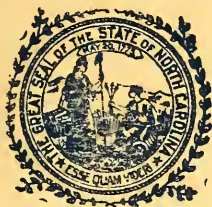


Vol. XVII

OCTOBER, 1917

No. 2

# *The* North Carolina Booklet



## GREAT EVENTS IN NORTH CAROLINA HISTORY



PUBLISHED QUARTERLY  
BY  
THE NORTH CAROLINA SOCIETY  
DAUGHTERS OF THE REVOLUTION  
RALEIGH, N. C.

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# The North Carolina Booklet

## Great Events in North Carolina History

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### VOLUME XVII.

Isaac Shelby: Revolutionary Patriot and Border Hero—Part II—  
Dr. Archibald Henderson.

Revolutionary Heroines of Mecklenburg—Miss Violet Alexander.

Glimpses of Plantation Life in the Old South—By an Eye Witness.

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*The*  
NORTH CAROLINA BOOKLET

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

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Published by  
THE NORTH CAROLINA SOCIETY  
DAUGHTERS OF THE REVOLUTION

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

EDITOR.

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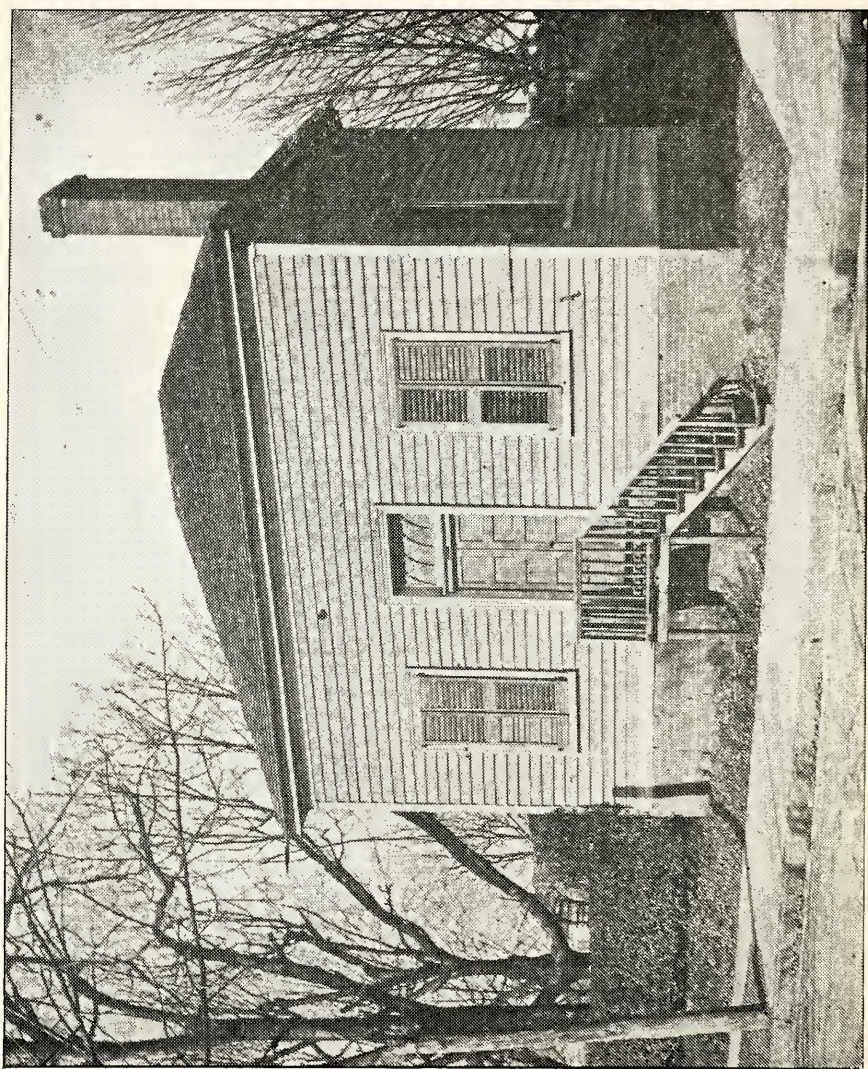
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\*Died November 25, 1911.

†Died December 12, 1904.







LAW OFFICE OF ARCHIBALD HENDERSON AT SALISBURY, N. C.

A few feet away, in the same yard, William R. Davie, and later, Andrew Jackson, studied

# The North Carolina Booklet

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Vol. XVII

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## A Federalist of the Old School

(CONCLUDED)

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By ARCHIBALD HENDERSON.

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"The most perfect model of a lawyer that our bar has produced."

ARCHIBALD DEBOW MURPHEY.

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### XIV.

During the summer of 1801 there appeared a notice in *The North Carolina Mercury and Salisbury Advertiser* (August 6) announcing the recent wedding of "Archibald Henderson, Esq., Member of Congress, to the amiable Miss Sally Alexander, both of this town." The union of the Henderson and Alexander families was doubly sealed by the marriage of William Lee Alexander, a native of Mecklenburg County, brother of Archibald Henderson's wife, with Elizabeth Henderson, Archibald Henderson's sister. In describing his acquaintances in Salisbury during the last decade of the century, Dr. Charles Caldwell says: "Henderson had two sisters, by far the most accomplished women of the place. . . . One of them was married (Fanny, to Spruce Macay), and the other (Elizabeth) single. I sincerely admired both . . . and passed in their society many delightful hours." Sarah and William Lee Alexander, whose brother was Dr. Nathaniel Alexander of Mecklenburg, a graduate of Princeton, afterwards Member of Congress and Governor of North Carolina, were the children of Colonel

Moses Alexander, first High Sheriff of Mecklenburg County and Colonel of the County Militia until his death in 1772, and his wife, Sarah, daughter of William and Jane Taylor Alexander. This Jane Taylor Alexander was descended from John Alexander, the youngest son of the first Earl of Stirling, who married Miss Graham of Gartmore, Scotland, and emigrated to America in 1659, settling in Stafford County, Virginia, in 1660. Moses Alexander was of the Caledon branch established in Ireland; and his grandmother was, with several sons, among the first to purchase and colonize a large tract of land in Cecil County, Maryland. She fled with others from Munster, the Earl of Stirling having suffered attainder, together with several thousand, from earls to yeomen, during the Dublin Parliament of James II.\* The three brothers, Moses, Nathaniel, and Daniel Alexander, shortly after 1750 settled on Rocky River, then in Anson County, afterwards Mecklenburg, now Cabarrus. Nathaniel Alexander, who held the rank of Captain in the North Carolina militia, under the command of Col. Hugh Waddell, was active in protecting the Rowan frontiers against Indian incursions during the French and Indian War. William Lee Alexander, a student at Princeton, a lieutenant in the Continental line during the Revolution, and a very distinguished lawyer in his day, resided for some years in Salisbury; and his sister, Sarah, was doubtless living in his home at the time of her marriage to Archibald Henderson.†

Three children blessed the happy union of Archibald and Sarah Alexander. An early sorrow of their married life was the loss in infancy of a son, named Roger Griswold for Mr. Henderson's warm friend and colleague in Congress, the distinguished Federalist of Connecticut. Two children who survived were Archibald and Jane Caroline. Archibald, who was born on January 8, 1811, was educated at Yale (1826-28) and at the University of Virginia (1828-31), from which

\*Johnston: *History of Cecil County*. The title was restored, about a century later, to Nathaniel Alexander, of Londonderry, Ireland, for distinguished service in the British East Indian Army.

†John Steele Henderson: *History of the Alexanders*. "Charlotte Observer," May 11, 1902.



latter he was graduated in the School of Moral Philosophy, July 16, 1831. On December 14, 1840, he was married to Mary Steele Ferrand, a granddaughter of General John Steele. Jane Caroline, a fascinating belle of North Carolina society, was married in November, 1845, to the Hon. Nathaniel Boyden, a native of Massachusetts, afterwards Member of Congress from North Carolina, and Associate Justice of the North Carolina Supreme Court.

About eight o'clock on Monday night, October 21, 1822, Archibald Henderson, at the age of fifty-four, died at his home in Salisbury. In honor to his memory, the Justices of the Supreme Court of North Carolina and the members of the bar in attendance upon the Court unanimously adopted the following resolutions:

*Resolved*, That we have heard, with the deepest sorrow, of the melancholy event which, since the last term, has taken from our country its distinguished citizen and deprived us of our much esteemed associate, ARCHIBALD HENDERSON, Esq.

*Resolved*, That as a token of respect for the memory of our deceased friend, we will wear crepe on the left arm for one month.\*

In the *Raleigh Register* of November 1, 1822, the following obituary notice appeared:

#### DIED,

At Salisbury, in this state, after a very short illness, Archibald Henderson, Esq., Counsellor at Law. This Gentleman's death is a public loss, for he was one of the most distinguished Members of the Bar in the State, and a man of unblemished integrity and honour. To his family his loss is irreparable, whether we consider the breach in their domestic happiness, or the deprivation of his eminent talents.

