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NONNULLA

MEMORIES, STORIES, TRADITIONS, MORE OR LESS AUTHENTIC

BY
JOSEPH BLOUNT CHESHIRE

CHAPEL HILL
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FOREWORD

When, in reading an ancient author, I have come upon a gap in an interesting passage, and have read the words *Desunt Nonnulla*, "Some Things are Wanting," I have often felt that those "Some Things" or, more literally, "Not Nothings," might to the reader of the present day, if he had them, prove not less interesting and important than that which has been preserved.

Many circumstances and details, perhaps trifling in themselves, are preserved in popular memory and tradition about our North Carolina people and their life, which do not appear in our biographies and histories. The following pages are mostly devoted to such unrecorded incidents, characters, and phases of our past. And so I have called this book *Nonnulla*, "Not Nothings," matters for the most part wanting in our serious writers, but perhaps not wholly unworthy of being remembered as illustrating, in an informal and familiar way, the life of our State and our people—A Cross-Section of North Carolina Life.

"So too how indelible, and magically bright, does many a little Reality dwell in our remembrance. There is no need that the personages on the scene be a King and a Clown: that the scene be the Forest of the Royal Oak, 'on the borders of Staffordshire'; need only that the scene be on this old firm Earth of ours, where we also have so surprisingly arrived; that the personages be men, and seen with the eyes of a man. Foolish enough how some slight, perhaps mean and even ugly incident (if real and well presented), will fix itself in a susceptive memory, and lie ennobled there; silvered over with the pale cast of thought."

Carlyle's Essay on Biography.

INTRODUCTION

I have often been asked to write down narratives of men and things which I have given in familiar conversation, from memory of what I have heard, read, picked up here and there, I cannot always remember where, how, or from whom. On this March 27, 1925, my seventy-fifth birthday, I make this beginning. How far I shall have the mind or the time to persevere in what is now begun, I do not know. At any rate I make a beginning.

As what I shall write will be largely personal memories or local and family traditions, I wish to say, first of all, that, so far as my experience goes, local and family traditions are always inaccurate, I may say false, in details. At the same time they are usually true in some sense, if we can find out just how.

I will illustrate this by a trifling incident. In the Blount Family Burying Ground in Edenton, used as a burying ground, I believe, before the establishment of St. Paul's Churchyard, the earliest gravestone was a white marble slab with an inscription to this effect: "Mary, the Wife of Christian Reed, died Dec. 10, 1746, age 28 years and 8 days." I asked my father why "Mary, the wife of Christian Reed" had been buried in the Blount Family Burying Ground. He replied that he had an impression that his mother had told him that Mary Reed was her grandfather's sister. The Blount Family Bible mentions no such sister of the first Joseph Blount, and I could not understand why her name and marriage should have been omitted, especially as Christian Reed was a man of some eminence in his day, a resident

of one of the counties below Edenton, Perquimans, I believe, a member of the Council, etc. My father could not understand why the Family Bible should have omitted to record such a daughter of the family; but he had a strong impression that his mother had spoken of her as her grandfather's sister.

Subsequently I found an entry in the Family Bible of George Durant, second of that name in the Province of North Carolina, giving, among the children of George Durant and Hannah Crisp, his wife, the names of Mary and Sarah, twins, born Dec. 2, 1718. Further on are the entries of their marriages—Mary, to Christian Reed; Sarah, to Joseph Blount. Reckoning back from the date of the death of Mary, the wife of Christian Reed, the years and days of her life as recorded on her gravestone, brings us to the date given in the Bible as the date of the birth of George Durant's twins, Mary and Sarah. So Mary, the wife of Christian Reed, was not the sister of Joseph Blount, but she was his sister-in-law! The tradition was inaccurate, but it was yet in a way true.

Mention of the Family Bible of George Durant suggests another illustration of this same thing. My kinswoman, Mrs. Fred Nash of Charlotte, early in 1884 mentioned to me that her father, Mr. James Littlejohn of Oxford, had the Family Bible of George Durant, who settled on Durant's Neck in Perquimans in 1662; that it was printed in the reign of Queen Elizabeth and contained the record of his birth, marriage, etc. I was much interested and said I should like very much to see it and examine it, to see if it was really so old. She replied that her father, who had been a lawyer of some repute, was quite competent to form a judgment on the

question. I acquiesced, of course, but ventured to say I had observed that many very intelligent persons are disposed to accept their family traditions without much discrimination. She reiterated her confidence in her father's judgment, and there the matter rested.

It happened that the following May I was in Oxford and was very courteously entertained by Mr. Littlejohn. I had been in his house hardly a quarter of an hour, when he said to me: "I understand you have some doubts about my old Durant Bible." I replied that I had not meant to express any doubt, but that I had said I would like to see it and examine it. He at once produced it and said, "I shall be happy to have you examine it and pass your judgment on it." I took it and looked it over for a few moments. I saw at once that it was the Authorized Version, commonly called "King James's Version," put out in 1611; so it could not have been printed in the reign of Queen Elizabeth. That, however, would prove nothing as to whether or not it had belonged to the first George Durant, who settled Durant's Neck in 1662. Other features and entries, however, satisfied me on that point; so I said: "Well, Sir, I have examined this book, and I am quite satisfied that it was not printed in the reign of Queen Elizabeth, and that George Durant, its owner, whose marriage, children, etc., are recorded in it, was not the George Durant of the 1662 settlement."

"What are your reasons?" he asked.

"As you maintain the affirmative of the proposition," I replied, "it is for you to show why you claim that it was printed as you assert, and not for me to disprove it. Why, for example, do you say it was printed in the reign of Queen Elizabeth?" The title-page was lacking, and on the first page

was printed an act passed in the twelfth year of Elizabeth, about "Reading the Bible in the Churches." He pointed to this and claimed that the act indicated the time when the book was printed. I replied that if he should take an English Bible printed in the current year, 1884, and tear off the title-page, the first thing to be seen would be the Letter of the Translators to King James, dated 1611! I then said that I would show him why I felt sure that the George Durant of his book was a grandson or a nephew of the first settler. I called his attention to the record of the marriage of George Durant and Hannah Crisp, in the year 1712, and to the entries of the birth of their six children, all born in the years 1714 to 1723 inclusive.

I said, further, that when George Durant made the settlement in 1662, he was not an infant, nor a mere youth. The leader in an enterprise of that kind must have been of mature years, I should say thirty years old, at least. Now, if he was thirty years of age in 1662, then fifty years later, in 1712, he would have been eighty years old. And it is unreasonable to suppose that he did not marry until that age, and that all his children were born between his eightieth and his ninety-first years.

I thought this quite conclusive, but Mr. Littlejohn merely remarked that we could not know certainly what might be possible.

Next I stated that early documents gave the name of George Durant's wife (i.e., the George Durant of 1662) as Ann. To this he replied that the Family Bible gave her name as Hannah; though, of course, Hannah Crisp may have been his second wife.

I then quoted an old court record, copied in Dr. Hawks's *History*, Volume II, of a case tried in the year 1696, between John and Thomas Durant "heirs-at-law of George Durant," and other parties, concerning the land on which George Durant had made his settlement in 1662, and reminded him that in legal proceedings no man could be described as an heir, until the death of the ancestor; so that Thomas's and John's father must have been dead in 1696.

To this he replied that he had no copy of Dr. Hawks's *History*, and that my memory might not be accurate.

This, I confess, quite knocked me out. Then it came across my mind that the title-page of a Bible is usually repeated at the beginning of the New Testament. I turned to the place; and there, at the bottom of the page, stood the date, 1723!

And I believe I understand why Mr. Littlejohn was thus mistaken. I had read somewhere, and doubtless he had also, a statement, I think by Governor Swain, President of the University, that George Durant's Bible had been discovered in the possession of his descendants, that it was printed in the reign of Queen Elizabeth, etc. As he was a descendant of George Durant, Mr. Littlejohn probably supposed that some one had told Governor Swain of his "George Durant Bible," and that this was the Bible referred to.

Subsequently I came upon the Bible which Governor Swain had in mind. It was printed in the reign of Queen Elizabeth; 1599, I think was the date; and it had various entries of Births, Deaths, etc. And it gave the date of that first George Durant's birth as 1632; so that in 1662 he was exactly thirty years of age, as I had conjectured! George

Durant, who in 1712 married Hannah Crisp, was his grandson. After his marriage, I suppose, he bought a new Bible, printed in 1723. Eventually the new Bible went to his daughter, Sarah, who married Joseph Blount; then to Sarah Blount, who married William Littlejohn; then to their son, Thomas Littlejohn; then to his son, James Littlejohn, who showed it to me. It is now in the possession of the children of his daughter, the late Mrs. Fred Nash of Charlotte.

The older Durant Bible, we must suppose, went to Mary, who married Christian Reed; for about the middle of the nineteenth century it was discovered by the Rev. Chas. F. Deems, a Methodist preacher, in the possession of the descendants of Christian Reed in Perquimans County. Dr. Deems got it from them, that he might present it to the North Carolina Historical Society at the University.

I am tempted to add an illustration of the inaccuracy of tradition relating to much more eminent characters. Sir Walter Raleigh, while prisoner in the Tower of London, published in 1614 the first volume of his *History of the World*. He published no more. I have read the following explanation of his failure to continue his great work. It is said that looking from the window of his apartment in the Tower he saw an affray in the courtyard below between two of the servants, or guards. He saw it all—beginning, middle, and end. The participants were arrested and tried. Two totally different accounts were given by two sets of witnesses, friends of the accused. And both accounts differed widely from what Raleigh had plainly seen from his window. Thereupon, so the story ran, he burned up all his MSS. and declared he would not undertake to tell what

happened in distant lands two thousand years ago, since the truth could not be told of what happened under his own eyes.

Another account which I have read, says that when Walter Burre, Raleigh's publisher, visited him in the Tower shortly after the first volume had been put on the market, Sir Walter asked him how the book was selling. The publisher had to confess that it was selling very slowly. "Well," said Sir Walter, "you shall not lose any more money by me"; and thereupon he burned the MSS. of the second volume. Thus the traditional accounts.

Now for the truth. The closing paragraph of the first volume reads thus:

"Lastly, where as this Booke, by the title it hath, calls itself, The first part of the Generall Historie of the World, implying a Second, and Third Volume; which I also intended, and have hewen out; besides many other discouragements, persuading my silence; it hath pleased God to take the glorious Prince out of the world, to whom they were directed; whose unspeakable and never enough lamented loss, hath taught me to say with Job, '*Versa est in Luctum Cithara mea, Et Organum meum in vocem flentium.*' "

Such being my opinion as to the accuracy of traditions, anyone is at liberty to find as many faults and inaccuracies as he can in the following pages. All I can claim is that I desire and purpose to say the truth, so far as I know it. But to tell the truth is really a more difficult task than one would suppose who has not tried it.

TABLE OF CONTENTS

Foreword ix
Introduction xi
Home and Home Folks 1
Tarborough 12
Edgecombe County 14
Conetoe Swamp 23
Tarborough's One Newspaper 28
Judge George Howard 30
Lawyers and Judges 40
Our State Song, "Carolina" 48
An Epitaph 52
A Cheerful Witness 55
Halifax Town 60
Robert Potter 64
The Solicitor General 88
James Glasgow 95
Judge John Haywood 102
Judge Romulus M. Saunders 115
A Great Lawyer 121
William Kirkland Ruffin 130
Governor William A. Graham 134
Answer a Fool According to His Folly 138
General Robert F. Hoke 143
General Rufus Barringer 153
Chief Justice Hoke 160
Scene in a Courthouse 165
Little Jimmie Dickson 168
Mrs. Gid. Alston and John Randolph of Roanoke 177
A Nash County Celebrity 179

General Louis D. Wilson's Will 185
Two Medical Martyrs 188
Doctors and Medicine 191
Negro Lore 193
A Fisherman's Luck 195
A Chance Shot at a Witch 202
A Mad-Stone 204
The North American Wild Turkey 211
A Bear and a Rifle 221
A Bear Hunter and a Bear Trap 224
Jo Shocco Jones and His Duels 230
Another Duel 234
The Good Faith of a Great Corporation 243
Post Scriptum 248
Index 249

NONNULLA

HOME AND HOME FOLKS

I must make a beginning; whether I shall have any middle or end remains to be seen.

The life of the old South, it seems to me, has usually been idealized and sentimentalized out of recognition. There were some very rich people, but relatively few. And as a rule they were simple and unostentatious, plain in their dwellings and in their style of living, and also in their manners. When I speak of them I shall endeavor to represent them as they were in my knowledge and recollection.

I was born and brought up in Tarborough, Edgecombe County, North Carolina, in a house built by my maternal grandfather, Theophilus Parker, in the year 1810, and now (1925) owned and occupied by my sister Kate. It is a plain framed house with four rooms downstairs, and four in a second story. It is, I think, the oldest house now standing in Tarborough. Mr. David Pender, a merchant in Tarborough, told me that when he was a small boy, living some ten or twelve miles in the country, his father once brought him to town and went several blocks out of his way, that he might drive by and see "Mr. Parker's fine house." I was a good deal amused and laughed at it to my mother's maiden sister, my "Aunt Bella." She did not seem at all to understand my mirth. "Why," she said, "It was a fine house in those days. My father and General Thomas Blount drew the plan for it."

"And what is it about the house that required two wise men to put their heads together to contrive?" I asked.

She said that it was the first house in that part of the country which had an entrance hall and the staircase going

up from this hall. Up to that time it was customary to have the staircase go up from the parlor or "best room," where company were entertained. The family in this part of the old South usually made the Mother's chamber their sitting room. Consequently, when young men called on the ladies, and the ladies did not have on their company attire, a servant would often have to be sent through the room where the company were waiting, to go upstairs for the ladies' best dresses; and these would be thrown from the back windows, so that the young ladies might be able to attire themselves properly before going in to see their beaux!

This General Blount[1] and his wife, Mrs. Jackie Blount, daughter of General Jethro Sumner, were the leading people of Tarborough, very wealthy; and he was for many years the member of Congress from the district. Mrs. Blount was somewhat stout. She once said to my grandmother: "Mrs. Parker, there is a beautiful piece of goods at Mr. Richards' store. I want you to go down and get it. It will make you such a handsome dress. I would get it myself, but there is not quite enough. You are smaller than I, and it is just right for you. It is double width, but there are only two yards and three-eighths, I cannot make a dress with less than two yards and a half!" I used to think that a very incredible story. I am not sure that the present fashions in the year 1925 have not taken all of the point out of it.

My grandfather's place occupied a whole square. His large

[1] Dr. Archibald Henderson, in his handsome and interesting book on *Washington's Southern Tour,* says that an entertainment was given to Washington in Tarborough at the residence of Major "Reading Blount." Major Reading Blount never lived in Tarborough, whereas Major Thomas Blount, afterwards known as General Blount, was at this time the wealthiest and most prominent citizen of the town. It must have been at Major Thomas Blount's that Washington was entertained.

plantation, now called "Panola," lay just across the street running along the east side of the town, half a block from his residence. The "Quarters," therefore, were near at hand, the whole being as closely associated as if he had lived on a plantation in the country. Many of the buildings ordinarily confined to the plantation, were on his town lot. There were barns, stables, a carriage house, houses for curing meat and for smoking bacon, a spinning-house, etc. My grandmother and her daughters must have led a busy life. In those days the mistress of the family, besides the affairs of her immediate household, felt a responsibility for the Negro families. She felt a concern for their health, and she kept an oversight of the work of the women in spinning, weaving, and making the clothes of the Negroes. There was some kind of an elementary spinning-machine, called a "spinning-jenny," set up in the spinning-house. Flax was cultivated on the plantation, as well as cotton, and I remember seeing in the spinning-house and in other places, hackles, a flax wheel, and implements for dressing and spinning flax; and also old homemade linen sheets of flax raised, dressed, spun, and woven on the plantation. I do not know whether this was common at that time, or only an experiment of my grandfather's; but I think it must have been not unusual.

All kinds of handicrafts were practiced on the old-fashioned plantations. Each plantation was largely a self-supporting institution, with its homemade clothing, shoes, carts, wagons, harness, etc.[2] I do not remember my grand-

[2] Among my most valued friends, from the time of my residence in Charlotte, have been, and still are, the members of the McCoy family, of Long Creek Township, Mecklenburg County, and their very extensive family connections, Whitleys, Blythes, Gluyases, *et al.* Old Mrs. Rebecca McCoy, daughter of William Bain Alexander, and granddaughter of two notable

father's plantation. It was sold after his death, just about the time I was born. I am only mentioning my memory of the remnants and remainders of its old industries. I remember the old plantation shoemaker "Uncle blind Lewis." In his old age my grandmother gave my uncle, Colonel Frank Parker, a valuable young Negro, Stanly, in consideration of his agreeing to take "Uncle blind Lewis," to his plantation and care for him the rest of his life.

And I remember my grandfather's carpenter, "Uncle Charles," a very skilful and valuable mechanic, the husband of our old cook, "Aunt Lettice"—Letitia was, I suppose, the proper form of her name. My grandfather bought Uncle Charles from old Mr. Frederick Philips, father of the eminent physician, Dr. James J. Philips. Mr. Frederick Philips was an intelligent, well educated man, a school teacher. But he was an improvident man and had lost most of his estate. Having this one valuable servant left, he sold him to my grandfather to obtain the money with which he might send his son on to Philadelphia to attend lectures in the Medical School of the University of Pennsylvania.

My grandfather had an overseer for the work on his farm, and was for years a merchant. When he gave up that business he became president of the local branch of the State Bank.[3] In his hours at home he would naturally seem to his

ante-Revolutionary characters, Jno. McKnitt Alexander and John Davidson, told me that her father kept a flock of one hundred merino sheep, and that her mother had woven on their plantation broadcloth which sold for six dollars a yard, single width. She said it was spun and woven on the plantation, but they had to send it to Salem, to the fulling mills, established by the Moravians, to have it fulled and dyed. I was surprised to learn that cloth of such quality had ever been made on our North Carolina plantations. The existence of fulling mills at Salem seems to show that there must have been a good deal of this kind of cloth made locally.

[3] The first president of the Tarborough Branch of the State Bank was

daughters to have nothing to do, by comparison with the busy life of the women of the family. My Aunt Kate, his eldest daughter, returning from a visit to the family of her mother's uncle, Sherwood Haywood, of Raleigh, informed the family that "In Raleigh the women sit around and do nothing, just like men."

There lay about the woodhouse and yard of my grandfather's place a number of old axes, such as I have never seen elsewhere. They had a very light blade, much like the blade of a grubbing-hoe. They had a round eye for the helve, not oblong, as is the eye of the grubbing-hoe. They excited no interest at the time, because they were as familiar to me as the ordinary heavy axe. But after I grew up and never saw any others like them, though in old illustrated books I have seen pictures of the same kind of axe, I happened to ask my father if he remembered those curious old axes. He said he remembered them; that they were English axes. These particular ones had come from the cargoes of prizes taken by the privateer "Snap-Dragon" in the War of 1812. The "Snap-Dragon" (Captain Otway Burns), of which my grandfather Parker was part owner, sailed out of Newbern in the War of 1812. Upon its making port with a number of prizes, my grandfather was notified, and went down to look after his interests. When the cargoes were sold under the proceedings in the Court of Admiralty, these axes proved to be unsalable, and he took them at some nominal price and brought them to Tarborough, where they were used in

General Thomas Blount, who died in 1812. He was succeeded by Mr. Edmund D. MacNair. He was succeeded by my grandfather Theophilus Parker, and he by Mr. Robert R. Bridgers, who remained president until the bank went out of existence in 1865, as one of the results of the Confederate War.

ditching, splitting lightwood, and such light work.

Our ordinary axe my father said he considered the greatest of American inventions, since it would seem hardly possible to have felled the forests of the new world with the light and ineffective English axe.

That reminds me that old Mrs. Hamilton C. Jones of Salisbury, daughter of Major Pleasant Henderson, and mother of Colonel Hamilton C. Jones, my Junior Warden in St. Peter's Church, Charlotte, used to say, as Colonel Jones told me, that the greatest invention of the nineteenth century was the friction match. Whatever might be said about railway trains, steamboats, the electric telegraph, and the like, any woman, Mrs. Jones said, who had waked up in the middle of the night with a sick baby, to find that the fire had gone out; and then had been obliged to wait until a Negro servant could be sent a mile or two to a neighbor's house, to borrow a chunk of fire, before a light could be kindled to see what ailed the baby, would agree with her in preferring the friction match above all other modern inventions.

In the parlor of our old house hung a small oil portrait of a nephew of my grandfather, John Hill Parker, called in the family "Cousin red-head John Parker," to distinguish him from another John Parker with black hair. This red-headed cousin removed to Florida. He was in bad health, and traveled about a good deal—to the Hot Springs of Arkansas and to other places. With the poor accommodations and the ill-cooked food of the steamboats and wayside taverns, he fared badly, and but for an excellent Negro servant, Henry, could hardly have endured these discomforts. He became much attached to Henry on account of his faithful service

and attention to his wants, and declared that upon his death Henry should have his freedom. He did not seem to have any promise of a long life, but even so, Henry became impatient to be free. He therefore hired a Negro who kept a ferry, sometimes used by Mr. Parker, to put his master out of the way. When Mr. Parker was crossing the ferry shortly afterwards, the ferryman, watching his opportunity, struck him a heavy blow on the back of the head with an axe, crushing the skull and killing him instantly. He then threw the body into the river. When some week or ten days later the body was found, its condition was such that it was buried as soon as possible, and there was no suspicion whatever of any foul play. It was not known that Mr. Parker had crossed by the ferry, and it was supposed that he had accidentally fallen into the river and been drowned.

But, strange to say, the Negro ferryman had a sensitive conscience. He brooded over his crime until it produced a condition of mental disorder. He began to talk about Mr. Parker's death, and to say that he had killed him at Henry's instigation. At first he was not believed. He was evidently partially insane, and it was thought that his story was the figment of a diseased brain. However, as he persisted in repeating the story, at last the body was exhumed and examined. The skull was found to be crushed, evidently the result of such a blow as was described by the ferryman, though the hair on the back of the head prevented the wound's appearing, except upon close inspection. Henry was convicted and hanged, but the crazy ferryman escaped with some less penalty—I never heard what. It was found that Mr. Parker had died intestate, so that Henry had not gained even a temporary reward for his crime.

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A journey to the Hot Springs of Arkansas in 1835, when this John Parker was there, must have been a very serious undertaking even for a man in good health. Dr. Bryan W. Whitfield of Demopolis, Alabama, whom I met some years ago, told me that he went from Chapel Hill to Demopolis some years before the Confederate War. It was before the day of railroads in the South, or at least when they were only beginning. It was in December, and he paid fifty dollars for a ticket on the old stage lines from Chapel Hill to Montgomery. He said the roads were so bad and the red-clay mud so deep that he walked the greater part of the way; and much of the way not only walked but had to carry a fence-rail on his shoulder, to prize the stage out of the mud when it stuck fast.

But even then, traveling in one's own conveyance through a familiar region had its pleasures. The taverns were poor, wretchedly uncomfortable for the most part; but no one was expected to stop at a tavern if he had friends or acquaintances on the road. The expenses of living were small, servants were numerous, and good company was appreciated and welcomed. Even in towns which had good taverns, a man was not suffered by his friends to go to a place of public entertainment, if they knew of his coming. And in projecting a journey it was often possible to let your friends know beforehand of your coming, that they might enjoy the anticipation of your visit. Professor Roulhac Hamilton, of the University of North Carolina, has in his possession a letter written from Raleigh by his great-grandfather, Chief Justice Ruffin, to Mrs. Ruffin at their home at "Hawfields," Alamance County. The Judge writes to inform his wife that his friend Mr.———— would be passing the following

week, and had promised to stop with them for a few days. Mrs. Ruffin is therefore requested to instruct the overseer to butcher a beef and a mutton, that they may be prepared for the expected guest. Judge Ruffin was famed for his hospitality and his fine table, and made a boast that nothing came upon his table which was not produced on his plantation, except sugar, tea, coffee, spices, and other things which cannot be raised in this country.

That hospitable home was one often visited by my maternal grandparents. Two of their daughters, Kate and Mary, had married in Lexington two brothers, John and Frank Hargrave. Every summer, therefore, while these daughters resided in Lexington, my grandparents liked to make them a visit. From Tarborough it was a journey of some one hundred and sixty or seventy miles. They would leave Tarborough Monday morning, my grandmother with the younger children and a maid in the old-fashioned, high-swung carriage, with the long-tailed black horses, Black Hawk and Jim Crow, driven by "Uncle" Isaac in the "boot"; my grandfather driving himself in his gig, with a boy on his saddle horse, that he might rest himself by riding on horseback when wearied of the gig. The first night they might stop at Nashville; the second day would bring them to Raleigh, to spend the night with my grandmother's uncle, Mr. Sherwood Haywood, or one of his brothers. A good long drive the third day would take them to "Hawfields." My Aunt Bella, then a young girl, used to say that she could never forget how, after a tedious, hot, summer afternoon, crawling up and down the long red-clay hills of Orange County, she would get out at "Hawfields" and go through the cool hall to the back porch, where, on a shelf in an angle of the walls,

stood the bucket of water, with a big lump of ice floating in it![4]

Two days' journey from "Hawfields" would bring them very comfortably to Lexington by Friday evening, though sometimes the journey was not completed before Saturday noon. Such was the way of traveling eighty-five years ago.

My father used to say that during the first half of the nineteenth century it was a depressing experience to travel from the western part of North Carolina to the east, on any of the principal highways. In the course of one day the traveler going east would meet thirty, fifty, perhaps a hundred families, with their Negroes and household possessions, removing to Tennessee, Alabama, or more distant States. As New England and the Middle States during that period sent thousands of their people to settle in the western and northwestern States and Territories, so Virginia and the Carolinas were depleted to fill up the new lands in the South and Southwest. This movement had long been going on as to Tennessee, which until 1790 had been part of North Carolina, and in which North Carolinians owned a great deal of land received by them as grants for military service in the Revolution. But now Alabama, Mississippi, and also Texas drew multitudes by the lure of their fertile and abundant farming lands. It almost seemed that this State would be depopulated.

Major Alexander H. Galloway of Reidsville, told me that

[4] Ice was a rare, almost unknown, luxury in the lower counties of North Carolina in those days. The winters were seldom cold enough to produce ice of sufficient thickness for keeping well; so that to build an ice-house, with so little prospect of filling it, seemed a useless expense. Few persons, therefore, made any attempt to put up ice. There was no rapid transportation by which ice could be brought from a distance; and so, for the most part, it was as rare as the "snow of Lebanon in the time of harvest."

Governor Morehead's father acquired large landed property in Rockingham County by supplying wagons to such emigrants. Large numbers of small farmers would sell their lands, pack their household goods in wagons, and with their livestock, and their few Negroes, if they owned any, take the road for the new settlements.

Mr. Morehead was a wheelwright and made wagons and other vehicles. A man would bargain for a wagon, and in payment would convey his small farm to Mr. Morehead, receiving the balance of the price of the land in money. Mrs. Morehead expostulated with him for acquiring so much land, more than he could use himself or profitably dispose of, and would ask what he wanted with it. His reply was that he "wanted the privilege." Major Galloway said there was a considerable amount of land in Rockingham County known as "Morehead's Privilege."

Major Galloway told me this story of an old Rockingham worthy. He was an excellent man, able, upright, high-minded, respected and liked by all. Indeed he was something of a preacher and sometimes conducted the Sunday devotions of the Country Church of which he was a member, in the absence of the pastor. In those days the drinking of whiskey and brandy was universal, and the best men were rather free in this respect. But his wife, a woman of strong mind and character, was very intolerant toward this easy-going habit of the time; and when her husband had "had a little too much," he knew that it was not safe to approach her. So he would go to the door of her room, and throw his hat in. If she kicked the hat out, he would go away until the next day, and then return, and try again. And he would not himself enter, until his hat had been allowed to remain.

TARBOROUGH

Tarborough was incorporated in 1760, and I believe that under the original act of incorporation it was made what was called a "Borough town," and given the right to elect a member of the "House of Commons," as the lower house of the General Assembly of the State was then called.[1] But this privilege was never actually exercised. I believe there was some irregularity in the grant of such power.

Most of its streets received ecclesiastical designations. The real name of Main Street is "St. George's." Then there were St. David's, St. John's, St. Patrick's, St. James's, and even

[1] From the adoption of the Constitution of 1776 until the Constitution of 1868, passed by the Convention called under the Reconstruction Acts of Congress, the lower House of the General Assembly of the state of North Carolina was called "The House of Commons." When I came to reside in Raleigh at the end of 1894, that name, "House of Commons," remained over the entrance of the Chamber of the House of Representatives in the Capitol. I do not know that this name was so used in any other of the United States.

Every freeman, of proper age, could vote for a member of the House of Commons, under the Constitution of 1776; but a freehold of at least fifty acres was required as a qualification to vote for a member of the State Senate. And free Negroes voted on these terms as well as white men. The Amendments of 1835 deprived the Negroes of this privilege but the freehold qualification, as to the votes for the State Senators, was not removed until 1854. David Reid was elected Governor in 1850 on a platform of "Manhood Suffrage," pledged to abolish this limitation. The Constitution was then, in due course of time, amended, so that no additional qualification was required to vote for a State Senator. There had also been required a certain freehold qualification of those elected as Senators; that, too, was abolished.

I have an impression that my uncle, Governor Clark, told me that de Tocqueville, author of that excellent work, *Democracy in America,* was struck with the incongruity of a freehold qualification for the suffrage in a democratic country; and that some one, to whom he had spoken of it, suggested it to Governor Reid as an issue in his campaign.

a St. Joshua! Old Parson Moir, the rector of the Colonial Parish of St. Mary's, was one of the original commissioners; and I suppose he must have been responsible for these names. The town took its name, of course, from the river. There has been a good deal of discussion at times as to the name of the river, its proper spelling, and its original significance —whether it should be "Tar," "Taw," "Tau," or "Tor," after some forgotten Indian original. I first remember the name of the town as "Tawborough," stamped on the backs of envelopes in cancelling the postage stamps—or at least I seem to myself to have a clear recollection of this among my early impressions. My uncle, Governor Henry T. Clark, used this spelling, and I used it myself for a good many years. It was thus given on some of the maps during that period. I have also seen it spelled "Tau." Dr. Hawks suggested that perhaps it should be "Tor," as the name "Torpeo" is given to a river apparently in this part of the State by some of the early explorers. It has been claimed that in many of the early deeds it is spelled "Taw." I think, however, that this statement arose out of a mistake. In many old deeds in Edgecombe County the name of the river is written "Tarr," the double *r* having considerable resemblance to *w*. I have never seen any old deeds which have the name in any other form than either "Tar" or "Tarr." Those who contend for the Indian origin of the name say that the name signified "the River of Health." It does seem to me that the name was very likely of Indian origin, and Dr. Hawks's conjecture as to Torpeo's having been its early form is not at all improbable. At the same time, it also seems to me that the popular meaning of the word Tar is that which made the name stick!

EDGECOMBE COUNTY

Edgecombe County is said to have been named after an English nobleman, Lord Mont Edgecombe. I do not remember ever to have heard anything else about him.[1] It was created by an act of the General Assembly passed soon after the beginning of the administration of Governor Gabriel Johnston, the first royal governor, and was very large, Halifax, Wilson, Nash, Franklin, Warren, and Granville having all been embraced in it. It constituted at first a single parish, Edgecombe Parish. Afterwards it was divided, and the southern half was made St. Mary's Parish. When, about 1756, Halifax County was erected, it was the northern portion which was set off for the new county, so that Edgecombe Parish became Halifax County, and Edgecombe County was St. Mary's Parish.

When Judge Howard went to Chapel Hill to study Law about 1850, Governor Swain, the President of the University, said to him, "Well, Sir, you are from a county where it takes two men to make a speech." He explained this by saying that many years before, in preparing for a celebration of Washington's birthday, the committee of arrangements appointed Henry I. Toole and James W. Clark to make an oration on the occasion. Henry I. Toole was my grandmother's only brother, and James W. Clark had married her sister Arabella. They were rather brilliant young men. The former was one of the earliest students at the University of North Carolina;[2]

[1] There is a character mentioned in Walpole's *Letters*, of this name, but of too late a day to have been the person after whom the North Carolina county was named in 1741. It was probably named after the locality, Mount Edgecombe, in Cornwall.

[2] At that time he bore the name Lawrence Toole, and it is so given in the records of the University.

the latter was a graduate of Princeton, and later the representative of the district in Congress, and subsequently first assistant to the Secretary of the Navy (Governor John Branch), in Jackson's first administration. I could never find that there was any tradition in the community of the "two men to make one speech." I asked my Aunt Bella Parker, who was a great repository of family lore, about it, but she had never heard of it; nor did I ever come upon any trace of the story, except as told by Judge Howard upon the authority of Governor Swain. It was in 1871, when I was studying Law in Judge Howard's office, that he told me about it.

In March, 1925, at the home of John L. Bridgers in Tarborough, his wife, a daughter of Governor Clark, and granddaughter of James W. Clark, said to me: "Cousin Jo, I have found among my father's papers an oration delivered by my grandfather, February 22, 1800, the first birthday of Washington after his death in December, 1799."

"Get it out," I said, "and let me see it. Perhaps it is the oration he and uncle Henry Toole were appointed to make." She produced the brown MS., with its faded ink and worn paper; and I read with much surprise and interest its opening words:

"*Fellow Citizens:*

"Being nominated in conjunction with Mr. Toole by the Committee of Arrangements to prepare an Oration commemorative of the event which has this day called us together, we accepted the appointment, and on myself has the honor of delivering the Oration by lot devolved."

This is a remarkable illustration of the extent and accuracy of Governor Swain's knowledge of North Carolina men and matters.

There have been three men named Henry Irwin Toole in

Edgecombe, rather notable men in their day. Only the first of them originally bore the name. The first Henry I. Toole named his only son Lawrence, after his own father. After his death his widow changed the son's name to that of his father, and this second Henry I. Toole was one of the most prominent men of the county until his early death, representing the county first in the House of Commons and then in the Senate for a number of years.

He had several sons, who died in early infancy. Some one suggested that if he should name the next son Methuselah, he would live. So the next son, the last, was named Methuselah; and he lived to be an able and prominent man, though never a successful one. When he went off to boarding school he gave his name as Henry Irwin Toole, and from that time he went by that name. He was an ardent politician, an extreme Democrat, and a Secessionist at the time when the admission of California stirred up such violent controversy. He was long remembered in Edgecombe as a very able public speaker. He was very deaf and used a large ear-trumpet. About 1850, in the preliminary flurry of secession sentiment above referred to, he edited in Wilmington a weekly newspaper, the *Aurora*, in the promulgation of his political opinions. It was very extreme in its sectionalism and violent in tone, but was conducted with a good deal of ability, and with an ardor of enthusiasm which attracted attention and enlisted in its support many of the younger men of the Cape Fear section. He soon had quite a following, and seemed to promise to become a force to be reckoned with in the politics of the State. His influence and reputation culminated and ended in a convention, called by him to meet in Wilmington to formulate a platform embodying the most

extreme views of the Southern secession element, and calling upon the North Carolina Democratic party to follow its lead. Quite a number of ardent young men of the lower Cape Fear section therefore met in Wilmington, prepared to follow the lead of this able but rash editor of the *Aurora*. Before the actual assembling of the convention, however, some of the older and wiser heads of Wilmington got hold of the most influential of these delegates and succeeded in convincing them that Mr. Toole was a rash and injudicious leader, and that to commit themselves to such a platform as he was prepared to impose upon the convention, would be to commit political suicide and ruin their political prospects for years to come. The trouble with them, however, was that they were all so thoroughly committed to Mr. Toole that they felt themselves unable to make any effectual opposition to anything which he might present to the convention. After much discussion, it was finally concluded that the only way of escape was to exclude him from the convention. To this end it was agreed that, upon the assembling of the convention, a resolution should be adopted limiting membership to those who should present written testimonials of their appointment to represent some county or town, or a written proxy from some member who was thus accredited. Mr. Toole had issued the call for the convention, and it was known that he had not sought to be appointed a delegate, since he considered the convention in a manner his own creation and peculiar possession. The convention met and was called to order, and the usual preliminary steps were taken, Mr. Toole being present. The arranged program was carried out, and the committee on credentials reported a list of delegates who had presented proper testimonials. Thereupon the ruling

spirit and presiding genius, as he supposed himself to be, rose to address the convention. The newly elected chairman informed him that, not being a member of the convention, he could not be recognized as entitled to the floor. With some difficulty they succeeded in making him comprehend the ruling of the chair. His deafness made it exceedingly hard to convey this information. When finally convinced of the extraordinary situation, he manifested much indignation but yielded and withdrew. The proceedings of the convention then made but slow progress, as no one knew exactly what to do. But presently there was a revival of interest, when Mr. Toole was seen returning, with an air of purposeful determination which promised to enliven the meeting. He ascended the platform, or stage, and presenting a proxy, duly written out and signed by one of the accredited delegates, who had not been able to refuse it when demanded, he claimed to be recognized as a member of the convention, and so entitled to address the meeting. The chairman, however, rose to the crisis. He declared that the Chair refused to recognize the proxy or to allow the gentlemen to speak. Confident in his rights, as now a member of the convention by its own rules, and indignant at the attempt which had been made to exclude him, he persisted for some time and could not be made to understand the chairman's extraordinary ruling. Much shouting into his ear-trumpet and reiteration of the refusal to allow him to speak, finally revealed to him the true situation. Glaring around at his embarrassed and conscience-stricken followers, who had so suddenly deceived and betrayed him, he roared out his rage and contempt: "By Heavens! I disown you! I despise you! I am like Acteon! I am devoured by my own dogs!"

This story was related to me many years ago, by Governor Henry T. Clark.

Edgecombe County for some years before and after the Confederate War had the reputation of being the leading agricultural county in the state. In 1870 its crop of 20,000 bales of cotton was one one-hundred-and-eightieth of the total crop of the United States, 3,600,000 bales. The soil is light and easily cultivated, but, so far as I could ever see, not naturally more fertile than that of the adjacent counties. The difference lay in the superior enterprise, industry, and intelligent methods of the people. It has often seemed to me the explanation might be that the light soil was perhaps exhausted earlier than in other parts of the country, and thereby the people were forced to learn how to improve the soil. It is certain that the county was far in advance of the average in industry and intelligence in the cultivating of the soil. When my uncle, Colonel Francis M. Parker, about 1851 bought a farm in Halifax County on Fishing Creek at Culpepper's Bridge on the borders of Nash County, and went to work in his new home after the fashion he had learned in Edgecombe, his neighbors used to say, "Colonel Parker works eight days in the week."

But his method of feeding the soil was what chiefly marked the superiority of the Edgecombe planter. The natural advantages he possessed were an abundance of marl in almost all parts of the county and numerous swamps and boggy streams, from which decayed vegetable matter could be hauled for compost. The acidity of this bog-mud was corrected by the lime in the marl, and the constant application of compost to the lands produced a gradual improvement in their productiveness. The marl found in the county is

not sufficiently rich in elements of plant food to make it marketable. But with slave labor it cost practically nothing.

The farm hands were employed in digging the marl when there was no other work to be done. Then, early in the year it was hauled into the fields and composted in large piles, with cottonseed, mud from the swamps, the scrapings of the fence corners, the bodies of any domestic animals that had died on the farm, and whatever else came to hand. Commercial fertilizers were but little known when this improvement began. After their introduction they were often used in the compost heaps. Such was the enthusiasm for compost, that sometimes an old and useless animal was killed for the purpose of making compost; and no horse, ox, hog, or other animal that died, was left for the turkey buzzards on a well regulated plantation. Old Dr. James J. Philips once inquired of his Negro foreman, "Luke, what has become of my old jinny [local name for a female donkey]? I have not seen her for some time."

"Lord, master," replied Luke, "she wa'n't no 'count. She done been wore out long ago. I knocked her in the head and put her in a compost pile."

Mr. Edmund Ruffin, of Petersburg, who for many years published an agricultural journal in that city, came down to Edgecombe about 1858 or 1859 to see for himself what was the method of farming in the county. As a small boy of nine or ten years of age, I remember seeing Mr. John S. Dancy of Tarborough, and a venerable, white-bearded old man talking to my father, as I was with him in the "Old Church" yard, where he was working at some improvements. My father has since told me that the old gentleman was Mr. Edmund Ruffin. It was in the spring of the year, and

Mr. Ruffin went about the county and saw the methods in use of making and applying compost. He was not very favorably impressed, as the compost did not seem to him very rich in plant food. But the next fall he came and saw the mature crops. He found that the yield far exceeded his anticipation. He said there was more in Edgecombe methods than he had thought there was in the spring. The truth is that the best planters applied from one hundred to two hundred cartloads of compost per acre; and, even assuming the addition in one year not to have very great value as plant food, yet such a course, continued from year to year, had a cumulative effect and tended to the constant building up and improvement of the soil.

One of the earliest agricultural societies in the state was in Edgecombe. In an article about this county, written in 1811 by Dr. Jeremiah Battle and published in the *University Magazine*, April, 1861, is some account of this society as it existed in 1811, the time when the article was written. I once saw the MS journal of this society, a considerable volume, among the papers of Governor Clark. It was after his death, and his son, Haywood Clark, had given me permission to take for myself any books or papers I cared to have. I have always regretted that I did not take that journal of the old Edgecombe Agricultural Society, as rats afterward got among the papers and destroyed it, with many other interesting documents. My uncle had also two silver medals which seem to have been the badges of membership in the society. After his death his widow, my aunt, gave me one of them. It is a flat, oblong disk, not properly a medal, about two inches across its greater dimension and an inch and a half across the lesser, with a silver loop attached so that it

might be worn on a ribbon. On the obverse is engraved a sheaf of wheat, with a sickle hooked through the band of the sheaf, and the words, "Edgecombe Agricultural Society, 1811," engraved around the border.[1]

In Dr. Jeremiah Battle's article he enumerates the varieties of grass found in the county. Among these he mentions "crop grass," so called because it grows most luxuriantly in the cultivated fields, especially in the cornfields, after the crop has been "laid by"; that is, has had its last working. I had never before known the derivation of the name "crab grass." On reading Dr. Battle's article, in which it is called "crop grass," I saw at once that "crop grass," in the mouth of the uneducated countryman, would be "crap grass"; and then, by the natural operation of the laws of speech, "crap grass" becomes "crab grass"; the smooth mute *p* is changed to its corresponding middle mute *b*, before the following word beginning with the middle mute *g*, in exact accordance with the Greek rules of euphony, laid down in the grammars. This seems to me a beautiful illustration of the fact that the Greek rules of euphony are simply the laws of natural human speech. The uneducated countryman made this change, without the help of a schoolmaster or a grammar.

[1] The reverse of this medal, or disk, has only a border of olive leaves.

CONETOE SWAMP[1]

This Swamp originally extended across the lower border of the County, and by a sluggish stream emptied its superfluous waters into Tar River from the left bank, some distance below the town of Tarborough, near the line between Pitt and Edgecombe counties. There was but a slight "fall" from its most distant point to the river, and the adjacent lands on both sides, being of the same general level, partook of its swampy nature and were too wet for profitable cultivation.

