 1748), is "An act for ascertaining the bounds of a certain tract of land formerly laid out by treaty to the use of the Tuskarora Indians, so long as they or any of them shall occupy and live upon the same; and to prevent any person or persons

taking up lands, or settling within the said bounds, by pre-tense of any purchase or purchases made, or that shall be made from the said Indians"—“it being but just,” as the preamble says, “that the ancient inhabitants of this province shall have and enjoy a quiet and convenient dwelling place in this their native country.”

But the next law regarding Indians, passed in 1760, is of very different tenor. It was adopted near the end of the great French and Indian War, and is of sufficient importance to justify the republication in full of the two most striking sections:

“13. And for the greater encouragement of such persons as shall enlist voluntarily to serve the said companies, and other inhabitants of this province who shall undertake any expedition against the Cherokees and other Indians in alliance with the French; be it further enacted by the authority aforesaid, that each of the said Indians who shall be taken a captive during the present war by any person as aforesaid, shall, and is hereby declared to be a slave, and the absolute right and property of who shall be the captor of such Indians. * * * And if any person or persons, inhabitant or inhabitants of this province not in actual pay, shall kill an enemy Indian or Indians, he or they shall have and receive ten pounds for each and every Indian he or they shall so kill, and any person or persons who shall be in the actual pay of this province, shall have and receive five pounds for every enemy Indian or Indians he or they shall so kill, to be paid out of the Treasury, any law, usage, or custom to the contrary notwithstanding.

“14. *Provided, always,* that any person claiming the said reward, before he be allowed or paid the same, shall produce to the Assembly the scalp of every Indian so killed, and make oath or otherwise prove that he was the person who killed, or was present at the killing, of the Indian whose scalp shall be so produced. * * * And as a further encouragement, shall also have and keep to his or their own use or uses all plunder taken out of the possession of any enemy Indian or Indians, or within twenty miles of any of the Cherokee towns, or any Indian town at war with any of his Majesty’s subjects.”

Two thousand pounds was appropriated for the purchase of Indian scalps in the manner indicated in this statute.

In 1778 it appeared that “divers avaricious and ill-disposed persons” had been defrauding and abusing the Chero-

kees and stirring up much bad feeling, and a law was passed making it unlawful to trade with this tribe of Indians without license, or to trespass on their grounds. The penalty for violation was a fine of 500 pounds; failing to pay this, says the law, the offender "shall stand in the pillory two hours, and receive thirty-nine lashes upon his bare back, and shall stand committed to the gaol of the district until such sums shall be completely discharged and paid."

The first law passed at the session of 1786, held at Fayetteville, was one providing defense against Indians for the citizens of Davidson County, "frequent acts of hostility rendering it necessary that some measures be taken for their protection." A company of 201 men was to be raised and to stay in service two years, unless sooner disbanded by the Legislature. I think, however, that this Davidson County was in what is now Tennessee, as the Davidson County now existing was not formed until 1822.

III.—HOW THE TORIES WERE TREATED.

And now let us consider some of the Revolutionary and post-Revolutionary laws regarding Tories. Immediately after framing the Constitution, the Halifax Congress of 1776 adopted an ordinance requiring all citizens to take the oath of allegiance to the State, the "whereas" being as follows:

*"Whereas, divers persons within this State have been in actual arms against the liberties of the United States of America, or have adhered to the King and Parliament of Great Britain against the same, * * * with design to weaken and obstruct the necessary efforts of the said States against the wrongs and hostilities of the said King and Parliament of Great Britain; and it being hoped that such persons are now become sensible of the wickedness and folly of endeavoring to subject their country to misery and slavery, and are penitent for the same—"*

free pardon and protection were to be granted all persons taking oath to bear true allegiance to the State and to "do no act willingly whereby the independence of the said State may be destroyed or injured."

All persons refusing or neglecting to take this oath within ninety days from that date "shall be and are hereby declared incapable of bringing any suit or action, real, personal or mixed, before any court, judge or magistrate within this State; or being sued, plead or make defense; or of prosecuting any indictment; or of purchasing or transferring any lands, tenements, or hereditaments, the same shall be and are hereby declared to be forfeited to this State, being first found by inquest of a jury."

Nor was the General Assembly which met at New Bern in April, 1777, in a mood to deal lightly with those who stood in the way of American independence. The anti-Tory laws were almost Draconian in their severity. "Every inhabitant of the State owes and shall pay allegiance to the State of North Carolina." The second section continues, redundant words and phrases omitted:

"And if any person residing within this State * * * shall take commission from the King of Great Britain: or knowingly and willingly aid or assist any enemies at open war against this State, or against the United States of America, by joining their armies, or by enlisting or procuring or persuading others to enlist for that purpose, or by furnishing such enemies with arms, ammunition, provision, or any other article for their aid or comfort, * * * he shall be adjudged guilty of high treason, and shall suffer death without the benefit of clergy, and his or her estate shall be forfeited to the State. *Provided*, that the judge may appropriate so much of the traitor's estate as may appear sufficient for the support of his or her family."

By the third section of the act, imprisonment during the war and confiscation of half his property is prescribed as the punishment for any person who "shall convey intelligence to the enemies of this State, or speak publicly against our public defense, or excite the people against the government of this State, or persuade them to return to a dependence on the Crown of Great Britain, or maliciously discourage the people from enlisting into the service of the State, or dis-

pose the people to favor the enemy, or endeavor to prevent the measures carrying on in support of freedom."

All late officers of the King, and all persons who had "traded immediately to Great Britain or Ireland" were to give up North Carolina citizenship or abjure allegiance to England. Failing to depart they could be shipped at their own expense to Europe or the West Indies, not to return on pain of death.

When the Assembly met again in November of the same year, the ardor of the members had in no wise cooled. They divided the counties into districts, in each of which a magistrate was to administer the oath of allegiance to "all free male persons above 16 years of age," who had resided for one week or longer in that district. Names of persons refusing to take the oath were to be listed, and they were to be dealt with in the manner noted in the last paragraph regarding officers and traders refusing to take the oath.

A few weeks later the Assembly of 1777 took another step forward and declared the forfeiture to the State of all property belonging to any person who had left the State or "attached himself to or aided or abetted the enemies of the United States," unless such person should appear before the 1778 Assembly and be by it restored to citizenship. That Assembly, which met in New Bern, proceeded to put into effect the act of its predecessors and appointed commissioners to sell the confiscated property. The second chapter of the 1779 legislation names a number of those whose estates were confiscated in accordance with this act, among the names being William Tryon, Josiah Martin, Sir Nathaniel Duckinfield, Edmund Fanning, Thomas MacKnight, and many others.

Very naturally these confiscation laws excited the greed and strengthened the audacity of the baser sort of Whigs, and it is not surprising to find the 1780 Assembly acknowledg-

ing that "many acts of violence and barbarity have been lately committed under pretense of seizing the property of disaffected persons, these unwarrantable depredations being carried so far as to deprive some poor persons of house and kitchen utensils and wearing apparel, and many persons have unlawfully seized upon and carried away negro slaves, and other valuable effects [for] their own use, and slaves * * * conveyed to distant parts, or publicly sold in violation of law and justice." To remedy this, the Assembly again directed that while the property of all persons who had then or should thereafter join the Royalists, should be confiscated, only the sheriff or confiscation commissioner should take possession of property by virtue of this act; others seizing property should repay the owners three-fold.

The sixth section of the act also recites that evil-disposed persons, under pretense of distressing Royalists, had been plundering South Carolinians indiscriminately. The sheriff was directed to seize all such property, returning that belonging to American sympathizers, and selling all belonging to Tories. The seventh section, curiously enough, exempted from taxation for that year all refugees from Georgia.

This Hillsboro Assembly of 1780 also suspended the sale of confiscated property, the reason assigned being that the nearness of the British army (and the consequent gloomy outlook for independence) caused the property to sell at much less than its true value. The sales were revived next year.

* * *

Peace came at last, however, and the Assembly of 1783, recognizing the fact that "it is the policy of all wise States, on the termination of civil wars, to grant an act of pardon and oblivion for past offenses," directed that "all manner of treasons, misprision of treasons, felony or misdemeanor committed or done since July 4, 1776, by any person or per-

sons whatsoever, be pardoned, released, and put in total oblivion." Only officers in the King's army, Tories then out of the State, persons who had committed capital crimes, and those especially offensive Tories singled out by name—Peter Mallette, David Fanning and Samuel Andrews—were excepted from the provisions of this act. Both by the letter of its statute and the spirit of its people, North Carolina resolved to forget the bitterness (but not the heroic deeds) of a struggle in which, as in all great wars by men of our blood, the main body in each side had fought "for the right as God gave them to see the right."

With that same broad spirit of tolerance, therefore, which caused our people in the first chapter of our book to provide "for liberty of Conscience," we leave them in this last quotation, forgetting and forgiving (even so early as 1783) those with whom they had differed in "the late unpleasantness" and setting to work, all together, for the upbuilding of the State. Thus North Carolina entered upon a long period of healthy and untroubled development, while defeated England, with a like tolerance, came to find pride in the heroism of the men she had once faced in deadly conflict, Lord Tenyson speaking both for and to the nation when he wrote:

"O thou that sendest out the man,
To rule by land or sea,
Strong mother of a lion-line,
Be proud of those strong sons of thine,
Who wrenched their rights from thee!"

THOMAS PERSON. *

BY STEPHEN B. WEEKS.

The Person family represents one unit in that great English voelkerwanderung which began from the older American colonies almost before they were themselves out of swaddling clothes and has gained more and more force as newer settlements grew in strength until it has over-run and conquered the American continent for the men of Anglo-Saxon blood. Virginia had been planted little more than a generation when hardy pioneers pushed out from her settled centers and in the wilderness of Carolina carved out new homes for themselves, redeeming them from the wilderness and the savage. These frontiersmen in their turn sent others to the new and fertile lands of the old Southwest and old Northwest, and these have again sent out conquering hosts to the shores of the calm Pacific and to the naked plains and savage mountains of the arid mid-region. Thus it follows that the real F. F. V.'s are found as often in the far West, in the old Southwest or in Carolina as in Virginia herself.

