

## 5. Cooling After a "Rash Act"



IF GENUINE, why was the May 20 Declaration of Independence not published at once in the two weekly newspapers of North Carolina? Further study of McKnitt Alexander's rough notes reveals a clue, in a striking admission heretofore neglected. At the bottom of the first page is an arresting paragraph, partly torn off, for which the sense of the missing words may readily be supplied:

"N.B.: allowing the 19th May to be a *rash Act*, [adoption of our resolutions had good] effects in binding all the middle & western [patriots together in the common cause, all] firm Whigs — no Torys but. . ."

Thus we find McKnitt Alexander conceding that the adoption of the Mecklenburg Declaration in the heat of anger after receiving news of the shooting down of patriots at Lexington, was regarded as a rash performance.

"But" — and here we must rely upon collateral evidence and conjecture because of the torn margins — it appears that the more moderate men of the county were "not fully represented in the first" convention or meeting of May 19-20. And those who felt the resolutions of independence did not represent their views, naturally raised a clamor. In the midst of warring opinions, the leaders made no move to publish the First Declaration, after it had been read aloud to a throng. Instead, "after cooling," they held a meeting of the Committee of Safety on May 31, perhaps attended by some of the conservatives, and adopted a supplementary set of resolutions which said Parliament had given all the American colonies independence, set up a plan of local government and in effect gave the British government another chance to win back the Colonies. Examination of the reproduction of the rough notes on adjacent pages will help to clarify this interpretation. The synthesis can be only approximate, but critics if fair will concede the sense of the original is grasped and retained.

Mild patriots were startled, and any Loyalists about must have been blazing. By June 1, leading men in adjoining counties were denouncing the treasons and conspiracies of "designing men," as Dr. Henderson has pointed out. Judge Alexander Martin in charging the Grand Jury at nearby Salis-

bury on June 1, warned again of "treasons and traitorous conspiracies against His Majesty's person and government." It is not remarkable that, with cries of treason rising angrily about them, the Mecklenburg leaders offered no copies of their May 20 Declaration to the two newspapers of the Province.

A recollection of the bitter antagonisms and turmoil following the May 19-20 convention is found in a letter written on June 8, 1875 by A. B. Davidson to Dr. Lyman C. Draper, now preserved in the Draper manuscripts at Madison, Wisconsin. Dr. Draper had written Mr. Davidson, a grandson of Major John Davidson, one of the convention delegates, asking for information. Writing from Charlotte, A. B. Davidson said of his grandfather:

"... [He] was one of the signers of the Declaration of Independence in Charlotte May 20th, 1775 & I have heard him say in the presence of Gen. Joseph Graham, Capt. Alex. Brevard & others that a second meeting was held in Charlotte eleven days after the 20th, & *he & Richard Barry rode all the way from their homes 14 miles north of Charlotte after night in a by-path for fear of being killed by the enemy of the cause of the Declaration.*" [Italics supplied.]

We find in Dr. Draper's use of this significant letter, in the preparation of his own manuscript on the Mecklenburg Declaration, an illustration of the manner in which original materials were handled by those who willed to prove that the May 31, 1775 committee meeting was the only one held in Charlotte at which resolutions were adopted. Observe now in this excerpt how Dr. Draper changed the direction and the date of the night trip of Major Davidson and Richard Barry. In comparing with the letter of A. B. Davidson quoted above, note how its whole purport was blurred out:

"*An intelligent gentleman states — doubtless truly of some subsequent transaction — that his grandfather, Major Davidson, rode home after the night the Declaration was made, fourteen miles, taking a by-path, for fear of being killed by the enemy; when, in truth, there were no British soldiers within hundreds of miles of Mecklenburg in May, 1775; no Tories, of whom there were few in that region at any time, had shown themselves in hostile array; the Indians were still peaceable on the frontiers, and remained so for more than a year later; and no Red Coat trod the soil of Mecklenburg till after Cornwallis forced his way there in September, 1780.*"

Do we find anything here about a second meeting, held eleven days after the first? We do not. We do find, however, an implication of unwarranted timidity on the part of the two men, who understood the meaning of veiled threats against "traitors." Here we have an example of the abuse of a document.



