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THE  
PAPERS OF ARCHIBALD D. MURPHEY

EDITED BY  
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*Archibald Lebow Murphy*

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# THE MURPHEY PAPERS.

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## *Protest against Resolutions of the General Assembly Censuring Senator David Stone.<sup>1</sup>*

The undersigned, Members of the Senate, having voted against certain resolutions adopted by the majority of the two Houses of the General Assembly, censuring the political conduct of the honorable David Stone, one of the Senators from this State in the Congress of the United States, deem it to be their duty to enter their protest against these resolutions and all others of a similar kind. We are induced to enter this protest, not from a spirit of political hostility to the majority who have adopted the resolutions—but from a belief that they have erred in their views upon a subject of vital importance to the welfare of the nation. If they have erred, we believe it to be an honest error, growing out of the most honorable feelings of the heart. But error is not the less dangerous in this case, because it is honest, for it may be relied upon hereafter as a precedent to sanctify acts which proceed from impure motives and lead to disastrous consequences. We will briefly assign the reasons upon which our protest is founded.

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<sup>1</sup>From the *Senate Journal*, Dec. 25, 1813, pp. 45-46, where it is preceded by the statement that "Mr. Murphey in behalf of himself and others, Members of the Senate, delivered in the following protest." John Stanly presented it in the House of Commons on the same day (the last of the session). It was undoubtedly drafted by Murphey. William Drew had proposed resolutions in the House on Nov. 23d, censuring Stone for his votes against the direct tax for the support of the war, the embargo, and Albert Gallatin's appointment as ambassador to Russia. These resolutions were indefinitely postponed at the instance of Duncan Cameron on the ground of lack of authority to pass them. On the next day John Branch moved in the Senate for the appointment of a joint committee to consider Stone's conduct. The motion was carried (certain members of the House having in the meantime entered a protest against the postponement of Drew's resolutions), and Murphey, who had voted against the motion, was appointed with Branch and Wynns to act on the part of the Senate. Murphey declined and was excused. The committee reported resolutions similar to those first introduced by Drew, and they were adopted after much opposition, led by Murphey in the Senate and Stanly, Pearson, and Steele in the House.—*Journals; Raleigh Register*, Nov. 26 and Dec. 3, 1813. *Cf.* Vol. I. p. 17 n.

1st. We deny the right of the legislature to *censure* the political conduct of a Senator in Congress.

2d. If the right exists, we are of the opinion, that it should be exercised only in cases of flagrant political depravity.

The Constitution of the United States declares that the Senate shall be composed of two Senators from *each State*, to be chosen by the legislature thereof for six years.—This legislature claims the right to censure their Senator because they chose him; and alledging that the sovereignty of the State resides *in them*, they claim the Senator as their *Representative*. It is not necessary here to enquire whether in a representative government, the *Representative* is bound to obey the instructions of his *constituents*; for we contend that the legislature are not the constituents of a Senator, and that the *sovereignty* of the State which he represents in Congress resides not in the legislature, but in the people; *that* people whose humble servants we all are; *that* people before whose majesty, the legislature must forever bow with reverence. The absurdity of the proposition that the sovereignty of the State resides in the legislature is evident from the consideration that the legislature *act under the Constitution* of the State, and that this Constitution is dependent for its form and existence upon the will of the people—They can alter it and even annihilate it at pleasure; and in so doing, strike out of existence the legislature that vainly assumes to itself that sovereignty which they merely represent. In the appointment of the Senators to Congress, the legislature acts as the organ through which the will of the people is to be expressed. The Senator is chosen by the legislature to represent “the State;” and until it can be shewn “that the legislature is the State,” the undersigned must think that the Senator is not the representative of the legislature. The right of the legislature to censure Mr. Stone, being rested by the majority upon the ground that he is the representative of the legislature, if it appears that this ground is not tenable, this right to censure cannot be maintained. It belongs to the people, and not to their servants, to censure their representatives—If, therefore, Mr. Stone has acted amiss, let the voice of the people declare it; let them assemble and express their

disapprobation; let them pronounce the censure which their servants upon this occasion have undertaken to do in their name.

By the Constitution of the United States, the people have confided to the two Houses of Congress and the President of the United States, the regulation and management of the *general* concerns of the Union. The people of this State have confided to their General Assembly the regulation and management of their local concerns. The great interests of the nation will often conflict with the particular interests of the States. A Senator in Congress representing the sovereignty of his State is to consult the interests of the union at large: In the spirit of conciliation and concession he is to yield local interests to promote the public good. How can we expect the welfare of the union to be advanced, if each Senator in Congress is to be controuled by the wishes and passions of his particular state? In addition to these considerations, we would ask, Why are Senators elected for six years? Why does the constitution require that two thirds of the old Senators shall always be found in the Senate? Why are *two* Senators to be chosen from each state? The only satisfactory answer that can be given to these questions seems to be, that the Senate was intended by the framers of the Constitution to be the stable branch of the Gen. Government, to be composed of men distinguished for their wisdom and integrity, whose passions are chastened by experience, who by holding their appointments for a longer time than party zeal usually sets in one direction, should be removed from its influence, should constitute a barrier against its intemperance, and check alike the passions of the House of Representatives, and the ambition of the President. It is true that the Legislatures of the states have long claimed the exercise of that power which a majority of this General Assembly have asserted upon this occasion; and in their resolutions have adopted the phraseology of "instructing their Senators and requesting their Representatives."<sup>1</sup>

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<sup>1</sup>The question of the Assembly's power to instruct senators and representatives in Congress was a paramount issue in North Carolina politics at several notable periods in the history of the state. From the time of the adoption of the Federal Constitution this power, which involves the States' rights doctrine as well as the

They have used the word instruct in the sense of a positive command which their Senators were bound to obey, and for his disobedience they claim the right to censure. It is not necessary to discuss the question, Whether the Senators are bound to obey the instructions of their constituents? For until it be demonstrated that the Legislatures and not the people of the several states in their sovereign capacity are the constituents of the Senators, the right of the Legislatures to impose positive commands upon their Senators, and the consequent right of censuring for disobedience, cannot be maintained. Deliberative bodies, as well as individuals, are fond of power, and many instances are to be found in the history of our government of the former transcending their Constitutional powers. Nothing can better point out to the good sense of the people the impropriety of the principle under consideration, than the instances in which it has been acted upon in the several States. The undersigned would ask, in what instance has a legislature censured the conduct of a Senator but from party views and party feelings? And from what other quarter will a censure ever come?

principle of plenary power of the state legislature within constitutional limitations, was claimed and repeatedly exercised by the Democrats, and controverted by the Federalists and their successors. Refusal to be guided in his votes by the wishes of the Assembly proved disastrous to Senator Johnston, the Federalist leader, in 1792. In the Congressional elections of 1801 Davie, Henderson, Grove, Stanly, and Hill went down to defeat on the same issue. During the period from 1834 to 1840 there was a continuous struggle over the question of instructions, attended by the resignations of Senators Mangum, Brown, and Strange. The principle now generally accepted is "that each senator and each representative represents the whole United States, according to his own intelligence and judgment, and that there is no constituency in the United States which can demand a control over its representative in either house of the Congress, or require his resignation" (Burgess, *Political Science and Comparative Constitutional Law*, II. 50). See Lalor, *Cyclopædia of Political Science*, II. 527-530; Dodd, *Life of Nathaniel Macon*, pp. 52, 68, 114, 130, 176, 380-381, 390-391; Wagstaff, *State Rights and Political Parties in N. C.—1776-1861* (Johns Hopkins Univ. Studies, 1906, Ser. XXIV, Nos. 7-8), pp. 54-55; Wagstaff, *Federalism in N. C.* (*James Sprunt Hist. Pub.*, 1910, IX, No. 2), pp. 21-22, 24, 32, 38-40, 42; *Debate on Mr. Fisher's Resolutions against Caucuses in the House of Commons of N. C. in Dec., 1823*, *passim*; *N. C. House Journal*, Jan. 9, 1833. Cf. Murphey's brief in *Robinson v. Barfield*, 2 *Murphey's Rep.* (6 N. C.), at p. 415. For an interesting statement of early views in North Carolina on legislative power, see *Harvard Law Review*, XXIV. (1911) 371-372, 376, 380-384, 460.

But if the foregoing reasoning is not correct, and the right of the Legislature to censure their Senators be admitted, should this right be exercised except in cases of flagrant political depravity? We presume that it should not. It is important to the best interests of the union, that the Senate of the United States should be firm and independent. That body is destined to be the most unpopular branch of the general government. It is that branch which the constitution interposes between the passions of the people and their interests; and any effort to shake its independence of action, to make it yield to the whims of the day, must be regarded as dangerous. Public opinion is variable; the acts of a Senator which are censured at this session of the General Assembly, may be applauded at the next. Why then shall the Legislature in a moment of excitement pass a vote of censure, which in a few months their sober judgment may condemn? The undersigned would also ask what are we to expect from a vote of censure? If the Senator has acted wrong, will it not confirm him in his error? Will it not render him obstinate in his opinion? For the Legislature cannot remove him: And will it not influence his colleague, and induce him to vote against his better judgment, that he may escape the like censure? The censorial power in a republic should always be exercised with delicacy and sobriety; when it is so exercised, it will advance the public good, and to exercise it upon ordinary occasions is to render it of no efficacy. For these reasons the undersigned do protest against the resolutions which have been adopted.

*Robert W. Smith, John Smith, Arch. D. Murphey, Arch. M'Bryde, James Stewart, Barnebas M'Kinnie, Wm. Bodenhamer, John Hinton, Jonathan Parker, And. Caldwell, Wm. V. Speight, Belcher Fuller, Wm. Johnson, R. Williams.* 14.<sup>1</sup>

Signed December 25, 1813.

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<sup>1</sup>Forty-two members of the House of Commons (out of 131) signed a similar protest entered in its journal. They included Stanly, Cameron, Iredell, Steele, and Jesse A. Pearson.

David Stone, originally a Federalist, was a man of ability and learning and had filled the highest offices which the state could bestow: he was governor, judge, member of the House of Commons, and senator and representative in Congress. When elected by the Assembly of 1812 to serve his second term in the U. S. Senate he was supposed to be a decided Republican, having been a conspicuous

*Circular Letter to the Freemen of Orange County.*<sup>1</sup>

TO

*The Freemen of Orange County.*

FELLOW-CITIZENS,

THE General Assembly having adjourned on this day, it devolves on me as one of your Representatives to give you an account of the proceedings of that body, as they affect your interest and that of the State. I perform this duty with cheerfulness, although I cannot expect, however much I might desire it, that the part which I have taken in the deliberations of the General Assembly upon many subjects, will be unanimously approved of by you. Unanimity of opinion in a government where every man is free to think for himself, cannot be expected; it therefore becomes the duty of a public servant to conform his conduct to correct principles, and rest himself upon the uprightness of his views. An honest motive can be the only satisfactory apology for an error in conduct. In the discharge of my public duties, I have endeavoured to consult the best interests of North-Carolina, to assert her rights, to maintain her honour, and advance her respectability.

Early in the session the attention of the Legislature was drawn to the late invasion of this State by the enemy, and to other circumstances growing out of or connected with the war in which we are engaged. The steps taken to repel this invasion, and the application to the General Government for means of protection and defence for our sea-board, were communicated in the message of his Excellency the Governor; and the correspondence upon these subjects between his Excellency and

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advocate of the electoral law of 1811. At that election Murphey and Gen. Thomas Davis were also candidates for the U. S. Senate. Stone received 100 votes, Murphey 73, and Davis 12. The censure caused Stone to resign. See Ashe, ed., *Biog. Hist. N. C.*, IV. 424-428; Moore, *History of N. C.*, I. 463, 469; *Raleigh Register*, Dec. 9, 1814 (Stone's letter of resignation).

<sup>1</sup>Printed pamphlet. Raleigh: T. Henderson. [1813 or 1814.] 8°, 8 pages. It was the custom of members of the state and Federal legislatures to send to their constituents, at the close of each session, a printed account of their proceedings. Such circulars are now very rare, and this is the only one written by Murphey that the editor has found.

the Department of War of the United States was laid before the Legislature. These subjects with the correspondence relating thereto were<sup>1</sup> referred to a committee,<sup>2</sup> who after much examination and consultation, made their report, in which they pointed out the unprotected situation of our sea-board, the repeated, but fruitless, efforts of his Excellency the Governor to obtain the means of protection and defence from the General Government, and the necessity of adopting some efficient measures of defence before the close of the session, should those measures not be adopted by the General Government on our behalf. The committee recommended that a Memorial and Remonstrance expressive of their feelings and views on these subjects should be immediately transmitted to the President of the United States, with a request that he would without delay inform the Legislature what steps would be taken by him for the defence of this State against the enemy.<sup>3</sup> This report being objected to as containing some errors in its details, and the committee being anxious that it should contain "the truth, the whole truth, and nothing but the truth," it was re-committed,<sup>4</sup> and on the next day the committee again reported. Their report being taken up by the House, a motion was made to postpone it indefinitely. Upon this motion a debate took place, in which the merits of the report, with the memorial and remonstrance to the President of the United States, recommended by the committee, were examined. I advocated the report in all its parts, and opposed the motion

<sup>1</sup>This word is printed "was" in the original pamphlet.

<sup>2</sup>Murphey, Robert Williams, and Simon Bruton, of the Senate, and John Stanly, Duncan Cameron, William Jones (of Hertford), William Holliday, James Iredell, and Larkin Newby, of the Commons.

<sup>3</sup>The report (*Senate Journal*, 1813, pp. 11-12) seems to have been written by Murphey, though Bruton was chairman of the committee.

<sup>4</sup>The Madisonians, with John Branch and James W. Clark at their head, having threatened to reject the report on the ground of some immaterial misstatements in it, Murphey moved that it be recommitted. His motion prevailed after a lengthy debate, in which he said he "regretted that this subject should have excited party feelings—one with which the foolish, abominable terms of *Federalism* and *Republicanism* had nothing to do. It is a subject, said he, which has in view the protection of our wives and children and firesides. \* \* \* If the committee have fallen into a mistake, shall they not have an opportunity of correcting it? They surely ought, that nothing but truth may appear."—*Raleigh Register*, Nov. 28 and Dec. 3, 1813.

for indefinite postponement. The motion prevailed by a majority of one vote. It has been alledged that this report proceeded from a spirit of hostility to the present administration. To this I will answer, that whatever views may have been given to this subject, either in the House or elsewhere, the committee who made the report, were influenced by no party considerations nor party feelings. There were upon this committee a majority of republicans, zealous friends of the present administration, and they with the other members of the committee, unanimously approved of the report in all its parts. If upon this occasion, Fellow-Citizens, my conduct should be disapproved of by you, I shall deeply regret it; not only on my own account, but on account of the State of North-Carolina. Having been born in this State, I feel an attachment to its soil, its people, its rights and its honour, which I will never sacrifice to a punctilious regard to the present nor any other Administration of the General Government. When we became a member of the Union, the general government promised to us protection and a participation of the public honors: since that period, we have annually paid into the treasury of the United States from one to five hundred thousand dollars of revenue: more than twenty-three years have elapsed, and what portion of this money has been expended for the security of this State? A few Light-Houses have been erected, and two Forts have been built, and that is all! We have often paid into the coffers of the United States within the space of six months, more money than has been expended for our security in twenty-three years. During this time millions upon millions have been expended for the security of other States. In a time of peace, we thought little upon this subject, because danger was at a distance—in a time of war, we feel its importance, and find just cause to complain that we have been so long neglected. We seem to be regarded as an ignorant, tame and submissive people, who have neither understanding to know our rights, nor spirit to assert them; and as if unworthy of the public honors, we are overlooked in appointments to the high and confidential offices of the government. North-Carolina, although the fifth State in the Union in point of population, has submitted to this degradation until her name has become a proverb in



her sister States, and her people looked upon as only fit to furnish recruits for the army—as connected with this subject, I cannot forbear to mention the humiliating circumstance, that whilst the Governor of this State, during the last summer, was pressing our claims to protection upon the Secretary of War of the United States, and pointing out our defenceless situation, his communications seemed to have been regarded by the Secretary as scarcely worthy of his notice; and after one or two very laconic answers from the Secretary, a *Clerk* in his department was ordered to answer these communications. We may feel regret at being neglected, but we must feel indignant at being treated with contempt.

It is not my wish, by these observations, to stir up discontent towards the General Government, nor to impair the confidence which ought at all times to be reposed in its administration. This is a moment of peril and difficulty, when a generous confidence should be extended; and I would let the claims of North-Carolina sleep for the present, if the assertion of them could impair the energy of the General Government. But believing that to assert those claims, cannot impair this energy; that extending to this State the favour and countenance to which she is entitled, will give additional zeal to the patriotism of her citizens, I think it to be our duty to evince a just sense of our rights, and to make known to the General Government our causes of complaint. A State as well as an individual that does not know how to respect itself, cannot expect to be respected by others; and when we show that we know how to respect ourselves, we shall be respected by the General Government, as well as by the enemy. Without this self-respect, an honourable friendship cannot be maintained either between individuals or between States.

The neglect with which we have been treated, was so obvious, that the Legislature could not pass it over in silence; and notwithstanding the address to the President of the United States, which had been reported by the committee, was rejected, another address<sup>1</sup> couched almost in the same language, was offered a few days afterwards, which, in the Senate, was adopted unanimously, and in the House of Commons by a very large

<sup>1</sup>Proposed by Murphey.

majority. This address was forwarded to the President by a special Agent, and before the close of the session the answer of the President was received by the Governor, and laid before the Legislature. It appeared from the President's answer that the only additional means of protection which we were to expect, were a few barges, which were promised to be sent into our waters as soon as they could be got in readiness; and that an Engineer had been sent to view our ports. It is probable that after this Engineer shall have completed his survey and made his report, some additional fortifications will be erected on our sea-coast. In the meantime, as we were to be left in a state of great insecurity, the enemy being off our coast,<sup>1</sup> and being able at any time to land and plunder and burn our towns and the country on the sea-board, the Legislature deemed it to be their duty to adopt some measures of defence at the expence of the State. They directed the Public Treasurer to borrow twenty-five thousand dollars, to be expended by the Governor in the purchase of arms and munitions of war;<sup>2</sup> and with a view to aid the General Government in erecting fortifications for the defence of this State, they prescribed the manner in which scites for forts might be procured and ceded to the United States jurisdiction over those scites. It was also deemed advisable to provide ways and means for furnishing the militia with supplies in the event of their being called into service during the next year; and for this purpose the Public Treasurer was authorised under the direction of the Governor to borrow such sums of money, not exceeding in the whole fifty thousand dollars, as might be required to purchase supplies for the militia in the event of their being called into service during the next year.<sup>2</sup> Heretofore when the militia were called into service, their property was not protected from sales under attachments and executions during their absence from their families; this was certainly a hardship upon that worthy class

<sup>1</sup>A large force under Admiral Cockburn took possession of Ocracoke and Portsmouth, N. C., in July, and was again in the vicinity in September.—*Journal of the House of Commons*, 1813, p. 5; *Raleigh Register*, July 23 and Sept. 24, 1813.

<sup>2</sup>The original bills for these objects are in Murphey's handwriting. They were reported by the committee which proposed the memorial to President Madison.

of our citizens, who were called upon to leave their business, their homes and their families, to defend their country. The Legislature have removed this hardship, and exempted the property of men called into the service, from sales under attachments and executions, during their continuance in service and thirty days after their discharge.

The accounts of the detached militia lately called into the service of the United States, are in a train of settlement by the Adjutant General, under the directions of the Governor. These accounts when settled, will be discharged by the United States. The accounts of the local militia lately called out to repel the invasion, and of such parts of the detached militia as will not be paid by the General Government, are referred for settlement to a board of commissioners, composed of the Treasurer, the Comptroller, and the Secretary of State. These accounts when settled, will be discharged by drafts on the Treasury of this State; and to enable the Treasurer to meet those drafts, he is authorised to borrow the sum of twenty thousand dollars. As it is the duty of the General Government to defend the States, and as the expences of the local militia were incurred in the defence of this State against the enemy, the Legislature directed that application should be made to the General Government for a reimbursement of those expences; and the Governor will make this application as soon as the accounts shall be settled.

Early in the session, resolutions were introduced censuring the political conduct of the hon. David Stone, one of our Senators in the Congress of the United States. It was my fortune as well as that of many others, to differ in opinion upon this subject from a majority in the Legislature. I opposed the resolutions not upon the ground that I approved of Mr. Stone's votes, but that it belonged to the people and not to their servants in the Legislature, to censure the conduct of their Senator in congress: and that if the Legislature had the right to censure, it was imprudent to exercise this right except in extraordinary cases. Most of those who voted against these resolutions, thought it to be their duty to protest against what they believed to be an assumption of power by the Legislature.

This protest<sup>1</sup> has gone abroad—you will read it and determine how far the reasoning upon which it is founded, is correct. If it is true in morals, that “we should not do wrong, that right may come from it,” it is also true in politics, “that we should not depart from correct principles, in order to gratify party feelings.”

The state of our public revenue claimed much of the attention of the General Assembly. The receipts at the Treasury for the year ending on the first day of November last, fell short of the public expenditure, and the circumstances of the war rendered it certain that during the next year, the difference between the receipts and the expenditure would be much greater. These circumstances rendered an increase of taxes indispensable. The land tax, which was at ten pence, was raised to twelve pence upon the hundred acres; and the poll tax, which was at two shillings and six pence, was raised to three shillings. The tax on town property was raised in the same proportion. Notwithstanding this increase of the taxes, the State will be greatly in debt at the end of the year. An effort was made to equalize the land tax in such way that the tax should be proportioned to the value of the land. The members from the western counties advocated this mode of taxation. They contended that justice required the rich land to be taxed higher than the poor, and that policy required this mode to be adopted, in order to procure a more productive revenue. The members from the eastern counties opposed the plan, and being more numerous, they defeated it. I fear from the preponderance which the eastern counties have in the Legislature, that it will be long before this just and efficient system of revenue will be adopted.<sup>2</sup> The failure of the plan to equalize the land tax, rendered it highly impolitic to assume the payment of this State's quota of the direct tax imposed by Congress;

<sup>1</sup>See *ante*, p. 1.

<sup>2</sup>The proposed change came in 1817. Up to that time lands were taxed by the acre, irrespective of quality or value. Town lots, however, were taxed according to value. This system was long a subject of complaint, particularly in the western counties. An attempt to change it in 1812 revived the old proposition for a constitutional convention (to give the western counties due representation in the legislature), which failed by a vote of 76 to 46. The bill of 1813 to equalize the land tax was referred to the joint standing committee of finance, of which Murphey was a member throughout his course in the legislature.

for if our State tax falls heavy upon the poor land, the direct tax levied upon the same principle, would have produced an actual sacrifice of it.

The dispute which has so long existed between this State and South-Carolina, relative to boundary, was settled by commissioners<sup>1</sup> during the last summer, and the agreement entered into by the commissioners, has been ratified by the Legislature.

The house which has been heretofore occupied by the Governor, in this city, having gone much to decay, the Legislature directed the lot on which it stands, and some of the public lands adjoining the city, to be sold, and the monies arising therefrom to be applied to the erection of suitable buildings for the accommodation of the Governors of this State.

The other public acts passed by the Legislature at this session, which are of much import, are the following:

An act requiring notice of their appointment to be given to overseers of roads. This act requires the sheriff to apply to the clerk within ten days after the rise of each county court, for the orders appointing overseers, and to serve copies of the orders on the persons appointed, or leave them at their usual place of residence, within twenty days thereafter.

An act permitting the removal of suits to adjoining counties for trial, by consent of the parties.

An act<sup>2</sup> allowing appeals from the county courts to the superior courts, in cases of petitions for laying out roads, establishing and settling ferries.

An act to amend the Militia Laws of this State. The Adjutant-General is required to collect the Militia Laws and have them, together with the act of Congress of 1792, printed, and one copy to be furnished to each General, Field Officer and Captain.

An act to suspend executions for a time therein mentioned. Judgments already stayed, may be further stayed until the first day of July next, upon the defendant's giving two freehold securities. Judgments in court must be stayed at the

<sup>1</sup>Gen. John Steele, Gen. Montfort Stokes, and Col. Robert Burton were the North Carolina commissioners.

<sup>2</sup>The original bill is in Murphey's handwriting.

first court after the first day of February next. Judgments before a Justice of the Peace may be stayed within ten days after the first day of February next.<sup>1</sup>

The numerous complaints respecting the laws regulating the inspection of flour in this State, induced the Legislature to pass an act<sup>2</sup> to amend those laws. Two inspectors of flour are to be appointed at Fayetteville, and one at Raleigh. The inspectors are to be appointed by the Governor, and removable by him upon just cause shewn. Flour may be boated from Fayetteville to Wilmington, without being inspected at Fayetteville. The qualities of flour to be only three—Superfine, Fine, and Cross-Middlings. Inspectors are to conform their inspection to the inspection observed and in use in the adjacent States. Price of inspection to be five cents per barrel.

For the confidence which you have extended to me, I return my sincere thanks, and shall be much gratified if I shall be found in your opinion to have deserved it. Accept, Fellow-Citizens, my best wishes for your general as well as individual welfare.

A. D. MURPHEY.

*Raleigh, December 25, 1813.*

Y. HENDERSON, PRINTER.

*Circular Letter to the Freeholders of Orange County.*<sup>3</sup>

TO THE FREEHOLDERS OF ORANGE COUNTY.

FELLOW-CITIZENS,

Were it not for our elections, our party dissensions would soon subside. The people, pursuing their useful labours, would cherish towards each other brotherly affection, and never suspect that one neighbour loved his country less than another. But this tranquility and harmony are constantly disturbed by men who are candidates for public appointments. These men find it to be the most convenient mode of gaining their end, to

<sup>1</sup>Murphey opposed the stay law at this session and the preceding one. In January, 1814, the Supreme Court held it to be unconstitutional.

<sup>2</sup>Drafted by Murphy.

<sup>3</sup>Printed broadside. [Raleigh: 1814] Folio. 1½ pages.

excite the passions of the people, to scatter suspicion and distrust among them, and under the pretence of serving their country, to set one half of the people at war with the other half. How soon would our party quarrels die away, if they were not kept alive by these men! Shall we forever be the dupes of this folly? I trust that we shall not; I trust that the good sense of the people will at length teach them that nothing contributes less to their interest or happiness than disputes about party politics. I cannot therefore but deeply regret to observe the style and sentiments of a publication lately addressed to you, the object of which is to rouse the zeal of party spirit in the next election, and to traduce my reputation. Is the public good expected to be promoted by the exercise of an illiberal, malignant spirit? I apprehend not; and I ask the republicans of Orange county by what authority this writer<sup>1</sup> has put himself at their head? Have they consented to make his opinions the standard of orthodoxy? Have they commissioned him in their name to denounce and traduce whomsoever he pleaseth, and set at naught the rules of decorum and good manners? If they have, I must say that republicanism among us is sadly in the wane. Why have so many men been lately scouted from the republican ranks? It is because a set of illiberal men have been impudent enough to assume to themselves the name of *honest, orthodox* republicans, and to cry down every one who will not go all lengths with them. They are bringing the cause of republicanism into disrepute: They are prostituting the proud and independent character of freemen to the little purposes of factious malevolence, and waging war against every thing that is exalted and generous in the human character. Mr. Jefferson told the people of the United States, when he first came into the presidency, that we were all federalists, we were all republicans; and that in appointments to office, the only question should be, "Is the person proposed to be appointed, honest; is he capable?" You are now told that Mr. Jefferson was entirely wrong; that we are not only divided into federalists and republicans; but subdivided into *simple republicans*, and *honest, orthodox* republicans, who

<sup>1</sup>Dr. James S. Smith, Murphey's opponent in the election for a senator from Orange County. See vol. I. p. 69.

will neither *twist* nor *quirk*: and it is intimated that in appointments to office, the question should be, "is the person proposed to be appointed, one of these *honest, orthodox* republicans?" Whether he be honest, whether he be capable, form no part of the question. This latter sort of republicanism is of fungous growth: It is generated in narrow-minded vanity; it is nurtured by malignity, and bears the fruit of malevolence and folly. Scandal, illiberality, backbiting, hatred, envy, impudence and loquacity hang upon its branches. Genuine republicanism is of another stamp: It has its foundations in the best affections of the human heart; its object is the *good* of mankind at large; its benevolence is boundless and its charity extends to all the faults and infirmities of the human family. Whilst its votaries are instructed to repose a generous confidence in those in power, they are admonished to be vigilant, that this confidence may be neither trifled with nor abused. Genuine republicanism is a tree of magnificent growth; it thrives best in the rich soil of a correct morality and a pure religion. Peace upon earth, good will to all the world, and that charity which makes us bear with each other's faults, and which therefore covereth a multitude of sins, are the fruits which adorn its boughs. This sort of republicanism is worthy of a free and a christian people; it is worthy of the country in which our fathers have planted it.

Why are political distinctions kept up among us? Genuine republicanism knows them not, and he who has understanding to know, and a desire to promote, the best interests of his country, will strive to know them not. In the discharge of my public duty in the General Assembly, I have endeavoured to consult the great interests of North Carolina and not the interests of any faction or party: And if, fellow citizens, you wish your representative to act otherwise, don't elect me. I cannot consent to become the vile sycophant of a party and lick the dust from the feet of their leader. If I have nothing to recommend myself to your patronage but my attachment to a political party, I have the poorest of all recommendations. I appeal to the discreet and sober-minded, if in forming an estimate of a man's character, his opinions about party politics weigh a dust in the balance? And whether any class of men have less



respectability and less patriotism than our talkative politicians? Politics have become a trade, in which bankrupts in fortune and reputation are master-workmen, and the idle, the profligate, the dissipated and the factious, are apprentices. When a man gets out of business he turns politician, undertakes to instruct his neighbours about their rights and the administration of their government: and just at the moment when he loses his prudence in managing his own affairs, he gets wisdom for managing the affairs of the nation. What is the consequence of this evil among us? The distracted condition of our country, and the low ebb of its morality, furnish to us the unfortunate answer. Party politics have taken the place of everything valuable and praise-worthy. Religion, morality, and an honourable course of life, are made secondary matters and put in the back ground. What inducement has a man who aspires to public employments, to lead a virtuous life, when he finds that the people look upon his notions about party politics to be of more importance than all his virtues? I have long raised my voice against this usurping march of shallow Politics, which is sweeping into destruction the good sense and the virtue of the nation, and threatening us with the reign of faction and of folly. Is there any man among us, be he called a federalist or republican, who does not wish his country well? Does not his interest as well as his pride induce him to wish it well? Why, then, if we are all aiming at the same end, do we quarrel with each other, and brand with odious epithets those who differ from us in opinion as to the best means of obtaining this end? Party spirit has ruined all the free governments which have heretofore existed: It will ruin ours, unless constant efforts be made to check its influence. Let all those who wish to transmit our government as a blessing to their children, lend their aid in healing our dissensions, and by their council and example discountenance their revival.

It is a melancholy truth, that many men regard liberality in politics as a crime, whilst they regard it as a virtue when exercised upon any other subject. In politics, they look upon it as another name for insincerity and hypocrisy. As faction gains ground, and as party spirit extends its influence, this unfortunate perversion of judgment increases, until it becomes a

settled rule of action, that a man shall not question the propriety of the conduct of his party without being discarded by them. I hope that sober reflection will correct this error, and that the time is not far distant when a<sup>1</sup> difference in opinion about politics shall be accounted as harmless, as a difference in opinion about ploughing our lands and raising our crops. If, fellow citizens, you think proper again to elect me to a seat in the senate, I shall accept the appointment with pride and with gratitude; and it shall be my endeavour, as it heretofore has been, to serve *you* and the state of North Carolina; but not to serve a party.

A. D. MURPHEY.

ORANGE COUNTY, JUNE 3, 1814.

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*Resolution of the General Assembly to Present a Sword to Captain Johnston Blakeley.<sup>2</sup>*

Whereas the achievements of the Navy of the United States, during the present war, have thrown around the National Flag a blaze of glory that has given a new lustre to the American Character:

Resolved, by the Senate and House of Commons of the General Assembly of North Carolina, that they have viewed with pride and with gratitude the gallant conduct of the several naval commanders who have given triumph to the Flag of the United States, and advanced its renown, as well by deeds of valour as by the display of those virtues which adorn a Nation's character.

Resolved, That this Legislature feels with ardent and peculiar emotion, the honor reflected upon North Carolina, by the skill, courage and good conduct of one of her sons, Captain

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<sup>1</sup>In the original broadside this word is printed "in."

<sup>2</sup>From the *Senate Journal*, Dec. 1, 1814. The resolution was introduced by Murphey and unanimously adopted. Blakeley was a protégé of Col. Edward Jones of Wilmington and Chatham County, and a student at the University with Murphey. His exploits created the greatest enthusiasm in America, and Congress voted him a gold medal in October, 1814. He never returned to receive these honors, and the fate of the Wasp and her crew is one of the mysteries of the sea. See *N. C. Univ. Mag.*, III. (1854) 1-17, 48; Ashe, ed., *Biog. Hist. of N. C.*, I. 157-160; *post*, p. 48.

Johnston Blakeley, of the United States sloop of war Wasp, in the destruction of two of the enemy's vessels of equal force, the Reindeer and the Avon.

Resolved, Therefore, That as a duty no less than a pleasure, the Legislature of his native State unanimously agree to present to Captain Blakeley, on his return to the United States, a superb sword, appropriately adorned, in the name and on the behalf of his fellow citizens.

And Resolved, Further, that his excellency the Governor be requested and authorized to draw upon the treasury for all the expenses incurred by virtue of these resolutions, and to carry into effect the object of the same, by procuring a sword of the foregoing description, and having it presented to him who has so well merited it.

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*Report of the Committee on Inland Navigation.*<sup>1</sup>

The committee to whom was referred the resolution on Inland Navigation, and so much of the message of his excellency the governor as relates to the same subject, *Report*, that the

<sup>1</sup>From the *Senate Journal*, Dec. 6, 1815, pp. 22-25. The editor has not been able to find a copy of the pamphlet in which it was first published. On Nov. 22, 1815, the third day of the session, the Senate, "On motion of Mr. Murphey, Resolved, That it is expedient to provide more efficiently for the improvement of the inland navigation of this State; and that it be referred to a select joint committee of both houses to report upon this subject by bill or otherwise—and that Mr. Murphey and Mr. [Kemp] Plummer be appointed on the part of the senate." The House of Commons concurred and appointed Joseph Pickett, John A. Ramsay, William Boylan, and John M. Walker. Two days later an old appeal for internal improvements repeated in Gov. Miller's message of Nov. 22d, was also submitted to this committee. Murphey no doubt came to the Assembly with well defined ideas on this subject. Letter writers in the *Raleigh Star* of Oct. 13th and *National Intelligencer* of Nov. 14th expected that it would be brought up at the approaching session, and the former said of "Inland Navigation": "To this plan of internal improvement, I believe the public feeling of the State is much awakened, for go where I will or talk on what I may I hear the topic of Inland Navigation started."

For accounts of the earlier work of navigation companies and studies of the whole subject of State aid to transportation in North Carolina, see C. C. Weaver, *Internal Improvements in North Carolina previous to 1860* (*Johns Hopkins Univ. Studies in Hist. and Pol. Science*, 1903, series XXI., nos. 3-4), and J. A. Morgan, "State Aid to Transportation in North Carolina," in *North Carolina Booklet*, X. (1911) 122-154.

time has come when it behooves the legislature of North-Carolina to provide efficiently for the improvement of the inland navigation of the state. To delay this provision, is to postpone that national wealth, respectability and importance which follow only in the train of great internal improvements. With an extent of territory sufficient to maintain more than ten millions of inhabitants, under a system which would develop the possible resources of our agriculture, we can only boast of a population something less than six hundred thousand; and it is but too obvious that this population, under the present state of things, already approaches its maximum. Within twenty-five years past, more than two hundred thousand of our inhabitants have removed to the waters of the Ohio, Tennessee and Mobile; and it is mortifying to witness the fact, that thousands of our wealthy and respectable citizens are annually moving to the west in quest of that wealth which a rich soil and a commodious navigation never fail to create in a free state; and that thousands of our poorer citizens follow them, being literally driven away by the prospect of poverty. In this state of things our agriculture is at a stand; and abandoning all idea of getting rich, by the cultivation of the soil, men are seeking the way to wealth through all the devious paths of speculation. In this way individual prosperity contributes but little to the national wealth; and what is still more lamentable, habits of speculation are succeeding to habits of steady industry; and our citizens are learning to prefer the fortuitous gains of the first, to the slow yet regular gains of the second. This perversion of things is gradually undermining our morality, and converting the character which we bore of being industrious, enterprising farmers and thriving mechanics, into that of shopkeepers and speculators. This rage of speculation has given a fictitious value to houses and lots in the several towns of the state, but has not advanced the price of lands in the country; and whilst the people, whom we have sent to work the soil of other states and territories, have raised the price of their lands from two to four fold, the price of ours has remained stationary. What is the cause of this strange condition of things? Is the soil of this state too poor to reward the labors of the husbandman with its products?

Have we no navigable streams by which those products can be taken to market? We have as good a soil as any of the southern Atlantic states can boast of—fine rivers intersect our state in different directions, furnishing superior means and facilities for an extensive internal commerce, to those enjoyed by any of our neighboring states; but hitherto we have not availed ourselves of the means which Providence has thrown in our way—We have suffered year after year to pass by without seizing opportunities to improve our condition; and whilst we admit that internal improvements are essential to our prosperity, we seem to act upon a contrary principle, and to expect that national prosperity will come without national labor. It is surely worse than folly to expect the rewards of industry without its toils, or national prosperity without exertion; and we ought always to bear in mind, that it is the duty of the government to aid the enterprise of its citizens, and to afford to them facilities of disposing, to advantage, of the products of their industry.

At this day, when the science of political economy is so well understood, and with the examples before us not only of France and of England, but of many of our sister states, where the principles of this science have been carried into practical effect, no doubt can be entertained as to the great importance of directing both the wealth and the attention of the government to objects of internal improvement. It is real economy to expend the public money upon these objects. The blessings of the government are thereby brought home to every man's door—the comforts, the conveniences of life are increased—the public labor is rewarded, and the wealth of the state keeps pace with the wealth of its citizens. It is time for North-Carolina to enter upon this career of prosperity—to take effectual steps to develop her territorial resources, and to enlarge them by all the means which the science of political economy points out. The late change in the system of her finances,<sup>1</sup> and the increased revenue arising from her interest in the several banks, at length put it in her power to carry into effect the wishes of the legislature upon this subject.

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<sup>1</sup>By an act of 1814 the banks of New Bern and Cape Fear were required to make loans to the State not exceeding one-tenth of the amount of their capital stock.

Among the various objects of internal improvement, the opening of our rivers, the cutting of canals, and the making of turnpike roads, are of primary importance, and first claim the attention of the legislature.

Six large and commodious rivers intersect this state in different directions—the Roanoke, the Neuse, the Tar, the Cape-Fear, the Yadkin and the Catawba. These rivers, with their tributary streams, water almost every county in this state; and were it practicable to adopt a general system for the improvement of the navigation of each of these rivers, and various streams which run into them, it is impossible now to calculate the advantages which would result from it. It would certainly not be improper to say, that within five years after this improvement shall have been made, the value of all the lands in the state will be doubled, and the productions of our agriculture increased three fold. Taking the value of our lands at \$53,506,519, (the amount of the late assessment under the act of congress), at the end of those five years we might safely estimate the value at \$107,000,000. And taking the annual productions of our agriculture at \$30,000,000, which is certainly below the present amount, at the end of those five years, we might estimate their value at \$90,000,000. And if we take into view the inducements which those improvements would hold out to our citizens to remain amongst us, we might well calculate, that at the end of twenty years from this time, our population would amount to 1½ millions. In this estimate of national prosperity, should also be considered, the comforts and conveniences of life, which would be brought to the door of each of our citizens—the steady habits of industry which would be established, and the consequent morality which would follow those habits—And not the least of all, we should notice the abundant revenue which would accrue to the state, thereby affording to the legislature the means, not only of lessening the public burthens, but of providing effectually for the establishment of schools in every section of the state, and of making ample provision for the cultivation of the sciences and the arts. Your committee deem it their duty, further to state, that those improvements in our inland navigation, would necessarily lead

to the growth of three large commercial towns,—one upon the Roanoke, one upon the Neuse and one upon the Cape-Fear.

The extensive fertile country watered by the Roanoke and its branches, would concentrate its produce at some port near the head of Albemarle Sound, and we should soon have in that quarter a market that would rival that of Norfolk. If we except the Hudson, there is not, perhaps, in all the Atlantic states a river down which so much produce would be transported. All that section of our sister state, which is watered by the Staunton and its branches, would seek a market on the Roanoke; and by closing Croathan Sound and opening for the waters of the Albemarle, that outlet to the ocean through which sir Walter Raleigh entered,<sup>1</sup> we might indulge the hope, that a commercial city would grow up in that quarter equal in importance to Philadelphia, Baltimore or Charleston—A country, whose productions are incalculable in value, would adopt this for their course of trade.

The waters of the Neuse, rising near the Virginia line and passing near the city of Raleigh, intersect the state from north to south. The dangers of the navigation through Ocracock Inlet, are likely to be avoided, by the canal which will furnish an outlet at Beaufort. The company<sup>2</sup> which has been formed for opening this canal, will complete the work, probably, in a few years; and whilst Newbern will be the place of depot for the productions of the country watered by the Neuse, Beaufort will become a port for shipping those productions to the most advantageous markets.

The waters of the Cape-Fear, in like manner, rising near the Virginia line, intersect the state from north to south. The main branch of this river may be made navigable for boats to the county of Rockingham, within less than thirty miles of the northern extremity of the state. The immense quantity of produce which at this time finds its way to distant markets through this river, renders it unnecessary for your committee to remark upon the importance of improving its navigation. Already a vast commercial capital is employed at Wilmington

<sup>1</sup>A belief prevailed at this period that Raleigh himself came to America with his expeditions.

<sup>2</sup>The Clubfoot and Harlow's Creek Canal Co., first incorporated in 1795. See Laws of 1795, ch. 23; Laws of 1797, ch. 10.

and Fayetteville; and to what extent would not this capital be enlarged, were the navigation of the Cape-Fear and its waters improved?

Your committee are informed, that it is deemed quite practicable to unite the waters of the Yadkin with those of the Cape-Fear, along a route through the counties of Richmond and Robeson, and thus to bring to the Cape-Fear the productions of all that extensive and fertile country which is watered by the Yadkin and its branches. As this river, a little below this contemplated route, passes into the state of South Carolina, it becomes an object of great national importance to open a communication between it and the Cape-Fear, that the wealth of the Yadkin may be made to contribute to the growth of our own commercial towns, and the numerous population upon its waters may find within their own state, a market for the products of their industry.

The growth of our commercial towns is of peculiar importance to the character of the state. Whilst we continue to send our products to the markets of other states, we shall be destitute of that independence of character which it should be the pride of our citizens to cherish. One species of dependence begets another: and having hitherto been dependent upon Virginia and South-Carolina, for markets for the greatest part of our produce, we have in some measure become dependent upon those states for our opinions and our prejudices. It is the duty of the legislature to contribute as far as possible to break the spell that binds us to this dependence, and so to change the political orb of North-Carolina, that she shall move as a primary and not a secondary state in the system of the confederacy.

To effect these grand objects, your committee have endeavored to devise a plan by which the wealth of the state may be brought to the aid of individual enterprise; and by which certainty of success shall be guaranteed to all those who will embark in the undertaking of improving our inland navigation. They will exhibit in this report the general outlines and features of this plan; and should they be approved by the legislature, your committee will be ready forthwith to submit a bill to carry the plan into effect.



Your committee propose, in the first place, to amend the several navigation charters heretofore granted to the Roanoke, the Neuse, the Deep and Haw river and Catawba companies, in such way that those charters shall be alike in every respect.

2nd. To incorporate companies for the Tar and the Yadkin rivers, and grant to them similar charters.

3d. To establish a board of commissioners of three members, who shall hold their meetings in the city of Raleigh.

4th. That the stockholders in the Roanoke, the Neuse, the Deep and Haw River and Catawba companies shall make known to the board of commissioners, on or before the first day of May next, their acceptance or rejection of the amended charter proposed to be granted to them: and the directors of the companies accepting the amended charter, and also the directors of the Tar river and Yadkin Companies, or those designated to act as directors for the time being, shall, on or before the first day of May, make known to the board of commissioners the places where books should be opened for receiving subscriptions of stock for each company, with the names of the persons under whose direction the books shall be opened; and that thereupon the president of the board shall give notice in the public papers printed in this state, South-Carolina and Virginia, of the times and places of opening books for receiving subscriptions of stock for each company, and of the names of the persons under whose direction the books shall be opened. The books shall remain open for the space of forty days, at the end of which time they shall be closed, and the directors of each company shall certify to the board of commissioners the amount of stock subscribed upon their books; and also make known to the commissioners what amount of stock, if any, be, in their opinion, required in addition to that subscribed, to complete the navigation proposed to be completed by the said directors; and thereupon the president of the board shall subscribe on behalf of the state upon the books of each company the amount of stock so required; provided, that the said amount does not exceed one third part of the whole sum required to complete the navigation.

5th. If the amount of stock so subscribed shall be found insufficient, the directors of each company may from time to time, open books for receiving further subscriptions of stock.

6th. The president of the board of commissioners shall be a director in each company in which the state holds stock, and shall represent the state in the meetings of the stockholders.

7th. The rights and privileges of the companies shall extend from the sources of the rivers to their mouths or to the boundary line of this state, and shall also extend to all streams running into those rivers, so that there shall not be conflicting companies upon the same river; and as to the junction of the waters of any two or more of the said rivers by means of canals, it shall be effected in such way as the directors of the companies interested shall agree upon; and if they cannot agree, it shall be referred to the legislature to determine the manner.

8th. The board of commissioners shall employ one or more scientific topographical engineers to make surveys under their direction, and to make charts with notes and observations explanatory thereof for the use of the state.

9th. Annual reports shall be made to the legislature by the president of the board of the state of our inland navigation and the sums expended on behalf of the state in improving the same; and he shall recommend such measures as the board may deem necessary for the furtherance of the views of the legislature upon the subject of inland navigation.

10th. Payments for stock holden by the state shall be made by the public treasurer upon warrants drawn by the president of the board; and dividends which shall accrue to the state upon her navigation stock shall be paid to the public treasurer by the treasurers of the respective companies upon warrants drawn by the president of the board.

11th. Your committee propose to attach to the board of commissioners duties of another kind: the duties of collecting information for the use of the legislature, upon the climate, the soil, the agriculture, the productions and the manufactures of the state; and as far as may be convenient, of each county therein; and from time to time, to submit to the legislature regular series of statistical tables upon those subjects. Statistics now constitute the main branch of the science of political economy. At this time we are destitute of regular statistical

information; and your committee deem it an object worthy of attention to employ intelligent men to collect and arrange such information for the use of the legislature.

Your committee in considering the subject referred to them, have not overlooked the advantages which must one day accrue to the state from the extensive interior navigation, which, with some improvements, may be carried on, through the waters of different sounds, extending with little interruption from the Virginia line along the whole coast of this state to the line of South-Carolina—and your committee would recommend that the board of commissioners be instructed to have a survey made of those sounds and report to the legislature the probable expense, as well as the best mode of opening this extensive internal navigation.

It becomes now the duty of your committee to point out the ways and means by which the plan which they have devised may be carried into effect; and to show the ability of the state to advance the requisite funds without increasing the public burthens. They have endeavored to ascertain the probable income of the state which will hereafter accrue annually from the present sources of revenue; and also the amount of the civil list and contingent charges of government.

The lands of the state were valued by the assessors under the late act of congress for laying & collecting the direct tax, at the sum of \$53,506,519—taking this valuation as the basis of calculation, the product of the land tax will be nearly \$43,000; and if we deduct from this sum sheriff's commissions and incidental charges, we may estimate the product of the land tax at \$40,000. The other taxes excluding the tax on bank stock and including the sum received at the treasury for entries of land, amounted for the year 1814 to \$50,272. To these sums may hereafter be added the tax on bank stock amounting to 13,500;<sup>1</sup> and the dividends which will accrue to the state upon her stock in the Cape-Fear and Newbern banks, which calculated at 8 per cent will amount to \$15,080. The income of the state hereafter may therefore be stated as follows—

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<sup>1</sup>The printed *Senate Journal* reads "13,5000."

Land Tax .....	\$ 40,000
Tax on bank stock.....	13,500
Other taxes including sums received for entries of land annually .....	50,272
Dividends on stock in the Newbern and Cape-Fear Banks .....	15,080
	\$118,852

Your committee find that in ordinary times \$60,000 will cover the amount of the present civil list and the contingent charges of government. If therefore the amount of civil list and the contingent charges of government were not to be increased, there would be an annual surplus in the treasury of \$58,852; But your committee suppose that the legislature in making amendments to their judiciary system and to their other civil institutions, may deem it expedient to increase the amount of the civil list, and the charges upon the contingent fund will necessarily increase by carrying into effect the proposed plan for the improvement of our inland navigation—They therefore take the sum of \$40,000 as the annual surplus fund which may be applied to the purposes of our inland navigation.

Your committee however cannot forbear to observe that the surplus fund will in all probability greatly exceed this amount. The increase of population will of course increase the amount of the poll tax: the tax on stores which for the last year yielded \$2,474.65 cannot fail hereafter to yield 6 or 8,000—and the mere adoption by the legislature of some efficient plan to improve our inland navigation would immediately add at least ten millions of dollars to the present value of our lands; and their value would annually increase as the work of internal improvements progressed—add to all these sources of revenue the sums which will be received into the treasury from the sales of vacant lands in that extensive tract of country, the lines of which have been lately defined in our treaty with South Carolina: and the dividends upon the stock holden by the state in the state bank, which will remain subject to other disposition, so soon as the paper currency shall be redeemed—it will be no extravagant calculation to estimate the amount of the annual surplus fund at the end of fifteen years at \$100,000.

Upon the credit of this fund the legislature, if they should find it necessary may make ample loans for the prosecution of other enterprises for the internal improvement of the state: and the monies so to be borrowed can be paid at convenient periods without encreasing any of the present taxes.

In the meantime your committee recommend to the legislature to avail themselves of the right secured to the state by the late amended charters granted to the banks of Newbern and Cape Fear of having upon loan for any period that shall suit the convenience of the state, a sum equal to one tenth part of the capital stock of those banks. This sum amounting to \$160,000 dollars, aided by such surplus funds as may from year to year remain in the treasury, will probably enable the board of commissioners to meet the engagements of the state with the several navigation companies, without resorting to other loans—but should such a resort become necessary, it will surely be wise to make it, that the work of internal improvements may progress and every obstacle to the wealth and prosperity of the state be surmounted. Your committee can see no reason why this great work should be any longer delayed: it is a duty which the members of the legislature owe to the state, to themselves, their children, and to future generations, to delay it no longer. Upon this subject let party spirit be hushed into silence; and uniting together in one feeling for North-Carolina, let us all aspire to the honor of laying the foundations of her glory and her prosperity. Your committee therefore recommend to the two houses the adoption of the following resolution:

*Resolved*, that it is expedient to provide by law for carrying into effect the plan proposed in this report, for improving the internal navigation of the state."

Respectfully submitted.

A. D. MURPHEY, Chairman.<sup>1</sup>

[November 30, 1815.]

<sup>1</sup>On Dec. 1st this report was read in the Senate, and a resolution to print one copy for each member of the General Assembly passed both houses. More than 2000 additional copies were subscribed for by the members individually. (*Star*, Dec. 8, 1815.) The *Raleigh Register* of the 8th said: "We refer our readers to the first page of this day's paper, for a luminous Report on Internal Navigation, from the pen of A. D. Murphey, Esq. Chairman of the Committee on

*Speech on a Bill for Electing Presidential Electors by a  
General Ticket.<sup>1</sup>*

Mr. A. D. MURPHEY, believed he should vote for this bill on its present reading, at least, that it might go on to the House of Commons, and receive a discussion there. He felt some difficulty on this subject. It was probable that the passage of the bill would excite considerable feeling amongst the people,<sup>2</sup> and not to pass it would subject the State to the inconveniences complained of by the gentleman from Warren.<sup>3</sup> He was by no means favorable to the general ticket, if a better mode could be devised.<sup>4</sup> Nor could he answer the objections of the gentle-

that subject. The Report came under the consideration of the Senate on Wednesday last [Dec. 6th], when, after a very able speech from Mr. Murphey, it was unanimously concurred with. A bill for carrying this important plan into effect will, of course, be reported; and we shall be happy to find it meet with the same favorable reception." The *Star* of the same date expressed a hope that it would "have the effect to rouse the State pride and patriotism of our citizens generally." In the Commons, on Dec. 12th, the report was ably supported by Joseph B. Skinner, Thomas Ruffin, John M. Walker, and Joseph J. Daniel, and opposed by John Stanly. The Commons rejected it by a vote of 73 to 52. (*Raleigh Reg.*, Dec. 15, 1815.) But the legislature reincorporated the Roanoke and the Deep and Haw River companies (the latter taking the name of Cape Fear Navigation Co.), and agreed to subscribe, if necessary, \$25,000 of the stock of the former and \$15,000 of the stock of the latter; appointed John Haywood, Peter Browne, Joseph Gales, and William Boylan commissioners to have surveys made of the Tar, Neuse, and Yadkin, and of a route for a canal between the Yadkin and Cape Fear; and requested the State's delegation at Washington to use their best endeavors to prevail on the Government to open a direct outlet to the ocean from Albemarle Sound, this being deemed "an object of general national importance." All reports, bills, and resolutions for these purposes were drafted and presented by Murphey.

<sup>1</sup>From a stenographic report in the *Raleigh Register*, Dec. 29, 1815. The speech was made in the Senate Dec. 11, 1815.

<sup>2</sup>This apprehension was due to the excitement produced by the electoral law of 1811. See vol. I, p. 63, n. 2.

<sup>3</sup>Senator Plummer, of Warren County, who introduced the bill, had said: "It is also known that our Sister States to the Eastward, who generally differ from us in political opinion, from an early period of the Government so fixed their mode of electing Electors as to throw the whole weight of their electoral vote into one scale, whilst this State, and a few others, by electing our Electors by districts, have so divided our votes in the Electoral College, that one of the smallest of the Eastern States has had more weight in the election of a President than the large and respectable State of North Carolina."—*Raleigh Register*, Dec. 22, 1815.

<sup>4</sup>In 1812 he opposed the general ticket system and was a member of the legislative committee which drafted a proposition to amend

man from Martin to it, in a manner satisfactory to himself.<sup>1</sup> He could not certainly determine whether the mode proposed would produce more good to the State than the present. That the election by General Ticket opened a door to corruption, he had no doubt; as it will be known long before December next who will be the Electors. It is true, that at this time, it is not known which party will prevail; but it will be ascertained some time beforehand what fifteen Gentlemen will succeed; and that fact being known affords an opportunity of temporising with them, which furnishes an argument against the passage of the bill; but, as an individual, he felt disposed to encounter this objection, in order to obtain the advantages which, he believed, would result to the State from the adoption of the proposed measure.

Whilst, said Mr. M. we boast of a population that possesses as much good sense and integrity as any part of the U[nited] States, it is a mortifying fact, that North-Carolina has no character, no pride as a State. We have hitherto bent the neck to the State of Virginia, and marched at her nod in all our political movements. He thanked God, he was one of those who never felt this domination, or wished to unite our political character with her's. And he trusted the time was not far distant, when North-Carolina would have State-pride enough to set up for herself; to unshackle herself from the trammels by which she had been hitherto bound; to take that stand in the Union to which she is entitled, from the number, intelligence and virtues of her citizens. It was from a belief that the passage of this bill, would in some measure, produce this effect, that he felt disposed to vote for it.

Mr. M. asked gentlemen to look back into the History of N[orth] Carolina, since she became a member of the Confederacy, and see what respect had been paid to her as a State by the General Government. It must be acknowledged, as a State,

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the Federal Constitution by requiring all states to elect Presidential Electors by districts.—*Senate Journal*, 1812. pp. 29, 30, 37.

<sup>1</sup>Jeremiah Slade, of Martin County, argued that general tickets would be framed by caucuses of the Assembly preceding the election and that this would be giving the people only the shadow of a free election and would render easy the corruption of Electors.—*Ibid.*, Dec. 29, 1815.

she had been entirely overlooked. She had been considered in so contemptible a light as to be unworthy of notice. It is true, said he, the U[nited] States have built us a few light-houses and a fort or two, and this is all that has been done for twenty-five years. Nothing has been done for us collectively as a State, or individually as citizens. What, he asked, is the cause of this neglect? It is, because we are considered as of no account as a State, but as linked with Virginia, and ready to go all lengths in our political career with that State. He trusted, as he had before said, this state of bondage would soon come to an end.<sup>1</sup>

Pass the bill on your table,<sup>2</sup> said Mr. M. Let North-Carolina give fifteen efficient votes in the Electoral College for a President, and within a few years, a good deal of public money will be expended amongst us, and many things will be done for the State which have not yet been done. Hitherto we have petitioned and remonstrated to no purpose; but let us come out with all our weight in this important election, and we shall be considered as worthy of some attention from the General Government.

Mr. Murphy admitted, that it was of little consequence to the people at large whether or not a few of our leading men are employed by the Government as Secretaries or ministers, though it must be gratifying to our State-Pride to see their fellow-citizens worthy of notice in common with the citizens of other States; whereas, at present, they are led to think so meanly of themselves, as to believe they have no men amongst them fit to fill these important stations. It was to correct this error, and to raise the pride and consequence of the State, that he advocated the present measure.<sup>2</sup>

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<sup>1</sup>Murphey's feelings on this subject were so strong that after the Presidential campaign of 1824 he told Judge Ruffin he thought Crawford the greatest and best man among the candidates, but had been opposed to him and rejoiced in his defeat because Virginia was for him and, in the event of his election, Virginia would have had all the credit and North Carolina none.—Thomas Ruffin to Bartlett Yancey, Dec. 3, 1824, in *James Sprunt Historical Publications*, X. (1911), No. 2, p. 49.

<sup>2</sup>The bill was passed.



**MR. MURPHEY'S REPORT**

**TO THE**

**LEGISLATURE OF NORTH CAROLINA**

**ON**

**INLAND NAVIGATION**

**DECEMBER, 1816**

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**RALEIGH**  
**PRINTED BY THO. HENDERSON, JUN.**  
**STATE PRINTER**

## REPORT, &C.<sup>1</sup>

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The Committee to whom were referred so much of the message of his Excellency the Governor as relates to the subject of Inland Navigation, REPORT, in part,

That having commenced the great work of Internal Improvements, it is the duty of the Legislature to persevere until the whole shall be accomplished. No considerations of local policy, no paltry considerations of expense, should divert our views for one moment from the destiny to which we are aspiring, and to which we shall certainly attain, if we cease not our efforts. Rising above the influence of little passions, let us devote our labours to the honor and glory of the state in which we live, by establishing and giving effect to a system of policy which shall develop her physical resources, draw forth her moral and intellectual energies, give facilities to her industry, and encouragement to her enterprise. It is only by persevering in a systematic course of elevated policy that the prosperity of the State can be reared up and be made stable. Isolated measures, without plan and without system, have never yet made a state great, nor a people happy: They baffle the efforts of honest industry by often giving to them a wrong direction; they disappoint the expectations of enterprise by their frequent abortion. The true foundations of national prosperity and of national glory, must be laid in a liberal system of Internal Improvements, and of Public Education; in a system which shall give encouragement to the cultivation of the soil; which shall give force to the faculties of the mind, and establish over the heart the empire of a sound morality. It does not fall within the province of the duties assigned to your committee to submit their views upon any parts of this general system, except those which relate to the Inland Navigation of the State.

This subject divides itself into two parts; The first respects the inlets from the ocean; The second, the rivers which intersect our territory.

The coast of North-Carolina seems to have undergone great

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<sup>1</sup>Printed pamphlet. Raleigh: Tho. Henderson, Jun. [1816.] 16°. 19 pages. This report was submitted in the Senate Dec. 9, 1816.

changes since the discovery of this continent, and is probably destined to undergo many more. The Current from the Gulf of Mexico, running near to the coast from the extremity of Florida to the Capes of Virginia, has deposited along this line part of that immense quantity of sand which is brought down the Mississippi and its waters from the interior of the continent. This constant accumulation of sand has choaked up inlets which once admitted the entrance of vessels, and by giving a new direction to the currents of rivers near their mouths, has formed inlets, which did not exist a century ago. Some of the large rivers which discharge themselves directly into the ocean, have had bars formed at their mouths which obstruct the entrance of vessels; others, with currents not more strong are free from those obstructions. This diversity seems to arise from the situation of the Coast, which in some places stretching out into promontories, diverts the Gulf Stream further into the ocean, and lessens its influence upon the coast next immediately to the north. The promontory which terminates at Cape Look-Out, makes such a diversion of this stream in favour of the inlet at Ocracock, and that which terminates at Cape Hatteras, diverts this stream so far from the coast that its influence seems to be insufficient to counteract the currents of large rivers and bays above that point. The Roanoke, the Tar, and the Neuse rivers discharging themselves into the sounds which stretch along our coast, have the force of their currents lost in the wide expanse of those waters, and find their way to the ocean through Ocracock, Currituck, and other still smaller inlets. The dangers of the navigation through Ocracock, the shallowness of the water through Currituck and the other inlets between Cape Hatteras and the southern cape of Virginia, render it a subject worthy of the consideration of the Legislature, whether it be practicable to form an outlet to the ocean for vessels of burthen, at a convenient point along this part of the coast. Until such an outlet can be formed, nearly one half of the agricultural products of the State will be taken to markets in Virginia; for, the present difficulties of going to sea are such as to forbid the most distant hope of the rise of a great commercial city in that quarter, so long as they exist. The farmer will seek the best market for his produce; if his own state afford it not, he will seek it elsewhere. Your com-

mittee entertain the opinion, that North Carolina possesses the capacities for one of the first commercial towns upon the continent, and that with the liberal aid of her Legislature, she may be made to rank with the great commercial states of the Union. If this opinion be well founded, every consideration of national pride and of private interest, invite us to adopt measures to give it effect; and your committee cannot doubt an anxiety in every member of the General Assembly to lend his aid to the accomplishment of a plan, which is to form one of the most celebrated epochs in our history, and a subject of congratulation to our remote posterity.

When Sir Walter Raleigh first visited our coast he entered the Albemarle sound through Roanoke Inlet with the large vessels which composed his squadron. Since that time, owing to some cause which neither history nor tradition has handed down to us, the waters of the Albemarle have broken through the slip of land which divided them from the Pamlico, and now find their way to the ocean through Ocracock and other inlets. The Roanoke Inlet has gradually closed up until it has become a solid beach. If this inlet has ceased to exist by reason of the communication formed between the Albemarle and the Pamlico sound, it may again be opened by closing this communication, and forcing the waters of the Albemarle directly out to sea. As to the practicability of closing this communication your committee entertain no doubt; and as it is a work identified with the glory and the best interests of the state, they are of opinion that the Legislature should aid its accomplishment by incorporating a company with a suitable capital, and subscribing on behalf of the state such part of that capital as the public funds will admit: and as this subject is connected with the general prosperity of the commerce of North-Carolina, your committee hope, that upon a respectful application for that purpose, from this General Assembly to the Congress of the United States, that honorable body would direct a large portion of the capital required for this great national object, to be subscribed on behalf of the General Government.

Were this work completed, your committee would ask, where upon this continent could be found a more commodious Bay for Commercial purposes than the Albemarle? Where a finer river than the Roanoke, down which to transport the various

products of industry? This river, extending its branches in different directions towards the mountains, waters more than fifteen millions of acres of land; an extent of territory nearly equal to one half of the whole territory of this state. No river in the Atlantic states can boast of a better soil; and when the company lately incorporated shall have completed their labors, few can boast of a better navigation. It will not be extravagant to say that the country watered by the Roanoke and its branches can maintain a population of four millions, and that the products which are destined one day to find their rout to market down this river, will exceed in value twenty millions of dollars annually.—Under these circumstances what can prevent the rise of a great commercial city near the mouth of the Roanoke? Is it not an object to create a commercial city? Does not this concentration of wealth give activity to industry in a thousand forms? Does it not develop the resources of agriculture, perfect the mechanic arts, elicit the faculties of genius and expand the boundaries of science? The state which cannot boast of a great city, ever has been and ever will be held in disrepute: she will never cherish an exalted pride; she will never cherish a generous patriotism. Conscious of inferiority, she will submit to a state of dependence, and suffer the manly virtues to sleep. Thousands of generous souls who could not brook this consciousness of inferiority, have already deserted our soil, and thousands more will follow them, if we seek not to exalt the character of North-Carolina.

The lands watered by the Roanoke, and its branches are at this day worth in the market fifty millions of dollars. When the navigation of these streams shall be improved and a direct outlet formed for the waters of the Albemarle, they will exceed in value two hundred millions. This increase of national wealth will bear no proportion to the expense of accomplishing these objects. The increased value of the lands added to the increased population, will soon reimburse the expence. But if no pecuniary reimbursement should ever be made, the state will be amply indemnified in the increased pride of her citizens and in the increased affection which they will bear towards her. It is true that a considerable part of those lands lie in Virginia: but we should remember that we belong to the same political confederacy and that we are members of the same kindred family.

The best inlets we now have on our coast are those at the mouth of the Cape-Fear. The new inlet, which was formed during a violent storm not many years since, is gradually deepening and will probably soon have a depth of water equal to that in the old inlet. The shallows which exist between the new inlet and the town of Wilmington, and which render it necessary for vessels to lighter, are a serious impediment to the navigation of the river; and the increasing trade of the Cape-Fear renders it very desirable to have this impediment removed.

It is of much importance that some improvement, if practicable, should be made in the navigation at Ocracock, by deepening the swash within the bar. At this time (and for many years to come it will so continue) all the trade of the Pamlico and great part of that of the Albemarle sounds is carried on through this inlet. Vessels which cross the bar with ease are compelled to lighter at the swash before they can proceed to Washington or Newbern. This inconvenience added to the dangers and difficulties of the navigation off the coast at Ocracock have rendered it a subject of enquiry whether an outlet for the trade of the Pamlico could not be formed at Beaufort. Here is a good port, easy of entrance for vessels of considerable burthen. That a communication by a canal between the Neuse below Newbern, and Newport river which runs into the sea at Beaufort, is practicable, there is no doubt.<sup>1</sup> The enterprise of an individual, the late Dr. M'Clure, proved it to demonstration. The objections to this plan seem to grow out of the difficulty, perhaps the impossibility, of navigating the Pamlico, or even the wide mouth of the Neuse in boats which could pass the canal. Upon this subject your committee cannot pretend to speak with confidence. Perhaps when steam boats shall be brought into use upon the Pamlico and its waters, it will be found that the objections now urged to this route for the trade of these waters, no longer exist.<sup>2</sup> In the mean time your committee recommend that one or more engineers be

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<sup>1</sup>This canal was suggested in an article published in the *N. C. Gazette* (New Bern) of Sept. 24, 1791, entitled "Plan and Observations on the cutting of a Canal between Clubfoot's and Harlow's Creeks. By Lucas Jacob Benners, Esq."

<sup>2</sup>A bill to incorporate the Pamlico Steam Boat Co. failed at this session. In 1817 the Newbern Steam Boat Co. was chartered.

employed to survey the inlet at Ocracock and to ascertain whether it be practicable to improve its navigation by deepening the channel over the swash in a way to prove lasting; and also to survey the Pamlico and Croathan sounds, and report the obstructions to their navigation and the best means of removing those obstructions. They also recommend that a similar survey and report be made of the Cape-Fear river below Wilmington. These surveys should be extended to the Albemarle; and as the plan which your committee has recommended respecting this sound is one of great magnitude, it seems to require the attention of a special board of commissioners; and your committee recommend that such a board be appointed with instructions to employ suitable engineers to make all necessary surveys and reports.<sup>1</sup>

As to the second part of the subject referred to your committee, viz. the improvement of the navigation of the several rivers which intersect the state, they cannot forbear to congratulate the Legislature upon the zeal which has been evinced by the citizens on the Cape Fear and the Roanoke. They are informed that more than double the amount for which the books were opened by the Cape-Fear Company, was subscribed before the first general meeting of the stockholders; and that a sufficient sum has been subscribed on the books of the Roanoke Company to authorise the company to be organized and to commence their work. The best wishes of the good people of the state attend their labours; and your committee have only to regret that there has not been a simultaneous movement in every quarter of the state in the work of improving our inland navigation. The Tar and the Yadkin rivers have as yet had no companies incorporated for their improvement; the company incorporated for the Neuse has been so restricted in its privileges, that the spirit of enterprise has been damped. The

<sup>1</sup>Blake Baker, David Clarke, Joseph Blount, Joseph B. Skinner and John Little were appointed commissioners to employ one or more engineers to survey Albemarle, Croatan, and Pamlico sounds, and Ocracocke Inlet, for the purpose of determining the practicability of forming an outlet for Albemarle Sound at or near the former Roanoke Inlet, improving Ocracocke Inlet, and removing obstructions to navigation in Pamlico and Croatan sounds. (Resolutions introduced by Murphey, Dec. 17, 1816.)

Catawba Company, labouring under a limited charter, and encountering numerous difficulties, have given to their fellow citizens an evidence of public spirit, which cannot be too much applauded and which ought to be better rewarded. They were the first in this state to embark in the work of internal improvements. Without the countenance of the Legislature, without the aid of distant funds, they have silently worked their way, until the objects of their incorporation have been nearly attained. It is due to this company to place them upon a footing with the most favoured company in the state, and to give to them this public testimonial of respect and gratitude.<sup>1</sup>

Your committee are of opinion that a company should be incorporated for the Tar river,<sup>2</sup> and that the charter heretofore granted to the Neuse company be amended, and the same rights and privileges be given to them, which are granted to other navigation companies.<sup>3</sup> The Engineer<sup>4</sup> who has been employed to survey the rivers in this state, has finished his survey of the Tar and Neuse; and when your committee look to his report and see that for a sum less than fifty thousand dollars, the Tar river might be made boatable to Louisburg, and for a sum less than forty thousand dollars, the Neuse river might be made boatable to the neighbourhood of Raleigh, they ardently hope that those of their fellow citizens who are interested in the improvement of those rivers, will lose no time in making this improvement.

<sup>1</sup>The Assembly accordingly enlarged the privileges of the Catawba Co. and subscribed \$6000 of its stock.

<sup>2</sup>An act was passed for incorporating the Tar River Co. and buying \$8000 of its stock, but the subscriptions by individuals which were prerequisite to incorporation were not obtained until about 1820. An act of 1818 extended the time for receiving them. Referring to the improvement of the Tar between Tarboro and Washington, the *Raleigh Register* of Aug. 27, 1819, said: "And it is to be regretted that local prejudices should have heretofore prevented the Citizens of those towns and of that section of country, from joining cordially in effecting so desirable a Work. We trust, however, that time, and more correct information, will produce a change of opinion on this subject."

<sup>3</sup>This was done, and the State agreed to take \$6000 of the Neuse Company's stock.

<sup>4</sup>Col. Benjamin F. Baldwin, of Massachusetts. His report accompanied that of the inland navigation commission of which Peter Browne was chairman. Baldwin remained in North Carolina but a few weeks, in the fall of 1816. During the summer a Capt. Clarke, of the U. S. Engineers, began a survey of the coast which was never finished. See *post*, p. 113.



As a necessary part of the improvements for this section of the state, your committee recommend the construction of a turnpike road from the city of Raleigh to some convenient point on the Neuse river within the vicinity. When the Neuse shall be made navigable, such a road will be of particular importance to the city of Raleigh and the country around.

The Yadkin is the next river in size, in this state, to the Roanoke, and next in importance not only on account of the extent, but of the fertility of the country which it waters. More than eight millions of acres in this state are watered by the Yadkin and the various streams which run into it. From near its source to the county of Montgomery, there are but few obstructions to its navigation. But at sundry places from the upper limit of Montgomery county to a point more than six miles within the limits of South-Carolina, great obstructions are to be found. The Narrows, the Falls, the Grassy Islands, all present serious difficulties—But no difficulties are here to be found which an enterprising perseverance cannot surmount; and the character of the state no less than the interest of individuals, is deeply concerned in surmounting them. No section of the state of the same extent contains so numerous a population, none labours under such inconveniences in getting its produce to market, and none contains lands which are so far beneath their intrinsic value. In this state of things the heavy products of Agriculture perish in immense profusion upon the hands of the farmer, whilst those which are more portable are waggoned to the distant markets of Fayetteville, Camden, Charleston, Lynchburg and Petersburg. It is the duty of the Legislature to change this condition of things; to adopt a system of policy which shall ensure to industry a reward proportionate to its toils, which shall stimulate enterprize by opening a field for its exertion, and which, in fine, shall advance the wealth of individuals and at the same time subserve the public prosperity. It is among the most important objects of state policy to improve the navigation of the Yadkin and its waters; and that such a direction, if practicable, be given to this navigation, that the commodities which are to be transported along it, shall find a market in this state. To effect the latter of these objects, it is proposed that a communication be opened between the Yadkin and the Cape-Fear. The grounds between those

two rivers have not been surveyed, and your committee cannot therefore speak with confidence, as to the practicability of opening such a communication. They are informed that little doubt exists, with those who are well acquainted with the intermediate country; and so desirable in a national point of view is this communication, that your committee think no expense commensurate with the revenues of the state should be spared to effect it. Independent of this general consideration, the private interest of individuals inhabiting this section of the state, is deeply concerned. This communication would double the lumber trade of the state and greatly increase its trade in naval stores: it would bring into activity a fund of wealth, which without it is destined to remain for ever inactive and useless. Your committee do therefore recommend that companies be incorporated for improving the navigation of the Yadkin, and opening a communication between it and the Cape-Fear.<sup>1</sup>

As connected with this subject, your committee beg leave to draw the attention of the legislature to the opening of a communication between the Catawba and the navigable waters of Rocky River, which runs into the Yadkin below the falls. Your committee are informed that it is probable such a communication may be opened, and they recommend that a survey be made, and if such a communication be found practicable, that the route be marked out. The utility of connecting the Catawba with the waters of the Yadkin, will depend upon connecting the Yadkin with the waters of Cape-Fear. Should both be effected, the productions of more than one half of the territory of the state, would find their market upon the Cape Fear, and enlarge and sustain the commercial towns upon that river.

If it should be found impracticable to unite the Yadkin with the Cape-Fear along the route proposed through the counties of Richmond and Cumberland, a communication may probably

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<sup>1</sup>In accordance with these recommendations the Yadkin Navigation Co. and Lumber River Canal Co. were chartered at this session, and the public treasurer was authorized to subscribe \$25,000 in the former company and \$20,000 in the latter. The charter of the Yadkin company was amended and continued in force in 1817, as the amount required had not then been subscribed, and the company was organized in 1818 with Murphey as president. The act providing for the canal company was revived in 1818 for a like reason, but nothing appears to have been done under it.

be opened along another route, which would still bring to the Cape-Fear for shipment the produce of the Yadkin, and draw with it a considerable portion of the commodities of one part of South Carolina. The Yadkin discharges itself into Winya Bay. At a considerable distance from its mouth, the Lumber river unites with it, and at a trifling expence a canallage may be made uniting the Lumber river with the Wackama, and the Wackama with Elizabeth river, which runs into the Cape-Fear at Smithville in the county of Brunswick. The town of Smithville is healthy and has a good port. Any vessel crossing the bar can reach the port without lightering. The objection to this route is, that to get to Smithville, boats must pass through a part of South-Carolina. Your committee however recommend that this route be surveyed and report made.<sup>1</sup>

The general views of your committee are therefore divided into three parts: the first respects the improvement of the Roanoke, and forming an outlet to the waters of the Albemarle; the second, the connecting of the waters of the Yadkin and the Catawba with those of the Cape-Fear; and the third, the improvement of the Tar and the Neuse rivers, and the inlet at Ocracock. These views divide the state into three sections, and the plans of improvement which your committee have recommended, have for their objects, first, the directing of the whole trade of North-Carolina into three channels, each having an outlet in the state, thereby securing the growth of our commercial towns; and secondly, extending the convenience of inland navigation to every part of the state, thereby increasing the value of lands and encouraging industry and enterprise among all classes in the community.

Having submitted their views upon improving the inland navigation of the different sections of the state, your committee proceed to consider the ways and means of effecting those improvements. Shall they be effected at the public expence? Shall they be effected at the expence of individuals? Or shall the expence be joint, the state contributing its patronage and part of the funds required, whilst individuals contribute their enterprise and the residue of the funds? Experience has proved that in free states, the latter is the best plan which has yet

<sup>1</sup>See *post*, p. 46, note.

been tried.<sup>1</sup> These improvements require the operation of a strong and an uniform principle of action. In an absolute monarchy, the glory of the sovereign, and in a free state, private interest, are the principles which create and sustain public improvements. It is real economy in a state to aid with its patronage and its funds, the enterprise of individuals, when directed to great internal improvements. The wealth of the state is increased and the public revenue rendered more productive. Your committee rejoice that the time has at length arrived when, without imposing additional taxes, the state is able to make large advances of money for effecting those great objects which we all have so much at heart; and they recommend that the state should subscribe for such a portion of the capital stock of each navigation company as shall give to her a decided influence in all their proceedings; and to induce individuals to vest their capital in such stock, that favourable charters should be granted, giving to the subscribers ample privileges, rights and authorities to effect the objects of their charter, securing to them a permanency of interest, and the chances of annual profit upon their capital stock sufficiently great, to make them resist the temptations of employing their capital otherwise. The capital expended in internal improvements operates as a direct bounty upon agriculture, by encouraging industry, stimulating enterprise, increasing the value of lands and the quantity of their produce.

As to the question whether charters granted to navigation companies should be limited in their duration, your committee answer, that if it be to the interest of the community that our inland navigation should be improved by removing obstructions and by constructing locks, canals and sluices, it is necessary that there should always be a company, whose interest and whose duty it will be to remove other obstructions which accident or the common course of nature may produce, and to keep in repair the locks, canals and sluices, necessary for the navigation. Experience has proved to us that those works begin to decay the moment they become the property of the public: It is the vigilance of private interest alone, which will keep them in constant repair.

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<sup>1</sup>For his later views, see *post*, p. 182.

It will be essential to the success of any general plan for public improvements, that a board of commissioners be appointed to superintend and manage them on behalf of the state. The frequent changes in the representation in the General Assembly, renders it impossible to prosecute a systematic course of improvements without the aid of such a board. The men who compose this board should be men of intelligence and application to business. The President of the board should be a director in each navigation company, and annual reports should be made to the Board by the President and Directors of each company. Under their direction, surveys should be made; maps and charts of the coast and of various other parts of the state should be collected by them; they should make annual reports to the Legislature upon the state of Inland Navigation, and recommend such measures as they might think needful for furthering the views of the Legislature upon this subject.<sup>1</sup> Your committee would gladly assign those duties to the Judges of the Supreme Court, if those gentlemen were not already too much burthened.

Your committee are of opinion that it is essential to the success of the plan proposed, that an engineer be kept in the employment of the state for several years. He will be wanted not only for the purpose of making surveys, but of locating the works necessary to be constructed. An error in locating a single lock would cost more than the sum required to employ an engineer for a year. One active engineer could superintend all the public works carried on in the state at any one time: and his services would save much expense to the state as well as to individuals.

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<sup>1</sup>This was Murphey's original plan, which had been partially carried out by the appointment of a temporary commission for surveying rivers and routes for canals. At this session the commissioners were reappointed, and they were directed to complete the surveys and estimates ordered in 1815, and also to survey the Roanoke and Cape Fear; to ascertain the practicability, cost, and best route of canals between the Yadkin above the narrows and the Cape Fear, and between the Yadkin and Catawba by way of Rocky River or some other stream running into the Yadkin; to report plans for improving the Cape Fear below Wilmington; to select a route for a canal between Elizabeth River, in Brunswick County, and Lumber River, and estimate its cost; and to engage an engineer to superintend all work on inland waterways. But the commissioners were given no voice in the management of the navigation companies.

Your committee have attended to the act of the General Assembly of Virginia, transmitted by his excellency the Governor of that state, relative to the Dismal Swamp Canal. The advantages of this canal both to this state and Virginia were experienced in a remarkable manner during the late war. Along this canal the trade of the Roanoke and the other rivers running into the Albemarle, passes to Norfolk. When this canal shall be widened and deepened as contemplated by the act of Virginia, it will afford a much more commodious navigation, and your committee are of opinion that all the provisions of this act, which require the sanction of this general assembly should be passed into a law.<sup>1</sup>

As to the memorial of John Winslow, esq. on behalf of the Cape-Fear navigation company, your committee find that by some neglect of the clerk who engrossed the bill passed at the last session of the general assembly relative to this company, one entire section was omitted, and the omission was not discovered until after the rise of the Assembly. This section directed the treasurer to subscribe on behalf of the state one hundred and fifty shares of the capital stock of the company, which subscription was to be stricken off, if an amount equal to the entire capital was subscribed by individuals. This amount was subscribed by individuals; yet they being anxious that the state should be interested in their undertaking, resolved to increase their capital stock for the purpose of inviting the state to subscribe for the number of shares first contemplated. Your committee are of opinion that good policy requires that the state should subscribe for these shares.<sup>2</sup> The company will find it to be its interest to aid the companies which shall be formed for the Yadkin, and the communication between that river and the Cape-Fear; and its capital should be such as to enable it to render this aid.

Your committee will forthwith report bills and resolutions to carry into effect the various measures which they have recommended to the two Houses.<sup>3</sup>

Respectfully submitted,

A. D. MURPHEY, Ch'm.

[December 9, 1816.]

<sup>1</sup>The legislature confirmed the Act of Virginia.

<sup>2</sup>This was done.

<sup>3</sup>All of the original papers that have been found are in Murphey's handwriting.

*Resolution of the General Assembly to Educate the Daughter  
of Captain Johnston Blakeley.<sup>1</sup>*

Whereas Captain Blakeley having perished at sea the opportunity has been lost of rendering him this tribute of affectionate and honorable regard; but having left a wife and child endeared to the people of this State by his gallant conduct in the service of his country; and it being proper that the sword intended for him should be placed in the hands of his family.

Be it, therefore, unanimously resolved, by the Senate and House of Commons of the General Assembly of North Carolina, that his excellency the Governor be requested to forward to Mrs. Blakeley the sword which was directed by the General Assembly of 1814 to be presented to her husband, together with a copy of the resolutions on the subject; and to express to Mrs. Blakeley the deep interest which this Legislature will always take in her happiness and welfare.

Resolved, further, that Captain Blakeley's child be educated at the expense of this State; and that Mrs. Blakeley be requested to draw on the Treasurer of this State from time to time for such sums of money as shall be required for the education of said child.

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<sup>1</sup>From the *Senate Journal*, Dec. 27, 1816. It was introduced by Murphey and passed. The preceding Legislature adopted a resolution, also proposed by Murphey, directing that the sword voted to Capt. Blakeley in 1814 should be forwarded to Mrs. Blakeley, as fears were entertained that he had perished. Referring to the resolution of 1816 Mr. R. D. W. Connor says (*Charlotte Observer*, May 10, 1908): "This is perhaps the most remarkable resolution ever adopted by a Legislature of North Carolina. The State since that day in obedience to the demands of modern civilization has made all the children her wards so far as their education is concerned; but never before nor since has the Legislature thus adopted a single child, and one, too, who lived in a distant State. What an unusual personality must that have been which could thus touch the hearts of a people ever too conservative in the expenditure of public funds and in the recognition of public services. \* \* There is probably no other State in the Union that would have failed during all these years to erect a memorial of some character to a son with such a creditable and striking career as that of Johnston Blakeley."

**REPORT**

**ON**

**EDUCATION**

**MADE TO**

**THE GENERAL ASSEMBLY OF NORTH CAROLINA  
AT ITS SESSION OF 1816**

**BY**

**A. D. MURPHEY**

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**RALEIGH**

**PRINTED BY THEO. HENDERSON, JUN.  
STATE PRINTER**

**1817**



## REPORT ON EDUCATION.<sup>1</sup>

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The Committee<sup>2</sup> to whom was referred so much of the Message of His Excellency the Governor as relates to the subject of Public Instruction, REPORT:

That after forty years of successful experiment, the most sceptical cannot doubt the excellence of the system of government which we have adopted. Suited to our geographical situation, to our genius for commercial enterprise, and to our opinions of civil liberty, it has carried us in triumph through the perils of a revolution at a time when it wanted the federative strength which it now possesses; and in a late war has exacted the respect, if not the admiration of distant nations. The national character has given force to the operations of the government, and has exhibited both the splendid virtues which adorn a nation and the more humble virtues which ornament private life. It is the government of our choice, and that of our forefathers, who established it. The inheritance is precious; and whilst we cherish it with all the feelings of an ardent patriotism, let us in prudence seek to give to it improvement and duration; that our children may receive it from us not only unimpaired, but rendered more rich by the culture which we shall bestow upon it.

A republic is bottomed upon the virtue of her citizens; and that virtue consists in the faithful discharge of moral and social duties and in obedience to the laws. But it is knowledge only,

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<sup>1</sup>Printed pamphlet. Raleigh: Tho. Henderson. 1817. 12°. 8 pages. This report was submitted in the Senate Dec. 19, 1816.

<sup>2</sup>Murphey and John Hinton, Jr., of the Senate, and Frederick Nash, William Drew, and Samuel King, of the Commons.

For reviews of Murphey's work in the cause of public schools, see C. L. Coon, *Beginnings of Public Education in N. C.* (*Publications of the N. C. Hist. Com.*, 1908), *passim*; S. B. Weeks, in *Rep. of [U. S.] Commissioner of Education for 1896-1897*, pp. 1400-1415; A. D. Mayo, in *ibid.* for 1895-1896, pp. 285-288; C. L. Smith, *History of Education in N. C.* (*U. S. Bureau of Education. Circular of Information No. 2*, 1888), pp. 164-166; C. H. Wiley, in his voluminous educational reports and writings, *passim*; D. L. Swain, in *N. C. Univ. Mag.*, III. (1854) 243-244; J. Daniels, in *State Chronicle* (Raleigh), Oct. 6, 1887; E. A. Alderman, in *ibid.*, July 29 and Aug. 6, 1890; E. P. Moses, in *Raleigh News and Observer*, June 4, 1902; J. Y. Joyner, in *ibid.*, Sept. 18, 1904; J. W. Bailey, in *Charlotte Observer*, June 8, 1902.

that lights up the path of duty, unfolds the reasons of obedience, and points out to man the purposes of his existence. In a government, therefore, which rests upon the public virtue, no efforts should be spared to diffuse public instruction; and the government which makes those efforts, finds a pillar of support in the heart of every citizen. It is true, that knowledge and virtue do not always go hand in hand; that shining talents are sometimes united with a corrupt heart; but such cases only form exceptions to a general rule. In all ages and in all countries, the great body of the people have been found to be virtuous in the degree in which they have been enlightened. There is a gentleness in wisdom, which softens the angry passions of the soul, and gives exercise to its generous sensibilities; and there is a contentment which brings to our aid humility in times of prosperity, fortitude in the hour of adversity, and resignation in affliction. True wisdom teaches men to be good rather than great, and a wise providence has ordered that its influence should be most felt, where it is most needed, among the great body of the people, who, constituting the strength of the state, have no other ambition than to see their country prosper and their wives and children and friends happy. To the several classes who compose this great body, the attention of the government should be particularly directed; to teach to them their duties and enable them to understand their rights. The frightful examples of a few individuals, who are led astray by the temptations of vice or the seductions of pleasure, will not deter the state from doing its duty. She will extend her maternal care to all her children; she will endeavor to reclaim the vicious, to strengthen the wavering, to reward those who do well, and afford to all the opportunities of learning their duties and their rights.

To effect this benevolent purpose, a judicious system of public education must be established. Few subjects present more serious difficulties; none is of more vital importance. To frame a system which shall suit the condition of our country and the genius of its government; which shall develop the faculties of the mind and improve the good dispositions of the heart; which shall embrace in its views the rich and the poor, the dull and the sprightly; is a work of great magnitude and requires details

to give it efficacy, which the little time allowed to your committee will not permit them to attempt. They will, however, give their general views upon the subject, and recommend to the legislature to appoint men to fill up their outlines in detail and make report to the next general assembly.

Your committee feel proud to look back and review the efforts which have been made in North-Carolina to diffuse public instruction. Few states have afforded such examples of private munificence for this purpose, and the Legislature has lent its fostering care, by establishing an University and endowing it with funds. But your committee regret that such success has not attended these benevolent efforts of their fellow citizens as they seem to have merited; and they entertain the fear that no better success will hereafter attend them, until a general system of public education shall be established and enforced by the legislature. This general system must include a gradation of schools, regularly supporting each other, from the one in which the first rudiments of education are taught, to that in which the highest branches of the sciences are cultivated. It is to the first schools in this gradation, that your committee beg leave to draw the attention of the legislature at this time, because in them will be taught the learning indispensable to all, Reading, Writing, and Arithmetic. These Schools must be scattered over every section of the state, for in them education must be commenced, and in them it will terminate as to more than one half of the community. These Schools will be the most difficult in their organization, and the most expensive to the state; but they will be the most useful, in as much as all the children of the state will be taught in them, and many of these children are destined never to be taught in any other. Here their education will commence and have its end. With the learning which they here acquire, they will pass into active life and take rank with their fellow-citizens. It is important, therefore, that in these Schools, the precepts of morality and religion should be inculcated; and habits of subordination and obedience be formed. One of the greatest blessings which the state can confer upon her children, is to insit into their minds at an early period moral and religious truths—Depraved must be the heart, that does not feel their influence throughout life.

It is a subject of deep regret, that at this time in North Carolina, the early education of youth is left in a great measure to chance. Thousands of unfortunate children are growing up in perfect ignorance of their moral and religious duties: Their parents, equally unfortunate, know not how to instruct them, and have not the opportunity or ability of placing them under the care of those who could give them instruction. The state, in the warmth of her affection and solicitude for their welfare, must take charge of those children, and place them in schools where their minds can be enlightened and their hearts can be trained to virtue. There is another class of unfortunate children, who are objects of anxious solicitude. These are the children of the poor, whose parents, bereft of the comforts of life, are rendered doubly wretched by seeing their children bereft of the opportunities of education. How often among these children do we not discover the most promising genius? And how often has not this genius been seen to burst the fetters which enchained it to the bed of poverty, and towered its way to wealth and honours? Genius delights to toil with difficulties; they discipline its powers and animate its courage. Hence it has happened, that many, whose elevation has been preëminent and whose virtues have adorned humanity, have been born in the lap of poverty. The state must take into her bosom the poor children, and feed, and clothe, and educate them, at the public expense. Such of them as give proofs of genius and hopes of future usefulness, should be transferred to schools of higher grade, and eventually bro't forward into active life under the public patronage. Among these youths, who shall thus be educated at the public expense, the State will find her most useful citizens: Their devotion to her interests will be unbounded; her attachment to them will be unlimited.

From these youths teachers may be selected for the schools in which they are qualified to teach; and as they have been educated at the public expense, because they were poor, they must, in return, teach gratuitously the poor children placed under their care; and to stimulate them to honest and active exertions, let those who shall faithfully discharge their duty in teaching, for the time required of them, be rewarded for their fidelity, by being advanced into higher schools and instructed in the sciences at the public expense.

Discreet persons must be appointed in each county to superintend and manage the concerns of the Sectional Schools which shall be established, and to designate the children who shall be educated in part or in the whole at the public expense. The application of the funds which shall be consecrated to the purposes of these Schools, shall be made by them.

There yet remains one class of unfortunate human beings, who have peculiar claims upon our humanity and who must not be overlooked in a plan of public instruction.—These are the deaf and the dumb.—There is a language of nature, expressed by the countenance, which all understand: this is the language of feeling; and being the only one known to the deaf and dumb, is by them spoken with peculiar eloquence. But the artificial language necessary to the acquisition of abstract ideas and to the developement of the intellectual faculties, remained unknown to this part of our species, until lately, when Providence in its goodness vouchsafed to discover to the *Abbe de l'Epee*, the method of applying signs *scientifically*, to their instruction: and at this day, they can be taught language, and instructed in religion, morals and the sciences, almost as easily as those who can hear and speak.—Connecticut has had the honor of establishing the first asylum for the deaf and the dumb, upon this continent; and Messrs. Gallaudet and Clerc, who have been the active ministers of humanity in founding this asylum, deserve the thanks of the human race. The number of deaf and dumb in North-Carolina, is not great; but small as it is, it claims the humane attentions of the government.

When we shall commence this great work of national charity, of establishing schools for public instruction in every section of the state, and educating at the public expense those to whom poverty has denied the means of educating themselves, may we not hope, that a benevolent God will smile upon our labors and cause them to prosper? We shall have discharged the highest duty which we owe to our fellow beings, when we shall place within their power the means of learning those things, which belong to their temporal and everlasting peace.

To carry into effect any general system of public instruction, much expence must be incurred. But your committee rejoice that the state of our Finances will shortly put it in the power

of the Legislature to appropriate nearly half a million of dollars to this purpose, and yet not withhold the appropriations which shall be necessary to complete the system of internal improvements now under consideration.—Your Committee would gladly exhibit views of our Finances to prove that this would be the result; but that duty more properly belongs to the committee<sup>1</sup> who have the subject of the public revenue under consideration.

Your Committee forbear to attempt the details which will be necessary to give effect to the system of Education which they recommend to the consideration of the Legislature: much time and much deliberation will be required to mature them, and your Committee recommend to the two Houses to adopt the following resolution:—

*Resolved*, That the Speakers of the two Houses of the General Assembly appoint three persons, to digest a system of Public Instruction, founded upon the general principles of the foregoing report, and to submit the same to the consideration of the next General Assembly.

Respectfully submitted,

A. D. MURPHEY, Chairman.

December 19, 1816.<sup>2</sup>

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*Report of the Committee on calling a Convention for the purpose of amending the Constitution of North Carolina.*<sup>3</sup>

The Committee to whom was referred the Petition of the Officers of the first and second Regiments of the Rutherford Militia On the Subject of Recommending to the People of the State to call a Convention for the Purpose of Amending the Constitution, Report:

<sup>1</sup>Murphey was a member of the Committee of Finance.

<sup>2</sup>The General Assembly concurred with this report, and the three commissioners for which it provided were appointed. See *post*, p. 63.

<sup>3</sup>A. D. S., North Carolina Hist. Com. Some portions of the MS. are torn out, and they are supplied by the printed copy in the *Senate Journal*. This report was submitted in the Senate Dec. 22, 1816. For a study of the movement for a revision of the constitution see "The Antecedents of the North Carolina Convention of 1835," W. K. Boyd in the *South Atlantic Quarterly*, Jan. and Apr., 1910. See also R. Barringer, *History of the North Carolina Railroad* (Raleigh, 1894); compare C. H. Ambler, *Sectionalism in Virginia from 1776 to*

The American Revolution has formed One of the most Remarkable Periods in the History of Political Institutions. This Revolution has not only developed new Political Truths, but has led to a more judicious Application of Truths before known, to the great Purposes of Civil Liberty. The Fate of the Ancient Republics had left it doubtful, Whether a System of Government could be devised, in which the People would be able to govern themselves; And which would, at the same time, effectually provide for the Public Security and for the Protection of Private Rights. The Establishment of the Republican Constitutions in the several States of the Union in the Year 1776, and the Operations under them since that time, have dissipated all Doubt upon this Subject; And the Friends of Civil Liberty may cherish a Hope, that the Representative system of Government, already spread over a large Portion of the Continent, will continue to extend its Authority Untill it shall influence the Destinies of the whole Human Race. In the Mean time it is the Duty of those who have adopted it, to give it effect upon correct Principles, thereby to secure its Continuance and its Blessings: And it is a fortunate Trait in the Character of our Political Institutions, that When they are defective, they can be Amended without any violent Convulsion. That many Defects should be found in the Constitutions, established immediately After the Declaration of Our Independence, is not surprising. The People were then making

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1861 (Chicago, 1910); Schaper, "Sectionalism and Representation in South Carolina," in *Annual Rep. American Historical Ass'n. for 1900*, I. 410-411; F. J. Turner, "The South, 1820-1830," in *American Historical Review*, XI. (1906) 559-573; F. J. Turner, "The Old West," in *Proc. State Historical Soc. of Wisconsin*, 1909, pp. 184-233.

