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THOMAS N. HILL

THE HISTORY

OF

NORTH CAROLINA.

W. R. Smith.

THE

HISTORY

OF

NORTH CAROLINA.

BY

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Member of the Holland Society of Sciences, of the Society of Arts and Sciences of Utrecht, of the American Philosophical Society, &c.

IN TWO VOLUMES.

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CONTENTS.

CHAPTER VII.

Eden is made governor, and piracy prevails on the coast.—The secretary forms dishonorable connexions with Theach a pirate.—Theach is killed, and the governor's character does not escape censure.—The spirit of rioting prevails.—Pollock is again made president.—Reed succeeds Pollock.—Burrington is appointed governor.—He is imprudent and riotous.—Everard succeeds Burrington.—The dividing line is run between Carolina and Virginia, - - - Page 1

CHAPTER VIII.

Carolina becomes a royal government.—Burrington is again made governor.—Porter, the judge of admiralty, distinguishes himself by the perversion of justice.—Burrington, involved in disputes, abdicates the government.—Johnstone is appointed governor.—The population of the province increases rapidly.—Paper money depreciated, is made a tender.—The conduct of the assembly is very exceptionable.—Smith, the

chief justice, is accused of high crimes and misdemeanors.—Lord Carteret's southern dividing line is run.—The dividing line between North and South Carolina, is run to the river Peedee and is afterwards extended.—Troops are raised to act against the Spaniards.—The large representation of the old counties is disputed.—The representation is reduced by a law that is not constitutional.—M'Culloch speculates in crown lands, - - - - - - - 25

CHAPTER IX.

Emigrants from the north of Ireland settle in the western counties.—A moravian colony settle between Dan river and the Yadkin, and those people become excellent citizens.—A highland colony settle near Clarendon river, about one hundred miles above Wilmington.—Rice, president of the council, administers the government.—Rowan succeeds Rice, and gratifies the assembly by more paper money, - - - - - 67

CHAPTER X.

Dobbs is appointed governor.—Treaties are made with the Indians on the approach of war with France.—The frontier inhabitants are distressed by the Indians.—Troops are sent to the northward.—Forces are marched against the Cherokees.—Peace is made with the Indians.—The Indians break the peace and another expedition becomes necessary.—The Indians sue for

peace.—The late laws for making counties are repealed by the king.—The laws are renewed with a salvo in favor of the royal prerogative.—The assembly attempt to make the judges independent.—The governor disputes with the assembly.—Lord Granville's agents are guilty of great impositions.—One of his agents is carried off by rioters.—He sues the rioters, but discontinues his suit.—The demand of illegal fees is countenanced by the governor.—Paper money being depreciated, dollars pass for eight shillings instead of six.—New encroachments are made upon the religious rights of the people, - - - - - 85

CHAPTER XI.

Tryon becomes governor.—Commotions are excited by the stamp act.—The assembly vote money for building a government house in Newbern.—New commotions are excited by the revenue laws.—The demand of illegal fees cause associations and complaints in some of the northern counties.—The associators increase in number and attempt to regulate the government.—They refuse to pay taxes, or any debts.—They beat the lawyers at court, and dissolve the supreme court.—The governor calls out the militia, and the rioters promise amendment.—One of the rioters is chosen a member of the assembly.—He is expelled the house and imprisoned.—The true object of the rioters is explained by an intercepted letter.—The governor marches a body of volunteer militia into the

chief settlement of the rioters.—The rioters give battle, are defeated and submit, - - - 126

CHAPTER XII.

The general character of the inhabitants of North Carolina.—Martin succeeds Tryon in the government.—He courts popularity among the rioters, but evades granting a general pardon.—He maintains a long dispute with the assembly concerning the independence of the judges, foreign attachments, &c., until the government is dissolved, - - - - - 157

CHAPTER XIII.

Of the climate of Carolina.—A view of the flat country near the coast.—The effects of time and cultivation must be favorable to the health of the inhabitants.—The waters subside in the rivers.—They probably subside on the coast.—The cause of that subsidence.—Intermitting fevers prevail in the low country, during the summer and autumn.—Fevers with inflammatory symptoms prevail in the low country during the winter.—The means of preventing them.—The western parts of the state are remarkably healthy.—The produce of the state is various and valuable, and is capable of great improvement, - - - - - 173

THE HISTORY

OF

NORTH CAROLINA.

CHAPTER VII.

THE ADMINISTRATION OF GOVERNORS EDEN, BURRINGTON, AND EVERARD.

CHARLES EDEN, who had been appointed governor of North Carolina, did not arrive in the colony, before they had overcome the most difficult and dangerous part of the Indian war;* but his administration was checkered by trouble, and clouded by disgrace, that he might

* He arrived in May 1714.

and should have prevented. His conduct, when viewed in the most favourable light, was very imprudent; although his guilt was not fully established.

The splendid adventures of certain buccaniers, during the former century, had thrown a veil over the criminal part of their conduct; and piracy became a fashionable vice. King Charles the Second, in a paroxysm of folly, conferred the honour of knighthood upon Henry Morgan, who had distinguished himself at Panama and Porto Bello, by his piratical adventures; but it never was suspected that piracy had need of royal patronage. One of the governors of South Carolina, Robert Quarry, was degraded* for harboring pirates; and the character of Fletcher, a governor of New York, was stained with the same reproach. A ship of considerable force had been fitted

* 1685.

out, at the private expense of king William and sundry lords and gentlemen, to cruise against pirates, who had long infested the American seas. The command of the ship was given to one Kid, a good pilot, and experienced mariner. That officer, not finding much advantage in cruising against pirates, adopted their profession, and became the most dangerous robber on the coast. Fletcher, the governor of New York, had been suspected of confederating with Kid and his associates. He was succeeded in the government, in the year 1698, by lord Bellamont, by whose exertions, captain Kid was brought to justice. It was then discovered that Nicoll, a member of the governor's council, had received bribes, for granting protections to pirates, who frequented the sound, and received supplies from Long Island. Lord Bellamont's council advised that Fletcher should be sent to England, to be tried for piracy;

and that Nicoll should be tried in the colony.*

Governor Eden and Tobias Knight, were not more fortunate than Fletcher and Nicoll. They were both suspected of confederating with robbers. Theach, the noted freebooter, who was surnamed Black Beard, while he pursued his piracies, used to retire to the mouth of Pamptico river, in North Carolina, to refit his vessel. Bath county was thinly inhabited; and Theach frequently went ashore, at the town of that name, without restraint; for guarded as he was, he could not be easily apprehended. He lived on terms of familiarity with some of the inhabitants, who did not count it dishonorable to associate with a robber. Tobias Knight, a member of the council, secretary of the province, and collector of the customs for

* Smith's History of New York.

the port of Bath, was unfortunately in the number of his friends. King George the First, in the year 1717, was pleased to issue a proclamation, offering a pardon to all pirates who should surrender themselves, within a limited time, to any of the colonial governors. This was deemed to be the most expeditious method of obtaining relief from a common pest. Theach, and twenty of his men, surrendered themselves to the governor of North Carolina, and took the oath of allegiance. His associates dispersed themselves; and some of them went to work. But Theach was an intemperate man, and had been long in the habits of idleness. In a short time his money was expended. Those treasures were of no use to him, which vulgar credulity, prone to believe a wonderful story, has passed to his account. The man who is said, and believed to have buried pots or chests of money, in every deep creek along our

coast, had not the means of supporting himself on shore, when he left off cruising; wherefore he resolved to risk his life, by returning to his piracies. For this purpose he fitted out a sloop, enlisted a proper crew, and cleared, as a common trader, for the island of Saint Thomas. After a few weeks, he returned to Carolina, and brought with him a French ship laden with sugar, coffee, and cotton. He made oath before the governor, with four of his people, that he found the ship deserted at sea; upon which he was allowed to enter at the customhouse. He landed his sugar and other goods, and hove down his sloop, to give her a clean bottom, at the place that is now called Theach's Hole, within Ocacoke inlet. Knight, who was collector of the customs, lived on Pamlico river, a few miles below the port of Bath. Theach had been at his house during those transactions; for he stored twenty

barrels of sugar, and two bags of coffee, in his barn. Whatever the governor or his secretary may have thought of an old pirate, who alleged that he had found a tight ship, with a valuable cargo, deserted at sea; other people were disposed to view it as a piratical adventure. The assembly of Virginia offered a reward of one hundred pounds for Theach, and ten pounds for each of his associates. There were two ships of war then at their moorings in Hampton Road. Maynard, a lieutenant in one of the ships, taking with him two small coasters, and a sufficient number of men, sailed in quest of Theach, and found him at his usual careening place. When the action began, Theach had only seventeen men with him; but he fought like a desperado, who was resolved to escape the gibbet. He was killed in the action, and nine of his men. Eight of them were taken. Thirty of Maynard's men were killed or

wounded. The pirates, who survived the action, were tried in Virginia. One of them, Basilica Hand, turned king's evidence; and four of them were executed, after they had confessed the truth of Hand's deposition. It followed, as a necessary consequence, from the testimony of Hand, that secretary Knight was privy to the last act of piracy.* A copy of those examinations was sent to the governor of North Carolina, by the court of admiralty, who alleged, that Knight should be tried, as an accomplice. When Knight was summoned to appear before the council, he exculpated himself by the testimony of a young man, who lived with him in his house. This testimony was directly opposed to the evidence of Hand; and the presumption in that case, should have been in favour of Knight's

* See Proofs and Explanations R.

innocence; for the testimony of a pirate, who turned king's evidence, supported by the declaration of four negro pirates who were condemned, could do little injury to a fair character; but there was other evidence more to be trusted than such oaths. By that evidence, Knight's character was destroyed; and the governor's did not escape suspicion. A letter from Knight was found in Theach's pocket, dated a few days before he fell into the hands of Maynard. That letter referred to a secret, not to be trusted to paper.* It was proof of Knight's friendship for a freebooter, and a clear intimation of the governor's respect. There was also a silver cup found in Theach's cabin, of which he had lately robbed a boatman on the river, below Knight's house.

* See Proofs and Explanations, R r.

By incidents of this kind, the bonds of civil government were relaxed, and a general dissipation of manners took place. Laws are made, in all countries, for the restraint of bad men; but such men cannot be expected to reverence justice, or respect the laws, when they perceive that civil magistrates are equally vitious and guilty with themselves. A few months after those transactions, four or five gentlemen,* in a riotous manner, broke into the office of John Lovick, the deputy secretary, and took possession of the public records. They were immediately apprehended by an armed posse, and taken into custody of the marshal. One of the rioters, Edward Mosely, a member of the council, was afterwards prosecuted, by the governor, for defama-

* Colonel Mosely, colonel Maurice Moore, Thomas Luten, Joseph Meare, and Henry Clayton.

tion. He said "the governor could raise an armed posse to arrest honest men, though he could not raise a similar force to apprehend Theach, the noted pirate." From the frequency of such riots, we infer the spirit of the times; and from the occasion and manner in which the governor was insulted, we discover that his character had suffered by his reputed intercourse with a pirate.

Upon the death of governor Eden,* Thomas Pollock was again chosen president: he died within six months, and was succeeded by William Reed, who was made president of the council, and in that character administered the government, until the arrival of George Burrington, who was appointed governor,

* March 1722.

upon the death of Eden, and came out the next summer.*

After the peace that was made in the year 1715,† the Indians had caused some disturbance. Two or three people were killed below Bath the next year. The alarm was great; troops were raised; and the inhabitants, who smarted under the late Indian war, feared the return of similar calamities. But the Indians, few in number, were now surrounded by the colonists, and they could not form any powerful alliance; wherefore they sued for peace, which was concluded in November 1717.

A tract of land, including their chief town, had been reserved for the Chowan

* July 1723.

† In the year 1715, the law required that public roads should be ten feet wide. From the year 1764, they were to be twenty feet wide.

Indians; and similar reservations had been made for other tribes: but the Chowan and Sapona Indians, being greatly reduced, asked permission to join the Tuskaroras. King Blount, who was a faithful ally, obtained assistance, in the year 1723, to fortify his town; for he had discovered that the northern Indians were preparing to make him a visit, with the hope of persuading his young men to strike the white inhabitants.

When we observe that North Carolina, in the year 1791, was the fourth* state in the Union, though in the beginning of that century, it did not contain one thousand men, capable of bearing arms, we

* In Virginia, the numbers were 747,610.
In Massachusetts and Maine, 475,327.
In Pennsylvania, 434,373.
In North Carolina, 393,753.
In New York, 340,120.

look in vain for some external means, for some fostering hand, by which the colony had been cherished, so as to acquire its present growth. It is indebted for its great increase to the goodness of its soil, the variety of its produce, and the general facility with which a family may be supported there. It owes little to the fostering care of its sovereign, or the virtue and wisdom of its public officers. Few men have been more unfit to discharge the duties of a chief magistrate, than governor Burrington. He is not charged, nor was he chargeable, with fraud or corruption; for he despised rogues, whether they were small or great. Nor could he be suspected of cunning; a vice that is the more dangerous, because it personates a virtue; but he sailed without ballast. His talents were not above mediocrity, and he was seldom guided by prudence. When there was a

difficulty or a choice of measures, it was commonly his lot to adopt the worst. Considering him as a civil officer, who should preserve the peace, his conduct was a sarcasm upon his rank. In riots, brawls, and breaches of the peace, there was not in the colony, a more notorious, or more frequent offender. It will readily be perceived, that such an officer was not appointed from an opinion of his being fit to govern. He was appointed, like most of the colonial governors, because he needed a place. His father had been active in the support of government, when king George the First came to the throne; and the son was to be rewarded. Before he had been two years in Carolina, so many complaints were made of his imprudent, rash, and injurious measures, that the proprietors thought fit to remove him from the government, by appointing sir Richard Everard in his

place.* The follies and intemperance of Burrington involved him in so many prosecutions, within a few weeks of his becoming a private subject, that he thought fit to evade justice by retiring from the colony.†

The uncertain boundary had been the subject of much altercation between Virginia and North Carolina. The Virginians, under titles from the crown, had taken up lands to the southward of their proper limits; and the Carolinians, under warrants from the proprietors, were charged with taking up lands that belonged to the crown. Commissioners had been appointed, many years ago, in behalf of each province, for running the dividing line; and proclamations issued,

* His commission was dated April 1724, and he took his seat the seventeenth of July 1725.

† See Proofs and Explanations S.

in consequence of an agreement, that no settlements should be made, nor surveys executed within the disputed limits, until the line should be marked; but people continued to take up lands and make settlements, notwithstanding that agreement. The governor of Virginia pressed governor Hyde, with the utmost zeal, to have the work finished; and threatened, that if the North Carolina commissioners did not proceed in good earnest, "he should order the Virginia commissioners to go on without them."* The surveyor general of North Carolina was one of the commissioners; and he was suspected, very improperly, of causing delay, for the sake of getting fees, for executing surveys within the disputed limits. The North Carolina commissioners had a more justifiable cause of delay. There

* January 1711.

was no money in the treasury: and when the line was afterwards run, in the year 1728, they could not purchase the necessary stores, until the council had sold blank patents to individuals, who advanced the money.*

When the commissioners met at Currituck, notwithstanding the solicitude that had been expressed, to settle the line, the letter of their instructions was so vague, and the difficulties in their progress were so numerous, that they returned home without doing any thing. According to their instructions, and the words of the charter, the dividing line was "to begin at the north end of Currituck river or inlet." Thence it was to run westerly to the mouth of Wyanoke creek, or Chowan river; whence it was

* Some of those patents were sold to Pollock, a son of the late president.

to be continued a due west course. But there was not any water known by the name of Currituck river; for Currituck is the name of a bay, whose head is ten or fifteen miles to the northward of the inlet, where the line should begin; if the word river had been used synonymous with inlet. Wyanoke creek, to which the line was to run, had also become the subject of debate. It appears by the charter, that Wyanoke was deemed to be near the latitude thirty-six degrees, thirty minutes. The Virginia commissioners contended that it was a river now called Wiccacon; and the Carolinians claimed Nottoway as the intended river. Depositions were also taken by the commissioners concerning the Wyanoke Indians who had lived, at different times, upon both rivers.* The result of observations

* Those Indians had formerly emigrated from Susquehanna river.

to fix the latitude, did not prove more satisfactory. The Virginia commissioners made the latitude of Nottoway thirty-seven degrees, or thirty-seven degrees ten minutes, and the latitude of Wiccacon thirty-six degrees forty minutes. According to those observations, Wiccacon itself was too far north. We are taught to expect certainty in mathematics and geometry. An error of thirty or forty miles, in taking the latitude, was too much. It could hardly be the effect of ignorance. This is not mentioned as a solitary proof that we do not safely confide in a man's judgment, whose private interest is at variance with the truth.

Governor Eden of North Carolina, and Spotswood of Virginia, in a conference at Nansamond, fixed upon terms that were explicit, and agreed to certain proposals respecting the boundary line, which they signed and transmitted to their superiors.

His majesty in council having approved of the proposals,* and the lords proprietors having agreed to the same, the governors of Virginia and Carolina, were instructed to settle the line accordingly. Commissioners being appointed to execute the service, sir *Richard Everard*, at the request of his council, proposed that the commissioners should be authorized to give quiet possession to all settlers, who had any titles to the land they occupied. For this and other purposes, he advised that they should have a meeting, previous to their attending at Currituck, to run the line. But the governor of Virginia could not discover that any favour

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* See Proofs and Explanations T.

The commissioners on the part of Virginia, were colonel Bird, Richard Fitzwilliam, and William Dandridge.

On the part of Carolina, they were John Lovick, Christopher Gale, Edward Maseley, and William Little.

was due to men who had endangered the public peace, by settling upon disputed ground; and he alleged, that the commissioners might settle all the necessary preliminaries, by letters.* The Carolina commissioners, as we have seen, were badly provided with money; but their correspondence does not exhibit any defect in the knowledge of their business.†

When the commissioners met at Curituck inlet, the variation of the compass was found to be three degrees west nearly, and the latitude thirty-six degrees thirty-one minutes. The dividing line struck Black Water one hundred and seventy-six poles above the mouth of Nottoway, to the great disappointment of many people, who had been covering Carolina

* See Proofs and Explanations U.

† See Proofs and Explanations V.

lands by Virginia patents. The variation of the compass, at the mouth of Nottoway, was two degrees thirty minutes.*

Sir Richard Everard was more circumspect in his general conduct than his predecessor; but his administration, in many cases, was very exceptionable. He did not protect the innocent, nor correct the guilty with a steady hand.

* Surveyors in North Carolina, retracing the lines of an old patent, after the marks are lost, commonly allow a certain increase or decrease of the variation of the compass for every twenty years; but this allowance is often made by pure conjecture, without any certain rule. He must be a poor geometrician, who cannot find a true meridian, by which he may fix the present variation. The above record fixes the variation for the year 1728, on the northern boundary of Edenton district. From those data he may discover how much it has altered every twenty years.

If the legislature would cause the variation to be taken and recorded in every county, once in ten years, they would prevent many disputes.

When the assembly had remonstrated against the conduct of an oppressive judge, he paid no attention to their complaints. He disputed with his council; and they mutually criminated one another to the lords proprietors.

CHAPTER VIII.

THE ADMINISTRATION OF GOVERNOR JOHNSTONE.

IT had long been suspected, that the disorderly and turbulent spirit, which appeared in both Carolinas, was cherished, in a great measure, by the nature of their government. Men had not so much respect for the worthless, intriguing deputy of their fellow-subjects, as they might be expected to have for the representative of their sovereign. It had been observed, more than once, that the subject was encouraged to resist the laws, by the want of power in the hands of the proprietors. In South Carolina, the inhabitants had expressed their contempt of the proprietary government,

in the strongest terms. They insulted and deposed their governor, and had chosen a governor for themselves, who was to be considered as his majesty's representative. In North Carolina, the forms of obedience were observed; but the people were discontented and disorderly. The peace and safety of the province demanded that the executive powers should be more respected: wherefore his majesty was pleased to purchase the soil and seigniory of Carolina, except that one of the proprietors, lord Carteret, afterwards created earl of Granville, thought fit to retain his eighth part of the soil; he paying the king, his heirs and successors, the annual rent of one pound thirteen shillings and four pence, on the Feast of All Saints, first of November, for ever, and one fourth of the gold and silver ore that should be found in such reservation. Seven eighths of the province were purchased in July

1729, for seventeen thousand five hundred pounds sterling; and the surrender was confirmed by act of parliament. Lord Carteret's eighth part of the province was laid off for him adjoining the Virginia line. But the commissioners, in the year 1743, laid off for him above seventy-two miles, which was eight or nine miles more than his eighth part of the province. It is true, that the charter conveyed eight degrees and a half; viz. from the beginning of the twenty-ninth degree; but Saint Augustine, in East Florida, stands in twenty-nine degrees forty-five minutes. The proprietors, as we know, had no claim to East Florida. Seven degrees and a half are more than they ever possessed, or had a right to convey.

Burrington had originally been appointed governor by the proprietors, to gratify the court. He had not acquitted himself well; but it might be presumed,

that two years' experience, and five years' retirement and reflection, had increased his knowledge and prudence. The conduct of sir Richard Everard had made it proper that he should be removed; and his majesty thought fit to gratify a dependent, by sending Burrington again to North Carolina, to excite new commotions and kindle a new flame, by misruling the province. When Burrington was first appointed governor, the council, according to his instructions, consisted of twelve persons, who were no longer called deputies. His council, under the immediate government of his majesty, consisted of seven members, three of whom with the governor formed a quorum.

The inhabitants of North Carolina did not regard the return of Burrington* as

* Burrington's second commission was dated April 1730. He arrived in February 1731.

a mark of royal attention, nor did he begin his administration under favorable auspices. He could neither agree with the council nor the assembly. As sir Richard Everard and his council had mutually criminated one another, governor Burrington had been instructed by his majesty to inquire into the merits of the dispute, that so the guilty might be punished. He offered to examine some members of the old council, touching the conduct of sir Richard Everard; but his new council refused to hear those gentlemen, or any of them, because they were parties.

The governor, in pursuance of his instructions, had appointed assistant judges. The house of representatives desired to know what were the powers of the assistant judges. The council replied, that the assistant judges had no judicial powers; but the governor alleged, that like the

judges in England, they had power in all cases to sit and act as judges, else the chief justice was the sole judge. The council replied, that the chief justice, being commissioned by his majesty with full power to hold the superior courts, no accession of power could be made. Such trifling disputes, at the beginning, did not augur a fortunate administration to the governor.

The assembly, at their first session, prepared and presented a bill for ascertaining the fees of public officers, and making tobacco a tender, at ten shillings the hundred, in payment of quit-rents. As the governor could not give his assent to such a bill, he thought fit to prorogue the assembly. They were to have met, after that prorogation, the second day of November; but the governor had been at Wilmington, and did not return before the third of that month: wherefore

he once more prorogued the assembly to meet the first Tuesday in April. His other follies were sufficient; he might have omitted this trifling mode of irritating the people.

From the first settlement of North Carolina, our indignation and pity have been alternately excited, by observing an infant colony, that was planted in a happy soil, depressed and kept down by the constant recurrence of anarchy and oppression, insurrection and war. Among the numerous offenders, by whom the colony was oppressed, there was not one more distinguished by the uniformity of his conduct, than Edmund Porter, the judge of admiralty. If that man's opportunities and power had been equal to his disposition, he would have rivalled the most celebrated tyrants of the old continent. In the character of judge, he greatly exceeded chief justice Jeffries,

of infamous memory; nor do we find his equal in the records of judiciary disgrace. This judge never had an opportunity of hearing more than thirteen causes, and, in every case, he was guilty of oppression and perversion of justice.* The assembly had complained of his oppressions to sir Richard Everard, but that gentleman turned a deaf ear to their remonstrances. He was impeached before governor Burrington and council, where his crimes could not be palliated or defended. After a full hearing, he was convicted of "sundry notorious crimes:" upon which, he was suspended from his office as judge, and from being a member of the council.

Governor Burrington was remarkably unfortunate, during the whole of his administration; for it may be noted, that

* See Proofs and Explanations W.

whether he was guided by irregular passions, or by the honest contempt of villains, he conducted himself with such a want of prudence, as to increase the number of his enemies. During his visit at Wilmington, the master of a vessel came before him, with a complaint, that a merchant in that place, to whom he sold a valuable cargo, had refused to make payment according to his contract. Burrington might have suspected the consequence, and he should have refused to interfere, because it was a subject not cognizable by the governor; but he laid the complaint before his council at Edenton, and the merchant, who was a member of the council, was summoned to make his defence. He alleged, upon his appearance, that the council was not a court for taking cognizance of such matters; at the same time he offered, in

defence of his character, to show that he had not departed from the spirit of his contract. After a short hearing, his fraud became very conspicuous. From that period, he was the governor's implacable enemy. Upon every occasion he placed his follies and his foibles in the strongest light; but they needed no exaggeration. As the governor was riding across the country, he observed, that a tract of land belonging to himself, had been occupied by a poor man, who built a cabin on it. He ordered his servant to burn the cabin. It was a place of little value, but it was the poor man's place of residence. This, as he conceived, was the shortest method of ejecting a tenant, for he never showed much attention to the forms of law. By such irregularities, he created a host of enemies, and he wanted the usual address of worse men; he formed no party for his own support. Knowing that Smith, the late chief justice, had gone to England

with private instructions from the council, to complain of his administration; and finding himself in a troubled ocean, a storm collecting on every side, he retired from the helm,* under pretence of making a visit to South Carolina; from which he took ship for England.