"Conetoe Swamp" on the lower side of the County, and the "Falls of Tar River," twenty-five miles away, on the upper side, were the most notable geographical features of Edgecombe; and they figure largely in the traditions of the people. My mother told me that in her childhood the story went, that the Edgecombe militia, who ran away from the Battle of Guilford Court House, "did not stop until they got to Conetoe Swamp." I told this to Colonel William L. Saunders, who seemed much amused; and said it reminded him that his mother had told him that, down in Halifax County, the people said that Major Whitmel Hill, after the same battle, did not "draw rein" until he got to his big gate at Palmyra. Thus do we respect our elders and betters!

For many years past, this Conetoe Swamp section, still known as Conetoe, and giving its name to a prosperous and progressive town in its centre, has been the most fertile and

[1] In an old Map of North Carolina by *"Captain John Collet, Governor of Fort Johnston, published by Act of Parliament May 1st, 1770, by S. Hooper, No. 25 Ludgate Hill, London,"* this swamp is put down as *"Great Coneghta Swamp."* Other local Edgecombe names on this map are: *"Tosenot Creek," "Tyoncoka Creek,"* and *"Contecktney Creek."*

productive part of the County. Drained by a large central canal and numerous lateral smaller dykes and ditches, its deep and rich soil, under the diligent cultivation of its industrious and enterprising occupants and owners, presents on every side level and luxuriant fields of cotton, corn, peanuts, and other profitable crops. The story of its reclamation and development is one of the most creditable pages in the agricultural history of the County. For many years Edgecombe had the reputation of being a community in which it was very hard to carry on any coöperative enterprise. The independent and self-reliant character of its people, their feeling that "every tub should stand on its own bottom," made them slow to enter into combinations, in which the many must submit each his own interest and judgment to a common purpose and to one central guidance and authority. Individualism was their strong and prevailing characteristic. But by the second quarter of the nineteenth century they had begun to be intelligent and enterprising farmers, and the owners of the swampy lands of Conetoe soon realized the folly of allowing its broad acres of deep rich soil to lie idle and valueless, when they might be brought, under proper treatment and cultivation, to yield abundant and profitable crops. A scheme of coöperation was therefore proposed, whereby labor and money should be contributed by the proprietors of these lands for the purpose of cutting a large central canal from the head of the Swamp throughout its whole extent to its entrance into Tar River. Each landowner, whose land would drain into this central canal, was to subscribe so much money, and so many days' labor of his slaves, as should be considered equivalent to the benefits coming to him; and then each should cut such

lateral smaller canals and ditches emptying into the great canal, as might be needed for the proper draining of his own fields. Suitable persons were appointed among those most interested, who should secure from individual owners the required contributions in money and in labor, and who should see to the carrying out of this great and profitable scheme.

Elder John Daniel, a prominent Baptist preacher, a member of the Kehukee Association, the father of my old friend and schoolmate, Tom Daniel, was a leader in this enterprise, and chiefly active in securing the coöperation of the landowners, and their written engagements for furnishing the labor and the money required. One of those whom he had to interest was the keeper of the old Tarborough Tavern, Mrs. Gregory, a picturesque character, prominent in the life of the community, a woman of strength and intelligence, among the best known and most forceful of the inhabitants of the town. She owned the land where Conetoe Swamp emptied into Tar River; and across the mouth of its sluggish stream she had erected a dam, and had thus created a small water-power, and had a grist mill to grind the corn of the neighborhood. Receiving its supply of water from so extensive an area, this stream usually supplied a good head of water for the limited operations of the country mill. In very extended summer droughts, however, the great swamp took up so much water in its spongy depths, that the stream would sometimes fall so low that the mill would be idle for days, and perhaps for weeks.

In representing the great benefits to be derived from the proposed canal, Elder Daniel impressed upon Mrs. Gregory the special advantage of having always an abundant supply

of water in her mill-pond. In the most prolonged drought, when the mill-pond would be for weeks at its lowest point, there was abundance of water held up in the swamp. The lack of water in the mill-pond was caused by the fact that all this water had no free and proper outlet. An adequate canal being provided, there would be an abundance of water flowing out, filling the mill-pond and keeping the mill running during the most prolonged summer heats. Mrs. Gregory was so much impressed by this presentation of the case that she put down a money contribution of one hundred dollars, the largest cash subscription received by Elder Daniel.

A dry spell in mid-summer was fixed on for beginning the work. The gangs of Negro laborers from all the farms assembled promptly along the whole course of the central canal. Other laborers were engaged on all the farms in cutting side ditches. The plans had been well matured, the operations well organized; the Edgecombe farmer and planter, when in earnest, knows how to work and to make others work. In a few weeks the central canal had been finished and a multitude of smaller subsidiary drains leading into it; and the happy owners saw already in their mind's eye the waving corn and the snowy cotton, taking the place of the cypress and reeds, the vines and the thorns, which for ages had covered these lands.

And into Mrs. Gregory's mill-pond poured the abundant waters released from the spongy soil of the wide swamp. The great over-shot wheel of the mill turned steadily; the mill-stones hummed a low monotonous song; over the dam the superfluous water poured into the river. All that good brother Daniel had promised had been performed. At the end of one of the longest of summer droughts there was

abundant water to keep the mill steadily at work.

The drought continued for some while after the completion of the main work on the Canal. There was some subsidence of the water in the mill-pond, but the night's intermission in the grinding allowed full time to repair the day's waste. It was now getting to be late in September. There were signs of rain. It began gently in the forenoon, hardly more than a light drizzle. In the afternoon it increased; soon after nightfall it was raining heavily. The miller looked out. The dam was pouring an increasing stream into the river. But he felt no anxiety. Never within memory had the dam failed to hold against all the water coming out of Conetoe Swamp. He went to bed in his house on the rising ground back of the mill; and he fell asleep hearing the increasing rain pounding on his roof.

But in the morning the miller looked out upon a changed scene. Dam, mill, and all connected with them, had disappeared. The rain had ceased before daylight, and a full and rapid stream of dark water poured through the remains of the broken dam into the swollen river.

It is said that for many years after this, Elder John Daniel did not venture up the Main Street of Tarborough —which has for its real name on the old maps of the town, St. George's Street,—as far as Mrs. Gregory's Tavern. When business made it imperative that he should visit the parts beyond, he prudently made a detour, and by a back street reached his destination. Few cared to face Mrs. Gregory when she thought she had a grievance.

TARBOROUGH'S ONE NEWSPAPER

There has been practically but one newspaper in Tarborough. I seem to remember, when I was a boy, a paper called the *Mercury*, but it continued only a few years, and I have but a faint recollection of it.

The one paper was known first as the *Free Press*. It was begun in Halifax about 1824 by George Howard, Editor, Proprietor, and Publisher, also Printer. He came, I believe, from Baltimore, and was a printer by trade. He was a man of intelligence, industry, and high character, and commanded general confidence and respect. About the middle of the year 1826 Mr. Howard removed to Tarborough and issued the first number of the *Tarborough Free Press*, August 22, 1826. Mr. Howard's paper was a strong supporter of Andrew Jackson and his policies; and, as political parties developed during succeeding years, it became a strong Democratic journal. The latter part of 1834, Mr. Bartholomew F. Moore, an eminent lawyer and a vigorous Whig, came into Mr. Howard's office with a political article or contribution which he wished to have published. Mr. Howard looked it over, and not liking its political quality, declined to receive it. Irritated by his refusal, Mr. Moore demanded to know why he called his paper, the *Free Press*, if he refused to give any hearing to those who differed with him.

"I will not call it the *Free Press*," replied Mr. Howard; and in January 1835, the paper became the *Tarboro' Press*.

About the year 1850 Mr. Howard's son, George Howard, Jr., afterwards an eminent lawyer and judge, became editor, and the name of the paper seems to have gotten back to its old form—the *Tarboro' Free Press*. But the youthful editor

very soon changed its name to the *Tarboro' Southerner*, and the *Tarboro' Southerner* it remains to this current year, 1925—the oldest paper, by continuous uninterrupted issue, in the State, so far as I know,[1] being at this date one hundred and one years old, counting from its beginning in Halifax.

[1] I have been told that I am mistaken in this, but I do not know what paper or papers in the state are older.

JUDGE GEORGE HOWARD

I was acquainted with Judge Howard from my childhood, and after I grew up I studied law in his office for some months. He declined to receive any compensation or to assume any responsibility as my instructor, but said I was welcome to use his office and his books. I think he never once asked me any question, gave me any directions as to my reading, or any instruction of a formal character. But I learned a great deal from him; and he has always seemed to me to have been one of the wisest and most sagacious men I have ever known. He was most interesting in conversation, and he loved to talk in intelligent and congenial company. In politics he was a strong Democrat, but party feeling never blinded his eyes to personal merit in his opponents or to the faults in his own party. As a boy of ten years, and quite ignorant of the political situation, I remember distinctly hearing him discuss with Mr. Robert R. Bridgers the action of the Charleston Democratic Convention of 1860, from which Mr. Bridgers had just returned. He spoke very strongly in condemnation of the attitude of the Southern members of that Convention in refusing to unite on a candidate acceptable to the Northern delegates, and stated that he could not help feeling that it had been their intention not to agree, but to force the issue of secession upon the country. Mr. Bridgers seemed to defend the position of the Southern delegates, so far as I understood him; but, without at all understanding the matter, I was impressed by Judge Howard's strong condemnation of the course of the Southern Democrats in that Convention. He was ready and willing to

recognize a good motive, even when men might totally vary from what he himself felt to be the right course of action. Though, as appears by the foregoing incident, he had not sympathized with those who desired to bring on secession and the resulting conflict, he was staunch and immovable in his loyalty to the State and to the position it had taken in that conflict. When, in the Convention of the State after the close of the War, it was proposed to declare that the Ordinance of Secession had been null and void, he opposed such action, taking the ground that the Ordinance had been more potent and effective than any other measure ever enacted by the State. He was willing to vote to repeal the Ordinance of Secession but said he had signed that Ordinance, and would not stultify himself and reflect upon the many great men with whom he had acted in 1861, by voting that the Ordinance was null and void. The few who stood with him were told that they dared not vote against the resolution, and were threatened with political (and perhaps personal) destruction if they should persist. But he, with five or six other brave and honest men, voted as they had spoken, against the resolution that the Ordinance of Secession had been null and void.[1] And in all the Reconstruction period he was fixed and immovable against the unconstitutional methods of the Republican party in its dealing with the Southern States, and against the representatives

[1] Governor William W. Holden, the intolerant leader of the Union men in the latter part of the Confederate War and of the Republican party in North Carolina after the War, who in this Convention denounced and threatened these brave and honest men who refused to stultify themselves, had himself signed the Ordinance of Secession in the Convention of 1861. It is said that after writing his name in signing the Ordinance, he held the pen he had used above his head and declared his intention to hand it down as an heirloom to his children!

and agents of that party in the South and in his own State.

Yet he could do justice to the motives of those who, in some cases, pursued the other course. The late Judge William B. Rodman had been a Democrat and a Secessionist in the days before the Confederate War. I do not know what his particular position was in all aspects of the politics of those days; but he was a Southern Democrat of the same type, generally speaking, as Judge Howard himself. After the close of the War he became a Republican; he sat as a Republican in the Reconstruction Convention of 1868; he was high in the counsels of the party; and he was finally put upon the Supreme Court Bench by the Republicans. In those fierce days he received but scanty consideration at the hands of the opposite party and especially of his old political assocates.

I was therefore much interested in what Judge Howard said to me in regard to Judge Rodman's becoming a Republican, and the more so because Judge Rodman was a distant kinsman of my own, though I had never more than the slightest opportunity of personal acquaintance with him.

Some time after the close of the Confederate War, while the Southern States were reorganizing their State governments and endeavoring to readjust themselves under the scheme of reunion favored by President Andrew Johnson, and before the passage of the Reconstruction Acts of Congress, Mr. Rodman had spent some time in New York and perhaps also in Washington City. Returning to his home in Washington, N. C., he stopped in Tarborough to see Judge Howard. They had been of the same political views and upon terms of personal friendship. He told Judge

Howard, as I remember Judge Howard's account of the conversation, that he had been endeavoring, while in the North, to ascertain the plans and purposes of the leaders of the dominant party, with respect to the Southern States. He said he found their purpose and plans settled and determined on one point, namely, that the Republican party should remain in power, and that the Southern States should not be allowed to return to the exercise of their function as States in the Union, except on such terms as would secure the continued predominance of the Republican party in the country at large and in the Southern States. That there was no possibility of any alliance between the Southern Democrats and the Northern Democrats, by which the Democrats might have a chance of electing the next president or keeping control of affairs in the South, he had become thoroughly convinced. The control of the Southern States, he felt sure, would pass into the hands of the Negroes and of irresponsible white men, if the natural leaders of the Southern people, the old ruling class, should persist in holding aloof from the Republicans, and should adhere to their old alliance with the Northern Democrats. Under these circumstances Mr. Rodman said he thought it would be the part of wisdom and of patriotism for men in the South like himself and Judge Howard and all who were really concerned for the preservation of what was left of our state institutions and traditions, to acquiesce in the Republican control of national affairs; to come into the Republican party on questions of general policy; and thus to maintain their hold upon the affairs of their own State. He felt sure that they could control State legislation by this course and preserve it from disaster. He had therefore made up his mind to become a Republican,

and he urged upon Judge Howard the wisdom of taking the same course.

This is what I remember as Judge Howard's account of how William B. Rodman became a Republican. Judge Howard said he had not agreed with this reasoning, and did not believe that the South could thus avoid the logical results of the measures which it was plain the Republicans contemplated—the universal enfranchisement of the Negroes, and the disfranchisement of the best elements in the white population. But he said he believed that Mr. Rodman was persuaded at the time that he was doing what was the wise and patriotic thing to do.

I have spoken of Judge Howard's sagacity. This was manifest in small things as well as great. He said to me once: "A debt against a woman is much more apt to be paid than the debt of a man. A woman knows nothing to do with a debt but to pay it; and she is unhappy until it is paid. A man knows a hundred things to do about a debt; and the last thing he wants to do is to pay it."[1]

He spoke of the legislation then recently enacted for securing to married women their own property, allowing them greater freedom in contracting debts, entering into contracts, and the like. All this, he said, was right and proper, in a way. The old Common Law sometimes bore very hard on married women in the matter of their property. But, after all, the Common Law went on the theory that

[1] I am told by some persons that, under the operation of recent legislation putting women in much the same position as men in regard to all business relations, women are losing this characteristic, as well as some other of their old qualities, and that they are in many cases, quite as ready to evade their pecuniary engagements as the men are. I hope, however, that this is not true.

man and wife were one, and one for life in an inseparable union. This new legislation goes upon the theory that man and wife are not one, but that they continue to be two persons, with separate and possibly conflicting interests. These changes, putting women into a different relation in all the important material aspects of their domestic life, were bound in the long run, he thought, to have results in changing their domestic and social character. "If you live to be an old man," he said to me, "you will see divorce as common in North Carolina as it is now in Indiana." I have lived to see his words come true.

He told me that an Ordinance was passed by the Secession Convention, of which he was a member, allowing guardians and other Trustees to change their trust funds, invested in old North Carolina six per cent bonds, for new eight per cent bonds, issued by the State for war purposes. The old bonds commanded a higher price in the foreign market. The State was therefore desirous of obtaining possession of the old bonds that they might sell them abroad, and use the proceeds in purchasing war material and supplies. Hence the Ordinance was passed releasing Trustees from liability for losses incurred by making such a change in the investment of their trust funds.

He said that he very strongly objected to allowing trust funds to be subjected to such risks, and that he expressed his objection on the floor of the Convention. He did not, however, persist in any strenuous opposition because he saw that the majority strongly favored the Ordinance, and his opposition would be futile.

A few days after the Ordinance had gone into effect, he was walking to the Capitol in company with Chief-Justice

Ruffin, also a member of the Convention. He spoke of his opposition to the action of the Convention, but added that he supposed it was not a matter of practical importance, since no prudent man would be disposed to make the proposed exchange. "You are mistaken, Sir," replied Judge Ruffin. "I have just exchanged one hundred thousand dollars in the old bonds, which I held for my wards, for the new bonds at eight per cent."

In reply to Judge Howard's expression of astonishment, he said: "Why, Sir, I look at it this way. If we succeed in this war, all the bonds will be good. If we fail, none of them will be good. In the meantime I get two per cent additional income for my wards."

Judge Ruffin was thought to be one of the wisest men in the State, and one of the soundest financiers. But practical affairs cannot be reduced to a syllogism. A wise man once answered what in my youthful ardor I thought to be a conclusive argument in favor of the right of a State to secede, —and I still think that logically it was conclusive,—by saying to me: "Mr. Cheshire, as you grow older, you will find that practical questions cannot be settled by logic."

During the Confederate War a near kinsman of my father died and left him eight thousand dollars. The legacy was paid in eight one-thousand-dollar North Carolina bonds, two being of the new eight per cent war issue, and six being the old six per cent bonds. At the close of the war the two new bonds were worthless. My father sold the six old bonds for sixty-nine cents on the dollar, or something like that—I speak from memory. And the proceeds of those six old bonds enabled him to educate his four children.

Judge Howard was one of the few of the older lawyers of

my acquaintance who admitted the great merits of the "New York Code of Civil Procedure," as it was called, enacted by our Legislature of 1868, by which the Common Law system of pleadings and its distinction between Courts of Laws and Courts of Equity, had been abolished, and it had been provided that all rights were to be ascertained in one action, under a simplified method of pleading. Most of the older members of the Bar deprecated this change, and preferred the old method, to which they had been accustomed, with its artificial and technical rules sanctioned by hundreds of years of tradition and precedent. Judge Howard felt that the old method had become too artificial and antiquated, and that the adoption of the Code of Civil Procedure was an effort to simplify legal proceedings and to get more directly at the matters at issue between the parties.

He did not fail, however, to realize that the old system had some great merits. He said that its technicalities were understood and had become familiar by long use, so that they often simplified and facilitated the conduct of a case and really lessened the expenses of litigation. This he illustrated by the method of collecting debts by actions brought in the old County Court, the "Court of Pleas and Quarter Sessions," as it was called. According to his account, in the days before the Confederate War, the usual way of collecting notes, even where no question was made as to the debt, or as to the ability or willingness of the maker to pay, was by an action in the County Court. The note was placed in the hands of a lawyer for collection—perhaps before it was due. The lawyer, at the maturity of the note, had a writ issued by the clerk of the County Court. He filed no pleadings but simply entered a memorandum upon the court

docket:—*Debt. ass., cov.*, or any other form of action. If any contest was made, the defendant could require him to file his pleadings, and then he would file his declaration in an action for Debt, Assumpsit, Covenant—or whatever the facts of the case might require. But if no defense was intended, the counsel for the defendant, who had until the following term to file his plea, would then enter short upon the docket, *Payment, Non Asst., Performance*, or any and all defenses proper to the action entered by the plaintiff. At the beginning of the third term, if no defense was intended, the plaintiff would take his judgment for the amount of the note with interest, which would be paid by the defendant to the sheriff, with the plaintiff's costs. The costs taxed were an appearance fee of four dollars for the plaintiff's attorney, and the clerk's fee and the sheriff's for issuing and serving the writ, only a dollar or two. The plaintiff's attorney was usually satisfied with his four dollars taxed fee, as he had filed no pleadings, and the defendant's attorney usually charged his client, whose business he regularly attended to, no fee for so trifling a service. The net result was that the creditor received his debt with interest, without any expense for the collection, and the defendant had secured an extension of six months—two terms—for *six per cent*, interest, and a bonus of five or six dollars (the amount of the costs taxed against him); and both parties were content. This method of collecting ordinary notes had become so much the custom that in this non-commercial country it seemed generally satisfactory and caused no ill feeling between the parties nor any impairment of credit.

The Code of Civil Procedure changed all this and greatly increased the expense of litigation in small cases, so that the

people said: "Before the war, if you gave a lawyer anything when he collected a debt for you, he was grateful for it. Now, if he gives you anything, you may be thankful."

Judge Howard told me that one year, while he lived in Wilson, his "taxed fees" amounted to sixteen hundred dollars; which meant that he had recovered judgment in four hundred cases, most of which, he said, had been such cases as I have described.

The punishment under our old law for perjury was cutting off the ears. Judge Howard was once holding court in Pittsboro. A little Negro girl, not more than ten or twelve years of age, was tendered as a witness. It seemed doubtful whether she sufficiently understood the nature of an oath. "Gentlemen," said the Judge to the counsel in the case, "I will examine the child myself." Then he spoke to the child: "Little girl, do you understand the obligation of an oath?"

"Oh yes, Sir," she replied in a very bright and confident manner.

"What is it?" asked the Judge.

"Ears off, Sir, and no sheer [share] in the Kingdom."

"Gentlemen," said Judge Howard, "I think the witness has qualified herself on both the secular and the spiritual sides."

LAWYERS AND JUDGES

The great respect in which our judges have been held, both by the profession and by the people generally, gives emphasis to the occasional clashes, when lawyer or judge has felt it necessary to maintain his point against some aggression from the other side.

Thus, when Mr. Mark Lanier of Oxford, an able but somewhat eccentric lawyer, had stated with minuteness and deliberation some very rudimentary principle of the Common Law, in arguing a case before the Supreme Court, Chief Justice Pearson said to him, "Mr. Lanier, you may assume that the Court knows some law."

"Yes, your Honor," replied Mr. Lanier, "I argued a case at the last term on that assumption, and I lost my case. I prefer to argue my case my own way."

Per contra a judge sometimes has to assert himself against a member of the Bar. Colonel George N. Folk, of Caldwell County, stood very high in reputation as an able, active, and learned lawyer and a very astute practitioner. He was urging a legal point, with great force and ingenuity, before Judge Gilmer, a much younger man, who had a great respect for Colonel Folk's ability and legal attainments. He interrupted the argument to ask with some expression of perplexity, "Colonel Folk, do you think the law is as you are stating it?"

Colonel Folk paused for a moment and then replied, "Your Honor, I cannot say that I do think that is the law. But I did not know what view your Honor might take of it."

"Colonel Folk," said the Judge, "I am not sure that that

is not 'Contempt of Court.' I am not sure. But, Sir, you had better not try it again."

The old lawyers and judges were more social and lived more together than members of the Bar do now. The country was more thinly settled; there were fewer people and fewer lawyers, less office business, and relatively more litigation and more of forensic controversy. Each lawyer, as a rule, attended all the courts in his district, or at least most of the terms of the Superior Court. And they usually, before the days of railroads, drove in company in their buggies or gigs or rode horseback from one county town to another with much sociability and joviality as they went "jogging along," or as they lodged together in the old taverns by the roadside or in the county towns.

It is told of Judge Badger that going from Raleigh to attend a court in Nash County he stopped for the night at Mrs. Vick's modest country home, where travelers were entertained "for a consideration." Before retiring for the night he asked his landlady the hour at which she served breakfast. "Well, Judge," replied Mrs. Vick, "I am not one of them that wants to get up so early."

"You are quite right, my dear Madam. You are a very sensible woman," remarked the Judge.

"Yes," said Mrs. Vick, "I don't believe in breaking my neck to get such a soon start. Just so I get breakfast over and everything cleaned up and the day's work started by sun-up, I think that is soon enough."

"Madam," said the Judge, "I never eat breakfast. I will take an early dinner with you."

Mr. John F. Poindexter of Stokes County, was for many years the solicitor in his district, a man of quaint humor

and, like Falstaff, not only witty himself but the cause of wit in others. His kindly nature and lively manners, in intercourse with the younger members of the bar, encouraged their familiarity; and his imperturbable temper and ready resource in all emergencies tempted them to make him the object of good-humored practical jokes, in which they seldom succeeded in getting the better of him.

He traveled in an old-fashioned gig, and, in a box immediately behind the seat, always carried a sheaf of oats or a bundle of fodder for the noontide bait of his horse. Upon one occasion in company of a number of his legal brethren traveling in the same way from one county town to another, the road lay for half a mile or more through a flat and swampy woodland, where recent rains had left the road a foot or more deep in water. As they splashed along through the rough and rutted road, crowded close together and making but poor progress, one of the younger men, who had taken his companions into his confidence and prepared them to enjoy his joke, dropped a lighted match into the box behind Mr. Poindexter's gig; and as the light contents blazed up he called: "Look out, Mr. Poindexter! There is fire in your feed box!"

Looking behind him Mr. Poindexter began hastily to reach down and throw the burning fodder out into the road. "Look to yourselves, gentlemen," he cried, "Look to yourselves! There is ten pounds of powder in my feed box!"

In a moment their merriment was hushed. From buggy and gig, and from the backs of riding horses, men sprang into the water. Splash, splash, splash, they landed in the road, and each sought a safe refuge behind a friendly tree; while Mr. Poindexter threw out the burning fodder and informed

them that, after all, he had been mistaken, and that there was no powder in the box.

The Romans had a rustic proverb: *Fenum habet in cornu*, "He has hay upon his horn," implying that the man was in a dangerous mood. The following epigram I found written on the flyleaf of an old copy of Horace which had been used by my father, when he was a schoolboy under the eminent scholar and teacher, Mr. Joseph G. Cogshall, in the old Episcopal Academy in Raleigh. George Hay and John Wickham were eminent lawyers of Richmond, Virginia, in the first part of the nineteenth century.

"An Epigram, By William Wirt

When Wickham once tossed Hay in Court,
On a dilemma's horns for sport,
Jock, rich in wit and Latin too,
Cried, '*Fenum habet in cornu.*' "

One of the most familiar examples of ready wit is the well known story of James Dodge, Clerk of the Supreme Court at Morganton, when that Court sat periodically in that town. Mr. Dodge was a nephew of Washington Irving, and the grandfather of Governor Robert Glenn.

Governor Swain, Mr. Dewes, and a Mr. Hillman, sitting near the clerk's desk, put their heads together and wrote the following humorous epitaph for their friend, James Dodge:

"Here lies James Dodge,
Who dodged all good,
But never dodged the evil;
And, after dodging all he could
He couldn't dodge the Devil."

They passed the paper over the table to Mr. Dodge, who read it and then wrote upon the back of the note and returned it. His friends read what he had written:

"Here lie a Hill-man and a Swain,
Their lot let no man choose:
They lived in sin, and died in pain,
And the Devil got his Dewes."

Another even better specimen of the play upon names is by the late Judge Robert Strange of Fayetteville, grandfather of Bishop Strange. It is given by Mr. Joseph Seawell in his recently published book, *Law Tales for Laymen.* But Mr. Seawell omits the first line, which is necessary both for the rhyme and for the setting of the scene. Also, as it seems to me, he mistakes the person named Moore, for the late Bartholomew F. Moore of Halifax and later of Raleigh. I will not go into my reasons for differing with Mr. Seawell, but I feel quite satisfied that the Moore thus associated with Strange and Wright, both Cape Fear characters, was another Cape Fear lawyer, Mr. Alfred Moore, the younger. The lines are as follows:

"In a Tavern one night
Messrs. Moore, Strange, and Wright
Met to drink, and good cheer to exchange.
Said Moore, 'Of us three
The whole town will agree
There is only one knave, and that's Strange.'
Said Strange, rather sore,
'I am sure there's one Moore,
A terrible knave and a bite;
Who cheated his mother
His sister and brother.'
'Oh yes,' replied Moore, 'that is Wright!' "

Another story of Judge Strange is well remembered. At a term of the Superior Court in Fayetteville, Judge John M. Dick presiding, a witness by the name of Sarah Money was called out and failed to appear. Thereupon Robert Strange, of counsel in the case, remarked: "Well, your Honor, we must proceed in this case without Sarah Money [ceremony]." This elicited some gentle applause and very greatly amused the Judge on the Bench. Returning to his Guilford County home, after the conclusion of his circuit, the Judge undertook to narrate the humorous incident to his wife: "That lawyer Strange in Fayetteville is a very bright man. In the Courthouse one day he made a very witty speech. The Bar were laughing about it for several days."

"What was it, Mr. Dick?" asked his wife.

"Why, you know," replied the Judge, "we had a case to try, and one of the witnesses was named Sally Money. When she was called, she did not answer; and when the sheriff called her out, she still did not appear. So Strange rose and said, 'Well, your Honor, we shall have to proceed in this case without Sally Money.' " And then the Judge laughed heartily at the witty speech of Mr. Strange.

"But," said Mrs. Dick, "where is the joke? I do not see the point of your story."

"Why," explained the Judge, "we had to proceed without Sally Money."

"Still," persisted Mrs. Dick, "I do not see the joke. What is it?"

The Judge looked puzzled and cast about in his mind to recover the point of the joke, which he had forgotten. "Well, my dear," he said, "I do not quite see it now myself. But I tell you it was very funny the way Strange said it."

My old friend and kinsman, Dossey Battle, at one time a judge in one of the criminal courts of the State, practised Law for a number of years in Tarborough, where I was also a young lawyer. He was a man of considerable ability and had a fine vein of humor.

He was applied to by a Negro to defend him in an indictment for stealing a sheep. The Negro had a foolish, idiotic manner and appeared to be but half-witted. As a matter of fact he was not at all a fool, and perhaps he purposely exaggerated his peculiar manner. He had belonged before 1865 to a member of the Battle family, and he was well known to Dossey Battle.

There seemed to be a plain case against the Negro, and Mr. Battle told him that a lawyer could do nothing for him. "But," said he, "if you will pay me a fee of ten dollars, I will advise you how you may get off when you are tried." The fellow said he had not so much money, but that if Mr. Battle would give him such advice as would enable him to escape conviction, he would certainly raise the money somehow and pay him. This he affirmed with great protestations of good faith. Thereupon he received the following advice and instructions. "When they call you up in court," said the lawyer, "they will tell you to stand up and hold up your right hand. Then they will read something to you and ask you, if you are 'Guilty or not Guilty.' When they do this and tell you to answer, you must bleat like a sheep—'Baa-Baa.' Just stick to that. Don't say anything but 'Baa-Baa.' They will threaten you. Perhaps they may put you in gaol for a few days. But do not say another word, but 'Baa-Baa.' Stick to that, and I believe it will get you off." With this plan of defense he dismissed his sable client and left him to conduct his own case.

The Negro took the sage advice of his counsel learned in the law. When arraigned, and called on to plead, his only reply was "Baa! Baa!" The courthouse was crowded with spectators, who laughed and could hardly be restrained, as the combined efforts of the solicitor and the judge failed to elicit any other reply than "Baa! Baa!"

Finally the judge ordered the sheriff to remove the prisoner and turn him loose. "This Court has no time to waste upon fools and idiots, who have not enough sense to answer a question."

As the Negro passed by Mr. Battle's office after the sheriff had released him, Mr. Battle called him in and congratulated him on the success of his defense. "Now," he asked, "where is my ten dollars? Remember your promise." The Negro looked stupidly at him and remained silent. "Where is my ten dollars?" demanded the lawyer.

"Baa, Baa," replied his very sensible client!

In justice to Dossey Battle I must say he enjoyed so greatly telling this story that he did not regret the loss of the ten dollars!

OUR STATE SONG, "CAROLINA"

In the years 1834 and 1835 my father was studying Law in the office of Mr. Thomas P. Devereux, in Raleigh. He boarded in the family of Mrs. Eliza Taylor, widow of James F. Taylor, Attorney General of North Carolina in 1825. Mrs. Taylor's daughters on one occasion attended a musical entertainment given by a traveling company of Swiss Bell-Ringers. They were much taken with a tune which they heard, and returning home Miss Lou Taylor played the tune by ear on the piano. It was a very pleasing air, and she so often played it that all the family soon became quite familiar with the melody; and my father, who was very fond of music and had naturally a good voice, came to like it as well as the young ladies.

Judge William Gaston, Mrs. Taylor's uncle by marriage, was an inmate of the family during the months of his residence in Raleigh, as one of the judges of the Supreme Court. He occupied a small house in the corner of Mrs. Taylor's front yard. Mrs. Taylor said to him one day, as her daughter was playing the melody which she had caught from the Swiss Bell-Ringers, "Uncle Gaston, you ought to write some words for Lou's tune."

A few days after this, when Judge Gaston came in from his office to dinner, he produced a sheet of MS and said, "Lou, here are the words for your song." The paper contained the words of the song now so familiar all over the State: "Carolina, the Good Old North State." Miss Lou Taylor went to the piano, and her two sisters, Miss Annie and Miss Julia, and my father, joined in singing the words from Judge Gaston's MS.

The song, we must suppose, gained some local popularity and became familiar to many persons in Raleigh. But its general circulation throughout the State is associated with one of the greatest political campaigns which ever stirred the popular heart of the United States.

In 1840 the Whig candidates for president and vice president were William H. Harrison, the hero of the great victory over the Indians at Tippecanoe, and John Tyler. That campaign was long remembered for the great popular enthusiasm developed in support of these candidates, and was spoken of as, "The Tippecanoe and Tyler too" campaign; also as the "Log Cabin and Hard Cider" campaign, as it was supposed to represent the interests of the poorer and plainer people of the country, who lived in rude houses and drank hard cider instead of more expensive liquors. In their great popular processions and gatherings a small log cabin, with a barrel of cider standing by it and a coonskin nailed against the wall—the whole mounted upon a wagon and hauled about the country, was a favorite emblem of the Harrison and Tyler supporters.

A great mass meeting of the party was held at Raleigh during this campaign, with people and speakers in attendance from distant sections of the State. The place of the meeting was "Ravenscroft Grove," now known as St. Mary's Grove. The school for which the property had been bought and the buildings erected had been closed, and it was a year and a half later that young Mr. Smedes came to establish St. Mary's School. The large grove with its spreading oaks made a convenient and suitable place for such an assemblage.

Mrs. Mary Jourde Lucas, many years afterwards my

parishioner in St. Peter's Church, Charlotte, then resided in Raleigh, and was the organist at Christ Church. She was a well instructed musician, and she wrote out the music and harmonized the tune which Miss Lou Taylor had caught by ear. It was thought that this patriotic song, composed by one of the State's foremost citizens, would be appropriate for the gathering in the School Grove. Mrs. Lucas therefore trained a choir of fifty young ladies to sing this song. At the time of the great mass meeting they had places on the platform erected for the speakers, presiding officers, and distinguished guests; and at an appropriate time in the proceedings they sang "Carolina, The Good Old North State," accompanying their voices with the instrumental music of their guitars.[1] This was calculated, in the high-wrought condition of sentiment on the occasion, to make a great impression on the popular mind; and thus the song went forth to all parts of the State and became, by the spontaneous action of the people, the State song of North Carolina.

An interesting and striking incident of this meeting is remembered in connection with the speech of Mr. Nathaniel Boyden of Salisbury, afterwards a judge of our Supreme Court. He was an able man, eloquent and dramatic, perhaps I might say somewhat histrionic, in his delivery. At the close of an eloquent and animated passage, he invoked the Spirit of America and apostrophised the emblem of Freedom, the American Eagle. Calling upon his auditors to look ever upward at the proud symbol of their country, he pointed to the sky; and there above them soared a great bald eagle!

[1] I had this account from the granddaughters of Mrs. Lucas, who were my parishioners in St. Peter's Church, Charlotte.

The effect upon his audience of this astonishing coincidence may be imagined.

I once ventured to say to my father, who was an ardent Whig in his youth, that some incredulous Democrats declared that it was not an eagle, but a turkey buzzard. He resented it with some indignation; "It is not so," he said. "It was a bald eagle".

"How can you be sure?" I persisted.

"I was there myself. I saw it. It was a bald eagle."

I had to admit then that the story was true!

AN EPITAPH

Many common memories and associations connect the people of North Carolina and Tennessee, and many North Carolina families have branches in the daughter state.

A kinsman of mine, John Blount Daniel, came back from Tennessee for a North Carolina wife. A year or two later, in the early summer of 1861, he returned with his wife and child to visit the baby's grandmother. Here the War caught them, and they were here for the rest of their lives.

He spent many months in my father's family and was very kind to me. He "told my marvelling boyhood legends store," of his early experiences in Tennessee and in Arkansas and gave me one of the famous Tennessee rifles, such as Jackson's men at New Orleans used with such deadly effect against the best of Wellington's Peninsular veterans.

Among other scraps of his narratives which stuck in my memory was a couplet which he said Ezekiel Polk had left to be put upon his gravestone.

> "Pennsylvania born, North Carolina bred,
> Died in Tennessee upon my bed."

Many years after that time I became acquainted with the Honorable Albert T. McNeal, an eminent lawyer and citizen of Tennessee and Chancellor of that diocese. Finding that he was a descendant of Ezekiel Polk, I told him the story of the epitaph. He said it was true, as far as it went, but that there was much more of it than one couplet. He did not remember it, but he said he thought he had it at home, and he promised to send me a copy. A few weeks later he fulfilled that promise. I put away his letter and the copy

of the epitaph so carefully that I am not able to find them. I give it, however, from memory and, I am sure, with substantial accuracy. This, then, is what Ezekiel Polk left for his epitaph:

> "Here lie the ashes of old E. P.
> One instance of mortality.
> Pennsylvania born, Carolina bred,
> Died in Tennessee upon his bed,
> His early days were spent in pleasure,
> His later years in getting treasure,
> From superstition lived quite free,
> But practised strict morality.
> To pious cheats was never willing
> To give one solitary shilling.
> He could foresee, and foreseeing
> He equaled any man in being;
> That Church and State would join their power
> Misfortunes on this land to shower,
> The Methodists, with their camp-bawling,
> Will be the cause of this down-falling:
> A fate he's not reserved to see,
> But leaves to poor posterity.
> First-fruits and tithes are odious things,
> And so are Bishops, Priests, and Kings."

He also left the following directions:

"As there in no rock in this country, let it be on hard wood painted white, and placed at the head of my grave, and a weeping-willow planted at the foot."

And so it was done, and so remained, until the year 1844, when his grandson, James K. Polk, was a candidate for the presidency. During the campaign, fearing that the Method-

ists, then in their bitter contentions over slavery, might make capital against Polk by using the couplet:

"The Methodists, with their camp-bawling,
Will be the cause of this down-falling,"

some zealous Democrat pulled up the headstone, or rather, headboard, and hid it in the garret of a house in Bolivar, Tennessee; "and there it is still, I suppose," wrote my friend, the Honorable Albert T. McNeal.

A CHEERFUL WITNESS

One of the best friends and one of the most delightful companions of my years in Charlotte was Colonel Hamilton C. Jones, for most of my rectorship of St. Peter's Church my Junior Warden. He was an able and well learned lawyer in the highest sense of the term, had taken a prominent part in public life without becoming a politician, except as every good citizen is a politician, and was an exceedingly interesting conversationalist. I am indebted to him for a good many stories and reminiscences contained in these desultory pages. One of his stories, while highly humorous, even comic, is at the same time illustrative of the times at a very critical period in the history of our people. Colonel Jones was a member of the State Senate from Mecklenburg County, when the Senate sat as a Court of Impeachment for the trial of Governor Holden in 1871.

The charges against the Governor were that he had suspended the Writ of Habeas Corpus in Alamance and Caswell counties; that he had levied a small army to terrorize the people and the officers of the law; that he had arrested peaceable citizens without due process of law, even in counties other than those which he had put under military rule; and that he had resisted the officers of the law in the performance of their duty. The Governor defended himself by representing that in the counties mentioned the members of the Ku Klux were so numerous, influential, and violent that the courts and the civil authorities were entirely unable to enforce the law and to secure the safety and rights of the people; that Negroes and white members of the Republican party were threatened, assaulted, beaten, and even killed,

and kept in a condition of fear and uncertainty as to their life and their property; and that the acts charged against the Governor had been necessary to enforce law and order and to protect the life and liberty of the citizens. Speaking generally, such was the position taken by Governor Holden and his distinguished counsel in his trial before the State Senate sitting as a High Court of Impeachment under the presidency of Chief Justice Pearson.

One of the ablest and most distinguished of the Governor's counsel was Mr. Nathaniel Boyden, afterwards one of the justices of the Supreme Court. Mr. Boyden had long been eminent as an eloquent speaker and a most acute, able, and adroit advocate; he was emotional, dramatic, and persuasive, by his own eager enthusiasm creating, as it were, for his audience the atmosphere most favorable to that aspect of the case which he would impress upon their mental vision. In setting forth the defense of his distinguished client, he brought before the Court the situation of the people of the counties in which the Governor's unlawful proceedings were alleged to have taken place; the prevailing terror among the people, especially among the ignorant and helpless Negroes; the nightly "ridings" of the white-hooded Ku Klux; the dreadful apprehensions which over-shadowed each humble cabin; and the universal fears which depressed the spirits of those who went about their daily tasks in trembling silence, forgetting all their accustomed chatter and songs. With such suggestions of the gloomy and desperate situation, Mr. Boyden called to the stand one of his star witnesses to set forth the particulars of this scene whose general features have been suggested.

"James Jones, take the stand."

James Jones, a small, black, brisk, and dapper young Negro comes promptly forward, having already been sworn. It is the great day of his life. He has been called on behalf of the Governor of the State to give his testimony before its highest tribunal, composed of the State Senators and presided over by the Chief Justice of the Supreme Court. And, besides all this exaltation and glory, he is being paid liberally all his expenses to and from his home in Chatham and also a *per diem* in excess of any sum he has ever received for his hardest day's work. No wonder James Jones is happy, is radiant with irrepressible joy.

Mr. Boyden speaks in solemn and portentous tones:

"What is your name?"

"Jeems Jones, Sir. Yes Sir, that is my name!"

"Where do you live?"

"Up in Chatham, Sir, by Mr. Bynum's Mills, Sir. Yes, Sir. That's whar' I lives," with smiles and bows.

"Were there any Ku Klux in your neighborhood?"

"Ku Klux? Oh yes, Sir. Thar' was lots of Ku Kluxes."

"Did the Ku Klux ever come to your house?"

"Yes, Sir. They comed to my house on one occasion, Sir."

"You say that they came to your house on one occasion?"

"Yes, Sir: on one occasion, Sir."

"Well: on that occasion how did they behave?"

"Most gentleman-like, Sir; most gentleman-like," beaming on his questioner.

"You say they behaved most gentleman-like?"

"Yes, Sir, most gentleman-like."

"Why, did they not whip you?"

"Whup me, Sir? To be shore, Sir," smiling and bowing. "That's what they come for, Sir."

"Did they not beat you in the most cruel and barbarous manner?" demanded Mr. Boyden in solemn and tragical tones.

"Well, Sir," replied the witness, bowing, smiling, looking around at Court and counsel, and concluding with an audible giggle of happy embarrassment, "they put it on pretty cheerful, Sir, pretty cheerful."

Neither court nor counsel could resist the infectious good-humor of the witness, who saw in the laughing faces all around that he had made a most pleasing impression; and Jeems Jones left the stand, the proudest and happiest Negro in the State at that moment. But Mr. Boyden's atmosphere of gloom had been greatly lightened and all but dissipated by his very cheerful witness.[1]

Colonel Jones had another interesting experience—this with our Negro barber in Charlotte, Gray Toole. Like most Negro barbers in the South, who served exclusively white patrons, Gray professed to be a very ardent Democrat.