On Wednesday, October 23, at a meeting of the directors of the State Bank of North Carolina, Salisbury Branch, of which Archibald Henderson had long been president, the following preamble and resolutions were introduced by Col. Thomas G. Polk and unanimously adopted:

The Directors of this Branch Bank, deeply penetrated with the magnitude of the loss which the institution, in common with the

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\**Hillsborough Recorder*, January 15, 1823.

State, has sustained in the death of their much respected President, *Archibald Henderson*, Esquire, do hereby resolve,—

1st. That they have ever entertained the highest veneration for his virtues, his talents and his integrity.

2d. That, in testimony of the high regard they feel for his character, they will, together with the other officers of this Bank, wear crape on the left arm for the space of thirty days.

3d. That the proceedings of this meeting be published in the *Western Carolinian*, under the direction of the Cashier.

From the minutes.

JUNIUS SNEED, *Cashier*.\*

At Lincolnton, on Friday, October 25, the members of the bar in attendance on the Superior Court, held a memorial meeting attended by John R. Donnell, the presiding judge. At this meeting, over which the Hon. Joseph Wilson, Solicitor General, presided, with James Graham as secretary, the following resolution, of several, was passed:

Resolved, as the unanimous and deeply felt sense of this meeting, that we consider the death of *Archibald Henderson* a severe affliction, not only to his professional brethren and friends, but to all who knew him in the wide range of his usefulness. Recollecting his pure and spotless integrity, his profound erudition in the science of the Law, his unequalled powers as an Advocate, the distinguished urbanity of his manners, and his frankness in imparting to others from the vast store of his legal learning; and remembering how uniformly his transcendent talents and virtues have been devoted to the best interests of our country, his death we deplore as a great national loss.†

## XV.

In all that has been said, thus far, of the man, his life, character, and political record, no account has been given of his career as a lawyer. Yet it was as a lawyer that he left a profound impression upon his contemporaries and bequeathed to posterity a repute that may well be regarded as enviable. After the lapse of a century, it is extraordinarily difficult to pierce the veil of the past and see the great lawyer in his habit as he lived. Had he been Supreme Court Justice, his written opinions would serve as memorial of his legal learn-

\**Western Carolinian*, Salisbury, October 29, 1822.

†*Western Carolinian*, November 12, 1822. For this extract, I am indebted to Dr. Stephen B. Weeks.

ing and mental attainments. But as advocate and counsellor, he must rely for renown solely upon the judgment of his contemporaries. Like the actor who (before the days of phonographs and motion pictures) must rest his fame on the immediate impressions created upon the hearts and minds of his audience in the theater, the lawyer achieves high repute almost exclusively through the opinions of his gifts as orator, logician, scholar, and advocate, handed down through the graphic pictures of contemporary record, vivid memory, or constant and authentic tradition, caught in the purlieus of the law courts or in the halls of justice. In recognition of this immitigable limitation, the effort will here be made to give a faithful picture of Archibald Henderson, the advocate and legal counsellor, as mirrored in the minds and hearts of his contemporaries.

"Who now knows anything of Archibald Henderson, familiarly known as 'Baldy' Henderson fifty years ago?" once asked the late Col. R. B. Creecy. "He was the great lawyer of his time in North Carolina. . . . And yet, great as he undoubtedly was, interesting as was his private and personal history, and full of useful lessons as was the whole story of his life, we have never seen any mention of him in any enduring record." Fortunately there has been preserved in an "enduring record," not an account of Henderson's life and career, which is nowhere to be found, but an estimate of his character as lawyer, citizen, and publicist. As an analysis of moral qualities and an appraisal of civic virtues, this essay in character-delineation is unsurpassed in the entire range of our North Carolina literature. It is the obituary account, or more accurately speaking, essay in psycho-analysis, published at the time of Henderson's death by his close friend and warm admirer, Judge Archibald D. Murphey, over the pen name of "Philo Florian."\* Four years later, the same brilliant pub-

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\**Sketch of the Character of Archibald Henderson as a Lawyer.* Raleigh Star, January 10, 1823; Salisbury Western Carolinian, January 14, 1823; Hillsborough Recorder, January 15, 1823; Newbern Carolina Sentinel, February 15, 1823. This sketch is copied, with some inaccuracies, in J. H. Wheeler: *Historical Sketches of North Carolina*, II, 386-390. For an exact draft, see *The Papers of Archibald D. Murphey*, edited by W. H. Hoyt, II, 312-319.

licist, one of the most distinguished scholars and broad-visioned, forward-looking men ever born in North Carolina, drew a gallery of admirable pen-pictures of North Carolina characters in his justly famous oration at Chapel Hill (June 27, 1827). In this address at the University of North Carolina, Judge Murphey describes Archibald Henderson as "upon the whole, the most perfect model of a lawyer that our bar has produced." In an interesting letter commenting upon that address, Chief Justice John Marshall, who for thirty-odd years presided over the Federal Circuit Court and had often heard Archibald Henderson at the bar, pronounced him as being "unquestionably among the ablest lawyers of his day." Upon another occasion, Marshall pronounced Henderson "one of the great lawyers of the Nation." At the time of Henderson's death, because of the universal recognition of his eminence as a lawyer, Judge Murphey urged that a monument to his memory be erected by the bar of the State. This monument, which bears the memorable epitaph written by Murphey, was so erected, and is still standing in the old "Lutheran Graveyard" at Salisbury. It is believed to be the only monument to a lawyer as such, ever erected in North Carolina and by the bar of the State.

That shrewd student and astute critic of men and affairs, David L. Swain, in describing the bar of North Carolina, cited Archibald Henderson, Thomas Ruffin, Archibald D. Murphey, William Gaston, Joseph Wilson, Judge Seawell, Gavin Hogg, and Moses Mordecai as the greatest lawyers of the day practising before the Supreme Court. Archibald Henderson is characterised as "probably the most eloquent and successful advocate in criminal offenses, who ever appeared at the bar in North Carolina."\* As an orator, he has been spoken of as one who "sustained the character of the profession for legal learning and general literature." The Hon. Burton Craige, who had often seen and heard Henderson at the bar, once said that "he never spoke

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\*D. L. Swain: *Early Times in Raleigh*, 1867.



more than an hour in any case, but that every word that he uttered was an argument, every sentence eloquence in its true sense, the power of conviction." If his contemporaries and the immediately succeeding generation are to be credited, Mr. Henderson must have especially excelled as an advocate. John W. Moore, the historian of North Carolina, says that he was "one of the very greatest advocates North Carolina has produced. . . . Mr. Henderson classes as an advocate with William Hooper, Governor Davie, Judge Badger, and Governor Bragg, and was perhaps of larger influence as a practicing lawyer than any of them."

When a young man, Henderson incurred an injury to the trachea, which impaired the naturally fine tone of his voice. Despite this handicap, says Dr. Caldwell, "the strength and compass of his mind, his sagacity and penetration, and his power in analysis and argument, and readiness in debate were undiminished, and they all increased with his advancement in years and experience, until he ultimately rose to the head of the bar in North Carolina, and retained that station to the close of his life." Men have spoken of "the impetuous torrent of his eloquence which captivated juries"; and Judge Murphey, whose language is more nicely discriminating, thus details his attributes as an advocate: "His style and manner of speaking at the bar were extremely impressive. . . . He always came to the trial of causes well prepared; and if the state of his health or his want of preparation were likely to jeopardize his reputation in the management of his client's case he would decline the trial until a more favorable time. The courts in which he practiced, and his brother lawyers, understood the delicacy of his feelings upon this point so well that they extended to him the indulgence he required, and a knowledge of this part of his character gave confidence to his clients and attracted crowds of people to hear his speeches. When he rose at the bar no one expected to hear commonplace matter; no one looked for a cold, vapid, or phlegmatic harangue. His great excellence as a speaker consisted in an earnestness and dignity of manner and strong powers of

reasoning. He seized one or two strong points, and these he illustrated and enforced. His exordium was short and appropriate; he quickly marched up to the great point in controversy, making no manœuvre as if he were afraid to approach it, or was desirous of attacking it by surprise. The confidence he exhibited of success he gradually imparted to his hearers; he grew more warm and earnest as he advanced in his argument, and seizing the critical moment for enforcing conviction, he brought forth his main argument, pressed it home and sat down."

