

THE MECKLENBURG DECLARATIONS

Raleigh Register Version

1. Resolved, That whosoever directly or indirectly abetted, or in any way, form or manner countenanced the unchartered and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this country [properly *country*] — to America — and to the inherent and inalienable rights of man.

Revised Version

Resolved, That whosoever directly or indirectly abets, or in any way, form or manner, countenances the invasion of our rights as attempted by the parliament of Great Britain, is an enemy to his country, to America and the rights of man.

Judge Murphey undoubtedly bettered the resolution by changing the tense from past to present and modernizing the grammatical style, but in improving it, he subtracted from force. He had no warrant for doubting the text as he had found it, or for dropping the words “unchartered and dangerous,” “as claimed by Great Britain,” and “inherent and inalienable.” Judge Murphey limited his tampering with the second, third, fourth, and fifth resolutions to condensation, so it is hardly necessary to reproduce his text. Then he invented a sixth resolution quoted above.

Alexander Garden and Judge Martin had a choice between the *Raleigh Register* text and Judge Murphey’s, and they chose the latter because it looked better, edited as it was to a more modern style. Judge Martin often has been quoted as saying he obtained his Declaration text before 1800 from someone other than McKnitt Alexander, but his use of other parts of Judge Murphey’s article indicates the real source.

Who took liberties with the text of the Mecklenburg Declaration? McKnitt Alexander has been accused innumerable times of doing so, but there is no proof; only suspicious doubt. Judge Murphey certainly took liberties in writing a new version and offering it as the original one. Mr. Hoyt condones this. After quoting from Colonel Polk’s letter — “*I cannot vouch for their being in the words of the Committee who framed them but they are essentially so*” — Mr. Hoyt adds: “It will appear below that Judge Murphey, being thus informed that the resolutions were not an extract from an original record and virtually told that he might take liberties with them, made emendations in several places where he thought that the original text had not been preserved. . . .”

Opinions may differ as to whether Colonel Polk “virtually told” Judge Murphey to take liberties. Rather would it appear that the Colonel held the text to be essentially the same as originally written by Dr. Brevard. All this will be found to have a unique bearing, when we observe later the use made of the “improved” text in the magazine article of 1853.

11. State Clarifies Its Record



NORTH CAROLINA celebrated on May 20, 1825, the fiftieth anniversary of the Declaration. Then when Jefferson’s *Works* appeared in book form in 1829, with the 1819 letter to John Adams, Governor Stokes and the Legislature moved to publish a State pamphlet containing the text of the Declaration and other documents, and the stories of men on the scene in 1775. Dr. Joseph McKnitt Alexander, wishing to clear his father’s name, worked diligently in gathering written accounts provided by men who remembered the May 19-20 convention.

The State pamphlet of 1831 has not lost any of its value in the passing of many years, and is as effective now in supporting the case for the Mecklenburg Declaration of Independence as it was when published by Governor Montfort Stokes by authorization of the Legislature. Copies may be found in some of the larger libraries. Dr. Graham and Mr. Hoyt carried the text in their monographs.

The pamphlet opens with a preface containing a long and detailed review of the story of the Mecklenburg Declaration of Independence. It was written for Governor Stokes by David L. Swain, who is credited with having edited the work as well. Since Swain is to appear again and again in the story, it is useful to observe briefly his brilliant rise. Born in Asheville on January 4, 1801, he was educated at the University of North Carolina; after studying law he was admitted to the bar in 1823, and began practice in Raleigh. He was elected to the Legislature in 1824. In 1831, the year in which the State pamphlet appeared, he was appointed to the State Supreme Court. He was Governor from 1832 until 1835; thereafter he was president of the University of North Carolina until he resigned in 1868 in protest against a carpet-bagger drive. The degree of LL.D. was conferred upon him by Princeton in 1841, and by Yale in 1842. With this information about the man who gave able assistance, we may proceed with the State pamphlet.

Jefferson’s letter to Adams is printed and adequately and temperately answered. The Legislature has the task, the Preface says, of proving “Mr.