Just after the general election of 1884 Colonel Jones went into the barber shop to be shaved. Gray was exultant over the election. "The Dimocrats have got it this time, Colonel. Mr. Cleveland is elected. I am shore proud of it. And now they ought to turn out all the Republicans. When the Republicans had the president, they had all the offices. Now the

[1] It distresses me greatly to have to say that in the official report of the impeachment of Governor Holden, I can find no record of this interesting witness and his testimony. Of course, the name I have used is probably not the right name. I do not remember the name; and I used James Jones—because I had to give the witness a name. But I find no witness in the printed record, whose testimony is capable of being given such a turn as will support this story. Yet I have a very clear and distinct memory of the story as I heard it from Colonel Jones, and as I have here given it.

"I say not how the truth may be:
I tell the tale as 'twas told to me."

Dimocrats have got the president, they ought to have all the offices. That is the right way. I always heerd from my old master [Gray Toole had belonged to a rather violent Democrat down on Tar River, Henry I. Toole] that that was the true Dimocratic doctrine: *To the Spoilers belong the Ruins.*"

It would be hard to give a better description of the "Spoils System" in politics. And in telling the story Colonel Jones added rather sadly: "And Gray Toole is so stupid that he cannot understand what a bright speech he made."

HALIFAX TOWN

Halifax Town during the Revolutionary period, and for some years later, was one of the most notable places in the State on account of the men who lived in and near it. It was, by the Constitution of 1776, one of the borough towns, with the privilege of sending a member to the House of Commons. It was never a place of much trade or of a numerous population. The famous State Congress of 1776, which drew up our first constitution, held its sessions in Halifax. Willie Jones, the leading politician, when Thomas Jefferson's influence dominated the State, lived here, and for a time at least, General William R. Davie, Abner Nash, Joseph Montford, John B. Ashe, Judge Joseph J. Daniel, Peter Browne, and others.

By the end of the first quarter of the nineteenth century the place had much fallen off in the general character of its people and had become notable for its bitter personal and political contentions. Perhaps it is not accurate to say political, for, although the strife found expression in the disorder and violence of political campaigns and elections, there was seldom any question of political principle or policy involved. Jeffersonian Democracy had so utterly routed Federalism that there did not remain two parties in this State. The great controversies over the tariff, the national bank, internal improvements, and questions of constitutional construction arising out of these, on which political parties were soon after aligned, had not then come up. In Halifax the strife and contention were on purely personal issues.

Until the adoption of the Constitution of 1835 free

Negroes in North Carolina voted on the same terms as the whites. There was no distinction against them on account of "Race, Color, or previous condition of Servitude." Slaves did not vote because they were not free; just as a white man in prison could not vote.

The Negro vote in the State was so small that it was negligible. But in very small constituencies even a few votes might make an important difference, especially if voters were ignorant and vicious.

The white voters in the town of Halifax were very few. In the election of 1826 the successful candidate received twenty-eight votes and his opponent, eight. It was said in explanation that the friends of the defeated candidate saw that his opponent had an overwhelming majority, and therefore did not take the trouble to go to the polls. The voters must have been few indeed where twenty-eight was an overwhelming majority.

In such a constituency the Negro vote was a source of corruption and strife. Unprincipled men would ply the Negroes with rum and thus seek to control their vote. On one side and on the other, in dealing with so helpless and ignorant a class, schemes and counter-schemes would be practised to secure their suffrage. There was, therefore, a very general approval, I believe, of the amendment to the constitution in 1835 which deprived the free Negroes of this right; though, perhaps, if this privilege had been continued all along until 1868, it might have been of some use in meeting the situation and making the transition to universal and unqualified Negro suffrage a less violent wrench in our political experience.

Even in 1835 some eloquent and persuasive voices were

heard contending for the perpetuation of this privilege, though they were few and unheeded. Here in Halifax it is said that Mr. Bartholomew F. Moore, afterwards to become the head of the legal profession in the State, but then a rising young lawyer beginning to be known for his ability beyond the bounds of his own county, in debating this question with Colonel Andrew Joyner, one of the most distinguished and aristocratic of the older citizens of Halifax, thus appealed to him: "I would ask my friend, Colonel Joyner, what quality in the Negro enables him to exercise this high privilege to his own real advantage or for the welfare of the State. What single qualification does he possess to fit him for the proper performance of this high duty of citizenship?"

"Sir," replied Colonel Joyner, rising and assuming his most dignified and impressive manner, "Sir, the Negro always has the instinct to vote for a gentleman." The Negroes, when left to their own choice, were disposed to vote for the men of highest social position; and they always voted for Colonel Joyner.

Crimes of violence were sadly common in those days, and Halifax County early acquired the reputation of being a hard county in which to convict a man of murder.[1] It is said that the eminent lawyer and orator, George E. Badger, perhaps the most eloquent advocate our State Bar has known, was once employed to come down from Raleigh to

[1] General William R. Cox, who was solicitor of the district in the years 1870-76, told me that his experience in prosecuting men indicted for homicides in Halifax County was such that, upon the acquittal of the prisoner in a case peculiarly aggravated, and, as he believed, clearly established by the evidence adduced on the part of the State, he stated in open court that he was a native of the county, but he would never try another case of the kind in Halifax, as he was satisfied that the State could not get justice at the hands of the juries.

assist Mr. Bartholomew F. Moore in the defense of a man charged with murder, when there seemed little possibility of resisting the evidence of his guilt. Mr. Badger timed his journey so as to reach Halifax late in the day set for the trial, assuming that the whole of that day would be consumed in the tedious process of securing a jury. Walking to the courthouse the next morning in company with Mr. Moore he asked, "Brother Moore, did you get your jury selected yesterday?"

"Yes," replied Mr. Moore, "We got our jury, and we go to trial this morning."

"I hope it is a good jury," said Mr. Badger.

"Yes," replied Mr. Moore, "It is a pretty good jury, a pretty good jury."

"A pretty good jury, Brother Moore!" exclaimed Mr. Badger, "a pretty good jury! That will never do! We must have a first-rate jury, or our client will hang. This is a desperately bad case." "Well," returned Mr. Moore, "It is what I call a pretty good jury for Halifax. Six of them have been tried for their lives themselves!"[2]

[2] It is interesting to find that this same reputation as to the character of "Halifax juries" seems to have prevailed hundreds of years ago in the case of Halifax in England, from which our North Carolina Halifax immediately or remotely derived its name.

In the Satires of Bishop Joseph Hall, published in 1599, Book IV, Satire i, are these lines:

> "Or some more strait-laced juror of the rest,
> Impannel'd of an Holy-Fax inquest."

Holy-Fax is the original form of Halifax.

I have seen an old English proverb, which joins together as places of common characteristics, "Hell, Hull, and Halifax."

In Robert Potter's *The Head of Medusa:*

> The Devil
>
> "—brandishes his battle-axe,
> At home alike in Hell or H'l'f'x."

ROBERT POTTER[1]

One of the most remarkable characters who ever appeared in this State began his tempestuous career in the town of Halifax.

Robert Potter was born and grew up until his fifteenth year in Granville County. He then served for six years in the United States Navy. In a speech made in the House of Commons in March, 1827, he says; "While a boy, of the age of fifteen years, I left the humble home of my youth, and went forth to do whatever my humble arm could in behalf of my country. . . . During six years, in the very Spring time of my life, from the age of fifteen to twenty-one, I bore the arms of my Country in the Navy of the United States." Feeling an obligation towards dependent members of his family and seeing no prospect of being able to help them by continuing in that service, he resigned or in some way left the Navy, and settled in Halifax, studying Law in the office of Thomas Burges, an eminent lawyer of that day.[2]

[1] About thirty-five years ago I wrote out as well as I could the story of Robert Potter, and gave it to Professor Collier Cobb to be published in the *University Magazine*. I then destroyed the memoranda from which I had written. Professor Cobb gave the MS to the student editor of the magazine and somehow it was lost. Much of what I have now written is from memory, without access to my original materials.

[2] I have this day, March 31, 1927, received a copy of a portrait of Robert Potter painted, it is said, when he was a "Midshipman in the United States Navy." If so, it must have been, from the maturity of his appearance, about the date of his retiring from the Navy in 1821, at the age of twenty-one. The original is in oil on a board and is evidently a good likeness, as well as a very good painting. The copy is an admirable and faithful reproduction of the original, also in oil, but on canvas. I have presented it to the State Historical Commission.

The original portrait is owned by Miss Sarah Frances Knott, of Stovall, whose father was a first cousin of Robert Potter. My copy was painted by Mrs. Outlaw Hunt of Oxford, for me.

He first came into notice in the personal contentions of that borough. It was a day of deadness in party politics. The divisions and struggles in the borough elections seem to have been wholly personal. The local paper reveals no question of political principle or of economic policy as at issue between opposing parties. There was the "Burges party" and the "Bynum party" at one time; and perhaps other personally designated divisions at other times. Robert Potter belonged to the Burges party and had a bitter enmity against Jesse Bynum, leader of the other faction.

The late Thomas B. Hill of Hillsboro, in those days residing in Halifax County, told me that the feud between the two men took its origin at a public ball where Jesse Bynum refused to introduce Potter to Miss Lavinia Barnes, quite a belle and beauty, of Northampton County, and a relative of Bynum. This Miss Barnes afterwards married Whitmel Hill of Scotland Neck, a brother of Thomas B. Hill. However begun, the controversy was bitter and violent. In 1823 and 1824 Bynum represented Halifax Town in the House of Commons, defeating Potter in 1824, as Potter claimed, by a fraudulent count. In 1825 they were again the opposing candidates in the borough election; and the contest culminated in a row at the polls, in which a man is said to have been killed. There was no election, and the borough went unrepresented. In the next election, August, 1826, Robert Potter, spoken of as of the "Burges party," was elected over his opponent, Dixie C. Fenner, by a vote of twenty-eight to eight; which shows poorly for the "Bynum party"—though Fenner claimed that his supporters had been kept from the polls by a false report circulated by the "Burges party," to the effect that he had withdrawn from the contest.

tended for those whom they fitted. He made another speech in the nature of a personal vindication, and there the matter seems to have ended. Nothing came of it.

Potter's success in the election of 1826 must have been in some way accidental. It did not mean that he had any real strength with the community as a whole, or with any part of it. In 1827 and in 1828 Jesse Bynum was elected, as he had been in 1823 and in 1824. And Robert Potter must have encountered some kind of cataclysm[4] immediately upon his return from his sensational career in the House of Commons of 1826-7; for by the middle of the year 1827 he had left Halifax and returned to Granville, his native county.

What were the causes or the circumstances of this sudden removal we do not certainly know; but he left Halifax in a heat of anger, even rage, which included in its range of resentment and malice the community at large and the members of the community in particular, not omitting his old Law preceptor, Thomas Burges. He had studied Law, it is said, in Mr. Burges's office; and in the *Tarboro' Free Press* of August 22, 1826, or thereabouts, his supporters are spoken of as "the Burges party." Though the conditions under which he took his departure are unknown, he has left a record of his feelings and temper. From some obscure quarter there appeared in July, 1827, a dingy, ill-printed pamphlet entitled, "The Head of Medusa, a Mock Heroic Poem, by Rienzi." It bears also on its title page, "Halifax,

[4] I cannot help thinking that the violent personalities and abuse in his speeches in the House of Commons, were the cause of his sudden downfall. Barringer, Alston, and Sawyer doubtless had friends, and they and their friends may have had friends or connections in Halifax. Indeed Willis Alston was a Halifax man, and that family has always been an influential one in that section. Doubtless it was their resentment, and the coöperation of those influenced by them, which procured Potter's downfall in Halifax.

North Carolina, July 14, 1827." It is a scurrilous, libelous, malicious, and mendacious performance, and a scandalous attack on Halifax and Halifax people in the mass and individually, designating some by at least part of their proper names, and in other ways plainly identifying to the people of that day the objects of his abuse. Except a few extracts copied from it, I have not seen this poem in fifty years. So far as I remember, only one family in Halifax is exempted from its stream of indiscriminate abuse, namely, the family of the deceased party leader, Willie Jones, spoken of as the family of "the Grove," the name of the Jones residence on the edge of the town.

I have seen but one copy of Potter's poem, nor have I ever heard of any other.[5] This unique copy was, when I saw it, in the possession of Judge Howard of Tarborough, bound up in a volume of miscellaneous pamphlets, most of them printed in his father's printing office in Halifax or in Tarborough in 1824-40. Judge Howard told me that his father had refused to print the poem on account of its scurrilous and libelous character, and that Potter had it surreptitiously set up at night and printed by apprentices in the printing office.

The tone and character of this poem are base, vulgar, in the highest degree offensive to decency and good taste, and abusive beyond all limits. But like most of Potter's efforts, it

[5] The volume of miscellaneous pamphlets including Potter's poem is now in the University of North Carolina Library at Chapel Hill. It has been put there by W. Stamps Howard of Tarborough, Judge Howard's son, who has also deposited in the same place files of the *Free Press* of Halifax, 1824-1826, and the *Tarboro' Free Press*—and the *Tarboro' Press*—1826, *et seq.*

Since writing this passage I have had some extracts from Potter's Satire sent me by my kinsman, Professor Roulhac Hamilton of the University of North Carolina.

shows power and virility and no mean facility in composition, indicating also some acquaintance with good literature, as well as familiarity with the bitter political libels of the years immediately preceding. The opening lines are good, though unfortunately their promise is not fulfilled by any subsequent passages.[6]

"Sad village! As along the winding shore
Of thy bold river I revolve thy fate:
Recall the splendors of thy days of yore,
And view thee now so low and desolate;
I muse in sorrow o'er the work of Time,
Whose scythe on thee so cruelly hath dealt;
Thy Eden once is now a land of crime,
And swindlers rule, where Chiefs and Sages dwelt,

[6] Below is part of the title-page of Potter's poem:

The Head of Medusa,
A Mock Heroic
Poem.
Founded on fact in which "The word is
suited to the phrase, and the phrase to the action
by
Rienzi
With Baked and Broiled, and Stewed and Toasted,
And Fried and Boiled, and Smoked and Roasted.

Then where's the wrong to gibbet high the name
Of fools and knaves, already dead to Shame.
Halifax, N. Carolina, 14 July, 1827."

The following is the Dedication of Potter's poem:

To
The Village,
Once distinguished for "Wit and Wisdom, Gaiety and Grace," but notorious now, as the Haunt of Swindlers, Liers, and Assassins, this Poem Descriptive of their Manners, Practices, Sentiments and Principles, is dedicated, with all imaginable contempt,
By
Rienzi.

No longer in thy hospitable halls
Wit, Grace, and Gallantry sustain their Court,
But low-bred, stupid churls make up the balls,
And pass the night in idiotic sport,
Here Faction broods, in dark and fiendish state,
Enthroned amidst her most devoted fools;[7]
The only object of their lives to hate,
Their only knowledge petty, party rules."

He concludes, after complimenting himself for enduring them with a patience which we know only from his own assertion, in a lighter strain!

"But 'tis passed: the struggle is o'er;—
The war in my bosom subsides;
And passion's strong current no more
Impels its impetuous tides.
I now can look back with a smile,
As I quit your pestiferous den;
Amused, that I once thought the while
It was peopled with hon'rable men.
And, as I would not be uncivil
In taking my leave of Hell,
And shaking the paw of the Devil,
I'll bid you a gentle farewell."

Upon Potter's return to Granville, his native county, having shot the Parthian arrow of his satire at his foes in Halifax, he plunged at once into a heated campaign as a candidate for the House of Commons from Granville, at the election of August, 1828. Mr. Thomas B. Hill was attending a preparatory school in Oxford during this campaign, and he described to me the popular enthusiasm created by Potter's

[7] Qu: Whether we should not read "tools" for "fools."

speaking.[8] He remembered seeing him making a speech to a crowd who were so violently excited by his impassioned oratory that at the close of his speech they took him on their shoulders and carried him around the streets.

The particular question at issue in this campaign, and stressed by Potter, was very proper for public consideration, namely, the financial condition of the country, and the responsibility of the banks therefor. But, as has so often been the case, the banks were blamed for conditions for which the people at large were quite as responsible as the banks. There was great financial distress, and the banks had been forced to suspend specie payments. Endeavoring to call in their loans, in order to meet their own obligations, the banks were accused of doing it to aggravate the popular distress, and to possess themselves of the property of their debtors. On this issue Potter was triumphantly elected and took his seat as a popular leader. He had made himself conspicuous in the preceding House of Commons by his bill to create the "Political College" and the controversies over it, and he now introduced a still more radical measure, one calculated to excite popular enthusiasm.

There were in 1828 only three banking corporations in the State—the State Bank, the Bank of Cape Fear, and the Bank of Newbern. These had many branches; and, for a number of years before the financial stringency began, there had been widespread popular demand for the multiplication of these branches and for increased issues of bank bills. Now the tide of popular feeling had turned, and the general financial distress was laid at the doors of the banks.

[8] I cannot be quite certain whether it was in this election of 1828, or in one of his later campaigns, that Mr. Hill witnessed the scene described.

The bill introduced into the House by Robert Potter instructed the Attorney General to bring an action of *Quo Warranto* against the banks, whereby their charters should be forfeited for having suspended specie payments; and, their charters being thus forfeited, their assets were to be vested in a committee of the Legislature, to be disposed of as might be further provided. There were many able men in the House of Commons, and there was an earnest and protracted debate by some of the strongest men in the State. Potter maintained his cause undismayed, and was assisted by some able and prominent men, Mr. Charles Fisher of Salisbury, Mr. Mendenhall of Guilford County, and his old enemy, Jesse Bynum, among others. But by far the greater number of the really first-rate men in the House naturally opposed so dangerous a proposition. Judge Gaston, Judge Nash, Mr. Hamilton C. Jones of Rowan, and Governor Swain, then representing Buncombe County, all spoke strongly against it. And among all these able speeches, that by Governor Swain is at this day by far the most interesting and valuable; for in it he gave a history of the banks in North Carolina, as bearing on the attack upon them by those who claimed in a special manner to represent the feelings and the interests of the great body of the people and above all the agricultural classes, against the moneyed interests. These popular leaders denounced the banks as having first flooded the country with paper money and stimulated expansion of enterprise by generous loans, and as then contracting their operations, calling in their loans, and creating an artificial stringency, that they might get possession of the property of their debtors. This was, in brief the argument against the banks.

Governor Swain undertook to show, by a history of bank-

ing in the State for the preceding quarter of a century, that the banks had vigorously resisted the large issues of paper money, and that they had been driven to it, against their protest, by the popular demand and by the representatives of the people in the General Assembly. He said that about twenty years before that date the charters of the banks had all about the same time expired by limitation. Upon their application for the renewal of their charters, they were met by a demand that they should greatly increase their capital stock, in order that they might increase their issues of bank bills. The banks all opposed this and were met by a refusal on the part of the General Assembly to renew their charters, except with greatly increased capital stock. The banks replied that all stock subscribed had to be paid for in specie, as upon their gold and silver reserves the banks had to base their issues of paper money; and they asserted that there was not enough gold and silver in the State to pay for the amounts of stock which they were required to have under their proposed new charters. This position does not seem to have been controverted; but the General Assembly proposed to allow a certain proportion of the stock to be paid for in paper money. The banks claimed that to issue bank bills upon a basis of stock paid for in paper money was to violate all sound financial principles. They were, however, helpless to resist the popular demand, as voiced in the General Assembly; and the increase of stock on this ruinous system, was forced upon them. Their charters were renewed on the express terms of increased capital stock, paid for in part in paper money, and the increased issue of bank bills, with the consequent temporary inflation of business, and then the inevitable reaction, the contraction of currency, and widespread bankruptcy and distress.

Potter's bill was fought out in the House of Commons with great earnestness and ability. On the third reading it had a majority of one vote in its favor. But, before declaring the result, Thomas Settle, the elder, Speaker of the House and member from Rockingham County, cast his vote against the bill; and then declared it to be lost for want of a majority vote, so near did Potter come to carrying through what would certainly have proved a ruinous and destructive measure. To have struck down every bank in the State would have been a financial disaster, with results that cannot be estimated.

Although he had failed to carry his bill through the House, Potter had established his position as a Tribune of the People; and in August, 1828, he was easily elected to Congress from his district, and served in the Congress of 1829-31. Wheeler, in his *History of North Carolina*, says that he was reëlected in 1830, "without opposition." But in the summer of 1831 he committed the atrocious crime which has ever since been associated with his name in this State. On Sunday, August 28, he mutilated two Granville County preachers, against whom, in the opinion of the leading people of the county, he had no just ground of complaint. For these offenses he was indicted and convicted in the Superior Court of Granville, and was sentenced, in one case to two years' imprisonment, and in the other case to a fine of one thousand dollars. So great was his popularity and influence among the county people, that it was not thought safe to confine him in the gaol in Oxford. He was therefore sentenced to serve his term in the gaol at Hillsboro, in the adjoining county of Orange.[9]

[9] In August, 1831, the offense of which Potter was convicted was only a misdemeanor, punishable with fine and imprisonment in the discretion of the

Potter complained bitterly of what he considered the injustice of his treatment by the Court and by the more influential class of citizens. From the Hillsboro gaol he sent out an "Address etc. To the People of Granville County." It is a pamphlet of eighty-six pages, in fine print, seven by five inches in size, written, naturally, with great bitterness of feeling, justifying his conduct under a provocation, of which he claimed to have positive evidence, and alleging that both the committing magistrate and the Superior Court judge had denied him his constitutional and legal rights and had procured his conviction by the most scandalous abuse of their power. The presiding judge was the Honorable Robert Strange, a man of high personal character as well as of eminent attainments in his profession. But in the jaundiced eyes of Potter all were leagued against him to put him down by any available method of perverting justice. "Mr. Justice Strange who is certainly a Strange Mr. Justice," is one of Potter's references to the Judge. One of the most curious passages in this Address is a strong and convincing protest against the divisions among Christians and

Court. That same year the Legislature made it a capital felony, punishable with death. This continued until 1868, when the penalty was reduced to imprisonment, for not less than five years, nor more than sixty years. It is believed that only one man suffered the penalty prescribed in the Act of 1831. In Cumberland County a man was indicted for this offense, committed on a young lad, a feeble and poorly developed boy. The perpetrator of the assault intended to commit the crime as specified in the Act, and believed that he had accomplished his purpose. An ignorant country doctor, who treated the boy, testified that the criminal purpose had been effected. The man accused was therefore convicted by the jury, was sentenced, and was hanged. But as the boy grew up and developed, it became evident that the man had failed in his attempt, and the boy had not been seriously injured. My authority for the foregoing account is a written statement by the late John D. Cameron, son of Judge John E. Cameron, of Fayetteville.

the prevalence of the sectarian spirit, enforced by apt and striking quotations from the Gospel. With the violence and rancor which seem to have been characteristic of Potter's style, the Address is yet an able and effective presentation of his case. If one could feel reliance upon his word, it would go far towards enlisting our sympathy and justifying his act, upon his own principles. With the more ignorant people of the county it must have reëstablished him in their confidence; and this soon became apparent in the election of August, 1834; for at that election he was chosen a member of the House of Commons of 1834-35.

The common tradition is that he was still in prison when thus elected. I have, however, in my possession a MS. letter dated Sept. 4, 1834, and addressed to the "Hon. William T. Barry, Postmaster General," which seems to imply that he had been released shortly before the election. The opening sentences of this letter are interesting:

"Sir: The political connection existing between us will, I trust, be a sufficient apology for this communication. Fame must already have acquainted you with my misfortunes, yet on returning to the bosom of my old constituents, after nearly three years' imprisonment,[9a] they have generously sustained me, in their late election, for a seat in our next General Assembly."

This would seem to imply that his return to his constituents was before their action in electing him; though

[9a] This statement bears out, or, at least, agrees with, the complaint made in his "Address to the people of Granville" that he was denied bail by the committing magistrate and kept in prison from his original apprehension until his trial. As his sentence was for only two years, the time he was confined before his trial must have been for some months. He would hardly have stated in a letter to the Postmaster General that he had been for nearly three years in prison, if it had been notoriously false.

this implication may not seem to some sufficient to discredit the common tradition.

It is said that the Grand Jury of Orange County indicted Potter for a libel, after the publication of his Address, but, if so, it does not seem to have been pressed to a trial, possibly because Potter so soon left the State.

There is also a tradition that while imprisoned in Hillsboro he would talk from the window to the people gathered outside to see so extraordinary a criminal, and that he aroused much popular sympathy among them. Some years ago, in looking through old papers in the courthouse in Hillsboro, I came upon a bundle of "Presentments" by the Grand Jury. Looking through them I found one in which the Grand Jury had presented the sheriff of the county, for that he had removed Robert Potter, a criminal convict, from the criminal side of the prison to the civil side. The sheriff is in closer touch with the people than any other county official; and this action of the sheriff seems to give some color to the tradition that during his imprisonment in Hillsboro Potter had contrived to make favor with the people of the county.

After he had served his term of imprisonment, there remained the fine of one thousand dollars imposed as penalty in the other case. Being unable to pay it he was desirous of taking the insolvent debtor's oath and thus freeing himself from further confinement. This plea of insolvency was required to be made in open court, and *in propria persona*, and not by attorney. But in Potter's case the Solicitor General, John Scott, of Hillsboro, moved for a special rule to allow the plea to be made by attorney, alleging that he feared to bring Potter into open court, as it might cause popular tumult and violence. This might be understood to

mean attempts against Potter, except for the fact that he had been elected again by the people of Granville to represent that county in the House of Commons.

This was in 1834. In that year Judge William H. Battle, then a young man, represented Franklin County in the House of Commons. During the last year of his life, 1878-79, Judge Battle was my parishioner in Chapel Hill. He remembered the discussions in the House when Potter, fresh from the Hillsboro gaol, appeared to take his seat. He said the general feeling was of indignation that a man stained with so horrid a crime should presume to appear among them, and it was argued that the House, being judge of the fitness of its members, should refuse to allow him to take his seat. To this it was replied that, had the act been committed after his election, the House might well exclude him upon the presumption that the people of Granville would not have chosen such a representative, had they understood his true character. It was further argued that had the election been held before his conviction and sentence, in that case the House might have refused him his seat, upon the theory that the people believed him to be innocent and had elected him in that belief. But the act had been committed before the election, it had been judicially ascertained, and a sentence had been imposed. Yet, after all this, the people of Granville had seen fit to choose him as their representative. To exclude him would be to require a qualification which the Constitution did not require, and to deprive the people of the right to elect the man of their choice. These arguments seemed good, and Robert Potter took his seat as one of the members for Granville County.

But his career was brief. On Christmas night about nine

or ten o'clock he and a man named Cotten (I think it was R. C. Cotten; and I have heard of him as "Carney Cotten," a member of the House from Chatham County), sat down to a game of cards, a gambling game called "Thirteen the Odd." Stakes were high, and after a few hours Cotten had won all Potter's money. Potter said he would get more, and went off and returned with a new supply. After some hours Cotten had again stripped him. A new supply was again obtained. The hour was now very late—or rather, very early. The struggle was protracted until eight or nine o'clock the following morning, when Potter had been completely exhausted of funds. The money lay piled high on the table between them. Swearing a great oath that no rascal should cheat him, Potter suddenly seized the money and crammed it into his pockets. Cotten sprang upon him, the table was overturned, and there was a desperate struggle. Finally Potter drew a pistol and held Cotten off with it; and thus got off with his booty.

The matter was brought to the attention of the House, and a committee of investigation was appointed, of which Edward B. Dudley, afterwards Governor, was the leading member. This committee reported the facts as above stated, and brought in a resolution that Potter be expelled. This was opposed by some on the ground that, if the House should undertake to investigate the private character of its members, it would be hard to say just where such an investigation should stop. Finally, however, a vote was taken, the roll was called, and sixty-two members voted for expulsion, and forty-two against; so the resolution was adopted by a majority of twenty, January 2, 1835.

This matter was mentioned very briefly in the Raleigh

newspapers of the day; it was necessarily included in their reports of the daily proceedings of the House and is noticed as news, but with no details. These can be obtained only from the official Journals of the House. One of the newspapers, however, does say that the resolution would probably not have been adopted "but for other matters," alluding doubtless to the offenses for which Potter had been imprisoned and fined. It is also mentioned that Potter had expressed his purpose of leaving the State.

It is not impossible that Potter had already been considering some scheme of emigration. In a letter to a friend, James M. Wiggins, postmaster at Oxford, dated September 2, 1834, he writes: "Wiggins, that part of your letter which related to myself was a treasure: when I read that part where you proposed for me to seek out some new and peaceful situation, and that you would all rally around me and contribute as far as in you lay to my happiness, it warmed up my whole heart and thrilled through every nerve. I know, my dear Wiggins, that in a new and unprejudiced community, I could do much for myself, and much for you and our other connections who should settle, or in your phrase rally around me. I feel too, nay I know, I could be happy in such a situation, but duty, duty, and honor imperiously forbid it. I have not time to unfold myself to you just now, but I have in contemplation a plan which, if the spirit of liberty is not entirely dead among the people of poor old North Carolina, will enable me yet to rouse them."

We should like to know what that new plan was by which Potter proposed "to rouse" the people of North Carolina. If his career in the Legislature of 1834-35 had not been prematurely cut short by his expulsion, he might have

startled the State with another original and radical scheme, as he had twice done before.

Potter next appears upon the scene in the stormy days of the young republic of Texas, as a leading spirit in the birth struggles of the new commonwealth. Within fifteen months of his expulsion from the Legislature of North Carolina, for conduct disgraceful and unpardonable even among professional gamblers and profligates, Robert Potter was a member of the Texas Congress from the district of Nacogdoches; signed the Declaration of Independence of March 2, 1836,[10] was one of the signers of the Constitution,[11] March 17; and on March 18, upon the formation of the "Government *ad interim*," Robert Potter, "formerly Member of Congress from North Carolina," was made Secretary of the Navy.[12]

This position he held but a short time. Within a few weeks another appointment was made during Potter's absence, and his name does not again appear in this connection.

At a Cabinet meeting, shortly after the Battle of San Jacinto, during Potter's brief term of service, he and Lamar, the Secretary of War, strenuously opposed making any treaty with Santa Anna. They asserted that he was utterly perfidious and, by his conduct in connection with the massacre of Fannin's whole command in cold blood after they had

[10] L. T. Pease, p. 303.

[11] *Ibid.*, p. 319.

[12] I have seen it stated that Potter was in the Battle of San Jacinto. For some year during the latter part of his life I knew Governor Peter Bell, one of the early governors of Texas. He had himself fought in the Battle of San Jacinto. He assured me that Robert Potter was not present in that fight.

In fact, though a man of violent temper, turbulent and vindictive, Robert Potter did not have, either in North Carolina or in Texas, the reputation of being a man of cool and clean courage.

surrendered as prisoners of war, as well as in other matters, he had shown himself unworthy of being treated with. They also held that Santa Anna, being a prisoner in the hands of the Texans, could make no treaty which would bind the Mexican Government. When the treaty was finally concluded, Potter and Lamar refused to sign it. In a letter explaining his position Potter wrote, "It is my clear conviction, therefore, that Santa Anna and his officers should be hanged, and the privates condemned to servitude for life."[13]

Among my parishioners in St. Peter's Church, Charlotte, was Colonel William R. Myers. When a young man he had lived for some years in Texas and had a plantation on Lake Caddo, adjoining the plantation which had belonged to Robert Potter. Potter had been dead but a few years when Colonel Myers settled there, and his character and the circumstances of his later years and of his death were matters of common knowledge in that section. Colonel Myers was an intelligent and well educated man. He seemed to have full knowledge and a clear memory of the matters of which he spoke; and I am sure that I remember accurately what I learned from him.

According to Colonel Myers, there was a man in the Texan army by the name of Page, who with his wife had come from one of the States north of the Ohio River. Mrs. Page was anxious to return to her former home. Learning that Mr. Potter, Secretary of the Navy, was going on a government vessel from Galveston to New Orleans, Page obtained permission for his wife to go on the same vessel to New Orleans, that she might find passage up the river to her home.

Before reaching New Orleans Potter had induced her to

[13] John Henry Brown, *History of Texas*, II, 65.

leave her husband and to go with him. He took her to his plantation on Lake Caddo, where she remained with him and had several children by him.[14]

After a time Potter had some difficulty with a man by the name of Rose,[15] living in the same section. The feeling became quite bitter between them. One day as Rose was with his Negroes in his low-grounds some distance from his house, engaged in clearing the land and burning brush, he saw Potter with a band of his friends ride up to the house, which, being on a slight elevation, was visible for a considerable distance. Feeling sure that Potter sought his life, Rose hid under a brushheap, of which there were a great number all through the low-grounds, and told the Negroes that if Mr. Potter came and inquired for him, they should say that Mr. Rose was quite near by—that they had seen him but a few minutes before. Rose feared that, if the Negroes should say that they did not know where Mr. Rose was, Potter would threaten to shoot them and thus terrify them into revealing

[14] In the *Marshall Standard,* published in Marshall, Texas, of date Oct. 8, 1910, is an article by J. W. Lively, which gives an entirely different account of Potter's connection with the woman, who is called in that article Potter's "common law wife." But that writer shows himself to be entirely ignorant of the facts of Potter's life, except such general circumstances of his political career as appear in the published histories of Texas. He says, for example, that Potter had served four terms in Congress from North Carolina; that he "fought by Houston's side in the Battle of San Jacinto," *etc.*

It appears in the Reports of the Texas Supreme Court that Potter did not even call the woman his wife, but always spoke of her as "Mrs. Page," and left her property by his will under that name.

[15] The Rev. George L. Crockett of San Augustine, Texas, writes me, June 16, 1925, that: "Rose, his [i.e., Potter's] opponent, once lived in San Augustine County and was instrumental in planting the first Baptist Church in East Texas. He then lived in Nacogdoches County, adjoining this, and afterwards moved to Caddo Lake region."

his hiding place. But if the Negroes should meet his questions with the frank admission that their master was near by, and should appear to make no effort to evade his inquiries, he hoped that Potter might believe them and think that he had managed to slip off unseen into the neighboring thickets. The scheme was successful, and Potter and his party, not finding the man whom they sought, went off.

Rose knew that the matter had come to the pass that Potter would kill him, or he must kill Potter. The following night, therefore, Rose got his friends together and proceeded to Potter's house. Though the house was made secure against such attacks so far as was possible, they succeeded in breaking in. They seized Potter and took him some distance from the house. They told him they would give him fifty yards' start, and if he could escape he might go; but if they caught him, they would kill him. They were not far from Lake Caddo. Potter succeeded in reaching the lake ahead of his pursuers. He sprang from a low bluff into the lake and dived. Rose and his party were close behind. As Potter rose to the surface of the lake, they fired upon him and killed him in the water! Thus Colonel Myers.

In his *American Notes*, Charles Dickens, illustrating his comments on lawlessness in the United States, gives, among others, this item, which he had clipped from a newspaper:

"From the Caddo Gazette, of the 12 inst., we learn the frightful death of Colonel Robert Potter. . . . He was beset in his house by an enemy, named Rose. He sprang from his couch, seized his gun, and, in his night-clothes, rushed from the house. For about two hundred yards his speed seemed to defy his pursuers; but, getting entangled in a thicket, he was captured, Rose told him that he intended to act a

generous part, and give him a chance for his life. He then told Potter he might run, and he should not be interrupted till he reached a certain distance. Potter started at the word of command, and before a gun was fired he had reached the lake. His first impulse was to jump in the water and dive for it, which he did. Rose was close behind him, and formed his men on the bank ready to shoot him as he rose. In a few seconds he came up to breathe; and scarce had his head reached the surface of the water, when it was completely riddled with the shot of their guns, and he sank, to rise no more."

The *Congressional Dictionary,* in a brief biographical note, gives as the date of his death April 1, 1842.[16] It also says that he served in the United States Navy from 1815 to 1821. As he says in his speech in 1827, quoted on a preceding page, that he was in the Navy from his fifteenth to his twenty-first year, this would show that he was born in the year 1800. This is the only note of his age that I have seen. I cannot help suspecting, however, that the writer of the biographical sketch confounded the years of his age in his statement of the term of his service, with the years of the century.[17] If he was only forty-two years old at the time

[16] In the case of Lewis and McGinnis vs. Ames, Texas Reports 44, p. 319, the date of Potter's death is given as March 2, 1842.

The name of the husband of the woman whom Potter lived with on his Red River plantation, is given as Solomon Page. It is said that he was in the Texan Army with Houston, and that Potter "took her [Mrs. Page] on his boat." This is mentioned as occurring after March 2, 1836. The facts stated judicially in this case fully confirm the account given me by Colonel William R. Myers, as far as they go; and they entirely refute the story of the "common-law wife" of Potter, given by J. W. Lively—in the *Marshall Standard,* quoted in a former note.

[17] Since writing this page I have read again, or rather, have carefully read through for the first time, Potter's Address to the people of Granville County, published in the latter part of 1832, when he was serving his term of imprisonment in the gaol at Hillsboro. In this he says that when barely fifteen years old he entered into the service of the Government but was too late to take any part in the war. So he must have entered the Navy not earlier than 1814—which would put his birth about 1800. This seems to confirm the dates in the *Congressional Dictionary.*

of his death he had indeed crowded a wonderful series of achievements and catastrophes into his few years. He was unquestionably a man of genius, but apparently subject to the sway of malignant passions, which impaired his judgment and amounted to a kind of insanity. He could go, but he was not able to stand.

THE SOLICITOR GENERAL

Few of our people remember that there was formerly a Solicitor General of North Carolina, as well as an Attorney General. A good many years ago I read an article by the late Colonel Burr of Wilmington, giving some account of the life and character of Edward Jones of Rock Rest, Chatham County, in which it was stated that Mr. Jones had been the only Solicitor General of this State; that the office had been created for him; and that it had ceased with him. I did not think such a statement could be true. I did not believe that such an office would have been created for any man; and as Mr. Jones, when he became Solicitor General, probably about the middle of the year 1791, was a comparatively young man, a recent arrival in this State, and with only about three years' experience at the Bar, I could not believe that so important a public office could have been created for him. Inquiries directed to the most eminent members of the Bar in Charlotte, where I then resided, revealed an absolute ignorance that such an office had ever existed in this State. Surprised at this I became more interested in my endeavors to find out something about it. It seemed strange that such a law officer of the State should have been entirely forgotten. My first clue I found in the "List of Subscribers," to Judge Iredell's great folio of *The Laws of the State of North Carolina,* published in 1791. In this interesting list of North Carolina people, I found the names of "Alfred Moore, Attorney General," and immediately following, "John Haywood, Solicitor General." No one could suppose that Judge Iredell would not know the law officers of the State; so my

first discovery showed that Mr. Edward Jones had not been the only Solicitor General nor the first who had held that office.

But it took time and some trouble to unravel the question and to arrive at a full understanding of the matter; and I had to spend a good deal of labor in looking over the old statutes and examining the proceedings of the General Assembly.

The Constitution of 1776 provided that three judges sitting together should hold two terms of the Superior Court each year in the district towns of Wilmington, Newbern, Edenton, Halifax, Hillsboro and Salisbury. It also provided that an Attorney General should be appointed to represent the State in these courts. In 1782 the increasing population of the West necessitated some court nearer to them than Salisbury; so a new district was created, the "District of Morgan," and two terms of the court were to be held in Morganton every year. In 1787 the increasing population and business of the Upper Cape Fear section required the erection of the new district of Fayetteville, making eight districts in all. Upon the creation of this eighth district it became impossible for one set of judges to hold two terms of court each year in so many places so separated, and with the poor facilities for communication and travel of that day. The Act of 1790 C. 3, therefore, divided the State into "Ridings," the East Riding including the towns of Wilmington, Newbern, Edenton, and Halifax; and the West Riding taking in the towns of Hillsboro, Fayetteville, Salisbury, and Morganton. The act further provided that a Solicitor General should be appointed by the General Assembly, "a man of abilities, integrity, and learned in the law,"

who should "have the same power, and be under the same restrictions, and have the same allowances and fees as the Attorney General of this State."

In addition to the three judges already in office, a fourth was elected, Spruce McKay (pronounced McKoy) of Salisbury. They were directed to arrange matters among themselves, so that two judges should be assigned to hold the courts in each Riding, and that such a rotation should be observed as would send each one of their number regularly around the whole State. The Attorney General and the Solicitor General were also to arrange between themselves which Riding each should take, but they were not required to change.

Alfred Moore was then the Attorney General. On December 11, 1790, John Haywood was elected Solicitor General, being at that time clerk of the House of Commons.

This new "Court Law" caused much discussion and some dissatisfaction. General William R. Davie and Alfred Moore seem to have been strongly opposed to it and spoke of making an effort to secure its repeal by the General Assembly of the following year. What General Davie's objection was I do not know. Alfred Moore considered the election of a Solicitor General an invasion of his rights. He was an officer of the State under the Constitution, entitled to represent the State in the Superior Courts of the State. He claimed that the election of a Solicitor General, to represent the State in the Superior Courts, was an infringement of his constitutional rights. How he could represent the State in two different courts in places far apart, it is hard to understand, unless he proposed to be represented by a deputy. However, he soon settled the difficulty by resigning; and some time about the

middle of the year 1791 John Haywood was appointed Attorney General in his place, and Edward Jones, then of Wilmington, was appointed Solicitor General, being thus the second person to hold the office.

The judges and law officers of the state were at that time appointed by the General Assembly, to continue in office *dum bene gesserint;* and Mr. Jones continued Solicitor General for nearly forty years. He was a man of culture and ability, of a distinguished Irish family, numbering among his direct ancestors Bishop Jeremy Taylor, and he was the younger brother of Willam Todd Jones, a noted Irish politician of the last part of the eighteenth century. But, like most eminent Irishmen of those days, he was of pure Anglo-Saxon lineage and a member of the Episcopal Church.[1] For some years there was nothing in our laws which gave the Attorney General any superiority of distinction above the Solicitor General, except the fact that the former was a constitutional official, and also the tradition of the Bar, derived from the English system, which made the Attorney General the higher officer. But the gradual development of our judicial system in a few years brought about the same condition, assigning the Solicitor General to a distinctly lower position and eventually eliminating the office altogether.

The year 1799 brought the first real improvement in our judicial system. Frauds, discovered or suspected, in the office of the Secretary of State, called for special measures of

[1] It is an interesting fact that of all the great Irish leaders of the eighteenth and early part of the nineteenth centuries, not one, until we come to Daniel O'Connell, was of Irish blood or a Roman Catholic in religion. Even Parnell was of English blood and of the Church of England, in our own day.

investigation; and doubtless both the Bench and the Bar had been feeling the inconvenience of having no provision for reviewing the decisions of the Superior Court, upon the many perplexing questions which must necessarily have arisen in passing through such political and economic changes as marked the close of the eighteenth century and the beginning of the nineteenth. The act of 1799 C. 4, therefore, directed the judges of the Superior Court of both Ridings to meet in Raleigh, "to settle questions of Law and Equity arising on the Circuit, and to provide for the trial of all persons concerned in certain frauds." This act was to continue in force for two years, but so far as concerned the "Court of Conference," it was continued in force, by legislative enactment, until the creation of the Supreme Court. This act provided that both the Attorney General and the Solicitor General should represent the State in this "Court of Conference," as it was called. Probably each of them followed his own cases to this court, as other lawyers would do.