The Person family was one of those which thus left Virginia with that great migration that swept over her southern border for a hundred years after the first settling of North Carolina. It had been settled in Brunswick County, Va., and had for its neighbors the Mangums, who were soon to follow it to North Carolina. I find in the Quaker records of southeastern Virginia a John Persons, the son of John Persons (who spelled his name Passons), marrying Mary Patridg on the tenth of the first month, 1691/2. I have no records to prove my supposition, but it is possible that these two Quakers, father and son, were the immediate ancestors

*Reprinted by permission of Chas. L. VanNoppen, publisher, from the seventh volume of the Biographical History of North Carolina.

of that William Person who was the head of the family at the time of its coming into Halifax County, N. C., about 1740. William Person (born 1700, died November 11, 1778) took up land in Halifax, but seems to have soon passed on into what is now Granville, for on its organization as a separate county, in 1746, he became its first sheriff, an office which he filled for a number of years. He was often a justice of the peace, a county commissioner, a vestryman, and in general a man of prominence and a leader in his county. He married Ann ———, and his son, Thomas Person, commonly known as General Person, and whose name in his own day was indifferently written and pronounced Person, Persons, Parson, Parsons, and Passons, was born January 19, 1733, probably in Brunswick County, Va. He grew up in Granville County, N. C., and there his life was spent. He began life as a surveyor for Lord Granville, was noted for the accuracy of his surveys and the faithfulness of his work generally, and as his work made him acquainted with the best lands, he thus accumulated a handsome estate. In 1788 he listed for taxation 82,358 acres, lying in Halifax, Warren, Franklin, Orange, Caswell, Guilford, Rockingham, Anson, and Wake counties, N. C., and in Davidson, Sumner and Greene counties, Tenn. (State Rec., Vol. XXVI, 1275).

The first definite record of his appearance in public life is on July 6, 1756, when he was recommended as a justice of the peace for Granville (Col. Rec., Vol. V, 592). In 1762 he was sheriff of that county (*ibid.*, VI, 895). His appearance in the Assembly was at the October session, 1764, as the representative of Granville, and he won even in this his first service sufficient recognition to give him a place on the committee to settle the public accounts (VI, 1222). He was not again in the Assembly so far as I have been able to

learn until November session, 1768, and October session, 1769, when he again served on the Committee on Public Accounts and on that of Privileges and Elections. It was during this last session that his connection with the Regulators began to have its influence on his fortunes.

The "Regulation" was one of a series of efforts made by the people of North Carolina at various times to secure a redress of grievances. It began as early as 1759 with the Enfield riots, which were directed against the land officers of Lord Granville. A little later extortion began to grow up among the county officers in various sections of the province. Because of the lavish expenditure of Tryon's government, provincial taxes were high, and, being levied on the poll, bore unduly on the poor and thinly settled communities of the middle section. In 1765 discontent became acute, and was manifest as far east as Pasquotank. It broke into violence in the present counties of Granville, Orange, Alamance, Guilford, Rockingham, Surry, Chatham, Randolph, Rowan, Davidson, Anson, Cabarrus, Mecklenburg and Iredell. The discontented element called themselves "Regulators." Under the leadership of Husband, Howell, Hunter, Butler and others they published numerous addresses on the condition of affairs. The organization gained headway. Its purpose was to "regulate" the grievances of which they complained; these were excessive taxes, dishonest sheriffs and extortionate fees. Their agreement, or articles of association, show that their purpose was peaceful in character and that they were willing to pay legal taxes and legal fees. They petitioned the government often for redress. This was often promised but never granted. This failure to receive the redress asked no doubt irritated many and led them to commit indefensible acts of license and violence. A rupture was narrowly averted in 1768, and in September, 1770, occurred the riots in Hillsboro when Fanning, John Williams, Thomas Hart and others

were beaten, property destroyed and the court insulted and broken up.

In the Assembly of 1769 John Ashe, of New Hanover, had reported that Thomas Person, the member for Granville, was frequently charged with perjury (Col. Rec., VIII, 118). He was tried at December session, 1770, after the Hillsboro riots, for perjury and extorting illegal fees, and there came before the Assembly to prosecute that same Richard Henderson whose court had been insulted and broken up. The committee of investigation, through John Campbell, its chairman, reported that "there is not any one of the charges or allegations * * * in any manner supported," but that they were exhibited "through malice and envy, with design to injure the character and reputation of the said Thomas Person," and it was ordered that this report be published in the newspaper of the day (VIII, 448, 449, 461). Henderson, the prosecutor, was thereupon mulcted in the costs (VIII, 467), which he failed to pay (IX, 717, 718). Tryon claimed that the resolution to put the costs on Henderson was clapped up by Person's friends; at any rate, that resolution was repealed at the next session (IX, 196).

In an anonymous letter printed in the Colonial Records (VIII, 643 *et seq.*) it is said that Person was expelled from this session of Assembly:

"After this the General Assembly of the province was called, and an election ensued, at which Herman Husband and Thomas Parsons were chosen by the country party as members of the house; their enemy, Fanning, was also chosen. When the house met their first step was to expel Husband and Parsons from their seats; Husband they sent to jail; Parsons, home. They then passed a Riot Act, the substance of which was that any person or persons being guilty of any riot, either before or after the publication of this act, within the jurisdiction of any court within this province, shall and may be indicted, and when so indicted shall appear and stand trial before the expiration of sixty days; and in case he, she, or they do not appear, noticed or not noticed, within the term aforesaid, they shall and are hereby declared to be outlawed, and shall suffer death without benefit of clergy, etc., and his lands, goods and chattels confiscated and sold at the end of eight days."

This letter was no doubt the work of Rednap Howell, one of the Regulation leaders, as it is from "a gentleman in North Carolina to his friend in New Jersey," and Howell came from that State to North Carolina. The statements made in other parts of the letter seem to be essentially correct, but I confess that I am unable to reconcile this expulsion of Person with the favorable report which was made in his behalf to this same Assembly, and with his appearance again as a member of the same Assembly at its session in November, 1771.

But the Assembly of 1770-71 did pass a Riot Act which anticipated some of the essential features of the "five intolerable acts" of the British Parliament of 1774. It was so brutal, so tyrannical and subversive of all liberty of the subject that it was condemned even by the English Government as "irreconcilable with the principles of the constitution, full of danger in its operation and unfit for any part of the British Empire." But in the meantime this act, more commonly known as the Johnston Act, from its author, was put into execution against the Regulators, and goaded them to further resistance. Tryon collected an army from the eastern counties, although in many sections the spirit of resistance was almost as pronounced as in the Regulation country. On May 16, 1771, with his army of 1100 men, organized, trained and armed, Tryon came up with some 2000 Regulators at Alamance Creek, now in Alamance County. The Regulators were unorganized, without officers, untrained and in part unarmed. There was much parleying, the Regulators even to the last petitioning for redress. Tryon forced a battle, defeated the Regulators, took some prisoners, and with more than Jeffreys' bloodthirstiness hanged James Few on the field. Six others were hanged a month later, after having received the form of a legal trial.

Person's service to the Regulation was evidently in the

council, not in the field, for he was not present at the Alamance battle, and it does not clearly appear in what form his service was rendered beyond that he was a member of their committee to whom the people were to give in their claims for overcharges which the officers guilty of extortion, under the pressure of popular indignation, had agreed to refund. The committee was to have met for this purpose on May 3, 1771, but it is probable that events were then moving too fast for peaceful methods (Col. Rec. VIII, 521, 535; Caruthers' "Caldwell," 143). But it is certain that Tryon recognized Person as a leader in this movement and did him the immortal honor to include him in the list of those excepted from the benefit of pardon. Tryon's exceptions included the four leaders who had been outlawed, Husband, Howell, Hunter and Butler, the prisoners, the young men who blew up Waddell's ammunition train, and sixteen others mentioned by name, of whom Person is the last (Col. Rec., VIII, 618).

How Person escaped trial and further punishment for treason and how he secured his release do not clearly appear, although tradition says it was through the personal friendship between him and Edmund Fanning (*ex rel.* Peter M. Wilson). Tradition says also that by permission of his jailer Person made an all night ride to his home at Goshen to see or destroy certain incriminating papers there, and returned to jail before the break of day. It is said that Tryon's troops visited his home looking for plunder as well as papers, but found nothing, and this failure may have forced his release (Col. Rec., VIII, xxvii).

It is usually said that the Regulators were Tories in the Revolution. It is certain that few of them were enthusiastic supporters of the Whig principles of 1776. But it is hardly reasonable to expect this much of them. They were mostly simple, honest, ignorant men who had grown restless under official oppression; they had been defeated and forced to take

an oath to the king by the very men who in 1776 sought to make them break the oath taken in 1771. In that struggle the Regulators for the most part maintained a sullen neutrality. Unlike their sympathizers of that day, Caldwell and Person, they were unable to see that the principles of 1776 were but those of 1771 writ large; that official oppression was the same, whether exercised by petty despots at their doors or by high lords and Parliament over sea; and that the Johnston Act of 1770 was but the prototype of the five intolerable acts of the British Parliament of 1774, which set all America aflame.

But the Regulators were not allowed to go their way in peace. Numerous efforts were made to win them to the cause of independence, and to these efforts Person lent his influence. The Hillsboro Convention of 1775 appointed him member of a committee to confer with such of the inhabitants of the province "who entertain any religious or political scruples with respect to associating in the common cause of America, to remove any ill impressions that have been made upon them by the artful devices of the enemies of America, and to induce them, by argument and persuasion, heartily to unite with us for the protection of the constitutional rights and privileges thereof" (X, 169).

Again, the Council of Safety, on August 3, 1776, resolved that General Person and Mr. Joseph John Williams "do each of them agree with a proper person for the purpose of instructing the inhabitants of Anson County and other the western parts of this colony in their duty to Almighty God, and for explaining to them the justice and necessity of the measures pursued by the United States of America" (X, 693).

But that the Provincial Convention of 1775 knew little of the character of the Regulators in particular, or of human nature in general, is shown by their making Richard Caswell,

Maurice Moore and Henry Pattillo members of this committee to win them to the American cause. Nothing shows more clearly the greatness of Thomas Person than his participation in the Regulation and his subsequent part in the Revolution. Other Regulators, by reason of narrowness of vision, or from personal spite, or from littleness, might hang back or even join the Tory interests, to which they were invited and urged by the successor of the brutal Tryon, but not Person. As Colonel Saunders has well said, the most ardent friend of the Regulation might be willing to stake the reputation of the cause on the character of Thomas Person, Church of England man though he was, friend of education, wealthy if not aristocratic, patriot and democrat of democrats.

