

THE FRAGMENTS

OF THE WORK OF

HERACLITUS OF EPHEBUS

ON NATURE

TRANSLATED FROM THE GREEK TEXT OF BYWATER,  
WITH AN INTRODUCTION HISTORICAL AND CRITICAL

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*Οἱ ῥέοντες.*

I.

All thoughts, all creeds, all dreams are true,  
All visions wild and strange ;  
Man is the measure of all truth  
Unto himself. All truth is change,  
All men do walk in sleep, and all  
Have faith in that they dream :  
For all things are as they seem to all,  
And all things flow like a stream.

II.

There is no rest, no calm, no pause,  
Nor good nor ill, nor light nor shade,  
Nor essence nor eternal laws :  
For nothing is, but all is made.  
But if I dream that all these are,  
They are to me for that I dream ;  
For all things are as they seem to all,  
And all things flow like a stream.

Argal—this very opinion is only true  
relatively to the flowing philosophers.

TENNYSON.



## PREFACE.

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The latest writers on Heraclitus, namely, Gustav Teichmüller and Edmund Pfeiderer, have thought it necessary to preface their works with an apology for adding other monographs to the Heraclitic literature, already enriched by treatises from such distinguished men as Schleiermacher, Lassalle, Zeller, and Schuster. That still other study of Heraclitus, however, needs no apology, will be admitted when it is seen that these scholarly critics, instead of determining the place of Heraclitus in the history of philosophy, have so far disagreed, that while Schuster makes him out to be a sensationalist and empiricist, Lassalle finds that he is a rationalist and idealist. While to Teichmüller, his starting point and the key to his whole system is found in his physics, to Zeller it is found in his metaphysics, and to Pfeiderer in his religion. Heraclitus' theology was derived, according to Teichmüller, from Egypt; according to Lassalle, from India; according to Pfeiderer, from the Greek Mysteries. The Heraclitic flux, according to Pfeiderer, was consequent on his abstract theories; according to Teichmüller, his abstract theories resulted from his observation of the flux. Pfeiderer says that Heraclitus was an optimist; Gottlob

Mayer says that he was a pessimist. According to Schuster he was a hylozoist, according to Zeller a pantheist, according to Pflleiderer a panzoist, according to Lassalle a panlogist. Naturally, therefore, in the hands of these critics, with their various theories to support, the remains of Heraclitus' work have suffered a violence of interpretation only partially excused by his known obscurity. No small proportion of the fragments, as will be seen in my introduction, have been taken in a diametrically opposite sense.

Recently a contribution towards the disentanglement of this maze has been made by Mr. Bywater, an acute English scholar. His work (*Heracliti Ephesii Reliquiae*, Oxford, 1877) is simply a complete edition of the now existing fragments of Heraclitus' work, together with the sources from which they are drawn, with so much of the context as to make them intelligible.

Under these circumstances I have thought that a translation of the fragments into English, that every man may read and judge for himself, would be the best contribution that could be made. The increasing interest in early Greek philosophy, and particularly in Heraclitus, who is the one Greek thinker most in accord with the thought of our century, makes such a translation justifiable, and the excellent and timely edition of the Greek text by Mr. Bywater makes it practicable.

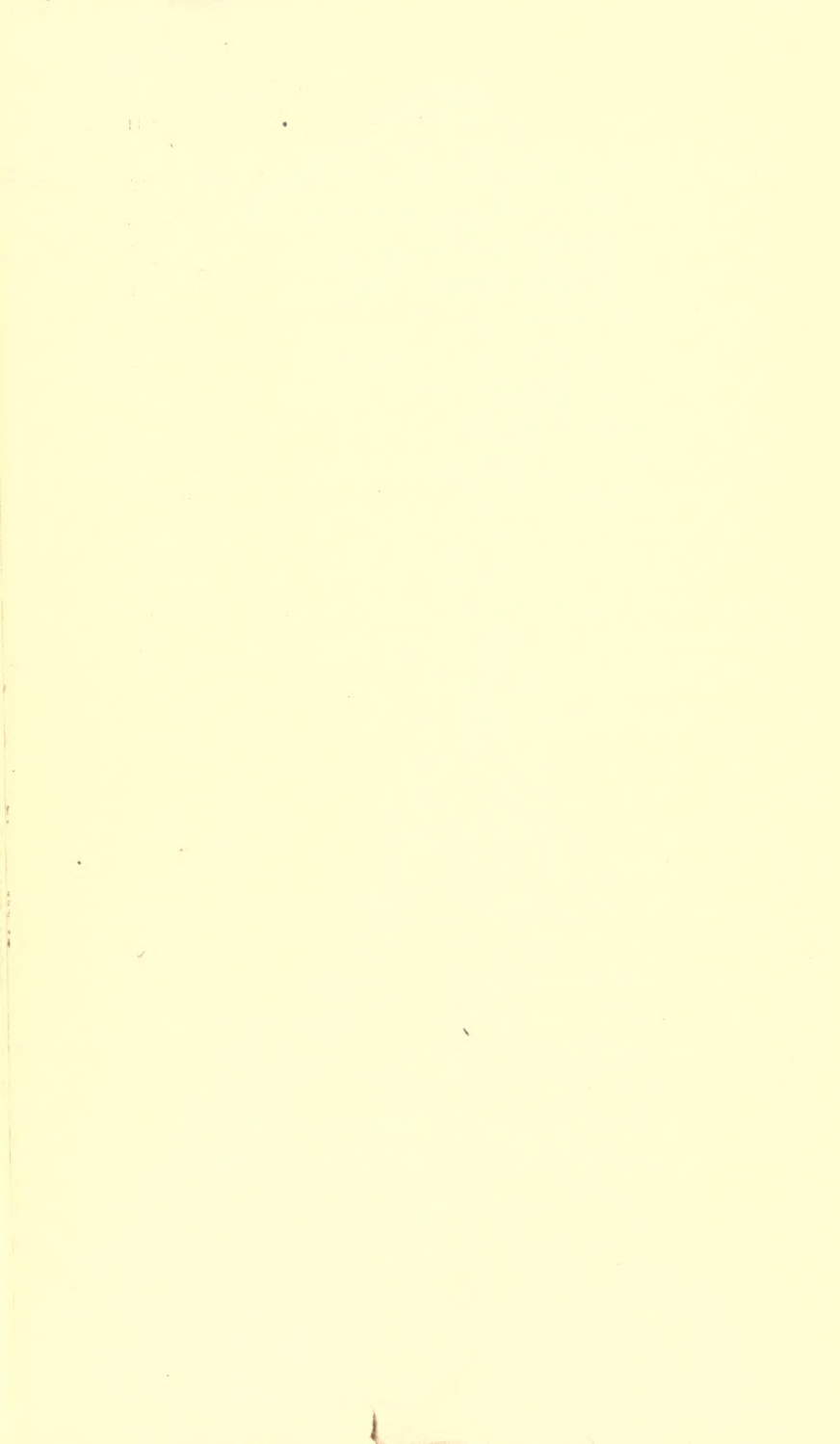
The translations both of the fragments and of the context are made from the original sources, though I

have followed the text of Bywater except in a very few cases, designated in the critical notes. As a number of the fragments are ambiguous, and several of them contain a play upon words, I have appended the entire Greek text.

The collection of sources is wholly that of Mr. Bywater. In these I have made a translation, not of all the references, but only of those from which the fragment is immediately taken, adding others only in cases of especial interest.

My acknowledgments are due to Dr. Basil L. Gildersleeve, of the Johns Hopkins University, for kind suggestions concerning the translation, and to Dr. G. Stanley Hall for valuable assistance in relation to the plan of the work.

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## INTRODUCTION.

### SECTION I.—HISTORICAL AND CRITICAL.

Modern Heraclitic literature belongs wholly to the present century. The most important works are the following :—Schleiermacher : *Herakleitos, der Dunkle von Ephesos*, in Wolf and Buttmann's *Museum der Alterthumswissenschaft*, Vol. I, 1807, pp. 313-533, and in Schleiermacher's *Sämmt. Werke*, Abth. III, Vol. 2, Berlin, 1838, pp. 1-146 ;—Jak. Bernays : *Heraclitea*, Bonn, 1848 ; *Heraklitische Studien*, in the *Rhein. Mus.*, new series, VII, pp. 90-116, 1850 ; *Neue Bruchstücke des Heraklit*, *ibid.* IX, pp. 241-269, 1854 ; *Die Heraklitischen Briefe*, Berlin, 1869 ;—Ferd. Lassalle : *Die Philosophie Herakleitos des Dunkeln von Ephesos*, 2 vols., Berlin, 1858 ;—Paul Schuster : *Heraklit von Ephesus*, in *Actis soc. phil. Lips.* ed. Fr. Ritschellius, 1873, III, 1-397 ;—Teichmüller, *Neue Stud. z. Gesch. der Begriffe*, Heft I, Gotha, 1876, and II, 1878 ;—Bywater : *Heracliti Ephesii Reliquiae*, Oxford, 1877 ;—Edmund Pfeiderer : *Die Philosophie des Heraklit von Ephesus im Lichte der Mysterienidee*, Berlin, 1886 ;—Eduard Zeller : *Die Philosophie der Griechen*, Bd. I, pp. 566-677.

There may be mentioned also the following additional writings which have been consulted in the preparation of these pages :—Gottlob Mayer : *Heraklit von Ephesus und Arthur Schopenhauer*, Heidelberg, 1886 ; Campbell : *Theaetetus of Plato*, Appendix A, Oxford, 1883 ; A. W. Benn : *The Greek Philosophers*, London, 1882.

After the introductory collection and arrangement of the Heraclitic fragments by Schleiermacher, and the scholarly discriminative work and additions of Bernays, four attempts have been made successively by Lassalle, Schuster, Teichmüller, and Pfeiderer, to reconstruct or interpret the philosophical system of Heraclitus. The positions taken and the results arrived at by these eminent scholars and critics are largely, if not wholly, different and discordant. A brief statement of their several positions will be our best introduction to the study of Heraclitus at first hand, and at the same time will offer us incidentally some striking examples of prevalent methods of historic criticism.

One of the greatest evils in circles of philosophical and religious thought has always been the evil of *over-systemization*. It is classification, or the scientific method, carried too far. It is the tendency to arrange under any outlined system or theory, more facts than it will properly include. It is the temptation, in a word, to classify according to resemblances which are too faint or fanciful. In the field of historic criticism this evil takes the form of *over-interpretation*. Just as in daily life we interpret every sense perception according to our own mental forms, so we tend to read our own thoughts into every saying of the ancients, and then proceed to use these, often without dishonesty, to support our favorite modern systems. The use of sacred writings will naturally occur to every one as the most striking illustration of this over-interpretation. Especially in the exegesis of the Bible has this prostitution of ancient writings to every man's religious views been long since recognized and condemned, and if most recently this tendency has been largely cor-

rected in religious circles, it is all the more deplorable, in philosophical criticism, to find it still flourishing. Unfortunately, this vice continues, and it appears nowhere more plainly than in the interpretation of Greek philosophy. There is a great temptation to modern writers to use the Greek philosophers as props to support their own systems—a temptation to interpret them arbitrarily, to look down upon them patronizingly, as it were, showing that what they meant was this or that modern thought, having only not learned to express themselves as well as we have. Among historians of philosophy this appears as a one-sidedness, so that it is commonly necessary in reading a history of philosophy to make a correction for the author's "personal equation." The histories of Schwegeler and of Lewes are examples—the one biased by Hegelianism, the other by Positivism. Undoubtedly, a certain personal equation is unavoidable, and it is as impossible for an interpreter of Greek philosophy to make himself wholly Greek as it is unfair to represent the ancient thinker as wholly German or English. But when this becomes complete one-sidedness, or blindness to all but one series of an author's thoughts, or a willful or even unintentional perversion of his words, vigorous remonstrance is called for.

This attempt to fully understand the ancients, to make them speak in the phraseology of some modern school, must be distinguished from the recent movement, represented by Prof. Lagarde and others, in interpreting historic thought and historic events psychologically. This movement is certainly legitimate, based as it is on the truth of the similarity of constitution of all human minds, and the probability that underlying all representative historic creeds are great related if not identical thoughts. Even here, of

course, the attempt to express these thoughts in the set phrases of any one people is inadequate.

We proceed, then, to look at some of the work done upon the philosophy of Heraclitus. Here we shall not attempt any examination of Zeller's exposition, since his work, though it is perhaps the very best that has been done in this field, is critical rather than reconstructive, and like his whole history of Greek philosophy, is a marvel of candor as well as of immense research. Even Zeller, however, has not wholly escaped the charge of one-sidedness, since Benn, in the preface to his work on the Greek philosophers, has accused him of never having outgrown the semi-Hegelian prejudice of his youth.

