

Whether the story grows more amusing than sad as we observe one critic after another falling into the trap set by the error of 1853, is matter for debate. Mr. Hoyt, who held the line for Dr. Phillips in the present century, was not quite so ready as Dr. Welling to believe everything. In his book on the Mecklenburg Declaration, Mr. Hoyt expressed the opinion that Dr. Phillips did not read carefully the working copy, then unidentified, (p. 166), and that the judgment against Dr. Joseph Alexander was based on flimsy evidence, insufficient for proof. Mr. Hoyt was on the edge of discoveries he would have made had he been able to see the closely-guarded primary documents, and compare the "certificate" at the end of the Davie Copy with Dr. Phillips' incorrect version. But this was Mr. Hoyt's verdict:

"The certificate of the Davie Copy constitutes the last link in the chain of documentary evidence, all proceeding from John McKnitt Alexander, which proves that the 'Mecklenburg Declaration of Independence' is a distorted record of a true manifesto of Mecklenburg County, clothed in language wholly different from that of the true manifesto [of May 31], conceived in the imperfect memory of John McKnitt Alexander, and written twenty-five years after its alleged date."

The error of 1853 has had many unwitting accessories after the fact.

IT IS WORTH pointing out that in 1858, five years after publication of his magazine article, Dr. Phillips had an entirely different culprit to blame for the "forgery." In a letter to Henry S. Randall, a biographer of Jefferson, he charged that Dr. Joseph McKnitt Alexander, less "honourable" than his father, had on coming home from Princeton concocted the May 20 Declaration, "but was mistaken as to date and form." Before Dr. Phillips turned back to his original accusations of the father — which he impressed upon Dr. Draper in 1875 — he apparently had convinced several of the truth of his temporary story that Dr. Joseph was the hoaxer, with great resulting harm to the reputation of an honest and conscientious man.

It must be remembered that Dr. Phillips was taken seriously; he was a Professor of Mathematics and a Doctor of Divinity, inferentially with the influence of the University of North Carolina behind him. One of those to take up and expound the second — and early abandoned — accusation was Alexander Samuel Salley, Jr., for years secretary of the State Historical Commission of South Carolina. Mr. Salley wrote extensively and with extreme severity in attacking the father and son for *separately* committing the same "fraud": that of fabricating the First Mecklenburg Declaration.

16. Dr. Phillips Tells Dr. Draper



DR. LYMAN C. DRAPER, who made a great and valuable collection of historical manuscripts now in the library of the State Historical Society in Madison, Wisconsin, wrote in 1875 to Dr. Phillips for information on the Mecklenburg Declaration. He intended, he said, to write a book on the subject. This he did, but his work did not find a publisher.

Dr. Draper was a slight figure of a man, a little less than five feet tall, who after trying a variety of jobs was able at last, by the aid of a well-to-do patron, to enter a useful career as assembler of materials relating to frontier history. For this service the University of Wisconsin gave him the degree of LL.D. in 1871. He was for years secretary of the State Historical Society at Madison.

The correspondence with Dr. Phillips began at the time of the celebration in Charlotte on May 19 and 20 of the hundredth anniversary of the revered First Mecklenburg Declaration of Independence. It was a very joyous celebration, with a parade enlivened by the music of bands, the public reading of the famous document, patriotic speeches, horse races, a salute of a hundred guns at sunrise on the 20th, another parade, a cocking main between game birds representing the State of North Carolina opposed to a contingent of gamecocks from South Carolina, and fireworks. If no floats carried beautiful girls of Charlotte in the parades, then this delightful modern feature must have been left over for the bi-centenary celebration in 1975.

On the evening of May 24, Colonel John H. Wheeler delivered an instructive address at the courthouse on the lives and characters of the signers: a paper that was made into a pamphlet by the *Observer's* job office. One of his memorable passages was his graceful reference to the celebration throngs as a concourse of "the lovely and the learned, the generous and the good."