The Hon. William A. Graham, who wrote excellent biographical studies of Archibald D. Murphey, George E. Badger, and Thomas Ruffin, and was eminently qualified to pronounce judgment upon the merits of North Carolina's leading lawyers, places Archibald Henderson, William Gaston, and George E. Badger at the head of the list. Of Thomas Ruffin, he says that for the period from 1818 to 1825, "he had hardly a rival in the bar of the Supreme Court of the State or the Circuit Court of the United States, except Archibald Henderson and Gaston." Of George E. Badger, he says: "At the bar of the State he wore the mantle of Gaston and Archibald Henderson for a much longer period than either, worthily and well, with no diminution of its honors."\* The late Judge R. R. Heath, who was familiar with Henderson's history and personal characteristics, described him as "the greatest lawyer the State had produced before Mr. Gaston's time"; and the late Captain Charles Price, a lawyer of eminence, described him as "in his day the greatest lawyer of the State."

Certain distinctive qualities marked his career as a lawyer, and characterized his advocacy at the bar. "The sublime idea that he lived under a government of laws was forever uppermost in his mind," says Judge Murphey, "and seemed to give a coloring to all his actions." Respect for the court and its officers, reverence for and obedience to the laws; deli-

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\*Cf. W. J. Peele: *Lives of Distinguished North Carolinians*, 113, 206, 290, 293.

cate conscientiousness in always endeavoring to live up to the highest ideals of the legal profession, in no matter how slight a case; intellectual and emotional sympathy with the mentality and sentiments of the average man—these were conspicuous attributes of his character. Perhaps nothing endeared him so much to the common people or so effectually won their hearty commendation as the oft-expressed conviction that “the laws were made for the people, and they should be interpreted and administered by rules which they understood, whenever it was practicable: that common sense belonged to the people in a higher degree than to learned men, and to interpret laws by rules which were at variance with the rules of common sense, necessarily lessened the respect of the people for the laws, and induced them to believe that courts and lawyers contrived mysteries in the science merely for the purpose of supporting the profession of lawyers.” He was the inveterate foe of legal pedantry; and in his own practice he translated with rare clarity the mysteries of the law into the simple and expressive language of daily life.

## XVI.

The fatal defect of much biographical literature, especially of the briefer sort, is the pointlessness of its panegyric. The subject furnishes the text for a cold catalogue of formal virtues; and the result is that the differentiating qualities, the distinguishing traits, of the individual character are wholly lost sight of. Replace the name of the person biographed by that of another character in the same sphere of activity, and, save for a few dates, the colorless virtues and glittering generalities associated with the original remain equally applicable to the substitute. In order to escape even a semblance of this singular, yet patent, defect of brief biography, a number of personal incidents descriptive of character, loosely called “anecdotes” by an earlier generation, may serve to give some conception of the deeper instincts and larger emotions of Archibald Henderson, the man.

Genuine insight into the character of an individual may be gained through a knowledge of the persons and characters who incarnate that individual's highest ideals. No man who ever lived in North Carolina, William Hooper not excepted, surpassed Archibald Henderson in exalted admiration for George Washington and profound veneration of his memory. Doubtless his first view of Washington at Salisbury in 1791, when he himself was in his early twenties, left upon him an impression so deep and moving as to tinge the whole fabric of his life and thinking.

When Fisher Ames, the distinguished Federalist, was given the congenial task of penning the answer of Congress to Washington's last message in December, 1797, he gave free play to his ardent Federalism and flowing rhetoric, lauding Washington's administration and pronouncing an eloquent eulogy of his life and services. The carping and bitter Virginian, William Branch Giles, supported by Nathaniel Macon, Andrew Jackson, and nine others, voted nay on the answer. Among other things, Giles ungraciously said that if others regretted the retirement of the Father of his Country, he for his part wished him to retire at once; and furthermore, that he thought the country would not suffer, as many men could fill the office of President with credit and advantage. The story is still told in Granville County that, when the news of Branch's speech against Ames's answer reached Williamsboro, Archibald Henderson, deeply incensed, declared that Giles's vote and sentiments "sprang from the oscillation of a wicked heart."

An incident which occurred at Salisbury testifies with equal vividness to Archibald Henderson's reverential estimate of the greatness of Washington. In preparing a series of toasts for the very elaborate July 4th celebration at Salisbury in 1803, General John Steele gave to the fourth toast the following form: "To our illustrious fellow citizen George Washington and the long list of Statesmen and Heroes who coöperated with him in the establishment of American independence." The toast was altered to read, simply, "To



the Memory of General Washington"—in deference to the earnest representations of Archibald Henderson, who urged that "to connect with that name any other name or description of characters would derogate from the respect due to it."

Archibald Henderson was a great lover of learning, a diligent reader of the classics, and a profound student of law in its wider bearing upon the course of human history. In his richly stored library, teeming with works of history and the classics, were scores of volumes by the greatest legal authorities of Great Britain.\* At the age of twenty-seven, along with General William R. Davie and Mr. James Hogg, the two men chiefly instrumental in the founding and location of the University of North Carolina, Archibald Henderson was elected a member of the Dialectic Society upon its organization in 1795. Throughout his life he remained a warm adherent of the University of North Carolina—although his own son studied at Yale and at the University of Virginia. When the General Assembly of 1800, as the result of the great hostility to the University aroused by the litigation under the act of 1794 to recover unsold confiscated lands, repealed this act and also the act of 1789, granting escheated property, Archibald Henderson was deeply distressed, and wrote to Walter Alves (Jan. 2, 1801): "Alas! alas! the Legislature of No. Carolina to wage war against the arts and sciences! I blush for my native State. My dear sir, this Phrenzy must be checked or our Country will be lost for ever. That spirit which agitated Europe for ten years and continues to convulse it seems to be exercising its all powerful energy in the U. States and particularly in No. C."†

During his lifetime, Archibald Henderson was not only held in popular esteem as a "philanthropic and worthy citizen," but was revered as being "remarkable for his benevolent qualities." The late Dr. Theodore Bryant Kingsbury, the author of an unpublished sketch of Granville County,

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\*An appreciable portion of this library, the books bearing Archibald Henderson's book-plate, is still preserved.

†In 1809 Archibald and Leonard Henderson each subscribed one hundred dollars to aid in the completion of the South Building at the University.

says of him: "But few of the many able lawyers of our State ever so impressed their fellow men for uncommon powers as did this illustrious and admirable man. He was amiable and true and noble. . . ." Moore, the historian of North Carolina, says: "He was one of the very ablest lawyers ever seen in the State and possessed virtues to match his intelligence."\* Many instances are recorded of his kindly and humane disposition, and his ready sympathy for those in sorrow and distress. Especially was this true in the case of the downtrodden, the afflicted, and the oppressed, whose heritage and environment coöperated in great measure to make of them lawbreakers and criminals.

Upon one occasion he was summoned to make the long journey from Salisbury to Smithfield, to prosecute a man for murder; and he was offered an extraordinarily large fee for his legal services. When he arrived at the court house, the prisoner's wife, who was dressed in black, saw and immediately recognized him. Knowing by reputation his almost uncanny skill as a criminal lawyer, the poor woman gave a shriek of horror, and throwing up her hands, exclaimed:

"My God, Mr. Henderson, have you come all this long way to convict my poor husband of murder?"

So touched and affected was he by this moving plea that he bowed his head, and abandoning the case, immediately left the court room. Mounting his sulky, he drove, in silent meditation, all the way back to Salisbury.†

Archibald Henderson was vigorously opposed to slavery, and believed that the intellectual, economic, and social progress of the South would continue to be seriously retarded so long as the negro remained enslaved. The sentiments in regard to slavery voiced by his friend, William Gaston, at the University of North Carolina in 1832, might well have been uttered by himself: "It stifles industry and represses enterprise; it is fatal to economy and providence; it discourages

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\*History of North Carolina, I, 428, footnote.

†This incident is erroneously associated, by Judge W. H. Battle, with the name of Leonard Henderson.

skill, impairs our strength as a community, and poisons morals at the fountain head." He heartily endorsed the principles of the American Colonization Society, the fundamental purposes of which were to encourage emancipation and to aid the emigration of the emancipated to Africa. It was believed that, as soon as an asylum should be found for the freed negroes, emancipation would steadily increase. The society began to establish branches in North Carolina in 1819, the work being under the direction of the Rev. William Meade, of Virginia, afterwards famous as Bishop. In Raleigh, according to the Rev. Mr. Meade's report to the society, he found "the same unanimity of sentiment (as at Fayetteville). The Supreme Court being in session, many of the judges and lawyers were collected from the different parts of the State, who cordially joined in the society and testified to the general prevalence of good will to it throughout the State. At a meeting for forming a constitution, the highest talents, authorities and wealth of the State were present, and unanimously sanctioned the measure."\* Both Archibald and Leonard Henderson were vice-presidents of the Raleigh Society (1819), of which Governor Branch was president; and Major Pleasant Henderson was a vice-president of the Chapel Hill Society (1820), of which the Rev. Joseph Caldwell, President of the University of North Carolina, was president.†

So successful was Archibald Henderson in the pleading of a cause that at times he seemed to throw over his hearers an almost hypnotic spell, causing a temporary remission of judgment almost compelling conviction. A well-authenticated anecdote is related in connection with a case, in which he secured a verdict of acquittal for the defendant who was accused of stealing a pig. After the successful termination of the trial, Mr. Henderson asked his client:

"Well, sir, what is the truth about stealing this pig?"—  
to which his admiring client, with naive earnestness, replied:

\*Mss. minutes, Board of Managers American Colonization Society. Report of Meade, June 21, 1819.