#### LASSALLE.

Lassalle, in two ponderous volumes noted above (page 1), made the first and most elaborate attempt to reconstruct the system of the Ephesian philosopher. His work exhibits immense labor and study, and extended research in the discovery of new fragments and of ancient testimony, together with some acuteness in their use. Lassalle has a very distinct view of the philosophy of Heraclitus. But it is not an original view. It is, in fact, nothing but an expansion of the short account of Heraclitus in Hegel's History of Philosophy, although Lassalle makes no mention of him, except to quote upon his title-page Hegel's well-known motto, "Es ist kein Satz des Heraklit, den ich nicht in meine Logik aufgenommen." Hegel's conception of Heraclitus is, in a word, as follows: Heraclitus' Absolute was the unity of being and non-being. His whole system was an expansion of the speculative thought of the principle of pure becoming. He apprehended, and was the first to apprehend, the Absolute

as a *process*, as the unity of opposites, as dialectic itself. His great contribution was the speculative transition from the being of the Eleatics to the idea of becoming. Now how does Hegel support this position? There is in his Logic but one passage referring to Heraclitus. There he says, "Glancing at the principle of the Eleatics, Heraclitus then goes on to say, 'Being no more is than non-being' (*οὐδὲν μᾶλλον τὸ ὄν τοῦ μὴ ὄντος ἐστί*), a statement expressing the negative nature of abstract being and its identity with non-being" (Wallace, *The Logic of Hegel*, p. 144; cp. *Science of Logic*, Hegel's *Werke*, Vol. 3, p. 80). Hegel omits, in the Logic, to give the reference to the above quotation, but in his *History of Philosophy* (*Werke*, Vol. 13, p. 332) he quotes the same passage with the reference. It is to Aristotle, *Metaph. i. 4*. We turn to the same and find that it is a passage which Aristotle quotes from the Atomists, Democritus and Leucippus, and that it has not the slightest reference to Heraclitus, who, indeed, is not mentioned in the same chapter. This is rather discouraging, but the account in the *History of Philosophy*, to which we now turn, is scarcely less so. There Hegel begins his exposition of Heraclitus as follows:

"1. Das allgemeine Princip. Dieser kühne Geist (Heraclitus) hat zuerst das tiefe Wort gesagt, 'Das Seyn ist nicht mehr als das Nichtseyn,' es ist ebenso wenig, oder, 'Seyn und Nichts sey dasselbe,' das Wesen sey die Veränderung" (*Gesch. d. Phil.* Vol. 13, p. 332).

Now it happens that Heraclitus said nothing of the kind. As references Hegel gives Aristotle, *Metaphys. i. 4; iv. 7; iv. 3*. The first passage, as we have already seen, is from the Atomists. The second turns out upon examination to be simply the expression,

“All things are and are not” (πάντα εἶναι καὶ μὴ εἶναι), and the third is a statement of Aristotle that some people supposed Heraclitus to have said that the same thing could both be and not be the same. Moreover, neither of these passages is Heraclitic in form, and they are not even mentioned in Bywater’s edition. The only expression of Heraclitus that resembles in form the above passage from Aristotle is that of frag. 81, “Into the same river we step and we do not step. We are and we are not.” The over-interpretation by which this simple passage, expressing incessant physical *change*, is transformed into the logical principle of Hegel, “Das Seyn ist nicht mehr als das Nicht-seyn,” “Seyn und Nichts sey dasselbe,” is audacious at least. Furthermore, we may say here in passing, that neither the expressions τὸ ὄν, μὴ ὄν, nor even τὸ γηγρόμενον, occur in any genuine saying of Heraclitus; although if they did occur, it would be easy to show that they could not mean at all what Hegel meant by being, non-being, and becoming. Even the Eleatic Being was not at all the same with that of Hegel, but was finite, spherical, and something very much like that which we should call material. But Heraclitus, who indeed preceded Parmenides, said nothing of being nor of non-being, nor did he speak of becoming in the abstract, although the trustful reader of Hegel, Lassalle, or Ferrier, might well suppose he spoke of nothing else. That which these writers mistook for becoming was, as we shall see later, only physical *change*. With the loss of this corner-stone, the Heraclitic support of the Hegelian Logic fails, and Hegel’s boast that there was no sentence of Heraclitus that his Logic had not taken up becomes rather ludicrous, especially if one will read through the remains of



Heraclitus' work on Nature and search for his rich and varied thoughts in the Logic of Hegel.

Returning now to Lassalle, the above principles are carried out more in detail as follows: The chief point in the philosophy of Heraclitus is that here first the formal notion of the speculative idea in general was grasped. With him first emerged the conception of pure thought defecated of the sensuous. His ground principle was the dialectical opposition of being and non-being. The kernel and whole depth of his philosophy may be expressed in the one sentence, "Only non-being is" (Lassalle, Vol. 1, p. 35). The unity of being and non-being is a unity of process (*processierende Einheit*). It is the unity of opposites, the idea of becoming, the divine law, the *γνώμη* of the determining God (Id. Vol. 1, p. 24). Fire, strife, peace, time, necessity, harmony, the way up and down, the flux, justice, fate, Logos, are all different terms for this one idea (Id. Vol. 1, p. 57). Hence arises Heraclitus' obscurity. It is not a mere grammatical obscurity, as Schleiermacher, following Aristotle (*Rhet.* iii. 5, p. 1407, b. 14) thought; nor is it a willful obscurity, but it arises from the very nature of his great thought, which could not be enunciated in exact terms, but could only be suggested by such words as fire, time, etc., and so he labored on with one new symbol after another, vainly trying to express himself.

The Heraclitic fire is a "metaphysical abstraction" — a pure process, "whose existence is pure self-annulling (*sich aufheben*), whose being is pure self-consumption (*sich selbst verzehren*)" (Lassalle, Vol. 1, p. 18).

Most clearly, however, is the great thought of Heraclitus shown in "the way up and down," which does not involve change of place, but only a logical process.

It is "nothing else" than the change from being into non-being and the reverse. The way down is transition into being; the way up is the return into the pure and free negativity of non-being, motion in the undisturbed ideal harmony (Id. Vol. 2, p. 241 ff.).

God, in his adequate form, is "nothing else" than pure negativity, the pure unity of process of opposites. Nature is only the corporeal manifestation of the law of the identity of opposites. It owes its existence to privation (*ἀδίκηα*), that is, to the injustice which pure becoming suffers when it becomes being (Id. Vol. 1, p. 138).

The *ἀναθυμίασις* of Heraclitus is not any vapor or sensible exhalation, but is "nothing else" than the way up, or the *ἐκπόρωσις*, that is, the cessation of the sensible and the particular and the assumption of the real universal becoming. *Ἀναθυμωμένας*, Lassalle says, should be translated "processirend" (Id. Vol. 1, p. 144).

The Heraclitic flux is the same as the way up and down. It is the dialectic of spacial being; it is the unity of being and non-being as spacial; it is the here which is not here. The *περιέχον* of Heraclitus is not anything physical or spacial, but "the universal real process of becoming," which works through the Logos or law of thought (Id. Vol. 1, p. 306).

The Heraclitic Logos is the pure intelligible logical law of the identity in process (die processirende Identität) of being and non-being. It is "nothing else" than the law of opposites and the change into the same (Id. Vol. 1, p. 327; Vol. 2, p. 265).

The substance of the soul is identical with the substance of nature. It is pure becoming which has incorporated itself, embraced the way down. The dry or fiery soul is better than the moist because moisture

is "nothing else" than a symbol of the downward way. The soul that is moist has descended out of its pure self-annulling movement or negativity in process, into the sphere of the particular and determinate (Id. Vol. 1, pp. 180, 192).

Heraclitus, in his desperate labor to express this idea, enters the sphere of religion. Dionysus and Hades are the same, he says (see frag. 127). That is, says Lassalle, Dionysus, the god of generation which represents the descent of pure non-being into being, is identical with Hades, the god of death; and this fragment, which is a polemic against Dionysus, is really a polemic against being, which is inferior to non-being (Id. Vol. 1, p. 208).

Knowledge consists in the recognition in each particular thing of the two opposites which constitute its nature (Id. Vol. 2, p. 272). Of ethics, the formal principle is self-realization or self-representation. It is the realization of what we are in ourselves or according to our inner nature. The ideal is separation from the sensible and particular and the realization of the universal (Id. Vol. 2, p. 428 ff.).

Such in brief outline is what Ferdinand Lassalle finds in Heraclitus' book *On Nature*. As an exposition of Heraclitus it is not worth the space we have given it, or any space, in fact; but as one of the most beautiful illustrations of over-systemization, it is extremely valuable. Any formal refutation of his conception of Heraclitus is unnecessary, for almost the whole of it is without any foundation whatever. The expositions which are to follow, or even a slight reading of the fragments themselves, will sufficiently show how thoroughly fantastic and arbitrary are his interpretations. Lassalle seems to have been misled partly by Hegel's

misinterpretation of the passages from Aristotle noticed above, and partly by the principle of opposition which runs through a number of the sayings of Heraclitus—an opposition which, as we shall see later, was wholly physical, and far more simple than the abstruse logical meaning given it by Lassalle. This German scholar had no power or no wish to put himself in the attitude of the Greek mind, which was as widely different from his as possible. It was a mistake for this disciple of pure thought, bred in the stifling atmosphere of a nineteenth century Hegelian lecture-room, and powerless to transport himself out of it even in thought, to attempt to interpret the sentences of an ingenuous lover of Nature, who, five centuries before the Christian era, lived and moved in the free air of Ephesus. In this we do not mean to say that the philosophy of Heraclitus was purely physical rather than metaphysical, for we shall see that such was not the case, but primitive pre-Socratic metaphysics and the panlogism of Lassalle are as wide asunder as the poles. On this point, Benn, in the work already referred to, well says, "The Greek philosophers from Thales to Democritus did not even suspect the existence of those ethical and dialectical problems which long constituted the sole object of philosophical discussion" (Vol. 1, p. 4).

Those who wish to trace Lassalle's errors further may compare, on his mistaken conception of the Heraclitic fire, Zeller, Vol. 1, p. 591, 3<sup>1</sup>; Grote: Plato, Vol. 1, p. 33, note. On "the way up and down," compare Zeller, Vol. 1, p. 619, 1. On the flux, compare Schuster, p. 201; Zeller, Vol. 1, p. 577, 1.

The characterization of Lassalle's book as a whole

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<sup>1</sup>The references to Zeller in the following pages are to the fourth German edition of *Die Philosophie der Griechen*.

is, that it is a striking example of great philosophic waste, turning as he does the rich and suggestive philosophy of the Ephesian into a wretched mouthful of Hegelian phrases. His citation of so many diverse sentences of Heraclitus, drawn from theology, ethics, nature, and man, and his discovery in all of them of his single ever-recurring notion of "die reine umschlagende Identität von Sein und Nichtsein," impresses us with the power which the tyranny of a single idea may have to so blur one's vision as to cause him to see that idea reflected in everything that is presented. It is not true, as Lassalle's motto goes, that there is no sentence of Heraclitus that Hegel has not incorporated in his Logic, but it is not far from the truth that there is no sentence of Heraclitus which Hegel and Lassalle have not either willfully or ignorantly perverted.

#### SCHUSTER.

We will mention now the work of Paul Schuster (see above, p. 1). Schuster approaches the problem of the interpretation of Heraclitus with the advantage of a rich philological and historical knowledge. He suffers a disadvantage, however, in the magnitude of the task he undertakes, which is nothing less than the reconstruction of the order and plan of the book of Heraclitus itself. The interpretation of the fragments, he justly observes, depends upon the connection in which they occurred. It will be necessary, therefore, if we will grasp their true sense, to recover the plan of the original writing. Such a reconstruction Schuster holds to be possible, since by the law of selection, the fragments which have been preserved to us must have been the central thoughts of the original work. Contrary to Schleiermacher, he accepts as trustworthy the

statement of Diogenes (Diog. Laert. ix. 5) that the book of Heraclitus was divided into three parts or Logoi, the first concerning "the all," the second political, the third theological. On this basis Schuster arranges the fragments, freely translated or rather paraphrased, and interspaced with the restored progress of thought. The well known obscurity of our philosopher, Schuster, contrary to all other critics except Teichmüller, supposes to have been partly, at least, intentional, as a precaution against persecution for atheism.<sup>1</sup>

The distinctive feature of Schuster's conception of Heraclitus is that he was not a distruster of the senses, but on the contrary the first philosopher who dared to base all knowledge upon sense experience. He was therefore the first of experimental philosophers. To this idea the introduction of Heraclitus' book was devoted. The majority of people, says the Ephesian, have little interest in that which immediately surrounds them, nor do they think to seek for knowledge by investigation of that with which they daily come in contact (Clement of Alex. Strom. ii. 2, p. 432; M. Aurelius iv. 46; cp. frags. 5, 93). Nevertheless, that which surrounds us is the source of knowledge. Nature is not irrational and dumb, but is an ever living Voice plainly revealing the law of the world. This Voice of Nature is the Heraclitic Logos. The thought which Heraclitus utters in the passage standing at the beginning of his book (frag. 2, Hippolytus, Ref. haer. ix. 9; cp. Aristotle, Rhet. iii. 5, p. 1407, b. 14) is no other than that which since the Renaissance has

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<sup>1</sup> Compare Plutarch. Pyth. orac. 21, p. 404; = frag. 11; Clement of Alex. Strom. v. 13, p. 699; = frag. 116. The numbers refer not to Schuster's numbering of the fragments, but to that of the present work, which is the numeration of Bywater.

inspired natural science and its accompanying speculation, namely, that truth is to be won by observation of the visible world. But the people, he complains, despise the revelation which Nature offers us with audible voice. Why, asks Heraclitus (Hippolytus, Ref. haer. ix. 9; cp. frag. 47), should an invisible harmony be better than a visible? It is not better, but, on the contrary, whatever is the object of seeing, hearing, or investigation, that I particularly honor (idem ix. 10; cp. frag. 13). Men, therefore, must trust their eyes (Polybius, xii. 27; cp. frag. 15) and not make reckless guesses concerning the weightiest things (Diog. Laert. ix. 73; cp. frag. 48). That Heraclitus' theory of knowledge, therefore, based it upon sense perception and reflection thereupon, is shown, continues Schuster, not only by the above passages, but also by the fact that the exaggerated form of the theory held by Protagoras (cp. Plato's Theaetetus) must necessarily have had its source in Heraclitus, his master. None the less is this shown also by Parmenides' attack on the empirical theory of knowledge (Sextus Empir. vii. 3), which could have been aimed only at the philosopher of Ephesus (Schuster, pp. 7 and 13-42).