THE COMMITTEE OF SAFETY appointed on May 20, of which Dr. Brevard was clerk, met in Charlotte on May 31 and adopted twenty resolutions on subject-matter earlier debated in the convention. It was the day of a militia muster for the county. These resolutions, advanced for the period, were published soon after in three newspapers — the *North-Carolina Gazette* at New Bern, the *Cape-Fear Mercury* at Wilmington, and the *South Carolina Gazette, and County Journal* of Charleston. They constitute what the historians consider the real Mecklenburg Declaration of Independence.

In the light of known facts it is quite tenable to suppose that McKnitt Alexander was referring to the twenty resolutions when he wrote in his account: "A number of bye-laws were also added merely to protect the association from confusion and to regulate their general conduct as citizens." He made no other reference to them. Although the May 20 resolves and the manner of their adoption were cherished in the memories of all who took part, the May 31 document was forgotten. The controversy begun in 1819 had raged for years before scholars exhumed the twenty resolutions from old newspapers. An excited convention and its defiant acts are easier to remember than a quiet though important committee meeting.

The two sets of resolutions of May 20 and May 31 obviously were written by different hands. If young patriots from Princeton — Dr. Brevard and the Rev. Hezekiah James Balch — wrote the flaming defiance into the First Declaration, a lawyer like William Kennon must have written the preamble and the code for the May 31 resolves. The language is that of one versed in law. Dr. Henderson was the first historical writer to attribute authorship of the May 31 resolves to William Kennon, basing his conclusions on internal evidence. This he did in an article published in leading North Carolina newspapers of September 15, 1935: the second of a series of four on Kennon.

The May 31 resolutions from the fourth to the seventeenth, inclusive, prescribe rules for local government, the selection of officials, collection of debts and taxes, holding of courts, and punishment of offenders. The system was never made effective. The beginning and closing resolutions are of real interest, especially the eighteenth, which provides in advance for repeal of the local laws in the event the British Parliament "resign its unjust and arbitrary Pretentions with Respect to America." Here is the text of the Second Mecklenburg Declaration of Independence of May 31:

"Charlotte Town, Mecklenburg County, May 31, 1775.

"THIS day the Committee of this County met, and passed the following RESOLVES:

"WHEREAS by an Address presented to his Majesty by both Houses of Parliament in February last, the American Colonies are declared to be in a

state of actual Rebellion, we conceive that all Laws and Commissions confirmed by, or derived from the Authority of the King or Parliament, are annulled and vacated, and the former civil Constitution of these Colonies for the present wholly suspended. To provide in some Degree for the Exigencies of the County in the present alarming Period, we deem it proper and necessary to pass the following resolves, viz.

"1. That all Commissions, civil and military, heretofore granted by the Crown, to be exercised in these Colonies, are null and void, and the Constitution of each particular Colony wholly suspended.

"2. That the Provincial Congress of each Province, under the Direction of the Great Continental Congress, is invested with all legislative and executive Powers within their respective Provinces; and that no other Legislative or Executive does or can exist, at this Time, in any of these Colonies.

"3. As all former Laws are now suspended in this Province, and the Congress have not yet provided others, we judge it necessary, for the better Preservation of good Order, to form certain Rules and Regulations for the internal Government of this County, until Laws shall be provided for us by the Congress.

"4. That the Inhabitants of this County do meet on a certain Day appointed by this Committee, and having formed themselves into nine Companies, to wit, eight for the County, and one for the Town of Charlotte, do choose a Colonel, and other military Officers, who shall hold and exercise their several Powers by Virtue of this Choice, and independent of Great-Britain, and former Constitution of this Province.

"5. That for the better Preservation of the Peace, and Administration of Justice, each of these Companies do choose from their own Body two discreet Freeholders, who shall be empowered each by himself, and singly, to decide and determine all Matters of Controversy arising within the said Company under the Sum of Twenty Shillings, and jointly and together all Controversies under the Sum of Forty Shillings, yet so as their Decisions may admit of Appeals to the Convention of the Select Men of the whole County; and also, that any one of these shall have power to examine, and commit to Confinement, Persons accused of Petit Larceny.

"6. That those two Select Men, thus chosen, do, jointly and together, choose from the Body of their particular Company two Persons, properly qualified to serve as Constables, who may assist them in the execution of their Office.

"7. That upon the Complaint of any Person to either of these Select Men, he do issue his Warrant, directed to the Constable, commanding him to bring the Aggressor before him or them to answer the said Complaint.