†S. B. Weeks: *Anti-Slavery Sentiment in the South*. "Publications of the Southern History Association," II, 2; April, 1898.

"To tell you the truth, Mr. Henderson, before I heard you speak in my defense, I thought I had stolen that pig. But, sir, I frankly acknowledge now that you have fully convinced me of my own innocence."

The reputation he bore as a repository of legal lore sometimes had amusing consequences. An interesting character in Stokes County was the Lutheran-Moravian divine, Gottlieb Schober, a shrewd old German, who enjoyed considerable local repute as a rough-and-ready lawyer, and twice represented his county as Senator in the State Legislature. Upon one occasion a prospective client came to Schober and solicited his legal advice.

"The fee, mine friend," said Schober, "is five dollars."

On receiving the fee, the thrifty old German stuffed the money into his purse, snapped the clasp, dropped the purse into his pocket, and then leaning eagerly forward, said with great earnestness:

"You haf paid me for my legal advice, mine friend, and now I gif it to you. Go out of here, get on your horse, and ride as fast as you can to Salisbury. You go to see old Paldy Henderson. My legal advice to you, mine friend, is: Whatever old Paldy Henderson tells you to do—*you do*."

About the year 1815 a wide-spread network of crime, in the way of counterfeiting money and altering bank bills, spread over Western North Carolina. The center of this nefarious industry was in Rutherford County; and citizens of some prominence were said to have been implicated in the conspiracy. The terror of the counterfeiters was the great solicitor, Joseph Wilson, a man of "iron will, determined purpose, and massive intellectuality." For some years the counterfeiters flourished to an extent which baffles modern comprehension, and public opinion in condemnation of their practices was exceedingly difficult to arouse. "Early in 1822 indictments came thick and fast against the leaders of the band for 'deceit' and 'forgery,' and they employed Baldy Henderson, the astute criminal lawyer and peerless advocate,



to defend them. He seized upon every pretext for continuance, and urged removal of the cases to different counties from those where the presentments originated. When their friend and counsellor, Mr. Henderson, died in October of the same year, before having secured their acquittal, these strong desperate men wept like children, declaring that 'Baldy Henderson was their only hope of escape from the hands of Joe Wilson, the prosecutor.' '\*

Archibald Henderson had an immense legal practice, before the Federal Circuit Court, presided over by John Marshall, before the Supreme Court of the State, and in the Superior Courts. In important cases, men of the stamp of Waightstill Avery, William Duffy, Archibald D. Murphey, Frederick Nash, William Gaston, Henry Seawell, Thomas Ruffin, and Gavin Hogg were associated with him; and he and Gaston crossed swords upon more than one memorable occasion in the halls of the Supreme Court. Henderson's greatest legal victories, it is believed, were made without the assistance of counsel, and his power in clearing some desperate criminal from the clutches of the law seemed to be almost akin to wizardry. One of his best remembered achievements is the clearing of the infamous desperado, Nixon Curry, a notorious thief and murderer. In the eyes of his friends, Curry, who was utterly fearless, appeared as a hero; and the case, when it finally came up for trial at Morganton at the Spring term of the court in 1821, filled the court room with a dense and excited throng.

"Baldy Henderson conducted the defence in a forensic effort of great adroitness and power. He commenced by frankly admitting that the prisoner's character was blackened by every crime known to the law, but reminded the jurors that they were under the sanctity of an oath to try him for the particular offence of which he was accused, and no other. He also appealed to them to divest themselves of prejudice and dismiss preconceived opinions. As a slave was not allowed to testify in a court of justice the evidence of the negro who had seen Curry just previous to the killing of (Ben)

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\*F. B. McDowell: *Some Types of Early Days*. "Charlotte Daily Observer," December 12, 1897.

Wilson, was excluded; and Curry while in jail or in hiding, having married Dovey Caldwell, effectually silenced her as a witness, the wife being debarred by law from giving testimony against her husband. Without these two important witnesses, the State could not make out a very strong case, and the jury returned a Scotch verdict, of guilty, but not proven.

"After the termination of the trial, the sheriff accompanied Curry to the room of the attorney who had secured his acquittal, and in order to show his appreciation Curry emptied a pocket full of gold upon the table and begged his advocate to help himself. Without any ceremony, Mr. Henderson swept the whole amount into the drawer; and when Curry mildly suggested that the charge was pretty steep, 'Old Baldy' is reported to have emphatically answered: 'No, it will take every dollar to wash my hands clean of your infernal rascality.' "\*"

Archibald Henderson had unbounded reverence for the law, and implicit faith in the essential virtue and justice of the courts. He always carried a cane with ivory head upon which was a silver plate, bearing the inscription which he held as his motto: *Fiat Justitia Ruat Cælum*—"Let justice be done, though the heavens fall." His son was astonished to learn one day that, although he was esteemed a great lawyer, he had never taken the precaution to make a will. When the matter came up for discussion, Mr. Henderson summarily disposed of the question with the quiet assurance:

"My son, the law makes the best will."

## XVII.

Two pen-pictures from the same hand, the one gravely formal, the other intimate and personal, will survive as vital contemporary estimates, sincere in feeling, classic in expression. The one is the inscription upon the beautiful monument over his grave in Salisbury:

In Memory of  
Archibald Henderson  
to whom his associates at the Bar have erected  
this Monument  
to mark their veneration for the character of a Lawyer  
who illustrated their profession by the extent of his learning,  
and the

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\*F. B. McDowell: *Some Types of Early Days*, *ibid*.

unblench'd integrity of his life :  
of a Man  
who sustained and embellished all the relations  
of Social Life  
with rectitude and benevolence :  
of a Citizen  
who, elevated by the native dignity of his mind above the  
atmosphere of selfishness and party, pursued  
calmly, yet zealously, the true interest of his country.  
His loss was felt with a sincere, general and  
unmixed Sorrow.  
Decessit XXI Die Octobris  
Anno Domini MDCCCXXII, Æt. suae LIV.

The other portrait is the opening paragraph of the essay of  
"Philo Florian":

"I became acquainted with Archibald Henderson in the year 1803, and from that time to the time of his death, I looked to him as a model of that perfect character in the profession of the law which all his brethren should be ambitious to imitate. From him, judges might learn wisdom and discretion, and lawyers the dignity of their profession and the high duties which it imposes. I here speak only of his professional character; that which he exhibited to his country for more than twenty years, with a force and effect that ought to be remembered as long as a reverence for our civil institutions shall be cherished. No man could look upon him without pronouncing him one of the great men of the age. The impress of greatness was upon his countenance; not that greatness which is the offspring of any single talent, or moral quality; but a greatness which is made up by blending the faculties of a fine intellect with exalted moral feelings. Although he was at all times accessible, and entirely free from austerity, he seemed to live and move in an atmosphere of dignity. He exacted nothing by his manner; yet all approached him with reverence, and left him with respect. The little quarrels and contests of men were beneath him: their bickerings, their envyings, their slanderings, and all the workings of their little passions kept at a distance from him: and I have often seen him discomfited at the bar, when contending for his clients, in cases where the little passions only had play. His was the region of high sentiment; and there he occupied a standing that was preëminent in North Carolina. He contributed more than any man since the time of General Davie and Alfred Moore, to give character to the bar of the state, and to impress upon the people a reverence for their courts of justice. His career at the bar has become identified with the history of North Carolina, and his life and his example furnish themes for instruction both to gentlemen of the bench and to his brethren of the bar. May they study his life and profit by his example!"

APPENDIX.

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SPEECH OF ARCHIBALD HENDERSON, OF NORTH CAROLINA,  
OPENING THE DEBATE ON THE JUDICIARY BILL IN THE  
HOUSE OF REPRESENTATIVES.\*

On Monday, February 15, 1802, Mr. Davis called for the order of the day, on the Judiciary Bill from the Senate. On this day, several motions for postponement or adjournment were lost.

On Tuesday, February 16, the great debate was opened by the speech of Mr. Archibald Henderson, of North Carolina, as follows:

MR. HENDERSON. I should not rise to offer my opinion on the great question now before the committee, were I not placed in a situation different from that in which I have been since I have had the honor of a seat in this House. The legislature of the State of North Carolina, one of whose representatives I am on this floor, have seen proper to instruct their Senators, and to recommend to their representatives in Congress, to use their exertions to procure a repeal of the law passed the last session of Congress, for the more convenient organization of the courts of the United States; and as the bill on your table has for its object the repeal of this law, and as *I* shall probably vote against its passage, a decent respect for the opinions of those who have framed and sent forward those resolutions, demand that I should give the reasons which influence my conduct.