Gabriel Johnstone was appointed governor upon the abdication of Burrington, and arrived in the province the next fall.† Under the prudent administration of that magistrate, the colony began to reap the benefit of industry, order, and submission to the laws. New settlements

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* April 1734. This imprudent and eccentric man, after his return to London, sold a tract of land that he had taken up, near the Haw Fields in Carolina. Having money in his pocket on the following night, and rioting in his usual manner, he fell a sacrifice to his folly. He was found murdered the next morning, in the Bird Cage walk, in a corner of Saint James' Park.

† November 1734.

were formed, and the population, from that period, continued to increase with a vigorous growth. It was obvious, that men, who were to be governed by law, had need of instruction: and men, who had long been versed in riot and disorder,* had need of reformation and amendment; wherefore governor Johnstone, at every session, pressed the assembly to make some provision for the education of youth, the support of public worship, and the amendment of their laws. Too much time, as he alleged, had been taken up in vain, unnecessary disputes. The assembly attending to the letter, not to the spirit of his advice, passed a law, that was inconsistent with religious liberty, for the support of a particular church. They also appropriated money, once and again, for the support of a seminary of learning; but these appropriations were

* See Proofs and Explanations, W 2.

nugatory and vain. The money was constantly applied to some other purpose. The laws that were made to support a religious establishment, retained their force; for they were supported by the spirit of party. Learning was neglected, because it was of no party; no troops enlisted themselves under its banner. Pride or passion were not ready to lend their assistance, and reason, a cool auxiliary, for many years gave ineffectual support. Measures were taken, in the mean time, for amending the laws, and reforming the courts of justice. Every man discovered the urgent necessity of preserving good order, and protecting property by the sanction of laws. It seems to have escaped their notice, that money was a species of property; for they had a constant desire to injure their currency. Paper money had been emitted, during the Indian war, for defraying the necessary expenses of the troops. It was provided

that two thousand pounds per annum should be sunk by taxes; but the currency could never be raised to its original value. Although every man in the colony, saw that too much paper was in circulation, for it passed below the nominal value, excuses were formed, once and again, for making more. In the year 1729, bills of credit were issued, to the amount of forty thousand pounds, by a shameful collusion between the governor and the assembly. The proprietors had sold their government to the crown, and sir Richard Everard could foresee that he was soon to quit the helm. He made the most of his time. In the year 1734, the people were gratified by another emission of ten thousand pounds in bills of credit. The baneful effects could not escape general notice. In the year 1730, current bills were depreciated at three and a half for one. In the year 1735, they were at five for one; and in 1739, they

had sunk to seven and a half for one. The bills of credit, issued in Carolina, were supposed equal to the proclamation value of silver. Six shillings, in those bills, should have been equal to a Spanish dollar, according to a proclamation of queen Ann, fixing the rate of foreign coins, in the British colonies. Of all the varieties of fraud that have been practised by men, who call themselves honest, and wish to preserve a decent appearance, none has been more frequent, in legislative bodies, than the attempt to pass money for more than its proper value. There are men who conceive, that crimes lose their stain, when the offenders are numerous; that in the character of legislators, they cannot be rogues, "defendit numerus." There are men, who would be ashamed to acquire five shillings by stealing, picking a pocket, or robbing on the highway; but they would freely, and without blushing, assist in passing a law

to defraud their creditor out of half his just demand. There were instances of men being banished from Carolina for stealing a hog, not worth five dollars; while the men who banished them, would contend for paying a debt of seven pounds with the value of twenty shillings.* The moral sense is depraved by

* It is not to be understood, from any thing above stated, that the legislature of North Carolina were more dishonest, or more desirous of depreciating the currency, than people in the other colonies. Paper money was issued in most of the provinces, and it depreciated in every case; in some of them much more than in North Carolina. We have seen paper currency depreciate in some of the states, since the revolution, to five or six for one, while it continued to be a legal tender. The mind sickens at such instances of human infirmity. Among the numerous advantages the United States have gained by the federal constitution, the prohibition of a depreciated currency is not the smallest. It is a prohibition that encourages industry, by protecting the property of honest men.

While the writer refers to a provision in the federal constitution against a depreciated currency, he is not

tender laws, or laws that enable the debtor to defraud his creditor, by offering him a fictitious payment. By such laws the mind is alienated from the love of justice, and is prepared for every species of chicane and fraud.

In the fourth year of governor Johnstone's administration, the assembly attempted to give a circulation to their depreciated currency, by a process that was altogether new. The annual quit-rents were payable in sterling money, or in foreign coins, at the proclamation value, and

without apprehension, that such provision may be defeated, by a deluge of Bank paper. The only state in the union that had resisted a depreciated currency, while it was a province, is now infected with the banking mania. Fictitious dollars are already depreciated, and since legislative bodies have descended to raising a revenue by selling charters for banks, the next step in rounding the process, may be a law to promote the circulation of that costly paper. An excuse will not be wanted for such a law, when paper dollars shall have banished the specie.

the proprietors of Carolina had formerly instructed their agents to receive payments for quit-rents in certain articles of country produce, at the price fixed by law, which was the true market value. His majesty had also been ready to receive payment for the large arrears of quit-rents in foreign coins, deer skins, or bees wax. In passing laws for issuing bills of credit, which were to be a legal tender, an exception had always been made in favour of quit-rents, or debts due to the crown; for the governor could not have assented to the law without that exception. The assembly nevertheless, endeavoured to pass their currency at par, in discharge of public debts. Money that was depreciated, at seven and a half for one, was offered in payment of quit-rents. The public officers refused to receive it, and proceeded to distrain for the rents. The assembly, then sitting, ordered those officers to be imprisoned. This was an

extraordinary mode of paying debts. The governor dissolved the assembly,* that he might be relieved from the tyranny of men, who had shown an equal contempt of law and justice. In a short time, he dissolved the next assembly also; for they discovered, as he said, little disposition to serve the public. It was not to be expected that men, who had grown up in a government so long agitated by outrage, violence and insurrection, should, in a short time, become obedient subjects. The disordered spirit of the times had affected the legislative body; who appear, in some cases, to have cherished lawless oppression, which, in a short time, produced a gross and rampant crop, that checked the wheels of government.

The conduct of Smith, the chief justice, was, in many cases, very exception-

* Fourth of March 1739.

able; but he had the address to make friends of one class, while he oppressed others by violence and extortion. Measures were taken* by certain members of the general assembly, for having him impeached before the governor and council. To avert the impending storm, the chief justice persuaded some members of the assembly to refuse attendance in the house, though they were in town.† While those members were absent, a quorum‡ for doing business could not be formed, and the governor, availing himself of that circumstance, dissolved the assembly. He issued writs the next month, at the request of a grand jury, for a new election. By industry and management, on the part of Smith and his associates, a ma-

* The fourth of March 1737.

† Fifteenth of November 1738.

‡ Twenty-four members constituted a quorum.

jority was obtained, with much difficulty, who might be trusted. The assembly met,* and the chief justice was accused of oppression, violence, and extortion. Time was not given the prosecutors to collect their evidence, for they were ruled to come to trial immediately, as if the majority of the assembly had known that a public officer, and a judge of the land, must be convicted of high crimes and misdemeanors, if time should be given to send for witnesses. Notwithstanding those palpable attempts to cover injustice, some of the charges were clearly established, by witnesses who chanced to be in town; but the house would not impeach the chief justice, because the complainants had not established *every charge*.† In this case we have an instance,

* February 1739.

† See Proofs and Explanations X.

that claims our notice, of the first magistrate lending his aid to screen an executive officer, who was accused, and strongly suspected, of corrupt practices. The officer escaped punishment, as we have reason to believe, in consequence of the governor's interference; but the province groaned many years under the pestilential effects of his impunity and example. It is not improbable that the members, or some of them, who prosecuted the chief justice, might have been warmed by personal resentment; but their intemperate zeal could afford no excuse to the governor, for protecting a corrupt judge. Faults may be committed by inattention; but the officer, who, in a single instance, is guilty of deliberate fraud or extortion, should be delivered over to all the corrections of the law. There are few instances on record, of an officer of this class being protected, who did not, in the course of time, give his

patron sufficient reason to repent of his folly. It is not to be supposed that the members of assembly, who supported a corrupt or oppressive judge, by artifice and evasion, could have foreseen, that by future oppressions of the same kind, the province was to be convulsed; but they ought to have known that bad example is infectious, and vice requires no patronage.*

A bill was brought up from the lower house, a short time after that dispute, for establishing the town and port of Wilmington. Hitherto the legislature had met occasionally at Brunswick, that was incor-

* The reader, if he has attended to the proceedings of legislative bodies, will admit that the conduct of the majority in the North Carolina assembly was not more exceptionable and wicked than the conduct of many other majorities, when they suffer themselves to be guided by the same spirit, that is to say, by the spirit of party.

porated. The council, eight members being present, were equally divided, and the opponents to the bill alleged that it was lost, because the law maxim, "semper præsumitur pro negante," was on their side; but the president of the council was in favour of the bill, and though his own vote had been required to produce an equality, he alleged, in contempt of precedent, that he was also entitled to a casting vote. The bill passing in this suspicious form, received the governor's approbation. The incidents, which related to that bill, became the source of much invective. Some members of the council had property in Brunswick; they were opposed to the bill: others of them had lately been very active in support of the chief justice; they were in favour of the bill. The opponents were charged with being blinded by private interest, and the supporters of the bill were called the partisans of a corrupt judge. Happily, the

people at large were not interested in the law. About this time* it was enacted, that the precincts should be called counties, and the provost marshal should be called sheriff.

Hitherto lord Carteret had been in some measure restrained from selling land, because his part of the soil was not ascertained. It was necessary that a dividing line should be run; and the governor, according to his instructions, appointed Holton, Allen, Rowan and Forbes, who were members of the council, and Gould the surveyor general, to execute that service, in behalf of the crown. Mosely, Moore, Rice and Abercombie, were appointed commissioners, on the part of lord Carteret, to run the line.† Those gentlemen extended the line to

* Sixth of March 1738. † Anno 1743.

Pamlico river from the coast. Three of the same commissioners were afterwards appointed to continue the line.* They ran to the west side of Saxapahaw river, or the northwest branch of Clarendon; the whole being one hundred and three miles, and two hundred and seventeen poles. They were afterwards directed to finish the line.

North Carolina was not distinguished from the southern province by a natural boundary, nor had it ever been designated by a line, or any other visible marks. The proprietors, in their commissions, had occasionally described North Carolina as that part of our province, which lies to the northward and eastward of Cape Fear. The settlers on Old Town creek, by the second commission of sir John Yeamans, had been attached, in

* April 1746.

some measure, to South Carolina; but the new settlements that were formed, near the mouth of Clarendon river, after the general Indian war, had been attached to North Carolina. The legislative assemblies had sometimes met in Brunswick. Commissioners were now appointed,* in behalf of each province, to run a dividing line. As it was clear, from the depth of water, that one of the chief ports of North Carolina would be on Clarendon river, it was deemed proper that a sufficient space, to the southward of Cape Fear, should be allotted for a county within the government.

With this view, the commissioners began at a cedar stake, on the seashore, by the mouth of Little river, and having

* The commissioners were Robert Holton, Matthew Rowan, and Edward Mosely, on the part of North Carolina.

run a northwest line until they arrived, as they conceived, at the beginning of the thirty-fifth degree of latitude, they altered their course "by mutual consent," and ran west to the river Pee Dee.* At the termination of the northwest line, they erected a lightwood stake, upon a mound of earth; at the river they marked a pine tree. Governor Johnstone afterwards pressed the lords commissioners of trade and plantations to have the line finished; but it appeared to them a subject of less importance than to people who lived in that part of the country, whose peace was often disturbed by riots near the boundary. The line was afterwards extended twenty miles, by private persons, and that temporary line was continued farther in the year 1764. This was taken for the true line, according to governor Tryon's proclamation.†

* Anno 1737. Journals of Council.

† Ninth of May 1765.

Governor Martin, after some years, informed the assembly, that he was instructed by his majesty to appoint commissioners, who should continue the boundary line, lately run, as far as the Salisbury road; then along the road to where it enters the Catawba lands; thence, leaving those lands to the southward, by their boundary, to the Catawba river; then up that river to the fork; then due west.* The assembly refused to make provision for such commissioners. It is strange that any person should have advised his majesty to order so ridiculous a line, merely to gratify a whim of the Catawba Indians. It was doubtless the intention of government, that the provinces should be separated by a parallel of latitude. That parallel was to begin at the termination of the northwest line, that has been mentioned.

* December 1771.

The commissioners found no difficulty in running the first part of the line, and if there had been any doubt concerning the latitude, they knew that an error of two or three minutes would be of little importance, as the soil on both sides belonged to the crown. When the line was afterwards to be extended, the ridiculous zigzag, recommended by governor Martin, seems to have been the effect of private intrigue. If it was an object to gratify the Catawba Indians, the parallel might have been continued to their lands, and leaving those lands to the southward, it could have been taken up in the same latitude, at their western boundary. But lands near the Catawba river were of a better quality than lands adjoining the boundary to the eastward of the river Pee Dee; and numerous settlements were already formed to the westward of the Catawba reservation; wherefore those lands had become the object of speculation. From the correspondence of the governor of South Carolina with governor Dobbs, and the subsequent proposition made by lord Charles S. Montague to governor Tryon, for running a line very unfavourable to North Carolina, which proposition he rejected with firmness, it is not to be supposed, that any instructions had then been received from the king, for deviating from the original course.

The currency of the province had been rising for some years towards its proper value. An expedition was projected against the Spaniards at Carthagena, and North Carolina had raised four hundred men, as her quota, to assist in the enterprise.* A poll tax of three shillings proclamation money was laid for defraying the expenses of the troops; and that

* Anno 1740.

tax, according to the law by which it was imposed, might be discharged by a payment in specie, or by tobacco at ten shillings the hundred, rice at seven shillings and six-pence, Indian dressed deer skins at two shillings and six-pence the pound, bees wax at ten-pence half-penny, tallow at four-pence, pork at twenty-seven shillings the barrel, or current paper money at seven and an half for one. The paper money had been scaled at different times, by common agreement, or by the order of court, and the tax of seven and an half for one served to call in the greater part of the current paper, which had never been measured by a lower standard.

Attempts to fix the seat of government, in every country, where the people have the right of suffrage, are marked by the effects of passion and private interest. The first attempt made in North Carolina on that subject was supported

by one party, in direct opposition to the chartered rights of their fellow subjects. Five members, as we have already seen, had been chosen to represent each of the oldest counties or precincts in the eastern district. Beaufort, Hyde, and Craven, had also been authorized for a time, to send five members. The other counties were represented by two members. This distinction, that was reasonable at first, might be called by a different epithet, when some of the new counties had become equally populous with either of the original precincts. But men, who have more than a proper degree of power, are seldom known to surrender it freely. Although the act of 1715 had been repealed by the king, the five eastern counties continued to be represented, each of them, by five members; for they claimed the privilege of sending that number, by virtue of powers that were antecedent to the act of 1715. The governor, in that doubt-

ful case, not venturing to offend so many people together, had issued writs of election with great caution; so as neither to countenance the claim of five representatives nor directly to oppose it. In some counties the sheriffs were directed to convene the freeholders "to choose two representatives." In other counties they were directed to convene the freeholders "to choose representatives."

While the assembly was sitting in New Bern, in June 1746, an attempt was made, by the council, to fix the seat of government in that town, or to the southward of it; for a majority of the council lived to the southward: but the house of representatives preferred Bath, which was, at that period, nearer the centre of population. In that dispute, the large representation of the eastern counties had a decisive influence; wherefore the governor and council resolved to reduce the

representation, if possible. If all the other counties had united, the representation of the five eastern counties might have been altered by law, in the constitutional manner; for there were fifty-nine members in the assembly when the governor determined to reduce the representation, as he expressed himself, by "management." The governor's project required that the assembly should be prorogued, but a decent excuse was necessary. The council in a short time furnished an excuse. They contrived a dispute with the house of representatives, by claiming to be addressed in the petitionary style, in the following manner, "*May it please your honors;*" but the representatives, having no disposition to flatter the senate, pertinaciously refused that humiliating form of address. This trifling dispute was conducted in such a manner, that it seemed to become serious; whereupon the governor pro-

rogued the assembly, and called them to meet him at Wilmington, the fifth of December; at a season when deep waters and bad bridges rendered a journey of two hundred or two hundred and fifty miles nearly impracticable. The issue was such as had been expected. Few of the eastern members attended; and the governor assented to a law, by which the five eastern counties were restrained from being represented by more than two members for each county. When the law passed there was not a majority present in the house of representatives. The inhabitants of the eastern counties petitioned the king, complaining of this palpable violation of their privileges. The governor, being required to make his defence, alleged that the right of those counties to send five representatives depended upon an act of assembly, which had been repealed by his majesty. That his attempts to obtain a complete rent-roll,

and cause the arrears of rents to be paid, had been opposed by the eastern members; that frequent prorogations of the assembly had been occasioned by their impunctuality in attending, and that some *management* was proper and necessary to deprive them of too much power, that was badly used. The people replied, that the right of sending five members for each county, originated and depended on the order of the court palatine, dated 1696, and not upon the act of the biennial assembly in 1715. That the governor's partiality to the chief justice, and his desire to screen him from disgrace, had occasioned the prorogations of which he complained: and they observed that the late act was a direct violation of the constitution; for the charter requires that laws shall be made by the approbation of the freemen "or the greater part of them, or of their delegates." The meaning of the charter is plain; but private interest

and faction are wonderful expositors of written constitutions: by a little management they find new meanings in old expressions The best security is ever found in the virtue of the government. The act in question was arbitrary, but no redress was obtained; for the crown was not used to favour a numerous representation.

Henry M'Culloch had lately made a speculation in crown lands, that proved the source of much disquiet, and contributed not a little to retard the progress of settlement. In the year 1737, Murray Crymble, James Huey, and their associates, obtained an order from the king for surveying one million two hundred thousand acres of land on the heads of Peedee, Clarendon and Neus rivers; no tract to be less than one hundred thousand acres. Henry M'Culloch, at the same time, obtained an order for surveying seventy-two thousand acres on

the northeast branch of Clarendon or Cape Fear river. This M'Culloch had lately been appointed his majesty's surveyor, inspector, and comptroller of the revenue and grants of land. Such, in many cases, was the contempt of propriety in the appointment to offices. The surveyor general, having executed the surveys, was obliged to bring suit for the recovery of his fees. It was alleged by M'Culloch, in his defence, that the surveyor had not done his duty, in laying off the lands according to his locations. In the course of this trial it appeared, that Crymble and Huey had been little more than nominal grantees; each of them having one hundred thousand acres for the use of his name, he paying his proportion of the expense: M'Culloch was the real owner of the remaining million of acres. It appeared also, that by evasions, in not taking out patents when the land was surveyed, M'Culloch

had defrauded his majesty of ten thousand pounds. His object was to pay for the land by importing settlers.* His son, Henry Eustace M'Culloch, when he had obtained correct information concerning those lands, and had selected a number of small tracts that were excellent in quality, thought fit to settle his accounts with the crown, without paying a dollar. He rendered a detail of three hundred and twenty-two settlers, young and old, that he had brought into the province; by which he saved sixty-four thousand four hundred acres of land. He surrendered, by a deed to the crown,† all the

* About this time, viz. in October 1749, Beacon island, near Ocacoke inlet, was destroyed It had formerly been inhabited, and Matthew Kelley, the only pilot belonging to the inlet, lived there; but a furious storm battered and broke down the island to such a degree, that in a few years it disappeared.

† April 1767.

remainder of the large tracts run out for himself, his father, his sister or Mr. Selwin.

The public attention, in the year 1744, was turned to the defence of the seacoast; for hostilities had commenced between England and Spain. Fort Johnstone was built near the mouth of Clarendon river, and other forts were built at Ocacoke, Old Topsail, and Bear inlets. A Spanish privateer during that war, notwithstanding the resistance made at fort Johnstone, landed part of her crew at Brunswick, and began to plunder the town; but the inhabitants brought some guns to bear upon the ship, and she was blown up.

The assembly, during the administration of governor Johnstone, in the usual spirit, attempted new emissions of paper money every year; but the governor had

little disposition to gratify their desires. A detail of the disputes on that subject cannot be interesting, for it exhibits little more than repeated and disgusting proofs of a desire to discharge debts by fictitious payments.

CHAPTER IX.

SETTLERS ARRIVE FROM MORAVIA, FROM THE NORTH OF IRELAND, AND FROM THE HIGHLANDS OF SCOTLAND.

THE rapid increase of inhabitants is the chief circumstance that claims our attention during the administration of governor Johnstone. By a chronological table of the formation of counties, we are enabled to trace the progress of settlement, and to discover the periods in which new branches sprang from the old stock.* It is a remarkable circumstance that one epoch should have produced colonists, speaking different languages, from the north of Ireland, the Marquis-

* See Proofs and Explanations, X x.

ate of Moravia, and the Highlands of Scotland.

The most numerous settlers, in the northwestern part of Carolina, are protestants, chiefly presbyterians, from the north of Ireland. The greater number of those people, or their ancestors, had formerly migrated from Scotland. But they were treated, after a short residence in Ireland, with much ingratitude and neglect; wherefore they sought refuge in America. The earls of Tyrone and Tyrconnel, in the province of Ulster, having conspired against the government in the reign of James the First, fled from the kingdom, to escape punishment. Some of their accomplices were arrested, condemned and executed; but the two earls were attainted by a process of outlawry; upon which their vast estates, about five hundred thousand acres of land, escheated to the crown. King James resolved, if possible, to improve

a country that was covered by woods, desolated by war, infested by robbers, or inhabited by ignorant adherents to the Romish church. For this purpose he divided the escheated lands into small tracts, and those he gave to adventurers, who were to settle them within four years, with a certain number of subtenants. According to his advice, the preference was given, in distributing the lands, to adventurers from the west of Scotland. They were protestants from his own country. They were industrious people; and the passage being very short, they might, with the greater ease, settle the lands according to their contracts. The establishment of prelacy in Scotland, in the year 1637, and afterwards in the year 1661, among people who had adopted the more simple form of presbyterian worship, became the additional cause of numerous emigrations from that kingdom to the north of Ireland.

The superior knowledge, industry and temperance of the Scotch farmers, in a short time enabled them to supplant the natives among whom they lived; and six of the northern counties, by the end of the seventeenth century were chiefly inhabited by the descendants of Scottish emigrants, or the remains of Cromwell's army. That protestant colony has been the chief support of government against all attempts to establish a catholic prince, by treason, insurrection and murder. Those men have been the steady and active supporters of the Hanover succession. Their faithful services and uniform attachment to government had placed them in the rank of good and faithful subjects; and their unshaken loyalty had entitled them to confidence and public favour. But they were treated, like aliens and strangers, with marks of distrust in their civil capacity; and they were depressed, in their religious capacity, by

the spirit of intolerance, because they were not of the established church of Ireland.

Men, who were thus degraded and vexed by incapacities and burdens, migrated in thousands to Pennsylvania, a province in which the principles of civil and religious liberty had their full operation; but land could not be obtained in Pennsylvania without much difficulty, for the proprietors of that province purchased the soil by small parcels from the natives, and those lands were soon taken up. Lands were to be obtained on moderate terms in Virginia; but the administration of that province was in a state of constant hostility with religious liberty. Lord Carteret's land in Carolina, where the soil was cheap, presented a tempting residence to people of every denomination. Emigrants from the north of Ireland, by the way of Pennsylvania,

flocked to that country; and a considerable part of North Carolina, as above stated, is inhabited by those people or their descendants.

There is not, in any part of America, a more industrious and temperate body of men than the Moravians, who live between the Yadkin and Dan rivers. The ancestors of those people who lived in the Marquisate of Moravia, near the beginning of the seventeenth century, had for a time the good fortune to enjoy liberty of conscience; but the emperor, Ferdinand the Second, thought fit to establish the Roman catholic religion in Moravia, after he had vanquished Frederick, the elector palatine, who had taken that society under his protection. The Moravian protestants, in that case, were greatly distressed by catholic intolerance; being compelled to abstain from public worship, or to perform their devotions in

woods, caves or other sequestered places. A large society, being persecuted in that manner, because they could not embrace the doctrines of the church of Rome, withdrew from Moravia, and many of them settled in England or took shelter in the British colonies. The members of this protestant church were, by an act of parliament, anno 1749, exempted from military duties and the necessity of taking oaths. As they were a zealous inoffensive people, and like the quakers averse from bearing arms, John earl of Granville, who was then president of his majesty's council, very judiciously urged them to fix a colony upon his lands in Carolina. He expected, by their means, to civilize the Indians. The discipline of those people required a large tract of land, in one body. Six of the brethren came from Bethlehem in Pennsylvania and travelled westward with the surveyor general of North Carolina until they had passed the

settlements. They began their survey at the place now called Trahovia, and laid off seventy thousand acres of land in one tract, to which thirty thousand acres were afterwards added. This land was conveyed to James Hutton, who was secretary to the Unitas Fratrum; and by a separate deed, it was declared to be in trust for the brethren.* Money was borrowed from wealthy members of the community, to pay for the land, and to defray the necessary expenses of making a settlement. The lenders were to receive part of the land in payment, or the value of such land in money. During the late revolution, the land was conveyed by Hutton, a British subject, to Marshal,

* This sect of christians, who are usually called Moravians, have also been called Hernhuters; because about the year 1722, they associated for public worship, and built a village at Berthelsdorf in Upper Lusatia, calling the place Huth des Hern, or Herrnhuth. Protection of the Lord.

one of the brethren, who lived in the settlement; and the estate was secured to the proper owners, in the year 1782, by an act of assembly.