Turning now from the theory of knowledge to its results, the first law which the observation of Nature teaches us is the law of eternal and recurrent motion (*πάντα γορεῖ καὶ οὐδὲν μένει*, Plato, Crat. p. 402 A). The starting point and central position of our philosopher we must find in this recurrent motion, rather than in the primitive fire which itself held a subordinate place in the system. But the Heraclitic motion was not conceived as any absolute molecular change in the modern sense, nor yet as that absolute instability which appeared in the nihilism of the later

Heracliteans. It was rather conceived in a simpler way, as a general law that everything comes to an end and there is nothing permanent. Under this was included : 1) spacial motion, as of the flowing river ; 2) qualitative change, as in the human body ; 3) a kind of periodicity which brings everything under its dominion. The last was the most emphasized. Birth and death are universal ; nothing escapes this fate. There is no fixed or unmoved being above or outside the shifting world, no divine heavenly existence that does not change, but all is involved in the same perpetual ebb and flow, rise and fall, life and death (Schuster, p. 81 ff.).

But this life and death of the universe is literal, not figurative. The world itself is a great living organism subject to the same alternation of elemental fire, air, and water. This thoroughgoing hylozoism which Schuster attributes to Heraclitus, he bases principally on the writing *de diaeta* of Pseudo-Hippocrates, who, he believes, made a free use of the work of Heraclitus, if he did not directly plagiarize from him. Comparing this writing (particularly the passage, c. 10, p. 638) with Plato's *Timaeus* (p. 40 A, also drawn from Heraclitus), he ventures to reconstruct the original as follows : " Everything passes away and nothing persists. So it is with the river, and so with mortal beings ; in whom continually fire dies in the birth of air, and air in the birth of water. So also with the divine heavenly existence, which is subject to the same process, for we are in reality only an imitation of that and of the whole world ; as it happens with that so it must happen with us, and inversely we may judge of that by ourselves " (Schuster, p. 118).

The life principle of the universe, as of the human



organism, is fire. This fire is everywhere present, so that "everything is full of gods and souls" (Diog. Laert. ix. 7). The life of the body is sustained by the breath which inhales the dry vapors kindred to fire. At night, when the sun is extinguished and the world becomes unconscious, we inhale the dark wet vapors and sink into death-like sleep (Schuster, p. 135).

The sun, which is new every day, changes at night into the surrounding air and then into the water of the sea. The sea produces the daily sun, as it is the source of all earthly phenomena. On a large scale this three-fold change takes place with the universe, which will ultimately be consumed in fire, again to become sea and cosmos. This is "the way up and down"—not a circular movement of the elements within the cosmos (Zeller), but the periodicity of the world itself. The way up and the way down relate only to the cosmogony. The latter is the creation of the world by condensation of fire into water, then earth; the former is the reverse process of vaporization (Id. p. 169).

This law or order is not dependent upon any divine purposeful will, but all is ruled by an inherent necessary "fate." The elemental fire carries within itself the tendency toward change, and thus pursuing the way down, it enters the "strife" and war of opposites which condition the birth of the world (*διακόσμησις*), and experience that hunger (*χορηγισμοσύνη*) which arises in a state where life is dependent upon nourishment, and where satiety (*κόρος*) is only again found when, in pursuit of the way up, opposites are annulled, and "unity" and "peace" again emerge in the pure original fire (*ἐκπύρωσις*). This impulse of Nature towards change is conceived now as "destiny," "force," "necessity," "justice," or, when exhibited

in definite forms of time and matter, as "intelligence" (Id. p. 182, 194 ff.).

The Heraclitic harmony of opposites, as of the bow and the lyre, is a purely physical harmony. It is simply the operation of the strife of opposite forces, by which motion within an organism, at the point where if further continued it would endanger the whole, is balanced and caused to return within the limits of a determined amplitude (Id. p. 230 ff.).

The identity of opposites means only that very different properties may unite in the same physical thing, either by simultaneous comparison with different things or successive comparison with a changeable thing (Id. pp. 236, 243).

The second or political section of Heraclitus' work treated of arts, ethics, society, and politics. It aimed to show how human arts are imitations of Nature, and how organized life, as in the universe and the individual, so in the state, is the secret of unity in variety. The central thought was the analogy existing between man and the universe, between the microcosm and the macrocosm, from which it results that the true ethical principle lies in imitation of Nature, and that law is founded on early customs which sprang from Nature (Id. p. 310 ff.).

The third or theological section was mainly devoted to showing that the names of things are designations of their essence. That Heraclitus himself, not merely his followers, held the *φύσει ὀρθότατος ὀνομάτων*, and used etymologies as proofs of the nature of things, Schuster believes is both consistent with his philosophy and conclusively proved by Plato's *Cratylus*. Primitive men named things from the language which Nature spoke to them; names, therefore, give us the truth of

things. Etymologies of the names of the gods was the proof first brought forward, as in Plato's *Cratylus*; hence the name of this section of the work. To show this connection of names and things was to prove the intimate connection of man with Nature, and so to lead to the conclusion that all knowledge is based on experience, which, indeed, was the end he had in view (*Id.* p. 317 ff.).

It is not our purpose to criticize in detail Schuster's conception of Heraclitus. Much of it will commend itself to the careful student of the remains, particularly that which relates to the Heraclitic flux and its relation to the primitive fire. Suggestive, also, if not unimpeachable, is his conception of the relation of the microcosm to the macrocosm, and of the harmony and identity of opposites. In his exposition of these doctrines, Schuster has rendered valuable service. We can by no means, however, allow thus tentatively to pass, Schuster's conception of Heraclitus as a purely empirical philosopher. Before noticing this, a word needs to be said in regard to Schuster's method as a whole. As to the latter, the very extent of the task proposed made over-systemization inevitable. In criticism of Schuster's attempt, Zeller has well said that with the extant material of Heraclitus' book, the recovery of its plan is impossible (*Vol.* 1, p. 570, note). Such a plan of reconstruction as that which Schuster undertakes, demands the power not only to penetrate the sense of every fragment, but also so to read the mind of the author as to be able to restore that of the large absent portions. The small number and enigmatical character of the fragments which are extant, together with the contradictory character of ancient testimony to Heraclitus, makes such a task extremely hazardous.

It can be carried through only by the help of "unlimited conjecture." Such conjecture Schuster has used extensively. The necessity of carrying through his plan has led him to find in some passages more meaning than they will justly bear, while his apparently preconceived notion as to the wholly empirical character of the system has led him to distort the meaning of many sentences. We shall see examples of this presently. Incidentally, his method may be illustrated by his connection and use of the two passages: *ἀνθρώπους μένει ἀποθανόντας, ἄσσα οὐκ ἔλπονται οὐδὲ δοκέουσι* (Clement of Alex. Strom. iv. 22, p. 630; cp. frag. 122), and *αἱ ψυχαὶ ὀσμῶνται καθ' ἄδην* (Plutarch, de Fac. in orbe lun. 28, p. 943; cp. frag. 38). Schuster conjectures that these passages came together in the original work, and he renders and interprets them as follows: "There awaits men in death what they neither hope nor believe," namely, rest and the joy of a sleep-like condition (!), so that even instinctively "souls scent out death," desiring to obtain it (Schuster, p. 190). Not to speak of the forced translation of the latter fragment, only the most vivid imagination would think of using these passages in this way, especially as Clement himself, in his use of the first passage, refers it to the punishments which happen to men after death (see below, frags. 122 and 124, sources), and Plutarch, in respect to the second, uses it as proof that souls in Hades are nourished by vapors (see below, frag. 38, sources). But Schuster's conception of Heraclitus did not admit of belief in a distinct life after death, and it was necessary to make these passages fit in with the plan. The attempt to weave the fragments into a connected whole, and their division into the three Logoi, may be regarded on the whole as a decided failure.

Schuster finds only thirteen fragments for the concluding theological section, although our knowledge of Heraclitus and his times would rather indicate, as indeed Teichmüller thinks probable, that the theological section was the principal portion of the book.

Turning now to the theory of knowledge, according to Schuster, as we have seen, Heraclitus is an empiricist and sensationalist and knows no world but the visible. With this conclusion we cannot agree. Schuster's argument that this doctrine must have arisen with Heraclitus since it was held by Protagoras, his disciple, has little weight. The order of development was rather that pointed out by Plato himself in the Theaetetus (p. 151 ff.), namely, that the sensational theory of knowledge was the outcome of the Protagorean doctrine that man is the measure of all things, and that this in turn grew out of the Heraclitic flux. No doubt the sensational theory was implied by the Sophists, but it was incipient with them and not yet formulated. Much less can it be attributed to Heraclitus, whose contribution to the theory began and ended with the eternal flux. A sensational theory of knowledge, it is quite true, was likely to be an outcome of the Ephesian's philosophy, but he did not himself proceed thus far. The question, theoretically considered, was beyond his time. There are passages which indicate that he held, inconsistently it may be, quite the opposite doctrine. "Eyes and ears," he says, "are bad witnesses to men having rude souls" (Sextus Emp. adv. Math. vii. 126 ; = frag. 4 ; cp. frags. 3, 5, 6, 19, etc., and below (p. 50). The passage which offers Schuster the strongest support for his sensationalism is that noted above (p. 13) from Hippolytus, "Whatever concerns seeing, hearing and learning (*μάθησις*, Schuster

translates “Erforschung”), I particularly honor” (frag. 13). Adopting the simplest and most natural meaning of this passage, it has no bearing on any theory of knowledge, but means merely, as Pfliegerer points out (Heraklit, p. 64, note), that Heraclitus prefers the pleasures of the higher senses, as of seeing, hearing, and the knowledge acquired thereby, to the sensual pleasures of the lower senses which the masses pursue. If, however, Schuster will take it in a theoretical sense, then it comes into conflict with the other passage, “The hidden harmony is better than the visible.” The contradiction is foreseen by Schuster, who deliberately changes the latter into a question (see above, p. 13), without a shadow of right, as may be seen by reference to the context in Hippolytus (see below, frag. 47), who expressly states that the two passages seem to conflict. Further support for his interpretation Schuster seeks in the following passage from Hippolytus :

*Τοῦ δὲ λόγου τοῦδ' ἐόντος αἰεὶ ἀξύνετοι γίνονται ἄνθρωποι καὶ πρόσθεν ἢ ἀκοῦσαι καὶ ἀκούσαντες τὸ πρῶτον. γινόμενων γὰρ πάντων κατὰ τὸν λόγον τὸνδε ἀπίεροισι εἰκόασι πειρώμενοι καὶ ἐπέων καὶ ἔργων τοιούτων ὁμοίων ἐγὼ διεγγῆμαι, διαιρέων ἕκαστον κατὰ φύσιν καὶ φράζων ὅπως ἔχει (Ref. haer. ix. 9 ; = frag. 2).*

This is the passage of which Schuster says that if Heraclitus had written nothing more it would have given him a place of honor in philosophy, for here for the first time appeared the thought that has inspired speculation and modern science since the Renaissance, that truth is to be sought in the observation of Nature. But we are unable to find here any such meaning. The sense of the passage depends upon the sense of Logos. Of course, if Schuster is free to translate this word in any way he chooses, he can get from the pas-

sage almost any meaning. He chooses to render it the Voice of Nature or the Speech of the visible world. In this he is not supported by any other critics. By ancient commentators of Heraclitus the Logos was understood as Reason, and in this general sense it is taken by modern commentators including Heinze, Zeller, Teichmüller, and Pfeiderer, although more specifically they see that, in harmony with the whole Heraclitic philosophy, it is to be taken as Reason immanent in the world as Order or Law. Schuster objects that Logos could not mean Reason, since before the time of Heraclitus it had never been so used, and no author would venture to introduce at the very beginning of his work words with new meanings. But precisely the same objection applies to its meaning the Speech of Nature, for the whole point in Schuster's exposition is that this was an original idea with Heraclitus. If the Logos is conceived as Order, this objection is met, since this meaning is given in the derivation of the word. Moreover, if Schuster could show that the word meant "speech" or "discourse," then the discourse referred to must have been not that of Nature but of the author himself. Finally, if we adopt Reason as the meaning of Logos here, the whole passage, so far from supporting, directly refutes Schuster's sensational theory of knowledge. Another argument for the empiricism of Heraclitus, Schuster seeks in his denunciation of the people for their failure to interest themselves in acquiring knowledge by empirical investigation of the things that surround them, which he bases on a couple of passages from Clement and M. Aurelius (see above, p. 12). Heraclitus, in fact, said nothing of the kind; but Schuster, by conjectural reconstruction of the text and an arbitrary

translation, extracts a theoretical meaning from simple sentences which no one who had not a preconceived theory to support would ever imagine to mean more than a reproach upon the masses for their superficiality and neglect of interest in a deeper knowledge of the world (see Schuster, p. 17, and cp. frags. 5, 93). What Heraclitus' theory of knowledge really was we shall see more fully in the examination of Pfeiderer's position later. Here it is sufficient to add that, whatever empirical tendency his philosophy may have had, any such positive doctrine as that which Schuster ascribes to him was far beyond the time of Heraclitus.