And here, Sir, I cannot forbear lamenting extremely that I should unfortunately be placed in a situation where the highest obligations of duty compel me to act in opposition to the wishes of that community to which I immediately belong. It is certainly of great importance that as public function-

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\*The text of Archibald Henderson's speech, as here given, is reproduced from a rare volume, entitled: DEBATES in the Congress of the United States on the BILL for repealing the LAW "for the more convenient organization of the courts of the United States," During the First Session of the Seventh Congress, and a List of the Yeas and Nays on that Interesting Subject. Albany. Printed for Collier and Stockwell. 1802.



aries we should not only discharge those trusts committed to us with fidelity, and for the general good, but in such a manner as to give satisfaction to those for whom we are acting.

And if I know the feelings of my own heart, I declare, that next to the consciousness of having performed my duty with uprightness, my highest satisfaction is the knowledge that in the discharge of this duty I meet the approbation of my fellow men. But, Sir, if this approbation is only to be obtained by the unconditional surrender of my understanding, and the violation of my oath, I hope I shall be excused if I do not make this sacrifice at the altar of public opinion. Indeed, Sir, were I disposed to forego my own opinion, and adopt that of the legislature of my own state, were I inclined to say, thy will be done and not mine, I should first demand of them an absolution from the oath which I have taken to support the constitution of the United States. As long as that oath is binding on me, I see an insuperable objection to my acting in conformity to their wishes.

I will further remark, Sir, that I am not a little surprised that that august body should have undertaken to decide on a question not necessarily before them, without having an opportunity of hearing the arguments which may be used here either on one side or the other. I will not permit myself for a moment to believe the measure originated in a want of confidence in those who represent the State and the people in this assembly. And yet, if that confidence exists, the reasons for this procedure do not immediately present themselves to the mind.

I hope, Sir, it will not be understood that I mean to cast the most distant shade of disrespect on that body. I feel too great respect for the legislature of my native State to be guilty of such an attempt. No doubt but they were influenced by the purest and most correct understanding. It does not follow, by any means, that because my weak and feeble mind cannot discover perfect propriety in the conduct of men, that therefore it does not exist.

Having premised thus much, Mr. Chairman, I will pro-

ceed to an examination of the question under consideration. It has been usual to divide it into two parts; first, the expediency; and secondly, the authority of Congress to pass the law on the table. This is a natural and correct division; but I shall invert the order of considering the question, and first examine our power to act, before we consider the expediency of acting. And if, after a calm and candid review of the constitution, it should be found that we are prohibited from passing the bill, there will be no necessity for inquiring into the expediency of repealing the law passed last session of Congress for organizing our courts of justice. The relative merits of the old and new judiciary system will be entirely out of view. For I am confident that there is not a member of this body who would wish to pass the bill on your table, if in doing it we must violate the sacred charter under which we are now assembled.

The people of America have obtained and established, that the powers of government shall be vested in three great departments; the Legislative, the Executive and the Judicial. They have said, that there shall be a House of Representatives, the members of which shall be chosen by the people of the several states every second year. Though this House is composed of members chosen by the people immediately; though they can have no other interest than the great community from which they were sent; though they must return to the common mass in the short period of two years; yet enlightened America did not see proper to entrust the power of making laws to this body alone; they knew that the history of man, and the experience of ages, bore testimony against the safety of committing this high power to any one assembly not checked by some other body. They have therefore erected another branch of the legislature, called the Senate, the members of which are not to be elected by the people immediately, but by the sovereignties of the several states; they are to be chosen for six years, and not for two; and the qualifications requisite to entitle those to a seat, is different from that of a member

of this House. To these bodies are given the power of initiating all laws; but after a bill has passed both of these Houses, before it becomes of binding obligation on the nation, it must be approved of by the President; it is a dead letter, until life is given by the executive. The President is elected not by the people, but by the legislatures of the several states, not by either House of Congress, but by electors chosen by the people. He is to hold his office during four years. This is the second great department of the government. It will be easily discovered from this cursory view of our constitution, the caution and jealousy with which the people have conferred the power of making laws, of commanding what is right, and prohibiting what is wrong. But, Sir, after this law was made, after its authoritative mandate was acknowledged by the nation, it became necessary to establish some tribunal to judge of the extent and obligation of this law. The people did not see proper to entrust this power of judging of the meaning of their laws either to the legislative, or to the executive; because they all participated in the making of these laws; and experience had shown, that it is essential for the preservation of liberty, that the judicial and legislative authorities should be kept separate and distinct. They therefore enacted a third department, called the Judicial, and said that "the judicial power of the United States shall be vested in one supreme court, and in such inferior courts as Congress may from time to time ordain and establish. The *judges both of the supreme and inferior courts shall hold their offices during good behavior*, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office." It is admitted, I understand, by all parties, by every description of persons, that these words, *shall hold their offices during good behavior*, are intended as a limitation of power. The question is, what power is thus to be limited and checked? I answer, that all and every power which would have had the authority of impairing the tenure by which the judges hold their offices, (if these words were not

inserted) is checked and limited by these words; whether that power should be found to reside in Congress, or in the executive. The words are broad and extensive in their signification, and can only be satisfied by being construed to control the legislative as well as the executive power. But gentlemen contend that they must be confined to limiting the power of the President. I ask gentlemen, what is there in the constitution to prove their signification to this end alone? When you erect a court and fill it with a judge, and tell him, in plain simple language, that he shall hold his office during good behavior, or as long as he shall behave well; what, I beseech you, Sir, will any man, whose mind is not bewildered in the mazes of modern metaphysics, infer from the declaration? Certainly that the office will not be taken from him until he misbehaves; nor that he will be taken from the office during his good behavior. Under this impression he enters upon his duty, performing it with the most perfect satisfaction to all persons who have business before him; and the legislature, without whispering a complaint, abolishes the office and thereby turns out the judge. The judge is told: this is no violation of the compact, although you have behaved well, although we have promised that as long as you did behave well you should continue in office; yet, there is now no further necessity for your services, and you may retire. These words, "during good behavior," are intended to prevent the President from dismissing you from office, and not the legislature from destroying your office. Do you suppose, Sir, that there is a man of common understanding in the nation, whose mind is not alive to the influence of party spirit, that would yield his assent to this reasoning? I hope and believe there is not. But, Sir, how is it proved that the President would have had the power of removing the judges from their office, if these words, "during good behavior," had not been inserted in the constitution? Are there any words in that instrument which give the President expressly the power of removing any officer at pleasure? If there are, I call upon



gentlemen to point them out; it does not result from the fashionable axiom, that the power which can create, can destroy. The President can nominate, but he can appoint to office only by the advice and consent of the Senate. Therefore, it would follow, if the power of displacing results from that of creating, that the Senate should participate in displacing as well as creating officers. But however this may be, it is certainly a mere constructive power which he has exercised, because the legislature have, from motives of expediency, acknowledged that he had it. If the constitution does not necessarily give the President the right of removing officers at pleasure, and if that right depend upon legislative acts or constructions, where would have been the necessity for inserting these emphatic words as a check and limitation of executive power, when without them the President has no such power? You are taking great pains to control a power which does not exist. The persons who framed our constitution knew that a power of removal in ordinary cases must exist somewhere. They took care, therefore, that in whatever hands it might fall, the language of the constitution respecting the tenure of the office of a judge should be co-extensive with the whole power of removal, whether it should reside in one or in more hands.