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Jefferson was mistaken, and that his opinion was made up from a very superficial and inaccurate examination of the publication in the *Raleigh Register*, the only information then before him, and upon which his letter is a commentary." The "ability, the purity, the patriotism" of Mr. Jefferson are acknowledged, and then: "Mr. Jefferson himself was the author of the Declaration of Independence by Congress, and was not disposed to share in any degree the immortality with which it had crowned him, with a comparatively obscure citizen of North Carolina."

The volcano story of 1812 is attributed in a footnote to Buncombe County, nearly as distant from the county of Mecklenburg as from Monticello. Jefferson had asked whether the Declaration story really had been published in the *Raleigh Register*. Yes, it had been. The name McKnitt subscribed to the publication was genuine; "it is proper to say that the individual still lives, that he is moreover a credible witness, and that it is to his laudable attention and exertions that the State is indebted for the preservation of much of the testimony which is now offered to the public."

Of the copy of the Declaration record sent in 1787 to Dr. Hugh Williamson, Governor Stokes says in a footnote: "This copy the writer well recollects to have seen in possession of Doct. Williamson, in the [year] 1793, in Fayetteville, together with a letter to him from John McNitt Alexander, and to have conversed with him on the subject."

Colonel William Polk, now "in a green old age," was present at Charlotte on May 20, 1775, and "heard his father proclaim the Declaration to the assembled multitude; and need it be inquired, in any portion of this Union, if *he* will be believed? The letter of Gen. Joseph Graham, another surviving officer of the Revolution, a citizen and a soldier worthy of the best days of the Republic, will be read with pleasure and perfect confidence throughout the wide range of his acquaintance."

A report by the legislative committee is given, with the text of resolutions providing for publication. The text of McKnitt Alexander's record is supplied, as published in the *Raleigh Register* of April 30, 1819. Names of the 1775 convention delegates are listed. Then follow fourteen letters and certificates, several signed by more than one man, supporting the genuineness of the May 20 Declaration and adding a variety of details.

HISTORY, it aptly has been said, is what the eye-witnesses saw, remembered, and recorded. The best of all the eye-witness accounts was given by General Joseph Graham. Scarred by sabre-cuts laid on by Lord Cornwallis's soldiers in 1780, this hale veteran sat down with his writing materials in 1830 and wrote a buoyantly lively and assured story of what he had seen, on the spot, and remembered vividly.



By the KING,
A PROCLAMATION
For suppressing Rebellion and Sedition.

G E O R G E R.



HEREAS many of Our Subjects in divers Parts of Our Colonies and in *North America*, misled by dangerous and ill-designing Men, and the Allegiance which they owe to the Power that has protected them, after various disorderly Acts committed in Disturbance of the Peace, to the Obstruction of lawful Commerce, and to the Oppression of loyal Subjects carrying on the same, have at length proceeded to an avowed Rebellion, by arraying themselves in hostile Manner to wit Execution of the Law, and traitorously preparing, ordering, and levying against Us: And whereas there is Reason to apprehend that such Rebellions have been much promoted and encouraged by the traitorous Correspondence, Counsels, and Conversations of divers wicked and desperate Persons within this Realm: To the End therefore that none of Our Subjects may neglect or violate their Duty through Ignorance thereof, or through any Doubt of the which the Law will afford to their Loyalty and Zeal; We have thought fit, by and with the Advice and Consent of Our Privy Council, to issue this Our Royal Proclamation, hereby declaring that not only Our Officers Civil and Military are obliged to exert their utmost Endeavours to suppress such Rebellions, but that all Our Subjects of this Realm and the Dominions belonging are bound by Law to be aiding and assisting in the Suppression of such Rebellions, and to disclose and make known all traitorous Conspiracies and Attempts against Us, Our Crown and Dignity: And We do accordingly strictly charge and command all Our Officers as well Civil as Military, and all other Our obedient and loyal Subjects, to use their utmost Endeavours to with suppress such Rebellion, and to disclose and make known all Treasons and traitorous Conspiracies which they shall know to be against Us, Our Crown and Dignity; and for that purpose to give full Information of all Persons who shall be found carrying on Correspondence with, or in any Manner or Degree aiding or abetting the Persons now in open Arms and Rebellion against Us, within any of Our Colonies and Plantations in *North America*, in order to condign Punishment the Authors, Perpetrators, and Abettors of such traitorous Designs.