The first colony that settled on those lands, consisted of twelve young men, who came from Pennsylvania by Winchester, and the Upper Sawra Towns.* They brought a wagon, for which they had many a road to cut, and bridges to make. Their salt was brought from Virginia by crooked Indian paths, and their first beehive from Taw river. Those people were followed the next year by more of the brethren, and they built a mill. The place in which they first settled is called Bethabara. This colony was, by an act of assembly, declared to be a separate parish. Before they had surmounted the difficulties that attend a new settlement,

* They arrived in November 1753.

they were interrupted by an Indian war, in which the neighboring Cherokees were the most dangerous enemies. The peaceable disposition of the Moravians afforded no security against a merciless savage; wherefore they surrounded their village and mill by palisades, and kept their station. Many people from a distance, took shelter in that place of defence. Their numbers increased during the war, and Bethany was begun in the year 1759, about three miles from Bethabara. By the year 1763 they had built a church and provided themselves with a stated teacher. Upon the arrival of the first Moravian colony, directly from Europe, they began to build Salem, which was intended for a manufacturing town. When a sufficient number of houses were finished, the trades were removed thither from Bethabara. Since that time, the joint economy in which they formerly lived, is dissolved. That economy had no

reference to the private fortune of individuals, nor to the lands they lived on: it referred only to their present united labour. Whatever they earned was laid out for the general support of themselves and their families; nor was any person constrained to remain longer than he wished in that connexion. It was supposed to be a necessary regulation for poor adventurers, who could not immediately begin on their own capital. At present, every person works, earns and pays for himself, as in other places. In the mean time, there are some large buildings, intended for trades, that require many laborers: those manufactories are in the hands of trustees. The clear profit of those public works, after paying the interest of a borrowed capital, is expended in other public buildings; maintaining ministers, schools, and Indian missionaries; and in the support of aged widows, and the poor orphans of people

who have served the community. No manufactures are found, in any part of North Carolina, so complete as those in Salem. A small colony, from Broad Bay in New England, joined the society, and erected their church and school-house near the southeast corner of their lands. Another colony joined them from Maryland, and erected their church and school-house near the western boundary. Those people preserve the most friendly intercourse with one another. Their industry and temperance secures them an abundance of the necessaries and accommodations of life; and they seem to enjoy as much happiness as usually falls to the lot of humanity.

When we cast our eyes on the Highlands of Scotland, and the small bleak and barren islands that lie to the westward, we are not surprised that a colony should migrate from those inhospitable

regions, to plant in a better soil and a warmer climate. In the year 1747, Neal M'Neal arrived in New York from the west of Scotland, and directed his course to the southward, in quest of vacant land for himself and his associates. After visiting the western parts of Pennsylvania and Virginia, he purchased lands in North Carolina, in the vicinity of Fayetteville, formerly called Cross Creek, for the seat of a new colony. He was not determined in his choice by the goodness of the soil, for there is not a more sandy and sterile region in Carolina; but the land in that quarter was chiefly vacant, it could be approached by water, and it cost him little. This adventurer could easily discover, that men, who were trained to industry and frugality, in a cold climate, under heavy rents, upon a sterile soil, would certainly prosper in any part of the southern colonies. M'Neal arrived at Wilmington, in the year 1749, with his

family and five or six hundred colonists, young and old. They settled chiefly in Cumberland county; but some of them settled in Anson, and others in Bloden. There was a second importation of Highlanders in the year 1754, and there was an annual importation, from that time, of those hardy industrious people. They came chiefly from Argyleshire; many of them from Ila or Jura.

Upon the death of governor Johnstone,* the administration of the government was committed to Nathaniel Rice. Upon the death of Rice, which followed in a short time, the administration devolved on Matthew Rowan as president of the council. While that officer held the reins of government, nothing occurred in the colony that claims our notice, except the emission of forty thousand

* Anno 1752.

pounds in bills of credit; an event that conferred little honor upon the president, because it was alleged that he departed from instructions, and stooped to a bribe for assisting dishonest men to defraud their creditors. He assented to a bill for increasing a currency that was already greatly depreciated. At this hour of success, the assembly put on the appearance of liberality. Lest they should seem not to have had occasion for so large an emission of paper money, they appropriated thirteen thousand two hunhundred pounds to the charitable and pious uses of liberal education and public worship; they also appropriated twelve thousand pounds to the defence of the frontiers of Virginia and Pennsylvania. Of the money that was appropriated to charitable and pious objects, seven thousand two hundred pounds were given to the use of twenty-four parishes: three hundred pounds to be paid to the church-

wardens of each parish, towards building a church and purchasing a glebe; the remaining six thousand pounds were declared to be given "for endowing a public school." The church-wardens received the money that was given to their respective parishes, according to the letter of the law; but learning continued to be friendless. The projected public school had no patrons,* whence it followed, that

* We cannot account for the general inattention to learning in the province, for such a length of time. Many of the inhabitants had been well educated, and were men of respectable talents. They calculated badly, if they presumed, that by sending some of their children to England for instruction, the intellects of the community would be sufficiently cultivated. They were not inattentive to the culture of their farms; and they well knew that no plant under the sun has more need of cultivation than the human mind. It had not escaped their observation, that man comes into the world the most helpless and ignorant of all the creatures on the face of the earth, biped or quadruped. He is deemed the most helpless, because he requires to be longest nourished by his parents; and he is deemed the most ignorant, because he needs to be instructed in every thing. Other animals are taught by nature what food is salutary, and what is poisonous; but man has no such instinct. It appears to have been the will of heaven to subject our species, for many years, to a state of helpless infancy, that we might acquire the language of our parents, and be profited by their instruction. Hence it is clear, that every person is deaf to the voice of Nature and the voice of Heaven who does not attend to the education of his children.

the money, said to be given for the increase of learning, was converted to other uses. The honor of endowing a public

The assembly of North Carolina, in the year 1789, founded a university, in a healthy situation, near the centre of the state. They knew perfectly well that civil liberty has always been supported by learning; that ignorance in the subjects, and despotism in the rulers, go hand in hand: that there never has been a nation, who preserved the semblance of freedom, without being enlightened by the rays of science. Convinced as they were that liberal education is useful, and that it is absolutely necessary to the safety of a republican government, they determined to provide a proper seminary within the state; for they knew that children, who are sent abroad for their education, are apt to form sentiments concerning their native soil, which do not consist with that degree of patriotism or love of country that is necessary to

seminary of learning, instructing the rising generation, and training them up in useful knowledge, was reserved for men, who by suffering together, had acquired mutual confidence and esteem; for men, who by securing their independence, had acquired a proper degree of self respect and national spirit.

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its prosperity, and which seems to be intended by the Parent of nature, to render the human race, in every soil and climate, contented and happy.

CHAPTER X.

THE ADMINISTRATION OF GOVERNOR DOBBS.

ARTHUR DOBBS was appointed governor upon the death of Johnstone, and arrived in the province at a period when the military and civil duties of a governor required the display of considerable talents; but his abilities hardly attained the rank of mediocrity. The French had erected a fort on the river Ohio, and hostilities had already commenced in that quarter; the certain presage of a general war with that nation. The prosecution of that war, seated in the colonies, and very distressing to the frontier inhabitants of Carolina, required constant attention and vigorous exertions. The assembly were

sufficiently disposed to cooperate with the governor in the necessary means of defence, but they differed from him greatly on other subjects. The instructions lately given to the governors, and the measures pursued by the crown, were marked by a determination to extend the royal prerogative, or to increase the influence of the court. This project was firmly resisted by the people. To that source many of their disputes are to be traced.

As the French had extended their claims from Canada to the river Ohio, and were known to have much influence with the Indians, it became proper, at an early period, to adopt measures for securing the friendship or assistance of the Indians who bordered on North Carolina. For this purpose, Hugh Waddel of Rowan county, an officer of great firmness and integrity, was commission-

ed to treat with the Catawba* and Cherokee Indians. He concluded a treaty offensive and defensive with Atta Calla Culla, the Little Carpenter, in behalf of the Cherokee; and with Oraloswa, king Higlar, and others, in behalf of the Catawbas; after they had been duly informed, that some people had lately been killed by the French in the western part

* The Catawba Indians, at the treaty they made in the year 1756 with captain Waddel, requested that a fort might be built upon their lands. But while the workmen were employed, according to the treaty, in building the fort, the following year, Oraloswa, their chief, sent a speech to governor Littleton, requesting that North Carolina should not proceed with the work, and that no fort should be built except by South Carolina. Governor Littleton informed governor Dobbs of that request, by express; and Dobbs on the next day, eleventh of August 1757, ordered captain Waddel to discharge the workmen. But he instructed him, at the same time, to inquire into the true cause of that strange mark of versatility among the Catawbas. He suspected that some traders, or other people, from South Carolina, had been *blowing the coals* for their own ends.

of Virginia. The chiefs of each nation required that a fort should be erected within their several countries or settlements,* for the defence of their women and children, in case it should be necessary for their warriors to march against the enemy. Treaties, in the mean time, were not regarded as a safe defence against a jealous and cruel savage. Other means were deemed proper for securing the frontiers; and Waddel, who had the rank of captain,† was directed to build a fort,‡ near the Yadkin, about twenty miles to the westward of Salisbury. The garrison of that fort usually consisted of fifty men. The Cherokee Indians paid little

* Governor Dobb's letters in my hands. We have seen other reasons for believing that individuals in South Carolina prevailed on the Catawba Indians to make very unreasonable requests; as in the case of the boundary line.

† He obtained the rank of colonel during the war.

‡ Fort Dobbs.

attention to the treaty, for they killed some people the next spring, near the Catawba river.

The assembly voted eight thousand pounds for the public service, as soon as it was intimated that a campaign was projected against the French on the Ohio, and troops were immediately forwarded to the northward. General Braddock, on his march to fort Duquesne, was surprised and defeated in the year 1755, and the Indians, for three years, continued to harass the frontiers of Carolina, and the adjacent provinces. The Moravians, as we have seen, defended their settlement by a private stockade, and the same means of defence were afterwards adopted by many other people.

Although taxes were increased by the war, and the frontier inhabitants greatly incommoded, the settlements continued

to increase in North Carolina; for people in this province were not exposed to more danger than in the neighboring governments.

It was obvious that Indian depredations could not be prevented, while fort Duquesne* remained in the hands of the enemy, and many troops were required for the defence of the frontiers, who might otherwise be employed in offensive operations. For these or similar reasons, the British ministry determined, if possible, to reduce that post. The assembly of North Carolina, their assistance being required on the expedition against fort Duquesne, immediately raised other troops to defend the frontier, while major Waddel was detached, with the provincials then in service, upon the

* Pittsburgh, in Pennsylvania, stands upon the ground that was formerly occupied by fort Duquesne.

projected enterprise. The North Carolina troops were accompanied, on that expedition, by some of the Tuskarora Indians, and had the good fortune to render essential service.*

As the Cherokees continued to vex the frontier inhabitants, governor Littleton, of South Carolina, proposed to undertake an expedition against them, on the following summer, with the assistance of North Carolina. He marched on that oc-

* The army had forty miles to march, through a perfect wilderness, when the winter set in. A regular siege could not be attempted, and the possibility of taking the fort by storm was not ascertained. In that desperate state of his affairs, general Forbes offered a reward of five hundred pounds to any person who would take a hostile Indian prisoner. John Rogers, a sergeant in major Waddel's company, brought in the prisoner, from whom the necessary information was obtained. The light troops made a forced march, and the enemy abandoned the fort. That soldier obtained a reward from the assembly of North Carolina, for his meritorious services.

casion with twelve hundred men, consisting of the South Carolina provincials, drafts from their militia, and a few regular troops. Fort Prince George was the place of rendezvous with the North Carolina forces. Colonel Waddel, according to his instructions, took with him all the provincials, and all the militia of Orange, Anson, and Rowan counties, who could be properly armed. The Little Carpenter and other chiefs of the Cherokee nation, terrified at the approach of so numerous an army, sued for peace. In pursuance of the treaty, that was concluded at fort Prince George, the Cherokees left twenty-four of their nation hostages for delivering twenty-four Indians, who had murdered the like number of white people in North or South Carolina since the former treaty.* The hostages were lodged in fort Prince George, under a small

* Governor Littleton's letter, in my possession.

guard, and governor Littleton, very imprudently trusting the faith of a savage, who had lately given fatal proofs of perfidy, dismissed the South Carolina militia, and withdrew the regular troops. The Indians, knowing the weakness of the garrison, attempted to surprise the fort and rescue the hostages.* Their project was defeated; but they robbed and murdered eight or ten traders, who had ventured among them, and held the fort under a close blockade. Orders had been given for reducing the North Carolina provincials, after the treaty of Keowee, except the garrison of fort Johnstone; but governor Dobbs, hearing of fresh hostilities by the Indians, ordered the garrison of fort Dobbs to resume that station. Colonel Waddel was also instructed to draw out five hundred militia, and keep them in constant service for

* Twenty-seventh of January, 1760.

the protection of the frontiers, until regular troops should arrive from New York.* The Upper Creeks, in a short time, joined the Cherokees; and the savage enemy becoming more numerous, the frontier inhabitants in general were compelled to protect themselves by forts. Colonel Montgomery arriving at the Congarees with four hundred regulars, patroled the frontiers in concert with Colonel Waddel, and the Indians were held in check by their activity. In the fall of the year, colonel Waddel was ordered to join colonel Bird, from Virginia, who was to strike the upper Cherokee nation, while the regular forces under colonel Grant were to strike the lower towns.

* In the year 1760 it was provided by law, that enemy Indians taken prisoners, should be slaves to the captors. That a premium of ten pounds should be paid for every scalp of an enemy Indian, taken by any person not in public service; a premium of five pounds for each scalp taken by any person in service.

The Indians once more sued for peace, and colonel Waddel was ordered to discharge his troops.

The assembly made provision the next spring for raising five hundred men, who were to serve seven months, on such duty as the governor or commander in chief of his majesty's forces might direct. They were not called for.

Governor Dobbs, as we have already observed, met with little opposition from the assembly in raising troops when they were necessary; but other questions, that respected the civil government of the colony, were agitated with great acrimony. The arbitrary measures that were attempted by the crown, and seem to have been recommended by the governor, do little honor to the character of that magistrate. We noted an attempt, during the administration of governor

Johnstone, to reduce the representation of the people, by means that could not be justified; other attempts were made, by governor Dobbs, to reduce the representation, or to model it in such a manner, as to have the power of directing their votes. There were ten or eleven counties in North Carolina when the king purchased the government from the lords proprietors. The number had been doubled since that time, by the formation of new counties. None of them any longer claimed the right of sending five members; but it was obvious, that in a short time, the representation would be very numerous, unless the people could be restrained in the exercise of making counties and boroughs. To check the increase of representatives, not easily managed, the king was pleased to repeal the several laws by which Bertil, Tyrnel, Onslow, Bladen, Edgecomb, Northampton, Johnstone, Granville, Duplin,

Anson, Orange, Rowan, and Cumberland counties, had been erected, and the acts by which the boroughs of Beaufort, Bath, Edenton, Brunswick, and Wilmington, had been formed.* He claimed the right of making counties and boroughs, as a branch of the royal prerogative. The counties thus reduced, would have been formed anew by royal charters, with the privilege of sending two members, perhaps one. The process being thus fixed, other counties would have sprung up tardily, and boroughs would have been chartered, where the inhabitants were supposed to be most flexible. It appears from the private correspondence of governor Dobbs, that the inhabitants of the eastern part of the province could not be trusted in support of court measures; but many difficulties presented themselves, in his attempts to enforce the

* Anno 1754, April 8

new regulations, which neither he, nor his majesty's ministers had foreseen. By repealing the several laws for erecting county towns, the property in town lots and houses returned to the original owners of the land; a measure that excited the utmost indignation, and might have produced a serious revolt; but the governor, upon the prayer and remonstrance of the assembly, was instructed to give his assent to a law for reestablishing the several counties and boroughs, "saving to his majesty his royal prerogative of granting his letters of incorporation to such counties and towns, ordering elections, and appointing the number of members, by whom such counties and towns should be represented in the assembly, as if that act had not passed." Many charters were afterwards taken out, and the measure became profitable to the governor, though it had little tendency to gain the affection of

the people. Unfortunate indeed was the condition of those people, whose peace and prosperity might be sacrificed to the contemptible object of throwing perquisites into the hands of the chief magistrate.

The governor had been instructed, when the new measures were adopted, to cause fifteen members of the lower house to be a quorum for making laws. If the people had submitted to that regulation, the governor could not have failed to obtain such laws as he pleased, since he had the power of convening the assembly, at any time and place that he thought fit. But the representatives were refractory; they would not proceed to business before a majority of the whole house had taken their seats. They adhered on that occasion to the plain meaning of the constitution. Some of the counties, reestablished by act of assem-

bly, had been tardy in taking out charters, whereupon the governor gave notice, by proclamation, that writs for electing members would not be granted to any county or town, except to such as had charters. The fees demanded for charters were thought to be exorbitant.

The laws having expired, by which courts of justice were established, the house of representatives brought up a superior court bill, in which it was provided that the judges should hold their commissions *quamdiu bene se gesserint.* That is to say, "as long as they shall conduct themselves well."* They also

* To secure the faithful administration of justice, has ever been a favorite object with men who had any pretences to liberty. The bench in England had long been filled with learned judges, but their dependence on the crown, while they could be removed at pleasure, caused them, in many cases, as in that of sir Walter Raleigh, to

prepared and brought up an inferior court bill, by which the jurisdiction of those courts was to be extended to fifty pounds.* The governor had been instructed not to grant any commissions, except during pleasure, nor to agree to any laws that might affect the royal prerogative. He nevertheless consulted the

gratify the prince at the expense of justice. One of the many great objects gained by the revolution in England, was an act of William the Third, providing, that the judges should hold their commissions during good behaviour. But the commissions of those very judges were to cease with the life of the sovereign. By an act of first George III. it was provided, that the commission and pay of a judge should continue, notwithstanding the demise of the prince. It was natural for men in North Carolina, who were subjects of the same prince, to think that they had equal claims with the people in England to the impartial administration of justice. They wished to have judges who had nothing to fear while they discharged their duty faithfully. Judges of this description they have at length obtained, and while they deserve to be free, they will protect the independence of their judges.

* Anno 1760, May session.

chief justice and attorney general, who advised him to assent to the laws, because "they would restore life to the government, and protection to the subject." This was at all times a primary duty, and the province had been eight months without courts of law. They added that competent salaries being provided for judges by that law, suitable persons might be prevailed on to accept the appointment, which could not be expected while they held their commissions during the governor's pleasure. That an appeal, in all cases, being allowed from the inferior courts, their jurisdiction might safely be extended. The laws should therefore pass; especially as the king might repeal them at pleasure. The governor, notwithstanding this advice, refused his assent and dissolved the assembly;* entering on the journals of

* December 1760.

council, some trifling reasons for his conduct. He was influenced by reasons that were more conclusive, which he did not think fit to mention. The assembly during their last session,* in a committee of the whole, had passed some resolves that were not favorable to the character of the governor. A copy of those resolves had been transmitted to their agent in London, to be laid before his majesty.† Whenever we observe heavy charges and mutual criminations between contending parties, we are apt to suspect that part of the coloring must arise from passion or prejudice; but the governor in his dispute with the assembly, gave at least one proof that he was conscious of malversation in office, or that he wanted common prudence. The assembly wished to appoint a standing agent in London, and

* May twenty-third, 1760.

† See Proofs and Explanations Y.

they inserted a clause for that purpose in the supply bill, naming the man. The governor would not agree to their having an agent unless they would authorize one Smith, who was his own attorney in London, to discharge the duties of their agency. In a future bill, providing for the appointment of an agent, the council, by an amendment, proposed that one of their own number should always be of the committee of correspondence, and should have a negative on their proceedings. This amendment, in perfect unison with the governor's proposition, was rejected with indignation by the house of representatives, and the bill was lost.* The assembly had appointed an agent, and they were obliged to continue him by their own vote.

The military service of the colony, from the beginning of the war, had never

* February 1764.

been represented to his majesty in a favorable or a proper point of light. If the exertions of the people, as the assembly conceived, had been fully explained, they must have received more substantial marks of his majesty's approbation.*

The population of Virginia was more numerous than that of Carolina, and they were near the seat of war; but it was not to be supposed that Virginia had rendered eight times the service that was performed by North Carolina, although the reward was in that proportion.

The inhabitants of this province, who lived on lord Granville's reservation, about two thirds of the whole, were not less harassed by the chicane and frauds of his lordship's agents, than by the impositions of the governor, and the spi-

* See Proofs and Explanations Y 2.

rit of royal instructions. Mosely and Holten, who had been agents a considerable time, were succeeded by Childs and Corbin. Before the year 1752, the agents had been allowed ten per cent. on all the money or produce they should receive, and ten per cent. on all they should remit. The allowance was then altered, and five per cent. was given to the receiving, and five per cent. to the remitting agent, beside a salary of two hundred pounds sterling per annum to each of them. Those agents, not satisfied with their respective salaries and commissions, contrived to extort money from the tenants or landholders, who had already paid for their farms, by the most villanous allegations. The former agents, when they issued patents, used to sign *Granville*, by his attorneys, Mosely and Holton. One of their successors being a lawyer, pretended to have discovered a fatal defect in those patents. Lord Granville's titles of

honor had been omitted. The patents should have been signed, as he alleged, in the following manner, "The right honorable earl Granville," by his attorneys, &c. In consequence of this alarming discovery, people were induced to secure their lands by taking out new patents; in which case they had all the fees to pay a second time. As this fraud did not reach the grants that were to be issued by themselves, those grants were taxed by a different process. Two pistoles were demanded for an entry, instead of one pistole, the regulated fee. Six dollars were charged for a cipher,* which without authority, they were pleas-

* One of those agents, in a letter he received from his predecessor, a short time after he came into office, was advised to remember the old proverb of *a new broom*, and not remit too much money on the first year, lest similar remittances should be expected afterwards. Those men were not inattentive to such advice, for they improved on the villany of their predecessors.

ed to affix to a warrant of survey, and they charged one dollar too much for the grant. They frequently induced people to enter lands, which, as they knew, had already been taken up; and they refused to return the fees when the imposition was discovered.

The deputy surveyors, entry takers, and other officers of inferior grades, were not inattentive to the example of their leaders. In the practice of chicane and extortion, they were by no means their inferiors. The assembly remonstrated to lord Granville, and he was convinced, by a torrent of complaints, that his chief agents could not be innocent.* But complaints did not avail; for the laws did not reach the offenders, and the abuses continued until the land office was shut.†

* See Proofs and Explanations V. 3.

† Anno 1765.

As the fees of lord Granville's officers were not regulated by laws of the province, and complaints were breathed in vain to his lordship, a number of people, in the vicinity of Halifax, resolved to seek justice, by a summary process, with their own hands: a dangerous expedient, for it teaches men to despise the regular forms of law. Corbin, who had the chief direction of the land office, had increased his fees from time to time without authority. His frauds and extortions were not cloaked or concealed; but he turned a deaf ear to all complaints. Ten or fifteen men from Halifax county, well mounted, crossed Chowan river a few miles above Edenton, by night, and seized Corbin, who lived a few miles below that town. They brought him to Enfield, where he was detained some days, until he gave them a bond with eight sureties, by which he engaged, under the penalty of eight thousand pounds, to produce his books within

three weeks, and return all the money he had received above his regulated fees. He did not produce his books as he promised, but he commenced a suit against four of the rioters. They refused to give security, and were committed to Enfield prison. On the next day, the prison door was cut down by an armed posse, and the prisoners were liberated. In a short time, Corbin thought fit to discontinue his suit, and pay costs. Justice about this time was halting upon both her feet, and lawless oppression was stalking abroad at noon-day. It would have been a happy circumstance for North Carolina, if this outrage against civil authority, had roused the magistrate and produced a general reform in the article of fees; but the head was diseased,* and the

* Within a few months of the Enfield riot, the magistrates of Halifax county, having neglected to recommend a sheriff, the governor commissioned one of the most active rioters; and, strange as it may seem, he could not be prevailed on by the assembly to take any measures against those people. It was believed, that one M'Culloch, who was a favorite of the governor, and one of his counsellors, had been privy to the riot. He was allied to a gentleman who wished to have Corbin disgraced, that he might get his lucrative employment. He got the place eventually.

limbs, too many of them, were infected. Governor Dobbs, reviewing the old laws, discovered an act of the biennial assembly,* by which masters of vessels were prohibited, under a certain penalty, from carrying debtors out of the province. That law did not impose any duty upon the governor, but he contrived an office for himself under the law. He ordered that no vessel should be suffered to sail without a license from himself, lest there should be a debtor on board; and the owner or master of the vessel was required to pay half a pistole for the li-

* Anno 1715.

cense.* Officers of inferior rank were encouraged by such examples, in their demand of arbitrary and illegal fees.