But, Sir, these words, during good behavior, are familiar to the American people. When the political bands which united us with Great Britain were burst asunder, and we assumed among the nations of the earth an independent station, most, if not all the states introduced these words into their constitutions. They were deemed essential, and a meaning has been stamped upon them which it is not in the power of this House to change. Let us for a moment examine some of the state constitutions, and see what signification must of necessity be given to these words. I will first advert to the constitution of North Carolina, as being one with which I am best acquainted. In that instrument it is said, "that the General Assembly shall, by joint ballot of both Houses, appoint judges of the supreme court of law



and equity, judges of admiralty and an attorney-general, who shall be commissioned by the Governor, and hold their offices during good behavior." I ask gentlemen what power is intended here to be limited and checked by the words "shall hold their offices during good behavior." Not the executive, for it is well known that the Governor of that state cannot appoint even a constable. It could not be the meaning of that constitution to check his power of removal, for that of appointment is not anywhere given to him. Then these words must mean, that the legislature should not have the power of removing the judges from office as long as they behaved well. If you do not give this signification to the words, they are of no importance, and might as well have been left out of the instrument. I hope the feelings of the people of North Carolina will not be hurt, and their understandings insulted, by telling us that the meaning of the words may be satisfied by construing them to extend to a prohibition of the legislature displacing the judges, and proceeding to the election of others, without those displaced being guilty of *misbehavior*. If this is correct, what security, Sir, have the people then for the independence of their judges? The constitution has told them that they should be judged by men who, during the time they behaved well, should continue in office, or what is the same thing, should hold them during good behavior. But they are now informed that this was intended to operate as a check upon the legislature's displacing them by selecting others to fill their offices when they had not misbehaved, but not to prevent their passing a law repealing that act by which the appointment to office was made; or in other words, our assembly are expressly forbidden to impair the tenure by which our judges hold their offices, as long as they behave well; but they can repeal the law, and the judges are out of office, though they may be the most virtuous, upright and able men in the country, and have discharged their duties faithfully. Are the gentlemen on this floor from North Carolina prepared to give this construction to that constitu-

tion? Are they prepared to tell their constituents that the provisions of their constitution may be thus evaded, and the whole power of government, legislative, executive and judicial, be concentrated in the general assembly, and absolute despotism imposed upon them? If they are not, I conjure them to pause before they give their vote for the passage of the bill on the table. I will further observe, Mr. Chairman, that words of the same import with those I have quoted from the constitution of North Carolina, are to be found in the Virginia and South Carolina constitutions, in neither of which states hath the Governor the right of appointing judges.

In Virginia, Sir, the judges of the supreme court, in 1792, declared that the assembly of that state had not the power of imposing chancery duties on the district judge, and in delivering their opinions discontended at large on the independence of the judiciary, and said that the assembly could not annihilate the office of a judge, which was secured to him by the constitution. If this is a true exposition of the constitution of that state, I ask gentlemen by what authority they now attempt to impose a different meaning on the same words, when found in the constitution of the United States? Are we to suppose that the whole people of America were less regardful for their rights, less solicitous for independent judges, than the people of a particular state? And unless this is conceded, the doctrine of gentlemen who advocate the passage of this bill must be incorrect.

But it has been said that the powers of each Congress are equal, and that a subsequent legislature can repeal the acts of a former; and as this law was passed by the last Congress, we have the same power to repeal it which they had to enact it. This objection is more plausible than solid. It is not contended by us that legislatures who are not limited in their powers, have not the same authority. The question is not what omnipotent assemblies can do, but what *we* can do, under a constitution defining and limiting, with accuracy, the extent and boundaries of our authority. The very sec-

tion in the constitution (sect. 3, art. 1), which I have read, is a proof against the power of every Congress to repeal the acts of their predecessors. In the latter part of the 8th section it is proposed, that the judges shall receive for their services a compensation, which shall not be diminished during their continuance in office; and yet the salary was fixed and ascertained by a former Congress. The same observations may be made with respect to compensation for President, which can neither be decreased nor diminished during the period for which he shall have been elected. It is not competent for this Congress to vary the compensation to him, which has been fixed by a prior legislature. It is clearly seen, upon a little investigation, that the position which gentlemen take is too extensive, and leads immediately to a destruction of the constitution. It does away all check, and makes the legislature omnipotent. It has been asked, that if a corrupt and unprincipled Congress should make an army of judges, have not a subsequent Congress the right of repealing the law establishing this monstrous judicial system? I answer, that they have not; the same mode of reasoning which attempts to prove this right from an abuse of power, will also prove that you may lessen the compensation of your judges. May not equal oppression be imposed upon the people, by giving your judges exorbitant salaries, as by increasing their numbers? May not the same corrupt and unprincipled motive which would lead men to the raising of an army of judges, lead them to squander the public money? And may they not, instead of giving their judges 2000 dollars a year, give them 200,000? And yet, Sir, if these were to take place, I know of no authority under the constitution to lessen this exorbitant compensation. The government of our country is predicated upon a reasonable confidence in those who administer our public affairs. They must have the power of acting for the public welfare, and this would never have been given them if the possible abuse of this power were a sufficient reason for withholding it.

I will take the liberty of observing further, that this part

of the constitution, which forbids lessening the compensation to the judges during their continuance in office, furnishes a strong argument that it was the intention of the people to place their judges out of the control of the legislature as long as they behaved well; that they did mean to render them independent of the legislature to a certain extent, is obvious; inasmuch as they inhibit the power of reducing their salaries. For it is evident, that if they could take from them their compensation, they might drive them from office; and the consequence would have been, that our judges would have felt all the dependence which results from a consciousness that another body has the power of diminishing their comforts. I ask gentlemen if the framers of this constitution intended to give Congress the power of abolishing the office of a judge, by repealing the law which created the office, and thereby displace the judge? Where could have been the propriety of forbidding his salary to be diminished during his continuance in office?

Is it possible to suppose that they were more anxious to secure that independence which results from permanency of compensation, than that which results from permanency of the office itself? That they should have been altogether regardless of the power which Congress was to have over the office, but limit with the utmost strictness their power of diminishing the salary, when the office itself, upon which the salary depends, was to be at the mercy of Congress? I believe that such folly cannot, with justice, be attributed to these great men who gave existence to this instrument.

Again, Sir, the construction which gentlemen on the other side of the House would contend for, tends to the concentration of legislative and executive powers in the same hands. If Congress, who have the power of making laws, can also displace their judges by repealing that which creates the offices they fill, the irresistible consequence is, that whatever law is passed the judges must carry into execution, or they will be turned out of office. It is of little importance to the people of this country whether Congress sits in judgment



upon their laws themselves, or whether they sit in judgment upon those who are appointed for that purpose. It amounts to the same despotism; they in fact judge the extent and obligations of their own statutes by having those in their power who are placed on the sacred seat of justice. Whatever the legislature declares to be law must be obeyed. The constitutional check which the judges were to be on the legislature is completely done away. They may pass *ex post facto* laws, bills of attainder, suspend the writ of habeas corpus in time of peace; and the judge who dares to question their authority is to be hurled from his seat. All the ramparts which the constitution has erected around the liberties of the people, are prostrated at one blow by the passage of this law. The monstrous and unheard of doctrine which has been lately advanced, that the judges have not the right of declaring unconstitutional laws void, will be put into practice by the adoption of this measure. New offences may be created by law. *Associations* and *combinations* may be declared treason, and the affrighted and appalled citizen may in vain seek refuge in the independence of your courts. In vain may he hold out the constitution and deny the authority of Congress to pass a law of such undefined signification, and call upon the judges to protect him; he will be told that the opinion of Congress now is, that we have no right to judge of their authority; this will be the consequence of concentrating judicial and legislative power in the same hands. It is the very definition of tyranny, and wherever you find it, the people are slaves, whether they call their government a monarchy, republic or democracy.

Mr. Chairman, I see, or think I see, in this attempt, that spirit of innovation which has prostrated before it a great part of the old world. Every institution which the wisdom and experience of ages had reared up for the benefit of man. A spirit which has rode in the whirlwind and directed the storm, to the destruction of the fairest portion of Europe; which has swept before it every vestige of law, religion, morality, and rational government; which has brought twenty



millions of people at the feet of one man, and compelled them to seek refuge from their complicated miseries, in the calm of despotism. It is against the influence of this tremendous spirit, that I wish to raise my voice, and exert my powers, weak and feeble as they are. I fear, Sir, on the 7th of December, it made its appearance within these walls, clothed in a gigantic body, impatient for action. I fear it has already begun to exert its all-devouring energy. Have you a judiciary system extending over this immense country, matured by the wisdom of your ablest and best men? It must be destroyed. Have you taxes which have been laid since the commencement of the government? And is the irritation consequent upon the laying of taxes worn off? Are they paid exclusively by the wealthy and the luxurious part of the community? And are they pledged for the payment of the public debt? They must be abolished. Have you a mint establishment, which is not only essentially necessary to protect the country against the influx of base foreign metals, but is a splendid attribute of sovereignty? It must be abolished. Have you laws which require foreigners coming to your country to go through a probationary state, by which their habits, their morals and propensities may be known, before they are admitted to all the rights of native Americans? They must be repealed, and our shores crowded with the outcasts of society, *lest oppressed humanity then should find no asylum* on this globe!

Mr. Chairman, if the doctrine contended for by gentlemen on the other side of the House should become the settled construction of the constitution, and enlightened America acquiesce with that construction, I declare for myself, and for myself alone, I would not heave a sigh nor shed a tear over its total desolation. The wound you are about to give it will be mortal; it may languish out a miserable existence for a few years, but it will surely die. It will neither serve to protect its friends, nor defend itself from the omnipotent energies of its enemies. Better at once to bury it with all our hopes.

## The First Secession Movement

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The late Dr. W. R. Wood, Superintendent of the Asylum, some years ago sent me the enclosed letter, with the proceedings of the first meeting declaring secession (in imitation of the Mecklenburg Declaration) ever held. This Declaration antedated the South Carolina Declaration more than two months. This was on 14 October, 1860, and that of South Carolina was on 20 December of that year.