To this committee was also referred a resolution directing an examination of the amount of land and poll taxes and number of militia and inhabitants in each Congressional district. Murphey handed in a report on Dec. 11, 1816, stating that the committee had prepared a table of these statistics and recommending that it be printed. The proposal was rejected. Statistical tables embracing a greater variety of matters were published in Raleigh in 1816 with the following note: "The foregoing Tables were compiled during a few days of leisure at the beginning of the present Session of the General Assembly, with a view of drawing the public attention to the resources of North Carolina. A knowledge of the facts which they exhibit, is necessary to the purposes of legislation, and are scattered over such a variety of documents, that few have an opportunity of becoming acquainted with them." Murphey was probably the author of this pamphlet.

their first Experiments in forming Systems of Government; And One great Object with them, was to adapt those Systems to the then Condition of the States for which they were formed. A Constitution which suited the Condition of a State in the Year 1776, And which had an Operation at that Time strictly conformable to the Principles of Representative Government, may have become by the Change of Circumstances, unsuited to the Condition of the State at this time, And Antirepublican in its Operation. It is Referred to Your Committee to enquire Whether such a Change of Circumstances has taken place in North Carolina since the Year 1776, And Whether such defects exist in the Constitution as require the Interposition of the sovereign power. They have examined the subject with all the attention due to its Importance, and are of opinion that such Defects do exist, and that the People should meet together by their Delegates in a Convention and Amend their Constitution. But upon a Subject so interesting to the People, Your Committee think they should be consulted before any specific Measures be adopted for Calling a Convention: In the mean time Your Committee will point out some of the Defects in the Constitution, which require Amendment.

The Principal Defect is the Inequality of Representation in the Legislature. In the Year 1776, this Inequality existed in a small degree only. Since that Time, the increased Population in the Western And the Division of Counties in the Eastern Part of the State, have produced an Inequality, that militates against the first Principles of a Republican System of Government. "That a Majority should govern," is one of those first Principles. The Condition of the State has so changed since the Constitution was adopted, that this Principle no longer operates: The Political Power now resides in a small Minority. There are sixty two Counties in North Carolina, containing a White Population of 386,676. Thirty Seven of these Counties, containing a White Population of 152,586, send into the Legislature one hundred and eleven Members; And twenty five Counties, containing a White population of 234,090, send into the Legislature seventy-five Members. If the whole white population, to-wit, 386,676, be divided by 186, (the Number of members elected by the sixty-two Counties to the General



Assembly) it will give within a fraction, 2078, as the true Number of White Polls for each Member; And the twenty five Counties which now elect seventy five Members, would be entitled to one hundred and twelve; And the thirty seven Counties, which now elect One hundred and eleven Members, would be entitled to seventy four. If the White Population be taken as the Basis of Representation, the following Table will shew the Number of Members which each County would be entitled to elect to the Legislature, upon the Principle of Equality in the Representation, disregarding fractional Parts.

Anson .....	3	Gulford .....	4	Rockingham .....	4
Ashe .....	1	Gates .....	1	New-Hanover .....	2
Beaufort .....	2	Green .....	1	Onslow .....	2
Bertie .....	2	Granville .....	3	Orange .....	7
Buncombe .....	4	Haywood .....	1	Person .....	2
Burke .....	4	Hertford .....	1	Pasquotank .....	2
Brunswick .....	1	Hyde .....	2	Perquimons .....	2
Bladen .....	1	Halifax .....	4	Pitt .....	2
Cabarrus .....	2	Johnston .....	2	Robeson .....	3
Columbus .....	1	Jones .....	1	Richmond .....	2
Currituck .....	2	Iredell .....	4	Rowan .....	8
Craven .....	3	Lincoln .....	6	Stokes .....	4
Camden .....	1	Lenoir .....	1	Sampson .....	2
Carteret .....	1	Moore .....	2	Surry .....	4
Chatham .....	4	Montgomery .....	3	Tyrrel .....	1
Cumberland .....	3	Martin .....	1	Warren .....	2
Caswell .....	3	Mecklenburg .....	5	Washington .....	1
Chowan .....	1	Nash .....	2	Wake .....	5
Duplin .....	2	Northampton .....	2	Wilkes .....	3
Edgecombe .....	3	Randolph .....	4	Wayne .....	2
Franklin .....	2	Rutherford .....	5		

The Fractional Parts of the Population being omitted, this Table exhibits the Return of one hundred and sixty Members only. But those Fractional Parts exist as much in the large Counties as in the small, and may therefore be disregarded in estimating the Inequality of Representation. From this Table it appears, that twenty one Counties would be entitled to elect eighty four Members, a Majority of the whole Representation of the State. These Views shew clearly that under the present Operation of the Constitution, About one third of the White Population elect a Majority of the Members to the General Assembly.

The Constitution of North Carolina has adopted as the Basis of Representation, neither the White Population, nor the White

and the Black Population compounded; but the mere territorial limits of Counties. In this Respect it is defective in principle and unjust in its Operation; And it is evident that this injustice is daily increasing. The Time is not distant when without some Change in the Constitution, three fourths of the People will be under the Dominion of one fourth.

There are Other Defects in the Constitution, which require Amendment, but being of Minor Importance, your Committee will briefly Notice only a few of them. The Formation of new Counties since the Year 1776 has rendered the Representation in the Legislature too numerous either for the Dispatch or the deliberate Consideration of the Public Business. Another Evil is experienced from the short Term of Service of a Representative. The constant Changes produced by Annual Elections marr all attempts at systematic Legislation. The Fortunes of the State are subjected to all the Capricious fluctuations of Public Opinion. Systems of Policy are commenced and abandoned, renewed and abandoned Again. This Chequered Legislation neither advances the Public Interest nor confers Dignity on the State; And we present the strange Spectacle of a People having a Government, which instead of Controlling our Character by its Influence, is subjected to all Our Caprices. This Evil is increased by the early Age at which a Citizen is allowed to become a Representative. The Ardour and Inexperience of Youth are not suited to the sober and complicated Purposes of Legislation. It is true, that constitutional Temperament and a well directed education some times exhibit much Sobriety of Mind and Soundness of Judgment in early Manhood: But it is wrong to adopt as a Principle of Policy, the exceptions to a General Rule instead of the Rule itself. Your Committee do therefore recommend to the two Houses the Adoption of the following Resolutions:

“Resolved, That it be recommended to the Freemen of the State, that On the Days appointed by Law for the Election of Members to serve in the next General Assembly, they signify on their Ballots for Members of the House of Commons, their Assent or Dissent to the Calling of a Convention, for the Purpose of revising And Amending the Constitution of this State, by Writing on the Ballots so given, the Words “Convention” or “No Convention.”

“Resolved, That it be the duty of each and every of the Sheriffs or Other Returning Officers, at the Close of the Polls in their Respective Counties, to sum up and certify to the Governor of the State, the whole Number of Votes Received for Members of the House of Commons, the Number marked “Convention” And the Number marked “No Convention”: A Duplicate of which shall be delivered to the Senators of their Respective Counties, to be by them taken to the Seat of Government of this State at the next Meeting of the General Assembly.

“Resolved, That at the Meeting of the next General Assembly, a joint select Committee of both Houses shall be appointed to receive, count, and Report to the Legislature the number of Votes so returned for And Against the Calling of a Convention for the Purposes Aforesaid.

Respectfully Submitted,

A. D. MURPHEY, Ch[airman].

22d Dec: 1816.<sup>1</sup>

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*Resolution of the General Assembly proposing a Colony for Free Negroes.<sup>2</sup>*

Whereas, policy, no less than humanity requires that an asylum remote from the inhabited parts of the United States, should be provided for persons of colour, who have been or shall be emancipated under the laws of this state, or any other state, in which asylum a colony of persons of colour might be planted,

<sup>1</sup>On Dec. 23d the Senate sent to the House of Commons a proposal to print this report, and it was rejected. On the 24th the report was read in the Senate and indefinitely postponed, 36-23. The senators from all counties situated wholly or partly to the east of a north and south line drawn through the city of Raleigh, voted in the affirmative on the motion to postpone, except the member from Cumberland (which is almost wholly west of such a line), who opposed the motion, and the speaker, the member from Carteret, and the member from Northampton, none of whom voted. All others voted in the negative except the senators from Ashe, Chatham, and Person, who supported the eastern members.

<sup>2</sup>From the *Senate Journal*, Dec. 25, 1816. The resolutions were adopted.

fostered and reared up, under the care of the government of the United States, and the blessings to which as freemen they are entitled, might be enjoyed by them to their full extent.

*Resolved*, That the Senators and Representatives in the Congress of the United States, from this state, be requested to use their best endeavours to procure an act of Congress to be passed, assigning a certain portion of the territory of the United States, situate on the Pacific ocean, for an asylum of persons of colour, heretofore emancipated or who shall hereafter be emancipated, under the laws of this state or any other state; and to establish for the government of such persons of colour, such constitution and laws, as shall ensure to them the blessings of freedom; and also to provide for the transportation to the said portion of territory of all persons of colour already emancipated under the laws of this state or any other state.

*Resolved further*, That his excellency the Governor be requested to forward to each of our Senators and Representatives in the Congress of the United States, a copy of the foregoing resolution.

**REPORT**

**ON**

**EDUCATION**

**SUBMITTED TO**

**THE LEGISLATURE OF NORTH CAROLINA, 1817**

**BY**

**A. D. MURPHEY**

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**RALEIGH**

**PUBLISHED BY ORDER OF THE LEGISLATURE  
T. HENDERSON, STATE PRINTER**

*The Committee to whom were referred so much of the Message of his Excellency the Governor, as relates to Public Instruction*<sup>1</sup>—

REPORT IN PART,

That we have much reason to thank Providence for the arrival of a period, when our country, enjoying peace with foreign nations and free from domestic inquietude, turns her attention to improving her physical resources and the moral and intellectual condition of her citizens. The war of party spirit, which for twenty years has disturbed her tranquility and perverted her ambition, has terminated; and political strife has yielded its place to an honorable zeal for the public welfare. Enlightened Statesmen will avail themselves of this auspicious period to place the fortunes of the state upon a basis not to be shaken; to found and to cherish institutions which shall guaranty to the people the permanence of their government, and enable them to appreciate its excellence. The Legislature of North-Carolina, giving to their ambition an honorable direc-

<sup>1</sup>Printed pamphlet. Raleigh: T. Henderson. [1817?] 8°. 22 pages. This report was submitted in the Senate Nov. 29, 1817. The committee consisted of Murphey and Thomas Wynns, of the Senate, and Alfred Moore, David F. Caldwell, Hutchins G. Burton, and Stephen L. Ferrand, of the Commons.

It will be observed that this does not purport to be the report of the three commissioners provided for in 1816. The Journals of 1816 contain no record of the appointment of the commissioners; but, on Dec. 6, 1817, John M. Walker, who had been a member of the House of Commons at the last two sessions, sent a plan of education to the speaker with a letter in which he said: "Having been appointed by the Speakers of the two Houses of the Legislature of No: Ca: in obedience to a joint Resolution of that Honble body, at their last Session; a Commissioner, in common, with two other gentlemen, to digest a plan of Popular Education, and being unable to communicate with those Gentn on the subject—I have deemed it my duty, through you, to lay before your Hon. body the Plan of Education herewith submitted." Walker's plan is substantially the same as that contained in a published pamphlet entitled "Report on education by John M. Walker, Dec. 17, 1816, a member of the committee to whom was referred so much of the Governor's message as respects public instruction." It does not appear from the Journals that the latter document was submitted to the Legislature of 1816, nor is Walker's name mentioned in the list of the members of the committee of that year. The Legislature of 1817 ordered Walker's plan to be printed, but only his above mentioned pamphlet can be found. Unfortunately, no North Carolina newspapers of 1816 or 1817 have been preserved.

tion, have resolved to improve this period for the best interests of the state; to adopt and carry into effect liberal plans of internal improvements; to give encouragement to literature, and to diffuse the lights of knowledge among all classes of the community. Let us foster the spirit which has gone abroad; it will lead to the happiest results. If we ourselves should not live to witness them, we shall at least have the satisfaction of having contributed to produce them, and of seeing our children receive from our hands a country growing rich in physical resources, and advancing in moral and intellectual excellence. This is the true way of giving strength and permanence to the Government: of giving to it root in the hearts of the people, and nurturing it with their affections. What people will not love a Government whose constant solicitude is for their happiness, and whose ambition is to elevate their character in the scale of intelligent beings. Having commenced this great work of Humanity, let us persevere in it with a patience that shall not tire, and with a zeal that shall not abate; praying to the Father of all good, that he will enlighten and direct our course, and finally crown our labours with success.

Your committee have entered upon the duties assigned to them with a full conviction of their importance, and of the difficulties which attend their discharge. But believing that let the subject be taken up when it may, those difficulties will exist, and availing themselves of the light thrown upon the subject by the wisdom of others, they have prepared a system of Public Instruction for N. Carolina, which with much deference they beg leave to submit to the consideration of the General Assembly. In digesting this system, they have adhered to the general principles of the report on this subject, submitted by a committee to the last Legislature; and have embraced a provision for the poor as well as the rich, and a gradation of schools from the lowest to the highest.

To give effect to any general plan of public education, it is essentially necessary that ample funds be provided, and that these funds, and also the execution of the general plan, be committed to the care and direction of a board composed of intelligent and efficient men. Your committee reserve for a more special report their views with respect to the creation of a fund

for Public Instruction. This subject requires a minuteness of detail, which would only embarrass the general views which it is their object now to present to the consideration of the General Assembly.

Your committee have considered the subject referred to them under the following divisions:

- 1st. The creation of a fund for Public Instruction.
- 2d. The Constitution of a Board to manage the Fund, and to carry into execution the plan of Public Instruction.
- 3d. The organization of Schools.
- 4th. The course of studies to be prescribed for each.
- 5th. The modes of Instruction.
- 6th. The Discipline and Government of the Schools.
- 7th. The Education of poor children at the public expence.
- 8th. An Asylum for the Deaf and Dumb.

Having reserved for a more special report the creation of a fund for Public Instruction, your committee will first submit their views with respect to the Constitution of a Board for the management of this fund, and the execution and superintendance of the general plan of education which they recommend.

*The Board of Public Instruction.*

As the whole community will be interested in the plan of Education, the members of this Board should be selected from different parts of the State. They will have charge of all our literary institutions; and to give more weight and respectability to their deliberations and resolves, the Governor of the State should be placed at their head. It will be their province to manage and apply the funds committed to their care; to carry into execution from time to time as it shall be found practicable, the different parts of the plan of Public Education; to superintend the same when in full operation; to prescribe general rules and regulations for the discipline and government of the schools; to make annual reports to the legislature of their proceedings and of the state of the schools under their charge.—Your committee do therefore recommend,

- 1st. That there shall be elected by joint ballot of the two houses of the General Assembly, six Directors, who shall be styled "The Board of Public Instruction;" that three of the



Directors shall reside at or to the eastward of the city of Raleigh, and three shall reside at or to the westward thereof.

2d. That the Governor for the time being, shall be "ex officio" president of the Board; but the Board may appoint a Vice President who shall preside in the absence of the Governor.

3d. The Board shall appoint a Secretary and such other officers as may be necessary for conducting their business, who shall receive a reasonable compensation for their services.

4th. Until otherwise ordered, the Members of the Board shall receive the same compensation for their travelling to and from the place of their meeting, and the same "per diem" during their attendance on the Board, as is now allowed by law to Members of the General Assembly. They shall hold an annual meeting in the city of Raleigh at or near the time of the meeting of the General Assembly. The President of the Board may at his own pleasure, or shall at the request of any two Directors thereof, convene extra meetings of the Board for the transaction of any extraordinary business. A majority of the whole number of Directors shall be necessary to constitute a Board for the transaction of business, but the President or any single Director may adjourn from day to day until a Board be formed.

5th. The Board may at any time enact, alter or amend such rules as to them may seem proper for the purpose of regulating the order of their proceedings; they may adjourn for any period or meet at any place, where they may think the public interest shall require. They shall have power, subject to the limitations to be provided by law, to establish and locate the several Academies directed by law to be established; to determine the number and titles of the professorships therein; to examine, appoint and regulate the compensation of the several professors and teachers; to appoint in the first instance the trustees of the several Academies; to prescribe the course of instruction and discipline of the several Academies and primary schools, according to such general rules as shall be established by law; to provide some just and particular mode of advancing from the Primary Schools to the Academies, and from the Academies to the University, as many of the most meritorious children

educated at the public expense, as the proceeds of the fund for public instruction may suffice to educate and maintain, after the whole system of public instruction hereby recommended, shall have been put in operation; to manage the fund for public instruction, and apply its proceeds in carrying into execution and supporting the plan of education committed to their care; and in giving effect to this plan, the Board shall regard the Primary Schools as its foundation, and care shall be taken that the proceeds of the fund for public instruction, shall not be applied to the establishment of any Academy, so long as it is probable that such an application may leave any Primary School unprovided for. And the Board shall have power to enact, alter or amend such Bye-Laws, rules and regulations relative to the various objects committed to their trust, as to them may seem expedient: Provided the same be not inconsistent with the laws of the state; and they shall recommend to the General Assembly from time to time, such general laws in relation to Public Instruction, as may in their opinion, be calculated to promote the intellectual and moral improvement of the state.

6th. The Directors of the Board of Public Instruction for the time being shall, *ex officio*, be Trustees of the University of this state.

7th. The Treasurer of the state shall have charge of the fund for public instruction, and the proceeds thereof shall be paid upon warrants drawn by the President of the Board; and all expenses incurred in carrying into effect the system of public instruction and supporting the same, shall be charged upon this fund and paid out of the proceeds thereof.

8th. The Board of Public Instruction shall annually submit to the General Assembly at or near the commencement of their session, a view of the state of public education within the state, embracing a history of the progress or declension of the University in the year next preceding, and illustrating its actual condition and future prospects; and also setting forth the condition of the fund committed to their trust for public instruction.

9th. The Board of Public Instruction shall be a body politic in law; shall have a common seal and perpetual succession;

shall by the name and style of "The Board of Public Instruction," be capable of suing and being sued, pleading and being impleaded; and shall have and enjoy all the rights and privileges of a corporation.

*The Organization of Schools.*

In arranging the system of Schools, your committee have endeavoured to make the progress of education natural and regular; beginning with Primary Schools, in which the first rudiments of learning are taught, and proceeding to Academies, in which youth are to be instructed in languages, ancient and modern history, mathematics and other branches of science, preparatory to entering into the University, in which instruction is to be given in all the higher branches of the sciences and the principles of the useful arts.

In making this arrangement the greatest difficulties have occurred in organizing the Primary Schools. These difficulties arise from the condition of the country and the state of its population; it being found impossible to divide the state into small sections of territory, each containing an adequate population for the support of a school. Any attempt to divide the territory of the State into such small sections, with a view of locating a school in each, would prove unavailing; and however desirable it may be, that a school should be established convenient to every Family, the time has not arrived when it can be done. But so far as it is practicable to extend the convenience it should be done. These primary schools are of the first importance in any general plan of public Education; every Citizen has an interest in them, as the learning indispensable to all, Reading, Writing and Arithmetic, is here to be taught. By judicious management and a proper selection of Books for Children while they are learning to read, much instruction in their moral and religious duties may be given to them in these schools. Your Committee have diligently examined the different plans of public instruction which have been submitted to the General Assembly of our sister State, Virginia, and also those which have been carried into effect in some of the New England States: they have also examined the plan which was drawn up and adopted by the National Convention of France,

and which now forms the basis of public instruction in all the communes of that Empire; and deriving much aid from this Examination upon every part of the subject referred to them, they have digested a system which they hope may be found to suit the condition of North Carolina. In designating the schools of different grades, they have adopted the names in common use.—Your Committee do therefore recommend that as to,

*The Primary Schools,*

1. Each County in this State be divided into two or more Townships; and that one or more Primary Schools be established in each Township, provided a lot of ground not less than four acres and a sufficient house erected thereon, be provided and vested in the Board of public instruction. And that every incorporated town in the State containing more than one hundred Families, shall be divided into wards. Such town containing less than one hundred families shall be considered as forming only one Ward. Each Ward upon conveying to the Board of public Instruction a lot of ground of the value of two hundred dollars or upwards, and erecting thereon a house of the value of two hundred and fifty dollars, shall be entitled to the privileges and benefits of a Primary School.

2. The Court of Pleas and Quarter Sessions shall annually elect for each Township in their respective counties, five persons as Trustees of the Primary Schools to be established in such Township, who shall have power to fix the scites of the Primary Schools to be established therein, superintend and manage the same, make rules for their government, appoint Trustees, appoint Teachers, and remove them at pleasure. They shall select such children residing within their Township, whose parents are unable to pay for their schooling, who shall be taught at the said schools for three years, without charge. They shall report to the Board of public instruction, the Rules which they may adopt for the government of said schools, and shall annually report to the said Board the State of the Schools, the number and conduct of the Pupils, and their progress in learning; the conduct of the Teacher and also every thing connected with the schools of any importance.

3. In addition to the Pupils who are to be taught free from

charge, the Teacher of any Primary School may receive as many other Scholars, and at the rates, which the Trustees of the school may establish; and the Trustees may purchase for the use of the Pupils educated at the public expense, such Books, stationary and other implements for learning, as may be necessary.

4th. The Teacher of each primary school shall receive a salary of one hundred dollars, to be paid out of the fund for public instruction.

This plan for establishing primary schools is simple, and can easily be carried into execution. It divides the expences of these schools between the public and those individuals for whose immediate benefit they are established; it secures a regular stipend to the Teachers, and yet holds out inducements to them to be active and faithful in their calling; and it enables every neighbourhood, whether the number of its inhabitants be few or many, to have a primary school, at the cheap price of a small lot of ground, and a house erected thereon sufficient for the purposes of the school. Were these Schools in full operation in every section of the State, even in the present state of our population, more than fifteen thousand children would be annually taught in them. These schools would be to the rich a convenience, and to the poor, a blessing.

#### *Academies.*

After children shall have gone through the course of studies prescribed for the Primary Schools, those of them who are to be further advanced in education, will be placed in the Academies, where they will be instructed in Languages, ancient and modern History, Mathematics and other Branches of science preparatory to their entering into the University. The Academies shall be located in different districts of the State for the convenience of the people, and the expences of purchasing suitable scites and erecting thereon the necessary buildings, shall be divided between the public at large and the several districts. Private liberality has of late erected many small Academies in the State, which deserve the consideration and Patronage of the Legislature. From the benefits which have accrued to the public from these small Academies, we may form an opinion of the

good which would flow from larger institutions of the same sort, if regularly located throughout the State, and aided with suitable funds. The state of learning among us will never become respectable, until we have such regular Academical institutions—Your committee do therefore recommend,

1st. That the Board of Public Instruction shall divide the state into ten Academical Districts, containing each, one or more counties, and as near as practicable, an equal number of white population, and number the districts from one upwards.

2d. When in any of the Districts there is an Academy already established, the Trustees thereof may submit to the Board of Public Instruction, a report of the actual condition of their institution, its relative position to the boundaries of the District, the number and dimensions of the buildings, their value and state of repair, the extent of ground on which they are erected: the number and denomination of the professors and teachers employed therein, and of the pupils educated thereat. If the Board should think the Academy properly situated for the benefit of the District, and that its buildings and grounds will answer their intended purposes, notice thereof shall be given to the Trustees; and upon conveyance being made of the said ground and houses to the Board of Public Instruction, the Academy shall be entitled to the same benefits which may be extended to any Academy that may be erected, and shall be subject to the same rules and regulations in relation to the government thereof, which the Board of Public Instruction or the General Assembly may provide for the General Government of the Academies of the state. But the Trustees of such Academies may continue to hold their offices and to supply vacancies occurring in their body.

3d. In case the buildings of any Academy already established and so accepted by the board of Public Instruction, require repair or any enlargement or alteration, the Board shall appropriate a sum sufficient to repair, alter or enlarge the said buildings, provided the sum so appropriated shall not exceed one third part of the entire value of such buildings, when so altered, repaired or enlarged. The alterations or enlargement of the buildings shall be planned by the Board of Public Instruction and executed according to their order.

4th. In any Academical District where there is no Academy now established, or none which the Board of Public Instruction shall think will answer their intended purpose, the Board may accept a lot of ground, of sufficient extent in their estimation, and conveniently situated for the erection of an Academy for the District; Provided that two third parts of the sum required for the erection of suitable buildings for the said Academy be previously subscribed by one or more persons, and the payment thereof assured to the Board of Public Instruction.

5th. When any conveyance of the lot of ground on which the buildings are to be erected, shall be accepted of by the Board, they shall appoint eleven persons residing within the district, Trustees of the Academy, who shall be deemed a body corporate by such title as the Board of Public Instruction shall prescribe; shall have and enjoy all the rights and privileges of a corporation; shall have power to elect a President from their own body, and to fill all vacancies which shall occur therein. They may make, alter or amend, such Bye-Laws, Rules and Regulations, as they shall deem necessary or expedient, for the government of their own body, and of the Professors, Teachers and Pupils of the Academy of which they have charge; Provided they be not inconsistent with such general regulations as the Board of Public Instruction may provide for the general government of the Academies of the state.

6th. The Trustees shall provide by contract for the erection of the necessary buildings for their Academy, and appoint a Treasurer who shall have authority to collect the several sums subscribed thereto, and shall be entitled to receive in virtue of their order upon the Board of Public Instruction, signed by their President, such sums of money as the Board may, from time to time, appropriate for the erection of the buildings, their repairs or alterations, salaries of Professors and teachers, and other purposes of the Academy.

7th. As soon as any Academy is ready for the admission of pupils, the Trustees may recommend to the Board of Public Instruction, any person to be a Professor or teacher therein, who, if approved, after examination in some mode to be prescribed by the Board, shall be regarded as a professor or Teacher of such Academy, but subject to removal at the pleasure of

the Trustees or of the Board. Where vacancies shall occur among the Professors or Teachers during the recess of the Board, the Trustees may make temporary appointments, to be confirmed or disapproved by the Board at their next session.

8th. The Trustees of any Academy may fix the salaries of their respective Teachers, subject to the control of the Board of public instruction: One third part of the salaries shall be paid by the Board at such times and in such way as they shall prescribe.

9th. The professors and teachers in any Academy shall be bound to instruct, free of charge for tuition, the pupils whom the Board of Public Instruction may designate to be taught in said Academy at the public expence.

Your committee have perhaps gone into unnecessary details respecting the Academies. Their plan simply is, to divide the state into ten Academical districts, and that one Academy be erected in each; that the state shall advance one third of the sum required for the erection of necessary buildings, and one third of the sum to be paid in salaries to professors and teachers—making it their duty to teach poor children free of charge.

*The University.*

This institution has been in operation for twenty years, and has been eminently useful to the state. It has contributed, perhaps, more than any other cause, to diffuse a taste for reading among the people, and excite a spirit of liberal improvement; it has contributed to change our manners and elevate our character; it has given to society many useful members, not only in the liberal professions, but in the walks of private life; and the number of its pupils who are honored with seats in this Legislature is a proof of the estimation in which they are held by their fellow citizens. When this institution was first founded, it was fondly hoped that it would be cherished with pride by the Legislature: But unfortunately the nature of the funds with which it was endowed, in a short time rendered it odious to some, and cooled the ardor of others. The torrent of prejudice could not be stemmed; the fostering protection of the Legislature was withheld, and the institution left dependent upon private munificence. Individuals contributed not only



to relieve its necessities, but to rear up its edifices and establish a permanent fund for its support. At the head of these individuals, stood the late Governor Smith, Charles Gerard and Genl. Thomas Person. The first two made valuable donations in lands, and the last, in a sum of money with which one of the Halls of the University has been erected. To enable them to complete the main edifice, the Trustees have been compelled to sell most of the lands devised to them by Mr. Gerard, and as the lands conveyed to them by Governor Smith lie within the Indian boundary, the Trustees have not been able as yet to turn them to a productive account. With the aid thus derived from individuals, together with occasional funds derived from escheats, the institution has progressed thus far. The Legislature, after exhausting its patience in endeavoring to collect the arrearages of debts due to the state, transferred to the trustees of the University those arrearages, with the hope that they would be able to enforce payment. But no better fortune has attended their efforts than those of the state, and this transfer has proved of no avail to the institution. The surplus remaining in the hands of administrators, where the next of kin have made no claim within seven years, have also been transferred to the trustees; but this has as yet yielded a very small fund, and probably never will yield much. The Legislature have enlarged the rights of inheritance, and in this way have nearly deprived the institution of the revenue from escheats. Amidst all these embarrassments, the trustees have never lost sight of the necessity of accumulating a fund in Bank Stock, the annual proceeds of which would enable them to continue the operations of the institution; and they have succeeded so far as to be able to support two Professorships, and employ two or three tutors. But there is little prospect of adding to this fund, until the lands given by Governor Smith can be sold; and if that period be waited for, the institution must necessarily languish and sink in respectability. It is at this moment almost destitute of a Library, and entirely destitute of the Apparatus necessary for instructing youth in the mathematical and physical sciences. Add to this, that one half of the necessary buildings have not been erected.

In this state of things, and at a moment when former preju-

dices have died away, when liberal ideas begin to prevail, when the pride of the state is awakening and an honorable ambition is cherished for her glory, an appeal is made to the patriotism and the generous feelings of the legislature in favor of an Institution, which in all civilized nations, has been regarded as the nursery of moral greatness, and the palladium of civil liberty. That people who cultivate the sciences and the arts with most success, acquire a most enviable superiority over others. Learned men by their discoveries and works give a lasting splendor to national character; and such is the enthusiasm of man, that there is not an individual, however humble in life his lot may be, who does not feel proud to belong to a country honored with great men and magnificent Institutions. It is due to North Carolina, it is due to the great man<sup>1</sup> who first proposed the foundation of the University, to foster it with parental fondness and to give to it an importance commensurate with the high destinies of the state. Your committee deem this subject of so much interest, that they beg leave in a future report to submit to the two houses a plan for increasing the funds of the University.

This institution has uniformly labored under the double disadvantage of a want of funds, and the want of subsidiary institutions, in which youth could be instructed preparatory to their entering upon a course of the higher branches of science in the University. This latter disadvantage has been so great, that the Trustees have been compelled to convert the University, in part into a grammar school. This disadvantage has been of late removed in part, by the establishment of Academies in different parts of the state; but it will continue to be much felt, until regular Academical Institutions shall be made and the course of instruction prescribed for them.

Another serious disadvantage and a consequence of the one last mentioned, is the necessity which the peculiar state of Academical learning has imposed upon the Trustees, of conferring the Honorary Degrees of an University upon young men who have not made that progress in the sciences, of which their Diploma purports to be a testimonial. This is an evil that is found in almost all the Universities of the union. A

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<sup>1</sup>Gen. William R. Davie—[Foot-note in the original pamphlet.]

young man enters into an University with only slight acquirements in classical education, and after remaining four years, during which time he is instructed in only the outlines of the general principles of science, he receives a degree: the consequence is that he leaves the University with his mind trained only to general and loose habits of thinking: and if he enter into professional life, he has to begin his education anew.—The great object of education is to discipline the mind, to give to it habits of activity, of close investigation; in fine, to teach men—to think. And it is a reproach upon almost all the literary Institutions of our country, that the course of studies pursued in them teach most young men only how to become literary triflers. Their multifarious occupations dissipate their time and attention: They acquire much superficial knowledge; but they remain ignorant of the profounder and more abstract truths of philosophy. Indeed the road to the profound sciences is of late so infested with pleasant elementary Books, Compilations, Abridgments, Summaries and Encyclopedias, that few, very few, in our country ever travel it.

To remove this reproach upon the state of learning among us, a new plan of instruction in our University must be organised; a plan which shall give to the different classes in the institution, an arrangement founded upon a philosophical division of the present improved state of knowledge; and which in its execution shall train the mind both to liberal views and minute investigation.

Your committee have been thus particular in submitting to the two houses an exposition of the actual condition of the University, with a view of recalling their consideration to the solemn injunction of the constitution as to every part of the subject referred to them; "That a school or schools shall be established by the Legislature for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices; and all useful learning shall be duly encouraged and promoted in one or more Universities." Our University is the only institution which the Legislature has yet founded and endowed in compliance with this injunction; but even as to this institution the spirit of the constitution is far from being complied with. We have

not buildings for the accommodation of youth, nor books nor apparatus for their instruction—your committee do therefore recommend,

1st. That three additional buildings be erected at the University; two, for the accommodation of students, and one for the library and apparatus. This last building to contain suitable rooms for the delivery of lectures by the different professors.

2nd. That a library and suitable apparatus for instructing youth in the Mathematical and Physical sciences, be procured for the use of the said Institution.

3rd. That funds be assigned for endowing two professorships, and supporting six additional teachers.

These are the present wants of the University; as our population encreases, the number of buildings must be encreased, and more funds be provided for supporting teachers. In a subsequent part of this report your committee have recommended that there be four classes in the University with a professor at the head of each, who shall be assisted with such adjunct professors or teachers, as the state of the institution may require.

*The Course of Studies.*

1st. In the Primary schools should be taught Reading, Writing and Arithmetic. A judicious selection of Books should from time to time be made by the Board of Public Instruction for the use of small children: Books which will excite their curiosity and improve their moral dispositions. And the Board should be empowered to compile and have printed for the use of the Primary schools, such books as they may think will best subserve the purposes of intellectual and moral instruction. In these books should be contained many of the Historical parts of the old and new Testament, that children may early be made acquainted with the book, which contains the word of truth, and the doctrines of eternal life.

2. In the Academies should be taught the Latin, Greek, French and English languages, the higher rules of Arithmetic, the six first books of Euclid's Elements, Algebra, Geography, the elements of Astronomy, taught with the use of the Globes, Ancient and Modern History. The basis of a good education

is classical and mathematical knowledge; and no young man ought to be admitted into the University without such knowledge.

3. In the University the course of education should occupy four years; and there should be four classes, to be designated,

1st. The Class of Languages—In this class should be studied, 1st. the more difficult Latin, Greek and French classics: 2. Ancient and modern history: 3. Belle Letters: 4. Rhetoric.

2d. The class of Mathematics—In this class should be studied, 1. Pure Mathematics: 2. Their application to the purposes of physical science.

3. The class of the Physical Sciences—In this class should be taught, 1. Physics: 2. Chemistry: 3. The Philosophy of Natural History: 4. Mineralogy: 5. Botany: 6. Zoology.

4. The class of the Moral and Political Sciences—In this class should be taught, 1st. The philosophy of the Human Mind: 2d. Morals: 3d. The Law of Nature and of Nations: 4th. Government and Legislation: 5th. Political Economy.

#### *The Modes of Instruction.*

The great object of education is intellectual and moral improvement; and that mode of instruction is to be preferred which best serves to effect this object. That mode is to be found only in a correct knowledge of the human mind, its habits, passions, and manner of operation. The philosophy of the mind, which in ages preceding had been cultivated only in its detached branches, has of late years received form and system in the schools of Scotland. This new science promises the happiest results. It has sapped the foundation of scepticism by establishing the authority of those primitive truths and intuitive principles, which form the basis of all demonstration; it has taught to man the extent of his intellectual powers, and marking the line which separates truth from hypothetical conjecture, has pointed out to his view the boundaries which Providence has prescribed to his enquiries. It has determined the laws of the various faculties of the mind, and furnished a system of philosophic logic for conducting our enquiries in every branch of knowledge. This new science has given birth to new

methods of instruction; methods, which being founded upon a correct knowledge of the faculties of the mind, have eminently facilitated their development. Pestalozzi in Switzerland and Joseph Lancaster in England, seem to have been most successful in the application of new methods to the instruction of children. Their methods are different, but each is founded upon a profound knowledge of the human mind. The basis of each method is, *the excitement of the curiosity of children*; thereby awakening their minds and preparing them to receive instruction. The success which has attended the application of their methods, particularly that of Lancaster, has been astonishing. Although but few years have elapsed since Lancastrian Schools were first established, they have spread over the British Empire, extended into the continent of Europe, the Island of St. Domingo, and the United States. Various improvements in the details of his plan have been suggested by experience and adopted; and it is probable that in time, his will become the universal mode of instruction for children. The Lancastrian plan is equally distinguished by its simplicity, its facility of application, the rapid intellectual improvement which it gives, and the exact discipline which it enforces. The moral effects of the plan are also astonishing; exact and correct habits are the surest safeguards of morals; and it has been often remarked, that out of the immense number of children and grown persons instructed in Lancaster's Schools, few, very few, have ever been prosecuted in a Court of Justice for any offence.—Your committee do therefore recommend, that whenever it be practicable, the Lancastrian mode of instruction be introduced into the Primary Schools. The general principles of the method may be successfully introduced into the Academies and University:—And your committee indulge the hope, that the Board of Public Instruction, and the Professors and Teachers in these respective institutions, will use their best endeavors to adopt and enforce the best methods of instruction which the present state of knowledge will enable them to devise.

*The Discipline and Government of the Schools.*

In a republic the first duty of a citizen is obedience to the law. We acknowledge no sovereign but the law, and from infancy to manhood our children should be taught to bow with

reverence to its majesty. In childhood, parental authority enforces the first lessons of obedience; in youth, this authority is aided by the municipal law, which in manhood wields the entire supremacy. As the political power and the social happiness of a state depend upon the obedience of its citizens, it becomes an object of the first importance to teach youth to reverence the law, and cherish habits of implicit obedience to its authority. Such obedience not only contributes to the strength and tranquility of the state, but also constitutes the basis of good manners, of deference and respect in social intercourse. But in our country, youth generally become acquainted with the freedom of our political institutions, much sooner than with the principles upon which that freedom is bottomed, and by which it is to be preserved; and few learn, until experience teaches them in the school of practical life, that true liberty consists not in doing what they please, but in doing that which the law permits. The consequence has been, that riot and disorder have dishonored almost all the Colleges and Universities of the Union. The temples of science have been converted into theatres for acting disgraceful scenes of licentiousness and rebellion. How often has the generous patriot shed tears of regret for such criminal follies of youth! Follies which cast reproach upon learning, and bring scandal upon the state. This evil can only be corrected by the moral effects of early education; by instilling into children upon the first dawns of reason, the principles of duty, and by nurturing those principles as reason advances, until obedience to authority shall become a habit of their nature. When this course shall be found ineffectual, the arm of the civil power must be stretched forth to its aid.

The discipline of a University may be much aided by the arrangement of the buildings, and the location of the different classes. Each class should live together in separate buildings, and each be under the special care of its own professors and teachers. A regular system of subordination may in this way be established; each class would have its own character to maintain, and the *Esprit de Corps* of the classes would influence all their actions. Similar arrangements, may, in part, be made in the several academies, and the like good effect expected from them.

The amusements of youth may also be made auxiliary to the exactness of discipline. The late President of the United States, Mr. Jefferson, has recommended upon this part of the subject, that through the whole course of instruction at a college or university, at the hours of recreation on certain days, all the students should be taught the manual exercise, military evolutions and manœuvres, should be under a standing organization as a military corps, and with proper officers to train and command them. There can be no doubt, that much may be done in this way towards enforcing habits of subordination and strict discipline—it will be the province of the Board of Public Instruction, who have the general superintending care of all the Literary Institutions of the State, to devise for them systems of discipline and government; and your committee hope they will discharge their duty with fidelity.

*The Education of Poor Children at the Public Expence.*

One of the strongest reasons which we can have for establishing a general plan of Public Instruction, is the condition of the poor children of our country. Such always has been, and probably always will be, the allotments of human life, that the poor will form a large portion of every community; and it is the duty of those who manage the affairs of a state, to extend relief to this unfortunate part of our species in every way in their power. Providence, in the impartial distribution of its favours, whilst it has denied to the poor many of the comforts of life, has generally bestowed upon them the blessing of intelligent children. Poverty is the school of genius; it is a school in which the active powers of man are developed and disciplined, and in which that moral courage is acquired, which enables him to toil with difficulties, privations and want. From this school generally come forth those men who act the principal parts upon the theatre of life; men who impress a character upon the age in which they live. But it is a School which if left to itself runs wild; Vice in all its depraved forms grows up in it. The State should take this school under her special care, and nurturing the genius which there grows in rich luxuriance, give to it an honorable and profitable direction—Poor children are the peculiar property of the State, and by proper cultivation, they will constitute a fund of intellectual



and moral worth, which will greatly subserve the Public Interest. Your committee have therefore endeavoured to provide for the education of all poor Children in the Primary Schools; they have also provided for the Advancement into the Academies and University, of such of those children, as are most distinguished for genius and give the best assurance of future usefulness. For three years they are to be educated in the Primary Schools free of charge; the portion of them who shall be selected for further advancement, shall during the whole course of their future education, be clothed, fed and taught at the public expense. The number of children who are to be thus advanced, will depend upon the state of the fund set apart for Public Instruction, and your committee think it will be most advisable to leave the number to the discretion of the Board, who shall have charge of the fund: and also to leave to them the providing of some just and particular mode of advancing this number from the Primary Schools to the Academies, and from the Academies to the University.

*An Asylum for the Deaf and Dumb.*

If there be any part of our species who are entitled to the peculiar consideration of the Government, it is surely the Deaf and Dumb. Since the method of instructing them in Language and Science has been discovered, numerous Asylums in different Countries have been established for their instruction. While we are engaged in making provision for others, humanity demands that we should make a suitable provision for them. Your Committee do therefore recommend that as soon as the State of the fund for public Instruction will admit, the Board who have charge of that fund, be directed to establish at some suitable place in the State, an Asylum for the Instruction of the Deaf and Dumb.

Your Committee have now submitted to the two Houses their general views upon the subject refer[r]ed to them. They have proposed the creation of a Fund for Public Instruction, and the appointment of a Board to manage this Fund, and to carry into effect the plan of education which they have recommended. This Plan embraces a gradation of Schools from the lowest to the highest, and contains a provision for the education of poor children—and of the deaf and dumb.

When this or some other more judicious plan of Public Education shall be carried into execution, when light and knowledge shall be shed upon all, may we not indulge the hope, that men will be convinced that wisdom's ways are ways of pleasantness and all her paths are paths of peace: and be induced by such conviction to regulate their conduct by the rule of christian morality, of doing unto others as they wish they would do unto them; and that they will learn to do justly, to love mercy and to walk humbly before their god.

Your committee will forthwith report Bills to carry into effect the several measures recommended in this report—

Respectfully submitted,

A. D. MURPHEY, Chairman.

November 29, 1817.<sup>1</sup>

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*Report of the Committee on Internal Improvements.<sup>2</sup>*

The Committee<sup>3</sup> to whom was referred so much of the Message of his Excellency the Governor as relates to Internal Improvements, Report in Part,

that they have had the Subject referred to them under Consideration; and it being necessary for the Carrying into effect of the Plan which they wish to submit to the Consideration of the General Assembly, that the State should make further Subscriptions of Stock in some or all of the Banks of this State, And for this Purpose that the Capital Stock of said Banks be enlarged; And as the Stockholders of the State Bank are now

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<sup>1</sup>The printed copy in the *Senate Journal* of Nov. 29th bears date of Nov. 27, 1817. Murphey handed in the report on the 29th, when the Senate considered it, concurred with it unanimously, and (on the motion of William Davidson, of Mecklenburg) proposed to the Commons that it be printed. The House assented to this proposal on Dec. 4th. On the 16th Murphey reported "a bill to provide for the general diffusion of knowledge, by establishing schools in all parts of the state," and it passed on its first reading in the Senate. The next day it passed the Commons for the first time. There is no further record of the bill, and the bill itself cannot be found. The Legislature rose Dec. 24th.

<sup>2</sup>A. D. S., North Carolina Historical Commission. Submitted in the Senate, Dec. 2, 1817.

<sup>3</sup>Murphey, Dr. Simmons J. Baker, William Hawkins, John Winslow, Bedford Brown, Henry W. Harrington, and Andrew Wade.

holding their Annual Meeting, Your Committee recommend to the two Houses the adoption of the following Resolution,

Resolved that a Joint select Committee be appointed<sup>1</sup> to confer with the Stockholders of the State Bank of North Carolina as to the enlargement of the Capital Stock of said Bank, and the Subscription on behalf of the State of the unsubscribed Stock of the present Capital of said Bank and of the Stock which may constitute the enlargement of said Capital; and that they have leave to Report by Bill or Otherwise.

A. D. MURPHEY, Chairman.

2d Dec: 1817:

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*Report of the Committee on Internal Improvements.*<sup>2</sup>

The Committee to whom was referred so much of the Message of his Excellency the Governor as relates to Internal Improvements, Report in Part,

The experience of the last two Years has proved, that the mere Adoption of efficient Measures by the Legislature, for Internal Improvements, has given to the Lands of the State an Additional Value of more than ten Millions of Dollars. The Spirit of Improvement has been roused, and Hope and Expectation are excited.<sup>3</sup> No doubt can now be entertained, that in the present Condition of the State, one thousand Dollars expended in Internal Improvements give at least ten thousand Dollars of Increase to the Wealth of the State. We have

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<sup>1</sup>The original reading was "Resolved that the Committee on Internal Improvements be directed," etc., and the report was amended in the Senate. See *post*, p. 87.

<sup>2</sup>A. D. S., North Carolina Historical Commission. Submitted in the Senate Dec. 5, 1817.

<sup>3</sup>North Carolina seems roused to a sense of her many natural advantages. The clearing of the obstructions to the navigation of the *Roanoke* and the *Cape Fear* rivers, at present occupies the attention of some of her *statesmen*, and with every prospect of success in both undertakings. \* \* \* This state owes more to *Archibald D. Murphy*, esq. than to any, perhaps, of her many enlightened citizens. His name, through his reports to the legislature, etc. is familiar to our readers; but he has now many associates in his meritorious labors. At the late celebration of the 4th of July, at *Fayetteville*, by all parties, we notice with pleasure that a just tribute was paid to his worth, 'as the successful promoter of inland navigation', and with a wish that 'the state might delight to esteem and honor him, as he had benefited and honored the people.'—*Niles's Weekly Register*, XII. 321 (July 19, 1817).

therefore every Reason to proceed with the Work which we have commenced, and to appropriate to its execution such Funds as will ensure its Success. But this Work will never proceed regularly, Untill the State shall adopt a Regular System for its execution. The Basis of this System must be a suitable Fund, and the Application and Management of this Fund by a permanent Board of Commissioners, who shall, under the Direction of the General Assembly, employ Engineers, have all necessary Surveys made, and exercise a general superintending Care of all the Public Works directed to be executed.

Your Committee do therefore recommend that a Fund be created for Internal Improvements, to consist of Bank Stock and Stock in the Navigation Companies, and that the Proceeds of this Fund be applied, by a Board of Commissioners to be appointed by the Legislature, to the execution of such Public Works, and in such Way, as may from time to time be directed by Law. And Your Committee herewith report "a Bill to create a Fund for Internal Improvements," and Recommend to the two Houses that the same be passed into a Law.<sup>1</sup>

Respectfully submitted,

A. D. MURPHEY, Chairman.

4th Dec: 1817:

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*Report of the Committee on Internal Improvements.<sup>2</sup>*

The committee to whom was referred so much of the message of his excellency the governor as relates to Internal Improvements—report in part; That after the incorporation of the Roanoke Navigation Company by the state, it became necessary for the Company to apply to the Legislature of Vir-

<sup>1</sup>The report and bill were ordered to be printed. The bill failed on its second reading in the House of Commons. The resolutions of 1816 for surveys and the employment of a state engineer were continued in force, and Murphey was added to the river and canal commission. That commission was also requested to survey the Catawba River; to ascertain by surveys the practicability and cost of uniting by canals the Roanoke (at or near Plymouth) and Pungo rivers, the Roanoke and Tar, and the Tar and Neuse; and to have such other surveys made as might be useful. No surveys were made in 1817 because engineers could not be obtained.

<sup>2</sup>From the *Senate Journal*, 1817, pp. 61-62. Submitted in the Senate Dec. 8, 1817.

ginia for the passage of an act in their favour, granting to them the same privileges which had been granted by North Carolina; this application was rendered necessary by the circumstance that the Dan river, the principal branch of the Roanoke, after passing through a fertile section of this state of more than one hundred miles in extent, turns into the state of Virginia. The company could not under the Charter of this state improve the navigation of the Dan in Virginia, nor of any other tributary stream of the Roanoke in that state.

And the principal obstructions to the navigation of the Dan lie in the state [of] Virginia, so that farmers on the upper parts of that river would not have been benefited by the labours of the company, unless the company were authorized to improve the navigation in Virginia as well as in this state. The legislature of Virginia did not hesitate to grant to the company the charter prayed for, only reserving to herself the right of cutting canals from the river Roanoke or any of its tributary streams, to connect the waters thereof with other rivers or streams, and directed the Board of Public Works to subscribe the sum of eighty thousand dollars towards the stock of the company, on condition that the state of North Carolina gave her assent to the act granting the charter to the said company. This act of the legislature of Virginia, while it evinces much liberality, shews the deep interest which the state feels in improving the navigation of the Roanoke and its branches.

The company have commenced its labours, and within less than twelve months have produced effects which even the most sanguine had not hoped for—lands have risen more than one hundred per cent. in value on many of the waters of the Roanoke.—Boats have been built, and much of the produce of the upper country which formerly was sent to the markets of Virginia is now seeking a passage to market down that river.<sup>1</sup> Within a few years from this time the exports from the waters

<sup>1</sup>*Niles's Weekly Register* for June 21, 1817 (XII. 272) said: "A lot of tobacco (40 hhds.) from Marseilles, a little town of North Carolina, situated on the river Dan, a branch of the Roanoke, 800 miles from the sea-board, has arrived at Norfolk, Va. This is noticed as the 'first fruits' of late internal improvements and enterprise in that quarter."

In this year, also, the North Carolina Commercial Company, of Fayetteville, was incorporated for the purpose of bulking up a direct trade with foreign ports.

of Roanoke through the inlet of Ocracock, will equal the exports from the Cape Fear.

Your committee are of opinion that the assent of the state should be given to the act passed by the General Assembly of Virginia; and do recommend to the two houses to pass into a law the bill accompanying this report.<sup>1</sup>

Respectfully submitted,

A. D. MURPHEY, Chairman.

[December 8, 1817.]

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*Report of the Committee on increasing the Capital Stock of the State Bank.<sup>2</sup>*

The select joint Committee<sup>3</sup> Who were appointed to confer with the Stockholders Of the State Bank on the Subject of increasing the Capital Stock of the said Bank Report,

That the Stockholders of the State Bank appointed a Committee to confer with the select joint Committee of the General Assembly, and frequent Conferences have been had on the Subject of enlarging the Capital Stock of the said Bank. The Result of these Conferences has been a Resolution of the Board of Stockholders, "That under the present critical Situation of the circulating Medium and Banking Institutions of the United States, it would be inexpedient and unwise to increase the Capital of the State Bank of North Carolina." The Board of Stockholders thought it respectful to the Legislature to assign to your Committee the Reasons upon which their Resolution was founded, believing that when the Attention of the two Houses should be drawn seriously to the Subject, it would appear that their Resolution was dictated by a due Regard to the Interests of the Institution and also of the State. Your Committee, for the Information of the two Houses, will briefly set forth the Reasons assigned by the Stockholders for their Resolution not to increase their Capital Stock.

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<sup>1</sup>The bill was passed.

<sup>2</sup>A. D. S., North Carolina Historical Commission. Submitted in the Senate Dec. 17, 1817. Both branches concurred.

<sup>3</sup>Murphey, Richard Atkinson, Wm. J. Cowan, Thomas B. Haughton, Frederick Nash, and Philip Brittain. See *ante*, p. 84.

The Profits accruing to Banks arise principally, from Loans. These Loans depend upon the Amount which People are disposed to borrow, And upon the Amount required for a Circulating Medium. Banks cannot lend, unless People be disposed to borrow; and they cannot lend with any Safety, Unless the Notes which they issue by way of Loan, will remain in Circulation. Since the Avidity to borrow has been fed by the Banks, it has become insatiable, and Loans could be made to any Amount: But the Sphere within which Bank Notes will circulate with Advantage to the Community is necessarily very limited; for they will not circulate without Depreciation, Unless they be the Representatives of, and can *easily* be converted into Specie. This, in the usual and permanent Course of Business, will necessarily confine their Circulation to their own Neighbourhood, Or to the State in which they Are issued: For When they go further, Although they may still be the Representatives of Specie, they are not easily converted into it; because the Bank at which they are payable is at a Distance, and the People who hold the Notes have little or no Intercourse with it. The Consequence is, the Notes depreciate and circulate at a Discount.

If then, the Banks of North Carolina were to issue more Notes than were required for the Circulating Medium of this State, or for transacting the Business within it, the people would quickly bring the excess to the Banks, for Specie. It cannot be expected that people would carry Bank Notes to Other States, where they would have to sell them at a Loss, when on Application to the Banks, they could get Specie for them, which they could pass without any Loss. But if they should, the Banks and People of Other States would soon return them on the Banks of North Carolina and demand Specie for them. It is feared that this Operation would be so rapid, that if the Banks of North Carolina, with Specie in their possession to the Amount of two Millions, were to issue and attempt to keep in Circulation only for one Year, their Notes to the Amount of two hundred thousand Dollars more than was required for the Circulating Medium of the State, they would not at the end of the Year, have one Dollar in their Vaults.

It then becomes important to ascertain the Amount of the

Circulating Medium required by North Carolina, or in Other Words, What Amount of Banking Capital can be employed advantageously in the State. It is believed that this cannot be done at present with much Accuracy: But some facts may be resorted to, shewing that it cannot be greater than that already invested in Institutions of that Description, or authorized by Law, to be so invested.

About twenty Years ago we had no Bank in this State: But We had a Paper Currency issued by the State, supposed to amount to about three hundred thousand Dollars. Every Man whose Recollection extends so far back, will admit, that at least one half of our then Circulating Medium, was composed of Paper Currency; And this fact seems to prove that our Circulating Medium at that day did not exceed six hundred thousand Dollars.

Untill within the last six Years, the Banks of Newbern and Cape-Fear, were the only Institutions of that Description in this State. The Capital of both amounted to about four hundred thousand Dollars, And the Notes issued by them, not only composed almost entirely *our* Circulating Medium, but they overflowed into Other States, and became considerably depreciated. The Circulating Medium at that Time required for the State could not have exceeded one Million.

When the State Bank was established six Years Ago, with a Capital of one Million, six hundred thousand Dollars, it was thought by many that that Capital was larger than could be profitably employed in supplying the Circulating Medium required by the State: And the Legislature itself seems to have thought that more Banking Capital could not be advantageously employed: for they invited the Newbern and Cape-Fear Banks to subscribe their Capital Stock into the State Bank, and did not require that the Stock of the State Bank should be all subscribed Untill the Year 1820, When the Charters of the Newbern and Cape Fear Banks would expire: And they pledged the Faith of the State that no Other Bank should be established, during the Continuance of the Charter then granted. The Newbern and Cape Fear Banks did not accept the invitation, and the Legislature has since not only extended their Charters, but increased their Capital to the Sum of one Million, six hundred



thousand Dollars. And at the last Session, the Legislature invited the establishment in this State of a Branch of the Bank of the United States. That Branch is now about to go into Operation with a Capital entirely at the Arbitrary Will of the President and Directors at Philadelphia.

These facts shew that the present Banking Capital of North Carolina is nine or ten times greater than it was seven Years Ago, and yet at that time it was quite sufficient for the State. These Facts also shew that an Increase of Banking Capital to any large Amount, would endanger in an eminent Degree, the Honour and Interests of the State and the People, And the very existence of the Banks of this State.

From the Situation and transactions of the Banks of North Carolina for some Years past, no Conjecture can well be drawn, what they will be for the time to come. When the Banks to the West and South of New England suspended Specie Payment, the Notes issued by the State Bank of North Carolina became, in a great Degree, a Continental Currency. In Georgia they were at Par received and issued by the Banks of that State. In South Carolina, they were always at Par, except occasionally in the City of Charlestown, where they were subject to a small Depretiation. Every where else they bore a Premium, often a very considerable one. This Occasioned a very great Proportion of them to be carried out of this and circulated in Other States, (from Whence they are now returning) and left in a great Degree, the Circulating Medium of North Carolina to be supplied by the Notes issued by the Banks of Newbern and Cape Fear. The Case hereafter will be very different: The State Banks have resumed specie Payments, and the Bank of the United States has been established. This Bank having the Collection of the Revenue of the United States, and having Branches in almost every State, its Notes will undoubtedly not only form the Circulating Medium between the different States, but they will very much circumscribe the Notes of all the Banks established by State Authority, even within their own State. Without attributing to this Bank premeditated Hostility, its Operations will be found to be very oppressive and injurious to all State Banks, and to none more so, than to those of North Carolina. They must hereafter be content

with supplying a Part of their own Circulating Medium, instead of supplying as they have done for some Years past, the whole of that, and Part of the Circulating Medium of Other States.

Your Committee feel the full force of the Reasons which the Stockholders assigned for not agreeing to enlarge their Capital Stock at this Critical Moment, and believe, that however desirable it may be to extend Relief to Parts of the State where no Banking Capital is yet established, Policy requires that the Banks should act With great Caution, Untill the Banking Operations of the Country once more assume a positive Direction, and the Influence of the Bank of the United States shall be ascertained in all its bearings. Your Committee however are of Opinion that to give immediate Aid to the Trade of the Roanoke and to foster the Towns which are there growing up, the present unsubscribed Shares of the Capital Stock of the State Bank should be brought into the Market and disposed of; but as this Subject was not specially referred to Your Committee, they forbear to recommend any specific Proposition.

Respectfully submitted,

A. D. MURPHEY, Chairman.

17th Dec: 1817:

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*Report of the Committee on an Issue of Stock of the State Bank.<sup>1</sup>*

The committee<sup>2</sup> to whom was referred so much of the message of his Excellency the Governor as relates to the resolution of the President and Directors of the State Bank of North Carolina, to open books of subscription of said bank, report.

That by a resolution of the President and Directors, adopted on the 26th August last, books of subscription for the unsubscribed stock of the State Bank are to be opened on the fourth Monday of this month at the principal bank and the several branches. And a scale is established for reducing subscriptions

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<sup>1</sup>From Assembly Journals, 1818, pp. 114-116. Submitted in the Senate Nov. 21, 1818.

<sup>2</sup>Murphey, Spence Hall, Elijah Calloway, Samuel Dickins, James McNairy, and John F. Brevard.

in case a greater number of shares should be subscribed than is permitted by the charter. Subscriptions are to be made in person, and not by attorney; and a dividend to the subscribers is postponed until June, one thousand eight hundred and twenty-one.

It is referred to your committee to enquire, 1st, whether by this resolution the President and Directors have not imposed a restriction upon persons wishing to subscribe which they are not authorized to impose; and, 2d, whether they have not postponed a dividend to the subscribers to a longer period than the charter allows? It is also referred to your committee to enquire, whether any legislative act be required upon the subject?

Your committee have bestowed upon these enquiries all the consideration which the few hours allowed to them have permitted, and they now submit to the two Houses the result.

The first enquiry was, whether the President and Directors have imposed upon persons wishing to subscribe a restriction which they are not authorized to impose?

The act, passed in the year 1810, to establish the State bank of North Carolina directed books of subscription to be opened on the first day of April, A. D. 1811, under the direction of persons therein named, at Raleigh, Edenton, Newbern, Wilmington, Fayetteville, Salisbury and Tarborough. Books were to be kept open for six months, unless the shares allowed to the principal bank and the several branches, were subscribed within the time of sixty days. The act then provides that "The corporation might, at any future time, open books to receive subscriptions for the remaining shares unsubscribed, at such time and place, and under the superintendence of such persons as they might deem advisable." The additional act upon this subject, passed in the year 1811, recites, that the subscriptions to the capital stock of the State Bank had fallen short of the sum authorized to be subscribed thereto by the act of 1810, and in the fifth section "authorizes" the President and Directors, at such time or times as shall be convenient to them, and under the direction of such persons as they may appoint, to open books at all or any of the places, where, by the act of incorporation, books were directed to be opened, for

the purpose of receiving subscriptions to the capital stock of the said bank. And if it should happen, when the books should be thus opened, that a greater sum was subscribed at any place than is permitted by the charter to be employed at such place, it should be lawful for the President and Directors to reduce such subscriptions, according to a scale by them to be established for the purpose."

This section enumerates all the powers which are given to the President and Directors upon the subject of opening books for subscriptions of stock; these powers are,

1st. To determine the time when books shall be opened.

2d. To appoint the persons under whose superintendance they shall be opened.

3d. To establish a scale for reducing subscriptions.

The President and Directors are not authorized to prescribe *the terms* upon which subscriptions shall be made, for the terms are prescribed by the charter, nor the *places* where books shall be opened, for the charter designates them; nor the *manner* in which subscriptions shall be made, for upon this the charter is silent. But the charter having made the right of subscribing general to every one, the common law of the land has prescribed the manner in which *the act* of subscribing may be performed, and that is either personally or by attorney. The President and Directors cannot make nor alter the law of the land: and if they declare that a mere ministerial act shall be done in person which the law allows to be done by an attorney, their declaration amounts to nothing. The act can still be done by an attorney, and when done shall be valid.

Your committee are therefore of opinion that the President and Directors, not being authorized to prescribe the manner in which subscriptions should be made, have, by their resolution, attempted to impose upon persons wishing to subscribe a restriction which they are not authorized to impose.

But in giving this opinion your committee do not mean to call in question the propriety of the resolution of the President and Directors upon this point upon any other ground than that it is not authorized by the charter. For they think it very doubtful whether, upon other grounds, the resolution as to this point be not only proper but highly advantageous to subscribers of small capital.

Subscriptions by proxy afford every possible facility to men of large capital, skilled in banking, who, by this mere caution, in country villages, and often in distant populous cities, get powers of attorney from as many individuals as the number of shares which they wish to subscribe, and thus secure to themselves all the stock which they wish, whilst the honest farmer who subscribes for as many shares in his own name as he thinks he can pay for, is scaled in his subscription, and loses one half of the shares which he has subscribed.

Your committee have, in the next place, enquired whether, by the terms of the resolution, the President and Directors have postponed a dividend to the subscribers to a more distant period than is authorized by the charter.

The capital stock of the bank is fixed by the act of 1810 at one million six hundred thousand dollars. The shares for which books are shortly to be opened are to constitute part of the capital stock—they all stand upon the same footing, whether they be the first or the last to advance their money. It is not for your committee to enquire whether this be fair and equitable; did it form any part of their enquiry, they would say it is not equitable, and that the charter should have made a very evident distinction between those subscribers who first adventured their money, organized the corporation, and bore the burthen of this organization, and those who became subscribers at a time when no risque was to be encountered, no burthens to be borne. But the charter has made no such distinction, and the President and Directors cannot make it. The first subscribers are entitled to half yearly dividends from the time the bank commenced its operation. At that time the subscribers had not paid one half of the amount of the stock subscribed by them. Hard as it may seem and inconvenient as it may be, the charter, (drawn at a time when banking was little understood in North Carolina, and therefore deficient in many particulars,) appears to your committee to give to later subscribers the right to a dividend, even before full payment for their stock has been made.

But your committee are of opinion that the cognizance of this subject belongs to the judiciary and not to the legislature. That if the subscribers be entitled to a dividend earlier than

the period fixed by the President and Directors, this right will be enforced by the courts of justice, to which tribunals the constitution has confided the interpretation of the laws, and the protection of the civil rights of the citizen.

Your committee have also enquired whether any legislative act were required upon the subject referred to them, and they are of opinion that, whilst it is the duty of the legislature to watch with vigilance the transactions of monied corporations, it would be a departure from their dignity to interfere in cases of occasional error, where the motive that produced it might possibly be good, and the injury to the public problematical, further than to express an opinion of the error. Your committee concur in the opinion of his Excellency the Governor that the concerns of the State Bank of North Carolina have been managed with ability and integrity. This institution has redeemed a paper currency which the war of our revolution threw into circulation, and which, for twenty five years indicated a poverty unbecoming the character or the wealth of the state, and has substituted in its place a paper of unrivalled credit in the Southern States. It has fostered enterprize, enlarged our commerce, and given a new activity to industry in all its departments. In this institution the State has not only a large pecuniary interest, but an interest of a higher grade, founded upon the honor and uprightness of its transactions. And your committee hope that the solicitude which the legislature will always feel for the character and prosperity of this institution, will be duly appreciated by those to whom the management of its concerns shall from time to time be confided.

Before closing their report upon the subject referred to them, your committee beg leave to call to the recollection of the two houses the resolution adopted by the legislature in the year 1816, by which the Treasurer was directed to subscribe on the books of the State Bank, when they should be opened, for the unsubscribed stock, one thousand five hundred shares, and was authorized, in order to make payment for the said shares, to borrow on behalf of the State, such sum or sums of money as might be necessary. Under this resolution the Treasurer will no doubt subscribe for the State the shares which he is directed to subscribe. And your committee hope, not only that the

several members of the two Houses will feel it to be their duty personally to aid the Treasurer in securing to the State as many shares as possible, but that the President and Directors, from courtesy and deference to the wishes of the legislature, will not strictly enforce against the State, the rule they have adopted for reducing subscriptions, in event of more shares being subscribed than is permitted by the charter.

Your committee recommend to the two Houses to discharge them from the further consideration of the subject referred to them.

Respectfully submitted.

A. D. MURPHEY, Chairman.

21st November, 1818.

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*Report of the Commissioners appointed to employ a Principal Engineer for the State and to have Sundry Surveys made.*<sup>1</sup>

### MR. MURPHEY'S REPORT.

*The Commissioners appointed by the last General Assembly to employ a Principal Engineer for the State, and to have sundry surveys made.*

#### REPORT,

That their efforts to procure a Principal Engineer have been thus far unavailing. The numerous public works now carrying on in the United States, have given employment to the few eminent Civil Engineers upon this continent; and the offer by the Commissioners of a large salary, has not been sufficient to induce any one of them to leave his employment and enter into the service of North-Carolina. Six months of the present, and the whole of the last year, were spent in correspondence upon the subject of an Engineer; and seemed only to produce a conviction that a suitable character could not be had in the United States. The Commissioners were early advised to procure an engineer from England or from France; That the

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<sup>1</sup>From *Reports of Sundry Surveys, made in Obedience to Certain Resolutions of the General Assembly, passed in the Year 1817, etc.* (Raleigh: 1818), pp. 3-6. Gaston introduced this report and accompanying documents in the Senate on Nov. 30, 1818, and 3000 copies were ordered to be printed.

science of civil engineering had, of late years, attained a perfection in those countries, which was unknown in any other. This advice was particularly urged by Mr. Benjamin H Latrobe, who had received his education in England, and confessedly stood at the head of the civil Engineers of the United States. The Commissioners believed it to be the object of the General Assembly, in directing the employment of a Principal Engineer, to place at the head of the Public Works of the State, a man of the first eminence in his profession; and eighteen months having passed away in fruitless endeavors to procure such a man in this country, they resolved, if possible, to procure one elsewhere. Peter Browne, Esq. the Chairman of this Board, having sailed for England during the last summer, was requested by the commissioners to engage an Engineer in that country. A letter lately received from Mr. Browne, informs the commissioners, that such is the demand for first rate civil engineers in England, he fears that he cannot engage one upon a salary that would be thought reasonable in North-Carolina. Since the termination of the late wars in Europe, the governments there have turned their attention to improving the physical resources of their respective countries, and have put in requisition all the talents which could be useful in effecting this purpose. The commissioners wish to know the opinion of the General Assembly, upon the salary which they should agree to pay, that they may instruct Mr. Browne upon the subject as early as possible. It is certain that talents in civil engineering are at this time, in almost every part of the civilized world, in more demand, and command higher prices, than talents in any other profession: And it is equally certain that the public works of a great state cannot be carried on with credit, with utility, or with economy, without the aid of such talents.

Although the Commissioners have not been able to employ a Principal Engineer, they have availed themselves of the best talents which it was in their power to command; and have caused sundry surveys to be made, which were ordered by the last General Assembly. They have found it impossible to meet the wishes of the Legislature as to all the surveys which were ordered, the time being found too short to complete them. The surveys which have been made, have been confined



1. To the Cape-Fear,
2. To the Yadkin,
3. To ascertaining the practicability of opening a communication by water between the waters of the Cape-Fear and the Yadkin along a route above the narrows.
4. To ascertaining the practicability of opening a similar communication between the Roanoke and Pamlico, and the Pamlico and Neuse; and
5. To ascertaining the practicability of opening a like communication between the Roanoke and Pungo.

Early in the last summer, William Terry, Esq., was employed to make a survey of the Cape Fear, and to mark out the lines of the canals necessary to be made for improving the navigation of that river. Mr. Terry has performed this service, and his report, with the maps accompanying the same, will be laid before the General Assembly within a few days.<sup>1</sup>

Mr. Terry was also employed to make a survey between the Yadkin and the Uhara rivers, with a view of ascertaining the relative levels of the beds of these rivers. In pursuance of instructions given to him, he commenced his survey near the mouth of Flat Swamp Creek, and took the levels down the Yadkin to Stoke's ferry. He then returned to Skeen's ferry, and took the levels across to Lassiter's Ford on the Uhara. Mr. Terry's Report of this survey is herewith submitted.

The Rev. Joseph Caldwell, President of the University of this state, and Mr. Elisha Mitchell, Professor of Mathematics in that Institution, were engaged by the Commissioners to make a survey of that section of the Yadkin, in which the narrows and great falls are situate. During the last summer vacation at the University, they made this survey, and their report and field books are herewith submitted.

Messrs. John Hixon and Hiram Jenings were employed to examine the Yadkin from the Town of Wilkesborough, to the line of South Carolina; and were instructed to descend the

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<sup>1</sup>This report accompanied the report of the commissioners. All of the surveys made in 1818 were based upon written instructions of Murphey covering every detail of the work, and some of them were made under his personal direction.

river in a boat, to notice in detail every obstruction that was to be found, to point out where the Navigation should be improved by sluicing, and where, by canals: and to make out estimates of the probable expence which must be incurred, to improve the Navigation of this river along this line of nearly two hundred and fifty miles in extent; they made this examination, except as to that section of the rivers surveyed by Messrs. Caldwell and Mitchell, and their report will within a few days be laid before the General Assembly.<sup>1</sup>

Mr. Jonathan Price, the compiler of the Map<sup>2</sup> of North Carolina, and Woodson Clemons, Esq. were employed to make sundry surveys. They were first instructed to ascertain the relative levels of the beds of the Deep and Uhara rivers, at sundry points, and also the practicability of uniting their waters by a navigable canal. Before this survey could be completed, the season arrived, which the commissioners thought most favourable for making the surveys on the Roanoke, the Pamlico and the Neuse.—Messrs. Price and Clemons, having therefore completed the maps of their first survey, were instructed to proceed to Plymouth or Washington, and commence their surveys in that quarter. From the great swamp in Beaufort County, lying to the west of the road, which runs from Plymouth to Washington, the creeks run into Roanoke on one side, and Pamlico on the other. The surveyors were instructed to ascertain the summit level of this swamp, above the beds of the Roanoke and Pamlico; and from certain points in the Swamp, to take the levels 1st to Williamston, 2. To Plymouth. 3. To Washington. 4. To the deep waters of Pungo river. They were further instructed to collect the best information they could get as to the supply of water that could be expected from this swamp, and the creeks which run from it; and whether this supply would probably be sufficient to feed a canal thirty feet wide and four feet deep, between the boatable waters of some stream running into the Roanoke on one side, and some one running into the Pamlico or Pungo on the other.

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<sup>1</sup>Murphey introduced their report on Dec. 4, 1818.

<sup>2</sup>See *post*, p. 105.

Having completed these surveys, Messrs. Price and Clemons were instructed to make a survey between the Pamlico and the Neuse, by the routes of Blount's creek and Swift creek, to ascertain the summit level of the ridge which divides the waters of these creeks, above the beds of the two last mentioned rivers—to examine the streams which could be used for feeders for a navigable canal, and ascertain, as well as they could, whether a competent supply of water could be had for a canal, thirty feet wide and four feet deep.

The reports of Messrs. Price and Clemons, with the maps which accompany them, will be laid before the General Assembly within a few days.<sup>1</sup>

The Committee regret that it has not been in their power to have made the other surveys which were ordered by the General Assembly. But the difficulty of procuring Surveyors has put it out of their power. They hope the mass of information collected by the surveys which have been made, will be found eminently useful.<sup>2</sup>

Respectfully submitted,

A. D. MURPHEY, Ch[air]m[an] pro tem.

28th Nov. 1818.

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*Report of the Committee on Internal Improvements.*<sup>3</sup>

The Committee On Internal Improvements to whom were Referred the Report of the Commissioners who were directed to employ a Principal Engineer, Report, that the Public Service

<sup>1</sup>These reports were submitted by Murphey on Dec. 8. 1818.

<sup>2</sup>The commissioners for surveying the sounds likewise reported that they were still searching for a competent engineer. The U. S. Board of Engineers had been compelled by the demands of similar work in which the Government was engaged, to abandon their plan of visiting North Carolina waters, and they had not yet reported upon the surveys already made. The commissioners observed that "at this time, almost every Atlantic State in the Union is Employed in similar operations; and Engineers are in such request, that they [the commissioners] are not very sanguine in their expectation of success." They had been indirectly assured, they said, that President Monroe and the Board of Engineers would visit the sounds of North Carolina during the next summer.—MS. report, n. d., North Carolina Historical Commission. See vol. 1, p. 141, n. 1.

<sup>3</sup>A. D. S., North Carolina Historical Commission. Submitted in the Senate Dec. 23, 1818. The General Assembly concurred with this

requires the Appointment of a Principal Engineer as speedily as possible; And from the great Demand for such Men in all Parts of the Civilized World, it is not to be expected that a first Rate Civil Engineer can be employed without paying him a large Salary. Your Committee are of Opinion that this Subject should, however, be left to the Discretion of the Board of Commissioners who have been heretofore charged with it, believing that this Discretion will be exercised with a View to the best Interests of the State, And that the General Assembly will be content with such Contract as they shall make. Your Committee do therefore recommend to the two Houses that they be discharged from further Consideration of the Subject referred to them.

Respectfully submitted,

A. D. MURPHEY, Chairman.

[December 23, 1818.]

report. Early in the session the committee reported a bill to create a fund for internal improvements, consisting of all stock held by the State in banks and navigation companies. The governor, treasurer, and four men chosen annually by the legislature were to constitute a board to manage the fund. They were to have power to appoint an engineer as director of all public works, and assistant engineers; "to subscribe in behalf of the State, to such Public Works as the General Assembly may, from time to time agree to patronise, such Portions of the Fund for Internal Improvements, as may be directed by Law;" and to "vest in some productive Fund, the unappropriated Dividends accruing upon any of the Stock committed to their Charge, Untill the same shall be specially applied by Law to some Object of Internal Improvement." On its second reading in the Senate this bill was referred back to the committee with instructions to report some definite sum for a fund; accordingly Murphey wrote an amendment providing "that this Fund shall consist of the Sum of thlrty thousand Dollars, to be annually set apart for this Purpose, out of the Monies in the Treasury. And of such Dividends as may from time to time accrue to the Shares of Stock, to the Purchase of which any Part of said Fund may be applied." After amending it further, the Senate passed the bill for the second time. On its second reading in the House it was again amended and ordered to be recommitted to the same committee; but the Senate declined (on Dec. 23d, the date of the report printed *supra*) to consent to a recommitment. The Journals say nothing more about it. Among the amendments shown by the original document is a proviso in an unknown hand that, of the four elective members of the proposed Board of Internal Improvements, not more than two "shall be residents of any County East of the City of Raleigh, nor more than two residents of any County West of the City of Raleigh." Another, written by Murphey, makes the duration of the act seventeen years instead of fifty. Before the

Senate requested the committee to name a definite sum as a fund. Murphey had introduced a resolution to authorize a fifty per cent. increase in the State's subscription in each navigation company and the purchase of such additional stock of the Cape Fear Company as would equalize the State's holdings in that company and the Roanoke Company. After passing its second reading in the Senate by the casting vote of Speaker Yancey, that resolution was rejected in the House on the day the House voted to recommit the bill for the fund. But the legislature made provision for laying out several hundred miles of roads, incorporating canal and river companies, ascertaining the practicability and cost of an inland waterway along the entire length of the coast, and continuing the two surveying commissions.

Although he was elected a Judge at this session of the Legislature, Murphey continued to take an active interest in these measures. In November, 1819, he published his *Memoir on Internal Improvements*, and he was a member of the Board of Internal Improvements from its establishment in that year until late in 1821, and wrote its annual reports.

The protracted search for a State engineer finally resulted in the employment of Hamilton Fulton, of England, who arrived in Raleigh in the summer of 1819. In the meantime the navigation companies began their work without competent engineers and wasted their funds. "In some instances," says the Report of the Board of Internal Improvements for 1833, "a wild spirit of speculation, which was generated by the circumstances of the times, diverted the funds from a proper direction; and the attempt in other instances to gratify local feelings and interests, by commencing operations at many different points, rendered the whole utterly useless, because none could be completed. These and other circumstances contributed to disappoint expectations, perhaps too sanguine, and produced doubts of the success of any attempts at internal improvement in our State." All of the companies were in need of money, owing to the partial withdrawal of public confidence and the hard times of 1819. In the Legislature of 1819 the friends of internal improvements again urged that private enterprise could not properly execute such works without supervision, coöperation, and liberal aid by the State, and they finally succeeded in procuring the passage of an act establishing a fund for internal improvements and a supervisory board. Their success was due largely to Murphey's *Memoir*, 400 copies of which were purchased by the Legislature and distributed among the members. But the fund was prospective and inadequate, and within a few years nearly all of the navigation companies failed. The expenditures from the public treasury for transportation (including all payments of stock subscriptions) during the period of Murphey's activity in this behalf (1815-1821) amounted to only about \$100,000. The total expenditures by the State to 1835, the beginning of the railroad era, were \$291,576.10. See *Raleigh Register*, Oct. 1 and 22, 1819; Morgan, "State Aid to Transportation in N. C." in *N. C. Booklet*, X. (1910-11) 122-154.

For an account of the work of navigation companies prior to the period of State aid, see the letters of *A Farmer* in the *Raleigh Register*, August 1803. See also Bartlett Yancey's speech in the *Raleigh Register* of January 5, 1821, in which he said: "The Legislature of 1815, which first set the subject of Internal Improvements afloat in this State, deserves immortal honor in the History of the State." For a bibliography of the subject, see Laney and Wood, *Bibliography of North Carolina Geology, Mineralogy, and Geography* (*N. C. Geological and Economic Survey, Bulletin No. 10, Raleigh, 1909*).

# MEMOIR

ON THE

## INTERNAL IMPROVEMENTS

CONTEMPLATED BY THE LEGISLATURE OF  
NORTH CAROLINA

AND ON THE

RESOURCES AND FINANCES OF THAT STATE

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RALEIGH  
PRINTED BY J. GALES  
1819

TO  
JOHN BRANCH, ESQUIRE,  
*Governor of the State of North-Carolina,*

This Memoir is respectfully inscribed,

By his Friend,

A. D. MURPHEY.

*November, 1819.*

## INTRODUCTION.<sup>1</sup>

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FOR thirty years past, the climate and soil of North-Carolina have been much underrated, and at no time have her physical resources been understood. She has sent half a million of her inhabitants to people the Wilderness of the West; and it was not until the rage for emigration abated, that the public attention was directed to the improvement of those advantages, and to the appreciation of those blessings, which Providence has planted in abundance within her own bosom. The delusion in favor of new Countries, which has drained our population, is passing away; good sense is returning, and we are beginning seriously to reflect how we may make our fortunes *here*, instead of going to hunt for them in a Wilderness six hundred or a thousand miles distant. This good sense brings with it a love for the State and a desire to honor her by generous efforts to unfold her physical and moral capacities—Our attention has so long been directed to the country to the West, that we are astonished to find how little we know of North-Carolina; and still more astonished to look back and see how indifferent we have been to procure information. It is with shame we now reflect that only a few years ago, the General Assembly refused to aid two enterprising individuals to compile a Map of the State; and that had it not been for the generous aid of two Gentlemen, David Stone and Peter Browne, Esquires, (to whom this Map is dedicated) it would not have been compiled. It is mortifying to look around and witness the general ignorance which prevails of the resources and character of the State: to see, both in the Legislature and out of it, men of respectable understanding, almost totally ignorant of our Geographical Situation, of the state of our Population, our Finances, our Agriculture, our Commerce, our Soil and our Climate—We thank Heaven that a change is taking place, and that we begin to be as anxious to acquire a knowledge of our resources and of our capacities for improvement, as we have heretofore been indifferent. In proportion as this knowledge shall be acquired, will our respect for North-Carolina be increased; and our resolutions strengthened to rear up her pros-

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<sup>1</sup>From the printed pamphlet, 88 pp. 8°. Reviewed by Jared Sparks in the *North American Review*, Jan., 1821, XII. 16-37.



perity and character by a bold and vigorous system of policy—The late war first roused us to active exertion. The enthusiasm with which that event inspired us, gave admittance to liberal ideas. The Legislature of 1815, availed themselves of this enthusiasm to commence a system of policy, which had for its object the prosperity and greatness of the State. They spread abroad a zeal, which distinguished in a peculiar manner the Legislature of 1816. They directed the public attention to the improvement of our internal condition: To the opening of new channels of intercourse: To the construction of good roads, to the opening of our rivers, to the improvement of our inlets, to the concentration of our commerce, and the growth of markets at home for the productions of our soil—It remains to be seen whether subsequent Legislatures will foster the zeal which has been excited; will lead on the State to respectability and greatness; or suffer us to sink back into our former apathy, and once more to merit the cold neglect of the General Government, and the reproach and contempt of our Sister States.

When it is recollected that since the year 1815, the Legislature have resolved to educate at the public expense the Daughter of Captain Blakely and the Son of Colonel Forsyth, in gratitude for the devotion of those gallant men in their country's service; that a superb Statue of the Father of our Country should be procured from the Chisel of the first Artist in the World; that public Education should be more diligently attended to; that liberal appropriations should be made for Internal Improvements: that our inlets, and our rivers should be surveyed: that a Principal Civil Engineer should be employed to direct the public Works of the State; we have reason to hope that our character is advancing; that we stand committed not only to ourselves, but to our neighbors, to persevere in the honorable career upon which we have entered.

Men must learn political truths in the school of experience. Such is their obstinacy, that they will learn these truths no where else. The events of the year 1819, have taught us lessons of the most impressive character. If we do not profit by them, we deserve to be lashed still more severely. It is true the distress in pecuniary matters which now prevails in this State is not attributable to one cause only; but it is obvious to a common

observer that the greatest and most operative cause of this distress is the scattered condition of our commerce, and the want of a home market. Having no commercial city in which the staples of our soil can be exchanged for foreign merchandize, our Merchants purchase their Goods and contract their debts in Charleston, Petersburg, Baltimore, Philadelphia and New-York. Part of those debts are discharged by shipments of produce; the balance in cash. Once in every year the State is literally drained of its money to pay debts abroad. Our Banks not being able to do as extensive business by Bank credits as is done in large commercial cities, are compelled to issue and throw into circulation their notes to meet the demands of commerce. These notes collected in immense numbers in other States are returned upon our Banks for specie; and the Banks are compelled not only to curtail their discounts and press their dealers, that they may call in their notes; but upon emergencies to suspend specie payments—The consequence is that their notes depreciate, and merchants having to make remittances to other States, sustain the most serious losses—No blame is to be attached to the Banks: they have not issued more paper than the ordinary demands of our commerce require: the evil lies in the condition of the State; a condition which, in the first place, induces the merchants to contract their debts in other States, and in the second place, which compels the Banks to do business by issues of notes, instead of doing it by Bank credits.—The old United States Bank, with a capital of ten millions of dollars, and making annual dividends of eight per cent, never had in circulation at any one time notes to the amount of five millions. More than one half of its business was done by Bank credits—Its business was confined to the commercial cities, where a credit at Bank answered the purposes of merchants as well, and their convenience much better, than Bank notes—If North-Carolina had her commerce concentrated at one or two points, one or more large commercial cities would grow up; markets would be found at home for the productions of the State; foreign merchandize would be imported into the State for the demands of the market; our debts would be contracted at home; and our Banks would be enabled to change their course of business. They could give activity to the commerce

of the State, and yet issue but a small amount of paper; and the amount issued would be confined in its circulation almost entirely to the State. To these advantages may be added another of no small moment: The profit upon our commerce would be made in North-Carolina, whereas now, it is made in other States. The annual profit made upon our commerce in other States, and which is totally lost to North-Carolina, is estimated at more than half a million of dollars.

In framing a system of policy which is to extend our commerce and improve our agriculture, it will be necessary to keep in view the necessity of sustaining the credit of our Bank paper. We need not enquire whether it was wise to substitute Bank paper in the place of the precious metals, for a circulating medium. It is in vain for us to attempt to control the course of business in the commercial world; and whilst every State in the Union, and the General Government itself, have established Banks, in which the specie of the nation is deposited, we ought not to expect that we can adopt any system by which this specie shall be drawn out and form a circulating medium. Events have put this subject beyond our control, and we must legislate upon the state of things as they are, and not as we would wish them to be—Independently of this consideration, it is certainly problematical whether the quantity of the precious metals is equal to the present extended commerce of the world. For the last ten years this quantity has greatly decreased, both in Europe and America. The trade to India, which annually swallows up a large portion of the Silver of Europe and the United States, has extended itself within the last ten years, during all of which the coinage in South-America has been much interrupted, and the supplies to Europe and the United States have been very precarious. To this view of the case may be added, that since the close of the Revolutionary War in 1783, the commerce of the world has probably doubled, and more than twice the quantity of circulating medium is now required for the purposes of commerce that was required at that time—Commercial States seem to have been driven to the necessity of Banking, as an expedient to supply the deficiency of the precious metals—This expedient has been abused; both in Europe and America; but this abuse furnishes no solid argu-

ment against the judicious use of this expedient: and it is not pretended that such abuse has taken place in North-Carolina. Our Legislature have acted with due caution in establishing Banks; and notwithstanding the embarrassments under which those institutions now labour, no doubt can be entertained of the ability and integrity with which their concerns have been managed—The writer of this Memoir has no interest in any of the Banks, except as a citizen of the State; as such, he feels a deep interest in their welfare. The character of the State is in some measure identified with the character of its Bank paper: half a million of the capital of the Banks belongs to the State, and nearly fifty thousand dollars of the public revenue are annually derived from these Institutions—They are essentially necessary to the growth of our commerce, and the extension of our industry; and their situation claims, in a peculiar manner, the calm and sober attention of the Legislature—The circumstances connected with the situation of our Banks, circumstances which the events of the year 1819 have rendered obvious to every man of common observation, furnish one of the strongest reasons why the Legislature should act promptly and decisively in carrying into effect a system of policy which shall change the course of commercial business in North-Carolina: a system which shall concentrate our commerce within our own territory, establish markets at home for the sale of our productions, and the purchase of foreign merchandize.

We inhabit a State, the soil of which is little inferior to that of any of the Atlantic States; we have as many square miles of territory as the State of New-York; we have a population little short of seven hundred thousand, a population industrious, moral and intelligent; few objections can be urged to our climate; we have fine rivers intersecting our State, affording channels of communication from the ocean, not only to the heart but almost to the extremity of our territory, at sundry points, and offering greater facilities for internal commerce than are enjoyed by any of the neighboring States. With these advantages at command, what can prevent us from becoming a rich, great and powerful member of the Union? Nothing can prevent it, but our supineness and want of public spirit.

In North Carolina, the cultivation of the soil will form the

basis of public prosperity. To develop the resources of our soil, it is necessary to give facilities to our commerce. Industry will be inactive whilst there is no demand for its productions. An active commerce is the aliment of labour; and at this day, when Political Economy has attained to the rank of a science, Statesmen will not seek to promote the Agriculture of a country by bounties and premiums, but will turn their attention to those ways and means by which, in the first place, the products of Agriculture can easily find a good market, and by which, in the second place, the profits of that commerce which sustains the market, shall be contributory to the wealth of their own, rather than of other States.

It is proposed, in the following Memoir, to take a view of the internal condition of North-Carolina, her advantages for foreign commerce, for commerce with neighboring States, and for that commerce which is employed in the buying and selling of commodities for home consumption. Each species of commerce contributes to enliven industry, and to augment the wealth of the State, and as such claims the attention of the Legislature—These subjects are treated of in the "*View of the Internal Improvements contemplated by the Legislature,*" which has been drawn up by the Board of Commissioners, and submitted to the consideration of the Principal Engineer for the State.

It is further proposed to take a view of what the Legislature has thus far done towards improving our internal condition, to point out, in part, what remains to be done, and shew the ability of the State to do it. This will lead to an enquiry into the resources of the State, and the condition of her finances—Upon these subjects general remarks will be avoided. Facts taken from the public records of the country will be submitted; and men who have not turned their attention to this subject, will be astonished to find how little our resources are understood.

Should this Memoir contribute in the least to cherish a zeal for the honor and prosperity of North-Carolina, it will be gratifying to the writer, whose principal ambition is, to see his native State assume that rank in the Union, to which she is entitled by her physical resources, and the moral worth and intelligence of her people.

*What the Legislature have thus far done on the  
subject of Internal Improvements.*

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AT the close of the late War with Great Britain the public attention was directed to the subject of Internal Improvements; and it is a little remarkable, that in the winter of 1815, New-York passed the law under which the Great Canal from the Lakes to the North River has been commenced; Virginia established a Fund for Internal Improvements and appointed a Board of Public Works; and North-Carolina, for the first time since her political existence, resolved to appropriate a part of her revenues to the Improvement of her Internal Condition. Pennsylvania had long before set an example of the most honorable kind upon this subject. An appropriation of three hundred thousand dollars and more, for making Roads, erecting Bridges, &c., had become so frequent in that state, that her internal condition became enviable. Her Agriculture, her Commerce, her Manufactures, made a progress that was astonishing; her industry and her wealth extended, and she proved, beyond all doubt, to men who understood the subject, that one thousand dollars laid out in Internal Improvements, add ten thousand to the National Wealth: that liberal appropriations for Roads, Bridges and Canals, do not impoverish, but enrich a State; do not increase the public burthens, but render them more light. For notwithstanding the millions which Pennsylvania has appropriated to these objects, such has been the increase of her wealth and the productiveness of her revenue, that she has been enabled almost entirely to dispense with ordinary taxation, and to fill her Treasury from the proceeds of her Bank Stock, Stock in the Public Funds, Turnpike and Canal Stock—New-York, rivalling Pennsylvania in her commerce, resolved to follow her example in improving her internal condition. Having by repeated surveys ascertained the practicability of opening a communication by water from Lake Erie to the North River, she levied taxes to raise a fund of five millions to open this communication. Such a resolution was worthy of the statesman who proposed it and of the State which adopted it; and the work which will be executed in pursuance of it, will have

no parallel either in Europe or the United States—Virginia determined at the same time to take effectual measures to improve her Inland Navigation. She created a fund of one and an half million, and pledged her faith that the proceeds of this fund should be applied to the execution of such Public Works as the Legislature might from time to time be disposed to patronize: She established a Board of Public Works to manage this fund, to employ a Principal Engineer and Surveyors, and to superintend the public works of the State, so far as to have the proper plans drawn up, and to report to the Legislature, from year to year, their progress and condition.— Since that time, South-Carolina has appropriated a million of dollars for improving her Internal Condition, and has authorised an expenditure of two hundred and fifty thousand dollars thereof annually; leaving to her Principal Engineer the forming of all the plans, and in a great degree the designation of the objects, the Improvement of her Rivers being the main one. It remains to be seen what North-Carolina has done upon this subject.

Early in the Session of the General Assembly in 1815, a resolution was submitted on the subject of the Inland Navigation of the State, which was referred to a joint select Committee of the two Houses. The Committee made a Report, in which they gave a general view of the condition of the State and of her capacities for Commerce; and submitted a plan for improving her Inland Navigation. The outlines of this plan were,

1. That Companies should be incorporated for Improving the Navigation of the Principal Rivers, who should hold their rights and privileges forever—
2. That the rights and privileges of a Company should extend from the sources of a River to its mouth, or to the line of the State, and to all tributary streams—
3. That each Company should be entitled to levy such Toll, as would yield fifteen per cent. upon the Capital expended—
4. That the State should subscribe one third part of the Capital Stock of each Company.
5. That a Board of Commissioners should be appointed to superintend the Public Works on behalf of the State; to employ a Principal and Assistant Engineers; to have surveys made;

and to report annually to the General Assembly the state of the Public Works, the money which had been expended, the progress which had been made, &c. And to recommend, from time to time, such further works as they might think should be executed—It was further proposed that this Board should be charged with the duty of collecting Statistical Information of the Agriculture and Commerce of the State: Information relative to the Soil and Climate, &c.

The Committee proposed to give numerous details to this general plan, should the General Assembly sanction the outlines—The subject was novel and it underwent much investigation, particularly in the House of Commons, where the discussion was animated and interesting. The Senate sanctioned the plan, but it was rejected by the Commons. Bills were then drawn up and offered incorporating Companies for the Roanoke and Cape-Fear Rivers, which, after much opposition, and having received sundry amendments, were passed. The State agreed to subscribe twenty-five thousand dollars of the capital stock of the Roanoke Company, and fifteen thousand of the Cape-Fear Company.

The Committee recommended a Survey of our Inlets and of the principal Sounds, and Commissioners were appointed to have a Survey made of the Albemarle and Pamlico, with instructions to ascertain, if it were practicable to open a direct outlet to the ocean from the Albemarle.—John Haywood, Peter Browne, William Boylan and Joseph Gales were appointed Commissioners to have Surveys made of the Roanoke, Tar, Neuse, Cape-Fear, Yadkin and Catawba Rivers, and were instructed to have a Survey made between the Cape-Fear and Yadkin, with a view of ascertaining whether a communication by water could be opened between those Rivers—They were authorised to employ one or more Surveyors, and were directed to report to the next General Assembly.

During the Summer of 1816, a partial Survey was made of the Albemarle and Croathan Sounds and of Roanoke Inlet, by Capt. Clarke, late of the Corps of Engineers. He endeavored to learn the direction and relative influence of the currents along the Coast north of Cape Hatteras, a knowledge of which was indispensably necessary in determining the question of



making an Outlet from the Albemarle. It is not understood what circumstances prevented Capt. Clarke from completing his Survey. He drew up a Map of this part of the Coast, in which he marked out the direction of the principal currents which could affect an Outlet; but their relative forces not being determined, the question respecting this Outlet, so far as the same depends upon a correct knowledge of those currents, remains in the same situation in which it was in the year 1816. The Map of Capt. Clarke will, however, be very useful to other Engineers who may be called upon to examine and determine this question.

Peter Browne, Esquire, was appointed Chairman of the Board of Commissioners charged with the Surveys of the principal Rivers, and the employment of competent Surveyors being the first thing necessary, the Board opened a correspondence with Gentlemen in the Northern States, and Col. Benjamin F. Baldwin of Massachusetts was recommend[ed] to them. Upon an Invitation from the Board, Col. Baldwin came out, and in the Fall of 1816, made Surveys of the Tar and Neuse Rivers. His Reports of these Surveys were submitted to the General Assembly of that year; and the Board were continued, with instructions to employ a Principal Engineer for the State and one or more Surveyors. They were also directed to purchase such Maps and Charts as they might think would be useful, and to have such other and further Surveys made as to them might seem necessary to aid the General Assembly in determining upon plans of Internal Improvement.

The Committee on Inland Navigation, in their report to the General Assembly in 1816, submitted definite views of the Improvements which they deemed necessary. They related

1. To the Improvement of our Inlets.
2. To the opening of our principal Rivers.
3. To the junction of two or more of those Rivers by Canals.
4. To the concentration of our Commerce at a few points, by means of the foregoing Improvements.

They recommended the continuance of the Board for a Survey of the Albemarle, Croathan and Pamlico Sounds, and Roanoke Inlet; and the incorporation of Companies for the Tar, Neuse, Yadkin and Catawba Rivers. Charters were

granted for these Rivers, similar to the Charters which in 1815, had been granted for the Roanoke and Cape-Fear.

The General Assembly having directed the employment of a Principal Engineer, the Board offered the appointment to Col. Benjamin F. Baldwin, who declined it; and the rains of the Winter having rendered a further prosecution of Surveys at that time inconvenient, he returned to Massachusetts. The whole of the year 1817 was consumed in fruitless endeavors to procure a Principal Engineer. Mr. Benjamin H. Latrobe, who stood at the head of the Civil Engineers in the United States, and in whose office many promising young men had been educated, early advised the Board to procure an Engineer either from France or England. He had received his education in England, and was well acquainted with the progress which the science of Civil Engineering had made in Europe since the commencement of the French Revolution. The Board offered the appointment to Mr. Latrobe at a salary of three thousand dollars. He declined the appointment, but very politely and generously aided them with his advice upon all the subjects committed to their charge by the General Assembly.—Mr. Lee, the late Consul of the United States at Bordeaux, having recommended Mr. Pagenaud, the appointment of Topographical Engineer was offered to him. Mr. Pagenaud was a French Gentleman, who emigrated to the United States upon the restoration of the Bourbons. He had been educated in the Polytechnic School at Paris, and during the government of Bonaparte, had been placed at the head of the Topographical Engineers in the Department of the Garonne. Almost at the same time that Mr. Pagenaud agreed to accept the appointment which the Board tendered to him, he received permission to return to France, of which he immediately availed himself.