Given at Our Court at *St. James's*, the Twenty-third Day of *August*, One thousand seven hundred and seventy-five, in the Fifteenth Year of Our Reign.

God save the King.

L O N D O N :

Printed by *Charles Eyre* and *William Strahan*, Printers to the King's most Excellent Majesty.



DR. DAVID L. SWAIN



WILLIAM RICHARDSON DAVIE



DR. KEMP P. BATTLE



COL. JOHN H. WHEELER



STATE CLARIFIES ITS RECORD

Joseph Graham was born in Pennsylvania on October 13, 1759. His widowed mother removed in 1766 with her five children to the vicinity of Charlotte. In 1778, when nineteen, he enlisted in the 4th Regiment of the North Carolina line; he participated in the battle of Stono on June 20, 1779. In 1780 he was commissioned a Captain and appointed adjutant of the Mecklenburg County regiment. On the approach of Lord Cornwallis and his army toward Charlotte in September, General William Lee Davidson ordered him to assist Major Davie in the defense of the town by commanding as many volunteers as he could enlist on the spot. He got together a small company of riflemen.

When Cornwallis and his men reached Charlotte on September 26, the inadequate band of patriots made a gallant but hopeless stand in the marketplace under the courthouse. Captain Graham endured six sabre cuts, and stopped three bullets. Left as mortally wounded, he was discovered at nightfall by friends and concealed in the loft of a widow's house. Next day a "British officer's lady," out on a foraging mission with a party of horsemen, visited the widow's home and discovered a wounded American officer was hidden in the loft. The woman promised to send a surgeon to dress the wounds as soon as she returned to camp.

Wishing no attentions from a British surgeon and British captors the young Captain — lacking a few days of reaching his twenty-first birthday — persuaded friends to place him on a horse, and though weak from his wounds he rode to his mother's home. A little later he went to a military hospital, where the three bullets were extracted. Subsequently he married a daughter of Major John Davidson.

General Graham set up an iron furnace about 1790 at a point about twenty-five miles northwest of the center of Charlotte, in what is now Lincoln County. In 1792 he finished a large white frame house with brick chimneys exposed at the gable ends, standing on a hillside looking down at the furnace on the creek running below. To the prosperous establishment complete with manor house General Graham gave the name Vesuvius Furnace. The house was somewhat altered in appearance by the later addition of a two-story porch at the front.

Such was the man whose story has been generally slighted by the skeptic with the exception of Dr. Lyman C. Draper. In his manuscript work, Dr. Draper included biographical sketches of persons associated with the May 19-20 convention, gathered from writings by the historian John H. Wheeler and other North Carolinians. Dr. George W. Graham used these sketches with credit to Dr. Draper in his book (1905), condensing and revising her and there where he detected evidence Dr. Draper was transferring the convention from May 19-20 to May 31. Dr. Draper was persistent in the

practice, in disregard of the statements supplied to him. Dr. Graham overlooked occasionally the change in dates, and thus permitted his own book to support in spots Dr. Draper's contrary thesis. This is what Dr. Draper wrote of General Joseph Graham's importance as a credible witness:

"He was present during the meeting of the famous Mecklenburg Convention; and his reminiscences concerning it are not only the most detailed of any preserved, but the most important in citing facts connected with the Resolves, which, when those of May 31st were subsequently discovered, go to substantiate that they were the real and only Resolves adopted by the people of Mecklenburg in May, 1775."

Actually, General Graham said something quite different in his letter to Dr. Joseph McKnitt Alexander, to be used in the State pamphlet, as the reader now may discover:

"Vesuvius Furnace, 4 of October, 1830.