This is a valuable historical document, and, being from that section, I know the statements therein are entirely accurate.

WALTER CLARK.

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HON. WALTER CLARK,  
Raleigh, N. C.

MY DEAR JUDGE:—I herewith confide to your especial care—*In Memoriam* of a past age and a lost cause—the Minutes of the first declaration of secession ever formulated and promulgated in the Southern States.

The history of this first declaration of secession principles have never been written, and therefore has never been generally known. Mecklenburg with her declaration of 1775 has been oft and oft recorded in letters of living light, high on the pages of fame's immortal scroll in the New World's history. Therefore, and wherefore should not this second movement in behalf of constitutional liberty and the sovereign rights of a chivalrous people, by the sages of old Halifax, in the startling era of the sixties, be handed down to our posterity in the history of American martyrs and Southern heroism.

Perhaps in the remote future, amid the changes wrought by time in the destinies of States, it may come to pass, that the actors in the opening drama of 1860, who, thus launched forth this first declaration of secession in defiance of a

World in Arms, will be considered something more than irrational impulsive visionaries or impetuous fire eaters.

With sentiments of distinguished consideration and esteem, I am,                      Very truly your friend,

WILLIAM R. WOOD.

Scotland Neck, Oct. 14, 1888.

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## A CHAPTER OF HISTORY.

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TRANSACTIONS OF THE FIRST SECESSION MOVEMENT AND DECLARATIONS OF THE FIRST SECESSION RESOLUTIONS EVER HELD IN THE SOUTHERN STATES, AT PALMYRA, HALIFAX COUNTY, NORTH CAROLINA, OCTOBER 14TH, 1860.

Pursuant to previous notice issued for the purpose of eliciting an expression of opinion relative to the action of the people of North Carolina in the event of the certain election of a sectional President, the citizens of Halifax and adjoining counties of Edgecombe, Martin and Bertie assembled "*en masse*" at Palmyra on the 14th inst. The meeting was largely composed of men of character, of influence and standing in their separate communities. General David Clark, Thos. Jones, Samuel Hyman, A. P. Hyman, L. L. Savage, Henry B. Whitmore, Kenneth Thigpen, Dr. William R. Wood, W. R. Cherry and other kindred spirits were early on hand voicing the sentiments of our people in no uncertain words. Crowds of men, of all conditions and walks of life, from the great slave holders of the Roanoke Valley to the humblest, poorest man in the neighborhood, thronged the village and adjacent groves, manifesting deep and serious interest in the great momentous questions of the times. The meeting was called to order by the Hon. Kenneth Thigpen of Edgecombe. Thos. Jones, Esq., of Martin was nominated to the Chair and A. P. Hyman of Palmyra appointed Secretary.

The Chairman in a brief incisive speech pointed out the

evils of the hour, and with a master's hand portrayed in gloomy colors the threatening troubles hanging like a dark funeral pall over the institutions and destinies of the Southern people. After Mr. Jones had explained the object and interest of the meeting, Gen'l David Clark of Halifax was called on to give his views of the situation. The general was peculiarly happy in the manner and delivery of his remarks, and in a spirited, stirring talk of a few moments completely captured the audience, creating quite a sensation and electrifying his hearers by exclaiming in language most prophetic: "Gentlemen, Lincoln will be elected, all you hold dear, your wives, your children, your property and your sacred honors, are at stake. The hour has struck, the enemy is upon us. The time for action, decisive action, is at hand. The powers of evil have all combined against us to rob us of our substances and dishonor us in our manhood. We must act, act in the living present with all the sublime courage of heroes and martyrs. There is nothing stands between us now and our deadliest foes. The abolitionists and disunionists of the New England States, for the Democrats have played the devil and the Whigs have gone to hell." This brought down the house and the General retired amid a storm of applause. General Clark was followed by the young, impassioned and uncompromising advocate of secession, Dr. William R. Wood of Scotland Neck, in a political argument on the right of secession, beginning with the Hartford Convention and closing in an eloquent and scathing phillipic against Northern abolitionists, and in concluding, declared it the imperative duty of North Carolina to at once withdraw from the Federal Compact and joining her Southern sisters, seek, with them an alliance, offensive and defensive with the powers of Great Britain. And if necessary to preserve and protect her people from Northern aggression and domination renew her allegiance to the British Crown. This open defiance of Northern supremacy again brought down the house, but also brought our Chairman, Mr. Jones, to the floor. Requesting the venerable Samuel Hyman to

take the chair, Mr. Jones made a ringing speech against an alliance with England, advocating with force and effect his "pet idea," an alliance, offensive and defensive, with the Emperor of France. The debate waxed fast and furious for a few moments on these two propositions of Dr. Wood and Mr. Jones, and for awhile considerable merriment and confusion ensued, but debate was cut short and order restored by the ever ready, gallant Kenneth Thigpen, who in a few stirring, startling words impressed the importance of the occasion upon the convention and demanded the appointment of a committee to formulate a platform of resolutions giving emphatic expression to the views of the people. Upon that committee, the following gentlemen were appointed by the Chair:

Hon. Kenneth Thigpen,  
Gen'l. David Clark,  
Thos. Jones, Esq.,  
Dr. William R. Wood,  
Lem. L. Savage, Esq.

As a guest of Mr. Jones, Mr. Whitmel Kearney of Warren, who was present and whose people were known to be in sympathy with the movement, was by unanimous consent added to the committee. These gentlemen retired, and after considerable time and much consultation, reappeared and announced the following preamble and resolutions:

1st. Whereas, The people of the Northern section of our common country are forcing through the legislatures of their several States, with all the elements of implacable hatred, so called personal liberty bills, abrogating in its entirety, the fugitive slave laws, subverting the constitution of our fathers, and openly threatening the most sacred interests and institutions of the Southern States by declaring that instrument which binds this Union together as coequal sovereigns a covenant with death and a league with hell.

And, Whereas, The Republican party has proclaimed itself a sectional party, pledged to wage relentless war against the institutions of the South:



*Therefore, Resolved*, That whereas the Republican States of New England were the first to proclaim the right of secession, we will profit by their example, and their language of the Hartford Convention. *Declare*, That "when emergencies occur which are either beyond the reach of the Judicial tribunals, or too pressing to admit of the delay incident to their forms, States which have no common umpire, must be their own judges and execute their own decisions."

*Resolved*, 2nd. That henceforth we renounce all allegiance to the United States Government, and appeal to our Legislature to call a convention for the purpose of withdrawing North Carolina from the Federal Compact and negotiating with other Southern States in forming alliances offensive and defensive with the Emperor Napoleon the III. of France.

Before a vote was taken on the committee's report, Dr. Wood, though a member of the committee, appealed to the convention to vote down Mr. Jones' French resolutions, and offered the following as a substitute:

*Resolved*, That as North Carolinians, we disown, disavow and utterly repudiate all allegiance to the so called Federal Government, and demand the unconditional withdrawal of North Carolina from the Federal Compact, and for the better preservation of her sovereignty as a free and independent State, unite with her Southern sister States in forming an alliance offensive and defensive with the powers of Great Britain, and if necessary to protect her people from Northern aggression and domination, renew her allegiance to the British Crown.

After considerable debate between the parties advocating the French and English propositions, Dr. Wood's resolution was voted down. The preamble and resolutions as they came from the committee were unanimously adopted and the convention adjourned.

A. P. HYMAN,  
*Secretary.*

SAMUEL HYMAN, Sr.,  
*Chairman.*

DR. W. R. WOOD, Scotland Neck.

MY DEAR DOCTOR:—The above is but a rough sketch in pencil of our great Secession Convention in 1860. Try and copy them off as best you can and preserve it in memory of old friends and a lost cause.

Your friend,

Palmyra, A. D. 1866.

A. P. HYMAN.

The above is a truthful transcription of the rough notes referred to by my late father, A. P. Hyman, Secretary of the meeting at the time, as copied out in full by the undersigned at the request of Dr. Wood.

A. P. HYMAN, Jr.

Scotland Neck, August 25th, 1888.

## John Washington Bennett, Famous North Carolinian

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By GEN. W. A. SMITH.

(Written by request of the Anson County Daughters  
of the Confederacy.)

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One William Bennett many long years ago married a Miss Huckston and begat William Bennett, Jr.; William Bennett, Jr., married Susanna Dunn, thus uniting the famous Dunn family with the probably more famous Bennett family. William Bennett's father was a captain in the Revolution and his great-uncle was a general, commanding a division in Cromwell's world renowned Ironsides. Isaac Dunn, who was a younger son, and brother to Sir Daniel Dunn, married Miss Mary Sheffield and begat Susanna Dunn, who was the only fruit of this marriage. There was born to William Bennett, Jr., and Susanna Dunn, Lemuel Dunn Bennett, who married Jane Little, daughter of William Little of Marlsgate, England. To L. D. Bennett and Jane Little was born the subject of this sketch—John Washington Bennett.