Dr. Phillips was biding his time during the festive days, in his temporary domicile at nearby Davidson College, a fine Presbyterian institution established in 1837 and named for General William Lee Davidson of Revolu-

tionary fame. He was on the point of returning to Chapel Hill to help reopen the University and become chairman of the faculty. The new president was to be Dr. Kemp P. Battle, who had worked hard for revival, long earnestly supported by Mrs. Cornelia Phillips Spencer, a sister of Dr. Phillips. Between May 25 and July 31, 1875, Dr. Phillips sent twelve letters, aggregating nearly 15,000 words, to Dr. Draper in Madison. The letters are in the Draper collection now, and every one of them has significant interest.

A singular thing about the letters is this: Dr. Draper had asked for information about the Mecklenburg Declaration in addition to what Dr. Phillips had printed in the 1853 magazine article, and Dr. Phillips had nothing more to offer on the events of May, 1775. He had told in the article all he really had to say on the subject. The idea of a movement in 1775 for complete and final independence was distasteful to him; his concern was to question belief in the forthright Declaration of Independence of May 20, while he supported the May 31 document that left open a way to reconciliation with the Crown.

In his 15,000 words to Dr. Draper, he told of the progress of the controversy since 1853, with accounts of his discussions with various persons, including Dr. Swain, who couldn't be pinned down. He touched with amused acerbity upon the 1875 centennial celebration in Charlotte, which he said had brought in \$25,000. He mentioned caustic editorials — favorable to his side — that had been published in the *New York Evening Post* and the *New York Herald* at the time Charlotte was celebrating. These editorials he may just possibly have inspired by use of his diligent pen.

He wrote in terms of saturnine amusement of Colonel William Polk: "All he cared for was to establish the prominence of his father, whatever was done in Charlotte, and whenever it was done." "He did not care a bawbee about day or paper [date or Declaration]." All the Alexanders and all the Grahams were similarly flicked with the lash. The *New York Herald*, he related, had sold thousands of its grand centennial extras in Charlotte on May 20, 1875. After cashing in, the *Herald* had printed its searing editorial. "Had it been printed earlier it might have been burned by the common hangman."

Had a hangman been in office in Charlotte at the time of the celebration, he probably would have handed his copy of the offending *Herald* to his wife to use for shelf-paper, rather than have burned it publicly at the intersection of Trade and Tryon Streets. For the writer of the editorial running to a column and a half in the issue of May 20 played safe and avoided traps. He devoted his space to a leisurely review of the testimony of the "vener-

able witnesses" published in the State pamphlet of 1831, and concluded with this astute observation: "And in the presence of such an exhibition it is hardly necessary to say that if any reliance is to be placed on this testimony it must be conceded that the only authentic 'Declaration of Independence' ever made in Mecklenburg was that made on the 31st of May."

The *New York World*, perhaps inspired from the same source as the *Herald* and *Evening Post*, published on May 19, 1875 an editorial of one and three fourth columns, arriving at this muddled conclusion:

"... And in the year 1853 it was discovered that the certificate attached to that document [Davie Copy] at the date of its publication in 1819 had been so altered as to conceal the fact that the 'Declaration' of May 20 purported to be written entirely from memory, and was confessedly not a genuine transcript of any proceedings derived from written records. . . ."

The *World* editorial writer had been thoroughly confused by Dr. Phillips' 1853 magazine article. He couldn't perceive it wasn't the Davie Copy that was published in 1819, but the working copy in unidentified handwriting, long in the possession of John McKnitt Alexander. The latter paper had no concluding certificate; nothing was concealed.

The *New York Tribune* editor may have been plied like the other editors with Dr. Phillips' correspondence and magazine article, but he didn't go overboard. The *Tribune* published impartially on May 15 the opposing versions of the Mecklenburg story and refrained from passing judgment.

The *Times* carried a news story of four or five columns on the Charlotte celebration, without offering any editorial opinion.

DR. PHILLIPS wrote Dr. Draper that he had become famous abroad and almost in-famous in North Carolina through his crusade. He gave permission to identify him as author of the unsigned magazine article of May 1853, while suggesting that his name be used sparingly.