Person was again in the Assembly in November, 1771, in January and December, 1773, March, 1774, and April, 1775. Although he was a commissioner on public buildings in Hillsboro district in 1771, he seems nevertheless to have suffered somewhat from his participation in the popular uprising; but as time passed on and efforts were made by Martin to quiet the feelings of the Regulators, Person comes more and more into prominence, and by sheer weight of character made himself a necessity to the colony.

As the struggle with Great Britain drew on he became one of the foremost advocates of separation. On February 12, 1776, he writes to his father of the "advocates of liberty" (X, 450); on the 14th, his friend, Penn, a neighbor, citizen of the same county, possibly a sympathizer with the Regulators, now in the Continental Congress, perhaps in great measure through his influence, surveys the situation and writes: "Matters are drawing to a crisis. They seem determined to persevere and are forming alliances against us. Must we not do something of the like nature? * * * The consequence of making alliances is perhaps a total separation from Britain" (X, 456). This letter was received, perhaps, about March

1st. On the 3d the Provincial Council, of which Person was a member, ordered the next session of the Provincial Congress to be held at Halifax on April 2d. The delegates met on April 4th; on the 8th, Harnett, Allen Jones, Burke, Abner Nash, John Kinchen, Person and Thomas Jones were appointed a committee to take into consideration "the usurpations and violences attempted and committed by the king and Parliament of Britain against America, and the further measures to be taken for frustrating the same and for the better defense of this province" (Col. Rec., X, xvii-xviii, 504); on the 12th, the committee brought in a resolution empowering the delegates from North Carolina in the Continental Congress "to concur with the delegates of the other colonies in declaring independency, and forming foreign alliances."

And thus on April 12, 1776, North Carolina became the first of the colonies to make a formal proposal for a declaration of independence.

Was not this proposal as much or more the work of Thomas Person than of any other man? Perhaps we shall never find evidence that will settle this point beyond dispute, but no student of our history will dare claim that such an honor could belong by right of work done to any other man more than to Person or that any other citizen of our State was more worthy of this great and signal honor.

Person was a member of all the provincial conventions and congresses which took the place of the Assembly and of the governor from 1774 to 1776.

1. New Bern, August 25-27, 1774 (C. R., IX, 1042).
 2. New Bern, April 3-7, 1775 (C. R., IX, 1179).
 3. Hillsboro, August 20 to September 10, 1775 (X, 164.)
 4. Halifax, April 4 to May 14, 1776 (X, 499).
 5. Halifax, November 12 to December 23, 1776 (X, 914).
- He served on their important committees and in the last

was on the committees which drafted the Bill of Rights and the Constitution. So satisfactory was the latter to the people of North Carolina that it remained in force for fifty-nine years without change; of the Declaration of Rights it is sufficient to say that of its twelve clauses for the protection of individual rights eleven were embodied in the first ten amendments to the Constitution of the United States (Col. Rec., X, xxiii, xxv).

He had been chosen a member of the Provincial Council, September 9, 1775 (X, 214). This body was the executive head of the State and had Samuel Johnston as a member. Johnston and Allen Jones represented the more conservative element. They favored a strong government, a sort of representative Republicanism, modeled on Great Britain. The more progressive or radical wing, led by Willie Jones and Person, favored a simpler government and one more directly responsible to the people. The Provincial Council under the influence of the conservatives was slow, while the mass of the congress was with the radicals. As a result for the Provincial Council was substituted a Council of Safety, Person still a member (X, 581), with no practical change in its functions further than in name; but with the radical Willie Jones as the representative of the congress, instead of the conservative Johnston who was not a member.

On April 22, 1776, Person was elected brigadier general of the militia of Hillsboro district (X, 530) and was succeeded in this office in 1777 by John Butler. This was not the time when to be a militia general meant ease and quiet. It meant work, the raising of troops for active service, drilling, collecting supplies and actual fighting in suppression of Tory marauders. It was no sinecure, but Person was never, so far as I know, in actual battle. His service to the State, like that to the Regulators, was in the cabinet, not on the field.

He was made by the last Provincial Congress a justice of the peace for Granville (XXIII, 993) and a member of the Council of State (X, 1013), his fellow-councilors being William Dry, William Haywood, Edward Starkey, Joseph Leech and Thomas Eaton. He was nominated for the same office in 1781, but failed of election (XVII, 810, 894), and again in 1789, but at the latter period asked to have his name withdrawn (XXI, 389, 390, 704). In May, 1782, he was nominated for the Continental Congress but failed of election (XVI, 90; XIX, 57); on May 11, 1784, he was elected to the Continental Congress, but it was a time when there was more expense and labor in being a member of the congress than money and honor. Person never took his seat and his name nowhere appears in the list of North Carolina Congressmen (XVII, 79, 139, 143; XIX, 583).

In January, 1787, he was elected along with William Green and Matthew Locke chief commissioner for receiving the certificates of the Board of Commissioners of Army Accounts (XVIII, 451, 459). It was their duty to receive and correct the proceedings of the commissioners appointed to settle the accounts of the North Carolina troops in the Continental Line (XX, 630; XXI, 551) and thus bring to a final settlement the accounts of North Carolina with the United States. It was a delicate duty and one requiring the highest degree of honesty. Many frauds had been committed in the preparation of these accounts. These were discovered and were followed by a long investigation, the trial and punishment of the guilty parties (State Rec., XVII and XVIII, *passim*; McRee's "Iredell," II, 155-6).

One of Person's most important services to the State was as a leader of the anti-Federal party in the convention of 1788; but before proceeding to discuss that convention, which was called to consider the Federal constitution, it is necessary to review briefly the alignment of political parties. From

1776 there were two clearly defined parties in the State. They were a unit as to resistance to the aggressions of Great Britain, but in domestic matters the lines of party cleavage were sharply defined. One party we may call the Conservative; it was strongest in the east; was led by Johnston, Iredell, Hooper, Maclaine. It was aristocratic and wealthy, stood for the slaveholding, commercial and mercantile interests; it preferred a strong central government and was slow to advocate democracy. The other party we may call Radical. It was stronger in the north and west. It was nearer the soil and the people. Its leaders were Willie Jones, Person, the Bloodworths, Spencer, Locke, Sharpe, Rutherford, and others. They were ultra-democratic, even radical in their tendencies and ardent advocates from the first of an extremely democratic government. The struggle began in the first Halifax congress, April, 1776, or earlier, and was won by the Radicals as is shown by the substitution of the Council of Safety for the Provincial Council. The question of the new constitution also developed differences and the April congress deferred its adoption to a later congress to be elected for that particular purpose out of deference to the wishes of the minority. Johnston stood as a candidate for this congress from Chowan County and was defeated (McRee's "Iredell," I, 238, 281) and this left him sulking in his tent. He refused to serve as treasurer and Iredell bitterly resented his defeat by writing his "Creed of a Rioter" (McRee, I, 335-336); Iredell later resigned as attorney-general and Hooper left the Continental Congress. But the Radicals were liberal and patient and kept many of the Conservatives in office as the price of their support (*cf.* Dodd's "Macon," 30; and Saunders, Pref. Notes, Col. Rec., X).

In 1780-81, as the tide of war surged into North Carolina and went against her, the Conservatives grew in numbers and power; after the war ended they championed the Tory in-

terests and continued to grow. Johnston was their perennial candidate for governor, but Caswell was agreed on as a sort of compromise. When the time for considering the Federal constitution drew near each exerted itself to the utmost to win control of the convention. The Radicals, whom we may now call Anti-Federalists and who became the nucleus of the first Republican party, demanded: (1) A free and absolutely independent state, for a few years at least; (2) a genuinely democratic administration; (3) a general improvement in educational advantages for the people. In accord with the last of these demands the State actually entered on a plan of public improvements which anticipated that urged in the State thirty years later by Murphey and in the Union fifty years later by Clay (Dodd, 14-90).

The Anti-Federalists won control of the convention. It met in Hillsboro, July 21, 1788. Person was a member from Granville; on his motion Samuel Johnston was made president (XXII, 6). He was himself a member of the committee on elections (XXII, 7). It is evident from the journals that he took a leading part in the business, but he does not seem to have been a frequent speaker. The first trial of strength came on August 1, when the convention considered the report of the Committee of the Whole House on a proposed Bill of Rights and certain amendments. The preamble to the report of the Committee of the Whole reads:

“RESOLVED, That a Declaration of Rights, asserting and securing from encroachment the great principles of civil and religious liberty, and the unalienable rights of the people, together with amendments to the most ambiguous and exceptionable parts of the said constitution of government, ought to be laid before Congress and the convention of states that shall be called for the purpose of amending the said constitution, for their consideration, previous to the ratification of the constitution aforesaid, on the part of the State of North Carolina.” (XXII, 16.)

Iredell moved that all of this report be stricken out, that the constitution be adopted and that certain amendments be

then proposed. This motion brought out the strength of the respective parties: For the motion, 84; against, 184; on August 2d, the report of the Committee of the Whole was again taken up and concurred with: yeas, 184; nays, 84.

After the Report of the Committee of the Whole was adopted Willie Jones moved:

"Whereas, this convention has thought proper neither to ratify nor reject the constitution proposed for the government of the United States; and as Congress will proceed to act under the said constitution, ten states having ratified the same, and probably lay an impost on goods imported into the said ratifying states:

"RESOLVED, That it be recommended to the legislature of this State that whenever Congress shall pass a law for collecting an impost in the states aforesaid, this State enact a law for collecting a similar impost on goods imported into this State, and appropriate the money arising therefrom to the use of Congress." (XXII, 31.)

This resolution, passed by 143 yeas to 44 nays, the Federal leaders voting in the negative, shows as clearly as words can show that the desire of Jones, Person and other Anti-Federalists was for a Federal government of limited powers and that their purpose was not to establish an independent republic as has been recently claimed by Professor Dodd (see his "Macon," p. 54), but to protect the interests of the states against the centralizing tendency which was even then clearly visible in the new constitution to those who had eyes to see. Davie reports that both Person and Jones were holding out the doctrine of opposition for four or five years at least. Jones feared the Federal judiciary and Person the Federal power to tax (McRee, II, 178, 239).