Descended from a long line of illustrious ancestry on both sides, he inherited extraordinary capacity—a sound mind in a sound body. In the old field schools, in the academy, in the university, his character developed and was marked by mental ability and moral courage of a supreme order and type.

When a youth in his teens his sturdy manhood sought outlet in the existing development of the States on the banks of the Mississippi. While with his cousin, Charles Bennett, he was stricken with that fell disease, typhoid fever. For weeks he daily grew worse till his life was despaired of and his death confidently expected. Treatment of that day denied the patient water or other cooling drink. He lay for

days in weltering heat; his breath hot, his tongue swollen; aye! cracked and parched with the scorching fever. No soothing touch of a dear woman's hand was laid on his burning brow. His bachelor cousin Charles was his only companion and nurse. He begged so piteously and so continuously for water that, manlike, his cousin Charles' patience became exhausted. He brought a bucket of fresh water from the cistern, set it near the bedside and said, "Drink, drink ye all you want, and—and die." Believing the water would kill him, he would not hand it and become his murderer.

By a supreme effort he succeeded in getting the gourd to his mouth and quaffed it off. The cold water revived his strength. Again and again he drank freely of the elixir of life. His overloaded stomach rejected the excessive potations, which had fortunately absorbed, in some measure, the heat of his feverish body. From that moment a turn in the tide set in and he rapidly convalesced to normal health. He returned to his native heath, determined to complete his education and went to the University of Virginia. After graduating, he chose the profession of medicine.

With his sheepskin properly signed by the president and other professors of the Jefferson Medical College of Philadelphia, attesting his proficient qualifications in the science of medicine, he returned to Anson County and located in the new and thriving village of Carolina Female College, since known as Ansonville. Courteous manners, kindly interest, friendly deeds, assiduous application, conjoined with natural ability, soon won him a large, lucrative patronage.

His success was assured and he took unto himself a help-mate, marrying the beautiful, stately, and attractive Miss Rosa Boggan, of the city of Wadesboro, his social equal. It is usually conducive to happiness—mating in the same social circle. Only a few short, fleeting, happy months were granted to them when she winged her flight to Elysian fields.

Soon afterwards the tocsin of war sounded throughout the land and we find our doctor of medicine marching in the

ranks, keeping step to the quivering throbbings of the drum and the martial symphonies of the fife.

On arrival of his company in Richmond his fame as a physician had preceded him—he was taken from the ranks, raised to the rank of captain and appointed assistant surgeon of Chimborazo Hospital. Here his skill as a physician had ample opportunity to develop and display the strong mental capacity and resourceful man behind the energetic surgeon. We have no access to the records, if in existence, and can not know the many successful operations performed upon the hundreds or thousands of wounded carried to the hospital. His retiring disposition shrank from notoriety, and he told not even to his most intimate friends the many serious surgical operations performed. We do know his fame as a surgeon and physician increased with the months of service and experience, because when it became necessary for the government of the Confederacy to establish another hospital in the city of Richmond, known as the Soldiers' Home, Dr. John W. Bennett was selected from the many aspirants, and was appointed chief surgeon with the rank of major in the Confederate army. This position he worthily filled till after Appomattox, remaining with commendable faithfulness at his post until the last patient was discharged.

Returning to his native heath, whose sacred soil had been trod by the vandal hordes of Sherman's army—home laid waste and devastated by fire and sword—his courage equaled the calamity and with renewed energy he sought to repair his fallen fortunes.

Zeal, guided by wisdom and experience, soon made him the loved physician of the section, success crowned his efforts without oppressing the poor (and we were all poor), and all never failing to find in him a man of warm sympathetic heart, ever ready to respond to their call for relief. He gave to every patient the needed attention and did not neglect the insignificant and destitute. His one object in life was to re-



lieve suffering humanity and his zest equaled his physical endurance.

To the mind of the writer one characteristic of his greatness was displayed and exemplified by his disbelief in much dosing. I have heard him say that to exacting patients he had often prescribed and administered bread pills. It was his firm conviction, exemplified in his practice, to sustain the physical being till nature could rectify the malady and restore the body to its normal condition. One day Doctor Bennett and the writer were driving along the lane some three hundred yards north of Mr. Perde Richardson's residence. At that time the old rail fence was the only protection of cultivated fields from stock that ran at large. The better the fence the better the farmer, and planters vied one with another in having the best fence. This fence was laid with rails ten feet long, zigzag like the track made by a crawling snake, hence the name "snake fence."

The rails laid on the ground, or worm as it was called, were placed with great care and precision, sighted by stakes, that each corner should be perfectly in line and straight as the famous "bee line." After the worm was laid, then one rail was placed exactly over another to the number of ten. At the corners, where the rails locked, were planted in the ground two rails, one on either side of the fence, leaning against the corners, acting as a brace to the fence. These two rails formed a lock above the panel and another rail was laid in the locks of each panel—making a very high, strong and substantial fence, proof against raging winds and mean stock—as General Atlas Dargan used to say, "Horse high, pig tight, and bull strong." Such a fence bordered either side of the road—usually termed a lane. Riding along this lane, as above stated, Doctor Bennett became reminiscent, and related the following incident; as near as possible, I quote his own words:

"Riding along here one dark night on a professional call, I heard horsemen approaching at a rapid, flying gait. Fearing

danger, I reined my horse to one side near the fence to escape being run over. To my astonishment I saw neither horses nor horsemen, but the sound of flying feet of race horses cleaving the wind passed obliquely across the road, over the fence and off through the field. Pondering upon this strange occurrence as I rode along, about one hundred yards I overtook Aunt Dicey, an old darky belonging to Mr. Perde Richardson. I asked her if she met or saw any men on horses riding rapidly. She replied: 'Oh, Marse John, dat's dem old race horses; dey rides ever now and den of er night.'

"On investigating the matter I learned that in the Revolutionary days there was a straight level stretch of road here running obliquely across the present road which was used as a race track, and that in one of the races a man was killed."

Doctor Bennett, relating the above, looked straight to the front. He did not even smile and spoke the words of truth and soberness.

Experiencing the desolateness of the empty house and fireless hearth, he again sought and obtained the great boon of the love of another fair daughter of one of Anson's nobility and wedded the lovely maid, Mary Richardson. He bought the commodious residence of the LeGrands, about two miles from Wadesboro, at the beginning of what was then known as Longtown, embracing a section of highway leading from Wadesboro to Cheraw. Said section was decked at convenient, neighborly intervals with the residences of the Marshalls, the Smiths, the Richardsons, the Littles, and the Bennetts. Here allow a digression for a moment to say the name "Longtown" was evidently imported from England, as there is still a similar section so designated, lying in Cumberland County, near the border of Scotland, contiguous to the original and famous "Gretna Green" and adjacent to Marlsgate, the ancient seat of the Little family.

Doctor Bennett's practice was extensive, embracing not only the section of country adjoining, but Wadesboro, Lilesville and adjacent sections. Because of the exposure of his

family in the country to the lawless miscreants of Reconstruction days and afterwards, during his necessary absence in pursuit of his profession, he sold his elegant home and purchased in the limits of the corporation of the town of Wadesboro.

Born among rugged hills, his cradle rocked amid the everlasting foundations of granite cliffs overhanging Jones Creek, his lullabies the singing waters, made him a very child of Nature. Roaming the hills, gun in hand, and resting his weary head on the rocks for a pillow, no wonder he took cognizance of the flora and herbs of health-restoring qualities and turned his attentive genius to the art of healing—the greatest boon of suffering humanity.

A living and live member of the Methodist Church, he died May 6, 1899, in the odor of sanctity, leaving a priceless heritage of a noble life to his wife, two sons and two daughters, and—and to a host of friends. Another brave soldier answered to the last roll call when the Master ordered the angel to beat taps to the loyal soul of John Washington Bennett—chief surgeon of the Confederate Hospital, "The Soldiers' Home."

## Biographical and Genealogical Memoranda

Compiled and Edited by Mrs. E. E. MOFFITT.

Sketches of Dr. Archibald Henderson appeared in THE BOOKLET, Vol. XVI., No. 2, and Vol. XIV, No. 3.

### GENEALOGICAL DEPARTMENT QUERIES.

Mrs. J. L. Kline, 480 Claybrooke, Memphis, Tennessee.

GILLESPIE—John Gillespie, of North Carolina, married Miss Craig, and their son John married "Ella Dickey." I want his birth, death, children, and Revolutionary service.

John Gillespie and Ella Dickey Gillespie had a son, James, born October 10, 1809.

Thanking you for your trouble.