In the Summer of 1818, Peter Browne, Esquire, the Chairman of the Board, sailed for England; and the Board having spent eighteen months in fruitless efforts to procure a Principal Engineer in the United States, requested Mr. Browne to engage one in England: He was also requested to engage a competent Surveyor and Draftsman, and to purchase for the State in London, a complete set of Mathematical Instruments required for the Engineer's Department. The General Assembly of 1817,

in contemplation of Mr. Browne's absence from the State, added Archibald D. Murphey, Esquire, to the Board, and upon the sailing of Mr. Browne, he was appointed Chairman of the Board pro tem.

The Companies which were incorporated in 1815 and 1816, began to be organised, and were anxious to commence their Work. It became necessary, therefore, to commence the Surveys ordered by the General Assembly. If Mr. Browne should succeed in engaging a Principal Engineer, the Board considered that this Engineer, upon his arrival, should be occupied in planning the Public Works and superintending their execution: that great part of his time must in this way be taken up, and that he could not even plan a public work without the aid of an accurate Survey—For these reasons, the Board availed themselves of the best talents which they could bring into their service, and the Surveys were commenced in July 1818. These Surveys were directed

1. To the Yadkin.
2. To the Cape-Fear.
3. To the Country between the Yadkin and Cape-Fear.
4. .... Roanoke and Pungo.
5. .... Roanoke and Tar.
6. .... Tar and Neuse.

Mr. William Terry made a partial Survey of the Cape-Fear between the Towns of Fayetteville and Haywood, and of the Yadkin between Skeen's and Stokes's Ferries—He also ascertained the relative levels of the Yadkin at Skeen's Ferry and the Uharee at Lassiter's Ford.

Messrs. John Hixon and Hiram Jenings examined the Yadkin, from Wilkesborough to the South Carolina line, and recommended plans of improving its Navigation, except at the Narrows and Falls.

The Reverend Joseph Caldwell and Mr. Elisha Mitchell, of our University, made a Survey of the Narrows and Falls of the Yadkin.

Messrs. Jonathan Price and Woodson Clemons made a partial Survey of the country between the Uharee and Deep Rivers, and ascertained the relative levels of the beds of those Rivers

at sundry points—They also made Surveys between the Roanoke and Pungo, the Roanoke and Tar, and the Tar and Neuse Rivers.

Reports of these Surveys, with Maps and Profiles, were submitted to the General Assembly of 1818, and three thousand copies of the Reports were ordered to be printed for distribution among the several Counties.

A short time before the meeting of the General Assembly in 1818, the Board received a Letter from Peter Browne, Esquire, in which he stated the great demand for Civil Engineers in Europe, the difficulty of procuring them, and the high prices which were paid for their services; that since the termination of the late War upon that Continent, the respective Governments had turned their attention to the Improvement of their Internal Condition, and given employment to all their eminent Civil Engineers; that he found he could not engage a Principal Engineer for North-Carolina upon a salary which the General Assembly would approve of, and requested further instructions—The Board submitted the subject to the General Assembly, with a request that an opinion should be expressed<sup>1</sup> as to the salary which the Board should engage to pay—The Communication of the Board was referred to the Committee on Internal Improvements, who reported a resolution that the subject should be left to the discretion of the Board; and this resolution being agreed to by the two Houses, notice of it was immediately transmitted to Mr. Browne.

Early in the year 1819, Mr. John Couty, who had been in the service of the Principal Engineer of Virginia, was employed by the Board to prosecute the Surveys which had been commenced in 1818. He was instructed to make the Survey between the Pedee and Cape-Fear for the Lumber River Canal; to make a Survey of the Yadkin at the Narrows and Falls, on the Eastern side of the River (Messrs. Caldwell and Mitchell having confined their survey chiefly to the Western side): to make a Survey of the Pedee from the Uharee to the South-Carolina line; and to make a Survey of the Country between the Catawba and Pedee, by the way of the Rocky River—The

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<sup>1</sup>This word is printed "expression" in the original pamphlet.

Reports of these Surveys, with Mr. Couty's Maps and Profiles, will be laid before the next General Assembly.

It has been an object with the Board to make these Surveys auxiliary to the compiling of an accurate Map of the State; and they will be found eminently useful in this respect, independently of the main object for which they were ordered by the General Assembly. It is very desirable to have such a Map. Virginia has lately voted fifty thousand dollars for the compilation of an accurate Map of that State, notwithstanding the fine Map which Mr. Madison, the late President of William and Mary College, published under the patronage of the Legislature, a few years ago. The Map of North-Carolina, by Messrs. Price and Strother, has an accuracy not to have been expected at the time it was compiled. At that time, little was known of the Geography of the Western parts of the State; and there is one-sixth part of the Territory of the State, of which this Map affords a very indifferent representation. It is that part which lies between the Blue Ridge and the Great Ridge of Mountains, along the summit of which runs the line dividing North-Carolina from Tennessee, and in which lie the counties of Ashe, Buncombe, Haywood, part of Burke, and all the Cherokee Country within the limits of this State. Mr. Strother visited this part of the State, and obtained the best information he could from the Inhabitants, as well as by his own observation of the ranges of Mountains and the direction of the water courses: But the population was small and scattered, there were few public highways, and it was impossible for him to obtain information for an accurate Map. Within this section of the State, there are more than five millions of acres; its territory equals in extent that of the Judicial districts of Edenton and Newbern; and some of the finest lands in North-Carolina are found here—The whole is a rich mountainous country.—The writer of this Memoir, although he had sought many opportunities of obtaining information, had but a very imperfect idea of its extent or value, until he visited it in the fall of 1819. It is a portion of the State little known to the people of the Middle, Southern and Eastern Counties: But its extensive territory and growing population, added to the circumstance that there are at least a million of acres belonging to the State

within the Cherokee Nation of Indians, render this country an object of peculiar consideration with the Legislature.

Upon this subject, it may be proper to remark, that no time should be lost in settling the South-Western Boundary between this State and Tennessee. By the cession Act of 1789, this Boundary is not defined beyond the Great Unica Mountain. From that Mountain to the line of Georgia, the act of 1789, declares the line shall run on the summit of the principal ridge of Mountains. But there are several ridges; and from the late Survey made by the States of Tennessee and Georgia for the purpose of settling the lines between those States, it appears that Tennessee has selected a ridge of Mountains that has heretofore been considered by us as lying within our Territory, and including a large portion of the most valuable lands within the Cherokee Country in North-Carolina—As the Cherokee Title is on the point of being extinguished, it becomes a matter of interesting concern to us to have the conflicting claims of Tennessee and this State speedily settled—When this shall be done, the boundaries of North Carolina will be determined.

In making the Surveys ordered by the General Assembly, it has also been an object with the Board, to render those Surveys subservient to the interests of Science, by collecting information of the Geology and Mineralogy of the State. But thus far they have found it impossible to realize their wishes in this respect. They hope, however, should the General Assembly continue the Board, to be able to collect much useful information on these subjects.

In July, 1819, Mr. Hamilton Fulton arrived from Europe, bringing letters to the Board from Peter Browne, Esquire, in which he stated, that in pursuance of the powers given to him, he had engaged Mr. Fulton as the Principal Engineer for the State, at the salary of £1200 Sterling; and Mr. Robert H. Brazier, as Surveyor, at the salary of £300:—That he had found it impossible to engage a man of competent talents at a smaller salary, and that neither of the two Principal Engineers of Great-Britain could be had at a salary of fifty thousand dollars per year—Mr. Fulton had been educated for his Profession by Mr. Rennie, and had been long in the service of Mr. Telford, the two Principal Engineers, not only of Great-Britain, but of

Europe; he had been for many years employed in laying out and making Canals, Locks, Bridges, &c.; in Draining Marshes and Fens, making Turnpikes and Rail-Ways.—He had been employed by the Board of Admiralty, at Bermuda and Malta, and had laid out for the King of Sweden the Great Canal from Gottenburg to the North Sea.<sup>1</sup> The Board confirmed the contract made by Mr. Browne with Mr. Fulton, and drew up for him the Instructions which are found in the following "*View of the Internal Improvements contemplated by the Legislature of North Carolina.*"

Mr. Fulton stated to the Board, that he must make himself acquainted, in the first place, with the Geography of the State; that such a knowledge was indispensably necessary, before he could plan the Internal Improvements which the Legislature contemplated. He was therefore advised to visit the principal Rivers, and give them a cursory examination, and instruct the several Companies as to the immediate Works in which they were engaged; to traverse the State as extensively as he could, and learn not only its Geography but its Topography at those points where Public Works were contemplated. In pursuance of this advice, Mr. Fulton visited the Neuse, the Tar, the Cape Fear, the Yadkin and the Catawba; and the result of his examination of those Rivers will be laid before the next General Assembly.

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HAMILTON FULTON, Esq.

THE Commissioners herewith submit to you, a View of the Internal Improvements contemplated by the Legislature of North-Carolina, with such remarks thereon as they suppose may aid you in your enquiries upon the several subjects committed to your care as Principal Engineer of the State.

With much esteem, I am, Sir,

Your obedient Servant,

A. D. MURPHEY, *Chairman, &c.*

August 10, 1819.

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<sup>1</sup>This should read: "from Gottenburg on the North Sea to the Baltic."

## *A View of the Internal Improvements contemplated by the Legislature of North Carolina.*

The Internal Improvements contemplated by the Legislature of North-Carolina, relate

1. To the Inlets on our Coast.
2. To the Sounds along the Coast.
3. To the Primary Rivers.
4. To the junction of two or more of those Rivers by navigable Canals.
5. To the Public Highways.
6. To the Draining of the Marshes and Swamps of the Eastern and Southern Counties.

In the application of the Public Revenue to the various objects of Internal Improvement, the Legislature has had due regard to the several sections of the State, and is anxious to give effect to a system which is general, and at the same time definite. One part of the State requires Improvements very different from those required in another. The counties bordering on the Mountains are at a distance from Markets, and have to rely on land-carriage for getting their productions to them. These counties require good turnpike roads.

The middle counties are intersected by fine Rivers, which are now useless for the purpose of Navigation, on account of obstructions which nature has placed in them. Those counties require those obstructions to be removed and the Rivers to be made Navigable. The counties to the South and East, suffer disease and pestilence from their numerous and extensive Swamps and Marshes: their finest lands lie neglected, and labour, instead of being directed to the pursuits of a productive Agriculture, is turned to the making of Tar and the collecting of Turpentine. All the counties of the State are interested in improving the Inlets upon our Coast, and concentrating at a few points our scattered Commerce. Individual capital is insufficient to effect any of those great objects. They require the resources of the State; and in no way can those resources be so well applied as in making improvements, which shall aid the health and raise the moral condition of our population; which shall give encouragement to industry and facilities to Commerce.



*The Inlets on our Coast.*

The plans of improvement for the interior of the State, are intimately connected with the Inlets on our Coast. At present, there are only two Inlets from which there is a communication with the Interior—These are at Ocracocke and Cape-Fear. There are two other Inlets, Old Topsail at Beaufort, and Bogue at Swansborough, to which attention is invited, for reasons which will hereafter be explained. The Inlet at Cape-Fear is the best in the State, and is better situated than any other for the general Commerce of the middle and western counties. At the mouth of the Cape-Fear there are two Inlets, one over the main Bar at Smithville, having a depth of seventeen feet water at high tides; the other lately formed, and therefore called the New Inlet, having a depth of thirteen feet water over the Bar. This Inlet is thought to be gradually deepening, and in the course of the next fifty years will probably have eighteen feet of water. It is protected by the promontory and shoals of Cape Hatteras from the North-Eastwardly currents of the Gulf Stream; and the current setting through it has its deposits carried to the South by the eddy current which sets down the coast from Cape Look-out, which current lodges these deposits upon the Northern part of the promontory and shoals of Cape-Fear.

At the main Bar at Smithville, may be seen very distinctly, the operation of those causes which are constantly changing the condition of our Coast—The Gulph Stream, running with a velocity of nearly three miles in an hour, sweeps along to the North-East, distant only about thirty miles from the Bar; and gives motion in that direction to a great mass of waters nearer to the Coast; which mass meeting with the current from the Cape-Fear, forms an eddy, in which the deposits forming the promontory and shoals of Cape-Fear have been made. These deposits have gradually extended the shoals and prolonged the promontory; and the consequence has been, that the eddy current setting down the coast from this promontory, has gradually increased in strength, and is now fast washing away the sands from the South Western side of the Promontory, and depositing them on Oak Island to the South-West of the Inlet.

This current has, within the recollection of the old Pilots at Smithville, encroached more than half a mile upon Bald Head,

and prolonged the head-lands of Oak Island a greater distance. Those Pilots are of opinion that within a few years, the promontory of Bald Head will be extended to the Frying-Pan Shoals. The currents are continually changing the channels over the Bar; but amidst all those changes, the depth of water continues nearly the same: and unless the strength of the current from the Cape-Fear should be considerably weakened by the widening and deepening of the New Inlet, the same depth of water may continue.

The central situation of the Cape-Fear River, the improvement of which its Navigation is susceptible, the possibility of bringing to it the trade of two-thirds of the State, the superiority of its Inlets to any other on our Coast, render any thing connected with Improvements on this River of peculiar importance—And it may here be proper to notice certain facts intimately connected with the Navigation and Commerce of this River. The Cape-Fear receives, a little above the Town of Wilmington, Black River and the North-East; and a few miles below this Town, stretches out to the width of nearly a mile, and gradually widens until it reaches the Bay at Smithville.

Wilmington is distant thirty miles from Smithville; and the tide which varies at Smithville from four to six feet, varies at Wilmington from eighteen inches to two and an half feet. The first eddy produced by the meeting of the current of the River with that of the tides, is nearly twenty miles below Wilmington, and in this eddy a deposit is made which forms what is called "the Flats." Over these Flats, at high tide, there is eleven feet water. Vessels drawing more than eleven feet of water, are compelled to lighten at the Flats, and are subjected to much expense and inconvenience on that account. If Wilmington continue to be the principal port of the Cape-Fear, it will become a subject of interesting enquiry, whether this obstruction to the Navigation of that River can be permanently removed?—If the deposit be made by the meeting of the currents of the River and the tide, will it be possible to prevent it? or will it be possible to vary the place and manner of the deposit, so that a deep channel can be kept open? The Flats extend about three hundred yards up and down the River. The deposit is a light, soft mud, and vessels often plough through it to the depth of two feet.

When the colony first settled upon the Cape-Fear, the scite selected for a shipping port, was at Brunswick, a short distance below the Flats. For sixty years after the settlement of the colony, Lumber and Naval Stores constituted the principal articles of export from the Cape-Fear: The width of the River below Wilmington, exposed it to the influence of the winds, and rendered the descent of rafts of Lumber and Naval Stores dangerous: And this part of the River was considered also dangerous to the Boats which descended the River from the interior of the country—These circumstances induced the government to patronise the growth of a town higher up, where the River was narrow; and the bluff at Wilmington was selected. If this removal of the seat of trade was advisable at the time it was made, the change which has since taken place in the condition of the country, the increased amount of Agricultural products for exportation, and the unhealthiness of Wilmington, certainly render it at least problematical whether it is to be considered beneficial at this day.

Wilmington is situate on the Eastern side of the River, having to the West extensive rice swamps, the exhalations from which destroy the health of its inhabitants. The evil might possibly be in a great degree remedied by draining the swamps and changing their culture.

Wilmington has good water, perhaps the best in the Southern Ports. The water in the River is fresh, and vessels can lie at anchor without danger from the worm, which soon destroys them at the mouth of the River, and secure from the danger of tempests. These are decided advantages, and render Wilmington, in the opinion of many, the most eligible port for the Cape-Fear. A contrary opinion is entertained by others, who think that Smithville is the most eligible port, and the one which the government should patronise. The Bay at Smithville is five miles wide, protected on the North by the main land, on the North-East by Bald-head, and on the South-West by Oak Island. Smithville is situated on the Bay, open to the sea over the main Bar, and no objection is made to its healthiness. It is the place of resort for the people of Wilmington during the sickly months of Summer and Autumn—The channel for vessels lies near to the main land, and wharves may be

extended to the channel. All vessels which enter through the New Inlet, or over the main Bar, can lie in this channel. The objections to Smithville are, 1st, the width of the River for nearly thirty miles above. 2d, the worm which destroys vessels that lie long at anchor. The introduction of Steam Boats upon the Cape-Fear has removed the first objection, as to all articles for exportation except lumber and naval stores. The second objection may possibly be done away by the construction of Docks to be supplied with fresh water from Elizabeth River. Whether Wilmington or Smithville should be patronized by the government, as the principal port for the Cape-Fear, is a question of great importance to the state, and intimately connected with the plans of Improvement for transferring to the Cape-Fear the trade of the Pedee and Lumber Rivers.

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*Ocracocke Inlet.*

Through Ocracocke Inlet, shipments are made from the Roanoke, the Tar and the Neuse Rivers. It is inconveniently situate for the Roanoke, and a voyage from the head of Albemarle sound to Ocracocke, is thought to be equal to a voyage from Ocracocke to New York or to the West-Indies. The Navigation off the coast at Ocracocke is dangerous; the channel across the Bar is variable and difficult; within the Bar lies the Swash, over which there are only eight feet of water, and within the swash there is no harbour, nor good anchorage-ground. No part of our coast seems to be subject to greater or more frequent changes than that near Ocracocke. The great mass of waters in the Albemarle and Pamlico Sounds, supplied by numerous rivers, pass out to sea, principally, through this Inlet: and some idea of the strength of the current which sets through this Inlet may be formed, from the fact that there are scarcely any perceptible tides in the Sounds. This current meeting the current of the tide, forms an eddy within the Bar, in which a deposit is made which forms the swash. The Inlet has widened very much within the last fifty years, and the depth of water across the Bar has lessened. It is said, that at present this depth does not exceed fourteen feet. Vessels drawing more than eight feet water, have to lighter in crossing the swash; and this circum-

stance, added to the other of there being no harbor, renders the Navigation through this Inlet not only inconvenient, but often extremely dangerous. To lessen the inconvenience, it has been proposed to use Camels for taking vessels across the swash; and to lessen the dangers of Navigation, it has been proposed to sink Piers, mooring Anchors and Chains. The peculiar gurgitating quality of the sands at this Inlet, renders it very doubtful whether any erection of piers would prove permanent. Vessels which have been wrecked here, have been quickly swallowed up in the sands, and other vessels now sail over them. If the Inlet continue to widen, the depth of water over the Bar will continue to decrease, and this will be followed by an increase of deposit at the swash. This swash is like the Flats of the Cape-Fear, of nearly the same width, and formed of the same sort of light mud, which changes its position at almost every storm—The Commerce of the Tar, the Neuse, and the Roanoke (except so much of the latter as goes to Norfolk,) is dependent upon the Inlet at Ocracoke; and although so far as the subject is now understood, there seems to be but little ground to hope that this Inlet can be so improved that a safe and commodious Navigation can be had through it, yet if a better Outlet cannot be found for the rich commerce of these Rivers, such improvement should be made at Ocracoke as the situation of the Inlet will admit, and the revenues of the State be able to meet.

The difficulties and dangers attending the Inlet at Ocracoke, have directed the public attention 1st. To the opening of an Inlet at the lower end of Albemarle Sound. 2dly, To the opening of a communication by Navigable Canals from the Roanoke to the Inlet at Beaufort, or at Swansborough; and concentrating at one port the Commerce of the Roanoke, the Tar and the Neuse.

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*The opening of an Inlet at the lower end of Albemarle Sound.*

Whether a suitable Inlet for commercial purposes can be formed at the lower end of Albemarle Sound, is an enquiry which has been deemed of so much importance to the State, that the General Assembly have appointed a Board of Commissioners to conduct it, with powers to employ competent Engineers to determine it. This enquiry derives its importance

from the River Roanoke, which is second only to the Hudson in point of extent and the fertility of its lands, in the Atlantic States. Without such an Inlet, apprehensions are entertained that the Commerce of this River, will, through the Dismal Swamp Canal, pass to Norfolk. The character, as well as the interest of this State, is deeply concerned in securing this Commerce; and it will be one of the important enquiries submitted to the Principal Engineer, how this can be effected.

Two plans have been proposed; one to open an Inlet at the lower end of Albemarle Sound: the other to divert the trade of the Roanoke to some Inlet now existing upon our coast.—Two questions have of late been agitated in this State: One, whether any of the vessels of Sir Walter Raleigh crossed the Bar: The other, through what Inlet his men entered when they came to Roanoke Island. It is alleged by some, that his vessels anchored off the Coast, and his boats only crossed the Bar; it is alleged by others, that the vessels crossed the Bar and anchored under Roanoke Island. No satisfactory information has been procured upon these points, nor is it probable that any such information can now be had, without access to the Maps and Papers of Dr. Harriott, the Astronomer, who accompanied Sir Walter Raleigh, and made charts of that part of our Coast, and wrote an account of the expedition. It is understood that these Charts and Papers of Doct. Harriott were bequeathed by him to the University of Oxford; and Peter Browne, Esquire, a Member of this Board, now in England, has been requested to procure copies. Whatever doubts may rest upon these points, it seems clear, that at the time of Sir Walter Raleigh's expedition, there were two Inlets on this part of our coast, which have since disappeared. The one was Roanoke Inlet, near to Roanoke Island; the other was Hatteras, anciently called Hatteraske Inlet, situate between Ocracocke and the promontory of Hatteras. It is probable that the closing of the Inlets is to be ascribed, principally, to the widening and deepening of the channels through the marshes west of Roanoke Island—Some of those channels existed at the time of Sir Walter Raleigh, otherwise he would not have given the name of *Island* to what has ever since been called "Roanoke Island." It was ascertained by Mr. Price, during the last Summer, that the bed of the Roanoke at Williamston, was six feet above the bed of

Pamlico at Washington; and the strong currents setting through the marshes, shew that the Albemarle is more elevated than the Pamlico Sound. To the East of Roanoke Island, lies Croathan Sound, communicating with the Albemarle to the North and Pamlico to the South. Through this Sound, and through Roanoke Inlet, the waters of the Albemarle discharged themselves previous to opening of the channels through the marshes—and when we attend to the fact, that the Pamlico is lower by several feet than the Albemarle, it is rendered probable, that most of the waters of the Albemarle passed down Croathan Sound, and that the current through the Inlet must necessarily have been weak, and of course that there was but little depth of water. It is probable this depth did not exceed eight feet. As the channel through the marshes opened, the currents through the Inlet and Croathan Sound became weaker, until finally the Inlet closed.

The opening of the channels through the marshes has also been the cause, probably, of closing the Inlet at Hatteras. Whilst the waters of the Albemarle were divided between Roanoke Inlet and Croathan Sound, the current setting into Pamlico was weaker than it has been since Roanoke Inlet was closed. This current, meeting the current from the Neuse and Pamlico, the combined currents were deflected through Hatteras Inlet. When the strength of the current from the Albemarle was increased by the closing of Roanoke Inlet, it threw the point of deflection further to the South; the consequence of which was, that the combined deflected current no longer passed out at Hatteras Inlet, but made its way through the Banks further to the South; and in this way Ocracoke was opened and Hatteras Inlet closed.

If the closing of Roanoke Inlet has been caused by the opening of the channels through the marshes, it is probable that closing those channels would open the Inlet, and that there would be a greater depth of water in the Inlet than at the time of Sir Walter Raleigh: for it is certain that some of those channels were open in his time. The closing of Croathan Sound would further improve the Inlet, by directing the whole current from the Albemarle directly out to sea. This would probably be the strongest current from the interior to be found on our

Coast; and if the Inlet could be prevented from widening, it would have a depth of water equal that at Cape Fear.

Capt. Clarke, late of the Corps of Engineers, examined these Sounds, under the direction of the Commissioners appointed by the General Assembly. His Map, shewing the direction of the several currents, is filed in the office of Secretary of State.

The objections which have been urged to the forming of this Inlet, are,

1st. The magnitude and expense of the work, compared with the resources of the State.

2d. The difficulty of procuring materials for a permanent barrier across the marshes.

3d. The gurgitating quality of the sands on the Coast. It is said, however, that a clay foundation can be had across the marshes. It is not probable that such a foundation can be had across Croathan Sound—Without it, any barrier which might be erected, would soon be swallowed up in the sands.

4th. The general direction of the winds along this part of the coast.

5th. That such a barrier, if erected, would not have the certain effect of opening the Inlet: that the waters of the Sound might be discharged through Currituck Inlet, or new channels be opened into Pamlico. This objection is certainly weak; for the great press of water in our Sounds is to the South-West; the Albemarle Shoals towards Currituck Inlet; and nothing but prevailing South-West winds could press a strong current in that direction.—As to the supposition that new channels might be formed to the West of the present channels, the width of the land to be broken through, its quality and texture, render such a supposition groundless.

6th. It is said that a current sets down the coast from the Southern Cape of the Chesapeake, and that it is forming a shoal by its deposits near Roanoke Inlet. That such a current sets down the coast, is true; it is one of those eddy currents which are found upon every coast having salient promontories in the neighborhood of the Gulph Stream. But it is not probable that it is forming a shoal near Roanoke Inlet; for this current continues down the Coast to the promontory at Hatteras, and there making its deposits, passes off around that promontory. No reason can be assigned why this current of



itself, should form a shoal near Roanoke Inlet. The shoal which has been spoken of, no doubt, was formed in distant years, by the meeting of the current setting down the Coast, with the current through the Inlet, and lies probably to the South of the Inlet.

The Engineer will be able to ascertain many other facts relative to the currents upon the Coast, and correct errors in the statements which have been here made. It is a subject of much interest, and one that requires great attention.

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*Old Topsail Inlet at Beaufort, and Bogue Inlet at Swansborough.*

Forming an Inlet at the lower end of Albemarle Sound, would subserve the purposes of the Roanoke trade only.—The forming of this Inlet would close the passages to it from the Tar and Neuse Rivers, and the commerce of these Rivers must still depend upon Ocracocke, or find a new channel through the Inlet at Beaufort or Swansborough—It is important, in many points of view, to have the Inlet at Beaufort carefully examined: It is believed to [be] the best Inlet upon our Coast North of the Cape-Fear. It is situate close under the lee shore of Cape Look-out, and protected from the influence of the Gulph Stream by the promontory and shoals of Cape-Fear. It has been found subject to fewer changes than any of our Inlets. It has a depth of fourteen feet water over the Bar; and within the Bar, there is an extensive and safe harbor. The town of Beaufort is healthy, and, like Smithville, is the resort of people from the towns in the interior during the sickly months of the year. Two plans have been proposed of concentrating at Beaufort, the trade of the Roanoke, Tar and Neuse Rivers—

1st. By Navigable Canals commencing on the Roanoke at or near the town of Williamston, and extending to the Pamlico at Washington; thence across to the Neuse by the way of Blount's Creek and Swift Creek; thence to the Bay at Beaufort by the way of Clubfoot and Harlowe's Creeks.

2dly. To make a Canal between Clubfoot & Harlowe's Creeks Navigable for Steam Boats; and with these Boats to collect the produce of the Rivers running into the Albemarle and Pamlico Sounds, and concentrate it at Beaufort for shipment. Steam

Boats can navigate those Sounds with safety: and can, in the present condition of the Rivers, navigate the Roanoke to Halifax; the Tar to Tarborough, the Neuse to Smithfield, the Chowan and Meherrin to Murfreesborough, and the Pasquotank to Elizabeth. The produce collected at these several towns, and also at Plymouth, Edenton, Washington and Newbern, could, by Steam Boats, be safely and quickly taken to Beaufort for shipment; and merchandise be distributed from that place to those several towns. It is probable too, that by giving to the Canal between Clubfoot and Harlowe's Creeks a suitable width and depth, a considerable portion of this trade might be carried on it in light schooners. This Canal will be only two miles in length, through a level, rich, alluvial soil: and considerable expense in the construction of it might well be incurred, if the benefits which are anticipated should result from it.

To each of these plans, sundry objections are urged.

1. The expense which must be incurred at Beaufort in the construction of Wharves: the channel for shipping lying at a considerable distance from the shore.

2. The length and circuitry of a voyage from the Roanoke to Beaufort.

3. The danger of navigating with Steam Boats the wide waters of the Albemarle and Pamlico Sounds.

4. The impossibility of carrying freight in Boats to be towed by Steam Boats in those Sounds.

5. The influence of habit and prejudice; and the difficulty of diverting Commerce from the channels in which it has been accustomed to flow.

6. The jealousy and rivalry of the towns now engaged in shipping through Ocracocke.

As to these objections, it may be observed, that if the Inlet at Beaufort has fourteen feet water over the Bar, this town enjoys, in this respect, an advantage nearly equal to New-Orleans; that it is subject to few, if any, of the objections which apply to Ocracocke, being easy of access from sea, having a fine harbor, and no swash to obstruct the entrance of vessels; being accessible at little expence to all the trade of the Albemarle and Pamlico Sounds, and also healthy. If it be a primary object with North-Carolina to ship her own productions

and supply her citizens with markets at home for foreign merchandize, this Inlet, or some other North of the Cape-Fear possessing equal or superior advantages, should be selected, and the liberal patronage of the government should be extended to it. Beaufort would become, to the several rivers of the Albemarle and Pamlico Sounds, what Norfolk is to James River; and would give life and animation to business in the several towns in the interior, which now receive a precarious support from the Commerce carried on through Ocracoke.—Wharves would be constructed as prospects opened to Commercial enterprise. Steam Boats would be found to shorten the distance from the Roanoke; and after navigating the Delaware and Chesapeake Bays with safety, and transporting the productions of the Ohio and Missouri to New-Orleans, they would be found to navigate the Albemarle and Pamlico without danger, and to transport the productions of the country over those waters without inconvenience. Prejudice and jealousy could make but ineffectual struggles, and Commerce would take the channel which the prospect of profit pointed out.

If the plan of making navigable Canals from the Roanoke to the Tar, and thence to the Neuse, be deemed most advisable for uniting the trade of those Rivers, it may easily be perceived that this line of Inland Communication can be directed from the Neuse, either to Beaufort or Swansborough. Little is known of the Inlet at Swansborough; but it is said to have gradually deepened for the last thirty years, and to be little inferior to the Inlet at Beaufort, either in safety of access from sea, depth of water over the Bar, or in the excellence of its harbor. From Newbern, the distance is nearly the same to Swansborough and to Beaufort. A short Canal between the Trent and White Oak Rivers, would open a communication by water from the Neuse to the Harbor at Swansborough.—Whether this, or the port at Beaufort, shall be selected for shipping the productions of the principal Rivers east of the Cape-Fear; or whether Ocracoke should be continued and improved for this purpose, are questions submitted to the consideration of the Principal Engineer.

*Sounds on the Coast.*

The Legislature have directed a Survey to be made of the Sounds which stretch along our Coast, from the North-Eastern to the South-Western extremity of the State. The object of this Survey is to ascertain how far it is practicable to open along these Sounds, an Inland Communication, which may be of eminent service in time of War; and of convenience in time of Peace. The Dismal Swamp Canal now forms a communication between the Chesapeake and Albemarle, and the opening of the Sounds on our Coast would extend this communication to Little River, on the line of South-Carolina—There is a succession of these Sounds, from the northern part of Currituck to the neighborhood of the Cape Fear; but between Bogue Inlet and Cape-Fear, the channel is both crooked and shoal, and this probably is the case in many places between Bogue Inlet and Ocracoke. A cut of a few miles is required to unite these Sounds with the Cape-Fear—South of the Cape-Fear, a cut of less than two miles will unite Elizabeth River, which runs into the Bay at Smithville, with Lockwood's Folly Bay, and from that Bay to Little River, there is a continued Sound. The advantages of such an Inland communication by water, in time of War, are obvious: in time of Peace, the advantages would be great, if the Sounds admit of Steam Boat navigation. For they would form a safe and easy channel of intercourse between our sea port towns and those of Virginia and Maryland. At present, we know but little of our smaller Sounds.

It is understood, however, that their navigation is difficult even for small boats. On these small Sounds, considerable establishments have been made for the manufacture of Salt, and it will be politic, at least so far to improve the navigation of these Sounds and to connect them with the Bays on the Coast, that the salt could be boated to the Commercial towns.

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*The Primary Rivers.*

The first Improvements which claimed the attention of the Legislature, were those which were required for rendering navigable our primary Rivers. Of these, the Roanoke, the Tar, the

Neuse, the Cape-Fear, the Yadkin, the Catawba, and the Broad Rivers, are those which will first claim the attention of the Principal Engineer.

In examining the Geological structure of North-Carolina, it will be seen, that a ridge of Granite extends through the State from North-East to South-West, nearly parallel with the Coast, and forming in the slope of its Southern margin, the line which separates the primitive and secondary formations from the alluvial. This ridge is connected with several smaller ridges, which although not uniformly parallel, yet have the same general direction with the main ridge. These ridges vary in height, and in the rock of which they are composed; sometimes exhibiting immense masses of Granite, then of Calcareous Rock, then of Slate, &c.

In these ridges, near the Yadkin River, are found the Gold Mines of North-Carolina, and other valuable Minerals are supposed to abound in them. In distant ages, these ridges formed a barrier to the waters of the Yadkin and Catawba, and spread them over great part of the counties of Rowan, Iredell, Mecklenburg and Cabarrus. In the course of time, these waters have found their way to the ocean, along the channels of the Yadkin and Catawba, having gradually worn these channels through the ridges of Granite, from their summit nearly to their base. This ridge of Granite can be traced to the North-East as far as New-York, where it stretches out to sea. It is one of those peculiarities which distinguish the Geological structure of this Continent from that of Europe. This, with other ridges of primitive formations, run nearly parallel with the ocean and with the main ridge of the Continent, the Great Alleghany. The valleys of our great Rivers are at right angles to these ridges. In Europe, and particularly in the Pyrennees, the Alps, and the Appenines, these inferior ridges are lateral to the main ridge; and the valleys of the great Rivers are parallel with, and between these inferior ridges.—Those Rivers have no Falls, like the Rivers here, which cross the ridges of primitive formations. Mr. Benjamin H. Latrobe, who has directed his attention much to this subject, as well as to other branches of science, is of opinion that the height of this ridge of Granite, which extends from New-York through this State to Georgia, is nearly uniform, until it reaches the Roanoke. He found

that in the Rivers which cross it, there was a descent varying from 125 to 128 feet, from the water above the ridge to tide-water below it. This probably is nearly the descent in the Roanoke between those two points. But to the South-East of the Roanoke, the ridge is of unequal height and width. It may be traced on the Roanoke, at the Falls above Halifax; on the Tar River, at the Falls below Lewisburg; on the Neuse, at Lockhart's Falls; on the Cape-Fear, at Buckhorn and also at Smilie's Falls; on the Yadkin, at the Narrows; on the Catawba, at Rocky Mount, in South-Carolina, &c. This ridge, which has a width of about seven miles on the Roanoke, seems to be narrower on the Tar and Neuse; it widens as it approaches the Cape-Fear, and, dividing into numerous ridges, has a width of nearly thirty miles on the Yadkin, extending from Flat Swamp to the distance of several miles below the mouth of Uharee river—This ridge gives to the Yadkin a fall of nearly three hundred and fifty feet, and to the Roanoke and the Cape-Fear a fall of about eighty feet, and is scarcely noticed in the Neuse.

Above this ridge, each of the rivers has several small falls, which, with shoals and ledges of rocks, constitute the obstructions to their navigation. Below this ridge, each of the Rivers enter the alluvial lands, and their navigation is there obstructed by logs and sand bars.

The Principal Engineer will Survey these Rivers, and determine upon the best methods of improving the navigation of each; whether the beds of the Rivers shall be improved by sluices, or by dams and locks, or by both; or whether Canals shall be made; and if so, at what places. Also how far up each of those rivers, and their main branches and tributary streams, the navigation for light boats may be extended.

He will also determine of what materials it is adviseable, in the present condition of the State, to construct locks, whether of stone, of brick, or of timber.

The Tar, the Neuse, and the Cape-Fear, are not, properly speaking, primary Rivers; but they have been classed with the Roanoke, Yadkin, Catawba and Broad Rivers, because they rise above and cross the ridges of Granite; and to distinguish them from those Rivers which rise out of, or below this ridge, and water only the alluvial country.

The Legislature has granted charters to Companies for improving the navigation of each of the primary Rivers, and has subscribed a portion of the capital stock in all the Companies, except that for the Broad River. These Rivers generally intersect the State from North to South, and afford greater facilities of Inland Navigation than are found in any of the Atlantic States. The Roanoke is the most important River in the State, not only on account of the fertility, but also of the extent of the lands which it waters, and the channel which it affords of bringing to our markets the agricultural products of several counties of Virginia. The Dan River, one of its principal branches, runs near to the Virginia line from its source to its junction with the Staunton; and is navigable for light boats to the neighborhood of the Saura Town Mountains.—The Staunton, the other principal branch of the Roanoke, lies altogether in the State of Virginia, and can be made navigable for light boats to the foot of the Blue Ridge. The Roanoke, and its tributary streams, water fifteen millions of acres; of which, nine millions are suitable to the culture of Tobacco, Wheat, Indian Corn, &c., and the residue abounds with materials for lumber and naval stores. The products of this river annually for exportation, may be estimated at two and an half millions of dollars—If proper encouragement were given to industry, by rendering the River navigable, these products would soon exceed five millions.

The company which has been incorporated for improving the navigation of the Roanoke, has received its charter from the Legislatures of North-Carolina and Virginia; and each State feeling a deep interest in the success of this Company, has resolved to aid its efforts. The capital stock of the Company is fixed at three hundred thousand dollars, of which sum, Virginia, in the spirit of liberality which distinguishes all her public acts, has subscribed eighty thousand, and North Carolina twenty-five thousand, reserving to herself the right of enlarging this subscription to eighty thousand. Virginia hopes to direct the trade of this fine River to Norfolk; and will certainly succeed, if great exertions be not made by North-Carolina to secure it—The trade of this River, is a prize worthy of the high ambi-

tion of two powerful States—The chances are certainly in favor of North-Carolina; it remains to be seen whether efforts will be made to improve them.

The Tar River rises near to the Virginia line, and running nearly South, discharges itself into Pamlico Sound. Near its mouth, it receives part of the waters of the great swamp in Beaufort County, where it widens and takes the name of Pamlico River—It is navigable for Steam Boats as high as Tarborough, and its navigation may be improved for light boats to Lewisburg, and probably thirty miles further.

A Survey of this River was made by Col. Benjamin F. Baldwin, in the year 1816, and his Report of this Survey is in the hands of the Principal Engineer; and will give a general idea of the obstructions which exist to the navigation of the River as high up as Lewisburg, where the Survey terminated. The difficulties to be encountered upon this River are very inconsiderable, and it is strange that a spirit of enterprise has not long since overcome them.

The name of the River indicates the character of its principal exports. The Tobacco and Wheat which have been raised on the upper branches of this River in Franklin, Granville, Warren and Halifax, have been waggoned to the markets in Virginia; and the exports of Washington, furnish but a poor idea of the fertility of the Lands watered by this River, or of the wealth of their inhabitants.

Washington is a Port of Entry, and is more conveniently situate for carrying on a Commerce through Ocracocke, than any of the Towns on the Albemarle or Pamlico. It is subject, however, to one inconvenience.—A few miles below the Town, a shoal stretches across the River, over which, as the wind shifts its point, the water varies from nine to eleven feet. In this are embedded numerous logs, which have floated down the River, and within the Harbour, vessels are sometimes endangered by Cypress Stumps, which shew that the Channel here is of recent formation. These stumps can be removed, and a channel opened through the shoal;—but it is at this time problematical, whether this channel can be kept open. This shoal is probably formed in the eddy made by the meeting of the current of the River with the great mass of waters in the Pamlico Sound: And



if this be the fact, the deposit of the River will continue to be made at this point, and a channel across the shoal cannot be kept open, without a continual removal of this deposit—For the purpose of raising a permanent fund, to be laid out in clearing this shoal, the Legislature, by the assent of the Congress of the United States, have imposed a small tonnage duty upon vessels exceeding a certain tonnage, and empowered the Collector of the Port to collect this duty, and appropriate it, under the direction of the Commissioners of Navigation for the Port.—The improvement of this shoal, and also of the Harbour at Washington, will claim the attention of the principal Engineer.

The Neuse River also has its sources near to the Virginia line, and running South, discharges itself into Pamlico Sound below Newbern. Its three main upper branches, Eno, Little River and Flat River, unite in the South-Eastern part of Orange County, where the River takes the name of Neuse. From this place, along the meanders of the River to its mouth, is a distance of three hundred miles. When it enters the alluvial country below Smithfield, it becomes more crooked than any of our Rivers—with little labour it can be made navigable for Steam-Boats as high as Smithfield, and probably higher. Its navigation for light Boats, may be extended to the junction of its main branches, and probably up Eno, by Dams and Locks, to the Town of Hillsborough.—There is no River of the same extent in North-Carolina so easy of improvement as the Neuse. Below Smithfield, this River has been used for transporting Lumber and Naval Stores to Newbern: but the Cotton, Tobacco and Wheat, grown on this River and its branches, above Smithfield, have been waggoned to the markets of Virginia. The want of these staples at Newbern, has prevented the location of commercial capital at that place; and as the Planters and Farmers were dependent upon land carriage, they sought markets where capital was to be found. This has been the lamentable condition of our trade, not only on the Neuse, but on most of our other Rivers.

Newbern is the Port of the Neuse, from which are shipped Lumber, Naval Stores, and large quantities of Indian Corn. The River Trent, which runs into the Neuse at Newbern, has some of the best lands for Indian Corn in the State.

A considerable quantity of Wheat is also grown upon the Trent, and shipped from Newbern. This Town, once the residence of the Colonial Governors, and long the seat of Government, both before and since the Revolution, has gone much to decay. The late Navigation act passed by Congress, has contributed more than any other cause, to produce this decay. The plans of improvement for the Rivers of the Albemarle and Pamlico Sounds, and the Inlets on our Coast, it is hoped, will revive its fortunes, by giving to it a new and an extensive commerce.

The Cape-Fear, like the Tar and Neuse, rises near to the Virginia line. Its main branches, the Haw and Deep Rivers, rise near to each other; and after taking long and circuitous courses, unite at the Town of Haywood, where the River takes the name of Cape-Fear. Its course is then generally South to the Bay at Smithville. This river is navigable for Steam-Boats to Fayetteville, and may be probably rendered navigable for small Steam-Boats to Haywood. The Haw and Deep Rivers have their Navigation obstructed by rocks, shoals and falls; but these difficulties may probably be overcome, and a navigation be opened up Haw River to the County of Rockingham, and up Deep River to the County of Guilford. Much labor and great expence will certainly be required to make these streams navigable, and such a work must necessarily progress slowly. New-Hope Creek, which runs into Haw River two miles above Haywood, is easily improved. It is a crooked stream, with little fall, and sufficient water for light Boats, to Patterson's Mill, distant only nine miles from Hillsborough. The superiority of its Inlets, and the excellence of its navigation to Fayetteville, have long made Cape-Fear the principal channel of Commerce in this State. The exports from Wilmington have generally doubled, and often trebled, the exports from all our other ports. This River claims peculiar consideration, not so much on account of the fertility of its Lands, as of the facilities which exist of bringing to it for shipment the productions of nearly one-half of the Agricultural part of the State. This River derives importance also from its numerous tributary streams, most of which are navigable almost to their sources. The North-East, the Black River, the Rock Fish, and the Little

Rivers, are streams which water an extensive tract of alluvial country, abounding in inexhaustible supplies of naval stores and lumber.

The Yadkin rises in the great ridge of Mountains dividing the Eastern and Western waters of the Atlantic; runs East through the Counties of Wilkes and Surry; thence turning to the South, its general course continues the same until it enters South-Carolina—It traverses an uniformly fertile country from the foot of the Blue Ridge. It waters nearly six millions of acres, on which reside one-third of the white population of the State—At its junction with the Uharee River, in Montgomery County, it takes the name of Pedee, which it bears to the Ocean. From the South-Carolina line to the mouth of Uharee, a distance along the River of sixty miles, there are no very serious obstacles to its navigation. Between Uharee and Flat Swamp, a distance of twenty miles and upwards, cross the numerous ridges of Granite which form the Narrows and Falls of this River. From Flat Swamp to Wilkesborough, near the foot of the Mountains, the navigation may easily be made good for Boats of ten tons burthen. During the last summer, the Rev. Joseph Caldwell, President of our University, and Mr. Elisha Mitchell, Professor of Mathematics in that Institution, made a survey of the Narrows and Falls, with a view of ascertaining the fall of the River, and whether it be practicable to construct a Canal along this part of it. Their survey was chiefly confined to the Western side. During the present year, Mr. John Cauty has surveyed the grounds on the Eastern side of the River, with the same view. Their Reports, with their Maps and Profiles, are in the hands of the Principal Engineer; and it is submitted to him, to determine what is the best Plan of Improvement to be adopted for passing the Narrows and Falls: whether by Canals, a Turnpike Road, or a Rail-Way—The Cotton, Tobacco, Wheat, and other articles annually raised for exportation on the Pedee and its Branches, in this State, are estimated at two millions of dollars. If this River were rendered navigable to Wilkesborough, that Town would draw a considerable trade from the neighboring Counties of Virginia, and probably from some of the Counties of East-Tennessee. It is a much more convenient market than any of those Counties

can find elsewhere. The construction of a Turnpike Road from this town across the mountains towards Abington, would insure a profitable trade from that quarter—As this River runs into South-Carolina, it becomes a question of deep interest to the commercial character of this State, how its trade can be diverted to the Cape-Fear—This question will be considered when the junction of this River with the Cape-Fear is treated of.

The Catawba rises near to the Yadkin; and after watering a very rich country, enters South-Carolina. This River has no great obstructions to its navigation in this State. It may be improved for light Boats some distance above Morganton. The great obstructions in this River, are at Rocky Mount, in South-Carolina.—The appropriation of a million of Dollars for Internal Improvements, made by the Legislature of South-Carolina, at their last Session, insures the improvement of the Catawba; and the Farmers on that River will soon have a water carriage for their produce—The navigation of this River derives additional importance, from the consideration that it approaches so near to East-Tennessee. The trade from that section of country can easily be brought to it. It is understood, that a good Turnpike Road can be made from the Pleasant Gardens, above Morganton, by the Yellow Mountain, on to the Tennessee line, and another by the Swannanoah Gap, through Buncombe. Such roads would ensure to the Catawba a large portion of the trade of East-Tennessee.

The streams which form Broad River, unite in the South of Rutherford County, and thence pass into South-Carolina.—This River, and its main branches, may be rendered navigable for light boats, so as to afford a water carriage to more than one half of the extensive County of Rutherford.—This River is the nearest navigable stream to the people of Haywood, and to a great part of the people of Buncombe. The Engineer of South-Carolina is now engaged in improving the navigation of the Broad River in that State; and in a little time, the markets of Columbia and Charleston will be rendered accessible to a rich and populous section of this State.

The first object of the Legislature in the system of Internal Improvements, is to render our Rivers navigable, that the Farm-

ers may have a water carriage for their produce—and to this object the attention of the Principal Engineer will be first directed.

*The junction of two or more of the Primary Rivers by  
navigable Canals.*

This Improvement has for its objects

1. The opening of new channels of Interchange.
2. The shortening of distances to market.
3. The concentration at a few points of the produce of our Agriculture, of our Forests, and of our Rivers; the growth at those points, of commercial towns; and the shipping from those towns the various articles of exports.

Heretofore the productions of the Northern parts of the State, lying on the Roanoke and its branches, and also on the upper parts of the Tar and Neuse, have been sent to the markets of Virginia; and the trade of Broad River, the Catawba and Pedee, has gone to South-Carolina. Thus it has happened, that we have shipped from our own Ports not more than one-third of our Agricultural products; and even a considerable portion of our Staves, Lumber and Naval Stores, have been sent to other ports by the Dismal Swamp Canal, on one side; or by the Wackamaw, Little Pedee and Lumber River, on the other. This unfortunate division of our trade produces many bad effects.

1. It makes us appear a poor state in the union.
2. It leaves us without markets at home: and thus we lose the profits upon our Commerce. The annual loss of Commercial Profit sustained by North-Carolina by not having markets of her own, is estimated at more than half a million of dollars.
3. Our trade being scattered and most of it sent to the neighboring states, we have no large Commercial City: and our whole population is devoid of that animating pride, which a large City and an extensive concentrated Commerce contribute to inspire.

We have a population little short of seven hundred thousand. We have as many square miles of Territory as the State of New-York. We have a soil equal to that of most of the At-

lantic States; and yet, the total amount of exports from our own Ports falls short of three millions of dollars. It is probable, the entire produce of the State, annually, for exportation, exceeds seven millions—The products of our labor go to swell the exports of Virginia and South-Carolina, and give to those States a commercial consequence at our expence—To remedy these evils, the Legislature contemplate a system of Internal Improvements, which have for their object, the shipment from our own ports of our own products.

One part of the system is to improve the navigation of our principal Rivers, and thus give to our Farmers a water carriage for their produce. Another part is to concentrate the trade of the State at a few points by navigable canals between the principal Rivers. For this purpose, it is proposed,

1. To unite by navigable Canals the Roanoke, Tar and Neuse Rivers, and to concentrate at some one point their productions for shipment, through Ocracocke, Beaufort or Swansborough.

2. To unite by navigable Canals the Cape-Fear, Pedee and Catawba, and to concentrate the productions of those Rivers upon the Cape-Fear for shipment.

The first part of this plan has already been treated upon in part. With a view of ascertaining its practicability, Surveys were made during the last summer by Messrs. Jonathan Price and Woodson Clemons. They were instructed to make these Surveys as low down the Roanoke, Tar & Neuse Rivers, as was thought expedient to attempt a junction; and commencing at Williamston, on the Roanoke, they took the levels to Washington, on Tar River; and from the mouth of Blount's Creek, below Washington, to the top of the ridge dividing the waters of the Tar from those of the Neuse. Their instructions relative to these Surveys, their Reports to the Commissioners, and the Maps and Profiles are in the hands of the Principal Engineer. It will be seen, from their Reports, that their Surveys promise a favorable result: that at a reasonable expence, a navigable canal can be made from the Roanoke, near Williamston, to the Tar River at Washington; and that a like canal can be made, from the boatable waters of Blount's Creek to those of Swift Creek, above Newbern. It is proposed to extend

this line of communication to the Inlet at Beaufort, by making a navigable canal between the deep waters of Clubfoot and Harlowe's Creeks. The late Dr. M'Clure, some years ago, made a small canal connecting the waters of these Creeks. The Legislature has since incorporated a company to widen and deepen this Canal: and it is expected, that by this route, a navigation for Boats drawing six feet water, may be opened from the Neuse to Beaufort, at a small expence—The objections to this route, as the one along which the trade of the Roanoke, Tar and Neuse Rivers should pass, are

1. That below Newbern, the Neuse suddenly widens, and at Harlowe's Creek has a width of several miles; that Boats navigating the Neuse above, cannot navigate it in safety below Newbern.

2. That in Clubfoot and Harlowe's Creeks, and through the Canal which shall connect them, there will not be depth of water for vessels entering at Beaufort to pass up to Newbern.

These objections will cease to have any weight, should it be found practicable to construct the canal in such a way that it may be navigated by Steam-Boats. And as it may be desirable to run light Steam Boats along the whole line of Canals from the Roanoke, the attention of the Principal Engineer will be directed to this subject, and he will determine whether Steam Boats, upon any construction heretofore known, can be used upon canals without great injury to their Banks. The proposed junction of the Roanoke, Tar and Neuse Rivers, is through alluvial land, and the waters for feeding the canals lie in the great Swamps situate on the summit of the ridges dividing the waters of these Rivers.

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*The junction of the Cape-Fear, Pedee and Catawba.*

The Geological structure of North-Carolina, seems to render it very doubtful, whether any two of our primary Rivers can be connected at any reasonable expence, to the North of the Granite Ridge, which has been mentioned. Upon this subject, the Commissioners received during the last year an interesting Communication from B. H. Latrobe, Esq., in which he observes,

“that all our great Rivers may be considered as running in “deep vallies, separated by ridges more or less elevated. Their “collateral waters are again separated by lesser ridges; so that “the general surface of the high alluvial land, being considered “as having been originally level, the water courses have worn “down the vallies and left the ridges standing all nearly of the “level of the original plains.

“Across these secondary ridges, run from North-East to “South-West, in nearly parallel lines, *original* or *primitive* “rocky formations, creating another range of ridges, almost at “right angles with the first, and which rise above the level of “the alluvial plains that fill the space between them. Now in “this formation, consist all the difficulties which oppose the “union, by artificial means, of one of our great Rivers with its “neighbor. For the first mentioned ridges oppose the connec- “tion through the same valley from North-East to South-West; “and the second, offer a rocky barrier to their approach by a “descent from the higher to the lower level. And herein, our “country differs entirely from Europe, where the rivers gener- “ally run in vallies determined by the range of primitive or “secondary mountains; while, with us, the Rivers run across “our mountain ranges, wearing down deep beds in the vallies “between; which thus, relatively to the Beds of the Rivers, “become high obstructions between them.” Mr. Latrobe hav- ing aided the Commissioners with his advice as to the manner in which Surveys North of the Granite Ridge and across it, should be conducted, two Surveys were commenced during the last summer, between Deep River, the Southern branch of the Cape-Fear and the Yadkin. The main object of these Surveys was to ascertain the relative levels of the beds of the Yadkin, the Uharee and Deep Rivers, on the same parallel of latitude, and the height of the intervening ridges. Mr. William Terry took the levels from the Flat Swamp on the Yadkin, to Lassiter’s Ford on Uharee; and Messrs. Price and Clemons, commencing on Deep River, at Mendenhall’s Mills, made a Survey to Lassiter’s Ford, on the Uharee, and to the mouth of Fork Creek, on Deep River; and determined the relative levels of the water at these several places, and also of the several divid-



ing ridges. The Reports, Maps and Profiles of these Surveys, are in the hands of the Principal Engineer. These Surveys shew, in a very clear manner, the great difficulties which are to be found in the Geological structure of the State to the forming of an union between two of our Rivers to the North of the Ridges of Granite. Yet so desirable, in a few instances, is such an union, that further Surveys will be made to determine its practicability.

Early in the present year, Mr. John Couty was employed to make Surveys between the Pedee and Cape-Fear, South of the Ridges of Granite, and between the Pedee and Catawba, North of those Ridges.—Between Pedee and Cape-Fear, is Lumber River, called on the Map Drowning Creek.

This River rises in the great Ridge of Granite, and runs on a Plain elevated more than an hundred and fifty feet above the beds of the Pedee and Cape-Fear. The ridges which divide its waters from those of Pedee, on one side, and Cape-Fear on the other, run nearly parallel with the River, and after a long slope, gradually disappear. Mr. Couty was instructed to ascertain, in the first place, the relative levels of the beds of these three Rivers, as the basis of his further operations, and then to ascertain

1. Whether a communication by water could be opened from the Lumber River to Pedee.
2. Whether such a communication could be opened from the Lumber River to the Cape-Fear.

Between Lumber River and Pedee, he was instructed to make three Surveys—

1. By the way of Mountain Creek, which runs into the Pedee at Coleman's Mill-pond, near the head of the Grassy Islands.
2. By the way of Hitchcock Creek, which runs into the Pedee several miles below the Grassy Islands.
3. By the way of Marks's Creek, which runs into the Pedee a few hundred yards below the Southern Boundary of the State.

Between Lumber River and Cape-Fear, he was instructed to make sundry Surveys—

1. By the way of Rockfish and thence to Fayetteville.
2. From Rhodes's Mill-pond on Saddle Tree, near Lumberton, to Sullivan's Mill-pond on the Great Swamp, and thence to the Cape-Fear.
3. From Lumber River, below Lumberton, to the Western Prong of the White Marsh, by the way of Peters's Swamp, and across the Great Swamp; down the White Marsh to the Wackamaw River; thence along the Southern margin of the Green Swamp, to Lockwood's Folly River, down that River to the Bay, thence across to Elizabeth River at Smithville.

It will be seen by looking to the Map of the State, that these several routes being surveyed, it will be easy to determine which of them shall be selected. It is not, perhaps, a matter of much consequence whether more than one channel of communication be opened between Lumber River and Pedee; one should be chosen which shall be found least expensive, and most easily made. But the public interest seems to require, that two or more communications by water should be opened between Lumber River and the Cape-Fear. The most important is the one which shall direct to Fayetteville the trade of the Pedee. But lower down, through Robeson, where a Canal can probably be made, connecting the Rivers, at a small expence, the riches of the soil cannot be brought into activity without such an improvement. And, indeed, the great quantity of fine timber for staves and lumber, and the immense forests of pine for tar and turpentine, which every where spread over the country watered by Lumber River, require that some channel should be opened, along which these articles can be taken to the Cape-Fear for shipment. And the rich lands of the White Marsh and Green Swamp, as well as their inexhaustible supplies of materials for Lumber and Naval Stores, also require that a communication should be opened from thence to the Cape-Fear.

Mr. Couty having ascertained that the bed of the Lumber River was sufficiently elevated to feed a Canal on one side to the Pedee, and on the other to Cape-Fear, surveyed the ridge which divides the waters of Lumber River from those of Pedee, and found its lowest point of depression to be at the Poplar

Springs; and then ascertained that a Canal taken across at this point, could be directed either into Mountain Creek or Hitchcock Creek. Mr. Couty found little difficulty in tracing out the route for a communication between the Lumber River near the Poplar Springs, and the Cape-Fear at Fayetteville.—The Lumber River and Rockfish creek, will form the channel of communication between the Pedee and Fayetteville, for more than half of the distance. Mr. Couty's Maps and Profiles of the several Surveys committed to his charge, and also his Reports, will be placed in the hands of the Principal Engineer.

None of the Internal Improvements contemplated by the Legislature, is of more importance to the interest and character of the State, than the junction of Pedee with the Cape-Fear. The markets on the Cape-Fear are more convenient to the whole country watered by the Pedee and its branches, than the markets of South-Carolina: and the distance from Sneedsborough, on Pedee, on the South-Carolina line, to Wilmington, even by the way of Fayetteville, along the proposed route to that town, is shorter than the distance from Sneedsborough to Georgetown, along the Pedee: and as the depth of water over the Bar at Georgetown, forbids the expectation that a large commercial town can ever grow up at that place, the planters and farmers on the Pedee and its branches, will have their interest much advanced by opening to them the markets on the Cape-Fear.

A competition will grow up between these markets and those of South-Carolina,—and produce will be sent where the best price shall be given for it. The character of the State is also deeply concerned in bringing to the Cape-Fear the Commerce of the Pedee: a Commerce nearly equal to one-third of the entire Commerce of the State, and supported by the richest staples which our soil produces.

The Legislature, in the year 1816, incorporated a Company to open a communication by water between those Rivers, and directed the Treasurer to subscribe, on behalf of the State, twenty thousand dollars of the capital stock of the Company. This Company is called "The Lumber River Canal Company."

The route of this communication is not fixed by the Charter; and it will be the business of the Principal Engineer to mark out the route.

The General Assembly have directed a Survey to be made between the Pedee and Catawba, for the purpose of ascertaining whether a communication can be opened between those Rivers, and the trade of the Catawba be also brought to the Cape-Fear. As Rocky River seemed to present the most favorable channel for this communication, Mr. Couty was instructed to make a Survey of this River and ascertain the height of the ridge dividing it from the waters of the Catawba. It appears, from his Report, that a communication between the Pedee and Catawba, along the route of Rocky River, is impracticable. A route from the Catawba to some one of the deep Creeks which run into the Yadkin above Salisbury, has been proposed; and it would be well to have a Survey made of this, or any other route, which seems to promise a favorable result: For we are destined to lose all the trade of the Catawba, unless we can connect it with the Cape-Fear.

During the present Summer, the Rev'd Joseph Caldwell, President of our University, was engaged to make a short Survey between New-Hope Creek and Eno River, for the purpose of ascertaining whether these two streams could be united by a navigable Canal, and a communication by water be thus opened between the Town of Hillsborough and the Cape-Fear. His Report of this Survey will be placed in the hands of the Principal Engineer.

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#### *Public Highways.*

The General Assembly has not given to the Commissioners any specific instructions upon the subject of the Public Highways; and they, therefore, do not feel themselves at liberty to do more than to call the attention of the Principal Engineer to this subject generally, as one intimately connected with the Internal Improvements of the State. Turnpike Roads across the Mountains from the head boatable waters of the Yadkin and Catawba, seem to be essential parts of this Improvement.

So also will be a Turnpike Road from the Catawba to the Pedee, should it be found impracticable to unite the waters of those Rivers. The Principal Engineer will examine the face of the country; its soil, its facilities for Turnpikes and Rail Ways, and, in due time, the General Assembly will give instructions on these subjects.

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*Draining of the Swamps and Marshes in the Southern and Eastern parts of the State.*

The same remarks which have been made on the Public Highways are applicable to the draining of the Swamps and Marshes. No instructions have been given to the Commissioners on the subject; but it is so intimately connected with the Internal Improvements of the State, that the attention of the Principal Engineer is particularly invited to it. There is no doubt that the unhealthiness of the Southern and Eastern Counties is to be ascribed, in a great degree, to the noxious exhalations from their Swamps and Marshes. The revenues of the State cannot be applied to a more worthy object than that of improving the health of its inhabitants, and thereby improving their moral and intellectual condition. Those drainings will also reclaim, and subject to the purposes of Agriculture, a large portion of the richest lands in the State. From the experiments which have been made by a few enterprising individuals, near Lake Phelps and Mattamuskeet, no doubt exists, that our Swamp lands are more productive than any others. The draining of these Swamps, and of our Marshes, cannot be done by individuals. The State must lend its aid to effect it. In laying out the routes for Canals, in many parts of the Southern and Eastern Counties, it is probable the Principal Engineer can select routes which will answer the double purpose of Canals and Drains.

A primary part of the Plan of Internal Improvements contemplated by the Legislature, that part which is to give effect to all the others, is the employment of a Civil Engineer of Science and Experience to direct this great work. The Commissioners have employed such an Engineer from that country

which, by Mr. Latrobe, is called "The Academy of Civil Engineers," where the Science of Civil Engineering has attained a perfection unknown in any other country.

Under his direction, the Commissioners hope, the Internal Improvements of the State will progress, with steadiness and judgment, until the wishes of the people on this subject shall be gratified, the resources of the State shall be developed, and her prosperity be established.

Submitted to Hamilton Fulton, Esquire, Principal Engineer for the State of North-Carolina.

A. D. MURPHEY, *Chairman, &c.*

*10th August, 1819.*

STATISTICAL TABLES

SHEWING

THE RESOURCES OF NORTH-CAROLINA;

ALSO THE

*Amount of Direct Taxes, Internal Duties and Customs, received by the General Government from this State since the Year 1791.*

STATEMENT

*Shewing the Gross and Nett Amount of the Customs, together with the Amount of Drawbacks, &c. and expences of Collection, in North-Carolina, from the commencement of the General Government to 1816, inclusive.*

Years.	Gross amount of duties on Merchandise, Tonnage, Fines, Penalties and Forfeitures.		Drawback on Merchandise.		Drawback on Domestic Spirits, Sugars, &c. Bounties and Allowances.		Expences of Prosecution and Collection.		Net Revenue.		
	Dols.	Cts.	Dols.	Cts.	Dols.	Cts.	Dols.	Cts.	Dols.	Cts.	
1791	122,025	37		29	45	141	60	6,843	57	115,010	75
1792	85,648	60		160	98	383	80	7,040	97	78,062	85
1793	70,570	80		80	74	184	50	6,538	64	63,766	92
1794	87,521	05				305	72	8,419	01	78,796	32
1795	109,845	96		1,032	14	211	50	8,725	58	90,876	74
1796	89,774	44		10,421	32	681	76	9,922	21	68,749	13
1797	119,857	23		1,254	20	224	43	13,071	43	105,307	17
1798	142,030	21		5,804	12	529	59	14,715	33	120,969	17
1799	178,072	30		2,524	71	720	15	20,403	43	154,424	01
1800	159,502	51		4,555	08	993	60	27,492	56	126,461	27
1801	147,847	28		1,507	95	1,712	90	19,498	22	125,128	21
1802	287,068	64		2,742	38	3,033	69	28,895	25	252,397	32
1803	192,207	91		1,785	97	2,184	37	28,272	38	159,965	19
1804	216,172	75		3,754	68	2,363	33	23,424	78	186,639	96
1805	200,935	97		10,646	93	1,473	22	23,547	78	165,268	04
1806	230,385	45		2,011	56	1,232	77	25,065	89	202,055	23
1807	218,964	88		5,921	78	938		15,712	13	196,392	97
1808	51,894	05		2,390	22	291	15	32,294	19	16,918	49
1809	87,297	57						22,069	82	65,227	75
1810	81,425	39		4,185	55			18,993	71	58,246	13
1811	71,628	89		588	05			26,174	75	44,866	09
1812	65,204	69		890	75			18,003	43	46,320	51
1813	477,068	27		497	24			20,092	22	456,478	81
1814	378,229	30		480	15			32,655	86	345,093	29
1815	375,804	03		3,860	78			26,739	22	345,224	03
1816	287,704	48		15,064	46		12	28,185	71	244,422	31

STATEMENT

*Shewing the Gross Revenues which accrued from the Internal Duties, from 1794, to December 1801.*

Year.	Spirits and Stills.		Sales at Auction.		Carriages.		Retailer's Licences.		Stamps.		Amount payable.	
	Dls.	Cts.	Dls.	Cts.	Dls.	Cts.	Dls.	Cts.	Dls.	Cts.	Dls.	Cts.
1795...	16,086	14	477	57	1,679	00	1,368	12½	-----	-----	18,102	69½
1796...	16,163	96	58	32	1,817	00	1,025	00	-----	-----	19,054	28
1797...	27,814	61	199	76	3,695	41	1,175	00	-----	-----	32,884	78
1798...	21,186	16½	102	31	4,030	35	2,115	00	5,801	89	32,215	71½
1799...	34,756	25	239	40	4,534	91	2,755	00	6,284	01	48,549	57
1800...	32,913	71	348	79	4,834	03	2,555	00	5,828	38	46,479	01
1801...	18,174	90	372	43	5,005	48	2,320	00	6,603	42	32,476	23

STATEMENT

*Shewing the Internal Duties which accrued in the Year 1814.*

Licences for Stills & Boilers employed in distilling from domestic materials.	Carriages.	Licences to Retailers.	Sales at Auction.	Stamped paper and Bank notes.	Paid by banks in lieu of Stamps on Notes.
Dls.	Dls.	Dls.	Dls.	Dls.	Dls.
Cts.	Cts.	Cts.	Cts.	Cts.	Cts.
87,738	14,147	23,985	1,237	9,132	1,865
22	44	00	62	80	94



**STATEMENT**  
*Shewing the amount of Internal Duties which accrued in 1815 and 1816.*

Licences for Stills & Boilers employed in Distilling from Domestic materials.		Domestic materials at 20 cents per gallon.		Domestic materials at 25 cents per gallon.		Carriages.		Licences to Retailers.		Sales at Auction.		Stamped paper and Bank notes.		Paid by Banks in lieu of Stamp Duties.		Goods &c manufactured, &c.		Interest & additions received on duties not punctually paid.	
<i>Dols.</i>	<i>Cts.</i>	<i>Dols.</i>	<i>Cts.</i>	<i>Dols.</i>	<i>Cts.</i>	<i>Dols.</i>	<i>Cts.</i>	<i>Dols.</i>	<i>Cts.</i>	<i>Dols.</i>	<i>Cts.</i>	<i>Dols.</i>	<i>Cts.</i>	<i>Dols.</i>	<i>Cts.</i>	<i>Dols.</i>	<i>Cts.</i>	<i>Dols.</i>	<i>Cts.</i>
1815	13,353 81	21,061 11	175,922 07	8,907 05	32,967 98	3,734 47	11,909 15	2,552 40	12,801 23	12,801 23	2,080 25								
1816	21,256 28	10,710 53	61,163 20	7,382 18	28,221 83	4,844 26	12,972 36	3,409 90	4,518 92	3,409 90	1,491 40								

U. States' moiety of Fines, Forfeitures & Penalties recovered.		Total Duties received by Collector.		Expenses of Household Furniture.	
<i>Dols.</i>	<i>Cts.</i>	<i>Dols.</i>	<i>Cts.</i>	<i>Dols.</i>	<i>Cts.</i>
284 98		569,432 26		38,198 43	
17 18		210,903 42		13,567 94	
				.....	5,404 74

STATEMENT

*Of the amount of Duties which accrued on Manufactured articles from the 18th April, 1815, to the 22d February, 1816, being the period during which these Duties were in force.*

Iron.	Nails, Brads & Sprigs.	Candles.	Hats, Caps & Bonnets.	Paper.	Saddles & Bridles.	Boots & Bootees.	Beer, Ale & Porter.
D. C. 762 06	D. C. 229 73½	D. C. 11 45½	D. C. 3,641 49	D. C. 192 16	D. C. 4,207 38	D. C. 806 84	D. C. 3 23

Tobacco, Segars, Snuff.	Leather.	Gold, Silver & Plated Ware.	Total amount.
D. C. 690 82	D. C. 4,934 01	D. C. 459 91	D. C. 15,989 10

STATEMENT

*Of the payments made by North-Carolina, on account of the Direct Tax, laid in 1798, 1813 and 1815.*

Quota.	Amount of the Assessment.	Charges of Collection.	Payments in to the Treasury to the 30th Sept. 1809.	Balance due 30th Sept. 1809.	
	Dls. Cts.	Dls. Cts.	Dls. Cts.	Dls. Cts.	
Per act of 1798,	193,897 96	191,063 54	13,308 85	170,316 33	7,438 36
Per act of 1813,	220,238 28	220,959 92	13,774 52	206,480 42	1 07
Per act of 1815,	440,476 56	-----	20,036 72	371,306 17	-----

COMMERCE OF NORTH-CAROLINA.

*Statement of the value of the exports from North-Carolina from 1st October, 1790, to 30th September, 1817.*

Years.			Years.	Domestic Produce.	Foreign Produce.
	<i>Dlls. Cts.</i>			<i>Dlls. Cts.</i>	<i>Dlls. Cts.</i>
1791.....	524,548		1803.....	926,318	26,966
2.....	527,900		4.....	919,545	9,142
3.....	365,414		5.....	767,434	12,469
4.....	321,587		6.....	786,029	3,576
5.....	492,161		7.....	740,933	4,229
6.....	671,487		8.....	117,129	
7.....	540,901		9.....	322,834	160
8.....	537,810		1810.....	401,465	2,484
9.....	485,921		1.....	793,975	4,001
1800.....	769,799		2.....	489,219	
1.....	874,884		3.....	795,510	1,848
2.....	659,390		4.....	362,446	
			5.....	1,012,967	975
			6.....	1,328,271	464
			7.....	965,211	1,369

STATEMENT

*Of the value of Exports of Domestic Produce from each of the Ports of North-Carolina, during the year ending the 30th September, 1816.*

	<i>Dlls. Cts.</i>
Wilmington, .....	1,061,112 00
Newbern, .....	84,281
Washington, .....	33,933
Edenton, .....	71,484
Camden, .....	12,982
Plymouth, .....	36,314
Ocracocke, .....	28,165
Total, .....	1,328,271

*Registered Tonnage of North-Carolina employed in Foreign Trade.*

Years.	Tons.	Years.	Tons.	Years.	Tons.	Years.	Tons.
1790...	20,671	1797..	19,645	1804..	18,908	1811..	17,114
1...	23,245	8..	18,603	5..	22,676	2..	15,243
2...	26,844	9..	19,214	6..	22,180	3..	14,807
3...	10,167	1800..	20,949	7..	21,894	4..	17,840
4...	14,438	1..	21,812	8..	16,623	5..	25,826
5...	12,601	2..	21,399	9..	23,161	6..	20,267
6...	15,515	3..	21,063	1810..	26,472		

Vessels employed in Foreign trade, are registered by the Collectors of the district where such vessels belong, and certificates of registry are granted to the owners.

STATEMENT

*Of the Enrolled Tonnage of North Carolina employed in the Coasting Trade.*

Years.	Tons.	Years.	Tons.	Years.	Tons.	Years.	Tons.
1790...	6,553	1797..	6,651	1804..	9,073	1811..	10,794
1...	7,269	8..	5,700	5..	9,066	2..	12,869
2...	6,976	9..	6,147	6..	9,091	3..	12,334
3...	2,764	1800..	6,823	7..	9,802	4..	11,363
4...	4,368	1..	6,061	8..	11,377	5..	11,951
5...	3,600	2..	7,200	9..	10,640	6..	13,184
6...	4,531	3..	8,139	1810..	10,562		

Vessels employed in the Coasting Trade must be enrolled or licenced by the Collectors of the District where they belong, and the enrollment or licence specifies the tonnage of the vessel.

STATEMENT

*Of the Licenced Vessels under twenty Tons employed in the Coasting Trade.*

Years.	Tons.	Years.	Tons.	Years.	Tons.	Years.	Tons.	Years.	Tons.	Years.	Tons.
1793...	1,115	1797..	1,914	1801..	1,983	1805..	2,426	1809..	2,970	1813..	2,936
4...	1,737	8..	1,913	2..	2,004	6..	2,471	1810..	2,920	4..	3,261
5...	1,778	9..	2,011	3..	2,241	7..	2,637	1..	2,902	5..	3,234
6...	1,980	1800..	1,947	4..	2,239	8..	2,860	2..	2,916	6..	3,103

COMMERCE OF THE CAPE-FEAR.

STATEMENT

*Of the value of Exports of Domestic Produce from the Port of  
Wilmington, for six months, commencing 1st October, 1815,  
and ending the 31st March, 1816.*

PRODUCE OF THE FOREST.

Lumber. (Boards, hewn Timber, Staves, Shingles, &c.).....\$157,200  
Naval Stores. (Tar, Turpentine, Rosin, Pitch, &c.)..... 131.

PRODUCE OF AGRICULTURE.

Live Cattle—Horses, Hogs, Bacon Hams, &c..... 4,900  
Wheat, Flour, Indian Corn Meal..... 29,500  
Rice ..... 48,000  
Tobacco ..... 92,000  
Cotton ..... 218,000  
Flax Seed ..... 54,000  
Produce Shipped Coastwise..... 380,000

1,112,500

SPECIES OF MERCHANDIZE.

23,650 Barrels of Tar.  
1,100 do. of Turpentine.  
22,500 do. Rosin.  
400 do. Pitch.  
100 do. Varnish.  
250 Casks Spirits of Turpentine.  
2,900 Bales of Cotton.  
1,309 Hhds. of Tobacco.  
220 Casks of Faxseed.  
1,320 Tierces of Rice.  
5,560 Bushels, rough do.  
3,250 Bbls. Flour.  
9,660 Bushels Wheat.  
62 Casks Bees Wax.  
11 Hhds. Tallow.  
150,000 Ft. Flooring Plank.  
13,000 W. O. Hhds. Staves.

*Abstract of Goods, Wares and Merchandize, of the growth, produce and manufacture, of the United States, exported from the Port of Wilmington, N. C. commencing the 1st of October, 1816, and ending the 30th of September, 1817.*

Articles.	Quantity to Foreign Countries.	Quantity shipped Coastwise to other Ports of the United States.
Staves and Heading.....Thousands	2,804	15
Shingles....."	14,424	172
Boards, Plank & Scantling.....M feet	4,931	196
Hewn Timber, (Pine).....Tons	1,763	54
Naval Stores—Tar.....Bbls.	3,975	22,062
Pitch....."	607	2,633
Rosin....."	26	1,534
Turpentine....."	13,456	3,126
Beef....."	426	
Pork....."	16	
Hams and Bacon.....lbs.	12,016	43 boxes, 4 hhds, 3 Tierces, 10 bbls. 786 Pieces & 370 lbs.
Tallow....."		13 bbls. 3 hhds, 8 casks and 1 tierce.
Lard....."	20,293	
Wheat.....Bushels	4,338	820 Casks (of 7 bushels).
Indian Corn....."	22,588	15,523
Flour.....Bbls.	6,341	3,941
Ship Bread....."	434	
Rice.....Tierces	2,362	1,092 tierces & 400 bush. rough.
Flax Seed.....Casks of 7 bushels	1,160	312
Cotton.....lbs.	438,529	1,773 Bales.
Tobacco.....Hhds.	956	790 hhds. 7 bbls. 3 tierces & 11 kegs.
Bees Wax.....lbs.	1,600	1 hhd. and 10 bbls.
Spirits of Turpentine.....gallons	4,492	218 barrels.
Varnish of do.....		56 casks and barrels.
Feathers.....		57 bales and bags.

The total value of Exports to Foreign Countries, comprising, besides the above, sundry domestic articles of minor importance, and a small amount of foreign Goods, during the year commencing the 1st October, 1816, and ending 30th September, 1817, was \$713,961 48

A great variety of articles, not of the product of N. Carolina, and some articles of produce of small importance, are omitted in this Abstract.

No returns being required from Collectors, of Goods shipped Coastwise, the articles are not particularly described, and the quantity and value are not specified in the Manifests delivered in by the Masters of Vessels.

Vessels licensed for the Coasting Trade, going from one State to an adjoining State, are not required by law to enter or clear.

The Manifests of 14 vessels which cleared in the month of March, for different ports in the United States, being mislaid, are not included in the above.

## STATEMENT

*Of Domestic Produce boated from Fayetteville during the year ending 30th September, 1816.*

<i>Species of Produce.</i>	<i>Value.</i>
2,337 hhds. Tobacco .....	\$ 400,000
8,202 bales of Cotton .....	621,900
11,813 bushels of Wheat .....	17,719
10,341 bushels of Corn .....	10,341
5,164 casks Flaxseed .....	77,400
29,761 gallons Spirits .....	23,806
12,962 bbls Flour .....	129,629
Tallow, Wax, Bacon, Furs, Lard, Feathers, &c. ....	50,000
	\$ 1,331,396

In estimating the Prices, reference was had to the valuation at the Custom House, and to the New-York Prices Current of the proper date.

It is very difficult to ascertain correctly the quantity of Domestic Produce shipped from Wilmington, as great part of it is shipped Coastwise, and the Masters of Vessels engaged in the Coasting Trade are not required to specify in their Manifests either the quantity or value of Goods shipped. In the year ending 30th September 1816, there were boated from Fayetteville to Wilmington, for shipment, 2330 hhds. Tobacco. Yet the Books of the Custom House at Wilmington contain an account of only 1309 hhds shipped for that port. More than 1000 hhds were shipped Coastwise, of which no return was made to the Collector.

POPULATION.

*Population of North Carolina at different periods.*

A. D.	1753.	1783.	1790.	1800.	1810.
	45,000	200,000	393,951	478,103	556,500

*Census of North-Carolina in August, 1790.*

Free White Males of 16 years and upwards.	Free White Males under 16 years.	Free White Females.	All other Free persons.	Slaves.	Total.
69,988	77,506	140,710	4,975	100,571	303,951

*Census of North-Carolina in August, 1800.*

FREE WHITE MALES.

Under 10 years.	Of 10 & under 16.	Of 16 and under 25 including heads of families.	Of 25 and under 45 including heads of families.	Of 45 and upwards including heads of families.
63,118	27,073	31,560	31,209	18,688

FREE WHITE FEMALES.

Under 10 years.	Of 10 & under 16.	Of 16 and under 25 including heads of families.	Of 25 and under 45 including heads of families.	Of 45 and upwards including heads of families.	All other free persons, except Indians, not taxed.	Slaves.	Total.
59,074	25,874	32,989	30,665	17,514	7,043	133,296	478,103



*Aggregate amount of each description of persons within North-Carolina, agreeably to the Census taken in the year, 1810.*

**FREE WHITE MALES.**

Under 10 years of age.	Of 10 & under 16.	Of 16 and under 26 including heads of families.	Of 26 and under 45 including heads of families.	Of 45 and upwards including heads of families.
68,036	30,321	34,630	34,456	21,189

**FREE WHITE FEMALES.**

Under 10 years of age.	Of 10 & under 16.	Of 16 & under 26 including heads of families.	Of 26 and under 45 including heads of families.	Of 45 and upwards including heads of families.	All other free persons, except Indians, not taxed.	Slaves.	Total.
65,421	30,053	37,933	33,944	20,427	10,266	168,824	555,500

Names of the Counties.	Whites and other free persons not taxed.	Slaves.	Total.
Anson .....	6,506	2,325	8,831
Ashe .....	3,547	147	3,694
Beaufort .....	4,635	2,568	7,203
Bertie .....	5,158	6,059	11,218
Buncombe .....	8,582	698	9,277
Burke .....	9,674	1,433	11,007
Brunswick .....	2,524	2,254	4,778
Bladen .....	3,696	1,985	5,671
Cabarrus .....	4,924	1,234	6,158
Currituck .....	5,354	1,631	6,985
Columbus .....	2,319	703	3,022
Craven .....	7,626	5,050	12,676
Camden .....	3,936	1,411	5,347
Carteret .....	3,651	1,172	4,823
Chatham .....	9,342	3,635	12,977
Cumberland .....	6,596	2,796	9,392
Caswell .....	7,458	4,299	11,757

Names of the Counties.	Whites and other free persons not taxed.	Slaves.	Total.
Chowan.....	2,508	2,789	5,297
Duplin.....	5,447	2,416	7,863
Edgecombe.....	7,316	5,107	12,423
Franklin.....	4,836	5,330	10,166
Gulford.....	9,963	1,467	11,430
Gates.....	3,175	2,790	5,965
Greene.....	3,025	1,842	4,867
Granville.....	7,830	7,746	15,576
Haywood.....	2,609	171	2,780
Hertford.....	3,247	2,805	6,052
Hyde.....	4,177	1,852	6,029
Halifax.....	8,996	6,624	15,620
Johnston.....	4,497	2,330	6,827
Jones.....	2,563	2,375	4,938
Iredell.....	8,540	2,422	10,962
Lincoln.....	13,870	2,489	16,359
Lenoir.....	3,122	2,440	5,562
Moore.....	5,423	944	6,367
Montgomery.....	6,734	1,696	8,430
Martin.....	3,630	2,357	5,987
Mecklenburg.....	10,778	3,494	14,272
Nash.....	4,371	2,897	7,268
Northampton.....	5,824	7,258	13,082
New-Hanover.....	5,022	6,442	11,464
Onslow.....	4,370	2,299	6,669
Orange.....	15,424	4,701	20,125
Person.....	4,069	2,573	6,642
Pasquotank.....	5,479	2,295	7,774
Perquimons.....	4,035	2,017	6,052
Pitt.....	5,580	3,589	9,169
Randolph.....	9,314	798	10,112
Rutherford.....	12,223	979	13,202
Rockingham.....	8,202	2,114	10,316
Robeson.....	6,188	1,340	7,528
Richmond.....	5,394	1,301	6,695
Rowan.....	17,786	3,757	21,543
Stokes.....	9,899	1,746	11,645
Sampson.....	4,571	2,049	6,620
Surry.....	8,897	1,469	10,366
Tyrrell.....	2,454	910	3,364
Warren.....	4,722	6,282	11,004
Washington.....	2,177	1,287	3,464
Wake.....	11,208	5,878	17,086
Wilkes.....	7,860	1,194	9,054
Wayne.....	5,931	2,756	8,687
	386,676	168,824	555,500

AGRICULTURE.

*Quantity of Land and Number of Dwelling-Houses and Slaves, with their value as assessed for the Direct Tax of 1799.*

LAND.		DWELLING-HOUSES.		SLAVES.
Number of Acres	Valuation.	Number.	Valuation.	Number.
20,956,467	\$ 27,909,479	11,760	\$ 2,932,893	59,968

AMOUNT OF TAX ON

LANDS.	DWELLING-HOUSES.	SLAVES.	TOTAL.
\$ 155,385 96	7,296 67	29,984	192,666 63

Direct Tax of 1799 .....	\$ 192,666 62
Ditto of 1814 .....	230,238 28
Ditto of 1815 .....	440,476 56
	<hr/>
	\$ 863,381 38

STATEMENT

*Of the value of Lands and Slaves in North-Carolina, as assessed for the Direct Tax of 1815.*

<i>Congressional Districts.</i>	<i>Value of Land.</i>	<i>Value of Slaves.</i>	<i>Average value of Land per acre.</i>
Currituck.....	\$343,473	\$348,858	\$2 64
Camden.....	412,618	315,721	3 55
Pasquotank.....	496,342	352,262	4 25
Perquimons.....	563,021	409,211	4 63
Gates.....	544,444	574,944	3 37
Chowan.....	645,380	577,304	6 66
Hertford.....	830,081	676,486	4 18

SECOND DISTRICT.

Bertie.....	1,350,096	1,297,362	3 88
Martin.....	587,503	510,358	3 09
Northampton.....	1,528,862	1,431,848	4 96
Halifax.....	2,061,540	1,858,563	5 43

## THIRD DISTRICT.

<i>Congressional Districts.</i>	<i>Value of Land.</i>	<i>Value of Slaves.</i>	<i>Average value of Land per acre.</i>
Washington.....	\$ 437,512	\$ 262,171	\$2 50
Tyrrel.....	332,014	221,965	2 72
Hyde.....	813,287	489,800	2 39
Pitt.....	1,399,719	880,548	3 94
Edgecomb.....	1,928,572	1,435,450	4 34
Beaufort.....	810,819	568,016	2 44

## FOURTH DISTRICT.

Greene.....	549,244	478,470	3 72
Craven.....	1,787,931	977,391	3 81
Carteret.....	385,131	265,225	2 43
Jones.....	711,020	476,402	3 53
Lenoir.....	724,993	586,328	3 63
Johnston.....	846,965	595,965	1 79
Wayne.....	1,144,620	602,231	3 52

## FIFTH DISTRICT.

Warren.....	1,045,425	1,285,937	3 60
Franklin.....	916,713	979,903	3 32
Nash.....	703,034	766,992	2 15
Granville.....	1,161,448	1,664,355	2 64

## SIXTH DISTRICT.

Onslow.....	605,153	556,185	2 62
New-Hanover.....	1,293,399	1,017,101	3 61
Duplin.....	729,997	799,075	1 53
Sampson.....	769,301	583,291	1 71
Brunswick.....	516,189	468,947	1 17
Bladen.....	554,376	558,619	1 26
Columbus.....	167,964	282,012	85

## SEVENTH DISTRICT.

Cumberland.....	1,293,805	929,975	1 71
Robeson.....	504,103	400,665	1 3
Montgomery.....	519,637	446,184	1 24
Richmond.....	463,992	382,038	1 56
Anson.....	509,548	571,370	1 40
Moore.....	369,029	227,680	1 11

## EIGHTH DISTRICT.

Wake.....	1,721,900	1,501,536	3 5
Orange.....	1,917,993	1,216,347	3 25
Person.....	511,745	661,892	2 41

## NINTH DISTRICT.

Rockingham.....	729,472	568,180	2 33
Caswell.....	786,946	945,755	3
Gulford.....	1,186,254	397,203	3 5
Stokes.....	899,660	502,500	2 38

TENTH DISTRICT.

<i>Congressional Districts.</i>	<i>Value of Land.</i>	<i>Value of Slaves.</i>	<i>Average value of Land per acre.</i>
Rowan.....	\$2,176,720	\$1,179,650	\$2 85
Randolph.....	891,207	254,552	2 18
Chatham.....	1,063,085	795,22	2 11

ELEVENTH DISTRICT.

Lincoln.....	1,285,198	696,960	2 3
Mecklenburg.....	1,309,334	944,894	3 20
Cabarrus.....	640,274	299,216	3 41

TWELFTH DISTRICT.

Buncombe.....	669,069	228,276	1 32
Haywood.....	201,916	62,964	1 28
Burke.....	840,481	442,389	1 34
Rutherford.....	942,914	454,258	1 42

THIRTEENTH DISTRICT.

Surry.....	841,226	335,243	1 60
Wilkes.....	457,253	273,772	1 77
Iredell.....	892,458	638,462	2
Ashe.....	211,321	46,117	1
<b>Total.....</b>	<b>\$53,521,513</b>	<b>40,667,314</b>	

STATEMENT

*Of the value of Lands in North-Carolina as assessed by the Proprietors for the State Tax of 1815.*

<i>Counties.</i>	<i>Acres of Land.</i>	<i>Value.</i>
Anson.....	322,574	\$460,650
Ashe.....	190,647	180,019
Brunswick.....	436,864	378,630
Buncombe.....	379,378	541,722
Beaufort.....	293,898	360,800
Burke.....	513,624	744,425
Bladen.....	475,174	622,301
Bertie.....	326,495	1,452,254
Craven.....	400,820	662,922
Carteret.....	135,242	265,788
Currituck.....	132,004	254,432
Camden.....	114,123	220,133
Caswell.....	250,700	783,379
Chowan.....	92,010	318,816
Chatham.....	485,715	965,763
Cumberland.....	672,747	818,830
Cabarrus.....	152,562	496,739
Columbus.....	220,595	191,238
Duplin.....	404,265	479,443
Edgecombe.....	393,225	1,610,903

<i>Counties.</i>	<i>Acres of Land.</i>	<i>Value.</i>
Franklin.....	266,212	\$ 822,740
Gulford.....	363,400	1,042,704
Gates.....	157,832	157,832
Granville.....	409,422	1,157,859
Greene.....	148,188	380,671
Halifax.....	387,133	1,802,513
Hertford.....	174,024	648,091
Hyde.....	250,300	395,571
Haywood.....	143,930	163,154
Iredell.....	381,547	651,063
Jones.....	258,027	602,786
Johnston.....	470,348	763,252
Lincoln.....	620,150	1,159,314
Lenoir.....	205,372	280,970
Moore.....	312,662	336,885
Montgomery.....	324,068	302,632
Mecklenburg.....	396,382	1,216,582
Martin.....	173,742	518,592
New-Hanover.....	341,533	241,533
Nash.....	322,497	664,557
Northampton.....	305,431	1,521,796
Onslow.....	238,056	522,601
Orange.....	526,622	1,651,742
Person.....	198,963	478,460
Pasquotank.....	106,825	233,228
Pitt.....	317,564	976,152
Perquimons.....	123,702	283,790
Rowan.....	738,175	1,870,142
Randolph.....	371,293	786,020
Rockingham.....	293,150	664,886
Robeson.....	601,584	480,119
Richmond.....	291,592	266,914
Rutherford.....	424,150	719,739
Sampson.....	387,456	606,591
Surry.....	441,092	664,317
Stokes.....	407,282	868,809
Tyrrell.....	149,170	251,599
Washington.....	159,790	292,625
Wilkes.....	246,920	386,347
Warren.....	298,445	1,103,229
Wayne.....	312,626	669,366
Wake.....	551,099	1,486,301
	29,618,170	41,352,014

The following Table will shew the number of Militia in each County, and also the Population represented in the Congress of the United States; which population includes all the Whites and two<sup>1</sup> fifths of the Blacks.

CONGRESSIONAL DISTRICTS.

<i>Counties.</i>	<i>Federal Numbers.</i>	<i>Militia.</i>
Currituck.....	6,333	883
Camden.....	4,793	555
Pasquotank.....	6,776	652
Perquimons.....	5,246	455
Gates.....	4,849	520
Chowan.....	4,182	338
Hertford.....	4,930	640
	<hr/>	<hr/>
	37,099	4,043
<b>SECOND DISTRICT.</b>		
Bertie.....	8,793	787
Martin.....	5,045	520
Northampton.....	10,179	896
Hallfax.....	12,971	847
	<hr/>	<hr/>
	36,990	2,957
<b>THIRD DISTRICT.</b>		
Washington.....	2,950	327
Tyrrell.....	3,000	394
Hyde.....	5,239	595
Pitt.....	7,734	889
Edgecomb.....	10,381	1,090
Beaufort.....	6,176	654
	<hr/>	<hr/>
	35,530	3,939
<b>FOURTH DISTRICT.</b>		
Greene.....	4,131	443
Craven.....	10,656	899
Carteret.....	4,355	400
Lenoir.....	4,018	410
Jones.....	4,596	349
Johnston.....	5,965	908
Wayne.....	7,585	682
	<hr/>	<hr/>
	41,276	4,091
<b>FIFTH DISTRICT.</b>		
Warren.....	8,492	598
Franklin.....	8,034	725
Nash.....	6,110	585
Granville.....	12,478	1,145
	<hr/>	<hr/>
	35,114	3,053
<b>SIXTH DISTRICT.</b>		
Onslow.....	5,750	585
New-Hanover.....	8,889	671
Duplin.....	6,899	677

<sup>1</sup>Three ("the federal ratio").—ED.

<i>Counties.</i>	<i>Federal. Numbers.</i>	<i>Militia.</i>
Sampson.....	5,801	941
Brunswick.....	3,877	311
Bladen.....	4,877	479
Columbus.....	2,741	502
	<hr/>	<hr/>
	28,832	4,166
<b>SEVENTH DISTRICT.</b>		
Cumberland.....	8,264	1,151
Robeson.....	6,992	896
Montgomery.....	7,752	940
Richmond.....	6,175	663
Anson.....	7,901	1,050
Moore.....	5,990	520
	<hr/>	<hr/>
	43,074	5,229
<b>EIGHTH DISTRICT.</b>		
Wake.....	14,735	1,211
Orange.....	18,255	1,941
Person.....	5,613	670
	<hr/>	<hr/>
	38,603	3,822
<b>NINTH DISTRICT.</b>		
Rockingham.....	9,471	1,073
Caswell.....	10,038	932
Guilford.....	10,834	1,191
Stokes.....	10,949	1,242
	<hr/>	<hr/>
	41,290	4,437
<b>TENTH DISTRICT.</b>		
Rowan.....	20,041	2,851
Randolph.....	9,793	1,000
Chatham.....	11,523	1,143
	<hr/>	<hr/>
	41,357	4,994
<b>ELEVENTH DISTRICT.</b>		
Buncombe.....	8,999	1,249
Haywood.....	2,712	357
Burke.....	10,434	1,299
Rutherford.....	12,811	1,601
	<hr/>	<hr/>
	34,956	4,506
<b>TWELFTH DISTRICT.</b>		
Lincoln.....	15,364	1,895
Mecklenburg.....	12,875	1,356
Cabarrus.....	5,665	753
	<hr/>	<hr/>
	33,904	4,004
<b>THIRTEENTH DISTRICT.</b>		
Surry.....	9,779	1,303
Wilkes.....	8,575	951
Iredell.....	10,000	1,274
Ashe.....	3,636	492
	<hr/>	<hr/>
	31,990	4,020



REVENUES OF NORTH-CAROLINA.

The Revenues of North-Carolina are derived from

1. Taxes.
2. Dividends on Bank Stock.
3. Dividends on Navigation Stock.
4. Sales of vacant Lands.

The produce of the Taxes has varied from year to year, as the lists of taxable property, and the amount imposed upon each article, have been increased or diminished by the General Assembly.