It was thus that North Carolina declined to either ratify or reject the Federal Constitution by a decided majority of 100 votes. Whether it was the wiser policy to adopt first and then ask for amendments or wait till the amendments were adopted, a child can tell. As to which of these parties could read the book of the future aright is equally easy of discernment.

Many public men in the State desired that a second Federal convention be called to revise the new constitution in the light of the criticisms upon it, and Person, along with Johnston, Iredell, Tim Bloodworth, Jos. McDowell, Sr., Dupre, Locke, Alfred Moore, Spencer and Allen Jones were chosen by the Assembly on November 24, 1788, to attend such a convention of the whole United States "should one be called" (XX, 538, 544; XXI, 94, 100). Their desire was for a constitution more in accord with the will of the Radicals and that a constitution acceptable to Bloodworth and Person would have been decentralized there can be no doubt.

The constitutional convention held in Fayetteville in November, 1789, was a small affair. The government of the United States had been organized under the constitution and was working well. The Anti-Federalists had received assurances that the substance of the amendments proposed by them would be incorporated into the constitution; eleven states had accepted the instrument and North Carolina and Rhode Island alone remained out. The convention met November 16, 1789. Willie Jones failed to be returned by his county. Johnston was again made president and Person was again on the committee on elections. The convention went into a Committee of the Whole to consider the constitution and sat three days. The Anti-Federalists moved that its report be rejected and that certain amendments be proposed. These forbade interference with the election of senators and representatives, dealt with the levying of direct taxes, the redemption of paper money by the states and the introduction of foreign troops. But the amendments were defeated by 187 yeas to 82 yeas, Spencer, Caldwell, Bloodworth, Person and others voting yea (XXII, 45, 46). The convention then proceeded to adopt the constitution, 195 yeas to 77 yeas. Person, true to his convictions and game to the last, voted nay (XXII, 48, 49).

On November 24, 1789, when the Federal constitution had been formally adopted, the Assembly proceeded to elect senators to Congress. Person was nominated by the house of commons, but the Federalists were in power and such radicals as Person and Bloodworth went down before Johnston and Hawkins (XXI, 253, 614). When his party again came into power in 1794-95 Person's race had been run, but he had the pleasure of seeing his radical comrades Alexander Martin and Timothy Bloodworth succeed Johnston and Hawkins.

But, after all, Thomas Person's most important and valuable service to North Carolina was not as an Anti-Federalist member of the conventions of 1788 and 1789, nor as a military man, nor as a philanthropist, but as a member of the General Assembly. There he was always active, generally a radical, always an argus-eyed guardian of the rights of the people, an advocate, ardent, insistent and constant of the interests of the masses, and consequently hated and always feared by the representatives of the aristocratic, conservative interests.

Person represented Granville County in the Assembly in the house of commons almost continuously from 1764 to 1785; he was defeated in 1786; was in the senate in 1787; again in the house in 1788, 1790, 1793, and 1794. (It is believed that the Thomas Person in the house in 1795 and 1797 was his nephew). In all, he represented his county some thirty years, a length of service which in itself is a most eloquent proof of his usefulness and of the appreciation of his people. It does not require a long or an extended examination of the legislative journals to show his prominence and usefulness. He served on the most important committees: public accounts, military matters, privileges and elections, propositions and grievances, finance, defence, depredations of Tories, location of capital, affairs of North Carolina Line,

manufacture of iron, raising regular troops and regulating commissary department, on bill of attainder, paper money, debts due to and from the public, Indian affairs, land grants, on vesting power in Continental Congress to levy duties, claims and depreciation, trial of impeachments, revenue, proposed revision of the constitution, Virginia boundary, confiscated property, etc. He was usually chairman of his committee and presented many reports to the house; in 1784 he was chairman of the whole; never seeking the honors of the house, he was an active working member, bringing in many bills, serving on many special committees, presenting many petitions and memorials from sections of the State remote from his own. It is evident, too, that he was a fighter. No form of what he thought injustice, illegality or graft could escape his quick eye or pass without a protest. Thus in 1782, on petition of O'Bryan, Duncan and Pittman, who were being held as military deserters by Sumner, he recommended that they be discharged from the Continental army (XVI, 137). In 1783 he voted against the seating of his political friend, Bloodworth, as it seemed to him illegal (XIX, 292). In 1784 he protested against the cession of Tennessee to the Federal Government (XIX, 714), and had his protests been heeded the troubles coming from the abortive state of Franklin would have been avoided. He was particularly vigorous in protest against whatever savored of injustice or class legislation. Thus in 1785 he protested against the salt tax and the uniform tax on lands because they placed undue burdens on the poor, and against the confiscation act because it was illegal, unjust and *ex post facto* (XVII, 409, 410, 419, 421).

There is plenty of evidence also that Person was a man of strong feeling and made personal enemies. Thus Mac-laine writes bitterly of his political methods, which were never to produce "his budget till he is pretty certain he has sufficient strength to support it" (XXI, 504); and when the constitution question was uppermost Thomas Iredell runs to

his brother with a tale that Person had said in substance that Washington was a damned rascal and traitor to his country, for putting his hand to such an infamous paper as the new constitution (McRee, II, 224, 225).

The feeling of the conservative and aristocratic party toward him may be seen in a letter of Johnston to Burke, dated June 26, 1777:

"The few good men, or men of understanding and business, who had inclination or intend to be either of the legislature or executive departments, are by no means sufficient to counterbalance the fools and knaves who by their low arts have worked themselves into the good graces of the populace. When I tell you that I saw with indignation such men as G—th R—d, T—s P—s—n [Griffith Rutherford and Thomas Person], and your colleague Penn, with a few others of the same stamp, principal leaders in both houses, you will not expect that anything good or great should proceed from the counsels of men of such narrow, contracted principles, supported by the most contemptible abilities." XI, 504.)

Even Caswell, with whom he had fought many battles and whose personal ambitions he had so often advanced, was not always true. He writes to Hawkins, September 29, 1786:

"I can not say it gives me great pain to hear my old friend, the general, was disappointed in the late election for Granville, or that he is much mortified at being left out, as I flatter myself his country will derive advantage from his absence from the legislature, which his jealousy prevented when present, and kept her from. However, he may yet succeed in his favorite scheme of appointing a new governor for the next year, as his pernicious opinions and false suggestions are gone forth and he very likely will still have effrontery sufficient to endeavor to support them when the governor, conscious of the rectitude of his own conduct, and his friends, careless about the matter, may take no pains to contravene his attempt. (XVIII, 751.)

From these extracts it is not hard to see that Person was not one to fawn on those in power or to ask favors of the great. It is also evident that his political life had in it much of storm and stress and that he was a man who delighted in the joy of battle. He was a man of wealth, but not penurious. During the war his property was at the service of the State. We find the State in 1781 repaying him for a loan of salt (XVII, 971, 974) and between June,

1781, and April 25, 1782, he loaned Governor Burke \$50,000 "to be replaced or paid by warrant which I did not issue" (XVI, 299). He assisted in securing the charter for the University of North Carolina in 1789 and was a member of its first board of trustees, 1789-95. But this was not all. While the University had been chartered no support had been provided for it by the State. An effort was being made to open its doors to students, but the trustees and faculty had no money. Its fortunes were at the lowest ebb. The trustees could or would do nothing in their private capacity, when Person came forward, and on April 20, 1796, gave the infant institution £500, and in April, 1797, £25 more. This sum, aggregating \$1050 in our money, was paid in silver dollars at a time when hard money was almost unattainable. The gift, for the time and section, a very large one, perhaps saved the institution and started it on a career of usefulness. Person Hall, known after 1837 as "the old chapel" and used in more recent years as a chemical laboratory, was named in his honor, and until the reopening of the University in 1875 all its diplomas were dated from Aula Personica. A street in Raleigh, another in Fayetteville, and Person County, erected in 1791, recall his name and fame.

General Person married his cousin. Tradition says her name was Johanna Philpot, of Granville (b. September 15, 1739). She died insane and without issue. He had two sisters, Martha, who married Major Thomas Taylor, of Franklin County, and Mary Ann (b. May 6, 1736), who married Major George Little, a son of Chief Justice Little, and a Revolutionary patriot of Hertford County. General Person adopted his nephew, William Person Little, who was a son of this marriage, educated him at Sprig's College, near Williamsboro, in Granville County, gave him much of his property, and it is in his honor that Littleton is named. He also had a brother, William Person (b. November 30, 1734), and a brother, Benjamin (b. February 13, 1737).

Person's family seat was at Goshen in Granville County. The sycamore trees planted by him are still standing, but in a decayed condition. He died in Franklin County, at the home of his sister, Mrs. Taylor, on November 16, 1800, (not 1799, as Wheeler says) while on his way from Raleigh to Goshen, and is buried at Personton on Hub Quarter Creek in Warren County.

The *Raleigh Register* for Tuesday, November 25, 1800, has a notice of his death and character. It is reproduced here, for it shows the esteem of his own generation.

"Died. At the house of Major Taylor, in Franklin County, on Sunday, the 16th inst., Thomas Person, of Warren, in the sixty-seventh year of his age.

"This gentleman was long a member of the General Assembly of North Carolina, as well before as since the Revolution, and at all times conducted himself in such a manner as to manifest a proper and steady regard, not only to the interests of his immediate constituents, but likewise to the welfare and happiness of the people of the State at large.

"He was a member of the first convention and of all the subsequent conventions had in this State. * * *

"He died as he lived, a firm believer and fixed Republican; and although he left no children, * * * he has raised up for himself a name which will neither be forgotten nor cease to be respected. * * **"

Archibald Henderson, a younger contemporary, congressman, and great lawyer, pronounced Person one of nature's noblemen, and Colonel William L. Saunders, a Democrat after Person's own heart, says of him: "Wherever devoted, intelligent, efficient patriotism was required, Person was promptly put on duty. * * * And to-day North Carolina bears in her bosom the bones of no purer patriot than those of Thomas Person" (Col. Rec., VIII, xxx).