Thus matters continued until, by a gradual evolution, the Court of Conference became the Supreme Court in 1805. In 1806 the old district town system was abandoned, and the State was divided into six judicial districts. Two additional judges were elected, and it was provided that one judge should hold two terms of the Superior Court in each county each year, riding the several districts in regular rotation. Also four additional solicitors were appointed for the first, second, fifth, and sixth districts; and it was provided that the Attorney General should represent the State in the third district, and the Solicitor General in the fourth.[2] This seemed

[2] Some years before this time Mr. Jones had removed from Wilmington to Chatham County, where he spent the rest of his life; so that he now resided in the fourth district.

to leave the Attorney General and the Solicitor General in the same position as the solicitors representing the State in the other districts. But in 1810 the Supreme Court was authorized to elect one of their number to preside over the Court, with the title of Chief Justice; and it was further enacted that, "it shall be the duty of the Attorney General to attend the said Court at their several sittings, for the purpose of managing the business on the part of the State," and he is allowed a compensation of twenty pounds for this additional duty. This provision in the act of 1810 put the Attorney General distinctly above the Solicitor General and rescued the former officer from the fate which now befell the latter, of being merely the solicitor for the State in his district, with no distinction above the solicitors of the other districts, except in name.[3]

It was within the power of the General Assembly, in thus rearranging our system of courts, to have abolished the office of Solicitor General. But Mr. Jones's high personal character, his professional reputation, and his universal popularity probably made the members of the General Assembly reluctant to do so. Mr. Jones continued to hold the office until failing powers brought about his resignation in 1827. December 19, 1827, John Scott, of Hillsboro, was elected to succeed him and held the office until the year 1835. In the Revised Statutes of 1835, no mention is made of such an office. It seems to have been silently dropped out.

But the solicitor in the district and in the counties which had been served by the Solicitor General, continued to be called the "Solicitor General" for many years; in fact, down

[3] The Attorney General at this time was, I think, Henry Seawell of Wake, in the third district.

to the year 1868, when "all things were made new," by our wonderful Reconstruction Convention, under the leadership of Tourgée and other unselfish patriots from the North;[4] and now few lawyers remember that there was ever such a law officer of North Carolina as a Solicitor General.

The Attorney General, being the solicitor of the Raleigh district, as well as representing the State in his higher capacity as Attorney General, was usually elected from the Raleigh district, in which he acted as solicitor; and the office did not have that state-wide prominence now accorded to it in our political life. It was not usually sought by men of other districts. Hence many young men of talent obtained the position at an age when they would probably not have been able to do so had it been considered, as at present, one of the great offices of the State, to be sought by eminent members of the Bar from all sections.

[4] Mr. Poindexter of Stokes County, was for many years solicitor in the district, part of which had formerly been in the fourth district, and was commonly called "General Poindexter," as being still considered to be the Solicitor General. He held the office so long that some of the more ignorant of the people confounded his name with the name of his office and upon hearing of his death inquired anxiously, "Who will be Pinedexter now?"

JAMES GLASGOW

Our first Secretary of State, James Glasgow, held the office from the formation of the state government, in 1776, until the year 1798, when he was turned out of office for fraudulent practices in connection with the issuing of land grants, under an act of our General Assembly giving land bounties to our Revolutionary soldiers.

When North Carolina ceded all her western territory to the general government, from the Alleghany Mountains to the Mississippi River, she retained the property right in a considerable part of the ceded territory, for bounty lands for her Revolutionary veterans. A certain number of acres was allowed to each man according to his rank and term of service. Land offices were established for issuing warrants and having surveys made of such lands—one in North Carolina under John Armstrong, and one in Tennessee under Martin Armstrong.

The method of taking advantage of this provision was for the person entitled to the bounty, or his representative or assignee, to obtain a warrant for the number of acres to which he was entitled and to have his claim surveyed and laid off for him in the unoccupied lands appropriated for such bounty. The warrant and survey being then returned to the office of the Secretary of State, a deed, called a grant, when made by the State, was issued, signed by the Governor, and countersigned by the Secretary of State.

Glasgow was charged with participating in the issue of fraudulent warrants and grants for these military bounty lands.

Two methods were employed in these cases. One was, to forge an assignment of a bounty right in the name of some obscure person on the muster-rolls, who had disappeared or had died without known representatives; to obtain a warrant on this forged assignment; and then in regular course to have a grant issued from the Secretary's office, where no care was exercised to expose the fraudulent transaction. Another method was, to obtain a genuine and proper warrant for a small number of acres; and by a fraudulent survey to obtain a tract much larger than the warrant called for. This was easily managed by an unprincipled surveyor. The lines of the survey might follow the "calls" of the warrant, and yet, by running the lines from one fixed and definite point to another, "fifty poles more or less" could easily be made seventy-five or a hundred poles; as, when a definite *terminus* is called for, the line must go to that point, whatever be the measured length. By these methods—forgery and false surveys—great frauds had been perpetrated to the dishonor and loss of the State.

In 1797 these frauds were discussed in the General Assembly. The next year Glasgow was turned out of office. In November, 1799, an act was passed authorizing the judges of the Superior Court to meet in Raleigh for certain purposes mentioned; and the same act empowered the governor to issue his commission to the judges, requiring them to investigate alleged fraudulent practices in the office of the Secretary of State; and also in the land offices of John Armstrong and of Martin Armstrong.

In the meantime the Attorney General, Blake Baker, had begun to bestir himself. Glasgow's home was in Glasgow County, a county named in his honor. In 1799, the year

after his dismissal from office, the name of the county was changed to Greene. Before the act of 1799 was passed, authorizing the governor to issue his commission for a Court of Oyer and Terminer to be held in Raleigh to investigate these frauds, the Attorney General had prepared bills of indictment against Glasgow in the Newbern district, at the September term 1799. Whether the Grand Jury went into the investigation and returned true bills, I do not know; but I have in my possession MS. copies of two bills prepared by Blake Baker, Attorney General, of the same general character as the indictment on which Glasgow was afterward tried, June, 1800, in Raleigh, though perhaps not altogether so full and elaborate in setting forth the facts charged.

Blake Baker had succeeded Judge Haywood in the office of Attorney General. The tradition of the Bar, as I heard it from my elders when I was a young man in Tarborough, is that, being anxious to avoid any possible error in drawing the bill of indictment in this important case, and Judge Haywood being recognized as the greatest Common Law Judge on the Bench at that time, the Attorney General conferred with Judge Haywood and prepared the bill of indictment, with the advantage of that great lawyer's advice and co-operation.

Glasgow had been one of the most highly esteemed men in the State. It was a dreadful shock to his friends, and to the people generally, when it began to seem impossible to think him ignorant of the frauds which had been traced to his office.

In this time of excitement on the subject, a confidential messenger, sent to the governor all the way from Nashville by two of the Tennessee judges, gave secret information that

an attempt would be made to burn the records in the Secretary of State's office. A watch was accordingly set, and a few nights later a Negro was caught breaking into the room where the records were kept. The Negro belonged to one Terrell, a clerk in Glasgow's office and himself the chief subordinate implicated in the frauds. Shortly after this Terrell escaped and disappeared.

Finding himself thus involved in the toils of the law, Glasgow turned to the law to save him. The governor's commission had named McKay, Johnston, Taylor (afterwards Chief Justice), and Haywood, as the judges to hold the court, or any two of them. Of the four, Haywood was accounted the ablest and most astute in all the learning and intricacies of the Common Law, and especially in its criminal procedure. To him Glasgow turned, as to his only hope. Eleven days before the trial he sought him, perhaps in his summer home in Franklin County, about five or six miles north of Louisburg. He went to him secretly at night and poured out on the table before him a thousand Spanish milled dollars! This he offered as a fee if Haywood would resign his seat on the Bench, and appear as his counsel in the trial. I suppose such a fee had seldom up to that time been paid to any lawyer in North Carolina. Haywood accepted the proposition, resigned his seat on the Bench, and appeared before the court as counsel for the prisoner at the bar.

But nothing could save Glasgow. He was convicted on two counts in the bill of indictment.

After the verdict Judge Haywood moved in Arrest of Judgment and assigned fifteen errors in the bill of indictment, which, according to the tradition, he had helped the Attorney General to draw. But he had made his work too

good to be overthrown. The judgment stood.

Many years ago I read in Governor Swain's "Tucker Hall Address" his very interesting account of this famous Glasgow trial. How much of what I have been saying I got from Governor Swain, I do not know—perhaps most of it. I think I remember that he seemed to speak rather slightingly of the Attorney General and said that Mr. Edward Jones, the Solicitor General, was more relied on in the prosecution of Glasgow than the Attorney General. He is a rash man who will differ with Governor Swain in a matter of North Carolina traditions; yet I venture to do so in this case. In the first place, Governor Swain does not speak confidently, as from a clear conviction or positive information. As I remember, he throws out the remark as a sort of suggestion, a mere impression. Now Blake Baker, the Attorney General, held the superior official position, by all the traditions of the profession; and, though at that time our laws made no distinction between them, yet only a few years later, upon the establishment of the Supreme Court, this superiority was recognized. Moreover, Blake Baker was a lawyer of ability and experience, who for years had been in daily contact with the ablest lawyers of that day in the State. In the Eastern Riding, where he represented the State, Iredell, Johnston, Davie, Moore and Haywood had been his associates and his antagonists in forensic struggles. A man who had maintained himself with credit among such associates, in succeeding to the office which Haywood, Avery, Moore, and Iredell had held before him, was not likely to take a second place in such a case as this, especially as by all the traditions of the Bar he was the leader.

Further, we are to consider, what Governor Swain did not

know, namely, that before the Act of the Assembly had provided for the investigation and trial of the parties concerned in these frauds, Blake Baker, as Attorney General, had been preparing to prosecute Glasgow in the courts of his own district. All these things taken together make it impossible for me to follow Governor Swain's slight suggestion. Edward Jones was an Irishman of culture and genius. It is quite probable that his brilliant qualities made a popular impression and left a memory which seemed to make him the leading and most effective man in the prosecution. But, as Attorney General, Blake Baker, it seems to me, is entitled to the honor of being the chief agent in the prosecution and conviction of our unfortunate first Secretary of State.

I have not seen the rare tract by Judge Duncan Cameron, the Clerk of the Court, in which he gives a history of the trial. But I have a strong impression that I have somewhere seen the statement, that it was the Attorney General, and the Attorney General alone, who argued the case for the State, when, after the verdict of guilty had been rendered, Judge Haywood made his last tremendous onslaught, with his motion in Arrest of Judgment, based on fifteen alleged errors in the bill of indictment, in the drawing of which he himself had been consulted.

I have heard, or read somewhere, perhaps in Governor Swain's "Tucker Hall Address," that John Armstrong, who had the office of State Land Agent in North Carolina, when the prosecution for these frauds had been begun, or perhaps during the preceding investigations, one morning mounted his horse, summoned his pack of foxhounds with the blast of his hunting horn, and rode off from home, as if upon a fox hunt, as he was in the habit of doing. But

this time he did not return; and nothing was ever certainly known of him afterwards.

A year or two later his wife removed also, without acquainting anyone with her purpose or her destination.

JUDGE JOHN HAYWOOD

By the members of the Bar in the first part of the nineteenth century Judge John Haywood was commonly regarded as among the greatest lawyers of North Carolina. This estimate of him has been recorded in more than one of the decisions of our Supreme Court, if I am not mistaken. Judge William H. Battle of the Supreme Court, told me that when he was studying law at Williamsboro with Chief Justice Leonard Henderson, that eminent authority used to say that in the sub-Revolutionary period, covering the last years of the eighteenth century and the opening years of the nineteenth, the three greatest Common Lawyers of America were Theophilus Parsons of Massachusetts, Luther Martin of Maryland, and John Haywood of North Carolina. My first law preceptor, the late William K. Ruffin of Hillsboro, eldest son of Chief Justice Ruffin, and himself a lawyer every way worthy of his name, recommended to me the study of Coke on Littleton, by the example of Judge Haywood, who, he would say, knew very little but Coke on Littleton and yet was the greatest lawyer North Carolina had ever produced. By the greatest lawyer he meant not merely great in the exposition and application of legal principles and in the conduct of legal and judicial business, but greatest by reason of the position which he held and the influence he exerted in the development of our jurisprudence. In the opinion of Mr. Ruffin, Judge Haywood had had a greater share than any other man in influencing, directing, and developing judicial decisions, during that critical period when it had to be considered and determined in what manner,

and in what degree, the principles and methods of the Common Law should be modified or changed, in order that they might be incorporated into the fabric of our civil and political life.

One of the most interesting and valuable of our North Carolina Law Reports is the small volume known as *First Haywood*. In looking over it one is struck with the contrast between its reports of cases and those of later volumes. In this difference may be seen how a lawyer at the Bar in that day might influence the development of legal opinion in the profession and thereby the course of judicial decisions. It is no disparagement of the judges who presided in our highest Courts when Judge Haywood began practise before them, to say that, as lawyers, they were by no means the equals of the leaders of the Bar. Ashe, Spencer, and Williams were doubtless better lawyers than Archibald Maclaine thought them, but they were far from being such as Iredell, Hooper, Johnston, Avery, Moore, Davie, Maclaine and Haywood. And this superiority of the Bar is curiously reflected in the earliest volumes of our Law Reports. In *First Haywood*, for example, it is interesting and significant to observe, that in cases where the decision of the Court is summed up in less than a dozen lines, the arguments of counsel, their discussions and elucidations of the principles of law involved in the case, from their opposite points of view, often run to double that number of pages. It is plain, therefore, that in these reports it was the arguments of counsel which were the means of educating and influencing succeeding generations of lawyers, and so of directing the course of judicial decisions, rather than the opinion of the Court. In these early cases the Court usually did little more

than decide the particular point raised, one way or the other. The reasons upon which the decision rested and the grounds upon which a contrary decision had been urged and might be defended, are to be found, not in the opinion given by the judges, but in the argument of counsel. This peculiar condition, manifest in the very form of our early reports, helps us to understand how a man, only about six years on the Bench, could exert so great an influence and retain so great a place in the judicial history of the State.

Why did Judge Haywood leave North Carolina and remove to Tennessee, when he was fifty years old, or possibly older, and when he had attained such a position of professional eminence? The answer usually has been that he left North Carolina on account of the popular odium incurred by his resignation from the Bench that he might appear as counsel for James Glasgow, whom he had been appointed to try. It cannot be denied, I suppose, that his action in that matter deserved popular reprobation, and received it. The professional mind may be able to view the act dispassionately and to minimize its evil, but the popular mind, excited and resentful on account of the faithless and venal conduct of one of its most trusted and honored servants, could make no allowance and would accept no excuse for such conduct in one appointed to detect and punish frauds, who had thus lent his professional skill to shield and deliver the perpetrator.

Undoubtedly popular odium was incurred by Judge Haywood. But did he leave North Carolina on that account? The Glasgow trial was in 1800. It was some eight years after this that Judge Haywood removed to Tennessee. Judge Haywood's qualities were too substantial and genuine to

remain permanently oppressed and obscured by popular odium or prejudice. His conduct had shown a want of delicate appreciation of professional propriety, but it had been frank and straightforward. There had been no duplicity or concealment. In eight years a man of his power and essential integrity must have emerged from any cloud of popular obloquy, unless there had been deeper stain upon his character than that which resulted from his course in the Glasgow case. If the facts stood simply thus: Glasgow's trial in 1800; Judge Haywood removed to Tennessee in 1808, it must be confessed that, even so, there would be reason to doubt whether the two facts stood to each other in the relation of cause and effect.

But the facts do not stand thus naked and alone. There is evidence that Judge Haywood's removal was due to causes subsequent to the Glasgow trial, and entirely unconnected therewith.

In the spring of 1874 I happened to be shut up for a rainy day in the same house with Governor Graham about a year before his death. I remember that day as one of the most interesting I have known. Among the many entertaining subjects which I was glad to hear discussed, the name of Judge Haywood came up, and I mentioned the tradition I had received connecting his removal to Tennessee with the Glasgow trial. Governor Graham at once asserted, with great appearance of confidence, that the tradition was wholly erroneous. He said that Judge Duncan Cameron knew Judge Haywood well and had assured him that the Glasgow trial had nothing to do with Judge Haywood's removal to Tennessee. Judge Cameron met Judge Haywood in Raleigh in 1808 on his way to the West, and had a conversation

with him on the subject. Judge Cameron expressed surprise that at his age he should be removing to a new country. Judge Haywood replied, that the recent act of the General Assembly (Potter's Revisal, 1806, sec. 693) providing for two terms a year of the Superior Court in each county and abolishing the old district towns, had broken up his practice. He had been accustomed to attend one or two of the district courts most convenient to him; but now his clients were scattered about, and their cases would be tried in perhaps twenty or thirty counties. He would have, as it were, to begin over again; and so he had concluded to begin in a new country, especially as some of his friends and kinsmen had removed to Tennessee.

Such was Judge Cameron's account to Governor Graham. He said that the removal to Tennessee was wholly on account of the new legislation in regard to the Superior Courts in North Carolina. Judge Cameron knew all about the Glasgow trial and its results. He was the Clerk of the Special Court and published an account of the trial in a pamphlet now exceedingly rare.[1] No man was more capable of detecting the true motives actuating men, or of forming a sound judgment upon any practical matter, than Judge Duncan Cameron.

He felt a special interest in Judge Haywood and stood in a peculiarly close professional relation to him. It was to Judge Haywood that he had applied for admission to the Bar when he came from Virginia in 1797 to seek his professional fortunes in North Carolina. He was the son of the Rev. John Cameron, rector of the old Blandford Church

[1] I am inclined to doubt whether there is, or ever was, such an account published. I have seen it stated that there was, but I have seen no person who had ever seen it.

at Petersburg, and in that older and richer community had enjoyed advantages of intellectual and social culture not so commonly found in his new home. Upon coming to North Carolina he was advised that it would be an advantage to him, in the beginning of his professional career, to seek admission to the Bar from the most eminent of the judges; and to that end he proceeded to visit Judge Haywood at his residence in Halifax County. Saturday night, however, found him a few miles short of his destination; and he spent the night at a wayside house of entertainment. After breakfast Sunday morning he mounted his horse and rode on to Judge Haywood's house. The Judge was not in, but Mrs. Haywood asked him to take a seat while she sent a little Negro girl to call her husband. When the eminent jurist made his appearance, Mr. Cameron was surprised to see him in his shirt-sleeves, and with a gun on his shoulder. He expained to his young visitor that he had been taking a walk along the banks of the creek which was near his house and had taken his gun in case he should see any of the wild ducks which frequented the creek. The shirt-sleeves he probably thought needed no explanation to a sensible man with any true notion of comfort. Upon learning the business which had brought Mr. Cameron to his house, he proposed that he join him in his interrupted walk; and they spent the morning sauntering along the banks of the creek. The impecunious Judge in his shirt-sleeves, with the gun on his shoulder, on that pleasant Sunday forenoon examined the young student and future eminent jurist and financier, in the science and practice of the Common Law, and satisfied himself of his fitness to be admitted to the Bar of North Carolina.

This scene left an unfading impression upon the young

son of the Virginia clergyman, who was not more impressed by the power and intellect of Judge Haywood than by the simplicity and unconventionality of his character and the plainness, not to say coarseness, of his personal appearance and habits.

Their walk and converse were prolonged until Mrs. Haywood had to send the same little black girl to tell them that dinner was waiting for them. Absorbed in the interest of his subject and his company, Judge Haywood seemed at first not to hear the summons. When her persistence had forced him to notice her, he turned, with violent expressions of anger and pretended that he would shoot her, threatening her with his gun, if she did not cease calling him. The child, however, seemed unmoved by his threats, which she had probably learned the true value of. She continued repeating her mistress's message, until her master, turning to his guest, sorrowfully admitted that the only way to get rid of her was to return to the house for their dinner.

Thus far Judge Cameron, as reported by Governor Graham.

The traditional accounts of Judge Haywood, in that part of the state where the Haywood family first settled and where Judge Haywood lived, are in perfect accord with Judge Cameron's account of his visit to him. He is said to have been very large and fat, and of careless and slovenly habits. His talents early commanded for him a place among the very foremost members of the Bar. The men reckoned as his equals, when his true value came to be known, Iredell, Hooper, Davie, Moore, Johnston, and the rest, were mostly men of refined tastes who affected no little elegance in personal manners and attire. They were much scandalized

that their associate, whose intellect and professional attainments they could not refuse to admire, disregarded all their standards of propriety and insisted on keeping the bosom of his shirt wide open, in order the more conveniently to scratch his hairy expanse of chest; and they were equally troubled at his primitive custom of holding the leg of a barbecued pig in his fingers, while he bit the meat from the bone.

He was habitually "hard up" as to money. There is a story to the effect that for the sake of keeping his pecuniary affairs straight he adopted the somewhat original method of refusing to pay any money upon a debt except to the sheriff.[2]

Judge Lea of Nashville, Tennessee, told me an amusing story of one of the old treasurers of that State, who received at the same time a letter from a kinsman requesting a small pecuniary accommodation and another from Judge Haywood asking for an advance on his next quarter's salary. He answered both by the same mail, and by one of those strange mistakes which will sometimes happen, he backed Judge Haywood's letter to his kinsman, excusing himself from making the desired advance upon the ground that he was cursed with a pack of idle, worthless relations, who thought that they had nothing to do but to run to him when

[2] In justice to Judge Haywood it should be said that formerly the sheriff and the county court were much in request for the collection of debts where there was no real thought of litigation. The process was simple, the costs inconsiderable, and the lawyer charged no fee—being satisfied with the four dollar tax-fee in the bill of costs paid by the defendant. And such suits did not affect the credit or the friendly relations of the parties. It is needless to add that all this was in an agricultural, and not a commercial community.

they wanted money instead of working for it themselves; and the letter to his cousin he sent to Judge Haywood, saying that he would gladly accommodate him with the sum he asked for, but that that shiftess old Haywood, instead of waiting until he had earned his salary, was always plaguing him to pay it in advance; and so he was out of funds.

During the latter part of his residence in North Carolina, Judge Haywood had a house, perhaps only a summer house, in Franklin County, on a public road now long disused about six miles north of Louisburg in a very out-of-the-way corner. The house was standing when my father with his family used to spend the summer in that vicinity. The only thing specially noticeable about the place, was a pair of tall stone gateposts of hewn granite with circular ornaments cut upon the top, rendered conspicuous and rather absurd by the rail fence, without stakes or riders, which wandered up feebly on each side and rested wearily against the large stone columns. About a mile from the house, on the road to Kittrell, stood, and still stands, I suppose, a church belonging to a local Baptist congregation, on a piece of land given by Judge Haywood and on that account called "Haywood's Meeting House."

Judge Haywood was essentially a student, and, with better opportunities and facilities for study[3] and investigation, would doubtless have distinguished himself beyond the limits

[3] I have mentioned Mr. William K. Ruffin's statement that Judge Haywood seemed to know very little except, "Coke on Littleton." I remember that in one of his important arguments, as reported in (I think) *First Haywood,* he refers to some critical event in English history connected with the development of the legal principle under consideration, and it appears quite plainly that the only authority he had on the general history of England was Goldsmith's *History!*

of his profession. It has been common to speak lightly or his belief in ghosts and apparitions; and the instances alleged by him do not carry much weight to our mind. Judge Battle, with a touch of humor, which is sometimes the best wisdom, points out that Judge Haywood's witnesses are too often country gentlemen, returning home after having tarried rather too long at the tavern in the county town. I passed many summers in my father's house, Monreith, on the road leading from Louisburg to Judge Haywood's residence, and I recall vividly the sound of trampling horses and bibulous voices of country gentlemen late in the night hurrying home; and certainly spirits, good or bad, were not absent upon the road. But it seems to me that his serious discussion of a subject, in his time treated with contempt by the educated, whatever might be the thought of the ignorant, is evidence of independence and sagacity. It is now recognized by the most enlightened minds that, whether or not there be any supernatural element in such phenomena, they at least manifest the working of psychical forces deserving attention and investigation.

He also wrote upon religious subjects and discussed questions as to the "prophetical numbers," with perhaps as much satisfaction to himself and as little benefit to others as have attended the efforts of more eminent writers. I am not able to give any account of Judge Haywood's religious opinions or practice. He belonged to a family prominently connected with the Church, by its own traditions, both in the Province and in the State of North Carolina. It is presumed that he was a Churchman himself, so far as he had the opportunity of enjoying its services and ministrations; though he lived during a period

when the Church of his fathers had little or no organized or visible existence in those parts of the country where his lines were cast.

As it has been thought by some that Judge Haywood exerted perhaps a greater influence than any of his contemporaries in guiding the development of judicial decisions in North Carolina, so he seems to have been the same dominating influence in Tennessee. The late Colonel Hamilton C. Jones of Charlotte, said to me that some of Judge Haywood's decisions in that State were of so radical a character that they created widespread uneasiness in the profession and among the people, and he excited thereby much popular resentment and ill will. I once came across, in the library of Judge Willam P. Bynum, Sr., a mutilated pamphlet, a fragment, without the name of the author, or any title. I could not fully make out the subject or the merits of the argument. But its purpose was to oppose some judicial decision of Judge Haywood, and it attacked him personally and officially with great bitterness. There was no charge of personal corruption, but rather of personal arrogance and self-confidence and of posing as a great and sufficient authority—in short, it fell in very well with what Colonel Jones had told me of the resentment aroused by some of his decisions. I was much surprised and interested to find that the name of one of the parties to the suit discussed in this pamphlet was James Glasgow! It did not appear whether this James Glasgow had been favorably or unfavorably affected by the decision in the case. But I could not help wondering if this was the same James Glasgow whom Judge Haywood had defended back in North Carolina in 1800. If so, it would seem a strange fate which

had again brought them together in this new land and had thus involved in popular odium the same distinguished name.

In his old age he became very fat and unwieldy, though his intellectual vigor and enterprise seem to have continued to the end. Considering the conditions of Western life in his day and the engrossing character of his official and professional duties, the publishing in one year, 1823, of two such books as his *Civil and Political History of Tennessee*, and the *Natural and Aboriginal History of Tennessee*, when he was certainly sixty-four years old—or by other accounts seventy, was a marvel of intellectual industry and enterprise. These books are very rare, especially the latter, and command exceedingly high prices when by chance some old copy comes upon the market.

Governor Graham's story of young Mr. Cameron's visit to Judge Haywood in Halifax County, North Carolina, gave us our earliest view of this remarkable man: the story of a Tennessee law student shall give us our last.

In a book of reminiscences published some years ago by a Tennessee lawyer, a Mr. Gill, the author gives an account of his admission to the Bar. He too sought Judge Haywood, because he desired to receive his license from the greatest lawyer in the State, as well as the Chief Justice of the Supreme Court. He found him at his home in the country and made known the purpose of his visit. The old Judge made great complaint at being thus troubled by those who ought to go to younger men; but he consented to examine the applicant and proceeded to do so at once. The simplicity of his early days in Halifax had not essentially changed with age. His great size and weight made it difficult for

him to move about. He was therefore seated, with his books around him, upon an untanned bull's hide, spread upon the ground under the trees. When the progress of the sun brought its rays to bear upon him, he would call a stout Negro man (perhaps the son of the little black girl whom Mrs. Haywood had sent to call him and young Mr. Cameron to dinner), who, taking hold of the tail of the bull's hide, would draw the old man and his books to another spot better protected from the sun. And so during the day he would travel around with the moving shade of his mighty oaks and pursue his studies and meditations in primitive simplicity and comfort.

He died in December, 1826. The *Tarboro' Free Press* of January 27, 1827, contains a notice of his death "in his sixty-ninth year," which would put his birth in 1758. But other authorities say that he was born in 1753. I am inclined to take 1758 as the correct date.

JUDGE ROMULUS M. SAUNDERS

According to our North Carolina tradition the National Democratic Party is still "ridden by the ghost" of Judge Saunders; some think for its good, others think to its great damage; for to him we attribute the "Two-thirds Rule," which allows no presidential candidate to be named by the National Democratic Convention, until he has received two-thirds of the votes cast.

As our story goes,[1] Judge Saunders was the author of this Two-thirds Rule, and by him it was imposed upon the Convention of 1844; and all subsequent efforts for its repeal have failed. The Whigs under General William H. Harrison had carried the election of 1840 with a whoop. "Tippecanoe and Tyler too" had swept the country like a tidal wave. But the tidal wave had receded. Tyler's defection—as the Whigs considered it—had demoralized the party. The National Democratic Convention met to nominate a candidate in 1844, with good prospects of success. But there were elements of discord. The Southern delegates were bitterly opposed to the nomination of Van Buren, or of any man representing his wing of the party which yet had a majority of the delegates. To prevent the natural result of this superior strength, the "Two-thirds Rule" was imposed upon the Convention, by a stratagem of Judge

[1] Judge Saunders was certainly the author of the "Two-thirds Rule." Whether the account here given be entirely accurate, I do not know. It is in this form that it has been handed down and received in North Carolina. The "popular mind" somewhat resembles Josh Billings's goat, which "had rather steal a rotten apple out of a garbage barrel than to come by a peck of sound apples honestly." I don't think any of us would like to give up the story of Judge Saunders' stratagem.

Saunders, as all good North Carolina Democrats believe. They say that Judge Saunders passed the word around quietly to all delegates upon his side of the question, requiring them to be in their places the next morning promptly at the hour named for the morning's session. Some say that he named a time half an hour earlier than that appointed and moved up the hands of the clock the next morning, so that the Convention was called to order half an hour earlier than the hour which had been set. It is not necessary to suppose that this was the case. Such great meetings never assemble promptly. At any rate, Judge Saunders secured the attendance of all his wing of the party; and a sufficient number of the Northern members were present to constitute a quorum under the rules, but not enough to make up their majority of the Convention. Immediately upon being ready for business Judge Saunders introduced a resolution that no one should be declared the nominee of the Convention unless he had received two-thirds of the total vote of the Convention. In the absence of many of the Northern members this resolution was adopted. In consequence of this rule James K. Polk, of Tennessee, was declared the nominee of the Convention, and no subsequent National Democratic Convention has been able to shake off Judge Saunders' collar. So we tell the tale!

Though an able man and a great popular leader, educated at the University, and a very effective public speaker, Judge Saunders is perhaps chiefly remembered today for his very careless and inaccurate use of words. It is said that in making a speech on the Capitol Square in Raleigh, he called the statue of Washington a "statute," and referred to the State House, a beautiful specimen of pure Greek

architecture, as "that Gothic pile." Judge Howard told me that about 1859 he attended a great Democratic mass-meeting in Goldsboro, where there were eminent speakers from this and other States, Mr. James C. Dobbin, of Fayetteville, Mr. Clement C. Clay, of Alabama, and others. Judge Saunders made the opening speech, and began by alluding to a nickname of "Old Roan," popularly applied to him. He said, "I facilitate myself on being called 'Old Roan.' Was not General Jackson called 'Old Hickory?' Yes, fellow citizens, I facilitate myself," etc., "facilitating" himself half a dozen times before entering upon his subject. "And then," said Judge Howard, "he went on and made the ablest and most effective speech of all which were made that day."

Judge Saunders was appointed minister to the Court of Spain. Some one expressed to Judge Badger surprise that Judge Saunders had been selected for that position, since he could not speak Spanish. Judge Badger was noted for his eloquent speech and for his exact and careful use of words. He was also a rather extreme Whig and not averse to getting in a good lick at an able and popular political foe. "Well," he said, "I am not so sure about that. Judge Saunders certainly does not speak English. Perhaps what he speaks is Spanish."

Judge Saunders was on our Superior Court Bench for many years and was a vigorous administrator of justice, as he understood it. He did not always feel himself bound by technicalities and artificial rules and precedents, where his ideas of substantial right and wrong came into play. He was a very ardent Southerner, and during the Confederate War would charge the grand juries eloquently

upon their duty, and the duty of all good citizens, to support loyally the Confederate cause; referring to the dangers and sufferings borne by his own family in the war, and shedding tears of indignation as he denounced the enormity of refusing to receive Confederate money (which was not legal tender) in payment of debts.

The keeper of a small country store in Wayne County was tried before him upon a charge of trading with Negroes at night. On account of the facility which such trading afforded Negroes for disposing of stolen articles, it was made a misdemeanor, punishable by imprisonment for six months, to trade with a Negro by night. The statute further provided that if a Negro was seen coming out of a store at night, that fact would create a presumption that the keeper of the store had been so trading and would throw the burden of proof on him to show himself innocent. In this case the defendant was a man of bad character, who had frequently been indicted for this offense and for other petty crimes, but had always been able to escape punishment by some cunning management or legal technicality. Judge Saunders knew this and determined that he should not evade justice this time. The Solicitor relied for a conviction upon the statutory presumption above mentioned. But, when his witnesses had been carefully cross-examined it appeared that they had not seen the Negro actually coming out of the defendant's store. They could only testify that they had seen him near by, and coming from the direction of the store, under circumstances which made it quite certain, in their minds, that he had in fact come out of the store. Everyone was fully satisfied of the guilt of the accused, and the Judge intimated that he would leave it to the jury to say whether the Negro had come out of the store and whether the defendant was guilty. The prisoner's counsel asked the Judge to charge the jury that in order to take advantage of the presumption of guilt created by the statute, the State must show by positive testimony that the Negro was seen actually coming out of the store; that the State could not introduce testimony showing merely that the Negro was seen under circumstances which raised a presumption that he had come out of the store, and on that presumption base another presumption of the prisoner's guilt. This was clearly good law, but it would have acquitted the accused. The Judge declined to give the instruction asked for, and said he would leave it to the jury. Of course the prisoner's counsel could have appealed to the Supreme Court; but his client's character was such that he could not have given bond so as to be released from gaol pending the appeal; and the six months' term would be entirely served, in effect, before the case could by any possibility be determined by the action of the Supreme Court. So his counsel made a passionate appeal to the Judge: "If your Honor please, I have a right to ask your Honor to instruct the jury that they must acquit my client, since the State does not pretend to have introduced any testimony to show that the Negro was seen coming out of my client's store. I have in my hand, your Honor, a volume of our Supreme Court Reports, containing a decision directly in point, construing this very statute and deciding in so many words, that the true construction is just as I have asked your Honor to charge. Chief Justice Pearson himself delivered the opinion of the Court."

"Mr. Strong," said Judge Saunders, "Chief Justice Pearson has no respect for my opinion; and, Sir, I have no respect for his."

The prisoner was convicted, to the great and just in-

dignation of Mr. Strong, who could with difficulty restrain his anger when Judge Saunders afterwards jocularly reminded him that his client had at last gotten justice!

In the canvass of 1840, when Governor Morehead was elected, Judge Saunders was the candidate of the Democratic party, and there were joint debates between the two. Governor Morehead, one of the ablest and most useful governors the State has ever had, is reported to have said that when he first met Judge Saunders "on the stump," he was quite unable to compete with him in his political argument. But Governor Morehead was a very able man, and during the earlier part of the campaign he interested and pleased the people with his sensible and practical speeches, without undertaking to meet Judge Saunders on his own ground. In the meantime he was studying the questions discussed by his opponent; and, as the campaign progressed, he gradually took up, now one and now another, of the points he had been avoiding, and in the end was able to "hold his own" upon the subjects he had at first feared to discuss, being unprepared upon them and but little accustomed to public political speaking. Governor Morehead was eminently a man of affairs rather than a politician; and he had no hesitation in admitting that Judge Saunders had taught him the art of political speaking "on the Stump."

A GREAT LAWYER

Judge Ruffin—There have been several eminent lawyers in the Ruffin family, but "Judge Ruffin" usually means Chief Justice Thomas Ruffin. His son of the same name, though he too became a judge, first of the Superior Court, and then of the Supreme Court, is usually spoken of as "Colonel Ruffin," having been a Colonel in the Confederate War. It has always seemed to me that, taken in all aspects, Chief Justice Ruffin was on the whole the greatest lawyer ever developed in North Carolina; he was born in Virginia. He looked great. He bore himself with an air of power and of elevation. He did not look like an ordinary man. I never saw him but once; and then I did not know who he was. It was in the summer of 1867. I was in Hillsboro for a few days. Coming out of St. Matthew's Church after the Sunday morning service, in company with my cousin, Joe Webb, a year or so my senior, I saw a group of perhaps half a dozen gentlemen standing near the church door. They had come out before us, and were evidently waiting for the ladies of their party, who were standing about in groups talking.

I was much struck with the distinguished appearance of one of the gentlemen, evidently quite an old man, over eighty years of age, but spare, erect, of rugged and strong features, with snow-white hair, dressed in an old-fashioned black "swallow-tail" coat, with a high collar and a white stock or cravat. I was looking at him with involuntary admiration when to my very great surprise he stepped forward and greeted me most cordially, taking my hand and asking courteously and kindly after my father and mother, and desiring me to present his very kind regards to them

on my return home. The combined grace and dignity of his manner, coupled with his courteous greeting, made a great impression on me, and as soon as we were well out of earshot, I asked my companion, "Who is the old gentleman who spoke to me?"

"Why, don't you know him? That was Judge Ruffin."

I was at that time only seventeen years of age and had very seldom been beyond my place of residence, except to Hartford, Connecticut, where I was then a student in Trinity College entering my Junior year. But Judge Ruffin had been a friend of my father and of my maternal grandparents, and there have been a good many social and domestic relationships between his family and my own. I wish that I might have seen more of so eminent a man; but the one brief interview gave me a very pleasing impression of him.

I believe he was a man of a rather strict and severe judgment and habit of mind, qualified by great courtesy and urbanity of manners, gracious and hospitable in social life, but exact and rigid in business, thrifty and economical, and therefore effective in all practical affairs. Though his almost constant service on the Bench during the greater part of his mature life, as well as his naturally judicial quality of mind, repressed any development of narrow partisanship, whether in politics or in religion, he had very strong convictions on both subjects and was uncompromising in his loyalty to his convictions. Chief Justice Nash, his successor in that office and his neighbor in Hillsboro, is reported to have said to him humorously: "There are three things, Judge Ruffin, that you hate: a poor man, a Whig, and a man who is not an Episcopalian, but especially a Presbyterian."

As Judge Nash combined in his own person these three "disqualifications" and yet lived in most cordial and friendly relations with Judge Ruffin, he could say this; and such a saying illustrates the character of the man of whom it was said.

His eldest son, William K. Ruffin, inherited a very great portion of his father's intellect; but he seemed to me to have more of the softer qualities of his mother's family, the Kirklands. He told me that his father once sent him with a large sum of money to take up a note which was held by old Mr. Maxwell Chambers of Salisbury. Banks were not numerous in those days and were less used than now. In this case Mr. Ruffin carried the money in his saddlebags, and rode horseback from his father's house, Hawfields, in Alamance County, to Salisbury, some eighty miles. Reaching Salisbury late in the afternoon he put up at a tavern. First he went to the stable and saw that his horse was properly rubbed down after the hard day's ride and then watered and fed and put into a good comfortable stall. By this time supper was ready. After supper, being quite tired out, he went to bed early. The next morning after breakfast he went to Mr. Chambers to pay the note. Mr. Chambers got out the note, and on the back of it made a calculation of the interest due to that date. Mr. Ruffin then paid the note in full and took it up. On reaching home he went into his father's room and gave him the note. His father looked at the calculation on the back of the note and saw that the amount had been correctly reckoned up. He then asked his son at what time he had reached Salisbury. He told him the day and hour. The Judge then said, "I observe that the note was not paid until the day following."

"Yes," replied William, "It was late in the afternoon when I got to Salisbury. My horse and I were both fatigued from a hard day's journey, and I went at once to the tavern. When I had seen that my horse was well attended to, it had come to be supper time; and after I had eaten, I was tired and sleepy myself; and so I went to bed. The next morning immediately after breakfast I went to see Mr. Chambers, and paid the note; and then started on my return."

"That was all well, William," said the Judge, "but if you had paid the note on the evening of your arrival, you would have saved one day's interest, and that would have paid your tavern bill!"

This same son, William, during the earlier part of his life was somewhat wild and dissipated, though a lawyer of great ability and sound learning. Judge Ruffin, in the intervals of his service on the Bench, was chairman of the County Court of Alamance, after his removal from Hillsboro to his plantation, Hawfields. Upon one occasion his son William, in arguing a case before the Court, laid down a certain proposition of law. "That is not the law Mr. Ruffin," said his father.

"I'll be damned if it isn't the law," replied the son, who was somewhat "in liquor."

"Mr. Sheriff, take Mr. Ruffin into custody. He is committed for contempt of Court." So the Sheriff took him into custody. In contemplation of law he was committed to gaol, though, as a matter of fact, the Sheriff merely kept him in some convenient room near by. Soon after this incident the Court took the regular noon recess, during which Judge Ruffin turned the matter over in his mind and perhaps also turned over the leaves of his law books. At any

rate he came to the conclusion that William had stated the law correctly.

Upon the reassembling of the Court the Sheriff was ordered to bring his prisoner into Court. "Mr. Ruffin" said the Presiding Justice, "Upon further consideration the Court is of opinion that you stated the law correctly. But the Court committed you, Sir, for the very improper manner in which you expressed yourself. Mr. Sheriff, your prisoner is discharged from custody."

Mr. William Ruffin told me that when, upon the death of Chief Justice Henderson, Judge Gaston was appointed to succeed him on the Supreme Court, Judge Ruffin proposed to elect Judge Gaston Chief Justice, as this appointment at that time was in the power of the Court itself. To this Judge Gaston objected, saying that Judge Ruffin should be the Chief Justice. The third member of the Court, Judge Daniel, declined to decide this very creditable contention, saying that he would be quite content with either. So in the end they had to leave it to chance. They threw up a coin—"Heads or Tails"—and thus by lot Judge Ruffin became Chief Justice.

I told this story in the fall of 1871 to Judge Howard, but he was incredulous. He said that old Mr. Edmund B. Freeman, for many years Clerk of the Supreme Court, was the repository of all of the traditions of the Court. Judge Howard remembered quite distinctly to have heard that upon Judge Ruffin's return to the Court, after the death of Chief Justice Frederick Nash (Judge Ruffin had resigned in 1852 but was persuaded to return upon the death of his successor), it was the general expectation that he would, as a matter of course, be again the Chief Justice,

with Judge Pearson and Judge Battle as Associate Justices. But Judge Pearson claimed that as a matter of right he, having at that time the oldest commission, was entitled to be Chief Justice. Judge Ruffin was not a man to claim personal distinction for himself and did not dispute Judge Pearson's position. It seems that when the first Supreme Court selected one of their number to preside as Chief Justice, their choice fell upon Judge John Louis Taylor, who was the senior by commission. Upon his death Leonard Henderson was chosen, he being then the oldest by commission. In both cases, however, it was the recognized preëminence of the individual which determined the choice, not the date of his commission. Judge Ruffin became Chief Justice under the peculiar circumstances above related. But Judge Howard's memory was very clear that Mr. Freeman had stated, that, upon the appointment of Judge Gaston, Judge Ruffin had claimed the position by virtue of his prior commission. So in 1860 Mr. Freeman said that Judge Ruffin was being "paid in his own coin," when Judge Pearson claimed the position upon the same ground. Judge Howard therefore discredited the story told me by Judge Ruffin's eldest son.

I did not like to believe Mr. Freeman's version of the matter. My estimate of Judge Ruffin was such that I could not think of him as making such a claim; though it was hard to discredit a tradition of the Supreme Court, resting on the authority of the man who had been for so many years identified with it as its Clerk.