"I shall thank you," he wrote on June 8, "to let my name appear as seldom as possible. I have enough to bear in the matter of the Jno. McN. Alexander certificate. It seems that I am the only eye-witness to its existence, and my testimony is, to say the least, at present, *inconvenient*." That is, Dr. Phillips felt himself so unpopular that it would be inconvenient for him to give any more public testimony. Asked by Dr. Draper where the Davie Copy was at the time, he had replied on May 25:

"The Davie Copy of the Declaration he [Dr. Swain] regarded as still belonging to the Davie family. That paper I understand cannot be found either among Gov. Swain's papers or among those of the Hist. Society. The papers of the Davie family were burned during Genl. Sherman's progress through South Carolina. So the existence of that famous Jno. McK. Alex-

ander certificate rests now on my veracity." At or about the time Dr. Phillips wrote this, all the Mecklenburg papers were deposited with the Historical Society.

It is clear from the context of several letters to Dr. Draper that Dr. Phillips was somewhat nervous about the Davie Copy, which he possibly might hope would not appear again; that he had sought to induce Dr. Swain to accept joint responsibility for his judgment of the Mecklenburg Declaration as stated in his 1853 magazine article, which he called "our article," and that he was anxious for a concurring verdict from Dr. Draper.

Dr. Phillips wrote disparagingly of Dr. Joseph McKnitt Alexander, accused him of a "suppressio veri" or suppression of the truth, and related gossip about him: "that he was well educated (at Princeton), an excellent scholar, but of no religious tendencies — indeed, he was thought to be an Infidel"; he was "disgracefully stingy" for refusing a dram in a tavern because he wished not to stand treat in return. Dr. Joseph neglected to unite formally with the Presbyterian Church of his fathers until middle life, but that would hardly prove him an infidel.

In writing Dr. Draper, Dr. Phillips evidently had variable views of sociable tipping. Of Adam Brevard's 1824 memorandum published in 1875 in *The Southern Home*, Dr. Phillips ventured to say Adam must have written it while still under the influence of the liquor he drank to celebrate the 4th of July. He wrote of his efforts to set the Brevards of North Carolina against the Alexanders, perhaps unaware of the family relationships going back nearly 200 years. He thought the publication of names of men presumed to have adopted the May 20 Declaration "was an injury to true men, who were as prudent as they were true. These men did not in 1775 vapour about 'lives and sacred honour.'"

As to the "suppressio veri," Dr. Phillips censured Dr. Joseph McKnitt Alexander — who published the pre-1800 record in 1819 — for *not* publishing the final paragraph of the Davie Copy (unavailable in 1819), as offered by Dr. Phillips twelve years after Dr. Joseph's death! He quoted Dr. Swain as having said this "suppression" was a "dirty trick."

Evidently Dr. Draper was pleased with these epistolary attentions and the enormous verbiage, for he sent one of his photographs to Dr. Phillips. The latter showed his pleasure in a letter dated June 22, 1875: "... thanking you for the Photograph. It is in my wife's album near to Govr. Swain & Govr. Graham and Govr. Vance. When I get near a photographer I may ask you to condone my wife's notion about me." Dr. Draper may have received a copy of the photograph reproduced in the frontispiece of this book.

While Charlotte was celebrating on May 19-20, 1875, the centenary of the adoption of the Mecklenburg Declaration of Independence, Dr. Phillips celebrated on his own account with a long letter to the editor that was published on page four of the *New York Evening Post* on May 19. The letter appeared under this caption:

MECKLENBURG COUNTY

The Alleged Declaration of Independence — The
Imaginary Meeting May 20 and the Real One
May 31 — Thomas Jefferson Not a Plagiarist.

The letter was signed "X." Dr. Phillips was not one to use his full signature with such communications, but he made no secret among his friends of his authorship. In the letter he reproduced the final paragraph of the Davie Copy just as he had printed it in the magazine article of 1853, with the addition of the two words — "delegation &" — he had himself supplied, that completely reversed the purport of the document. Then he went on in the *Evening Post*:

"When the Declaration of May 20 was published for the first time (April 30, 1819), the substance only of a part of this certificate was given." [Note: none of the "certificate" was given in the *Raleigh Register* because another copy of the record was used.] "The whole of the certificate was published, for the first time, in the *North Carolina University Magazine* for May, 1853. The article from which this certificate is copied was written by the secretary of the Historical Society of the University of North Carolina [Dr. Phillips], and the documents it quotes were furnished by the president of the University, the late Governor Swain, who was more minutely acquainted with the history of North Carolina than any man that has ever lived. The authenticity of this certificate has never been questioned in public. It establishes beyond a peradventure that what is known as the declaration of May 20, 1775, originated in a patriotic effort of Mr. John McNitt Alexander, in whose house the original records were burnt, to rescue from oblivion the deeds of his compatriots. . . ."