Sources: Private information from representatives of the Person family for use in my "Life of Mangum"; the Colonial and State Records, *passim*, where Person's public life is fully portrayed, with many useful suggestions as to the complexion of political parties in that day from Saunders' "Prefatory Notes" and Dodd's "Life of Macon."

SKETCH OF FLORA McDONALD.

BY MRS. S. G. AYER.

Flora McDonald was the daughter of Ranald, who was the son of Angus, youngest son of Milton. She was born in Milton in island of Uist, Argyleshire, Scotland, in 1726. I have never yet learned the exact date. Her earlier years were spent in her native Uist, where she could hear the roar of Corrievrecken, and see the mountains of Currada and Skye rise in solemn grandeur toward heaven; or at her brother's home at Corrodale, where she had a commanding view of Loch Boisdale and Loch Skipport, which separate Uist from the main land and the Isle of Skye. Midst scenes of grandeur and sublimity, the earlier years of Flora passed away; but, her father having died, in a few years after Flora's mother married Hugh McDonald of Armadale, in the Isle of Skye.

Skye seems to have been more favored with schools and seminaries than other portions of the Highlands at that time and Flora having the advantage of the ancient institutions was at an early age quite well educated and was deeply imbued with a veneration for the system of clanship, and loyalty to the house of Stuart.

In her teens she was sent to Edinburgh to complete her studies and to acquire the grace and polish suited to her station in life. That she succeeded most admirably may be gathered from the way in which Dr. Johnson in his "Tour of the Hebrides" speaks of her, as a "woman of middle stature, soft features, gentle manners and elegant presence." Mr. James Banks in his "Life and Character of Flora McDonald" also says, "years ago I heard Malcomb McKay, who had been in early life a Cornet in the British Army, remark, that he had seen the Queen of England and many of her attendants,

but for grace and dignity Flora McDonald excelled all the women he ever beheld and that it was worth a day's ride to see her graceful manner of sitting or rising from a chair, that there was a perfection of ease and grace in that simple act that could be felt but not described." This sounds extravagant to a nineteenth century woman though we are all ready to admit Flora a most extraordinary woman.

Flora McDonald was related to the Clanranald branch of the family of that name, and was consequently descended from a family of heroes, whose deeds of valor had afforded themes for the immortal Ossian and whose prowess nearly prevented the removal of the Scottish capital from Dunstaffnage (Flora was imprisoned here) the palace of the ancient kings of Scotland, whence the chair of Scone was brought to crown the royal Bruce, and now forms an appendage to the regalia of Britain.

Perhaps I have said enough of the lineage, personal appearance and general characteristics of Flora McDonald. Sir Walter Scott speaks beautifully of her in "Waverly." Her loyalty to the House of Stuart is represented as the ruling passion of her life. Those who have read Waverly remember Flora McIvor. When Prince Charlie landed in Scotland and raised the royal standard on the hills of Moidart and called the chiefs of McDonald, Lochiel and Glengarry to uphold that banner, the young and enthusiastic Flora in her Highland home was heard to exclaim:

"Yes. Up with that banner.

Let forest winds fan her.

It has waved o'er the Stuarts ten ages and more;

In sport we'll attend her,

In battle defend her,

With hearts and with hands like our fathers before."

Ah! but when that banner was trailed in the dust at Culloden, and her prince seeking an asylum and a hiding place in the glens and mountains, over which his ancestors had so

long exercised control, when he was persecuted and hunted like a wild animal, hemmed in by the Duke of Cumberland, (victor of Culloden) as by a wall of fire on the little Island of Uist, sentinels stationed at every possible place of escape, patrols were at every ferry and at every pass, even a fleet of British cruisers had surrounded the island, false friends had deserted him, and the timid ones shrunk away in despair, a *price* was set upon his head, his enemies believed his destruction certain, men of iron nerve quailed and were unable to effect his escape. Now a woman comes to do what brave men dare not, she releases Prince Charles Edward from his island prison.

Oh, woman, in our hours of ease
Uncertain, coy and hard to please;
When pain and anguish rack the brow,
A ministering angel thou.

And truly "a ministering angel" was Flora McDonald to the poor, despairing Prince. When she was asked by Captain Neal and Lady Clanranald to help the Prince to escape she said that the McDonald (her step father's), McLeod and Campbell militia commanded every pass, the Prince was known to be on the island, a price of thirty thousand pounds was on his head, Loch Skipport and Loch Boisdale were covered with English sails cruising about towards France so that a sparrow could not go beyond their lines without their knowledge. But with her ready wit she devised a plan. She was shown the Prince in a miserable "shieling" on the estate of her brother at Corrodale. She was so overcome, to see her Prince, his clothes in tatters, half famished, preparing his frugal meal, that she knelt before him declaring her readiness to die in the attempt to save him. The Prince raised her from her kneeling posture and assured her "he would always retain a deep sense of so conspicuous a service." On the same day she returned to Milton to make ar-

rangements to take the Prince from Uist to Skye. The next day, June 21, 1746, as she was trying to cross over to Ormaclade, the seat of Clanranald, she was taken prisoner, having failed to provide herself with a passport. On being arrested she refused to answer any questions, and demanded to be taken to the officer in command. This she was denied and was committed to prison for the night. In the morning she was taken before the Commander, who proved to be no less a person than her stepfather, Hugh McDonald of Armadale, to whose house in Skye she expressed a strong desire to go, that she might avoid unpleasant and annoying encounters with the soldiers on the island of Uist. Her request seemed so natural, that he readily consented to give her a passport for herself and Neill McEachin McDonald who acted as her servant. (He was the father of Marshal McDonald, Duke of Tarentum, one of Napoleon's ablest generals). Another passport was also obtained for "Betty Burke," an Irish girl whom she had met on the island, and wished to carry to help her mother spin flax and to keep them company while the master of the house was absent. So unsuspecting was her father that he even wrote to his wife giving reasons for sending Flora from the island and recommending Betty Burke for spinning, and giving leave to hire and employ her till his return. After getting the passport Flora sent a message to the Prince telling him that all was well, asking him to meet her at Rasimish in Benbicula. In the meantime she went to Lady Clanranald's and told her her scheme. Lady Clanranald complimented her and supplied the necessary dress to disguise the Prince as an Irish servant girl. The dress consisted of "a flowered linen gown, sprigged with blue, a light quilted garment, a cap and apron, and a mantle of dun colored camlet, made after the Irish fashion with a hood." She hired a six-oared boat to take them across to Skye, telling the men when and where to meet her. With

Lady Clanranald and her servant boy McNeill she went to meet the Prince who had gone by her directions to the wilds of Benbicula. They found him preparing his own dinner which was of the humblest fare. "At dinner Flora occupied a seat on the Prince's right hand and Lady Clanranald on his left." After dinner much to the Prince's astonishment Flora told him he was to go with her as her servant girl and showed him the disguise she had procured for him. The Prince appreciated the ingenuity of the plan and, to the merriment of the ladies, was soon transformed into a rather awkward maid. Scarcely was this done when a messenger came to announce that Captain Furgison had quartered at Ormaclade, making it positively necessary that Lady Clanranald should hasten back that any suspicion might be averted. She took an affectionate farewell of the Prince and left her brave kinswoman alone and comparatively unaided to work out the escape of their dearly loved Prince. It must have been most trying, indeed, to one so young, but she seemed equal to the emergency. When Captain O'Neill, who had up to this time been the inseparable companion of the Prince, refused now to be separated from him, she stood firm and told him if he did go all was indeed lost as she had passports for only three. Both O'Neil and the Prince were obliged to yield and took a most affectionate leave, embracing each other. That evening when they reached the seashore, wet and weary, imagine their distress at not finding the boat which they expected. They were obliged to pass the night on the rock anxiously waiting, but as it did not come they ventured to kindle a fire to dry their dripping clothes and warm themselves. No sooner had they begun to feel somewhat comfortable than "four wherries filled with armed men were seen approaching," this obliged them to put out the fire and look for shelter among "the bonnie blooming heather." Fortunately they did not land or make any search, but, in a

short time, the wherries tacked and passed within gunshot of the place where they were concealed. All of the next day they were obliged to seek shelter, these three, among the mountains of that "rock-girt sea," but in the evening their boat came, and immediately set sail for Skye. The evening was "calm, clear and serene" and a gentle favorable breeze rippled over the water, but soon the sky began to lower, the wind rose, the billows rolled mountain high and threatened to engulf their little boat. The even temper of the Prince seems not to have been ruffled by any reverse of fortune; it is related of him that "he was superior to the elements, and to cheer and animate the sailors he narrated incidents of naval valor, and sung songs of the British Isle." Flora feeling that her watchful care was not then necessary to her Prince, closed her eyes and restored tired nature, and prepared for the next day's trials. While she slept the Prince kept watch that she might rest undisturbed. Judge of their anxiety, when day dawned, no land was in sight, and not having a compass they could not tell where they were, or which way to steer. "There is a Divinity that shapes our ends rough hew them as we may." The seamen steered at random, and in a short time were cheered by seeing the headlands of Skye, in the dim distance. What must have been their feeling! When at Waterwish they were fired upon by McLeod's militia. As the bullets fell thickly around them, the Prince tried to persuade Flora to get in the bottom of the boat. She refused to do so but insisted that he should do so. Seeing that she was determined, the matter was compromised by both taking shelter in the bottom of the boat until they had gone beyond danger. About the middle of the next day the boat entered a little creek near Moydhstat in Skye, the seat of Sir Alex. McDonald who was at that time with the Duke of Cumberland at Fort Augustus making plans for the capture of the fugitive Prince, who was on his way to