I stated my difficulty to Judge Henry Groves Connor, my almost lifelong friend, one of the most eminent and justly venerated characters who have ever occupied and

adorned the judicial office in this state. He sympathized with my feeling, but recognized the difficulty raised by Judge Howard's memory of Mr. Freeman's story.

One day some years after I had been living in Raleigh, I saw Judge Connor at a distance, as we were both walking in the Capitol Square. He beckoned to me to wait for him and I paused until he overtook me. "I have something to tell you," he said, "which will please you. I have been preparing a biographical sketch of Judge Gaston, and members of his family have kindly lent me many of his letters. Among them is a letter from Judge Story to Judge Gaston, informing Judge Gaston that he had seen in the newspapers an announcement of Chief Justice Henderson's death, and of Judge Gaston's appointment as his successor. He thereupon tendered his congratulations to Judge Gaston as Chief Justice. There is also a copy of Judge Gaston's reply, in which he explains to Judge Story that, while he had been appointed to the Supreme Court as Judge Henderson's successor, he had not thereby become the Chief Justice; since the Chief Justice was appointed by the Court itself. He added that Judge Ruffin had very earnestly and very generously insisted that he should be the Chief Justice, to which he had declined to assent, as in his judgment that position ought to be occupied by Judge Ruffin himself. As their colleague, Judge Daniel, refused to decide between them, he said they had been reduced to the expedient of tossing up a coin and thus leaving it to chance. So," said Judge Connor, "the story told you by Mr. William Ruffin is confirmed by Judge Gaston himself." Judge Howard's tradition of Mr. Freeman's story is thus shown to be erroneous; i.e., Mr. Freeman's story is erroneous. I have no

doubt whatever that Judge Howard had heard the story. He was an exceedingly accurate man in remembering what he heard and in repeating what he remembered.

My old friend, Colonel John L. Bridgers, the elder, used to say that Judge Ruffin would have been a great lawyer, even with only ordinary intellectual ability, because of his immense capacity for work. "Work," he said, "is the chief element in greatness." Judge Ruffin, early in his career, became very heavily encumbered with debt, by the failure of his kinsman, Judge Archibald Murphey. I have understood that he had become surety for Judge Murphey in the sum of sixty thousand dollars. He took Judge Murphey's plantation by way of saving what he could, removed his family from Hillsboro, and made this plantation, Hawfields, Alamance County, his home from that time until after the close of the Confederate War.

Being now a farmer, as well as lawyer, he soon became as successful in agriculture as at the Bar. In recognition of this practical ability he was, some years later, made president of the State Agricultural Society. But this did not mean any diminution of his professional activities. Being burdened with this load of debt so unexpectedly, and having a family of twelve sons and daughters, he probably had a view to economy in removing to Hawfields. But economy could not pay a debt of sixty thousand dollars; and it was now that he showed his extraordinary capacity for labor. Colonel Bridgers understood that he habitually attended the courts in two districts the same week, arranging with his brother lawyers to have all his cases in the Court in one district set for Monday, Tuesday, and Wednesday of Court week; and by a similar arrangement in the County where

the Court of the next district was in session the same week, having his cases there set for Thursday, Friday, and Saturday. Having finished up his business in the first Court by Wednesday afternoon, he would then drive all the evening, and if necessary all night, to reach the county town where Court was in session in the neighboring district, and so attend to his business there also. This was the account that Colonel Bridgers gave me, as he had heard it. He said that a man of such capacity for work, and of such untiring energy and industry, must needs have developed into a great lawyer, with only moderate intellectual gifts. But Judge Ruffin's extraordinary natural endowments, together with the stimulus and the discipline of such strenuous labor, readily account for his great eminence and the reputation he enjoyed of being the greatest Judge in our state history.

I have heard that Judge Pearson considered himself quite equal to Judge Ruffin, if not his superior, in the old Common Law learning; but that he admitted Judge Ruffin's pre-eminence as an Equity Judge; saying of him that, "He was the greatest Chancellor who ever sat on the Bench in North Carolina."

In St. Matthew's Church Yard, Hillsboro', on the monument standing at the head of Judge Ruffin's grave, is a just and striking epitome of his mind and character, in a couplet from Addison's translation of one of the Odes of Horace:

> "*A man resolved, and steady to his trust;*
> *Inflexible to ill, and obstinately just.*"

WILLIAM KIRKLAND RUFFIN

I have hard it said more than once that Judge Ruffin's eldest son, William Ruffin, was the greatest lawyer the Ruffin family has produced. Such an opinion and such a statement must refer rather to what seemed to be the potentialities of the man, than to any actual achievement, or attainments. It is true that for a great part of his life his physical disability made any great success impossible, as he was confined not only to his room, or to a very narrow space beyond his room, but actually to his chair. He had lost one of his legs, the whole leg, quite up to his body; and his great size and weight made it impracticable for him to attempt to walk, even with the aid of crutches. With a crutch and the help of a large and strong man, he could get from his room to the porch just outside the door, where he sat in pleasant weather; and in the same way he could return to his room. This was the extent of his locomotion during the time that I knew him. And a man in this condition is absolutely debarred from any practical achievement as a lawyer. But he had not always been thus helpless. He had been a man of robust health and of powerful physique until the accident by which he lost his leg. And though he had the character and reputation of an able lawyer, he had at that time made no great place for himself at the Bar; while at that same age his father was recognized as one of the first lawyers of the State and of the country.

I cannot therefore put the son on an equality with the father as a lawyer, though he was certainly a man of a massive mind like his massive body. Indeed, with an older man's more mature judgment, I seem now to see that Mr. William

Ruffin, with great natural strength and breadth of understanding, had so devoted himself to the study of the Common Law, that he admired even its defects and its excrescences.

When I left him, he wrote out a deed and gave it to me, that it might serve as a form by which I should draw similar conveyances. It was expressed with all the formality and exuberance characteristic of the ancient Common Law conveyancing. I remember the Covenant of Warranty: "That the said A.B. party hereto of the first part, Grantor, doth hereby covenant and agree for himself, his Heirs and personal representatives, with the said C.D. party, hereto of the second part, Grantee, his Heirs and assigns, that he is seized in his demesne as of fee of an indefeasible estate of fee simple in possession, of and in the said tract and parcel of ground," etc. with the same redundancy of ancient phraseology throughout the whole deed. He seemed to me excessively attached to the past. This, however, may have been because his lameness had forced him out of the current of life and out of contact with his fellows. He was strong in his praise of, "the man of one book"; and the "one book" for him was "Coke on Littleton." He used to say that the greatest lawyer North Carolina had ever produced was John Haywood of Halifax. He said that Haywood had had but little education and had no great knowledge of books; but "he knew Coke on Littleton. He had studied it and digested it; and with a naturally powerful mind he applied its principles to the new questions arising in our new country; and in that way he had more to do with adapting the Common Law to our American life than any other lawyer of this State." And so he considered him the greatest lawyer North Carolina had known.

That was the substance of his conversations with me on more than one occasion. I read with him only two or three months, and our attention was confined wholly to Second Blackstone and Cruise on "Real Property." When I left him he exacted a promise of me that I would read Coke on Littleton, and that I would read it all! "Not Thomas's Coke," he said, "nor Hargrave and Butler's Coke, but Coke on Littleton in an old edition, just as Coke published it. Get an old folio black-letter edition, and read the original, and not some other man's arrangement of it." So I made the promise, and a few months later in old De-Forge's second-hand bookstore in Baltimore I found such a copy as he had described; and it had pasted on the inside of the front cover a plain bookplate containing these words, "*E Bibliotheca Gabrielis Duvall anno 1778.*" It was in the spring of 1872 that I bought the book. I do not remember when I began to read it, but I find a pencil mark at the end, showing that I finished it October 3, 1874. It contains 789 folio pages, and is followed by an Index or "Table," as it is called, of sixty pages. The text of Littleton, in Law-French, stands at the top of each page, with a parallel column giving the English translation. The two occupy usually hardly a fourth of the page. All the rest of the page is filled with Coke's commentary on Littleton's text, with abundance of Latin quotations from ancient authorities. The parallel English of Littleton is printed in ordinary Roman letters. The text of Littleton and all Coke's comments, are in black-letter, the latter in very small type, and they make an immense mass of commentary in those 789 large folio pages, difficult to read in the small black-letter characters, and very trying on the eyes. I waded conscientiously through

it all, Law-French, Latin, and black-letter. I believe I am the last lawyer in North Carolina who thus read Coke on Littleton from beginning to end. I have asked many, both younger and older men than I, and have found not one who said that he had ever read even any very considerable part of the book.

At the end of the "Table," or Index, was this quotation; could anything be more apt?

"*Dedit Deus his quoque finem.*"

There may remain in my mind some unconscious legal erudition from the months devoted to this wearisome task, though it did not make me a great lawyer. All I remember distinctly, in addition to the very happy quotation above given, are two passages whose ecclesiastical flavor has probably preserved them in my mind. They are as follows:

"If a man be baptized by the name of Thomas, and after at his Confirmation by the Bishop he is named John, he may purchase by the name of his Confirmation . . . a matter not much in use, nor requisite to be put in ure, but yet necessary to be known."

And this:

"A City is a Borough incorporate, which hath, or hath had, a Bishop."

GOVERNOR WILLIAM A. GRAHAM

I have always regretted that I had not enjoyed the opportunity of seeing more of Governor Graham and knowing him better. I once passed a rainy day in his company in the Spring of the year 1874, little more than a year before his death. It was at the home of his son, Captain James A. Graham, in the town of Graham. I had arrived the night before, with the purpose of devoting my time to a much younger person, one of the opposite sex. I was no little disappointed, when I found myself the next morning practically obliged to spend the whole day with this aged gentleman as my only companion. But I now recall it as one of my most interesting memories of the past. I learned much, which I was glad to learn, and am glad still to remember, though some curious and interesting narratives I can recall only sufficiently to make me regret that I have forgotten much of what I then heard.

Governor Graham was one of the greatest men our State has produced. Personally I am disposed to regard him as our most eminent public character. He was large in body and in intellect and in the impression he made; deliberate and massive; profound and wise rather than brilliant. Few who really knew him failed to feel this, though some smaller souls attempted to depreciate his qualities and to fancy themselves his equals, perhaps his superiors. By the State at large his abilities and high character were always recognized. Judge Pearson is reported to have applied to him what Sugden said of Brougham as Lord Chancellor; that if the Lord Chancellor knew a little law, he would know a

little of everything. Governor Graham's mind did not concern itself with small things, either of the law, or of politics. He was a statesman and a philosopher, rather than a politician or a practitioner. He was earnest and elevated in thought and in character. Perhaps he was somewhat lacking in an adequate sense of humor.

He was once employed to defend a prominent and wealthy citizen of Caswell County, under indictment for murder. The younger Judge Thomas Ruffin appeared with him, as junior counsel. After a long conference in the county gaol between the prisoner and his counsel, as to the proper line of defense to be adopted, the prisoner inquired of Governor Graham as to the fee to be paid. Governor Graham spoke for both himself and Mr. Ruffin: "This is an important and difficult case, and you are a wealthy man. We shall charge you a thousand dollars for our joint services." "I think that quite reasonable," replied their client, "I am quite content to pay it. But I have not a thousand dollars in hand. How can I arrange the matter?"

"Why, Sir," said Governor Graham, "you can give us your note for that amount. If you shall be acquitted, you can pay the note at your convenience; if otherwise, we will settle with your personal representatives." They did settle with his personal representatives!

The punishment for manslaughter, inherited from the cruel code of the Common Law, was to brand the letter *M* upon the fleshy part of the hand at the base of the thumb. It was inflicted by the Sheriff *coram judice*. The hot iron was held upon the flesh, while the counsel of the prisoner repeated as rapidly as possible, without regard to accuracy of articulation, the words, "God save the State," three

times. Governor Graham was of such immovable dignity and deliberation, that, in performing this painful duty for an unfortunate client, he found it impossible to speed up his utterance. "God save the State! God Save the State! God save the State!" in his solemn and deliberate tones, gave almost as much distress to the officiating Sheriff and the spectators as to the unhappy culprit.

I had a very interesting conversation with Governor Graham on the subject of slavery, when I passed the day with him in the Spring of 1874, as has been mentioned. I told him that I had recently seen the commencement oration of my uncle, the Rev. John Haywood Parker, delivered at his graduation in 1832; and that it was an argument in favor of the abolition of slavery in North Carolina. He replied that it was at that same commencement of 1832 that Judge Gaston, in his address to the Literary Societies, had made his famous plea to the young men of the State, that they should realize their duty of taking up that great problem and removing the burden of slavery which was depressing the influence, the development, and the best interests of the State. Governor Graham said that in 1832 the abolition of slavery was freely discussed in the State and was favored by many of our best and wisest men. I asked him how it came about that there was such a sudden and total change in public opinion within the next twenty years. He replied that there were several concurrent causes of this. In the first place Nat Turner's Insurrection, in Southampton County, Virginia, in 1831, had much to do with it. That short but bloody outbreak excited such horror and alarm that people feared to talk of freeing the Negroes, lest it might tend to suggest the idea of freedom

to their minds and lead them to similar attempts at freeing themselves by force. Also it was just about this period that the Quakers and others in the North began to send to Congress petitions for the abolition of slavery; and the struggles in Congress and the resentment of the people of the South at what they considered an interference in their domestic affairs caused a great revulsion of feeling. The Southern people were willing to consider the subject themselves, but they would not be dictated to.

I afterwards mentioned this conversation to Judge Howard, who agreed with Governor Graham; but he added that another element in the problem of the abolition of slavery, was the acquisition of immense territory by the Mexican war and then the discovery of gold in California immediately afterwards. This opened so much additional territory for the extension of slavery in Texas and the Southwest, and so greatly stimulated all values, that slave property was more than doubled in value. When a Negro man was worth three or four hundred dollars, as he was before 1832, the abolition of slavery was one question. When the same Negro came to be worth one thousand dollars, as he came to be before many years had passed, the question of abolition had become quite a different one. This does not seem to be a very exalted view of the question, but it has to be considered.

ANSWER A FOOL ACCORDING TO HIS FOLLY

Colonel Hamilton C. Jones of Charlotte, told me that he never knew Governor Graham to use a humorous anecdote in a public speech except upon one occasion; and that one humorous story he considered to be one of the best he had ever heard. In the spring of 1861, when the country was on the verge of war, a great Peace Convention was held in Salisbury. Eminent men from all parts of the State attended it, one of the most eminent and influential being Governor Graham. In a noble and eloquent speech he pictured the horrible nature of such a conflict between friends and brethren as seemed to be impending. He deeply deplored the levity with which the matter was treated by certain eager and inconsiderate speakers both North and South, who had said that the country would, "be better for a little blood-letting" and who ridiculed the warnings of more serious and judicious men. He said some of his friends among the Secessionists, who thus belittled the horrors of war, reminded him of a story told him by General Kossuth, the great Hungarian patriot. Kossuth was in America after the failure of the attempted revolution in Hungary and was making a speech to a great public gathering somewhere in the state of New York. He was urging upon his audience their duty as American citizens to give their sympathy and aid to all who strove for freedom in all countries however distant: "Wherever an arm is raised in the cause of liberty, it should be upheld and strengthened by the sympathy and aid of the great free Republic of the West," or words to that effect. "You may say," he went on, "that this might involve your country in war. But what of that? Why should

you fear the thought of war? What is war? It is but a little word—W-A-R; it has but three letters."

Here he was interrupted by a drunken man on the outskirts of his great audience, "Mr. Kossuth, Mr. Kossuth," cried the drunken man.

"Well, Sir," said Kossuth, pausing in his speech, "What is it, Sir?"

"Mr. Kossuth, you say that war ain't got but three letters?"

"Yes, Sir," replied Kossuth.

"Well, Mr. Kossuth, Hell ain't got but four!"

Kossuth said that he was completely floored; and Governor Graham counselled his friends among the Secessionists to meditate upon the drunken man's answer.

Another example of answering a fool according to his folly: Senator Thomas L. Clingman, during his long term of service in Congress, was accustomed to return to Asheville when Congress had adjourned and to spend much of the summer in exploring the mountains on horseback. I believe he claimed to have determined which particular peak of the Black Mountain was the highest; and one of them bears his name—Mount Clingman, or Clingman's Dome.

On one occasion at a sales stable in Asheville he was buying a horse for his summer excursion, and a group of idlers standing by were offering their opinions, unasked, as to the qualities of the animal Mr. Clingman was purchasing. He bore their remarks with ill-concealed impatience, but without reply, until one man stepped up and asked, "Don't you think, sir, that his neck is too short?"

"It reaches to his head. I think that is quite long enough," replied Clingman.

The Rev. Thomas R. Owen of Tarborough, was a Presby-

terian minister who for many years preached to a Baptist congregation, before becoming a Baptist himself. He was of high social antecedents and culture, a man of ability and a scholar. He had an acute mind, with perhaps something of a satirical, not to say cynical, turn, and a quick wit and dry humor.

There worked at odd jobs in the community a rather weak and sorry character by the name of Enos Womble. Enos was a Kehukee Baptist and had once set up, or tried to set up, as a preacher. He said he had had a divine call; that he was in the woods at night coon-hunting, and he saw a shooting star and heard a voice speaking to him, saying, "Go, preach the Gospel." His brethren, of the Baptist denomination, did not believe that Enos was in any way qualified to be a preacher, but upon their own principles they did not know how to oppose the authority of such a divine call. But "Sister King," a member of the same church and a very shrewd woman, was determined that her church should not be discredited by having such a preacher. She had great influence, and she sent for Enos to come and see her. Enos came, and gave her a very clear account of his experience, and of the divine call he had heard, at the same moment in which he beheld the flaming meteor. Sister King could not deny either the star or the voice. But she was equal to the occasion. "Enos," she said, "I do not doubt that you saw the shooting star and that you heard the Lord's voice. But He was not calling you, Enos. He was calling another man, and you just happened to overhear Him." Sister King's explanation commanded general approval, and Enos was not numbered among the preachers.

But he considered himself, in a manner, one of the champions of the Faith, and by this attitude perhaps invited the assaults of the sceptic. He was employed in painting a house about two miles from town. One day Dr. Jos. J. Lawrence, son of the famous Kehukee Baptist preacher, Elder Joshua Lawrence,[1] but himself a professed sceptic, was passing by and he attacked Enos upon the subject of the Bible:

"Enos, do you believe that everything in the Bible is true?"

"Yes, doctor, I surely do."

"Well, Enos, doesn't the Bible say that God made all things?"

"Yes, doctor, and I believe it."

"Doesn't the Bible say, Enos, that after the Lord had made everything, He beheld all that He had made, and it was very good? Do you believe that, Enos?"

"Yes, doctor, I surely believe it."

"Well, Enos, didn't the Lord make the Devil?"

"Yes, doctor, the Lord made the Devil."

"Well, Enos, is the Devil very good?"

This was too much for Enos, and the doctor went off laughing at him.

Enos was sore troubled. He painted a while, and he stopped a while and pondered. He could not quiet his mind so as to go on with his work. Finally he put his brush into the paint bucket hanging on the rung of his ladder, climbed

[1] Mr. Thomas B. Hill of Hillsboro, a native of Halifax County, told me that in his youth he heard Joshua Lawrence preach in old Kehukee Church (originally a chapel of ease of the colonial Parish of Edgecombe), in the lower part of Halifax. It was a hot day, and before beginning, the preacher, pulled off his coat, and laid it across the pulpit. "Now, brethren," he said, "I am going to preach you a sermon so plain that the women and Negroes can understand it."

down, took off his overalls, and struck off by a path through the swamp for town. He would go and see brother Owen. Brother Owen was an educated man. He was not a Baptist, but he was a good sound and bitter Calvinist; and he preached for that town Missionary Baptist Church. He must know all about the Devil. So Enos made straight for his house and knocked impatiently at the door. Mr. Owen answered the knock himself, and without entering, Enos propounded his problem: "Mr. Owen, ain't the Bible true?"

"Yes, Enos," said Mr. Owen.

"Mr. Owen, don't the Bible say that God made all things?"

"Yes, Enos."

"Mr. Owen, don't the Bible say that after the Lord had made all things, he looked upon what he had made, and it was very good?"

"Yes, Enos."

"Mr. Owen, didn't the Lord make the Devil?"

"Yes, Enos, the Lord made the Devil."

"Well, Mr. Owen, is the Devil very good?"

Mr. Owen looked at Enos and took his measure; and then he said, "Enos, *isn't he a very good Devil?*"

"Mr. Owen," cried Enos, with almost a shout of joy, "He surely is. He is a good Devil." And Enos went back, climbed up his ladder, and painted away in perfect peace of mind, with all his philosophy of evil clear and satisfactory. And who could have given Enos a better answer?

GENERAL ROBERT F. HOKE

General Hoke was another man whom I knew for a good many years, though I had never much opportunity of being in his company. I wish I might have known him better. On one occasion only did I ever have any extended conversation with him.

I think it was in the latter part of the year 1885. We were the only occupants of a sleeping car which left Raleigh at eight o'clock in the evening, attached to a freight train on the S. A. L. Railroad, and after a very leisurely journey reached Charlotte about the same hour the next morning. There were several hours to be passed before we cared to retire to our berths, and I was glad of the opportunity of talking with one, whom as a soldier and a man I greatly admired.

My special interest in General Hoke had begun in 1864, when I was a boy of fourteen years. The capture of Plymouth in the spring of that year was the only event of the Confederate War which had come very close to me. During General Hoke's attack on that town I could hear the booming of the cannon in the early morning, when I went out to the stable to feed my father's horse. I had heard the cheering of the regiments as they marched by night through the streets of Tarborough on their way to Plymouth; and afterwards I saw the two or three thousand prisoners captured at Plymouth, as they passed through on their way to Salisbury. This expedition against Plymouth had therefore always possessed a special interest for me. Moreover, the Confederate Ram, "Albemarle," without

the coöperation of which Plymouth could hardly have been taken, had been built at Edwards's Ferry on Mr. William R. Smith's plantation, by his son, Peter E. Smith, and Gilbert Elliott, all of them my father's parishioners; and I had as a boy been very proud of knowing Captain Cook, the Commander of the "Albemarle." I was therefore naturally desirous of engaging General Hoke in conversation upon the subject of the Expedition against Plymouth.

He was a modest man, not at all talkative at any time and very little given to speaking of his own exploits. I found it quite difficult to arouse his interest in the subject. But we had some hours to pass before bedtime; I was myself deeply interested, and perhaps a little persistent. But I was careful to keep within the bounds of the deference and respect due to a man so much older and more distinguished than myself; and his natural kindness and courtesy at last yielded to my efforts. He became interested himself, as the memories of the past flowed back upon his mind; and, growing more animated than I had ever before seen him, he gave me a vivid account of what was really a brilliant military exploit, though not on a large scale. I give in my own words the substance of what he then told me.

As the spring of the year 1864 came on, the condition of the South was growing increasingly difficult. Virginia being almost completely exhausted, food for the "Army of Northern Virginia" had to be drawn almost wholly from eastern North Carolina over the Wilmington and Weldon Railroad.

It came to the knowledge of the Confederate authorities during the winter of 1863-64, that Plymouth was being made a great depot of supplies by the Federal Government. Great quantities of food, ammunition, and military material

of all kinds were being collected to an extent which suggested the inauguration of some great movement from that base. Finally official correspondence was intercepted, which disclosed to the Confederate authorities that it was proposed to move a strong force from Plymouth up the Roanoke River to capture Weldon, and thus cut the line between Eastern North Carolina and Richmond and deprive General Lee of supplies of food for his army. Such a movement, if successful, would have been fatal to the South.

Very important political considerations had also to be taken into account; for Holden at that time was endeavoring to create in North Carolina a "Peace at any Price" party, by appealing to the Union sentiment of the old Whigs in this State. It was therefore seen to be of the last importance that the proposed movement should be anticipated and that Plymouth should, if possible, be captured before the preparations of the enemy could be completed.

The armored Ram, "Albemarle," had been launched at Edwards's Ferry, and then taken up the river to Halifax. Her defensive armor, consisting of railroad iron rails, spiked down upon heavy oak timbers, was being put upon her and was nearing completion. Captain Cook of the Confederate Navy, had been assigned to command her, and with his complement of officers and men, was on board hurrying on the work.

In this situation of affairs, Mr. Davis, President of the Confederate States sent for General Hoke and told him that an expedition was to be sent againt Plymouth and that he had been selected to command the land forces, consisting of his own brigade and the brigade of General Matt. W. Ransom; and that the "Albemarle," under Captain Cook,

would coöperate in the attack. I do not remember what artillery was provided for the expedition.

Mr. Davis said to General Hoke that during the previous year an expedition under General Pickett had been sent against Newbern, but so much time had been wasted in preliminary movements that the enemy had leisure to make such defensive preparations as caused the attack, when delivered, to be an utter failure. He therefore impressed upon General Hoke the absolute necessity of rapid movement and a prompt attack. General Hoke replied that he could promise nothing else, but he could assure Mr. Davis that if he should command the expedition, the attack would be made at the first moment possible.[1]

General Hoke said to Mr. Davis that if the "Albemarle" was to coöperate in the attack on Plymouth, Captain Cook should be instructed to take his orders from the General in Command, so that perfect harmony of action might be insured. To this the President demurred. He said that Captain Cook, was under the Navy Department and not subject to the orders of the War Department. General Hoke replied that, in an expedition of the kind proposed, unity of command seemed to him absolutely essential to success; that he could feel no assurance of effecting the object desired unless he had control of the entire attacking force; that a possible conflict of opinion between the land and the naval forces, if it had to be referred to the authorities in

[1] I remember to have heard a distinguished Colonel of the Army of Northern Virginia say that General Hoke in going into battle reminded him of Stonewall Jackson. He said they brought their men into action with extraordinary rapidity; that, almost before it was apparent what they purposed to do, it had been done. This was the impression made on him by both these great soldiers.

Richmond, would cause such delay as might make success impossible, and that he must ask to be relieved of the command of the proposed expedition unless Captain Cook could be instructed to look to him for his orders. This is, I am quite sure, the substance of General Hoke's conference with President Davis, as given to me by General Hoke.

After some discussion the President admitted the force of this reasoning, and the Secretary of the Navy was required to instruct Captain Cook to look to General Hoke for orders during the movement against Plymouth.

The troops being ready and being prepared to proceed on their march to Plymouth, General Hoke communicated with Captain Cook, at Halifax, and asked to be informed when the "Albemarle" would be prepared to proceed down the Roanoke and coöperate in an attack on Plymouth. Captain Cook replied that three weeks would be required for the completion of the work of preparation. Thereupon General Hoke sent Captain Cook an order to the following effect. I do not remember the words nor the day specified, but my memory is clear and distinct as to the substance of the order: General Hoke directed Captain Cook to proceed down the Roanoke with the Ram "Albemarle"—on a day named—within a week of the date of the order, and to cooperate with the land forces in an attack on Plymouth. Captain Cook replied that the General's order should be obeyed. He added that when he had been asked what time would be required to complete the preparation of the "Albemarle," he had felt bound to name a time sufficient to effect perfect and complete preparation, and three weeks would be required for that. But he said he welcomed the General's order for immediate action, and that he would

proceed down the river on the day named, "*ready or not ready.*"

General Hoke recognized in Captain Cook a kindred spirit, and the event justified their mutual confidence. The defensive armor of the "Albemarle" had been completed on one side only, and there was no adequate supply of coal for her engines. The "Albemarle" steamed down the river, with her port side unprotected, or only partially protected, and burning her precious bacon to make steam.

The result is well known. Arriving off Plymouth, after the attack had been begun and was being hotly pressed by the land forces, the "Albemarle" rammed and sank some of the Federal gunboats, and chased the rest out of the river into the Sound. She then lay with her armored starboard side to the land, and with her guns attacked the town on the river front and thus contributed to its surrender and the capture of several thousand prisoners, and immense stores of food and valuable supplies of all kinds.

General Hoke being a civilian officer, with no previous military training, the Federal Commander, a West Pointer, was reluctant to surrender to him, and at their first parley inquired anxiously if it was not true, as he had heard, that General Pickett was in the neighborhood and really in command, and if he might not conduct the negotiations for surrender with him. General Hoke replied that he was himself in command, and that the surrender must be made to him.

And it was so made.

It is well known that in the surrender at Appomattox. General Grant, at the suggestion of General Lee, had allowed the Confederate officers and men to retain their horses,

that on their return to their homes they might be able to plow and cultivate their fields.

General Hoke was one of those who profited by this wise and humane action of the victorious general. He "pitched a crop," as the countryman says, on his farm in Lincoln County, and cultivated it himself during the summer of 1865. A party of three or four old soldiers, passing near his home, saw a man plowing at the end of a long row of corn on the far side of the field. Thinking that they recognized him, they stopped until the returning furrow brought him to the road side. Then one of the men called out to him: "Isn't that General Hoke?"

"Yes, I am General Hoke," he replied.

"Why, General! What are you doing? Why are you plowing in the field?"

"I am making a crop of corn," he responded. "I think it is a better business than killing Yankees."

This seems to me a fine story of a really great man!

Perhaps there was not, during all the Confederate War, a greater slaughter within the same limited time than in front of General Hoke's lines at the Second Battle of Cold Harbor, in 1864. It seemed to him, remembering those bloody scenes, a better occupation to be plowing corn under the hot summer sun on his Lincoln County farm. And he continued to be of that mind. He was offered high military command in the Spanish-American War of 1898, but he declined it. He was quite a young man in 1865, well under thirty years, though a major-general. Like Cincinnatus he retired to private life and never sought or accepted public office, though one of the ablest and most highly esteemed men in the State.

General Hoke was a kind and humane man, gentle in manners and modest, avoiding rather than seeking or enjoying the public gaze. But he was a man of great force and of iron will, quiet in method, but immovable and inexorable in matters of duty. What had to be done he did; he did it at once, without hesitation or delay: in a sense, remorselessly, for he had no fear and no regrets, when he knew what his duty required of him.

During the Confederate War, while his command was below Kinston, in a movement against Newbern, some of his men deserted. A few days later they were captured with a number of the enemy, wearing Federal uniforms and fighting in the Federal ranks. General Hoke had them court-martialed, and upon their conviction and sentence he hanged them in a row, twenty-two in number, as I have been told. My old friend, Dr. Henry Y. Mott, told me that he saw them—the most dreadful spectacle he ever beheld.

After the close of the War it was reported that an effort was being made to call General Hoke to account for this act of military discipline. As the United States Government did not recognize the right of the Confederate Government to the allegiance of its citizens, but claimed that Southern men still owed allegiance to the United States, it was asserted that the Confederate soldiers who had enlisted in the Federal Army were doing their duty as citizens of the United States; that therefore General Hoke was bound to treat them as prisoners of war, and not as deserters; and that the United States should call him to a strict account for having hanged Federal soldiers, whom he held as prisoners of war. On purely theoretical principles, there was much force in this

reasoning. General Hoke felt that he ought to do something, in case such measures as were suggested should be taken against him. He determined, therefore, to go to Washington and see General Grant, at that time General in Command of the Army of the United States.[2] I have heard several versions of the story of General Hoke's interview with General Grant, all to the same general effect, though differing in detail. I give it as I first heard it, and as it made an ineffaceable impression on my mind.

General Hoke called at the office of General Grant, and sent in his card. After some delay he was shown into a room where General Grant was seated at a table. He indicated to his visitor to take a seat opposite to him. He had the card in his hand and read out the name, "Robert F. Hoke, North Carolina." "Are you any relation of General Hoke who commanded the Confederate lines at the Battle of Cold Harbor in 1864?" he asked.

General Hoke was rather startled at being thus associated with General Grant's most disastrous military experience. He felt that he would like to disclaim all connection with that battle. As he could not do so, he replied: "Yes, General, I am General Hoke of North Carolina."

At this Grant rose from his seat, came around to General Hoke, grasped his hand cordially, and said: "Well, Sir, that was the worst drubbing I ever got. You may depend on me to look after you. I will see that no harm comes to you," or words to that effect.

[2] General Grant at one time was Secretary of War. I am not sure whether he was General in Command of the Army, or Secretary of War, when General Hoke saw him.

This is only one instance of the fine magnanimity and kindness which characterized General Grant in dealing with men, whether friends or enemies, whose character and conduct commanded his respect.

GENERAL RUFUS BARRINGER

I knew General Barringer very well and received much kindness and hospitality from him and his family. He was an interesting man, sensible and well-informed, sagacious and successful in business. He was a lawyer, though not specially interested in the law, so far as I could judge; and he had been a general, with no special aptitude for military matters.[1]

He was careful and prudent, attentive to details, kind and courteous, an admirable "domestic character," with little care for show. His soldiers good-humoredly called him "Aunt Nancy," in recognition of his social and domestic qualities.

In the early days of the Confederate War he was captain of a company in the First North Carolina Cavalry, commanded by Colonel Robert Ransom, a graduate of West Point and a good deal of a martinet. Upon an occasion of moving camp, Captain Barringer's servant had neglected to pack with the baggage a handsome silk umbrella, quite a rare and valuable article in those days. The servant and baggage train having been sent on ahead, Captain Barringer, unwilling to lose his umbrella, strapped it upon his saddle.

[1] No reflection, of course, is implied upon General Barringer's courage, loyalty, or faithful and diligent discharge of his duty as a soldier and an officer. He rose from captain to general, in active service in the field; and I have never heard adverse criticism of him, in regard to any of those essentials in the military character. But he seemed to me to have little natural aptitude for things military or for the forensic controversies of the law.

As the regiment passed out of the camp and wheeled into the road to begin their march, the Colonel and his regimental staff sat on their horses reviewing the column. When Captain Barringer rode by at the head of his company, Colonel Ransom called out in loud and peremptory tones, "Captain Barringer, what in—is that you have on your saddle?"

"A silk umbrella," replied the Captain.

"A silk umbrella," shouted the Colonel, "A silk umbrella! Throw it away, Sir. Throw it away! Who ever heard of going to war with a silk umbrella? Throw it away, Sir," with a string of profane expletives.

So the careful Captain lost his silk umbrella, to the gratification of the Colonel's temper, but with no real advantage to effective discipline.

General Barringer was a Republican in politics during the Reconstruction period and removed from Concord to Charlotte at a time when there was great bitterness of political feeling, and when members of the Republican party received but scant courtesy or consideration from their more violent political opponents in that community.

At first he attended in Charlotte the same Presbyterian church of which his brother-in-law, General Daniel H. Hill, was a member.[2] I have been told that at a celebration of the Holy Communion, the two brothers-in-law sat so near to each other that General Hill should have passed the elements to General Barringer, in accordance with the Presbyterian manner in that ordinance. But General Hill did not do so; he handed them to another person who sat near, and this person then passed them to General Barringer. I do not know that this is true, but it was told and accepted as true in Charlotte; and whether accurate or not, its currency in the community illustrates the bitterness of feeling too prevalent at that time. Some years after this period, when I came to know Charlotte, General Barringer's amiable and kindly qualities had overcome the early prejudice, and he was a highly esteemed citizen of the community

[2] General Barringer, General Daniel Hill, and General Thos. J. (Stonewall) Jackson married sisters, daughters of the Rev. Robt. H. Morrison.

I but once heard him allude to the hostile feelings of those days, and then it was humorously. Shortly after coming to Charlotte he met a Mecklenburg farmer who had been a soldier in his regiment during the War. The General invited him to come up to his office, and they had a pleasant conversation in recalling the memory of their war experiences. The General asked him about his crop, an unfailing source of interest among farmers, for General Barringer was a farmer as well as a lawyer and a soldier.

The man replied that he had the finest crop of corn he had ever seen in his life, in a certain field on his farm; that it was now tasseling out beautifully, and if it could have rain pretty soon he would make a fine crop. He added, however, that if it did not have rain within the week or ten days, it would fare badly, as it was already beginning to suffer. It had tasseled out but was not "shooting" as it should do, and it needed a good "season" (i.e. a good rain). The General asked him if the field in question did not lie near the road at such a point between Charlotte and Concord. The man replied that it did.

"Why," said General Barringer, "I know that field well and have often noticed it as I have passed along the road, and have observed how the land lies. There is no reason that

field should ever suffer from drought."

"How so?" asked the farmer. "Why should not that field suffer as well as any other field, when there is no rain?"

"Because," replied General Barringer, "that field lies below the level of the creek which flows a few hundred yards distant. At the cost of a few dollars you could cut a shallow ditch from a certain point in the creek to the top of your field. Then a dam thrown across the creek would turn the water into your ditch, and in half an hour your whole field and every furrow would be saturated. You could then cut through the dam, and let the creek go on in its natural course."

"Why, General," exclaimed his friend, "I never heard of such a thing in my life."

"Yes," continued the General, "that has always been practised. In many very fertile countries all crops must be thus watered by irrigation. Egypt was in ancient times the granary of Rome. The life of the city in the days of the Empire depended upon the corn ships which brought corn from Egypt. The valley of the Nile, where the corn was raised, is practically a rainless region. In various ways the water of the Nile is caught, or is raised and collected in tanks, and then by small ditches is conveyed to the growing crops in the fields. The Bible refers to this, when Moses promised to the Israelites a land of rivers and brooks, of rain and dew, where they should not have to water their fields and gardens 'with their foot.'" The General grew eloquent, and his auditor listened with amazement and quickening interest. In the end he expressed his gratitude for so much interesting and valuable information and declared his purpose of putting into practice at once this

strange method of supplying his suffering corn crop with the needed water.

It was not until the following winter that General Barringer again saw his former soldier. On meeting him in the street he repeated his invitation to a conversation in his office and desired to know the result of the experiment in irrigation.

"Why," said the farmer, "I went home and did just what you told me to do. I cut my ditch, and I threw a dam across the creek just below my ditch; and in less than an hour my whole field was wet, with water running down every corn row. Then I broke the dam and let the creek go on in its channel. And I saved my crop. We had no rain for two weeks; but I made the finest crop of corn on that field I ever saw in my life. But, General, I don't think I shall ever try it again."

"Why?" asked the General. "I should think you would be glad of such a sure way of watering your field in time of drought."

"Well, you see," the farmer explained, "I was mighty proud of what I had done and of the fine crop I now felt sure of. So the next Sunday, at Sugaw Creek Church, I was bragging mightily about it and telling all of my neighbors. But they were all against me. They said they did not believe in any such doings; that it was flying in the face of Providence; that when the Lord did not send rain we just had to stand it. They said they did not believe in any such unnatural ways. I went on then to tell them all you had told me, about how many countries have to raise their crops in this way; and all about Egypt and the Nile; and how it was in the Bible itself. But, General, I couldn't stand against

them. They were all down on me. And when I told them all that you had told me, they said they did not believe in it; that it was nothing but one of old Barringer's damned radical notions, and they wouldn't have anything to do with it."

So irrigation was not favored in Mecklenburg.

General Barringer remembered that when a small boy he had heard his father, old General Paul Barringer of Cabarrus County, say to his overseer on a Sunday morning, as they were all preparing to go to the Lutheran Church of which they were members, "I think we had better take our rifles with us today, that we may be ready for those Hinkelites, in case they make any trouble."

The Hinkelites were the followers of David Hinkel, a Lutheran minister, who in the early part of the nineteenth century, inaugurated among the Lutherans of North Carolina and Tennessee a reactionary movement to revive those liturgical and sacerdotal elements of the early Lutheran worship and teaching which, by their association with their Presbyterian and Methodist neighbors, the North Carolina Lutherans had to a great extent forgotten and abandoned. The vigorous blasts of doctrine from the trumpet of David Hinkel rallied many to the standards of the older Lutheran teaching, and he organized the Tennessee Lutheran Synod, embracing also such congregations in North Carolina as he could influence. Their differences were after a time happily composed, but great dissension and bitterness were aroused, and there were in some cases violent contentions in particular congregations, as to which party should have possession and control of the church building. It was with reference to such a possible struggle that old Paul Barringer and his overseer took their rifles to church upon the Sunday morning.

There was, of course, much abuse and exaggeration produced in the course of this controversy. Mrs. Judge William P. Bynum of Charlotte, an aged member of my parish of St. Peter's, but a native of Lincoln County, told me that she remembered in her childhood hearing an aunt of hers, a Miss Shipp, who was a strong Methodist, say to her mother with much indignation: "Yes! And David Hinkel told old Mrs.—— that for one round silver dollar he would forgive her all her sins!"

CHIEF JUSTICE HOKE

I had the honor and the happiness of a rather intimate friendship with Chief Justice William Alexander Hoke. I knew him when he was quite a young man, and our association grew more intimate as our years increased. Mutual liking developed into confidence and warm friendship, unbroken to the time of his death. He enjoyed in an unusual degree the respect and confidence of the people of the State; and he inspired a sort of enthusiastic admiration in all who had been so fortunate as to be brought into close personal relations with him.

He had sat on the Superior Court Bench for a good many years before becoming a Judge of the Supreme Court; and he seemed to remember his work in that lower position with greater pleasure than any other of his professional experiences; I think, because it brought him into closer touch with the people of the State. He had a big heart, as well as a big brain; and he enjoyed contact with people; not certain classes, but all kinds of people. In criminal cases tried before him, he loved to study the parties, to understand their characters, their motives, the influences surrounding them. I heard him speak of many such cases. He seemed always to have felt a real personal interest in the accused man and to have tried to enter into an understanding of his motives. He seemed to feel a solicitude that the prosecution should be managed, and the penalty adjusted, where a penalty had to be imposed, so as to spare the feelings, as much as possible, of the innocent family and friends of the prisoner, and to afford the guilty one a hope of ultimate reformation and rehabilitation. I suppose all judges have this feeling in some

degree, but I think I never knew one, who, with a high sense of the sanctity of the law, was possessed and controlled by this sentiment to such a degree as Judge Hoke seemed to be. Almost all his stories and reminiscences of interesting trials were pervaded by this admirable spirit and sentiment.

I remember with what sympathy and admiration he told of a poor and illiterate mountain woman in one of our western counties, who spoke to him in behalf of her son, who had been convicted of some serious crime of violence. Not denying the justice of the verdict nor asking that he be spared or that he be given a light sentence, she pleaded, not with fawning or cringing, but with womanly—I had almost said manly—courage and self-respecting candor, that his punishment, however severe, should not be such as to class him with thieves and fraudulent impostors, and thus seem to him or his associates to carry a note of infamy and to deprive him of self-respect and the incentive to try to recover himself.

I do not at all remember the particulars of the case nor the action of the judge. I remember only Judge Hoke's emotion in telling the story and his admiration for the noble sentiment and courage of the poor and illiterate but high-minded, mountain mother.

Another story he told of a case tried before him in an eastern county, where a man brought an action to recover his children, a girl and a boy, whom his wife had taken with her when on some trivial complaint she had left him and returned to the home of her parents.

As the situation developed at the trial, in the testimony of the witnesses on either side it became evident that there had been no adequate cause for separation. Judge Hoke be-

came deeply interested. He was of a most tender and generous nature; and, with the intuition which springs from sympathy, he became satisfied that the husband and wife had still a deep and sincere mutual affection; notwithstanding their unfortunate alienation. He began to feel also that it lay in his hands to bring them together again, by means of their love for their children, if he could so command his own feelings as to apply the severe remedy. The law was plain. The wife had had no just ground for leaving her husband. She alleged no real grievance. In the discretion allowed him he might have yielded to his kindly impulse and permitted the wife to keep one or both of the children. But he put force upon himself and determined to restore the broken home by severe but wholesome treatment.