While the public attention was engaged by a general war with France, or by the more imminent danger of an Indian war on the frontiers, business had been transacted as we have seen between the governor and the assembly, with some degree of decency; but the governor did not possess the confidence or respect of the people. Every year produced new causes of discontent; and the assembly, through their agent in London, transmitted numerous and bitter complaints against the governor, who gave new proofs of incapacity, by the peevish and trifling manner in which he resented those complaints. The seat of government, the appointment of a printer, and the very

† Journals of Council, anno 1764.

circumstance of correcting a private bill, became the subjects of altercation between the chief magistrate and the assembly. It followed that the dignified officer was sunk into a peevish disputant.* It was high time that Mr. Dobbs should be permitted to retire for the benefit of his health. This observation had not escaped the minister of state for the American department. William Tryon, a military officer, was sent out with the appointment of lieutenant governor,† that he might be ready to take the reins whenever Dobbs should be pleased to retire. He was not in haste to quit the government; but he died the next spring.‡

* See Proofs and Explanations Y 4.

† He arrived 1764, October twenty-seventh.

‡ He died April 3, 1765, upon which Tryon received the appointment of governor.

The old currency of the province, as we have seen, was redeemed at seven and a half for one; but the new emission, that was called proc, could never obtain a currency at the nominal value. At the beginning of the French war, the governor would not consent to issue more paper money in the usual form; but treasurer's notes were issued, from year to year, bearing an interest of six per cent. Those notes, in time, depreciated, notwithstanding the interest they bore; and recourse was had to other emissions of paper money, in the usual manner. In the year 1764, the bills and notes in circulation amounted to little more than seventy-five thousand pounds;* and though there was a tax of four shillings per poll on all tythables, and four pence per gallon upon all imported spirits, to be continued until the whole should be sunk;

* See Proofs and Explanations Z.

the exchange, between that nominal proclamation money and sterling, was not less than eighty-eight per cent. advance, instead of thirty-three and one third, the true proclamation standard. Hence it is, that a Spanish dollar, by long usage, has been rated, in North Carolina, at eight shillings instead of six shillings; and this depreciated currency is, very improperly, called proc; a name that should rather be applied to the currency of Virginia, where the dollar passes for six shillings, according to the proclamation of queen Ann.

Carolina had been settled many years, as we have seen, before bigotry or pride, under the venerable cloak of religion, began to vex the inhabitants. Provision was made near the beginning of the eighteenth century for the clergy of the church of England. Magistrates were authorized to join people in marriage, in

parishes that had no minister, and dissenters from the established church were permitted to worship in public. In the year 1741, it was enacted, that the freeholders in every parish should choose twelve vestry men, on Easter Monday, who were authorized to lay a poll tax not exceeding five shillings per poll, for building churches, buying glebes, and maintaining the clergy, whose respective salaries was not to be less than fifty pounds proc, per annum. It was increased by a subsequent law to one hundred and thirty-three pounds six shillings and eight pence. By another law it was provided, that the fee of a clergyman, for marrying with license, should be ten shillings, or five shillings for marrying by publication. The license was a device for increasing the perquisites of the governor. It will readily be conceived, that in a parish, were a great majority of the people were dissenters, they would choose

vestry men, who had no disposition to lay taxes for the support of a church, in which they did not worship. But when it was found that the majority were not disposed to tax themselves for the convenience of other people, a law was devised for compelling them, under the sanction of an oath, to do what they accounted wrong. Every vestry man was to swear that he "would not oppose the doctrine, discipline, and liturgy of the church of England." Every person chosen to be a vestry man, and refusing to serve, was to pay a fine of three pounds; and another member was to be chosen by the vestry in his place. It was presumed, that twelve episcopalians, or men who were ready to take the oath, would be found in every parish, and it would follow that taxes would be laid for the episcopal church. That law, unjust and artful as it was, did not serve the intended purpose; for there were parishes,

in which no vestry men were chosen, except men who were called dissenters; and none of them tendered the oath to his associates. Hence it was, that in many of the western parishes, no provision was made for ministers of the episcopal church. As an assembly had been found, during the administration of governor Dobbs, capable of passing the shameful law, to which we have referred; there were people, at a future sitting of the assembly, ready to assist in making that law a more perfect system of ecclesiastical tyranny.* It was fortunate for the dissenters, that governor Tryon was not a bigot. He did not conceive, that a vicious life could be expiated by persecutions in favor of an established church; nor did he believe, that any worship, in form or substance, could be acceptable to the Supreme Being, that was not offer-

* See Proofs and Explanations Z 2.

ed up with an approving heart. At the first sitting of the assembly, after he came to the government, an act passed for legalizing marriages that had been illegally celebrated by presbyterian ministers; and authorizing presbyterian, and other dissenting ministers, to celebrate the rights of marriage, by license or publication.

CHAPTER XI.

THE ADMINISTRATION OF GOVERNOR TRYON, AND THE INSURRECTION OF THE REGULATORS.

THE administration of governor Tryon was chiefly distinguished by his address in persuading the assembly to build a palace, and by the fatal insurrection of weak and deluded people, who called themselves Regulators. The public mind was greatly agitated, at an early period of this administration, by certain acts and regulations of the British parliament; but he directed his course in such a manner, during the tempest, as to shun any dispute with the assembly. The parliament of Great Britain, for the first time, in the year 1764, thought fit to

give and grant to his majesty some part of the property of their fellow-subjects in America. They imposed a duty upon sugar, coffee, wine, and other articles of foreign growth, which should be imported into the colonies. This measure alone could not produce an effective revenue; wherefore, according to the new system, recourse was had, the next year, to objects of internal taxation, and a stamp was imposed * on paper and vellum. The effect of those measures was universal discontent through the colonies. It was alleged that parliament, claiming a right to take a part of the property of other men, whom they did not represent, might, for the same reason, take the whole of it; and legislators, who could relieve their own burdens by increasing those of other people, might be expected to con-

* Twenty-second of March 1765. It was to operate from the first of November 1765.

tinue their oppressions without end or measure. Such were the conclusions that presented themselves to every American. The assembly of North Carolina had already complained to governor Dobbs,* that their commerce was circumscribed in its most beneficial branches; diverted from its natural channel, and burdened with new taxes and impositions, laid on without their privity or consent; and against what they esteemed their inherent right, and exclusive privilege of imposing their own taxes. They had also corresponded with the assembly of Massachusetts on the subject of the first revenue law,—the duty on imposts. The northern and middle colonies had appointed delegates to meet in congress, in New York, to concert measures for obtaining relief, if possible, from the impending burdens. The assembly of North

* Twenty-fourth October 1764.

Carolina was not suffered to meet, while the stamp act was a subject of dispute. They were dissolved by proclamation, in December 1765, and writs were issued for a new election; but the members were not convened until the governor could gratify them with the act of parliament by which the stamp act had been repealed. When the stamp paper had arrived at Brunswick in a sloop of war, the governor gave notice, by proclamation,* that it was ready to be delivered to the distributing officer; but he knew that measures had been taken to prevent it from being landed.

The repeal of the stamp act† diffused universal joy through the colonies; and the assembly of North Carolina, under the recent impressions of gratitude, voted five thousand pounds towards building a

* Sixth of January 1766. † March 1766.

government house in Newbern,* to which they added ten thousand pounds the next year.

The pleasure that arose from the repeal of the stamp act, was of short continuance; for the British parliament, in steady pursuit of a revenue from the colonies, imposed a duty, the next year, upon all teas, glass, paper or paints that should be imported into the colonies; and they advised the king,† with the hope of preventing resistance, to cause such persons as might be charged with treason, or misprision of treason, to be transported to England, there to be tried, according to a statute of Henry the Eighth. This revenue law was opposed, as the second had been, by resolutions, petitions, and remonstrances. The British ministry, in the mean time, used their

* November 1766. † February 1769.

utmost endeavors to prevent a general association of the colonies. For this purpose, governor Tryon, according to his instructions, assured the assembly* that "notwithstanding cruel reports, his majesty had no desire to lay further burdens on America, for the purpose of raising a revenue; and that he would propose to parliament, next session, to take off the duties upon glass, paper, and colors, as laid contrary to the principles of commerce."

As the right of imposing taxes by parliament was generally denied in the colonies, the assembly were little gratified by a ministerial declaration, which retained the right of taxing, while it temporised, by shifting the objects. With this view they were unanimous, eighty members being present, in resolving,

* Twenty-third October 1769.

That the sole right of imposing taxes on the inhabitants of North Carolina has ever been vested in the house of assembly.

That the inhabitants have the undoubted right of petitioning for a redress of grievances.

That trials for treason, committed in the colony, ought to be had here; and removing suspected persons, to be tried beyond the sea, is derogatory to the rights of a British subject.

The assembly at the same time prepared a petition of similar import, to be forwarded to the king through their agent in London.

The governor next day informed the house,* that looking over their journals, he found resolutions that "had sapped

* Fourth of November 1769.

the foundation of confidence and gratitude," wherefore it became his duty to dissolve the assembly. He dissolved them accordingly.

The custom of demanding exorbitant fees prevailed to such a degree in North Carolina, that the governors had been instructed, once and again, to restrain that shameful contempt of law and abuse of power. Governor Dobbs, in consequence of his instructions, had ordered* that a table of fees should be set up in every public office. Governor Tryon, in consequence of his instructions, issued a proclamation, forbidding the demand of illegal fees. It is clear, that neither of those gentlemen could have been in earnest about checking that dishonest practice. One effectual prosecution would have availed more to prevent the breach

* 1764.

of law, than twenty such farcical proclamations. The magistrate, who wishes to have a law respected, must be prompt and resolute in punishing offenders, else he will soon discover that the law and himself are equally despised.

The insurgents in North Carolina, who called themselves Regulators, lest they should be called a mob, were in general of the poorest class of citizens. Three or four of their leaders had some information, and a considerable degree of cunning; but the great body of those people were unacquainted with the laws, and very deficient in every kind of knowledge. They lived chiefly in new settlements upon poor land. They had also been culpably neglectful of private schools, and all other means of instruction. The Regulation began in the northern part of the colony, at an equal distance from either extremity. People in

the older settlements, near the coast, had better means of acquiring knowledge; and people in the western settlements, who were chiefly descended from Scottish ancestors, had retained the general respect for learning that prevails in Scotland. When it was said that fifteen thousand pounds had been expended in building a palace; when taxes were collected every year, from men who had never seen a law, and from men who had been accustomed to regard every public officer as a rogue; (for they were defrauded by the clerks of the several courts, by the recorders of deeds, by entry takers, by surveyors, and by the lawyers, every man demanding twice or three times his legal fees;) at such a period men were too apt to believe, that the money that might be collected in taxes would not be properly expended. From murmurs and complaints, they advanced, in a short time, to riot and rebellion. The first symptoms,

of a turbulent spirit, appeared in Orange county, when people were assembled at court.* It was then proposed to have a meeting of delegates, chosen from every neighborhood in the county, "to inquire into the abuse of power, and take proper measures for amendment." A copy of this proposition was shown to the representatives and vestry men, who were requested to attend the meeting, the time and place being fixed.† The people, called delegates, from Deep river, who attended that meeting, produced instructions, by which they were required "to examine into the public tax, and inform themselves by what law and for what use it was laid, in order to remove jealousies." It was resolved among other things, at the same meeting, "that by reason of the extent of the county, such a

* See Proofs and Explanations B B.

† At Madox's mill, tenth of April 1766.

meeting, for public and free conference, would be necessary every year; to consider of proper persons to be chosen representatives, and know for what uses money was required."* The representatives or vestry men, as might be expected, had not attended this extraordinary meeting; but they were invited to propose such other place and time, as they should prefer, for a public conference. The next year passed without any remarkable occurrence, except that one of the Regulators had purchased a copy of the laws, by which it was clear, that some public officers demanded illegal fees.

The discontented and factious associated themselves the following spring, under the title of Regulators, and engaged "To pay no taxes, until they knew that the taxes were legal, and the purpose for

* See Proofs and Explanations, B B 2.

which they were collected. To pay no officer more than legal fees. To attend meetings of conference for amending laws, choosing proper burgesses and vestry men, and petitioning for redress of grievances. To raise a fund for defraying necessary expenses, and to support one another." They bound themselves by an oath to the observance of this agreement.* The public officers, in a short time, smarted under the effects of this new association. The sheriff of Orange county took a horse and saddle, in distress, for payment of a tax that had been refused. Fifty or sixty of the Regulators followed him to Hillsborough, rescued the horse, and insulted many of the inhabitants. Edmund Fanning, an attorney in Hillsborough, was very obnoxious to those people. He was recorder of deeds, colonel of the county, and member of the

* See Proofs and Explanations B B 3.

assembly. In the character of register, he had been guilty of numerous extortions, and his general conduct was marked by disgusting *hauteur*. Instead of informing those people concerning the disposition of the public money, he had been provoking them with the charge of treason and rebellion. The superior court was to sit in Hillsborough in March 1768, and the Regulators, on that occasion, threw off the mask entirely. One of the associates accosted J. Williams, a lawyer, as he was going to the court-house, under the pretence of business. Williams was instantly surrounded by a crowd, armed with bludgeons; they knocked him down, and continued to beat him, until he found shelter in a store. Colonel Fanning was the next object of their resentment. They dragged him by the heels out of the court-house, whipped him severely, and held him all day in close confinement. Henderson was the only

judge in town, and he caused the Regulators to believe, that he would hold a court the next day; but he escaped in the night. Being informed the next morning, that Henderson had fled, those people gave Fanning another whipping, broke his furniture, and destroyed his house. Having satiated their fury against Fanning, they dressed up a mock judge, whom they placed on the bench, and cleared the docket, by making such entries as they thought proper. The governor, being informed of this riot, despatched Edwards, his secretary, to Hillsborough with a proclamation,* ordering the insurgents to disperse, and requiring the civil and military officers in Orange and the adjacent counties, in case of necessity, to give their assistance in restoring peace. Two of the rioters† were

* Twenty-seventh of April 1768.

† William Butler, and Herman Husbands.

apprehended and committed to prison, on the next day after the proclamation was made; but they gave security and were liberated on the following day. This was a necessary measure, for six or seven hundred Regulators had assembled in the neighborhood of Hillsborough. The secretary had an interview with those people,* and assured them of the governor's protection against extortion, in case they would forward their petitions in a decent and respectful manner. At a subsequent meeting, those people prepared a petition, which they sent to the governor, with a copy of their regulations and resolutions. The governor replied to their address and petition, and promised to be at Hillsborough the next month.† While he was at Hillsborough, he wrote them that the attorney general had received

* Third of May.

† See Proofs and Explanations B B 4.

his orders to prosecute offenders in office, upon their application. He informed them also, that the sheriff would call upon them for the public taxes, which he expected they would pay.* The sheriff accordingly demanded the taxes, but the Regulators, to a man, refused to pay. The governor wrote them another letter, requiring that twelve of their chiefs should execute a bond for one thousand pounds, as a security that no rescue should be attempted of Butler and Husbands, who were under recognizance to take their trial at the next superior court. The Regulators refused to give security, and the governor called out fifteen hundred of the militia to protect the court. Butler and two others were tried, found guilty, and sentenced to be imprisoned two months, and pay a considerable fine.

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* See Proofs and Explanations B B 5.

Fanning was indicted in six cases for extortion, and found guilty. In every case he was fined one penny and costs. This was a bad proof of a serious desire to punish offenders. After the sitting of the court, some of the Regulators near Hillsborough began to pay their taxes; and the governor, by proclamation, gave a general pardon to all the late insurgents, except thirteen, who had not been tried. The fear of an armed force, the lenity of the governor, and the prospect of being able to restrain the extortions of public officers, proved equally unavailing with the great body of those deluded people. Their imaginations, that were heated in the progress of rioting, conceived the hope of eluding all claims public and private. Combinations were formed in Anson, and sundry other counties, and they became a nuisance to orderly citizens. The sheriff of Orange was severely whipped by five of the Regulators, for

serving a capias upon one of their associates.* The governor having dissolved the assembly, as we have seen,† Herman Husbands was chosen one of the representatives for Orange county, at the next general election.‡ If the true object of the Regulators, as they pretended, had been to know in what manner the taxes were expended, or to have certain grievances fully stated to the legislature, they should have preserved the peace, after that election; for Husbands was certainly one of their chief conductors. But their demands and their violence increased at every meeting. Their success produced no reformation. They broke and trampled under foot all the bands of civilized society, and gave the reins to every disordered passion; for vice itself, by repeated acts of violence, had changed its

* April 1769. † November 1769.

‡ Twelfth of March 1770.

name and color. They prevented the superior court from sitting in Hillsborough, insulted the judges, and maltreated the inhabitants. Not satisfied with abusing judge Henderson at court, they burnt his stables and corn on the twelfth of November, and they burnt his dwelling-house the fourteenth. It was no longer a question whether clerks, registers, or lawyers, should be permitted to receive more than legal fees, and sheriffs be compelled to account for all the taxes they had collected. It was now to be determined whether civil government should prevail, or every man's property be exposed, without redress, to the avarice or resentment of a lawless mob. When the assembly met in November, for the sickly season had prevented an earlier session, the misconduct of Herman Husbands, one of the members, claimed their attention. Maurice Moore, one of the associate judges, had expressed a desire to

relieve the Regulators, when they first complained of arbitrary and illegal fees; but when he discovered, in the progress of their measures, the same opposition to legal taxes and private debts, which they had formerly expressed to illegal fees, he declared his opinion freely concerning those people in a letter to the governor. Judge Moore lived at a considerable distance from the Regulators, therefore his house could not be destroyed; but his character, as they supposed, might be wounded, and they made the attempt. Herman Husbands, in pursuance of this design, published a most seditious libel, addressed to Maurice Moore.* It was signed by James Hunter, who was also a leader of the insurgents. The import of the recent libel, the general conduct of Husbands, who was an active and confidential leader of the riot-

* Fourteenth of December 1770.

ers, and his threats of opposing the government by an armed force if any attempt should be made against his person, were duly considered by the assembly, and he was expelled the house.* Information being made upon oath, that Husbands had published the libel against judge Moore, he was committed to prison. The assembly passed a law for preventing tumultuous and riotous assemblies; and a special court of oyer and terminer was held at Newbern,† at which fifty bills of indictment were found against insurgents; but the witnesses, who were expected from Hillsborough, did not attend the court; for the Regulators, entering that town in large bodies, terrified the inhabitants to such a degree, that many of them fled to the woods for shelter. Husbands was liberated by the court, but

* Twentieth of December 1770.

† February 1771.

his confinement had been the source of much terror to the inhabitants of Newbern. The crown militia were called out, the town was fortified by intrenchments, and cannon were provided; but the inhabitants had little confidence in those resources, when opposed to a furious multitude, who had already been dealing in fire. While the trembling citizens were looking around them, in hourly apprehensions of pillage and flames, their fears were suddenly relieved by an intercepted letter from a leader of the party. In that letter we have a full exposition of the source of clamor, and object of insurrection.* One of the demagogues had already made his way into the assembly; and it appears, that others of them were looking out for clerkships of county courts, or other places of profit and trust. While those men were complaining of

* See Proofs and Explanations B B 6.

numberless oppressions, and moving heaven and earth to obtain "*justice for poor Carolina;*" while they were followed and supported, at the risk of life, by the ignorant multitude; their true object was to seize the reins of government, and acquire wealth by profitable employments. It would appear strange and incredible, that the multitude should suffer themselves to be deluded by the artifice of such demagogues, if history was not full of similar examples. The greatest villain tells the greatest lie: he pretends that the happiness of the people is the sole object of his ambition. He flatters them, and he is believed; for the crowd are credulous, and easily deceived. Such were the citizens of Rome, when Cataline conspired against the commonwealth; and such they were when Cæsar flattered them, and made them slaves.

The question was now at issue in Carolina,—who is to rule the colony? It was rather a question whether civil government should be exchanged for a state of anarchy and violence. With this view of the subject, governor Tryon determined to march a body of men, as soon as the season would permit, into the chief settlement of the Regulators; and support the sheriffs in collecting the taxes. That he might obtain troops on whom he could depend, he wrote to the commanding officer in every county, that was not in a state of rebellion, instructing them to draw a company of volunteers from their several regiments, and hold them in readiness for the service.* Hugh Waddel was appointed general of the forces, and he was instructed to march with the division from Bladen, Cumberland, and the western counties. Those troops were

* See Proofs and Explanations B B 7.

to rendezvous at Salisbury the second of May, and join the militia from the southward and eastward in Guilford county. The general was ordered not to court an engagement with the insurgents, but in case they should obstruct his march, he was to force his way. The governor arrived at Bryant's, in Johnstone county, the first of May, with eight hundred men. He was detained there some days, expecting two pieces of brass artillery. He proposed to be at the place of rendezvous on the thirteenth, and general Waddel was to regulate his march accordingly. The general had been waiting for a supply of powder from Charleston; but the Regulators fell upon the convoy, and destroyed the powder. Waddel took up his march from Salisbury, according to his instructions; but he received a message from the insurgents, the next day after he crossed the Yadkin, ordering him not to advance. To this order he replied, that

he should take the liberty of using the public highway; but he discovered, the next morning, that the Regulators were before him, at a small distance, in great force. The militia having a scanty supply of powder, being also without cannon, not desirous of action, and greatly inferior to the insurgents in number, the general resolved, by the advice of his officers, to retreat across the river.* The governor had crossed Haw river, when he was informed of Waddel's retreat. His situation had become very critical. The troops on whom he depended were considerably reduced in number. The insurgents, elated by their success, were increasing every hour. Nothing but a bold and expeditious stroke could save the country. To hesitate was to suffer a defeat. He suddenly altered his route, and crossed Little Almance. On the fifteenth

* See Proofs and Explanations B B 8.

he crossed Great Almance, and encamped within six miles of the Regulators. The next morning he advanced until he came within sight of those people. They were about three thousand in number; his militia hardly exceeded one thousand.* Citizen against citizen, the difference was great in favour of the Regulators; but they were called together in haste, to risk their lives for a nameless something, that was hardly described or understood. The object was painted in different shapes and colors, according to the craft or imagination of different leaders. The militia, well appointed, were commanded by an experienced officer. They resented the turbulence of men, who had compelled them to leave their homes, at a critical season of the year; and they were contending for the security of their possessions. The governor sent Philemon Haw-

* See Proofs and Explanations B B 9.

kins, one of his aids, to inform the Regulators, that unless they should deliver Husbands, Hunter, Howel, and some others whom he named into his hands, and disperse, he would fire upon them immediately. They answered, with a curse, "he might fire." The militia, by general orders, were to form the line of battle upon the dischargeo f two cannon. And the discharge of five cannon was to be the signal for action. But the line had been formed before Hawkins returned; and the Regulators began to advance as soon as they heard the report of the first cannon. The militia immediately began to fire; and the action, for a few minutes, was warm. Colonel Fanning, who commanded the left wing, unused to action and deficient in courage, fell back with the whole of his regiment, except captain Nash* and his company. In the mean

* That gentleman, a brigadier general, was killed in the battle of Germantown, anno 1777.

time the cannon did great execution, and some of the militia behaved like veterans.* The insurgents were thrown into confusion. Their leaders, more factious than brave, escaped at the beginning of the action. Some of their officers who made a good defence were taken prisoners; but the greater number found safety in flight. Seventy of the militia were killed or wounded in battle. The insurgents lost above two hundred. One of the Regulators named Few, was hung the next day, by sentence of a court martial: that man had better claims on a mad house.† Merril and five others were executed at Hillsborough, by sentence of a special court

* See Proofs and Explanations B B 10.

† After the battle, Mr. Wiley Jones was sent by the governor, to seize the papers of Herman Husbands. Among those papers, he found a letter from one of the insurgents named Few, who alleged, that he was sent by heaven to relieve the world from oppression, and that he was to begin in North Carolina.

of oyer and terminer. General Waddel, who joined the governor a few days after the action, was detached* with twenty-five light horse, one field-piece, and a respectable corps of militia, to the southward and westward, to reduce the Regulators to submission. The governor, by his proclamation,† offered pardon for treason, insurrection, and rebellion, to all persons who should come to his camp, or to that of general Waddel, before the tenth of July, lay down their arms, take the oath of allegiance, and promise to submit to the laws; excepting outlaws, prisoners, those who blew up general Waddel's ammunition, and fifteen other persons whom he named. A reward of one hundred pounds, and one thousand acres of land was promised to any person who should bring in Howel, Husbands, Hunter or Butler, dead or alive, they

* Seventh of June. † Eleventh of June.

being outlawed. The insurgents in general delivered up their arms, and took the oath of allegiance. Husbands fled to Pennsylvania, and settled to the westward of the Appalachian mountains, where, after an interval of twenty-three years, he was believed to have taken an active part in what is called the whiskey insurrection:* one of the most inexcusa-

* We cannot observe the increasing thirst, and growing demand for ardent spirits, that appears in every part of the United States, without forming painful anticipations concerning this dangerous appetite. The experience of the world in former ages is not a rule by which we can estimate the deadly effects of strong drink.