Lady Margaret McDonald's, Sir Alexander's wife; she being a strong Jacobite was anxious for the Prince to escape. She was a daughter of the celebrated Susana, Countess of Alington, whom Dr. Johnson has immortalized as a beauty and a wit and to whom Allan Ramsey dedicated his pastoral, says: "When Flora reached the castle with the Prince she was surprised to find Captain McLeod quartered there fully empowered to examine and arrest all suspected persons. She intuitively discovered that he suspected her, so instead of avoiding a meeting with him she sought his society and by her easy, pleasant manners so won him that he escorted her to dinner and paid her much attention." As soon as the "Mountain Dew" (I wish I could recollect the formula of this famous drink; Mrs. Furgison gave it to me but with other papers was lost in the fire) was brought on Lady McDonald and Flora retired leaving the gentleman to their "*cup.*" They went immediately to the private apartments of Lady McDonald where the Prince was waiting for them. While they were discussing means for his escape, Captain McLeod knocked at the door. Flora sent the maid "Betty Burke" to open the door, which she did and slowly retired from sight. This little ruse disarmed the Captain of any suspicion he may have entertained, and apologizing for the intrusion returned to the hall. Lady McDonald called to their counsel her husband's factor, Alex. McDonald of Kingsboro (afterwards Flora's father-in-law). He asked that the Prince might pass the night with him, at his home fourteen miles away. To this they readily consented. While Kingsboro (Alex. McD.) was getting the Prince away, Flora took leave of her mother publicly and her manner was so self-possessed that *all* of Captain McLeod's suspicion was allayed. They walked from Moydthstat to Kingsboro in the pouring rain. The mountain streams were full to overflowing and the Prince came near betraying himself by the awkward way in which

he managed his skirts, but after a good many narrow escapes they reached the hospitable mansion of Kingsboro about midnight. The lady of the house was very much alarmed. She feared that Flora had been imprudent in letting the boat which brought them to Skye return to Uist, nor were her fears long in being realized. The men on their arrival at Uist told their suspicions and royal troops set out immediately in purusit. The Prince at a late hour retired and enjoyed the first refreshing sleep he had had for months past. In the morning the lady asked for a lock of his hair as a memento that he had passed a night under her roof; the Prince consented and Flora at his request cut a lock which she divided between Mrs. McDonald and herself. On another occasion the Prince came near being discovered but Flora's self-possession and ready wit saved him. Turning towards him she commanded "Betty Burke" to put on the kettle, "Betty" went to do as bidden and so escaped again, but Flora was afraid to venture to hide him again in her mother's house so determined to put off female attire and disguise him as a farmer. This she did and he made his escape into the country of the Laird of Raasay, who was then outlawed, and in his mountain home bid defiance to the troops of Hanover. The McLeods of Raasay met Flora, the Prince and Neill McEachin at Portree and carried them into their own territory, not only at the risk of their lives, but knowing that their daring act would operate as an excuse for the confiscation of their entire estates. On July 1, 1746, the Prince bade Flora "a tender and affecting farewell, ardently thanked her for her protection during the past ten days, and for having enabled him to escape from the wall of fire by which she had found him environed, and which he could never have passed without her aid and intrepidity. In affecting tones he told her that he yet hoped to meet her at the Court of St. James, when he would be able to reward her heroic devotion

to her unfortunate Prince Charles Edward. History tells us though he was denied this privilege he never mentioned her name except in the highest terms of respect.

The Prince escaped from Raasay to France and Flora returned to her brother's home in Uist. Soon after reaching there she was called to appear before McLeod at Tallisker, and answer to the charge of helping the Prince to escape. Her friends entreated her to hide herself for awhile, but she refused to do so and started unprotected and alone to answer the summons. On her way to Tallisker she was met and arrested, not being allowed to take leave of her friends, was carried on board the sloop "Furnace," Captain Furgison commanding. Three weeks later under an escort of soldiers she was allowed to bid her mother adieu, and was much hurt to learn from her that her stepfather was implicated in her offense, and that the people generally believed that he knew when he gave his daughter the passport for "Betty Burke" it was intended for the Prince. Flora bravely denied this charge on her stepfather, saying that she only was to blame. At her earnest request Kate McDonald was allowed to go with her as her maid. She was again taken on board the Furnace, but was soon considered a state prisoner of so much importance that she was exchanged to a vessel commanded by Commodore Smith, who was kind-hearted and very much sympathized with his fair captive in her distress. By his position and influence he was enabled to have her temporarily transferred as a prisoner to Dunstaffage Castle. In September, she was again put on shipboard and carried to Leith Roads, where she was tossed in one of England's naval palaces until some time in November. During this time her name had become famous, as the lass who helped Prince Charles Edward to evade his foes and hundreds came from Edinburgh to see and talk with its Scottish heroine. Among the number were Bishop Forbes, Lady Bruce, Lady Cochran

and Lady Clarke, the latter of whom was so eager to do her honor that she was "willing to wipe her shoes." On the 27th of November, having been kept in captivity in Scotland four months, she was placed on board the "Royal Sovereign" and taken to London to await her trial on charge of treason. Government discovering that the people so deeply sympathized with her, that it was thought best not to put her in a common prison or in the tower, but determined to place her in the care of friends, who would be responsible for her appearance, and yet allow government an oversight and knowledge of her correspondence and actions. "In this mitigated imprisonment Flora remained a State prisoner in London about twelve months" until in 1747 an act of indemnity was passed, which set her free, and permitted her to return to her "native Highland home." It is said that during her long imprisonment, she was ever cheerful, her address easy, elegant and winning, while "a subdued and modest gravity deepened the interest excited by her simple, artless character." Upon one occasion, Frederick, Prince of Wales, demanded of her how she dared to aid a rebel against his father's throne? With great simplicity she replied that she would have done the same for him had she found him in like distress. The answer conquered his resentment and made him a lifelong friend.

After her liberation she was a guest of Lady Primrose, and crowds of the nobility came to pay respects to the heroine. Her picture was painted for Commodore Smith and copies were soon scattered throughout the kingdom. One of these copies I have often seen and handled, it being the property of the old lady before referred to—Mrs. Cathrine Furgison; since her death copies have been made from it (she most positively refused to have any copies made during her life) and I now have one of my own which I prize highly.

Flora soon tired of the attentions shown her in London and longed for the quiet of her own home and the mother's love which she knew was waiting her there. In after life Neill McDonald (the same for whom she got the passport as her servant) was accustomed to say that he went to London to be hanged, but, instead was honored by being sent home with Flora McDonald in a coach and four.

In 1750 in the thirtieth year of her age she was married to Alexander McDonald of Kingsboro, son of Kingsboro who had helped in the Prince's escape. We learn from Boswell that Flora's husband "was completely the figure of a gallant highlander, exhibiting the graceful mien, and manly looks, which our popular Scotch songs have justly attributed to that character. He had his tartan plaid thrown around him, a large blue bonnet with a knot of black ribbon like a cockade, a brown short coat, a tartan waistcoat with gold buttons, and gold button holes, a bluish philibeg and tartan hose. He had jet black hair tied behind, and was a large stately man, with a steady sensible countenance." Soon after her marriage her husband's father died and they moved to the Kingsboro estate, the home where she had found one night's rest for the Prince, and here they entertained Dr. Johnson and his friend Boswell. Writing to Mrs. Thrale, Dr. Johnson says: "Flora told me she felt honored by my visit, and I am sure whatever regard she bestowed on me, was liberally repaid. If thou likest her opinion thou wilt praise her virtues." He slept in the same room and on the same bed which the Prince had occupied on that memorable night in 1746. In the morning he (Johnson) left a strip of paper with these words written with a pencil: "*Quantatum cedat virtutibus aurum.*" Boswell translated it: "With virtue weighed, what worthless trash is gold." Kingsboro's estate was in an embarrassed condition, which during his father's lifetime had suffered in consequence of his exertions in the cause of the Prince, having

lost his position as Factor in the management of his chief's estate. As is the custom in the "*old country*" Flora had a marriage contract which gave her all of her maiden property beyond her husband's control; Sir Walter Scott had this document in his possession at the time of his death. She sacrificed her rights hoping to help her husband to repair his losses, and he thinking to better do so decided to try his fortune in the "New World." Accordingly in 1774, they sailed from Cambleton, Kintire, for Wilmington, North Carolina, on board the ship "Baliol."

The fame of Flora had crossed the water in advance of the heroine and when she arrived at Wilmington a ball was given in her honor, which she attended and "took much pleasure in the attention paid her eldest daughter, Anne, who was just then blushing into young womanhood, and bore a striking resemblance to her mother."

When she came to Cross Creek her old neighbors and kinsfolk who had preceded her a few years gave her a truly Highland welcome. "The strains of Pibroch and the martial airs of her native land greeted her on her approach to the capital of the Scotch settlement. "In this village she remained some time, visiting and receiving visits from friends, while her husband went to the western part of Cumberland, looking for land." One day she went to Mrs. Rutherford's, after Mrs. McAustin, (she occupied the house at that time known as the Stuart place just north of the Presbyterian church) and while there she saw a picture of "Anne of Jura" assisting the Prince to escape. Looking at it she said to her hostess: "Turn it to the wa, turn it to the wa, never let it see the light again, it is na true. Anne of Jura was na there and did na help the bonnie Prince." She lived on Cameron's Hill in Cumberland for a short while, and attended "preaching" at Longstreet and Barbecue, two Presbyterian churches. The minister at that time was Rev. Mr. McLeod.

Her daughter Anne married Alex. McLeod of Glendale, Moore County, in 1775. He afterwards distinguished himself in European wars and rose to the rank of Major-General in the British service. She died in Stein, Scotland. In the year 1775-76, Governor Martin, of North Carolina, determined to raise a body of men from among the Scotch Highlanders to be sent to Boston and mustered into the "Royal Highland Emigrant Regiment" to help General Gage to break down all opposition there. He accordingly selected Flora's husband and granted him the commission of Brigadier-General. In order to assemble the Scotch, balls were given in different parts of the settlement. Flora attended some, accompanied by her daughter Anne (now Mrs. McLeod) and a younger daughter Fanny. "Upon these occasions Anne and Fanny reigned supreme and bore off all the honors of the ball." January, 1776, "Kingsboro" McDonald bought a piece of land from Caleb Tuchstone on the borders of Richmond and Montgomery counties, and named it "Killiegray." Here two of Flora's children died and were buried. The road runs near the graves, which now are enclosed by a plain rail fence, by the present owner, a Mr. McLeod. I visited the spot during the winter of 1886 and was impressed by the surroundings. They did not befit the last resting place of Flora's children—simply a rail fence (true in good condition and probably the best Mr. McLeod could afford) around them, all overgrown with brush and weeds; not even the name or date could be deciphered on the decayed headboard. I felt had I the means how I should love to put some mark there by which future generations might know whose dust lay there, if it were nothing more than this. "These are the children of Flora McDonald, the Flora whom all admirers of feminine courage love to honor, she who risked life, fortune and that which every woman holds most sacred, reputation, to save her Prince, the unfortunate Charles

Edward." These words inscribed on a marble slab would cost so little and yet would be sufficient to tell to all who read it, whose graves they were. In the field a short distance from the graves the remnant of what seemed to have been a neat four-roomed cottage, my friend told me it had been the home of Flora. I did not see any of the family, they having gone to attend "the meeting" so the neighbors told us. In this I was disappointed hoping to have gathered some information from them in regard to the date of the children's death, their names, etc. I hoped too to get the date of the transfer of the property from the McDonalds to the McLeods, having been told that the present owner was a descendant of the McLeod who bought the property from the McDonalds, and, ah! flattering hope whispered perhaps they treasured the old deeds and I might see them too.