The lawyers had concluded their arguments and their appeals. Both parties were present in the court, the mother having the children with her. "In the opinion of the Court," said the Judge, "the father is clearly entitled to the custody of the children. Mr. Sheriff, you will deliver the children to the father."

The Sheriff took the little boy by the hand and led him over to the father. The child was quiet and seemed to go willingly. But the mother held the little girl's hand, and as the Sheriff approached she burst into tears and the child clung to her weeping and seemed to try to hide herself in the folds of her mother's skirt. The Sheriff hesitated and looked to the Judge. Hardly able to command his feelings at this pathetic scene, the Judge sat sternly silent and made no response to the Sheriff's mute appeal, while mother and child clung together in tears and in terror.

"Must I take the child away from her by force?" asked the Sheriff.

Speaking with great effort, and with harsh and abrupt utterance, because he could with difficulty speak at all, the Judge replied sternly: "Do your duty, Sir." Whereupon the Sheriff took the child forcibly from the agonizing mother, who seemed on the point of swooning, and delivered her to the father.

"Now," said the Judge to the father, "take the children away." The father with the children passed on towards the door. Just as they drew near the door the mother sprang up and crying wildly that she could not give up her children, ran after them and joined the group; and together they left the Court.

Late in the afternoon of the same day, as the Judge sat on the piazza of the hotel after the adjournment of the Court, a happy party, father, mother, and the two little children, waved him a grateful farewell, as they drove by in an open carriage on their way to the father's home in the country.

I almost hesitate—almost, but not quite—to pass immediately to the following, also a reminiscence of Judge Hoke. And yet I believe that it also illustrates, in a humorous way, the same valuable quality of honest human sympathy, joined with sound judicial discrimination and illuminated by a fine sense of humor.

A Negro girl named Jinny was indicted for forcible trespass, in that she had gone upon the premises of the prosecutor, broken down a pigpen, and carried off the pig enclosed therein. Her defense was that the pig was her own pig,

known to be hers by her friends and neighbors, and called by the pleasing and descriptive name of Beauty, familiarly abbreviated by his friends and associates to Beut. After it had been shown by the witnesses for the State that the prisoner, had openly and defiantly gone upon the premises of the prosecutor, with a female companion, broken down the prosecutor's pigpen, and taken or led away the pig which had occupied the pen, the defense put upon the stand the female companion of Jinny, to prove that the pig was really Jinny's pig, and to give her version of the alleged trespass, etc.

Being sworn, she was asked to tell all that she knew of the matter. "Yes," she began, "I was with Sis Jinny, and we went to that man's place, because we was looking for Sis Jinny's pig. And we went up to the pen, and we seed Sis Jinny's pig in there. And Sis Jinny, she says, "Beut, Beut," and Beut, he says, "Ump, Ump." And then Sis Jinny, she pulled down one side of that pen, she did; and we fotch Beut along home."

"If your Honor please!" interrupted the Solicitor for the State, endeavoring in vain to stop the witness; "If your Honor please! The State objects to the introduction of the conversation between the prisoner and the pig.

"Objection overruled," promptly replied the Judge The conversation is admitted as a part of the *res gestae.*"

Who will dispute the justice of this ruling, whether upon principles of law or of good sense?

SCENE IN A COURTHOUSE

"And earthly power doth then show likest God's;
When mercy seasons justice."

I sat once in a crowded courthouse, watching the progress of a trial. In the prisoner's box sat a young woman indicted for a crime which seemed to involve responsibility for the death of her own new-born infant, though that was not charged in the indictment. The account which she gave of herself made her innocent of the crime charged against her, though it did not wholly free her from blame. She was evidently without social culture and the refinement of educated associations; yet it was apparent to an intelligent and discriminating observer that she was a person of innate sensibility and of some natural refinement of feeling. I could not doubt this, after I had observed her attentively for some time. And there she sat, facing the Judge and the jury, upon trial for a crime, the gaze of hundreds of curious and careless eyes fixed upon her. And because her natural sensibility made this an ordeal of horror for her, which it would not have been to a harder or coarser nature, she had steeled herself to endure it and sat gazing straight before her, looking neither to the right nor to the left, never changing a muscle of her countenance, nerved to endure, and desperately determined to repress every emotion; hard and unflinching, because she saw the whole world against her, and she would hold the world at bay by a hardness like its own.

There she sat and heard the story which seemed to banish hope and to bring her every moment nearer to the shame of a *conviction.* And she heard it all with the same stony countenance and stubborn endurance.

At last an old man, her great-uncle, with whom she had lived, was sworn and put upon the witness stand. Under the solemn sanction of his oath, he was obliged to state the same facts, testified to by the other witnesses, which showed so black against her. Still not a muscle of her face moved, nor did an eyelid quiver. But after the old man had finished his testimony, direct and upon cross-examination, and had been told that he might stand aside, he turned to the Judge upon the Bench; and with a simplicity which seemed to carry conviction to every heart, he said: "Judge, I want to say one word for this poor girl. She may be guilty in this matter. I do not know. If she has done wrong I do not excuse her. But, Judge, if she has done wrong in this thing, she is not a bad girl. She is a good girl. I know her, Judge. She is a good girl."

I watched her as the old man said these words, so unexpected. There was an almost imperceptible start, and quiver, and then an instantaneous recovery. But that kind word, so unlooked for! It had touched her heart. It had pierced the armor of her stubborn resolve and bitterness. Muscle and eyelid remained unmoved, but a tear gathered in her eye and rolled down her cheek; and then another, and another—and then there were other checks wet in that courthouse. And the Judge moved uneasily upon the seat of Justice. Then the Solicitor for the State rose—I love to feel that the State of North Carolina stood up in the person of her Solicitor—and said: "If your Honor please, the State will not ask for a conviction in this case. After what this old man has said I believe the defendant has told the truth; and that, if guilty at all under this bill of indictment, it is a

case of technical guilt only. The State, your Honor, will enter a *Nol. Pros.*"

I think that was one of the finest examples of the administration of justice I have ever seen in a courthouse. It shows how love and sympathy can reach and melt hearts not to be moved by the harsher methods of reasoning and criticism. The Solicitor in the case was Thomas Settle, the third of that name, and the Judge was John Gray Bynum. I told Mr. Settle afterwards that I did not believe he had ever done a finer thing in his life.

LITTLE JIMMIE DICKSON

In the South "before the War" the necessaries of life were cheap and abundant, the general style of living simple and informal. A frank and careless hospitality welcomed every guest; and when the guest was a familiar acquaintance he was left to come and go very much as he might choose, without formality or restraint. This was not only true in the case of social equals; it was likewise true of dependants and servants. The slaves, having a "pass" from their master, were made welcome to the hospitality of the kitchen and the "quarters." Upon special occasions or seasons of festivity, and especially "between the Christmases," that is from December 25, to January 5, the latter day, "Old Christmas," or Christmas Day, Old Style, being much the greater day in the estimation of the Negroes, they would sometimes make visits of considerable length to their kinsfolk or friends upon distant plantations, or to the families of their former owners.

It may be said with almost literal truth that there were no beggars in those days. The occasional relief or help, afforded by the more prosperous to the poorest of their white neighbors, was usually unsolicited and in the form of such simple gifts of friendship, as one might freely accept from his neighbor, being on both sides recognized as proceeding from kindly mutual interest, and not infrequently returned by such smaller favors as were within the power of the poorer. These last were received in the same spirit, and neither suffered any loss of mutual respect and esteem.

In those easy-going times almost every community could show a number of weak and inefficient, yet amiable and

harmless, characters, unable to support themselves, or perhaps too lazy to do so, who lived upon the indulgence of their friends; not as professed dependants, but as humble guests or friends, receiving the hospitality of the house and rendering such services as they chose to the housekeeper or to the master, in the multifarious occupations and employments of the old country and plantation *régime*. Sometimes one house would be the home of such a poor man or woman for years. They would live there and die there, as much members of the family, in their lesser way, as the very sons and daughters; with absolutely no claim of kindred upon the family to which they had attached themselves. More usually, however, they were lovers of variety, and had a regular or delightfully irregular circle of friends, upon whom they bestowed their company, extending their visitations perhaps through several contiguous counties, so that they might vary their routine of life, and have separate abodes, suited to the changing seasons. Very often there would be some tie of blood or of marriage, upon which the association had originally been based; or sometimes such a relationship would be claimed without any foundation in fact. Not infrequently the kindly intercourse of years produced a degree of affectionate regard for persons habitually kindly and obliging in their disposition. Through the mists and shadows of a fast vanishing past these waifs and strays of the old social order arouse not unpleasing memories, as we recall them to our mind.

Such as has been above described was "Little Jimmie Dickson," late of Warren and Granville counties. He professed to carry on a very small business as an itinerant vender of needles, pins, and knitting needles. When the great finan-

cial troubles of the early half of the nineteenth century were causing much distress and the total ruin of many large fortunes and great enterprises, Little Jimmie announced with much satisfaction that, should be become involved in the common ruin, one dollar would quite restore his losses and set him up again. But he was far above dependence on the vicissitudes of commerce. He was the tolerated, if not the welcomed, guest in some of the best homes in his two counties; and he sometimes extended his visits into Nash and Franklin.

He was short in stature and of meager proportions. His fair hair grew white with advancing years. The warm flush of generous eating, and drinking when he could get it, glowed in his cheery countenance, but failed to increase his weight. Never, save on one occasion, did he attain his ambition of reaching one hundred pounds avoirdupois; and then it was by the grace of a good housekeeper, who gave him permission to drink all he wanted of her fresh buttermilk. Thus he described that happy experience: "I sot down by the churm, and I drinked buttermilk, and I drinked buttermilk, ontwel I couldn't drink no more. And then I went and weighed myself: and, 'y dad, I weighed a hundred and one pounds!"

His dress was commonly the white coarse cotton homespun, of the country. In his hat-band he carried his short pipe, and a sun-glass in his pocket for a light. Upon his back he always carried a small rush-bottomed chair, that he might not lack a comfortable seat, when he wished to rest by the roadside in his travels from home to home. And this same seat he occupied wherever he went, in the houses of his friends, in the country meeting-house, and in the village church. He was well received everywhere and by all. The small boys were entertained by his good humor, and by the

marvel of his lighting his pipe with his sun-glass; and at weddings and other festivities the good wife saw that he was well served with the best of the eating; and she did what she could (perhaps not always with success) to keep the drink away from him. Among the coarse and rude he sometimes became the butt of unfeeling and even cruel "practical jokes," as such persons like to call their brutalities. But he never lost his kindly and gentle and happy spirit. He had no ill feelings; and it was noted of him, that he carried no tattle, or injurious gossip from house to house.

One of his favorite homes was with the family of Mr. Kemp Plummer, an eminent lawyer of Warrenton. Here he would remain for weeks, or even months at a time, and then depart, not to be seen again for weeks or months. He made some claim of kindred with this, and with other prominent families, a claim originating probably in his own imagination, but not repelled, for the old-fashioned Southern gentleman seldom had the kind of pride which is ashamed of poor kinsfolk. Little Jimmie, with great respect and much complacency, always addressed Miss Lucy Plummer as "Honorable cousin Lucy." Miss Lucy in due time became the wife of the Hon. William H. Battle, of our Supreme Court, and the mother of equally eminent sons. She often entertained her children with reminiscences of her youth; and the following is one of her stories of Little Jimmie Dickson.

Returning after a prolonged absence Little Jimmie greeted her in his most pleasing and cordial manner: "Well, Honorable cousin Lucy, how have you been getting on all this long time?" "I have been very well, Jimmie. I hope you have been well also." "Yes, Honorable cousin Lucy, I have been very well." "Where have you been all this time, Jimmie, and what

have you been doing with yourself? Tell me how you have been getting on."

"Well, Honorable cousin Lucy, I been over in Granville, about Williamsboro: I been to see the Somervilles a little while; and then I been to the widow Sucky Fane's. I been staying a long time with the widow Sucky Fane. And I behave myself all right, and had a good time. The widow Sucky Fane, she's a mighty good woman, and she treat me mighty well. And I done right too. I never drinked no whiskey, nor done nothing. I done all right.

"And then one day, Honorable cousin Lucy, the widow Sucky Fane, she says to me: 'Jimmie, you been doing mighty well all this time. I wonder if I couldn't trust you to go down to Williamsboro' to git me a barrel of molasses.' And I says, 'To be sure, Mrs. Fane. To be sure, Ma'am. I'll go down to Williamsboro,' and when I come to that grogshop I won't look that a way, Mrs. Fane. I will look the other way; and I will whip up the old horse and say, git up, git up, and I won't never see that grog-shop.' Then the widow Sucky Fane she says: 'Well, Jimmie, I am going to trust you. Git the horse and cart, and go down to Williamsboro' to Mr. Jones's store; and tell him to send me that barrel of molasses I was talking about yistiddy.' 'To be sure, Mrs. Fane,' I says, 'I do jist like you tell me.'

"Well, Honorable cousin Lucy, I got the horse and cart, and I went down to Williamsboro.' And it's jist like I tell you, Honorable cousin Lucy. When I come to that grog-shop in Williamsboro' I done jist like I said. I turn my head the other way, and I whip up the old horse; and I says 'git up, git up,' and I ain't never seed that grog-shop, I ain't seed it yit. When I git to Mr. Jones's store, I tells him that

the widow Sucky Fane sont me to git that barrel of molasses she was talking about to him yistiddy. Then Mr. Jones rolls the barrel out, and me and him, we gits it up in the cart. And Mr. Jones fix the spiggot hole, so the molasses can be drawed out. And when I goes on back, hit's jist like I tell you, Honorable cousin Lucy. When I comes to that grog-shop I looks the other way, and I says, 'git up, git up,' and whips up the old horse; and I goes by, and I ain't never seed it yit.

"When I gits to the aidge of town I looks up, and I sees another fellow coming, setting up in a cart, just like me; and he's got a barrel in his cart, just like me. And I stops, and I says: 'Thar now, you's a coming, and I'm a'gwine. And you got a barrel in your cart; and I got a barrel in my cart. I make a bargain with you; if you tell me what you got in your barrel, I tell you what I got in my barrel.' 'All right,' that fellow said; 'What you got in your barrel?' 'I got molasses in my barrel,' I says. 'What you got in yourn?' 'I got whiskey in mine' he says. 'Thar now,' I says, 'I make another bargain with you. I'll give you a quart of molasses for a quart of whiskey.' 'All right,' that fellow says. So I gits down off my cart, and goes to a house close by, and borrows me some thing to put my liquor in; and that fellow he draws me a quart of whiskey out'en his barrel. And then likewise I drawed him a quart of molasses out'en my barrel. And I gits up on the cart and drives on. Well, Honorable cousin Lucy, I sets thar, and I smells that whiskey. And hit's done been so long sence I had a dram it seems to me I jist obleeged to take one drink. So I tuck one drink. And that drink taste so good I jist bound to have one more. And arter I had the second dram I jist don't keer for nothing. I jist sot there, and drinked that liquor, and that old horse just go along

the road any way he mind to. I didn't keer for nothing.

"Byme-by the old horse got back home, and drawed up to the door; and the widow Sucky Fane come out. And I don't know how it was, Honorable cousin Lucy, but somehow, when I drawed that fellow the quart of molasses, I didn't git the spiggot back into the spiggot hole good; and the molasses had all runned out into the cart, and down all along the road, and there wa'n't hardly none at all left in the barrel.

"But, Honorable cousin Lucy, it would ha' done your heart good, to ha' seen them little niggers sopping out the cart."

Another of Mrs. Battle's stories began the same way. Little Jimmie had returned after a prolonged absence. "Where have you been this time, Jimmie?" she asked. "Well, Honorable cousin Lucy, I been down in the aidge of Nash, down at Dr. S—'s. I stayed thar a long time. I reckon two or three months. And I been working all the time. Dr. S. give me twelve and a half cents a day, and I worked good and hard. Every morning when I start out to work, Dr. S. say to me, 'Jimmie, the jew is mighty heavy on the grass this morning. Don't you want a dram before you start out?' Now, Honorable cousin Lucy, you know I never could 'fuse a dram, when anybody offer it to me; so I says, 'Dr. S., I believe I would like a dram.' Then Dr. S. give me a drink of that good old Nash brandy. And again at night, when I come in from work, Dr. S. says; 'Jimmie, you been working mighty hard today. Don't you want a dram before supper?' And he give me another dram. I says to myself, 'Ain't Dr. S. the best man ever I see! He pay me twelve and a half cents

every day I works for him; and then he give me two drams every day!'

"Well, I stayed a long time. I don't rightly know jist how long I did stay; but it was two months, or three months, or may be more. At last one night I got to thinking about you all up here in Warren, and about my folks in Granville, that I ain't seed in sech a long time. And I says to Dr. S. 'Dr. S., if you please, Sir, I believe I would like to have a settlement, Sir. It seem like to me I bleeged to go to see my folks up in Warren and Granville, if you please, Sir.' 'You say you want a settlement, Jimmie?' 'Yes, Sir, Dr. S.' I says, 'if you please, Sir.' 'All right, Jimmie,' he says. 'Any time you want it. I'm ready,' he says. And Dr. S. got out a little book long and narrow, and he turns over the leaves, and he looks for the place; and he says 'Dr. S. in account with Little Jimmie Dickson; sixty-three days, at twelve and a half cents a day, seven dollars and eighty-seven and a half cents.' 'What, all that money for me, Dr. S.' I says. 'I ain't never had that much at one time in my life!' and I hilt out my hand for it. 'Hold on, Jimmie,' he says, 'Let's see what's on the other side.' 'Is there any thing on the other side, Dr. S.?' I says. 'Yes, Jimmie.' 'What is it, Dr. S.?' 'Here it is,' he says; 'June 6. By one dram, six and a quarter cents, ditto, six and a quarter cents, twelve and a half cents; June 7, ditto, six and a quarter cents, ditto, six and a quarter cents, twelve and a half cents, June 8, ditto, six and a quarter cents, ditto, six and'—'Y dad, Dr. S.' I says, 'Jist stop that ditto, and tell me what it all come to.' 'Well, Jimmie,' he says, 'When you add up the other side, and strike a balance, there's just six and a quarter cents coming to you.' 'Is that all, Dr. S.?'

I says. 'Yes, Jimmie, that's all.' 'Well, then, Doctor, Y'dad, give me another ditto, and we'll call it square.' And so, Honorable cousin Lucy, I come away without ar 'a cent!"

MRS. GID. ALSTON AND JOHN RANDOLPH OF ROANOKE

I think it was the last time I was in General Matt. Ransom's company that he told me of an amusing scene between Mrs. Gid. Alston of Warren County, and John Randolph of Roanoke, witnessed by the General's father, Mr. Robert Ransom.

Mr. Ransom was at the country home of Mr. Gid. Alston. He, with Mr. and Mrs. Alston, sitting on the front piazza, saw Mr. Nathaniel Macon, Mr. Alston's uncle, riding up on horseback accompanied by another gentleman. This man they had never before seen, but they were quite sure that he was no less a personage than the famous Virginian, John Randolph of Roanoke. He was a great friend of Mr. Macon, and they had heard that he was spending some days with him. Mr. Alston went out to meet the gentlemen, gave them a cordial greeting, tied the stranger's horse to the horse-rack, and invited them into his house. Mrs. Alston and Mr. Ransom rose to receive them as they came up to the steps.

I have seen a miniature of John Randolph, painted in his youth, which shows not only a very handsome and intellectual countenance, but also great beauty and sweetness of expression. And later representations retain the same general form of face and features, though not the expression. In the latter part of his life fierce and stormy passions had left their mark. He was a tall man, with extraordinary length of legs, as compared with his body, thin almost to emaciation, of a harsh and not pleasing countenance.

Mrs. Alston (a Miss Atherton of Northampton County, I believe) was a large woman, of a rather masculine type,

and plain-spoken even to rudeness at times. As Mr. Randolph came up, Mr. Macon said to her: "My dear, this is Mr. Randolph, whom I have brought to see you."

Mrs. Alston surveyed the gentlemen from her superior station at the top of the steps! "Well, Uncle Nat, and so this is your great friend Mr. Randall. Humph! I could take a pumpkin and two tobacco-sticks, and make a better-looking man than him."

One would like to know what Mr. Randolph said inside of himself.

A NASH COUNTY CELEBRITY

In June, 1856, my father drove from Scotland Neck by way of Enfield to the residence of Mr. Arthur Arrington, in the upper part of Nash County, near Fishing Creek, to officiate at a double wedding, the brides being Mr. Arrington's nieces, I think.

The interesting ceremony being happily over, he returned to his home in Tarborough, by way of Hilliardston. The first part of his journey was through a part of Nash County entirely new to him. Emerging from the woods some miles before reaching Hilliardston, the road ran through an extensive clearing, in the midst of which stood a spacious residence in a large grove of oaks, with ample barns, stables, gin-house, Negro quarters, etc., suggesting the home of a wealthy planter. On each side of the road was a "rail fence, staked and ridered," after the fashion of the time and country.

As he drove into this clearing he was greeted by such a crowing of cocks as he had never heard in all his life before. Hundreds of cocks seemed to be crowing simultaneously and unceasingly. The air was resonant with their shrill notes, challenging and replying in fierce and eager tone. "Cock threatened cock in high and boastful" crows, to paraphrase Shakespeare. He could not for some moments understand the source or the cause of this unceasing clamor. The sounds seemed to come from the line of the rail fence on each side of the road. Then looking more closely, he saw that each inside "lock" of the rail fence, on both sides of the road, was closed in, and covered over with rails, forming a long succession of three-cornered pens, for several hundred yards,

perhaps a quarter of a mile, on both sides of the road on the inside of the fence towards the enclosed fields. In each of these pens was a gamecock; and it was from these hundreds of fine birds that the unceasing chorus of crowing proceeded. He at once felt sure that he was passing the residence of Nick Arrington, the famous Nash County cock-fighter, and inquiry confirmed his conjecture. There may have been at some time and in some country a man more famous in this line than Nick Arrington, but in North Carolina this Nash County celebrity is believed to bear the palm. He was, I believe, an amiable and excellent country gentleman, genial, hospitable, and popular. A tradition of his hospitality survives in the form of an invitation he was accustomed to extend to the young men of his acquaintance. "Boys," he would say, "Come to see me. I have the prettiest girls, the best brandy, and the easiest-melting sugar, in Nash County."

The Arringtons are one of the oldest and most noted families in Nash County, and have been such from the first settlement of the country. I have no doubt that he possessed the good qualities which have been common to his kindred. But his fame as a chicken-fighter has dimmed all other memories of this particular Arrington.

How accurate are the stories of his many contests and many victories with his "feathered warriors," I suppose there is no means now of finding out. They are recorded only, so far as I know, upon the shadowy and uncertain pages of tradition already grown dim. I have heard that he once fought a "Main" of three hundred cocks on a side for a stake of five thousand dollars, at Memphis, and won it, of course. Another time he is said to have accepted a challenge from Santa Anna, President of the Mexican Republic, also

a very famous cock-fighter. At first there seemed to be insuperable difficulties in arranging the preliminaries. The President of Mexico considered it beneath his dignity to come to the United States. Mr. Arrington, as a sovereign American citizen, was equally tenacious of the point of honor and refused to fight his cocks in Mexico. Finally, however, it was arranged that they should meet on two steamboats in the Gulf of Mexico, and the American birds sustained their reputation as invincible upon that international "Arena," if we may thus designate the waters of the Gulf. So went the story, as I heard it many years ago.

It was doubtless in preparation for some such important contest that Nick Arrington had his cocks pent in their triangular enclosures along the road, when my father passed along and was so much impressed by their crowing. In order that the gamecock may be brought to his prime fighting form, he must be taken from "the walk," where his social instinct is developed by the companionship of his fellows, and he must be kept for some time in solitary confinement. Thus rendered irritable and pugnacious he is ready to strike fiercely at the sight of any opponent.

The fighting instinct in the gamecock is not an inherent vicious quality. It is a protective instinct, valuable in his natural condition and situation for defense against his enemies—hawks, owls, and other predacious birds and beasts. Man, for his sport, has developed and perverted that which in itself is a virtue. Bred and treated as other domestic fowls, it is doubtful whether the game chicken would be greatly different in social instincts and habits from other breeds and varieties. All gallinaceous birds are given to fighting upon occasion. It seems characteristic of the genus. The game

chicken is the finest, the handsomest, the most gallant and high-spirited among all the species and varieties of this family of birds. He has a high average in all the best qualities of the domestic fowl. And in addition he is of unequalled courage in repelling the attacks of his natural foes. A hawk, even the fierce and swift "Cooper's Hawk"—the "Blue-tail Darter," as the Negroes call it—is very seldom known to invade the "walk," where the game chickens *use*. And when he is tempted by the opportunity of pouncing on a stray young one, he is often driven from his prey by the unexpected intervention of a cock, or even of an outraged hen.

Governor Elias Carr, standing in the piazza of his country home, "Bracebridge Hall," near Old Sparta, in Edgecombe County, saw a hawk strike a half-grown chicken, which was still following the mother hen. The hen happened to be near at hand, and before the hawk could rise from the ground, the hen attacked it furiously with beak, claws, and wings; pecking, striking with her wings, springing upon it, and trampling it with her feet. Thus beaten and baffled, the hawk could not keep its hold upon the chicken, which escaped and ran off. When the hen saw her young one safe, she marched off cackling in triumph. While the fight was in progress Governor Carr had walked up, and before the hawk could make its escape he killed it with his walking-stick.

The late Colonel William H. Cheek of Henderson, told me that standing in his back porch, at his residence in the suburbs of that town, he saw a hawk seize and fly off with a half-grown chicken. The chicken was of a size to have been weaned, but was still following the hen. This hen was some distance from the chicken, and before she could reach it,

the hawk had risen and, flying over the fence and across the garden, was making off with its prize. But the hen took the air also and flew after them. The weight of the chicken and its desperate struggles so impeded the hawk in its flight that the hen soon overtook it and attacked it on the wing with so much vigor and persistence that the hawk was forced to drop the chicken, which had not been seriously hurt, and to fly away. Colonel Cheek told me that he saw this remarkable instance of the courage, strength, and maternal instinct of that fine game hen. And my impression is, though of this I am not sure, that the hen was of that famous strain of game chickens developed by Nick Arrington and well known among chicken fanciers as the "Stone-fence breed."

When a boy I had a pair of white bantams. The cock had the form and characteristics of a miniature gamecock, the clean legs, sharp, well-developed spurs, and high bearing. The hen hatched a brood of two or three chicks. While they were following the hen, my father saw a large rat run from under an out-house and attempt to catch one of the chicks. The cock at once ran to the rescue and with bill and spurs fell upon the rat so fiercely that he drove him off and forced him to seek shelter under the house from which he had come.

I never fought chickens, but as a boy I raised game chickens; and I have never ceased to admire their beauty, their courage, and their noble bearing. They well deserve the tribute of the Monkish Rhymester:

"Gallus est mirabilis Dei creatura.

*** *** ***

Quasi Rex in capite Gallus coronatur;
In pede calcaribus ut Miles armatur;

Quanto plus fit senior pennis decoratur;
In nocte dum concinit Leo conturbatur."

Which may be thus rudely Englished:

Cock he is a marvelous bird of God's own making,
*** *** ***
As a King upon his brow the Cock a Crown he beareth;
As a Soldier Knightly spurs on his heel he weareth;
Brighter still his features show, as on life's way he fareth;
Ere the dawn his matin song prowling Lion scareth.

GENERAL LOUIS D. WILSON'S WILL

General Wilson was for many years the most eminent citizen of Edgecombe County. He was elected to the House of Commons in 1815, when only twenty-six years old, and served in the House or in the State Senate almost uninterruptedly until in 1846 he left his seat in the Senate to go as captain of a company he had raised in Edgecombe for service in the Mexican War.[1] The President appointed him Colonel in the Regular Army, and he died of a fever in Mexico.

He had living with him in his home at Tarborough, a nephew and a niece, Mr. James Battle (commonly known as Mr. Jim Crust Battle) and his sister, who were orphans and dependent on him.

When it became known that he had died in Mexico, search was made for his will. He was, for that day, a man of large estate, and it was naturally supposed that his nephew and niece, being his nearest of kin and domesticated in his family, would be the chief beneficiaries of his will. Diligent search in his secretary, or escritoire, as that handsome old piece of furniture used to be called, failed to discover in its locked and guarded recesses where he kept his bonds, notes, and other securities and valuables, any writing of a testamentary character. It seemed to be a case of intestacy, and

[1] General Wilson in 1846 was fifty-five years of age, too old for such service. I have heard that in the Senate he was twitted with the fact that his county, Edgecombe, had been very eager for war with Mexico but did not seem much interested in supplying soldiers. Thereupon Louis D. Wilson resigned his seat in the Senate, returned home, raised a company, and led them to Mexico. Perhaps these circumstances explain President Polk's action in appointing him a Colonel.

that the estate would go to his nephew and niece. But finally in a lower drawer, among papers and miscellaneous articles of no especial value, there was found a paper carefully and accurately drawn up, in exact and adequate language, in the form of a "holograph will," i.e., a will written throughout by the testator himself with his own hand, and signed as his will. A will so written and signed and deposited with some person as the will of the person making it, or found after his death among his valuable papers, can be proved as a will, and is as effective in North Carolina as if executed in the presence of attesting witnesses. This will of General Wilson, however, though a holograph, could not be probated because it was found in an open drawer, and not deposited among the valuable papers of the deceased. And not being probated the whole estate would go to Mr. Battle and his sister, the heirs-at-law and personal representatives of General Wilson.

Of course there was a good deal of excited talk over such a matter, especially as the holograph, which could not be probated, provided that the whole estate should be vested in the chairman of the "Court of Pleas and Quarter Sessions," i.e., the old County Court, for the benefit of the "Poor of Edgecombe County."

And now comes the interesting part of the story. General Wilson's nephew, Mr. James Battle, was not a man of an acute mind or of strong natural understanding. He knew nothing about wills, "holographs" or others, so far as the legal methods of probate were concerned. But all the talk and discussion eventually enlightened his slow and dull mind; and he came to understand that if this "holograph," whose purpose was to give the whole of his uncle's estate away from

him and his sister, had been found in the top drawer of the secretary, among the notes and bonds and valuable papers, it would be a good and valid will; and under it the estate would go to the poor of the county; and that because of its being found in a lower drawer, among papers of no importance, he and his sister were to become possessed of all the property. When he came thoroughly to understand this, he showed that though his mind was slow, his conscience was quick. He let it be known that upon hearing of his uncle's death he had looked into the drawer among the most valuable papers, hoping to find a will and naturally anxious to know what he and his sister might expect from their uncle's bounty. Among these valuable papers he had found the holograph will. He opened it and read it. In his bitter disappointment at finding the property given to others he had in disgust and indignation thrown the paper into the lower drawer, where it had been found, not being aware that it would make any difference whether it was found in one place or the other. And upon his testimony the will was probated and the estate went as therein provided.

I am under the impression that in some way it was managed that a reasonable provision was made out of the estate for Mr. Battle and his sister.

After all, it was a foolish and an ineffective will. Edgecombe was a rich county, with few paupers and amply able to provide for those few. The only effect of General Wilson's Fund, in the hands of the Chairman of the County Court. was to relieve the tax-payers of the county. It in no way inured to the real benefit of the poor themselves. They were no better cared for because of it than they would have been without it.

TWO MEDICAL MARTYRS

The old-fashioned doctors had their troubles. I have a MS. copy of a bill of indictment drawn by Blake Baker, Attorney General, in 1798, to be laid before the grand jury. Whether the grand jury endorsed it, "A True Bill," or "*Ignoramus*," I do not know; but the fact that the Attorney General drew such a bill, is evidence that those progressive physicians, against whom it was directed, must have encountered a good deal of opposition and aroused much prejudice and a measure of popular malice and persecution, in their labors for the public good in the suppression of the deadly pest of smallpox.

The following extracts from the bill of indictment are of interest:

"State of North Carolina } Sup; Court of
Edenton District } Law. Oct. Term, '98.

"The Jurors for the State upon their oath present, that Frederick Ramake, late of the Town of Edenton, Practitioner in Physic and Surgery, and John Beasley, late of the same place, also Practitioner in Physic & Surgery, on the fifteenth day of February, in the year of our Lord one thousand seven hundred and ninety-eight, and in the twenty-second year of the Independence of the State, with force & arms at the County of Chowan, in the District of Edenton aforesaid, to wit; at the dwelling house of a certain Wilson Newbern, situate and adjoining upon a certain public High way, near the dwelling Houses of divers Citizens of the State, there and in the Neighborhood of the said Town of Edenton, unlawfully & injuriously did uphold, maintain & keep a certain house & place for the reception and entertainment of persons laboring

under a certain dangerous and infectious distemper called the Small pox, . . . and that they, the said Frederick Ramake & John Beasley in the same house & place, so upheld, maintained & kept for the purpose aforesaid, on the said fifteenth day of February in the year aforesaid, and continually afterwards until the first day of April in the year aforesaid, with force & arms at the County and in the district aforesaid, unlawfully & injuriously did inoculate and cause to be inoculated divers persons, . . .

By reason whereof the said dangerous & infectious disease called the small pox, . . . was communicated to divers persons, . . . of which said dangerous & infectious disease called the small pox, so communicated as last aforesaid, divers of the same persons . . . were in great peril & danger of losing their lives, & also by reason of which last mentioned premises, the danger of said infectious distemper called the small pox being spread & communicated generally among all the inhabitants of the said Town & and the vicinity thereof, became so great and alarming, that they the said Inhabitants, who had not the said distemper, afterwards . . . were obliged to undergo a general inoculation . . . & thereby . . . the said inhabitants became generally infected, . . . of which divers of said inhabitants, then residing in the said Town & the vicinity thereof died, & divers others, . . . were in great peril of losing their lives, to the great damage, danger & nuisance of the inhabitants of the said Town, & the vicinity thereof, to the evil example of all others in the like case so offending, and against the peace and dignity of the State,

[signed] Blake Baker, Attor."

I have seen no contemporary account of the introduction of inoculation into this State. This is the only mention of it which I have come upon. I remember that my paternal grandmother born in Edenton in 1790, told me that she had been inoculated for smallpox; and I think it quite likely that

she was one of the "inhabitants," mentioned in Blake Baker's indictment. It seems probable, either that the grand jury ignored the bill, or, if they found a true bill, that on the trial the doctors were acquitted. Had they been convicted, we should probably have had some tradition of the case, or some record of it in the early volumes of our Reports of the Court of Conference.

The names of Frederick Ramake and John Beasley should have an honorable place in the annals of the medical profession in North Carolina. When Lady Mary Wortley Montagu introduced into England the practice of the inoculation of smallpox; and when, after violent and stubborn opposition, the medical profession had accepted it, the foundation had thereby been laid for the most important advances in the science of medicine, so far as relates to the prevention of disease, which the profession has since made.

It is sometimes stated that the Turks have added nothing valuable to civilization in any aspect of human life and culture. But it was from the Turks that Lady Mary Wortley Montagu learned inoculation; so we do owe that to the Turks.

DOCTORS AND MEDICINE

My dear friend, one of the best men I have ever known, the late Kemp P. Battle, Jr., M.D., of Raleigh, was a learned and skillful physician in his special line—as a throat and ear specialist. He was the soul of sincerity and truth. And he seemed to have very little confidence in the value, or at any rate in the effectiveness, of medicine and of medical treatment. I once went to him and asked him to treat my throat for a slight but very uncomfortable affection. He examined my throat carefully and deliberately, and then said in his quiet, unemotional manner, "Your throat is slightly inflamed, but I do not think I will do anything to it. It will get well of itself."

"But," I said, "it is very uncomfortable. My wife had the same trouble a few days ago and came down and had her throat sprayed. She says it got better at once; she was greatly relieved."

He looked at me very seriously, as I thus expostulated and seemed to demand of him that he should treat my throat. "Well," he said, "that was probably a coincidence."

A Medical Formula

Colonel William H. Cheek of Henderson, told me that his grandfather, an old Mr. Hayes of Warren County, had been accustomed to play the physician to his slaves in simple and ordinary ailments, as was the custom among the old-time farmers and planters in the South. He used to say that the practice of medicine, as applied to such cases, could be reduced to a very simple formula:

"A Puke, and a Purge,
And a little Mint Dram."

A Panacea

Dr. Johnston B. Jones, my old family physician (along with his partner, Dr. Joseph Graham), when I lived in Charlotte, had begun the practice of medicine at Chapel Hill, in partnership with Dr. George Moore, a much older physician, a "doctor of the old school," as we say. There were few apothecaries then, and each doctor made up and dispensed his own prescriptions, as a rule. The more ignorant people would usually insist on returning the unused remainder of any prescription, with a hope that it might somehow lessen the amount of the doctor's bill.

These "heel-taps," so to speak, of prescriptions thus returned, old Dr. Moore would pour into a two-gallon demijohn, which he kept for this special purpose. And when, as was sometimes the case, he had a patient whose symptoms defied his efforts at a satisfactory diagnosis, Dr. Moore would try on the patient a dose out of his two-gallon demijohn. There was in it, he said, medicine for all sorts of ills, and so it might contain what that particular patient needed.

"And how did those prescriptions out of the demijohn work?" I inquired of Dr. Johnston Jones, when he told me this story.

"Why, Mr. Cheshire," he replied laughing: "I sometimes thought they served as well as anything we might have given!"

NEGRO LORE

My friend, Miss Lucy Sharp of Leaksville, quite an accomplished trained nurse of Johns Hopkins Hospital, told me that her mother in making pickles once got red pepper in her eyes. She suffered greatly and called on her daughter for help. While the daughter was rushing about in a vain search for something which might relieve the pain, the old Negro cook called out: "Put your head in the hen-house. Mrs. Sharp. Put your head in the hen-house." Neither Mrs. Sharp nor Miss Lucy paid any attention to this exhortation, but continued their efforts to find some rational remedy. But the Negro cook persisted in urging her method of treatment: "Put your head in the hen-house." At last, half distracted with the pain, and willing to try anything, Mrs. Sharp ran out into the yard, and "put her head in the hen-house." She experienced instant relief. The pain did not wholly cease, but there was a very great alleviation of the suffering. Mrs. Sharp was greatly surprised, but not so much so as her daughter, whose scientific training had made her slow to believe in such domestic remedies. But the relief which her mother had experienced was too manifest to be denied. So Miss Lucy proceeded to "investigate the phenomenon" by putting her head into the henhouse. And at once she understood. The atmosphere of the hen-house was strongly impregnated with ammonia; and ammonia is the best antidote for the burning caused by red pepper. The ignorant Negro had known the fact without understanding the reason. Many old-fashioned remedies, while wholly empirical, had a true scientific basis. Indeed, one may say that all, when effective, must have a scientific basis.

It would be interesting to study the maxims and sayings of the old Negroes. They sometimes contain truth and meaning not at first apparent and not always understood by the Negroes themselves.

It is well known to ornithologists, that Audubon mistook the immature bald eagle for a new variety, and painted "from nature" a noble picture of the "Great American Sea Eagle," still sometimes reproduced as the picture of a special variety. But many years ago the Negroes on Mr. James N. Smith's plantation in Scotland Neck "told my wondering boyhood" of the ravages made by the eagles along the Roanoke River upon the litters of young pigs; and how Mr. Smith's Negro hog-feeder had at one shot killed three eagles, "one bald eagle and two gray eagles," at the bed of a newly farrowed sow, where they were trying to get at her pigs. They explained that a gray eagle was a young bald eagle, for the bald eagle, they said, did not get his white head until he was three years old. They told me also, what I did not believe at the time, but have since had confirmed, that the bald eagle not only robs the osprey, or fish-hawk, by forcing him to drop his prey, and then darting upon it and seizing it before it reaches the water; but that he also robs the turkey buzzard of its much more intimate possessions, by attacking it on the wing when it is full-gorged from its filthy feast, striking it until it ejects the foetid meal; whereupon the eagle wheels about and catches in its own mouth that which has been cast up by the buzzard. Many years afterwards my cousin, the Rev. Dr. Drane of Edenton, who had never heard of this extraordinary performance, witnessed it and described it to me as a thing hardly to be credited, but which he had himself seen. He was greatly surprised to learn that the Negroes had told me of it in my boyhood.

A FISHERMAN'S LUCK

I was once fishing in Town Creek, Brunswick County, with my cousin, Captain Haywood Clark, and one or two other friends, including a Mr. Garrell of Wilmington, whose guests we were on his very comfortable gasoline launch. Each of us was provided with a canoe and a Negro boatman. We were, in local phrase, "bobbing for trout." Sitting near the bow of the canoe, as my boatman paddled along the creek, I swept the surface of the stream, especially along the bank, with a "Buel Spinner," attached to a three-foot line at the end of a long cane fishing-rod.

We had reached our destination and moored our boat at a convenient point on the creek by noon on Monday; and after a hasty meal we began our sport. Along different reaches of this beautiful deep stream we "bobbed" diligently all the long May afternoon—five boats and five fishermen. I never saw more beautiful water nor more beautiful weather nor more abundant signs of fish, the large-mouth black bass, called here trout, as in other localities they are known as "Chub," "Welshmen," and by other names. The banks were fragrant with the blossoming wild grape vines, the bay tree (*Magnolia glauca*), and a hundred delightful spring odors; thousands of delicate water lilies, with their broad leaves floated upon the dark, clear water. In the top of a tall dead tree overhanging the creek was the nest of a fish-hawk. The half-grown young birds, clambering up eagerly to the edge of the nest, seemed likely to tumble over into the creek, while the parent birds, circling around and above them, with the fish they had caught, returned their clamoring cries with a sharp whistling note, which, I suppose,

promised them the food they were seeking. I hardly recall a more interesting and exhilarating experience than we seemed to be entering upon.

But we "bobbed" in vain. Not a strike rewarded our most diligent efforts. The "bob," would be carried deftly along by a bed of broad lily-pads, just enough below the surface to make a seductive splash and ripple, as of some active minnow disporting himself. Now and again a fine trout, startled in his shady covert, would dash out, almost touching the "bob." But no slightest strike at the gaudy lure sent its electric shock and thrill along the slender reed to the strained hand and arm. Hours passed; the afternoon waned; evening drew on. In all five boats there was the same eager trembling expectation and the same disappointment. My back and arm, unaccustomed to the strained posture and the continued exertion, ached, my hand grew cramped. Our only experience was of hope deferred! There was no turning in that long lane of bad luck, on the winding waters of Town Creek. We assembled at dusk, each with the same story, with not one note of pleasing variation. Abundant signs of fish, but not a strike.

Some of the party had varied the "bobbing," by fishing a half hour or so with bait and had caught a few perch, so that we added a small dish of fried fish to the provisions we had brought with us at our supper.

The next day it was the same. We rose at five o'clock, and by seven we had eaten our breakfast, and were off in our canoes. For miles and miles up and down the creek and along several considerable streams opening into it, we swept the waters diligently, but with no success whatever. By the middle of the afternoon of this second day the old Negro who

paddled my canoe had become quite friendly and communicative and began to talk freely. "Well, Sir," he said at last, "You ain't a-going to ketch no fish ontwel the moon change."