Schuster's interpretation of the Heraclitic *χρησμοσύνη* and *κόρος* is also open to criticism. Zeller, indeed, has given a similar explanation of these words (Vol. 1, p. 641), but Pfeiderer has understood them differently (p. 176). From Heraclitus himself there remains only the two above words (frag. 24). Hippolytus (Ref. haer. ix. 10, cp. frag. 24, sources) says that the arrangement of the world (*διακόμησις*), Heraclitus called "craving" (*χρησμοσύνη*), and the conflagration of the world (*ἐκπύρωσις*) he called "satiety" (*κόρος*). Schuster, therefore, understanding by *διακόμησις*, not the process of world-building, that is, the passing of the homogeneous original fire into the manifold of divided existence, but the completed manifold world itself or the *κόσμος*, interprets the "craving" or hunger as belonging to the present differentiated world, which hungers, as it were, to get back into the state of original fire or satiety. The testimony is too meagre to say that this is not a possible interpretation, but it seems to be wrong. For Schuster admits, as of course he must, that the original fire carries within itself an impulse to change and develop into a manifold world. But



this impulse to change is hardly consistent with a state of perfect "satiety." If now we take *διακόσμησις* in its primary signification denoting the action or process of arranging, then craving becomes the designation of the world-building process itself. Craving then is nothing but the original impulse to evolve itself, contained in the primitive fire, while the reverse process, the conflagration, is satiety, or better, the result of satiety.

#### TEICHMÜLLER.

The work of Teichmüller (see above, p. 1) does not profess to be a complete exposition of the philosophy of Heraclitus, but to indicate rather the direction in which the interpretation is to be found. Teichmüller believes that the philosophy of the ancients is to be interpreted by their theories of Nature. Physics came before metaphysics. Particularly does this apply to Heraclitus of Ephesus. His philosophy of Nature, therefore, is the key with which Teichmüller will unlock the secrets of his system (Teichmüller, I, p. 3).

But yet Heraclitus was not a naturalist. Of the sun, moon, eclipses, seasons, or earth, he has little to say. In the astronomy of Anaximander or the mathematics of Pythagoras he took little interest. On such polymathy he cast a slur (Diog. Laert. ix. 1; cp. frag. 16). He went back to Thales and started from his childlike conception of Nature. To Heraclitus the earth was flat, extending with its land and sea indefinitely in each direction. The sun, therefore, describes only a semicircle, kindled every morning from the sea and extinguished in it every evening. Moreover, the sun is no larger than it looks (Diog. Laert. ix. 7). The sun, therefore, cannot pass his boundaries (of the half-circle), else the Erinyes (who inhabit the lower world)

will find him out (Plutarch, *de Exil.* ii. p. 604; = frag. 29). Up and down are not relative but absolute directions (Teichmüller, I, p. 14).

Thus upon physical grounds we may interpret at once some of the aphorisms. For instance, since the sun is a daily exhalation from the earth, sun and earth must have in part a common substance; hence Dionysus and Hades are the same (Clement of Alex. *Protrept.* ii. p. 30; cp. frag. 127), since the former stands for the sun and the latter for the lower world. Likewise day and night are the same (Hippolytus, *Ref. haer.* ix. 10; cp. frag. 35), since they are essentially of the same elements, the difference being only one of degree, the former having a preponderance of the light and dry, the latter of the dark and moist (Teichmüller, I, pp. 26, 56).

The four elements, fire, air, earth, and water, are not, as with Empedocles, unchangeable elements, but in ceaseless qualitative change are continually passing into one another. Experience itself teaches this in the daily observation of such phenomena as the drying up of swamps, the melting of solids, and the evaporation of liquids (*Id.* I, p. 58).

Fire is not a symbol, but is real fire that burns and crackles. It is the ground principle, the entelechy of the world, in which reside life, soul, reason. It is God himself. It is absolute purity. It rules in the pure upper air, the realm of the sun. Its antithesis is moisture, absolute impurity, which rules in the lower regions of the earth. The sun with his clear light moves in the upper fiery air. The moon with her dimmed light moves in the lower moister air. The central thought, therefore, is purification, or "the way up," from the moist and earthy to the dry and fiery (*Id.* I, p. 62 ff.).

The psychology of Heraclitus is not analogous, but identical with his physics. The soul is the pure, light, fiery, incorporeal principle which burns like the sun. Its degree of life and intelligence depends upon its purity from moisture. The stupid drunken man has a moist soul (Stobaeus Floril. v. 120 ; cp. frag. 73). "The dry soul is the wisest and best" (frag. 74). In sleep the fire principle burns low ; in death it is extinguished, when the soul, like the sun at night, sinks into the dark regions of Hades. Hence it follows that there was with Heraclitus no doctrine of the immortality of the soul (Teichmüller, I, p. 74 ff.).

Ethics, therefore, is purification, and in this thought we see the origin of that general idea which as "Catharsis" became prominent in Plato and later philosophy. Teichmüller finds it of the greatest interest to have traced the history of this idea, with its related one of "separation" or "apartness," back to Heraclitus. "Of all whose words I have heard," says the latter, "no one has attained to this—to know that Wisdom is apart (*ξεχωρισμένον*) from all" (Stobaeus Floril. iii. 81 ; = frag. 18). This "separateness" of Wisdom, which was only another term for reason, God or pure fire, reveals the origin of the distinction of the immaterial from the material. With Heraclitus, to be sure, the idea of immateriality in its later sense was not present, but fire as the *most* incorporeal being of which he knew, identical with reason and intelligence, was set over against the crude material world. We have therefore here neither spiritualism nor crude materialism, but the beginning of the distinction between the two. With Anaxagoras another step was taken when fire was dropped and the *Nous* was conceived in pure separateness apart even from

fire. Following Anaxagoras, Plato regarded the Ideas as distinct and separate (*εἰδικρινέες, κχωρισμένον*). In Aristotle it appears as the separation (*χωριστόν*) which belongs to absolute spirit or pure form. Finally in the New Testament it is seen as the purity (*εἰλικρίνεια*) which is opposed to the flesh (Paul, Epist. to Corinth. II, i. 12; ii. 17). Human intelligence, according to Heraclitus, attains only in the case of a few to this greatest purity, this highest virtue, this most perfect knowledge. They are the chosen ones, the elect (*ἐκλεκτοί*) (Teichmüller, I, p. 112 ff.).

The senses, since they partake of the earthy character of the body, give us only deceitful testimony as compared with the pure light of Reason, which alone, since it is of the essence of all things, that is, fire, has the power to know all. Here therefore was the first distinction of the intelligible from the sensible world (Id. I, p. 97).

Again, in the qualitative change of Heraclitus we discover the incipient idea of the actual and potential first formulated by Aristotle. Since the elements pass into one another, they must be in some sense the same. Water is fire and fire is water. But since water is not actually fire, it must be so potentially. To express this idea, Heraclitus used such phrases as "self-concealment," "sunset," "death," "sleep," "seed" (Id. I, p. 92 ff.).

Moreover, inasmuch as we have a progress from the potential to the actual, from the moist and earthy to the dry and fiery, that is, from the *worse* to the *better*, we find in Heraclitus the recognition of an end or purpose in Nature, or a sort of teleology, subject, however, to the rule of rigid necessity (Id. I, p. 137).

The flux of all things Teichmüller understands not

as a metaphysical proposition, but as a physical truth gained by generalization from direct observation of Nature. Furthermore, it was nothing new, all the philosophers from Thales on having taught the motion of things between beginning and end (Id. I, p. 121).

That which *was* new in this part of Heraclitus' work was his opposition to the transcendentalism of Xenophanes. Over against the absolute, unmoved and undivided unity of the Eleatic philosopher, Heraclitus placed the unity of opposition. In Xenophanes' system, above all stood the immovable, transcendent God. In Heraclitus' system there was nothing transcendent or immovable, but all was pursuing the endless way upward and downward. His God was ceaselessly taking new forms. Gods become men, and men gods (Heraclitus, Alleg. Hom. 24, p. 51, Mehler; cp. frag. 67). The immanent replaces the transcendent. Here emerges the historically significant idea of unity. Against the unity of Xenophanes, a unity opposed to the manifold, Heraclitus grasped the idea of a unity which includes the manifold within itself. "Unite whole and part, agreement and disagreement, accordant and disaccordant—from all comes one, and from one all" (Arist. de mundo 5, p. 396, b. 12; = frag. 59). Everywhere is war, but from the war of opposites results the most beautiful harmony (cp. frag. 46). Here three principles are involved: 1). Through strife all things arise; the birth of water is the death of fire, the death of water is the birth of earth, etc. (cp. frag. 68). 2). Through strife of opposites all things are preserved; take away one, the other falls; sickness is conditioned by health, hunger by satiety (cp. frag. 104). 3). There is an alternating mastery of one or the other opposite; hence it follows that since all opposites proceed

from one another, they are the same (Teichmüller, I, p. 130 ff.).

What did Heraclitus mean by the visible and invisible harmony? Teichmüller censures Schuster for failing to recognize that most significant side of Heraclitus' philosophy which is represented by the invisible harmony—in other words, for reducing him to a mere sensationalist. The visible harmony, according to Teichmüller, is the entire sensible world, in which the war of opposites results in a harmony of the whole. But the invisible harmony is the divine, all-ruling and all-producing Wisdom or World-reason, concealed from the senses and the sense-loving masses and revealed only to pure intellect. Thus Heraclitus, to whom there was an intelligible world revealing itself to intellect alone, and in the recognition of which was the highest virtue, was the forerunner of Plato (Id. I, pp. 154, 161 ff.).

By the Logos of Heraclitus was indicated Law, Truth, Wisdom, Reason. It was more than blind law, thinks Teichmüller, it was self-conscious intelligence; for self-consciousness, according to Heraclitus, who praised the Delphic motto, "Know thyself," is the highest activity of man, and how could he attribute less to God, from whom man learns like a child? (cp. frag. 97). But this self-conscious reason is not to be understood as a constant, ever abiding condition. God, who in this purely pantheistic system is one with the world, is himself subject to the eternal law of ceaseless change, pursuing forever the downward and upward way. But is not then God, Logos, Reason, subject, after all, to some higher destiny (*εἰμαρομένη*)? No, says Teichmüller, for it is this very destiny which it is the highest wisdom in man to recognize, and

which is, therefore, identical with the Wisdom which rules all. The difficulty here he so far admits, however, as to acknowledge that this doctrine is "dark and undetermined" (Id. I, p. 183 ff.).

Finally, says our author, there was no idea of personality of spirit in the philosophy of Heraclitus, as there was not in any Greek philosopher from Xenophanes to Plotinus (Id. I, 187).

In closing this part of his exposition, Teichmüller calls attention to the relation of Heraclitus to Anaxagoras. M. Heinze (Lehre vom Logos, p. 33), following Aristotle, attributes to Anaxagoras the introduction into philosophy of the idea of world-ruling intelligence. But, says Teichmüller, this idea was present to every Greek from Homer on. Its recognition by Heraclitus has been shown by the fact that everywhere he attributes to his God, wisdom (*σοφία*), intelligent will (*γνώμη*), reason (*φρονούν* and *φρενήρης*), and recognized truth (*λόγος*). What then did Anaxagoras add? The history of the idea of transcendent reason turns upon two characteristics, Identity (*ταύτότης*) and Pure Separation (*εὐλεκρινές*). With Heraclitus both failed; the former, because the World Intelligence took part in the universal change; the latter, because it was mingled with matter. For, in choosing fire for his intelligent principle, although as Aristotle says he chose that which was least corporeal (*ἀσωματώτατον*), he did not escape a sort of materialism. The new that Anaxagoras added, therefore, was the complete separation of reason from materiality. In a word, while the Logos of the Ephesian was at once world-soul and matter in endless motion, the Nous of Anaxagoras was motionless, passionless, soulless and immaterial. Identity, the other attribute, was added in the epoch-

making work of Socrates when the content of reason was determined by the definition, following whom Plato established the complete transcendence of the ideal world (Teichmüller, I, 189 ff.).

Heraclitus assumed a world-year or world-period, the beginning of which was the flood, and whose end was to be a universal conflagration, the whole to be periodically repeated forever. In this he was preceded by Anaximander and followed by the Stoics. This general idea was adopted by the Christian Church, but the latter limited the number of worlds to three, the first ending with the flood; ours, the second, to end with the conflagration of the world; the third to be eternal (Epist. Pet. II, iii. 4 ff.; Clement of Rome, Epist. to Corinth. i. 57, 58); (Teichmüller, I, 198 ff.).

In the second part of his work, Teichmüller enters upon an exhaustive argument to show the dependence of the Heraclitic philosophy upon Egyptian theology. Heraclitus moved within the sphere of religious thought. He praised the Sibyl and defended revelation and inspiration (Plutarch, de Pyth. orac. 6, p. 397; cp. frag. 12). His obscure and oracular style, like that of the king at Delphi (cp. frag. 11), was in conformity with his religious character. Observation of Nature he fully neglected, depending for his sources more than any other philosopher upon the beliefs of the older theology. Without deciding how far Heraclitus is directly, as a student of the Book of Death, or indirectly by connection with the Greek Mysteries, dependent upon the religion of Egypt, he proceeds to indicate the interesting points of similarity between them (Teichmüller, II, p. 122).

Among the Egyptians the earth was flat and infinitely extended. The visible world arose out of water.