"When the royal banner was unfurled at Cross Creek in 1776, and the loyalist army marched towards Brunswick, under the command of Brigadier-General Donald McDonald, an officer sent by General Gage, who ranked Kingsboro (Flora's husband,) she, with the true devotion of a wife, followed her husband, and encamped one night on the brow of Haymount, near the site of the U. S. Arsenal. In the morning when the army took up its line of march, midst banners streaming in the breeze and martial music floating on the air, Flora embraced her husband, and tears dimmed her eyes as she breathed a fervent prayer for his safe and speedy return to their new home at Killiegray. In company with Malcom McKay (then sixteen years of age) she retraced her steps home, and spent the first night with McKay's mother at Longstreet." After the defeat of the loyalists at Moore's Creek, and the capture of her husband Flora's health seems to have broken. Her husband was kept a prisoner in Halifax, N. C., jail and she was not allowed to visit him at all,

so at his earnest request she decided to return to their home in Scotland. She remained a year or two at Killiegray, making frequent visits to Cross Creek where a hearty welcome always awaited her. After many difficulties with the Whig scouts, she succeeded in getting a pass from Captain Ingram (a Whig) in 1779. This enabled her to reach Fayetteville, N. C., and Wilmington, N. C., from which place she made her way to Charleston, S. C. From there she sailed to her native land. "On the passage the vessel was attacked by a French cruiser; during the engagement Flora refused to go below, and remained on deck urging the men to deeds of daring. Her arm was broken in the fight, and she was accustomed to say she had fought for the House of Stuart and for the House of Hanover, but had been worsted each time." Her three sons, Charles, James and John, were in the British army, and Ranald and Sandy were in the naval service of England. Fanny was the only child with her and she seems to have been too young to give her mother the sympathy and comfort she so much needed at this trying time.

Two letters written by Flora McDonald, one in 1780, the other in 1782, were published in the "Jacobite Memoirs," and have since been republished, I think, in *Blackwell's Magazine*, some time during the forties of the last century.

After peace was restored, her husband was liberated and returned from North Carolina to Skye, where he lived with his family till his death and was buried in Kingsboro burying ground. On the 5th of March, 1790, Flora died and was buried in the church yard of Kilmuir in Skye "within a square piece of brick wall, which encloses the tombs of the McDonalds of Kingsboro," at the age of seventy (70) years. It is said that at least four thousand persons attended the funeral. "A great number of pipers assembled and simultaneously played the usual lament for departed greatness.

Three hundred gallons of the purest 'mountain dew' was served out to the assembled multitude."

Her son, Colonel McDonald, provided a marble slab with a suitable inscription, but it was broken when being carried to the cemetery and every piece of it has been taken away by tourists, anxious to possess some relic of the heroic woman.

Up to seventy years ago there was not even a simple marble stone to mark her grave.

In 1898 one of the Scottish towns, (I do not remember which) elected to have a monument to Flora McDonald. It was a woman in Highland dress. When the statue was brought to the city, the woman was barefoot and the people were so indignant that they refused to accept it. The last accounts it still had not been unveiled.

Flora, by request, when buried was wrapped in the sheet on which the Prince slept when at Kingsboro that memorable night in 1746. It had twice passed through Wilmington and Fayetteville, N. C., as she never allowed it out of her possession.

BIOGRAPHICAL AND GENEALOGICAL MEMORANDA.

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

CLARENCE H. POE.

The following sketch of Mr. Clarence Hamilton Poe, of Raleigh, N. C., the author of the article on "Indians, Slaves and Tories: our early Legislation regarding them," is revised from the 1908-09 edition of "Who's Who in America":

"Clarence Hamilton Poe; journalist; author; born in Chatham County, North Carolina, January 10, 1881; son of William B. and Susan (Dismukes) Poe; educated in the public schools, and at home (his mother having been a teacher) till 16 years of age when he began newspaper work. Editor-in-chief of the *Progressive Farmer* since 1899; he is now president of the Agricultural Publishing Company; secretary-treasurer of the Mutual Publishing Company; president of the Southern Farm Gazette Company; secretary-treasurer State Literary and Historical Association; chairman of the N. C. State Anti-Saloon League; acting chairman N. C. Child Labor Committee. Baptist. Democrat, unmarried. Author: (in collaboration) "Cotton; Its Cultivation, Marketing and Manufacture," published by Doubleday, Page & Co., 1906, "A Southerner in Europe," Mutual Publishing Co., 1908. Contributor to *World's Work*, *Review of Reviews*, *North American Review*, *Atlantic Monthly*, and other magazines."

Mr. Poe has two marked qualities that hardly ever fail to make a man worth much to himself and his country: first, he is a persistent and systematic worker; second, he has the analytical faculty which enables him to see the real significance of things and to grasp the essentials. He thinks easily and rapidly, and his energy enables him to carry his thoughts into execution. No man is doing more to advance the interests of the South than he, especially in the line of Agri-

culture. Endowed with tremendous industry, genuine patriotism, and lofty ideals, in time to come he will be widely known as one of the rebuilders of the South. He has so enlarged his activities that his editorial range stretches from Maryland to Texas. His two papers, the *Progressive Farmer*, of Raleigh, N. C., and the *Southern Farm Gazette*, of Starkville, Mississippi, have a combined circulation of about 70,000, weekly, and these lists are increasing at a great rate.

He is not only a remarkable editor but a man of fine business capacity. He is a man of unusual talent and has to his credit many successful magazine articles. He is devoted to the history of North Carolina and serves as Secretary and Treasurer of the State Literary and Historical Association, the purpose of which is "the collection, preservation, production and dissemination of our State literature and history; the encouragement of public and school libraries; the inculcation of a literary spirit among our people; and the engendering of an intelligent, healthy State pride in the rising generation."

Mr. Poe is a man of versatile talents, methodical and painstaking, and withal an excellent citizen. Reared on a farm in the country he sees the need of educating the masses in the best modes of agriculture. He has inherited the patriotism of a patriotic father who was a Confederate soldier and served his country faithfully. He has inherited those traits from an ambitious mother that have made him progressive and painstaking in whatever he undertakes.

That he merits the confidence of his fellow-citizens is attested by the numerous places of honor and trust that he fills.

STEPHEN B. WEEKS.

Stephen Beauregard Weeks, the author of the article on General Thomas Person, belongs to the new school of histori-

cal writers who came to the front at the close of the last century. It is composed of the younger men who have been trained in the science of historical investigation. To-day Dr. Weeks stands among the foremost of North Carolina historians.

The Weeks family was of Devonshire, England, and appeared in North Carolina in 1727, when Thomas Weeks settled in Pasquotank County, N. C. The subject of this sketch is of the fifth generation. Dr. Weeks's mother was Mary Louise Mullen (formerly Moullin), of Huguenot ancestry from Virginia. He was left an orphan at the age of three years and was reared by an aunt, Mrs. Robertson Jackson, of Pasquotank County, who taught him habits of industry, economy and sobriety. He attended the country school and prepared for entering the T. J. Horner School at Henderson at the age of fifteen years. From Dr. Horner he received his first real intellectual impulse.

In the year 1886 he entered the University of North Carolina, where he took the degree of A.B. During two years of post-graduate work there in English language, literature, German and Latin he took A.M. in 1887 and Ph.D. in 1888. The three following years, 1888-91, were spent as honorary Hopkins scholar at Johns Hopkins University in the study of history, political science and political economy, and by what he called "invincible attraction" he turned to history and has made that his life work.

In June, 1888, he was united in marriage with Miss Mary Lee Martin, daughter of the Reverend Joseph B. Martin, of the North Carolina Methodist Conference. Mrs. Weeks died in 1891, leaving two children.

Dr. Weeks's second marriage was with Miss Sallie Mangum Leach in June, 1893. She is granddaughter of Honorable Wiley P. Mangum, who was Representative and Senator from North Carolina in the Congress of the United

States, and from 1842-1845 President of the United States Senate. His career was highly distinguished and altogether honorable to the State.

Dr. Weeks has held many important positions. He was Professor of History at Trinity College; established the Trinity College Historical Society at Durham, N. C.; was Fellow by Courtesy in Johns Hopkins University; and has spent much time in original investigations along historical lines. He was appointed by the Philanthropic Society of the University of North Carolina to edit its register of members. This gave him acquaintance with the great men of the University, and he branched out from this into his life work. He has the most complete collection of books on North Carolina history, and the largest collection of autographs, pamphlets, and original letters bearing on our State history from the Lords Proprietors to the present time. He is an untiring collector of everything pertaining to North Carolina. He has contributed to the public many monographs on historical matters based on undoubted facts. In July, 1894, Dr. Weeks accepted a position with the United States Bureau of Education, which opened to him a broader field for his chosen profession. He was one of the organizers of the Southern History Association, which has issued ten volumes of high historical value.

In the fall of 1899, his health requiring a change of climate, he obtained a transfer to the Indian service of the National Government, and was stationed at Sante Fé, New Mexico, as principal teacher in an Indian school. Later he served as Superintendent of the San Carlos Agency School in that Reservation. Though far removed from his native State, his interest has not abated, but he was diligent in the use of his spare time in giving the service of his pen for the forward advancement of history.

In 1902 the degree of LL.D. was conferred on him by Wake Forest College.

After a few years in the far West, his health becoming restored, he returned to North Carolina. He resides at Trinity, in Randolph County, and is engaged in the preparation of an Index to the Census Records for 1790, an Index to the Colonial and State Records of North Carolina, a Bibliography of North Carolina, a History of Education in the Southern States during the Civil War, and other matters of history. Dr. Weeks's service to North Carolina is invaluable—and while yet in the prime of life no one can foresee what this active student of our history may yet search out and spread before his fellows.