The amount of Taxes paid into the Treasury, exclusive of the Tax on Bank Stock, was in

1801.....	\$37,076.85
1802.....	42,624.04
1803.....	42,759.97
1804.....	47,094.75
1805.....	47,951.08
1811.....	52,207.10
1812.....	61,481.60
1814.....	68,803.92
1815.....	84,923.78
1816.....	87,563.84
1817.....	84,701.88

STATEMENT

*Of the amount of Tax paid upon each article of Taxable property for the year 1817.*

Lands.		Polls.		Stores.		Town property.		Stud-Horses.		Taverns.		Pedlars.	
D.	C.	D.	C.	D.	C.	D.	C.	D.	C.	D.	C.	D.	C.
35,528	16	32,027	64	5,531	78	1,834	25	1,282	12	109	85	2,735	34

Gates.		Billiard Tables.		Exhibition of Natural & Artificial curiosities.		Negro Traders.		Bank stock.		Tavern Licences.		Total.	
D.	C.	D.	C.	D.	C.	D.	C.	D.	C.	D.	C.	D.	C.
136	30	564		827	20	1,019	81	13,500		3,463		98,201	88

STATEMENT

*Of the Amount of Taxes paid by each County for the year 1817.*

Counties.	Amount paid.	Counties.	Amount paid.
Anson.....	\$ 904 02	Johnston.....	\$ 1,359 65
Ashe.....	330 62	Lenoir.....	1,159 28
Brunswick.....	680	Lincoln.....	2,069 02
Buncombe.....	815	Montgomery.....	832 70
Beaufort.....	1,249 17	Mecklenburg.....	2,014 52
Burke.....	1,212 54	Martin.....	1,066 94
Bladen.....	999 54	Moore.....	632 08
Bertie.....	2,173 26	New-Hanover.....	2,254 27
Caswell.....	2,388 41	Nash.....	1,232
Carteret.....	479 62	Northampton.....	2,381 47
Currituck.....	723 60	Onslow.....	861 49
Camden.....	752 77	Orange.....	2,988 28
Craven.....	1,872 76	Person.....	1,012 64
Chowan.....	1,137 47	Pasquotank.....	1,086 78
Chatham.....	1,839 76	Pitt.....	1,686 56
Cumberland.....	2,718 04	Perquimons.....	856 24
Cabarrus.....	795 14	Rowan.....	2,850 25
Columbus.....	402 25	Randolph.....	1,212 90
Duplin.....	1,076	Rockingham.....	1,256 15
Edgemcombe.....	2,623 59	Robeson.....	921 24
Franklin.....	1,534	Richmond.....	762 17
Guilford.....	1,648	Rutherford.....	1,076 95
Gates.....	998	Sampson.....	1,080 73
Granville.....	2,967	Surry.....	1,271 89
Greene.....	680	Stokes.....	1,406 94
Halifax.....	2,147 18	Tyrrell.....	563 01
Hertford.....	1,216 39	Wake.....	2,963 82
Hyde.....	765 59	Warren.....	2,191 72
Haywood.....	318 37	Washington.....	776 66
Iredell.....	1,414 62	Wilkes.....	729 66
Jones.....	997 59	Wayne.....	1,410 92

2. REVENUE FROM BANK STOCK.

The State owns

In the Cape-Fear Bank 1250 Shares, equal to.....	\$125,000
In the Bank of Newbern 1250 Shares, equal to.....	125,000
In the State Bank of North-Carolina, 2500 Shares, equal to.....	250,000
5,000 Shares, equal to.....	\$500,000

The Revenue derived from the Bank Stock, when the dividends are 8 per cent. will be as follows—

8 per cent. upon 500,000, is.....	\$40,000
Deduct 4 per cent. paid to the State upon deferred Stock, say upon \$100,000.....	4,000
Total annual Revenue from Bank Stock when the dividends are 8 per cent.....	\$36,000

3. REVENUE FROM NAVIGATION STOCK.

The State has subscribed of the capital Stock of the

Roanoke Navigation Company. ....	\$ 25,000
Yadkin Company .....	25,000
Cape-Fear Company .....	15,000
Neuse Company .....	6,000
Tar River Company .....	8,000
Catawba Company .....	6,000
Lumber River Canal Company.....	20,000
Roanoke and Pamlico Company.....	5,000
Clubfoot and Harlow Creek Company.....	2,500
	\$112,500

For this Stock, partial payments have been made, as they have been required by the respective Companies. No dividends have been made as yet, except one by the Cape-Fear Company, nor will they be made until the works of the Companies shall have progressed considerably. The Charters authorise dividends of 15 per cent.

If the State should be disposed to make her Navigation Stock a source of public Revenue, it will be found more productive than an equal amount of Bank Stock: But much time is required to complete Public Works, and this source of Revenue will not be productive for two or three years.

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4. REVENUE FROM SALES OF VACANT LANDS.

The annual average amount derived from this source, may be estimated at \$4,500

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ANNUAL REVENUE OF THE STATE.

The Produce of the Taxes for 1817 being assumed as the probable amount of the Taxes for succeeding years, the annual Revenue of the State will be as follows—

From Taxes .....	\$ 98,201
From Dividends on Bank Stock .....	36,000
From Entries of Vacant Lands .....	4,500
Total.....	\$138,701

EXPENDITURES.

The disbursements at the Treasury amounted in the year

1800 to.....	\$48,419 20	1809 to.....	\$ 90,381 87
1801 to.....	57,718 87	1810 to.....	74,179 41
1802 to.....	82,895 40	1811 to.....	68,694 55
1803 to.....	57,682 67	1812 to.....	57,508 02
1804 to.....	62,055 93	1813 to.....	80,013 52
1805 to.....	83,499 20	1814 to.....	115,796 75
1806 to.....	63,955 90	1815 to.....	123,372
1807 to.....	61,250	1816 to.....	142,942 74
1808 to.....	61,561 70	1817 to.....	207,081 51

The demands at the Treasury were greatly increased during the years 1814, 1815 and 1816, by the late War. In the year 1817, the Treasury redeemed \$61,781 of Paper Currency, and paid \$62,000 to the Banks of Newbern and Cape-Fear in discharge of the debt which the State owed for Stock in those Banks.

Expenditures at the Treasury may be classed under two heads.

1. On account of the Civil List.
2. On account of the contingent charges of Government.

Disbursements on account of the Civil List for the year 1817, were as follow.

Legislative Department .....	\$28,762 98
Executive do. ....	2,526 32
Judiciary do. ....	13,891 40
Secretary of State .....	1,145 12
Public Printer .....	1,075
Treasury Department .....	2,396 94
Comptroller's do. ....	1,177 57
Adjutant General's do. ....	307 44
	\$51,282 77

The expences of the Judiciary Department will be increased \$6,800 under the act of 1818—

Salary of Judges of Supreme Court.....	\$ 7,500
Increase of salary of Circuit Judges.....	1,200
Salary of Reporter.....	500
	\$ 9,200
Deduct Salaries formerly paid Solicitors.....	2,400
	\$ 6,800
Increase .....	\$ 6,800
This sum of.....	6,800
being added to the Civil List of 1817.....	51,282

will make the total disbursements hereafter on account of the Civil List.....\$58,082

The contingent charges vary from year to year, as the General Assembly authorize expenditures for particular objects—In the year 1818, there were large charges upon the contingent Fund. In the Comptroller's Statement for that year, they are arranged under the following heads.

Contingencies .....	\$ 2,768 28
Court Martial at Newbern.....	381 04
Mrs. J. A. Blakeley.....	400 00
Gen. Washington's Statue.....	3,160 00
State Bank for deferred Payment.....	6,393 74
Roanoke Navigation Company.....	2,500 00
Pensioners .....	340 00
Congressional Election .....	154 97
Presidential Election .....	14 20
Money burnt .....	61,781 29
Public Library .....	304 25
Bank of Cape-Fear .....	31,000 00
Land deficiencies .....	311 01
Sheriff's to settle .....	869 30
Cape-Fear Company .....	3,000 00
Bank of Newbern .....	31,000 00
Neuse Navigation Companies.....	600 00
Inland Navigation .....	5,050 00
Fire Proof Offices .....	2,229 66

\$146,257 74

The largest sums paid out of the contingent fund for the year 1818, cannot be considered as permanent charges. Two items only, to-wit, money burnt and money paid to the Cape-Fear and Newbern Banks, make up the sum of \$123,781.29.

The redemption of the Paper Money may be considered as charged upon the Contingent Fund, and creating an annual charge thereon of \$16,000, (the net amount of Dividends on State Bank Stock at 8 per cent.) until the redemption be completed, which will be within the next five years.

The debt to the Banks of Newbern and Cape-Fear for Stock, has been paid; so that the Contingent Fund may be considered as discharged from \$107,781.29, which were payable out of it in 1818.

This will leave \$38,476.45 as the amount which will be payable out of that fund hereafter, supposing the expenditures to remain the same as in 1818—but the expenditures for Inland Navigation will be increased, and probably other items may be added. It will be safe, however, to estimate the Contingent Charges of Government hereafter, at \$45,000; in which sum will be included all payments to be made for Navigation Stock.

## REVENUE AND EXPENDITURE COMPARED.

The Revenue hereafter, supposing the Taxes to remain as they are, may be estimated at.....	\$138,000
The Expenditures will be	
1. On account of the Civil List.....	\$58,000
2. On account of the Contingent Charges of Government .....	45,000
	<u>          \$103,000</u>
Surplus of Revenue annually.....	\$ 35,000

## VIEW OF THE FINANCES HEREAFTER.

According to the Report of the Treasurer, there were remaining in the Treasury on the 1st November 1818, and subject to be accounted for, the sum of.....	\$125,234 58
Add the Revenue for the year 1818—say.....	138,000 00
	<u>          \$263,234 58</u>
The Expenditures from 1st November 1818, to 1st November 1819, will be—say.....	103,000 00
Leaving in the Treasury on 1st Nov'r, 1819.....	\$160,234 58
Add the Revenue for 1819.....	138,000 00
	<u>          \$298,234 58</u>
Deduct Expenditures for that year.....	103,000 00
Leaving in the Treasury on 1st November 1820.....	\$195,234 58
Add the Revenue for 1820.....	138,000 00
	<u>          \$333,234 58</u>
Deduct Expenditures for that year.....	103,000 00
Leaving in the Treasury on 1st November 1821.....	\$230,234 58
Add the Revenue for 1821.....	138,000 00
	<u>          \$368,234 58</u>
Deduct Expenditures for that year.....	103,000 00
Leaving in the Treasury on 1st November 1822.....	\$265,234 58

This sum will be increased \$35,000 annually, until the Paper money be redeemed; when the annual increase will be \$51,000.

This view of the Finances shews what funds the State has at her disposal without increasing the Taxes.

*Of the ability of the State to provide ample Funds for Internal Improvements.—What Funds she now has at command.*

THE preceding Statistical Tables have been drawn up, to shew

1. The amount of revenue paid *directly* by North-Carolina to the General Government since the adoption of the Federal Constitution.

2. The physical resources of the State.

From these tables a very imperfect idea of the *actual* amount of revenue derived by the General Government from this State, can be formed: For more than two thirds of the imported merchandize sold in North-Carolina, are purchased in New-York, Philadelphia, Baltimore, Richmond, Petersburg, Norfolk and Charleston; and the duties upon this merchandize are paid at the Custom Houses of New-York, Pennsylvania, Maryland, Virginia and South Carolina. There can be little doubt, that the revenue derived by the General Government from North-Carolina, since the adoption of the Federal Constitution, has exceeded twenty millions of dollars. This fact reminds us more sensibly than any other, of the humiliating condition of the State. Whilst we have thus liberally contributed to the support and the aggrandizement of the Union, how have we been viewed by the General Government, or by our Sister States? Have we not been uniformly treated with cold neglect by the one, and open contempt by the others? There is no citizen of the State, whose sensibility is not depraved, who has noticed the passing events of the times, and not suffered a severe mortification from the reflection that such has been our treatment. We have been considered the outcasts of the Union, whose virtue and intelligence gave no claim to the high honors of the Government, and whose integrity was unworthy of a share in its administration. We have planted a colony that has outstripped us in public distinction; we have ceded this colony, with its extensive territory, (now forming a distinguished State,) to the General Government; we have been an obedient and patriotic people; and what have we got in return? We have been honoured by the appointment of one of our citizens to a Foreign Embassy;<sup>1</sup> of another to the Bench of the Su-

<sup>1</sup>General Davle.—[Foot-note in the original pamphlet.]

preme Court of the United States;<sup>1</sup> and of a third, as Comptroller of the Treasury.<sup>2</sup> We have had two miserable Light Houses erected, one at Cape Hatteras, the other at Bald Head, near Smithville; and two wretched Forts built, one at Beaufort, the other at Smithville. Out of the many millions which we have paid, not two hundred thousand have been expended for this State. What has been the cause of this neglect? It is to be found in the supineness and apathy of the State; in its want of pride and character. We are never thought of, until the election of a President of the United States is coming on; and then we are complimented for our *good sense*, our *stern Republicanism*, and devotion to the *good cause*; we are tacked to the Virginia Ticket, and we vote accordingly. When this Farce is over, we are laughed at for a few weeks, and no more remembered until the next election come[s] on, and then the same Farce is acted over again.

De Witt Clinton, the present distinguished Governor of New-York, observes, in one of his Messages to the Legislature of that State, that "character is as important to States as it is to individuals; and the glory of a State is the common property of its citizens." To this we may add the common remark, which is no less true of States than it is of individuals, "that the man who knows not how to respect himself, will not be respected by others." North-Carolina has not, since the year 1784, cultivated a respect for herself, nor has she sought to acquire a character in the Union. She has remained careless and spiritless, until her citizens have formed not only political, but commercial and local feelings with the people of Virginia and South Carolina; feelings which have abstracted their love from North-Carolina, and rendered them much more indifferent to her improvement and greatness, than to the improvement and greatness of those States. If this state of things be suffered by the General Assembly, would it not be better at once to surrender our Charter as an Independent State, and incorporate ourselves with Virginia and South Carolina? It is certainly more honorable for us to form integral parts of our neighboring States, which are respectable & honorable, than to be mere contemptible appendages to them.

<sup>1</sup>Alfred Moore.

<sup>2</sup>John Steele.—[Foot-notes in the original pamphlet.]



Why do we remain in this humiliating condition? No other cause has ever yet been assigned for it in the General Assembly, than that we are too poor to get out of this condition. A view of the resources of the State, will shew to any man of common sense, that this is only an apology to men for not doing their duty; an *off-hand* excuse to weak and timid minds, that can be offered upon all occasions, whilst the true cause is to be found in the want of public spirit, of State pride, and of State feeling. States of inferior resources have rendered themselves not only great, but ornaments of this Republic; they have attracted the esteem of their own citizens and the admiration of foreigners—Why shall we "*not do likewise?*" Why shall a citizen of this State, when traveling in distant countries he be asked, Whence he is from? Answer, That he is from the United States, and be ashamed to say he is from North-Carolina? If the present generation be willing to bear this sad degradation of character, are they willing to entail it upon their children? A good name is a richer inheritance than property; and posterity will venerate much more, those who transmit to them renown and manly virtues, than those who transmit only lands and negro slaves. A conviction of the reproach which we suffer, and the want of encouragement to industry and enterprize, have driven from the State, a large portion of her most useful population. They have gone to meet more congenial souls in the Wilderness of the West, where they have reared up, within a few years, States that have already taken the lead of their Mother Country. Will not all our *useful* population soon follow them, if something be not done to make North-Carolina a desirable place of residence? Society owes its progress to the influence and example of a few individuals; and the loss of one man of enterprize, intelligence and virtue, is a greater loss to the State, than that of five hundred ordinary men. And it may here be asked, who are those who have lately left us? Are they not our most respectable Planters and Farmers, and our most useful Mechanics? Any man who travels through the State, and witnesses the emigration, will answer this question with feelings of sorrow.

Are we not able to improve our condition? We have as much territory as New-York; we have at least two-thirds of her pop-

ulation; we have a more genial climate, and our soil is little, if at all, inferior to hers. She has resolved to unite the Commerce of the Lakes with that of the Atlantic, by the way of the Hudson River; and to execute this Work at the expense of five millions of dollars. She has resolved to make three hundred and fifty-two miles of Canalling, and within the last two years has executed more than one half of the work; she has resolved to impose Taxes to raise the money; and notwithstanding the objections of stock-jobbers, of short-sighted politicians, and of (the most contemptible of all) electioneering Candidates for public favour, the people have paid those taxes with promptitude, and now have the prospect of wealth, convenience and greatness, of which they had no idea when this great work was commenced. Is this State too poor to follow, at least in part, the example of New-York? It certainly is not.

It will be seen, by reference to the preceding Tables, that in the year 1815, the people of North-Carolina paid to the General Government more than nine hundred thousand dollars, for the Direct Tax and Internal Duties, and three hundred and seventy-five thousand dollars for duties on imported goods: and also paid eighty-five thousand dollars for the support of their own State Government. More than a million of dollars were paid in that year for taxes, directly by the Planters, Farmers and Mechanics of the State. We all recollect that these taxes were paid with ease and with promptitude. It will be seen, by reference to the Tables, that in 1814, and 1816, the people of the State paid in each of those years, very large sums for taxes. These Tables illustrate clearly the resources of the State, and the large sums which can be commanded by the Government, without oppression to the people, whenever the situation of the country requires them.—Since the year 1816, we have paid for taxes, exclusive of the Custom House Duties, about eighty thousand dollars annually.

Few men have the courage to impose taxes; and any plan for Internal Improvements which is bottomed upon an increase of the taxes, light as they are, will not be likely to meet with success. This renders it necessary to enquire what resources are at the disposal of the General Assembly, for public works, without resorting to further taxation—These resources are

1. The surplus monies remaining in the Treasury.
2. The lands in the Cherokee Nation of Indians, within our Boundary.
3. The sum of \$160,000 which the Banks of Newbern and Cape-Fear are bound to loan to the State during the continuance of their Charters.

When treating of the finances of the State, a view was given of their present, and future probable condition, for several years. It is very desirable that the annual surplus fund in the Treasury could be increased, by fixing the land-tax at eight cents. It is very immaterial to the land holders whether they pay eight cents or six; but the difference which these sums yield at the Treasury is considerable: and one half of the people do not to this day know that the land tax has been reduced.

The extent of the country possessed by the Cherokee tribe of Indians, and lying within our boundary, is not well known, the limits having never yet been definitely fixed. But it is pretty certain that we own more than a million of acres, which are now in the possession of the Cherokees. The Map of Messrs. Price and Strother does not shew any part of this land. Upon that Map, Pigeon River appears at almost the Western extremity of the State. Haywood Court-House is to the West of Pigeon River, and the dividing line, between the Whites and Cherokees, is fifteen miles to the West of that Court-House. From Haywood Court-House to the South-Western extremity of the State, the distance is computed at eighty miles; but this distance is not well ascertained. Most of this country has lately been purchased from the Cherokees, and they are to surrender the possession by the first day of January next. When roads shall be made through this country, it will be found one of the most valuable sections of the State. On the various branches of the Highwassee, Tennessee, Tuckesegee and Oconeluftee Rivers, are found extensive bottoms, of equal fertility with the Valley of the Yadkin, in Wilkes, and of the Catawba, in Burke. There are extensive bodies of good uplands, having for their growth, Hickory, Post-Oak and Dogwood. A large portion of the country lies well for farming, and the adjacent mountains furnish an inexhaustible range for cattle. The climate is mild and healthy. If a judicious plan be adopted by the General

Assembly for the sale of these lands, they will yield nearly a million of dollars. They are a rich treasure, and should be disposed of to the best advantage. It would be very unwise to hasten the sale of these lands. Let people become acquainted with them, let their value be fairly understood before they be brought into the market. If the General Assembly will cause a good road to be made from Haywood Court-House, through those lands, to the South-Western Boundary of the State, this part of North-Carolina will soon become well known. This road would immediately become the Great Highway from this State and Virginia, to the upper parts of Georgia and Alabama.

It is understood that the best gap for crossing the Blue Ridge, is at the head of Tennessee River, on the route towards Augusta. The Commerce of the Cherokee country will probably take that direction, and the convenience of the Augusta market will certainly add to the value of the lands.

The Banks of Newbern and Cape-Fear are bound by their Charters to loan to the State one-tenth part of their Capital Stock. The Charters have yet fourteen years to run, during all of which time the State can have the use of \$160,000 from those banks.

From this view of the subject, it will be seen, that the resources which the General Assembly have at their command, without resorting to further taxation, exceed a million of dollars. The question now arises, how ought those resources to be applied? If applied to Internal Improvements, to what specific objects, and how ought the expenditure to be apportioned?

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*Of the management and application of the Fund for Internal Improvements.*

Until the Cherokee lands can be sold, the State should, from year to year, as the condition of the Public Works may require, make loans from the Banks; and pledge its faith that the proceeds of the sales of those lands shall be applied to the payment of these loans. The annual surplus money in the Treasury will be more than sufficient to pay the interest of a loan of half a

million of dollars. The Banks will find ample reasons for making extensive loans to the State for Public Works.

1. The money loaned will be expended within the State.
2. The wealth of their dealers, and of the State at large, will be increased.
3. The great object, desirable to all, but particularly to the Banks, will be gained: We shall ship our own productions and have markets at home.

The Banks should make sacrifices to effect this last object. While their paper strays with our Commerce from Charleston to New-York, they will be embarrassed in their business, and, to use a common expression, *often put to their shifts*. When our Commerce shall be concentrated at home, we shall owe our debts at home, and be under no necessity of sending our Bank paper abroad.

The General Assembly should authorise the expenditure of an hundred and fifty thousand dollars annually. It would happen that one half of that sum would not be required within a particular year, and yet a much larger sum be required for the succeeding year. The writer of this Memoir is well convinced, that Public Works, which depend upon the Funds of private men, will not progress in North-Carolina; and that without very liberal appropriations by the General Assembly, most of the Public Works, which have been commenced in the State, will be abandoned. He is well convinced of another fact, although some years ago he thought otherwise, that the State ought to be the sole proprietor of all the Public Works; that her Roads, her Bridges and her Canals ought to be the common property of her citizens; the great highways of the public, free to all who will travel them.

To what objects should the fund for Internal Improvements be applied? These objects are enumerated in the Instructions which have been drawn up for the Principal Engineer. The object which first claimed the attention of the Legislature, and that in which the people have the greatest interest, is the Improvement of our Rivers. To this object it is ardently hoped, liberal appropriations will be made at the ensuing Legislature. These appropriations should be made in aid of the Companies which have been incorporated. Without this aid, there is no

Company in the State, except the Roanoke Company, that can entertain a hope of executing the works for which they were incorporated. These Companies were formed after the late War, during the full tide of business and speculation. Many of the subscribers have become insolvent, many have moved away, others are embarrassed, and all are slow to make payment. These Companies have received very little aid from the rich, independent men of the country.—Men who are *scuffling* for better times, are those who organised the Companies, and who have now the burthen of supporting them: A burthen that every day increases, as subscribers become insolvent, embarrassed or move away—The Roanoke Company will progress, because they are aided by eighty thousand dollars from Virginia and twenty-five thousand from this State; whilst the Yadkin Company, who require much more money to effect the objects of their incorporation, than is required by the Roanoke Company, are aided with only twenty-five thousand dollars from the public, and the Cape-Fear Company with fifteen thousand. The State has reserved the right of increasing her subscription in the Roanoke Company, to eighty thousand dollars; and it would be well to increase the subscription of the State to that amount in the Cape-Fear and Yadkin Companies. This increase of subscription would not enable the Companies to *complete* their Work; but with such aid, they could make great progress and if the money were judiciously expended, they would do much public good. It is therefore proposed, that the State increase her subscriptions so that she shall hold

Of the Stock of the Roanoke Company.....	\$80,000
Do. Cape-Fear Company.....	80,000
Do. Yadkin Company.....	80,000
Do. Catawba Company.....	25,000
Do. Neuse Company.....	25,000
Do. Tar River Company.....	25,000

It is further proposed, that appropriations be made  
 To complete the Clubfoot and Harlowe Creek Canal.  
 For removing obstructions in Broad River.  
 For making a Canal from Roanoke to Tar River and then to  
 the Neuse.

For making Roads across the Mountains and through the Cherokee Country.

For constructing such Public Works as may be found most expedient for bringing to the Cape-Fear, the Commerce of the Pedee and the Catawba.

When our Inlets shall be examined and plans formed for their improvement, let appropriations be made for that object; and let liberal appropriations be made for draining the Marshes and Swamps of the Southern and Eastern Counties.

It is not proposed that all these appropriations should be made at one session of the Assembly: but that an act be passed.

1. For increasing the subscription of the State in all the Navigation Companies.

2. Appropriating a sum not exceeding \$150,000 annually, for seven years, for Internal Improvements.

3. Out of this appropriation payments to be first made to the Navigation Companies of such Instalments as are called for during the year, and the balance to be expended, first in the making of good roads across the Mountains and through the Cherokee Country, and secondly in the execution of such other Public Works as the Legislature shall designate, or the Board of Public Works shall think, the Interests of the State require.

4. To form a Board of Public Works.

5. To place all the Public Works under the general superintendance of this Board, and under the immediate direction of the Principal Engineer—And that no further aid be given to any of the Companies, until they agree that the Works in which they are engaged, shall be placed under the general superintendance of the Board, and the immediate direction of the Principal Engineer.

This plan would give system to the Public Works of the State; and would ensure their speedy execution. Paltry appropriations will do no good: and why shall we wait ten years to complete a Work which can be completed within five? We can as easily appropriate \$150,000, annually, as \$25,000. The difference will never be felt by the people; for it is not proposed to impose upon them any Tax to raise the money. The expenditure of \$150,000 annually for seven years, upon objects of Internal Improvement, will give to North Carolina a new charac-

ter and add an hundred millions to her wealth. If South Carolina can expend \$250,000 per year upon such objects, it is strange, indeed, if we cannot raise \$150,000.

In this plan, and in every plan which may be submitted to the General Assembly, it is and it ought to be, a primary object, to aid the several Navigation Companies. They are destined to perish, and that quickly, without such aid. In the next place, let a few good roads be made across the Mountains, one to extend quite through the Cherokee Country—The people to the West of the Blue Ridge must necessarily depend upon land carriage; and their condition is entitled to peculiar consideration in any general plan of Internal Improvements. It is worthy of remark, that good Roads across the Mountains will not only accommodate our own citizens to the West, but will draw to our markets on the Yadkin and Catawba, a large portion of the trade of East Tennessee, and of several Counties in Virginia.

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#### *Of Roads across the Mountains.*

The Yadkin and the Catawba become boatable within fifteen miles of the foot of the Blue Ridge. In planning Public Roads, Wilkesborough may be taken as the point on the Yadkin, from which they diverge in different directions across the Mountains. One Road runs to the North into the Counties of Grayson and Wythe in Virginia, passing the Blue Ridge at the Elk Spur Gap. Two Roads run to the West; one crossing the Ridge at Reddy's River Gap, passes by Ashe Court-House, and forking, it extends to the North-West into the Counties of Russell and Washington in Virginia, and to the West to Jonesborough in East-Tennessee. The other, called Horton's Turnpike, passes the Ridge at the Deep Gap, and runs through the South-Western parts of Ashe County, on to Jonesborough—another Road leads from Wilkesboro' to the South-West, passes Morganton, and crosses the Ridge at the Swanannoa Gap.—The Mountain can be easily passed at each of these Gaps; and if the Roads were good, the inconvenience of crossing the Mountain would be disregarded. The Roads have been badly laid out; they are badly made, and



the population in many parts is too weak to keep the Roads in even tolerable repair. All these Roads should be made at the public expense. It will not be necessary to make paved Roads: Such is the quality of the soil, that mere ditching on each side, and throwing up the earth in the middle, will make as good Roads as the public convenience requires. It is believed by those who have turned their attention to the subject, that contracts could be made for improving these Roads, in the way suggested, at less than one hundred dollars per mile, upon an average distance of an hundred miles. The Principal Engineer should lay out the route for each Road, and confine the ascent and descent within an angle of five degrees. This can be done at all the Gaps. He should make contracts for the Work, and attend to its execution.—When the Roads are made, the people should be compelled to keep them in a state of good repair. The Principal Engineer should appoint the Overseers and assign their hands. It will be very easy for the Board of Public Works to draw up a system of regulations upon this subject, which will ensure the repair of these Roads.

Any man who will look upon the Map, will at once perceive the extensive trade which thus might be concentrated at Wilkesborough: and these are improvements which will bring the trade of neighbouring States into our own, whilst they, at the same time, accomodate a large portion of our own population, who can be accomodated in no other way by a system of Internal Improvements. All these remarks apply with equal force to the extensive country to the West, the trade of which might be concentrated at the head of Navigation on the Catawba. From that point, run three Roads, one to the middle parts of East-Tennessee, by the way of the Yellow Mountain; another crossing the Blue Ridge at the Swannanoah Gap, passes Buncombe Court-House, and there forking, one prong takes the valley of French Broad River, passes the Warm Springs, and enters East-Tennessee at the Painted Rock: The other turns to the West and leads to Haywood Court-House. This is decidedly the best Road in the State, to the West of the Blue Ridge. It is much better than most of the Roads to the East of the Ridge; and it is said by men acquainted with the country, that it can be extended through the Cherokee Nation, quite to

the South-Western Boundary of the State, and be made as good to the West as it is to the East, except at the point where it crosses the Blue Ridge near the Southern Boundary; and a hope is entertained that a good Gap will there be found as soon as the country can be explored. From the head of Navigation on the Catawba, a third Road runs to the South-West into the county of Rutherford, along which much valuable trade will pass to the Catawba, when that River is made navigable.

There are two other Roads crossing the Blue Ridge, which claim the attention of the General Assembly. One leading from Buncombe Court-House by the Saluda Gap, forms the great Highway to South-Carolina and Georgia, from the Western parts of this State, and Virginia, from Kentucky and the Northern part of Tennessee. It is, perhaps, the most public Road in North-Carolina; and a Traveller is astonished on reaching Buncombe Court-House, (called Morristown on the Map, but now called Asheville) to find people from six States in the Union, in the same Hotel. This is the Road along which the people of Buncombe and Haywood trade to Columbia and Augusta. They will find a market much nearer to them, when the Catawba shall be made navigable.

There is another Road leading from Buncombe Court-House to the South, into Rutherford County. The Mountain in this direction has three Gaps, Mill's to the West, Cooper's in the Middle, and Shelton's to the East. The Mountain is difficult to be passed, both at Mills's and Cooper's Gaps. Shelton's Gap is now in the direct route and is said to be much better; but accidental circumstances have heretofore prevented the Road by this Gap from being attended to. This Road is not so important in a commercial point of view as either of the other Roads which have been treated of; but merits attention, from the consideration, that it would open a communication between portions of our people, who, being separated by a high Mountain, are in a great degree strangers to each other.

*Of the employment of a Principal Engineer.*

The want of a Principal Engineer has caused the waste of an immense sum of money. When the Navigation Companies were first organised, hopes were entertained that an Engineer would be immediately procured; how these hopes were disappointed, year after year, has been heretofore shewn. The State agreed, that if individuals would subscribe the money, she would furnish an Engineer to instruct them in their proceedings and plan their works. The Companies being organised, and public expectation excited, it was thought to be advisable to commence their operations, that the spirit for Improvements might be kept up. They had no man of competent skill to plan or lay out their works; most of the Directors had never seen a Canal or a Lock; none of them knew how a Canal should be made, nor how a Lock should be built; nor did they know how a River was to be sluiced. This was bad enough: But the evil soon became ten times worse. Directors and Stockholders thought upon the same subjects, and each soon began to form plans. In this, as in every thing else which people do not understand, every man had his own plan, and was continually complaining that his plan was not adopted. Directors disagreed, Stockholders divided and formed factions; no one had any confidence in the knowledge of another; and in this way, the Companies have gone on, spending their money, and quarrelling among themselves, until some have become disgusted, and all dissatisfied. There is no man who has witnessed the proceedings of the Companies, who is not thoroughly convinced that it is utterly impossible for the Public Works to progress, without having some man at their head of competent skill to plan, and firmness to execute. Each Company will save more money, annually, by confiding their works to such a man, than the amount of his salary. We rejoice that we have, at length procured such a man; and it is hoped, that the General Assembly will place all the Public Works of the State under his immediate direction—When this is done, they will progress with judgment and economy.

*Of the Boundary of the State to the West.*

This State is bounded by South-Carolina to the South, from the Atlantic Ocean to the Chateaugy River; and thence by Georgia to the line of Tennessee. The Boundary-line to the South remained a subject of dispute with South-Carolina for more than forty years. It was finally settled a few years ago, by Gen. Montfort Stokes, Gen. John Steele, and Robert Burton, Esquire, Commissioners on the part of this State, and Governor Middleton, Gen. Blassingham and Doctor Blythe, Commissioners on the part of South-Carolina, assisted by Dr. Caldwell, of our University, and Mr. Blackburn of the University of Columbia. The thirty-fifth degree of North Latitude was to be the dividing line; but on reaching the Blue Ridge, it was discovered that this parallel of latitude crossed the Ridge at several places; and the Commissioners having discretionary powers, agreed to make the summit of the ridge, the dividing line. This line terminated on the Chateaugy River, at a point where Mr. Ellicott, who had been employed by the State of Georgia for that purpose, had ascertained the thirty-fifth degree of North Latitude crossed that River. He had here placed a rock, for the North-Eastern corner of the State of Georgia. It remained for us to settle definitely with Georgia, our Boundary, from this rock to the line of Tennessee. Until Mr. Ellicott determined the thirty-fifth degree of North Latitude, Georgia claimed a large portion of the County of Buncombe, and erected a County by the name of Walton, in that quarter, and organised its civil administration. Many very unpleasant occurrences grew out of this act of Georgia; but they were all finally settled by Mr. Ellicott. During the present year, the Commissioners appointed by the two States have run and marked the line on the thirty-fifth degree of Latitude, to the point where Tennessee sets up a claim. This line has crossed the Blue Ridge in several places, leaving to one State large Coves at the heads of Rivers, which policy seems to require should belong to the other. The head waters of the Tugalo, the Chatahouchy and the Turura, are left to North-Carolina, and the head waters of the Tennessee and some other streams are left to Georgia, with the Blue Ridge dividing them from all the rest of the State. The Commissioners had no discretionary powers to fix the Boundary

any where else than on the thirty-fifth degree of Latitude. It would certainly be to the interest of both States to make the summit of the Blue Ridge the dividing line; and it would be desirable, if Georgia would accede to this proposition, to appoint the same Gentlemen, Jesse Franklin, General Thomas Love and James Mebane, Esquires, on the part of this State, to run and mark the line with the Commissioners of Georgia, on the summit of the Ridge.

Our Western Boundary remains yet to be settled with Tennessee. The difficulty upon this subject grows out of the Cession Act of 1789, when that act is applied to the country West of the Highwassee River. The Unica Mountain terminates at this River; it there loses its distinctive name. The act of Cession declares that the line shall run from the Unica Mountain "along the main ridge of Mountains to the Southern Boundary of the State." In 1789, this part of the country was almost unknown, except to the Indians and to Hunters. Tennessee now alleges that there is no "main ridge of Mountains" west of the Highwassee, which crosses the Southern Boundary of this State: That there is a ridge on the East of Highwassee, extending from the Unica Mountain to the Blue Ridge, and that this Ridge must be pursued, otherwise we shall find no Ridge which will lead to the Southern Boundary. This Ridge is evidently *lateral* to the main Ridges of Mountains, and is only a Spur of these main Ridges. If the claim of Tennessee be well founded, we shall lose the most valuable part of the Cherokee Country; that part which is watered by the head branches of the Highwassee River. The claim of Tennessee is in opposition to the understanding of people acquainted with that part of the country, ever since the act of Cession. It is very desirable that this claim be adjusted and the Boundary settled as quickly as possible.

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*Of our Sea Coast, and the formation of Alluvial Lands.*

An opinion is entertained by many men who have attended to the physical history of our Globe, that the quantity of its waters are constantly diminishing. This opinion is founded on obser-

vations which have been made upon narrow seas, and the Lakes and Rivers of Continents. The waters in the Sea or rather Gulph of Bothnia, have been ascertained, by a long series of observations, to subside, regularly, between three and four feet in every century. The Lakes of Continents have been observed gradually to lessen in size, and the water in Rivers to diminish in quantity, as the forest is cleared away, and the climate ameliorated by the cultivation of the soil. From the regular subsidence of the water in narrow seas, where accurate observations can be made, an opinion is entertained, that a like subsidence takes place in the Oceans with which those narrow Seas are connected. From what causes this subsidence takes place, whether from an actual diminution of the waters of the globe, or from the gradual deepening of the bed of the Ocean by the agitation of its waters and the force of those strong currents which sweep across in different directions, is not material to the present subject. It is very evident, that from the Gulph of Florida to the Chesapeake, a tract of country extending sixty miles, generally, from the Ocean, is of very recent formation. In North-Carolina, great part of this country is not yet elevated fifteen feet above the level of the Ocean, much of it, not ten feet. This part of the continent is evidently extending itself to the East; it is checked in its progress by the Gulf Stream, and subjected by this stream to continual changes. It is further subject to change by the constant accumulation of alluvial earth, brought down our Rivers and deposited near their mouths. The change produced by this cause upon our Coast, is not so rapid, and therefore not so much noticed, as on the coasts of narrow Seas which have little or no tides.

Major Rennell, in his work on "the Geographical System of Herodotus," has explained the formation of the Delta of Egypt; and in this explanation, has illustrated the general principles of alluvial formations. His observations on this subject will be found interesting to those who are acquainted with our Coast, and have noticed its changes. His observations are as follow.

"No doubt when we carry back our ideas to the time when the sea washed the base of the rock, on which the Pyramids of Memphis stand, the present base of which is washed by the inundation of the Nile, at an elevation, most probably, of sev-

enty or eighty feet above the surface of the same sea, we are lost in the contemplation of the vast interval of time, that must necessarily have elapsed, since the foundation of the Delta was first laid. But, appearances speak too clear a language to be misunderstood; and we are borne out in the supposition that the Delta has been formed piece meal, by a process which we shall now endeavor to describe—The following may accordingly be taken, as a specimen of the progress of Alluvion; and which may be seen in all the different stages of the process, at the mouth of any large River that deposits rapidly and plentifully.

“All Rivers preserve, to a certain extent of space, which is proportioned to the velocity of their streams, a current of water into the sea, beyond the points of land that form their Embouchures; when by the continued resistance of the sea, they at last lose their motion. The mud and land suspended in these waters during their motion, are deposited when that motion ceases; or rather, they are gradually deposited, as the current slackens, according to the gravity of the substances that are suspended. This deposition, then, will form a bank or shallow, in the sea; and which will be of a Fan-like shape, consistently with the form, in which the water of the River disperses itself. This bank is of very considerable breadth, and of course, is constantly on the increase in height, as well as extension; and the additions made to its breadth will be on the side towards the sea. Until the bank rises up near to the surface, the river water which is poured continually into the sea, escapes freely over it; but when the bank has risen so high, as to inclose the water in a kind of Lake it is then compelled to force its way through the bank; although the passage will be both narrow and shallow, whilst the bank remains under water. This passage is technically named a Bar; for such it is, in respect of the channel of the River, although it be the deepest part of the entrance to it.

“The position of this opening through the bank, will be regulated by the direction of the stream of the River, at its termination in the sea; and this direction again, by the prevalent motion of the sea along the coast; the mouth of the River always falling obliquely into the line of the sea current. Accordingly, when the River enters the sea obliquely, the bar will be at one side of the bank; and on that side which is the farthest down,

in respect of the sea current. But if the River enter the sea, in a line perpendicular to its shore, the opening or bar will be through the middle of the Bank.

“As the bank rises to the surface, the opening increases in depth and width, until it becomes absolutely a continuation of the course of the River; since its waters require the same breadth and depth to escape here, as in the upper parts of its course. And thus the upper part of the bank becomes gradually a portion of the firm land, whilst the outer part goes on accumulating, and the bar is gradually removed further out; in effect, there will be a repetition of the same order of things. And hence it will clearly appear, that the bank thus laid in the current of the River, is, in reality, the germ of the growing alluvion.

“The bars are usually swept away every season, by the periodical flood: which, although it cannot rise to a higher level than the sea, is increased in velocity, by the increase of the body of water, above; and also by that of its descent: as the flood swells to a greater height above, and therefore forms a slope towards the sea. These floods also bring the greatest addition to the growing alluvion; and not unfrequently, change the direction of the channel, and with it, of course, the position of the bar; their depositions being laid farther out in the sea, by reason of the greater velocity of the current.

“Having endeavored to explain the mode in which the alluvion gains on the sea, we shall next endeavour to explain the manner in which the changes and modifications of the existing alluvions are wrought.

“The alluvions thus formed in the sea, are, in their original state, flat, and are also on a level with the ordinary surface of the sea; but as the surge repels that part of the deposited matter, which rises to the surface, it will be raised somewhat above the level: and as this agency has regularly operated on all the new-made alluvion, it must have formed one continued level, but for the interposition of the periodical floods, which have formed it into a regular slope, corresponding with their own.

“As the alluvion then, is extended into the sea, so is its level gradually raised into a slope: an operation that is constantly going forward, but which cannot keep pace with the extension, because every addition to it occasions a deficiency in the slope.



“Until the new formed alluvion was considerably raised, it must have partaken very much of the character given it by Herodotus; who says, that in ancient times, ‘The whole of Egypt, except the province of Thebes, was one extended marsh; and when the Nile rose to the height of eight cubits, all the lands above Memphis were overflowed.’ These traditions clearly point to a state of things that had existed, although probably at a period too remote to be fixed: For there must have been a time when the Delta was not only a marsh, but was even covered with water; and when the sea must have advanced so near to the scite of Memphis, as to allow the annual flood to rise no higher than eight cubits, or twelve to fourteen feet at that place. Herodotus remarks, that it rose fifteen or sixteen cubits in his time; which was the natural progress of things, as the point of contact of the land waters, and those of the sea was removed further out.

“So long as the alluvion of the Delta remained in the state of a marsh, the waters of the Nile, through the want of declivity to carry them off, and the pressure of the sea water from without, when the River was low, may be supposed to have formed a tissue of Canals, interspersed with Lakes and Marshes—But when the land began to acquire some solidity in the upper parts of the Delta, Canals, in the nature of drains, would be formed by the hands of man, and Dykes raised along the banks of Rivers, in order to exclude the redundant waters from the appropriated lands. And this is probably the period referred to by Herodotus, when he describes ‘the vast and numerous Canals by which Egypt is intersected;’ and which he attributes to Sesostris. He was also told that the same Prince made a regular distribution of the lands of Egypt, assigning to each Egyptian a square piece of ground: and that his revenues were drawn from the rent which every individual annually paid him.

“As the land rose by depositions, the waters would naturally confine themselves to fewer channels; since the land in a firmer state, would require a greater force to divide it. At a time when the upper part of the Delta had acquired a degree of firmness and elevation, we learn from Herodotus, that three natural channels conveyed the waters of the Nile to the neighborhood of

the sea: a quarter in which the alluvial land must ever be regarded as in an imperfect state of formation. At present, two only convey those waters to the same quarter, during the season when the River is not swollen; and one of these is growing shallow—Can it be doubted, then, that a Delta is (comparatively speaking) land in an imperfect state of formation; that the natural progress towards completion, is that of the Rivers, confining itself to fewer channels: and that the inundation, from being a complete mass of water, spread uniformly over the country, becomes merely an overflowing of the River, extending to a certain distance, and forming the country adjacent to each bank, into a slope of several miles in breadth, of which the highest part is the crest of the bank itself, from the circumstance of its depositing more sediment near the bank, than at a distance from it?—But as long as the alluvion continued too flat to communicate a sufficient velocity to the River, when in its low state, it would continue to separate itself into many different streams, although one of them would probably surpass all the rest in bulk. On the above principles, then, as the greater slope extends itself downwards, the Delta ought to retire from it; or in other words, the River, in its course through the high level, should flow unique; and the base of the Delta should gradually contract; and this satisfactorily appears to have been the case.”

These observations of Major Rennell explain the manner in which the Southern and Eastern parts of this State have been formed; and they will aid us in forming opinions as to the future probable condition of the Inlets on our Coast. This subject has received new illustrations from Monsieur Proney, Director General of the Public Works of France. Some time ago, he visited Italy by direction of the late Emperor, to view the Pontine Marshes near Rome, and report upon the practicability of draining them. Whilst in Italy, his attention was also directed to the Rivers of that country, particularly the Adige and Po. He published an Essay upon the alluvions of the Rivers of Italy, which Monsieur Cuivier has annexed to his work on the Theory of the Earth. This Essay contains facts and reasonings which will be found highly interesting to men engaged in public works, on a coast that is affected by alluvions.

FINIS.

*Colonel William Polk's Account of the First Revolutionary Movements in North Carolina.*<sup>1</sup>

The first revolutionary movements in this State as far as recollection serves were almost simultaneous throughout the same; yet there were sections in which the zeal for the common cause and opposition to the right of G. Britain to impose taxes upon the Colonies and regulate the internal policy thereof, had taken deeper root and was nourished by the popular leaders, so as to take a lead in the measures to be adopted. It was in the Sea Port towns the proposition for a convention began, under the influence of Harnett, Howe, Hooper, the Moores and Ashes at Wilmington; Nash, Coor, Leech and Cogdell at Newbern, S. Johnston, Hughes, Harvey and others at Edenton, aided in the interior by Caswell, Blount, W[hitme]l Hill, Willie and Allen Jones, Williams, Person, Penn, Bourke, Hart, Kinchen, Martin, Southerland, Rutherford, Locke, Sharpe, Polk, Phifer, Alexanders, Spencer, Wade, Rowan, Owen, Kenan, Dicksons and others. The Convention met on the 27th of August 1774 at Newbern, and appointed John Harvey their President; the Speaker of the House of Assembly under the Colonial Govt. It was at this Convention; three Delegates were elected to meet at Philadelphia a general Congress from all the States—William Hooper, Joseph Hughes and Rd. Caswell were elected, and served for one year; when John Penn at a Convention held at Hillsb[or]o Augt. 1775 was elected in the place of Rd. Caswell, appointed Treasurer of the Southern District.

It was not untill about the meeting of the Delegates in Augt. 1775 the idea of self government had been entertained but by a

<sup>1</sup>A. D. S., with initials only, "W. P." New York Public Library, Emmet Collection, No. 1493. This MS. was transmitted to Murphey with Polk's letter of Aug. 18, 1819. (See vol. I., p. 153.) It was published in revised form by Murphey in the *Hillsborough Recorder* in March, 1821, from which it was copied in part in F. X. Martin's *History of N. C.* (New Orleans, 1829), I. See Hoyt's *The Mecklenburg Declaration of Independence*, Chap. X., where the so-called Martin Copy of the Mecklenburg Declaration is discussed. It has been printed from the original MS. in *The Collector: An Historical Magazine for Autograph Collectors* (New York), III. (1889) 52-55, and in Hoyt's *The Mecklenburg Declaration of Independence*, pp. 184-193, 281-284. For an abbreviated form prepared by Murphey for use in his proposed history of North Carolina, see the last mentioned book, pp. 196-197, 199-200.

few of the leading characters; at this Session there was two Regiments of Infantry ordered to be raised on the Continental establishment—three Regiments of Minute men; a Committee of safety; and the members who should compose it—regulations for the administration of Justice under the authority of the State Congress—appointment of Militia Officers in the several Counties—means for purchasing powder Lead, and making of salt petre. At this Session a Test was required of each Member; professing allegiance to the King and the constitutional power of the Govt.; but declaring at the same time most solemnly and absolutely that neither the Parliament, nor any constituent branch thereof have a Right to impose taxes; and that all attempts by fraud or force to exercise such powers are violations and ought to be resisted to the utmost: and further that the *People* singly and collectively are bound by the Acts of the Continental and Provincial Congresses; because *they* are freely represented there by persons of their own choice—they further solemnly and sincerely promise and engage, under the sanction of Virtue, Honour, and sacred Love of liberty and Country; to maintain and support all and every act resolution and regulation of the said Congresses. To this test the Members present subscribed to the number of 181; of which number there are only 7 now living viz. Thomas Henderson of Rockenham, Jos. Williams of Surry, Ransome Southerland of Wake, Waightstill Avery of Burke, James Houston of Iredell and Thos. Gray and James Glasgow now of Tennessee. But in no part of the Province was there such opposition to the usurped acts of the British Govt., nor so great a love of liberty and country manifested as in the County of Mecklenburg: In the months of March and April 1775 the influential characters in the County held meetings to ascertain the sense of the people and to reason with them on the propriety of opposition to the right claimed by the British Parliament to impose taxes and regulate the internal policy of the Colonies. At one of these meetings when it was ascertained the People were prepared to meet their wishes it was agreed that Thomas Polk then Col. comdt. of the County; should issue an order directed to each Captain of the Regiment, requiring them to call a company meeting and to elect two delegates from each company to represent them in Committee at

Charlotte on the 19th. of May 1775 giving to the Delegates full and ample power to adopt such measures as to them should seem best calculated to promote the common cause; to defend the country against British usurpation and slavery, and aid our Brethren in Massachusetts. Agreeably to the order aforesaid; delegates from every Captains compy. in the County (and which at that time comprehended the County of Cabarrus) met at Charlotte with powers as ample as had been required. When the Delegates had taken their seats in the Ct. House was nominated and appointed Chairman, and Doctor Ephraim Brevard Secretary. It had been agreed by those at whose instance the convention met that the Revd. Hezekiah James Balch, Doctr. Eph. Brevard and Wm. Kennon Esq an Atto. and man of considerable oratorical powers, should open the business by discanting on the causes which had led to the existing contest and the result, which would inevitably follow, unless met by a firm manly and energetic resistance. To aid the end which the leaders had in view, it fortunately happened that on the day of the meeting the news of the action at Lexington reached them; fought on the 19th of April; which gave a fair and fortunate opportunity for those who were inclined to urge the propriety of dissolving the union between the mother country and the Colonies and to assume a Republican form of Govt. which was the great object of the Leaders. The speakers acquitted themselves on the several subjects on which they spoke remarkably well and with great effect not only on the Delegates, but a numerous assemblage of the People of the County led together from the novelty of the meeting—when after a few observations by several of the popular Delegates; it was echoed from every quarter let us be Independent; let us declare ourselves free and Independent and we will defend it with our lives and fortunes. A Committee was immediately raised for the purpose of drafting Resolutions in obedience to the wish of the Delegates and the People present—who soon returned with the following which had been prepared some days before from the pen of Doctor Brevard:

Resolved That, whosoever directly or indirectly abets or in any way form or manner, countenances the unchartered and dan-

gerous invasion of our rights as claimed by Gt. Britain; is an enemy to this country, to America and to the inherent rights of Man.

Resolved, That We the Citizens of Mecklenburg County do hereby dissolve the political bonds which have connected us with the mother country; and do hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection contract or association with that Nation who have wantonly trampled on our rights and liberties and inhumanly shed the innocent blood of our American Patriots at Lexington.

Resolved, That we do hereby declare ourselves a free and independent People are and of right ought to be a sovereign and self governing association under the power of God and the general Congress; to the maintainance of which Independence we solemnly pledge to each other, our mutual cooperation, our lives our fortunes and our most sacred honor.

Resolved, That as we now acknowledge the existence and controul of no law or legal officer civil or military within this county; we do hereby ordain and adopt as a rule of life, all and each of our former laws, wherin nevertheless the Crown of G. B. never can be considered as holding rights, priviledges immunities or authority therein.

Resolved, That and it is further decreed that all, each and every Military Officer in this County is hereby reinstated in his former command and authority, he acting conformably to these regulations: and that every member present of this delegation shall henceforth be a civil officer viz a Justice of the Peace in the character of a Committee man, to issue process, hear and determine all matters of controversy according to said adopted Laws, to preserve Peace, union and harmony in sd. County: and to use every exertion to spread the love of liberty and of country througth America untill a more general and organised government be established in this Province.

Resolved, That the foregoing resolutions, be adopted which was accordingly done unanimously, and that the Delagates sign their names to the same.

It was also resolved, that a copy of the resolutions should be transmitted by express to the Genl. Congress to be laid before that body by the representatives from the Province Viz Caswell

Hooper and Hughes. A committee was appointed to select a proper person to be the bearer of the Resolutions who engaged the services of Capt. James Jack a Citizen of Charlotte; who accordingly set off and delivered the same. The President of Congress returned by Capt. Jack a polite answer to the address accompanying the resolutions, in which he highly approved of the measures entered into by the Delegates of Mecklenburg; but deemed it premature to submit the resolutions to Congress. The Representatives from the Province also sent a joint letter complimentary to the people of Mecklenburg and applauding their zeal in the common cause and recommending the same good order and perseverance which had marked their former conduct should be kept up and persevered in.

In addition to the foregoing resolutions, a number of other resolutions and bye laws were adopted. Courts of Justice were held by and under the direction of the Delegates. For some months these Courts held their sittings at Charlotte, but for the better convenience of the people two other places were selected at which and at Charlotte the Court met alternately.

A Committee of safety was selected from the whole Delegation, to whom was given power to examine all persons brought before them who were charged or suspected of being inimical to the cause of freedom and the safety of the Country. This Committee was delegated with authority from the Genl. Delegation to send the Military of the County to bring before them persons living in adjacent Counties charged with toryism or inimical to the cause of Liberty, and they in the plenitude of this power sent into Lincoln and Rowan Counties and brought from them divers persons charged as aforesaid. Such<sup>1</sup> as shewed penitence and took an oath to support the cause of Liberty and the Country were set at Liberty—others were sent under guard into So. Carolina for safe keeping. Among the latter were John Dunn and Benjn. Boothe Boote two Lawyers of Salisbury. It was unquestionably owing to the early exertions of this band of Patriots and to the measures entered into at the meeting of the Delegates on the 19th. of May; that the future unanimity and exertions of the People of Mecklenburg in the cause of liberty

<sup>1</sup>The word *to* (an obvious slip of the pen) is written before *such*.

and independence, was so remarkable—it united them into a band of Brothers, whose confidence in each other and the cause they had sworn to support; was never shaken; even in the worst of times. Such was the fame and energetic conduct of Thomas Polk and John Phifer two of the most popular men in the County, that the Council of safety from a knowledge of the enthusiastic spirit of the People and the opposition which they had and were still making against British encroachments on their liberty and of the influence these two characters had, did on the 3d. of March 1776 commission them to raise a Regt of 750 men on the Cont[inenta]l establishment. At the time Lord Cornwallis followed his victory over Gates and marched to Charlotte, there was not a Continental soldier nigher than Hillsb[or]o. The People of Mecklenburg, and particularly those in the Town and its immediate vicinity sent of their Wives and families and after having accompanied them a few miles; returned and joined their several captains commands and hung night and day on the enemies lines. Their foraging parties were never permitted to return to Camp without being fired on from every favourable situation—all intercourse between Charlotte and Camden, the British Military Deposit in the middle grounds of So. Carolina, was completely shut up and put a stop to—their Picquets were fired on and harrassed every night—and in fine there was no communication between the enemes Posts, nor could his Lordship ascertain what force was collecting against him. In this situation he remained 11 days and on the night of the 12th. he left the place precipitately, leaving behind him more than 50 Waggons and much Plunder; retracing his steps to within the British lines, whilst the Militia were hanging on his rear and flanks in times, 20 and 50. An officer of the British Army in writing to his correspondent in England, gives an account of the privations to which the Army were subjected to in Charlotte N. C. and calls it the Hornets Nest.

The Resolutions of the Mecklenburg Delegates, is taken from a manuscript copy given by Doctor Jos. McKnitt Alexander of Mecklenburg. I cannot vouch for their being in the words of the Committee who framed them; but they are essentially so.



I had intended to have given you the names of these Patriots who formed the Delegation and who passed the Resolutions, but I have not been fortunate enough to obtain the whole of them. At the time this meeting took place and for years before and after my Father Thomas Polk was the most popular man in the County, had represented it many years under the Colonial system and was one of the first Delegates from the County to the Provincial Congress and it was almost altogether attributal to him, the course that was taken by the people of that County the effects of which reached and was felt in the Counties of Rowan, Iredell and Lincoln.

The following are some of the names alluded to.

Thomas Polk  
 Abraham Alexander  
 Jno. McKnitt Alexander  
 Ephraim Brevard  
 Hezekiah Alexander  
 Revd. Hezekiah James Balch  
 Adam Alexander  
 John Phifer  
 James Harris  
 John Query  
 Zacheus Wilson Senr.  
 Waightstill Avery  
 Wm. Kennon  
 John Ford  
 Benjn. Patton.

When on my way thro' Mecklenburg I may procure the bal[ance.] If so you shall hear from me.

W P<sup>1</sup>

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<sup>1</sup>The MS. was endorsed by Polk "First revolutionary movements, etc.," and endorsed by Murphey "74-75 published."

*Letter to the Hillsborough Recorder.*<sup>1</sup>

Mr. Heartt<sup>2</sup>—My friend Florian having bequeathed to me his papers, I have for a month past been engaged in reading and arranging them. He came to this state from New-York two years ago, hoping that a southern climate would repair his constitution and reestablish his health. He died at the age of forty-seven, at a distance from his native home; but such were the gentleness of his manners and the benevolence of his character, that he found a home wheresoever he sojourned. He travelled through a large portion of this state, and collected various information on different parts of her history, which he reduced to writing in his leisure hours. He collected a variety of anecdotes of the principal characters of the state: he composed moral and literary essays; wrote sermons and delivered discourses to his disciples; and the whole tenor of his life seemed to illustrate the gentleness of wisdom, that her ways are ways of pleasantness, and her paths are paths of peace.

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<sup>1</sup>From the *Hillsborough Recorder*, January 31, 1821. This is the first of a series of letters by Murphey published over the pseudonym "Philo-Florian" in the *Hillsborough Recorder*. In these letters he published as the papers of an imaginary person named "Florian" historical narratives written by Col. William Polk and Gen. Joseph Graham and other papers. This mode of publishing the narratives was probably suggested to Murphey by *The Looker-On*, his favorite book, and his description of Florian resembles that of Eugenio, in *The Looker-On*. Unfortunately, but two of the letters have been found.

The following editorial also appears in the *Hillsborough Recorder* of Jan. 31, 1821: "We are much gratified in introducing to our readers so valuable a correspondent as Philo-Florian. The variety of subjects on which these papers treat, the peculiar opportunities which the writer has had of gleaning from all parts of the state interesting incidents in her history, and the warm interest which he took in collecting information relative to those two eventful periods, the regulation under governor Tryon and the revolutionary war, will render these communications particularly acceptable. The history of the revolution is dwelt upon with proud exultation by every American; and the narratives of events which occurred in that important era, or sketches of the character of those persons who were active agents in the heroic achievements of that interesting period, will add to the glory of the nation, and give additional importance to the state in which they occurred; and we hope will not be without their effect in arousing from inactivity the sleeping energies of a people possessing advantages capable of raising them to an equality with the first state in the union."

<sup>2</sup>Dennis Heartt, editor of the *Hillsborough Recorder*.

I will from time to time send to you for the amusement and instruction of your readers, extracts from his papers. They may be arranged under the following heads:

1. Essays, moral and literary.
2. Florian's correspondence with Corinna.
3. His discourses to his disciples.
4. His village sermons.
5. Notices of various events in the history of North-Carolina; particularly of the regulation and of the revolutionary war.
6. Biographical notices of some of the principal characters which that state has produced.
7. Literature and manners of the state.
8. Miscellaneous.

Florian often expressed to me his surprise that the history of the state had not been written. Among the papers which he has left will be found some of his reflections on this subject. When he came to this state two years ago, he knew nothing of her history. He had heard some indistinct accounts of the regulation and of the declaration of independence by the people of Mecklenburg county, previous to the 4th of July, 1776; and he had read Dr. Williamson's history of the state. He soon found that the most interesting portion of her history lived only in the recollection of a few of her citizens; and as he travelled, he visited old men who had taken part in the regulation under governor Tryon, and others who had taken part in the revolutionary war. To converse with these men, and write down their accounts of events, was an amusement to him, and served to give some relief to the anxiety of mind which was fast wasting him away. He frequently said to me, that North-Carolina was the cradle of the revolution: that her people were the first to embody in arms to resist and suppress the iniquitous conduct of the officers of the crown; that the regulators, by the application of physical force to the redress of public grievances, had done much more to hasten a separation from the mother country, than had been effected by the contests carried on in New-England between the assemblies and the provincial governors; and that the same spirit had led the people of this state to declare their independence, before the continental congress had the courage to venture upon such a measure. Among his papers are detailed

narratives of several important events, which are either not noticed in any historical work yet published; or if noticed, the accounts given are imperfect or erroneous. One of these narratives I now send to you. It relates to the battle of Ramsour's Mill; a battle between the whigs and tories shortly after the surrender of Charleston to the British; a battle which terminated in the defeat of the tories, and in the suppression of a spirit of disaffection which threatened many of the western counties. This narrative, it appears, he received from General Joseph Graham, of Lincoln county, who being with the troops under general Rutherford was not in the battle, but was on the ground immediately after its close.

PHILO-FLORIAN.

January, 1821.

[Between this letter and the article which follows is inserted this statement by the editor: "The narrative of the battle at Ramsour's Mill, mentioned above, we have not yet received; but our correspondent has furnished us with the following article from the papers of Florian, which we hasten to present to our readers."]

#### ON THE HISTORY OF NORTH CAROLINA.

Soon after reaching North-Carolina in the winter of 1818, I enquired for a history of the state. The work of Dr. Williamson was given to me, and I was told this was the only history of the state that had yet been published: that Francis X. Martin, esq. formerly of Newbern and now of New-Orleans, had, many years ago, commenced the compilation of a regular history of the state, from the time of Sir Walter Raleigh's expedition, to the year 1810; and it was understood by letters received from Mr. Martin that his work had progressed so far that he should put it to the press three years ago. Since that time nothing more has been heard of the work, by Mr. Martin's friends here. I hope he has not abandoned it. He is said to be indefatigable, methodical and accurate; to have carefully examined the public records of the colony, and to have procured at Newbern from the descendants of the early settlers, many documents and papers which threw light on the first periods of the history of the state, and upon the rebellion which broke out under governor Tryon's administration. So far therefore as

the history of the state can be compiled from public records and documents, Mr. Martin's work will, no doubt, be found to be accurate and well arranged. But from his habits of life, his place of residence, and his limited acquaintance with the people of the state, it is not probable that he has collected much of that information which is to be obtained only from those who were principal actors in the scenes which they describe. Of this character is a great mass of information relative to the regulation, the revolutionary war, the military expeditions against the Cherokee Indians, and the extension of the settlements to the west, all of which exist now only in the recollection of a few men, scattered over a great extent of country.

I am at a loss to determine why the history of North Carolina has not been written. It is not barren of interesting incidents, nor has the state been barren of talents or virtues. Her colonial history furnishes two events, which, as connected with the result of the revolution, are more interesting than any events to be found in the history of the other states of the union. I mean the regulation under governor Tryon, and the declaration of independence by the people of Mecklenburg county in the year 1776 [*sic*], previous to the declaration made by the continental congress. These events evinced a boldness and determination of character, which had not appeared in any other state. The first was a resort to arms to resist the oppressions of the officers of the crown; the second was an abjuration of allegiance to the mother country; an act totally changing the object of the war. This state was the theatre of the most important military operations in the southern department of the United States; operations which, in a great degree, decided the fate of the war. And before the contest was transferred to the south, this state had sent several regiments of regular troops to the northern army under general Washington. Yet in the general accounts which have been published of the revolutionary war, little is to be found either of the officers or soldiers of North Carolina. The state has a rich treasure of glory and renown in the conduct of her officers and soldiers, and it is to me unaccountable that no measures have been taken to preserve it. The events of the war in South-Carolina have been recorded in regular

memoirs by Dr. Ramsey and general Moultrie, and additional memoirs are now announced by colonel Drayton: yet no attempt has yet been made to embody in memoirs or in regular history the events of the war in this state. This must be owing to the apathy of those who took no part in the revolution, or the unwillingness of those who did, to record their own actions. The example set by their fellow soldier, the late colonel Lee, should remove all scruples of delicacy from the officers, and induce them to rescue from oblivion the memory of transactions honorable to the state and to themselves: transactions which had their influence in producing a result, that seems destined to give a new impulse to the character of *man* in every part of the globe, and to effect the fortunes of the whole human race. There are yet living men who are competent to the task. Since my arrival in the state, I have met with two; colonel William Polk of Raleigh, and general Joseph Graham of Lincoln county. Colonel Polk was an officer in the regular army, and though a young man, marched the regiments from this state to reinforce the army of general Washington. He took an active part in the operations of the war, both in the north and in the south. In the battle of Germantown he was shot through the mouth, and retired from the field at the moment when general Nash was borne off. I shall never forget the account which he gave me of his meeting with general Nash as he was borne off by his affectionate men, mortally wounded by a cannon ball; blind from his wound, in the agonies of death, reaching out his right hand to colonel Polk and bidding him, *Farewell*. There is something attending the death of a gallant soldier, which excites our sympathy in a peculiar way, and leaves an impression which memory delights to call up and cherish with tears.

General Graham was an efficient partizan officer. He was attached to the command under general Rutherford, and on many occasions gave distinguished proofs of his gallantry and ability. From him I learned the general history of the war in North-Carolina, and received *particular narratives* not only of the most important events, but of many of inferior character, which had their influence upon the fate of the war. Wherever I have travelled I have found the officers of the revolution modest, yet communicative. The war was to them a school of

moral discipline; and the strong sympathies which united them as brothers for seven years, gave to them all, in some degree, a sameness of character. Such is the powerful effect of strong moral causes!

The military events in North-Carolina, if collected and arranged, would constitute an interesting portion of history. But the history of a people embraces a great variety of particulars, besides their military achievements: and it is a little remarkable, that no state acquires a character and assumes a steady march, until her history has been written and her people become acquainted with it. To visit a people who have no history, is like going into a wilderness where there are no roads to direct a traveller. The people have nothing to which they can look back; the wisdom and acts of their forefathers are forgotten; the experience of one generation is lost to the succeeding one; and the consequence is, that people have little attachment to their state, their policy has no system, and their legislature no decided character. Here is a state having fifty thousand square miles of territory, a population of seven hundred thousand; a state whose legislature have been enacting laws for an hundred years and more; and yet there is no history of its people, their civil institutions, their legislature, their manners, their literature, their wars. The people themselves know nothing of their history, and, very naturally, care nothing about it.

Every state should have her historian, to record events as they occur. He can enter into the motives of men, and give to the public the true character and complexion of affairs. He will have his partialities, it is true: but even with this objection, strong as it is, to the writing of history by a man cotemporary with the events which he records, I greatly prefer such historical works to those which are gleaned from public documents a century after the events have happened. For this reason I have always taken pleasure in reading memoirs; and I have long thought the most instructive historical works which I have read, independent of those which relate to our own country, were the memoirs of the duke of Sully and of the cardinal de Retz. From such books, the regular history of a country can be easily compiled.

FLORIAN.

*Letter to the Hillsborough Recorder.<sup>1</sup>*

*Further Notices of Florian's Writings and Character—His last Letter to Corinna.*

MR. HEARTT,

I find among the papers of Florian, three memoirs on particular portions of the history of North-Carolina; one on the administration of governor Hawkins, another on the administration of governor Miller, and a third on the administration of governor Branch. These memoirs are incomplete, and require some correction and amendment, which I propose to make and send them to you for publication. They contain a regular history of the state since the year 1812, and show the steady advance of her character from the impulse given to it by the legislature of that year.

I find also several essays on the history and character of the legislation of the state, from the year 1815, to the close of the year 1820. These were the last productions of Florian, and are perhaps more interesting than any of his other writings on North-Carolina. He had projected a large work on this state, to embrace among other things a philosophical view of her history, her civil institutions, her legislation, literature, manners, and also of her geology, mineralogy, climate, soil, physical resources and capacities for improvement. The time is come when such a work would be read with interest by the people of the state; a people who certainly know less of their history and of the state to which they belong, than any people in the United States, and who, until lately, cared nothing about either. Now that a spirit of inquiry has gone abroad, they know not where to apply for information. There are no books to be consulted, and from some cause not well understood, the public papers, which issue weekly from the press, seldom contain any publications relating to the state. It is hoped that some man of leisure and ability will execute such a work as Florian had projected; it would contribute much to give respect to the state abroad, and cherish affection for her at home.

How different was Florian from almost all the other men of my acquaintance! It is now twenty-three years since I first met with him. He was then reading the meditations of the emperor

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<sup>1</sup>From the *Hillsborough Recorder*, March 21, 1821.



Antoninus Pius.<sup>1</sup> In the first chapter the emperor gives an account of the books which he had read, and of the preceptors from whom he had received instruction; and the influence which each had in forming his character. In a conversation on the subject of this chapter, I asked Florian by what course of study and reflection he had formed his own character? He answered, that until the age of twenty he had been a prey to impetuous passions, resigning himself to their influence as the circumstances of life called them up, when accident threw in his way this work of Antoninus. He was before well acquainted with the excellence of his character, and was then informed of the manner in which that character had been modelled in early youth. He aspired not to become a prince, but to become a good man, and as he had before read books and conversed with men only for his amusement, he now resolved to profit from his reading and conversation. "In a little time afterwards," said he, "I met with the *Looker-On*, and to that book I am indebted more than to any other, for that philosophy which has taught me the government of my passions and my feelings. That book gave a new direction to my ambition, and unfolded new views upon the subject of religion. This is still my favourite book, and I wish that all the young men of my country would read it; they would never read one of its papers without receiving instruction or finding some incentive to virtue.<sup>2</sup> About the same time that I met with the *Looker-On*, I read the *Travels of Anacharsis*, the most fascinating work on the history, literature and philosophy of the Greeks, that has ever been written, and better calculated to leave virtuous impressions on the minds of ingenuous youth, than any historical or biographical work that I have read. The favourable impressions which had been made upon my mind, up to my twenty-fourth year, were in that year confirmed by reading and studying the sermons and parables of Christ, as they are recorded by the evangelists—the works of Dr. Reid and Dr. Stewart taught me how to think, and the memoirs of the duke of Sully instructed me in the art of becoming a man of business."<sup>3</sup>

<sup>1</sup>Marcus Aurellus (Antoninus), adopted son of Antoninus Pius.

<sup>2</sup>*Cf.* vol. I, p. 51.

<sup>3</sup>This account of the books which had an influence in the formation of Florian's character was undoubtedly derived from Murphey's own experience. All of the books mentioned were in his library in 1822.

Passions are the fires of genius, and Florian was one of the few men that I have known who had learned so to control them as to enjoy their genial influence and never be subject to their terrible devastation. Philosophy had purged his soul of every low passion, of every grovelling feeling. His religion was the religion of piety, humility and good works. He never disputed about doctrinal points; he seemed to care nothing about them; and upon one occasion, when I rebuked him for his indifference upon these subjects, he observed that the excellence of the christian religion, and its efficacy upon society, were, in a great degree, lost by the controversies of religious sects; that the efforts of each sect were much more directed to the propagation of particular doctrines than to the propagation of the christian spirit; that true religion consists "in doing justly, loving mercy, and walking humbly before God;" in this sense it was preached by Christ; in this sense it is easily understood by mankind, and in this sense should it be now preached to them, and its efficacy illustrated in the lives of those who pretend to preach it.

I shall close this communication with the last letter which Florian wrote to Corrinna. Various circumstances had delayed their union until the declining health of Florian rendered it improper that it should take place. He had not expected to die so soon, and he postponed his final adieu to Corinna to the morning of the day on which he died. On that morning his physician told him that he could survive only a few hours: He requested Mr. Marly and myself to raise him up and support him until he could write to Corinna. We complied with his requests, and he wrote the following letter, which he directed me to forward to her as soon as he should be buried.

"MY DEAR CORINNA,

"The hand of death is upon me; the current of life is ebbing at my extremities and rushing with increased force to my heart. My death will not surprise you; you have long foreseen it, and I hope have prepared yourself for it. I have pointed out to Philo the spot which I have selected for my grave. You know the spot: it is the little eminence in the north-west corner of Mr. Marly's grove, where, the last time I saw you, you conversed with me so tenderly on my approaching dissolution, and dwelt with such force on the prospects of immortality. When

I am dead, wilt thou not continue to pray for me, Corinna? I have had thy prayers for fifteen years, and often felt their efficacy. Continue to pray for me. In this hour of death, I am comforted by the thought that you will often visit my grave, and kneeling on it put up prayers for my happiness. Such is thy purity, Corinna, that a good God will grant thy supplications. Oh! that in the world beyond the grave, I may retain the consciousness of having known and loved thee, my dearest Corinna; that I may be permitted to visit thee in thy dreams and hold converse with thy spirit. And when thou shalt die, wilt thou be buried in the same grave where I shall be laid, that we may sleep together in death and rise together in the morning of the resurrection. May God bless you and protect you. He has given to us both a chequered existence upon earth; let us hope and trust that he will provide for us a suitable mansion in Heaven.

"I am unable to write any more—my extremities are growing cold and my eyes dim. Farewell, Corinna, to me, thou best of women and dearest of friends. Thy  
FLORIAN.

I will from time to time send you extracts from the correspondence which for many years existed between Florian and Corinna. This correspondence is characterized by tenderness of affection, refinement of taste and purity of sentiment. It will be read with some interest by those of your subscribers who know how to appreciate the virtues or sympathise in the sorrows of their unfortunate friends. PHILo-FLORIAN.

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*General Joseph Graham's Narrative of the Revolutionary War  
in North Carolina in 1780 and 1781.*

*Part I.<sup>1</sup>*

Historical notices or Supplement to the History of the Revolutionary war in the western part of No. Carolina.

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<sup>1</sup>From the original MS. in the possession of the University of North Carolina. This part of the narrative was transmitted to Murphey with Graham's letter of March 9, 1821 (See vol. I., p. 197). It has been printed, with numerous changes in its phraseology and arrangement and with the account of the Battle of Ramsour's Mill inserted in the place provided for that purpose, in the *North Carolina Univer-*

On examining the Histories of the Revolutionary War by Marshall Ramsey and Lee the details given of transactions in this Section of Country are generally inaccurate and several things which had a bearing on the general result entirely omitted. They had not the means of correct information except Lee who joined the southern Army with his Legion in the month of February 1781 after which his narrative may generally be relied on.

It may be remembered that there was a marked difference in the manner of conducting the revolutionary and the late war between us and Britain. In the latter the commandant of a party sent an official report in writing to his superior officer or to the secretary of the war department of every trivial combat with the Enemy. In the former of all the battles fought in the south there was not more than three or four Official reports ever published and the Historians had to collect some of their information from common fame and other precarious sources. The truth is many of the officers of that time were better at fighting than writing and would make better marks with their swords than with their pens. Their object did not appear so much to have their names puffed in the columns of a news paper as to destroy their Enemy or drive him from their Country and establish its independence.

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*sity Magazine*, IV. (1855) 338-352, and reprinted in *ibid.*, V. (1856) 2-16, and W. A. Graham's *General Joseph Graham and his Papers on North Carolina Revolutionary History*, pp. 208-238. It has also been printed from the original in the *State Records of North Carolina*, XIX. 978-988.

Soon after Murphey's death Gov. Willlam A. Graham took from the Murphey papers his father's letters to Murphey and a portion of this narrative, and permitted Jo. Seawell Jones, the North Carolina historian, to take the remainder of the narrative, upon a promise to return it to him. The papers entrusted to Jones were lost for many years and were found by accident in 1855 and deposited with the collections of the Historical Society of the University of North Carolina, which were scattered after the death of Gov. Swain, their custodian. Part I, printed above, is the only part of the manuscript of the narrative now extant.

The whole of the narrative and the greater part of the correspondence between Gen. Graham and Murphey were published in the *North Carolina University Magazine* during the fifties. As Gen. Graham wrote his narrative for Murphey's use and not for publication in the form in which he wrote it, Gov. Graham and the editors of the magazine revised it.—See Gov. W. A. Graham to D. L. Swain, Sept. 21, 1854, Sept. 20, 1855, and Apr. 28, 1856, in the possession of the University of North Carolina; *N. C. Univ. Mag.*, IV. (1855) 337.

The Histories of Ramsey and Lee which are the most in detail of the transactions in the south, are calculated to make an erroneous impression. In reciting the operations under the command of General Sumpter in the months of July and August 1780 and of General Pickens in the months of February and March 1781, from the number of the field officers from South Carolina under their command the reader would believe that under the former the principal force consisted of the Militia from South Carolina—whereas the fact was that in the well fought Battles of Rocky mount and Hanging Rock the North Carolinians under the command of Colos. Irwin and Haggins and Major Davie constituted the greater part of his Command and the field officers referred to had not some times each a Dozen of men with them, and in the following February when General Andrew Pickens was vested with the command of the troops 6 or 700 in number Assembled in the rear of Lord Cornwallis on his march to Dan River there was not more than 40 of the South Carolina Militia but were chiefly from between the Yadkin and Cataba Rivers from the then Counties of Mecklenburg and Rowan (from which since Iredale and Cabarus have been taken off).

It may farther be remembered that the Brigade of State troops raised by the State of South Carolina in the Spring of 1781, when each man furnished his own horse and Military equipments—the Regiments commanded by Colos. Polk, Hampton and Hill were mostly raised in the Counties aforesaid.

It is admitted some of the Officers and soldiers of the militia of South Carolina were as brave and enterprising as ever went to a field of battle—but of those well affected to the cause of Independence they were but few in number. Most of the lower districts (except Marions Brigade) were endeavoring to save their property either by moving to No. Carolina or Virginia or the greater number by taking protection from the enemy. From the conduct of the few before alluded to Ramseys History gives character to the whole militia of the State who were not disaffected when it is well known a great majority of them acted a different part. The counties of Mecklenburg and Rowan not only furnished greater part of the troops commanded by General Sumpter but it was in all cases his place of retirement

when menaced by a superior force of the enemy and from whence be mostly organised and set out on his several expeditions. The writer finding those things unfairly represented has undertaken in his plain way to give a more correct detail of several transactions than has heretofore been given and take notice of some which have been entirely omitted which in his opinion is worthy of being preserved; for the truth of the facts he states he appeals to those who were present on the several occasions related of whom it is believed more than 100 are yet living; some of the details may appear minute and trivial but not so to those who were present and it is expected the present generation will read with some interest the part their fathers and relations acted in those times more especially when they have a personal knowledge of the very spot where each Transaction took place.

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The Battle of Ramsours—16 pages.

<sup>1</sup>[The unsuccessful attempt made by General Lincoln to take Savannah, and the subsequent capture of the army under his command, inspired the royalists with hope, and induced Sir

<sup>1</sup>From the *Catawba Journal* (Charlotte) of Feb. 1 and 8, 1825. This account of the Battle of Ramsour's Mill (here enclosed in brackets) was written by Gen. Graham in 1820, revised by Murphey and published in the *Hillsborough Recorder* in the spring of 1821, and republished with corrections by Gen. Graham in the *Catawba Journal*, from which it was copied in Wheeler's *Historical Sketches of North Carolina*, II. 227-232. (See vol. I., pp. 188, 191, 208, 212, 237.) It was again published with emendations by Gov. Graham in the *North Carolina University Magazine*, IV. (1855), and reprinted in *ibid.*, V. (1856) 3-11. Gov. Graham or Gov. Swain had the original MS. at the time of these latter publications, but the copies in the magazine were doubtless taken from Wheeler's book or the *Catawba Journal* and somewhat polished. It was copied from Wheeler in David Schenck's *North Carolina, 1780-'81* (Raleigh, 1889), pp. 51-62, and from the *North Carolina University Magazine*, in Major Graham's *Gen. Joseph Graham and his Revolutionary Papers*, pp. 211-217. See also Hunter's *Sketches of Western North Carolina*, pp. 206-215.

Edward Channing says in Winsor's *Narrative and Critical History of America* (Boston, 1888), VI. 529: "The affair at Ramsour's Mill has not been given due prominence in the general histories. There is a good account of it in Caldwell's *Greene*, 123. But the description which has generally been followed is the one which General Joseph Graham—who was not present at the fight—printed in the *Catawba Journal* for Feb. 1, 1825." Gen. Graham was with the troops under the immediate command of Gen. Rutherford who were on the battlefield a few hours after the action. See vol. I., p. 237.

Henry Clinton to regard the state of Georgia and South Carolina as re-annexed to the crown. The south was left destitute of any regular military force to support the cause of the revolution; there were no regular troops south of Pennsylvania to oppose the British or to keep the tories in awe; within a few weeks after the surrender of Charleston, detachments of British troops occupied the principal posts of Georgia and South Carolina. Lieutenant-colonel Brown marched up the Savannah river and occupied Augusta; lieutenant-colonel Balfour took possession of Ninety-Six on the Wateree, and Lord Cornwallis pushed forward to Camden. The object of this last movement was three-fold; one, to intercept the retreat of colonel Buford, who had been hastening with a few continental troops to the relief of general Lincoln at Charleston; the second, to open an easy communication with the Scottish settlements on the Pee Dee, Drowning Creek, and Cape Fear; and the third, to keep in check the Whigs of the Waxhaw settlement on the Catawba and of the south-western counties of North Carolina. The effect which these movements were calculated to produce upon the public mind was increased by the defeat of colonel Buford and the slaughter of his men. The states of Georgia and South Carolina yielded submission to royal authority, and the commander-in-chief, Sir Henry Clinton, embarked with the main army for New York, leaving only four thousand troops for the southern service. The command devolved on Lord Cornwallis, who immediately repaired to Charleston to establish such commercial regulations as the new state of things required, and to arrange the civil administration of the State, leaving Lord Rawdon in command at Camden. North Carolina had not yet been invaded, and the hopes of the revolution in the South seemed to rest on the efforts which she should make.

Charleston surrendered on the 12th of May, 1780. On the 29th of that month, Tarleton defeated Buford on the Waxhaw settlement, forty miles south of Charlotte, in North Carolina. Brigadier-General Rutherford ordered out the militia *en masse*, and, by the 3d of June, nearly nine hundred men assembled near Charlotte. On that day intelligence was received that Tarleton was on his return to Camden, and on the next day the militia, after having been harangued by the Rev. Dr. Mc-

Whorter, president of the College at Charlotte, were dismissed by general Rutherford, with orders to have their arms in good repair and be in readiness for another call. Major Davie<sup>1</sup> having recovered from the wounds received at Stono, again took the field, and part of his cavalry were ordered to reconnoitre between Charlotte and Camden.

On the 8th of June general Rutherford was informed of the advance of a part of the troops under lord Rawdon, to Waxhaw creek,<sup>2</sup> thirty miles south of Charlotte, and issued orders for the militia to rendezvous on the 10th at Rees' plantation, eighteen miles north-east of Charlotte. The militia, to the number of eight hundred, promptly assembled; and on the 12th having heard that Lord Rawdon had retired to Hanging Rock, gen. Rutherford advanced ten miles to Mallard Creek. On the 14th the troops under his command were organized. The cavalry, sixty-five in number, under major Davie, were equipped as dragoons, and formed into two troops under captains Simmons and Martin; a battalion of three hundred light infantry was placed under the command of Col. Wm. L. Davidson,<sup>3</sup> a regular officer, who could not join his regiment in Charleston after that place was invested, and now joined the militia. Five hundred men remained under the immediate command of gen. Rutherford. In the evening of the 14th he received intelligence that the Tories were embodying in arms beyond the Catawba River, in Tryon county,<sup>4</sup> about forty miles to the north-west

<sup>1</sup>"Afterwards Gen. Davie."—Foot-note in the *Catawba Journal*.

<sup>2</sup>"The day after Lord Rawdon reached Waxhaw he, with a life guard of twenty cavalry, visited the Catawba Indian towns, six or eight miles distant from his encampment. These towns are situated above the mouth of Twelve Mile creek, on the east bank of the Catawba river. The warriors, headed by their general, New River, had left their towns on the preceding evening to join the troops under general Rutherford. Curiosity alone seemed to have induced lord Rawdon to visit the towns; but his approach frightened the Indians, who fled from their houses. His lordship discovered two white men and four or five Indians armed, moving briskly down the west bank of the river, and thinking it to be a movement to intercept his return, he hastened at full gallop to his encampment."—Foot-note in the *Catawba Journal*.

<sup>3</sup>"Afterwards brigadier general Davidson, who fell in the action at Cowan's Ford, on the Catawba."—Foot-note in the *Catawba Journal*.

<sup>4</sup>"Since divided into the counties of Lincoln and Rutherford."—Foot-note in the *Catawba Journal*.



of his then position. He issued orders to col. Francis Locke, of Rowan, major David Wilson, of Mecklenburg, to captains Falls and Brandon, and also to other officers, to make every effort to raise men to disperse the tories, it being deemed impolitic by general Rutherford to weaken his own force, until the object of lord Rawdon's expedition was better ascertained.

On the 15th general Rutherford advanced two miles to the south of Charlotte. On the 17th he was informed that Lord Rawdon had retired towards Camden, and the tories<sup>1</sup> were assembled in force at Ramsour's mill, near the south fork of the Catawba. A man by the name of John Moore, whose father and family resided about six miles from Ramsour's mill, had joined the British army the preceding winter, and leaving the detachment under Cornwallis on the march from Charleston to Camden, he arrived at his father's on the 7th of June, wearing a sword and an old tattered suit of regimentals. He announced himself as a lieutenant-colonel of the regiment of North Carolina loyalists, commanded by colonel John Hamilton of Halifax County. He gave to the people of the neighborhood the first particular account they had received of the seige and capture of Charleston, and the advance of the British troops to Camden. He appointed the 10th of June for an assembling of the people in the woods, on Indian Creek, seven miles from Ramsour's. Forty men assembled, and Moore told them that it was not the wish of lord Cornwallis that they should embody at that time, but that they and all other loyal subjects should hold themselves in readiness, and in the mean time get in their harvest: that before the getting in of the harvest, it would be difficult to procure provisions for the British army; and that as soon as the

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"In the year 1771, Governor Tryon having defeated the regulators at the battle of Allemance, detached General Waddle with a brigade to the western counties, and directed him to cause the people to assemble at certain stations and take the oath of allegiance to his Majesty George III. A part of Waddle's command had halted at Ramsour's, and most of the men in the adjoining country had taken the oath. These men thought that this oath imposed upon them an obligation that neither the change of circumstances nor the conduct of his majesty's government could impair. They adhered to the royal cause from conscientious motives. There were few among them who had sufficient information either to understand or explain the true grounds of the contest."—Foot-note in the *Catawba Journal*.

country could furnish subsistence to the army, it would advance into North Carolina, and support the royalists.

Before this meeting broke up, an express arrived to inform them that major Joseph M'Dowell, of Burke county, with twenty men, was within eight miles of them, in search of some of the principal persons of their party. Confident of their strength, they resolved to attack M'Dowell; but some preparations being necessary, they could not march until next morning; when finding that he had retired they pursued him to the ledge of mountains which separate the counties of Lincoln and Burke, and not being able to overtake him, Moore directed them to return home and meet him on the 13th at Ramsour's. On that day two hundred men met Moore, and they were joined on the next day by many others, among whom was Nicholas Welch, a major in the regiment commanded by col. Hamilton. He had lived in that neighborhood, and had joined the British army eighteen months before. He was directly from the army of Lord Cornwallis, and gave information of col. Buford's defeat. He wore a rich suit of regimentals, and exhibited a considerable number of guineas, by which he sought to allure some, while he endeavored to intimidate others by an account of the success of the British army in all operations of the south, and the total inability of the whigs to make further opposition. His conduct had the desired effect, and much more confidence was placed in him than in col. Moore. They remained encamped until the 20th, during which time a detachment commanded by Col. Moore made an unsuccessful attempt to capture col. Hugh Brevard and major Joseph M'Dowell, each of whom with a number of whigs, came into the neighborhood to harrass the tories who were assembling.

By the 20th, nearly thirteen hundred men had assembled at Ramsour's, one-fourth of whom were without arms. Gen. Rutherford resolved to concentrate his force and attack them, as soon as he learned that lord Rawdon had retired to Camden. With this view he marched, on Sunday the 18th, from his camp south of Charlotte, to the Tuckasege Ford on the Catawba River, twelve miles nearer to Ramsour's.<sup>1</sup> In the evening of that day, he dispatched an express to col. Locke, advising him of his

movement and of the enemy's strength, and ordering Locke to join him on the 19th in the evening, or on the 20th in the morning, a few miles in advance of the Tuckasege Ford. The express was negligent<sup>2</sup> and did not reach col. Locke. The morning of the 19th was wet, and the arms of gen. Rutherford's men were out of order. At mid-day the weather cleared up, and orders were given to the men to discharge their guns. This discharge produced an alarm in the neighborhood, and the people thinking the tories were attempting to cross the river, many of them came in with arms and joined Rutherford. In the evening he crossed the river, and encamped sixteen miles from Ramsour's. When Rutherford crossed the river, it was believed he would march in the night and attack the tories on the next morning; but expecting that his express had reached col. Locke, he waited for Locke's arrival, that he might on the next day march in full force to the attack. At 10 o'clock at night col. James Johnston of Tryon county, reached Rutherford's camp. He had been dispatched by col. Locke, to give notice of his intention to attack the tories at sunrise the next morning, and requesting Rutherford's co-operation. Rutherford, in confident expectation that his express had reached col. Locke, shortly after colonel Johnston had left him, made no movement until next morning.

In pursuance of the orders given to colonel Locke and other officers at Mallard's creek on the 14th, they severally collected as many men as they could; and on the morning of the 18th, major Wilson, with sixty-five men, passed the Catawba at Tool's ford, and joined major M'Dowell, with twenty-five men. They passed up the river at right angles with the position of the tories, to join the detachment of the friends who were assembling at the upper fords. At M'Ewen's ford being joined

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<sup>1</sup>"The fords referred to in this narrative are,

1. Tuckasegee, lowest on the river, twenty miles from Ramsour's.
2. Tool's, ten miles higher up, twenty-two miles from Ramsour's.
3. Beattie's, eight miles above Tool's, eighteen miles from Ramsour's.
4. M'Ewen's, four miles above Beattie's, 20 miles from Ramsour's.
5. Sherrill's, six miles above M'Ewen's, 25 miles from Ramsour's."

—Foot-note in the *Catawba Journal*.

<sup>2</sup>Misprinted "neglected" in the *Catawba Journal*.

by captain Falls, with forty men under his command, they continued their march up the east side of Mountain creek; and on Monday, the 19th, they joined colonel Locke, captain Brandon, and other officers, with two hundred and seventy men. The whole force united amounted to four hundred men. They encamped on Mountain creek, sixteen miles from Ramsour's. The officers met in council, and they were unanimous in the opinion that it would be unsafe to remain in that position, as the tories could attack them after a march of a few hours, and from the inferiority of their force, they had no doubt the tories would march on them as soon as they learned where they were.

It was first proposed that they should re-cross the Catawba at Sherrill's ford, six miles in their rear, and wait for reinforcements, believing that with their force they could prevent the tories from crossing. To this it was objected that a retrograde movement would embolden the tories, whose numbers were increasing as fast as probably their own numbers would encrease, after they had re-crossed the river, and no additional security could therefore be obtained by such a movement.

It was next proposed that they should march directly down the river and join general Rutherford, who was then distant from them about thirty-five miles. It was said this movement could be made without risk, as in making it, they would not be nearer Ramsour's than they were. To this prudent proposition it was objected, that nearly all the effective whigs of that section were from home, either with them, or general Rutherford, and such a movement would leave their families unprotected, and their houses exposed to pillage; that it would be also a dangerous movement to themselves, as the tories might be in motion, and they might encounter them in their march. It was insinuated, that these propositions proceeded, if not from fear, at least from an unwillingness to meet the tories—and therefore

A third proposition was made, which was, that notwithstanding their disparity of force, they should march during the night and attack the tories in their camp early the next morning. It was said, that the tories being ignorant of their force, and suddenly attacked, could be easily routed. The more prudent members of the council could not brook the insinuation of cowardice,

and trusting to that fortune which sometimes crowns even rashness with success, it was unanimously resolved immediately to march, and at daybreak attack the Tories. Colonel Johnston being well acquainted with the country, was instantly despatched to apprise general Rutherford of this resolution.

Late in the evening they commenced their march from Mountain creek, and passing down the south side of the mountain, they halted at the west end of it about an hour in the night, and the officers convened to determine on the plan of attack. It was agreed that the companies commanded by captains Falls, M'Dowell, and Brandon, should act on horseback, and march in front: no other arrangements were made, and it was left to the officers to be governed by circumstances after they should reach the enemy. They resumed their march, and arrived within a mile of the enemy's camp at day-break.

The Tories were encamped on a hill three hundred yards east of Ramsour's mill, and half a mile north of the present flourishing village of Lincolnton. The ridge stretched nearly to the east on the south side of the mill pond, and the road leading to the Tuckasege ford, by the mill, crosses the point of the ridge in a north-western direction. The Tories occupied an excellent position on a summit of the ridge; their right on the road fronting the south. The ridge has a very gentle slope, and was then interspersed with only a few trees, and the fire of the Tories had full rake in front for more than two hundred yards. The foot of the hill was bounded by a glade, the side of which was covered with bushes. The road passed the western end of the glade, at right angles; opposite the centre of the line and on the road a fence extended from the glade to a point opposite the right of the line—the picket guard, twelve in number, were stationed on the road, two hundred and fifty yards south of the glade, and six hundred yards from the encampment.

The companies of captains Falls, M'Dowell and Brandon, being mounted; the other troops under Colonel Locke were arranged in the road, two deep, behind them, and without any other organization or orders, they were marched to battle. When the horsemen came within sight of the picket, they plainly perceived that their approach had not been anticipated. The picket fired and fled towards their camp. The horsemen pursued, and

turning to the right, out of the road, they rode up within thirty steps of the line, and fired at the tories, who being in confusion, had not completely formed their line; but seeing only a few men assailing them, they quickly recovered from their panic, and poured in a destructive fire, which obliged the horsemen to retreat. They retreated in disorder, passing through the infantry, who were advancing; several of the infantry joined them and never came into action. At a convenient distance the greater part of the horsemen rallied, and returning to the fight, exerted themselves with spirit during its continuance. The infantry hurried to keep near the horsemen in pursuit of the picket, and their movements being very irregular, their files were opened six or eight steps, and when the front approached the tories, the rear was eighty poles back.

The tories seeing the effect of their fire, came down the hill a little distance and were in fair view. The infantry of the whigs kept the road to the point between the glade and the corner of the fence, opposite the centre of the tories. Here the action was renewed; the front fired several times before the rear came up. The tories being on their left, they deployed to the right in front of the glade, and came into action without order or system. In some places they were crowded together in each other's way; in other places there were none. As the rear came up, they occupied those places, and the line gradually extending, the action became general and obstinate on both sides. In a few minutes the tories began to retire to their position on the top of the ridge, and soon fell back a little behind the ridge to shelter part of their bodies from the fire of the whigs who were fairly exposed to their fire. In this situation their fire became very destructive, so that the whigs fell back to the bushes near the glade, and the tories leaving their safe position, pursued them half way down the ridge. At this moment Capt. Harden led a party of whigs into the field, and, under cover of the fence, kept up a galling fire on the right flank of the tories; and some of the whigs discovering that the ground on the right was more favorable to protect them from the fire of the tories, obliqued in that direction towards the east end of the glade. This movement gave their line the proper extension. They continued to oblique until they turned the left flank of the tories;

and the contest being well maintained in the centre, the tories began to retreat up the ridge. They found part of their position occupied by the whigs. In that quarter the action became close, and the parties mixed together in two instances, and having no bayonets, they struck at each other with the butts of their guns. In this strange contest, several of the tories were taken prisoners, and others, divesting themselves of their mark of distinction, (which was a twig of green pine top stuck in their hats) intermixed with the whigs, and all being in their common dress, they escaped unnoticed.

The tories finding the left of their position in possession of the whigs, and their centre being closely pressed, retreated down the ridge toward the mill, exposed to the fire of the centre and of captain Harden's company behind the fences. The whigs pursued until they got entire possession of the ridge, when they perceived to their astonishment, that the tories had collected in force on the other side of the creek, beyond the mill. They expected the fight would be renewed, and attempted to form a line; but only eighty-six men could be paraded. Some were scattered during the action, others were attending to their wounded friends, and, after repeated efforts, not more than one hundred and ten could be collected.

In this perilous situation of things it was resolved that major Wilson and captain William Alexander, of Rowan, should hasten to general Rutherford and urge him to press forward to their assistance. Rutherford had marched early in the morning, and at the distance of six or seven miles from Ramsour's, was met by Wilson and Alexander. Major Davie's cavalry was started at full gallop, and colonel Davidson's infantry were ordered to hasten on with all possible speed. At the end of two miles they were met by others from the battle, who informed them that the tories had retreated. The march was continued, and the troops arrived on the ground two hours after the battle had closed. The dead and most of the wounded were still lying where they fell.

As soon as the action began, those of the tories who had no arms, and several who had retreated across the creek. They were joined by others when they were first beaten back up the ridge, and by two hundred that were well-armed, who had arrived two

days before from Lower creek, in Burke County, under captains Whiston and Murray. Col. Moore and major Welch soon joined them, and those of the tories who continued the fight to the last crossed the creek and joined them as soon as the whigs got possession of the ridge. Believing that they were completely beaten, they formed a stratagem to secure their retreat. About the time that Wilson and Alexander were dispatched to general Rutherford, they sent in a flag under a pretence of proposing a suspension of hostilities, to make arrangements for taking care of the wounded and burying the dead. To prevent the flag-officer from perceiving their small number, major Jas. Rutherford<sup>1</sup> and another officer were ordered to meet him a short distance from the line. The proposition being made, maj. Rutherford demanded that the tories should surrender as prisoners within ten minutes, and then the arrangements should be made that were requested. In the meantime, Moore and Welsh gave orders that such of their men as were on foot, or had inferior horses, should move off singly as fast as they could; and when the flag returned, not more than fifty returned. They immediately fled. Moore with thirty men reached the British army at Camden, when he was threatened with a trial by a court-martial for disobedience of orders, in attempting to embody the royalists before the time appointed by the commander-in-chief. He was treated with disrespect by the British officers, and held in a state of disagreeable suspense; but it was at length deemed impolitic to order him before a court-martial.

As there was no organization of either party, nor regular returns made after the action, the loss could not be ascertained with correctness. Fifty-six lay dead on the side of the ridge where the heat of the action prevailed; many lay scattered on the flanks, and over the ridge toward the mill. It is believed that seventy were killed, and that the loss on each side was equal. About an hundred men on each side were wounded, and fifty tories were taken prisoners. The men had no uniform and it could not be told to which party many of the dead belonged. Most of the whigs wore a piece of white paper on their hats in front, and many of the men on each side being excellent

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<sup>1</sup>"Son of the General. He was killed at the battle of the Eutaws."  
—Foot-note in the *Catawba Journal*.



riflemen, this paper was a mark at which the tories often fired, and several of the whigs were shot in the head. The trees behind which both whigs and tories occasionally took shelter, were grazed by the balls; and one tree in particular on the left of the tory line, at the root of which two brothers lay dead, was grazed by three balls on one side, and by two on the other.