The upper world belonged to fire and the sun. As the sun of Heraclitus was daily generated from water, so Horus, as Ra of the sun, daily proceeded from Lotus the water. As the elements with Heraclitus proceed upward and downward, so the gods of the elements upon the steps in Hermopolis climb up and down (Id. II, p. 143).

With these illustrations, it is sufficient to say, without following him further in detail, that Teichmüller carries the comparison through the whole system of Heraclitus, and parallels his actual and potential, his unity of opposites, his eternal flux, strife, harmony, purification, Logos, and periodicity of the world, with similar notions found in the religion of Egypt.

In order to appreciate the worth of Teichmüller's work, it is necessary to remember that, as we have said, it does not profess to be a unified exposition of Heraclitus' philosophy, but a contribution to the history of philosophic ideas in their relation to him. In affording this service to the history of ideas, he has thrown a good deal of light upon the true interpretation of the philosophy of Heraclitus. But the very purpose of his task has caused him to put certain of the ideas into such prominence, that unless we are on our guard, we shall not get therefrom a well proportioned conception of the system as a whole. We shall do well, consequently, to make a short examination of the work outlined in the foregoing pages, to put the results, if we can, into their fit relation to the whole.

Concerning Teichmüller's starting point, namely, that the physics of Heraclitus is the key to his whole thought, we must observe, in passing, the inconsistency between the first part of Teichmüller's book,

where this principle is made the basis of interpretation, and the second part, where it sinks into comparative insignificance when he discovers that Heraclitus is primarily a theologian and gets his ideas from Egyptian religion. To say that we shall better appreciate a philosopher's position if we understand his astronomy and his theories of the earth and nature, is of course true to every one. Moreover, that Heraclitus considered the earth as flat, the sun as moving in a semi-circle and as no larger than it looks, the upper air as drier than the lower, and the lower world as dark and wet, there is no reason to deny. In fact, this cosmology, as Teichmüller details it, is so simple and blends so well with the Heraclitic sayings in general, that the picture of it once formed can hardly be banished from the mind. But that it adds much to the explication of the philosophy as a whole is doubtful. It is true that physics came before metaphysics, if by that is meant that men speculated about Nature before they speculated about being. But this distinction has little bearing on the interpretation of Heraclitus. A principle more to the point, and one that Teichmüller has not always observed, is that religion, poetry and metaphor came before either physics or metaphysics. From the very fact, also, that physics came before metaphysics, when the latter did come, men were compelled to express its truths in such physical terms as they were in possession of. He therefore who will see in the sentences of Heraclitus nothing beyond their physical and literal meaning, will miss the best part of his philosophy. For instance, Teichmüller interprets the saying that day and night are the same, as meaning that they are made up of the same physical constituents (see above, p. 24). If possible, this is worse than

Schuster's explanation that they are the same because they are each similar divisions of time (!), an explanation which Teichmüller very well ridicules (Id. I, p. 49). No such childish interpretations of this passage are necessary when it is seen that this is simply another antithesis to express Heraclitus' great thought of the unity of opposites, on the ground that by the universal law of change, opposites are forever passing into each other, as indeed is said in so many words in a passage from Plutarch which these critics seem to have slighted (Consol. ad Apoll. 10, p. 106; see frag. 78). Equally unnecessary and arbitrary is Teichmüller's singular attempt to prove on physical grounds the identity of the two gods, Dionysus and Hades (see above, p. 24).

In pursuance of his method, Teichmüller supposes that the Heraclitic fire was real fire such as our senses perceive, fire that burns and crackles and feels warm. No other critic agrees with him in this. Zeller especially opposes this conception (Vol. I, p. 588). It is not to be supposed that Teichmüller understands Heraclitus to mean that the present world and all its phenomena are real fire. Fire he conceives to be, rather, the first principle or ἀρχή, the real essence of the universe, chosen as water was by Thales or air by Anaximenes, only with more deliberation, since fire has the peculiarity of taking to itself nourishment. In a word, since anybody can see that our present earth, water, and air, are not fire that burns and crackles, all that Teichmüller can mean is that this kind of fire was the original thing out of which the present world was made. But there is not the least support for this meaning in any saying of Heraclitus. In all the sentences, fire is conceived as something of the present,

something directly involved in the ceaseless change of the world. "Fire, (*i. e.*, *κεραυνός*, the thunderbolt)," he says, "rules all" (Hippolytus, Ref. haer. ix. 10; = frag. 28). "This world, the same for all, neither any of the gods nor any man has made, but it always was, *and is*, and shall be, an ever living fire" (Clement of Alex. Strom. v. 14, p. 711; = frag. 20). "Fire is exchanged for all things and all things for fire" (Plutarch, de EI. 8, p. 388; = frag. 22). These passages are sufficient to show that Teichmüller's conception of the fire is untenable. We may, however, mention the fact noted by Zeller (Vol. I, p. 588), that both Aristotle (de An. i. 2, 405, a, 25) and Simplicius (Phys. 8, a) explain that Heraclitus chose to call the world fire "in order to express the absolute life of Nature, and to make the restless change of phenomena comprehensible."

Another point that demands criticism is the idea of actuality and potentiality which Teichmüller finds hidden in Heraclitus' philosophy and metaphorically expressed by sunset, death, sleep, etc. Since there is a qualitative interchange of the elements, they must be in some sense the same. Water is fire and fire is water. But since water is not actually fire, it must be so potentially. Therefore, water is potential fire. Such is Teichmüller's reasoning, as we have seen. Of course, it can be reversed with equal right. Since fire is not actually water, it must be so potentially. Therefore, fire is potential water. Which is to say that we have here a simple reversible series in which there is not only an eternal progress (or regress) from fire to water, but equally, and under the same conditions, an eternal regress (or progress) from water to fire. Either, therefore, may, with as good right as the other,

represent actuality or potentiality. In other words, actuality and potentiality are superfluous ideas in this system. In fact, this antithesis has no place in metaphysics outside the philosophy of Aristotle, and he who has failed to see that right in this connection lies the main difference between the philosophy of Aristotle and that of Heraclitus, has missed the most vital part of the latter. With Aristotle there is an eternal progress but no regress. The potential is ever passing into the actual, but not the reverse. To be sure, a thing may be both actual and potential, but not as regards the same thing. The hewn marble is potential as regards the statue and actual as regards the rough marble, but of course the hewn marble and the statue cannot be reciprocally potential or actual. Matter is eternally becoming form, but not the reverse. Thus follows Aristotle's necessary assumption of a prime mover, an inexhaustible source of motion, itself unmoved—pure actuality, without potentiality. Hence the mainspring of the peripatetic philosophy is the *unmoved moving first cause*. But the philosophy of the Ephesian is the reverse of all this. With him there is no fixed being whatever (see Teichmüller himself, I, p. 121: “Es bleibt dabei nichts Festes zurück,” etc.), no unmoved first cause outside the shifting world which is its own God and prime mover. Thus Teichmüller, in identifying the Heraclitic fire with the Aristotelian pure actuality, overlooked the slight difference that while the one is absolute motion, the other is absolute rest! We are glad, however, not to find this Aristotelian notion, which, though prevalent in metaphysics, has never added a ray of light to the subject, present in the philosophy of the Ephesian, and we see here another case of over-interpretation by which

Heraclitus' innocent use of such terms as sunset, death, and self-concealment, caused Aristotelian metaphysics to be forced upon him.

In tracing the history of ideas, much emphasis has been laid by Teichmüller, as we have seen, upon the idea of purification (*κάθαρσις*) as it appears in Heraclitus, and in connection therewith he has found the beginning of the idea of the "apartness" or "separation" of the immaterial world, an idea so enormously enlarged by Anaxagoras and Plato. As regards the Catharsis proper, Teichmüller has rendered a service by pointing out Heraclitus' connection with the idea; but in reading Teichmüller's book, one would be easily led to believe that the Catharsis idea is much more prominent in Heraclitus than it really is, and as regards the doctrine of "separation," it seems at once so incongruous with the system as a whole that we must inquire what foundation, if any, there is for it. The student of Heraclitus knows, although the reader of Teichmüller might not suspect, that the words *κάθαρσις*, *καθαρός*, *εἰλικρινές*, *εἰλικρίνεια*, *χωριστόν*, *χωρισθέν*, *ἐκλεκτοί*, themselves do not occur in the authentic remains of his writings. One exception is to be noted. The word *κεχωρισμένον* occurs in the passage from Stobaeus already noticed (see above, p. 25). It is as follows: 'Ὁκόσων λόγους ἤκουσα οὐδείς ἀφικνέεται ἐς τοῦτο, ὥστε γνώσκειν ὅτι σοφόν ἐστι πάντων κεχωρισμένον (Stobaeus Floril. iii. 81). This passage Teichmüller uses as his text in establishing the connection of Heraclitus with the doctrine of "separation," unfortunately, however, first because he has not found the correct interpretation of it, and second, because, if he had, it would stand in direct contradiction to the doctrine of immanence which he spends all the next chapter in estab-

lishing for Heraclitus. *Σοφόν* in this passage does not stand for the world-ruling Wisdom or Reason, or Divine Law, of which Heraclitus has so much to say in other passages. To assert the "apartness" of that Law would be to disintegrate the entire system, the chief point of which is the immanence of the Divine Law as the element of *order* in the shifting world. It does not follow that because *τὸ σοφόν* is used in the above larger sense in the passage from Clement of Alexandria (Strom. v. 14, p. 718 ; = frag. 65), that *σοφόν* cannot be used in quite the ordinary sense in the present passage. That it is so is attested by the agreement of Schuster (p. 42), Heinze (Lehre vom Logos, p. 32), Zeller (Vol. I, p. 572, 1), and Pfeiderer (p. 60). Lassalle, indeed, agrees with Teichmüller. Schuster, following Heinze, understands the sentence to mean merely that wisdom is separated from all (men), that is, true wisdom is possessed by no one. Zeller, followed by Pfeiderer, renders it: "No one attains to this—to understand that wisdom is separated from all things, that is, has to go its own way independent of general opinion." Schuster's interpretation is the most natural, so that the fragment belongs among the many denunciations of the ignorance of the common people—as indeed Bywater places it—and has nothing to do with any theory of the "separateness" of an absolute or immaterial principle. Neither is there any other passage which supports this doctrine. In further support, however, of the Catharsis theory in general, Teichmüller alleges the passage from Plutarch (Vit. Rom. 28), which speaks of the future purification of the soul from all bodily and earthy elements, and which Teichmüller thinks to have a strong Heraclitic coloring. In this passage Heraclitus is quoted as

saying that "the dry soul is the best," but beyond this fragment it is a mere conjecture that it was taken from him. The passage at any rate is unimportant. What then remains to establish any connection whatever of Heraclitus with the "history of the idea of the *εὐλαμπνός*"? Only the most general antithesis of fire and moisture, with the added notion that the former is the better and the latter worse. Since the divine essence of the universe itself is fire, the way upward from earth and water to fire is the diviner process, and pure fire is the noblest and highest existence. But this is shown better in the ethical sphere. The soul itself is the fiery principle (Arist. de An. i. 2, p. 405, a, 25). "The dry soul is the wisest and best" (frag. 74). The soul of the drunken, stupid man is moist (cp. frag. 73). The highest good was to Heraclitus the clearest perception, and the clearest and most perfect perception was the perception of the Universal Law of Nature, the expression of which was pure fire; and such perception was coincident with that condition of the soul when it was most like the essence of the universe. This is the sum-total of the idea of the Catharsis found in Heraclitus. It is worthy of notice, to be sure, but it is not so different from what might be found in any philosophy, especially an ethical philosophy, as to make it of any great moment, either in the history of ideas or in the exposition of this system.

We have studied now those parts of Teichmüller's work which, either by reason of their incompleteness or manifest error, most needed examination, namely his method, his wrong conception of the Heraclitic fire, his useless and unfounded theory of the actual and potential and of the separateness of the immaterial, and his over-emphasized doctrine of the Cathar-



sis. Concerning the other points, it is only necessary in addition to call attention to the extreme value of his contribution in his explanations of the relation of Heraclitus to Xenophanes, to Anaxagoras and to Plato, of the Heraclitic Logos, of the flux, of the unity of opposites, and of the invisible harmony and the intelligible world defended against the sensationalism of Schuster. In the second part of his work also, though its value is less, he has contributed not a little light by his emphasis of the theological character of this philosophy, though one doubts whether his laborious collection of resemblances between the philosophy of the Ephesian and the religion of Egypt has shed much light on Heraclitus' position. It is seen at once that by taking such general conceptions as war and harmony, purification, periodicity of the world, etc., it would be easy to make a long list of parallelisms between any religion and any system of philosophy not separated farther in time and place than Heraclitus of Ephesus and the Egyptians. The resemblances, however, are certainly not all accidental, but they are such as do not affect the originality of the Ephesian, and unfortunately do not add much to a better knowledge of his philosophy.

#### PFLEIDERER.

Dr. Edmund Pfeleiderer comes forward in a recent volume of 380 pages (see above, p. 1), with an attempt to interpret the philosophy of Heraclitus from a new and independent standpoint. He expresses dissatisfaction with all previous results. Other critics have made the mistake of starting not from the positive but from the negative side, namely, from the universal flux (as Zeller), or from the law of opposites (as Lassalle). But the hatred of the opinions of the masses which

Heraclitus exhibits, calls for some greater philosophical departure than the above negative principles, which indeed were already well known truths. Moreover, if we take these for his starting point, we can get no consistent system, for the doctrine of the universal flux does not lead naturally to the law of opposites, but rather the reverse. Again, neither the flux nor the law of opposites harmonizes with the doctrine of fire. Finally, the pessimistic, nihilistic tendency of the theory of absolute change does not agree well with the deep rationality and world-order which Heraclitus recognizes in all things, nor with his psychology, eschatology, and ethics (Pfleiderer, p. 7 ff.).