"Why not?" I asked.

"Because, Sir, the fish won't bite just before the change of the moon."

"When will the moon change?" I inquired.

"I don't know just when," he replied, "but it will be pretty soon now, because yistiddy it come up with the day," i.e., at daybreak.

"What is the reason," I continued, "that the fish will not bite before the change of the moon?"

"Well, Sir, I don't rightly know. Some folks do say that just before the change of the moon the fish's mouth gits sore, and he won't bite. And then on the change of the moon his mouth gits well again, and so he will bite. I don't know how it is, but that's what some says."

"I don't think much of that story," I said.

"Well, Sir, maybe not, maybe not. But you'll find it that-a-way. When the moon change, you will catch some fish; and not ontwel then." So the matter ended for the time.

The same afternoon, as we paddled quietly into a broad and still sheet of water opening into the creek, I saw at no great distance the upper part of the head of a large alligator —the protuberant eyes and nose and the line of the upper jaw connecting the two—moving slowly through the water. I had never before seen an alligator in his native habitat, and was surprised to find him in these waters. When he saw us he quietly sank out of sight. The old Negro told me that there were a good many of them in the neighboring waters, and that they laid their eggs on the shore, not far from the water,

covering them with light sticks or other trashy material, and left them to be hatched out by the heat of the sun. I asked if he had ever found any alligator's eggs. "No, Sir," he replied; and then in a rather low and mysterious tone he repeated it, "No, Sir. You can't find 'em. You can't *look for 'em,*" very earnestly and emphatically.

"Why can't you look for them?" I asked.

"Because, Sir, if you finds a alligator's eggs, one of the eggs will ring like a bell! and the old he alligator comes a-rushing; and he sure will fight then! No, Sir. You can't *look for 'em.*" Such was the Negro folk-lore which I heard from my old Negro friend on Town Creek, Brunswick County.

All this second day our experience continued without change. When we met in the evening we had lost two of our number. Discouraged and disgusted they had hired a man to drive them across the country and had left at noon for Wilmington. Haywood Clark and I were not the kind of fishermen who require success to keep up their enthusiasm. We two and our host Garrell were still "game."

Wednesday morning we were again up at five o'clock, and by seven were ready to start. This day we had to return to Wilmington. "Bishop," said our kind host, "you and Captain Clark take your canoes and fish down the creek. I will go up the stream for a mile or two. Then I will return, and about ten o'clock I will start down in the boat and pick you up. I will overtake you before you get to the river," i.e., the Cape Fear.

So at seven o'clock we set out, we two down the creek, one on each side, running our "bobs" along the top of the water near the banks, and especially among the protruding

roots and fallen timber, which here and there afforded favorable lurking places for the bass. Soon my more skillful companion overshot me and disappeared down the winding courses of the stream. So far neither of us had had a strike.

An hour passed monotonously. Then as I swung my "bob" carefully in among the great branches of a fallen tree, lying partly in the water—whack!—my rod was almost jerked from my grasp. Nothing strikes like a big-mouth bass, when he is in earnest—and almost before I knew what had happened, a two-pound bass was bouncing all over the bottom of the boat, between my feet, still strongly hooked and with some danger of hanging an extra hook of the "Buel Spinner" in the calf of my leg. I looked at my watch. It was just a quarter past eight. I wondered if the "moon had changed." My boatman did not know; but at any rate the fish had changed; his mouth was no longer sore. He was striking full and free. From that moment until Mr. Garrell overtook me, nearly four hours later, I had the finest sport I have ever known in my life in that kind of fishing. Every few minutes I had a strike, quick, strong, savage. Sometimes I hooked and landed my fish; sometimes I failed. But there was no let-up on the part of the fish. Every fallen tree, or sunken log, or steep dark bank had one awaiting to try his luck with me. I was kept "on the jump." My arm forgot its strain, my back grew strong and supple, my hand quick and ready for every new electric shock of the striking fish. When at twelve o'clock I was overtaken by Mr. Garrell and had clambered into the boat, I found that I had nine fine fish, varying between a pound and a half and two pounds and a half. Garrell had stopped fishing about nine o'clock, and had caught only one. When a mile or so further down we took up

Haywood Clark he had caught eight, all after eight o'clock. His experience had been similar to mine. For the first hour or more, he had not had a strike. After that they struck fiercely every few moments. We had altogether eighteen fine fish as the result of that forenoon's sport.

The next morning at my breakfast table in Raleigh, I told my story of my two days of utter failure, of the old boatman's dictum, and of Wednesday's success. "When did the moon change?" came from all at the table. "When did the moon change?"

"I don't know. I am going to find out," I replied. I went and hunted up the almanac and looked at the kalendar for May, 1909, and for the table of the "Phases of the Moon." And according to the almanac, there was a new moon on Wednesday, May 19, at eight minutes before eight o'clock in the morning. My first "strike" had been at a quarter past eight!

Now for the alligator's egg, which rings like a bell. Some years after my experience on Town Creek in Brunswick County, my kinsman, Professor J. G. de Roulhac Hamilton of the University of North Carolina, repeated to me a story told him by his father, the late Major Daniel Heyward Hamilton of Hillsboro. Major Hamilton was a native of South Carolina, and his boyhood had been spent on the coast, where alligators were numerous in the deep creeks and lagoons. He and his elder brother once found a number of alligator's eggs loosely covered near the water. They were interested in examining them. They had hard shells, somewhat ridgy or corrugated, and being rubbed together they produced a slightly resonant sound. As they were rubbing the eggs together, interested in the curious effect, they heard something moving in the grass near by. They looked, and sprang up in terror as a huge alligator swept his great tail at them, which their sudden retreat hardly avoided.

Here seems to me to be the explanation of my old boatman's story of the alligator's egg "ringing like a bell." Many cold-blooded creatures as reptiles and fish—keep a watch over their eggs or their young. I have seen sunperch keeping guard over their spawning-beds in the clear waters of a shallow pond. I am almost ashamed to say that the largest small-mouth bass I ever caught, was when I once cast my "buck-tail spinner" into the midst of a school of young black-bass fry, not more than an inch or so in length. No sooner had my spinner struck the water, than it was seized savagely—and I had quite a fight before I succeeded in landing a four and a half pound bass, which had been convoying the school of young fry.

It is quite likely that any disturbance of the alligator's eggs, causing their roughened surfaces to be rubbed together, may produce a sound sufficient to warn the guardian near by and bring him to the defense of his precious deposit. I believe there is often some obscure truth or fact lying behind what may seem absurd in popular traditions and superstitions.

A CHANCE SHOT AT A WITCH

Such coincidences as that of the fish beginning to strike in Town Creek immediately after the new moon, strengthen and perpetuate the traditions or superstitions, which probably took their rise from similar coincidences in the past.

I had an old kinsman, fond of his gun and his dog, and also fond of his dram. If he was a little too fond of his dram, it must be remembered that the best and most entirely honorable and upright men of a hundred years ago drank intoxicating liquors habitually, and that an occasional excess did not imply any such weakness or depravity, as it has come to mean with us. This old gentleman was a kind and good man, respected and liked by all. Being an old bachelor with no immediate family, his occasional weakness seemed less blameworthy.

At any rate it was a fact well known; and on one occasion he continued so long in his "spree," that he experienced a slight touch of that affection indicated by the letters d.t.,—a slight touch, and it took a curious form. He thought that he had been bewitched. He was fully persuaded that he was under the influence of some malignant spell. In other respects he seemed normal and entirely rational, but he had this fixed delusion.

I know very little of the science, or the art, of witchcraft. But I have read various accounts of how by some representation or image, it may be possible to localize the witch, just as the witch is said to make a representation or a figure of his victim, and to torment the real person by injuries inflicted upon this simulacrum. The old gentleman in question

acted upon this well settled theory. He determined to kill the witch who had laid a spell upon him. He would shoot the witch. For this purpose he cut up a silver half-dollar into slugs, and therewith loaded his gun, as only silver bullets have the power to kill a witch. It was now necessary to localize the witch.

My grandfather's plantation, now known as "Panola," bordered the town of Tarborough on the eastern side, and his gin-house faced the head of St. James's Street. On the door of his gin-house old cousin John M——— drew, with a piece of charcoal, the rude representation of the witch. Stepping off then a few paces, he fired his load of silver slugs at this image, every slug passing quite through the door. He had certainly given the image a deadly wound. He was satisfied that he had also killed his witch; so he opened the door and looked behind it to find the witch. His shot had gone through the door and had killed a black cat which happened to be there! He brought out the black cat and held it up in triumphant confirmation of his belief that he had been bewitched and that he had killed the witch with a silver bullet.

And until the gin-house was pulled down the ghost of the witch, if witches may be supposed to have ghosts, could be seen in the charcoal drawing upon the old door with the bullet holes through its body.

A MAD-STONE

Popular and widespread superstitions and delusions are interesting, even when they seem most unreasonable and unfounded; and it is curious to observe how much apparent evidence can be alleged by their advocates in support of them. Medical, or rather curative, delusions are perhaps the most tenaciously held and are most amply "proved" by instances of alleged extraordinary cures.

My old friend, Benj. P. Thorp of Goshen, in Granville County, was the possessor of a "mad-stone" and had wonderful stories to tell about it. He was a very intelligent man and thoroughly reliable. He was given to wonderful stories; and it is hard to avoid exaggeration and a more or less unconscious adornment of favorite stories. As we go on telling them from year to year, and from ear to ear, they do somehow expand their charms. But he was not a man who would misrepresent a fact, except humorously in facetious discourse. I could not refuse to believe what he seriously stated; and upon one occasion, being at his house for several days, I wrote down what he told me of his mad-stone. The following is the substance of what I then wrote, omitting many particulars.

This mad-stone is about the hardness of soapstone, of a close fine grain or texture, and of a beautiful smooth surface. It is of a deep pink color, except that on one side there is a thin stratum of white color wtih a pink tinge here and there and seemingly of a little softer stone. It is of irregular shape, about two inches and a quarter through its greatest dimension. It is quite light, distinctly lighter than soapstone. I

had no scales for weighing it, but I made a rude balance and found that an exact equipoise to it was made by one silver half-dollar, one silver dime, and two nickle five-cent pieces. I touched it with my tongue, and it seemed to adhere slightly to the moist surface of the tongue; so I inferred that it must be slightly porous, though it did not appear such to the eye.

This stone has its legendary history, how far mythical I cannot tell. More than a hundred years ago, so runs the tradition, an unknown man traveled through Granville and Person counties, and neighboring counties in Virginia. He stopped with a man named Pointer near Woodsdale in Person County. He carried about with him a rattlesnake in a box. He took out the rattlesnake, and provoked it to strike him on his arm. He then applied a small stone to the wound. The stone adhered to the wound for a while, and then fell off; and the man showed no sign of having received any harm. Pointer suggested that perhaps the poison sacs at the roots of the snake's fangs had been extracted. Thereupon the stranger called for a cat and provoked the snake to strike the cat. The cat showed all the symptoms of poison from a snake bite and very soon died. The traveler then gave the stone to Pointer to keep until he should call for it, and went his way. This stone, known in Person County as the "Pointer Stone," gained a wide reputation in Person County for its alleged cures. Upon one occasion, Mr. Ben Thorp said his grandfather, old Mr. Benj. P. Thorp, sent thirty miles to borrow this stone and entered into a bond of a thousand dollars for its safe return; and by its use he cured one of his Negroes, who was in a dangerous condition from having been bitten by a rabid dog. Pointer demanded money from those

whom he allowed the use of the stone, larger or smaller sums in accordance with the wealth or poverty of the applicant.

The strange traveler, with his rattlesnake is next heard of, in tradition, across the line in Mecklenburg County, Virginia, where he gave a similar stone to a man named Lockett. This man Lockett, in his extreme old age, about 1880 or 1885, gave the stone to the Hon. Robert T. Thorp, late member of Congress from that district. Mr. Thorp had rendered him some services as a lawyer, and the stone was given him as a fee, the old man having no money. Mr. Robert T. Thorp gave it to his brother, my friend Ben Thorp, from whom I derived all this history. The tradition also finds the same old man in Dinwiddie County, Virginia, where under similar circumstances he gave a third mad-stone to another person. He then killed his rattlesnake, and, like the Sibyl who sold the volumes to Tarquin, he was never seen again. The only account he gave of his mad-stones was that he had gotten them "out of the maw of a deer." Each of these stones had a great local celebrity, and they were believed to be still in use in the year 1904, when Mr. Ben Thorp showed me the one in his possession, the "Lockett Stone," and gave me this account of them.

The method of employing the stone, where a person was suffering from a bite or sting or other wound supposed to be infected with poison, was to apply the stone to the open wound. If there was poison in the wound, the stone, it was claimed, would adhere to the wound until it had absorbed or drawn out all the venom, when it would fall off. The patient would feel a sensation, sometimes quite painful, as of the stone drawing or sucking upon the wound. After the stone had drawn the poison from the wound, it had to be cleansed

by being immersed in a pan of fresh milk or warm water. The poison would escape from the stone in a kind of effervescence in appearance and in sound, the stone being kept in a gentle agitation and audibly tapping against the bottom of the pan, while the milk or water would gradually become slightly tinged with a greenish hue.[1] Where the stone was applied within a short time, within an hour or two, after the poisonous sting or bite had been received, little or no pain would be felt by the sufferer. But where many hours had elapsed and inflammation had supervened, the patient, after the stone had begun to draw the venom from the wound, usually became much nauseated and would vomit copiously, then fall into a deep sleep, and awake after some hours greatly relieved. All this Mr. Thorp detailed to me, as having been witnessed by himself time and again.

Shortly after the stone came into Mr. Thorp's possession two little girls, daughters of a man named Currin, were bitten by a mad dog. A number of dogs and other animals, bitten by the same dog, went mad and had to be killed. The stone was applied to the wounds received by the little girls. It adhered for a time and then fell off. It was applied again and again, but did not adhere after the first application. The children felt no further pain; and the wounds healed at once.

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[1] This day, January 23, 1926, the Rev. William S. Shaklett of this Diocese but a native of Virginia, has been telling me of what he had himself seen in Loudoun County, Va.; and he gave exactly the same account of the application of the mad-stone, its effect in relieving persons suffering from a venomous snake bite, the method of its operation, and the cleansing of the stone by its being immersed in a pan of warm milk, and the greenish tinge imparted to the milk. His account of what he saw was clear and distinct. He says he witnessed it in more than one instance.

A year or more after this the little son of James Hart, a neighbor of Mr. Thorp, was bitten in the face by a rabid dog. When Mr. Thorp arrived the child, only four or five years old, was asleep in a crib. The stone was applied successively to the several places, where the dog's teeth had broken the skin, and it adhered upon the first application, but not upon a second. When it began to draw, the child tried to push it off, and cried, saying that it hurt him. He had to be held to keep him from pushing away the stone. After the stone had been applied he suffered no more pain and the wounds healed readily. Several animals, bitten by the same dog, went mad and had to be killed.

Augustus Wilson, living near Stovall, was bitten by a rabid dog about daylight. Before night he had reached Mr. Thorp's residence; the wound by that time had become a good deal swollen and inflamed. The stone was applied and caused much pain; but after the pain caused by the drawing of the stone had ceased, the swelling subsided, and by the next morning the man was entirely relieved; and he suffered no further inconvenience.

About 1894 Richard Slaughter, a neighbor of Mr. Thorp, in removing stones from a rock pile, was bitten on the end of his forefinger by a snake hidden in the pile. A string was bound tightly around the finger, but the finger and hand began at once to swell and become exceedingly painful. Dr. William Thorp, who had seen a Negro boy suffering from the bite of a venomous spider relieved by the application of the stone, advised the man to "send for Ben Thorp and his mad-stone." When Mr. Thorp got to him, his hand and arm were much swollen, and he was almost in convulsions from the violence of the pain. The stone was applied and adhered at

once. In a few moments the man became nauseated and vomited copiously. At once the pain abated, the swelling began visibly to subside, and he fell into a deep sleep. In a couple of hours he woke, entirely relieved, and resumed his work.

Dr. Thorp then said "Now let us look at the snake." The snake had been killed and upon inspection proved to be a large highland moccasin.

These are only a few of the cases related to me by Mr. Thorp, as having been witnessed by himself. I wrote down what he told me November 18, 1904.

November 20, I was driven from Goshen to Oxford by a colored man, Jeff Satterwhite. Mr. Peterson Thorp had told me that Jeff was one of the most intelligent and trustworthy Negroes in the community. He told me that he himself had seen one of Jeff's sons quickly and entirely relieved by the application of Ben Thorp's mad-stone when suffering very severely from a snake bite. Indeed Ben Thorp had told about the case. So I asked Jeff to give me an account of his son's experience.

He gave me substantially the same account which I had already heard from Mr. Ben Thorp, though in much fuller detail. Among other circumstances, not mentioned by Mr. Thorp, was the fact that before sending for the mad-stone, he had given the boy large quantities of whiskey, which afforded some alleviation of the pain by stupefying the patient; though he continued all the while moaning and restless, with the swelling not materially reduced. The next morning, the effect of the whiskey having worn off, and the effect of the poison continuing, with intense suffering, he then sent for Mr. Thorp, who applied the stone, with the happy

result before mentioned by Mr. Peterson Thorp.

The boy's dog had also been bitten by the snake; and was for a time much swollen and suffered greatly. But Jeff explained that the dog "had sense enough to hunt his own yerb, and so he finally got well. A dog know better how to take keer of himself than a man do"; was Jeff's concluding reflection.

My friend Ben Thorp is dead, and I do not know what has become of the "Lockett Stone." I suppose the days of the mad-stone and the divining-rod are passed and gone. But when an intelligent and truthful man tells me of things which happened under his own eyes, I cannot help wondering what may be the explanation of the phenomena.

THE NORTH AMERICAN WILD TURKEY

When a boy of fifteen, hunting squirrels in the woods of our summer home, Monreith, in Franklin County, I came suddenly upon a large gang of wild turkeys: or, to speak more accurately, a gang of wild turkeys came suddenly upon me. As they flew off, I shot at the last one, and missed it; being a poor shot then, as I have continued to be.

I seem to date my interest in wild turkeys from that early incident. It inspired me with an ardent desire to shoot one. From that day to this I have taken every opportunity of hunting them. The opportunities were few; perhaps not always one in ten years; but such as occurred were not neglected. *I was sixty-four years old when I shot my first.* I felt that my patience and perseverance had been amply rewarded! Since then my opportunities have been more frequent, and I have been fairly successful.

The wild turkey of North America is the finest of all game birds. Primarily, game was sought for food. To the early English settlers of America the wild turkey was one of their most abundant sources of food. They were very numerous in all the early settlements. In spite of the encroachments of civilization they continue fairly numerous in many of the States where extensive unoccupied forests and swamps afford them sufficient range and refuge.

The turkey not only affords a greater amount of food than any other bird, but its flesh is unsurpassed in quality. No domestic fowl for the table is preferred before the domestic turkey; and, as between the domestic and the wild turkey, superiority in texture and in flavor must be allowed to the latter. A striking difference between the two, when served

upon the table, is the greater size of the breast of the wild turkey. This development is probably due to the greater use of its wings in flying. The domestic turkey seldom does more flying than to and from its nightly roost in the barnyard, or in some neighboring tree.

I believe it is not generally known that the wild turkey is a different species from the domestic turkey. Our English ancestors brought the domestic turkey from England. The Spaniards, nearly a hundred years before the first English settlements in America, had taken turkeys from Mexico, or Central America, to Europe, and domesticated them; and they soon spread over all western Europe. There is documentary evidence that they were known in England before the year 1550. The English settlers brought their domestic fowls to America with them, including turkeys. Our domestic turkey is therefore of the Mexican or Central American species.

The two species readily breed together; but the immense flocks of wild turkeys through all the forests of North America could not have been affected, as to their special characteristics, by a few sporadic cases of intermixture here and there. The wild turkey has shown a very remarkable power of survival and persistence of type for four hundred years, in close contact with the disadvantages of encroaching civilization. Two marked physical features still distinguish him from his domestic cousins. The naked head of the domestic turkey is red. This is markedly so in the turkey cock, and in a lesser degree in the hen. Also, when the domestic turkey cock spreads his tail, in strutting and gobbling, there is a broad white semicircle upon the outer edge, made by the white ends of the longest tail-feathers; and also an inner

semicircle of white, made by the white ends of the shorter tail feathers. The hens have also the same white-tipped tail feathers. The corresponding semicircles on the tail of the strutting wild turkey-cock are of a reddish brown color, edged with black. The wild turkey has no white plumage, except bars of white, or *grayish-white*, upon his pinions, hardly observable as he walks with his wings closed against his body; and his naked head is a dark steel-blue approaching towards black. These markings are distinct and unmistakable.

The wild turkey is indeed a game bird. He is wary, shy, keen of sight and of hearing. He is wonderfully quick in taking the air, considering his great size and weight; and he is of very rapid flight; though, I believe, he seldom flies more than half a mile, usually not so far. I have been told, by those familar with his habits, that when fat and heavy the gobbler will take the air only once, or sometimes for a second short flight; and after that trusts to his legs, for he has almost the speed of a race-horse. He demands of those who hunt him skill, patience, and unwearied persistence; and, oftener than not, he eludes the hunter's best efforts to get a shot at him.

He should, if possible, be shot in the head or neck. In that case small shot at short range, as from a blind, are quite effective. When shot in the body the largest shot often fail to bring him down. Even when mortally hit in the body he will sometimes rise and gain such momentum, by the few last strokes of his powerful wings, that he will sail on, with his wings set as in the *rigor mortis*, for hundreds of yards before falling to earth stone dead. My old friend, Mr. James N. Smith of Scotland Neck, once shot, with his rifle from horseback, a large gobbler, as it flew by him. He was a fine

shot, and he was confident that he had shot the turkey through the body. He watched it sailing upon rigid outspread wings for two or three hundred yards, before it fell, shot through the body, as he had supposed.

On Monday, December 20, 1920, I had spent the whole day, with my friends, the Rev. Reuben Meredith and Newsome Riddick of Scotland Neck, traversing the woods and swamps of "Looking Glass," one of the old Pollok plantations a few miles above Scotland Neck. The swamp was very extensive and heavily timbered, on the South bank of Roanoke River, with high and dry ridges here and there, but for the most part low and wet, with a heavy growth of briers and weeds over much of it, and intersected by deep "guts" cut into the soft alluvial soil by the water of great river freshets, as it poured back into the river upon the subsidence of the floods. It was an extremely hard day's work we had had, making our way through mud and water, reeds, thorns and thickets, or in crazy leaking boats crossing the swollen "guts," or walking treacherous logs. We had left the swamp only upon the approach of twilight; and we had not had the sight or the promise of game during the whole toilsome day.

About nine o'clock that night, at the home of my friend (of the fourth generation) W. Edward Smith, I was resting comfortably, very thankful that my old feet and legs had not failed me, and that I felt only the healthy fatigue which promised a sound sleep as soon as I should gain energy to go to bed, when the telephone rang. I went to answer it. I heard the voice of my friend Newsome Riddick: "Bishop, I hate to think of you going home tomorrow morning without a Christmas turkey. Suppose you stay over until tomorrow night. Let's try again tomorrow morning. Do you feel up to it?" "Yes," I answered, "I am game! I will try again." "Fine," exclaimed Newsome. "We will be along about half past eight or nine."

Prompt to the hour next morning came Newsome, the Rev. Mr. Meredith, and also my young kinsman, Henry Clark. We drove to the same place where we had left the car the day before. But we decided not to enter the big swamp along the river, but to go towards the piney woods above, following upward the course of a smaller swampy stream, which here came into the great swamp. For a mile or so, therefore, we pursued this less difficult course. "Turkey-Sign," where turkeys had scratched away the fallen dead foliage in search for food, was not lacking. We saw this in many places, but none very fresh; and our dog found no scent of recently passing turkeys.

After an hour or two of this fruitless search, Mr. Meredith proposed that we go back to the big swamp, but that we should hunt higher up than the day before. Leaving the woods our path lay for nearly a mile across the fields, where the summer's cultivation of cotton, peanuts, and corn, had left the ground rough and ridgy, and the frost of the night before had changed the moist clods into stones. It was difficult and trying to my tired feet. Just before reaching the edge of the fields, where the ground falls off suddenly fifteen or twenty feet to the level of the swamp, I said to Mr. Meredith: "I am afraid I shall have to stop. I have a severe pain in the lower part of my leg and my foot." "Well," said Mr. Meredith, "you must find a good seat on the bluff, upon a stump or fallen log, in the warm sun. We will go down into the swamp. If we find turkeys you will probably hear us

shoot. At any rate there will be plenty of time for one of us to come back for you, while we are building our blinds." It was the 21st day of December, quite cold, but with a brilliant winter sun. I found a comfortable stump, and my companions soon disappeared in the swamp.

The sunshine was bright and warm, and after several hours of tramping through forest and field the rest was grateful. Very soon I heard from the distant fields, where peanuts were being threshed out, the whistles of the gasoline engines, sounding for the twelve o'clock dinner hour. About fifteen or twenty minutes later I heard from the swamp the guns of the hunters—Bang! Bang! Bang! Bang! four or five shots. The turkeys had evidently been found—and a pretty good gang, from the number of reports. I left my comfortable stump, and, all pains in foot and leg forgotten, hurried down the steep bank into the swamp. A deep "gut" had to be crossed on a log—not a very easy task for the unsteady limbs and nerves of seventy years; but I managed to get safely over. I soon met Henry Clark coming for me. He said that Mr. Meredith had run upon the turkeys, eight or ten of them, and had shot one. The other shots were fired by them all as the turkeys flew off, but without success. We soon came up to the others. "Here, Bishop," said Mr. Meredith, is your Christmas turkey. I was so determined that you should have one that, when this one fell at my first shot, I waited to see if he would get up, as they sometimes do; so at my second shot the turkeys were out of range." And there lay the fine gobbler, which the kindness of my friend had provided for my Christmas dinner.

We now scattered through the swamp on every side, examining carefully, that we might be sure that the turkeys

had not pitched in neighboring trees. When they do this they will not readily answer the call or come to the blind. Then we built our blinds, one for Mr. Meredith and me, another some hundred or two yards distant in the thick woods for our two companions. Our blind was about four feet square, built as a sort of rude pen, of fallen and decaying limbs of trees, and roughly covered with leaves and broken boughs. In this Mr. Meredith, Mr. Meredith's dog, and I managed to find room.

We got into the blind about two o'clock. We now took leisure to eat the lunch we had brought in our pockets, giving the dog his fair share. After we had sat motionless and more or less silent for nearly an hour. Mr. Meredith got out his "Turkey-call," and gave a modest yelp or two. This he did about every ten minutes; not giving a very loud call, but only a moderate note, to be heard perhaps two or three hundred yards away. After each call he would listen intently. Indeed we both listened intently most of the time. Once or twice, after calling, he said to me. "Did you hear a turkey answer me?" "No, I did not," I replied. The second time I thus answered he said, "I think I did hear a turkey yelp." I told him that my hearing was not acute; that it must be a very distinct sound, if it was to reach my ear. About ten minutes before four o'clock, as we were both listening intently, I saw a sudden change of expression in his face. We were sitting opposite each other, he looking through the cracks in the blind behind me; and I looking through the cracks behind him. He leaned suddenly towards me, put his hand on my knee to steady himself, and put his face over my shoulder. Then he put his mouth to my ear, and whispered so as to be but barely audible: "*There are two gobblers right*

at you; close to the blind. You might get both at one shot. Move carefully. If you make a noise they will be gone." I was sitting on a small stump I had found and put into the blind. I got on my knees as quietly as possible, turned around, and looked through a crack in the blind. There were the turkeys, gobblers, two of them. They had moved away, but were still no more than five or six yards distant, though not standing together. I got my gun barrel through the blind as quietly as I could, aimed at the neck of one of them, and fired. As I did so, the other turkey ran a step or two and flew right up into the thick boughs of the trees above. Mr. Meredith, the moment I fired, sprang up and shot as the turkey entered the thick growth. He missed. But the turkey then turned into an open space to the left, and Mr. Meredith dropped him with his second barrel. My gun being thrust through the blind, I could not recover it for a second shot. But we had got both these fine gobblers, and we were content.

Shortly after we had secured our turkeys, brought them to the blind, and resumed our places, we heard from the direction of the other blind three or four shots in rapid succession. "They have a turkey also," I said to Mr. Meredith.

It was now fifteen or twenty minutes past four. I said to Mr. Meredith, "As often as I have sat in a blind, and listened for turkeys, I have never heard one reply to the call, and then come nearer and nearer, as the call was repeated and answered." "You will hear that now, before we leave," he said. "You do not expect to call up another?" I exclaimed. "Certainly I do," said Mr. Meredith. "Why" I said, "we must be leaving here before five o'clock; we have at least two miles to walk to the car; and then four or five miles to drive to

the house. There I must change my clothes, pack my bag, and drive ten miles to the railroad, for I must get home to-night. We must leave now very soon." "We have enough time to get another turkey," he said quite confidently. It seemed hardly more than a few minutes—just at half past four, an old gobbler, two or three hundred yards away in the swamp, gave such a loud and peremptory call as I had never heard before. "There he is," said Mr. Meredith. "I told you we would get another." He called again loud and strong. There seemed something imperious in his tones, as demanding an answer. Mr. Meredith gave a soft and modest reply. Again he called and again Mr. Meredith would make no reply until he had called two or three times. Then he gave the same soft response. "It is not well to answer too readily. Let him be the anxious one." "I see him," I whispered. "Where is he?" "About a hundred yards away—just in the edge of a thick patch of undergrowth." He called loud and repeated the call. Mr. Meredith gave one more low-toned reply, and then put up his "caller." "He has located us," he said. "He will come now—and when he comes he will come running and calling." Sure enough, after one or two loud challenging calls, the great gobbler, with a long "beard" depending from his breast, struck a brisk trot directly towards our blind, calling as he came. He came within thirty yards on Mr. Meredith's side, who might easily have shot him. But being one of the most generous of men, he was anxious that I should have the shot. The turkey was not quite fairly in view from my side of the blind, and I was carefully putting my gun-barrel through the blind, when I dislodged a small piece of bark, hardly larger than my finger. I saw Mr. Meredith spring to an upright position and

fire. I sprang up, and saw our great gobbler about seventy-five yards away racing through the thick under-growth. Just as I saw him he took the air. We both fired as he rose; but the distance was too great. He flew away unharmed.

We then left our blind and called our friends. They replied, and soon joined us. The four shots we had heard were fired by Newsome Riddick at a flying turkey. The last shot brought it down. It was a small hen, I thought, but he said, it was a young gobbler.

"Henry," I said to my young kinsman, "I have two turkeys, the one Mr. Meredith gave me, and the one I shot myself. He has killed another. Next Saturday is Christmas Day. I will keep the turkey Mr. Meredith gave me. You take the one I killed to your wife, and say that I sent it to her for a Christmas present."

So we four went home that night, each provided with a Christmas turkey.

I had felt some nervous trepidation in walking the log across the "gut," when I entered the swamp. On returning, with my gun in one hand and my turkey in the other, my friends said that I crossed the log with the confident step of youth!

A BEAR AND A RIFLE

In July, 1910, I was fishing quite unsuccessfully on the South Toe, stopping for a day or two at the house of George Autrey, in Yancey County. Seeing me interested in some stone arrowheads, bought of small boys in the neighborhood, Mr. Autrey told me of an Indian pot recently found by his neighbor McIntyre up under a stone ledge in the Black Mountain.

Thereupon I walked a mile or so up the valley of a little stream, across beautiful meadows, to the house of McIntyre, who very readily produced his Indian pot. It was of baked earthenware, quite thin, and held about three quarts, or perhaps a gallon. It had evidently been used for cooking and was in excellent condition, a few small pieces having been broken out, but quite well cemented back into place. I suppose I was expected to make an offer for it, as I probably should have done, except that, traveling on horseback, I felt sure I could not have gotten so large and frail a vessel home in safety.

While McIntyre was looking for some other Indian relics —which he did not find—I had an interesting conversation with his wife's uncle, James Autrey, quite an old man. I do not know how the subject came up, but something was said about bears, and that started the old man off. "I claim," he said, "that I have killed the biggest bear ever killed in this part of the country. He measured fourteen inches across the broad of his head between his ears; and that is two inches more than any other I ever heerd of.

"It was over where old man Snipes had made a 'deer-lick.' He cleaned off a place on a rock and kept a little salt on it,

and deer pretty soon found it out; for deer will come after salt the same as sheep. Up in a tree nigh by he built a platform, and he would set on that platform, and shoot the deer when they came at night to lick the salt. I was going to the 'lick' with old man Snipes and my brother. The old man was walking in the path before me. It was getting towards dusk, and just before we got to the 'lick,' I see the bear rise up out of the high fer'ren, as they call it. He had tromped it down and made him a bed; and he was laying for Snipes's hogs, so the old man said. Just as I see him rise up I gits my gun ready, and I pushes the old man to one side with the barrel. He stepped just one step beside the trail, and the bear turned, so as I saw his side fair and full. I had a powerful shooting gun. It was an old-fashioned, strong-shooting rifle, made by Baxter Bean, a famous gunsmith over in Tennessee.[1] The barrel was four foot and two inches long, and the whole gun weighed sixteen pounds. The bullets run forty-eight to the pound. I took a look through the sights and fired. I shot him right through the body, a little too far back, but I tore out the bottom of his heart, and the ball went clean through him. He ran some sixty yards, and then r'ared up, nigger fashion, on his hind legs, and reached up just as high as he could with his fore paws, and fell over backwards. My brother stepped off the distance, and he was just forty-two steps from me when I shot. I didn't weigh him, but he measured full fourteen inches across the top of his head between his ears.

"That was a famous rifle. It was made by Baxter Bean for a man named John J. Wilson, to shoot a match for a

[1] In Parton's *Life of Andrew Jackson* mention is made of a famous gunsmith in Tennessee by the name of Bean, though he is there called Russell Bean.

hundred dollars against Cantrell, another famous marksman over in Tennessee. Wilson gave Bean fifty dollars to make the gun for him; and he won the shooting-match.

"Wilson fought under General Jackson in the Creek War. He was once out scouting with another man, a big fat man, about such a man as you, I suppose," taking a critical glance at my not slender figure. "Well, as Wilson and this fat man were out on a scout together they see an Indian cutting canes for their basket-work or something of that kind. He had cut and shocked up the canes like we shock corn. Wilson and the other man crope up on the Indian, but just as Wilson was about to shoot, the Indian saw him, and jumped behind the shock of reeds; and then two other Indians jumped up out of the high grass and reeds, and they all got behind the shock, each one pressing close behind the other, trying to keep out of sight. Wilson could just glimpse them through the top of the reeds, and he fired right through the shock at them. To his surprise all fell. The ball had passed through them all, and killed all three!

"I don't know just why Wilson parted with the gun. I believe he died. Anyhow it passed through several hands, and finally my uncle bought it. He gave seven hundred pounds of Cranberry iron for it, and Cranberry iron always went for the best. I believe seven hundred pounds counted for about forty dollars, but I don't know exactly."

And then I left the interesting old man, and went my way.

A BEAR HUNTER AND A BEAR TRAP

My old friend, Sheriff David Beard of Watauga County, told me a rather interesting story of a kinsman of his. Beaton Beard, I think that was his name. It sounded like "Beaton," though I am not sure of the spelling.

This old Beard was a great bear hunter, though he hunted with traps rather than dogs. Perhaps I should call him a trapper. At any rate, he delighted in the capture of bears, and at times would be away from home for days at a time, constructing and then visiting his bear traps, in distant regions of the neighboring mountains.

His traps were of a different construction, as Sheriff Beard described them to me, from any log-traps I had before heard of; though they may have been of the kind commonly used in Watauga. I had supposed that a log-trap was made of a single heavy log, which, falling on the bear, would by its great weight disable him and hold him securely. Sheriff Beard explained to me that a single log, though very large and heavy, might turn in falling, or might be rolled off by the great strength of the bear in its struggles. Beaton Beard made his log-traps of two logs pinned together at short intervals with stout and strong pins a foot or two in length, so as to form a sort of short ladder in appearance. When a bear was caught between these logs, they could not be rolled, and the weight was always such that even the strongest and largest bear could not lift the trap, so as to escape. For the construction of this trap the only tools required were an axe and an auger.

Upon one occasion this old bear hunter had left home prepared to be gone several days on an excursion to the far

side of Grandfather Mountain. Bears were becoming scarce near at hand, and he determined to seek for them in their more remote haunts in the very rough country near the top of the Grandfather on the southeastern side. Mountaineers are good walkers, and taking an early start he had a little before noon reached a remote and rugged tract under the great towering rocks upon the far side of the Grandfather, many miles from human habitation, a part of the mountain then seldom visited. He was soon rewarded for his long walk. "Bear sign" began to appear. Here a huge log had been rolled over to expose the bugs and beetles, perhaps also mice, which had harbored under it; in another place large rocks had been pulled up for the same purpose. Marks of bears' tracks were seen. Some of these signs were old, others fresh. It was late in the season; the leaves had mostly fallen from the trees. But a few scattered haw-apples and berries remained on the bushes, and these had been torn and trampled by bears which had been feeding on the fruit.

Here he determined to make his trap. He could finish it before sundown, and then have time before dark to find some suitable place for his camp lower down the mountain. Few large trees grow so high up on the mountain side, but after some search he found what would answer his purpose. He had some difficulty in getting his two heavy logs to the place where he wished to build his trap or deadfall, but he finally succeeded, and then with axe and auger he made his trap after the fashion already described. It was so placed among some granite bowlders that it could be approached conveniently from only one end. This end he lifted by the use of a long lever and then constructed his trigger to support the trap when the lever should be removed. The bait was to be

so attached to the trigger that when the bear should seize the bait, he would be entirely under the trap, and so be securely caught by the falling logs. Having, as he thought, secured this end so that it could not fall while he was attaching the bait to the trigger, he crawled under the trap to fix the bait, honeycomb, or fresh roasting-ears of corn, or whatever he had brought for the purpose. This, of course, had to be done after the trigger had been set, with the great deadfall resting upon it. But, as has been said, he had also put other supports under it, which he could later remove, but which would prevent the trap from falling on him while engaged in fixing the bait on the trigger. Lying thus flat upon the ground under the trap, face downward, he was engaged in this delicate operation. He had to turn a little on one side to get at the trigger; but he felt no fear. He had gone through this operation many times. But suddenly the trigger seemed to jump out of his hands—he never knew just how it happened—he found himself flattened face downward upon the earth, caught in his own bear trap!

He was not much hurt, and at first he was not much frightened. The logs were large and nearly two feet apart, and the cross-pins connecting them did not press very hard upon him. He was much smaller than a bear. He had been accustomed all his life to making bear traps, and setting them, and taking bears out of them. It did not at first occur to him that hitherto he had been dealing with bear traps from the outside. He had now to deal with one of his own traps from the inside. In a little while he began to see the difference. From the outside he could deal with one end of the deadfall, and he could have the help of a lever. He now lay full length upon the ground; the whole trap lay upon him, only the lower parts of his legs extending beyond the

trap. He could not get his arms or his legs under his body to exert even the little strength he had. He had never before realized how very good his traps were. He could not even struggle. He could only lie still and think. Fortunately one of the connecting pins was just at his neck, another across the small of his back, and the third just above his knees. It might have been worse; so he lay still and thought.

He soon realized that he could not lift the trap; nor could he crawl from under. It had him fast and secure. If lifted from him, someone else would have to lift it. And what was the probability of anyone coming to his help? And when would they come? The more he thought, the less he seemed able to hope. He was perhaps twelve or more miles from home by the mountain trails. They would not look for him for two or three days. Even after that, it would be a day or two more before his absence would cause any uneasiness. They would think he had stopped with some neighbor. If after four or five days they should begin to search for him, how many miles of country must they go over before they would come to this remote spot? It was a part of the mountain he had seldom visited, and the abundance of "bear sign" showed that other hunters were also infrequent. And in three, or four, or five days, what would become of him, thus pinned down to the earth without food or drink? He grew faint and sick at the thought. He lay still and tried not to think. He wished that one of the heavy logs had fallen on his head and killed him.

After a while he began to suffer more severely from lying in this condition. Pains shot through his back and his legs. His head ached. He felt that any change would be a blessed relief. He began to try how much he could move himself. Fortunately the earth under him was moist, and not very

hard. He thought he might be able to turn over on his back. Here and there, under his shoulders and under his hips, he managed to make some depression in the soft earth. Finally he made a desperate effort to turn over. He bruised and wrenched his muscles, and in places rubbed or tore his skin; but at last, by a mighty strain and struggle, he succeeded; and he almost felt hope return, as he lay, panting and exhausted, on his back, and looked up at the beautiful stars of the mild November night.

It had been late in the afternoon, near sundown, when the trap had fallen upon him. He had now for several hours occupied the painful position which he had prepared for the bear; and he had already come to wish for all bears a quiet and undisturbed reign in their rude realm, so he might lie on his bed at home, instead of in the rough embrace of the log-trap.

As he lay on his back and looked up at the stars and felt these kinder sentiments warm his breast, another pain began to trouble him. A large strong-bladed hunting-knife was in his breast-pocket, and the log pressing against the handle drove it against his ribs. It grew more and more painful. At first he thought only of trying to ease the pain; and then the thought of the knife came to him. Also the pin which had rested rather comfortably across the small of his back, as he lay face downwards, did not fit into any corresponding depression, now that he lay face upward. He thought that, if he could manage to get the knife into his hands, he might perhaps so cut into this pin as to lessen its painful pressure. And then, into his midnight darkness shot a white beam of hope! Why might he not cut the pin in two? And the next pin? And the next? And thus free himself?

Lying on his back he had more freedom of movement, little as it was; and his hands and arms he could in a measure use. He began at once to try to get his hands upon the knife. Soon he had done this; and he then attacked the pin pressing across his waist. It was slow work, cutting through a hard oak or hickory stick three inches or more in diameter. And he had such limited use of his hands and arms that an hour's work showed but little progress. But what if it should take three hours, or five, or ten? It was doing something; and each succeeding pin would be easier because he would have at least a little more freedom of movement. And so he worked on with a light and happy heart, through the hours of darkness. It was not very much before daybreak that the first pin was cut through. The second was cruelly hard and tedious work; and he grew very tired. The third was easier, but his knife was becoming very dull; so the work was hard still. However, in the end, he had cut through enough of them to enable him by a mighty effort to push the free ends of the logs apart, and to drag his legs from under the pins still holding the other ends together. He had not labored continuously. After cutting through the first pin, the ease of mind caused by the prospect of freedom had enabled him to have the relief of an hour or two of sleep; and once and again he had rested for short intervals. Early in the afternoon of the second day he had finished the heavy task; and by nightfall he was back at his home on the Watauga.

He lived a good many years after this experience; but the bears ranged the Grandfather and ate the berries and robbed the bee-trees, free of all molestation from him. He never made another bear trap or hunted another bear!

JO SHOCCO JONES AND HIS DUELS

Duels have never been the fashion in North Carolina. There have been a few of a sad and tragical character; but I think there has never been that tyranny of sentiment on the subject which at times in some communities has forced men of great power and eminence to settle certain personal difficulties by a resort to what was called "The Code of Honor."