Then Dr. Phillips went on with the story of the discovery of the forgotten May 31 resolutions with the code of temporary local laws, which he always had held to be the true Mecklenburg Declaration. He continued in the letter by quoting five long paragraphs from his magazine article of 1853, without intimating he was the actual author.

"So, Messrs. Editors," he concluded, "your readers will understand that

one of the declarations to be centennialized on the 20th is the production of a patriotic memory in 1800, while the other is the result of discovery in 1847, and they will have good grounds for concluding that Jefferson was not a plagiarist." Thus he posed as a defender of Jefferson, who needed no such champion. Nothing in the letter indicated the place from which it was mailed, and readers had no way of knowing whether it was written in North Carolina or New York.

Let us revert to the conclusion of the Draper correspondence, described in detail above. Dr. Phillips had a bright bit in his answer to a question from Dr. Draper:

"The story about Judge Ruffin runneth in this wise. After the publication in our Mag. (in 1853), somewhere near Dr. Hawks' fever (in 1857) (I think), because of the pressure brought on him, to feel some support, Govr. S[wain] submitted the originals in his hand, touching the Mecklenburg matter, to Judge Ruffin, then off the bench, & asked his opinion of the matter. After due consideration Judge R. returned the papers with the remark (as reported to me by Govr. S), "I want no better case to convict the parties concerned of forgery" — (not perjury as you remark). Now you must know that Judge Ruffin did not like Dr. Hawks — had no confidence in his judgment nor in the fixedness of his principles."

The Rev. Francis Lister Hawks, D.D., was an eminent Episcopalian clergyman in North Carolina who wrote and lectured in support of the May 20 Declaration of Independence. Apparently he made Judge Ruffin see red by his defense of the Mecklenburg Declaration in a long and carefully documented address he delivered at the Charlotte anniversary celebration on May 20, 1857.

Overleaf in the same letter a different and bolder note is sounded:

"As I have told you, Govr. Swain wanted to get the '20-ites' to notice that paper of 1853, to draw their fire by it. But not one, not even Dr. Hawks, would face that battery. If the authenticity of that revelation had been assailed, self-justification might have warranted Govr. S. in publishing what he had & what would have overwhelmed those concerned in remediless confusion."

The facts about the opinions and attitude of Dr. Swain were quite different from what Dr. Phillips represented them to have been, after the former Governor and university president was no longer living to speak for himself. Dr. Swain edited the important State pamphlet of 1831 and wrote the preface. He went through a period of doubt after the discovery of the full text of the May 31 resolves in 1847, but there is no evidence he ever indorsed the vehement outgivings of Dr. Phillips or sponsored the magazine article of

1853. He was better versed in the history of North Carolina than any other man of his time, all agree.

Dr. Henderson pointed out in a series of two articles published in the Chapel Hill *Weekly* on June 18 and 25, 1954 that when George Bancroft asked Dr. Swain for his matured judgment on the Mecklenburg Declaration of Independence, the latter wrote for him on March 6, 1858 what he called a Special Verdict. The text of this was published by Bruce Craven in the January, 1909 issue of *The North Carolina Booklet*: a quarterly magazine published in Raleigh, devoted to historical studies. This issue was given up to a debate on the Mecklenburg Declaration between Alexander Samuel Salley, Jr., a disbeliever, and Prof. Craven. This is Dr. Swain's Special Verdict:

"The documentary evidence in my possession satisfies me that there was a meeting of the citizens of Mecklenburg, at Charlotte, on the 19th and 20th of May, 1775, and that resolutions in relation to independence were discussed and adopted. I entertain no doubt that the record of the proceedings of the Mecklenburg Committee was burned in the home of John McKnitt Alexander, in the month of April, 1800, and that the Davie paper contains what Gen. Graham, Col. Wm. Polk, and other gentlemen of high character, whose certificates appear in the State pamphlet, believed to be a true narrative of the transactions of those two days.