"Dear Sir: Agreeably to your request I will give you the details of the Mecklenburgh Declaration of Independence on the 20th of May 1775 as well as I can recollect after a lapse of fifty-five years. I was then a lad about half-grown, was present on that occasion (a looker-on).

"During the winter and Spring preceding that event several popular meetings of the people were held in Charlotte, two of which I attended. Papers were read, grievances stated, and publick measures discussed. As printing was not then common in the South the papers were mostly manuscript, one or more of which was from the pen of the Reverend Doctor Reese (then of Mecklenburgh) which met with general approbation and copies of it circulated. It is to be regretted that those and other papers published at that period and the Journal of their proceedings are lost. They would show much of the spirit and tone of thinking which prepared them for the measures they afterwards adopted.

"On the 20th of May 1775 besides the two persons elected from each Militia Company (usually called Committee men) a much larger number of citizens attended in Charlotte than at any former meeting, perhaps half the men in the county. The news of the Battle of Lexington the 19th of April preceding, had arrived. There appeared among the people much excitement. The Committee were organized in the court house by appointing Abraham Alexander Esq^r Chairman and McK^t Alexander Esq^r Clerk or secretary to the meeting.

"After reading a number of papers as usual and much animated discussion the question was taken, and they Resolved to declare themselves Independent. One among other reasons offered [was] that the King or Ministry had by procklamation or some edict declared the Colonies out of the pro-

tection of the British crown. They ought therefore to declare themselves out of his protection and Resolve on Independence.

"That their proceedings might be in due form a sub-committee consisting of Dr. Ephraim Brevard, a Mr. Cannon [Kenyon] an attorney, & a third person whom I don't recollect were appointed to draft their declaration. They retired from the court house for some time, but the Committee continued in session. In it one circumstance occurred I distinctly remember. A member of the committee who had said but little before addressed the Chairman as follows:

"If you Resolve on Independence how shall we all be absolved from the obligations of the oath we took to be true to King George the 3rd about four years ago after the Regulation battle when we swore whole militia companies together. I should be glad to know how Gentlemen can clear their consciences after taking that oath."

"This speech produced confusion. The Chairman could scarcely preserve order, so many wished to reply. There appeared great indignation and contempt at the speech of the member. Some said it was nonsense, others that allegiance and protection were reciprocal; when protection was withdrawn allegiance ceased; that the oath was only binding while the King protected us in the enjoyment of our rights and liberties as they existed at the time it was taken, which he had not done, but now declared us out of his protection, therefore was not binding. Any man who would interpret it otherwise was a fool, by way of illustration pointing to a green tree (near the court house), stated if he was sworn to do anything as long as the leaves continued on that tree it was so long binding, but when the leaves fell he was discharged from its obligation. This was said to be certainly applicable in the present case. Out of respect for a worthy citizen long since deceased and his respectable connexions I forbear to mention names, for though he was a friend to the cause a suspicion rested on him in the publick mind for some time after.

"The sub-committee appointed to draft the Resolutions returned and Doctor Ephraim Brevard read their report, *as near as I can recollect in the very words we have since seen them several times in print*. It was unanimously adopted, and shortly it was moved & seconded to have proclamation made and the people collected that the proceedings be read at the court house door in order that all might hear them. It was done and the [resolutions] were received with enthusiasm. It was then proposed by some one aloud to give three Cheers and throw up their hats. It was immediately adopted and the hats thrown. Several of them lit on the court house roof [and] the owners had some difficulty to reclaim them. The foregoing is all from personal knowledge.

"I understood afterward that Capt. James Jack, then of Charlotte, undertook upon the request of the Committee to carry a copy of their proceedings to Congress, which then sat in Philadelphia; and on his way at Salisbury, the time of court, Mr. Carndon who was one of the committee who assisted in drawing the declaration, prevailed on Capt. Jack to get his papers and have them read publickly, which was done, and the proceedings met with general approbation. But two of the lawyers, John Dunn and a Mr. Booth, dissented and asserted they were treasonable, and endeavoured to have Capt. Jack detained. He drew his pistols and threatened to kill the first man who would interrupt him, and passed on.