The process of distillation, and the use of ardent spirits, were altogether unknown to the antients. In their devotions to the drunken deity, they were confined to the use of wine, or other fermented liquors; but grapes or apples are not the produce of every climate, neither are fermented liquors half so destructive as ardent spirits. They never were the morning cordial, the noon-day beverage, and the evening anodyne. They were the luxury of the rich, but they were not the bane of the multitude. In the present age, some nations are prohibited the use of strong

ble riots that ever disgraced a civilized people. A riot or rebellion that was coun-

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drink, by the precepts of their religion; and people without number, are yet unacquainted with the method of preparing ardent spirits. In Europe and America, the fatal art is fully understood, and the inhabitants claim the privilege of drinking, provided they do not exceed the bounds of moderation. Yes, moderation is the rule by which every man is guided in the use of strong drink. I have seen a man contend for this virtue, who was usually intoxicated seven times in the week. The most habitual sot is not intemperate in his own estimation, for he does not exceed the bounds of his own desires. The vitiated love of strong drink appears to be one of the most common infirmities of human nature. To the savage it is a deadly passion; for he is not restrained by education, or the precepts of morality. The Indians of America, who have cultivated an acquaintance with ardent spirits, have been consumed by it, as grass or straw are consumed by fire. Pestilence and famine, its fellow-labourers in the work of death, are less, far less destructive. Those enemies of our species are universally marked as such. They excite general apprehension of danger, and people fly from the enemy, or they endeavor to guard themselves against him. But strong drink has nothing terrible in its approach. Like a treacherous friend, or insidious flatterer, it is admitted into all societies, while it is secretly

tenanced and promoted to the reproach of learning and talents, and the disgrace

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cutting down the weak and the strong. The fabled voice of the syren was not so delusive; the poison of serpents has never been so destructive. What have the white inhabitants of America to expect from a beverage, that has confessedly destroyed the Indian natives? Our bodies are not formed of different materials. The hope of posterity rests at present on the virtuous pride of the other sex. Our women are not less distinguished by their temperance, than by their other virtues; for it is admitted, that women, of the poorest class in society, who were born in America, will not debase themselves by intoxication, as women in like circumstances, in sundry parts of Europe.

There is not a nation on the face of the earth, nor ever was there a nation, so much endangered by the use of strong drink, as the citizens of the United States of America. As the passion for strong drink is found to be nearly alike among all varieties of men, it must follow that drunkenness will prevail among the multitude in every nation, not restrained by religion, according to the abundance of strong liquor, or the ease with which it may be obtained. But it must be admitted, that strong drink, compared with the price of labour, is cheaper, or it is more easily obtained in the United States, than in any other part of the world. Let us compare the prices in

of humanity, by men who knew their duty; by men whose sole object was

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England alone with those in the United States; for it is believed, that no part of the old continent produces more intemperate drinkers, than some parts of the British dominions. In London, the price of rum, the duties paid, may be stated at twelve shillings the gallon; Holland gin at twelve shillings and nine pence; Spanish brandy at eleven shillings and nine pence. The average price of those liquors reduced to our currency, is two hundred and seventy cents per gallon. In the city of New York, (anno 1801,) West India rum, the duties paid, may be stated at ninety cents; New England rum at seventy; Holland gin at one hundred and eighteen; American gin at seventy-five; Spanish brandy at one hundred and ten; and American brandy or whiskey, at sixty cents per gallon. The average price is eighty-nine cents. It follows, that one gallon of ardent spirits in London, costs as much as three gallons in New York. But the mechanic or day laborer in New York, receives double the wages that similar persons receive in London; viz. A journeyman carpenter or mason receives in New York from one hundred and twenty-five, to one hundred and thirty-seven cents the the day: in London, he receives sixty. The day laborer in New York, receives from eighty-eight to one hundred cents the day: in London he receives forty-five cents. That is to say, the price of one day's labor in New York

popularity, that they might be elected to honorable employments. It was a riot to

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will buy six times the quantity of ardent spirits that it will buy in London. Six to one is a terrible difference. Is it not to be feared, that our fellow-citizens will destroy themselves with ardent spirits, in proportion to the ease with which they may be purchased? Where is the man so inattentive, as not to have discovered the increase of drunkenness within the last ten years? For in that time, the price of labor and the means of obtaining rum have greatly increased. Has the laborer become more wealthy by his increase of wages? Are his wife and children better fed, better clothed, or better instructed? I think they are not. His debts have increased, for his increased wages are expended in rum or brandy, those parents of idleness and vice. In this happy country, where employment of every kind is to be had, and where every man, if he pleases, may cultivate his own soil, there are few instances of extreme poverty that may not be traced to the thirst for strong drink. By a culpable neglect of duty on the part of the civil magistrates; by a contempt of law, and a shameful prostration of morals on the part of small traders; our stores for dry goods in the country, are converted into tippling houses; and our grocery stores are converted into grog-shops, and beggar-makers. Thus it is, that our fellow-citizens are tempted to destroy the en-

prevent a tax upon ardent spirits. A riot for the protection and promotion of drunkenness,—that bane of society, that parent of idleness, poverty, and disease. Is it probable, can it be supposed, that the rioters were sober!

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ergy of body and mind; to sink themselves into idleness, poverty, and death.

The national legislature, the legislatures of the several states, and the civil magistrates, will answer to their consciences, their country, and their God, for the manner in which they guard the morals, the health, and the lives of their fellow-citizens.

CHAPTER XII.

THE GENERAL CHARACTER OF THE INHABITANTS, AND THE ADMINISTRATION OF GOVERNOR MARTIN.

WE have seen the government convulsed at different periods by riots and insurrections; but the general character of the inhabitants of North Carolina is not to be deduced from those incidents. The civil authority has been resisted once and again; but we are not to infer that the great body of citizens are more turbulent, or more seditious than other people. Culpepper excited commotions in a young colony, that had been little accustomed to the government of laws. Cary had presided over the colony for several years, and he could the more

easily persuade the inhabitants that his authority was not rightfully superseded. The Regulating insurrection had its origin in the abuse of power, and the depravity of civil officers. The laws had not been respected by men, whose duty it was to see them executed. Sheriffs who collected the taxes, in many cases, were greatly in arrears; and the public accounts were in a state of shameful disorder.* In that situation of public affairs, it was not difficult to persuade illiterate and ignorant men, that taxes should not be paid, which probably would never be converted to the public use. The subject once and again had been seduced from the path of duty, by the pernicious example of rioters, weak or wicked rulers, while the lords proprietors retained the government; and the rapid increase of the colony, from the time it became a re-

* See Proofs and Explanations C C.

gal government, had prevented that general knowledge of the laws, and that decent submission among the new settlers, which is to be expected in old establishments. The more ignorant class of people were deceived by factious leaders. Those demagogues, as in other countries, were consulting private emolument, and not the redress of real or pretended grievances, of which they complained. The true character of the inhabitants will be more accurately determined from their conduct in dangerous and difficult cases; from their submission to the laws, in cases where submission was expensive and hazardous; and in cases where evasion was practicable and safe. The operations of law were suspended for a considerable time before the revolution; for there was not any law for holding courts;* but people, in the mean time,

* Mr. Quinsey, an eminent lawyer, and respectable citizen of Massachusetts, passing through North Caro-

discharged their social obligations. That suspension of law was followed by a crisis, in which it was doubtful who was to execute the powers of government. The utmost decency and good order was observed during that eventful epoch. In the progress of the revolution, the militia suffered greatly in the discharge of military duty. I speak of men, whose services and sufferings I witnessed. They were called to serve, and they only were called to serve, once and again, far from home, in the most sickly parts of the United

lina in April 1773, made the following remark in his journal. "The present state of North Carolina is really curious; there are but seven provincial laws in force throughout the colony, and no courts at all in being. None can recover their debts except before a single magistrate, and where the sums are within his jurisdiction; and offenders escape with impunity. The people are in great consternation about this matter. What will be the consequence, is problematical. Many people, as lord Bottetourt says, *augur ill on the occasion.*"

States,* and in the most sickly seasons of the year; but they were patient and obedient. Taxes were heavy, impressments were grievous, and the treasury was badly managed and badly supplied; but the great body of well-informed yeomanry submitted to the laws with a degree of unanimity, that has few examples. From those facts, and from a steady attention to the conduct of our fellow-citizens in that state, for a series of years, I am induced to believe, that there is not, in the United States, nor in any other country, a body of men who are more generally willing and desirous to discharge their social obligations; or a body of men who are more tractable and observant of the laws, than the citizens of North Carolina. A mild disposition may be the effect of a temperate climate and easy circumstances, as a fretful or

* In Georgia and South Carolina.

ferocious temper is usually produced by difficulties: whatever the cause may be, there are instances of philanthropy and civilization among the oldest settlers in Carolina, that can hardly be equalled by a similar class of men in any other country.*

Tryon was succeeded by Josiah Martin in the government of North Carolina.† By attending in person to running a line between the Cherokee Indians and the white inhabitants; by opposing a proposition of lord Charles Gr. Montague, the governor of South Carolina, for running a boundary line, very unfavorable to the northern province; by showing a general desire to prevent the infraction of laws, and by shunning disputes with the assembly, Tryon had acquired some degree

* See Proofs and Explanations D D.

† Second of August 1771.

of popularity. Martin sickened at the praises of Tryon. He had little reason to expect that his own achievements would ever swell the trump of fame. He could hardly rise to the standard of Tryon, but he might possibly reduce the character of Tryon, in the province, to his own level. The man who scatters censure is sure to please the ignorant and the disappointed. He takes the beaten road to popularity. It may be trodden without the aid of virtue or talents. Governor Martin pursued that course. In a short time after his arrival, he paid a visit to the upper country, during the sickly season. When he passed through the settlements of the Regulators, he was liberal in his censure of the late administration. When he blamed freely he was admired, for those people had suffered and were angry. By such means he acquired the esteem and confidence of the Regulators.

The assembly advised the governor* to proclaim a general pardon to all the late insurgents, except Husbands, Howel and Butler. The governor alleged that his power did not extend to a general pardon, but he would submit the proposition to the king. In the year 1773, the governor informed the assembly that the king had recommended an act of indemnity to the Regulators, with a few exceptions; the operation of the law to be suspended for the royal assent. The act of pardon was not ratified, or it was not published; and those unfortunate people, looking to Martin as their friend and patron, and listening to his advice, pursued a course, during the revolution war, that proved hurtful to the community, and ruinous to themselves.† There had been a poll-tax,

* November 1771.

† The Regulators in North Carolina were universally royalists, commonly called tories, during the revolution war. Many people of rank and fortune in the other colonies, who held public employments or chanced to be otherwise connected with government, adhered to the royal cause; but in North Carolina we could hardly discover among the royalists a man who might be deemed respectable from his fortune, his learning or his influence in society; hardly a man who had ever sustained a commission civil or military. The tories were a poor, ignorant race. A regiment of those people was commanded by a colonel who could not read. He was called Fanning the unlearned. Their politics were founded on hatred of the people who had corrected them, not on principle.

for many years, of one shilling, and a duty of four pence, per gallon, upon imported spirits, for sinking the paper currency. The law was not repealed nor had the money risen to its nominal value. The assembly, nevertheless, advised the public treasurers not to insert the shilling tax nor the duty on spirits in the lists they should deliver the sheriffs for regulating their collections.* The tax as they alleged, had already produced its intend-

* Anno 1772.

ed effect. The governor, by his proclamation, ordered the sheriffs to collect the tax under the penalty of being sued on their bonds. The assembly, at a subsequent meeting, advised the sheriffs not to collect the tax or duty, under the pain of censure, and engaged to indemnify them for such inobservance of the law. When the assembly advised a public officer to break, or disregard a law that was in force, they were setting a pernicious example. They were sapping the foundations of civil government and preparing an excuse for every little rogue to break a law that did not accord with his interest. Ten years had not elapsed before North Carolina suffered a loss that was computed at one hundred thousand dollars nearly, by private individuals advising the sheriffs not to collect taxes according to law.*

* See Proofs and Explanations E E.

A clause in the court bill, respecting foreign attachments, became the subject of long and obstinate debate between the governor and house of representatives. The governor had rejected one bill on account of that clause, but courts of law were indispensable, and the old law had nearly expired, therefore a new bill was brought in. While the second bill was on its passage, the parties gave their reasons for and against the policy of foreign attachments.* The bill passed with a suspending clause and it was disallowed by the king. The governor, at their next session, informed the assembly what the cases were in which the property of absentees might be attached by his majesty's approbation. He would agree, that in future, the estates of persons who had never resided in the province, might be attached, " according to the laws and

* See Proofs and Explanations F F.

statutes of England in like cases, but not otherwise." This was an instance of mean dissimulation, not becoming his majesty's representative or the minister who gave the instructions. The law was to bear, on its face, an intimation that attachments would be permitted in certain cases; though the governor must have known, that they could not hold in any case, since they are not provided for by any of the laws or statutes of Great Britain, to which reference was had. It was known at the same time that foreign attachments were sanctioned by the laws of many of the colonies; but the amendment proposed by the governor, was designed to screen from attachment any property in Carolina, whether it belonged to the inhabitants of Great Britain or to subjects in the other colonies. This would have made an invidious distinction between subjects; a distinction to which the representatives of North Carolina were not dis-

posed to submit. The council, in support of the governor's proposition, observed, not very modestly, that since the governor and themselves, making two legal branches of the legislature, were agreed, the house of representatives, the third branch, ought to accede "lest the province should be without a court law, be deserted by its inhabitants, and an end put to its name and political existence." Whatever the object of government may have been, the effect of those measures was to leave the province, more than twelve months, without any courts of law. A circumstance that did not tend to strengthen the attachment of the people to their sovereign. No business of any importance was despatched during that session; for the governor, in a bad temper, thought fit to prorogue the assembly.

The political situation of North Carolina, about this time, was very unpleasant. They had been long and often neglected or insulted, and had much reason to wish for some amendment of their condition. The earth has been peopled, from the earliest ages, by swarms who migrated from older hives; but the cases were few, in which the new colonies professed their allegiance to the parent state. They claimed, in general, and exercised the right of self-government. When people are separated by nature from other nations and other governments, the desire of independence and self-government, seems to be inseparable from the human breast. There is something in the very idea of a subordinate, dependent state, that is not accommodated to the general feelings of men. However light the task, or gentle the discipline of distant rulers may be, they never fail to convey the humiliating ideas of inferiority. Such ideas, like those

of servitude, tend to depress the soul, and check its native energies. They prevent that industry, ambition, and spirit of enterprise which are essential to the prosperity of a state. If the very idea of being an inferior and dependent colonist, may be supposed to produce such unfavorable effects, even in the case of a prudent administration, what estimate are we to form of the sufferings of North Carolina, during the space of one hundred years; especially when we consider that the inhabitants of the province, for a considerable part of that time, had been insulted and depressed by the weak or vicious administration of wicked judges and worthless governors. They had suffered much, and they had much to apprehend, for the horizon was darkened. The questions concerning the jurisdiction of the county courts, and the independence of the judges, were like to be the subjects of long and obstinate dispute; but

their attention was called off by a question of greater magnitude. It was a question that involved property, liberty, and life. In the progress of that dispute, North Carolina became an independent state.

CHAPTER XIII.

OF THE SOIL AND PRODUCE, AND THE GENERAL STATE OF HEALTH IN DIFFERENT PARTS OF THE COUNTRY.

THE climate of North Carolina is usually thought to be unhealthy; but this character is not applicable, except to the eastern part of the state; the part that is best known by strangers and most frequented, because it is intersected by navigable rivers, and is the general seat of commerce. Other parts of the state are exceedingly healthy. By taking a short view of the face of the country, we shall immediately perceive the cause of this remarkable difference.

Carolina is a perfect plain for sixty miles from the Atlantic ocean, without hills or stones. It has been covered by water, at no great distance of time. Beds of oyster shells and other marine exuviæ, are found near the surface, in many parts of the flat country. Those concretions of shells are burnt for making lime. The gulf stream runs along the coast, within six or seven leagues of the shore. The soundings change suddenly at the edge of the gulf stream, for the margin is nearly a perpendicular bank. A great fissure, nearly in the direction of northeast and southwest, has been made in the bottom of the ocean, by some convulsion of nature.* Such at least appears to have

* The lacerated and irregular state of the different strata that are found to the eastward of the Appalachian mountains, is in proof that earthquakes or volcanic eruptions have been frequent there. The strata of limestone, for instance, are observed, in every case, to dip or make an angle of thirty-five to forty-five degrees with the plane of the horizon. In the western country, the case is different. The strata in those regions, are generally unbroken, and they lie parallel to the plain of the horizon. Hence it is, that rivers in the western country are observed to increase more by a moderate fall of rain, than on the hither side of the mountains: the greater part of the rain is there prevented, by the unbroken strata, from sinking into the earth. It seems probable, that the abundance of salt springs that are found on the western side of the mountains, is also to be accounted for by keeping in mind the cause of this remarkable difference in the texture of the earth.

A small explosion of a volcanic nature, was observed about the year 1793, in Anson county.

In the year 1794, a remarkable subterranean wall was discovered, about twelve miles from Salisbury, in Rowan county. This wall is nearly parallel to a small rivulet, at the distance of thirty or forty feet, from which the ground rises on both sides by a moderate slope. There is a clear field adjoining the rivulet, and the water that ran across the field in heavy rains, caused a gully, by which the top of the wall was exposed to view. People have traced the wall about three hundred feet. It is twenty-two inches thick, and the top of it is, in most places, from two to six feet below the surface of the ground. But as the ground

been the case. The ground rose to the northwestward of the chasm, and sunk

to the southeastward. The sandy bottom of the sea, by this elevation to the west-

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rises considerably in one place, the wall rises at the same place, so that one part of it is fifteen or twenty feet above the level of another part. It is perfectly straight, except that in one place there is a circular offset of about six feet; after which, it is continued in its former direction. Some people have dug ten or twelve feet by the side of the wall, without finding its bottom or any alteration in its form. The stones of which it is composed, are all of one kind, of a dark colour, containing iron. They are fusible without addition. In the formation of this wall, there are not any large stones. Few of them weigh so much as twelve pounds. The outside stones are mostly of an oblong figure; seven or eight inches in length. In all cases they lie across the wall. The inside of the wall is composed of stones of every shape. All the stones seem to be bedded in mortar; and the outside stones, that are flattish, are laid upon one another with much apparent care. When they do not exactly fit, there seems to be a small fragment of a stone wedged in, so as to fill the space. The mortar resembles putty to the touch, having no mixture of sand. In some places the mortar is found to be an inch thick, where the stones do not exactly fit one another. The wall seems to be plastered on both sides with the same kind of mortar. The earth on both sides of the wall seems to be factitious, being composed of sand

ward, was converted into dry land. In this case, the rivers coming down from

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and pebbles. It becomes harder the further down they dig.

Is this wall natural or artificial? Some gentlemen presume that it is a basaltic eruption, and their opinion is founded on the quality of the stones, and on the circumstance of its being a great work of no use. But if it is basaltic, it differs from every thing of the kind we have seen recorded. Instead of perpendicular columns, as in the Giant's Causeway, and many other productions of the kind, it chiefly consists of flat stones parallel to the horizon. Instead of parts that fit one another exactly, with a simple intervening crack; here are pieces that seldom fit, the intervening space being filled up by a soft substance. The thickness of that cement does not suffer us to call it a rust, although from its chemical qualities it might pass for a spontaneous decomposition of the stones. The uniform thickness of the wall has also been deemed unfavorable to the idea of its being the work of nature. But we gain little in shunning a difficulty, when we allege that the wall is the work of art. To suppose that any body of men performed a toilsome and difficult work, that could be of no possible use, would be to charge them with pure madness. And the folly of building a naked straight wall, in a low piece of uneven ground, seems to beggar description. A lesser wall has since been discovered, at

the original dry land, made a crooked path for themselves through the sandy plain. Those rivers had little descent; wherefore, in their tardy course, they deposited the vegetable mould that came down from the higher grounds. In some cases, the sandy plain had been depressed five or six feet below the level of the common surface. In those parts, it must have happened that ponds of stagnant water were formed, until the sunken ground was filled up by vegetable mould. By this hypothesis we are enabled to explain all the present phenomena of the

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the distance of five or six miles. It has been traced fifty or sixty feet. It is only seven inches thick, and all the stones reach quite across the wall. Those walls are probably of the same date.

We are not allowed to deny the existence of those walls, although we find some difficulty in accounting for some of the present phenomena. But the use of Stonehenge in Salisbury is luminous, compared to the Salisbury walls, when they are ranked among the works of art.

flat country. In some parts we find large sandy tracts, perfectly level, that hardly contain any mixture of clay or vegetable soil. The growth is pine or black jack. In other parts the land is of an excellent quality, with a stiff clay bottom. Those lands are low; and in many places they require draining. The rivers are bordered by a strip of land that is lower than the common surface of the country. Those river lands are exceedingly rich; for they consist of vegetable mould, three or four feet deep, with a small mixture of sand or clay. In many places those river lands are three or four times the breadth of the river. There are other large tracts detached from the rivers in which the soil is nearly of the same quality with that of the river lands. But it is seldom mixed with sand or clay. In those tracts the vegetable soil is commonly five or six feet deep, and the whole of it is saturated with water. Such are

the Dismals, so called, and the other great swamps that are numerous in the flat country. Supposing as above, that the original surface, where the swamps are found, had been covered for many years with stagnant water, because it was somewhat depressed; it would follow, that the chief rivers at every great fall of rain must have thrown part of their turbid stream into those stagnant ponds, until they were so filled with adventitious soil, as to produce reeds and other aquatic plants. The luxuriant growth in those swamps, in the progress of time, caused the surface to rise; so that in many cases it is higher than the adjacent sandy and dry plain. Some of those swamps are fifteen or twenty miles in diameter, and they are chiefly covered, at present, with a thick growth of cypres* or Juniper.† In some

* Cupressus disticha, foliis disticis patentibus.

† Cupressus tryoides, foliis imbricatis frondibus ancipitibus.

parts they are covered with maple,* Poplar,† and white oak,‡ intermixed with tall reeds, magnolia,§ and green briars.

The soil increases every year by the addition of decayed vegetables; but the water is detained by the leaves and the roots of trees, so as to have little motion, though the surface has become much higher than the water in the adjacent rivers.

Some years ago, Mr. Josiah Collins of Edenton, and one or two other gentlemen, projected a canal, about five miles long, through a swamp of this kind, in Tyrrel county, that was chiefly covered

* Acer rubrum.

† Arbor tulipifera Virginiana.

‡ Quercus alba Virginiana.

§ Magnolia glauca, foliis oblato oblongis, subtus glaucis.

with stagnant water. Their original object was to drain a lake that is eight or nine miles long, and nearly of the same breadth. Upon making a survey, it appeared that the water in the lake was three feet higher than the richest part of the swamp, and the surface of that swamp was seven feet higher than the water in the nearest river. By that survey it was discovered that they were in possession of an excellent rice swamp; above ten thousand acres in one body, that may be covered at pleasure with fresh water, eighteen inches or two feet deep. By finishing the canal, and erecting three or four mills, that are turned by the waters of the lake, and by raising a few crops of rice and wheat, they have shown that lands, formerly of little value, may be made the most profitable lands in the state. The rice produced on those lands is not exceeded in quality by any rice in Georgia or South Carolina. Mr.

Collins, to vary the crop, has occasionally sown part of those lands with wheat, and they produce thirty-four to thirty-five bushels per acre.

In digging the canal from the lake to the river, many large trees were found in a state of good preservation, though they had been covered, four or five feet deep by vegetable soil. A clear indication of the manner in which the soil has been formed.

It is conjectured that the swamps, within forty miles of the coast, do not occupy less than a fifth part of the surface. It will readily be perceived, that so large a quantity of stagnant water among putrescent vegetables, must be unfriendly to the health of the inhabitants. Intermitting fevers are very frequent in the summer and autumn; but fevers with inflammatory symptoms, that have a putrid

tendency, prevail in the winter. The progress of time and cultivation of the soil, cannot fail to make a considerable change in the climate, in the flat lands of Carolina. And the effect of that change must be favorable to the health of the inhabitants. The natural operations of time would reduce those extensive and numerous swamps, to the condition of firm and dry land; but this event must be greatly accelerated by the progress of cultivation. The subsidence of water, is very observable, in many parts along our coast. Where the lands are high, this circumstance has been little observed; but in flat countries, where the water is troublesome, it claims more attention. There are considerable tracts, now planted with corn, that, in the beginning of the eighteenth century, were covered by water. This was not the effect of drains or ditches; it was caused by the waters sinking in the adjacent rivers or sounds.

There are two causes that equally contribute to the failure of water in the low country;—the cultivation of the interior lands, and the regular subsidence of water in the ocean. Most of the large rivers in Carolina discharge themselves into a sound, that communicates with the Atlantic by small inlets. The water in the sound is nearly fresh; it is perfectly fresh in the rivers. These rivers have no tide, and they have little motion through the whole of the flat country. The waters are observed to swell in the rivers and in the sound by a heavy fall of rain. From this circumstance we infer, that every decrease of rain will be attended by a decrease of water in the rivers, and by a consequent decrease of water in the sound. The general decrease of rain is easily accounted for by the progress of cultivation. We account, in the same manner, for the decrease of fresh water in all our rivers. As the waters de-

crease or sink, the lands appear to rise, and the marshes, that communicate with the rivers, become dry land; except in cases where a level surface and thick growth prevents the rain-water from running off. The decrease of the rivers, from this cause alone, with the aid of ditching and draining, would soon reduce all the great swamps to the condition of arable land. But there is another cause that co-operates with the decrease of river water. The waters on the coast are supposed to sink. We have no solid marks on our coast, by which we can estimate the accidents of ocean water; but we allege the general subsidence of the ocean here, from what is observed in other countries. The inhabitants of West Bothnia have observed, by marks on the rocks, that the sea decreases four inches five lines every ten years, or forty-four inches and two lines every century. Dalen calculates, that the waters in Sweden sink thirty-

seven inches in one hundred years. Ravenna, in Italy, is no longer a sea-port. There seems to be good evidence, that a direct communication by water formerly existed between the Baltic and the Euxine or Black Sea.