In this battle neighbors, near relations, and personal friends fought against each other, and as the smoke would from time to time blow off, they would recognize each other. In the evening, and on the next day, the relations and friends of the dead and wounded came in, and a scene was witnessed truly afflicting to the feelings of humanity.

After the action commenced, scarcely any orders were given by the officers. They fought like common soldiers and animated their men by their example, and they suffered severely. Captains Falls, Dobon[sic], Smith, Bowman, and Armstrong were killed; and captains Houston and M'Kissick wounded. Of the tories captains Cumberland, Murray and Worlick were killed; and captain Carpenter wounded. Few either of the officers or men had ever been in battle before.]

Note where it is stated the Tories were driven back the second time and the left of their line became mixed with the whigs a Dutchman (of the Tories) meeting suddenly with an acquaintance of the whigs addressed him "Hey how do you do pilly I has known you since you was a little poy and I would not hurt one hair of your head because I has never known no harm of you only that you vas a rebel." Billy who was not so generous and much agitated and his gun being empty club it and made a blow at the dutchmans head which he dodged. The dutchman cried out "Oh stop, stop. I is not going to stand still and be killed like a damned fool neder"—and raised the but of his gun and made a blow at Billys head which he missed and one of Billys comrades whose piece was loaded clapt his muzale under the dutchmans arm and shot the poor fellow dead.

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Note. Captain Mackissick was wounded early in the action shot through the tip of his shoulder and finding himself disabled and the result being at that time uncertain went from the battle

ground about 80 poles to the west. About the time the firing ceased he met ten of The Tories coming from a neighbouring farm where they had been until the sound of the fire started then they were confident their side was victorious and several of them knew Capt. Mackiseck Insulted him would have used him ill but for Abram Kuner senr. one of his neighbors who protected him and took him prisoner and marching on towards the Battle ground Kuner kept lamenting that a man so clever and such a good neighbor and so good sense should ever be a rebel continued his lecture to Capt. Mackisick until they came where the whigs were formed. Kuner looking round seeing so many strange faces—said “Hey poys I believe you has cot a good maney prisonders here” Still thinking his party had beat. Immediately a number of guns were cocked and Capt. Mackisick tho much exhausted by loss of blood had to exert himself to save the lives of Kuner and party.

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When General Rutherford arrived at Ramsours on the 20 of June 1780 (the same day of the battle) he had under his command upwards of 1200 men. Davies Cavalry and others were dispatched through the Country in search of the fugitives who had despersed in every direction; found a number of them and brought to camp, all of whom were admitted to return to their homes on bail except a few of the most active and influential characters who were kept in confinement and sent to Salisbury Goal. The men who went with him as volunteers likewise those with Colo. Lock considered themselves at liberty to return home after the battle except those who had been designated to serve a tour of duty of 3 months the usual term of service at that period and some of them were furloughed for a short time. By this means again the 22nd. his numbers were reduced to less than 200 men. On that day he received information by an express that the Tories were assembled in considerable force in the forks of the Yadkin in the north end of Rowan County adjoining Surry about 75 miles north East of Ramsours under the command of Colo. Bryant who lived a few miles below the shallow ford on the west side of that River and had persuaded his neighbors and acquaintances to rise in arms—for that after

the capture of Charleston and Beauforts defeat of the only regular force in the south the Rebellion was certainly crushed. The same day Genl. Rutherford ordered Major Davies Cavalry to march and take a position in advance of Charlotte on the Cambden road near waxa Creek to keep under the disaffected and watch the motions of the British in that quarter—and with the Infantry that were with him marched the direct rout towards Bryant; sent orders to the Officers on each side of his line of march to join him with all the men they could raise. On his way, after crossing the Cataba River his force began to increase and again he arrived within 15 miles of the Tories they were augmented to upwards of 600 men and prepared to attack them the next day. Colo. Bryant anticipated his design; he had heard of the defeat at Ramsours and of General Rutherford coming against him with a large force; on the 30th. of June he and party crossed over the Yadkin to the east side and continued his rout down the river through the settlements who were disaffected many of whom joined him on his march; again he passed Abbots creek his force was reputed to amount to 7 or 800 Men. By this movement it was evident Bryants intention was to form a junction with Major McCarthur whom Lord Cornwallis on his arrival at Cambden had sent on with the first Battallion of the 71st. Regiment about 400 men to the Cheraw hill on the P[ee].Dee for the purpose of preserving in submission the Country between that River and Santee and corresponding with the Scotch settlements between that and Fayetteville which were generally attached to the British.

General Rutherford being apprised of Bryant's intention took the higher rout down the west side of the River by Salisbury and the old trading ford endeavouring to get in Bryants front again he reached Salisbury found Bryant by rapid marches was passed before him; at this place he detached Colo. Wm. L. Davidson with a select party down the west side of the River for the purpose of intercepting Bryant should he attempt to pass it before he reached McCarthur, and the main body pursued Bryant thinking if he halted or delayed they would overtake him, but he and party were so panick struck with the result of the affair at Ramsours marched night and day down the east side of the Yadkin and P Dee until they came opposite the British

force under Major McCarthur and passed over the river and formed a junction with him. Rutherford finding it impossible to overtake the Tories left off the pursuit and returned.

The party under Colo. Davidson who went down the west side of the river the second day after they left Salisbury heard of a party of Tories convening at a farm in the vicinity of Colsons mill nigh the junction of Rocky river with P[ee].D[ee].; marched rapidly to endeavour to surprise them; when they arrived near the farm divided the party so as to attack them in front and the flank by which it was known they would attempt to retire at the same time. Colo. Davidsons party arrived at their station first and was discovered by the Tories and when he was deploying his party into line they commenced firing on him; his party came steadily to the position required without confusion or returning the fire; when formed they advanced briskly; Colo. Davidson in front having on his uniform was conspicuous; the enemys marksmen aimed at him one of whom wounded him severely; however this had no effect on the result of the action; the disposition had been so correctly made and all moving on at full charge with trailed arms and the party sent round the flank attacking at the same instant the enemy fled after having 3 killed and 4 or 5 wounded and 10 taken prisoners; being in their own neighbourhood where they knew the Country most of them escaped; their numbers somewhat exceeded that of the assailants which was about 250; on the part of the whigs no person was injured but Colo. Davidson and one other wounded; he was confined by his wound for 2 months which was much regreted by the Militia; the few weeks he had been vested with a command among them inspired a confidence nothing could shake. As no other party of Tories were known to be collecting and it was unsafe to go nearer McCarthur after being reinforced by Bryant Colo. Davidson and party returned home and General Rutherford after staying a few days near Salisbury marched with those serving a tour of duty to join General Gates who was advancing near the Pee Dee.

Scarcely had the volunteers who had been out on those several Expeditions returned when they were alarmed by the enemy approaching in another quarter; on the 7 of July it was understood a party of British and tories were marching up the

west side Cataba River and it was ordered the men in the west of Mecklenburg should attend publick worship at Steel Creek Church with their arms on sunday the 9th. After sermon parting with their families the men were organised and marched down the east side of the River; the enemy advanced the same day as far as Hills iron works about 10 miles below said Church on the west side; they set the works on fire in the evening when our party approached within 4 miles of the works on the Hills above Biggars ferry saw the smoke ascending and heard the enemy was there; at night was joined by other Companies from the north of Mecklenburg and a few South Carolina Refugees under the command of General Sumpter; he being the officer highest in grade was invested with the command of the whole party. Next morning had information by our patrolls that after the enemy had burnt the iron works they marched towards where Yorkville now stands.

General Sumpter moved 7 miles to the S. East where the road from Charlotte to the old nation ford crosses Hughes branch nigh Sprotts farm in the indian Land; others joind in the course of the day; again the 12th had upwards of 500 men; the position being favourable for colecting supplies of provisions determined to occupy it a few days; but doubtful of being visited by the Enemys cavalry the ground being hilly and covered with oak Timber the General ordered the timber to be fallen in different directions round the Camp somewhat like Abbittiss and the body of the trees split into portions and leaned over a strong pole supported by forks or some high stump, the other end on the ground at an angle of 30 degrees elevation and facing the avenues left through the brush or abbities for passage so that they would answer the double purpose for the men to ly under and for defence; if the enemys cavalry had come except they were supported by a large body of Infantry or artillery they could not have forced the camp.

Major Davie at his Station near Waxa Creek by his Scouts discovered a party of the British were advancing up the road from Cambden and imediately sent an express to Genl. sumpter who by this time had intelligence that the party on the west side of the River were retired to rocky mount; on the 17th July marched to Waxa and formed a junction with Davies Cavalry;

the place being unfavourable for support on the 18th. marched down Waxa Creek on the south side past Waxa meeting House<sup>1</sup> to a Doctor Harpers plantation said to be disaffected. The Horses were turned into a green corn field not being provender for the whole upwards of 700. Early on the 19th the party of observation near the enemy communicated that they had marched from below the hanging rock creek the road towards Charlotte. The Horses were caught in great haste and marched briskly to gain the ford on Waxa Creek before the enemy (there being no convenient fords below); they halted at noon about 6 miles below; it was expected they would move on in the evening or night and a disposition made for their reception. Major Davies Cavalry and 100 Gun men were placed opposite the ford on the north side of the Creek, upwards of 500 south of the Creek about 30 poles west of the road in a thick wood where cavalry could not act; continued in this position until next morning but the enemy did not move. If they had advanced were to have let them pass until they encountered the party with Major Davie when those with General Sumpter were to have moved from the concealed position and attacked them in flank and rear; from the nature of the ground and disposition of the American force they must have been destroyed; neither Cavalry or Artillery could be of service to them.

It was thought unadvisable to attack the enemy at his Camp and Lord Rawdon when here before had consumed the forage at the neighboring farms; General Sumpter moved back on the road to Charlotte 16 miles to clem's branch and encamped where he could draw his supplies from the fertile settlement of Providence on his left.

Continued in this place near a week; the number of his men daily diminished, while he kept moving and they expected to meet the enemy they kept with him but whenever they came to attend only to the dull routine of camp duty such as mounting relieving and standing guard and enduring privations they be-

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<sup>1</sup>"Waxa meeting House was at this time the Hospital for the survivors of those who were wounded at Beaufort's defeat about 80 in number; being between the two armies were neglected in nurses medical assistance provisions; perhaps a more complicated scene of misery in proportion to their numbers was not exhibited in the whole war."—Foot-note in the original MS.

came discontented and those in a convenient distance went home and others to the houses of their acquaintances, having no camp equipage or utensils but what each man brought with him; tho the Officers had rolls of their Companies they were seldom Called and they could not tell who were present only as they saw them in camp.

This was the first practical lesson to our Commanders of Militia showing that while they kept in motion and the mens expectations were up that something would be done they continued with the army, but a few days stationed in camp they became discontented and would scatter and of those who staid the careless and slovenly manner in which the duty of guards were performed afforded no security to the camp; of this experience General Sumpter and other officers availed themselves afterwards to the end of the war. Again the 25 of July he had not with him more than 100 men and sent out some of them through the adjoining Settlements giving notice to all to repair to Camp that he intended to attack the enemy; again the 28th. such numbers joined as induced him to march. It was known the main party of the enemy were at hanging Rock Creek and a detachment at Rocky mount on the west of the Cataba. He decided on attacking the latter and crossed over the Cataba with that view.

On the 1st day of August he arrived at that place; it situated on the top of a high hill on the west side of Cataba just below the mouth of Rocky Creek (3 miles below where now stands the United States establishment). The base of the mount is bounded by the River on the east and the Creek on the north; the log buildings which were fortified with abetties and had loop holes to shoot through stood on the summit of the mount and was held by Colo. Turnbull with a party of British and some Tories Supposed 150 in the whole. The slope from the top of the hill was gradual and near equal on all sides and the land cleared; no swell in the ground to shelter them from the Enemys fire only on the west side a ledge of a blackish kind of Rocks at the distance of 140 yards from the houses. The Men were drawn up in line below these Rocks and advanced up to them and party sent round on each flank; a brisk fire commenced on both sides which lasted a considerable time and great

exertions were made by the assailants to discover some point where they might carry the works but found them equally difficult at all points, the Enemy were under cover in the fortified buildings and sustained but little damage from the Americans and the Rocks were not so extensive as to shelter them from the fire of the British; the General finding it impossible to take the place without Artillery to batter the Houses ordered a retreat. Colo. Andrew Neal (of York) a young man of great promise and much regreted and two others were killed and 6 wounded.<sup>1</sup> The Enemy did not attempt to annoy him on the retreat; he moved up the River and the next day crossed at Laws ford where he met Colo. Irwin from Mecklenburg with a considerable reinforcement who had not time to join after the order issued at Clems branch 28 July; by slow movements he kept up waxa Creek until he forwarded his wounded to the Hospital at Charlotte; some other small parties continued to join and he determined to attack the Enemy at hanging Rock; he had discovered that his men while marching and fighting and fighting and marching they would keep with him but to encamp and remain Stationary might calculate with certainty his force would diminish—therefore if he failed in his enterprise the loss to the Country would only be those who were killed and wounded: the remainder might be organised in a short time as formidable as before; if he succeeded it would considerably weaken the Enemys effective force and have considerable weight in the operations expected shortly would take place. Having made all the necessary arrangements circumstances would permit the General ordered to march on the evening of the 5th. of August with a view to attack the enemy early on the next morning; the Enemys force was estimated at more than 500 and upwards of half were Regulars. General Sumpter marched in the night 16 miles and

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<sup>1</sup>“Among the wounded was Alexander Haynes yet living in the South end of Mecklenburg who having fired his Rifle twice from behind the Rocks had load his gun a thirrd time and peeping past the side of the black rock for an object his face being white became an object for the Enemys marksmen one of whom Shot him close under the Eye and ranged under the brain but missed the vertebrae of the neck; it was thought he was killed but seeing life was in him when they were about to retire his acquaintances carried him off; he was cured tho he lost his Eye; it run out shortly after he was wounded.”—Foot-note in the original MS.



early on the 6th. of August the sound of Horse Bells [and] the smoke settled along the valey of hanging Rock Creek apprised them they were near the Enemys encampment.

*Part II.*<sup>1</sup>

After the battle of Hanging Rock, General Sumpter retired by slow movements with his wounded, unmolested by the enemy, towards Charlotte where the general hospital was now established. When he crossed Waxhaw Creek the wounded were placed in charge of the volunteers from Mecklenburg who constituted the greater part of his force, and were now returning home: that county having, without them, her full quota of men in the field under General Rutherford, who had recently joined General Gates, then advancing between Peedee and Lynchess Creek, reported to have 6 or 7000 men.

General Sumpter as soon as disincumbered of his wounded, passed the Catawba, and availing himself of the report of Gates' arrival with so large a force, roused his countrymen to join his standard, it being the first time a respectable force of South Carolina Militia appeared in the field after the enemy came into the interior. The conduct of the British General was favorable to his views, for shortly after his arrival at Camden the greater part of the inhabitants went to him and took protection, and were directed to stay at home and pursue their business and their persons and property should be protected, and moreover when the army needed supplies the hard cash would be paid for them, etc. For a few days this was done, but in a short time their property was taken without compensation, and their best horses searched after, to mount the Cavalry and officers of the British army. Upon complaint to the commanding officer neither pay nor other redress could be had. On the report of Gates's approaching, they were, in addition to other grievances, ordered to be organized as militia to be in readiness to join the British standard when called on. This changed their condition

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<sup>1</sup>From the *North Carolina University Magazine*, V. (1856) 51-66, 101-110, 145-163, where it is printed from the original with emendations. This part of Gen. Graham's narrative was transmitted to Murphey with his letter of July 14, 1821. (See vol. I., p. 208.) It has been copied from the magazine by Major Graham in his *Gen. Joseph Graham and his Revolutionary Papers*, pp. 241-247, 248-263, 266-272, 284-301, 307-322, 324-350.

so far from what they expected and had been promised, that they had no further confidence in the British; and if there was no alternative but that they must risk their lives and fight they would choose on which side. When they joined Gen. Sumpter, and occasionally afterwards passed through the country, as refugees (as they were called) their relation, of how they had been treated by the British, and the small reliance to be placed on British promises had a great tendency to cause a more decided opposition.

If the British General had, agreeably to his promise, paid for his supplies in specie, suffered the inhabitants to remain quietly at home (so long as they demeaned themselves peaceably,) and relieved them from the frequent calls for military duty, it is doubted whether ease and cupidity, at that time, would not have overcome patriotism—and it is somewhat difficult to conjecture what would have been the result, especially when the news of this was spread abroad, had not the British commanders, fortunately for the country, pursued a different course.

On the arrival of Gates, however the Hero of Saratoga, the Conqueror of Burgoyne, the general impression on the public mind was that his name was sufficient without an army, and the country had full confidence that the enemy would be driven to the ocean in a short time.

The succeeding events are well related by the historians referred to, Marshall, Lee, Ramsay, etc.

When such high expectations of Gen. Gates's success were entertained, it may be judged with what astonishment and surprise the news of his defeat was received. About 11 o'clock at night, 16th August, (the same day of the battle) he arrived in Charlotte, seventy-two miles from the battle ground. He did not dismount, but stopped two or three minutes, while one of his aids<sup>1</sup> called on Col. Thos. Polk to inform him of the disaster they had met with and immediately passed on to Salisbury.

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<sup>1</sup>At half past 8 o'clock, Col. Senf, Engineer, dismounted at Col. Polk's gate, as he was preparing to step in bed, and gave the information of the defeat, and that Gen. Gates was at the gate and wished to speak with him. On his going out the Gen. was gone.

"Note by Col. Wm. Polk, to whom these manuscripts were submitted by Judge Murphey.—Eds."—Foot-note in the *N. C. Univ. Mag.*

The news spread rapidly, and by noon the next day between three and four hundred Militia were collected. In the evening the village was crowded with troops in retreat from the battle, and the assembling Militia. The confusion was such that the Militia could not be organized until the afternoon of the 18th. Neither officers nor soldiers of Gates's army staid any time in Charlotte, but kept moving on the Salisbury road. Gen. Smallwood, of Maryland, who commanded the reserve in the action, was last engaged and being pressed by the enemy in pursuit, compelled to turn in towards the Catawba. It was generally believed, he was killed or taken, but on the 3d day after the battle, he arrived in Charlotte, to the great joy of the troops, he had commanded. His conduct in the action for skill and bravery gained him the confidence of his Regulars, which in a great measure was transferred to the Militia, whose officers consulted him and other regular officers as to what course they should pursue at the present crisis. They were encouraged to keep embodied and make what resistance they could, if the enemy advanced—that as soon as Congress was advised of the defeat another army would be ordered to join them—that the enemy must have suffered much, and could not advance for some time. On the 20th Gen. Smallwood and the rest of the officers and privates who had been in the action set out for Hillsboro, all except Maj. Anderson of the 3d Maryland Regiment, who was left behind, with orders to stay ten or twelve days to collect what stragglers he could and then follow. In that time he collected about sixty and went on. On the same day that Gen. Smallwood and the officers and men in service left Charlotte, the news was received of Sumpter's defeat on the 18th. The officers commanding the Mecklenburg Militia, and some of the most influential citizens convened to consult what should be done. Their's being a frontier county, the Regulars and Militia, who had been in service, all passing on, a numerous and victorious enemy shortly expected to invade them, and no expectation of assistance for some time to come except from their old and well tried friends from Rowan county, they had to rely on their own strength and resources. Though the regular officers encouraged them to expect assistance yet the manner in which they did it, and their conduct evidenced that they did not

expect it. Several aged and respectable citizens insinuated that further resistance would under such circumstances, be temerity, and only produce more certain destruction to themselves and families, which by some other course might be averted. But this was indignantly repelled by a great majority, and especially those who had been in action at Hanging Rock. Several of them stated that they then had seen the British soldiers run like sheep, and many of them bite the dust—that they were by no means invincible—that under suitable commanders and proper arrangements, they would at any time risk a conflict with them man to man—that their cause was just and they confided that Providence would ultimately give them success, notwithstanding the present unfavorable appearances. As to endeavoring to obtain terms of the enemy that was out of the question. That their sister State South Carolina had tried the experiment and found that no faith was to be placed in British promises, justice, generosity, or honor. Several of them declared that while there was any part of the North American Continent to which the British authority did not extend, they would endeavor to occupy that. This was one of the times which emphatically “tried men’s souls,” rather than when, with the enemy at a distance, sitting in deliberative bodies and passing abstract resolves, to which it is generally applied.

The result of the meeting was, that it was recommended to the commanding officer, Col. Irwin, to encamp somewhere to the south of Charlotte, retain half the men liable to military duty, and the other half to attend to their farms, but hold themselves in readiness to join, if the Enemy should advance: and that Major Davie’s Cavalry (the only corps in service yet unbroken) patrolled the country next to Camden. Col. Irwin selected a position seven or eight miles southeast of Charlotte, between the two roads that lead to Camden from that place, and encamped behind McAlpin’s creek. In a few days he was joined by Col. Locke, with a force from Rowan. As General Rutherford, had been taken prisoner at Gates’ defeat, the Colonels had no superior officer and being equal in rank, a collision took place as to who should have the chief command. At that time there was no law or regulation existing to settle disputes of this kind and unhappily the *esprit du corps* began to

be manifested by those they commanded. In about a week the dispute was fortunately settled. The Governor of N. Carolina, shortly after Genl. Gates arrived in Hillsborough, on learning that Genl. Rutherford was a prisoner, forwarded a commission of Brigadier General to Col. Wm. L. Davidson, who had just recovered of the wound he received in the skirmish at Colson's early in July, and by the same messenger a commission to Major Davie as Col. of Cavalry.

Those appointments accorded with public opinion and settled the difficulty referred to. The General arrived in camp the next day after he received his commission, and assumed the command to the great satisfaction of all parties. He used every exertion to increase his numbers, and improve them in military discipline, and Col. Davie kept increasing his corps of Cavalry, as fast as the limited means of the country would admit. Several of the more ingenious blacksmiths were employed in making swords. Scabbards and hangings for them, were made by country shoemakers. Both were but coarsely manufactured, but found to answer the purpose.

About the middle of September, Genl. Sumner of the N. Carolina line arrived, (the State having no Regulars in the field after the fall of Charleston, he now took command of the Militia) having with him about eight hundred Infantry from the counties of Guilford, Granville, Orange, etc. etc., and several troops of Cavalry which were placed under the command of Col. Davie.

After the defeat of Gates and Sumpter, Lord Cornwallis' attention was occupied with the disposition of the prisoners and wounded, in arranging the civil government in South Carolina, in making a suitable disposition of Garrisons in the several Ports, (which diminished his moveable forces) and in making his arrangements for further operations. He set out from Camden with the British army, and by slow marches arrived at Hanging Rock on the 18th of September. On the 20th camped at Waxhaw Creek giving time for the disaffected to join him: they had hitherto been kept under by Col. Davie's Cavalry who were at this time patrolling the country, and gave prompt intelligence of every movement of the British army. Davie retired before them until near Genl. Davidson's quarters

at McAlpin's Creek, and obtained a detachment of Infantry with which he set out at noon on the 19th, marched in the night, and early next morning attacked a Tory detachment at Wahab's plantation, a short distance from the British camp. The particulars of this affair are well described by Lee—(who, I understood, got the account of that and other affairs from Genl. Davie himself.)

On the 24th September Cornwallis marched from Waxhaw, and on the 25th, encamped between McAlpin's and Sugar Creeks 10 miles south of Charlotte. He immediately detached Col. Tarlton to strike Genl. Sumpter who lay about eight miles on his left near Bigger's Ferry (now Mason's) who had collected about sixty So. Carolina Militia after his defeat on the 18th of August. Being in a friendly neighborhood, he had information of Tarlton's approach and instantly crossed to the west side of the River, and passed the South Branch up into the Forks. Tarlton came to the East bank an hour after Sumpter left it.

When the patrols gave information of the approach of the British army, on the 25th Genls. Sumner and Davidson broke up their camp on McAlpin's Creek and marched directly towards Salisbury, leaving Charlotte four miles on their left. Genl. Sumner kept on until he crossed the Yadkin at Trading ford. Genl. Davidson halted behind Mallard's Creek, where the Salisbury road crosses eight miles North-East of Charlotte. Col. Davie and his Cavalry occupied the village. Genl. Davidson ordered Joseph Graham (who had acted as Adjutant to the Mecklenburg Militia since the fall of Charleston, and had been for some time before in the regular army under Genl. Lincoln) to Charlotte to take command of the Militia assembling there in consequence of the alarm of the enemy advancing. He (Graham) was requested by Col. Davie as his men were best acquainted with the country, and by roads, to go down to the enemy's lines and relieve a party who had been out two days. He relieved Col. Davie's party in the afternoon and in the evening took four men stragglers, at a farm adjacent to the encampment, who had gone out in search of milk, and sent them on to Col. Davie.

Before sunrise on the 26th Graham's party discovered the front of the enemy advancing, and two of his men who had

been sent down their left flank, reported that the whole army was in motion—that they had seen their Artillery, Baggage etc., coming on. They were immediately sent to give Col. Davie notice, and Graham's troop receded slowly before them. After going a short distance the party were covered from the view of the British by a swell in the ground. They halted and fired on their front as they approached, which the enemy returned briskly, and began to deploy. Graham's party moved on, expecting the British Cavalry to pursue, but could see none: (it turned out and they were gone with Tarlton after Genl. Sumter.)

Within two miles of Charlotte where the road from the Ferry, comes in, Tarlton joined them. In five minutes after he arrived, being indisposed by his night's march, Maj. Hanger took command of the Cavalry, and coming in front compelled Graham to keep at a more respectful distance. He was pursued by the front troop, in a brisk canter for a mile; after that, they went at a common travel, until they came in sight of the village, when they halted that the rear might close up, and some of their officers endeavored to reconnoiter.

Col. Davie had nearly completed his disposition for their reception, and during the night and morning had the Hospital and Military stores removed—Charlotte stands on an eminence of small elevation above the adjacent ground,—two wide streets crossing each other at right angles—the Court-house was in the centre, a frame building raised on eight brick pillars ten feet from the ground, which was the most elevated in the place. Between the pillars was erected a wall of rock three and a half feet high and the open basement answered as a market house for the town. Suitable gaps were made in the lots and other enclosures on the East side of the village for the troops to retire with facility, when compelled. The main body was drawn up, in three lines across the street leading to Salisbury, about fifty yards apart,—the front line twenty steps from the Court-house. Owing to the swell in the ground and the stone wall aforesaid, the whole was nearly masked from the view of the advancing foe, until he came near. One troop was drawn up on each side of the Court-house in the cross street, at a distance of eighty yards from it. That on the left was masked by a brick-house—

that on the right by a log-house. Major Dickson of Lincoln (since Genl. Dickson) with a party of twenty men was placed behind McComb's house, about twenty-nine poles in advance of the Court house on the left of the street. Graham's command (just arrived before the enemy) with Capt. John Brandon's troop from Rowan were placed as a reserve in one line at right angles with the street where the jail now stands. In about thirty minutes after the enemy made his appearance—he had condensed his forces from the loose order of march, by sections, and increased the front of his columns—his Cavalry arranged in subdivisions—his Infantry in platoons (except the Legion which followed the Cavalry.) There appeared an interval of about one hundred yards between the columns—the Cavalry advanced at a slow pace until fired on by Maj. Dickson's party—they then came on at a brisk trot, until within fifty yards of the Court-house, when our first line moved up to the stone wall and fired, then wheeled outwards, and passed down the flanks of the second line which was advancing—the Enemy supposing that we were retreating rushed up to the Court-house and received a full fire on each side from the companies placed on the cross streets. Upon which, they immediately wheeled and retreated down the street, to their Infantry halted and fronted. Their Infantry, passed out through the lots on each flank and advanced. Our second line when it reached the Court-house, fired at the column of Cavalry in retreat, but at rather too great a distance for much execution. Their cavalry now began to move forward again, but the Legion Infantry were near one hundred yards in advance on each flank. When they came in view, in rear of the lots, they opened a cross fire on each flank of Davie's men, which for a short time was handsomely returned from behind the buildings; but their numbers and firing increasing as they deployed, and the Cavalry advancing along the street in a menacing attitude, Col. Davie ordered a retreat. As soon as the troops who had been engaged passed the reserve they had to sustain the whole fire of the Legion which kept advancing parallel with the street about eighty yards from it. The reserve held their position, until they fired two rounds, and moved off in order through the woods on the left of the road. The British cavalry kept in thirty poles until Graham's



party passed the first Muddy branch about three-quarters of a mile from the Court-house, and one hundred yards from the road; where they wheeled and fronted: the Muddy branch being between them and the Enemy one hundred yards beyond, and gave them one fire. They halted waiting for their infantry, which in a short time came running down their flank and began to fire. Graham ordered his men to disperse, as the woods were thick and they all knew the country. At the distance of two or three miles the most of them collected, where the road crosses Kennedy's Creek (where Frew's farm now is); and as the woods were here thick and deemed suitable to rally in, the men were drawn up, fronting the Ford, and two men sent over to see whether the Horse or Foot were marching in front, it being decided that if the former, the troop should fire from their saddles. The men sent over had not gone one hundred yards from their party before they discovered the front of the Cavalry at a small distance, and came back and gave information. The party sat on horseback waiting the approach when the first thing that presented itself to their view, in the edge of the bottom beyond the Creek, at the distance of ninety steps, was the front of a full platoon of Infantry on each side of the road on whom they instantly fired, and retreated. The enemy fired nearly at the same time, and their balls passing directly through the woods when our line was formed, and skinning saplings and making bark and twigs fly, produced more of a panick on the Militia than any disaster which occurred on that day. All the firing in Charlotte and beyond had generally passed over their heads, but here it appeared to be horizontal. The parties commanded by Brandon and Graham passed on in disorder by Sugar Creek church until they ascended the hill near the cross roads, where they formed and fronted. The Enemy's Infantry which came before, and at a distance of two hundred and fifty yards halted and took to trees and a fence, and commenced an irregular fire, for near a half hour at long shot. Many of our men dismounted and fired in the same manner, but owing to the distance and the shelter of each, it is believed no damage was done, on either side. Col. Davie with his main force, heard the firing distinctly, and knowing the enemy were coming on, sent an officer to apprise Genl. Davidson, who drew up his men near

the Ford on Mallard's Creek, where the woods (being coppice) and deep ravines would protect him from the Cavalry. Col. Davie himself formed, a mile and a half in his front, at a place called Sassafras fields; from thence to the cross roads, near three miles, was an open ridge with large timber (at that time scarcely any undergrowth being upon it) which was quite favorable for the action of Cavalry. During the time the Enemy had halted and kept up a desultory fire, he was making his arrangements near a small Creek in his rear, by placing his best horses in front, and sending about one hundred Cavalry through the woods to his right, in order that they might come into and up the cross road, so as to surround the party in his front. Their conduct indicated some such movement would be attempted, and the reserve and others who joined them moved on. When they passed the cross roads, that part of the enemy which debouched, were discovered coming up the road on their right within thirty poles distance, and Maj. Hanger with the remainder, the same distance in their rear, the whole about three hundred and fifty in number. When the two parties joined at the cross roads, they came on at a brisk trot, and from that to a canter, as fast as they could preserve order, until they discovered the party before them, was by their pursuit pressed out of order. They then charged at full speed. When the pursuit became close, near one half took to the woods on each side of the road. The front troop of the enemy (commanded by Capt. Stewart) pursued them, but the main body commanded by Maj. Hanger kept the road until they came in view of the place where Col. Davie had formed at Sassafras fields. Being much out of order by the pursuit, they collected their scattered troopers and returned to their Legion Infantry and one other Battalion about eight hundred men in all, which accompanied the Cavalry as far as the cross roads, and remained there drawn up, in position until their return. The main body had halted in Charlotte, whither the whole repaired about sunset.

On this day we lost Lieut. George Locke (son of Genl. Matthew Locke) who was literally cut to pieces in a most barbarous manner. The barrel of his rifle with which he endeavored to shelter himself from their sabres was cut in many places. He and two privates were killed, and Col. Lindsay of Georgia, who served

as a volunteer without any command, and Adjutant Graham<sup>1</sup> and ten others were wounded. The loss of the Enemy could not be ascertained, but was believed to exceed ours—afterwards two of their dead were found, near to where Locke was killed and Graham wounded, one of whom was known to have been shot by Robert Ramsay of Rowan, at the time they charged. But they must have sustained the greatest damage in Charlotte. The enemy seemed to understand this Parthian kind of warfare, and manœvered with great skill—the Cavalry and Infantry supporting each other alternately as the nature of the ground or opposition seemed to require. They taught us a lesson of the kind, which in several instances was practised against them before the end of the war. During the whole day, they committed nothing to hazard, except when the Cavalry first charged up to the Court-house, and received a heavy fire in front and both flanks, at the same time, which compelled them to retreat before their Infantry were thrown forward on their flanks.

Had we omitted fighting on this day, kept our men and horses fresh (except a few to reconnoiter and give intelligence of the enemy's movements) and been in readiness to strike the foraging parties, which his new position would soon have compelled him to send out, and thus endeavored to take him by detail, it would have been better policy, than with three or four hundred mounted Militiamen, of whom not one-fourth were equipped as Cavalry, attacking a Regular army completely organized of ten times their number, in an open field, when every person was sure we would be beaten. The small damage sustained in proportion to the risk, appeared providential. Several of the British officers stated afterwards, if Col. Tarlton had commanded their van instead of Maj. Hanger it would have been worse for us. Genl. Davidson retired in the night to Phifer's plantation, twenty miles from Charlotte, and Col. Davie behind Rocky River, sixteen miles from Charlotte, and four miles in front of Davidson.

The British army consisted of three Brigades, besides the Legion Infantry and Cavalry and some Tories. The Brigade on

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<sup>1</sup>"Graham received nine wounds, three with ball and six with sabre and was left on the ground."—Foot-note in the printed copy in the *N. C. Univ. Mag.*, apparently in the original.

the right commanded by Col. Webster encamped on the South-East of the Court-house, forty poles from it, at right angles to the street leading to Polk's farm; which street passed thro' his centre. The Brigade commanded by Brigadier-Genl. Lord Rowdon encamped across the street leading towards Salisbury thirty poles from the Court-house. His left came near Webster's right, and his line at right angles to him. The Brigade commanded by Brigadier-Genl. O'Hara parallel to Webster, the same distance from the Court-house on the opposite side, fronting towards the Catawba River. The Cavalry, Legion Infantry, Tories, etc., encamped across the street by which they came into the village. Their Artillery consisting of four pieces was drawn up on the eminence around the Court-house, so that their encampment was about eighty poles square, the Court-house and Artillery being nearly in the centre. A chain of sentinels extended around the encampment at a small distance from it. Maj. McArthur was sent with a Battallion to Blair's mill, ten or twelve miles South-East of Charlotte, for the purpose of keeping up a correspondence with the Tories towards and beyond Peedee, and collecting supplies for the army. A guard of fifty men were stationed at Polk's mill (now Wilson's) in two miles of Charlotte, which was kept grinding night and day for the army. On the 30th of September Major Dickson set out from Col. Davie with sixty men, made a circuit around Charlotte, and in the evening charged on this post. The garrison was vigilant, threw itself into a log house on the hill above the mill, and had loop holes made, in the daubing and chinks to fire through. Dickson was repulsed, with the loss of one man killed and several horses wounded. Before the enemy got into the house two were wounded, but after that they were secure, and the assailants much exposed withdrew.

After the British army had continued in Charlotte about a week, having consumed most of the forage and subsistence to be obtained in the vicinity, on the third of October Lord Cornwallis ordered out a foraging party consisting of four hundred and fifty Infantry, sixty Cavalry and about forty wagons under the command of Major Doyle, which went up the road, leading to Beattie's Ford on the Catawba River intending to draw the supplies from the fertile settlements on Long Creek waters eight

or ten miles North-West of Charlotte. Capt. James Thompson and thirteen other men<sup>1</sup> of the neighborhood, all being well acquainted with the whole region, excellent woodsmen and expert riflemen, had come together the day before. Anticipating the necessity the British would be under to forage, they had gone early in the morning to Mitchell's mill (now Means') three miles from Charlotte, at which place the corn was pulled, (at most other places it was standing in the field.) They lay concealed at this place about an hour, when they heard the wagons and Doyle's party on their march up the great road on their right. Finding the enemy had passed on, they started thro' the woods parallel to the great road, at nearly a half mile from it, keeping an even pace with the detachment on the road.

"The names of this gallant band were.

"Capt. James Thompson. Lived where Mr. Latta now does (since dead.)

"Frank Bradley. Killed by four of Bryant's Tories eleven days after this.†

"James Henry—Dead.

"Thos. Dickson } Moved to Tennessee,

"John Dickson } both living.

"John Long—Dead.

"Robt. Robinson, Esq., living in Mecklenburg.

"George Houston } Moved to Kentucky.

"Hugh Houston, } both living.

"Thos. McClure do do.

"Genl. George Graham—Clerk of Mecklenburg Superior Court; living.

"Edward Shipley } Dead.

"George Shipley }

"John Robinson—living on Crowder's Creek.

†"When the British were on their retreat from Charlotte, near Old Nation ford, four of Bryant's men agreed to desert and go home by travelling in the night and lying in thickets during the day; their names were John McCombs, Richard McCombs, ——— Griffin and ——— Ridge. They had taken up in a thicket a mile from Bradley's on the morning of the 14th October. About mid-day Bradley took his gun and went out to hunt some missing cattle, came on two of them and began to question them and finally took them prisoners. The other two who had been lying about twenty steps off and whom he had not seen came behind him and seized him, a violent scuffle ensued until one of them got his own gun and shot him dead. Bradley was a very stout man and without weapons would have been a match for all four of them, a man of cool and deliberate courage, much respected by all who knew him and his death much regretted. A few weeks after his murderers went home, Richard McCombs and Griffin were killed, the others were taken and sent to Salisbury jail. On trial, Jno. McCombs turned States evidence and from him this account was obtained—Ridge was hanged."—Foot-note in the *N. C. Univ. Mag.*, from the original.

When Doyle's party arrived at McIntire's farm, seven miles from Charlotte, after halting a short time, he left about one hundred men and ten wagons with one of his captains, believed to be sufficient for the transportation, of what could be procured at that place. The main body continued their march three or four miles to the farms further up. Capt. Thompson and his party finding some were halted at this place, moved directly towards the thicket, down the spring branch two hundred yards from the house. A point of rocky ridge covered with bushes passed obliquely from the road towards the spring and within fifty steps of the house, which sheltered them from the view or fire of the enemy until within that distance of him. Under this cover they deployed into a line ten or twelve feet apart, and advanced silently to their intended position. The British were much out of order, some at the Barn throwing down oats for the wagons, others racing after the chickens, ducks and pigs—a squad robbing the bee house, others pillaging the dwelling house. A sentinel placed in the edge of the coppice, within a few steps of where they advanced, appeared to be alarmed though he had not seen them. Capt. Thompson shot him. This being the signal for the attack, each man as he could get a view took steady and deliberate aim before he fired at the distance of sixty or seventy steps. In two instances when two aimed at the same man, when the first fired the man fell, and the second had to change and search for another object. The enemy immediately began to form and fire briskly. None of the party had time to load and fire a second shot except Capt. Thompson and Bradley who had fired first. The last shot of Captain Thompson was aimed at the Captain of the party at the barn, one hundred and fifty yards distant. He died of the wound thus received two days afterwards, at the house of Samuel McCombs in Charlotte. The party retreated through the thicket down the spring branch, which ran nearly parallel to the great road, and about thirty poles from it for half a mile, where it enters, what is called Car's Creek, a branch of Long Creek. The enemy continued to fire briskly in proportion to their numbers, and ceased about the time Thompson's party arrived at this point. Here they halted and heard the noise of the main body under Major Doyle, who had just arrived at the place where they intended to load

their wagons; when they heard the firing at McIntire's and became alarmed; and were now hurrying back to support their friends. Thompson's party loaded their rifles ascended the creek bottom deployed as before under cover of a high bank, parallel with the road, and about forty yards from it. They had not been long at this station, before the enemy's advance, and some wagons came on. They severally fired, after deliberate aim, and then retreated down the Creek. When the front of the enemy's columns arrived near the Ford of the Creek they formed, and commenced a tremendous fire through the low ground which continued until Thompson's party retreated half a mile. At the same time the Cavalry divided, and one half passed down each side of the creek. At the same time six or seven hounds came in full cry on the track of Thompson's party, and in about three-quarters of a mile came up with them, the British Cavalry, at the same time on their flanks on the high ground. One of the dogs was shot, and the others ceased to pursue or make any further noise. The face of the country being hilly and thickly covered with underbush, Thompson's party escaped unhurt. The Cavalry kept on their flanks, until they arrived at the plantation of Robt. Car, Sr., where they appeared much enraged, and carried the old gentleman a prisoner to Charlotte, although he was seventy years of age.

Major Doyle's party moved on from the Ford of the Creek and formed a junction with those at McIntire's farm, took up their dead, (eight,) and wounded (twelve,) put them in their wagons and retreated to Charlotte in great haste, not carrying more forage than could have been carried in two wagons. On their arrival they reported that they had found a "rebel in every bush after passing seven miles, in that direction."

It is believed that in the whole war the enemy did not sustain so great a loss, nor was he so completely disappointed in his objects by so few men. That out of thirty shot fired, twenty should do execution, is new in the history of war; and several of the party think, that every shot would have told, if they had each aimed at a different object, but two or more aiming at the same man occasioned the waste of those that failed.

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With the British army, came to Charlotte, Josiah Martin, the last Royal Governor of North Carolina. He had abdicated

the State in the summer of the year 1775, and now brought with him a travelling printing press, which was set up in the village, and this being the first entrance of the British army into the State, he issued his proclamation<sup>1</sup> and had a great number of copies printed, dated at "Head Quarters, Charlotte, 3d day of October, 1780," countersigned by his Secretary, stating the decisive victory gained by the Royal forces over the Rebels on the 16th of August last, and exhorting all subjects to return to their allegiance and be no longer deceived by the Continental Congress and other leaders of the rebellion, inviting all young men to repair to the royal standard, and they should have—guineas bounty, and the same pay, clothing, and rations as the Regulars, and serve only within the province, and only for the term of six months, or during the rebellion if it should be crushed sooner. Four or five Tories were instantly sent off with proclamations among their friends on the west of the Catawba—the same number beyond the Peedee and other places. Subsequent events, which soon followed prevented them from producing the effect intended.

Before Cornwallis set out from Camden he detached that noted partizan, Col. Ferguson, with one hundred and fifty Regulars and the same number of Tories, three hundred in all, with a large stock of spare arms and ammunition over Broad River, seventy or eighty miles to the west. His manifest object was to arouse, arm and equip his numerous friends in that quarter, who it was known would join him as soon as an organized force of their own party came near them. Another object was to disperse or destroy several parties of the Whigs who occasionally

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<sup>1</sup>"The printed proclamation I obtained from an old German about five years past, near Vesuvius Furnace, say 1816 or 1817, and forwarded it by the hands of Dr. J. McK. Alexander to our Senator N. Macon, Esq., who had written to me for such papers. I have heard it was reprinted in the newspapers thereafter, but never saw the reprint."—Foot-note in the *N. C. Univ. Mag.*, from the original. The editors of the magazine added the following note: "The Proclamation was republished, doubtless, from the copy referred to, by the writer, and seems to have been appended, to the early publications respecting the Mecklenburg Declaration of Independence. It was recopied in a paper published at Easton Maryland in 1821, which we find in Judge Murphey's collections, and from which we give it entire, as follows.—Eds." See Hoyt, *The Mecklenburg Declaration of Independence*, pp. 1-3. Cf. Wm. B. Alexander's letter to Nathaniel Macon, Feb. 7, 1819, in H. Niles's *Principles and Acts of the Revolution in America* (Baltimore, 1822), p. 136.



molested foraging parties at the posts of Ninety-Six and Augusta. Ferguson was indefatigable in carrying out the views of his General. Great numbers flocked to his standard, whom as fast as they came in he armed and organized into companies. An unsuccessful attempt made by Col. Clark of Georgia to take Augusta, induced Ferguson to move further to the West than was intended, in order to intercept their return. But in this he was disappointed. After various movements in different directions, his numbers still increasing, he arrived at Gilbertstown, (near where Rutherfordton now stands,) on the 4th of October, his whole force amounting to thirteen hundred men, well armed with rifles<sup>1</sup> and muskets, and plentifully supplied with ammunition. On the next day, the 5th of October, he received intelligence from some of the Tories coming to join him, of a large force, marching against him, under the command of Cols. Campbell, Cleveland, Shelby, Williams, the McDowells, etc. Col. Ferguson, sensible of the approaching danger from the numbers and kind of forces in pursuit of him, immediately decided on endeavoring to reach Charlotte, or if that should not be practicable to get within supporting distance of that place. He ordered a march, delaying himself a few minutes to write to Cornwallis, apprising him of his situation and the course he was pursuing, and soliciting immediate assistance. He sent it by two Tories,<sup>2</sup> with orders to proceed without delay to Charlotte.

For an account of the next movements and the battle of King's Mountain, I refer to the various histories, though I am informed by several, who were in the action, that the accounts of it are not accurate. I have been promised a correct account by persons who were there, but I have not yet obtained it. It is well known that the party who attacked, vested the chief command in Col. Campbell, who fixed the plan of attack and gave all

<sup>1</sup>"It was usual for riflemen to carry a large knife in a scabbard appended to the front strap of the shot-bag, across the breast. Col. Ferguson (who originally was an officer in a rifle-corps) invented the following plan. He had about two inches of the butt end of the handle of the knife made small enough to go in the muzzle of the rifle to be used as a bayonet, which was done in battle."—Footnote in the *N. C. Univ. Mag.*, from the original.

<sup>2</sup>"The noted Abraham Collins of counterfeiting memory, was one. The name of the other was Quinn."—*Ibid.*

orders until the battle commenced—further, a Maj. Chronicle, a young man of great promise, who commanded about eighty of the few good Whigs in Lincoln County was killed while bravely leading his men up the hill. Of him no mention is made in history. Others of his command fell. He was buried on the spot, and some four or five years ago a large assemblage of citizens collected, had an appropriate oration delivered by Dr. MacLean, and a stone erected at the place, with a suitable inscription commemorative of his death, and of the Battle. I being in the hospital during these transactions, have no personal knowledge of them, except as derived from others.

Lord Cornwallis had due notice of, and was doubtless much gratified with the prospect of Ferguson's progress and success in recruiting. With Major McArthur on his right and Ferguson on his left in such force, he expected to be able in a short time, to move on and concentrate at Salisbury or some point near the centre of the State. But owing to the spirit of this part of the country, and the vigilance of Gen'l Davidson and Col. Davie he could not learn the force or the disposition of the troops collecting in his front. He did not receive Ferguson's express from Gilbertstown, until the morning of the 7th. The messengers having to pass through the Whig settlements on Crowder's Creek narrowly escaped being taken. They had to lie by in the day and travel in the night, and by this means were detained. On the day he received the express, Cornwallis ordered Tarlton's Cavalry to go with the bearers, who were to serve as guides to Ferguson's aid. The Ford at which they had crossed was Armour's, near the mouth of the South Fork of the Catawba; it was deep and somewhat difficult to find which being represented to Col. Tarlton he sent for Matthew Knox, an old man near seventy residing hard by to show them the way over. They arrived at the Ford a little before sun-set, the water had risen considerably since the express had passed. The old man knew this, but said nothing about it, only giving them directions how the Ford ran. The advance, about twenty in number went in, but before they had gone twenty steps, they were swimming—after much difficulty they got out, on the same shore—some nearly drowned. They were much enraged with Mr. Knox, threatening to "cut the old rebel to pieces," but the commander protected him. They repaired to a neighboring

farm, and encamped until morning—by which time the river had fallen so as to be passable—and they were about to go over, when they met two men, who had been in the Battle at King's Mountain, and gave Tarlton information of the destruction of Ferguson's army and he hastened back to Charlotte.

Whatever his Lordship's plans might have been hitherto, they were now deranged, and instead of occupying more of the country, he decided, on abandoning a part, of what he already had to secure the rest. The many posts he had garrisoned necessarily diminished his field force, and this with the loss of Ferguson's command, induced him to adopt this course. Calculating on the probability that the men who had destroyed Ferguson might either form a junction with those in front, and attack him, or strike at his post of Ninety-six, which was beyond protecting distance, in his present advanced position—and further that he had consumed all the subsistence for man and beast in the village, and it being unsafe to forage on account, of such bands as the fourteen men, who handled Doyle's party so roughly at McIntire's farm—and several of his sentinels having been shot<sup>1</sup> on their posts near the lines, and those who did it, escaping with impunity—these considerations caused him, to abandon this hostile district, and in one hour after Tarlton's return, having examined the men who escaped from the battle of King's Mountain, he gave orders to march the same evening. The British army left Charlotte about sunset on the 9th of October and took the road leading to the Old Nation Ford on the Catawba. They had with them as a guide William McCafferty, (an Irishman) who had done business as a merchant in Charlotte for some years. When the British army came, he staid to endeavor to save his property—McCafferty led them the road to the right about two miles below Charlotte, which goes to Park's Mill (now Barnett's). When they got near that place, he suggested that they were on the wrong road, and that he must ride a little out of the way to the left, to find the right one. When he got a short distance from them

<sup>1</sup>The day before he marched from Charlotte, a sentinel was shot down, buried on the same spot, and a board placed at the head of the grave on which was stuck a half sheet of paper with this inscription in large letters. "This is *Murder*—We will *Retaliate*"—signed by

THE LIGHT INFANTRY.

—Foot-note in the *N. C. Univ. Mag.*, from the original.

he wheeled about, as he well knew the country, and left them. The scene of confusion and disorder which succeeded among them, is not easily described. They were two miles to the right of the road they intended to go—the night was dark and being near Cedar Creek they were intercepted by high hills and deep ravines. They attempted at different places to file to their left along by ways, in order to reach the main road; but finally most of them got into the woods, were separated into parties, and kept halooing to find which way their comrades had gone. By midnight they were three or four miles apart and appeared to be panic-struck, lest the Americans should come upon them in that situation. They did not concentrate until noon the next day about seven miles from Charlotte. Owing to the difficult passes they took, the darkness of the night, and the scare upon them they left behind them forty wagons and considerable booty which was found dispersed, for the most part, near Park's Mill. When McCafferty left them he rode nearly all night, and arriving at Col. Davie's encampment early next morning, communicated the information of their retreat. Davie immediately marched on through Charlotte, and sent a reconnoitering party forward, which came in view of them about the time they came together, and began to move. Spies kept in view of them for three or four miles continually reported to Col. Davie that their rear guard was composed of nearly half their Cavalry and marched in close order. Finding that no advantage could be taken of them in that quarter, Davie turned to the left where the road enters the Indian Lands (which at that time were woods and unsettled), passed up their left flank at the distance of three-fourths of a mile from the road (his spies viewing them at every favorable position) and marched in this manner parallel to them, for four miles, but their march was so condensed, and in such perfect order that it was impossible to attack them without encountering at the same time, their whole army. In the evening he returned to the settlements on Sugar Creek; and the British army proceeded on their way by slow marches, it being rainy weather and the roads bad, and they not having sufficient teams for the transportation of their baggage, after the loss of the forty wagons, during their panic as above stated. In ten or twelve days they arrived at Winnsboro', not more than seventy miles distant. Here their head-quarters were con-

tinued for some time, it being a convenient place for supporting their posts of Camden or Ninety-six if either should be attacked.

When the shattered remains of Gates' army arrived at Hillsboro' it was re-organized and a corps of Light Infantry formed and placed under the command of Genl. Morgan, who had just arrived from the North. This corps and the cavalry under Col. Washington were despatched westward, and reached Salisbury about the time the British army left Charlotte. They came and formed a junction with Genl. Davidson and moved in advance of Charlotte 12 miles and encamped on Six Mile Creek where they remained for some time. Genl. Smallwood afterwards arrived and took the command. The cavalry under Col. Davie, and Infantry under Genl. Davidson whose term of service expired in November returned home. Towards the end of November Genl. Gates arrived with the remains of his army at Charlotte, and recalled the commands of Smallwood and Morgan, to that place. Nothing of consequence now occurred in this quarter, except the capture of Col. Rugely's party by Col. Washington with the pine log so well related by all the historians.

General Greene arrived at Charlotte early in December and took command of the Southern army. He discovered that the country where the army now lay, though fertile and well cultivated, was much exhausted by being so long occupied by both armies, and decided on making a new disposition of his forces. He ordered Genl. Morgan with the Light Infantry under Col. Howard, and the Cavalry under Col. Washington, together with what volunteer Militia could be collected to cross the Catawba and Broad Rivers, and occupy a position nearly equidistant from the British head-quarters and their post at Ninety-Six. Genl. Greene with the main army set out and took up a position beyond Peedee, seventy miles to the East; it being convenient for raising supplies of provisions and forage; calculating that if the enemy should advance again, the people of Mecklenburg and Rowan, between the Catawba and Yadkin, acting as heretofore, would answer the purpose of a central army.

Lord Cornwallis continued at Winnsboro' waiting for reinforcements under Genl. Leslie, and stores from Charleston. Ascertaining the security of the posts occupied by his detachments, and getting accurate information of the disposition made

of his Troops, by his adversary, he broke up his encampment at Winnsboro', early in January 1781, and sent a strong detachment under Col. Tarlton against Genl. Morgan, and at the same time, with his main army, advanced by slow movements between the Catawba and Broad Rivers.

The movement before the battle of the Cowpens and the action itself are well described by the historians.

As soon as Genl. Davidson was advised of the British army again advancing, he ordered out the next detachment which was detailed for duty from the counties<sup>1</sup> under his command to rendezvous between Charlotte and the Catawba River. On the 19th, he received information of Tarlton's defeat at Cowpens. On the 21st a party of twenty Whigs who lived in the country South-East of the Cowpens (but had not been in the fight) brought into our camp twenty-eight prisoners, British stragglers, whom they had taken, most of whom were wounded—they were sent on eastwardly the same day. Genl. Davidson being advised of the rapid advance of the British army, and the Troops joining him, being all infantry, and Genl. Greene having appointed Col. Davie to superintend the commissariat department, directed Adjutant Graham, who had now recovered of his wounds received in advance of Charlotte on the 26th September to raise a company of Cavalry, promising that those who furnished their own horses and equipments and served six weeks, should be considered as having served a tour of three months, the term of duty, required by law. In a few days he succeeded in raising a company of fifty-six, mostly enterprising young men, who had seen service, but found it difficult to procure arms. Only forty-five swords could be produced, and one half of them were made by the country Blacksmiths. Only fifteen had pistols, but they all had rifles. They carried the muzzle in a small boot, fastened beside the right stirrup leather, and the butt ran through the shot bag belt, so that the lock came directly under the right arm. Those who had a pistol, carried it, swung by a strap, about the size, of a bridle rein, on the left side, over the sword,

<sup>1</sup>The counties then composing one Brigade, commanded first by Rutherford and then by Davidson were the old Superior Court districts of Salisbury and Morgan, now composing the fourth and fifth Divisions of N. C. Militia, whose returns of effective men at this time (1821) exceed twenty thousand."—Foot-note in the *N. C. Univ. Mag.*, from the original.

which was belted higher, than the modern mode of wearing them, so as not to entangle, the legs, when acting on foot. They had at all times, all their arms, with them, whether on foot or on horseback, and could act as Infantry or Cavalry, and move individually or collectively as emergencies might require. With those arms, and mounted generally on strong and durable horses, with a pair of saddle bags for the convenience of the rider, and a wallet of provender for his horse, they were ready for service, without Commissary, Quarter Master, or other staff.

After the battle of Cowpens, Lord Cornwallis was nearer the crossings on the Catawba than Genl. Morgan, and continuing to move up the country compelled Morgan to take a circuit around him. From the 24th of January until the 3d of February, Cornwallis was seldom more than twenty miles from Morgan, and sometimes not half so far, and kept moving parallel to him; but never came into his trail until within sixteen miles of Salisbury on the 3d of February.<sup>1</sup>

On the 27th of January Cornwallis reached Ramsour's and encamped on the hill where the battle had been fought with the Tories on the 20th June preceding. Here he remained one day, either to ascertain in what direction to search for Genl. Morgan, or to afford his numerous friends an opportunity to join him.

Genl. Davidson finding the enemy approaching so near, divided those under his command in order to guard the different Fords on the Catawba. At Tuckasege Ford on the road leading from Ramsour's to Charlotte he placed two hundred men under Col. Jo. Williams, of Surry. At Tool's Ford, seventy men under Capt. Potts, of Mecklenburg<sup>2</sup> at Cowan's Ford twenty-five men under Lt. Thos. Davidson of Mecklenburg. With his greatest force, and Graham's Cavalry he took post at Beattie's Ford on

<sup>1</sup>"Genl. Morgan, as soon as his pursuers and prisoners were collected, marched over the Island Ford on Broad River, and up past Gilbertstown. Here he detached the greater part of his Militia and a part of Washington's Cavalry with the prisoners. The detachment took the Cane Creek Road thro' the ledge of Mountains, which divides the heads of the South Fork from the main Catawba, and down that river past where Morganton now stands, and crossed at the Island Ford. At this Ford Washington's Cavalry left the prisoners with the Militia and joined Morgan on his march to the East."—Foot-note in the *N. C. Univ. Mag.*, from the original.

<sup>2</sup>"At Tuckasege and Tool's Fords, trees were felled in the road, and a ditch dug and parapet made. There were no such defences at the other Fords."—*Ibid.*

the road from Ramsour's to Salisbury—being twenty miles above Col. Williams. On the 31st the Cavalry were despatched over the river, and ascertained that the enemy were encamped, within four miles. Within two miles they discovered one hundred of their Cavalry, who followed them, to the river but kept at a respectful distance. The dispositions that were being made caused them to fear an ambuscade. The same evening Genl. Morgan crossed the river at Sherill's Ford, ten miles higher up, and the next morning sent on the Troops under his command with Col. Howard, directly towards Salisbury. He himself and Col. Washington came down to Beattie's Ford, about two o'clock, and in ten minutes Genl. Greene and his aid Major Pierce arrived. He had been early informed of the movements of the British army and had first put his Troops in motion, then leaving them under command of General Huger on their march towards Salisbury, he had come on to ascertain the situation of affairs, and give orders to the officers in this quarter. Genl. Morgan and Col. Washington met him, at this place, by appointment. They and Genl. Davidson retired with him out of camp, and seating themselves on a log had a conversation of about twenty minutes—they then mounted their horses, General Greene and aid took the road to Salisbury, Morgan and Washington, a way that led to the Troops marching under Howard. About the time Genl. Greene had arrived, the British van-guard of about four or five hundred men, appeared on the opposite hill beyond the river. Shortly after their arrival some principal officer, with a numerous staff, thought to be Lord Cornwallis, passed in front of them at different stations halting, and apparently viewing us, with spy-glasses. In about one hour after Genl. Greene's departure, Genl. Davidson gave orders to the Cavalry and about two hundred and fifty Infantry to march down the river to Cowan's Ford four miles below Beattie's, leaving nearly the same number at that place under the command of Col. Farmer of Orange. On the march he stated to the commanding officer of the Cavalry "that tho' Genl. Greene had never seen the Catawba before, he appeared to know more about it than those, who were raised on it,"—and it was the Genls. opinion that the enemy were determined to cross the river; and he thought it probable their Cavalry would pass over some private Ford in the night; and in the morning when the



Infantry attempted to force a passage, would attack those, who resisted it, in the rear; and as there was no other Cavalry between Beattie's and Tuckasege he ordered that patrols who were best acquainted with the country, should keep passing up and down, all night, (and on discovering any party of the enemy to have gotten over, to give immediate information to him. These orders were carried into effect. The party arrived at the Ford about dusk in the evening and after encamping, it was too dark to examine our position. At Cowan's Ford the river is supposed to be about four hundred yards wide, of different depths, and rocky bottom. That called the Wagon Ford goes directly across the river: on coming out, on the eastern shore, the road turns down, and winds up the point of a ridge, in order to graduate the ascent until it comes to its proper direction. Above the coming out place a flat piece of ground, not much higher than the water, grown over with Haw and Persimmon bushes and bamboo briars, five and six yards wide, extends up the river about thirty-one poles to the mouth of a small branch and deep ravine. Outside of this, the bank rises thirty or forty feet at an angle of thirty degrees elevation—then the rise, is more gradual. That called the Horse Ford (at the present time much the most used) comes in on the West at the same place, with the Wagon Ford, goes obliquely down the river, about two-thirds of the way across, to the point of a large island, thence through the island, and across the other one-third, to the point of a rocky hill. Tho' longer, this way is much shallower and smoother than the Wagon Ford and comes out, about a quarter of a mile, below it.

From the information received, General Davidson supposed that if the enemy attempted to cross here, they would take the Horse Ford; accordingly he encamped on the hill, which overlooks it. Lieut. Thos. Davidson's picket of twenty-five men remained at their station, about fifty steps above the Wagon Ford, on the flat piece of ground before described, near the water's edge.

On the same day as Cornwallis was marching to Beattie's Ford, about two miles from it at Col. Black's farm he left behind him under the command of Brigadier Genl. O'Hara twelve hundred Infantry and Tarlton's Cavalry, which in the night

moved secretly down to Cowan's Ford, only three miles below. The next morning at dawn of day, 1st Feb. 1781, he had his columns formed, the Infantry in front with fixed bayonets, muskets empty carried on the left shoulder at a slope, cartridge box on the same shoulder and each man had a stick about the size of a hoop pole eight feet long, which he kept setting on the bottom below him, to support him, against the rapidity of the current, which was generally waist deep, and in some places more.<sup>1</sup> The command of the front was committed to Col. Hall of the guards, who had for a guide Frederick Hager who lived within two miles of the place. They entered the river by sections of four, and took the Wagon Ford. The morning was cloudy and a fog hung over the water, so that Lt. Davidson's sentinel could not see them until they were near one hundred yards in the river. He instantly fired on them, which roused the guard, who kept up the fire, but the enemy continued to advance. At the first alarm those under Genl. Davidson paraded at the Horse Ford, and Graham's Cavalry was ordered to move up briskly, to assist the picket, but by the time they got there, and tied their horses, and came up in line to the high bank above the Ford, in front of the column, it was within fifty yards of the eastern shore. They took steady and deliberate aim, and fired. The effect was visible. The three first ranks, looked thinned, and they halted. Col. Hall was the first man who appeared on horseback, behind about one hundred yards. He came pressing up their right flank on the lower side, and was distinctly heard giving orders, but we could not hear what they were. The column again got in motion, and kept on. One of the cavalry riflemen<sup>2</sup> reloaded aimed at Col. Hall; at the flash of the gun both horse and rider went under the water, and rose down the stream. It appeared that the horse had gone over the man. Two or three soldiers caught him and raised him on the upper side. The enemy kept steadily on notwithstanding our fire was well maintained. As each section reached

<sup>1</sup>"It is stated by the historians that the river was swollen so as to impede the passage of the British. The fact is, it was fordable from a week before, until two days after this time, tho' a little deeper than usual. The cause of the enemy's delay must have been the disposition by Genl. Davidson to guard the fords."—Foot-note in the *N. C. Univ. Mag.*, from the original.

<sup>2</sup>"Thos. Barnett, yet living."—*Ibid.*

the shore, they dropped their setting poles, and brought their muskets and cartridge boxes to their proper places, faced to the left, and moved up the narrow strip of low ground, to make room for the succeeding section, which moved on, in the same manner. By the time the front rank got twenty or thirty steps, up the river, they had loaded their pieces and began to fire up the bank. The Americans receded a few steps back when loading, and when ready to fire would advance to the summit of the hill twenty-five or thirty steps from the enemy, as they deployed up the river bank. They had gained the Ford and just commenced firing when Genl. Davidson arrived from the Horse Ford with the Infantry and finding his Cavalry on the ground he chose to occupy, and impressed with the opinion given by Genl. Greene, that the enemy's cavalry, would attack them in the rear, he ordered Graham's men, to mount and go up the ridge and form two hundred yards behind. As they moved off the Infantry took their places and the firing became brisk on both sides. The enemy moved steadily forward, their firing increasing until their left reached the mouth of the branch upwards of thirty poles from the Ford. The ravine was too steep to pass. The rear of their Infantry and front of their Cavalry was about the middle of the river when the bugle sounded on their left, on which, their fire slacked, and nearly ceased, (they were loading their pieces.) In about a minute it sounded again, when their whole line from the Ford to the branch advanced up the bank, with their arms at a trail. The hill was in many places, so steep that they had to pull up by the bushes.

Genl. Davidson finding them advancing with loaded arms ordered a retreat for one hundred yards. On gaining the point of the ridge their fire was so heavy that he had to recede fifty steps beyond the ground assigned for formation; he then ordered his men to take trees and had them arranged, to renew the Battle. The enemy was advancing slowly in line and only firing, scatteringly, when Genl. Davidson was pierced by a ball and fell dead from his horse.<sup>1</sup>

<sup>1</sup>"The General was shot with a small rifle ball, near the nipple of the left breast and never moved after he fell. It was well known that their pilot Frederick Hager had a rifle of this description, and always believed that he shot him. Most of the other Tories returned

His Infantry retreated in disorder from the unequal contest. They dispersed in small squads, and took through the thickets in order to evade the enemy's Cavalry. Graham's Cavalry which was formed about one hundred yards in the rear of where Davidson fell, moved off, in order.

At an early hour Cornwallis placed his remaining force in array on the face of the hill fronting Beattie's Ford; and as soon as the firing commenced at Cowan's Ford, made demonstrations of attacking the post at Beattie's. A company went into the water forty or fifty steps and fired. Four pieces of artillery fired smartly for thirty minutes, and his front lines kept firing by platoons as in field exercises. It was only a feint however. Few shot of the musquetry, reached the opposite shore, and the artillery did no injury but cut off the branches of some trees near our line, which was masked by the point of the hill from the enemy's fire. The Ford was one hundred yards higher up then than now. When the British were deploying up the bank at Cowan's Ford, owing to the fog and density of the atmosphere, the report of the artillery and platoons at Beattie's came down the river like repeated peals of thunder, as though it were within a mile, and was heard over the country, to the distance of twenty-five miles. Although it had no effect on our troops engaged at Cowan's, (for they acted well under the circumstances,) yet it had a wonderful effect on the people of the adjacent country. Hitching up their teams in great haste, and packing up their most valuable goods and some means of subsistence, the men who were not in service and women and children abandoned their homes, and drove off in different directions. In one hour after the firing the whole country appeared in motion, but unfortunately too many of them fled into the

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at or before the end of the war, but Hager went to Tennessee and stayed there until some of the Davidson family moved to that country, when he moved with eight or ten others, all fugitives from justice, and made the first American Settlement on the Arkansas River near the 6 Post, married and raised a family there and died in the year 1814. Maj. David Wilson and two others found the General's body in the evening, carried him off in the night and buried him at Hopewell Church. The grave is yet known, and though Congress afterwards passed a resolution appropriating five hundred dollars, for a monument, strange to tell, nothing is yet done to execute it. For his Biography—See Lee's Memoirs.—Foot-note in the *N. C. Univ. Mag.*, from the original.

Salisbury road. The baggage and provision wagons had started from Cowan's as soon as the action began. Graham's Cavalry maintained their order and expected the enemy's Cavalry would pursue the baggage. A disposition was therefore made, by placing four men with good horses as a rear guard, and despatching two others to give directions to the wagon master if he heard firing in his rear, to cause the teamsters to cut the horses from the wagons and clear themselves. Moving on slowly, halting occasionally, and no enemy appearing, it occurred to the commanding officer that the enemy's design must be to take Col. Farmer in the rear, at Beattie's Ford, (if he had maintained his position against the tremendous cannonade.) It was believed he had no intelligence of their being actually across below the Ford. The Cavalry filed off along a by-road to give him notice intending to form a junction with the foot one and a half miles from the Ford at a farm. An old lady (the only person at the place,) informed them, that shortly after the firing had ceased, Genl. Davidson's aid had given notice to the party at Beattie's, and they had retired already some distance on the Salisbury road. Some rain had fallen, and the men were wet and cold, and both men and horses having had but a scanty supply of provisions at Cowan's, the evening before, it was concluded to get some sustenance and take it off a mile or two in the woods and eat it. Videttes were ordered out, and agreeably to rule in such cases, each right hand file, ordered to dismount and procure food for himself, comrade and their horses, while the left file held the horses. They had not gotten half their supply when one of the Videttes gave notice, that on the other side of the farm some men were in view, believed to be the enemy, but having Hussar cloaks over their uniform, could not be clearly ascertained. But the tails of their horses being docked square off, which all knew was the mark of Tarleton's Cavalry, they were instantly recognized; and orders given to mount, fronting the enemy. When all were in their places, they wheeled off, and up a lane, the whole British Cavalry coming briskly round the farm on the other side. When Graham's party passed over a rise in the ground beyond the lane, they turned short to the right, and in twenty-five poles crossed a swampy branch. When the advance got over they wheeled to

protect the rear, but the enemy were so eager in the pursuit, that they did not discover them, but kept on, at a brisk gallop along the Salisbury road. This was about two miles from Torrence's Tavern, whither they were bound.

The men who retreated from Beattie's Ford, and some of those who had been at Cowan's, and many others, some of them South Carolina Refugees, as they arrived at Torrence's Tavern, halted. Being wet, cold and hungry, they began to drink spirits, carrying it out in pailsfull. The wagons of many of the movers with their property were in the lane, the armed men all out of order, and mixed with the wagons and people, so that the lane could scarcely be passed, when the sound of alarm was given from the west end of the lane "*Tarleton is coming.*" Though none had had time to become intoxicated, it was difficult to decide what course to pursue at such a crisis. Capt. Nathaniel M. Martin, who had served under Col. Davie, and six or eight others (armed as Cavalry) rode up meeting the enemy, and called to the men to get over the fences and turn facing the enemy—that he could make them halt until they could be ready, some appeared disposed to do so, others when they crossed the fence kept on, some with their pails of whiskey. Martin moved forward until within fifty yards of the enemy. They halted near two minutes. Tarleton could readily discover the confusion and disorder that prevailed. One of his party fired a Carabine and shot down Capt. Martin's horse; he was entangled and taken prisoner, but escaped from the guard two days after. Tarleton and corps charged through the lane. The Militia fled in every direction. Those who were on horseback and kept the roads were pursued about half a mile. Ten were killed, of whom several were old men, unarmed, who had come there in the general alarm, and a few were wounded, all with sabres; but few guns were fired. On the return of the dragoons from the pursuit, they made great destruction of the property in the wagons of those who were moving; ripped up beds and strewed the feathers, until the lane was covered with them. Every thing else they could destroy was used in the same manner.

At Cowan's Ford, besides Gen. Davidson, there were killed, James Scott of Lieut. Davidson's picket, Robert Beaty of Graham's Cavalry, and one private of Gen. Davidson's Infantry—in

all, four. We had none wounded or taken. The enemy's loss as stated in the official account, published in the Charleston Gazette, two months after, was Col. Hall of the Guards, and another officer and twenty-nine privates. Thirty-one in all, killed, and thirty-five wounded. They left sixteen who were so badly wounded they could not be taken along, at Mr. Lucas's (the nearest farm) and a surgeon under protection of a flag was left with them. Two wounded officers were carried on Biers, and such of the other wounded as could not walk were hauled in wagons. Some of their dead were found down the river some distance lodged in fish traps, and in brush about the banks, on rocks, etc., etc. An elegant beaver hat, made agreeably to the fashion of those times, marked inside, *The property of Josiah Martin, Governor*, was found ten miles below. It never was explained by what means his Excellency lost his hat. He was not hurt himself. When General O'Hara sent on Tarleton, his men kindled fires on the battle ground to dry themselves, cook their breakfast, etc. They buried their dead, disposed of their wounded, and about mid-day he marched, and in the afternoon united with Lord Cornwallis at Givens' plantation, two miles from Beattie's Ford, and one mile South of the Salisbury road. Tarleton joined them before night. It had rained at times all day and in the evening and night it fell in torrents.

The men under Col. Williams and Capt. Potts who were guarding at Tuckasege and Tool's Fords, had early notice of the enemy's crossing, and retired. The different parties met in the afternoon at Jno. McK. Alexander's, eight miles above Charlotte. By noon the next day all the men who were not dispersed, were collected near Harris's mill on Rocky river ten or twelve miles from the enemy.

On the second of February the morning was clear, though the roads very bad with the rain that had fallen the preceding night. The British army marched ten miles to Nelson's plantation and encamped. On their way they burnt Torrance's Tavern,<sup>1</sup> and the dwelling house of John Brevard, Esq.<sup>2</sup> Being

<sup>1</sup>"At that time kept by widow Torrance. Her husband had been killed at the battle of Ramsour's mill."—Foot-note in the *N. C. Unit. Mag.*, from the original.

<sup>2</sup>"Mr. Brevard was the father-in-law of Gen. Davidson, and at that time had several sons in the regular service. No other cause could be assigned for this barbarous mode of warfare."—*Ibid.*

now within twenty miles of Salisbury, the British General, not doubting that the rains and bad roads would obstruct the march of Gen. Morgan as much as it did his own, on the 3d of February marched at an early hour. His pioneers opened a kind of track in the bushes on each side of the road for a single file. The wagons, Artillery and horsemen only kept the road. By the time they got within eight miles of Salisbury their line of march was extended four miles, but there were no Troops near to intercept them. Their van arrived in Salisbury about three o'clock. Before the rear came in, Brigadier Gen. O'Hara and the Cavalry moved on. It was seven miles to the Trading Ford on the Yadkin, and it was getting dark when he came near. Gen. Morgan had passed his regulars and baggage all over, and there remained on the South side only one hundred and fifty Militia and the baggage wagons of the Troops which had escaped from Cowan's Ford and some others. Finding the British approaching, the Militia were drawn up near a half mile from the Ford where a branch crosses which was covered with small timber and bushes, and there was an old field along the road in their front. When O'Hara came, twilight was nearly gone. The American position was low along the branch, under shade of the timber, that of the advancing foe was open, and on higher ground, and between them, and the sky was quite visible. When they came within sixty steps, the Americans commenced firing, the enemy returned it and began to form in line. As their rear came up they extended their line to the right, and were turning the left flank of the Militia by crossing the branch above. This being discovered, a retreat was ordered after having fired, some two, and some three rounds. It was easily effected in the dark. They passed down the river, two miles and crossed over, abandoning the baggage and other wagons which could not be gotten over, to the enemy, after taking out the horses. Two of the Militia were killed—the loss of the enemy was not known, but from appearances of blood in different places, believed to be ten or twelve. They were by far, the most numerous, yet from the positions of the contending parties were most exposed. After the firing ceased, the British marched on to the river, but found the water was too deep to ford, and still rising, and that Gen. Morgan encamped on the other side, had with him all the boats and canoes.



Gen. O'Hara returned to Salisbury the same night, notwithstanding the badness of the roads. Those under his command marched thirty-four miles in the course of this day and part of the night. On the fourth, the army needed rest and their commander being it is supposed, undecided what course to pursue, they remained in Salisbury.<sup>1</sup>

The Yadkin continued full, and was past fording on the 4th— Lord Cornwallis theretofore determined to change his route, by passing up the West side to the Shallow Ford, as he by this movement could place himself nearer the mountains, on the left of his adversary, and would have it in his power, either to bring him to a battle, or to intercept his passage over the Dan, the next large watercourse. The British army marched from Salisbury on the morning of the 5th of February, and had no interruption, until they arrived at a bridge over Second Creek. Col. Francis Locke had assembled one hundred Militia, and on finding them coming that way, took the plank off the bridge, and arranged his men at such a distance as to be able to destroy any who should attempt to repair it. He thus detained them two or three hours, until a part of their Cavalry filed off to a Ford and were passing. Col. Locke had notice of this and retreated. The dragoons pursued, and the van guard overtook and badly wounded a Mr. Wilson. They repaired the bridge, the army passed on, and in a short distance, got into Bryan's settlement among their friends.

Davidson's troops who had been beaten, and retreated from the different crossings on the Catawba and had concentrated on Rocky River, had early intelligence of every movement made by the enemy. When it was understood they were in Salisbury, an opinion was entertained, that they would stay there sometime, and it was expected they would be furnished with supplies, from a settlement ten or fifteen miles Southeast of that place, known to be disaffected. Capt. Graham was detached with the Cavalry and some volunteers besides, with a view of preventing such an intercourse. Setting out early on the 5th February, (the same day the enemy left Salisbury,) and aiming to take a range, within four or five miles of that place, and go around

<sup>1</sup>See W. A. Graham's *Gen. Joseph Graham and his Revolutionary Papers*, pp. 302 *et seq.*

through the disaffected settlement, by ten o'clock, A. M., he heard within six miles of Salisbury that the enemy were marching towards Shallow Ford. As the original plan was discontinued by this movement of the enemy, it was thought inexpedient by this officer to return to camp, for further orders; but on his own responsibility he decided to take the route after the enemy, thinking some opportunity might offer of attacking them in detail. They were a half day's march ahead. He evaded the route they had taken, the first day, keeping parallel with it, about three miles to their left, and camping at night near the South Yadkin. Starting early on the 6th of February, he got into the enemy's trail, but having the South Yadkin to pass and several large creeks, he proceeded with caution; drawing up the party at each crossing, and sending over scouts to explore a quarter of a mile ahead; and not passing until they reported. At dark he had passed all the creeks and arrived at a farm, within ten miles of the Shallow Ford. Here he learned that the rear of the enemy had passed this place, a little before sunset, and were much scattered on their march, and appeared fatigued. The man of the house thought they were upwards of two hours in passing, most of the Cavalry being in front. Capt. Graham's party took up at this place for the night, and at the first cock crowing in the morning of the 7th set out, intending to attack their rear at Shallow Ford; as it was thought scarcely possible that they could all have passed the evening before. He proceeded cautiously, and came within half a mile of the Ford by light, and moved up to it, but not a human being was to be seen. They had all passed over in the night. Some of the officers ascending a hill above the Ford, could see across into a field, in the low ground, where the whole army was just parading. The front marching off soon—the whole followed before sunrise.

The American Cavalry were mortified at coming so far and achieving nothing. It was decided that twenty of those best mounted, should pass the river, after divesting themselves of their marks of distinction under command of the Captain. The Lieutenant was ordered to draw up the others at the Ford, to cover their passage if pursued, and place videttes on the roads some distance in his rear, lest some parties of Tories might be following the army. The party went over, saw several men

whom they did not molest, and who on being questioned made professions of loyalty to the King and showed their protections. After going about three miles, the two soldiers who were kept in advance about one hundred yards, made signal of seeing the enemy. On viewing them, there appeared to be about fifty dragoons, marching slowly in compact order. Following them for two miles unperceived and finding they kept the same order it was thought imprudent to go farther, as it was reputed to be an enemy's country. Returning about a mile they discovered three men in red coats coming on, who fled, but being directly run down, surrendered. On proceeding further, [they] met a Hessian and a Briton—they fled—the Briton surrendered, but the Hessian held his piece at a charge and would not give it up. He was cut down and killed. Before reaching the Ford, we took two Tories, armed following the army. Having killed one, and taken six prisoners, we recrossed the Ford. Those left, at that place, had become uneasy, thinking the party had met with some disaster, from the length of time it was absent. The whole returned a few miles and encamped. The next day the prisoners were sent on to the Infantry, supposed to be twenty-five or thirty miles behind; and the Cavalry moved a few miles into Bryan's settlements for better quarters, both men and horses requiring rest.

Within three days after this, all the men in arms, who had been collected, in the rear of the British army, about seven hundred in number, advanced and encamped a few miles to the South of Shallow Ford. The officers assembled and agreed as there were several Colonels, to organize into a Brigade, and vested the command in General Andrew Pickens of South Carolina. He held the rank of Brigadier General by commission from the Governor of that State and had with him about forty South Carolina and Georgia Refugees. He had been a witness to the disgraceful affair at Torrence's Tavern on the 1st instant, though with out a command at that place. Lieut. Jackson<sup>1</sup> who had served in the Georgia Regulars was appointed Brigade Major. The Rev. James Hall then of Rowan, Chaplain. The

<sup>1</sup>"The same who afterwards served in Congress, and was Governor of the State of Georgia, distinguished for his opposition to the Yazoo Speculation."—Foot-note in the *N. C. Univ. Mag.*, from the original.

men serving a regular tour of duty, the only foot in the Brigade were placed under the command of Col. Locke of Rowan, and Major John Carruth of Lincoln. For the conveniency of procuring supplies, while at a distance from the enemy, the General decided to move on by detachments. Capt. Graham's troop was ordered on in front to take the road, through Salem, and to Guilford Court-house. After mid-day, Graham's men halted at Salem for dinner and to feed horses. It was promptly and politely furnished at the Tavern by order of Mr. Bagge, the superintendent of the village. About the time the men were mounting to move on, Mr. Bagge applied to the commander for protection against twelve or fifteen men under the command of a person called Captain from the hollows on the Yadkin, who had come to the other end of the town and began to plunder. He immediately went to them and ordered them to desist. They disregarded the orders, and remonstrated that they had been plundered by Tories and had a right to make themselves whole; and they asserted as evidence, that the Moravians were all Tories, that the British army had marched through and taken nothing, therefore they had a right to take, etc. The troop was ordered up from the Tavern, and the plunderers were made to restore what they had taken, and move out of the town.

This was not only a time that tried men's souls, but tried their honesty also, when they found themselves freed from legal restraints. In a war each party avails itself of the services of the meanest of mankind, (even Indians :) and without regular discipline there will be marauding, devastation, and extravagances continually committed. And it may be mentioned once for all, that at this period, the best disposed, were of opinion that as they were in the service of their country and no regular supplies furnished, they had a right to take them from friend or foe. Others, when they found a man wealthy or possessing property which they wished to have, would accuse him of toryism (sometimes without foundation) as a pretext to justify their conduct. Such were apt to become too much encumbered with baggage for the service, in which they were engaged.

Gen. Pickens proceeded with his detachments, a few miles apart, until he passed Guilford Court-house. After that, his march was more condensed. Learning that Gen. Greene had

passed Dan River, and that Lord Cornwallis was in Hillsboro', he left his baggage wagons (few in number,) with Col. Locke who commanded the foot, to follow after, and moved cautiously towards the enemy. In the evening, coming to a mill on Stoney Creek, ten miles from Hillsboro', he detached Capt. Graham with twenty of his Cavalry, and Capt. Richard Simmons with the same number of mounted riflemen, to examine the position of the enemy. The General gave special orders "to proceed with caution and commit nothing to hazard against a superior force, unless compelled; but if meeting an inferior force, to strike them and as quick as possible return to him for as soon as an alarm should be given, it might be expected that the Cavalry and light troops of the enemy would be at our heels." They set out at dark and in three miles met two men<sup>1</sup> coming from Hillsborough, who gave them information of the British army at that place, its position and headquarters, and that a guard of twenty men were at Hart's mill on Eno, a mile and a half on this side, which was kept grinding for the army. After answering the questions put to them, they were for proceeding on, but were told they must go back and pilot us as we were strangers, and the night was dark. One of them boasted of the friendly treatment he had received in Hillsborough and refused: but it was told him, we were Americans, and that he should go to shew us the way. He suffered some abuse before he would consent. The night was very dark, with occasional showers of rain, which became very heavy, before day. The party moved slowly, stopping in hard showers to endeavour to keep their arms dry; halted at break of day within half a mile of Hart's mill, until the riflemen announced they could see the sights on their guns, then moved on. Having arrived at the fork where the road leading from Stony Creek comes into the great road, which goes up by Mebane's, a sentinel hailed the advance and fired. The party filed to the right in a thicket between the roads; the riflemen dismounting and tying their horses. The sergeant of the guard came to the support of the sentinel, with a file of men, hailed, could not see, but hearing

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<sup>1</sup>"One of whom was Robert Faucett, usually called mad or 'crazy Bob Faucett.'"—Foot-note in the *N. C. Univ. Mag.*, from the original.

us, fired at the noise, their balls passing through the tree tops above our heads. The commanding officer and a few of our Cavalry made a dash at them, while their guns were empty, to get a view of the ground, and the position of their main force. Coming into the great road, they saw the sergeant and party running, and the guard drawn up, in the open yard in front of the dwelling house; to the right of the road. There were two small buildings perhaps a stable and a smith shop on the same side of the road, within fifty or sixty steps of the dwelling, and the ground descended behind them. The commanding officer and party returned and gave Capt. Simmons directions to go behind the swell in the ground until he got the buildings between him and the guard and then advance; while at the same time, the Cavalry would make a diversion on our left. The Captain led his men across the great road, to Mebane's, and the Cavalry turning to the left, entered an old field in open order, upwards of two hundred yards from the enemy, and galloping across it at right angles to their lines—completely attracted their attention and drew their fire; until Simmon's party reached the small buildings, and fired from the corners of both at the same instant. Those of the enemy who did not fall, fled. The Cavalry came down at full charge, and by the time the guard had fled one hundred yards beyond the river their front was overtaken, and the whole killed or captured. Our prisoners were one Lieutenant<sup>1</sup> and sixteen privates, regulars, and two Tories. The guard consisted of one Lieutenant one sergeant, twenty-four privates, regulars, and two Tories. There were left on the ground, killed or wounded, one sergeant, and eight privates.

The Cavalry had barely brought back, the prisoners to the riflemen, when in the direction of Hillsboro', a noise was heard, like distant thunder, well known to be the sound of horses feet. Instantly the prisoners and a part of the Cavalry were sent through the woods up the Enoe. Captain Graham and six troopers who had the best horses took their station, where the

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<sup>1</sup>"When the riflemen fired, the Lieutenant ran into the house and shut the door, peeped out until he saw Capt. Simmons whom he knew to be an officer, then opening the door and stepping out presented him his sword in a polite manner, soliciting protection."—Foot-note in the *N. C. Univ. Mag.*, from the original.

road leads off to Stoney Creek, in order to draw the enemy's attention in that direction intending to disperse if closely pressed. The party with the prisoners had just passed out of sight, when the enemy came in view at a slow gallop. The party with Graham remained until their front had crossed the river and then retreated up the Stoney Creek road. When the enemy came to the forks of the road, they made no halt to look for tracks, but kept on the road to Mebane's, at great speed. After going a mile Graham and his party moved slowly, keeping a good lookout, in the rear, and arrived at Gen. Pickens's camp, only ten to twelve minutes before Capt. Simmons with the prisoners who came by another road. When the picket discovered Capt. Simmons' party approaching with red coats among them, they began to fire upon him, without examination. He halted the party, and rode forward at some risk to explain, when they permitted him to pass. Fortunately no damage was done. The firing produced an alarm, and the whole army was instantly drawn up.

On the arrival of Simmons, Gen. Pickens immediately marched up Stoney Creek, and in the afternoon halted at a farm to forage. While the horses were eating most of the men who had been out, with Graham and Simmons and had slept none the night before, had tumbled down, near their horses to take a nap, when they were aroused by the old appalling sound, from the rear guard, "*Tarlton is coming.*" The farm was hilly and the fences high. The General lined them, with the riflemen, and made gaps at suitable places, for flank movements, or retreat. The disposition was nearly completed, when the front of the party, came in sight. To the great joy of all, it was discovered to be Col. Lee with the American Cavalry, just returning from the retreat with Gen. Greene beyond Dan river. On their coming in they attracted much of the attention of the militia, who, judging them, though inferior in numbers, to be far superior in effectiveness to the British Cavalry, (which some of them had seen in the morning,) were inspired, with a confidence they had not hitherto possessed.

The whole army moved a few miles, and encamped at adjacent farms for the night. The next day it was in motion, in

different directions nearly the whole day; but did not go far, beating down nearer Hillsboro'. The two corps kept near each other, though they moved and camped separately, as they had done the previous evening. Reconnoitering parties which were sent out in the evening and had returned in the night, gave notice of a detachment, passing from Hillsborough towards the Ford on Haw River. Pickens and Lee put their forces in motion, at an early hour, and came into the great road eight miles West of Hillsborough, near Mebane's farm. The whole of the militia Cavalry, seventy in number, that had swords, were placed under Capt. Graham, and in the rear of Lee's horse. Such of Graham's men as had not swords, were ordered to join another company. They followed the enemy's trail on the road to Haw River, with the Cavalry in front. For the succeeding events see Lee's Memoirs, first volume, page 305, and forward.

During the whole day's march, every man expected a battle and hard fighting. Men's countenances on such occasions indicate something which can be understood better than described in words. The countenances of the whole militia, throughout the day, never showed better.

Lee states, (page 311,) that Pyles' men, on seeing the militia, in the rear of his Cavalry, recognized and fired on them. The true statement is this: Major Dickson, of Lincoln, who commanded the column on our right, (when the disposition for attack, had been made at the last farm,) had been thrown out, of his proper order of march, by the fences and a branch, and when Pyles' men were first seen, by the Militia they were thought to be the party under Dickson, which had come round the plantation, and gotten in the road before them. On coming within twenty steps of them, Capt. Graham discovered the mistake; seeing them with cleaner clothes than Dickson's party, and each man having a strip of red cloth on his hat. Graham riding alongside of Capt. Eggleston who commanded the rear of Lee's horse, remarked to him, "That company is Tories—what is the reason they have their arms?" Capt. Eggleston addressing a good looking man at the end of the line, supposed to be an officer, inquired, "To whom do you belong?" The man promptly answered, "A friend to his Majesty." Where-



upon Capt. Eggleston struck him over the head. The militia looking on, and waiting for orders, on this example being set, rushed on them like lightning and cut away. The noise in the rear, attracted the notice of Lee's men, and they turned their horses short to the right about five steps and in less than a minute, the attack was made along the whole line.

The same page states, that ninety loyalists were killed. The next day our militia counted ninety-three dead, and there was the appearance of many more being carried off by their friends. There were certainly many more wounded. When Lee and Pickens retired, it appeared as if three hundred might be lying dead. Many perhaps, were only slightly wounded, and lay quietly for security.

At the time the action commenced, Lee's dragoons in the open order of march, extended about the same distance with Pyles' men, who were in close order, and on horseback: and having most of them, come from home on that day, were clean, like men who now turn out to a review. Lee's movement was, as if he were going to pass them, five or six steps on the left of their line. When the alarm was given in the rear, as quickly as his men could turn their horses they were engaged: and as the Tories were over two to one to our actual Cavalry, by pressing forward they went through their line, leaving a number behind them. The continual cry by the Tories was "You are killing your own men. I am a friend to his Majesty. Hurrah for King George." Finding their professions of loyalty and all they could say were of no avail, and only the signal for their destruction, twelve or fifteen of those whom Lee's men had gone through and who had thrown down their guns, now determining to sell their lives as dearly as possible, jumped to their arms, and began to fire in every direction, making the Cavalry give back a little. But as soon as their guns were empty, they were charged upon on every side, by more than could get at them, and cut down in a group together. All the harm done by their fire was that a dragoon's horse was shot down. Falling very suddenly, and not moving afterwards the rider's leg was caught under him, and by all his efforts, he could not extricate himself, until the action began to slacken; when two of his comrades dismounted and rolled the horse off him. Lee's men had so

recently come to the south that they did not understand the usual marks of distinction, between Whig and Tory, and after the first onset, when all became mixed, they inquired of each man, before they attacked him to whom he belonged. The enemy readily answered—"To King George." To many of their own militia, they put the same question. Fortunately no mistakes occurred, though in some instances<sup>1</sup> there was great danger of them.

At the close of the action the troops were scattered and mixed through each other, completely disorganized. Gen. Pickens and Col. Lee gave repeated orders to form, but the confusion was such, that their orders were without effect. These officers appeared sensible of the delicate situation we were in. If Tarlton who was only two or three miles off, with nearly an equal force had come upon us at this juncture, the result must have been against us. Lee's men though under excellent discipline, could with difficulty be gotten in order. The commandants exhibited great perturbation, until at length Lee ordered Major Rudolph to lead off, and his dragoons to fall in behind them. Capt. Graham received the same order, as to the militia dragoons; and by the time the line had moved a quarter of a mile there was the same order as when we met Pyles. Lee himself, while they were forming, staid in the rear of his own corps and in front of Graham's and ordered one of his sergeants to go directly back and get a pilot from among the Tories and bring him forward without delay. The sergeant in a short time returned with a middle aged man<sup>2</sup> who had received a slight wound on the head and was bleeding freely. The sergeant apologised to his Col. because he could find none who were not wounded. Lee asked him several questions relative to the roads, farms, water courses, etc: how O'Neals plantation (where

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<sup>1</sup>"See Lee's Memoirs, page three hundred and seven. Charging up to a farm before this affair, expecting to surprise Tarlton, we out-rode the legion Infantry, and some Catawba Indians under Capt. Oldham, who did not overtake us until the close of the action with Pyles. To our discredit it must be stated, that when the Indians came up, they were suffered to kill seven or eight wounded men, with spears, before they were made to desist."—Foot-note in the *N. C. Univ. Mag.*, from the original.

<sup>2</sup>"His name was Holt, and he lived near that place."—Foot-note in the *N. C. Univ. Mag.*, from the original.

Tarlton then was) was situated: whether open woods hilly or level, etc. After answering the several questions, and after an interval of about a minute while Lee appeared to be meditating, the man addressed him, "Well, God bless your soul, Mr. Tarlton you have this day killed a parcel of as good subjects, as ever his Majesty had." Lee, who at this time was not in the humor for quizzing, interrupted him saying: "You d—d rascal if you call me Tarlton I will take off your head. I will undeceive you, we are the Americans and not the British. I am Lee of the American Legion and not Tarlton." The poor fellow appeared chop-fallen. See Lee's Memoirs, Volume first, from page three hundred and thirteen onwards. As to Col. Preston joining us—Tarlton moving in the night—making feints to cross Haw River at the Ferries—then turning down to Butler's Ford—all well detailed there.

When following the enemy's trail in the night, across from the last road leading to the Ferry into that leading to the Ford, day began to dawn, and Lee ordered Graham's Cavalry in front and gave orders to go on at a canter, until they should overtake the enemy, or come to the Ford. If they came upon the enemy, no matter in what position or numbers they might be found to charge them, and he would be directly at their heels to support them.

The Militia Cavalry took the road and went on at the speed directed, expecting every minute to fall in with the rear of the enemy, until they arrived at the Ford. It was now light though before sunrise. They could see a troop of Cavalry formed, fronting the Ford, on the opposite hill, and thought the British Infantry, might be placed along a mill race or some small islands to dispute the passage, which they could easily have done until they could have been reinforced from Hillsboro'. In five minutes Lee arrived, and ordered the Militia to pass the Ford. When they entered the water the enemy's Cavalry wheeled off, and took the road. After passing the first plantation east of the Ford, Lee's Cavalry again took the front. The report of the women along the road was that the enemy had passed about thirty minutes before—their horse at a brisk trot, and the Infantry as fast as they could move, without run-

ning. We found blankets, and goat-skin and other knapsacks, which some of them had thrown away, that they might be less encumbered. Continuing the pursuit a few miles, our commanders found that Tarlton could not be overtaken, until he should be within supporting distance of Lord Cornwallis, and gave it over. We turned off the road to the left, and marching some distance up on the east side of Haw River, Pickens and Lee separated going to those farms, where themselves and horses, could get subsistence, which they much needed. They rested the remainder of the day and night, keeping patrols out between them and Hillsborough. On the day following, about ten o'clock, a countryman gave information, that the enemy were on the march from Hillsborough towards Haw River. Shortly after the patrols came in and confirmed the account. General Pickens gave orders to march. By the time the troops were under way some of our men who had been out foraging came in and reported having seen the enemy within three miles. They were off the great road and marching directly to our present encampment. Gen. Pickens placed out, a strong rear guard, and moved some distance up the country from the enemy. After steering several courses, keeping in motion until after sunset, he encamped near a Mr. Dickey's—the rear guard being placed at the Ford of a branch near Dickey's house, half a mile from the camp. Capt. Franklin<sup>1</sup> had been sent out with a patrol beyond the guard. The road forked at the corner of a fence one hundred yards from the house. Capt. Franklin's party had taken the right hand way nearly straight forward. Major Micajah Lewis of the North Carolina line, who served this campaign as a volunteer without a command, and several others went beyond the picket to Dickey's house. In the twilight one of this party discovered a body of troops coming round by the road, on the other side of the fence. They instantly mounted their horses, rode out and hailed them. They halted and answered—"A Friend." Being asked where they came from, they answered—"From Gen. Greene to join Gen. Pickens," and inquired of Major Lewis, if Capt. Franklin had

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<sup>1</sup>"Jesse Franklin, the present Governor."—Foot-note in the *N. C. Univ. Mag.*, from the original.

not told them they were coming for that purpose.<sup>1</sup> The Major answered in the negative. As he well knew Capt. Franklin, and that he had gone out that way, not many minutes before, their story inspired confidence and threw him off his guard. He ordered the leading officer to meet him half way, and give the proper explanations, at the same time moving forward until he was nearly half way to them. Not seeing any of them advance, he was about to halt and turn his horse, when he was ordered—"Stand, or they will blow his brains out." As his horse turned they discharged a full platoon at him of twenty or thirty guns, broke his thigh, and wounded him badly in several other places. His horse was also shot in several places, yet notwithstanding, he rode past the guard and into the camp a full half mile. He was taken off into a blanket carried by four men to an adjoining farm where he died next day—his loss much regretted. On the alarm, Pickens' men were instantly paraded; and all was quiet and steady. When Maj. Lewis and party arrived in camp it was fully dark. The enemy advanced and began a desultory fire with the guard, at the Ford of the branch—Gen. Pickens ordered his troops to retire, not knowing what numbers or kind of troops were coming against him, and not having a sufficient number of edged weapons to risk a night encounter. The fires were left burning, and a small party in sight of them, saw the enemy advance in line up to them, in about thirty minutes after Pickens retired. They had waited to deploy after they passed the Ford of the branch where our guard had been stationed. From there they had marched in line, as dark as it was. Gen. Pickens marched on until after midnight, when crossing a small creek, and leaving a rear guard some distance beyond it, he encamped a second time. The night being cold, fires were kindled, and those who had it, were dressing their food, when the rear guard was again attacked, and the men paraded. Finding the guard pressed and retiring into camp, Gen. Pickens ordered a march, receded about three miles farther and turned

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<sup>1</sup>"It could never be explained how the enemy or any person with them knew Capt. Franklin or that it was he who led out the patrol a few minutes before. If they had not referred to him, Major Lewis would have been more cautious."—Foot-note in the *N. C. Univ. Mag.*, from the original.

out of the road into the woods. The chickens were crowing, and he halted until day. No fires were allowed to be kindled though it was very cold. After light a patrol was sent back to the last encampment, who ascertained that the enemy had returned towards Hillsborough from that place, appearing from their trail, to have been mostly infantry. Gen. Pickens then marched back by that camp, and turned higher up the country, farther from the enemy's present position.