"The news of this reached Charlotte in a short time after and the Executive of the Committee whom they had invested with suitable powers, ordered a party of 10 or 12 armed Horsemen to bring said Lawyers from Salisbury. When they were brought and the case investigated before the Committee, Dunn on giving security and making fair promises was permitted to return, and Booth was sentenced to go to Cambden in South Carolina, out of the sphere of his influence. My brother George Graham and the late Col. John Cartuth were of the party that went to Salisbury, and it is distinctly remembered that when in Charlotte they came home at night in order to provide for their trip to Cambden, and that they and two others of the party took Booth to that place. This was the first military Expedition from Mecklenburgh in the Revolutionary War & believed to be the first anywhere to the South.

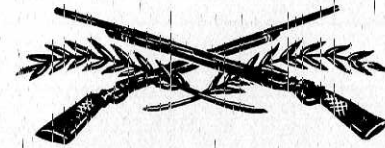
"Yours respectfully, J. GRAHAM."

THE EXCITEMENT AND TENSION stirred by news of the blood-letting at Lexington and by knowledge of the inflamed feelings of leaders in the independence movement, had swept over the countryside like a prairie fire. "Perhaps half the men in the county" were in Charlotte on the evening of May 19, General Graham narrates.

Sentiment was not unanimous, Kenneth Whitsett of Charlotte has learned from his research. Many in the crowd milling around the courthouse hoped to put brakes on the ardent delegates inside. They feared impetuous action, in advance of decisions to be made by Congress in Philadelphia, in a course that might prove dangerous as well as unwise. There can be no doubt that memories of the Alamance rebellion and its consequences disturbed many good patriots that night.

We must conclude that the men inside the courthouse, with one or two exceptions, didn't know the meaning of the word fear. The night wore on, the excited and anxious throngs diminished, and at two in the morning the decision was taken. By noontime on Saturday the 20th of May, the qualms of the cautious had been swept aside.

12. Wheeler Enlightens Force



ONE of the letters in the State pamphlet requires special attention: that of John Simeson to Colonel William Polk, dated at Providence (N. C.), January 20, 1820. After preliminaries, the letter says: "As to the names of those who drew up the Declaration, I am inclined to think Doctor Brevard was the principal, from his known talents in composition. It was, however, in substance and form, like that great national act agreed on thirteen months after. Ours was towards the close of May, 1775. In addition to what I have said, the same committee appointed three men to secure all the military stores for the county's use — Thomas Polk, John Phifer, and Joseph Kennedy. I was under arms near the head of the line, near Col. Polk, and heard him distinctly read a long string of Grievances, the Declaration and Military Order above. I likewise heard Col. Polk have two warm disputes with two men of the county, who said the measures were rash and unnecessary. He was applauded and they silenced. I was then in my 22d year. . . ."

Mr. Simeson quite evidently was recalling what he had heard on May 31, 1775, when on the day of the militia muster the twenty resolutions of the Committee of Safety appear to have been read by Colonel Polk to his men. General Graham remembered the reading of the May 20 Declaration of Independence from the courthouse steps by Colonel Polk. Mr. Simeson called up in memory the reading eleven days later by Colonel Polk of the twenty supplementary resolutions of May 31, at the militia muster. The last of these resolutions named Colonel Polk and Dr. Joseph Kennedy to purchase powder, lead, and flints. Mr. Simeson remembered them and added the name of John Phifer. His obvious references to the May 31 resolutions have led the challengers of the May 20 Declaration to observe that he at least, of all the witnesses, could remember the "true" Declaration of Independence and not the "false" one. Both he and General Graham were good witnesses. Each remembered the set of resolutions he had chanced to hear Colonel Polk read, on occasions eleven days apart.

Samuel Henderson testified for the State pamphlet in a paper dated November 25, 1830, that he had obtained the Davie Copy from Major