Herodotus alleges, that great part of Poland and Russia had been covered by water. And Orpheus, in his Argonauts, supposes that one might sail from the Euxine to the Baltic. There must have been a tradition, that such a passage had formerly been effected. Ptolemy speaks of Scandinavia as an island. Homer describes the island of Pharos as a day's sail from Egypt; and we know, that the present city of Alexandria, is built on the very spot that was the original harbor of the old city. This remarkable subsidence of the ocean has been accounted for by different theories; none of them, as I think, satisfactory. It is not to be

supposed, that the bed of the ocean is deepened by the attrition of the water; for more earth or clay is doubtless brought into the ocean by rivers, than is taken out of it by other means.

There may be caverns in the earth by which water is occasionally absorbed. Islands have been raised in the ocean by the help of subterranean fire. A small one has lately been added to the Azores; but the space, they formerly occupied, does not contain much water. When we consider the numerous and frequent volcanic eruptions that have appeared in the great chain of islands that extend through the Pacific ocean, near the equator; the numerous eruptions that have appeared in the Cordillera of the Andes; and the constant flames that appeared in Greenland and other high latitudes, giving light and heat to those frozen regions; we must suppose that the earth abounds

in caverns whereby water has been absorbed. But we are also to consider that dry land has disappeared or sunk in different parts of the world; and the absorption of water by volcanic eruptions is neither great nor regular.

There is another process by which, as I conceive, the decrease of water may be accounted for. It is the regular and constant conversion of water into shells, madrepores, and corals. Fixable air abounds in water, by means of which it unites with calcareous bodies. Corals and other substances, formed by this union, are specifically heavier than water, nearly as two and a half to one.

We do not pretend to know, by what process certain animals or insects in the ocean cause the formation of shells, madrepores and corals from water, or from earth and air that are attached to water

and seem to be part of that fluid; for they increase its bulk; but the process is constant. The shells that appear in shallow water, on our coast, are of little importance; but the madrepores and corals, formed in the ocean, are of prodigious magnitude. We are told, by late navigators, that in some parts of the South Sea navigation is become dangerous; and in other parts it is absolutely impracticable, by the formation of great ledges of madrepores or corals, where the water had been very deep. When we consider that more than two inches of water are required to form one inch of those weighty substances, we shall discover a probable cause for the subsidence of ocean water. Whatever the cause may be, it can hardly be doubted, that the ocean is retiring from the land, or decreasing in depth. Nor is it to be doubted, that the quantity of water discharged by the rivers in Carolina, and in every new country, is de-

creasing every year. It must inevitably follow, from one or both of these causes, that the marshes or swamps in Carolina will soon disappear. The progress of agriculture is a steady auxiliary to the operations of nature in producing this desirable change. It is already discovered, as we have seen, that marshes are drainable; and the soil, when fitted to the plow, is excellent in quality. In process of time all those swamps will be cultivated.

Intermitting fevers are the usual complaints in the eastern part of Carolina. Those fevers seem to arise, as we have already observed, from the exhalations of stagnant water or putrid vegetables. They prevail more or less, according to the quantity of water that is exhaled impregnated with putrescent vegetables. All our observations tend to confirm this opinion. When stagnant water is not exhaled, in-

termitting fevers are less prevalent. When putrescent vegetables are exposed to the action of the sun, intermittents are frequent. In the midst of great forests, the sun never visits the surface; his rays being fully intercepted by a thick growth of cypres, juniper, magnolia, and reeds. Intermitting fevers do not prevail in such places. Families who live in the Dismals, employed in making shingles, without a perch of clear or dry ground, enjoy more health than people who live on their new plantations, near the rivers or swamps. The bad effect of recent cultivation, by which decaying vegetables are exposed to the sun, is severely felt in flat countries and warm climates. Carolina was less sickly before the country was opened. The second colony of adventurers remained twelve months in the country, and they lost only five men out of one hundred and seven, though they were badly sheltered, and suffered

much by the scarcity of provisions. A gentleman in Craven county lived on his farm above forty years, without suffering by intermitting fevers, though his family consisted of fifty or sixty persons. There were about one hundred acres of clear ground in front of his house that had been cultivated many years: but there was a thick wood behind the house. In the beginning of the year 1785 he caused all the timber and shrubs that were behind his house, within four or five hundred yards, to be cut down. His object was pasture and a free circulation of air. One third of his family, on the next summer, was taken down by intermitting fevers. Such complaints were not more prevalent than usual, during that summer, in other parts of the flat country. Those fevers were certainly caused by exposing to the sun a large surface of fresh land, covered with putrescent vegetables. Similar effects are very com-

mon in the West Indies, where they are fatal to such a degree, that soil, newly turned up, is supposed by the planters to contain some pestilential quality. Putrid exhalations are the general cause of those bilious intermittents; but in tropical climates, where the sun is vertical, and the tendency to putrefaction great, and where the influence of heat on the living body increases the malignancy of the complaint, those fevers become most fatal. The simple intermitting fever that prevails during the summer season, in Carolina, is seldom fatal to the natives, except in cases where the frequent recurrence of such fevers may occasion an indurated spleen and other visceral obstructions. The consequence of such obstructions is a dropsy or other cachectical complaint, of which the patient dies. Fevers of the warm season sometimes become dangerous, especially to strangers, by the imprudent conduct of the patient. Upon the

approach of febrile symptoms, strangers are apt, as they express themselves, to brave the fever. In this case, by taking exercise, increasing the muscular motion, and not unfrequently by the use of ardent spirits or other stimulating drinks, they bring on a typhus or other constant fever, instead of a simple intermittent. A warm season, followed by a considerable drought, often produces an endemical flux or dysentery. Those complaints are doubtless of the putrid kind, and should be treated accordingly.

People on the low grounds of Carolina are frequently attacked by fevers in the winter, which are called inflammatory; for they are attended by pain in some part of the head or the breast. These fevers, in many cases, prove fatal in three or four days. By the general symptoms, compared with the circumstances and places in which those fevers

prevail, they seem to be of the putrid kind. They prevail in districts that are subject to intermitting fevers; whence they may be presumed to arise, in some measure, from the same cause; but they prevail in a different season of the year; whence it may be inferred, that there is a combination of causes in one fever that does not occur in the other. It has already been observed, that intermitting fevers are more or less frequent in the lowlands of Carolina, according to the quantity of putrescent vegetable substance that is exposed to the action of the sun. From this circumstance it is conjectured, that the most simple species of intermitting fevers are, in some measure, the effect of putrefaction; but the most dangerous putrid fevers arise from the same cause. The difference then between the appearance or the effects of those fevers must depend on the state of the solids or the fluids of the person affected, or upon the acrimony or virulence which the putrescent matter may have acquired before it is absorbed. The appearance of those fevers in the summer, when putrescent matter is plentifully diluted by rain, seems to be determined, in some measure, by the constitutions of the several patients. Strangers, from a northern climate, who have a vigorous constitution, whose muscular system is well braced, instead of having a moderate fever, in the summer or autumn, that will duly intermit after the first or second day, in many cases have an ardent fever, with full pulse. Instead of intermitting, it puts on the appearance of a typhus, or a nervous fever, in a few days, and terminates fatally. The same cause should produce the same effect upon similar bodies; but the effects upon the native and stranger are not alike; hence we infer, that a tense fibre or vigorous constitution, which naturally excites more

heat, or causes the fever to be more ardent, produces, at the same time, a different and dangerous type. According to this theory, we observe, that by taking violent exercise, when the symptoms of an intermitting fever are coming on, the fever becomes ardent, and in many cases it is attended with danger. From these facts it would appear, that the affecting cause remaining the same, the fever is more or less dangerous according to the constitution of the patient, or any other circumstance that tends more or less to brace the system, or produce symptoms of inflammation.*

* A young man, near Pasquetank, heated himself by dancing, after he had been affected some hours by a slight pain in the brow. This happened in the winter season, during the prevalence of a complaint, that is called, however improperly, "a pleurisy in the head." He died within two days. This disease having obtained the name of an inflammatory fever, is usually treated like such complaints, by copious blood-letting. Though the patients, most of them, die, the lancet continues to be used with too much freedom; because it seems to give temporary relief, and it can be used by men who have never taken the trouble to learn the nature of the disease, nor its proper remedy.

Though the fevers that appear in winter are not usually called intermittents, they are not less effected by putrescent vegetable matter than the autumnal fevers. Those winter fevers have been deemed inflammatory, because they are usually attended by a pain in the head, or by a pain in the breast that resembles pleurisy. They prevail, not only in the same districts in which intermittents are common, but they are most likely to attack people who on the preceding autumn had suffered by intermitting fevers. These circumstances make it probable, but there are other circumstances from which it is certain, that the fevers to which I refer arise from a septic cause.

In different years they prevail in different neighborhoods, affecting one or more persons in every family. When this disease is most prevalent, it may generally be traced to the vicinity of a marsh or the bed of a river, where mud or other putrescent vegetable substance has been exposed to the sun, in dry weather. The effects of dry weather on similar grounds, in the summer season, is frequently a flux or dysentery, which are also of the putrid kind. If the same cause, that would produce a simple intermittent, may also be found to produce an ardent fever, tending to putrefaction, by the sole concurrence of muscular motion, or the direct operation of the sun, whereby heat is excited, we are to presume that winter colds would produce remarkable effects on the appearance of that fever. The common effect of cold is to brace the solids and check the perspiration. In the case before us, the perspiration being obstructed,

the offending matter, that has been absorbed, is retained in the system and gives a septic disposition to the fluids, by the increased action of the muscles.* It

* It has been alleged, that the endemic fevers of summer and winter are equally caused by the absorption of putrid matter into the system. In support of this opinion we observe, that being exposed to a heavy shower in summer or autumn, in warm climates, is usually followed by intermitting fevers; but people at sea, in the same latitude and season of the year, expose themselves to showers without danger, because the atmosphere, at sea, is not charged with putrescent exhalations. It may also be observed, that people who use unguents, in warm climates, are less endangered by those fevers. Black people, and white people, who have a copious perspiration, are also less subject to those complaints. Cold evenings in the autumn, and rain, by shutting the pores of the skin, are known to be the cause of innumerable fevers. While the perspiration is free, the putrid matter, that may be taken in by the absorbing vessels, is immediately discharged from the system; but in the case of obstructed perspiration, it is retained among the circulating fluids and becomes the seed of mortal disease. In cold weather, the complaint is usually thrown upon the head or breast.

is generally observed that men suffer more than women or children by this disease. In the months of December and January 1794, 5, eight or nine men, the heads of families, who lived near the river Neus, were taken off by a fever such as I have mentioned; but no other people in that vicinity suffered by the disease. Some cause must have existed for this remarkable difference. The complaints of those men were not produced by intemperance alone; for though ardent spirits injure the system not only by destroying the powers of the solids, but also by vitiating the fluids, whence they bring on death in various forms, some of the men who fell under that bilious pleurisy, were not intemperate. In this case the disease seems to have arisen from obstructed perspiration. It cannot escape notice that men in Carolina are chiefly exposed to complaints which arise from that source. The temperature of the weather,

in the eastern part of the state, is very changeable. When the wind is at northwest, there is occasional hard frost; but the weather at other times is moderate and soft. As there are not many cold days, nor many days in which flannels or thick woollen garments are necessary, people fit their dress for the temperate weather and not for the few days of incidental cold. They do not consider that warm clothes may be worn, in temperate weather, without danger; but thin clothes, in cold weather, expose the wearer to mortal disease. Women and children are not only more temperate than men, but they are usually at home; and they can increase their clothes upon a sudden approach of cold, or they can sit by the fire. Men are frequently surprised by rain or sudden cold, when they are abroad, and are not provided with a suitable dress. Prudence is the child of experience, but heedless men are seldom taught by the

experience of other people. Personal experience in this as in many other cases frequently comes too late. When the planters, they especially who have been visited by intermitting fevers during the summer or autumn, and those who live in the flat country, shall have the prudence to keep themselves dry, and shall be provided, in all their excursions, durring the winter, with clothing fitted to cold weather;* when they shall exchange the use of grog and ardent spirits for

* Such is the commendable industry of women in Carolina, that two thirds of the inhabitants are clothed in cotton that is raised, spun, and woven by themselves. This is an excellent dress for warm or temperate weather; but a garment of soft wool to be worn next the skin, is greatly to be preferred by valetudinarians. It is found that sheep thrive very well in Carolina, and their wool is good in quality. Planters, such of them especially as are invalids, and they who live in sickly districts, should never go abroad in the winter season, without a flannel waistcoat under the shirt, and a substantial greatcoat to be worn in case of a sudden change of weather.

beer well seasoned with hops, or water that is less dangerous than either, we may be assured that many useful lives will be saved to the community.

When the country shall be sufficiently cleared, and the lands perfectly drained, there is much reason to believe, that people near the seacoast will enjoy a desirable state of health through the latter part of the summer, which is now called the sickly season.* The weather will also be less variable during the winter season, for reasons that have been stated; and a free circulation of air will diminish the summer's heat.

There are not many countries, in which the state of health differs so much as it

* Instances of longevity are not wanting in Carolina in the flat country. See Proofs and Explanations G G.

does at present in the different parts of North Carolina. At the distance of sixty or seventy miles from the coast the land begins to rise into small hills, stones appear on the surface, and the streams ripple in their course. As we advance a little further to the westward, we find all the variety of hills and dales that may consist with a fertile country, fit for cultivation. In that happy climate, where the soil is good, and the water pure; where the inhabitants enjoy the desirable effects of winter, without suffering by the rigorous severity of cold; there are few of the diseases which are most painful and destructive in cold climates: neither are the inhabitants wasted by the more fatal diseases of warm climates. There are not many parts in the United States, perhaps there is not any part of the world, in which families increase faster than in the western part of Carolina. When we consider, that the inhabitants

are seldom affected by coughs, consumptions, or inflammatory complaints, for the winters are temperate; that intermitting, bilious, or putrid fevers are seldom found among them; we naturally infer, that the climate must be healthy. It is not denied, that people, in many other climates or countries, are equally healthy with those in the western part of Carolina; but the winters in other regions, that are deemed healthy, are more severe, or the land is less fertile, or it is not so cheap, or the means of supporting a family, from one cause and another, are more difficult than in Carolina; whence it follows, that early marriages are not so frequent, and the increase of families is not so great. We have not the means of comparing the increase of people in Carolina with that in foreign countries, but it has been compared with the increase in other states. It appears by the census taken in the year 1791, that

the number of inhabitants above sixteen years old, exceeded the number under sixteen in all the northern and middle states, including Maryland. In the southern states there was a difference in favour of those under sixteen, and this difference was greater in North Carolina than in any other state, except Kentucky. This difference might be explained by supposing that the duration of human life is shorter in the southern states, and that sixteen years is nearer the middle of the general extent; but this solution cannot be admitted, because in the most healthy parts of the southern states, the difference was greatest in favour of the class under sixteen. The greater proportion of people below sixteen must be the combined effect of early marriage and a good climate. Families are easily supported where the lands are good, and the winters mild. In this case people marry young, and have many children;

but early marriage alone will not produce a great proportion of children when compared to that of grown persons, because sickly climates are not less fatal to infants than to those who are more advanced in years. This distinction is fully supported by the census in North Carolina. The number of males in the whole state, below sixteen, was to that above sixteen, nearly as eleven to ten; but this difference cannot be the effect of early marriage alone, or the facility of maintaining a family; it depends very much on the salubrity of the climate. People live in the district of Edenton with more ease than in the district of Salisbury; for their cattle require less feeding in winter,* and they have a plen-

* The flat lands near the coast, except such of them as are composed of sand, are generally covered by a thick growth of canes. The leaves of this plant are green all winter. They are long and succulent, and cattle in general are greatly attached to them.

tiful supply of fish; but the proportion of persons under sixteen, was to that above sixteen, in Salisbury district, compared to that in Edenton district, nearly as three to one. In Salisbury district there were fifteen thousand eight hundred and twenty-six males under sixteen, and thirteen thousand nine hundred and eight above sixteen. The difference is nearly equal to a seventh part of the whole number of the older class. In Edenton district, the number of males under sixteen, was eight thousand six hundred and ninety-six, and the number above sixteen, was eight thousand three hundred and ninety-four. The difference being less than a twenty-seventh part of the number of the older class. This remarkable excess, in favour of Salisbury district, can only be explained by the greater salubrity of the climate. There are some very old people in the western parts of Carolina, but they were not born in that

country; they are older than the settlement. After the country shall have been planted two or three centuries, and the natives shall have attained the length of years that corresponds with the climate, a greater proportion of the inhabitants above sixteen years will doubtless be found.

There is not a state in the Union so fortunate as North Carolina in the variety of its staple. Wheat, barley, rye, and every other grain that is produced in the northern states, grow here in great perfection. The rice of this state is also of the best quality. The Indian corn, in this state, is not so heavy as that which grows to the northward, but it is much sweeter: it is cultivated with more ease, and in greater abundance.* White oak

* There are five ports of entry in North Carolina, viz. Edenton, Cambden, Washington, Newbern, and Wil-

trees, for making pipe and hogshead staves, are much taller and clearer from knots than what are usually found to the northward; and the thick extensive forests of juniper and cypress for making shingles, can hardly be exhausted. The large tracts of sandy barren land, that in other countries would be deemed worthless, are covered in Carolina with trees of pitch pine, (pinus echenata) fit for boards; or trees of a smaller size, that yield a

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mington; formerly called Port Roanoke, Currituck, Bath, Beaufort, and Brunswick. The average exports for the years 1785, 6, 7, and 8, were nearly as follows,

20 millions of shingles,
2 millions of staves and heading,
5 millions feet of boards and scantling,
100,000 barrels of tar, pitch, and turpentine.

The exports from the port of Edenton alone for the year 1787, beside pork, bacon, wheat, flaxseed, hides, deer skins, snake root, beeswax, furs, and tobacco, were

134,107 bushels of Indian corn,
8,924 bushels of pease,
5,328 barrels of herrings.

plentiful crop of tar.* While we contemplate the advantages that are enjoyed by

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* It is well known that Carolina tar is in great disrepute in foreign countries. Pipe and hogshead staves are in the same predicament. They bring little more than half price. This does not proceed from any fault in the materials of which they are made, but from a defect in the inspection laws, and a culpable negligence in the makers. White oak trees, that abound in the flat lands, are remarkably tall and free from knots. The skeletons of decayed pine trees are fitted to produce tar at least equal to any that comes from Russia or Sweden. But men who begin to work in a careless manner are not easily reformed. Hence it is, that the exports of a country have seldom acquired a good character, except by the diligent attention of government. The inspection laws are little regarded in Carolina; for the inspectors, instead of being broke by giving their sanction to imperfect produce, are apt to court popularity by passing the worst that comes. A small defect in the length or thickness of a stave is not regarded, although they know that such defect must be fatal in a foreign market.

When Carolina tar is landed in Europe, the external appearance of the barrel is disgusting, but the contents are supposed to be worse. A barrel of tar from the Baltic is delivered in England or France as neat and clean as a barrel of beef or pork; but the Carolina barrel is covered

the citizens of this state, and the facility with which the planter may support his

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and colored with tar. The leakage however is not the only tax on the shipper, for it is supposed to contain some gallons of sand, chips, pine leaves, and water. This may not be true of every barrel; but the inspectors in England estimate and mark the *supposed* quantity in each barrel, according to the rule they have taken from the general defects; and nothing but a complete reformation in our tar burners, will compel them to do otherwise. In France our tar is generally condemned. An attempt was made, after the American revolution, under the patronage of a French nobleman, to introduce American tar into France. But the tar shipped on that experiment, was so filthy that it did not pay expenses. The tar burner in Carolina performs every operation in the most hasty and slovenly manner. He works now, as he formerly did, when there was a bounty on tar; a bounty that respected the number of barrels, not the quality of the tar. His tar kiln is usually built upon light sandy land. The builder will not line the trench with tempered mortar, that conveys the tar to the external cistern. And the cistern itself, instead of being a tight wooden vessel, is nothing more than a large hole dug in the sandy ground. The operator is aware that he loses much tar by his negligence, but he supplies the loss by the addition of sand. A poor expedient, for every pint of sand will condemn a gallon of tar. Clean tar should

family and become independent, it is not to be dissembled that in many cases the industry or prudence of individuals is not proportioned to their means of acquiring property. The first settlers availed themselves of a temperate climate and luxurious range; they had little occasion to feed

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be shipped in tight barrels; but the Carolina tar barrels are extremely defective. They are always made of soft wood, and that wood, in many cases, is not seasoned. The heading is badly fitted, and the barrel leaks at every joint. Let us calculate the loss of tar at the first cooperage, when it is shipped in Carolina; the second loss before it is shipped in a northern port, and the subsequent leakage on its passage to Europe. To this we must add the owner's loss, by paying freight for barrels that are not full, and the subsequent deduction, perhaps twenty per cent., from the apparent remainder, upon the supposition that it is not clean. All these deductions being made, it will appear, that Carolina tar, by obstinate perseverance in bad habits, is more than half of it lost.

Defects in the barreling of pork, are also very injurious to the North Carolina planter. He suffers by bad habits and a bad inspection; for mast and corn being very abundant in Carolina, their pork ought to bring the best instead of the worst price.

or shelter their stock. By the want of constant employment they become inattentive to their farms or their cattle. As the settlements increase the range decreases and the soil is exhausted.* But old customs prevail, and the present race of planters are not sufficiently careful to obviate the effects that naturally arise

* While new lands could be taken in at discretion, the planter never took the trouble of manuring his field. While food for his stock was plenty in the woods, he never thought of sowing his fields with clover or other succulent grass for pasture. He did not consider that such grass is equally profitable to the soil and the stock. His labor is now increased in cultivating more land, than otherwise would have been sufficient. The first planters never housed their cattle. And though cattle at present, are not raised with so much ease as formerly, there is not a planter in ten who provides shelters for his neat cattle; and a great proportion of them do not provide dry stables for their horses. They are not aware, that by sheltering their stock from stormy weather and cold rains, they would have larger cattle, and those cattle would thrive upon two thirds of the food they now consume. They would gain much by a little care.

from the increase of settlers and decrease of range.

Navigable rivers are so numerous through all the flat country, that vessels are tempted to load in a hundred places; and the want of any port, that can be approached by vessels of a large burden, has prevented the commerce of the state from being drawn to a particular point. Hence it is that no large city has ever risen nor is ever likely to obtain celebrity in the state: a circumstance that is balanced by some advantages. It retards the increase of luxury and the rivalship in folly. The smaller vessels that enter the inlets on the coast are fitted for the West India commerce; and the produce of the flat country, the naval stores excepted, is generally fitted for the same market. By the want of large towns, and by the sparse settlements along the public roads, that are usually conducted along the high-

est and poorest land, strangers are usually deceived concerning the population, wealth and importance of the state.

Although it appears, by the face of the map, that Carolina is well watered by numerous rivers that run through the state, yet those rivers are of little use in promoting the commerce of the greater number of the inhabitants. The Yadkin, Catawba and Broad rivers, that originate in the mountains, pass into South Carolina, and are of little use for transporting produce. Clarendon, Neus and Tar rivers have their sources near the borders of Virginia; Roanoke originates in the mountains. This river is navigated by boats that carry one hundred and fifty or two hundred barrels from Albemarle sound to Halifax. Clarendon is navigated by similar boats from tide water to Fayetteville; Neus to Kingston; and Tar river to Tarborough. The delays

however of this tedious river navigation, which terminates in small towns, of little trade, interferes exceedingly with the objects of the planter. Hence it follows, that the greater part of the tobacco, flour, and pork from the high grounds, in the eastern part of the state, are sent to Virginia; and the produce from the western part of the state, is sent to Charleston in South Carolina. Hence too it follows, that the customhouse books, in North Carolina, give a very imperfect account of the produce and exports of the state.

From this short account of the imperfect state of commerce, in the most healthy and fertile part of the country, the reader will discover how probable it is that the citizens of North Carolina, in a short time, will turn their attention to domestic manufactures. There is not, as we conceive, a state in the Union better

calculated, few of them are so well calculated, as North Carolina for increasing their wealth by extensive manufactures. All the necessary materials for manufactures are found in the state; and provisions are remarkably cheap. In the flat country, near the coast, there is a want of running streams, and machinery, for saving labor, cannot be wrought by water; but people who live in the middle and upper part of the state have a plentiful supply of small streams, fit for mills and for machinery of every kind. Those people can support their laborers at a small expense; for many of them live above one hundred miles from a shipping port. Hence it follows, that Indian corn, of which they raise large crops with little labor, and other provisions, may be purchased among them for little more than half their value on the coast. The raw materials that are used in the chief manufactures are produced in the state. They

have iron ore in abundance, and the iron is excellent in quality. Flax grows well in the state, and the wool of their sheep is of a good quality. It is hardly necessary to observe, that they raise, or can raise, in every part of the state, all the cotton they can use in the most extensive manufactories. It is certainly to be presumed, that people who live in a healthy climate where provisions are remarkably cheap, who are well supplied with good streams of water that are easily managed, and who have an ample supply of all the raw materials, will avail themselves of those advantages. It is to be presumed, we say; for the Moravians, who are remarkably prudent and industrious, have lately made considerable progress in the manufacture of cotton; and in the course of the last year, (1811) several gentlemen in the low country, where they work under great disadvantages, have introduced machines for

spinning cotton. This spirit, as we infer from the manner in which it spreads, will soon pervade the community: a circumstance that must produce a balance of trade in favor of the state.