"I entertain the opinion that the resolutions of the 31st May were the resolutions published in the Cape Fear Mercury, and that there was no contemporaneous publication of the proceedings of the 19th and 20th of May. That a copy of the record of these events was placed in the hands of Dr. Williamson, with the intent that they should find a place in the history of North Carolina, I believe to be incontrovertible."

Dr. Phillips could at times shiver a little for himself. He closed his last letter to Dr. Draper thus: "Now you must be discreet in making use of what I tell you. I do not want to [be] regarded as trying to degrade some of the worthiest people in N. C." This letter of July 31, 1875, closed the correspondence. There is no evidence that Dr. Draper wrote Dr. Phillips again.

The Draper collection contains one more letter from Dr. Phillips, written in Chapel Hill on December 29, 1883. The Doctor had been looking over some papers on his desk that morning, and had found a memo from Dr. Draper regarding spare copies of the University magazine, published in Dr. Swain's time. Perhaps an exchange of copies could be made. Christmas was four days in the past, and the old warrior against the Mecklenburg Declaration of Independence was not feeling so well any more. His letter ended thus: "Hoping that this Christmas finds you possessed of Peace with God, and Goodwill from man, I am still yours to command, Charles Phillips."

Overleaf there was a reference to a fresh argument in behalf of the May 20 Declaration, advanced by Robert D. Graham, an attorney in Charlotte. Was there a hope it would stir Dr. Draper to resume the correspondence, and tell him how he was progressing with his book? If so, it failed. There is nothing more.

Dr. Phillips might have had the comfort denied him had he known that Dr. Draper had used as a foundation for his work the text of the 1853 magazine article and the odds and ends of information supplied in the correspondence of 1875. In the list of persons whose aid is acknowledged in the introduction, the name of Charles Phillips leads all the rest. All through the work, Dr. Phillips says this, and Dr. Phillips says that. "Prof. Phillips in his candid and impartial comments" on McKnitt Alexander's final paragraph in the Davie Copy, "observes: 'From this certificate it is clear that Mr. Alexander never intended to set forth the "Davie Copy" as containing any more than the substance of what was resolved in Charlotte in May 1775.'" Judge Ruffin's assertion he could convict McKnitt Alexander as a forger is used. And so is the shamefully unjust accusation that Dr. Joseph Alexander was guilty of "dishonest suppression" of the final paragraph of the Davie Copy when he published in 1819 the text of the older copy in unidentified handwriting. Dr. Swain's part in sponsoring the 1853 article, which we may suspect Dr. Swain didn't sponsor, is magnified: the May 1853 article "was published under the superintendence and approval of Gov. Swain."

On page thirty-three of his manuscript on the Mecklenburg Declaration Dr. Draper quoted from a letter of Hugh Blair Grigsby, LL.D., dated June 22, 1875, in which the Virginian expressed himself with no little force. "Now the writer of the forgery was not aware," Dr. Grigsby urged, "that a Declaration of Independence was as practical a measure as an Act of Assembly, or a public treaty, and that its only value consisted in *its publicity*, as the office of a Declaration was to take those who made it out of the condition of rebels, and place them in the scale of belligerents. To hide away such an instrument as soon as it was adopted, and especially to keep it from the press, was to play the part of poltroons, or rather of downright idiots. . . ."

But "the known intelligence" of the Mecklenburg patriots, Dr. Grigsby concluded, demonstrated "the absurdity of the existence of such a paper."

Dr. Draper's title page, which may be scanned today in microfilm, bears this quotation from Sir James Mackintosh: "If there is to be any utility in history, the latter must be accurate, — which it never will be unless there be a solicitude to ascertain the truth, even of its minutest parts." Dr. Draper acted upon a different principle: that history should be what the historian

thinks it ought to be. He proved this by twisting the meaning of source materials honestly supplied him.

AN invalid in later years, Dr. Phillips died in 1889, revered by his family. His fine sister Cornelia, according to Phillips Russell in *The Woman Who Rang the Bell*, published by the University of North Carolina Press, wrote of him that as a youth he was "not a little inclined to be overbearing." When he became a teacher, "he lacked deference, amiability, insight." And yet he probably was an excellent mathematics teacher and an interesting pulpit orator; a man devoted to his home and loyal to friends and colleagues. He certainly was one of the most effective propagandists in the history of American letters.