We must look elsewhere for his ground principle. To find it, we must discover the genesis of this philosophy, which did not spring into being spontaneously, like Pallas Athena from the head of her father. It could not have come from the Eleatics, for the chronology forbids, nor from Pythagoras, whom Heraclitus reviles, nor finally from the physicists of Miletus, with whose astronomy Teichmüller has well shown our philosopher to be unacquainted. Its source is rather to be sought in the field of religion, and particularly in the Greek Mysteries. In the light of the Orphico-Dionysiac Mysteries, in a word, according to Pfeleiderer, this philosophy is to be interpreted. Here is the long-sought key. The *mystic* holds it, as indeed Diogenes Laertius says :

*Μή ταχὺς Ἡρακλείτου ἐπ' ὀμφαλὸν εἴλεε βίβλον  
τοῦ φεσίου· μάλα τοι ὀσβάτος ἀτραπιτός.  
ὄρφνὴ καὶ σκότος ἐστὶν ἀλάμπετον· ἦν δέ σε μύστης  
εἰσαγάγη, φανεροῦ λαμπρότερον ἡελίου.—ix. 16.*

With the religion of the Mysteries, in its older and purer form, Heraclitus was in full sympathy. By his

family he was brought into close connection with it. Ephesus, too, his city, was a religious centre. Diogenes (ix. 6) relates that he deposited his book in the temple of Artemis. Heraclitus, indeed, was not a friend of the popular religion, but that was because of its abuses, and it was in particular the popular Olympian religion that he attacked. The connection of the Ephesian with the Mysteries may be considered as a deep-seated influence which their underlying principles exerted upon him. These religious principles he turned into metaphysics. His system as a whole was religious and metaphysical (Pfleiderer, p. 32 f.).

With this introduction, Pfeleiderer proceeds as follows. Heraclitus' starting point lay positively in his *theory of knowledge*, which was a doctrine of speculative intuition and self-absorption. In this sense our author understands the fragment from Plutarch (adv. Colot. 20, p. 1118 ; = frag. 80), Ἐδὲ ζήσάμην ἐμειωνζόν, "I searched within myself," that is, I wrapped myself in thought, and so in this self-absorption I sought the kernel of all truth. Hence his contempt for the masses who act and speak without insight. But does not this conflict with those Heraclitic sentences which place the standard of truth and action in the common or universal (ξυνόν)? (cp. frags. 92, 91). Do these not lead as Schuster holds, to the rule, *Verum est, quod semper, quod ubique, quod ab omnibus creditum est*? No, says Pfeleiderer, the common here does not mean the general opinion of the majority. All such interpretations are sufficiently refuted by that other passage, "To me, one is ten thousand if he be the best" (frag. 113). What Heraclitus really meant by the common (ξυνόν) was "the true inward universality." Absorption into one's inner self was absorption into that

ground of reason which is identical with the divine principle of the world. By this universal reason under which he contemplated all things, Heraclitus meant nothing different from what by Spinoza was expressed by "sub specie aeternitatis," and in subsequent philosophy by "intellectual intuition" and "the standpoint of universal knowledge." Heraclitus fell back upon that universal instinct which in the form of human language is exhibited as the deposit of successive ages, and which again he did not distinguish from the voice of the Sibyl, representative of divine revelation. As respects the source of knowledge, Heraclitus as little as Spinoza, Fichte and Hegel, looked to himself as individual, but rather to that singular and qualitative divine source in which the individual participates (Pfleiderer, p. 46 ff.).

The senses, though they do not give us the whole truth, yet furnish the sufficient data that are to be interpreted by the light of reason. The errors of the masses do not arise from trusting the senses, for the latter give not a false, but a partial account. Their error lies in missing the spiritual band which unites the manifold of sense into the higher unity, an error distinctive of the popular polytheism as against the religion of the Mysteries (Id. p. 70).

The theory of knowledge, Heraclitus' starting point, being thus disposed of, Pfleiderer proceeds to discuss the material principles of his philosophy in their abstract metaphysical form. The keynote here is the *indestructibility of life*. The oscillating identity of life and death, a truth adopted from the Mysteries, is taken up by Heraclitus and elevated into a universal and metaphysical principle. It is based on the simple observation of Nature, which sees the life and light

and warmth of summer passing into the death and darkness and cold of winter, only to be revived and restored in the never-failing spring. So on a smaller scale, day passes into night, but night ever again into day. So everywhere in Nature nothing passes away but to revive again. From this follows the hope of the universality of this law, the indestructibility of human life, and the resolution of the opposition between the light, warm life here above and the dark, cold death below. This is the hopeful element which characterizes the philosophy of the Ephesian. Over against it was the hopeless creed of the masses, whose complaint over the inexorable destiny of death found expression from the earliest times in the despairing lines of the poets. The common view does not see too much continuance and constancy in reality, but too little. "What we see waking," says Heraclitus, "is death, what we see sleeping is a dream" (Clement of Alex. iii. 3, p. 520; = frag. 64). Which means, that like the unreality and inconstancy of dreams is this ephemeral and perishing existence which we, the vulgar people, see when awake. Reversing this gloomy view, the Mysteries taught that Hades and Dionysus were the same (cp. frag. 127). That is, the god of death feared in the world below, is identical with the god of life and joy of the world here above, which is to say that the regenerative power of life persists even in death and shall overcome it (Pfleiderer, p. 74 ff.).

From this theory of the indestructibility of the fire force of life, Heraclitus passes to the ancillary truth of the unity of opposition in general. Hence he asserted the identity of day and night, winter and summer, young and old, sleeping and waking, hunger and satiety (cp. frags. 36, 78). His whole theory of the

harmony of opposites was, as it were, apologetic. If life rules in death, why does death exist? It was in answer to this question that Heraclitus developed his science of opposition and strife, by showing the presence here of a general law (Pfleiderer, p. 84 ff.).

In the same spirit Pfleiderer interprets the much contested figure of the harmony of the world as the harmony of the bow and the lyre (see frags. 45, 56). Without rejecting the interpretation suggested by Bernays (Rhein. Mus. vii. p. 94) and followed by most other critics, which refers the figure to the *form* of the bow and of the lyre, their opposite stretching arms producing harmony by tension, Pfleiderer finds in the comparison still another meaning. The bow and the lyre are both attributes of Apollo, the slayer and the giver of life and joy. Thus the harmony *between* the bow and the lyre, as attributes of one god—symbols respectively of death and of life and joy—expresses the great thought of the harmony and reciprocal interchange of death and life (Pfleiderer, p. 89 ff.).

The Heraclitic flux of all things, says Pfleiderer, was not antecedent to his abstract teachings, but the logical consequence thereof. The identity of life and death led him to the identity of all opposites. But opposites are endlessly flowing or passing into each other. Hence from the principle that everything is opposition, follows the principle that everything flows. The universal flux is only a *picture* to make his religious metaphysical sentences intelligible (Id. p. 100 ff.).

The Heraclitic fire is real fire as opposed to the logical symbol of Lassalle, but not the strictly sensible fire that burns and crackles, as Teichmüller supposes. It is rather a less definite conception, which is taken now as fire, now as warmth, warm air or vapor. It is

the concrete form or intuitional correlate of the metaphysical notion of life (Id. p. 120 ff.).

“The way up and down” refers not only to the transmutations of fire, water, and earth, but holds good in general for the oscillation of opposites, and particularly for the polarity of life and death (Id. p. 140).

As one result of his investigation, Pfeleiderer affirms a strong optimistic element in the philosophy of the Ephesian. He contests the opinion of Schuster and Zeller that the endless destruction of single existences is kindred to the pessimistic doctrine of Anaximander, of the extinction of all individuals as an atonement for the “injustice” of individual existence. The process indeed goes on, but it has a bright side, and it is this that Heraclitus sees. Life, to be sure, is ever passing into death, but out of death life ever emerges. It is this thought, the powerlessness of death over the indestructible fire force of life, which Heraclitus emphasizes (Id. p. 180 ff.).

Still more decided is his rational optimism, his unswerving belief in a world well ordered and disposed. A deep rationality characterizes the universe (cp. frags. 2, 1, 91, 92, 98, 99, 96, 19). To express this idea, Heraclitus used the word *Logos*, which after his time played so prominent a part in the older philosophy. This word, passing even beyond its signification of “well ordered relation,” conveyed finally with Heraclitus, as *λόγος ἕνωτός*, rather the idea of Reason immanent in the world (Pfeleiderer, p. 231 ff.).

In the invisible harmony we find the same general thought. As distinguished from the visible harmony, which meant that external order of Nature insuring to the trustful peasant the never failing return of summer and winter, heat and frost, day and night,—the invis-

ble harmony was that all-embracing harmony which is revealed to thought as the rational union of all oppositions. Against this theodicy there is no valid objection to be derived from the accounts which represent the Ephesian philosopher as sad and complaining, nor from the passages descriptive of the evils of life and the weakness of men (cp. frags. 86, 55, 112, etc.). In all cases these refer not to the philosopher's own opinions, but to the errors of the ignorant masses (Pfleiderer, p. 235 ff.).

The future existence of the soul, though not consistent with his physics and metaphysics, was nevertheless held from the religious and ethical standpoint. In fact it was involved, as has been shown, in Heraclitus' point of departure, so that we have less reason to complain of inconsistency in his case than we have, in reference to the same matter, in the case of the Stoics later (Id. p. 210).

We have given, perhaps, more space to the exposition of Pfleiderer's work than it relatively deserves, because it is the last word that has been spoken on Heraclitus, because, also, it has deservedly brought into prominence the optimism and the religious character of his philosophy, and because finally it presents another instructive example of over-systemization. It claims our attention, too, because the view it proposes is a complete reversal of the prevalent conception of Heraclitus, and if seriously taken, changes the whole tenor of his philosophy.

In what follows we shall examine chiefly the two main points in Pfleiderer's work, namely, the theory of knowledge and the connection with the Greek Mysteries; the latter, because it is Pfleiderer's particu-



lar contribution, and the former, because it will open to us an important aspect of the Ephesian's philosophy.

In the first place, however, it can by no means be admitted that the doctrine of the flux and the harmony of opposites represent the negative side of his system, and are secondary to his theory of knowledge and his religious dogmas. The unanimous testimony of the ancients cannot be thus easily set aside. That of Plato and Aristotle alone is decisive. Pfleiderer objects that Plato's purpose, which was to establish the changelessness of noumena against the change of phenomena, led him to emphasize the flux of Heraclitus. But if Heraclitus' positive teachings were, as Pfleiderer says, first of all the theory of knowledge, this and not the flux must have been emphasized in the *Theaetetus* where the theory of knowledge was Plato's theme. It is sufficient, however, here to note that what Heraclitus has stood for in philosophy from his own time to the present, is the doctrine of absolute change, and this doctrine may, therefore, properly be called the positive side of his philosophy. If what Pfleiderer means is that the theory of knowledge and not the flux was his starting point, he would have a shadow more of right. It is, however, misleading to say that his theory of knowledge was his starting point, for, as we have indicated in our examination of Schuster's work, Heraclitus was not concerned with a theory of knowledge as such. To state in a word what his point of departure really was, regarded from a common-sense view, it was his conviction that he was in possession of new truth which the blindness and ignorance of men prevented them from seeing (the point of departure indeed of almost every one who writes a book), and the three leading ideas in this

new truth were : 1. the absence of that stability in Nature which the untrained senses perceive ; 2. the unsuspected presence of a universal law of order ; 3. the law of strife which brings unity out of diversity. In one sense this may be called a theory of knowledge, and only in this sense was it his starting point.