Lime stone is not found in any part of North Carolina near the coast, but there is a belt of lime stone that crosses the state, a few miles to the northward of the Moravian settlement. It runs nearly parallel to the mountains.

PROOFS AND EXPLANATIONS.

R.

PAGE 8.

Extract from Depositions taken before the court of Admiralty, for hearing and determining Piracy, for the colony of Virginia; for the trial of James Blake and others, late of the crew of Edward Theach.

Basilica Hand, late master of the sloop Adventure, commanded by Edward Theach, sworn, says: That in the month of August 1717, he was on board when they took two French ships; all the prisoners were put on board of one of the ships, which was plundered of some cocoa and sent off. The other ship was brought into North Carolina, called a wreck. That soon after Theach's arrival at Ocacoke inlet, he went in a periauger with four of the prisoners to Mr. Tobias Knight's, secretary of North Carolina, carrying with him a present of chocolate, loaf sugar and sweetmeats; being part of what they had taken from on board the French ships. And that upon Theach's return from Mr. Knight's the deponent saw divers goods brought in the periauger, which Theach said he bought in the country, but which he since understands he had taken by robbery from

Willian Bell. The four prisoners being interrogated, say that they went as alleged to the house of Tobias Knight, with three or four kegs of loaf sugar, &c. That three miles below Knight's, at Chester's landing, they boarded a periauger, which they robbed of a cask of brandy or rum, some linen, &c.

N. B. *Those four prisoners were all negroes.*

William Bell, of the precinct of Currituck, swore, That being on board his periauger at Chester's landing, in Pamlico river, 14th of September last, a periauger passed him standing up the river; that a little before day the same periauger returned and rowed on board. That a white man, whom he since learned was Edward Theach, boarded him and commanded him to tell him where his money was. That the deponent asked who he was, and whence he came? He replied, he came from hell, where he would carry him presently. That Theach called for his sword, and the deponent laid hold of him. Theach called for assistance; and having opened his chest he took from it his pistols, and sixty-six pounds in cash; robbed him also of a piece of crape, a box of pipes, a barrel of brandy, and several other things, and a remarkable silver cup, since found in Theach's vessel. The robber towed his periauger into the middle of the river, threw over his sails and oars, and proceeded. That he verily believes Theach had intelligence of his having money, otherwise he would have passed by in

returning from, as he did in going to, Mr. Knight's, without concerning himself with the periauger.

N. B. *William Bell's oath should be suspected. He could not know that Theach had been at Knight's.*

R. r.

PAGE 9.

Copy of a letter found in Theach's possession when he was killed.

MY FRIEND, November 17, 1717.

If this finds you in the harbor, I would have you make the best of your way up as soon as possible your affairs will let you. I have something more to say to you than at present I can write. The bearer will tell you the end of our Indian war, and Ganet can tell you in part what I have to say to you, so refer you in some measure to him.

I really think those three men are heartily sorry at their difference with you, and will be very willing to ask your pardon. If I may advise, be friends again; its better so than falling out among yourselves. I expect the governor this night or to-morrow, who I believe would be likewise glad to see you before you go. I have not time to add, save my hearty respects to you, and am your real friend,

T. KNIGHT.

Edward Chamberlain, being examined before the governor and council of North Carolina, concerning

the visit Theach was supposed to have made to Knight, swore:

That he had constantly resided at the house of Tobias Knight since the latter end of August last. He was there the fourteenth of September, and for several days before and after. Is positive that no person came into Knight's house that night; and that Knight was in too bad a state of health to go out. That he was then particularly watchful on account of an alarm from the Indians. That he heard Bell examined before Knight, who then suspected Thomas Udney and Richard Snelling for two of the company, all the others being negroes or disguised like negroes. He never knew that Knight or any of his family received any presents from Theach, except a gun worth about forty shillings.

N. B. *This man appears also to have sworn to an untruth, for Theach must have been frequently at Knight's, and made him other presents than a small gun.*

S.

PAGE 16.

Extracts from the Docket of the General Court.
1724, *March* 31*st. Court sitting at Edenton.*

Joseph Castleton was indicted for defamation of governor Burrington, saying, "He was a damned rogue and villain, and that he had beat and abused a man who came to him for justice."

1726, *March* 29*th. Court sitting at Edenton.*

George Burrington was indicted, for that on the fifteenth of November 1725, he seditiously and maliciously aspersed governor Everard, at Edenton, saying, that "He was no more fit for a governor than a hog," and that, "he was a noodle and an ape."

Also, that on the second of December 1725, he riotously with others knocked at the door of sir Richard Everard in the night time, bidding him, "come out for a calf-head," and threatening to scalp his "damned thick skull," saying also, that "he was no more fit for a governor than Sancho Pansa."

At the same Court.

George Burrington was indicted, for that on the fourth of January 1725, in the night, he assaulted Thomas Parris, of Edenton, breaking his windows, and threatening to kill Adam Cockburn, a lodger in his house.

At the same Court.

George Burrington was indicted, for that about the second of December 1725, with Cornelius Harnet of Chowan and others, in the night he assaulted the house of sir Richard Everard and also the house of Joseph Young, constable; broke open the doors and beat him, affrighted his wife (so as to endanger her life), and assaulted James Porter who came to the relief of Joseph Young; also assaulted and broke into the house of Thomas Parrish and abused him.

At the same Court.

George Burrington was indicted, for that about the fourth of March 1725, at Bath, he did assault Robert Kenyon and threaten to burn his house; and did assault and beat Robert Rawle esq. the provost marshal, who attempted to preserve the peace, and afterwards sent him a challenge.

Burrington being bound by recognizance, appears by James B. Ashe, his attorney, and prayed day till next

court to answer; and it is ordered that he have a copy of his several indictments.

At a Court, &c. October 25th, 1726.

George Burrington did not appear to take his trial. James B. Ashe offering to plead for him, was refused by the court unless he entered special bail.

Alias and Pluries writs issued to compel the appearance of George Burrington.

1728, *October 29th. At a Court, &c.*

An order was received from the governor and council, by the attorney general, to enter a "noli prosequi," in the cases of prosecutions pending against George Burrington, Cornelius Harnet, Edmd. Porter, Thomas Blount, &c.

T.

PAGE 21.

Proposals for adjusting the Dispute between the Colony of Virginia and North Carolina; concerning their true boundary. Approved of by his Majesty in Council, 28th March 1727.

That from the mouth of Currituck river, setting the compass on the north shore thereof, a due west line shall be run and fairly marked; and if it happens to cut Chowan river between the mouths of Nottoway river and Wiccacon's creek, then shall the same direct course be continued towards the mountains, and be ever deemed the dividing line between Virginia and Carolina.

That if the said west line cuts Chowan river to the southward of Wiccacon's creek, then from that point of intersection the bounds shall be allowed to continue up the middle of Chowan river to the middle of the entrance into said Wiccacon's creek, and from thence a due west line shall divide the two governments.

That if said west line cuts Black Water river to the northward of Nottoway river, then from the point of intersection the bounds shall be allowed to continue

down the middle of said Black Water river to the middle of the entrance into said Nottoway river, and from thence a due west line shall divide the two governments.

That if a due west line shall be found to pass through islands, or to cut out small slips of land, which might much more conveniently be included in the one province or other by natural water bounds, in such case the persons appointed for running the line shall have power to settle natural bounds, provided the commissioners on both sides agree thereto; and that all variations from the west line be punctually noted in the maps and plots which they shall return to be put upon the records of both governments.

U.

PAGE 22.

Extract of a Letter from the Governor of Virginia to the Governor of North Carolina.

"Williamsburg, 15th December, 1727.

"I should sooner have despatched your messenger and acknowledged the favour of your's of the sixth instant, had not the court of oyer and terminer which met on Monday last prevented till yesterday the meeting of the council, to whom I found it necessary to communicate the proposals you was pleased to mention. In answer to which I am now to tell you that we don't think a previous conference needful; since the proposals for determining the boundaries, approved by his majesty and agreed to by the lords proprietors, are so plain as to admit of no ground for dispute, nor the commissioners any room for altering the rules therein prescribed; but it is agreed that whatever shall be necessary for enabling the commissioners to proceed on their business may be concerted by letter, to which purpose your commissioners will receive by this conveyance from ours what they judge fit to be agreed on for the better carrying on the service."

V.

PAGE 22.

Extract of a Letter from the Virginia Commissioners to the North Carolina Commissioners.

"Virginia, 16th December, 1727.

"GENTLEMEN,

"We are sorry we can't have the pleasure of meeting you in January next, as it was desired by your governor's letter; the season of the year in which that was proposed to be done, and the distance of our habitations from your frontiers will make our excuse reasonable; besides, his majesty's orders mark our business so plainly that we are persuaded there can be no difficulty about the construction of it. After this what imaginable dispute can arise among gentlemen who meet together with minds averse to chicane, and with inclinations to do equal justice, both to his majesty and the lords proprietors, in which disposition we make no doubt the commissioners on each side will find one another. We are fully impowered to agree at our first meeting on what preliminaries shall be thought necessary, which we hope you will likewise be, that an affair of so great consequence may meet with no delay or disappointment.

"We think it very proper to acquaint you in what manner we intend to come provided, that so you being appointed in the same station may, if you please, do the same honour to your country. We shall bring with us about twenty men furnished with provisions for thirty days; we shall have with us a tent and marquees for the convenience of ourselves and our servants. We bring as much wine and rum as will enable us and our men to drink every night to the good success of thē following day; and because we understand there are gentiles on the frontiers, who never had an opportunity of being baptized, we shall have a chaplain with us to make them christians. For this purpose we intend to rest in our camp every Sunday that there may be leisure for so good a work. And whoever in that neighborhood is desirous of novelty may come and hear a good sermon. Of this you will please to give notice that the charitable intentions of this government may meet with the happier success."

The North Carolina commissioners, in their answer, take notice of the governor's letter proposing a conference by letter; and they ask the opinion of the Virginia commissioners whether they will run through the Great Dismal, supposed near thirty miles, or take the latitude on each side of it—and they go on to say:

"We shall also be glad to know what instruments you intend to use to observe the latitude and find the varia-

tion of the compass with, in order to fix a due west line; for we are told the last time the commissioners met, their instruments varied several minutes, which we hope will not happen again, nor any other difficulty that may occasion any disappointment or delay, after we have been at the trouble of meeting in so remote a place, and with such attendance and equipage as you inform us you intend on your parts; though we are at a loss gentlemen whether to thank you for the particulars you give us of your tent stores and the manner you design to meet us. Had you been silent about it we had not wanted an excuse for not meeting you in the same manner; but now you force us to expose the nakedness of our country, and to tell you we cannot possibly meet you in the manner our great respect to you would make us glad to do, whom we are not emulous of outdoing unless in care and diligence in the affair we come to meet you about. So all we answer to that article is, that we will endeavor to provide as well as the circumstances of things will admit us; and what we may want in necessaries will we hope be made up in the spiritual comfort we expect from your chaplain, of whom we shall give notice as you desire to all lovers of novelty, and doubt not of a great many boundary christians."

Boundary Line.

	Miles.
From the coast to the Great Dismal	23½
Through the Dismal - - -	15
To Black Water - - - -	21½
	60

W.

PAGE 32.

Abstract of Cases determined in the Court of Admiralty, by Edmond Porter, Esquire, Judge.

1. Trotter versus Northey. This was a suit to recover fifteen shillings and six pence, bill money, about three shillings sterling; it being a tavern account in Edenton. A prohibition was obtained, but the judge proceeded to decree the debt and costs, and taxed the costs twelve pounds, for which Northey was put into prison.

N. B. This was made a maritime cause because Northey was master of a small vessel.

2. The case of three masters of vessels from New England who entered at Port Beaufort. A new naval officer had lately been appointed at that port, but the old officer refused to deliver up the office without orders from the governor, and continued to act. The captains, ignorant of this matter, entered their vessels with the old officer: the vessels and cargoes were seized and libelled on the statute of fifteenth Charles the second, for not having entered. On trial the thing was so palpably cruel, as there had been no color of fraud, that the judge acquitted the vessels; but the masters were condemned

in excessive costs and charges, amounting to several hundred pounds, to satisfy which their sails and rigging as well as their cargoes were sold.

The assembly voted this a grievance, and addressed the governor, sir Richard Everard, thereon; but he thought fit to pass it over.

3. *Otteval against the Executors of the late judge Harvey.*

Same against Little, the Treasurer.

Otteval, the collector of Bath, had some years ago, seized some goods for which the captain had no cocket. The captain alleged some accident and prayed time to produce the cocket. Judge Harvey, before whom the case was tried, ordered the goods to be appraised and to be returned to the captain, he depositing their value in money with Little, the treasurer: the money to be forfeited if the cocket was not produced at a certain time. The goods were appraised at fifty pounds sterling. The legal advance was fifty per cent. Seventy-five pounds were deposited in the hands of the treasurer, and the cocket not being produced in time, Little paid over the money according to law.

Harvey, the judge of admiralty, died, and Porter persuaded Otteval to inquire concerning the proceeds of the seizure. The thing grew upon inquiry, and sun-

dry suits were made out of it. The executors of judge Harvey were sued, and condemned in several hundred pounds damages and costs, to make good the sum that the judge ought to have decreed to be paid for the goods. And Little, the treasurer, was sued and condemned to pay another exorbitant sum, to make good the sum that he ought to have received and paid over for those goods.

Little complained, and excepted against Porter being judge in this case, for the enmity he was known to bear him, and put in his plea recusation, drawn in the form and manner directed in the civil law books. For this complaint he was fined one hundred pounds and execution made out against his body.

The other ten cases were of the same kind.

W. 2.

PAGE 36.

Extracts from the Docket of the General Court.

1726, *July 26th, at a Court, &c.*

Edmond Porter was indicted for assaulting the governor, the attorney general, &c. in the street of Edenton.

1728, *July 28th, at a Court, &c.*

The jury present sir Richard Everard (the governor) for having with his cane twice or thrice struck George Allen.

Edmond Porter is indicted for assaulting the governor and attorney general.

Edmond Porter is indicted for slandering the chief justice.

George Allen is indicted for insulting the court.

Edward Mazely is bound over for striking chief justice Smith in presence of the general assembly.

X.

PAGE 45.

Case of Chief Justice Smith.

The assembly was to have met at Newbern the sixth of November 1738. There were twenty-six members in town on that day, but twenty-four members constituted a quorum. Four of the members being particular friends of the chief justice and knowing that he was to be accused of malversation in office absented themselves from the house. Business could not be done. The governor prorogued the assembly from day to day. The four absent members were sent for, but they refused to attend; upon which the governor by the advice of his council, of which the chief justice was a member, dissolved the assembly.

The new assembly met the first of February 1739, in which a motion was made eleventh of February, to declare "The chief justice a just and upright judge, and to give him the thanks of the house." The reason given for this motion was that the last assembly had threatened to accuse him. Sir Richard Everard, a son of the late governor, obviated a vote of thanks by a direct charge of high crimes and misdemeanors. He prayed for time to prepare articles of complaint, and that a warrant

should be issued by the speaker to bring up persons, papers, and records, according to a list that they should hand him.

Two days only were allowed to prepare the articles, although he required six; and he was compelled to enter upon the trial upon the very hour in which he produced the articles; that is to say, within forty-eight hours of the time in which the speaker should have issued his warrant I say he *should* have issued it; for, in fact, he did not issue the warrant before the morning of the thirteenth, the very day upon which the trial came on. He pretended that the complainants had given a list of too many papers, and that he must consult the house on the subject. The chief witnesses and records were to come from Wilmington and Edenton: the distance to neither town was less than one hundred miles, but the trial must commence within forty-eight hours. Could any thing be more completely farcical? It was clear as light from this very circumstance, that the supporters of the chief justice knew that he was guilty.

Seventeen articles of complaint were exhibited; in which it was among other things alleged,

That, although jurors according to the existing law should be drawn by balloting, the chief justice caused the jurors to be summoned by venire, and to serve without drawing any lot.

That he held courts without taking the oaths required by law.

That he caused criminals capitally convicted to be executed, not waiting for the governor's warrant: and in a particular case he had pardoned a murderer.

That he frequently fined men for supposed misdemeanors, without sending for them or hearing counsel in their behalf.

That upon the allegation of a small offence, no information being filed by the attorney general, nor bill of indictment nor trial at law, he had inflicted enormous fines and caused the parties to be imprisoned until the fines were paid.

That in many cases he had extorted exorbitant fees where no fees were due.

That in cases where fees were due he was in the practice of demanding six, eight, or ten times the legal fee. They instanced twenty-two pounds ten shillings proc. instead of one pound thirteen shillings and sixpence; and eight pounds seventeen shillings and sixpence instead of ten shillings.

It is to be understood that in all cases he compelled the parties to pay the actual depreciation. It was from four to seven for one, by which the above sums were to be multiplied.

Some of the charges were fully and clearly established by witnesses who chanced to be in Newbern, viz. That the chief justice had demanded and compelled the payment of illegal, arbitrary and exorbitant fees. But some

of the charges were to be established by papers and records from the distance of one hundred miles. It was known that those papers could not arrive in time, and the assembly by a majority of one vote refused to take a question upon any charge until the whole should be gone through and every article considered. It followed that some of the articles were not proven nor attempted to be proven, because the papers and witnesses had not arrived; therefore it was resolved,

"That the proofs produced and heard to support the articles were not sufficient for the house to impeach the chief justice."

X x.

PAGE 67.

Anno 1728, The precincts were, Currituck, Pasquetank, Perquimans, Chowan, Craven, Beaufort, Bertie, Hyde, Carteret.

1729, Tyrrel, New-Hanover.

1731, Onslow, Bladen.

Counties were made as follows:

1741, Edgecomb, Northampton.

1746, Johnstone, Granville, Duplin.

1749, Anson.

1752, Orange, Rowan.

1754, Cumberland.

1758, Halifax, (Dobbs) now Glasgow Lenoir.

1759, Hartford.

1760, Pitt.

1762, Mecklenburg.

1764, Brunswick, (Bute) now Warren, &c.

1768, Tryon, now Lincoln, &c.

1770, Surry, Guilford, Wake, Chatham.

Y.

PAGE 103.

Assembly at Newbern. 1760, *May* 23*d.*

The house in a committee of the whole,—

Resolve, that they have given seventy-four thousand pounds to his majesty's service, which has been ill applied. Persons, who are favorites, of little weight have got military commissions. Recruiting service has been retarded. A paymaster, a relation of the governor, has been appointed without law for the sake of drawing a commission.

The governor has sold charters to counties, impowering them to send representatives to the assembly, at a great price, under the name of fees to the governor and secretary.

The governor grants licenses to ignorant persons to practise law for the fee of four pistoles.

The governor issues writs in different forms to different counties. In some they are directed only to the freeholders; in others they are directed to the inhabi-

tants to choose representatives, &c.; by which servants may vote contrary to the charter of king Charles the second.

The governor, instead of punishing rioters, as advised by the assembly, has promoted some by giving them commissions in the magistracy.

N. B. *The assembly had advised the governor to cause the rioters who seized Corbin to be punished; but in two or three months he sent a sheriff's commission to one of them.*

Y. 2.

PAGE 105.

1760, *November 7th. Assembly at Newbern.*

The assembly complain, that of the first two hundred thousand pounds granted by parliament, they did not receive any part, from the want of an agent as they conceive. Virginia received twenty thousand five hundred and forty-six pounds of that grant, and they received thirty-two thousand two hundred and sixty-eight pounds nineteen shillings of the next grant of five hundred thousand pounds; whereas North Carolina, received only seven thousand seven hundred and eighty-nine pounds one shilling and one pence sterling; out of which one thousand pounds was deducted to pay the troops at New-York.

Y. 3.

PAGE 108.

Extract of a Letter from Lord Granville to Fr. Corbin his agent, April 18th, 1756.

"Great and frequent complaints are transmitted to me of those persons you employ to receive entries and make surveys in the back counties. It is their extortions and not the regular fees of office which is the cause of clamor from my tenants. Insinuations are made too as if those extortions were connived at by my agents; for otherwise it is said, they could not be committed so repeatedly and barefacedly."

Y. 4.

PAGE 113.

Anno 1762, April 13th. The Assembly met at Wilmington.

The governor pressed the assembly to raise more troops. They allege that they could only provide for the defence of the province, and they insinuate that "to judge of the future by what is past," money raised for his majesty's use would not be well applied.

The governor charged them with sending numerous complaints of his administration to their agent in London.

After proroguing the assembly from day to day to the twenty-eighth of the month, he dissolved them without suffering that meeting to be a session. By that process he cut off their claim to pay; telling them that for the present they should not complain of his putting the province to needless expense.

The assembly had passed a law for erecting public buildings and fixing the seat of government at Tower Hill on the river Neus below Kingston. The heavy ex-

penses of the war and other circumstances induced them afterwards to attempt a repeal of the law, but the governor would not consent.

N. B. The governor owned the land at Tower Hill.

Anno 1764, *November* 19*th. The Assembly sitting at Wilmington.*

Davis, the public printer, had lately incurred the displeasure of governor Dobbs, and he imported one Stewart, a printer, from Philadelphia. The house of assembly would not agree to give Stewart a salary; but they voted him one hundred pounds for his expenses in coming to the province and returning. To this vote the council and the governor assented; but they immediately rejected a vote of the assembly for appointing Davis their printer. The governor informed the house that printing the laws appertained to the royal prerogative, and he appointed Stewart to print the laws lately enacted. The assembly ordered the treasurer not to pay any money upon an order of the governor and council; and they instructed their speaker to send a copy of the laws to Davis, to be printed according to their vote of the twenty-sixth of November, which had been rejected by the governor's council.

A bill for regulating proceedings in the borough court of Wilmington being on its passage before the

senate, the house of assembly having read it a third time, afterwards discovered that their clerk, in transcribing the bill, had omitted a very material clause, although the whole clause was inserted in the caption of the bill. They proposed to the senate to have the clerical omission corrected. The senate refused to admit the correction. The house addressed the governor, praying that he would not assent to the bill in that ridiculous form. The governor returned them no answer. They voted, for the sake of decency, that their speaker should not present the rickety bill to the governor for acceptance; but they were informed that unless that very bill should be presented to the governor he would not assent to any other bill. So willing was the governor to do a ridiculous thing for the sake of exposing the assembly.

Mr. Dobbs had purchased lands in Anson county from M'Culloch, before he was appointed governor of North Carolina. These lands had long since been patented as part of North Carolina, but they were afterwards taken up and settled under South Carolina titles. The governor went to see the lands, accompanied by the sheriff of Anson, who had a process of ejectment against the settlers. The sheriff was resisted by a justice of the peace of South Carolina and an armed posse. The governor did not escape personal insults; for the justice shook his cane over the governor's head. The governor complained to the governor of South Carolina of the

treatment he had received. That gentleman replied that he was sorry for the incident, but he could not say that the justice was to blame. As for the ejectments, he added, that he "had ordered them to be treated with the contempt they deserved."*

* Original letters in my hands.

Z.

PAGE 114.

Account of Bills of Credit and Treasurer's Notes issued at different times, as it stood Anno 1764.

	l.	*s.*	*d*
1748. Issued, to be a tender at thirty three and one-third per cent. advance on sterling, and to be redeemed by a tax of one-shilling per poll,	21,350	00	00
1754. Issued, to be a tender as above, and redeemed by a tax of one shilling per poll, and a tax of four pence per gallon on imported spirits, - - - - - - - -	40,000	00	00
1760. Issued, as above, and to be redeemed by an additional poll tax of one shilling, from 1763, - -	12,000	00	00
1761. Issued, as above, to be redeemed by an additional poll tax of two shillings, from 1764, - - -	20,000	00	00
Amount - - - - - -	93,350	00	00
Of those bills there has been burnt	25,286	12	00
Balance in circulation, - -	68,063	8	00

	l.	*s.*	*d.*
1756. Issued, in Treasurer's notes at six per cent. interest for one year, redeemable by a poll tax of two shillings and an additional two pence per gallon on imported spirits, for 1756, - -	3600	00	00
1757. Issued, in similar notes, redeemable by a poll tax of four shillings and six pence, for 1757, and a tax on law suits for two years, - - - -	5306	00	00
1757. Issued, in similar notes, and redeemable by a poll tax of six shillings and six pence, for 1758, - - - -	9500	00	00
1758. Issued, in similar notes, and redeemable by a poll tax of four shillings and six pence, for 1759, and two pence per gallon on imported spirits for four years,	7000	00	00
1758. Issued, in similar notes, and redeemable by a poll tax of three shillings and one pence, for 1760, - - -	4000	00	00
1759. Re-issued, in similar notes, borrowed and to be replaced without interest by a tax of one shilling and eight pence per poll, for three years, - 5500*l.*			
N. B. This gave no addition to the circulating notes.			
Amount of the principal of the notes	29,406	00	00
Interest on the several sums -	1,370	00	00
Amount of principal and interest	30,776	00	00

	l.	*s.*	*d.*
Amount brought forward,	30,776	00	00
There has been collected and burnt of those notes, including interest, -	23,807	3	10
Balance in circulation, interest included,	6,968	16	2
Hence it appears that there has been emitted, since the beginning of the year 1748, in bills of credit at proclamation standard - - -	93,350	00	00
In notes on interest, - - -	30,776	00	00
	124,126	00	00
Bills and Notes burnt - -	49,093	15	10
There remains in circulation, -	75,032	4	2

For sinking of which there is a poll tax of four shillings per poll in future, and a duty of four pence per gallon on imported spirits, until the whole shall be sunk.