Facts for the above were obtained from T. M. Pittman's sketch of Dr. Weeks in the Biographical History of North Carolina, Vol. VII.

MRS. S. G. AYER.

Mrs. S. G. Ayer, daughter of Captain Charles Betts Cook and Mary Langdon O'Hanlon, his wife, was born in Fayetteville, N. C., just as the war cloud burst on the fair Southland. The first recorded act of her childhood was knitting a pair of socks for a Confederate soldier at the early age of four and a half years. James Gee, who fought with General Marion in South Carolina, was her great-grandfather. Mary Gee, his wife, by her wit and coolness, saved the lives of two patriots during the Revolution. Mrs. Ayer served as chairman for Cumberland County in 1907, an appointment bestowed by the Jamestown Historical Committee of North Carolina. She rendered most efficient aid and collected many valuable and interesting relics for the North Carolina historical exhibit at the Jamestown Exposition. She married in 1883 Samuel Gee Ayer. She is President of the Liberty Point Monument Association, Fayetteville, N. C. She inherits the spirit of her heroic Revolutionary ancestors.

ABSTRACTS OF WILLS PREVIOUS TO 1760.

FROM SECRETARY OF STATE'S OFFICE.

Will of Peter Shrouck, July 15, 1750, July 10, 1751; brothers Michael and George Capehart; brother John Capehart; father George Capehart, Executor. Test: Edy Citer, John Cricket (Bertie).

Will of Stephen Stevens, Currituck, Apr. 20, 1748, Oct. Court, 1748. Son Michael O'Neal, daughter Thomazin Taylor, Sarah Fanshaw, son John Stevens, daughter Mary Stevens, all my children. Thomas and John Stevens, Executors. Test: Thomas Taylor, Gilbert Portwood, James Mercer.

Will of William Stevens, Beaufort, Feb. 22, 1750, March Court, 1750. Sons James and William, John Barrow and wife Penelope, Executors. Test: Ezekiel Dickenson, Salathiel Mixon.

Will of Joseph Sanderson, Currituck, January 13, 1743. Oct. Court, 1746. Wife Julia, sons Rowland and Thomas, sons Samuel, William, Joshua, Benjamin and Joseph. John Lurry (Leary?) Executor. Test: John Woodhouse, William Bagley, Samuel Jarvis.

Will of James Shirley, Cape Fear, Feb. 10th, 1837-8. Son Desminiere, daughters Susannah and Ann. Wife Ann, Exrx. Test: Dan Campbell, Armand D'Rossett, M.D., Roger Rolfe.

Will of Charles Stevenson, Northampton, July 4th, 1748. Nov. Court, 1751. Sons Benjamin, William, George and Jesse, wife Mary, daughters Elizabeth, Martha, Susannah and Olive. Test: John Dawson, Abram Hood, Edward Streeter.

Will of John Sharee, Craven Co., Oct. 25th, 1730. Dec. Court, 1730. John Thomas, Thomas Blake, Thomas Flybas, Mehitable Rutledge, also my Exrs. Test: Jacob Hover, R. Atkins.

Will of Robert Shearer, Bertie, Oct. 22, 1727. Sons Robert, Arthur, John and William, wife Elizabeth, daughters Prudence and Susannah. Wife, John Dew and Arthur Williams, Exrs. Test: Henry Gray, Joseph Boon.

Will of Daniel Shine, Craven, March 9th, 1757. August Court, 1757. Sons John, Thomas and William, daughter Elizabeth Vaughn. Son James, Tamer Shine and John Oliver, Exrs. Test: Furnifold Green, Charles Williamson, Charles Shine Wolf.

Will of Thomas Smithson, Pasquotank, Nov. 2d, 1742. Jan. Court, 1743. Son Joshua, daughter Marian, sons Joseph and John, daughter Dorcas, daughters Mary Murden and Tamer Morris. Wife Ann and son John, Exrs. Test: Richard Pritchard, Edmund Jackson.

Will of William Sitgreaves, Beaufort, July 5th, 1741, March Court, 1742. Stephen Ford and my aunt Mary Lingard, of Philadelphia, Exrs. Test: Michael Paquinet, Michel Paquinet, Mary Paquinet.

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Genealogical Department.

INFORMATION

Concerning *the* Patriotic Society

"Daughters of the Revolution"

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

"The North Carolina Society"

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

Membership and Qualifications

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

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

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

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Vol. II

"Our Own Pirates," Capt. S. A. Ashe.

"Indian Massacre and Tuscarora War," Judge Walter Clark.

"Moravian Settlement in North Carolina," Rev. J. E. Clewell.

"Whigs and Tories," Prof. W. C. Allen.

"The Revolutionary Congresses," Mr. T. M. Pittman.

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"County of Clarendon," Prof. John S. Bassett.

"Signal and Secret Service," Dr. Charles E. Taylor.

"Last Days of the War," Dr. Henry T. Bahnson.

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"Trial of James Glasgow," Kemp P. Battle, LL.D.

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"Historic Hillsboro," Mr. Francis Nash.

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"North Carolina and Georgia Boundary," Daniel Goodloe.

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"Genesis of Wake County," Mr. Marshall DeLancey Haywood.

Vol. V.—(Quarterly).

No. 1.

"St. Paul's Church, Edenton, N. C., and its Associations," Richard Dillard, M.D.

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"The Indian Tribes of Eastern North Carolina," Richard Dillard, M.D.

"History Involved in the Names of Counties and Towns in North Carolina," Kemp P. Battle, LL.D.

"A Colonial Admiral of the Cape Fear" (Admiral Sir Thomas Frankland), Hon. James Sprunt.

"Biographical Sketches: Introduction; Maj. Graham Daves." By Mrs. E. E. Moffitt.

October, No. 2.

"The Borough Towns of North Carolina," Francis Nash.

"Governor Thomas Burke," J. G. de Roulhac Hamilton, Ph.D.

"Colonial and Revolutionary Relics in the Hall of History," Col. Fred. A. Olds.

"The North Carolina Society Daughters of the Revolution and its Objects."

"Biographical Sketches: Dr. Richard Dillard, Francis Nash, J. G. de R. Hamilton and Col. Fred A. Olds," Mrs. E. E. Moffitt.

January, No. 3.

"State Library Building and Department of Archives and Records," R. D. W. Connor.

"The Battle of Rockfish Creek, 1781," James Owen Carr.

"Governor Jesse Frankklin," J. T. Alderman.

"North Carolina's Historical Exhibit at Jamestown," Mrs. Lindsay Patterson, Miss Mary Hilliard Hinton.

"Biographical Sketches: Mrs. S. B. Kenneday, R. D. W. Connor, James Owen Carr and Prof. J. T. Alderman," Mrs. E. E. Moffitt.

April, No. 4.

"Lock's Fundamental Constitution," Junius Davis.

"The White Pictures," W. J. Peele.

"North Carolina's Attitude Toward the Revolution," Robert Strong.

Biographical Sketches: Richard Benbury Creecy, the D. R. Society and Its Objects, Mrs. E. E. Moffitt.

Genealogical Sketches: Abstracts of Wills; Scolley, Sprott and Hunter, Mrs. Helen de B. Wells.

Vol. VII. (Quarterly.)

July, No. 1.

"North Carolina in the French and Indian War," Col. A. M. Waddell.

"Locke's Fundamental Constitutions," Mr. Junius Davis.

"Industrial Life in Colonial Carolina," Mr. Thomas M. Pittman.

Address: "Our Dearest Neighbor—The Old North State," Hon. James Alston Cabell.

Biographical Sketches: Col. A. M. Waddell, Junius Davis, Thomas M. Pittman, by Mrs. E. E. Moffitt; Hon. Jas. Alston Cabell, by Mary Hilliard Hinton.

Abstracts of Wills. Mrs. Helen DeB. Wills.

October, No. 2.

"Ode to North Carolina," Pattie Williams Gee.

"The Finances of the North Carolina Colonists," Dr. Charles Lee Raper.

"Joseph Gales, Editor," Mr. Willis G. Briggs.

"Our First Constitution, 1776," Dr. E. W. Sikes.

"North Carolina's Historical Exhibit at Jamestown Exposition," Mary Hilliard Hinton.

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January, No. 3.

"General Robert Howe," Hon. John D. Bellamy.

"Early Relations of North Carolina and the West," Dr. William K. Boyd.

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April, No. 4.

"St. James's Churchyard" (Poem), Mrs. L. C. Markham.

"The Expedition Against the Row Galley 'General Arnold'—A Side Light on Colonial Edenton," Rev. Robt. B. Drane, D.D.

"The Quakers of Perquimans," Miss Julia S. White.

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Biographical Sketches: Mrs. L. C. Markham, Rev. R. B. Drane, Miss Julia S. White, Judge James C. MacRae. By Mrs. E. E. Moffitt.

Vol. VIII.—(Quarterly)

July, No. 1.

"John Harvey," Mr. R. D. W. Connor.

"Military Organizations of North Carolina During the American Revolution," Clyde L. King, A.M.

"A Sermon by Rev. George Micklejohn," edited by Mr. R. D. W. Connor. Biographical and Genealogical Sketches: R. D. W. Connor, Clyde L. King, Marshall DeLancey Haywood, by Mrs. E. E. Moffitt.

"Abstracts of Wills," Mrs. Helen DeB. Wells.

October, No. 2.

"Convention of 1835," Associate Justice Henry G. Connor.

"The Life and Services of Brigadier-General Jethro Sumner," Kemp P. Battle, LL.D.

"The Significance of the Mecklenburg Declaration of Independence," Prof. Bruce Craven.

"Biographical and Genealogical Sketches: Judge Henry G. Connor, Kemp P. Battle, LL.D., Prof. Bruce Craven," by Mrs. E. E. Moffitt.

January, No. 3.

"The Mecklenburg Declaration of Independence," Mr. A. S. Salley, Jr.

"The Mecklenburg Declaration of Independence," Prof. Bruce Craven.

"Mr. Salley's Reply."

"Mr. Craven's Rejoinder."

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"Patriotic Objects."

"Information Concerning the Patriotic Society D. R."

April, No. 4.

"Unveiling Ceremonies."

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