The last three days had exhibited a specimen of the vicissitudes of war. Near half the time our men had been in high spirits, in full pursuit of the British, had destroyed Pyles and party, and Tarlton had barely escaped from us. The other half of the time, the British were in eager pursuit of the Americans, who were now in low spirits, and suffering by cold, hunger and want of rest; but losing only Major Lewis.

Gen. Pickens had with him only between six and seven hundred men, and but about one-tenth of these were equipt to act as dragoons. The remainder might be called, mounted infantry though variously armed; mostly however with rifles. The late risks he had run of being nearly surprised, caused him to be more cautious in his movements and encampments. His rule was to be formed and moving by ten o'clock in morning, to halt once or twice during the day for feeding, to move slowly and in different directions. Sometimes he was within ten or fifteen miles of the enemy, at other times, in the North of Orange, on the head-waters of Hyco, and Countryline Creeks. Whatever course he might be going, at sunset, he never failed to turn nearly at right angles to it, either to the right or the left for two or three miles before he halted for the night. He never camped two nights in succession within some miles of the same place, and some days did not march more than eight or ten miles in all. By these movements it was impossible for the enemy by any preconcerted plan to strike at him with a detachment; for before they could arrive at the place where their information directed, he would be elsewhere. Thus he ran no risk of being obliged to fight against his will unless he should meet them by accident, which was hardly probable. In this manner he maneuvered for eight or ten days. Lee's corps was higher up, and had not been with Pickens since they separated on the

Haw River road, when they left off the pursuit of Tarlton.

While Pickens and Lee were maneuvering as already related, Lord Cornwallis moved from Hillsborough beyond Haw River and Alamance, on the road towards Salisbury: and on the 27th of February, Colonel Otho Williams (of Maryland,) who succeeded General Morgan (when he retired) in command of the light troops and cavalry of the army, which Genl. Greene had sent on, before him, arrived at High Rock ford on Haw River. Col. Washington, Lee, and the militia under Pickens joined him there on the next day, and, having crossed the river, advanced by different routes nearer the enemy. In the evening these troops took up separate encampments, two or three miles North of the Alamance. Genl. Pickens ordered out Graham's cavalry to cross the creek and ascertain, the enemy's position, and if opportunity offered to strike some of their small parties. Graham had just ascended the hill beyond Alamance when he met Col. Washington and corps. It was nearly dark, and the Col. advised that it was not safe to proceed farther, for said he "there is a sky-gale ahead yonder" pointing to the light of the enemy's encampment, which appeared as if the woods were on fire. The orders not being peremptory, Graham returned with Washington, which Genl. Pickens approved. Early next morning, Col. Lee called at Genl. Pickens' quarters, and after some consultation they came thro' the camp, calling for volunteer cavalry to go with Lee. Soon more proferred, than were required. Forty were taken, and Capts. Graham and Simmons to command them. Following Lee, he led them over the Alamance a short distance where they overtook a like number of Col. Preston's riflemen, and the whole of Lee's cavalry under Maj. Rudolph, and some Catawba Indians. The cavalry and riflemen were divided, and twenty of each placed one hundred yards on the right of the road under Capt. Simmons. The same number at the same distance on the left under Capt. Graham. These officers were instructed that the cavalry and riflemen should protect each other alternately when meeting the enemy, if circumstances should require it. Six Catawba Indians and four of Lee's troopers kept the road, thirty poles in front of Maj. Rudolph. Graham and Simmons were instructed to keep an equal front, with the Indians, one hundred

yards from the road. Major Dickson, of Lincoln, led two hundred mounted infantry, in the rear of Graham, and Col. Preston the same number of Virginia riflemen in the rear of Simmons. They preserved an equal front with Maj. Rudolph who kept the road. About the time, the disposition was completed, we heard the British drums and fifes playing distinctly, upwards of two miles off. At first, we thought they were on the march, but officers used to service, hearing them beat the "short troop," announced that it was only beating off their new guards from the morning parade to relieve the old. Two of Lee's troopers now came in, in haste thro' the woods, having a British prisoner, whom they had picked up, about their guard, that morning, and carried him to their Col. who examined him, and sent him on, to the rear. Capt. Oldham's regulars and Capt. Kirkwood's Delawares now came in view, up the road behind Maj. Rudolph. Lee himself, took position fifty steps in front of Rudolph, and one hundred behind the Indians. All being arranged the party moved forward slowly. In going upwards of a mile, we came to a farm, the road leading thro' a lane; at the end of this lane a branch crossed the road at right angles, near which and parallel to it, ran the fences on each side. The field on the right was narrow, and Simmons led his party around it, that on the left was wide and Graham ordered his riflemen to make gaps and pass through. Opposite the middle of the lane there was another fence which divided the field,—making another gap for a passage, Graham descended thro' the second field, and crossing a ravine, and coming up past a house, the riflemen laid down a pair of bars on the way from the house to a double barn, thro' which they passed. In front of the barn, was a thick piece, of copice wood, thirty or forty poles wide extending across the road to Clapp's plantation. On entering this wood all was silent and no person to be seen. As soon as the plantation was passed one of the Indians snorted like a deer, whereupon he and his comrades ran forward a few steps to the first timber, and fired. The riflemen under Graham and Simmons being in front, on advancing a few steps, could see the enemy, drawn up in position, and began to fire. The columns marching under Major Dickson and Col. Preston, instantly dismounted, tied their horses at the fence, and ad-



vanced in line. Major Rudolph put Lee's dragoons in order, behind the double barn. While these arrangements were making, the Indians and riflemen kept up a desultory fire in front. As the American lines advanced, Graham and Simmons caused their men to oblique, to the flanks, out of the way. The woods were so thick the foe could not be seen, until they came within sixty or seventy steps of him, when a heavy fire commenced, on both sides. The Indians who had hitherto been on the alert, could not stand it, but turned and ran off, like turkies,—half-bent. It had hitherto been the boast, of the militia, how they would manage the enemy if they could get him in the woods, yet here was demonstration, to the contrary. When the fire opened from the enemy's line, which was very heavy, the saplings and bushes were so thick that the bark and twigs were continually flying and hitting the men on their cheeks and shoulders and kept them dodging, to the neglect, of their duty of firing and loading as fast as they might have done. After firing about three rounds (the enemy still in his first position) they became panic-struck, evidently from the bark, and twigs falling around them, and the whole line turned nearly at the same time, without orders and retreated. Lee was conspicuous himself, among the militia, but to no purpose. Rudolph who led the Legion cavalry through the lane, retired at a brisk trot. Lee who retired thro' the field ordered Graham to mind the gap in the middle fence, himself going to Kirkwood and Oldham beyond the branch. Graham wheeled his cavalry at the gap, fronting the enemy, ordering his riflemen to move on. The main part of the enemy's cavalry were passing the lane in the rear of Rudolph who retired sullenly, never mending his pace, but keeping in compact order, while their front was within thirty steps of his rear. Another party of British about fifty in number, coming through the field, when they saw Graham's party front them, at the middle fence, kept back, until they discovered their front in the lane, behind Rudolph, was passing where the middle fence joined it; they then advanced, and he retreated, and passed the branch opposite the end of the lane, about the same time with the Legion cavalry. The enemy being now on the low ground, Kirkwood's and Oldham's infantry who were drawn up on the

rise, about eighty yards in front, opened a fire, on them over the heads of our retreating troops which caused their cavalry to recede a little, until their infantry arrived. Col. Otho Williams and Lee then ordered the militia to form on an alignment on each flank of the regulars. Williams superintending that on the left, and Lee, Preston's men on the right. The enemy's infantry were forming in advance of the middle fence and kept firing at long shot; and though at a great distance their balls kept constantly whizzing among our troops. Cols. Williams and Lee used great exertions to form the militia, but as they got some to fall in, and exerted themselves to rally others, these would move off again. Major Dickson, of Lincoln, who, with his characteristic coolness, and decision, saw the difficulty, observed to Col. Williams, "You may depend upon it, you will never get these men to form here while the enemy are firing yonder. If you will direct them to form on the next rise beyond that hollow, one hundred yards back, they will do it." Col. Williams instantly adopted this plan. Our line was thus restored. The regulars retired to their place in it, and the firing ceased, tho' the enemy was still in view. In about twenty minutes we marched off in order, and they did not follow. In a mile or two we came to the ford on Alamance, where the whole light troops, Washington's cavalry, and all the militia belonging to the army except what were with Genl. Greene, were drawn up in position. The eminences and passes were lined with the latter. This arrangement Col. Williams their commander had made, before he came on, to the battle. After remaining half an hour the whole marched back five or six miles when the different corps separated. Pickens and Lee camped together.<sup>1</sup> The next day, the 2nd March, some affairs

<sup>1</sup>Early next morning after the battle of Clapp's mill, the whole of the militia officers belonging to Pickens and Preston were convened by Cols. Williams and Lee, who proposed to them to consult their men, if it would not be agreeable to send every third man home with their horses. Being mounted, they were of great service, by the celerity of their movements, yet being encumbered with their horses, when a change of positions during action was necessary, it could not be made. Their first thought, when they moved from where they were engaged, was to get their horses, and could not be brought into action a second time—which was unfavorable for the stubborn contests, we might expect to engage in from this time. That half their number organized as infantry would be of more service to the cause

took place, tho' of themselves trivial, yet from the result, and the great advantage to the American cause, they are thought worthy to be detailed minutely.

About ten o'clock Genl. Pickens and Col. Lee, came to Capt. Graham, and gave him, the following orders. "You will take about twenty of your men, and go down the road to where the battle was fought yesterday, and see if the enemy are there; if they are gone, you will take their trail, and follow, until you find out where they are, giving no credit to any information you may receive from the inhabitants; but go on, until you actually see the British, which when you ascertain, you will immediately send or bring us word. We shall be found at a plantation two or three miles to the right of this, to which we will move, this afternoon. After you have executed this order, if it appears anything can be done, without running too much risk, you are at liberty to do it. But send an account of where the enemy is first. This young German (a man at hand,) is well acquainted with the country and will pilot you." In a half hour the party was ready and set out. Arriving at the battle ground, and the plantation being open we left half the force behind, to support if pursued, while the other half explored, and found that the enemy were gone. A signal being given, the others came forward and joined us. Our dead were on the ground eight in number, two of whom were Graham's men.<sup>1</sup> We saw a large grave where the enemy had buried their dead, in which Mr. Clapp stated, he had seen them put, sixteen, be-

than all of them as they were. The militia officers gave it as their unanimous opinion that their men would not consent to their horses being sent home."—Foot-note in the *N. C. Univ. Mag.*, from the original.

"Of this company there were  
 "John Ford, of Charlotte. } Killed.  
 "David Johnston. }  
 "Samuel Martin, Gov. Alex. Martin's brother, } Slightly  
 John (Jack) Barnett, yet living in Mecklenburg. } wounded.  
 "Robert Harris, Esq., of Rocky River, badly wounded. Besides  
 some bad cuts on his head, his right hand was cut off. Died about  
 twelve years ago.

"John Stinson, now living } Taken prisoners, in con-  
 near Charlotte. } sequence of leaving their party,  
 Joseph Mitchell, since dead. } and turning off, to the left,  
 on the retreat."

—Foot-note in the *N. C. Univ. Mag.*, from the original.

sides an officer, whom they carried off, to bury at head quarters. The exact number of wounded on each side was unknown. After making some arrangements with Clapp about burying our dead, Graham's party moved on the enemy's trail, which led into the great road from Salisbury to Hillsboro', nigh to where a Mr. Low lived. While some halted on the road in view, others rode up to the house, and enquired if any party had gone up the road that day. On being answered in the negative, they returned. Two Dutchmen now came along, going to the British, with loaves of bread, a crock of butter, and a runlet of brandy, which they had promised to an officer the day preceding. They and their stores were taken in custody, and the party proceeded down the great road, on the enemy's trail. Two men going as scouts, one hundred yards in advance, halted and made a signal. The officer went forward, and saw a sentinel on his post, on the side of the road two hundred yards distant beckoning to some one, to come to him. At the same time another sentinel was seen one hundred yards to the left of the road in the woods. This was about a half mile above Hawkins' plantation, where the British head-quarters then were. The party turned up the road, took thro' the woods and along by-paths until they went a short distance from the battle ground, into the woods. It was getting dark, and they halted and partook of the stores they had taken, with the Dutchmen. The officer had to use great caution, in the distribution of the brandy, reminding his men if they went back upon the enemy, much depended on their being in proper condition. What of the stores were not consumed, were distributed among the party, and the second in command, was sent on, with the prisoners and intelligence to Pickens and Lee. It was now fully dark, the commanding officer, pilot and thirteen others turned back. Their first move, was to a plantation, somewhat to the left of the way and within three-fourths of a mile of Hawkins' where the enemy was. This place being so near, we expected to come upon some stragglers outside of their guards, but found no one but the old German proprietor and his wife, and one of our wounded men, Robert Harris, Esq. Attempting to move him, we found that as soon as raised up he fainted. We therefore gave him in charge, to the old Dutchman with orders to treat him well, and

he should be rewarded, if but otherwise they should suffer, for he was a man of high standing. They promised, and he afterwards said, they did every thing they could, for him. The party moved from the plantation, into the woods, and upon consultation, agreed to attempt to take the sentinel they had seen one hundred yards from the road, belonging to the main guard. The pilot who knew every spot about there, had gotten a full proportion of the store of brandy and was ready to act any part assigned him. He led off in that direction, moving slowly and cautiously, but the sentinel was vigilant, and hailed and would not suffer them to approach him. Attempting to fire, his gun flashed, when the whole party made a dash at him, but owing to the darkness of the night and the bushes, could not find him. They instantly turned towards the sentinel on the great road, who hailed and fired before they came nigh him, and ran towards the guard. The party went up the road, at a canter for two or three hundred yards, and then began to move slowly. They soon discovered by the sound of horses' feet and the blackness, in the road, that another party was meeting them. We hailed them in a loud and confident tone and were answered: "A friend." It was inquired instantly in the same tone. "A friend to whom?" Answer in a rather low tone, "To King George." The word was scarcely pronounced when six of those in front fired, and the orders given "Rush on! Rush on. Skiver the buggers." At the same time, those who had fired, were moving to the side of the road, out of the way, as had been concerted, so that if the enemy had charged them, the remainder would have fired in his face and all have taken to the woods. But it was discovered, that the enemy were retiring and the party rushed on after them. As they were pressed, they turned out of the road to the left, and their commander, a sergeant, being drawn off his horse, by the limbs of a tree was discovered and taken prisoner. The others made their escape, and were heard blundering through the woods in great haste. After the pursuit was over the pilot took a right hand path which led out of the great road, and after going several miles, stopped at a barn and got some forage, went into the woods and fed the horses, and partook of the balance of the bread, butter, and brandy

which had been taken from the Dutchmen. About midnight heard considerable firing about two miles off, on the Salisbury road, above Low's farm, probably upwards of three miles from Hawkins' the British head-quarters. The history of this firing as was learned from the captured sergeant, and from deserters, afterwards, was this. About sunset the officer of the day stated, that some Americans had been viewing the guard, and ordered out a patrol of a sergeant and sixteen cavalry, to keep up the great road above the plantation and return in pursuance of these orders. The sergeant had made no discovery, until he returned within a quarter of a mile of the picket, when he met Graham's party, was himself taken; and the others being dispersed, came straggling into camp separately. The whole army was alarmed, and under arms. A large body, upwards of one hundred horses were sent out. Finding all quiet, they went the Salisbury road, beyond Low's, where they met a company of seventy or eighty Tories, coming to join them, off Deep River, and the Eastern part of Rowan, who being afraid of falling in with the Americans, were marching in the night. The British had been so teased by Graham's party, that on hailing they waited for no reply, but charged them immediately. It was said that the Tories having heard of Pyles' disaster, were afraid to confess, to which party they belonged. Four were killed, and twenty or thirty badly cut. They made hardly any resistance. A third of them escaped and went home. The dragoons being confident it was Americans had nearly glutted their vengeance before they were sensible of their mistake. When some prisoners were taken an explanation took place, but the Tories were so dispersed that not more than one half of them could be collected. In the case of Pyles' men, they were cut up by the Americans, and thought it was the British, in this case they were cut up by the British, and thought it was the Americans. These miscarriages so completely broke the spirit of the loyalists in those parts, that no party was known afterwards to attempt to join the British, in these or the adjoining counties. The above accounted for the firing heard by Graham's party after midnight, which was repeatedly explained afterwards as above. Graham's party having finished their repast, and the

balance of the brandy<sup>1</sup> moved on to Genl. Pickens' camp, where they arrived by sunrise—the party that left them at dark with the prisoners and intelligence had gotten in about midnight.

On the day of the battle at Clapp's mill, the term of service of the militia, commanded by Capt. Graham and other officers under Genl. Pickens had expired, but nothing was said about it until the 3rd of March. When made known to Genl. Pickens he requested the officers to use their influence to induce their men to stay a few days longer, for he thought in that time there might be a general engagement, and that our militia who had been so well tried, might be the means of giving Genl. Greene the advantage, etc., etc.

With such severe duty the horses of Graham's command were much reduced, and the company had lost nine men of those who had entered service, with the Captain. Some companies, all went home, and it being deemed unsafe to travel singly through the Tory settlements east of the Yadkin, arrangements were made, that an officer should conduct, each squad of those returning. Twenty-four of Graham's company and a few others agreed to stay a few days expecting a general battle. Pickens, Lee, Williams, and Washington kept up their game of checker-moving, in the district of country between the Alamance, Haw River and Reedy Fork, continually changing their quarters, and appearing to act separately, but yet connected in their plans. Lord Cornwallis could not get intelligence of their position so as to come at them. Genl. Greene after his return from Virginia, a little behind them, kept manœuvring in the same manner. It was the best way of supplying the army, to march

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<sup>1</sup>"Spirits are dangerous to tamper with in an army and frequently do injury, but they were believed to be of great service on this occasion. The men were somewhat excited, tho' not to such a degree, as to render them inert, or disorderly. On meeting a superior foe in the dark, just by the lines of his main army, and showing a bold front, the enemy became appalled, and fled. On stopping to forage in the woods some of the party asked the sergeant why he did not fight as he had three more than their number. He replied that not above half of his men had pistols, and knowing his party to be small and believing that his opponents from their firing and conduct, were numerous, he was induced to retreat. He belonged to what was called the 16th troop, which had come on, with Genl. Leslie, the preceding fall. They wore scarlet coats, and caps covered with white sheep skin."—Foot-note in the *N. C. Univ. Mag.*, from the original.

where supplies were to be had, as the means of transportation from a distance, in the existing state of incertitude was difficult and hazardous, besides the doubtfulness of where the army might be, when they should arrive. The British General discovered that if the present system was continued it must prove ruinous to him. After the late events which had befallen the Tories, he could not expect his army to increase but rather to diminish; and he well knew his adversary would be reinforced from the North. Not having a knowledge of any of the country, but the district, which he occupied, and ignorant of the position of the quarters of all the American corps, he adopted the most eligible plan of annoyance by making a rapid and to them unexpected march. If they had any place of concentration, he would thus separate them, and pushing them beyond it, make them fight in detail, or overtake Williams, or perhaps Genl. Greene himself. He was sure there could be no hazard, at any point; for the Americans taken unawares, could not bring their united forces to bear upon him. With these views, it was on the 6th or 7th of March, in the night, he broke up his Camp at Hawkins' and passed the Alamance shortly after daylight, in a cloudy morning. His van was discovered by a patroll of Washington's cavalry, who immediately sent on notice, first to Col. Clark, who was nearest, and then to the other corps in succession. All were soon in motion, each pushing into the road to gain the British front, which some did with difficulty. They advanced with such celerity that small parties, who endeavored to reach their front, fell on their flanks. A scattering fire was continually kept up, either on the flanks or in front, as their rule was, whenever they saw their adversaries, to fire at them, without halting, and press on, in as compact order, as such rapid movements would admit. Williams, Pickens, Clark, Preston, Lee and Washington were all moving in their front, at the same gait, not more than one-fourth of a mile between them. Col. Tarlton and corps were within one hundred yards of the front of their infantry, and tho' so many opportunities offered, for attacking scattering parties of militia coming in, on the flanks, he never attempted to charge or pursue them. The appearance of Washington and Lee before him, must have prevented him from improving such advantages as frequently offered in the



course of the day. Washington and Lee superintended the rear alternately in person, but nothing could be done, for on the first sight of any force, within his reach in front, the enemy without halting, fired a platoon and kept steadily forward. It appeared to be the object of the British Commanders O'Hara and Webster<sup>1</sup> to bring the Americans to a fight or disperse them. The pursuit continued in this manner for ten miles. When we came within a short distance of Whitsell's mill on the Reedy fork, of Haw River, Col. Williams galloped ahead in haste and selected a position for battle. In sight of the mill he first stationed two companies of riflemen, behind trees, one on each side of the road. Thirty poles behind these as the ground began to turn, he formed a line of militia facing the enemy. About three hundred and fifty of his continental Infantry, passed the ford, and a part of Preston's and Clark's militia, and formed fronting it on the opposite side. Washington's cavalry and Graham's reduced squad of militia, dragoons, one hundred yards on the right and rather in the rear of Williams' line. Lee's dragoons at the same distance on the left, under Rudolph.<sup>2</sup> As the enemy approached, the two companies of riflemen, began to fire. The enemy halted the first time they had done so in twelve miles, and immediately began to deploy. In their rapid march, their rear was thrown far back, and it took them some time to form. Our dispositions were all made ten or twelve minutes before theirs, and during the whole of that time the two Rifle companies in front, and some of their light troops, kept up a scattering fire, at long shot. When their arrangements were completed their line began to advance slowly. The day was still cloudy, a light rain falling at times; the air was calm and dense. The Riflemen kept up a severe fire, retreating from tree to tree to the flanks of our second line. When the enemy approached this, a brisk fire commenced on both sides. From the state of the atmosphere they became enveloped in smoke, the fire lasted but a short time, when the militia

<sup>1</sup>Lord Cornwallis and the remainder of his army were marching behind at their leisure. But the whole of the Militia of his army and cavalry were sent on with these officers—supposed to be about sixteen hundred in all.”—Foot-note in the *N. C. Univ. Mag.*, from the original.

<sup>2</sup>Lee himself attended to Preston's Militia.”—*Ibid.*

were seen running down the hill from under the smoke. The ford was crowded. Many passing the water-course at other places, some it was said were drowned. The next object presented was the British pushing forward from under the smoke in disorder. Upon which, the regulars under Col. Williams, and the militia with him on the north side of the water began a brisk fire over the heads of the retreating militia, which caused the advancing foe to halt, and repair his line, which was done in a short time. The fire of Williams' regulars about thirty poles long, was, while it continued, equal to any thing that had been seen in the war, for they were under excellent discipline. When the enemy had repaired his disorder, his line was more than double the length of Williams'. Their front, and those on their flanks beginning to pour in a cross fire upon him, and the militia retreating having crossed the water and mostly ascended the hill, after his men had fired five or six rounds, they wheeled off by sections in a trot and in as good order as men in field evolutions. The British continued their fire until Williams' troops had moved up the road one hundred yards, and then began to slack. A column of the enemy's infantry, which had not been brought into line, came on to the ford, and Tarlton with his cavalry came through. On the rise of the hill, he sounded his bugle. As soon as it was heard, Col. Washington, yet in his position on the right, about forty poles from Tarlton, sounded his bugle also, and Major Rudolph at the head of Lee's corps on the left sounded his. Upon this, Washington's and Lee's cavalry went off at a canter, meeting each other in the road, about twenty poles in Tarlton's front. As they met, they wheeled up the road in a gallop, (though in good order) after Col. Williams. Tarlton was halted on the hill side and suffered them to pass without moving. The infantry on the opposite hill, kept firing until they were out of view. When Washington and Rudolph came to Williams' rear, they turned out of the road, about sixty steps, on each side, along his flanks. His men were marching briskly, and the cavalry officers gave orders that if the infantry was charged by the enemy in the rear, they should wheel up, and take him in each flank. Washington himself and eight of his troopers took the rear. At such parts of the road where a view

could be had, two of them were stationed, who, on seeing the front of the enemy, galloped up and reported, passing others who were stationed in the same manner. Tarlton advanced slowly and cautiously for about a mile from the field of battle, (a column of infantry following) and then returned. The whole way from the battle, three or four miles, the broken militia were coming in on each flank, sometimes in squads of twenty or thirty, sometimes singly. They were much dissatisfied with the place, that had been assigned them, by the continental officers, not allowing them as they stated, an equal chance with the regulars; having had to cross the Reedy Fork, under the whole fire of the enemy in order of battle. It might be stated in defence of the officers that they were really so situated that it became necessary to risk the sacrifice of one part of their command, to save the rest, and though the life of one man is as dear to him as that of another, yet the loss to the cause of three or four militia-men whose term of service would expire in a week or two, was not as great as the loss of one regular, who was well trained and engaged to serve during the war. But this was a kind of logic they were unwilling to admit. When it was discovered the enemy were going back, Lee's cavalry fell in the rear of the militia, who were collecting fast, and following Williams; Lee himself taking much pains to convince the militia officers of the necessity there was, for making the arrangement adopted for the battle. Washington's cavalry turned into the road in front. Col. Williams ordered Capt. Graham, to move on before, with half a dozen of his men and overtake Genl. Greene. He stated that he had not time to write, but directed him "to inform the General, of the dispositions made at the mill, and the result of the battle. You were with Col. Washington and saw it all. You may tell him but two of our regulars are killed and three wounded, and from the best I can learn not more than twenty or twenty-five of the militia.<sup>1</sup> Say that the militia though much scattered at first are generally collected, and joined us again, that the last seen of the enemy was, about a mile on this side of the battle-field. He was then returning. But chiefly I wish the General to send

<sup>1</sup>"The enemy's loss could not be ascertained."—Foot-note in the *N. C. Univ. Mag.*, from the original.

me word whether it is his will that I file off to the right at a place he mentioned. Tell him I shall keep along this road, until I receive orders."

The party proceeded and in travelling three or four miles, overtook the army with Gen. Greene on the march. The general himself was near the rear, in much solicitude. He had heard the firing and was anxious to know the result. After hearing the relation, he asked many questions, and then ordered one of his aids to bring the map, dismounted, and he and the aid get astride of a log and spread the map, each hand holding a corner. After examination it was decided that Colonel Williams' cavalry, and all the light troops should file off at the place proposed, which led to Carthy's Bridge, on Troublesome Creek, which they crossed about midnight, and encamped. Gen. Greene continued his march by the direct road to Troublesome Iron Works, some distance above Col. Williams. He got there about dark, and continued at this place until he moved on to the battle at Guilford Court-house.

Capt. Graham and such of his men as continued in service for the purpose of being in the general engagement expected to take place had got separated, on the day of battle at Whitsell's Mills. The day following they came together at the Iron Works, staid there three days until the 10th of March, ten days longer than their term of service, and then returned home, for, from appearances, according to their view, a general engagement might not take place for several weeks.

For succeeding transactions see the Histories of Marshall, Ramsey and Gordon, and Lee's Memoirs.

The first months of the year 1781 were not very cold for the season but the weather was cloudy and wet. After the 8th of February there were no heavy rains to raise the waters much; while yet it was so frequent as to keep the earth completely saturated, and the roads bad. The militia which assembled in the rear of Lord Cornwallis on his march towards Dan River, were chiefly from the west of the Yadkin, the counties of Rowan and Mecklenburg. They placed themselves under the command of Brigadier-General Pickens of South Carolina. Being generally mounted as cavalry or infantry, they left their homes without much preparation, were without tents and nearly every

other kind of camp equipage and without regular supplies of provision or forage. Among them, commissaries or quartermasters had no duties to perform. Each man had a blanket or great coat or coverlid which he brought from home—a pair of saddle-bags, in one end of which, he carried a change of clothes, and in the other, his provisions, (when he had any) and a wallet in which to carry provender for his horse. This with his saddle, bridle and arms of whatever description they might be, constituted the whole of his equipage. When his wallet and saddle-bags were replenished he was ready to move with celerity any distance in any direction. When they became empty, by moving he had an opportunity of filling them, which all considered they had a right to do at the house of friend or foe. It was furnished cheerfully by one party when in their power, it was taken from the other without asking their consent. This system afforded men of dishonest propensities an opportunity of taking many things which their necessities did not require.

It was acknowledged by all in service that from Tarlton's defeat until the battle of Guilford, there was not a more active campaign in the whole War, and it is evident from the foregoing facts, that six or seven hundred of the North Carolina Militia under the command of General Andrew Pickens, of South Carolina had their full share, and more, of the dangers to be encountered, and privations to be endured (which they did without a murmur or complaint, except as to the position in which some of them had been placed at Whitsett's Mills) and, it may be further stated, without expectation of pay: for at that time the state of our currency was such that a month's pay would not purchase a half pint of whiskey. There is one circumstance which ought not to be forgotten, that notwithstanding the wet and inclement season, and as has been observed, the men without shelter frequently wet, sometimes sleeping in wet clothes, marching whole nights without sleep, irregularly supplied with provisions, sometimes bordering on starvation, and when provisions were obtained, often badly prepared, yet, under all these difficulties and hardships, it has since been often remarked, that there was not a single case of indisposition or sickness among the militia during the whole campaign. As it is generally believed there is no effect without an adequate

cause, it is submitted to the consideration of medical gentlemen, whether the state of mind and excitement produced thereby did operate as a stimulant and have a large share in producing such a degree of health above stated. It is well known that in common, the same number of men when furnished with the best camp equipage and provisions, especially when lately from their homes, are subject to many diseases even when only required to perform ordinary camp duty.

*Part III.<sup>1</sup>*

When the men who had retreated from the different fords on Catawba river, concentrated at Harris's mill, on Rocky river, on the 3d of February, after the death of Gen. Davidson, being without a commander, the officers met and drew up an address to Gen. Green, recommending that Col. Thomas Polk, of Mecklenburg, should be appointed his successor. It was committed to the care of the Rev. Doctor J. Hall, who had no opportunity of presenting it until near the last of February. Gen. Green forwarded an appointment to Col. Polk, as Brigadier General, in the place of Gen. Davidson, deceased, until the legislature should make a constitutional appointment. Shortly after Gen. Polk received his commission, the news was received of the battle of Guilford; and an opinion prevailed that the British would retrace their steps by the way of Salisbury and Charlotte, so as to keep up a communication, and act in concert with Lord Rawden, who occupied Camden. If such was their plan, it was probable the seat of war might be somewhere between the Yadkin and Camden. As the citizens of that section of country had experienced before the distresses incident to such a state, they appeared determined to try to keep the enemy at a distance; and Gen. Polk ordered out the next division of Militia liable for duty, and forwarded it on to Salisbury, with a view of fortifying the fords and passes on the Yadkin river, but before he reached Salisbury, intelligence was received that

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<sup>1</sup>From the *North Carolina University Magazine*, I. (1852) 182-194. This part of Gen. Graham's narrative was transmitted to Murphey with his letter of Oct. 8, 1821. (See vol. I., p. 237.) It was republished in an improved form in *ibid.*, V. (1856) 193-204, from which it has been copied in Major Graham's *Gen. Joseph Graham and his Revolutionary Papers*, pp. 351-374.

the British were on the march from Ramsey's mill to Fayetteville. He dismissed his men and returned.

The requisition made by Gen. Polk, fell far short of the compliment intended, owing to the prevalence of the small pox. When the British army were in Charlotte the preceding fall, they had brought it with them; and whether by accident or design, could not be ascertained, it spread from them through the western counties; and, the greater part who had not taken it in the natural way were under inoculation, in the months of March and April; so that if the enemy had returned, the country could have made but a feeble resistance. It was the second time that that malignant disease prevailed in the west, from the first settlement of the country. Shortly after the battle of Guilford, Gov. Rutledge, of South Carolina, who had been invested with full powers by the legislature of that State, authorized Gen. Sumpter to raise a Brigade of State troops, for the term of ten months; each man to find his own clothing, horse, arms and equipments, but to be found in forage and rations by the public, and receive a grown negro for his pay. Colonel William Polk, Wade Hampton, William Hill and ——— Middleton commanded. The greater part of the regiments of Polk, Hampton and Hill, were raised in the then counties of Mecklenburg and Rowan, between the Yadkin and Catawba. Many of them might be considered as seasoned to a camp life, and, from the service they had seen, accustomed to endure hardships and privations, and encounter dangers—how well they acted their part in the summer of 1781, until after the battle of Eutaw, is recorded in the history of the war within the State of South Carolina. They sustained considerable loss of both officers and men at the action of Eutaw, in the Autumn; but suffered much more from the climate in that low country. Many of them never returned.

In the most sanguinary wars there is generally a greater waste of the human species by the disease incident to a military life, especially in a sickly climate, than by the enemy. However, this is seldom taken into view, either by the men themselves when they enter service, or the government that raises them. Yet the monthly returns in the army will at all times prove it.

A part of the plan of the British General, when he entered North Carolina, was to send on a detachment by sea to the port of Wilmington. Some armed vessels and transports, under Maj. Craige, and 300 to 400 troops took possession of that place, without opposition, early in the winter, fortifying the town by several redoubts and lines of communication, and perforating loop-holes in a brick church which stood in their range, the whole being strengthened by rows of abattis, in some places double. They placed a guard on the opposite side of the river, in a brick house which they fortified by abattis; and barricaded the doors and windows, for the purpose of covering the ferry and keeping open the communication with the south west side of the river. A majority of the population between Cape Fear and the Pedee Rivers were disaffected. Those in South Carolina were already organized, under a Major Gainey, with whom Gen. Marion had frequent contests, and difficulties. Those in North Carolina, on the landing of Major Craige at Wilmington, flocked to him in great numbers; and he only a Major himself, commissioned a host of field officers in the counties between those two rivers; and had them organized as militia, and furnished with ammunition and many of them with arms. By the summer the British authority prevailed generally, so high as the narrows of the Yadkin, and Bell's Mill on Deep River. The exertions of Colonels T. Brown and Owen, of Bladen, and Willis, of Robeson, and other active Whigs, were unavailing, the majority against them was so great. Another circumstance had considerable influence with the timid and wavering. On the arrival of Maj. Craige, the merchants shipped considerable supplies of salt, sugar, and other necessaries of which the country was becoming destitute; the article of salt had rated from \$8 to \$10 per bushel, or was bartered for a good cow and calf or four year old steer; other articles of necessity in the same proportion. The getting a plentiful supply on reasonable terms induced many to go to Wilmington who otherwise would have been for the country. Such Whigs as were active or had used efforts to suppress the rising of the Tories, had to fly from that district of country; others were taken prisoners and carried to Wilmington and put on board a prison ship where they endured great hardships. After Lord Cornwallis had marched from



Wilmington to the northward, and Gen. Green had moved near Camden, the few good Whigs who lived in Montgomery and Anson counties, returned to their homes about the beginning of May; after which frequent small contests took place between them and the Tories. Colonels Wade of Anson, Childs, of Montgomery, and Crawford, of Richmond counties, headed the Whigs; Cols. Fanning, Elrod and McNeil, the Tories. The counties between Drowning Creek and Pedee were traversed by the scouts of both parties; a system of plunder and cruelty was practised by the Tories under Fanning, which soon produced a spirit of retaliation on the part of the Whigs, and devastation marked the track of both parties as they passed the dwellings of their adversaries. Several skirmishes took place in the months of July and August, in which the Tories, commanded by Fanning, obtained advantage over the Whigs, who were commonly ordered out two weeks for a tour. In August the whole force that could be raised in the aforesaid counties were ordered out, and they met the Tories at Bettes' Bridge on Drowning Creek, on the first day of September, where they had a battle, for the particulars of which I refer to the written account of the Rev. Jonathan Jackson, who was a Captain and got wounded. The Whigs were defeated. Mr. Jackson, though a prisoner, would not tell the loss of the Tories. He saw but two dead and several wounded. The same party, after a day or two for refreshment, and some reinforcements, moved on to Hillsborough, captured Governor Burke, etc., and fought a battle at Lindley's Mill.

About the last of April, Gen. Green had settled a cartel with the British General for exchange of prisoners, in pursuance of which, Gen. Rutherford and several other officers who had been captured at Gates' defeat, and sent to Augustine, where they endured great hardships, now were exchanged and returned home. In the month of August the General again took the command of the Militia in Salisbury district, (since Salisbury and Morgan.) He soon had information of the progress the Tories were making between Pedee and Cape Fear, and an application from the officers commanding on the frontiers in that quarter for assistance. He ordered out the next detachment

liable for duty, to rendezvous on Little River, in Montgomery county, by the 15th of September, and addressed the citizens to volunteer as cavalry beside those who were drafted as Infantry. There assembled at the plantation of a Mr. Robison about that time, and shortly after the period appointed, about 950 infantry, and near 200 cavalry, seventy of whom were equipped as dragoons, in two troops, under the command of Capt. [Simmons of] Rowan and Capt. Graham of Mecklenburg. Robert Smith, of Mecklenburg, who had served as a captain in the regulars until the regiments in the North Carolina line were reduced, was appointed Major and vested with the command of the whole cavalry. It was near the first of October before arrangements could be completed for moving forward towards the enemy. In the mean time the officers were diligent in disciplining their men, especially the cavalry—several having done duty first with Davy then with Washington and Lee. The enemy, as we learned afterwards, had their spies present, and reported from time to time, which made an impression in favor of the Whigs. Scouts were sent out but the enemy kept retired behind Drowning Creek, and no parties came in contact. The army marched about the first of October, by slow movements; took the road towards Fayetteville. The cavalry scoured the country for some distance to the right: arrived high on Drowning Creek, (Monroes bridge;) stayed a few days in that neighborhood, were joined by Capt. Gilespy from Guilford, with a troop of dragoons, which increased that description of troops to 100, and several companies of mounted infantry. The whole cavalry was upwards of 300. Major Smith<sup>1</sup> was appointed Colonel Commandant of all the cavalry, and Capt. Graham, Major, his suit Charles Polk, Capt. of the Mecklenburg troop. The whole force of every description might be 1,400—350 horse, and 1050 foot. After crossing Drowning Creek a few miles, the army turned to the right, aiming to keep between the heads of the waters which run into Wacema on the right, and Rock Fish and Cape Fear on the left. The order of march was, Major Graham with the dragoons, and one troop of mounted infantry in front; next Gen. Rutherfords infantry;

<sup>1</sup>Since Gen. Smith of Cabarrus.—Foot-note in the *N. C. Univ. Mag.*, from the original.

then the baggage train; in the rear, Col. Smith's mounted infantry; as the roads were bad, it caused the line of march to be extended.

Moving in the foregoing order near Rock Fish Creek, on the 15th of October, 1781, the advance dragoons, 16 in number, discovered before them 40 Tories, who, under a Col. McNeil, had been sent out to reconnoitre. Our advance did not hesitate a moment, but charged them: they fled. On being closely pressed, they dispersed and took into the swamps and escaped. The General came in front, wished the dragoons to follow their trail, as it would lead to their main camp; but that was impossible, as they had dispersed. He then ordered the whole cavalry in front to take the trail McNeil's party had come, as he must have been sent from their camp. Col. Owen, of Bladen, with about 35 mounted men joined, making the cavalry in front about 150—took the back track of McNeil's party, which after several windings led towards McFall's mill, on Raft Swamp; they captured an old man, who stated they had left their camp at that place in the morning. In his opinion, there were 600 men, commanded by four Colonels—Elrod, Ray, McNeil and McDougal; that Fanning was not with them—he had been wounded in a battle with Gen. Butler; was lying out; when we came in sight of that place, smoke appeared, like a camp; made dispositions for attack. The front troop advanced, but the enemy was gone all but two, whom they took, one of whom was just from Wilmington; he had British arms and uniform, and in attempting to escape he had received a wound on the head. Their information was, that the enemy had marched upwards of half an hour; that on the arrival of McNeil's party, coming scattering into camp, many run into the swamp; could scarcely be induced to return. Graham's party took their trail; kept on at a common travel, and in three or four miles discovered their rear, and at the same instant was discovered by them. The pilot stated there was no swamp nigher than a quarter of a mile of them; they were on horse back, and appeared making a disposition for resistance. The Whigs were halted for the rear to close up, and dispositions made for attack; Simmons' troop in front in line, the other two troops in column behind their centre. The mounted infantry on the flanks, moved on. Sim-

mons was instructed, if it appeared like serious resistance, to wheel down the flanks to our rear; if not, to charge them. In moving towards them, at a trot, at the distance of 30 or 40 poles, they began to fire some over their shoulders, when facing from us: the Whigs raised a shout, and the front troop charged into them at full speed. The column came after at a brisk gallop, as fast as they could preserve order, and the mounted infantry fell in the rear. The enemy broke and fled as fast as they could; but the stout horses and expert riders of the West soon overtook them; and when they came in contact with the sand hill poneys, went through, trod down, and turned over horses and riders. After their first fire, they thought of no further resistance; endeavored to make their escape; aimed for a branch of the Raft Swamp in their front, over which there was a causeway 200 yards wide. Our troops entered the causeway with them, using the sabre against all they could reach, which as soon as felt, the Tories would throw themselves off on each side into the ditch, quitting their horses and making off in the swamp; the dragoons near the front fired their pistols at them, in their retreat. By the time the Whigs got half way through, the causeway was crowded with dismounted poneys for 20 steps before them, so that it was impossible for them to pass. Two or three stout men dismounted, and kept pushing them over into the ditch out of the way. When a little cleared, the dragoons rushed over; the front troop, now scattered, pursued in all directions. The front of the second troop on passing the causeway, 100 yards, were halted, that the rear might pass the defile, and close up again; about two-thirds were over; a fire began about 100 poles in front. The officer leading the enemy's van, had availed himself in the time lost in crossing the causeway, and had formed about 150 men near the corner of a field, and on the approach of the scattering troops pursuing, began to fire on them; which as soon as heard, our main body moved on, coming within 200 yards of the enemy. They gave a general fire: their guns being empty, was the signal for the dragoons to charge them at full speed. They fled, and in half a mile entered a causway which leads across the main Raft Swamp. Our front entered it with them, and here again, was acted the same as at the last causeway. By reaching forward, and striking

with the point of the sabre, the rider would tumble into the ditch and make off through the mud, leaving his horse in the way; the pistols in front were fired as before. The causeway was long, and some breaches in it increased the difficulty. The mounted infantry, with Col. Owen, were ordered to dismount and come forward; but our cavalry were so much in their way, and Tory ponies swarmed in the broken causeway, it was getting too dark to see to shoot, by the time they reached the front. As the enemy were much scattered and completely beaten, it was thought inexpedient to pursue the victory farther. The men were collected by the sound of the trumpet at the west side of the swamp, and marched back to where Gen. Rutherford was encamped, near McFall's mill, where they arrived about 10 o'clock at night: sustained no damage on our part, only two swords (which were formed by blacksmiths) broken. The enemy had 16 killed, and it is believed about 50 wounded, most of them slightly, as they uniformly, on receiving one cut with a sword, jumped into the swamp out of the reach of a second. This first contest with the Tories completely broke their spirits; they never afterwards offered resistance in force, until near Wilmington, where they expected support from the British. On the other hand, our cavalry held them in such contempt, the common Troopers could hardly be induced to use the necessary precautions for safety.

On the next day, 16th of October, the army marched a few miles down the Raft Swamp, on the east side; were about to take up camp at two adjoining plantations—the cavalry at that farthest down. It appeared they could obtain but a scanty supply of forage; and another plantation appeared in view below. Some of Capt. Gilespy's troopers (from Guilford) got leave to go there for a supply. On entering the enclosure, before they got to the house, ten or a dozen guns were fired at them out of a potatoe patch. A respectable young man, a Mr. McAdoo, was killed; his companions fled back. The cavalry, who had not unsaddled their horses, instantly mounted and led off to where the firing was, and met some of those who had been fired on; went up briskly to the plantation; Major Graham and Capt. Simmons in front. When arrived near where McAdoo lay, the same number of guns were discharged at their

front, and the party immediately ran into the Swamp, which was within fifty steps. Their fire did no injury, but wounded Capt. Simmons' horse in two places: caused him to plunge and fall, and throw the rider. The mounted infantry in the rear of the cavalry, were ordered to dismount and pursue into the swamp, which they did, near a quarter of a mile, but did not overtake them.

Early next morning, Gen. Rutherford had the field officers convened at his quarters, and explained his views to them: that an attempt must be made to rout the Tories out of their swamps and hiding places; otherwise they would be troublesome to us, as Gen. Marion had been to the British in the like situation—that we should try driving the Raft Swamp on that day. In pursuance of these orders, the greater part of the infantry were marched across the causeway over the swamp, where it was near half a mile wide; were distributed four or five steps apart, the cavalry equally divided to keep down the margin of the swamp, on each side, a little in advance of the infantry, each man instructed to endeavor to preserve the same relative position with his comrades, as when he entered the swamp. When the whole were arranged in their position, as above, and had divested themselves of part of their clothing for the purpose, they left the causeway together. In a mile or two they found two families, no men with them—who stated their husbands were gone to Wilmington. In going near three miles down, a considerable noise was heard near the middle of the the swamp. It was eight or ten steers, alarmed at their approach. The men nighest, thought it was a party of Tories endeavoring to escape, the bushes and briars being so thick they could not see them, though they were near. They began firing at them. The steers took nearly to the west, along the front of their line, and a scattered fire was kept up until they came to the edge of the swamp, when the cavalry took them in charge. When arrived on the sand hills they soon became gentler, and were driven to camp. In about three miles the men were worn down, torn with bamboos and other briars; many had waded up to their middle in mud by pressing forward towards the firing at the steers. Their order of movement was broken and they began to move out of the swamp on each side. When they got

collected they were marched back to camp without capturing a single Tory. However, it was afterwards understood to have answered a good purpose. The news soon spread through the whole hostile districts, that Rutherford's men were driving the swamps, and it is believed but few of the Tories took shelter in them afterwards.

The army continued to move slowly down the Raft Swamp; from thence across to Brown Marsh, to where Gen. Butler had a battle with the British and Tories some weeks before, and encamped for several days near that place. Alexander Martin, who was Speaker of the Senate, when Governor Burke was captured by the Tories at Hillsborough, as soon as he had notice of that event, in pursuance of the constitution in such case, took on himself the duties of Governor of North Carolina; and having assembled a life guard of 24 militia cavalry, he and suit arrived at Gen. Rutherford's camp, at Brown Marsh, on the next day; issued a very flattering address to the army, in which he noticed the officers who commanded when the Tories were defeated at Raft Swamp, near McFall's mill, advising perseverance, as agreeably to the news received from different quarters, the enemy would shortly be cooped up in the seaport towns. In a day or two after, his Excellency and suit moved up the country; and Gen. Rutherford divided his force—the legionary corps, commanded by Col. Robert Smith, consisting of about 100 dragoons, and 200 mounted infantry, he considered sufficient to keep in awe the Tories, and cut off supplies going to the British on the south west side of the Cape Fear river. With his main force, and only one troop of mounted infantry, he marched over Cape Fear, at Waddle's Ferry; intending to invest Wilmington on the north side, if practicable; at any rate cut off their supplies from the country, and keep under the disaffected. In pursuance of this plan, the army marched from Brown Marsh on the 23d of October, about noon. Col. Smith's orders were to march in the night and proceed on until opposite Wilmington. The next day, about dusk in the evening, took two Tories direct from that place, who gave intelligence that when they set out the British were drawn up, and boats preparing to transport them over the river, to march in the night and attack General Rutherford, who was known to be encamped at Brown

Marsh, as they had done with Gen. Butler, with some success, some weeks before. Their reports separately corresponded in such a manner, that they were believed to be correct. A council of the officers was called, and it was decided, notwithstanding, to pursue the general order, and continue the march in the night. Though the men had sufficient confidence in themselves, and held the Tories in contempt, and would run any risk against them, yet all knew the British regulars were a foe to be respected, and a new order of march was directed. Capt. Polk's Mecklenburg troop of dragoons, Capt. Bethel's troop of Guilford mounted infantry, and Capt. Kennedy's do., from Burke county, were placed under the command of Maj. Graham, to go 200 or 300 yards in front of the main body, and a select party of 12 dragoons, who went 50 yards in front of them, with orders, on meeting any part of the enemy, except in swamp or unfavorable ground, to charge them, regardless of number; by this means they expected to find them. If Tories, no doubt they would fly; if ascertained to be British, Col. Smith would, at favorable places, plant supporting parties; a retreat could easily be effected without loss, until daylight. Two confidential troopers with the advance, examined the margin of all swamps and suspected places, before the troops were allowed to advance to them. Hence the march was slow. At 9 o'clock took another man direct from Wilmington. His account corresponded. He had seen troops in a boat. Continued the march; expected every minute to meet the British, on their way to attack Gen. Rutherford; arrived within two miles of the Ferry opposite Wilmington, by light in the morning; discovered some persons advancing before us; a company of mounted infantry was marched out of the road about 30 steps on each side; the dragoons behind, out of the road likewise. But the commanding officer appeared to them in the road, opposite the rear of the mounted infantry. It was only four Tories. They approached the commanding officer with confidence, until they discovered to what party he belonged, when they began to bring down their guns; but on being hailed by the mounted infantry on each flank, they threw down their guns and surrendered. They stated that some British had passed the Ferry the day



before, but returned in the evening; all but the garrison of 50 in the brick house, half a mile before. The prisoners were sent back to Col. Smith, and the party marched on the right of the road, 30 or 40 steps, and parallel with it, came silently within 300 yards of the house about sunrise. Two of the regulars came out without arms to collect fire wood; two dragoons were sent round to get between them and the house; took them without creating an alarm; learned from them and the last prisoners taken, that about 100 Tories were encamped at Moore's plantation, about a mile below, under command of a Col. Graham, related to Gen. Waddle. Col. Smith came forward and decided that the three troops in front should go on and attack them while the main force would be drawn up in position before the brick house.

The party with Major Graham moved on silently, until they came in sight of smoke, sound of horses heels, etc., when the infantry dismounted and formed. Capt. Kennedy's Burke men, thirty steps on the right; Capt. Bethel's Guilford troop, the same distance on the left; Capt. Polk's Mecklenburg dragoons on the road, about eighty yards in their rear. The commanding officer in the road opposite the rear of the infantry moved on slowly and silently, till nearly in sight of their camp, when their commander, Col. Graham, came riding, meeting us going to the said brick house, apparently unconcerned, until he came within sixty yards of the front of the infantry, when discovering our character, he wheeled his horse and went back in great haste. With much difficulty the infantry were restrained from firing at him. They were ordered to move on briskly after him. On entering his camp there was great confusion in trying to form—a causeway being opposite the house and an enclosure of some low grounds, the infantry came up at a trot and deployed along a fence, about 140 yards from the enemy, and resting their guns on the fence, fired as they came into place. The enemy were not completely formed, though they began a scattering fire on us when our fire commenced; they began to break, and it was discovered, none were attempting to avail themselves of the defence or shelter of the buildings. The dragoons were ordered to charge them, which was done at full speed. The enemy fled in all directions as they were

pressed by the cavalry. Most of them turned to the left into a salt marsh. Here, as at Raft Swamp, many of them got but one slight cut with the sabre, quit their horses and escaped; but several were shot with pistols in the marsh. Col. Graham and two other officers were pursued half a mile; but being mounted on fleet horses, and having taken a good start, they escaped. The enemy had twelve killed and it was supposed about thirty wounded. On the part of the Whigs, neither man nor horse was hurt. After collecting the arms, horses and spoils of the enemy's camp, returned to the main force before the brick house. They stated that, the first the enemy knew we were in the neighborhood, was when the firing commenced at Moore's plantation, and that instantly the whole drums beat to arms in Wilmington—reconnoitred the house, found it was protected with abattis, and doors and windows barricaded with timber, and discovered troops were passing through the Island and over the ferry, which the house was so situated as to command. Col. Smith seeing no farther advantage to be taken without too great a risk, ordered to march back the same route he came, until above Livingston Creek. When on the return march, the Surgeon of the Cavalry, Dr. Nelson,—said to be eminent in his profession, (since removed to Georgia) of an eccentric character, who had been along with us at Raft Swamp, and again this morning, had a pack-horse with lint, bandages, and some medicine, led by a soldier, came riding by Major Graham and some other officers; addressed him apparently with some chagrin: "I find it is not worth while to have a doctor where you fight, for they have nothing to do—might as well go home"—passed on, pack-horse and all, and did go home; though at the time it was thought nothing more than a compliment until the Doctor was gone—kept guards on the way to Wilmington by land and water. The men were offended that they had not been led to storm. The brick house was the constant subject of conversation with the lower grades of officers and men. No remonstrances respecting the risk could satisfy them, and as an evidence of the state of discipline, and the force of public opinion, the officers were compelled, contrary to their better judgment, to gratify them. After two days rest they were led to the brick house early in the morning, were drawn up in position in full

view out of gunshot, and a flag sent in by Capt. Kenedy<sup>1</sup> of Burke, summoning them to surrender in ten minutes. The flag was hailed at seventy steps, and a soldier without arms sent for the summons; when the officer read it he answered verbally to Capt. Kenedy, "I disregard your orders, I don't surrender." When Kenedy returned, the infantry advanced under cover of some timber and banks of the river on the left and commenced firing. It was returned from the garrison, and continued for half an hour or upwards. Not much damage was done on either side, as the enemy under cover found that the best chance to annoy the Americans, was from the windows of the upper story. On sending up some of the Yagers for that purpose, a Hessian was shot through the knee; and from said story, they shot a Mr. Gray, who lived in the Forks of the Yadkin through the flesh of the thigh, which was thought lightly of at first, but when brought to the doctor, the main artery was found cut, and he bled to death. In less than an hour, the men were withdrawn and marched off; several had their clothes perforated with the balls of the Yager's but no other damage. A single field piece would have been more efficient than anything we could do, but of that we were destitute; retired to the former position on the northwest of Cape Fear river, from whence sent an officer with a detailed account to Gen. Rutherford, who by this time had reached the Great Bridge, over the north-east branch of Cape Fear river, ten or twelve miles north of Wilmington, across which a part of his troops and a detachment of British had a skirmish, in which he had one man killed, (——— McLean, of Lincoln.) It was not known what damage the enemy had sustained. On return of the officer to Col. Smith's quarters, Rutherford wrote that he understood by deserters, that since the town was hemmed in, the enemy had dispatched several barges and some troops—British and Tories—down the river, supposed to Fort Johnston Lockwood's Folly, on Shallot River, for the purpose of getting supplies, of which the arrival of our troops had deprived them through the usual channels, and ordered Col. Smith, to send a detachment round in that direction, if possible to prevent them, or rout such parties of Tories as might be

<sup>1</sup>"Since Gen. Kenedy of Kentucky."—Foot-note in the *N. C. Univ. Mag.*, from the original.

embodied. Major Graham was ordered on this service with Polk's dragoons, Capt. Caruther's mounted troop from Mecklenburg, Capt. Smith's do., from Surry, and part of Capt. Sopp's do., from Rowan, under Lieutenant Monroe. In the whole, ninety men took the road down the river. The bridge on Town Creek being destroyed, had to make a considerable circuit. At Brunswick, saw a small craft at a distance, but could not ascertain her character; was informed that the barges which came down the river, had passed through the new inlet at Fort Johnston. All was silent; no enemy to be seen on land or water. The party took the rout by Lockwood's Folly and Shallot River. Several Tories they met, who fled, were taken after receiving a cut or two with the dragoons' sabres; continued across the Newcomb River, and encamped at a place called the Seven Creeks, not far from the South Carolina line. It had rained in the day, was cold, the night was cloudy, sometimes dropping. From some old houses, the men had taken clapboards to make a kind of tent for shelter. The commanding officer assisted the officer of the day in placing the guard. A Col. Gainey, who commanded the Tories in South Carolina, between the Wacoma, Pedee, and Drowning Creek, at this time under a truce with Gen. Marion, by some means or other had notice of a party of the North Carolina Whigs so near his district, had collected about eighty of his adherents about 11 o'clock at night, passed silently and undiscovered along a ravine between where the sentries were not more than sixty yards apart, and placed his men within fifty steps of our camp. A single gun was first fired, which made an alarm; but before the men had time to rise, a full volley was discharged on the camp.

In the tent of boards, under which Capt. Caruthers and six men lay, it appeared next morning ten balls had gone through, none more than five feet high; but when the fire came, his men had got on their feet, and only one was wounded. A young Dutchman of Lieut. Monroe's command, was lying with his head on a flat pumpkin for a pillow; two balls went through his pumpkin, and he escaped. The horses of the cavalry were scared, nearly one-third broke; the men began to rally about 30 steps in rear of their alarm—part, such dragoons as had their horses—some mounted without saddles. About twenty

formed; but the point of a fence was between them and the enemy. They were ordered to oblique to the left from behind the fence. The movement made some noise. The enemy by this time had loaded their pieces and discharged another volley at them. While their guns were empty, was deemed a favorable time, and the dragoons were ordered to charge, which they did rapidly and with a shout. Gainy's men fled, dodged behind the trees—only one was discovered and cut down. In so dark a night, they easily made their escape. The infantry had formed, and came on after the cavalry for 200 yards. The enemy were much scattered: heard them endeavoring to collect in a swamp to which they mostly fled, about a quarter of a mile off. The Whigs were called back in a field near their camp; lay on their arms until daylight. A detachment was then sent on the enemy's trail four miles, but they had passed on into South Carolina. We had one man killed—Lieut. Clark, and three others wounded; four horses killed, two of which were shot down from under the dragoons when they charged, and several horses wounded. Only one of the enemy was killed. After burying the soldier, and fixing the wounded for travelling, the party marched up to the White Marsh; encamped at Marsh Castle. It was believed Col. Gainy might get reinforced, and make another attack at this place. Considerable defences were made with fence rails, in such a manner, that if the enemy had come, he would have been under a cross fire in all directions. Gaps were made in the enclosure for the Cavalry to move whenever wanted.

On the next day, marched by Wacomo Lake and joined Col. Smith above Livingston Creek. On the next day heard considerable firing of small arms in the direction where Gen. Rutherford lay. In the evening, Lieut. Colonel Lee of the United States Legion arrived; came by way of Gen. Rutherford's camp from the American head-quarters at Yorktown in Virginia; brought intelligence that Lord Cornwallis and the British army were captured on the 19th of October; and that Gen. Rutherford on receiving the news had drawn up his army and fired a *fue de joie*, which was the firing we had heard. Col. Lee moved on to the South to join Gen. Green, and in the evening several gentlemen from Wilmington came to us and informed

us the British were about evacuating that place. On the next day moved down to Shaw's plantation, within four miles of the town; heard the whole British troops were on board, and the vessels falling down the river. Two boats were procured and manned, and went down the river from Shaw's to town—the enemy's vessels in sight, lying near a place called the Flats. On the winds rising, they soon moved out of sight. Gen. Rutherford and part of his troops had arrived an hour before; took up head-quarters at Mr. Hill's—the only active Whig, and who had suffered more by the enemy than any person then in town. Guards were placed out; an officer of police appointed; and to such of the inhabitants as applied, officers or respectable privates were sent to quarter with them as safeguards. What public stores were left by the enemy were taken possession of. By the second day it was reported that the enemy had left the coast and all was tranquil in the town. The wagons which hauled for Gen. Rutherford's troops, were ordered down from the bridge over the North East river, and loaded with salt left by the British. To make out loads for the whole, some was taken from the disaffected and hauled on to the West. As the army returned home, when arrived at the place of being mustered out of service, it was distributed, one bushel to each man who had served the campaign—which afforded a seasonable supply of that scarce article, and was of more real service to the men than the Auditor's certificate they received some months after for said service. After the month of November, 1781, the Militia of North Carolina were not called on for any further service.

*Sketch of the Character of Archibald Henderson as a Lawyer.*<sup>1</sup>

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 pre-eminent in North Carolina. He contributed more than any man since the time

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<sup>1</sup>From the *Hillsborough Recorder*, January 15, 1823. It was printed under the heading: "For the Hillsborough Recorder. / The Late Archibald Henderson, / of Salisbury." It was also printed in the *Raleigh Star* of January 10, 1823, as a contribution "For the Star." The *Newbern Carolina Sentinel* of February 15, 1823, copied it from the *Western Carolinian*, of Salisbury. It is copied in Wheeler's *Historical Sketches of N. C.*, II. 386-390.

Archibald Henderson (1768-1822), son of Judge Richard Henderson and brother of Judge Leonard Henderson, was born in Granville County, removed to Salisbury and became the leader of the bar in western North Carolina and the most eloquent and successful criminal lawyer in the state. He represented the Salisbury district in Congress, 1799-1803, and the town of Salisbury in the Assembly, 1807-1809, 1814, 1819-1820. He died Oct. 21, 1822.

of Gen. 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!

The constitution and jurisprudence of his country were his favourite studies. Profound reflection had generalized his ideas and given to his political and legal learning a scientific cast. No man of the age better understood the theory of our government, no man more admired it, and no man gave more practical proofs of his admiration. The sublime idea, that he lived under a government of laws, was forever uppermost in his mind, and seemed to give a coloring to all his actions. As he acknowledged no dominion but that of the laws, he bowed with reverence to their authority, and taught obedience no less by his example than his precept. To the humblest officer of justice he was respectful; the vices of private character were overlooked when the individual stood before him clothed with judicial authority. In the county courts, where the justices of the peace administered the law, he was no less respectful in his deportment and submissive to their decisions, than in the highest tribunal of the state. He considered obedience to the laws to be the first duty of a citizen, and it seemed to be the great object of his professional life, to inculcate a sense of this duty, and to give to the administration of the laws an impressive character. To understand his character, and profit by that understanding, we should consider it, 1st, in its relation to the court; 2dly, in its relation to the bar.

1. In its relation to the court. In North-Carolina, the courts of justice are the principal schools of instruction to the people. The discussions which there take place, and the contestations which are there carried on, and listened to with eagerness by the people who attend, sharpen their understandings and improve their general stock of knowledge; whilst the lashings which vice receives, and the praise and commendation given to virtue, make moral impressions of the most salutary kind. Here are taught the great lessons, of obedience to the laws and



of reverence for their administration. The men who administer the laws in courts of justice act under a responsibility that is not often appreciated. Neither a judge nor a lawyer should ever enter a court without a due sense of this responsibility; and when there, each should act his part with decorum and firmness. The duties of each are well defined; the rights of each well ascertained. No man understood either the one or the other better than Archibald Henderson. To inspire a reverence for the laws, an impression must be made and constantly enforced by every thing that passes, that they are administered with purity, without favour, passion or caprice; and as to the criminal law, that it is administered in mercy. Whatever may be the character of the judge, this impression cannot be made nor enforced without the aid of the bar. The lawyers are the pillars which support the respectability and authority of the judge. A conviction of this truth regulated Mr. Henderson's conduct to the court.

He often said he had known but few men who were suited for the bench; he had known many good lawyers, and but few good judges. There were so many qualifications requisite to form a good judge, that they were rarely found combined. At the head of these qualifications, legal learning is generally placed, and is chiefly looked to in making appointments to the bench. Mr. Henderson was of opinion, that good common sense and sound discretion of mind were the first qualifications; an intimate acquaintance with mankind, and particularly with the middle and lower classes of people, their passions, feelings, prejudices, modes of thinking and motives of action, was the second; a good moral character, with chastened feelings and subdued passions, the third; independence of mind and energy of will, the fourth; and legal learning the fifth. For this reason, he thought it unwise to appoint young men to the bench, let their legal requirements be ever so great; or men advanced in years, who were either too proud or too indolent to mix with the great mass of the people, whose society is the school of that common sense and sound discretion so necessary in a judge; and the want of which makes the administration of the laws fall most heavily upon the lower classes of the people, when it

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<sup>1</sup>Printed *not* in the original newspaper.

ought to be the lightest. This is most severely felt in the administration of the criminal law, where the obscurity of the individual excites no interest in his favor, and the ignorance of the judge of his character, his education, his passions, prejudices, and motives of action, subjects him to a punishment which he does not deserve. It is on this account chiefly, that the obscure and humble in life have peculiar claims upon the sympathy of the bar, and my bosom has often swelled with emotion when I have witnessed the efforts of Mr. Henderson in their favor.

The want of this common sense and discretion of mind is most commonly perceived in the infliction of punishment, in enforcing unvariable and oppressive fines,<sup>1</sup> and in inflicting imprisonment where there is no depravity of heart. Upon this subject, Mr. Henderson entertained the opinion, that imprisonment in our government was a punishment so infamous that it should be inflicted but seldom, except for offences growing out of the depravity of the heart; that it ought never to be inflicted for offences proceeding from the ordinary passions of our nature; that these were weaknesses, rather than crimes.

The history of North-Carolina furnishes no instance of direct corruption on the bench: yet there is a weakness in human nature, from which the best of men is sometimes not free, and which, when it finds its way to the bench, is attended, perhaps, with worse consequences than direct corruption. It is that weakness in a judge which induces him to lean upon a particular lawyer; a weakness of which the judge himself is often unconscious, but which is soon perceived and felt by the bar and the people. There is no weakness in a judge so much to be deplored as this; in as much as it not only leads to error, but gives to the particular lawyer an improper advantage over his brethren, and subverts the reverence of the people for the court. It is a weakness infinitely worse than favoritism to particular men who are parties to suits; for favoritism may be disguised, but leaning upon a lawyer is obvious to all who attend court. Mr. Henderson's great character at the bar, his acknowledged legal

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<sup>1</sup>In the newspapers of the day which published this sketch, other than the *Hillsborough Recorder*, this phrase reads "in imposing unreasonable fines."

learning, his known candour, all conspired to make him the object of this weakness, and I have seen him more than once shake off a judge who wished to lean upon him. He scorned to help his client's cause, by favouring a weakness, which in the judgment of common people pollutes the streams of justice as much as downright corruption.

He entertained the most profound contempt for that class of men, who being appointed to the bench, are fond of displaying the powers of their official stations, "cutting capers," as the vulgar call it. These men generally claim a consequence to which they are not entitled, and think<sup>1</sup> to operate upon the fears of the bar and the people, instead of trying to gain their respect and reverence; commit men to jail for imaginary contempts, and treat with insolence bye-standers, parties and witnesses. Mr. Henderson detested judicial insolence as much as he abhorred judicial tyranny; and delighted to dwell upon an anecdote of the late judge Wilds of South-Carolina; who, upon calling up a cause for trial, and learning that a material witness of one of the parties was intoxicated and unable to give testimony, with a benevolence and good nature that adorned him, adjourned the trial until the witness could become sober. Some men that I have seen on the bench, would have committed the witness to jail. These men do not know the difference between inspiring terror, and inspiring respect. It is beneath the dignity of the court and unworthy of the spirit of our institutions, to address a freeman's *fears*. Nobler motives should govern him, and nobler passions should be addressed to bring him back to his duty, if he go astray. There is no disposition in the people of North-Carolina to treat their officers of justice with disrespect; they are obedient to the laws, and delight to cherish a respect for men in authority. This disposition on their part should never meet with any thing that savours of judicial insolence.—There is a dignity of deportment which becomes the majesty of the laws; and that dignity every judge should strive to acquire, and uniformly exhibit it when discharging his official duties. That dignity, so necessary on the bench, and so influential and impressive at the bar, Mr. Henderson possessed in a pre-eminent degree. He displayed it in the lowest as much as in the highest

<sup>1</sup>This word is *seek* in other newspapers.

courts of the state, and the humblest magistrate as well as the highest judge felt himself honoured and sustained by his decorous and respectful behaviour.

[2.] But if his conduct to the court was exemplary, his conduct to the bar was more so.—To them all he was kind and indulgent; to the young men of the profession, who did not stand aloof from him, he was literally a father, encouraging them to perseverance, advising them as to their course of studies, instructing and aiding them in the management of their causes. Some stood in awe of him, and seldom approached him; his age, his venerable appearance, his majesty of character, seemed to intimidate them, and keep them at a distance. He was conscious of his high standing, and never committed himself, nor put his reputation at risque. He always came to the trial of his causes well prepared, and if the state of his health or his want of preparation seemed likely to jeopardize his reputation in the management of his client's cause, he would decline the trial until a more favorable time. The courts in which he practised 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 common-place 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. He avoided refinement in argument both to the court and to the jury. His exordium was generally short, and always appropriate. He despised the apologetic exordium so fashionable with some speakers; an exordium that suits one case as well as another, and never fails, when persevered in, to make the speaker appear ridiculous. 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 quickly sat down. In great causes, his eloquence and manner were<sup>1</sup> irresistible. He despised long speeches, and abhorred petty altercation and wrangling at the bar. The great object of his professional life, as has been before stated, was to inspire a reverence for the administration of the laws. Nothing detracts from this reverence more than a want of dignity in the gentlemen of the bar. Altercation and wrangling are the reverse of dignity; and although they gratify the appetites of vulgar clients, they are a reproach upon the lawyers who indulge in them, and upon the court that tolerates them. Instead of being a tribunal for the exalted and sacred purpose of administering justice, the court becomes an arena, into which the lawyers descend, to wield the weapons of little and contemptible passions. They ought, upon all occasions, to bear in mind, that they are officers of justice, and that upon them, more than upon any other class of society, is imposed the high duty of impressing upon the community a reverence for the laws, and for the courts in which these laws are administered.

There was one trait in Mr. Henderson's manner of conducting a cause in court, which I greatly admired; it was his manner of examining witnesses. He was as polite and decorous to them as to the court. He asked no unnecessary questions; and every witness that came into court, felt a confidence that from him he should receive no insolent nor impertinent treatment. He disliked excessively the never ending interrogatories that are frequently put to witnesses, and he disliked still more the noisy and boisterous manner in which these interrogatories are sometimes put. He said this manner was not only undignified, and had a tendency to lessen the respect of the people for their courts, but it often perverted the course of justice, by intimidating witnesses, and thereby either suppressing material facts, or giving them an improper coloring.

As he advanced in life, he seemed more and more anxious that the laws should be interpreted and administered by the rules of common sense. He, in a great degree, lost his reverence for artificial rules. He said, the laws were made for the people, and they should be interpreted and administered by rules which

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<sup>1</sup>Misprinted *was* in the *Hillsborough Recorder*.

they understood, wherever it was practicable: that common sense belonged to the people in a higher degree than to learned men, and that 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, induced them to believe that courts and lawyers contrived unintelligible mysteries in the science, merely for the purpose of supporting the profession of lawyers. He said, the rules of pedantry did not suit this country nor this age; that common sense had acquired a dominion in politics and religion, and was fast acquiring an absolute dominion in the law; that judges and lawyers should have the independence and magnanimity to strip off the veil of mystery from every branch of the law, and root out all the remains of a ridiculous pedantry; simplify the science, and make it intelligible, as far as possible, to the understanding of the common people.

In his professional character, Mr. Henderson resembled the late Jenkin Whiteside, of Tennessee, more than any man I have seen. Each stood at the head of the bar of his respective state. They were about the same age and size—both large men. They died about the same time, and those who know how to appreciate the usefulness of such men in professional life, will long remember their example, and regret their death. The respect and affection which a long and intimate acquaintance with Mr. Henderson produced and cherished, have induced me to write this account of his professional character. I hope his brethren of the bar, in the western parts of the state, will erect a monument to his memory,<sup>1</sup> that shall perpetuate his name long after this humble tribute of his friend shall be forgotten. I did not sit down to write a memoir of his life, nor to exhibit his private virtues. Some more able hand will do justice to his private character.

PHILO FLORIAN.

<sup>1</sup>This suggestion was followed, and it appears that Murphey wrote the inscription on the monument, which is reproduced in Wheeler's *History of N. C.*, II. 390.

*Memorial of North Carolina to Congress.*<sup>1</sup>

TO THE

Congress of the United States.

THE MEMORIAL

OF THE

General Assembly of North-Carolina.

RESPECTFULLY REPRESENTS,

THAT the General Assembly of the State of North-Carolina, at their Session in November, A. D. 1789, in pursuance of the recommendation of the Continental Congress, authorised and directed their Senators in Congress to convey to the United States, all the right, title and claim, which that State had to the Sovereignty and Territory of the Lands now forming the State of Tennessee, upon certain conditions, and subject thereto. Part of those conditions were, that the lands laid off, or directed to be laid off, by any act or acts of the General Assembly of that State, for the officers and soldiers thereof, their heirs and assigns, respectively, should be and enure to the use and benefit of the said officers and soldiers, their heirs and assigns, respectively; and if the bounds of the said lands theretofore prescribed for the said officers and soldiers, should not contain a sufficient quantity of lands fit for cultivation, to make good the several provisions intended by law, such officer or soldier, or his assignee, who should fall short of his allotment or proportion, after all the lands fit for cultivation within the said bounds should be appropriated, should be permitted to take his quota, or such part thereof as might be deficient, in any other part of the Territory intended to be ceded, which had not theretofore been appropriated. And where entries had been made agreeably to law, and titles under them not perfected, by grant or otherwise, the Governor for the time being was required to perfect such titles, in such manner as if the cession of the said Territory had

<sup>1</sup>From *Memorial from the General Assembly of North-Carolina, to the Congress of the United States. January 29, 1824. With Sundry Documents connected therewith.* (Raleigh, 1824), pp. 7-16. This memorial was undoubtedly drafted by Murphey. See vol. I., pp. 300, 303.

not been made. And where any person had, by virtue of an act, entitled "An act for opening the land-office for the redemption of specie and other certificates, and discharging the arrears due to the army," passed A. D. 1783, made his entry in the office, usually called "John Armstrong's office," and located the same to any spot or piece of ground, on which any other person had previously located any entry, the person who made such entry should have leave to remove the location thereof to any land on which no entry had been specially located, or any vacant lands included within the limits of the lands intended to be ceded.

On the 25th of February, 1790, a deed was executed, conveying to the United States the said Territory, and the cession was accepted by Congress on the 2d of April following. By the act of cession, North-Carolina reserved to herself the right and power of perfecting titles to land in the Territory ceded, either 1st, for military services, or 2dly, upon entries which had been made agreeably to law, and the titles thereon not perfected by grant. This right of perfecting titles, was, at the special request of Tennessee, yielded to that State, by an act passed by the General Assembly of North-Carolina, in the year 1803, which act was to take effect when ratified by the State of Tennessee, and assented to by the Congress of the United States, as an agreement or compact between North-Carolina and Tennessee. That act declares that Tennessee shall have full power and authority to issue grants and perfect titles to all claims of land lying in said State, which, under and agreeably to the cession act of 1789, remained and were reserved to be issued and perfected by North-Carolina, in as full and ample a manner as North-Carolina possessed the same, under certain conditions and restrictions set forth in the act; one of which is, "*that North-Carolina reserves to herself, exclusively, the right of issuing military warrants.*" This act was ratified by the State of Tennessee on the 4th of August, 1804, received the assent of the Congress of the United States on the 18th of April, 1806, and thenceforth became a solemn compact between the States of North-Carolina and Tennessee.

Under this compact, Tennessee became bound to perfect all those titles which North-Carolina had, by the act of cession in 1789, reserved to herself the right to perfect, to-wit: 1st, titles



founded upon military services, and 2dly, upon entries. As to the first, North-Carolina had pledged her faith to the officers and soldiers of her Continental Line in the Revolutionary War, that each of them who should serve for a certain length of time, or enlist during the war, and either die in service, or be honorably discharged, should be entitled to a certain portion of land, to be laid off in that part of her Territory which now forms the State of Tennessee. As to the second, North-Carolina, for the purpose of discharging the Certificate Debt in which the Revolutionary War had involved her, opened an office in the year 1783, usually called "John Armstrong's office," for receiving entries of land lying in her Western District, at the price of ten pounds in certificates for each hundred acres. Many entries were made in this office, and a large part of the Certificate Debt of the State thereby discharged. But owing in part to the death of claimants, in part to the fact that the largest portion of these lands was still covered by the Indian title, and in part to the almost continual hostility of the Cherokee Indians, it happened, that in the year 1789, when North-Carolina ceded her Western Territory to the United States, numerous claims, founded upon military services and upon entries in John Armstrong's office, remained unsatisfied; and the cession was made and accepted, upon the express condition that those claims should be satisfied out of the Territory ceded. The Indian title remained unextinguished for many years, and the consequence was, that only a few of the claims from North-Carolina could, after the year 1789, be satisfied out of lands fit for cultivation; and it pleased Congress to cede to Tennessee, by their act of the 18th of April, 1806, nearly one-half of all the vacant lands lying within her limits, and to restrict claimants from North-Carolina to the other half of the vacant lands for a satisfaction of their claims; and this other half was then, and continued, until a treaty was made with the Chickasaw tribe of Indians in the year 1818, covered by the title of that tribe. It was not until after this treaty was made, and Congress had authorised Tennessee to satisfy claims derived under North-Carolina, out of the lands lying west and south of the line prescribed by the act of Congress of the 18th April, 1806, that claimants under North-Carolina had an opportunity

of getting their claims satisfied. That State, anxious to redeem her plighted faith, gave notice of this opportunity to the officers and soldiers of her Continental Line, their heirs and assigns, and caused the muster-roll of this line to be transcribed and published. She has gone on, year after year, since that time, issuing military land-warrants, until she has at length closed her muster-roll; and Tennessee has provided for satisfying all the military warrants issued by her up to October, 1822, and has provided for some that have issued since: That there remain about one hundred and forty military warrants, issued by North-Carolina since October, 1822, and a few warrants issued upon entries, which remain unsatisfied; and the General Assembly of Tennessee have, upon application, as to a part of these warrants, refused to make any provision for their satisfaction; and have declared in a Memorial to Congress, that all the *bona fide* claims from North-Carolina, have either been satisfied or provided for. A copy of the act passed upon this subject by the General Assembly of Tennessee, at their last session, is annexed to this Memorial, and marked E. By reference to it, Congress will perceive that no provision is made in it for satisfying any warrants, except such as have been heretofore submitted to a Board of Commissioners, appointed by Tennessee for the adjudication of North-Carolina land claims. This Board has been dissolved long since, and none of the warrants issued by North-Carolina since October, 1822, were ever laid before that Board, because it had ceased to exist before those warrants were issued; and it was on that account, that part of the said warrants were laid before the General Assembly at their last session, with a Petition, praying that provision might be made for satisfying them. Without reference to the act passed by the General Assembly of Tennessee at their last session, Congress would be led to believe, from the facts stated in the Memorial of that honorable Body, that they had again opened offices for the adjudication and satisfaction of all claims derived under North-Carolina; whereas it appears from the act, that only such claims are to be adjudicated under it, as have been heretofore adjudicated "by the Board of Commissioners for West-Tennessee, since the year 1819." This Board was dissolved in November, 1822; and it is apparent that no provision is made

by the act aforesaid, for the adjudication and satisfaction of warrants issued by North-Carolina since November, 1822.

In this state of things, the General Assembly of Tennessee have requested the Congress of the United States to cede to that State all the vacant lands lying within her limits, south and west of the line prescribed in the act of Congress of the 18th of April, 1806, amounting in quantity to more than two millions of acres, as the public records of Tennessee will clearly shew. North-Carolina would be wanting in her duty to those persons who, forty years ago, advanced the money for her western lands, to aid her in discharging her Certificate Debt of the Revolutionary War; she would be still more wanting in her duty to the officers and soldiers of her Continental Line, who aided in fighting the battles of that war, were she to remain quiet on this occasion, and not protest against this cession, until all the honest claims upon her justice and generosity shall be satisfied. She cannot forget the fact, that the Territory of Tennessee once belonged to her. What profit has she derived from it, and in what way has she disposed of it? In the first place, she set apart as much of this Territory as would pay a debt of gratitude which she owed to the officers and soldiers of her Continental Line. In the next place, she opened an office, and sold another part of the Territory for the purpose of discharging the Certificate Debt which she had incurred by the war; and lastly, for the purpose of enabling Congress to pay the debts of the United States, she conveyed all the residue of the said Territory, declaring that it should constitute a Common Fund, for the use and benefit of the United States. Thus has North-Carolina, resigning her ambition, and the certain prospect of her political preponderance in the confederacy of the States, actuated solely by her devotion to the public interest, dismembered her Territory, and appropriated one-half thereof to the generous purpose of paying the debts of the Nation. And what has she asked in return for these generous sacrifices? Only, that claims upon her for military services, and *bona fide* entries, should be satisfied.

It does not become a Sovereign State to utter the language of complaint; and in appealing to the Supreme Tribunal of the Nation on this occasion, the General Assembly of North-Car-

lina believe it proper to rest their case upon the broad ground of Moral Right only. They have no unkind feelings towards Tennessee: The two States are members of the same kindred family, and their people cherish for each other mutual respect and affection. Tennessee has high claims upon the gratitude of the Nation: North-Carolina acknowledges their justness, and should it be the pleasure of Congress to cede to Tennessee the vacant lands which may remain after the claims derived under North-Carolina shall be satisfied, this State will be the last in the Union to complain of the cession.

The General Assembly of Tennessee rest their refusal to make provision for satisfying further claims, upon two grounds; one of which is openly avowed, and the other obscurely hinted at in their Memorial to Congress. The first is, that they had a right to prescribe a limited time for bringing forward those claims; that they did prescribe such a time, and declared that all claims not brought forward within it, should be forever barred. The time fixed for *closing their offices*, was the first Monday in May, 1823; but the time for *filing claims*, was limited to October, 1822. The second ground is, that Tennessee has a right to sit in judgment upon warrants issued by North-Carolina, and to allow, or disallow them, as she may think proper.—A few remarks will shew that neither of these grounds is tenable.

As to the first. It may be observed, that in point of interest, it is entirely immaterial to Tennessee, at what time those claims are brought forward; for they are to be satisfied out of lands to which she has no title. But independently of this fact, no time is pointed out in the cession act of 1789, nor in the compact between North-Carolina and Tennessee in 1804, within which those claims should be brought forward; and sufficient reasons for not fixing a time, were to be found in the then condition of the lands out of which those claims were to be satisfied. Most of the lands were covered by the Indian title, and it was uncertain when that title would be extinguished. It has been before shewn, that no opportunity offered of satisfying a large portion of those claims until the year 1819, by which time many of the claimants had died, and others had removed to distant parts. But upon what principle can Tennessee limit the time for exhibiting those claims? She neither issues the warrants,

nor owns the land out of which they are to be satisfied. North-Carolina has reserved to herself the exclusive right of issuing the warrants, and Tennessee, by her compact with that State, has agreed to perfect the titles in all cases where North-Carolina was bound to perfect them. There might be some force in the remark, that *North-Carolina* might prescribe a time within which claims should be exhibited to her for warrants; but upon no principle of moral right could such a power be exercised by Tennessee. Believing, however, that it would be to the interest of all parties concerned, and understanding that such a measure was desired by Tennessee, the General Assembly of North-Carolina have ordered the muster-roll to be closed; and although it is possible that a few cases yet remain in which warrants ought to be issued, it is certain that the number of cases is very small. It would be wrong to close the door against an honest claimant, who has waited forty years for a debt which his country owes to him, and which, owing to peculiar circumstances, his country could not pay till very lately. If, therefore, it should appear that a few cases yet remain in which warrants ought to be issued, justice will demand from the General Assembly of North-Carolina that those warrants be issued.

The second ground on which the General Assembly of Tennessee refuse to make provision for satisfying further claims, is, that they have a right to sit in judgment upon warrants issued by North-Carolina, and to decide whether the warrants have been rightfully or wrongfully issued. North-Carolina cannot recognize in Tennessee any such right, and contends that the exercise of it is a direct breach of the compact between the two States, and incompatible with the rights reserved by North-Carolina. It is admitted, that Tennessee may enquire whether the warrants be genuine or spurious; but not whether they were rightfully issued or not. This enquiry belongs *exclusively* to North-Carolina, who, in her compact with Tennessee, "*has reserved to herself, exclusively, the right of issuing military warrants*"; a right which necessarily implies the exclusive right of judging and determining in what cases, and to whom, military warrants are to be issued. To what purpose has North-Carolina reserved to herself, *exclusively*, this right, if Tennessee is to decide whether she has exercised it properly or not?

The comity which exists between independent States, forbids the presumption that North-Carolina would exercise this right *mala fide*.

If, therefore, North-Carolina, by the cession act of 1789, and her compact with Tennessee in 1804, was left at liberty to determine what claims were to be satisfied, and to whom, and Tennessee has agreed to perfect all titles which North-Carolina was bound to perfect, it necessarily follows, that the warrants which North-Carolina has issued, or may hereafter issue, ought to be satisfied, and that Tennessee ought to provide ways and means for their satisfaction. And the United States having accepted the cession upon the express condition, that all *bona fide* claims upon North-Carolina for military services, or upon entries, should be satisfied out of the lands ceded; and Congress, by their act of 18th of April, 1806, having assigned to the exclusive use of Tennessee, all the vacant lands lying *north* and *east* of the line therein prescribed, and declared that all the lands lying to the *south* and *west* of that line should belong to the United States, subject to the claims aforesaid from North-Carolina; and Congress having, by their act of 1818, authorised the State of Tennessee to satisfy claims derived from or under North-Carolina, out of the lands lying south and west of said line; and the State of Tennessee having refused to satisfy divers claims which North-Carolina has acknowledged to be just and directed to be satisfied, it is submitted, whether it be not the duty of Congress to provide for the satisfaction of these claims. The lands belong to the United States, they are subject to the disposal of Congress, and the faith of the Government is pledged, that *bona fide* claims from North-Carolina shall be satisfied out of these lands.—The General Assembly of North-Carolina do, therefore, respectfully request the Congress of the United States to provide for the satisfaction of those claims, out of the lands lying south and west of the line prescribed by the act of the 18th of April, 1806. And as many of those claims are for more lands than can be obtained in a body fit for cultivation, out of the vacant lands now remaining to the south and west of that line; and as Congress has, by the act of 1806, ceded to Tennessee all the vacant lands lying to the north and east of that line, although by the cession act of 1789, *all the Territory*

*ceded* was subject to the satisfaction of claims derived from North-Carolina, it is submitted to Congress, whether, in justice to those whose claims have not yet been satisfied, provision ought not to be made that their warrants may be divided, and satisfied in tracts of land not less than three hundred and twenty acres each; that all claimants of equal merit, may stand as nearly as may be, upon an equality. It is a fact well known, that *numerous small tracts*, and that *no large tracts* of vacant land, now remain for the satisfaction of warrants. And when it is recollected, that claimants under North-Carolina have been cut off by the act of Congress of the 18th of April, 1806, from one-half of the vacant lands originally set apart by North-Carolina for the satisfaction of their claims, it is hoped that no objection can exist to making provision for satisfying those claims out of the lands which remain, in such a way, that equal and impartial justice may be done to the claimants. Those claims do not exceed one hundred thousand acres; and there remain more than two millions of acres of vacant lands. When those claims shall be satisfied, North-Carolina will be content with any disposition which it may be the pleasure of Congress to make of the residue of the vacant lands.

Signed in behalf of the General Assembly of the State of North-Carolina, by

GABRIEL HOLMES,  
*Governor, etc. of the State.*

January 29, 1824.

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*Memorial of the University of North Carolina to the Legislature of Tennessee.*<sup>1</sup>

To the Honorable the General Assembly of the State of Tennessee, the Memorial of the Trustees of the University of North Carolina, respectfully represents,

That the convention which formed the constitution of North Carolina in the year 1776, enjoined it as a solemn duty upon the General Assembly which was to sit under the constitution,

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<sup>1</sup>From the *American Historical Magazine* (Nashville, Tenn.), July, 1901, vi. 268-272. This memorial was drafted by Murphey and submitted in September, 1824. It was rejected. See vol. I., pp. 301-303.

to establish an University, and to endow it in such way that useful learning could be taught in it at low prices: That in obedience to this injunction the General Assembly did in the year 1789, establish an University, appointed trustees for its government and appropriated funds for its support, and at the same session they constituted and appointed the Trustees of the University assignees of all claims to lands founded upon the military services of the officers or soldiers of her continental line, where the officers or soldiers had died and left no heirs at law. The act thus vesting in the trustees all the escheated lands of the state and all claims in the nature of escheats was passed and was in full force before North Carolina parted with her sovereignty over the territory which now forms the State of Tennessee, and the said territory came to the United States and was afterwards erected into a state subject to the condition, that all claims for military services should be satisfied out of the ceded territory, to the officers and soldiers of the continental line of North Carolina their heirs or assigns. North Carolina retained the right of perfecting titles to these claims for many years, when at the request of Tennessee she gave up this right upon the express condition however, that Tennessee should perfect titles in all cases where North Carolina was bound to perfect them, and upon the further condition that North Carolina should reserve to herself exclusively the right of issuing military warrants.—North Carolina in the exercise of this exclusive right has issued divers military warrants to your memorialists as the assignees of certain officers and soldiers of her continental line, part of which warrants formed the subject of a memorial which was submitted to your honorable body at your session in 1822. An act was then passed directing the Governor to appoint commissioners to examine the subject matter of the memorial, concerning the said warrants, and the commissioners so appointed after having duly examined the subject, made with your memorialists the agreement which is to be found amongst the printed acts of 1822, under which your memorialists transferred to the Colleges of Tennessee a large portion of the warrants mentioned in the memorial.

They further shew that since the year 1822, the State of North Carolina hath issued to them divers other military warrants,



part of which were laid before your honorable body at the session of 1823, with a request that provision should be made for their location—your honorable body refused this request and forwarded a memorial to Congress soliciting a cession to Tennessee of all the vacant and unappropriated lands in the State. The General Assembly of North-Carolina upon being apprised of the refusal of Tennessee to perfect titles upon the military warrants issued to your memorialists, directed the Governor of that State to transmit to the Congress of the United States a memorial on the subject, a copy of which memorial with the documents accompanying the same is hereunto annexed and prayed to be taken as a part of this memorial.<sup>1</sup> The General Assembly of North Carolina however, believing that it was the interest as well the wish of Tennessee to put an end to the issuing of military warrants directed the secretary of State to close the muster roll of her continental line and to issue to your memorialists warrants in each case where the officer or soldier or his heirs had failed to apply for them, and in pursuance of such direction the secretary of state hath issued sundry military warrants to your memorialists and hath closed the muster roll of the continental line.—Your memorialists in pursuance of the agreement entered into between them and the commissioners on the part of Tennessee in the year 1822 have assigned to the Colleges of Tennessee their portion of these warrants, and now on behalf of themselves and the Trustees of said Colleges they pray your honorable body to make provision that they be finally adjudicated and perfected into grants.

Your memorialists regret that it has fallen to their lot to be the Agents of North-Carolina in conducting an unpleasant controversy with Tennessee. They had hoped that the agreement entered into between them and the Commissioners of Tennessee, in the year 1822, had put this controversy to rest, and that nothing would occur to revive it. In discharge of the high duty imposed upon them and with that deference and respect which are due to the Legislature of a sovereign State, they beg leave to submit to your honorable body a few observations on the general subject of this controversy, referring to the memorial hereunto annexed, for a full illustration of the ground on which

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<sup>1</sup>Printed *ante*, pp. 320-328.

their claim rests: They have no personal interest in the application; its allowance or rejection will neither enrich nor impoverish them; they come not to urge any schemes of speculation, nor to ask the General Assembly anything for themselves; they come as the guardians of a literary institution in which not North-Carolina alone, but Tennessee and every part of the civilized world has an interest: Learning and science belong not exclusively to any State or country; their benefits are common property for the whole human race. An opportunity is now offered to the General Assembly of Tennessee of making provision for the enlargement and support of her own Colleges and of aiding a similar institution in a sister state; and of making this provision and extending this aid without imposing any burthens upon the people or diminishing, in the slightest degree, the resources of the State—The vacant lands out of which these warrants are to be satisfied belong to the United States—They form no part of the resources of Tennessee, and it cannot be expected, that as North-Carolina ceded those lands, and the United States accepted them upon the express condition that all such claims as those your memorialists have urged should be satisfied out of them, the Congress of the United States will cede these lands to Tennessee before those claims are satisfied. Tennessee has now an opportunity of endowing her Colleges out of the public property of the nation; and will she forego the opportunity? Will she prefer that the land shall be rather kept for the purpose of private speculation than applied to the great purposes of education? Will she prefer a small temporary benefit to a permanent fund of moral and intellectual wealth that shall give dignity to the state, stability to her institutions and happiness and respectability to her people?

Tennessee complains of the number of military warrants which have of late years been issued by North-Carolina. It will clearly appear that there is no just ground for this complaint when it is recollected that there were no lands out of which the claims of North-Carolina could be satisfied until the late purchase was made from the Chickasaw tribe of Indians. The territory acquired from the Cherokees was given up to the exclusive use of Tennessee, and how much Tennessee has

profited by this cession is evidenced by the sale of lands in the Hiwassee district. Where were the claims of North-Carolina to be satisfied? It was useless to exhibit them until they could be satisfied, and that time never arrived until in the year 1820 an appropriation was made in the Western district.

The objection no longer exists that Tennessee is ignorant of the extent and number of these claims: The muster roll of North-Carolina is now closed: Tennessee sees at once the number and extent of warrants yet to be satisfied: They bear but a small proportion to the quantity of vacant lands yet unappropriated by entry.

Your memorialists forbear further to press the subject upon the attention of your honorable body, at a moment when a spirit of conciliation and harmony between the two states is peculiarly desirable: they hope the subject will be taken up and acted on in the spirit of friendship and candor. If any difficulty presents itself as to the validity of the claim of your memorialists, or any doubt existing as to the obligation of Tennessee to perfect titles upon the warrants issued to them, they pray that counsel may be heard at the bar of the General Assembly in support of their claims. For this purpose William L. Brown and Alfred Balch, Esquires have been appointed by them.

Your memorialists rely with confidence upon the wisdom and justice of the General Assembly—If that honorable body should allow their claims, and make provision for their satisfaction, the unpleasant controversy so long existing between the two states will be terminated forever, and the memorial pending before Congress be immediately withdrawn.

GABRIEL HOLMES, Governor of the State of North Carolina and Ex officio President of the Board of Trustees of the University of that State.