There have sometimes been humorous circumstances or associations connected with the subject. The story of the bloodless duel of Jo Shocco Jones with a New England antagonist, alleged to have occurred within the state of Rhode Island, is now remembered only as the occasion of the Governor of Rhode Island's proclamation offering five hundred dollars reward for Jones's apprehension; with Jones's counter proclamation offering a reward for the apprehension of the Governor of Rhode Island, and his delivery "at Cape Lookout in North Carolina."

Joseph Seawell Jones, Jo Shocco, as he designated himself, was quite a remarkable character, a man of considerable ability, who seems just to have missed being a man of real power and distinction. A curious twist in his mind seemed to produce an increasing aberration of conduct, which finally wasted his life and consigned him to early oblivion. He was connected with some of the best people of North Carolina and began his career at the University with every prospect of obtaining high academic distinction. The late Governor Clark of Edgecombe, of the class of 1825, who was at the University with Jones, attributed his eventual failure at the University, and indeed the peculiar perversity

and aberration which characterized his subsequent career, to some mischance or misconception connected with his mathematical studies. In some report or at some examination, he conceived that the professor of mathematics had done him great injustice and had not given him the credit and position in his class to which he was fairly entitled. Governor Clark did not undertake to say how much justice there was in this complaint, but he said that Jones was thoroughly convinced that he had been very badly treated by the University authorities. Failing to obtain any redress, he became morbidly resentful and gradually yielded so far to this feeling that it permanently affected his mind and character. Governor Clark believed that this was the beginning of that unfortunate temper and disposition, which in the end wrecked his life. He continued for a time at Chapel Hill, but his whole thought and purpose was to wreak his spite upon all that related to mathematics. With perverse ingenuity he could make any subject or topic serve his purpose. In debating in the Literary Society a favorite old question: "Will the Dark Ages ever return?" he spoke with enthusiasm and eloquence in the affirmative. He recognized in the increasing devotion to the study of mathematics and to material sciences a sure indication of the approach of the Dark Ages, and declared that he saw an ominous cloud in every blackboard.

From his incompleted course at our University he went to Harvard, and, after an irregular and desultory attendance, received the degree of LL.B. in 1833 or 1834. In the latter year he published in Boston his *Defense of North Carolina:* and in 1833 appeared his *Memorials of North Carolina,* published in New York. The former is a work of considerable ability, though its arguments in some particulars have been

discredited by later discoveries of documentary evidence. But both of these books exhibit a partizanship and personal rancor very inconsistent with the true spirit of historical investigation and exposition.

Then came his alleged duel in Rhode Island, with the Governor's proclamation offering a reward for his apprehension; and Jones's counter-proclamation already referred to. His return to North Carolina was the occasion of another sensational report of a duel of a more fatal character. Coming into the State from the direction of Norfolk, through the Dismal Swamp section, and passing through Elizabeth City, Edenton, Tarborough, and other towns as he journeyed towards Raleigh, he assumed an aspect of great dejection and uneasiness and seemed deeply depressed in spirits. In Tarborough he saw his old college acquaintance, Henry T. Clark, and with expressions of great grief and mental distress, asked to be allowed to unburden his mind of its unbearable load. He then went on to say that he had had a hostile "Meeting," and had killed his antagonist and buried him in the borders of the Dismal Swamp. This "Meeting," he said, had not been conducted according to "the Code." They had met in the swamp without witnesses; and at the first fire he had killed his adversary. He exhibited a handkerchief stained with the blood of the dead. In giving me this account in the last years of his life, I do not remember that Governor Clark represented Jones as being especially apprehensive of ill results to himself. He seemed troubled and unhappy because of the irregularity of the proceeding: the meeting without witnesses; the secret burial; the suspicions to which these circumstances might give rise; and his inability to prove that he had acted fairly and honorably with his antagonist. He seemed most deeply moved, cast down and despondent, by reason of these sad and tragical circumstances.

As he had made similar confidential communications all along his route, and had given an exact description of the locality where the encounter had taken place, and where he had hastily buried his opponent, some of those living in that section whom he had interested in his confession, went to the place and found a slight mound thrown up in the swamp. They opened the shallow grave and uncovered the body of *a pig*, killed by a pistol shot!

Some time after this Jones went to Montgomery, Alabama, according to Governor Clark. The state legislature was in session. He did not seem to seek the acquaintance of the many eminent citizens of the State there assembled in their capital city but immersed himself in the study of books, papers, and documents in the State Library. However, he so managed this very reserve as to create an interest in himself. As different persons, attracted by his appearance and manners, gradually began to make his acquaintance, he confided, now to one, now to another, his purpose of preparing and publishing an elaborate work, to show that men of special talent usually inherited their ability from their maternal ancestry; and that he would illustrate his thesis by examples drawn from the contemporary distinguished men of Alabama. Though confidentially communicated to each particular individual, such information could not be kept secret; and soon Mr. Jones began to be dined and wined by all the ambitious men, young and old, of the Alabama legislature. Probably the distractions of their liberal hospitality had the effect of hindering Mr. Jones's interesting labors, for his proposed book never appeared. Thus far Governor Clark.

ANOTHER DUEL

I propose to give, as an illustration of one aspect of the life of the past, the documentary history of a duel, without note or comment, save such brief statements as are needed to explain the documents. These explanations will be taken from the statement of one of the parties, in a letter to a friend, written that the facts might be publicly known; so their publication now can in no sense be considered a violation of confidence.

The parties of the Duel, i.e., the principals, were William L. Kennedy and Fenner B. Satterthwaite, both, if I mistake not, citizens at that time of Beaufort County. The documents follow:

I

Washington, Feb. 17th, 1847.

Sir:

I have been informed that you have indulged in remarks in relation to the suit between Joseph E. Blount[1] and myself, that I regard as inadmissible, and which I conceive it to be my imperative duty to notice.

It seems that you have said that I could not get satisfaction out of Blount otherwise, and that I charged him with stealing the grind-stone, that I might wreak my vengeance upon him, and farther, that I had dressed up Gutherie, who actually committed the theft, to make him more respectable, that I might use him as a witness against Blount.

I require you to state in the most explicite manner, whether you have made the expressions ascribed to you.

[1] Perhaps I ought to say that this Joseph E. Blount was not of Washington, nor was he a member of the distinguished family of that name, then and still, among the most prominent families of Washington.

My friend, Dr. John F. Tompkins is charged with the delivery of this note to you.

F. B. Satterthwaite, Esqr. Will. L. Kennedy.
Present.

* * *

II

Washington, Feb: 17th 1847.

Sir:

I addressed you a note today through my friend, Dr. John F. Tompkins, making certain inquiries as regards expressions of yours in relation to myself. This note you received from him, and promised an answer this evening. To my astonishment you have returned the note alleging that it is not courteous. This matter I will not argue with you. The note will speak for itself, and with honorable men would be considered respectful. My friend refused to receive the note. Your course, Sir, leads me to the conclusion, that you intend to speak disrespectfully of a gentleman, and evade responsibility by quibbling. You have not made the explanation I had a perfect right to require, and presuming that you intended to be offensive in the remarks alluded to, I demand the satisfaction usual among gentlemen.

My friend, Dr. John F. Tompkins, is fully authorized to make all necessary arrangements for an early meeting.

Yours, etc.

F. B. Satterthwaite, Esqr. Will. L. Kennedy.
Present.

* * *

III

Washington, Feb 18th 1847.

Sir:

Your note of last evening was handed to me this morning by Dr. John F. Tompkins.

I objected to your first note, as being discourteous, and I regard your present communication as still more objectionable in that respect. But I waive these objections, and will give you the satisfaction you ask for.

My friend, Mr. Thomas Sparrow, is authorized to act for me in making the necessary arrangements for the meeting.

Yours, etc.

William L. Kennedy, Esqr. F. B. Satterthwaite.

Present.

* * *

IV

Articles of Agreement to govern the meeting between Fenner B. Satterthwaite, and William L. Kennedy, the former being the Challenged party.

I. Mr. Satterthwaite will be at Spring Church, Greenville County, Virginia, about twenty miles from Halifax, North Carolina, on Wednesday morning next, Feb. 24th at sun-rise, and the meeting will come off as soon as possible after reaching the ground.

II. The weapons to be used on the occasion shall be single barrel shot-guns, loaded with buck-shot, distance forty paces.

III. The weapons shall be loaded on the ground, by the seconds, or principals in the presence of all the parties.

IV. The parties shall take their stations back to back, with their guns in their hands, to be held in any position they may think proper, and to be cocked by them after the word "turn" is pronounced by the second, who shall have the giving of the word.

V. The choice of positions on the field shall be determined between the seconds by lot, and the second losing the choice of positions shall have the giving of the word.

VI. After the parties shall have taken their respective stations on the field, the second, who shall have the giving of

the word, shall ask them, if they are ready, upon both parties saying they are ready, he shall pronounce distinctly the words, "turn"—"fire"—one—two—three—stop, pausing a second between each word.

The firing may take place at any time after the word "turn," and before the word "stop," and if either principal shall fire out of time, he shall be liable to be shot down by the second of the other party.

VII. The seconds with double barrel shot-guns loaded with buck-shot shall take their places opposite to each other at a distance of forty paces in a line crossing the line of firing at right angles.

VIII. Each party shall be accompanied on the field only by his second, his surgeon, and two friends.

T. Sparrow.
J. F. Tompkins.

* * *

V

Before these Articles had been agreed upon, the following correspondence had taken place between the seconds:

Washington, Feb. 18th 1847.

The preliminary arrangements for a hostile meeting between William L. Kennedy, Esqr. my friend, and Fenner B. Satterthwaite, which you presented to me tonight, have been considered, and I regard them as objectionable, in several particulars.

I contend that shot-guns are not recognized by the "Code of Honor" as the proper weapons to be used upon such occasions, and I insist that Percussion Pistols be used in the place of them. In the event that you as the Challenged party, insist upon guns, as the weapons, unauthorized as I consider them, I propose that the distance be made twenty paces, instead of

forty. I insist that the parties stand face to face, that their weapons be cocked, and presented to them by their seconds.

Respectfully,

Thomas Sparrow, Esqr. John F. Tompkins.
Present.

* * *

VI

Washington, Feb. 18th 1847.

Dr. John F. Tompkins,

Sir,

Your objections to the preliminary arrangements for a hostile meeting between my friend Mr. Satterthwaite, and your friend Mr. Kennedy, have been duly considered.

I understand the "Code of Honor" to accord to the challenged party the choice of weapons, place, time, and distance, and I regard the weapon chosen by my friend as perfectly "proper."

I must express my surprise that the friend of the party challenging, should insist upon choosing the weapons, and that he should propose the "distance," as it is an infringement of the rights of the challenged party.

The weapons and the distance have been selected by my friend after due deliberation, as the only terms, that in his opinion, put him on a fair footing with his antagonist, and in the exercise of his undoubted rights.

And the unusual and peremptory manner in which he has been called to the field, precludes the possibility of yielding any one of the rights.

Respectfully,

P. S. T. Sparrow.

I subjoin two additional Articles of Agreement, which are usual on such occasions, and which were overlooked in drawing

up the Articles, which I presented to you, and to which I presume there can be no objection. These Articles are as follows:

IX. The person of each principal shall be subject to inspection by the second of the opposite party on the ground.

X. These Articles shall be read aloud by one of the seconds on the ground, in the presence of all the parties, and before the principals take their positions.

Dr. John F. Tompkins. T. S.

* * *

VII

Washington, Feb. 18th 1847.
12 o'clock p.m.

Sir:

Your note, in answer to my objections to the preliminary arrangements for a hostile meeting between my friend, Mr. Kennedy, and Mr. Satterthwaite, has been duly considered, and I insist still that the positions, I took, are right, and proper, but to avoid all difficulty about details, I waive all objections.

Yours Respectfully,

T. Sparrow, Esqr. John F. Tompkins.
Present.

The following extracts from a letter of William L. Kennedy narrate what took place at the "hostile meeting." The letter is dated March 12th, 1847, and is addressed to "Col. H. T. Clark."

"In about two hours after the completion of the preliminaries my friend & myself left for Halifax. There were procured the services of Col. William L. Long & Dr. Robt. O. Bond, as friends, the arrangements allowing each party two friends, &

of Dr. M. A. Wilcox as our surgeon. Next morning February 24th we were upon the ground before them, waiting for them. When they arrived Messrs. Tompkins & Sparrow, the seconds of the respective parties, went off to select the ground: upon their return we repaired to the place designated for the meeting. The guns were loaded, his by himself,[2] mine by Dr. Wilcox, he shooting twenty, and I sixteen buck-shot. The parties took their position, and fired, he about the word "One," & I at the word "Two," his fire being about one second before mine. He shot three shots through my hat. I struck him with four shot below the knee. I was asked by his second, if I was satisfied. I replied "No, Sir. No." As soon as we came up to load the guns a second time, I discovered the shot holes through his pantaloons, and the blood trickling from under his pantaloons upon his boot. The guns were loaded a second time, and we resumed our positions, & fired simultaneously, he missing entirely, and I putting five buck-shot through the skirts of his coat. . . . I was again asked if I was satisfied, I responded No. Mr. Sparrow, second of Mr. Satterthwaite, proposed the challenge be withdrawn, that he might make an explanation. At his suggestion it was withdrawn for fifteen minutes to hear his explantation. He then took from his pocket No. IX. and read it. I asked him if the proposition came from his side; he replied that it did. I then asked him if he came prepared with that explanation: he responded that he did."

It is unnecessary to copy "No. IX." It was unsatisfactory. Kennedy demanded numerous changes and modifications. There seems to have been much argument back and forth. Satterthwaite and his second gradually yielding to Kennedy's demands until the "explanation" was finally

[2] This is another illustration of the unreliable character of tradition. I was told many years ago, by a very intelligent man, who knew Fenner B. Satterthwaite, that he explained why he shot too high, by saying that his second had loaded the gun, and put in too heavy a charge. Here it appears that he loaded the gun himself.

brought into a satisfactory shape. It was then signed by the seconds on both sides, and the "hostile meeting" was over. This final document was in the following words:

VIII

Second proposition of Mr. Sparrow as second on the part of Mr. Satterthwaite.

Had Mr. Kennedy sent me a note which I conceived to be courteous and respectful, I would have given him a courteous and respectful answer, stating that on one occasion in Green County, in a private conversation, I spoke of the suit pending between Mr. Kennedy and Mr. Blount, but cannot now recollect precisely what I did say, though it is probable I used language somewhat like that imputed to me.

As to the other matter, relating to the witness Gutherie, I stated what I did on public rumor: whether that rumor be well-founded or not, I do not know, and did not pretend to say, much less to vouch for it.

This, I think, is the only occasion wherein I have ever spoken of the suit, except in consultation with those immediately interested in it, and with my associate counsel.

And what I said on the occasion referred to, was not said in any way to prejudice the suit, but to intimate the charges that would probably be preferred against him, should he be the candidate of his party for Congress, a warm political friend of his, with whom the conversation was held, having expressed an opinion that Mr. K——— might be nominated for that station. And I did not have in view any purpose to injure Mr. K—— personally, or speak disrespectfully of him in the slightest manner, Mr. K—— stating on his part that he did not intend his note to Mr. Satterthwaite to be disrespectful in the slightest manner.

Thomas Sparrow.
John F. Tompkins.

It seems to me that no eloquence could set forth more convincingly the absurdity and the brutality of the so-called "Code of Honor," than this bare recital of facts. The explanation made by Mr. Satterthwaite might just as well have been made in the beginning, before they had left Washington.

THE GOOD FAITH OF A GREAT CORPORATION

Shortly after the close of the Confederate War, during the period of ruin and depression in the South, three Baltimore capitalists, Messrs. Shoemaker, Newcomer, and Walters, purchased a controlling interest in the Wilmington and Weldon Railroad, and also in the Wilmington, Columbia, and Augusta Railroad.

At that time, though the price of its stock had fallen to a very low figure, the Wilmington and Weldon road was in a perfectly sound financial condition. It was the one direct line of communication along the Atlantic seaboard between the North, by way of Washington, and the South. Its total of capital stock and bonded debt, as I was told by one of its leading directors, amounted to only twenty thousand dollars to the mile of its line from Weldon to Wilmington; and with any ordinary intelligence and honesty in its management, it could not but be a valuable and very profitable property.

On the other hand, the Wilmington, Columbia, and Augusta Railroad was an insolvent corporation, with an unfinished line, and with no credit. The Baltimore capitalists, who had obtained control of both these companies, proceeded to lease the valuable and solvent road to the unfinished and insolvent corporation. The terms of this lease—I speak wholly from memory and in general terms—were that the leased line should be kept up in first-class condition, as to its roadbed, rolling stock, and property generally, and its stockholders should receive a semi-annual dividend of three-and-a-half per cent. The effect of this was, of course, to

give any profit made in operating the Wilmington and Weldon Road, over and above what was needed to discharge the obligations imposed by the terms of the lease, to the insolvent Wilmington, Columbia, and Augusta Road. The stockholders, however, were satisfied with their annual seven per cent, and it was seen that the profits going to the Wilmington, Columbia, and Augusta Road would enable the management to complete that road, so far as it might be serviceable to the lessor road, and would therefore inure to the ultimate benefit of the lessor. Indeed, Messrs. Shoemaker, Newcomer, and Walters seem to have commanded from the first the confidence of these stockholders, and the Wilmington and Weldon Road under their management soon regained its position as a well managed and prosperous concern. The stock advanced rapidly to fifty, sixty, seventy, eighty per cent. I think it had gone to eighty. I remember buying a few shares, all I could pay for, at seventy-five.

And then suddenly and without warning, the Wilmington, Columbia, and Augusta Road threw up the lease, and the Wilmington and Weldon Road came again under the management of its own directors.

This action was taken by the Baltimore parties holding a controlling interest in both roads. The change caused great excitement and uneasiness among the local stockholders in Wilmington, where most of the stock, exclusive of that owned in Baltimore, was held. All sorts of conjectures as to the purpose and effect of this change were flying about. Some thought that it was a move of the Baltimore stockholders to depress the value of the stock that they might purchase it all at a low figure. The price of the stock fell greatly. I believe very little actually changed hands, but

some, I know, was sold as low as fifty dollars, and I heard that it went even lower.

But there was a very general feeling that the stock was good and that it ought to maintain its value. The stockholders in Wilmington held a meeting and appointed a committee to go to Baltimore and interview Messrs. Shoemaker, Newcomer, and Walters, and endeavor to find out their purpose in their late action, that the local stockholders might understand its bearing upon the future prospects of the Road. This committee consisted of Mr. William H. McCrary, Mr. Donald MacRae, two local capitalists, and Captain Grainger, president of the Bank of New Hanover. Telegrams from the meeting were sent to Judge George Howard and Judge Frederick Philips of Tarborough, large stockholders, asking that one of them, representing the Tarborough stockholders, should join the Wilmington committee in their visit to the Baltimore men.

It happened that business engagements made it impossible for either Judge Howard or Captain Philips to leave Tarborough at that time; and they suggested that I should go to represent the Tarborough stockholders. But as I owned only fifteen shares of the stock, I did not feel that I would be a very weighty representative; and indeed I could not very well afford the expense of the trip. They, however, insisted that I should go as their representative, and as such should let them pay my expenses. They said they wished to be represented at the proposed conference, and they wished to know all that might be said in regard to the purposes of the men who controlled the Road. I therefore joined Messrs. McCrary and MacRae at Rocky Mount and proceeded with them to Baltimore. Captain Grainger was in New York, but

he joined us the next morning in Baltimore.

We found that Mr. Shoemaker was out of the city, but we had a long interview with Mr. Newcomer and Mr. Walters, in the office of the latter, if I remember aright.

I was much impressed with both men. They appeared to be able, fair-minded, and very effective. They seemed to take us fully into their confidence and to speak without reserve as to their late action, which had caused such excitement and anxiety among the North Carolina stockholders; and also of their plans and purposes with reference to the future of the Wilmington and Weldon Railroad. They said that the lease to the Wilmington, Columbia, and Augusta Road had been good policy for the Wilmington and Weldon Road. It had enabled them to put the poorer road into a better condition to serve the interests of the other. But the time had come when they felt that the Wilmington and Weldon Road should resume its independence and should enjoy its own profits. They told us that they would be quite willing to buy all the stock of the Road, as it was good property—but they did not wish to do so. They preferred to have the stock owned largely among the people of the State. They said that they wished us to return to North Carolina and advise the stockholders not to sell a single share, for they could assure us that the stock would soon be worth a great deal more than it had ever been worth in the past. They said that as directors of the Road and owning a controlling interest, they recognized that they were trustees for the individual stockholder, and they did not propose to make one dollar of profit out of the Road, of which the smallest stockholder should not receive his due proportion. I have never heard the duty of the directors of a corporation to the individual stockholder set forth more clearly and fairly than it was then set forth by Mr. Newcomer, who was the chief speaker, and assented to by Mr. Walters. They said that they had no way to prove their sincerity: they could only say what their views and purposes were. This they had done, and they could do no more. They hoped we could carry back the statement they had made to us; and that as time went on we could see that they had meant what they had said.

I do not, of course, remember all this conversation; but the foregoing is in substance what we heard. It was a fine purpose and a fine policy for those in control of a great business enterprise; and I believe everyone who knows anything of the subsequent history of the Wilmington and Weldon Railroad and of the Atlantic Coast Line, into which it soon after developed, will confess that they fully and nobly fulfilled the pledge then given.

POST SCRIPTUM

September 17th, 1927. Yesterday morning I felt a sudden pain in my right shoulder, and experienced considerable inability in raising my right arm. This increased during the day: and although both pain and disability are not so pronounced this morning, they have not by any means ceased. Moreover, I have some sensation of pain in my right hand. Whether these are merely passing experiences, or symptoms of more serious trouble I do not know. At any rate they have caused me to bring these fragmentary compositions to an end. I said in the beginning that what I should write would be "more or less authentic." In ending them I will say that I have not consciously put down anything which I have not reason to believe to be true. Any deviations from the truth, if there be such, are unintentional and remain undetected. I may say further, that I have meant to say nothing to bring discredit to any person of whom I have written, save in the case of one or two whose crimes and whose characters are so well known that nothing of infamy could be added by what I might say, and who are of the class valuable only as warnings against the faults which were the cause of their fall, and who may fairly be used

"To point a moral, or adorn a tale."

I believe that what I have written as a whole has some interest as illustrating the life and history of our North Carolina people. Whether anyone else will enjoy reading these pages I know not; I have very greatly enjoyed writing them.

J. B. C.

INDEX

Address to the People of Granville, by Robert Potter, 76, 77, 77n.
Agricultural Society of Edgecombe, 21.
"Albemarle," Confederate ironclad "Ram," 143 *et seq.*
Alexander, John McKnitt, 3-4n.
Alexander, William Bain, 3n.
Alligators, their eggs, 197 *et seq.*
Alston, Mrs. Gid., and John Randolph, 177-78.
Alston, Willis, 66, 68n.
American Notes, by Charles Dickens, 85.
"Answer a Fool According to His Folly," 138-42.
Armstrong, John, 95, 100.
Armstrong, Martin, 95.
Arrington, Nick, 180 *et seq.*
Ashe, Judge Samuel, 103.
Ashe, John B., 160.
Attorney General, office of, 90.
Audubon, John J., His Mistake, 194.
"Aurora," The, Newspaper, 1, *et seq.*
Autrey, George, 221.
Autrey, James, 221.
Avery, Waightstill, 99, 103.
Axes, English, 5; American, 6.

Badger, Hon. George E., 41, 42, 62, 117.
Baker, Judge Blake, 96 *et seq.;* 188 *et seq.*
Bank of Tarborough, presidents of, 4n.
Banks, in North Carolina in 1828, 72 *et seq.*
Barnes, Miss Lavinia, 65.
Barringer, Daniel L., 66, 68n.
Barringer, General Paul, 158.
Barringer, General Rufus, 153-59.
Barry, William T., Postmaster General, 77.
Battle of Cold Harbor in 1864, 149, 151.
Battle of Guilford Court House, 23.
Battle of San Jacinto, 82, 84n.
Battle, Dossey, 46 *et seq.*
Battle, James Crust, 185 *et seq.*
Battle, Dr. Jeremiah, 21.
Battle, Dr. Kemp P., Jr., 191.
Battle, Judge William Horn, 79, 102, 111, 126.
Battle, Mrs. William H., 171.
Bean, Baxter, 222.
Bear, and a rifle, 221-23.
Bear hunter and trap, 224-29.
Beard, Sheriff David, 224.
Beard, Beaton, 224 *et seq.*
Beasley, Dr. John, 188 *et seq.*
Bell, Governor Peter, of Texas, 82n.
Blount, Family Bible, xi *et seq.*
Blount, Family Burying Ground, ix.
Blount, Joseph I., ix *et seq.*
Blount, Joseph E., 234 and n., 241.
Blount, Major Reading, 2n.
Blount, General Thomas, 1, 2n., 4n.
Blount, Mrs. Thomas, 2.
Bond, Dr. Robert O., 239.
Bonds, North Carolina State, 35 *et seq.*
Bounty Lands for Revolutionary Veterans, 95 *et seq.*
Boyden, Judge Nathaniel, 50, 56 *et seq.*
"Bracebridge Hall," country home of Governor Elias Carr, 182.
Branch, Governor John, 15.
Bridgers, Colonel John L., 128.
Bridgers, Mrs. John L., Jr., 15.
Bridgers, Robert R., 5n., 30.

Broadcloth, woven on the plantation, 4n.
Brougham, Lord Chancellor, 134.
Brown, John, author of History of Texas, 83.
Browne, Peter, 60.
Burges, Thomas, 64, 68.
Burns, Captain Otway, of the "Snap-Dragon," 5.
Burr, Colonel James G., 88.
Burre, Walter, xv.
Bynum, Jesse, 65, 68, 73.
Bynum, Judge John Gray, 167.
Bynum, Mrs. Wm. P., Sr., 159.

Caddo *Gazette*, newspaper, 85.
Caddo Lake, in Texas, 83 *et seq.*
California, admission into Union, 16; gold discovered in, 137.
Cameron, Judge Duncan, 100, 105 *et seq.*
Cameron, Rev. John, 106.
Cameron, Judge John E., 76n.
Cameron, John D., 76n.
Cantrell, famous marksman of Tennessee, 223.
Cape Fear, Bank of, 72 *et seq.*
Carlyle, Thomas, quoted, vii.
"Carolina," State Song, 48-51.
Carr, Governor Elias, 182.
Chambers, Maxwell, 123.
Chance Shot at a Witch, 202-3.
Charles, a slave, and "Aunt Lettice," his wife, 4.
Cheek, Colonel William H., 182, 191.
Cheerful Witness, A, 55-59.
Cheshire, Rev. Joseph Blount, D.D., 48, 51, 179.
Cheshire, Miss Kate, 1.
Christmas, "Old," 168.
Clark, Haywood, 21, 194 *et seq.*
Clark, Governor Henry T., 12n., 13, 230 *et seq.*, 239.
Clark, Henry T., Jr., 215 *et seq.*
Clark, Hon. James W., 14.
Clay, Hon. Clement C., 117.
Clingman, Hon. Thomas L., 139.
Cobb, Professor Collier, 64n.
Code of Civil Procedure, 37 *et seq.*
Cogshall, Joseph G., 43.
Coke on Littleton, 131 *et seq.*
College, "Political," proposed by Robert Potter, 66 *et seq.*
Collet, Captain John, 23n.
Commons, House of, in N. C., 12 and n.
Conetoe Swamp, 23-27.
Conference, Court of, 92.
Congressional Dictionary, 86.
Connor, Judge Henry Groves, 126 *et seq.*
Constitution of 1776, 12n.
Constitutional Amendments of 1835, 12n; of 1854, 12n; of 1868, 12n.
Convention (Secession) of 1861, 35 *et seq.*
Convention of 1865, 31.
Conversation with a pig, admitted as evidence, 164.
Cook, Captain James W., of "Albemarle," 144 *et seq.*
Coon's *History of Education in N. C.*, 67.
Cotten, R. C. (Carney), of Chatham, 80.
Court of Conference, 92.
Court, Superior, 89 *et seq.*
Court, Supreme, 92, 93.
Courthouse, scene in a, 165-67.
Cox, General William R., 62n.
Crab-grass, derivation of name, 22.
Cranberry iron, used as currency, 223.
Creek War, the, 223.
Crockett, Rev. George L., 84n.
Currin, children of bitten by mad dog, 207.

Dancy, John S., 20.
Daniel, Elder John, 25 *et seq.*
Daniel, John Blount, 52.
Daniel, Judge Joseph J., 60, 125.
Davidson, John, 3n.
Davie, General William R., 60, 90.
Davis, President Jefferson, 145 *et seq.*
Declaration of Independence, Texas, 82.
Deems, Rev. Charles F., xiv.
De Forge's bookstore in Baltimore, 132.
Deserters, hanged by General Hoke, 150.
De Tocqueville, Alexis, 12n.
Devereux, Thomas P., 48.
Dewes, Mr., 43.
Dick, Judge John M., 45.
Dickens, Charles, *American Notes*, 85.
Dickson, Little Jimmie, 168-76.
Dictionary, Congressional, 86.
District Towns in North Carolina, 89.
Dobbin, Hon. James C., 117.
Doctors and medicine, 191-92.
Dodge, James, nephew of Washington Irving, 43.
Drane, Rev. Robert B., D.D., 194.
Dudley, Governor Edward B., 80.
Duel, of Kennedy and Satterwaite, 234-42.
Duels, Jo Shocco Jones and his, 230-233.
Durant Bibles, x *et seq.*
Durant, George, I, and wife, x *et seq.*
Durant, George, II, and wife, x *et seq.*
Durant, John and Thomas, xiii.
Duvall, Judge Gabriel, 132.

Eagle, American Bald, 50, 194.
Edenton, Town of, 89, 188 *et seq.*
Edgecombe Agricultural Society, 21.
Edgecombe County, 14-22.
Edgecombe Parish, 14.
Elliott, Gilbert, 144.
Epitaph, of Ezekiel Polk, 52-54.

Fane, the Widow Sukey, 172 *et seq.*
Fannin, massacre of command of, 82.
Fayetteville, 89.
Fenner, Dixie C., 65.
"First Haywood." *See* Haywood, First.
Fisher, Charles, 67, 73.
Fisherman's Luck, 195-201.
Flax, 3 and n.
Folk, Colonel George N., 40.
Frauds in Secretary of State's office, 95 *et seq.*
Fulling mills at Salem, 3n.

Gamecock, the, 179-84.
Galloway, Major Alexander H., 10.
Garrell, John, 195 *et seq.*
Gaston, Judge William, 48, 73, 125, 136.
Gazette, Lake Caddo, newspaper, 85.
Gill, Mr., 113.
Gilmer, Judge John A., 40.
Glasgow County, 96.
Glasgow, James, 95-101, 104, 112.
Glenn, Governor Robert, 43.
Gold discovered in California, 137.
Good Faith of a Great Corporation, 243-47.
Graham, Governor William A., 134-137, 138.
Grainger, Isaac B., 245 *et seq.*
Grandfather Mountain, 225 *et seq.*
Grant, General, and General Hoke, 151.
Grants, fraudulent, 95 *et seq.*

Grass, Crab. *See* Crab Grass.
Great Lawyer, A, 121-29.
Gregory, Mrs. Mary, 25 *et seq.*
Guilford Court House, Battle of, 23.

Halifax County, 62.
Halifax Town, 60-63, 89.
Hall, Bishop Joseph, 63n.
Hamilton, Major Daniel Heyward, 200.
Hamilton, Prof. J. G. deRoulhac, 8, 69n., 200.
Harrison, President William H., 49, 115.
Hart, James, 208.
"Hawfields," residence of Judge Ruffin, 8, 9, 123, 128.
Hawks, Rev. Francis L., xiii, 13.
Hay, George, 43.
Haywood, First, Reports of Cases, etc., 103.
Haywood, Judge John, 88, 90, 97, 102-14, 131; his histories of Tennessee, 113.
Haywood, Sherwood, 5, 9.
"Heads or Tails," to choose a Chief Justice, 125 *et seq.*
"Head of Medusa," poem by Robert Potter, 68 *et seq.*
Henderson, Prof. Archibald, 2n.
Henderson, Chief Justice Leonard, 102, 126.
Henderson, Major Pleasant, 6, 67, and n.
Henry, a slave, 6 *et seq.*
Hill, General Daniel H., 154 and n.
Hill, Thomas B., 65, 71.
Hill, Whitmel, I, 23.
Hill Whitmel, II, 65.
Hillman, Mr., 43.
Hillsboro, Town of, 89.
Hinkel, Rev. David and the Hinkelites, 158.
Hoke, General Robert F., 143-52.
Hoke, Chief Justice Wm. Alexander, 160-64.
Holden, Governor William W., 31n., 55 *et seq.*
Home and Home Folks, 1-11.
Hot Springs, Arkansas, 6.
Howard, George, I, 28, 69.
Howard, Judge George, 14, 28, 30-39, 69, 117, 125, 245.
Howard, W. Stamps, 69n.
Hunt, Mrs. Outlaw, 64n.

Ice, 10n.
Impeachment of Governor William W. Holden, 55 *et seq.*
Independence, Declaration of, Texas, 82.
Inoculation for smallpox, 188 *et seq.*
Iredell's Laws of North Carolina, 88.
Iron-clad "Ram," Albemarle, 143 *et seq.*
Irrigation, in Mecklenburg County, 156 *et seq.*
Irving, Washington, 43.
Isaac, a slave, 9.

Jackson, President Andrew, 117.
Jackson, General Thomas J. (Stonewall), 146n., 154n.
Jinny and her pig, 163 *et seq.*
Johnston, Governor Gabriel, 14.
Jones, Edward, Solicitor General, 88 *et seq.*, 99.
Jones, Hamilton C., I, 6, 73.
Jones, Mrs. Hamilton C., I, 6.
Jones, Hamilton C., II, 6, 55, 112, 138.
Jones, "Jeems," the cheerful witness, 56 *et seq.*
Jones, Joseph Seawell, "Jo Shocco," and his duels, 230-33.
Jones, Dr. Johnston Blakeley, 192.
Jones, William Todd, 91.

Jones, Willie [pronounced Wiley], 60, 69.
Joyner, Colonel Andrew, 62.
Judicial districts in N. C., 89.

Kennedy, William L., 234 *et seq.*
King, Sister, 140.
Knott, Miss Sarah Frances, 64n.
Kossuth, Louis, the Hungarian patriot, 138.
Ku Klux, 55 *et seq.*

Lamar, Mirabeau Bonaparte, 82.
Land Office, frauds in the, 95 *et seq.*
Lanier, Mark, 40.
Lawrence, Dr. Joseph J., 141.
Lawrence, Elder Joshua, 141 and n.
Lawyers and Judges, 40-47.
Lea, Judge, of Tennessee, 109.
Lewis, "Blind," a slave, 4.
Lewis, and McGinnis vs. Ames, 86n.
Littlejohn, James, x *et seq.*
Little Jimmie Dickson, 168-76.
Lively, J. W., 84n., 86n.
Lockett, Mad-Stone, 206.
"Looking Glass," old Pollok Plantation, 214.
Lucas, Mrs. Mary Jourde, 49.

McCoy, Mrs. Rebecca, 3n.
McCrary, William H., 245 *et seq.*
McIntyre, 221.
McKay [sometimes McCay] Judge Spruce, 90, 98.
Maclaine, Archibald, 103.
Macnair, Edmund Duncan, 5n.
McNeal, Hon. Albert T., 52 *et seq.*
Medical Martyrs, two, 188-90.
"Medusa's Head," a poem, 68 *et seq.*
Mendenhall, George C., 73.
Meredith, Rev. Reuben, 214 *et seq.*
Mexican War, 137, 185.
Mexican War, Declaration of Independence, 82.
Moir, Rev. James, 13.
Montagu, Lady Mary Wortley, 190.
Moore, Alfred, Attorney General, 88, 90.
Moore, Alfred, Jr., 44.
Moore Bartholomew Figures, 28, 44, 62.
Moore, Dr. George, 192.
Morehead, Governor James M., 10-11, 120.
Morgan, District of, 89.
Mott, Dr. Henry Y., 150.
Murphey, Judge Archibald, 128.
Myers, Colonel William R., 83 *et seq.*

Nacogdoches, District of, Texas, 82.
Nash, Governor Abner, 60.
Nash, Chief Justice Frederick, 73, 123, 125.
Nash, Mrs. Fred, II, x *et seq.*
Nash County Celebrity, 179-84.
Negroes, voted in N. C. until 1835, 12n., 61.
Negroes, Folk lore of, 193-94, 197 *et seq.*
Newbern, Bank of, 72 *et seq.*
Newcomer, Benjamin F., 243 *et seq.*
Newspapers, *Aurora,* Wilmington, 16; Caddo *Gazette,* Texas, 85; Marshall *Standard,* Texas, 84; Tarboro' *Free Press* and *Press,* 28 *et seq.;* 68, 114; Tarboro' *Southerner,* 29.

O'Connell, Daniel, 91n.
"Old Roan," Nickname of Judge Saunders, 117.
Owen, Rev. Thomas R., 139 *et seq.*

Page, Soloman, and Mrs. Page, 84n., 86n.
"Panola," Plantation, 3, 203.
Parker, Miss Arabella, 1 *et seq.*, 9, 15.

Parker, Miss Catharine C., 5, 9.
Parker, Colonel Francis M., 4, 19.
Parker, Rev. John Haywood, 136.
Parker, John Hill, 6 *et seq.*
Parker, Theophilus, 1 *et seq.*, 9.
Parnell, Charles, 91n.
Parsons, Theophilus, 102.
Pearson, Chief Justice Richmond M., 56, 129, 134.
Pease, L. T., *History of Texas*, 82n.
Pender, David, 1.
Perjury, penalty at the Common Law, 39.
Petitions against Slavery by Quakers and others, 137.
Philips, Frederick, 4.
Philips, Judge Frederick, 245.
Philips, Dr. James J., 20.
Pickett, General George C., 146, 148.
Plummer, Kemp, 171.
Plymouth, capture of in 1864, 143 *et seq.*
Poindexter, John F., 41, 94n.
Polk, Ezekiel, 52.
Polk, President James K., 53, 116, 185.
Potter, Robert, 63n., 64-87; portrait of 64n.

Railroads, W. and W., W. C. and A., A. C. L., 243 *et seq.*
Raleigh, Sir Walter, xv *et seq.*
"Ram," Confederate iron-clad, Albemarle, 143 *et seq.*
Ramake, Dr. Frederick, 188 *et seq.*
Randolph, John, of Roanoke, 177.
Ransom, Robert, 177.
Ransom, General Matt. W., 145 177.
Ransom, General Robert, 153.
Reed, Christian, and Mrs. Reed, ix *et seq.*
Reid, Governor David, 12n.
Riddick, Newsome, 214 *et seq.*
Ridings, East and West, 89.
Roanoke River, 148, 214.
Rodman, Judge William B., 32 *et seq.*
Rose, antagonist of Robert Potter, 84 *et seq.*
Ruffin, Edmund, 20.
Ruffin, Chief Justice Thomas, 8, 36, 121-29.
Ruffin, Colonel Thomas, 121, 135.
Ruffin, William K., 102, 110n., 123 *et seq.*
Rule, Two-Thirds. *See* Two-Thirds Rule.

San Jacinto, Battle of, 82, 84n.
Santa Anna, President of Mexico, 82, 180.
Satterthwaite, Fenner B., 234 *et seq.*
Satterwhite, Jeff, 209.
Saunders, Judge Romulus M., 115-120.
Saunders, Colonel William L., 23.
Sawyer, Lemuel, 66, 68n.
Scene in a Courthouse, 165-67.
Scott, John, Solicitor General, 78.
Seawell, Joseph, 44.
Secession, Early discussion of, 16.
Secretary of State, frauds in office of, 95 *et seq.*
Settle, Thomas, I, 75.
Settle, Thomas, III, 167.
Shacklett, Rev. William S., 207n.
Sharp, Miss Lucy, 193.
Shoemaker, Samuel, 243 *et seq.*
Sis Jinny and her pig, 163.
Slaughter, Richard, 208.
Slavery, Abolition of, 136 *et seq.*
Smallpox, inoculation for, 188 *et seq.*
Smith, James N., 194, 213.
Smith, Peter E., 144.
Smith, W. Edward, 214.
Smith, William R., 144.
Snap-Dragon, privateer, 5.
Solicitor General, office of, 88-94.

Southerner, the *Tarboro'*, newspaper, 29.
Sparrow, Major Thomas, 236 *et seq.*
Spencer, Judge Samuel, 103.
State Bank, 72.
State Song, "Carolina," 48-51.
Story, Judge Joseph, 127.
Strange, Judge Robert, 44 *et seq.*, 76.
Streets of Tarborough, 12.
Sugaw Creek Church, 157.
Sugden, Edward, Lord St. Leonards, 134.
Supreme Court of N. C., 92, 93.
Swain, Governor David L., xiii, 14, 43, 73, 99.

Tar River, 13.
Tarborough, Town of, 1 *et seq.*, 12 *et seq.*; its one newspaper, 28-29.
Taylor, Mrs. Eliza and her daughters 48.
Taylor, Bishop Jeremy, 91.
Taylor, Chief Justice John Louis, 98, 126.
Tennessee, State of, 52, 95 *et seq.*, 105 *et seq.*; histories of by Judge Haywood, 113.
Terrell, 98.
Thirteen the Odd, a gambling game at cards, 80.
Thorp, Benjamin P., I, 205.
Thorp, Benjamin, P., II, 204 *et seq.*
Thorp, Peterson, 209.
Thorp, Hon. Robert T., 206.
Thorp, Dr. William, 208.
"Tippecanoe and Tyler Too," Campaign, 49, 115.
Tompkins, Dr. John F., 235 *et seq.*
Toole, Gray, a barber, 58-59.
Toole, Henry Irwin, I, 16.
Toole Henry Irwin II, 14, 16.
Toole, Henry Irwin, III (Methuselah), 16 *et seq.*
Tourgée, Judge Albion, 94.
Traveling in 1830, 8 *et seq.*
Turkey, North American Wild, 211-220.
Turks, first to inoculate for smallpox, 190.
Turner, Nat, his insurrection, 136.
Two-Thirds Rule, in Democratic National Convention, 115.
Tyler, President John, 49, 115.

University of North Carolina, xiv, 14, 116, 136.

Van Buren, President Martin, 115.

Walters, William T., 243 *et seq.*
Wheeler's History of North Carolina, 75.
Whitfield, Dr. Bryan W., 8.
Wickham, John, 43.
Wiggins James M., 81.
Wilcox, Dr. M. A., 240.
Will of General Louis D. Wilson, 185-87.
Williams, Judge John, 103.
Wilmington, City of, 16, 89, 245.
Wilmington and Weldon Railroad, 144, 243 *et seq.*
Wilson, Augustus, 208.
Wilson, John J., 222.
Wilson, General Louis D., 185-87.
Wirt, William, epigram by, 43.
Witch, chance shot at a, 202-3.
Witness, a cheerful, 55-59.
Womble, Enos, 140 *et seq.*
Wright, William A., 44.

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