But concerning the theory of knowledge itself, we cannot accept Pfeleiderer's position. By placing it in speculative intuition and self-absorption, he has rushed to the very opposite extreme of Schuster's sensationalism, and in so doing has equally misrepresented Heraclitus. Either extreme is forcing a modern theory of knowledge upon the Ephesian of which he was wholly innocent. What support has Pfeleiderer for his "self-absorption" theory ? None whatever. He alleges the fragment *Ἐδίζησάμεγν ἐμειωυτόν* (cp. frag. 80), which he arbitrarily renders, "I searched within myself" ("Ich forschte in mir selbst"). This fragment is from Plutarch (adv. Colot. 20, p. 1118), Diogenes Laertius (ix. 5 ; cp. frag. 80, sources), and others. Plutarch understands it to refer simply to self-knowledge like the *Γνωθι σαυτόν* at Delphi (similarly Julian, Or. vi. p. 185 A). Diogenes understands it as referring to self-instruction (similarly Tatian, Or. ad Graec. 3). Diogenes says, "He (Heraclitus) was a pupil of no one, but he said that he inquired for himself and learned all things by himself" (*ἤχουσέ τ' οὐδένοζ, ἀλλ' αὐτόν ἐφῆ δίζῆσασθαι καὶ μαθεῖν πάντα παρ' ἑωυτοῦ*). The latter seems to be its true meaning, as is seen by comparing the passage from Polybius (xii. 27 ; cp. frag. 15), "The eyes are better witnesses than the ears." As here he means to say that men should see for themselves and not trust to the reports of others, so in the fragment in question he means only that he himself has inquired of

himself and not of others (cp. also frags. 14, 13). But Pfeleiderer, in order to support a theory, has taken these two innocent words and pressed them into a doctrine of contemplative intuition, by giving them the meaning, "I wrapped myself in thought" ("Ich versenkte mich sinnend und forschend," etc., p. 47). So far is it from the case that Heraclitus sought the source of knowledge by turning inward, that he expressed himself directly to the contrary. Thus we read in Plutarch (de Superst. 3, p. 166; = frag. 95): ὁ Ἡρακλειτὸς φησι, τοῖς ἐγγρηγορόσιν ἕνα καὶ κοινὸν κόσμον εἶναι, τῶν δὲ κοιμωμένων ἕκαστον εἰς ἴδιον ἀποστρέφεσθαι, the sense of which is well given by Campbell (Theaetetus of Plato, p. 246), "To live in the light of the universal Order is to be awake, to turn aside into our own microcosm is to go to sleep." Again, the whole passage from Sextus Empiricus (adv. Math. vii. 132, 133; cp. frags. 92, 2) is conclusive. "For," says Sextus, "having thus statedly shown that we do and think everything by participation in the divine reason, he [Heraclitus] adds, 'It is necessary therefore to follow the common, for although the Law of Reason is common, the majority of people live as though they had an understanding of their own.' But this is nothing else than an explanation of the mode of the universal disposition of things. As far therefore as we participate in the memory of this, we are true, *but as far as we separate ourselves individually we are false*. A more express denial of any self-absorption or *a priori* theory of knowledge would be impossible. Heraclitus is constantly urging men to come out of themselves and place themselves in an attitude of *receptivity* to that which surrounds them, and not go about as if self-included (cp. frags. 94, 3, 2). But what does Hera-

clitus mean by participation in the divine or universal Reason? Is not this just Pfeleiderer's position when he says that the Ephesian as little as Fichte or Hegel looked to himself as individual, but rather to that absolute reason in which the individual participates? The difference is radical and vital, but Pfeleiderer, like Lassalle, failed to see it because he did not free himself from strictly modern theories of knowledge. The difference is simply this. The universal reason of which Pfeleiderer is speaking is that in which man *necessarily and by his intellectual nature* participates. That of Heraclitus is the divine Reason, in which man *ought* to participate but may not. Pfeleiderer's universal reason is universal *in* man. That of Heraclitus, outside of and independent of man. The latter, so far from being necessarily involved in thought, is independent of thought. It is that pure, fiery and godlike essence, the apprehension of which gives rationality in the measure in which it is possessed. No reader, therefore, who can think of only two theories of knowledge, a strictly *a priori* theory and a strictly empirical theory, can understand Heraclitus. But, it may be asked, if knowledge does not come from without through the senses, nor from within from the nature of thought, whence does it come? Heraclitus, however, would not be disturbed by such a modern dilemma. There is reason, in fact, to believe, though it sounds strange to us, that he supposed this divine rational essence to be inhaled in the air we breathe (cp. Sextus Emp. adv. Math. vii. 127, 132). It exists in that which surrounds us (*περιέχον*), and the measure of our rationality depends on the degree in which we can possess ourselves of this divine flame. There was no conciseness of thought here, however, and Heracli-

tus seemed to think that it was partly apprehended through the senses, that is, the most perfect condition of receptivity to truth was the condition in which a man was most *awake*. The stupidest man is he who is asleep, blind, self-involved, and we may add, self-absorbed (cp. frags. 95, 90, 77, 3, 2, 94). Hence, if we have rightly interpreted Heraclitus here, a man might wrap himself in thought forever and be no nearer to truth. The source of knowledge did not lie in that direction to any pre-Socratic Greek philosopher. Absorption into one's inner self, which Pfeiderer thinks was Heraclitus' source of absolute knowledge, was the one thing he most despised.

Let us now consider the connection of Heraclitus with the Greek Mysteries, which Pfeiderer makes the basis of his interpretation of the whole philosophy. Pfeiderer has done a good work in emphasizing the religious character of the philosophy of the Ephesian. Lassalle and Teichmüller had already pointed it out. Failure to recognize this is the gravest fault in the critical work of Zeller. But as in Lassalle we found over-systemization of the logical idea, in Schuster of the empirical, in Teichmüller of the physical, so in Pfeiderer there is great over-systemization of the religious element. More strictly, it is a vast over-emphasis of one thought, namely, the indestructibility of life, or the alternating identity of life and death, which Pfeiderer claims to be a religious truth taken from the Mysteries, and out of which, as we have seen, he spins the whole philosophy of Heraclitus, including the doctrine of the eternal flux, the unity of opposites, and the fire. The slight grounds on which all this is based must have already impressed the reader with surprise that Pfeiderer should make so much out

of it. The fact that Heraclitus lived in Ephesus and that Ephesus was a very religious city, is a fair specimen of the arguments by which he would establish a connection with the Mysteries. There have been preserved only three fragments in which Heraclitus makes any direct reference to the Greek Mysteries, all taken from Clement of Alexandria (Protrept. 2, pp. 19, 30 ; cp. frags. 124, 125, 127), and in these three passages other critics have found no sympathy with, but stern condemnation of the mystic cult. In the first passage where the *νοκτιπόλοι, μάγοι, βάρχοι, λῆναι* and *μύσται* are threatened with future fire, Pfeleiderer admits condemnation of mystic abuses. But the third fragment, relating to the Dionysiac orgies, is the one upon which he most relies to establish the sympathy of our philosopher with the Mysteries. The passage is as follows : *Εἰ μὴ γὰρ Διονύσῳ πομπὴν ἐποιεῦντο καὶ ὕμνον ἄσπρα αἰδοίοισι, ἀναιδέστατα εἴργαστ' ἄν' ὡπτός δέ' Ἄϊδός καὶ Διόνυσος, ὅτεσφ μαίνονται καὶ ληναίζουσι.* "For were it not Dionysus to whom they institute a procession and sing songs in honor of the pudenda, it would be the most shameful action. But Dionysus, in whose honor they rave in bacchic frenzy, and Hades, are the same." Although this has usually been interpreted (by Schleiermacher, Lassalle, and Schuster) to mean that the excesses practiced in these ceremonies will be atoned for hereafter, since Dionysus under whose name they are carried on is identical with Pluto, the god of the lower world, Pfeleiderer, interpreting it in a wholly different spirit, believes it to mean that these rites, although in themselves considered they would be most shameful, nevertheless have at least a partial justification from the fact that they are celebrated in honor of Dionysus, because since Dionysus and Pluto are the same, the

rites are really a symbolism expressing the power of life over death and the indestructibility of life even in death. These vile phallus songs are in fact songs of triumph of life over death (Pfleiderer, p. 28). Although somewhat far-fetched, this is a possible interpretation of this obscure passage. This explanation is perhaps not more strained than the others that have been given (see below, frag. 127, crit. note). Granting it, and granting that Heraclitus here expresses a certain sympathy with, or at least does not express condemnation of the Mysteries, what follows? Surely, Pfeleiderer would not seriously ask us to conclude from a single passage friendly to the religion of the Mysteries, that Heraclitus' whole philosophy or any part of it was drawn from them.

But this fragment has another and more important use for Pfeleiderer. In the religious truth here expressed of the identity of Dionysus and Hades, that is, the identity of life and death, he finds the germ of all the Heraclitic philosophy. But the serious question immediately arises whether the philosophy of opposites grew out of this identity, or whether this identity was merely another illustration of the law of opposites. As Pfeleiderer has produced no sufficient reason for believing differently, the natural conclusion is that, as elsewhere we find the unity of day and night, up and down, awake and asleep, so here we have the unity of the god of death and the god of life, as another illustration of the general law. To reverse this and say that in this particular antithesis we have the parent of all antitheses is very fanciful. Still further, we should infer from Pfeleiderer's argument that the identity of Dionysus and Hades was a well known and accepted truth among the Mysteries, and that in the

above fragment we find it in the very act of passing into the philosophy of the Ephesian. How much truth is there in this? So little that there is no record of the identity of these two gods before the time of Heraclitus. Later, to be sure, something of the kind appears. Dionysus represented at least five different gods, and in different times and places seems to have been identified with most of the principal deities. In Crete and at Delphi we hear of Zagreus, the winter Dionysus of the lower world. No doubt other instances might be shown where Dionysus was brought into some relation or other with a chthonian deity. But Heraclitus, if he had wished to develop a philosophy from the alternation of summer and winter and the mystic symbolism of life and death therein contained, would hardly have chosen so dubious an expression of it as the unity of Dionysus and Hades. We have no reason to regard this as anything else than one of the many paradoxical statements which he loved, of his law of opposites. Indeed, the genesis of this law is not so obscure that we need to force it out of a hidden mystic symbolism. Zeller in his introduction to Greek philosophy has well said that "philosophy did not need the myth of Kore and Demeter to make known the alternation of natural conditions, the passage from death to life and life to death; daily observation taught it" (Vol. 1, p. 60).

The intrinsic weakness of Pfeleiderer's position is best seen when he attempts to pass to the doctrine of the flux. It taxes the imagination to see how the identity of life and death should lead to the universal principle *πάντα χωρεῖ καὶ οὐδὲν μένει*. Pfeleiderer would have us believe that the eternal flux was a subordinate thought—a mere picture to help the mind to conceive



the primary metaphysical truth of the unity of opposites. We have already attempted to show that any explanation of the Heraclitic philosophy must be wrong which reduces the doctrine of the flux to a subordinate position. Here it is sufficient to add that if Heraclitus had been seeking a picture to illustrate the optimistic endurance of life even in death, and the rational unity and harmony of opposite powers, he could not possibly have chosen a more unfortunate figure than the ever-flowing river into which one cannot step twice. Pfeiderer, in saying that Heraclitus chose the picture of the evanescence of things to illustrate his law of opposites and the endurance of life, seems to have forgotten that on a previous page (above, p. 602) he said that the hopeless creed of the masses, against which the Ephesian was trying to establish the triumph of life, saw not too much permanence and constancy in the world, but too little.

We are forced, therefore, to conclude not only that Pfeiderer has failed to establish any especial dependence of Heraclitus upon the religion of the Greek Mysteries, but also that his supposed discovery that we have here a metaphysical philosophy developed from the material principle of the oscillating identity of life and death, is an assumption without basis in fact.

In redeeming the Ephesian from the charge of pessimism, Pfeiderer has done a good work. But here again he has gone too far, in finding not only a well grounded rational optimism in the doctrine of a world-ruling Order, but also a practical optimism in the idea of the *indestructibility of life*, an idea which, although it appears on every page of Pfeiderer's book, is not to be found in any saying of Heraclitus or in any record of his philosophy.

Introduction.

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SECTION II.—RECONSTRUCTIVE.

I.

Having examined the four preceding fundamentally different views of the philosophy of Heraclitus, and having discovered that the opinions of modern critics on the tenor of this philosophy furnish a new and unexpected illustration of Heraclitus' own law of absolute instability, it remains to be considered whether it is possible to resolve, as he did, this general diversity into a higher unity, and in this case to verify his law that in all opposition there is harmony. If such a unity is sought as that attempted by Lassalle, Schuster, and Pfeleiderer, it may be said at once that the task is impossible. All such ambitious attempts in constructive criticism in the case of Heraclitus are certain to result, as we have seen, in over-interpretation, and while they may leave a completed picture in the mind of the reader, they do not leave a true one. Not only is such a unified view of the philosophy of the Ephesian unattainable, but it is unnecessary. It is quite certain that had we before us his original book in its entirety, we should find therein no fully consistent system of philosophy. Yet it is just this fact that modern critics forget. While they point out errors and contradictions by the score in the books of their fellow critics, they allow for no inconsistencies on the part of the original philosopher. Presuppositions of harmony between all the sentences of an ancient writer have led to much violence of interpretation. Our interest in Heraclitus is not in his system as such, but in his great thoughts which have historic significance. These we should know, if possible, in their

The Fragments of the Works of  
Heraclitus of Ephesus on Nature

Translated from the Greek text of Bywater  
with an introduction historical and critical

original meaning and in their connection with preceding and succeeding philosophy. Before concluding this introduction, then, it will be of advantage to recapitulate the results of the foregoing criticism, and to place together such conclusions concerning the chief Heraclitic thoughts as we have drawn either from the agreement or the disagreement of the various critics.

We shall best understand Heraclitus if we fix well in mind his immediate starting-point. As we found above in the examination of Pfeleiderer's position (p. 47), the Ephesian philosopher was first and primarily a *preacher*. To him the people almost without exception, were blind, stupid, and beastly. Heraclitus hated them. They got no farther than crude sense perception (cp. frags. 4, 6, 3), failing not only to recognize the invisible harmony of the changing world, but even the change itself (cp. frag. 2). They believed things were fixed because they appeared so at first sight. They preferred the lower passions to the higher senses (cp. frag. 111). He is from first to last a misanthrope. He despises the people, yet as if constrained by a divine command, he must deliver his message (cp. frags. 1, 2). To understand Heraclitus we must free our minds from conceptions of every other Greek philosopher, except, perhaps, his fellow Ionians. Never afterwards did philosophy exhibit such seriousness. We can no more imagine Heraclitus at Athens than we can think of Socrates away from it. Although, as we shall see, the philosophy of Plato stood in vital connection with that of Heraclitus, no contrast could be greater than the half playful speculative style of the former, and the stern, oracular and dogmatic utterances of the latter. We shall find no parallel except in Jewish literature. Indeed, Heraclitus was a pro-

phet. As the prophets of Israel *hurled* their messages in actual defiance at the people, hardly more does the Ephesian seem to care how his words are received, if only he gets them spoken. Not more bitter and misanthropic is Hosea in his denunciation of the people's sins (cp. ch. iv. 1, 2 ff.), than is our philosopher in his contempt for the stupidity and dullness of the masses. At the very opening of his book he says, from his lofty position of conscious superiority: "This Law which I unfold, men insensible and half asleep will not hear, and hearing, will not comprehend" (frag. 2; cp. frags. 3, 5, 94, 95).