*Memorial to the General Assembly.*<sup>1</sup>

TO THE HONOURABLE,

THE GENERAL ASSEMBLY

OF

NORTH CAROLINA,

THE MEMORIAL OF THE UNDERSIGNED

RESPECTFULLY SHOWS,

THAT he has been engaged for several years in collecting and arranging materials for an extensive Historical and Scientific Work on North Carolina. His success thus far has equalled his expectations; but he finds himself unable to prosecute this work to its completion, without the munificent aid of your honourable body. Few gentlemen in North Carolina have estates sufficient to bear the expenses and losses of such an undertaking. For independent of the direct expenses in travelling over several of the adjoining states, and carefully exploring every section of this state, for the purpose of collecting materials; and the further direct expense of engaging the services of eminent men in science, in the departments of Geology, Mineralogy and Botany, the author must in a great degree abandon all other pursuits and devote his time and attention to this alone. Such a work will be voluminous, and cannot be expected to yield a profit to the author, particularly if published in a style worthy of the state. Your memorialist herewith submits an outline of the plan of this work;<sup>2</sup> and if your honourable body be disposed to patronize it, he solicits permission to have access to the public records of the state, and also solicits such aid in the prosecution of this work, as will enable him to com-

<sup>1</sup>Printed pamphlet. No title page. [Hillsborough: D. Heartt. 1825.] 8vo. 11 pages. The pamphlet is here reproduced with a few minor corrections made by Murphey in a copy in the collection of Dr. Stephen B. Weeks and in a copy in my own collection. For remarks on the memorial, see vol. I., pp. 323, 324, 326.

<sup>2</sup>A shorter synopsis of the work and comments on it were published in the *Raleigh Register*, Nov. 11, 1825, and reprinted in Coon's *Beginnings of Public Education in N. C. (Pub. N. C. Hist. Com.)*, I. 259-262.

plete it. When completed it will add something to the general literature of the country, and much to the credit of North Carolina.<sup>1</sup>

A. D. MURPHEY.

Orange, 5th December, 1825.

## PART I.

### *An account of the discovery of America.*

The state of Mathematical, Astronomical, Geographical and Nautical Science, in Italy, during the Pontificate of Leo the Tenth—The Form of the Globe, and the Revolution of the Heavenly Bodies, ascertained—The Causes which induced Men of Science to believe that a Continent existed to the West of Europe—Conjectures of Toscanelli on the Discovery of a Passage by Sea, to the East Indies—his Correspondence with Columbus on this Subject—Discovery of the Azores—Voyages of Columbus—Discovery of the West Indies and of South America—Voyages of John and Sebastian Cabot—Discovery of North America.

## PART II.

### *The Aboriginal History of North Carolina.*

Fossil Remains—The Indian Tribes—Three great Tribes, the Tuscaroras, the Catawbas, and the Cherokees—The Territory possessed by each—Their Wars—Decline of the Tuscaroras and Catawbas—Extent of the Cherokee Dominion—Military Force of these Tribes—Numerous Small Tribes—Their Names—Population—Settlements.

The Moral, Social and Intellectual Character of the Indian Tribes in North Carolina—Their Manners, Customs, Sports, Mode of Living—Their Temper, Hospitality, Religion, Superstition.

Their Government and Civil Policy—Their Manner of Administering Justice.

Condition of their Females—Marriages, Divorces.

<sup>1</sup>A letter by "T", a neighbor of Murphey, published in the Raleigh Star of Dec. 30, 1825, refers to the work as "the history of our State now preparing for publication, by that distinguished philanthropist and statesman Judge Murphey," and says, "This long wished for work is now in considerable forwardness for the press, and will, in part, appear before the public in 1826 or 7."

Religious Ceremonies—Mournings for the Dead—Feast of Souls—Green Corn Dance, etc.

Their Preparations for War—Songs—Dances—Their Mode of Warfare—Their Treatment of their Prisoners of War.

Similarity of the Character of the Indian Tribes, of their Religion and Religious Ceremonies, of their Government and Manner of Administering Justice, of their Manners, Customs and Sports, with those of the Ancient Israelites.

### PART III.

#### *The Colonial History of North Carolina.*

1. Civil and Military History—in which will be given a detailed account of the efforts made to plant a Colony in Carolina.

Of the Charters which were granted for this Purpose.

Of the Expeditions of Sir Walter Raleigh, and his final Success in planting a Colony on the Waters of the Chesapeake.

Of the Life, Character, Trial and Execution of this extraordinary and chivalrous Man.

Of the Proprietary Government of the Colony.

Of the Royal Government of the Colony.

Of the Frauds and Corruption of the Officers of Justice.

Of the Progress of the Settlements and Formation of Counties.

Of the different Plans adopted for Governing the Colonies.

Of the Vices of each Plan of Government.

Of the Commencement and Progress of the Contest Between the Prerogative of the Crown, and the Liberty of the Subject.

Of the Exactions and Frauds of Lord Granville's Agents.

Of the Rise, Progress and Termination of the Regulation.

Of the imprudent Pretensions of the Mother Country, and the Arbitrary Acts of the Colonial Governors.

Of the firm and steady Conduct of the Colonial Assemblies.

Of the Open Rupture between Governor Martin and the Colonial Assembly—his Withdrawal from the Colony.

Of the Assembling of a Convention at Hillsborough in 1775—their Acts and Resolutions.

- Of the Assembling of a Convention at Halifax in the Spring of 1776, for the purpose of adopting a new Plan of Government.
- Of the Forming of the Constitution of the State.
- Of the Organization of the New Government.
- Of the Declaration of Independence by the People of Mecklenburg County in 1775.
- Of the Cape-Fear Association.
- Of the Formation of Committees of Safety in the several Counties—Their Powers—The Terror they inspired—The Safety they afforded to the Friends of the Revolution.
- Of the Progress of Public Discontents.
- Of the Meeting of the Continental Congress at Philadelphia in 1775.
- Of the Articles of Confederation.
- Of the Continental Congress of 1776—Their Acts.
- Of the Declaration of Independence by Congress on the 4th July, 1776.
2. Historical Review of the Colonial Legislation.
  3. Judicial History of the Colony.
  - 4.<sup>1</sup> History of Manners, including a View of the State of Slavery, during the Colonial Government.
  5. History of Religion in the Colony—Feuds between the Episcopalians and the Dissenters—History of those Feuds—Political Effects produced by them.
  6. History of the Bills of Credit emitted by the Colonial Assemblies—The amount of each Emission—For what Purposes emitted—Plans adopted for redeeming these Bills—Pernicious effect of these emissions upon the Morals and Prosperity of the Colony.
  7. Territorial Extent and Divisions of North Carolina during the Colonial Government.
  8. Statistics of the Colony—Population—Military Force—Revenue—Commerce—Produce of the Soil—Of the Forest—Of the Fisheries—Of the Iron Mines, etc.

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<sup>1</sup>Printed "3" in the original pamphlet.

## PART IV.

*History of North Carolina from the time of her becoming a Sovereign State in 1776.*

1. Civil and Military History of the State—including a general view of the British Colonies from the Treaty of 1763, to the Declaration of Independence in 1776.

An account of the War with the Cherokee Tribe of Indians in 1776—The Causes of this War—Simultaneous Movements made by the States of South Carolina, North Carolina and Virginia, against the Cherokees—Incidents and Events of these Movements—Termination of this War—Treaty at the Long Island of Holstein—Various Incidents during the Negotiation—Political Effects produced by this Treaty—Safety thereby given to the Frontier Settlements during the Revolutionary War.

The Friendship of the Cherokees further secured by the Treaty of Watauga, entered into between them and Richard Henderson & Co. for the Purchase of an extensive part of their Lands—History of this Purchase—Its extent—Terms—Refusal of the States of Virginia and North Carolina to recognize a Right in Individuals to make Purchases of Lands from the Indian Tribes—Memorial of Richard Henderson & Co. to the Virginia Assembly—Burke, afterwards Governor of North Carolina, appears as Counsel in support of the Memorial—The States claim the Benefit of the Purchase, and each State gives to Richard Henderson & Co. 200,000 Acres of Land.

An Account of the Measures adopted by North Carolina, for the Prosecution of the War—Organization of her Continental Line—March of the Regiments to join the Northern Army under Gen. Washington—Preparations for this March—State and Condition of the Troops as to Clothing and Equipments—Poverty of the State.

An Account of the Administration of Governor Caswell—Attempts made to embody the Royalists in North Carolina—Assemblage at Moore's Creek Bridge—Defeat and Dispersion of the Royalists at that Place.



Incidents and Events of the War in the Southern Department—Measures adopted by the Assembly of North Carolina relative to the War—Depreciation of the Continental Currency—Certificates issued in North Carolina, as the only Expedient for prosecuting the War—Their Depreciation.

History of the Revolutionary War until its Close—including a detailed Account of the Military Operations in North Carolina during this Period, and of the Measures adopted by the General Assembly.

Provision made for the Officers and Soldiers of the Continental Line of North Carolina.

Condition of the State at the Close of the Revolutionary War—Sacrifices made by the State in the Contest—Number of Troops furnished to the Continental Army—Amount of Certificate Debt incurred by the War.

State of Society during the War—Suspension of the Courts of Justice—Energy of the Committees of Safety.

Progress of Society and Manners after the Close of the War—Restoration of the Authority of the Law—Appointment of Alfred Moore, Attorney General—Appearance of William R. Davie at the Bar—Influence of these Gentlemen upon the State of Manners, and in inspiring Respect for the Laws and for Courts of Justice.

Political Condition of the State from the Close of the War to the Meeting of the Federal Convention—Formation of the Federal Government—Proceedings of North Carolina on the Federal Constitution—Its Adoption.

Cession of Tennessee to the United States—Causes which induced North Carolina to make this Cession.

Establishment of the University of North Carolina—Funds set apart for Endowing it—History of this Institution—The Difficulties it has encountered—Its Resources, Plan of Education, Present Condition and Future Prospects.

Political History of North Carolina from the Adoption of the Federal Constitution—Origin of Political Parties—Causes why North Carolina has not occupied her proper place in the Confederacy.

2. Historical Review of the Legislation of the State.
3. Judicial History of the State.
4. History of Manners, including a View of the State of Slavery, since 1776.
5. History of Religion, and of Religious Sects since 1776.
6. Settlement of the Boundaries of the State.
7. History of the Certificate Debt of the State; the various Denominations of Certificates—Amount of each—Objects for which each was issued—Plans for their Redemption.
8. History of the Paper Currency of the State—Different Emissions—Amount of each—Plan for its Redemption—Effects upon the Prosperity of the State.
9. The Banking Institutions of the State—Analysis of their Charters—Amount of Capital Stock—Effects of these Institutions upon the Commerce, Industry and general Welfare of the State.
10. Statistics of the State—1. Population at different Periods—2. Military Force—3. Revenue—History of the Department of Finance—Sources of Revenue—Amount—Expenditure—4. Commerce—Exports—Imports—5. Productions of the Soil—6. Produce of the Forrest—7. Produce of the Fisheries—8. Produce of the Mines—1st, of the Gold Mines—2d, of the Iron Mines—9. Produce of the Salt Works.
11. Portraits of eminent Men of the State, with their Biography.
12. Map of the State, and Maps of the several Counties.

## PART V.

*Physical Geography, Soil, Climate and Meteorology of North Carolina.*

Territorial Extent and Division of the State—Its Boundaries—Latitude and Longitude—Mountains—Rivers—Lakes—Sea Coast.

Table of the Latitudes and Longitudes of the principal Towns and remarkable Places in the State.

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PART VI.

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Mineralogy of the State, including an Historical Account of the Gold Mines.

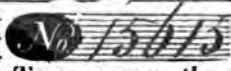
Physical History of the State—Changes in the Primitive and Secondary Formations—Formation of the Alluvial Region—Effect of the Gulf Stream on this Formation—Phenomena of the Gulf Stream—Subsidence of the Ocean—Rise of the Alluvial Region—Approximation of the Beds of Primary Rivers, to a Level, by the Deepening of their Beds in the Primitive and Secondary Formations, and the Rise of their Beds in the Alluvial Region.

Geological Map of the State.

PART VII.

*Botany of North Carolina—The Sylva, Flora, and Fungi of the State.*

D. HEARTT, PRINTER,  
 HILLSBOROUGH.

Highest Prize 20,000 Dolls. 	<b>LOTTERY</b>
To encourage the publication of the History of North-Carolina.	Prizes payable at the Bank in Hillsborough, thirty days after the drawing is completed, subject to a discount of fifteen per cent. If not demanded within twelve months after the drawing is completed, prizes will be considered as abandoned to the uses of the lottery.
THIS TICKET will entitle the holder to such Prize as may be drawn to its Number, in the Lottery authorized by the General Assembly of North-Carolina in 1825, to encourage the publication of an Historical and Scientific Work on that State.	J. Leake Commissioner.
Hillsborough, April, 1826.	

# AN ORATION

DELIVERED IN PERSON HALL, CHAPEL HILL, ON  
THE 27TH JUNE, 1827, THE DAY PREVIOUS  
TO THE COMMENCEMENT

UNDER THE APPOINTMENT OF

THE DIALECTIC SOCIETY

BY THE

HON. ARCHIBALD D. MURPHEY

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SECOND EDITION

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RALEIGH  
PRINTED BY WESTON R. GALES  
RALEIGH REGISTER OFFICE  
1843

*Oration at Chapel Hill, June 27, 1827.*<sup>1</sup>

ORATION.

The Dialectic and Philanthropic Societies of the University of North Carolina, having resolved "that some individual who had been a regular member of one of the literary Societies attached to the University, should be chosen every succeeding year to deliver a public Oration in the College Chapel on the day preceding each Anniversary Commencement"—the following Oration was delivered in Person Hall, on Wednesday the 27th June, 1827—under the appointment of the Dialectic Society.

The Literary Societies of this Institution, have resolved that an Address be delivered before them annually by some one of their members. This resolution, if carried into effect in the spirit in which it has been adopted, will be creditable to the

<sup>1</sup>From *An Oration delivered in Person Hall, Chapel Hill, on the 27th June, 1827, the day previous to the Commencement, under the Appointment of the Dialectic Society, by the Hon. Archibald D. Murphey. Second Edition.* (Raleigh, 1843), pp. 5-23. It was printed in the newspapers of the state and, by Joseph Gales & Son, in pamphlet form, in 1827; reprinted by Weston R. Gales in 1843 for the Dialectic Society; and reprinted in Peele's *Lives of Distinguished North Carolinians*, pp. 128-147. In a preface to the second pamphlet edition a committee of the Dialectic Society said: "The following was the first Address ever delivered before the two Literary Societies of our University, under the stipulation between them upon this subject. The original edition, published in 1827, was a large one. It is nevertheless out of print, and the desire throughout the State to obtain copies, very general."

"A Visitor," writing in the *Raleigh Register* of July 3, 1827, on the commencement exercises at Chapel Hill, says: "On Wednesday, at 12 o'clock, we all repaired to Person Hall to hear the Oration of JUDGE MURPHEY, delivered under the appointment and patronage of the Dialectic Society. The high reputation of this gentleman as an elegant writer had greatly excited public expectation:—the Chapel was crowded to overflowing. Altho' just recovered from a tedious and oppressive illness his mental faculties were unimpaired:—The debility of his body gave an interest to his appearance:—Unassuming, yet easy and insinuating in his address, clear and distinct in his enunciation, perspicuous and elegant in his style, he was sustained through a long and eloquent Oration by the admiration and applause of a crowded assembly. \* \* \* None of his audience will soon forget their own emotions, or the glow of sympathy imparted to them by the Orator's beautiful *remembrance* of his friend and patron the late William Duffey." For a similar account, see *Fayetteville Observer*, July 5, 1827.

Societies and favourable to the general Literature of the State. It is now more than thirty years since these Societies were established, and all the alumni of this University have been members of one or the other of them. Upon these alumni and upon others who shall go forth from this University, our hopes must chiefly rest for improvement in our literary character; and their zeal for such improvement cannot fail to be excited by being annually called together, and one of them selected to deliver a public discourse upon the progress and state of our literature, or some subject connected therewith. The Societies have conferred on me an unmerited honour by appointing me to deliver the first of these discourses. I accepted the appointment with pride, as it was an evidence of their esteem; yet with humility, from a conviction of my inability to meet public expectation; an inability of which I am conscious at all times, but particularly so after a painful and tedious illness.

Little that is interesting in the history of literature can be expected in the infancy of a colony planted on a Continent three thousand miles distant from the mother country, in the midst of a wilderness and surrounded by savages. Under such circumstances civilization declines, and manners and language degenerate. When the first patent was granted to Sir Walter Raleigh in 1584, the English Language had received considerable improvement. Spencer had published his *Fairy Queen*, Shakespeare his *Plays*, Sir Philip Sidney his *Arcadia*, Knolles his *General History of the Turks*, and our Theology had been enriched by the eloquent writings of Hooker. This improvement was not confined to the learned; it had already extended itself to the common people, particularly in the towns and villages, and the language of the first colonists, no doubt partook of this improvement. But these colonists were all adventurers; they joined in Sir Walter Raleigh's expedition only for the purpose of making fortunes, and their chief hope was, that they would quickly find Gold in abundance, and return home to enjoy their wealth. This delusive hope continued for many years to beguile adventurers; who not finding the treasure they came in quest of, became idle and profligate, and abandoned a country in which they had met with nothing but disappointment. Sir Walter Raleigh, after expending a large part of his estate

in attempts to settle a colony, assigned to Thomas Smith, of London, and his associates, the privilege of trading to Virginia and of continuing the colony. Thomas Smith was already famous in the annals of chivalrous adventure, and was destined to receive an increase of fame by new adventures upon this Continent, in his wars with the Indians and in his deliverance from death by Pocahontas. Under the advice of Raleigh, he directed his efforts to the waters of the Chesapeake, and there planted a colony which became permanent, and from which Virginia and Carolina were peopled. A new charter was granted to Thomas Smith and his associates, usually called the London Company, in 1606, and enlarged in 1609. This company continued with many vicissitudes of fortune until the year 1626, when it was dissolved. The history of the colony to the time of this dissolution was written by Thomas Smith, and also by Stith. They were cotemporary with Lord Clarendon, who wrote the history of the Rebellion and Civil War in England: Their style and manner of writing, and the public papers published by the President and Council of the colony, during this period, evidenced great improvement in our language. The chaos in which it lay in the early part of the reign of Elizabeth, gradually gave way to the order and method which good sense introduced into every pursuit; the pedantry and conceits which disfigured our literature in the reign of James the first, yielded to the influence of good taste. Sir Walter Raleigh published his history of the world, Lord Bacon his historical and philosophical works and moral essays, and our poetry was adorned by the writings of Milton, Dryden, Butler, and Otway. Shortly afterwards came Sir William Temple, Archbishop Tillotson and others, who gave facility and grace to composition. These were new beauties and pleased the nation more as they gave to style the charm of polished conversation.

Whilst the literary taste of the nation was thus improving, religious intolerance drove from England a great number of Quakers, Presbyterians and other sectarians, who sought refuge in the Virginia colony. They there soon met with the same persecution which had driven them from their native country. They were compelled to leave the colony; and Providence directing their course through the wilderness, they settled near Pas-

quotank and Perquimons, and formed the germ of the Carolina Colony. Many of them were Quakers, and their descendants continue to occupy that district of country to this day.

In the year 1663, Charles the Second granted the soil and seigniory of Carolina to eight Lords Proprietors: who, to encourage emigration, held out favorable terms. They promised to adventurers gratuities in land according to the number of their respective families, and the most perfect freedom in the exercise of religion. A civil government was established purely representative; a circumstance, to which may be attributed, in a great degree, the republican feelings and opinions which soon characterized the colony, and which led to the plan of civil polity under which we now live. When the Lords Proprietors discovered that the colony was likely to become numerous and powerful, they endeavored to restrain the civil and religious liberty which they had promised to emigrants: they established a new form of government, declaring their object to be "to make the government of the colony agree as nearly as possible with the monarchy of which it was a part, and to avoid erecting a numerous democracy." This plan of government was the joint work of Lord Ashley and the celebrated John Locke; and its chief aim was to appoint orders of nobility, establish a powerful aristocracy and check the progress of republican opinions and manners. A more ridiculous plan for the government of the colony could not have been devised. The People were accustomed to equality and self-government; a rank of nobility was odious to them, and they disregarded laws which they had not been consulted in making. The prosperity of the colony declined, public morals relaxed, the laws lost their energy, a general spirit of discontent grew up and ripened into rebellion: the governors became corrupt, and the people idle and vicious. The attempt to give effect to the new plan of government entirely failed, and the Lords Proprietors abolished the plan as unsuited to the condition of the colony. Two factions then arose; one that wished to establish a high-toned prerogative government; the other consisted of High Churchmen, who gained the ascendancy, and by their violence brought the government into contempt. Their object was to deprive all dissenters of the right of suffrage, to curtail their civil rights, and



render their situation so oppressive as to compel them to leave the colony. A party of French Huguenots had emigrated to the colony, to enjoy that liberty of conscience and of worship which was denied to them in their native country. These people, entitled by their sufferings no less than by their Protestantism, to the friendship and hospitality of the colonists, were treated with a cruelty that disgraced the High Church party. Being aliens, they were incapable of holding lands until they were naturalized; and this party having the ascendancy in the Assembly, not only refused to naturalize them, but declared their marriages by ministers not ordained by Episcopal bishops, illegal, and their children illegitimate. The progress of this violent, persecuting spirit, was checked by the wise and conciliating measures adopted by Governor Archdale. He assumed the government of the colony in 1695; he was a Quaker, and possessed in an eminent degree the philanthropy and command of temper, for which this sect has been distinguished. He was one of the Proprietors of the Province, and by the mere force of his character overawed the turbulent, and restored good order. To this excellent man our ancestors are indebted for that tolerant provision in their militia law, which we still retain as a part of our Code, for granting exemption to men who were restrained by religious principles from bearing arms.

The religious intolerance of the High Church party was exerted with new energy, after the departure of Governor Archdale from the Province. This party passed laws, which the Lords Proprietors ratified, to establish the Church of England, and to disable dissenters from being members of the Assembly. This was in direct violation of the chartered rights of the colonists. The dissenters remonstrated to the House of Lords; and Queen Anne, upon the advice of that body, caused these laws to be repealed. But the High Church party, steady to their purpose, varied their mode of attack; the spirit of intolerance grew with the growth of the Province; emigrations from the Virginia colony and the patronage of the Lords Proprietors, gave to this party a decided majority in the Assembly; they levied a tax on each precinct for the support of a minister, and built churches. Protestant dissenters were only permitted to worship in public, and there to be subject to the rules and

restrictions contained in the several acts of Parliament. Quakers were permitted to affirm instead of swearing; but they could not hold an office of profit or trust, serve as jurors, or give evidence by affirmation in any criminal case. This contest between the High Church party and the dissenters, produced an hostility of feeling which time has softened, but which the lapse of more than a century has been insufficient to allay. This contest however, promoted freedom of thought and enquiry among the people: it sharpened their understandings, and in a great degree supplied the place of books for instruction. At that time there were few books in the colony: the library of a common man consisted of a bible and a spelling book; the lawyers had a few books on law, and the ministers a few on theological subjects, and sometimes a few of the Greek and Roman classics: for they, particularly the Presbyterian ministers, were generally schoolmasters—and with them the poor young men of the colony, who wished to preach the Gospel or plead the law, received their humble education. The turbulent spirit of the colonists, their leaning towards republicanism and sectarianism, had induced the Lords Proprietors to forbid the establishment of Printing Presses in the colony; and Sir William Berkley, who had the superintendence of this colony in 1661, gave thanks to Heaven that there was not a Printing-Office in any of the Southern Provinces.

What improvement in literature could be expected among a people who were thus distracted by faction, destitute of books, and denied the use of the press? Notwithstanding all these discouragements and disadvantages, however, the literature of the colony evidently advanced. The public papers of that period are written in a conspicuous, nervous style, corresponding in force of expression, purity of language and perspicuity of arrangement, with similar writings in the reigns of Charles the Second, King William and Queen Anne. The intelligence of the common people and the ability and learning of the men who managed the affairs of the colony in that period, are matters of surprise and astonishment to any one acquainted with the disadvantages under which the colony labored. The Assembly and the Courts of Justice, sat in private houses; the acts passed by the Assembly were not printed; they were read aloud to the people at the

first Court after they were passed; they were in force only for two years, and every biennial Assembly was under the necessity of re-enacting all that were thought useful. There was no printing press in the colony before the year 1746, at which time the condition of the statute book required a revisal, and the public interest called aloud for the printing of it. The learning and literature of the colony were confined to the lawyers and ministers of the Gospel, most of whom were educated in England; and it was owing to this circumstance chiefly, that the literature of the colony advanced so steadily with that of the mother country.

The legislation of the colony began to assume form and system in the reign of Queen Anne; and in the year after her death, 1715, the Assembly passed sixty-six acts, most of which had been frequently re-enacted before. Many of those acts remain in force to this day, and are monuments of the political wisdom and legal learning of that time. In style and composition they are equal to any part of our statute book; they are the first statutes of the colony that have come down to our time.

In the year 1729, the Lords Proprietors, with the exception of Lord Granville, surrendered to the Crown their right to the soil and seigniorship of North-Carolina: and from that time the population and prosperity of the colony rapidly increased. But in a few years, the great contest commenced between the prerogative of the Crown and the liberty of the colonial subject; which contest eventually terminated in the American Revolution. This contest gradually introduced into North-Carolina, and into all the British colonies which took part in it, a style in composition which distinguishes this period from all others in English or American literature: a style founded upon and expressive of exalted feeling. Education embellished it and gave to it new beauties; but its force and impressive character were perceptible in the writings and speeches of ordinary men. What age or nation ever produced compositions superior to the addresses of the Continental Congress? When or where shall we find a parallel to the correspondence of General Washington and the General Officers of the American Army? The style of these addresses and of the correspondence, is the style of high thought, and of lofty, yet chastened feeling; and reminds

the reader of the finest specimens of compositions in Tacitus, and of the correspondence of Cicero and his friends after the death of Pompey.

There is something in the style and sentiment of the writings of this period which gives to them a magic charm, and seems to consecrate the subjects on which it is employed; a something connected with the finest perceptions of our nature. The reader is every moment conscious of it, yet knows not how to explain it. The high moral feeling and virtuous sympathy which characterized the American revolution, have given to it a hallowedness of character. It is fortunate for us that Chief-Justice Marshall has written the history of this revolution. Whatever may be the defects of this work the history of our revolution will never be so well written again: no work on that subject will ever appear, so well calculated to produce an useful effect upon its readers. Marshall was a soldier of the revolution, and possessed the finest genius; he was the personal friend of the Commander in Chief; he partook in all the feelings of the officers of the army; and he has transfused into his work that exalted sentiment which animated his compatriots in arms. This sentiment is strongly portrayed in the writings of the Marquis de Chastelleux and Count Rochambeau, two French general officers in the American service, and in the correspondence of the Commander in Chief and the American general officers. But it can never be embodied into an historical work, by a man who did not feel it in all its force in the American camp. Literary elegance disappears before such moral beauty. There is no historical work in any language, that can be read with so much advantage such moral effect, by American youth, as Marshall's *Life of Washington*. They should read it with diligence, and read it often. They will never rise from the perusal of it, without feeling fresh incentives both to public and private virtue.

The progress of the style which marked the period of the American revolution, may be traced in North-Carolina from the administration of Governor Dobbs. It had become the common style of the leading men of the colony, before the meeting of the Continental Congress in 1774. The correspondence and public papers of Samuel Johnston and Joseph Hewes of

Edenton, of William Hooper and Archibald McClaine, of Wilmington, of Richard Caswell of Kinston, of Thomas Burke of Hillsborough, of Francis and Abner Nash of Newbern, upon the great subjects which then engrossed the public attention, do honor to the literature of North-Carolina at that time. They wrote upon matters of business; business which concerned the welfare of the nation; they wrote as they felt; and their compositions coming warm from the heart, are free from affectation or pedantry, and equally free from that prolixity which is the vice of modern composition.<sup>1</sup>

When these men disappeared, our literature in a great degree disappeared with them. The war had exhausted the resources of the State, and ruined the fortunes of many individuals; we had no schools for the education of our youth; few of our citizens were able to send their sons to the northern colleges or to Europe to be educated. Two individuals, who received their education during the war, were destined to keep alive the remnant of our literature and prepare the public mind for the establishment of this University. These were William R. Davie and Alfred Moore. Each of them had endeared himself to his country by taking an active part in the latter scenes of the war; and when public order was restored and the courts of justice were opened, they appeared at the bar where they quickly rose to eminence, and for many years shone like meteors in North-Carolina. They adorned the courts in which they practised, gave energy to the laws and dignity to the administration of justice. Their genius was different, and so was their eloquence. Davie took Lord Bolingbroke for his model, and Moore, Dean Swift; and each applied himself with so much diligence to the study of his model, that literary men could easily recognise in the eloquence of Davie, the lofty, flowing style of Bolingbroke; and in that of Moore, the plainness and precision of Swift—they roused the ambition of parents and their sons; they excited emulation among ingenious youth: they depicted in glowing colours the necessity of estab-

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<sup>1</sup>The *Western Carolinian* (Sallsbury) of Aug. 28, 1827, contains an extract from a critique on this address published in the *Cape Fear Recorder* which describes the characters and talents of Richard Caswell and Abner Nash and says that Caswell had no literary ability of a high order.

lishing a public school or university, in which the young men of the State could be educated. The General Assembly resolved to found an university. I was present in the House of Commons, when Davie addressed that body upon the bill granting a loan of money to the trustees for erecting the buildings of this university; and although more than thirty years have since elapsed, I have the most vivid recollections of the greatness of his manner and the powers of his eloquence upon that occasion. In the House of Commons he had no rival, and upon all great questions which came before that body, his eloquence was irresistible. The genius and intellectual habits of Moore fitted him for the bar rather than a deliberative assembly. Public opinion was divided upon the question whether he or Davie excelled at the bar. Moore was a small man, neat in his dress and graceful in his manners; his voice was clear and sonorous, his perceptions quick, and his judgment almost intuitive; his style was chaste and his manner of speaking animated. Having adopted Swift for his model, his language was always plain. The clearness and energy of his mind enabled him almost without an effort, to disentangle the most intricate subject, and expose it in all its parts to the simplest understanding. He spoke with ease and with force, enlivened his discourses with flashes of wit, and where the subject required it, with all the bitterness of sarcasm. His speeches were short and impressive: when he sat down, every one thought he had said every thing that he ought to have said. Davie was a tall, elegant man in his person, graceful and commanding in his manners; his voice was mellow and adapted to the expression of every passion; his mind comprehensive, yet slow in its operations, when compared with his great rival. His style was magnificent and flowing; and he had a greatness of manner in public speaking, which suited his style, and gave to his speeches an imposing effect. He was a laborious student, arranged his discourses with care, and where the subject suited his genius, poured forth a torrent of eloquence that astonished and enraptured his audience. They looked upon him with delight, listened to his long, harmonious periods, caught his emotions, and indulged that ecstasy of feeling, which fine speaking and powerful eloquence alone can produce. He is certainly to be ranked among the

first orators, and his rival Moore, among the first advocates, which the American nation has produced.

Whilst these men were in the zenith of their glory, another man arose at the bar in North-Carolina, who surpassed them both in profoundness of legal learning, and on many occasions successfully contended with them for the palm of forensic eloquence. This was the late John Haywood. He had few advantages from nature; his person was indifferent, his voice harsh, his manners uncouth, his education limited. He was a stranger to the graces, and had few of the accomplishments of an orator. But he had a powerful and intrepid mind, which he cultivated by the most laborious study. The fame of Davie and Moore inspired his ambition, and he was tortured by a desire of entering the lists with these champions of the bar. He was conscious of his defects, and sought to gain the ascendancy by superior legal learning. He came to the bar with confidence of high, intellectual powers and profound knowledge of the law; and in a little time acquired a reputation that placed him at the head of his profession in this State, and gave him rank among the ablest common lawyers in the Union.

Cotemporary with Haywood, were several gentlemen of the bar now living, and several who are dead, who have sustained the character of their profession for legal learning and general literature. Among the latter were William Duffey and Archibald Henderson. Duffey was the child of misfortune. Thrown upon the world without friends and without fortune,<sup>1</sup> accident introduced him in his early youth to the acquaintance of John Haywood, Esq. the venerable Treasurer of this State, who, in the exercise of that benevolence for which his whole life has been conspicuous, gave him employment, enabled him to prosecute his studies, and prepare himself for the bar. Duffey had an opportunity of witnessing the splendid displays of Davie and Moore, and he profited by their example. He devoted a large portion of his time to polite literature, and acquired a

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<sup>1</sup>Duffy was a son of George Duffy, an unsuccessful lawyer of New Bern. In the spring of 1797 his parents agreed to separate, and after clearing his father of debt and settling his father's passage on a vessel bound for Charleston, he removed with his mother and two of his sisters to Hillsboro. He soon acquired a larger practice in the courts at Hillsboro than any of his distinguished competitors.—Duffy MSS., in my possession; Orange County records.

more elegant style in composition than any of his cotemporaries in North-Carolina. He had a slight impediment in his speech, but by laborious perseverance, he succeeded in regulating the tones and modulations of his voice in such way, that this impediment often seemed to be an ornament to his delivery. He was one of the few men of our country who could read well; he studied the art of reading, and his friends will long remember the pleasure they have received from hearing him read. In his addresses at the bar, he was always impressive, particularly upon topics connected with virtuous and benevolent feeling. He had a vigorous mind and feelings, attuned to the finest emotions. I remember him with fond affection. He was my friend, my preceptor, my patron. He instructed me in the science of the law, in the art of managing causes at the bar, and in the still more difficult art of reading books to advantage. I wish it were in my power to render to his memory a more permanent honor than this passing tribute of respect and gratitude!

Henderson survived Duffey many years, and obtained the first standing at the bar of this State. He was devoted to his profession, and upon the whole, was the most perfect model of a lawyer that our bar has produced. It was late in life before he turned his attention to polite literature, and he never acquired a good style in composition. Yet his style and manner of speaking at the bar were extremely impressive. I shall here speak of him as I did in a sketch of his character published shortly after his death.<sup>1</sup> In him the faculties of fine mind were blended with exalted moral feelings. Although he was at all times accessible, 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; his was the region of high sentiment, and there he occupied a standing that was pre-eminent. The constitution and jurisprudence of his country, were his favorite studies. Profound reflection had generalised his ideas, and given to his political and legal learning a scientific cast. No man better understood the theory of our government; no man more admired it, and no man gave

<sup>1</sup>For the sketch referred to, see *ante*, p. 312.



more practical proofs of his admiration. The sublime idea that he lived under a government of laws, was forever uppermost in his mind, and seemed to give a coloring to all his actions. As he acknowledged no dominion but that of the laws, he bowed with reverence to their authority, and taught obedience no less by his example than his precept. To the humble officer of justice he was respectful; the vices of private character were overlooked, when the individual stood before him clothed with judicial authority. In the County Courts, where the Justices of the Peace administer the law, he was no less respectful in his department, than in the highest tribunal of the State. He considered obedience to the laws to be the first duty of a citizen; and it seemed to be the great object of his professional life, to inculcate a sense of this duty, and give to the administration of the laws an impressive character. He was conscious of his high standing, and never committed himself, nor put his reputation at risk. He always came to the trial of his causes well prepared; and if the state of his health, or his want of preparation were likely to jeopardise his reputation in the management of his client's cause, he would decline the trial until a more favorable time. The courts in which he practised, 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 common place 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. As he advanced in life, he seemed more and more anxious that

the laws should be interpreted and administered by the rules of common sense. He lost his reverence for artificial rules; he said 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 said the rules of pedantry did not suit this country nor this age; that common sense had acquired dominion in politics and religion, and was gaining it in the law; that judges and lawyers should have the independence and magnanimity to strip off the veil of mystery from every branch of the science, and simplify and make it intelligible, as far as possible, to the understanding of the common people.

In all free States, eloquence has preceded poetry, history and philosophy. By opening the road to wealth and fame, it subserves the purposes of avarice and ambition; society is led captive by its charms, and sometimes bound in fetters by its powers. In this State, the Bar and the General Assembly have been thus far the theatre for its display. It is the branch of literature which we have cultivated with most success, and in which we have not been far behind any of our sister States. Not long after Davie left the House of Commons, there appeared in that body another man, whose genius we have all admired, and whose misfortune we all deplore. I hope I may be permitted to speak of him, although he be still living: Providence has withdrawn him from public view, and he has been followed by the regrets and tears of his countrymen. I speak of John Stanly, Esq. For more than twenty years he has been the ornament of the Bar and of the House of Commons. Small in stature, neat in dress, graceful in manner, with a voice well modulated, and a mind intrepid, disciplined and rich in knowledge, he became the most accomplished orator of the State. His style of eloquence was more various than that of any of his predecessors. Such were the versatility of his

genius and the extent of his acquirements, that he could at pleasure adopt the lofty, flowing style of Davie, or the plain, simple, energetic style of Moore. He could rouse the noble passions, or amuse by his wit and pleasantry. He excelled in appropriate pauses, emphasis and gesticulation. No speaker was ever more fortunate in accomodating his manner to his subject: and on all important subjects he had a greatness of manner which small men seldom acquire. He resembled Moore in the quickness of his perceptions and the intuition of his judgment. His talents and knowledge were always at command, and he could bring them to bear with force and effect as occasion required, without any preparation. His mind was so well disciplined and so happily toned, that it was always ready for action. He possessed the rare talent of conversing well; his conversation was the perpetual flow of sober thought or pleasant humour, and was heightened in its effect by his happy style and gracefulness of manner. He was among the few orators of this or any country, whose style and manner in conversation equalled his style and manner in public speaking.

Few of the men whom I have named had the advantage of a liberal education: they rose to eminence by the force of their genius and a diligent application to their studies. The number of our literary men has been small, compared with our population; but this is not a matter of surprise, when we look to the condition of the State since the close of the revolutionary war. When the war ended, the people were in poverty, society in disorder, morals and manners almost prostrate. Order was to be restored to society and energy to the laws, before industry could repair the fortunes of the people; schools were to be established for the education of youth, and congregations formed for preaching the gospel, before the public morals could be amended. Time was required to effect these objects; and the most important of them, the education of youth, was the longest neglected. Before this university went into operation, in 1795, there were not more than three schools in the State, in which the rudiments of a classical education could be acquired. The most prominent and useful of these schools was kept by Dr. David Caldwell, of Guilford county. He instituted it shortly

after the close of the war, and continued it for more than thirty years. The usefulness of Dr. Caldwell to the literature of North-Carolina will never be sufficiently appreciated: but the opportunities of instruction in his school were very limited. There was no library attached to it; his students were supplied with a few of the Greek and Latin classics, Euclid's Elements of Mathematics, and Martin's Natural Philosophy. Moral Philosophy was taught from a syllabus of lectures delivered by Dr. Witherspoon in Princeton College. The students had no books on history or miscellaneous literature. There were indeed very few in the State, except in the libraries of lawyers who lived in the commercial towns. I well remember, that after completing my course of studies under Dr. Caldwell, I spent nearly two years without finding any books to read, except some old works on theological subjects. At length, I accidentally met with Voltaire's history of Charles the twelfth of Sweden, an odd volume of Smollett's Roderic Random, and an abridgement of Don Quixote. These books gave me a taste for reading, which I had no opportunity of gratifying until I became a student in this university in the year 1796. Few of Dr. Caldwell's students had better opportunities of getting books than myself; and with these slender opportunities of instruction, it is not surprising that so few became eminent in the liberal professions. At this day, when libraries are established in all our towns, when every professional man, and every respectable gentleman, has a collection of books, it is difficult to conceive the inconveniences under which young men labored thirty or forty years ago.

But has the number of our distinguished men increased as the facilities of instruction have increased? They certainly have not. Of the number of young men who have been educated at this university, how few have risen to eminence in any branch of literature! Their number bears no proportion to the increased means of instruction which they have had. To what causes is this to be attributed? The causes are numerous, but we will notice only a few of the most operative. In the first place, the plan of education in all our schools, particularly in our preparatory schools, is radically defective: too much time is spent upon syntax and etymology; the time of the student is

wasted, and his genius frittered away upon words, instead of being developed and polished by the spirit of the writer. Instead of directing the study of the Greek and Latin classics to the developement of his faculties and the improvement of his taste, his time is taken up in nice attentions to words, arrangement of clauses and construction of periods. With his mind thus injured, he enters upon the study of the physical and moral sciences, and long accustomed to frivolous investigation, he never rises to the dignity of those sciences, nor understands the methods by which their truths are illustrated. In the next place, too many studies are crowded upon the student at once; studies which have no analogy nor connexion. In the third place, the time allotted for completing a course of scientific study is too short; the student's mind flags under the severe labours imposed upon it. The elasticity of the mind ought never to be weakened; if it be, the student thenceforward hobbles through his course, and is often broken down before he gets to the end of it. In the fourth place, too many studies are pursued, and none are pursued well: the student acquires a smattering of languages and sciences, and understands none of them. This encyclopedical kind of learning is destructive of the powers of the mind, and unfits it for deep and severe investigation. In the last place, the multitude of books is a serious injury to most students. They despair of reading many of them, and content themselves with reading reviews of the most celebrated. At length the valuable books are placed away carefully in a library, and newspapers, pamphlets and other fugitive productions, take up all their time for reading. There is nothing in this course, which teaches youth how to think and investigate. The great object of education is to give to the mind activity and energy: this object can never be attained by a course of studies which distract its attention and impair its elasticity.<sup>1</sup>

The evils which I have mentioned are not confined to the schools of North-Carolina; they exist in nearly all the schools of the Union. Massachusetts has taken the lead in correcting

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<sup>1</sup>In a series of letters signed "L.", published in the *Raleigh Register* in August, 1827, an experienced educator, perhaps Joseph Caldwell, objects to these criticisms by Murphey on the system of education then in use.

them, and introducing methods of instruction founded upon the philosophy of the mind. The state of science and of literature among her people, shews the happy effect of these changes. The trustees of this university have resolved to make similar changes, to remodel the plan of studies, and introduce new methods of instruction. But whatever changes may be made in our plans of education, young men, who are desirous of being either useful or eminent in active life, should recollect this truth, that the education received at a college or university, is intended only as a preparation of the mind for receiving the rich stores of science and general knowledge, which subsequent industry is to acquire. He who depends upon this preparation alone, will be like a farmer who ploughs his land and sows no grain. The period of useful study commences, when a young man finishes his collegiate course. At that time his faculties have acquired some maturity from age, and some discipline from exercise; and if he enter with diligence upon the study of a branch of science, and confine his attention to that branch, he soon becomes astonished at his progress, and at the increase of his intellectual powers. Let him avoid reading or even looking into a variety of books. Nine-tenths of them are worse than useless; the reading of them produces a positive injury to the mind; they not only distract his attention, but blunt his faculties. Let him read only works of men of genius; read but few books and read them often. Take two young men of equal minds and similar genius; put into the hands of one, Shakespeare's Plays, Milton's Paradise Lost, Don Quixote and Gil Blas; and into the hands of the other, all the hundred volumes of dulness which fill our libraries; and at the end of twelve months, mark the difference between them. The first will be like the high-spirited steed that is ready for the course; the other will be encumbered with a load of useless ideas, his faculties weakened, and the bright tints of his genius obscured.

The next great object, after the improvement of the intellectual faculties, is the forming of a moral character. This is by far the most difficult part of education: it depends upon the doctrines of morals, and the philosophy of the passions and feelings. Little success has heretofore attended it, either in

the schools of Europe or this country. The moral character of youth has been generally formed by their parents, by friends who gained their confidence, or by their pursuits in active life. The morality thus taught is purely practical; it has reference to no abstract truths; it looks only to the passions and feelings of our nature under the variety of circumstances in which we may be placed in society, and the duties which thence result. The science of Ethics taught in our schools is a cold, speculative science; and our youth are misled by substituting this for practical morality. It is to be regretted, that we have no work on moral philosophy, which treats of Ethics purely as a practical science; and it is remarkable, that, notwithstanding the great improvement that has been made within the last century in metaphysical and physical science, and the liberal turn of philosophical enquiry which has been introduced, the science of Ethics remains stationary. The question, "what is the foundation of moral obligation," is not more satisfactorily answered now than it was two centuries ago. And until the principles of Ethics shall be disentangled from the speculative doctrines of Theology, interwoven by the schoolmen and monks in the sixteenth and seventeenth centuries, and those principles be traced to the constitution and condition of men, having for their object the developement of his social rights and duties, we shall have to regret that the most sublime of all the sciences remains imperfect. It seems to be reserved for the philosophers of Scotland to trace those principles and make this developement; and we wait with impatience for the promised work of Dugald Stuart on this subject. But any system of morals which we may study as a science, will never have much effect in forming our moral character. We must look to our constitutional temperament, to our passions and feelings as influenced by external circumstances; and for rules of conduct, we must look to the sermons and parables of Christ: they are worth more than all the books which have been written on morals; they explain, and at the same time apply that pure morality which is founded upon virtuous feeling.

*Young Gentlemen of the Dialectic  
and Philanthropic Societies:*

As you have conferred on me the honor of delivering this first public Address under your joint resolution, I hope you will permit me, before I sit down, to say a few words upon a subject connected with the usefulness of your Societies and the interests of the University. I speak to you in the spirit of fellowship, and a long acquaintance with your Societies enables me to speak with confidence. I well know the influence which your Societies can exercise in maintaining the good order of this institution, in sustaining the authority of the faculty, in suppressing vice, and promoting a gentlemanly deportment among the students. Every respectable student of proper age, is a member of one or the other of your Societies, and feels more mortification at incurring its censure than that of the faculty. This feeling is the fulcrum on which the power of the Societies ought to be exerted. Let me entreat you, then, more particularly as you propose hereafter to occupy a higher ground than you have heretofore done, to exert that power in sustaining the discipline of the University, in encouraging industry and good manners, and in suppressing vice. The united efforts of the two Societies can do more in effecting these objects than the authority of the trustees or faculty. A high responsibility rests upon you: your honor and the welfare of the University demand its faithful discharge.

In a short time you will complete your course of studies at this place, and bid adieu to these Halls, to act your parts upon the great theatre of active life. Your friends and your country have much to hope, much to expect from you. Devote yourselves with diligence to your studies. When you shall have finished your course here, remember that your education is just commencing; I mean that education which is to fit you for acting a distinguished part upon the theatre of your country. The pursuits and the honors of literature lie in the same road with those of ambition; and he who aspires to fame or distinction, must rest his hopes upon the improvement of his intellect. Julius Cæsar was one of the most accomplished scholars of Rome, and Napoleon Buonaparte of France. In our own country, we lately have seen one of our most eminent scholars raised



to the Chief Magistracy of the Nation, and the greatest orator of the age made his prime minister. I speak not here of politics: literature has no factions; good taste no parties. Remember, my young friends, that most of the men who thus far have shed a lustre upon our country, had not one-half the opportunities of education which you have enjoyed. They had to rely upon their genius and industry. Genius delights to toil with difficulties; they discipline its powers and animate its courage: it contemns the honors which can be obtained without labor, and prizes only those which are purchased by noble exertion. Wish, not, therefore, for a life of ease; but go forth with stout hearts and determined resolution. As yet you little know what labour and perseverance can effect, nor the exalted pleasures which honorable exertion gives to an ingenuous mind. May God take charge of you; lead you in the ways of uprightness and honor; make you all useful men, and ornaments to your country!

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*Memorial to the General Assembly.*<sup>1</sup>

To the Honourable the General Assembly of the State of North Carolina: The Memorial of Archibald D. Murphey of Orange County, Respectfully sheweth,

That he has heretofore represented<sup>2</sup> to the General Assembly that he has been for several years engaged in collecting materials for a correct history of North Carolina and that he was unable to complete the work, without liberal pecuniary aid. The General Assembly upon this representation passed an act<sup>3</sup> authorizing him to raise by way of lottery the sum of fifteen thousand dollars, but restricted him to three drawings. This restriction and the smallness of the sum authorized to be raised put it out of his power to dispose of the Lottery. A subsequent act<sup>4</sup> was passed authorizing the President and directors of the Literary Fund to raise by way of lottery the sum of fifty

<sup>1</sup>From Coon's *Beginnings of Public Education in N. C.* (*Pub. N. C. Hist. Com.*), I. 529-531. I could not find it in the MS. legislative records at Raleigh.

<sup>2</sup>See *ante*, p. 333.

<sup>3</sup>Laws of 1825, chap. 35.

<sup>4</sup>Laws of 1826, chap. 16.

thousand dollars, and to pay over to your Memorialist one-half thereof but no steps have been taken to carry this act into effect. The labours of your Memorialist have been suspended for several years past, by reason of severe rheumatism with which he was afflicted. Being at length relieved in a great degree from this painful disease, he is once more prosecuting the work, and he now solicits from the General Assembly that pecuniary aid without which no man of reasonable fortune can compile a History of North Carolina. The materials for our Colonial history are deposited in the public offices in England, and among the early records of the States of Virginia, South Carolina and Georgia: And your Memorialist entertained a hope, after the British Government, had upon the application of the General Assembly consented that copies might be taken of all the documents and papers relating to our Colonial history to be found in their public offices and after having made out an index of all these documents and papers and delivered the same to our Ambassador in London for the information and use of your Honourable body that you would have obtained copies at the expense of the State. Since the index has been received nothing further has been done on the subject; and your Memorialist has concluded that the General Assembly will not procure such copies. If sufficient aid be given to your Memorialist, he himself will proceed to London, or send an agent of Intelligence to procure copies of the papers and documents aforesaid; and after writing our Colonial history, he will present them to the General Assembly to be deposited in the Public Library. They will fill up many large volumes in manuscript. He will at the same time present to the General Assembly several volumes in manuscript containing copies of such documents and papers relating to our history as he shall have been able to collect in this Country. It is believed that the documents to be obtained from England, and those which have been and will be collected in this country will fill more than twenty folio volumes.<sup>1</sup> Your Memorialist can not set forth with any precision, what it will cost to make this collection; but it is cer-

<sup>1</sup>After the lapse of over half a century copies of these documents in the British archives were obtained by the State and published in ten volumes entitled *Colonial Records of North Carolina*.

tain that it will cost a large sum. He asks for no appropriation from the Treasury. It will, he hopes, answer his purposes, to be authorized to raise a sufficient sum by way of Lottery. And it being a matter of perfect indifference with the General Assembly, whether he be authorized to raise fifty or twenty thousand dollars, he prays that an act might be passed, authorizing him to raise the former sum. Such an act will probably enable him through some of the Brokers in the Northern States to raise fifteen or twenty thousand dollars. And he prays that he may not be restricted in the number of drawings: Such a restriction will under the act, be of no avail to him.

He further prays that he may have access to the papers and documents in the public offices in this City; and that he be permitted to take copies of such as he may require; and for this purpose to withdraw from the public offices such papers and documents upon his signing a receipt for, and promising to return the same.—And your Memorialist will ever pray.

A. D. MURPHEY.<sup>1</sup>

Nov. 29, 1831.

*Introduction to the History of North Carolina.*<sup>2</sup>

THE History of the British Colonies in North America is connected with the History of those great events, which since the revival of learning in the fifteenth century, have changed

<sup>1</sup>The committee to whom this memorial was referred reported: "That however anxious they are to see a correct History of North Carolina, yet a failure of a similar attempt made by the petitioners, not many years since, connected with the system of hazard, contemplated in the Memorial, upon the morality of the community, induces your Committee to return the Bill and Memorial to the House and recommend its rejection." The bill authorized Murphey to raise \$50,000 by lottery.—Coon, *Beginnings of Public Education in N. C.*, p. 531.

<sup>2</sup>From the *North Carolina University Magazine*, III. (1854) 49-60, where it is printed from the original MS. under the title "American History—Prelection." The editors of the magazine were not permitted to disclose Murphey's authorship when this contribution was published, but they announced it afterwards in the index to vol. III. (See editorial note, *ibid.*, 88-89.) Murphey used a passage from it in his address at Chapel Hill in 1827. (See *ante*, p. 359.) Gov. Graham refers to it in his catalogue of Murphey's historical papers, printed *post*, pp. 413-420. It was probably intended by Murphy, as Gov. Graham says, for the introduction to his history of North Carolina.

the intellectual character and moral condition of nations. Religious persecution contributed more than any other cause to the planting of the Colonies; yet to understand the character of the Colonists, and of the extraordinary empire which they and their posterity have reared up, many other things are to be taken into view; and there is no period of history entitled to more minute examination and study, than that which exhibits the various causes that led to the discovery of this Continent, the planting of the British Colonies, their rise and progress. It includes the history of modern literature, of science and the arts since the revival of letters, of the schism of the Protestants from the Church of Rome, and that of the dissenters from the Church of England, of the progress of personal freedom, of civil, religious and political liberty, and of representative Government. These subjects, if exhibited in detail, would fill many volumes; it will comport with our plan to set forth only general facts and general views.

Italy had the honor of dispelling the darkness which spread over Europe upon the fall of the Western Empire. The commerce carried on by her maritime States improved the state of manners, relaxed the rigours of the feudal system, and introduced a turbulent liberty, that gave activity to the mind and energy to character. These qualities were exhibited no less in the cultivation of letters than in the enterprises of war. Florence took the lead in the improvements of the age, and under the patronage and protection of the House of Medici, the learned men of Italy, and some from Constantinople, assembled in that city and devoted themselves to classical learning, to the study of a new philosophy, to polite literature and the arts. A taste for the latin classics began to be cherished in Italy as early as the middle of the fourteenth century, and towards the close of that century, the study of the Greek language was introduced. After a short period of neglect, it was revived with ardour in the beginning of the fifteenth century, and taught in many of the cities of Italy. A taste for Greek and Roman literature became general; the collection of manuscripts became the occupation of learned men, whose labors were rewarded by the munificence of patrons and the applause of rivals in the same pursuit. Italy, France, Germany and England, were

travelled over in search of Roman manuscripts; Constantinople, Asia Minor, and other countries of the East were visited for the purpose of collecting Greek manuscripts: and modern ages are indebted to the enthusiasm of the learned men of Italy in the fourteenth and fifteenth centuries, for recovering from oblivion nearly all the Latin and Greek authors, that have come down to our times.

This fondness for ancient literature gradually unshackled the human mind, accustomed it to more free enquiry, and prepared it for the reception of more useful knowledge. These fortunate results were accelerated by the introduction of the platonic philosophy. The philosophy of Aristotle had for many centuries held dominion and operated like an incubus in the Universities and public schools of Italy. The spirit of that philosophy had no tendency to elevate the mind. Its dogmas had no relation to the common duties of life. Its logic prescribed a course of reasoning that conducted the mind to no useful conclusions, trammelled it with rules and employed its energies upon frivolous subjects. True philosophy has three objects in view; the first, to inspire the mind with elevated sentiments and thus lay the foundation of an exalted morality; the second, to teach man his duties in his religious and social relations; the third, to teach him those principles of correct reasoning, which shall keep him clear of the mazes of sophistry and conduct him to truth in the various branches of knowledge. The philosophy of Aristotle, as taught by the schoolmen, had neither of these objects in view; and nothing contributed more to continue the ignorance of the middle ages, than the ascendancy which this philosophy had obtained in the Universities of Europe. The philosophy of Plato had as little relation to the duties and concerns of life as that of Aristotle; but it was free from ridiculous dogmas and frivolous logic, and its professed object was to inspire the mind with exalted sentiments, by raising it to the contemplation of the supreme excellence of the deity, and placing the chief happiness of man in such contemplations. The study of this new philosophy was introduced into Italy by some learned Greeks from Constantinople; its moral and intellectual influence was soon felt; Cosmo de Medici had the wisdom to perceive its beneficial tendency, and established an

academy at Florence for instruction in its doctrines. These doctrines daily became more popular, and acquired strength by their intrinsic excellence over those of the schoolmen. The capture of Constantinople by the Turks in 1453, drove to Italy many new disciples of the Platonic philosophy, and although they were unable to introduce it into the public schools and seminaries of learning, they explained its principles in public discourses, and thus opened new sources of thought, presented new subjects of enquiry, and gave useful examples of boldness in attacking long received opinions.

The progress of this philosophy gave alarm to the clergy, who perceived that the freedom of enquiry which it promoted, and the general tendency of its doctrines were no less dangerous to their own authority than to that of Aristotle; and as policy induced them to keep the scriptures concealed from the people in a dead language, lest the truths of the gospel might supplant the errors of the church, and its light dispel the darkness of superstition, so they were anxious to arrest the progress of a philosophy, the sublime doctrines of which excited the admiration and reverence of the people; and Pope Clement VIII, was warned by Cardinal Bellarmine, of the danger of shewing any favor to a philosopher whose opinions approached so nearly to the truths of the gospel.

The authority of Aristotle was shaken, but not broken down, by the disciples of the Platonic Philosophy. It was gradually undermined by the diffusion of knowledge, which prepared society for a renunciation of philosophical as well as the theological opinions long consecrated by time. It perished in the storms of the Protestant reformation, and its ruin, by opening the way for the inductive philosophy of Bacon, contributed as much to the progress of science, as the reformation itself to the progress of Christian truth.

The collection of ancient manuscripts was followed by the establishment of public libraries, for the double purpose of preserving the manuscripts and rendering them accessible to the learned. The art of printing was unknown, and it required a princely estate either to purchase original manuscripts or procure copies. Niccolo Niccoli founded the first public library in Europe. He spent his life and exhausted his fortune

in collecting ancient manuscripts. He died in 1436, and by his will, give his library, consisting of eight hundred volumes of Latin, Greek and Oriental Works, to Curators, for the use of the public. Cosmo de Medici was his patron and friend; he paid his debts, took the direction of his manuscripts, and placed them for the public use in the Dominican Monastery of St. Marco, at Florence. The great wealth of Cosmo, and his extensive mercantile connexions, gave him advantages over others of his age, in procuring ancient manuscripts, particularly from Arabia and India. He was a Florentine merchant, who, says Gibbon, "governed the republic without arms and without a title. He was the father of a line of princes, whose name and age are almost synonymous with the restoration of learning; his credit was ennobled into fame; his riches were dedicated to the service of mankind; he corresponded at once with Cairo and London, and a cargo of Indian spices, and Greek books, were often imported in the same vessel." The works which he collected, formed the beginning of the most celebrated library of the fifteenth century. It was greatly enlarged by the liberality of his descendants, and under his grandson Lorenzo, took the name of the Laurentian Library, a name which it bears to this day.

The example of Cosmo in founding the Laurentian Library, was imitated by his cotemporary and friend, Nicholas V, who during a pontificate of eight years, founded the library of the Vatican, and enriched it with upwards of five thousand volumes. The extensive collections of books gave new facilities to the learned men of Italy in prosecuting their studies; their ardor increased with these facilities; manuscripts were copied, their defects corrected, and their text arranged in proper order. Whilst this ardor was at its height, the art of printing was invented; and within sixteen years after the establishment of the first public library in Europe, and within seven years after the founding of the library of the Vatican, a copy of the Bible was printed. The art of printing was invented in Germany, but it was soon introduced, improved, and brought to perfection in Italy, where its utility was immediately perceived and appreciated. It superseded the tedious and laborious process of copying in manuscript. Copies of books multiplied, private

libraries began to be formed, books became accessible to the common people, new discussions arose and freedom of enquiry advanced.

The literary and religious controversies of this age sustained and promoted the freedom of enquiry. Italy was agitated by the disputes of her philosophers concerning the principles of the platonic philosophy; and all Europe had engaged in the questions, whether Avignon or Rome should be the seat of the Holy See, whether Urban VI, or Clement VII, Benedict XIII, Gregory XII, or Alexander V, was the true Vicar of Christ. The States of Europe took different sides in these questions, which were discussed with bitterness and zeal, and with little respect for the papal authority. Pope Gregory XI, upon whose death, in 1380, these questions began to arise, had witnessed during his pontificate, the efforts of John Wickliffe, to subvert the doctrines of the established church. Wickliffe was a secular Priest, of learning and talents, and possessed an enthusiasm that was indispensable in combating superstition. He denied the supremacy of the church of Rome; contended that the church was dependant on the State and ought to be reformed by it when necessary. He denied the real presence of Christ in the Sacrament, maintained that the Scriptures were the only rule of faith, that the clergy ought to be answerable to the civil power for their crimes and to possess no property: that Monastic vows had no merit, that numerous ceremonies in worship were hurtful to piety, and that oaths were unlawful. He asserted the doctrine of predestination, and that all things were subject to fate and destiny. Various events had occurred before this time to weaken the reverence of the people of England for the established church, and they lent a willing ear to the doctrines of Wickliffe. He was indefatigable in preaching and writing, made many converts, and gave such alarm to the clergy that pope Gregory XI, issued a bull for taking him into custody and examining into his doctrines. Wickliffe had prudence, but was deficient in the intrepidity which a great reformer should possess, and which so eminently distinguished Martin Luther: and although the Duke of Lancaster, who then governed the kingdom, and Lord Peirey, the marshal, protected him upon his first trial, and for many years afterwards,



his fortitude gave way before the incessant exertions of the clergy, who harrassed him with trials, until he explained away his doctrines so as to render them inoffensive. His weakness did not seriously retard the reformation that he had commenced: the zeal of his followers was seconded by the aversion which the people entertained against the clergy, and one half of the kingdom became converts to his opinions. The activity and artifices of the clergy at length arrested the progress of opinions which threatened their authority and wealth with destruction. Convinced that without the aid of the civil power, the heresy of Wickliffe could not be suppressed, they applied to Parliament for help. The King and the Peers came into their views; the Commons evinced a different spirit, and were more disposed to impose restraints than to arm them with additional authority. But in 1381, the clergy contrived to get an act passed and to have it enrolled without the consent of the Commons, requiring sheriffs to apprehend preachers of heresy and their abettors: and in 1400, another act authorising the bishops to imprison all persons suspected of heresy, to try them in the spiritual court, and if they proved obstinate heretics or relapsed, the spiritual judge was to call the sheriff of the county or the chief magistrate of the town, to be present when the sentence of condemnation was pronounced, and immediately to deliver the condemned person to the secular magistrate, who was to cause him to be burnt to death in some elevated place in the sight of the people. Armed with this act of Parliament, the clergy commenced and carried on for many years, a cruel persecution against the followers of Wickliffe, then called Lollards, many of whom were tried, condemned and publicly burnt. Arundel, archbishop of Canterbury, took the lead in this persecution. The persons suspected of heresy were arrested and taken before him and then underwent a long examination. The heresies most commonly alledged were: 1. A refusal to worship the cross. 2. A denial of the doctrine of transubstantiation. 3. A denial of the power of Priests to forgive sins. 4. A denial of the supremacy of the church of Rome. 5. A refusal to go on pilgrimages to holy places, there to worship relics of saints, apostles, martyrs and confessors, approved by the church of Rome. An attempt to explain away a heresy was taken as

clear proof of guilt. Sir William Sawtor was accused of two heresies, refusing to worship the cross and denying the real presence of Christ in the sacrament. On his trial, he consented to pay an inferior vicarious kind of worship to the cross, on account of him who died upon it. But this was not satisfactory. He acknowledged the real presence of Christ in the sacrament, and that after the words of consecration were pronounced, the bread became the true spiritual bread of life. He was told, this was not sufficient, and underwent an examination of three hours upon the subject. Archbishop Arundel then urged him to profess his belief—"That after consecration, the substance of the bread and wine no longer remained, but was converted into the substance of the body and blood of Christ, which were as really and truly in their proper substance and nature in the sacrament, as they were in the womb of the Virgin Mary, as they hung upon the cross, as they lay in the grave, and as they reside in heaven." Sawtor declared that "whatever might be the consequence, he could neither understand nor believe that doctrine." The archbishop pronounced him to be an obstinate heretic, degraded him from his clerical orders, and delivered him over to the mayor and sheriff of London, to be publicly burnt. He met his fate with firmness and had the honor of being the first person in England, who suffered death, for maintaining the doctrines of the reformation.

Arundel continued his persecution until his death, and his example was followed by Chichely his successor; by whose influence Parliament passed an act in 1415, declaring that the chancellor, the judges of both benches, and of assize, justices of the peace, sheriffs, mayors and bailiffs, should take an oath at their admission into office, to do every thing in their power to extirpate all Lollards out of the kingdom, and assist the ordinaries in prosecuting them. The public execution of many respectable prelates, and of Lord Cobham, then at the head of the party, and one of the most virtuous and distinguished men of his age, struck terror into the followers of Wickliffe, and made them conceal their opinions to save their lives. Wickliffe did not live to witness these executions, and to admire the fortitude of men, who suffered at the stake for maintaining his doctrines: doctrines which are now maintained by all the Protestant churches.

Although the clergy, aided by the strong arm of the secular power, overawed the reformers, the opinions of Wickliffe were cherished in secret, in many parts of England, and openly avowed in the kingdom of Bohemia. The University of Oxford had favoured those opinions, and some students from Bohemia becoming converts, propagated their opinions upon their return home, with such success, that in 1428, the court of Rome became alarmed, and (the Pope) published a bull commanding solemn procession to be made, on the first Sunday of every month, in all churches and church yards, in order to draw down the vengeance of heaven on the heretical Bohemians; and proclaimed a crusade against them, granting the pardon of sins and the happiness of heaven to all who died in the expedition. The Emperor Sigismond became the champion of the Holy See, in conducting this crusade: princes and prelates repaired to his standard. They were met in battle by the Bohemians and defeated. The sagacity of the Pope perceived in the continuance of this war, the certain extension of the heresies which he wished to suppress, and quickly made peace with the Bohemians, granting to them some trifling concessions of doctrine, not inconsistent with the fundamental principles upon which the authority of the established church was founded. The age was not ripe for a general reformation of the church; but the controversies about the opinions and doctrines of Wickliffe weakened the papal power, and accustomed even the common people to think and investigate. Those opinions were, from the first, agreeable to the common people, who envied the clergy for their wealth and immunities, hated them for their vices and dissolute manners, and readily embraced the opinions of Wickliffe, that the church was not supreme over the civil power, that the clergy should be answerable to this power for their crimes, and should possess no estates. It was the popularity of these opinions that gave such a keen edge to the resentment and persecution of the clergy. They rioted in excessive wealth, were exempt from the payment of taxes, except when the king, regardless of their privileges, made arbitrary exactions; they were not answerable to the civil authority for their crimes, and murder, rape, incest and perjury, openly and daily committed, went unpunished.

Whilst the common people were thus acquiring a *moral* force in society, their *physical* force was increased by the emancipation of the villains and slaves. At the commencement of the twelfth century, the greater part of society were slaves, and lived entirely at the will of their masters. Every one that was not noble was a slave. The King and the chief vassals of the crown were the only persons who enjoyed *personal liberty*. The inferior vassals or gentry, enjoyed this liberty in appearance only, being subject to a long train of subordination and exactions from their superior Lords, and deriving from the law, but a slender protection against arbitrary and oppressive acts. The great body of society consisted of the gentry, the peasants and the inhabitants of the cities: the peasants were employed either as domestics about the house or person of the Lord, in which case they were called *villains in gross*, or were employed upon his farm, and called *predial villains* or *villains regardent*. They were considered to be the absolute property of the Lord; the villains regardent were sold like his cattle; the villains in gross were annexed to his land, and sold along with it. The inhabitants of the cities were generally tradesmen, held in contempt by the feudal Lords, and enjoyed safety from their insignificance. The gentry occupied a middle ground between the greater barons and the inhabitants of the cities, enjoying neither personal liberty nor safety. The *villains in gross* were the first that recovered their personal liberty. The incessant wars in which the feudal Lords were engaged, often placed them in situations where danger triumphed over their pride, and obliged them to put arms into the hands of their domestics, and raise them to the rank of freemen; for none but freemen could compose the retinue of a military chieftain. The inhabitants of the cities were the next who recovered their personal liberty. The resources of the feudal Lords became impaired, their military ardor declined, and their wars became less frequent. As soon as society enjoyed peace, the useful arts began to be cultivated. These arts, if not despised by the gentry and chief vassals of the crown, were considered as beneath their dignity and notice, and left to the inhabitants of the cities, who applied themselves to handicraft trades and to commerce. The importance of this class of society was quickly perceived by the princes

of Europe, who to encourage their occupations and to give them protection against the tyranny of the barons, began to erect communities and corporations, endowed with privileges and a separate municipal government. Charters were granted to companies of tradesmen and merchants, and also to the cities and trading towns, containing an enumeration of the privileges and immunities granted. These charters were generally respected by the prince; and by affording protection against the barons, they greatly encouraged industry and enterprise. These charters produced another effect highly beneficial; they placed the inhabitants of the cities and towns under the immediate protection of the prince, and by protecting them against the barons, gave to them an independence of character unknown to their ancestors.

The great barons having no occupation but war, became indolent, as wars became less frequent; the feudal tenure relaxed, and the gentry or inferior vassals were relieved from many exactions to which a rigid tenure had subjected them, and began to enjoy personal freedom and independence: but the indolence of the great barons soon introduced luxury into their mode of living; the arts of tillage and agriculture being in their infancy. The produce of their farms was not sufficient to meet the expenses of their household; and to gratify their wants, they made arbitrary exactions from their inferior vassals. As their wants multiplied, these exactions increased, until they became more oppressive than the regular feudal exactions. The laws were too weak to protect the gentry against these acts of oppression, and they sought protection under the authority of the prince; who now finding himself supported by the gentry, and inhabitants of the cities and boroughs, assumed the authority unknown to the feudal governments, but one indispensably necessary to enable him to curb the rapacity and licentious spirit of the great barons. "It required," says Hume, "the authority almost absolute of the sovereigns, to pull down those disorderly and licentious tyrants, who were equally averse from peace and from freedom, and to establish that regular execution of the laws, which in a following age, enabled the people to erect a regular and equitable plan of liberty." In this way the power of the prince became absolute, and it is curious to remark, that

the same causes which made him absolute, gave personal freedom to the gentry and the common people.

The predial villains or villains regardent, were the last that recovered their personal freedom. Their condition was very degraded; they were employed in the cultivation of their masters' lands, were annexed to these lands and transferred with them from one proprietor to another. Their sons could not enter into holy orders without the consent of their masters; they could not prosecute their masters in a court of justice, nor hold property except at their will. They could not leave their masters without permission, and if they ran away or were purloined, might be claimed and recovered by action, like beasts or other chattels. They held small portions of land for the purpose of maintaining themselves and families; but it was at the mere will of their masters, who might dispossess them, whenever they pleased. They held these portions of land upon services which were not only base and mean, such as to carry out manure, hedge and ditch their master's farms, but which were uncertain both as to their time and quantity. The first improvement made in the condition of these villains, was the fixing with certainty the rents which they were to pay, whether those rents consisted in corn and cattle and other produce of the farm, or in servile offices to be performed about their master's family or upon his lands. As agriculture improved and money increased, it was found to be the interest both of the Lords and villains, to make a commutation of rents for services, and money rents for those in kind. Further improvements in husbandry at length introduced the practice of granting leases to the villains, and this entirely broke the bonds of servitude and abolished the distinction between freemen and villains. In this way, villainage went gradually into disuse, and personal freedom became general in Europe.

Among the various circumstances which conspired to accelerate the progress of knowledge and the civilization of society, none had a more extensive and powerful influence, than this extension of personal freedom and the rise of the lower orders in the different countries of Europe. These events produced by the introduction of the arts, the enlargement of commerce, and the reduction of the feudal aristocracy, were accompanied by a

gradual diffusion of wealth, which gave to men an ease and independence essentially necessary to inspire them with a desire of knowledge, and to afford leisure for its acquisition. The lower orders soon acquired political importance; they wielded the physical force of society and formed the mass upon which the reformers worked. For their instruction, the scriptures were translated and numerous works were written in their own vernacular tongues. This soon became the universal method of addressing the multitude, greatly increased the number of readers and thinkers, and produced an entire revolution in the republic of letters. For until this time, learning was taught only in the dead languages, and rendered inaccessible to all who did not understand the Latin and Greek. None were considered *wise* but the *learned*, and prejudice had confounded knowledge with erudition. As soon as the vernacular tongue was adopted as a medium of instruction, the way to knowledge was laid open to all,—and to be *wise*, it was no longer necessary to be *learned*.

Few events contributed more to the diffusion of knowledge and the general improvements of the age, than the study of the Roman law, which was introduced into the Universities of Europe about the middle of the twelfth century. The clergy every where engaged in it, introduced and enforced its principles in the spiritual courts, and prevailed on the nobility and gentry to consider an acquaintance with this new science as a necessary part of education. No study was better adapted to improve their taste, enlarge their views, invigorate their reasoning powers, and give solidity to their judgment. As a system of jurisprudence, it was the noblest monument of human wisdom; and being intimately connected with pure ethics and liberal politics, contributed to illustrate those sciences from the moment of its introduction. As the feudal system relaxed, the principles of the Roman law were incorporated into the political constitutions and municipal codes of the different States of Europe. Their happy influence was soon felt in ameliorating and systematizing the administration of justice; and in diffusing correct ideas of civil rights and a knowledge, though very imperfect, of the science of government. The laws began to be more strictly executed and to afford greater security; and the whole fabric of society to evidence the progress of order and civilization.

But notwithstanding the favor and admiration which the civil law received, the science of ethics made little progress until the time of the reformation. The ethics of Aristotle had been adopted in the Universities. As a system of practical morals, they were useless and unintelligible, having no relation to the duties of active life; they were suited for contemplative life only, and on that account were more admired and extolled by its professors, who lived apart from the world and knew nothing of its concerns. The ethics of the civil law were founded upon the social relations of man, and had for their object the illustration of his rights and his duties; but its professors were generally monks, who knew as little of the practical concerns of life as the professors of Aristotle's ethics, and from their education and habits were inclined to the opinion that ethics was a mere contemplative science. Indeed the character of professors in that age, led to this opinion as to all the sciences; and it was not until the reformation that men began to turn their attention from abstruse speculations to the business of life. Instruction was then no longer confined to an University or a cloister: men acquainted with the affairs of life instructed the multitude in the doctrines of the reformation and in the morality of the New Testament. Casuistical subtleties were combatted by appeals to the moral feelings and moral judgments of men. But the schoolmen and monks had so interwoven the principles of ethics with the speculative doctrines of Theology, that many years elapsed before any attempt was made to disentangle them; and so great has been the difficulty that it has not been overcome to this day. It is remarkable that notwithstanding the great improvements that have been made within the last century in metaphysical and physical science, and the liberal turn of philosophical enquiry, the science of ethics remains in a crude state. The question, "what is the foundation of moral obligation?" is not more satisfactorily answered now than it was three centuries ago; and until the principles of ethics shall be disentangled from the speculative doctrines of theology; until ethics shall be considered purely as a practical science, founded in the constitution and condition of man, and having for its sole object the development and illustration of his social rights



and duties, society will have to regret that the most sublime of all the sciences remains imperfect.<sup>1</sup>

Political science remained nearly stationary during the fourteenth, fifteenth and sixteenth centuries. The changes which the progress of knowledge and the introduction of the arts produced in society, necessarily drew after them corresponding changes in the political constitution of the several States. The most important of these changes was the rise of the lower orders, the breaking down of the feudal aristocracy and the making of the prince absolute. Upon these changes arose the present civilized monarchies of Europe, which, as systems of government administered by regular maxims and fixed principles, are not more unlike the oriental despotisms than the ancient republics. The same general causes, which made the prince absolute, imposed restraints upon his authority. As the gentry and inferior orders accorded to him the exercise of absolute power, for the purpose of giving them protection against the oppressions of the barons, it soon became a political maxim, that power was to be exercised by the prince for the protection of his subjects; and as this protection was in most cases directly afforded by the laws, each monarchy became, in a great degree, a government of laws, and not of men. A great

<sup>1</sup>"The principal improvements in ethical science for the last two hundred years, have been made by the courts of justice, whose decisions have been illustrated by comprehensive views of moral principles. And it may be said with confidence, that the chancellors and a few of the common law judges of England, having Lord Mansfield at their head, the chancellors of France, the judges of the supreme court of the United States, chancellor Kent of New York, Judge Cooper, and a few others, have contributed more to the development and illustration of the principles of ethics, and their proper application to the business and affairs of life, than all the other learned men of the world. Their principles, at all times conformable with good sense and the interests of society, are gradually weakening the force of precedent and adding new beauties to our system of jurisprudence. It is not the business of courts of justice to form these principles into a general system; they can only perfect and systematize particular branches of ethics, such as those which relate to contracts: it is the business of philosophers to form a general system; philosophers, who guided by a knowledge of the human mind, its faculties, sentiments and passions, shall trace with accuracy the moral phenomena of human life to their first principles in the constitution and condition of man."—Note in the *N. C. Univ. Mag.*, from the original MS.

*Cf. ante*, p. 359.

part of these laws consisted of ancient usages, or of customs which had grown up in the cities and borough towns, in consequence of their charters. These customs soon acquired the force of laws, and were observed and respected as such, by the prince, as well as by the courts of justice. They were diligently collected and embodied by the lawyers, and assumed the force of regular codes. The absolute power of the prince was further restrained by the diffusion of knowledge by means of the press, which by enlightening the people and invigorating their spirit, raised a bulwark against the oppression of their rulers, and taught princes to regard the prosperity of their subjects as the true object of their ambition, and their affection as the firm basis of their authority. Hence, notwithstanding occasional instances of tyranny and oppression in each of the civilized monarchies of Europe, the authority of the laws has steadily advanced, the arbitrary discretion of the prince has been restrained, property has become secure, industry and the arts have flourished; and as public opinion has made the glory of the prince to consist in the happiness and prosperity of his subjects, each of these monarchies has adopted regular maxims of administration, tending to the good order of society and to objects of national and permanent utility. History, it is true, furnishes many melancholy exceptions to these general truths; but their correctness will not be denied by any one acquainted with the progress of the political constitutions of modern Europe.

Attempts were made in the fifteenth and sixteenth centuries to establish certain doctrines, incompatible with civil liberty, and the first principles of political philosophy, and subversive of the great interests of society; doctrines, which in our day, and against all the lights of the nineteenth century, the holy alliance have attempted, with some detestable modifications and additions, to fasten upon Europe, by artifice and physical force. The most obnoxious of those doctrines were, that hypocrisy was a political virtue, that sovereigns ought not to commit crimes by halves, that they have no other object in governing, but their own advantage, and to keep their people in bondage, they must keep them in ignorance. These doctrines were first avowed by Machiavel, in his treatise called "*The Prince*," and

afterwards maintained, but sometimes under different forms, by all the advocates of absolute power. Machiavel's *Prince* became a manual for tyrants: its principles were studied and the administration of States regulated by them. They governed the court of France during the regency of Catherine de Medici and the reign of her son Charles IX.; and Voltaire tells us, they were supposed to have led that execrable tyrant to the massacre of the Protestants on the evening of St. Bartholemew.

In tracing the history of civil rights since the revival of letters, it is curious to remark, how much sooner the rights of property were secured and efficiently protected by the laws than the rights of personal liberty. For many years after the rights of property were looked upon as sacred, and an invasion of them as one of the most dangerous acts of power, the persons of men were arrested and imprisoned at the arbitrary discretion of the Prince. The tower of London and the bastille of Paris, were filled with prisoners of this description. In England personal liberty did not receive effectual protection from the laws, until the twenty-ninth year of the reign of Charles II., when the writ of habeas corpus was granted to the subject; and in France, not until the revolution.

The learning of the fourteenth and fifteenth centuries was confined almost entirely to the Latin and Greek languages: and this admiration for the wisdom of antiquity was of peculiar use to literature and science in subsequent ages. It produced an emendation of the text of ancient authors and established the lexicography of their language: and it produced translations from the Greek into the Latin, of many valuable works, on philosophy, mathematics and physics; and an explanation of the difficulties of the authors they translated.

The sciences chiefly taught during the fourteenth and fifteenth centuries, were arithmetic, geometry, astronomy and music: they formed what was called the quadrivium of the schools. Cosmography and drawing were occasionally taught, particularly to students who intended to engage in a seafaring life, and wished to be instructed in the art of navigation. An idea of the state of this art at that time, can be formed only from a view of the state of the sciences on which it depends.

*Notes on the Indians and the Early Settlers of Western  
North Carolina.*

*Part I.<sup>1</sup>*

Indian Nations.

The Indian Nations which were most powerful and waged the most furious Wars with each other in N. Carolina, Were the Cherokees, the Catawbaws, the Sauraws, and the Tuscaroras.

The Limits of the Cherokee Nation cannot now be traced. The Boundaries between them and the Sauraws seem never to have been well defined. The Shawnese and the Cherokees *both* claimed the Lands lying between the *Ohio* and the Kentucky River from its Mouth to the Source of the North West Branch of the same. The Lines pointed out in the Grant of the Cherokees to Richard Henderson & Co., to the North, separated the Cherokees from the Shawnese. But to the East, how far the Cherokee Limits extended is not known.

The Cherokees extended their Dominion from the Shawnee Nation at the Sources of the Kentucky River, down the Ohio to the Chickasaw Tribe, Across the Alleghany Mountains and Blue Ridge into South Carolina, then running on the Line of the Catawbaws.

The Catawbaws claimed the Country from the Line of the Cherokees in South Carolina, quite through N. Carolina, to the North East,—North of the Tuscaroras.

Several smaller Tribes resided in different Parts of this Claim: Among Others, the *Sauraws* on Dan.

The Country watered by the upper Dan and its Branches and the Waters of New River—including the Counties of Rockingham, Stokes, Surry, Ashe, Wilkes and Burke, was claimed both by the Catawbaws and Cherokees for Hunting Grounds: and was thought to be the best hunting Ground in N. Carolina.

A Constant War for a great Number of Years was kept up between the *Shawnese* and Catawbaws. The Latter would often traverse N. Caro. and Virginia and even go to the back Parts of Pennsylvania to attack the Shawnese. And after geting a few Scalps would return. The Shawnese in their turn came to the South and attacked the Catawbaws. In one of their expedi-

<sup>1</sup>A. D. Collections of the N. C. Hist. Com'n. It has been published in the *N. C. Univ. Mag.*, V. (1856) 316.

tions to the South, they destroyed the Towns of the *Sauraw Tribe* on the Dan and killed many of them. The Remnant of the Sauraws left the Dan and joined the Cheraw Tribe on Pe-dee. This was some time before the Year 1753.

There are still to be seen places where the Fury of Battle raged between these contending Tribes. On the Lands of the late Col. Joseph Winston in Stokes County, in the low Grounds of the Town Fork of Dan River, is to be seen the Remains of an entrenchment where a battle was fought. The entrenchment was immediately at the foot of a steep precipitous bank, and close on the Margin of the Creek, having extensive flat Lands in the front. Into this bank thousands of Bullets have been shot, and they continue to be found there to this day, as the Creek washes down the Bank.

*Part II.*<sup>1</sup>

*Indian Nations.—War of 1755 to 1762.*

Joseph Banner of Stokes born in 1749, in Pennsylvania, moved to N. Carolina in 1751. His Father settled in what was then called *Anson*, now Stokes, on Town Fork, near the present Village of Germanton—about 1753. Forts were erected at the Moravian Old Town, (Bethabara) by the 12 Moravians first sent out to Wachovia, and by the Settlers in the Neighbourhood, two Forts were erected: one in the Town including the Church: the Other at the Mill half a Mile distant.

Into these Forts the Settlers in the Neighbourhood and even from the Mulberry Fields near Wilkesborough, took Refuge, about 70 Families in all. And Here they continued in Fort Occasionally, Until the General Peace of 1763. The People generally went to their Homes in the Fall or early in the Winter, and Returned to the Forts in the Spring: the Winter being too severe for the Indians to make such long expeditions for the Purposes of Mischief.

These Forts were never attacked. The Little Carpenter, then the Chief of the Tribe, came at the Head of 3 or 400 Indians and killed several of the Inhabitants. They remained for six Weeks in the Neighbourhood, and then returned. This was in the Spring of 1755 or 6.

<sup>1</sup>A. D. Collections of the N. C. Hist. Com'n. It has been published in the *N. C. Univ. Mag.*, V. (1856) 314-316.

They crossed the Blue Ridge at the Head of the Yadkin and came down the Valley of that River. They killed William Fish near the Mouth of Fish's River. One Thompson who was with him was wounded with two Arrows: one in the Hip, the Other in the back, between the Shoulders. He and Fish were riding together through a Canebrake, along a Trace, on which the Indians were lying. Thompson wheeled his Horse, and made his Way down the Yadkin. Parties of Indians were in his Advance, and he found them in every direction that he could travel in. He passed up the little Yadkin, thence along by the Head branches of the Town Fork, and falling into the Road leading from the Upper Saura Town to Bethabara about  $3\frac{1}{2}$  Miles from the Town, he hastened to the Town and gave the Alarm.

Had not Providence spared his life to give this Alarm many of the Whites would have been killed. The People in the fort sent out expresses to the Inhabitants to hasten in, and all got into the Forts or into a Blockhouse at the place where the late Col. Winston lived on the Town Fork. Two Men were killed near the Block House on the next Morning. The Indians had spread themselves over the Neighbourhood, and in the Morning Barnett Lashly and one Robison left the Block House to feed their Cattle; and whilst engaged at this Work were killed. Lashley's Daughter aged 13 Years, went to her Father's House to milk the Cows. She saw nine Indians, who discovering her, pursued her. She by a sudden turn got out of their View, and it being a wet Morning, the Indians pursued her Trail. After Winding for some time up and down the Branches in the Neighbourhood and perceiving that the Indians were pursuing her, she made her way to the Town Fork Creek, and plunging in, kept down the Creek, till she came to a steep Bank covered with Cane, some of which had fallen over into the Water. Under this Cane and in the Water near to the steep Bank she stopped, and secreted herself, and determined to await her fate. The Indians pursued her Trail to the Creek, and not being able to discover which way she had gone, they went down the Bank and were for some time within a few feet of her on the steep Bank above her Head. They retired and after it was dark, she left her Retreat and went in Search of the Block House. Hav-

ing found it, she advanced with cautious Steps, not knowing whether it was in Possession of the Whites or the Indians. She came near, and was hailed by one of the Guard; And she being alarmed and not knowing what to do, hesitated in giving an Answer; And the Guard was on the Point of discharging his Rifle at her, when she made herself known. She went in and was informed of the fate of her Father. She had expected it: as she heard the Gun fired at the Stack, where he had gone to feed his Cattle. This was in *March '55 or '56*.

Thompson was treated with all possible Kindness. The Barbed Points of the Arrows were taken out; but the Wounds proved mortal. His Death was more regretted on Account of the Safety which he had given to the Inhabitants, by his timely Notice of the Approach of the Indians.

Either in this or some subsequent Year, the Indians extended their Depredations even to the Mouth of Smith's River in Rockingham County. It was in 1759 or 1760, probably—(see Joseph Cloud's Statement)—They killed one Greer and one Harry Hicks on Bean Island Creek. The Neighbours hearing that the Indians were lurking about, assembled at Hicks's House, where they were engaged in shooting at a Mark. The Indians were near to them and looking at them. They perceived that all had fired and had omitted to load their Guns. They rushed on them, and killed one. Hicks shut himself up in his House, and fought valiantly. The Indians however broke in and killed him. They took his Wife and his little Son two years old, and carried them with some other Women and Children to their Towns on the Tennessee. One of the Indians who admired Hicks for his bravery and gallant defence, took his little Son in his Arms and said, because his Father was so brave a Man, he would take him home safe. He carried him on his Back all the way to the Cherokee Towns. This Woman and Child were regained in 1761, when Genl. Waddell marched to the Cherokee Towns.

#### Precautions used by the Government etc.

A Company of Rangers was kept employed by the State in all times of Danger, who traversed the Country in the Neighbourhood of the Forts, and for forty and fifty Miles around, in Search of the Indians. Anthony Hampton (the Father of

Genl. Wade Hampton) commanded the Company of Rangers who protected the upper Parts of the Dan and Yadkin, and all the Country along the foot of the Blue Ridge, called the *Hollows* in Surry County. The Company consisted of about 50 Men, all mounted with Rifles and Muskets. They were clad in Hunting Shirts, with Buckskin Leggins. They ranged the Woods in all directions and slept wherever Night came on. They Occasionally visited the Forts and got Supplies. They generally made a Tour or Circuit [?] once a Month.

In one of their Tours through the *Hollows*, they were passing along a small Indian Trace, when they were hailed by a Man at a little distance from them. They went up and found him to be one Wm. McAfee, who had left the Fort at Bethabara in Company with one ———, to hunt in the Hollows. Here they were attacked by some Indians. McAfee was shot through the Thigh, which was broken, and his Horse killed; but his Horse ran off with him three hundred Yards before he fell dead. Here was McAfee with his thigh broken 33 Miles from the Fort or from any House where any White Family lived: in the Woods and unable to move. In the evening of the day, Hampton with his Rangers passed by and discovered him; they placed him on a Horse and brought him to Fort, where he was attended to, and his Wound cured. He lived for many Years, and lame as he was, he would follow his favourite Pursuit of killing Deer.

What became of McAfee's Companion, was never known. He probably perished.

There was a Fort called Fort Waddell (after Genl. Waddell). A Company of Rangers was attached to that, and they ranged through the Forks, and towards the Catawba, where Fort Dobbs was established. Daniel Boon belonged to this Company of Rangers, and he buried *Fish*, who was killed by the Indians under the little Carpenter.

There was a Fort on Black Water of Smith's River, and Hampton ranged from that Fort quite to the Mulberry Fields near Wilkesborough.



*Part III.<sup>1</sup>*

## Indian Nations—Their Wars, etc.

The Cherokees were at peace with the Whites at the Opening of the Campaign under Genl. Braddock. Many of their Warriors marched from their Towns on the Tennessee to join Braddock's Army. His Defeat turned them back, and they immediately united with the Shawnese and French, and on their way back to their Towns they plundered the Inhabitants, thereby giving them Notice of the Hostilities which were shortly to follow.

The first expedition set on foot by the State of N. Carolina against the Cherokees, in this War, was in 1761, when Genl. Waddell marched with 2000 Men to the Holstein, where he was met by the Chiefs and a Truce made. Also a Treaty was entered into; but its Provisions were not adhered to Untill the general Peace of 1763 was made.

In this expedition a Company of Indians of the Tuscarora Tribe under Captain Cogdill, joined Genl. Waddell to fight the Cherokees.

The Prisoners among the Cherokees, the Women and Children were delivered up. (See Joseph Cloud's Acct. of this Campaign).

The Cherokees remained at Peace with the Whites Untill the Commencement of the Troubles of the Revolution. In 1774, they began Hostilities. And in 1776, Genl. Rutherford marched against them. The States of South Carolina, N. Carolina and Virginia acted in Concert in this War. Genl. Rutherford with about 1500 or 2000 Men marched to the Southern Towns, Chota, etc. Where he was joined by Genl. Williamson with 1600 Men from South Carolina. Col. Joseph Williams marched from Surry and joined Col. Christie with 2000 Men from Virginia. They marched by the long Island on Holstein, and thence to the Overhill Towns. Here the Treaty of 1776 was made.

*Chain of Forts.*

There was a Chain of Forts from Black Water of Smith's River in Rockingham, near to the Long Island of Holstein.

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<sup>1</sup>A. D. Collections of the N. C. Hist. Com'n. It has been published in the *N. C. Univ. Mag.*, V. (1856) 317.

1. The Fort at Bethabara.
2. Fort Waddell in the Forks of the Yadkin.
3. Fort Dobbs on the Catawba.
4. Fort Chisholm on New River.
5. Fort Stalnecker near the Crab Orchard.

*The Hunters*—their Adventurous Character—their Misfortunes etc.—Story of McAfee (See before)—John Williams—Selling of Guns—Herman Stalnecker.

Two Men named Linville from the Forks of the Yadkin went to hunt on the Wataga between 1760 and 1770. They employed John Williams a Lad of 16 to go with them, keep Camp and cook for them. They were sleeping in the Camp, when the Indians came on them and killed the Linvilles. They shot Williams through the thigh and fractured the Bone. He ran off and in about fifty yards, the Bone snapped and he fell. The Indians did not go in Search of him: but gathered up their Skins and Guns, and catching their best Horses went off. Williams crawling on his Belly, found an old Horse at the Camp, and getting a Piece of Rope, tied it in his Mouth; and then crawling to a log, he got on the Horse, and with his thigh broken rode from near the Mouth of the Wataga to the Hollows in Surry before he came to a House. He was five days in this Travel, without anything to eat except Blackberries. He was nearly exhausted when he reached the House. He was taken care of, got nearly well, had another Alarm, broke the Bone a second Time. Yet he recovered, and lived to an old Age in Surry, where he became very respectable and was made one of the Justices of the County.

*Early Settlers on the Frontiers*—their Habits—Manners—Mode of Cultivating their Farms—etc.

#### *Part IV.<sup>1</sup>*

*Expedition against the Cherokees in 1760, under Gen. Hugh Waddell. Robert Gardner's (near Salisbury) statement, born in 1751-'52: Richard Dobbs, Governor.*

<sup>1</sup>From the *North-Carolina University Magazine*, I. (1852) 202-204, where it is printed under the title "Historical Memoranda. By the late Judge Murphy." "Through the kindness of a friend," says an introductory note, "we have been shown a large amount of the papers left by Judge Murphy."

Gen. Hugh Waddell was appointed to command the troops. They rendezvoused at Salisbury in the summer of 1760. The militia were collected from Rowan and the neighboring counties. There was a company of *Tuscarora* Indians that marched with Gen. Waddell. They were commanded by Capt. Cogdill. The troops marched late in the fall, by Keowee in the Tugalo, in South Carolina. At that place the troops of South Carolina joined Waddell. They thence marched along the foot of the Blue Ridge to the gap at the head of the Cowee (supposed to be Tennessee) river. They then crossed the Blue Ridge and went to the towns on Cowee, (probably six miles below where Franklin now stands,) known as the Underhill Towns, and destroyed them.

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*Rowan—Salisbury—Face of the country—Indian Traces—John Dunn—Cogdill.*

The County of Rowan was taken from Anson in 1753, and was named after *Robert Rowan*, a member of the council. The first settlers near Salisbury were Paul Biffle and John Whitesides, on Grant's Creek to the north; John Dunn, John Gardiner, Alexander Douglas and James Douglas on Crane Creek to the south of Salisbury. They settled in 1751. Mathew Locke, Francis Locke, John Brandon, Alexander Cathey and James Graham to the west, on the upper part of Grant's Creek to the north of Salisbury, before 1751.

The first mills on Grant's Creek were built by John Whitesides near its mouth. It is now owned by Alexander Long. Hugh Parker built the mill above, devised it to Thomas, William and John Frohock, and Spruce McCoy afterwards purchased. Grant's Creek took its name from a Mr. Grant, who settled near the head of the creek.

Crane Creek took its name from the great number of Cranes that came from the sand hills during the time of whortleberries, which abounded in the glades on this creek.

James Carter and Hugh Foster owned the land where Salisbury was established and it was by their influence the Court House was established at Salisbury. An effort was made to establish the Court House to the west of that place about two miles.

*Salisbury.*—Elias Brock and John Whitesides built the first Court House and Jail in Salisbury, on the ground where those buildings now stand. They were the first men that were put in the Jail after it was built. They were put in for debt. First settlers in Salisbury were Thomas Dougan, James Heggins and James Bowers.

*Face of the Country.*—The country was covered with pea vine, grass and cane. It had the appearance of the richest country. There were the buffalo, bears, etc., in the neighborhood.

*Hunting Grounds.*—This country was the hunting grounds of the Catawbas.

*Indian Traces.*—These generally run in the glades near the water courses, when they led in the right direction; thence through glades on the tops of ridges.

*Captain* ————— *Cogdill.*—He was appointed Clerk of Anson County Court. He came from the lower counties near Edenton, was a lawyer and had John Dunn as a deputy Clerk.

*John Dunn.*—He was an Irishman, and educated for a Roman priest. He left Ireland suddenly in consequence of some fracas, in which he was engaged, went on board a privateer and came to America. He married Mary Reid on Reid's creek, on the Yadkin in Rowan, and made shoes and kept school. He studied law and removed to Salisbury, where he followed his profession with great success. He married a second wife, Betsy Howard, then a third, Frank Petty, in Lincoln. All his children were by the first wife.—He was promoted to the rank of Col. of the militia; but when the Indian war broke out and the militia were to march against the Cherokees in 1760, he removed to the Cheraws and remained there two years, until the troubles were over.

When the revolution commenced he was suspected of being rather lukewarm, or inclining to the side of the disaffected. He was apprehended and taken a prisoner to South Carolina. At the same time a lawyer in Salisbury, named *Benjamin Boothe*, was apprehended and taken away with him. He (*Boothe*) was an Englishman.

Col. Dunn commanded the regiment from Rowan, that went to Hillsborough to protect the Court from the Regulators.

*Account of the Adventures of Colonel David Fanning.*<sup>1</sup>

In the summer of 1781, Fanning collected a party of twenty-five men on Brush Creek and Rocky river and proceeded to Pittsborough during the sitting of the County Court. He entered the Town whilst the Court was sitting, captured the Justices, Lawyers and all the men in Town. He brought them up to the west side of Deep river at Beck's, now called Cox's Ford. There he encamped for the night. On the next day, having received a reinforcement of fifteen men, he set out with his Prisoners, 44 in number, for Wilmington. Of the prisoners, three, John Williams, (London, Esq., attorney at Law,) Gen. Ambrose Ramsey, and Col. Griffiths, were permitted to ride, he taking their word of honor not to desert him.