Z. 2.
PAGE 118.

Extract of a Petition from sundry Inhabitants of the county of Rowan.

To the Governor, his Majesty's honourable Council and the House of Burgesses of North Carolina.

The petitioners complain, "That his majesty's most dutiful and loyal subjects in this county, who adhere to the liturgy and profess the doctrines of the church of England, as by law established, have not the privileges and advantages which the rubrick and canons of the church allow and enjoin on all its members. That the acts of assembly calculated to forming a regular vestry in all the counties have never in this county produced their happy fruits. That the county of Rowan above all counties in the province, lies under great disadvantages; as her inhabitants are composed almost of all nations of Europe; and instead of uniformity in doctrine and worship they have a medley of most of the religious tenets that have lately appeared in the world; who from dread of submitting to the national church should a lawful vestry be established, elect such of their own community as evade the acts of assembly and refuse the oaths, whence we can never expect the regular enlivening beams of the holy gospel to shine upon us."

They go on to pray that means be taken for compelling persons chosen vestry men to take the oaths prescribed, or such other means as may produce a regular lawful vestry.

There were thirty-four subscribers to the petition; six of them made their marks, and some of the other signatures are hardly legible. When thirty-four such persons could propose that six or seven hundred should be taxed for their accommodation, they certainly had need of the gospel that teaches humility.

B B.

PAGE 130.

"At a meeting in the neighborhood of Deep River, twentieth of August 1766, unanimously agreed to appoint W. C. and W. M., to attend at a general meeting on the tenth of October, at Maddock's mill, where they are judiciously to examine whether the freemen in this county labor under any abuses of power; and in particular to examine into *the public tax*, and inform themselves of every particular thereof, *by what laws and for what uses it is laid*, in order to remove some jealousies out of our minds."

"And the representatives, vestry-men and other officers, are requested to give the members of the said meeting what information and satisfaction they can, so far as they value the good will of every honest freeholder, and the executing public offices pleasant and delightsome."

B B. 2.

PAGE 131.

At a meeting of the Inhabitants of Orange County, on the 10th of October 1766, for conference on public affairs with our Representatives, Vestry-men, &c.

"It was the judgment of the said meeting, that by reason of the extent of the county no one man in it in a general way was known by above one tenth man of the inhabitants; for which reason, such a meeting for a public and free conference, yearly and as often as the case may require, was absolutely necessary, in order to reap the benefit designed us in that part of our constitution of choosing representatives and knowing for what uses our money is called for."

B B. 3.

PAGE 132.

"We the subscribers do voluntarily agree to form ourselves into an association, to assemble ourselves for conference for regulating public grievances and abuses of power, in the following particulars, with others of the like nature that may occur.

"1. That we will pay no more taxes until we are satisfied they are agreeable to law, and applied to the purposes therein mentioned; unless we cannot help it, or are forced.

"2. That we will pay no officer any more fees than the law allows, unless we are obliged to it; and then to show our dislike, and bear an open testimony against it.

"3. That we will attend our meetings of conference as often as we conveniently can, and is necessary, in order to consult our representatives on the amendment of such laws as may be found grievous or unnecessary; and to choose more suitable men than we have done heretofore for burgesses and vestry-men; and to petition the houses of assembly, governor, council, king and parliament, &c. for redress in such grievances as in the course of the undertaking may occur; and to inform one

another, learn, know, and enjoy all the privileges and liberties that are allowed and were settled on us by our worthy ancestors, the founders of our present constitution, in order to preserve it on its ancient foundation, that it may stand firm and unshaken.

"4. That we will contribute to collections for defraying necessary expenses attending the work, according to our abilities.

"5. That in case of difference in judgment, we will submit to the judgment of the majority of our body.

"To all which we solemnly swear, or being a quaker, or otherwise scrupulous in conscience of the common oath, do solemnly affirm, that we will stand true and faithful to this cause, till we bring things to a true regulation, according to the true intent and meaning hereof, in the judgment of the majority of us."

B B. 4.

PAGE 134.

GENTLEMEN,

I received by the hands of Messrs. Hunter and Howell a petition, and other papers, subscribed by several of the inhabitants on the south side of Haw river, in the county of Orange, under the borrowed title of Regulators, assuming to themselves power and authorities (unknown to the constitution) of calling public officers to a settlement; together with a narrative of their conduct, and detail of the grievances and complaints against the clerk of the county register, and other other public officers, whose exactions and oppressions it is pretended has been the cause of the late insurrections which have disturbed the peace of that part of the county.

These papers I have, agreeably to you desire, communicated to the members of his majesty's council, who having taking the same into their deliberate consideration, unanimously concur with me in opinion, that the grievances complained of by no means warrant the extraordinary steps you have taken in assembling yourselves together in arms, to the obstruction of the course of justice, to the insult of public officers, and to the injury of private property; measures, as they manifestly

tend to the subversion of the constitution of this government, would inevitably, if carried but a little further, have been denominated, and must have been treated, as high treason; and consequently have involved the abettors; most of whom I am satisfied were actuated by honest motives, though incautiously drawn in to concur in acts that might have terminated in the ruin and destruction of their families, while by illegal means they are intent on exempting themselves from evils, within the remedy of the laws of their country.

These calamities, I trust, are now removed by the timely proclamation I sent up to you by my secretary, and your own prudent determination to petition me in council for the redress of the grievances complained of. The discreet and steady behaviour of colonel Fanning, and the officers and men under his command, met not only with the entire approbation of myself and his majesty's council, but will ever be acknowledged with gratitude by every well wisher to this province.

I take this opportunity to acquaint all those whose understandings have been run away with, and whose passions have been led in captivity by some evil designing men, who, actuated by cowardice and a sense of that public justice which is due to their crimes, have obscured themselves from public view;—that in consideration of a determination to abide by my decision in council, it is my direction, by the unanimous advice of that board,

that you do, from henceforward, desist from any further meetings, either by verbal appointment or advertisement. That all titles of Regulators or Associators cease among you. That the sheriff and other officers of the government are permitted, without molestation, to execute the duties of their respective offices. And that all breaches of the peace against his majesty's government may be determined and examined in a due course of law.

It is by your strict and punctual adherence to these directions, that any further clemency, on my part, may be looked for.

This was the extent of what I authorized Mr. Edwards to declare on my behalf. And now, that I have signified to you the sense his majesty's council entertain of the nature of your proceedings, and the requisition I point out, by their advice, for your future conduct,—

I am to assure you, willing as I am to listen to the voice of distress, the just complaints of his majesty's subjects, and the hardships they may groan under, that I shall give his majesty's attorney general orders to prosecute every officer who has been guilty of extortion or illegal practices in his office, upon any application or information lodged with him by the parties injured, or any others who shall be authorized to prosecute on their behalf. As also, set up a proclamation on my arrival at Hillsborough, forbidding all such dishonorable and illegal proceedings.

You may further depend upon it, I shall, at all times, endeavor to redress every other grievance in my power, that his majesty's subjects may labor under.

As you want to be satisfied what is the amount of the tax for the public service for 1767, I am to inform you, it is seven shillings a taxable, besides the county and parish taxes, the particulars of which I will give to Mr. Hunter.

I have only to add, I shall be up at Hillsborough the beginning of next month. In the mean time I rest in full confidence I shall again be made happy by seeing industry prevailing over faction, and peace and harmony triumphing over jealousies and murmuring, in a soil and climate the most fertile in the world, and among a people, who, by a well directed industry, may draw down blessings and prosperity to their families, and greatly contribute to the honor of his majesty's government, and the happiness of my administration.

WILLIAM TRYON.

At the council chamber,
Brunswick, the 21st
June, 1768.

B B. 5.

PAGE 136.

"GENTLEMEN,

"In strict conformity to the promise I made you in my letter, dated from the council-chamber, at *Brunswick*, I issued a proclamation on my arrival at *Hillsborough*, a copy of which I herewith transmit to you.

"I also gave Mr. attorney general orders to prosecute at law all public officers in your county, for abuses in their offices, on application made to him by or in behalf of the parties injured.

"It is now therefore by my advice and consent, that Mr. Tyree Harris waits on you to proceed in the collection of the public county and parochial taxes of Orange county, for the year 1767.

"I have the fullest confidence that you will, agreeably to the direction of the above mentioned letter to you, and in justice to the principles of your engagement to abide my decision in council, make it a matter of honor and conscience among yourselves, that Mr. Harris and his deputies shall not meet with any interruption in so essential and an immediately necessary a discharge of his duty, in obedience to the laws of this country.

WILLIAM TRYON."

Hillsborough, August 1, 1768.

B B. 6.

PAGE 142.

Extract of a letter from Rednap Howell to James Hunter, dated at Halifax, 16th February, 1771.

"RESPECTED FRIEND,

"On my arrival here I had certain information that Herman was at liberty, so that I found it needless to raise the country; but I am satisfied it would easily be done if occasion required. However, I have animated the people here to join the Regulators. On Saturday come two weeks they are to have a meeting for that purpose. If it once takes a start here it will run into the neighboring counties of Edgecomb, Bute and Northampton, and this will undoubtedly facilitate justice to *poor Carolina*. I will now inform you of such things as I have learnt since I left home.

"At Newbern the governor called a general muster of eleven hundred men. After treating them at my and your expense, he tried to prevail on them to march against the rebels; but on one man's absolute refusal, he ordered him to turn out of the ranks for a traitor, which he very readily did, and all the regiment followed or were following him. The governor perceiving his mistake, says, Gentlemen, you mistook me; I only meant

should they come down and destroy all your livings would you not fight them. They answered, Yes; on which he dismissed them. They then gathered in companies of six, eight, ten, or twelve, growling and swearing would the mob come down they would join them.

"In Dobbs a general muster was called for the same purpose; but only seven men attended. I am informed the clerks' places in new counties are parcelled among the quality. One Cooper is designed for your county; but if you suffer any rascal to come there, may eternal oppression be your lot. As I cannot safely depend on the Irish ahead, pray you will reserve that morsel for yours to serve; for as the whole province is in your favor you may do as you list in that respect. I understand Butler and you are to be outlawed. Despise it; laugh at it. We hear that the governor has sent a proclamation to you, importing as the French and Spaniards are now at war with us, it is a pity to breed a civil war among ourselves. That the chief cause of the troubles was the counterfeit money, for which the great men were to blame. Artful villain! If he could have raised the province on us he would soon have told another tale; however if this be true, the day is ours in spite of Lucifer. I give out here that the Regulators are determined to whip every one who goes to law, or will not pay his just debts, or will not agree to leave his cause to men, where disputed. That they will choose representatives,

but not send them to be put in jail. In short, to stand in defence; and as to thieves, to drive them out of the country. I leave the plan to your consideration. From your sincere friend,

REDNAP HOWELL."

B B. 7.

PAGE 144.

CIRCULAR ORDERS. March 19th, 1771.

To Col. ———, or to the Commanding officer of the ——— Regiment of Militia.

"The council determined yesterday to march a body of troops, taken from the several regiments of militia, into the settlements of the insurgents, who have set government at defiance and shut up the courts of law, to reduce them to obedience. You are to take fifty volunteers from your regiment, to form one company, officered by one captain, one lieutenant, one ensign, two sergeants, two corporals, one drummer, one clerk. Volunteer supernumerary officers may draw rations and the pay of privates. Privates to be allowed two shillings per day, the other eight pence to go for provisions; to receive forty shillings bounty, a pair of leggings, a cockade and haversack; the forty shillings to be advanced.

"Rations, one pound of pickled pork, or one pound and a half of fresh beef; one pound of flour, or one pound and a half corn meal. Each company to have a cart and two horses to carry baggage. The owner of cart and

horses to be allowed seven shillings and six pence per day, and a ration of provisions: he to find corn for his horses."

"The time of march and route will be fixed."

"Printed warrants shall be issued payable to bearer for all expenditures. Those warrants to be negotiable until the treasurer can pay them out of the contigent fund, in case the money in the treasury does not prove sufficient."

B B. 8.

PAGE 146.

General Waddell's Camp, Pott's Creek, 10th May 1771.

By a council of officers of the western detachment—Considering the great superiority of the insurgents in number, and the resolution of a great part of their own men not to fight, it was resolved that they should retreat across the Yadkin.

Wm. Lindsay	Griffith Rutherford
Ad. Alexander	Saml. Spencer
Thos. Neel	Robert Harris
Fr. Ross	Saml. Snead
Robt. Schaw	Wm. Luckie.

May 11th. Captain Alexander made oath before Griffith Rutherford that he had passed along the lines of the Regulators in arms, drawn up on ground he was acquainted with. The foot appeared to him to extend a quarter of a mile, seven or eight deep; and the horse to extend one hundred and twenty yards, twelve or fourteen deep.

B B. 9.

PAGE 147.

Governor Tryon's army consisted of four companies from Craven, two from Dobbs, one from Carteret, one from Johnstone, one from Beaufort, one from Wake, one from Pitt, one from Orange,—forming the first Brigade.

From New Hanover, and the adjacent counties nearly the same number, forming the second Brigade; and a company of artillery from Craven.

John Ashe the treasurer issued notes that passed as money on the expedition. They were exchanged by the assembly for money. The militia were seventy-seven days on duty. This insurrection cost the province sixty-thousand pounds.

B B. 10.

PAGE 149.

Captain Potter commanded a company of thirty men from Beaufort: fifteen of these men were killed or wounded in the action.

The Regulators were chiefly from the country between the river Eno and the Yadkin. They were from Orange, Randolph, Anson, Montgomery, Guilford, Chatham; and some were from Rowan and Surry.

C C.

PAGE 158.

No regular system had ever been adopted in the province for keeping the public accounts. Great sums of public money had been lost by the negligence or insolvency of collectors, and it was presumed that considerable sums lodged in the treasury had never been accounted for. (Tryon's speech, October 31st, 1769.)

The same want of attention to delinquent collectors, and the same want of system in keeping public accounts, prevailed in the state during the greater part of the revolution war. The legislature being sensible of the great loss they had sustained by this want of system, or rather by the absolute want of accounts, instituted a comptrollership in the year 1782; and that office was very properly given to Richard Caswell, a gentleman who had acquired military reputation, in the year 1775, by the action at Moor's creek, in which seventeen or eighteen hundred royalists, highlanders and regulators, were defeated, cut off, or dispersed, by the militia under his command. By his talents and application to business he had become a popular chief magistrate. Under his care the public accounts, so far as vouchers or documents had been taken or preserved, assumed a regular form; but

there continued to be as many treasurers as there were judiciary districts. In the year 1785, Caswell being chosen governor, the office of comptroller passed into other hands; and the assembly on the next year having discovered the impropriety of having so many treasurers, determined to have a single treasurer, who should be vested with sufficient power to call delinquents to an account. That office, with the utmost propriety, was committed to John Haywood, Esq.; a gentleman, who to gentle manners and the most obliging disposition, has joined the utmost diligence and the most inflexible virtue. The public are well assured that delinquents do not escape, and that every man shall be compelled to account for the money he receives; hence it is that no complaints are heard at present concerning the abuse of public trust, or misapplication of money.

D D.

PAGE 162.

The main land of North Carolina is separated in most parts from the ocean by a Sound, of different breadths, and a sandy bank, that is about one mile broad and one hundred miles long. This bank is chiefly settled; and the inhabitants, some hundreds in number, are employed in fishing, piloting, or navigating small coasting vessels. North Carolina has been long noted for the number of ships that are wrecked upon its coast in the vicinity of Cape Hatterass. There is hardly any other coast on which a ship may be cast away with so little danger to the lives of mariners: a circumstance that is fully understood by the masters of old vessels that are well insured. It is known that on the coast of Cornwall in England, on the coast of Ireland, of France, and on every other coast where ships are frequently wrecked, the mariners and passengers are in much danger of being murdered by the inhabitants for the sake of getting their property. The laws of England, where the police is well regulated, have not been able fully to prevent those abominable outrages upon humanity. On the coast of Carolina there has not been an instance of murder. The mariner or passenger, who may have the misfortune to be shipwrecked, is hospitably received. The

bankers lend their active assistance in saving the cargo. Force or violence has not been offered in a single instance that is recollected. The writer has seen the bankers in the act of saving cargoes, and he has conversed with the masters of many vessels that have been wrecked on that coast. Their reports have been uniform, and they have accorded with his own observations. This remarkable difference in the manners of men who are placed in similar circumstances, a difference so honorable to the bankers of Carolina, cannot be the effect of accident—it must be founded in nature.

The patriotism and fidelity of those bankers is not less conspicuous than their humanity. During the whole of the revolution war there was not a single case in which an inhabitant of the banks could be prevailed on by threats or bribes to pilot a ship of the enemy. There was a case in which a privateer of the enemy took four young men by stratagem from Roanoke Island, and two small schooners. The schooners were armed as tenders to cruize along the coast, and two of the young men were put into each of the small vessels to serve as pilots. Within six days the pilots had the address and courage to become masters of both the tenders, and to bring them with their guns and people to Edenton.

E E.

PAGE 166.

The congress of the United States, in the year 1779, called upon the several states to pay into the treasury in the course of that year their respective quotas of sixty millions of the paper money then in circulation. The quota of North Carolina was four millions three hundred and sixty thousand.

The assembly during their session at Wake, on the following year, laid a tax, of which one half was to be paid in state currency, and the other half was to be paid in money of the United States, usually called continental money. This would have discharged a considerable part of their debt. The taxes were duly collected in the districts of Edenton, Newbern and Wilmington; but the current value of continental bills of credit was to those of North Carolina as two to one. A saving of one half was an object to men who were not disposed to reverence the laws. An old member of assembly in Hillsborough district was not ashamed to advise some of the sheriffs not to collect the taxes according to law, and he advised the people not to pay any part of the tax in continental money. Bad example is infectious, and bad advice is frequently pleasant.

The taxes in the four northern and western districts, Halifax, Hillsborough, Salisborough and Morgan, were chiefly collected in state currency. There were five millions three hundred and twenty thousand one hundred and eighty-eight dollars, in continental money, collected chiefly in the three lower districts, and paid into the treasury of the United States. The value of that payment at forty for one, the scale by which it was rated by congress, is one hundred and thirty-three thousand and four dollars. It is alleged, that the tax that should have been collected in the four upper districts was at least equal to three fourths of that sum; whence it follows that North Carolina suffered a loss of ninety-nine thousand dollars, by the interference of short sighted individuals, who presumed to insult the civil government and abrogate a law of the state.

F F.

PAGE 167.

Extracts form the Journals of the House of Representatives.

Assembly at Newbern, January 25th, 1773.

A bill to amend and continue an act, &c. entitled an act for dividing the province into six several districts, &c. was presented to the governor and rejected.

Mr. Caswell moved for leave to present a bill with nearly the same title.

March 1st. The house received this message from the senate:

"Upon reading the third time the bill continuing an act for dividing the province into six several districts, &c. we observe that you have deleed the following clause:"

And be it further enacted by the authority aforesaid, that for the future the estate of no person whatsoever who hath never resided in this province shall be liable to any attachment otherwise than according to the laws and statutes of England in like cases, and that every clause and section in the before

recited act contrary thereto shall thenceforth be repealed.

"Restore this clause and the bill may pass."

March 2d.

GENTLEMEN of his majesty's honorable council,

In answer to your message of the 1st inst. upon your reading for the third time the bill continuing an act for dividing this province, &c.—

We can by no means admit the clause which you inserted upon a former reading, and which upon the most mature deliberation has been deleed in our house, viz.

"And be it further enacted," (as above)—

We are of opinion it would be highly inconsistent with the commercial policy of this province to relinquish the benefit of the attachment of the effects of those who are not resident here; as from the absence of their persons, creditors have no security but what is derived from their property in the province, upon the faith of which those debtors have in many instances obtained credit.

We conceive that the privilege we claim is exercised by many, if not all our sister colonies, varied agreeably to the particular circumstances of each particular place, and regulated by provincial laws; and in some instances by the municipal customs, in certain liberties and franchises of Great Britain. And as we can discover nothing in our constitution that can validate a distinction so injurious to this country, we cannot in justice to ourselves and constituents assent to it.

We notice that the clause proposed by you is not confined to the inhabitants of Great Britain, but extends its influence to persons resident in the other colonies, whose effects are thereby guarded from attachment for any debts they may owe us, while ours may at any time be made the subject of attachments at their suits, for any debt we may have contracted with them.

It is the sense of this house that by the laws and statutes of Great Britain no provision whatever is made for attachments. That as far as they are known in Great Britain, they exist by municipal customs and are confined to liberties and franchises, governed by the particular circumstances of the place and people, so essentially local in the application of them as not to admit of being extended by any analogy to this province. And as we must be referred, in case of your amendments taking place, to the laws and statutes of Great Britain for our remedy by attachment, such application must from what we have observed, be altogether nugatory and fruitless. We doubt not but the judges of our courts of law, zealous for the welfare of this province, would give a liberal construction to the clause proposed; but by the laws in force must their decisions be confined and fettered: with

this restriction, we think that no legal just interpretation could be formed but what must operate as a denial of the benefits we seek from the attachment law. To secure a privilege so important, the mode of obtaining it should be grounded on certainty; the law positive and express, and nothing left for the exercise of doubt or discretion.

N. B. The bill passed with a suspending clause, and was disallowed of by the king. It was only to have continued in force six months, and thence to the end of the next sitting of the assembly; and it was so framed that it became incumbent on the creditor to give the foreign debtor twelve months' notice before he could bind his effects by a judgment.

1773, *December 4th. Assembly at Newbern.*

By the Governor,

"With respect to the law of attachments which was unhappily the source of so much embarrassment at the last session, his majesty having the most tender and parental solicitude for the welfare and happiness of all his people, continues disposed to indulge the desires of his subjects in this colony, as far as it may be done without violation of the constitution; and is graciously pleased to allow that provision be made here by law for attachments in cases where the cause of action arises within the colony; due proof being made upon oath before such attachment issues, whether original or judicial, that the defendant in the suit has absconded to avoid payment of

his debts, and that the ordinary process of law cannot be served upon him."

Extract from the Answer of the House, &c.

"The idea of foreign attachments is inseparable from a trading people, and under the former happy constitution of our courts it gave credit to the province and secured the confidence of our neighbors. The alteration which your excellency has thought fit to communicate with the utmost candor to us, we humbly conceive to be by no means an adequate remedy for the mischiefs which it is the purpose of that process to obviate, and such as we cannot in duty to ourselves or our constituents adopt.

"We have been ready upon all occasions to testify our obedience to every salutary measure which his majesty, through his governor, has been pleased to recommend to us. Ruled by the same sovereign and equally entitled to the blessings of the British constitution with the rest of his subjects, we claim a security for our properties, essential to our commercial interests and uniformly enjoyed by the more favored inhabitants of our sister colonies."

G G.

PAGE 205.

The following list was handed the author a few years ago by Mr. Grove, a member of congress, who lives in Fayetteville. It gives the age of people then living, and of others who lately died in that neighborhood. He alleges that he was personally acquainted with many of those people, and had taken much pains to know the truth of the statement. None of those people were natives of Cumberland county, for they were pretty well advanced in life before any settlements were formed in that part of the country; but the age of the several persons, the place of their nativity, and the length of their residence in or near Cumberland county, in most cases, are stated.

Persons living anno 1798.

Names.	*Nativity.*	*Residence.*	*Age.*
Mrs. Turner,	Virginia,	omitted	106
Mrs. Fry,	Maryland,	omitted	90
Mrs. Meadows,	Pennsylvania,	60 years	103
Mrs. Graham,	Scotland,	60	90
Owen Carpenter,	Ireland,	56	100
A. M'Gill,	Scotland,	56	90
Daniel Grimes,	do.	50	92

The following persons lately died.

	Years of Residence.	*Age.*
Mrs. Tommie, a Palatine,	55	106
Mrs. M'Alister, Scotland,	58	112
Mrs. Cruise,		105
Duncan Campbell, Scotland,	56	108
James Mears, Ireland,	60	106
Ab. Grimes, Scotland,	56	104
Arch. Patterson, do.	40	90

It cannot escape the reader's notice that the most aged persons were women. By living chiefly within doors they escaped the diseases that are caused by a sudden change of weather and obstructed perspiration.

There were living in Pitt county in the year 1794, William Taylor, aged one hundred and fourteen; Lancelot James and John Banks, each of them above one hundred years old. William Haward, of Acacoke island, aged one hundred and eight, had lived seventy-seven years on the banks.

THE END.

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