On that evening they reached ten miles and encamped. On the second night, Stephen Lewis and John Short, two of the Tories deserted. They travelled by-ways and through the woods to McFall's mill on the waters of Raft Swamp, and before passing the Swamp two of the prisoners, Thomas Scurlock and Capt. James Herrin, who, Fanning feared would attempt to escape were hand-cuffed, and so continued to Wilmington. On the other side of the Swamp they met Col. McNeill with 150 men

<sup>1</sup>From the *North Carolina University Magazine*, II. (1853) 72-80. David Fanning (1754 or 55-1825), born in Virginia, lived in the upper part of South Carolina when the Revolutionary War began, and was a zealous Loyalist engaged in many conflicts in that region from 1775 to 1779. In the spring of 1779 he received a conditional pardon and retired to his home, but after the surrender of Charleston in May, 1780, he embodied a party of Tories, won several victories, took up his abode at Deep River, North Carolina, and began the series of adventures, accompanied by murder and depredation, which Murphey describes.

Fanning left a narrative of his adventures which was published in Richmond, Va., in 1861, edited by Thomas H. Wynne, with an introduction by John H. Wheeler, and reprinted in New York in 1865. It was printed again from the original manuscript in Toronto, in 1908, with an introduction and notes by A. W. Savary. For other accounts of Fanning, see *Biog. Hist. N. C.*, V. 90-97; Wheeler, *History of N. C.*, II. 84-85; Sabine, *Biographical Sketches of Loyalists of the American Revolution* (Boston, 1864), I. 417-418; E. W. Caruthers, *Revolutionary Incidents: and Sketches of Character, chiefly in the "Old North State"* (Philadelphia, 1854), *passim*.

In 1822 Murphey made an ineffectual effort through Archibald McBryde to obtain information from Fanning, who was then living in Nova Scotia. See *N. C. Univ. Mag.*, II. 71, 72.

returning from Wilmington. They continued their route on the western side of the river and encamped opposite to Wilmington.

Gen. Ramsey, John Williams, Esq., and Col. Griffiths who were on their parol of honor, were attended only by one man, Michael Pearson, and rode either before or behind the party as they pleased. At Wilmington they were paroled by Major Craig, and returned home. Thomas Scurlock died, and the other prisoners were sent by Major Craig to Charleston.

They remained at Wilmington three days, during which time he received a commission from Major Craig, of Lieut. Col., and a suit of rich regimentals, with suitable epaulets, sword and pistols. He set out on his return to Chatham, and at McFall's Mill, having encamped, intelligence was received by express that Col. Thomas Wade, of Anson county, with 600 men were at Betti's Bridge, on Drowning Creek, 20 miles south of McFall's Mill. The express reached the camp about eight bells at night. Fanning ordered his men to mount their horses and march immediately. At the dawn of day, ten miles north of Betti's Bridge, they came up with Col. Hector McNeil, having with him 300 men—the whole number then amounted to 340. Fanning took the command, and soon learning that Col. Wade had crossed the bridge to the eastern side of Drowning Creek, he turned to the right, and passed up a swamp to a crossway expecting to find Col. Wade between that swamp and the Creek. The crossway was distant about three-quarters of a mile from Betti's Bridge. Fanning halted at the crossway and gave notice of the order of battle. His men were directed to pass the crossway, two deep; and all having got over, Col. McNeill was ordered to turn down the swamp to the left towards the bridge to cut off Wade's retreat in that direction. He was ordered not to bring his men into action unless Fanning should be hard pressed and in danger of being defeated, but to watch the progress of the battle, and if Wade should be routed, by securing the pass to the bridge, to prevent his retreat and capture as many prisoners as possible. Fanning was to turn to the right from the end of the crossway with all the other men, and they were directed to follow him in the same order in which they passed the crossway until he should reach the extreme left

of Wade's line, when upon a signal to be given by him, they were to dismount and commence the fight. Eleven men were left to guard the crossway and prevent the escape of the horses; the swamp being impassable for many miles except at this crossway.

These orders being given, Fanning preceding his column passed the crossway, his men following him. As soon as he passed, he discovered Wade's men drawn up on the top of the hill, in line of battle. The ground was favorable for his attack. There was no undergrowth of bushes, and the pines were thinly scattered on the slope of the hill. Fanning immediately perceived the injudicious position which Wade had taken, and confident of victory rode on to the left of Wade's line. Before, however, he had proceeded as far as he had intended, one of his men was thrown from his horse, and in the act of falling, his gun fired. Instantly Wade's line fired, and eighteen horses belonging to Fanning's men were killed. Fanning wheeled, gave the signal to dismount, which was immediately observed by his men, who poured in a deadly fire upon Wade's line. Fanning rode along his line in front and ordered his men to advance upon every fire; and they continued to advance and fire until they got within twenty-five yards of Wade's line, when it suddenly broke, and the men fled in the utmost confusion, Fanning pursuing with activity, and expecting that their retreat by the bridge would be cut off by Col. McNeil he had no doubt of taking them all prisoners. To his astonishment, he found that Col. McNeil had not occupied the ground to which he was ordered; that he had passed down to the right of Wade's line, only a short distance, and left the way to the bridge open. Fanning pressed on the fugitives, and soon took 44 prisoners. He then directed a few of his men to mount, and with them he pursued Wade at full speed, for two or three miles. But Wade had fled at full speed and Fanning could not overtake him.

During this fight as well as upon every other occasion, Fanning displayed the most daring courage. Dressed in rich British uniform, he rode between the lines during all the fight, and gave his orders with the utmost coolness and presence of mind. It is strange that he had not been selected by some of Wade's men, as he was at the close of the fight not twenty yards distant

from them. He did not lose one of his men, only two or three were slightly wounded. As he ascended the hill, Wade's men shot over his, and when he approached the summit, Wade's men were so panic struck, that they fired without aim. Wade lost 27 killed, and of the prisoners taken, several died of their wounds.

The battle was fought about 10 o'clock in the forenoon, on the — day of July, 1781. It is said that Wade had 600 men; Fanning fought the battle with 240 men, for the detachment under Col. McNeil was not engaged. Orders were given for burying the dead, and the wounded were placed under the care of Fanning's surgeons.

Among the prisoners taken was Joseph Hayes. He was recognized by Capt. Elrod, of Fanning's party. Elrod alleged that Hayes had plundered his house and ill-treated his family, and Hayes was ordered to be instantly hanged. The order was executed. Hayes after hanging fifteen minutes, was cut down. One of the surgeons being present, thought that he could resuscitate him, and determined to make the trial. Perceiving the appearance of returning life, he informed Elrod of the fact, and Elrod told him to persevere. He did so, and Hayes was restored to life.

In the evening Fanning set out on his return. During his march on the next day, an incident occurred which is worthy of being recorded, as furnishing some relief to the painful scenes which the country was then witnessing. A scouting party apprehended Col. Thomas Dougan,<sup>1</sup> of Randolph county, and brought him to Fanning. He had been sent by the whigs of the upper counties to learn the situation of affairs on Drowning Creek, the strength and position of the tories, and their plans of operation. He was beloved by the people of his county, both parties regarded him as an upright man, and a friend to his country; and those who differed from him in opinion as to the combat in which they were engaged, abated neither their esteem nor affection for him. With Fanning were several of his intimate acquaintances and personal friends, who all knowing that by the custom of the times, men taken under circum-

<sup>1</sup>Misprinted *Dargan* in the *N. C. Univ. Mag.* See correction in *ibid.*, II. 144.



stances like his were immediately hanged, apprehended the same fate would attend him. They resolved to make a generous effort to save him. Trials, often upon such occasions, were short and their execution prompt. Col. Dougan was brought forward, his case was heard in a few minutes, and Fanning ordered him to be hung. Dougan's friends interposed their entreaties, and whilst they were imploring Fanning to spare his life, he was mounted on a horse with a rope around his neck, and placed under the limb of the tree to which he was to be suspended. At this moment one of his friends, finding entreaties unavailing, told Fanning in peremptory terms, that if Dougan was hanged, he would instantly shoot him. A general mutiny was threatened, when Fanning resolved to leave Dougan's fate to the decision of the forty men who had attended him in all his expeditions: they divided, and a majority declared in Dougan's favor. He was then taken down and treated as a prisoner.

At McFall's Mill, Col. McNeil and Fanning separated; the latter with his forty men, returned to Beck's Ford, on Deep River, where his men dispersed, and part of them retired to their respective homes. The prisoners taken at Betti's Bridge with Col. Dougan, were left with Col. McNeil to be sent to Wilmington.

During the time Fanning remained in the neighborhood of Beck's Ford, Stephen Lewis and ——— Short, who had deserted him on his march to Wilmington, returned to his camp. He reproached them for their desertion, and told Lewis he would put him to death; that his men must be true to him as he intended to be true to them: that as they were at liberty to punish him with death the moment he should prove unfaithful to them, so he would punish with death those who would prove unfaithful to him. Lewis treated his admonition as well as his threat with levity. Fanning raised his gun, and standing within a few feet of Lewis took deliberate aim at him: his gun snapped; he then drew his sword and made a pass at Lewis's head, and cut him severely. Some of Fanning's men rushed in and prevented a repetition of the blow, and Lewis's life was spared. It was by such prompt, decisive conduct, and by a constant display of energy, firmness and daring courage, that he sought to win the esteem and attachment of his men; and

such was his success, that many followed his fortunes who disapproved of his barbarous cruelties, being led on by their admiration of his extraordinary qualities—they thought him invincible, and that with a handful of men, he could defeat large detachments.

Capt. Roper, of Chatham, collected a small party of whigs and marched up Deep River to attack Fanning, who was still at Beck's Ford. Fanning seeing some of Roper's men on the opposite side of the river, attempted to cross the river, accompanied only by Short. As soon as they entered the river, they were fired on and Short wounded. They retreated, and directing his men to mount and follow him, he hastened to a ford a few miles above, where he crossed; and being acquainted with all the paths and roads of the neighborhood, he went down the river along a small path, expecting to find Roper still at Beck's Ford. In this he was disappointed. Roper retired down the river in haste, and Fanning pursued him till late at night, when he abandoned the pursuit. He then had with him only twenty-three or four men. On the next day he proceeded down the river and took Moore, of Hillsborough, a prisoner. He was an inoffensive man, and at the solicitation of one of his men, who was acquainted with Moore, Fanning paroled him. On the same day he took Wyat and Tomlinson prisoners, near the Gulph on Deep River, and as they were connected with an active whig family, he resolved to hang them. They were placed in a cart with ropes round their necks. The cart was driven partly through a gate, to the top-piece of which the ropes were about to be fastened, and then when they were about to be swung off, some of Fanning's men who knew them, interfered and saved them. He left their fate, as he had done that of Col. Dugan, to the decision of his followers. Fanning immediately set out for Wilmington, and took Wyat and Tomlinson on with him as prisoners, and delivered them to Major Craig.

He remained at Wilmington five days. His camp was near the brick house at Belvidere. Here an incident occurred which marked the peculiar traits of his character. He sent three of his men to bring water. At the spring they met with some British soldiers, and owing to some difference with them, they were put under guard. Fanning was informed of this fact, and

he immediately ordered three British soldiers who were in his camp to be placed under guard, and gave notice to the officer who commanded at Belvidere of what he had done, and that he should retain those men until his were returned. The officer indignant at his insolence, drew his sword and hastened to Fanning's camp. Fanning was lying in a tent, and the officer entering the tent, inquired whether he was Col. Fanning, who dared to arrest and place under guard three British soldiers. Fanning answered that he was the man. The officer raised his sword and made a pass at him, which Fanning eluded by his agility; and having grasped his sword as he arose, he pointed it to the breast of the officer, and swore he would run him through if he attempted again to lift his sword. The officer saw the danger which threatened him. They entered into conversation, and then into explanations, which ended in a declaration made by Fanning, that he would retain the officer until his men were returned. A soldier was immediately dispatched for Fanning's men, and upon their return to camp, the officer and British soldiers were discharged.

On his way from Wilmington, he encamped near Mrs. Glascock's in Moore county. Here he received information that a party of men had assembled at the house of Col. Philip Alston on Deep River in Chatham county. Alston was a Whig and lived in continued apprehension of an attack by the Tories, and these men had assembled to protect Alston and prevent the Tories from plundering his house. Fanning immediately set out for Alston's, and reached his house at daybreak. A high fence surrounded the house, and the sentinels placed at the gates on each side of the yard were asleep. Those at one of the gates were immediately taken prisoners. Those at the other being awakened, ran into the piazza of the house, where most of the men were lying. They were fired on, and as soon as they could get within the house, the doors were closed, and each party continued to fire at the other until late in the evening. The windows of the house were all demolished, and a number of bullets penetrated quite through the sides of the house and wounded the men within. Knowing Fanning's character, they believed it to be a struggle for life, and they chose rather to perish in making a desperate defence, than to submit and be hanged.

Fanning finding his attack upon the house unsuccessful, determined to set fire to it, and sent a negro with fire for that purpose. Alston perceiving it, immediately saw the consequences. At this moment the door opened and Mrs. Alston went out and implored Fanning not to burn the house, and told him her husband and the men with him would surrender if he would spare their lives. Much as Fanning delighted in carnage, he on many occasions shewed his respect for a brave foe. He declared, if they would surrender, they should not be ill-treated. Mrs. Alston returned into the house and upon making known Fanning's declaration, the men came out and surrendered. Fanning immediately paroled them.

During the fight, Captain Andrews, a British officer, who had accompanied Fanning from Wilmington, climbed up the fence, that he might shoot with more effect through a window of the house. As he stood on the fence, one of the men in the house shot him through the head. It is said that a company of Whigs under Capt. Duck were lying near Alston's house and heard the firing from the morning till evening and feared to come to Alston's relief. Fanning had twenty-four men, including Captain Andrews. Some of them were slightly wounded. Twenty-six men surrendered to him.

#### *Anecdotes of Fanning.*

William Lindley was one of Fanning's favorite friends, and one of his captains. He was a respectable man and beloved by his neighbors, and took no part in Fanning's cruelties. Towards the close of the war, when the Tories began to think that the Whigs would eventually triumph, Lindley, with many others of the Tories, thought it prudent to leave the part of the country where they were known and retire to distant parts. Lindley crossed the Blue Ridge and determined to remain on New River until the fate of the war was determined. During his command under Fanning, he had given some offence to William White and John Magaherty, two of the Tories belonging to Fanning's party. They pursued Lindley and killed him. Upon their return, Fanning having heard of the murder of his friend, resolved to hang them as soon as he could apprehend

them. In a little time White and Magaherty fell into his hands, and he hanged them together on the same limb.

White's wife was pregnant. He gave her a particular account of the murder of Lindley, describing the wounds on his head and the loss of the fingers of one of his hands, which were cut off by the sword in his attempt to save his head from the blow. The story made such an impression on White's wife, that her child when born exhibited a remarkable appearance—had marks on its head, and the fingers of one hand were declared by the mother to be precisely such as White had described to her to have been those of Lindley.

About the same time he murdered in the most cruel manner many respectable men, who had taken an active part with the Whigs, and many inoffensive men who had taken no part on either side. Towards the close of the war, he made no attempt to collect an imposing force and meet his enemy like a brave man in the field: he degenerated into a cruel murderer, and took pleasure in nothing but the shedding of blood. He seldom had with him more than fifteen or twenty men, and generally not more than five or six. With them he scoured the country, murdered the inhabitants, burnt their houses, and wantonly destroyed their property. In one of these predatory and murderous excursions, he went to the house of Andrew Balfour, which he had plundered three years before. Stephen Cole, one of Balfour's neighbors, hearing of his approach and apprised of his intention, rode at full speed to Balfour's house and gave him notice of the danger that threatened him. Balfour had scarcely stepped out of his house before he saw Fanning galloping up. He ran, but one of Fanning's party, named Absalom Antry, fired at him with his rifle and broke his arm. He returned to the house and entered it, and his sister and daughter clung to him in despair. Fanning and his men immediately entered and tore away the women, threw them on the floor and held them under their feet till they shot Balfour. He fell on the floor, and Fanning taking a pistol shot him through the head.

They then went to Col. Collins' [Collier's] and not finding him at home, they burnt his house. From that place they proceeded to John Bryant's. He closed his doors; they called on him to

come out and surrender. He refused. They then threatened to burn his house. He agreed to surrender himself, if they would treat him as a prisoner of war, which they promised to do. Bryant came out and they instantly shot him down.

On the same day they overtook a young man by the name of Daniel Clifton, who had been down the Pedee to visit some of his relations, and was then returning home to Virginia. They took him as a prisoner, and passing by the same tree on which Fanning had hanged White and Magaherty, they halted for a few minutes and hung Clifton on the same limb.

The heart sickens at the recital of such barbarous acts. As the hopes of the Tories declined, Fanning became more and more furious. Many of his followers were so much shocked with his cruelties, that they abandoned him. A few equally furious and blood-thirsty with himself, adhered to him and spread terror over a large district of country. Parties of Whigs were in constant pursuit of them; but being always vigilant, and mounted on the best of horses, they always eluded the pursuit.

The last of Fanning's adventures was the taking and escape of Andrew Hunter. He had heard of some remarks that Hunter had made about him and he resolved to murder him. Hunter lived on Little River in Randolph, and in company with John Latham, one of his neighbors, had left home with a cart to get some salt and other necessaries on Pedee. He was overtaken by Fanning, and ordered immediately to prepare for death. Hunter and Latham had some provisions in the cart, which were taken out and Fanning and his men sat down on the side of the road to eat, directing Hunter to remain between them and the cart. Fifteen minutes were allowed to Hunter to prepare for death. The rope for hanging him was thrown down at his feet, and in this situation he was left whilst they were eating. A little before the fifteen minutes expired, one of the men by the name of Smally rose up, with his gun in his hand, and Hunter begged him to entreat Fanning to spare his life. As they conversed, they advanced a few feet. Hunter saw Fanning's mare, the Red Doe, standing close by, with her bridle thrown over a small bush. Upon Smally's telling him there was no hope for him, he leaped forward, vaulted into Fanning's saddle, and with his left hand disengaged the bridle

from the bush. The mare did not readily start. Orders were instantly given to fire on him. Smally fired at him at the distance of a few paces, and missed him. The firing of the gun put the mare in motion, and she being Fanning's favorite nag, he called to the others to fire high and not wound his mare. Three more guns were fired and Hunter was still unhurt. The fifth gun lodged a bullet in his shoulder, which disabled his left arm. He pressed forward, and was closely pursued for a mile, when he got so far ahead that they lost sight of him. He kept the road for two miles, when he turned into the woods and rode ten miles further to the house of Nath'l Steed, bleeding profusely all the way. As soon as he alighted he fainted. Steed collected a party of men to guard him, and sent for a physician who dressed his wound. Within a few days he was removed to Salisbury, where the ball was extracted and he got well.

Fanning, in the hurry of pursuit, neglected to trace the blood which marked the route of Hunter, and continued up the road to Hunter's house. Finding that Hunter had escaped and that his mare with the brace of pistols presented to him by Major Craig at Wilmington, were lost, [he] determined to wreak his vengeance upon Hunter's family. He took Mrs. Hunter, then far advanced in pregnancy, and all Hunter's negroes, after plundering the house, and conducted them to a lonely place in the woods in the county of Moore on Bear Creek. From this place he despatched a messenger to Hunter, with an offer to return his wife and negroes, if Hunter would send back his mare and pistols. Hunter returned for answer that the mare had been sent away and he could not get her. This answer was delivered to Fanning in the evening of the fifth day, after he had taken up camp in the woods in Moore. The sun was about half an hour high, when the answer was returned; and Fanning immediately mounted and went off, taking with him Hunter's negroes, and leaving Mrs. Hunter alone. Smally, after proceeding a short distance, returned to Mrs. Hunter and informed her where she would find a path near to the camp which led to a house not far distant. Mrs. Hunter proceeded to the House, where she was kindly treated, and from which she was sent home. It is probable from this conduct of Smally,

that Hunter's entreaties at the cart had weight upon his feelings, and that when he fired on Hunter, he intentionally missed him. Hunter is yet living. He has long resided in South Carolina on the Pedee River, above Mars' Bluff. He is a man of respectability and wealth, and his adventure with Fanning has not ceased to this day, to be an interesting topic of conversation to his friends.

Fanning immediately retired to his Tory friends in South Carolina, and remaining with them a short time, he proceeded to Charleston and joined the British army. He shortly afterwards went to St. Augustine, and thence to Nova Scotia, where it is understood he is still living.

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*Autobiography of Colonel William Polk.<sup>1</sup>*

William Polk is a descendant of a family who emigrated from Ireland about the year 1722 and settled on the Eastern Shore of Maryland; where they resided until about the year 1740 when they removed into the State of Pennsylvania and in the neighbourhood of Carlisle. Thomas the third son of William and Margaret, a young man of great athleticness, of much energy of both mind and body; could not bear the dull pursuit of a Pennsylvania farmer, especially in a section where nothing was presented which promised to better his situation; left his parents about the year 1753 to seek his fortune in a country that furnished greater scope to his active mind. In company with several young men, he traversed the country bordering on the East of the Blue ridge crossing the Dan and Yadkin until he fell in upon Sugau or Sugar creek a branch of the Catawba River; in the neighbourhood of which there were a few settlements. Here he made a permanent location of himself. In 1775 he married Susanah Spratt the daughter of a respectable farmer, who had emigrated from Pennsylvania about the same time, by whom he had nine children. Having no other than an English education himself, and but very little of that; he was desirous to bestow on his children all the erudition the country in which he was settled would afford; by his industry and

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<sup>1</sup>A. D. William Polk Mss., Library of Congress.



enterprise; he soon acquired property and with it, an extensive popularity which he continued to enjoy untill his death. Under his patronage an academy was established in the year 1769 in his immediate neighbourhood; and was amongst the first perhaps the very first; that existed in the then Province. In the year           whilst he was a member of the Assembly he had an Act passed establishing Queens College in the Town of Charlotte; where most of the youth of the West received an education; and which flour[ished]<sup>1</sup> untill the British Army took possession of the place, and burnt the College buildings. William his eldest Son the subject of this memoir was born on the 9th of July 1758 in the County of Mecklenburg near to the Town of Charlotte, (and on the Lands now owned and occupied by his eldest Son Thomas). At an early age, he was sent to an english school; and for several years gave no evidence of genius or aptitude for learning; his mind was fixed upon play and frolick, with an unconquerable passion and propensity for innocent mischief; which he was in the daily act of exercising amongst his school fellows to their great annoyance; for which he often and perhaps too often, received the severest chastisement. At the age of 14 he was entered in a grammar school; and afterwards in Queens College; where he continued untill hostilities commenced between the Colonies and Great Britain. In April 1775 whilst a student in College he was appointed a second Lieutenant in the 2d company of the third South Carolina Regiment, under Continental establishment, commanded by Col. Wm. Thomson, known by the nick name of "Old Colonel danger." The company to which he was attached was recruited within less than a month after the Officers received their commissions, and was composed of about an equal portion of North and South Carolinians. This company with one other of the same Regiment, was ordered immediately on its completion to 96, to keep in check a spirit of insurrection, that was growing in that section of the State. In June the company was ordered to Dorchester 20 miles from Charleston and in August to Granby on the Congaree River, where the whole Regiment was concentrated, to watch the motions and keep in check the Tories inhabiting the District of Orangeburgh and those living on the

<sup>1</sup>The MS. is here torn.

waters of the Broad and Saluda Rivers. Whilst at this place Lieutenant Polk who had become a favourite with "Old danger" was detached upon several enterprises against the Tories, in one of which he was fortunate enough to surprise and take Colonel Fletcher a principal leader and chief among the Tories of South Carolina. About the first of December Col. Williamson was ordered to call out a portion of his Regiment, to disperse a camp of Tories on the Saluda; he was however soon compelled to seek his own and his mens safety by occupying the Court House and Jail at 96, around which he erected a Stockaid and in which he was besieged for 10 or 15 days. Thomsons Regiment with the South Carolina Militia under the command of Brigadier General Richard Richardson was ordered to the relief of Williamson. On the approach of the Army which was composed of North and South Carolinians,<sup>1</sup> the siege was raised and about 400 of the Tories in a body fell back upon Reedy River, where on the 22d of December 1775 they were surprised, and the whole with but a very few exceptions were made prisoners. Col. Thomson who had the command of the detachment, understanding that a Captain York had left the Tory camp the day before with about 30 men for the purpose of getting Meal, left Lieut. Polk with 30 men, who was joined by a number of volunteer Militia to intercept York on his return. This honourable command to a youth of 17 years, was bestowed by the Colonel on account of his having executed several orders of his, of a similar nature, much to his satisfaction, and whom the Colonel was in the habit of calling his young Partizan Lieutenant. In the evening of the same day York's party was surprised on their march about a mile from the Camp and the whole made prisoners, with the exception of two, who were better mounted than their companions. Lieut. Polk with Major William Henderson a volunteer, who since commanded the South Carolina State Brigade at the battle of

<sup>1</sup>"The troops from North Carolina consisted of two companies of Regulars under Lieutenant Col. Alex. Martin. The Mecklenburg Regt of Militia under Colonel Thomas Polk, the Rowan Regt under Col. Griffith Rutherford, and the Tryon Regt under Col. Thomas Neel.

"Regulars under Martin	—————	160.
Militia ——— Mecklenburg	—————	300
do. ——— Rowan	—————	200
do. ——— Tryon	—————	100."

— Note in the original MS.

Eutaw, gave chase to these two, and after a race of nearly two miles through the woods, the hindmost of the Tories was fired on at about 30 steps by the Lieutenant without effect. Being in advance of Henderson who soon came up, he cried out, "jump on your horse, and we will soon overtake them," not sooner said than done; the horse was mounted without waiting to load the Gun, and pushing on overtook and passed Henderson and soon afterwards came up with the person at whom he had just discharged his piece, who stopped short, wheeled and fired when within about 10 feet; the ball passing through the joint of the left shoulder, threw him from his Horse on the ground, but he was almost instantly up, and on his feet; his antagonist as he passed made a deadly stroke with his gun at the head of his foe, but was evaded by a timely dodge. Major Henderson soon came up, and learning the state of the wound, recommended that he should remount and return to the Camp which was done without being aided to get up; holding the broken arm with the right hand rode on to the Camp upwards of two miles suffering his Horse to follow Henderson's. When at Camp there was no Surgeon to dress the wound, the bullet holes were plugged with tow from the shot bags of the Soldiers, and in this situation without a Tent other than a Blanket, he lay during the night in a snow storm of 13 inches deep in the morning. Twenty miles from Head quarters and in a wilderness, without even an axe to make a litter, he was put on a Horse with a man placed behind to support him and rode ten miles, when he was met by a Surgeon and a sledge or slide which conveyed him to H[ead] Quarters, where he was received by his Colonel, in *silent sorrow*, which was shewn by the big tear trinkling down his manly and furrowed cheek. From this place he was carried on a litter to the house of his Father a distance of 120 miles. In consequence of the exposure in the first instance to the cold and snow, and want of Surgical assistance, large cavities formed from the wound from 4 to 6 inches down the breast back and arm. Compelled to lye on his back for nine months, the consequence was, the back, shoulders and hips were flayed for three or four inches, and dressed for two months as regular as the wound. Being young and possessing an excellent constitution, with the skill of two excellent Sur-

geons and Physicians, aided too by the attention of his parents and a beloved Sister who oftentimes dressed his wounds, after a bed confinement of ten months, he was permitted to leave his room upon a pair of supporters more like stilts than legs. It is not unworthy of notice, that Lieut. Polk's was the first American blood spilt south of Lexington in Massachusetts.

On the 26th of November 1776 he was elected by the Convention at Halifax, a Major in the 9th Regiment then enacted to be raised, on the Continental establishment; having resigned his commission of Lieutenant in the South Carolina line; he joined his Regiment at Halifax in March 1777, when the whole Regiments of the State had been ordered to rendezvous, preparatory to their march to join the Grand Army under Gen. Washington in New York. The Regiment in which he was appointed had then only about half its compliment of men, and it was ordered by Gen. Nash, that only one field officer of the Regiment should march with the men. Col. Williams and Lieut.-Col. Luteril, both of whom had families and who were the Col. and Lieut. Col. of the 9th Regt, agreed to remain and superintend the recruiting service, when Major Polk in his eighteenth year took the command of the four companies to which the Regiment had been consolidated, and marched them with the 3d division of the Line of the State, into the Jerseys, where they joined the Army under Gen. Washington whilst on his march to meet Howe at the Head of Elk. He was in the Battles of Brandywine and Germanton; in the latter he was shot in the mouth near the close of the action whilst in the act of giving a command; the Ball ranged with the upper jaw and lodged nearly in a line with the ear, knocking out four Jaw teeth and shattering the Jaw bones. In March 1778 the Regiments composing the North Carolina Brigade in consequence of short enlistments and deaths had become so reduced as made it necessary, the whole should be reduced into two Regiments, and the supernumary Officers return to the State to aid in and superintend the recruiting service. The bussiness of recruiting went on heavily; the amor patriae and enthusiasm which brought soldiers into the Army at the commencement of the War, had very much abated—besides the money had so much depreciated, that it was considered next to no consideration as a bounty. The

Legislature of the State, (how correct is not necessary now to investigate,) passed an act reducing the number of Regiments from Nine to four, and directing therein, that the Officers should go out of Office by Lot. It was Major Polk's misfortune, (for such he considered it,) to be of that number, who were obliged to retire. He was nevertheless, ever active in some way or other. When Gen. Gates took command of the Southern Army, he attached himself to Major General Caswells family and was at the defeat, where he rendered essential services, in conducting the retreat of a part of Regular troops and Militia, through the woods, in which he but a short time before passed through in company with Major Davie, who with about thirty men and Major Polk with about the same number, volunteers from Mecklenburg County, had taken Post at the Waxhaw creek to cover that section of Country; understanding that Col. Patterson had taken a position at the hanging rock creek on the road leading from Charlotte to Camden with about 500 British Infantry, and that a regular communication was kept up between his encampment and Camden, they formed the plan of intercepting the transportations and stopping the every day intercourse. They accordingly with forty men passed in the night on the right of Pattersons encampment and took a station seven miles below at the great flat rock, where they remained one day, during which seventeen men of royal militia and one of Coffins Dragoons were made prisoners and seven waggons loaded with provisions and spirits for Pattersons corps were destroyed. In the evening about dusk, the party left their position for their encampment on the Waxsaw creek, and after travelling eight miles, were ambuscaded in a narrow lane, by a company of British Fuzaleers and fifty of Royal Militia. One of the front guard seeing a man within the field in a lock of the fence, demanded of him who he was; not receiving an immediate answer, Majors Davie and Polk, with their guide Capt. Petty coming up, and being again asked who he was, answered "Solomon Deason."<sup>1</sup> Petty who knew him well, was

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<sup>1</sup>In the year 1785 Col. Polk then residing at Nashville was invited by Captain Baseley to visit his Barge then lying about five miles below the Town on Cumberland River, which had just arived, with several other Gentlemen of the place, where Capt. Baseley promised to treat them with a glass of Madera Wine, the first ever seen in the country. The Colonel on his return with several others all pretty

in the act of firing at him, when he was shot by a man a few feet further on. Major Polk sensible of its being an ambuscade, gave orders to advance only four of the front guard and himself went through the lane. Having gone back ten or twenty yards from the place where Petty was shot, with a view of getting his men to advance, was on his return fired at by the Man who was first seen by the advance, and lodged a bullet and three Buck shot in the neck of his Horse, who fell but rose almost instantly, and as he rose the Major sprung upon him, and dashed through six or eight of the enemy who had got into the lane, and joined his men who had passed through before him. Halting, to ascertain the fate of their companions, the tread of feet was heard advancing; concealing himself and another of his party in a low dark hollow, the enemy were suffered to advance to within ten or fifteen yards and fired on. Both parties retreated the enemy leaving one more killed on the ground. The Major thus situated without a hope of joining his friends, in an enemies country, without a guide, and thirty miles from his camp, with a wounded horse unable to carry him, was placed in a perilous situation. He knew that no time was to be lost in endeavouring to regain his camp; he set forwards avoiding roads and houses, on foot making one of the soldiers drive his horse, and from the want of knowledge of the country, had not advanced more than ten miles at day light the next morning. Persuing his way through the woods, he was enabled without further accident to make his encampment late in the evening, where he had the happiness to find Major Davie, who had arrived some hours before, with the loss of one man killed and six wounded. Major Polk afterwards in conjunction with Lieut. Col. Wm. Lee Davidson of the North Carolina Line, (to whom a Brevet commission of Brigadier General in the militia had been given) took command of a body of volunteer militia from the Counties Mecklenburg

gay, saw a glimmering light through the Cane; dashing forward to a cabin from whence the light issued, jumping from his horse and entering the house, demanding who lived there was answered by a man six feet two or three inches high—Solomon Deason. Almost as soon as the words were spoken, Col. Polk picked up the stool from which Deason had risen, knocked him down, and was continuing his strokes, notwithstanding the shrieks of his family, when he was prevented from further blows by the Gentlemen of his party. This was the first time he had heard of Deason since the night he was fired at in the Lane.”—Note in the original MS.

Rowan Iredell and Lincoln, and was riding along side of the General when he was killed the morning the British crossed the Catawba River at Cowens ford. He afterwards attached himself to Gen. Pickens whom he recommended to the Militia of North Carolina at Salem when on their march after Lord Cornwallis. The General had a few South Carolina and Georgia refugees with him. With Pickens he remained until the Gen. left Green's Army. Soon after the battle of Guilford, and at his return to Mecklenburg, he received a commission of Lieutenant Colonel commandant from the Governor of South Carolina, the Regiment to be composed of mounted Infantry and Swordsmen, with authority to nominate and commission the Captains and Subalterns. In less than a month from the receipt of his commission, he marched into South Carolina with two thirds of the complement of his Regiment, and a few days afterwards in conjunction with Col. Hampton, surprised the British Post at Fridays Ferry on the Congaree, after a march of sixty miles in seventeen hours. Twenty-seven of the enemy were killed and the Block house burned in sight of the Garrison at Granby in which there were three hundred British soldiers. He soon afterwards joined Gen. Greene at Fort Motte, which capitulated the second day of the siege. He then marched to Orangeburg under the orders of Gen. Sumter, where were one hundred and twelve soldiers, who surrendered so soon as the place was invested. Col. Polk covered the left wing of the American Army under Gen. Green at the Battle of Eutaw and with Col. Hampton, charged the rooting party of two hundred men, every one of whom were killed, wounded or taken. In this charge Col. Polk's horse was shot dead and fell upon him—confining him closely to the ground, in which situation a British soldier was in the act of plunging his Bayonet into him, when he was cut down by a favourite sergeant of his Regiment. His Brother Lieut. Thomas Polk was killed in this action. After this Battle the British fell back on Charleston, holding only the Posts at Dorchester and Watboo. At the latter there were five hundred Infantry and one hundred and twenty Cavalry. Col. Lee, and the two Hamptons were sent into the Neck, whilst Polk, Horry and Maham were pushed down to invest the works around Watboo Church. The Bridges were burnt, causeways

torn up and some small River craft in Watboo creek destroyed in front of the enemy in the morning. The party afterwards fell back in the rear of the Garrison about a mile to wait the arrival of Gen. Sumter who was on his march with some field pieces. Soon after the troops were halted and preparing for Breakfast, the *videts* gave notice of the advance of the British Cavalry—who made a furious charge, but was received by a well directed fire from the Infantry which threw them into confusion; they were then charged in turn by the American Cavalry who followed them under the Guns of the fort. Two officers and ten men were taken. The Fort was that night evacuated and the Church and all the buildings set on fire. The arrival of Sumter on the evening and in the morning, being joined by Lee and the two Hamptons, the enemy were persued as far as Quinby, where the battle under that name was fought. This was the last action which Col. Polk was in, and in *this service* he closed his Military career with the conclusion of the War and declaration of Peace.

In 1783 Col. Polk was appointed by the Legislature of North Carolina Surveyor General of the Middle District in the now State of Tennessee. He went to the country in December of the same year, and took up his residence and fixed his Office at the French Lick Fort, the scite on which Nashville stands. Here he remained untill 1786 during which time he was twice elected a member of the H[ouse of] Commons for Davidson County. The Indians carried on a War of murder, to such extent as to threaten an abandonment of the country and such as to effectually put a stop to the Surveying bussiness. During his serving as a member, he had influence enough to have a Battalion of four companies raised for one year for the defence of the Cumberland settlements. In 1787 he was elected to the General Assembly from his native County Mecklenburg, which he continued to represent, until he was nominated by President Washington and appointed by the Senate Supervisor for the District of North Carolina, which Office he held for seventeen years embracing the admin[istratio]ns of Washington, Adams and Jefferson, and untill the Internal revenue Laws were repealed. From his strict attention to the duties of his Office, his method of doing bussiness, and selection of character to fill the office



of Collectors, it is remarkable and much to his credit, that during this term of seventeen years in which a Revenue of upwards of two Millions of dollars was collected and passed through his hands, the Government sustained a loss of less than \$400.

In the year 1789 he united himself in marriage with Miss Grizel Gilchrist, the daughter of a Scotch Merchant and Grand daughter of the celebrated Lawyer Robert Jones of Halifax by whom he had two Sons Thomas Gilchrist and William Julius. His Wife dying in 1799, he removed soon afterwards to the City of Raleigh with his Office and in 1801 married Miss Sarah Hawkins daughter of Col. Phil. Hawkins and sister of the late Governor Hawkins.<sup>1</sup> In 1811 whilst attending to his landed interest in the State of Tennessee he was elected a Director of the State Bank of North Carolina and by the Directors President thereof, which office he filled until the year 1819 when he resigned, in order that he might give more of his time and personal attention to his landed estate in Tennessee where he holds more than one hundred thousand Acres of Land. The Directors in order to retain his services as President, proposed to give him leave of absence until he could place his business upon such a footing as would not require so much of his future attention. He however did not accept the offer, believing it to be the duty of Salary Officers always to be at their Post. During the last war with Great Britain he was nominated and appointed a Brigadier General in the Army of the United States, which he did not think proper to accept, and was afterwards enquired of by a Senator from the State, whether he would accept of the Major Generals commission which had been tendered to Gen. Davie.

From 1814 to the present time Mr. M[urphey] knows every incident appertaining to the Life of W[illiam] P[olk] which may be found requisite [for]<sup>2</sup> him to publish. Mr. M[urphey] will fill the vacancy.

<sup>1</sup>"This may or may not be inserted at the will of Mr. M[urphey]. By whom he had eleven children—Viz Lucius Junius, Leonidas, Mary Brown, Alexander Hamilton, John Hawkins, Rufus King, George Washington, Philemon Hawkins, Susan Spratt, Andrew Jackson, Sarah Hawkins, and Charles James."—Note in the original MS.

<sup>2</sup>The MS. is here torn.

*Anecdote.*

After the British had retired into Charleston neck and occupying posts in and around Charleston, from twenty to thirty miles, and Gen. Green had fallen down to Beacons Bridge Col. Polk had obtained a Furlough for a few weeks to visit his friends in Mecklenburg. On his return to H[ead] Quarters about fifteen miles from Camden on the road leading to Charlotte and Fayetteville and before the roads seperated going to each of those places—having none but his Servant with him—he saw to his surprise within fifty yards of him two persons dressed in British uniforms advancing towards him. Each rode on untill they met. Col. Polk in the mean time had drawn a pistol, and when within ten feet commanded them to stop and give an account of themselves. A disposi[tion] was shewn by one of them to draw a pistol, but upon being told if he attemp[ted] that death would instantly follow—after making them dismount from two starved ponies, they acknowledged they were from Charleston bound for Fayetteville, that one was a Captain and the other an Ensign of Hamilton's North Carolina Royal Regt—that presuming upon the Country being subjugated, (except some Posts which they had evaded,) were bound on a visit to Fayetteville to see their friends on Furlough. They were made to wheel to the right about and delivered the same day to the commanding Off[ice]r at Camden, by whom they were sent to head Quarters and remained prisoners until the General exch[ange].<sup>1</sup>

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<sup>1</sup>A good sketch of Col. Polk's life may be found in Ashe, ed., *Biog. Hist. of N. C.*, II. 361-368.

*Petition of the Rev. John Debow to the General Assembly.*<sup>1</sup>

To y' general Assembly of y' State of North Carolina The petition of y' subscriber wou'd humbly shew, his need of your assistance, in order to carry on with advantage what might be productive of good consequences in this State, in case a University shoud hereafter be established. Namely y' education of Youth, in y' mean time, in y' Languages and Sciences. Your petitioner is under an obligation, of trust reposed in him, to use his influence for the promotion of education. Gratuities from Gentlemen residing in Pensylvania, more than 500£ are committed to his care and management, for y' express purpose of educating poor and pious youth in North Carolina. Pursuant

<sup>1</sup>A.D., New York Public Library, Emmet Coll. This MS. came from Murphey's papers. John Debow (1745-1783), Murphey's uncle, was descended from Hendrik de Boog, of Amsterdam, Holland. The name of his family appears in at least thirty forms in records I have consulted. Two sons and two daughters of Hendrik emigrated as early as 1649 to New Amsterdam, where one of the daughters married William Beekman, a high official of the colony, and one of the sons, Frederick, became a trader and sailed a vessel on the Hudson River. Frederick's son Solomon had a son named Frederick who removed from New York to Freehold, N. J., about 1715, and kept an inn there. Solomon Debow, son of the second Frederick, went to North Carolina about 1753 and settled on Hico Creek, in what is now Caswell County. He became a planter of considerable means. His son John, born in New Jersey and graduated at Princeton in 1772, was pastor of the Presbyterian churches at Oxford and Mount Bethel, N. J., for a short time, and in the fall of 1775 was sent to North Carolina as a missionary. He succeeded Rev. Henry Patillo as pastor and teacher in the congregations at Hawfields and Eno in Orange County. "Under his ministry," says Foote, "there was a revival of religion, and a goodly number were added to the churches." Nothing is known of the school which he proposed to establish. During the Revolutionary War Rev. John Debow sympathized with the Whigs and served as chaplain in the militia.—Munsell, *American Ancestry*, VIII. 38, 133; *New York Genealogical and Biographical Record*, XIX. 42; records of the Dutch Reformed Church of New York, printed in *Coll. N. Y. Gen. and Biog. Society*; Valentine, *History of the City of New York*, pp. 114, 328; will of Frederick Hendrick d'Boogh, Surrogate's office, New York City, Liber 19B, pp. 172, 173; *Year-Book of the Holland Society*, 1899, pp. 148, 158; *ibid.*, 1904, pp. 6, 21, 40; Salter, *History of Monmouth and Ocean Counties, N. J.*, p. xxiii; Symmes, *History of Old Tennant Church*; will of Frederick Deboogh, office of Secretary of State of New Jersey, recorded Dec. 19, 1757; Foote, *Sketches of N. C.*, pp. 165-166, 175; will of Solomon Debow, county clerk's office, Orange County, N. C., recorded in 1767. For an amusing anecdote of Rev. John Debow, see Caruthers's *Revolutionary Incidents: and sketches of character, chiefly in the "Old North State,"* 1st series (Philadelphia, 1854), pp. 118-119.

to which your petitioner has procured Tutors from the Jersey-State qualified for teaching y' Rudiments, of y' Languages and Sciences; and designs opening school the first of May next.— But y' profits arising from teaching at a low rate, will not be adequate to the expence for some time. Therefore as Church and State admit of no delay; Your petitioner earnestly desires, not only to teach gratis, y' poor and pious, by gratuities from y' Jersey-State; but also others, in the same way, by gratuities from this state.

This favour your petitioner only asks for two or three years, until a University may be established. That he may, in y' interim, have it in his power to give such encouragement for education, as to engage many to undertake so that on a future day, he may have many sudents prepared for higher branches of learning. And that you may be wisely directed, your petitioner, as in duty bound shall ever pray.

John Debow, V. D. M.<sup>1</sup>

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<sup>1</sup>Endorsed: "Supplicatio Johanni Debow Minister Verbi Dei in hac Civitate—Salutans." Also, "Petition of John Debow V.D.M. never Read." Also, "Petition to His Excellency the Governor, 1777."

## APPENDIX.

*Notes on Murphey's Historical Writings and Materials.*  
By Gov. William A. Graham.<sup>1</sup>

## I

*History of North Carolina.*

It seems to have been the author's design to introduce the History of the Colony and State of North Carolina, by a cursory review of the great events, which since the revival of learning in the fifteenth century have changed the intellectual character and moral condition of nations. This was conceived necessary to enable the reader to understand the character of the colonists, and the structure, policy, and tendency of that government which they and their posterity have reared. This portion, and this only, of the contemplated work appears to have been partially completed. A manuscript of twenty-five or thirty pages, in the well known, neat, and beautiful hand of the author is found to contain a brief but glowing sketch<sup>2</sup> of the revival of letters, and science, the effects of their cultivation upon the arts and improvements of men, and of the progress of personal freedom and civil, political, and religious liberty in all those countries of Europe, from which our own was settled. In this discourse it is asserted, that the principal improvements in Ethical science for the last hundred and fifty years, have been made by the Courts of Justice. "It may be said with confidence (says the author) that the Chancellors, and a few of the Common Law Judges of England, having Lord Mansfield at their head, the Chancellors of France, the Judges of the Supreme Court of the United States, the Chancellors of New York and a few others, have contributed more to the development and illustration of the principles of Ethics and their proper application to the business and affairs of life, than all the other learned men of the world." Having thus given us a

<sup>1</sup>From the original MS. in the possession of Major William A. Graham, commissioner of agriculture. It was probably prepared in 1845 for Gov. Swain's use. Gov. Graham wrote Gov. Swain, July 2, 1845 (letter in the possession of the Univ. of N. C.) "I had expected to see the Murphey papers on a recent visit to Hillsboro, but Mr. Kirkland who had charge of them was absent on his canvass for the clerkship."

<sup>2</sup>Printed *ante*, pp. 363-379.

general acquaintance with the actual state of the European world at the period when our History commenced, the author appears to have intended to furnish a full and complete narrative from thence downward to the present time. A skeleton of the colonial History is found among the manuscripts, in which it is divided into Epochs beginning A. D. 1583.

The 1st From the first patent granted to Sir Walter Raleigh 1584 to his death in 1600.

2nd From A. D. 1600 to 1663.

3rd From A. D. 1663 to 1712.

4th From 1712 to the abolition of the proprietary Government 1729.

5th From the establishment of the regal Government 1729 to the death of Governor Dobbs 1765.

6th From the latter period to the establishment of Independence.

On the first and second of these periods it is believed that but little new matter had been procured. Whatever accounts may exist besides those already published of the voyages of the agents of Sir Walter Raleigh, and of their attempts to establish a colony on Roanoke Island and its vicinity, are probably locked up in the office of the board of trade and plantations in England. This is no doubt equally true of the history of the province from the abandonment of the settlement on Roanoke island in 1587 to the grant of the charter to the eight Lords proprietors by Charles 2nd. Indeed with the exception of a small settlement in Currituck, a colony of Quakers (who emigrated originally from England to Virginia, and thence to avoid the persecutions of that colony, to the Albemarle) in the Counties of Perquimons and Pasquotank, and a small colony from Massachusetts on old Town creek of Clarendon River, there seem to have been in Carolina previously to the year 1663, no other inhabitants than its native beasts and savages. It was much desired by the author that the office of the board of trade and Plantations in London, should be searched for information on the foregoing as well as subsequent parts of our colonial history, and he once presented a memorial to the Legislature praying its aid to accomplish that end. Leave was granted by that body to raise by means of a Lottery such a sum of money as was supposed to be sufficient to defray the expense of an agent to Europe, and of

publishing the contemplated History when finished. But this scheme for causes unnecessary to be related wholly failed.

After the Grant to the Lords Proprietors in 1663, Sir William Berkely, then Governor of Virginia, was instructed to organize a Government in Carolina—which was done in the following year, and Drummond appointed Governor. Ever since this period, there has existed in some form or other an organized Government in the province. A Genl. Assembly was first convened 1667. Lord Ashley was appointed by the Lds Proprietors to prepare a form of Government for the colonies. He engaged the services of the celebrated Philosopher Mr. Lock, who framed a complicated theoretical system which was adopted 1669.

County of Clarendon on Old Town creek established 1665 by a colony from Barbadoes. Sir John Yeamans Govr. Govr. Drummond died. Succeeded by Saml. Stephens 1669. Stephens dies. Insurrection. President and council seized and put in prison. Imbecile Governmt. Many good men leave the Province. Seth Sothel assignee of Ld. Clarendon is appointed Govr. A tyrant, takes bribes and oppresses the people. He is seized by the people to be sent to England for trial. At his request he is tried by the Genl. Assembly and ordered to resign and leave the colony. Evil effects of this anarchy. The Population both in the Northern colony of Albemarle and southern of Port Royale consisted of high churchmen, sectarians and profligate adventurers. Locke's Govrt. too aristocratic and abolished. Dissensions of High churchmen and dissenters allayed in the southern Colony by Govr. Archdale a Quaker. Soon revived after his death. Church of England established. Refusal to naturalize Hugonots. Indian tribes and changes in their condition. Scarcity of money 1711. Hides, deer skins, tallow, etc. made legal tender in paymt of quit rents. Printing presses forbidden. Laws read at Court house. Heavy tax to support Clergy. Episcopalians supported by wealth and aristocracy. Dissenters common people. 1707 Hugonots settle on Trent. Germans from Heidelberg 1709. Lewis Michele and Christopher De Graffenreid. De Graffenreid and Lawson taken by Indians. The latter put to death. Massacre of whites by Indians 1711.

The 4th Period commences with the war with the Indians, which was brought to a close by defeat of the Tuskaroras 1713. They emigrate to the North. Death of Govr. Hyde. Presidency of Thos. Pollock. 1715 is the first year of our statute book. Emission by Genl. Assembly of £8000 in Bills of credit. (Chas. Eden Govr. arrives 1714.) Declare common Law in force. Legislation assumes form and system. Govr. Eden dies 1722. Pollock President dies in 6 months. Succeeded by Wm. Reed Prest. who governs untill the arrival of Govr. Burrington 1723. Untill 1722 Courts of Justice sat in private houses. Genl Assembly then fixed court houses. Weakness of Govr. Burrington. Removed and Sir Richd Everard appointed. Boundary with Va. run 60 miles.

Crown purchases for £17,500  $\frac{7}{8}$  of the province. Ld. Carteret retains his part. £40,000 emitted in bills of credit 1729.

5th Prosperity of the Colony promoted by the establishment of regal Government. Sir Rd. Everard removed and Burrington appointed. Weak and foolish. Gabriel Johnston appointed Govr. 1734. Continues 19 years. The colony prospers under him beyond any former period. Injured however by a new emission of bills of credit.

After 1715 the Assembly met at Edenton untill 1738 when they met at Newbern. In 1741 they met at Wilmington, after which met sometimes at one of the towns and sometimes at another. Many new counties erected and wholesome Laws enacted this session.

A revisal of the Laws made 1746 by act of ass[embly]. Called Swan's revisal. All laws therein confirmed 1749. Earl Granville same as Ld. Carteret. Line between him and the crown begun 1743. Extended to west side of Saxapahaw river 1746, afterward further west. Line with So. Ca. run 1737.

Quarrel between the assembly and council, and the representatives reduced from 5 to 2 for each county. Henry McCullock appointed surveyor etc. Population increases rapidly. Presbyterians and Moravians in the middle and western counties. History of each.

Highland colony under Neil McNeil settled in Cumberland 1749. Govr. Johnston dies 1752. Succeeded by Natl. Rice Prest. Dies in short time. Matth. Rowan Prest. of council administers



Govt. 1754 act passed to encourage James Davis to set up and carry on the business of printer in the province. Arthur Dobbs appointed Govr. 1754. Catawba and Cherokee Indians. Hugh Waddell apptd. to treat with them. French war. Braddock. Upon his defeat the Cherokees harrass our frontiers. Major Waddell sent out with Genl Forbes against Indians of the north-west, who are defeated. War with the Cherokees by No. and So. Carolina. Peace concluded 1761. In the same year parties of men penetrated the western wilderness to hunt and gave names to rivers, mountains etc. which they yet retain.

The History of the contests between the prerogative of the crown and the freedom of the citizen during this period is interesting. The former believing that too much liberty was enjoyed by the colony for the safety and policy of his Government, assails their privileges first by reducing the number of members of assembly from 5 to 2 in each county. The next attempt was to claim for the king the right of creating counties, and in 1754 he accordingly repealed the Laws by which 13 counties and 5 boroughs had been formed, intending to erect new counties and boroughs thereafter by his charter, according to his pleasure. Property in the corporate boroughs reverted by this repeal to the original grantors. Creates great indignation, and the Govr. Dobbs consents to a Law reestablishing the counties "saving the prerogatives of the crown." Charters taken out by the counties and made a source of profit to Government. The assembly ask that the Judges shall be commissioned during good behavior. The Genl assembly appoint an agent to reside in London and solicit the affairs of the province. In 1760 the assembly in committee of the whole pass resolutions censuring the Governor and transmit copies to their agent in London.

1762 Assembly met at Wilmington and recriminations pass between them and Govr. He desires to turn out the printer; they direct the Treasurer not to pay any money upon an order of the Govr. and council.

Great frauds were practised by the land officers of Lord Granville, extortions, etc. Office shut 1765. Quarrel between Govr. Dobbs and the assembly continues. He dies 1765. Succeeded by Wm. Tryon who had come out 1764 as Lieut. Govr. *Proc* money. Episcopal church provided for. Glebe lands pur-

chased and salaries for ministers etc. but the middle, northern and Western counties being settled by dissenters they refused to execute the Laws for the benefit of the church establishment. Govr. Tryon is liberal towards dissenters.

The 6th period contains a history of much interest. (Tho' here the author's manuscript ends). It commences with the attempts on the part of the British Parliament to subject the colonies to their power by laying taxes on sugar, Indigo and other articles not produced in the colony, under pretence that they should be appropriated to Colonial defence. It embraces the rebellion called "the *Regulation*" etc.

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There is review of European History from Cabot to Raleigh 1494 to 1568, written out, also a succinct account of the foremost powerful Indian Tribes of N. C. i. e. the Cherokees, Catawbas, Sauras, and Tuskarorahs.

## II.

*Catalogue of Mr. Murphey's materials for the History of N. C.*

Of the 1st and 2nd epochs.

Besides the Histories which have been published in our Country by Marshal, Ramsay etc. he had

Lawson	History of N. C.	1700 <sup>1</sup>
Brickell's	do.	do. 1730 <sup>2</sup>
Williamson's	do.	do.
F. X. Martin's	do.	do.

3rd Epoch.

Transcripts from the Lords Proprietors Minute Book.

Transcripts from the minutes of the Palatine Court from 1694 to 1712 in Albemarle County, as also some of the proceedings of the Govr and council.

Extract from "the History of the British Dominions in North America from the first discovery by Sebastian Cabot, in 1497, to the treaty of peace 1763." Printed at London 1773, author unknown. Extract from the Book in the Library at Washington furnished by N. Macon. This applies to three first epochs. A Letter of 63 pages written from Charlestown 1710 describing Carolina particularly.<sup>3</sup>

4th Almost the same as the three former.

5. Records of Registers office from 1754 to 1765. North Carolina Magazine (a weekly paper printed) by James Davis, Newbern, from 1764 to 1765. Governor Johnston's papers, mss., Stat. Book, and Public records.

6th. Herman Husbands Pamphlet, Regulation. George Sims address to the people of Granville on the subject of abuses by officers of Courts. Records of the Courts at Hillsborough. Entries by the Regulators at the riot, March 1770. Micklejohn sermon. Maurice Moore's address on the right of Parlt. to tax the colonies.

Records of the proceedings of the Committee of Safety at Wilmington 1774-5-6. Cumberland association. Correspondence of Wm. Hooper, A. and F. Nash, Hewes, Penn, Govr. S. John-

<sup>1</sup>The first edition was published in 1700.

<sup>2</sup>1737.

<sup>3</sup>See Vol. I., p. 329.

ston, Caswell, Burke, Harnett, Govr. Alexr. Martin, Col. James Saunders. Pamphlet on the Declaration of Independence at Mecklenburg. Govr. Josiah Martin's Proclamations 1775 and 1780. On the subject of the Revolution, the materials were most ample. Besides the correspondence already mentioned, there are pamphlets containing the Journals of the Congress at Hillsborough Aug. 20th 1775, and that at Halifax April 1776 in which our delegates in the Continental Congress were instructed to vote for absolute Independence, a large mass of papers belonging to Genl. Sumner of the Revolutionary army, Statement of Col. Sutherland, Col. Polk, manuscripts of Genl. Graham narrating many events in our Revolutionary history, not noticed in any author, and correcting some errors into which they had fallen. What additional matter he could have derived from the office of Secretary of State does not appear. Letters of Mr. Gaston.

A valuable acquisition was expected on the subject of the events shortly preceding the Revolution, in the papers of Genl. Hugh Waddell, which were loaned to Dr. Williamson when he wrote his History, and are now supposed to be in the possession of his Exr. Dr. Hosack, of New York. Efforts were also made to procure the documents of F. X. Martin at New Orleans but without success.

After the peace of 1783, the materials collected are not very abundant, but are supposed to be accessible to research. Acts of the Independent State of Franklin 1785 are among the Mss. Convention at Hillsborough 1788 which rejected the Federal Constitution and fixed the seat of Government within 10 miles of Hunter's plantation. Convention at Fayetteville adopted Fed. Constitution, and gave a representative to Fayetteville 1789. The Journals of neither of these bodies are in the collection, and it is doubted if the latter be extant.

*Judge Jesse Turner to Judge Archibald Murphey Aiken.*<sup>1</sup>

VAN BUREN, ARKANSAS, January 23rd, 1891.

A. M. Aiken Esqr.

MY DEAR SIR

A letter from a great grandson of *Archibald D. Murphey* surprized and gratified me very much. Please pardon my delay in replying to your most welcome letter. Our Circuit Court has been in session for several weeks and although not now actively engaged in the practice of the law, yet I keep an office open and with the aid of my son give attention to business in and out of the C. H., and this interferes a great deal with correspondence. I remember your *Grandmother Miss Cornelia Murphey*. She was the only daughter of Judge Murphey, and I also recolect seeing and hearing your *Grandfather John P. Carter* address the jury in the trial of a cause at Randolph Court in 1825 or 6. I knew and have a vivid recollection of Judge Murphey, for I was born and grew up to manhood within a few miles of his home. My first law studies in 1824 were directed by *William McCauley* Esq a lawyer and relative of mine residing near Chapel Hill. The following year 1825 I returned to my father's residence (Hawfields). Here my studies were Continued under the direction and advice of Judge Murphey. During the Continuance of my law studies and for several years subsequently I saw a good deal of him and formed a high estimate of his ability and genius and the nobility of his character as a man.

He was a safe counsellor in his office, and never encouraged litigation. In the Court House, he was adroit and successful in the Management of his cases. His speeches whether addressing the Court or Jury were remarkable for simplicity of style yet his thoughts and arguments were always couched in chaste and elegant English but never using words and phrases unsuited to the Common understanding. His ordinary manner of speaking unless moved by the importance of the occasion was like

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<sup>1</sup>A. L. S., in the possession of Judge A. M. Aiken, of Danville, Va. Jesse Turner (1805-1894), a native of Orange County, studied law under William McCauley and Murphey, was admitted to practice in the Superior Courts in January, 1826, removed to Arkansas, and became a distinguished lawyer and judge in that state.

earnest, animated Conversation and he never at any time became boisterous or vehement. Although on rare occasions when warmly enlisted in the cause of a greatly wronged client he became wrought up to an unusually animated presentation of his client's cause, and at these times the force of his logic and power of his eloquence were almost irresistible, yet he never seemed to labor, or make an effort for display, but his speeches ordinarily seemed *extemporaneous* or rather grew out of the facts and revelations of the particular causes in which he was engaged as Counsel. Yet Judge Murphey was always well equipped, and being learned in his profession prepared himself well in all cases requiring preparation, but his speeches never seemed to smell of the midnight lamp. On very rare occasions as in the case of his Chapel Hill address in 1827 he bestowed extraordinary labor and research on the subject matter of his address.

Judge Murphey's voice was soft and musical, his manner pleasing and persuasive; and his Countenance at all times beaming with intelligence and benignity was an unerring index to the nobility of his nature.

As an advocate at the Bar or speaker on the Platform he never started off with a pompous flourish of trumpets. On the Contrary his exordium was usually brief and to the purpose yet his statement of a client's cause was so clear and pointed as to seem like demonstration itself. And although his command of language was Copious and his resources in that direction rich and abundant he hardly ever turned aside from the straight line of his argument to give play to flights of the imagination or indulge in the figures and flounces of rhetorick. On the contrary he was strictly and uniformly argumentative and never declamatory or redundant in the use of language, and never known to indulge in meaningless verbiage.

I have thus give a brief and very imperfect sketch of Judge Murphey as he appeared to me between 65 and 70 years ago. In his palmy and prosperous days I knew but little of him, for I was for most of that time a small boy. From 1812 to 1821 he was continuously a member of the State Senate and during this period he was the most conspicuous character in North Carolina history, for it was about this time he brought

forward and advocated with consummate ability his famous *Scheme of Internal Improvement*. He was the most popular and influential man in the Legislature and took a leading part in its deliberations. In the discussions that took place in the Senate it is understood he was an active participant. Whether any of his speeches delivered in that body were ever published I have no means of knowing. If any of the debates of the Senate of that period were published they will be found most likely in the "Raleigh Register" the leading newspaper at that time published in the state.

Several months ago some unknown persons at *Mebane N. C.* sent me a package of North Carolina papers, and among them was the *Daily State Chronicle* published at Raleigh. In this paper I found an admirable Review of the life and public services of Judge Murphey. Have you seen it? Professor Alderman<sup>1</sup> of Chapel Hill, is the writer, and it is a noble tribute to the character and public Services of its illustrious subject. Soon after receiving this paper which was of date 6th Sept.<sup>2</sup> last I addressed a brief communication to the Editor of the *Chronicle* which was published in that paper of the 5th Oct. last in which I say in speaking of Judge Murphey: "*North Carolina has not done justice to the memory of her distinguished son. The seat of Justice of one of her Western Counties bears the name of 'Murphy' and this is about all that has been done to perpetuate his memory. Many Carolinians of the present generation seem to have forgotten how to spell his name, and only a few years ago when I tried to procure a copy of his celebrated oration delivered before the Literary Societies at Chapel Hill in 1827 I found it impossible to obtain a single Copy because it was out of print and only two Copies were known to be in existence. We are told that not a single stone marks his last resting place<sup>3</sup> and that the memory of this distinguished gentleman once so highly honored is passing away. This ought not to be. Surely the Bar of Orange County of*

<sup>1</sup>Edwin A Alderman, now president of the University of Virginia.

<sup>2</sup>August.

<sup>3</sup>A monument has since been erected by Judge Aiken and Mrs. Barzillai G. Worth at his grave in the Presbyterian churchyard in Hillsboro.

*which he was once a distinguished ornament will erect a suitable monument to his memory. It need not be expensive. It should be simple, yet chaste and elegant, while the State or the people of the State ought to rear to his memory a more imposing memorial at Raleigh<sup>1</sup> or Chapel Hill.*

I sincerely hope that my suggestion will soon be carried out. This is due to the memory of Judge Murphey. The descendants of Cameron, Norwood, Nash, Ruffin and Graham will surely take the lead in paying this deserved tribute to the memory of the friend and associate of those distinguished men of a past generation. I should be greatly pleased to see the Great-Grandson of Archibald D. Murphey, but at my time of life, being now in my 86 year of age I can hardly hope to revisit my native State again, and am not likely therefore to see you unless you visit Arkansas, which I hope you may be able to do. In closing this long and to you I fear uninteresting letter I beg leave to say that I shall be much pleased to hear from [you] again and often. Anything I may remember of North Carolina's great man of 60 or 70 years ago I shall be happy to communicate to you.

Very Truly and Respectfully

JESSE TURNER.

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*Judge Jesse Turner to Judge Archibald Murphey Aiken.<sup>2</sup>*

VAN BUREN, ARKANSAS.

Hon. A. M. Aiken.

*Dear Sir*

Your letter of May last was duly rec'd. Please pardon my delay in replying and I will try and be more punctual in future, for it always affords me pleasure to recall reminiscences of Judge Murphey. Referring to your inquiry about his likeness in the North Carolina University Magazine,<sup>3</sup> I have no hesi-

<sup>1</sup>This had been suggested by Prof. Alderman.

<sup>2</sup>A. L. S., in the possession of Judge A. M. Aiken.

<sup>3</sup>The mezzotint by John Sartain in the *N. C. Univ. Mag.* X. (1860) op. p. 1. For a reproduction of this engraving, see the frontispiece of the first volume of this work.



tation in pronouncing it an admirable likeness. I remember seeing the original portrait at Judge Murphey's house on Haw River in 1825. It looked then as if freshly painted. Who the artist was I cannot say. But from the style and elegant finish of the work he must have been master of his profession. What has become of this portrait? If still in existence it will most likely be found at Hillsborough.

You ask how Judge Murphey appeared at the Bar? In reply I would say that no lawyer ever appeared to greater advantage at the bar than Judge Murphey. He was a remarkably handsome man of medium height and size, complexion fair and bright, eyes bluish gray, face soft and delicate as that of a lady. His manners were uniformly pleasing and attractive, and his personal magnetism such as to make him the focus of all eyes when he entered and departed from the Court House.

He never at the bar or elsewhere put on airs of self importance or assumed superiority over others but in his intercourse with his brethren of the bar they were always treated, not only with the greatest respect, but with marked courtesy and kindness. In the management of causes in Court, and especially in the examination of witnesses he was adroit and able but always respectful. He never sought to confuse or embarrass a witness by impertinent or irrelevant questions, much less to browbeat or intimidate by a pretentious and overbearing manner, yet his examinations were complete and exhaustive, and never failed to inspire the witness with respect and admiration for the Advocate and his methods.

Judge Murphey looked upon the law and the Courts and all concerned in the administration of justice with the highest respect and reverence. If you will read his sketch of Archibald Henderson a distinguished North Carolina lawyer who died at Salisbury about the year 1820 you will realize the truth of what I say. I repeat then what I have already said that no man ever appeared to greater advantage at the bar than Archibald D. Murphey. I will write you gain soon and have something to say about Judge Thomas Ruffin.

I am much pleased to hear of your intended *Memoir of Judge Murphey*. You will of course visit Raleigh and look into the Archives of the State government. You will there I am sure

find important and valuable evidences of his public services, for during the whole period of his services in the Senate from 1812 to 1820 he was the Central figure and master spirit in North Carolina legislation.

Very truly

JESSE TURNER.

P. S. I need hardly assure you that I am pleased to know that the people of Virginia have conferred upon a descendant of Judge Murphey in your person a high and responsible judicial station.

J. T.

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*Judge Jesse Turner to Judge Archibald Murphey Aiken.*<sup>1</sup>

VAN BUREN, ARKANSAS.

Hon. A. M. Aiken,

*My Dear Sir,*

I promised long ago to write you something about *Judge Thomas Ruffin*. Well, I remember Ruffin, when I was but a boy and after I grew up to early manhood and obtained a license to practice law I saw and heard him at the bar. He was a strong man, able and successful as a practitioner and much sought for by litigants who had hard and *difficult* cases to manage, either Civil or Criminal. As a speaker he was earnest and often impassioned, and in his speeches to Courts and juries the force and strength of his arguments were apt to be convincing. Yet he was in no sense a *finished orator*, though at times eloquent. It was argumentative eloquence. His style was not particularly chaste or elegant. Its characteristic feature was *strength*. He rarely if ever indulged in figures of speech or oratorical embellishment of any kind. He had very little *exordium* and very little *peroration*. He usually marched directly up to his subject and discussed it in all its material points and bearings on the case, and when done ceased to speak. In this respect he very much resembled Murphey

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<sup>1</sup>A. L. S., in the possession of Judge A. M. Aiken.

but in no other.<sup>1</sup> But notwithstanding Ruffin's ability and reputation as a lawyer there were objections to him which many thought were well founded. His manner at the bar towards opposing litigants and opposing Witnesses was rough and often offensive, hardly ever courteous and not always respectful and frequently abusive. As a consequence he was unpopular with the common people and with many who were not very common. His cross examinations were frequently a terrible ordeal for the witnesses, who seemed to have an instinctive dread of Ruffin and often took the stand in a *tremor* dreading the torturing examination awaiting them at his hands. The *practice* of almost *wholesome, indiscriminate abuse* of opposing parties and witnesses obtained so extensively in the N. C. Courts of that day as to produce widespread discontent among the people. I remember public Meetings called in Orange County to consider this abuse as it was considered of the legitimate functions of an Attorney and Advocate. At these Meetings *Resolutions* were passed expressing the indignant condemnation by the people of this reprehensible practice. I think Ruffin's manner at the bar contributed more largely than any thing else to these Meetings. In the resolutions this sort of practice at the bar was styled "*Bullyragging*" parties and witnesses in Court. Happily this practice once too prevalent in N. C. as well as elsewhere has in a great measure passed away and it is said Ruffin as Judge on the *Superior Court Bench* discouraged the practice. And it is due to his memory to say that as a man and Judge no one stood higher.

His reputation as a lawyer when made a Judge of the *Supreme [Court]* was very high, yet in his long Service in that high office he attained to a still higher reputation, so that when he retired from office his reputation was truly national.

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<sup>1</sup>"Mr. Gaston and Mr. Badger were learned, eloquent and successful. Chief Justice Ruffin and Chief Justice Pearson were learned and successful without eloquence. I have heard that Chief Justice Ruffin was a vehement speaker, and would sometimes knock the floor instead of the table with his knuckles; while his cotemporary and rival, Judge Murphey, was as soft as the lute, and would steal on the jury, and tap his snuff box and offer a pinch."—Edwin G. Reade, *Address before the Convention of the legal profession of N. C. on The Legal Profession of North Carolina—what it is and what it ought to be*, (1884) p. 11.

Ruffin never seemed to care much about politics. Though a Member of the House of Commons of the N. C. General Assembly for two or three sessions from Hillsboro' his name so far as I can learn is not identified with any particular matter or measure, yet such a man as Ruffin must have acquitted himself creditably and indeed ably. But the fact is he had no taste for politics and probably very little for matters of legislation. What he might have been as a *law Maker* can only be matter of conjecture, but as an expounder of the law we know he was eminently great. The Hillsboro' Bar was always able, and in their day Murphey and Ruffin were leading members of that Bar. Both were successful practitioners and I think personal friends. Indeed there was a family relationship between them. Ruffin I think married Miss Kirkland of Hillsboro' a niece of Mrs. Murphey, and they were often together.

The opinions of men differed widely as to the ability of the two men. Both were considered to be men of talents. Murphey was regarded as a man of genius and of greater variety of culture and attainments, Ruffin as more exclusively a lawyer whose studies and tastes were all in one direction and calculated to extend his learning and build high his professional reputation, without seeming to care about extending his studies on any other line of culture. Murphey notwithstanding his various pursuits and multifarious business engagements found time to cultivate his taste for literature and general reading. Although engaged the greater part of his life in the duties of a laborious profession he added to his high reputation as a lawyer and Judge that of a learned scholar, wise and sagacious legislator, and as a statesman stood in the front ranks of the distinguished Carolinians of his day. Ruffin's sole ambition seemed to be to attain the highest eminence in the law, and this when we consider his tastes and mental aptitudes was perhaps a laudable ambition. By industrious habits and constant application to his professional pursuits his aspirations were gratified and he reached the position which his ambition sought.

Murphey was not long on the *Superior* Court Bench, but while there ranked as high as Ruffin did. When the Supreme Court of N. C. was first organized on its present basis, with its three Judges, Murphey's name was perhaps most prominent

among those mentioned as one whose character as a man and ability as a lawyer entitled him to a seat on the Supreme Court Bench. But unfortunately for N. C. of that day, like Va. and other States she had an East and a west, and an eastern and a western influence, and in the apportionment of public offices, the eastern division of the State usually claimed and obtained most of the public offices. Murphey belonged to the western division, which was numerically stronger than the eastern division, but weaker in influence and power, because of inequality of representation in the General Assembly. As a result the General Assembly elected *Taylor, Henderson* and *Hall*, all of whom belonged to the eastern division. They made quite a respectable Court, yet it would have been more so with Murphey in place of Hall. Had Murphey been elected to the Supreme Court Bench and remained there as long as Ruffin did, there cannot I think be a reasonable doubt but that he would have attained to equal distinction as a Judge and jurist. At the Bar he was the equal of Ruffin and in other walks of life greatly his superior. While Ruffin is remembered as a great lawyer and Judge, Murphey is remembered not only as a great lawyer and Judge, but as a learned scholar, wise legislator and far seeing statesman who more clearly than any man of his day comprehended the ways and means necessary and proper to build up and establish on firm foundations the greatness and glory of his native state. These two men were in manner and style of address at the Bar and elsewhere very unlike. Ruffin though not repulsive or displeasing in manner did not seem to possess that outflowing love of human kind which so greatly distinguished Murphey, whose manner and address were always pleasing and attractive. And while it may be truly said that Ruffin was honored and respected, it may with truth be said that Murphey was equally honored and respected, as well as *universally beloved*.

Please excuse this meagre and imperfect sketch of those distinguished men of a past generation. When I write or think of Murphey especially a thousand memories of my early life are revived. When a boy I often went to Murphey's Mills mounted on a horse with corn or wheat to get ground, and while my grist was being ground I sauntered up to the Store

of Scott & Murphey where the genial Thomas Scott was always to be found. Kind hearted gentleman, how well I remember him. He nearly always gave me a newspaper to take home and read. Seventy years have passed away and how changed the scene! Haw River still flows by the site of Murphey's Mills but Scott & Murphey, the Mills and black Jerry the Miller are all gone, and the flourishing Manufacturing village of Swepsonville occupies the site of Murphey's Mills. Verily we live in a world of change and progress, and I sometimes think the same laws of change and progress which are marked characteristics of this life and of this world will accompany us in an after life and to another world and be attended with more wonderful results than anything conceived of in our present state of existence. I hope to hear from you soon and let me know how you are getting along with your Memoir of Judge Murphey?

Can you tell me what became of Victor M. Murphey? Think he moved to Mississippi. He was not far from my age. Is he living or dead? If dead did he leave a family and where are they?

Most Truly yours

JESSE TURNER.

I fear you will find difficulty in deciphering this wretched scrawl.

JUDGE MURPHEY.<sup>1</sup>

(By LYNDON SWAIM.)

At the time of my first visit to Greensboro, between fifty and sixty years ago, Judge Murphey lived here, in a house where McAdoo's hotel now stands. The older citizens will recollect it as a rather shabby looking two story building with a small porch and balcony in front. He had owned and lived upon the fine property on the Alamance, near its confluence with Haw River, afterwards owned and occupied by Judge Ruffin. Judge Murphey had been broken up in estate, in health and in his future prospects. Whether he came to this place as a temporary refuge, or with a view to permanent abode, I do not know. A portion of the time of his sojourn was an enforced one, for he was put in jail here for debt. And he was not the last man in North Carolina who was put in jail for the crime of owing an honest debt and honestly trying in vain to pay it. But a few years afterwards the blot of law under which such things were done was wiped out of the code.

Archibald D. Murphey was intellectually a great man, and a learned one, not only in the law, but in the other departments of knowledge which then engaged the attention of "advanced thinkers" (excuse a term scarcely allowed to apply outside of Boston). He held for several years the office of judge of the Superior court, and was conspicuous in the galaxy of great and pure judges which adorns the history of North Carolina. He retired from the bench with a view, if I am not mistaken, of bettering his fortunes by practice at the bar. It was him of whom it was neatly and pungently said by opposing counsel, in an important trial, "Gentlemen of the jury, this contest is an unequal one. The distinguished counsel on the other side has come down from his great office 'with all his blushing honors thick upon him,' to contend with humbler members of the profession who have yet success to achieve and a name to make."

I first saw the Judge at Randolph Superior court, near sixty years since, where he was employed in what was known as the

<sup>1</sup>From the *Greensboro Patriot* (Greensboro, N. C.) of January 19, 1883. Lyndon Swaim, the author of this article, was editor of the *Greensboro Patriot*, 1839-1854. He was born about 1812. The letter "e" is omitted in Murphey's name as printed in the newspaper.

Fishtrap suit. John M. Morehead, then young at the bar, and I think also, W. A. Graham, still younger, were associate counsel.<sup>1</sup> The suit made a great noise in the neighborhood, and I heard the parties, the witnesses, the lawyers, etc., thoroughly discussed. Though a mere boy, the circumstances and the *personnel* made a more vivid impression on my mind than many a more important matter since. Judge Murphey was, in my eye, the central figure. He was very small of stature, thin and pale, with a kindly kindling eye, and a gentleness, nay, sweetness of expression almost feminine. He was dressed with remarkable neatness, his coat hanging somewhat loosely upon his attenuated frame. The lifting of his hat as he stepped into the bar, his bow to the judge, his greeting to every member of the bar and to the officers of the court—nobody was omitted—was such an exhibition of self-possession and grace as I had never witnessed before, and such as, I yet verily believe, is seldom seen outside of a Parisian *salon*; and the crowning charm was, he made every body feel that he was sincere. His handshake, even with a boy, left a pleasant memory. There was no hurry about it; he took time to attend to the matter in hand (pardon the pun); the softly repeated pressure and the lingering glance of his dark eyes were magnetic in effect. I have never seen but one likeness of him, an engraving in the *University Magazine*, some years ago, probably from an old family portrait when he was very young. It was Raphael-like in rounded grace of outline and softness of expression. The ma-

"After graduation Governor Morehead studied law under Archibald D. Murphey, who was twenty years his senior. \* \* \* The influence of Murphey upon young Morehead was far-reaching and profound. The two men were alike and yet unlike. In the combination of native brilliancy, range and accuracy of information, wealth of literary attainment and constructive statesmanship North Carolina has never produced the superior of Murphey. But in their unvarying insistence upon the need of internal improvements and of broader educational policies for the State the two men stood upon the same platform; and Governor Morehead, by his greater power over the people at large, was enabled to accomplish far more than Murphey."—C. Alphonso Smith, in *Biog. Hist. N. C.*, II. 252.

Of William A. Graham Mr. Frank Nash says in *Pub. of the N. C. Hist. Com.*, *Bulletin No. 7*, p. 25: "The influence and training of his father, and of Dr. Joseph Caldwell, supplemented by association with Judge Murphey, made internal improvements, the education of the people and the preservation of the history of the State the three great ends that he set himself to secure in his public life."



tured face that I saw had the harder lines fixed by time and thought and care—nothing left but the gentle expression.

The Fishtrap trial occupied most of the week. The points are beyond my recollection. But I remember an observation made about Morehead. The second day's examination of witnesses was in progress, when Murphey remarked to Morehead, "my young friend you appear to be taking no notes of the evidence." "No, sir," he replied, "I depend upon my memory." The senior expressed his apprehension for the result. But when Morehead came to "sum up" before the jury his memory served him with remarkable correctness and particularity. His success in this case laid the first solid foundation stone in the building up of his reputation at the bar.

The Judge was no orator, in the popular acceptation of the term. He never attempted fine speeches. He *talked* to the jury; but, you may depend, he talked to some purpose. If he did not talk the jury out of their wits, he talked his own wits into the jury. He was the law preceptor of the late Governor Worth, from whom some of these reminiscent sketches were gathered.

Murphey lived at a time when the tremors of the moral earthquake, which shook French society into ruins, was felt to the utmost borders of civilization. Numbers of the leading minds of America there were, whose hold upon the hoary truths of the Christian ages was more or less shaken; among them, if I mistake not, was Judge Murphey; but if so, he was too sensible and too polite to intrude opinions where they might give pain to the simple, honest Christian heart. Whatever his faith<sup>1</sup> in the unseen may have been, or may not have been, an anecdote which I heard of him illustrates his magnanimity and benevolence. In his prosperous times a noise at the corn crib one night attracted his attention. Walking quietly to the door he discovered a poor neighbor holding a sack with one hand and dropping ears of corn into it with the other, occasionally straightening up the sack, looking wistfully at it, uttering in murmured words the painful thoughts that stirred him—"Is

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<sup>1</sup>I am informed by Judge Archibald M. Alken (a great-grandson of Murphey) that Murphey was a Unitarian. See *ante*, p. 211. Compare *ante*, pp. 14-18, 319.

here not enough? I do hate to do this—the chillun must have somethin' to eat." The judge made known his presence, to the utter confusion of the thief. "Fill up the sack, man," said Murphey; "I'll help you with it; and the next time you want corn ask me for it, don't steal it. Now go your way; nobody but you and I will ever be the wiser for this transaction." And nobody else was ever the wiser for it until after the departure of the poor fellow where the telling of it could do him no harm.

Judge Murphey entertained comprehensive views of public affairs, and "devised liberal things" for the material improvement of the State, embodying his recommendations in essays and reports written in captivating style. But, as I recollect, his schemes were visionary, so esteemed by his more practical cotemporaries. It would have required the means that excavated the Mt. Ceniz tunnel, or that built the Pacific railroad to accomplish his projects. He was half a century ahead of the age when he lived.

I apprehend that his too liberal theories were at the bottom of his private affairs, resulting in pecuniary embarrassment and ultimate failure—the end being his incarceration in Guilford jail. I never heard a breath against his integrity. His honor was unspotted. He was the victim of a law inflicting torture as exquisite to the sensitive soul, if not to the body, as the rack or thumb-screw of the middle ages.

I heard good old sheriff Doak say that no occurrence of his life, official or otherwise, was so painful to him as the execution of the *ca. sa.* upon the venerable judge, the meekness and dignity of whose bearing was so impressive, and his resignation to the inevitable so touching. When he was conducted to the prison and surveyed the surroundings, "in such cases made and provided by law" for the inexorable twenty days previous to the humiliating process of "swearing out," he remarked that the room was not, and he supposed, considering the purpose, could not be, sufficiently lighted and ventilated. He, therefore, requested the sheriff to leave the door open! And the sheriff went off and left the door open! There are few instances, I presume, where men have been *shut up* in jail with an *open door*; but no suspicion entered the sheriff's head that any advantage would be taken of the fact in this case.

Within a day or two a visit was made by Judge Cameron to the prisoner in his new quarters—a visit of friendship and also on business connected with his case. Coming away from the interview he met the sheriff, and remarked that it had occurred to him that he, the sheriff, might be running a risk by leaving the jail door unlocked. “A risk!” exclaimed the officer; “I would risk life and sacred honor with Judge Murphey. You don’t think he would go away?” “I do not mean that,” replied Judge Cameron; “I mean that it might be considered in law an escape, and you might yourself become involved to your hurt. But,” said he, further, “Murphey knows the law; let us go back and consult him.”

They went back to the jail and held a consultation, at the close of which Judge Murphey said, with a sad smile, “Mr. Sheriff, my friend, it will be safest for you to lock the door upon me.”

The visitor and the sheriff retired; the key was turned in the door; and if there were too big tears seen roll down the cheeks of the latter they did honor to the heart of old Jimmy Doak.

The judge’s stay in prison was rendered as comfortable as his friends could make it. With bed and table and chairs and candles and books and friendly visits the period was whiled away. Mr. Ralph Gorrell, then just entering upon the practice of law, I have understood, was particularly attentive to his grand old friend.

At the end of the twenty days the prisoner took oath that he was “not worth forty shillings in any earthly substance,” and was turned loose upon a country to which he had rendered his best service, whose high places his occupancy had adorned, and whose interests were cherished as his own.<sup>1</sup>

These sketchy recollections are substantially correct. I trust they may do no harm to the memory of their distinguished subject. We North Carolinians are too apt to neglect and forget the great names which ought to illustrate our history, and of whom any people ought to be proud.

L. S.

GREENSBORO, Jan. 19, 1883.

<sup>1</sup>In early times in North Carolina, as elsewhere, any debtor could be imprisoned at the pleasure of his creditor until the debt was paid.

For the preservation of his health, however, he was permitted by law, upon giving security, to go about in the prison rules or bounds, comprising not more than six acres adjoining the jail. (Laws of 1741, ch. 8; *Miller v. Hunter*, 1 Murphey, 5 N. C. Reports, at p. 396.) In 1749 a mode was adopted whereby an honest debtor unable to pay might obtain his release from prison. If he had not "the Worth of Forty Shillings, Sterling Money, in any worldly Substance," besides his wearing apparel, working tools, and arms for muster, and had not parted with his property to defraud his creditors, he made oath to that effect, after notice to the creditor at whose suit he was confined, and was immediately, it seems, set at liberty and discharged from the debt sued for. If he was worth 40 shillings, he surrendered all his property except wearing apparel, etc., and swore that he was not guilty of fraud or concealment, the creditor having been summoned to appear, and was thereupon released and exempted from future arrest for the same debt, unless the creditor proved the contrary or desired time to investigate, and in the latter case the imprisonment continued until the next court and so long thereafter as the creditor paid 10 shillings weekly to the prisoner for his support. (Laws of 1749, ch. 2, the provisions of which are somewhat vague and ambiguous.) A new insolvent law was enacted in 1773, similar to the act of 1749, except that confinement "in close prison" for twenty days was made a condition precedent to discharge, in order to prevent fraud, and the right of the creditor to detain in prison an honest debtor who complied with the act was taken away. (Laws of 1773, ch. 4.) The 39th section of the State constitution of 1776 declared that "the person of a debtor, where there is not a strong presumption of fraud, shall not be confined in prison after delivering up, *bona fide*, all his estate, real and personal, for the use of his creditors in such manner as shall be hereafter regulated by law." In 1778 the Legislature continued in force the provisions of the act of 1773 not inconsistent with the constitution, eliminating, according to the decisions of the courts, so much of it as left the honest debtor subject to arrest for debts owing at the time of his discharge to creditors other than those at whose instance he was confined. (Laws of 1778, ch. 5; *Burton v. Dickens*, 3 Murph., 7 N. C. Rep., 103; *Jordan v. James*, 3 Hawks, 10 N. C. Rep., 110; *State v. Manuel*, 20 N. C. Rep., 20). To remove doubts as to whether prison bounds were "close prison" within the meaning of the act of 1773, the Legislature declared in 1809 that no person thereafter imprisoned for debt should be permitted to take the benefit of the act unless he should remain "within the walls" of the prison for twenty days. (Laws of 1809, ch. 8; *Miller v. Hunter*, *supra*.) After long agitation, in which Murphey was a leading advocate of reform, an act was passed in 1820 to abolish imprisonment for debt, but it was repealed in the following year. (Vol. 1, p. 84, note 3; Laws of 1820, ch. 33; Laws of 1821, ch. 8.) Some relief was obtained, however, by an act of 1821 which required jailors to furnish food to debtors during imprisonment within the walls of prison for twenty days, the expenses to be ultimately paid by the creditor in case the debtor should be unable to pay them. (Laws of 1821, ch. 26.) In 1822 a new insolvent law was passed, whereby any debtor arrested upon a *capias ad satisfaciendum* could give bond for his appearance at the next court, instead of going to jail, and when he appeared in court, if he proved that the creditors had been duly notified, and took the 40 shillings oath or surrendered his property by a verified schedule, and fraud or concealment was not proved, he should be exempt from imprisonment for debt; but by the terms of this act its operation was restricted to cases where the debt was con-

tracted before May 1, 1823. (Laws of 1822, ch. 3.) By chapter 31 of the Laws of 1823 it was provided that no female whatever should be imprisoned for debt. This was the state of the law in 1829, when Murphey was imprisoned. His debt was doubtless contracted before May 1, 1823. Swaim's story of the locking of the jail door is in harmony with the law as interpreted by the North Carolina courts at that period. In the case of *Wilkes v. Slaughter*, 3 Hawks, (10 N. C.) Rep., 211, decided by the Supreme Court in 1824, it was held that if a sheriff gives his keys to a prisoner in the debtor's room or goes off leaving the door open or unlocked, there is an escape (which by statute rendered the sheriff liable to the creditor for the whole amount of the debt), although the prisoner does not avail himself of this removal of restraint. This doctrine of constructive escapes was repudiated thirty years later in the case of *Currie v. Worthy*, 2 Jones's Law (47 N. C.) Rep., 104.

The time of Murphey's imprisonment is shown by his correspondence and other sources. A letter of Nov. 18, 1829 (printed in vol. 1, p. 385) indicates that he was then in prison and states that he would apply for his "discharge" on the following Tuesday, which was Nov. 24th; and a letter of Aug. 31, 1830, written by him from Greensboro, refers to "my Arrest here in Novr. last." James W. Doak, mentioned by Swaim, was sheriff of Guilford County at that time. Among the court records at Greensboro there is a writ of *per factas* (an execution against property) issued Nov. 4, 1829, on a judgment against Murphey for \$2138, with interest from April 16, 1828, recovered by one Arthur Harris in Guilford County Superior Court. The date of this writ is exactly twenty days prior to the day stated by Murphey on which he was to apply for his discharge. In all probability a *ca. sa.* was also issued and executed on Nov. 4, 1829, and Murphey's imprisonment began on that day. A careful search of the records at Greensboro has disclosed nothing further relating to this subject. Nearly all of the records of the Superior Court were destroyed by fire about 1870.

CATALOGUE OF MURPHEY'S LIBRARY.<sup>1</sup>

HISTORY.		Vol.		
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'Littleton's Henry 2nd.....		6	'Fox's Historical Work.....	3
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'Murphey's Tacitus.....		6		89
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'Travels of Anacharsis.....		5	Life of Chatham.....	3
Williamson's History of N. Carolina.....		2	Middleton's Life of Cicero.....	3
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Henry's History of England.....		7		30
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Raynal's American Revolution..		1	Crabb's Synonymes.....	1
Kennett's Antiquities of Rome..		1	Harris's Hermes.....	1
Ramsay's American Revolution..		2		
Robertson's Charles 5th.....		3		
		84		3

<sup>1</sup>A. D. S. Ruffin MSS. This catalogue was made by Murphey at the time of the sale of his estate to Ruffin, in 1821. Murphey retained actual possession of the library until his death and added to it many valuable books and pamphlets for use in the preparation of his History of North Carolina. Two years after his death a few valuable books from his library were sold to the State by his son Dr. Victor Moreau Murphey, and became the nucleus of the present State Library. (See Coon, *Beginnings of Public Education in N. C.*, *Pub. N. C. Hist. Com.*, pp. 688-689, 693-694, 721.) Murphey's bookplate was a simple printed label bearing his name and the motto "*Patriae Honor et Libertas.*"

'Lyttelton.

'Murphy.

'By J. J. Barthelemy.

'By William Russell.

'Wm. Findley's *History of the Insurrection in the Four Western Counties of Pennsylvania* (Phila. 1796).

'Probably G. H. Loskiel's *History of the United Brethren Among the Indians in North America* (Lond. 1794).

'By R. T. Wilson.

'Charles J. Fox's *History of the early Part of the Reign of James the Second.*

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Paley's Philosophy .....	1	
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Moore's Navigation .....	1	
Simpson's Algebra .....	1	
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Encyclopedia .....	11	
Nicholson's Encyclopedia .....	21	
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Desagulieri's Philosophy .....	1	
Emporium of Arts .....	5	
Ewen's Synopsis .....	1	
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Well's Trigonometry .....	1	
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Blairs Lectures .....	2	
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Melmoths Cicero .....	3	
Guthrie's Cicero .....	3	
Melmoth's Pliny .....	2	
Cicero's Orations .....	1	
Patsalls Quintilian .....	2	
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Hartly on the Mind .....	1	
Locke's Essays .....	3	
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Duncan's Logic .....	1	
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John Adams.  
Ewing's *Synopsis of Practical Mathematics*.  
Lord Kames.  
Hartley.

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Harris's Treatises.....	1	Dryden's Virgil.....	1
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D'Argenson's Essays.....	1	Law.....	1
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Guardian.....	2	Laws of North Carolina.....	1
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Goldsmith's Essays.....	1	Chitty's Pleadings.....	2
Lounger.....	2	Comyn on Contracts.....	2
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Looker-On.....	2	Morgan's Vade Mecum.....	3
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Philips's Inland Navigation.....	1	Jones on Bailment.....	1
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Krafts Distiller.....	1	Peake's Evidence.....	1
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Chateaubriand's Travels.....	1	Cases in Chancery.....	1
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Dyer's Do.....	3
Modern Do.....	12
Raymond's Do.....	3
Willson's Do.....	3
Croke's Do.....	3
Wheaton's Do.....	4
Douglas's Do.....	1
Vesey's Do.....	2
Vesey Junr. Do.....	5
Plowden's Do.....	2
Tollers Law of Executors.....	1
Sheridan's Practice.....	1
Blackstone's Commentaries.....	4
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There are about 50 small Volumes of Minor Works, and 100 Pamphlets or more. Signed by me and Delivered to Thomas Ruffin the 8th. day of June A. D. 1822.  
A. D. MURPHEY.

These Fifteen pages contain a Catalogue of the books and Library of A. D. Murphey made out by said Murphey and by which we sold the same on 11th. of December last to Thomas Ruffin for one Thousand Dollars and which we now deliver to him together with this Catalogue and according to our Deed to him this 10th. day of June A. D. 1822.

Test. THOS. D. WATTS.

JAMES WEBB.  
DAVID YARBROUGH.<sup>1</sup>

<sup>1</sup>Indorsed by Ruffin, "Catalogue of my Library bought at Sale of Mr. Murphey's Trustees."

## BIBLIOGRAPHICAL NOTE.

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Excepting three volumes of law reports, nearly all of Murphey's published writings now extant which seem to have any present value have been reprinted in this work. Among the omitted writings are numerous reports and resolutions in the *Journal of the Senate* for the years 1813 to 1818, inclusive; the reports of 1820 and 1821 of the Board of Internal Improvements; a report of the president and directors of the Cape Fear Navigation Company, dated July 2, 1818, in *Niles's Weekly Register*, July 18, 1818, XIV. 355; *Report of the President and Directors of the Yadkin Navigation Company*, published in pamphlet form in Salisbury in 1825; and "Biographical Sketch of one of the early Professors of the University" (William Augustus Richards), in the *N. C. University Magazine*, September, 1852, I. 303-305.

Other publications have been omitted because they could not be found. These include his revision of Col. William Polk's account of the first Revolutionary movements in North Carolina, published in the *Hillsborough Recorder* in March, 1821, and mentioned in vol. I., page 212, and vol. II., page 198 of this work (believed to be identical with the so-called Martin copy of the Mecklenburg Declaration); his revision of Gen. Joseph Graham's account of the battle of Ramsour's Mill, published in the same paper and mentioned in vol. I., pages 208 and 212; a circular address to the freemen of the Raleigh Congressional district, published in June or July, 1827, mentioned in vol. I., page 356; his memorials of 1822 and 1823 to the Legislature of Tennessee on behalf of the University of North Carolina, published in pamphlet form in Tennessee; his memorial of January 1, 1827, to the Legislature of North Carolina, which was reviewed in the *North American Review*, April, 1827, XXIV. 468-470, by Jared Sparks, and is mentioned in vol. I., pages 347 and 349 of this work; and articles on the Revolution published in the newspapers in 1829 over the signature of "Floridan," mentioned in vol. I., page 381.

Articles on education and internal improvements copied from the *Blakeley Gazette* in the *Raleigh Register* of September 10,

1819 (reprinted in Coon's *Documentary History of Education in N. C.*, pp. 182-183), October 1, 1819, and October 22, 1819, and essays in *Gales's North Carolina Almanack* for 1819, 1821, and 1825, and in *Henderson's Almanack* for 1821, bear strong internal evidence that they were written by Murphey. He was probably the author also of "an interesting little Pamphlet on the subjects of Banking, Internal Improvements, and on our social and moral Condition," which the editors of the *Raleigh Register* announced in their issue of December 2, 1823, as published by them on that day. This pamphlet cannot be found. Doubtless many anonymous articles were contributed to the newspapers by Murphey. See vol. II., page 204.

The best sketch of Murphey's life is Gov. William A. Graham's, in the *North Carolina University Magazine* for August, 1860, reprinted in the introductory part of this work. Graham's sketch, Lyndon Swaim's reminiscences in the *Greensboro Patriot* of January 19, 1883, reprinted in vol. II., pages 431-435, and Gov. William W. Holden's brief letter in the *Raleigh State Chronicle* of August 10, 1890, may be classed as original sources. Dr. Edwin A. Alderman's sketch in the *State Chronicle* of July 29, 1890, reprinted in the issue of August 6, 1890, and Mr. J. W. Bailey's speech, in the *Charlotte Daily Observer* of June 8, 1902, are critical and well written. Mr. Howard A. Banks' sketch in the *State Chronicle* of February 21, 1892, is another general sketch worthy of note. The editor of the present work contributed a sketch to the *Biographical History of North Carolina*, IV. 340-348.

Reviews of Murphey's public services are collected in notes on pages 19 and 51 of the second volume of the present work. To these may be added Jared Sparks's article on internal improvements in North Carolina, in the *North American Review*, January, 1821, XII. 16-37.

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