Now what was the prime error of the people which so aroused the Ephesian, and what was the message which he had to deliver to them? Zeller is wrong in saying (Vol. 1, p. 576) that, according to Heraclitus, the radical error of the people was in attributing to things a permanence of being which they did not possess. In no passage does he censure the people for this. What he blames them for is their *insensibility*, for looking low when they ought to look high—in a word, for blindness to the Divine Law or the Universal Reason (frags. 2, 3, 4, 51, 45, 14). He blames them for not recognizing the beauty of strife (frag. 43), and the law of opposites (frag. 45). He blames them for their grossness and beastliness (frags. 86, 111). Finally, he blames them for their immorality (frag. 124), their silliness in praying to idols (frag. 126), and their imbecility in thinking they could purify themselves by sacrifices of blood (frag. 130). We see therefore how wholly impossible it is to understand Heraclitus unless we consider the ethical and religious character of his mind. Thus Zeller, in as far as he has attempted to give us a picture of Heraclitus'

system, has failed by starting with the doctrine of the flux and overlooking the religious motive. This is not to say, as Pfleiderer has done, that the flux was merely a negative teaching. Next to the recognition of the Eternal Law, it was the most positive of his teachings, and was the ground of his influence upon subsequent thought. As such it is of chief interest to us; but as far as we wish to get a picture of Heraclitus himself, we must think first of his religious and ethical point of departure. Thus the content of Heraclitus' message to his countrymen was *ethical*. It was a call to men everywhere to *wake up*, to purify their *βαρβάρους ψυχάς*, and see things in their reality.

What now was this reality which he with his finer insight saw, but which ruder souls were blind to? This brings us to the theoretical side or the philosophical content of Heraclitus' message. Here comes in the contribution of Teichmüller, who, as we saw, clearly pointed out that the great new thought of the Ephesian was the unity *in* the manifold, as opposed to the unity over against the manifold, taught by Xenophanes. It was the unity of opposition, the harmony of strife. It was Order immanent in ceaseless change. To use a phrase of Campbell's, "The Idea of the universe implies at once absolute activity and perfect law" (Plat. Theaet. Appendix, p. 244). This was the central thought of Heraclitus, "the grandeur of which," says Campbell, "was far beyond the comprehension of that time." But, it may be said, if we have rightly apprehended Heraclitus' position as a prophet and preacher, this was rather strong meat to feed the masses. But the *πολλοί* with Heraclitus was a very broad term. It included everybody. The arrogance of this man was sublime. Neither Homer nor

Hesiod nor Pythagoras nor Xenophanes escaped his lash (cp. frags. 16, 17, 119, 114). He had especially in mind the so-called "men of repute," and said they were makers and witnesses of lies (cp. frag. 118). The whole male population of Ephesus, he said, ought to be hung or expelled on account of their infatuation and blindness (cp. frag. 114). Addressing such an audience, indeed, his message had to be pitched high. We have in the Ephesian sage a man who openly claimed to have an insight superior to all the world, and the history of thought has vindicated his claim. Furthermore, it must be remembered that Heraclitus did, in a measure, try to make the world-ruling Law intelligible. He pictured it now as Justice, whose handmaids, the Erinyes, will not let the sun overstep his bounds (frag. 29); now as Fate, or the all-determining Destiny (Stobaeus, Ecl. i. 5, p. 178; cp. frag. 63); now as simple Law (frags. 23, 91), now as Wisdom (frag. 65), intelligent Will (frag. 19), God (frag. 36), Zeus (frag. 65). Respecting the latter term he expressly adds that it is misleading. So we see that Heraclitus did what some modern philosophers have been blamed for doing—he put his new thoughts into old religious formulas. But it was more justifiable in the case of the Ephesian. He did so, not to present a semblance of orthodoxy, but to try to make his idea intelligible. In fact, Heraclitus, no less than Xenophanes, was a fearless, outspoken enemy of the popular anthropomorphisms. "This world, the same for all," he says, "neither any of the gods nor any man has made, but it always was, and is, and shall be, an ever living fire, kindled and quenched according to law" (frag. 20; cp. frag. 126).

At this point it is natural to ask ourselves what,

more exactly considered, Heraclitus meant by his Universal Order, his Divine Law, *κοινὸς λόγος*, etc. This inquiry fair criticism will probably not allow us to answer more concisely than has already been done. We have found ample reason for rejecting the notion that it was of a logical nature, or any objectification of that which is inherent in human thought. Yet it was not without human attributes. As fiery essence, it was identified with the universe and became almost material. As Order, it approached the idea of pure mathematical Relation or Form (cp. frag. 23, and Zeller, Vol. 1, p. 628, 3, and 620). As Wisdom, it was pictured as the intelligent power or efficient force that produces the Order. When we reflect what difficulty even at the present day we find in answering the simple question, What is Order? we are less surprised to find that the Ephesian philosopher did not always distinguish it from less difficult conceptions. We are, however, surprised and startled at the significance of the thought which this early Greek so nearly formulated, that the one permanent, abiding element in a universe of ceaseless change is mathematical relation. At any rate, while recognizing the want of perfect consistency and coördination in Heraclitus' system here, we shall be helped by keeping this in mind, that the system was pure pantheism. Too much stress cannot be laid upon Teichmüller's exposition of the history of the idea of Transcendent Reason, which first arose, not in Heraclitus, but in Anaxagoras. To the latter belongs the credit or the blame, whichever it may be, of taking the first step towards the doctrine of immateriality or pure spirit, which has influenced not only philosophy, but society to its foundations even to the present day. Heraclitus was guiltless of it. To

him the world intelligence itself was a part of the world material—itsself took part in the universal change.

In close connection with the Heraclitic Universal Order stands the doctrine of *strife* as the method of the evolution of the world, and the doctrine of the harmony and ultimately the unity of opposites—thoughts which were not only central in Heraclitus' system, but which, being too advanced for his time, have waited to be taken up in no small degree by modern science. It is unnecessary to repeat here the explanations of Schuster (above, pp. 15, 16), and particularly of Teichmüller (above, p. 27), which we found to indicate the correct interpretation of these thoughts. These principles are to Heraclitus the mediation between absolute change and perfect law. That which appears to the senses as rest and stability is merely the temporary equilibrium of opposite striving forces. It is harmony by tension (cp. frags. 45, 43, 46). This law, elementary in modern physics, is yet, as we shall presently see, not the whole content of the Heraclitic thought, although it is its chief import. But in the equilibrium of opposite forces we have at least relative rest, not motion. And of molecular motion Heraclitus knew nothing. How then did he conceive of apparent stability as absolute motion? This question supposes more exactness of thought than we look for in the Ephesian. The eternal flux was more generally conceived as absolute *perishability*. Nothing is permanently fixed. All is involved in the ceaseless round of life and death, growth and decay. Strictly, however, there is no contradiction here, since the rest of balanced forces is only relative rest. It is possibly not going too far to accept an illustration given by Ernst Laas (*Idealismus u. Positivismus* 1, p. 200) of Heraclitus'



conception of absolute change under the dominion of law. He compares it to the actual path of our planets, which move neither in circles nor in exact ellipses, but under the influence of the attractive forces of moons and of other planets, or of comets, continually change both their course and their velocity, and yet all according to law.

In addition to the explanations now given, however, there is something more to be said concerning the unity or sameness of opposites. This teaching is very prominent in the Heraclitic fragments (cp. frags. 35, 36, 39, 43, 45, 46, 52, 57, 58, 59, 67, 78). This prominence was no doubt less in the original work, as the paradoxical character of these sayings has encouraged their preservation. But all the critics have failed to notice that we have in these fragments two distinct classes of oppositions which, though confused in Heraclitus' mind, led historically into different paths of development. The first is that unity of opposites which results from the fact that they are endlessly passing into one another. It must not be forgotten that this is a purely physical opposition, as has been pointed out by Zeller, Schuster and others, in refutation of the opinion of Lassalle, who fancied that he had found here a Hegelian logical identity of contradictories. As examples of this class of oppositions may be mentioned the identity of day and night (frag. 35), gods and men (frag. 67), alive and dead, asleep and awake (frag. 78). The identity of these oppositions means that they are not in themselves abiding conditions, but are continually and reciprocally passing into one another. As Heraclitus plainly says, they are the same because they are reciprocal transmutations of each other (frag. 78). But now we have another

class of opposites to which this reasoning will not apply. "Good and evil," he says, "are the same" (frag. 57). This is simply that identity of opposites which developed into the Protagorean doctrine of *relativity*. The same thing may be good or evil according to the side from which you look at it. The passage from Hippolytus (Ref. haer. ix. 10 ; cp. frag. 52, sources) states the doctrine of relativity as plainly as it can be stated. "Pure and impure, he [Heraclitus] says, are one and the same, and drinkable and undrinkable are one and the same. 'Sea water,' he says, 'is very pure and very foul, for while to fishes it is drinkable and healthful, to men it is hurtful and unfit to drink.'" (Compare the opposition of just and unjust, frag. 61 ; young and old, frag. 78 ; beauty and ugliness, frag. 99 ; cp. frags. 104, 98, 60, 61, 51, 53.) This simple truth is so prominent in the Heraclitic sayings that we see how Schuster could have mistaken it for the whole content of the theory of opposites and ignored the more important doctrine of the other class. We see further that Plato's incorrect supposition that the Protagorean subjectivism was wholly an outgrowth of the Heraclitic flux, resulted from his insufficient acquaintance with the Ephesian's own writings. It was a characteristic of Heraclitus that, in a degree surpassing any other philosopher of antiquity, and comparable only to the discoveries of Greek mathematicians and of modern physical philosophers, he had an insight into truths beyond his contemporaries, but he knew not how to coördinate or use them. Having hit upon certain paradoxical relations of opposites, he hastened to group under his new law all sorts of oppositions. Some that cannot be included under either of the above classes appear in a passage from Aristotle

(de Mundo, 5, p. 396 b 12; cp. frag. 59, sources; cp. Eth. Eud. vii. 1, p. 1235 a 26; frag. 43), where in the case of the opposites sharps and flats, male and female, the opposition becomes simple correlation and the unity, harmony.

The order of treatment brings us now to the Heraclitic flux, but we have been compelled so far to anticipate this in discussing the Universal Order and the Law of Opposites that but one or two points need be considered here. As we have seen in the study of Schuster and Teichmüller, the Heraclitic doctrine of the flux was a thoroughly radical one. Heaven and earth and all that they contain were caught in its fatal whirlpool. It exempted no immortal gods of the poets above us, no unchangeable realm of Platonic ideas around us, no fixed Aristotelian earth beneath us. It banished all permanence from the universe, and banished therewith all those last supports which men are accustomed to cling to. It introduced alarm into philosophy, and set men, even to the present day, asking, What can be saved from this general wreck? What is there absolutely permanent in the universe? This question, as we have seen, did not trouble Heraclitus himself, for, consistently or inconsistently, he had a foundation rock in his Universal Law, Reason or Order, which was his theoretical starting-point. Furthermore, concerning the flux, it is doubtful whether he ever pictured to himself such absolute instability as his words imply.

But we are tempted to ask, Is his system here really, as it first appears, inconsistent? Mr. Borden P. Bowne in his *Metaphysics* (p. 89) says that the Heraclitic theory of change thus extremely conceived "is intelligible and possible only because it is false."

Let us look at Mr. Bowne's argument. He has first shown in the same chapter that the Eleatic conception of rigid being without change is impossible, since in a world of absolute fixity, even the illusion of change would be impossible. Furthermore, he has shown that the vulgar conception of changeless being with changing states is untenable, since the "state of a thing expresses what the thing is at the time." Changing states would be uncaused and undetermined except as the being changes. There can be therefore no fixed useless core of being. In general there is no changeless being. All is change, all is becoming. Is there then, he asks, any permanence or identity whatever, or is the extreme Heraclitic position true? It is false. Why? Because, as in a world of Eleatic fixity, even the illusion of change would be impossible, so in a world of absolute change, even the appearance of rest would be impossible. There must be some abiding factor, that change may be known as change. There must be something permanent somewhere to make the notion of flow possible. This permanent something Mr. Bowne finds in the knowing subject—the conscious self. Having proceeded plainly up to this point, here he becomes mystical. The permanence of the conscious self, he continues, does not consist in any permanent substance of the soul. The soul forever changes equally with other being. The permanence consists in memory or self-consciousness. "How this is possible," he says, "there is no telling." The permanence and identity of the soul consists, however, only in its ability "to gather up its past and carry it with it."

In this argument, Mr. Bowne's first fallacy is in saying that in a world of absolute change there must

be some permanent factor in order that the change itself may be known. This is meaningless. Permanent as regards what? Permanence as regards other moving factors is simply relative difference of change. Mr. Bowne seems to have committed the primitive error of supposing that because all things seem to move, he alone is fixed—like the earth in the Ptolemaic astronomy. According to his argument, if he were in a moving car and should meet another moving car, the perception of movement would be impossible. His reasoning assumes that by absolute change is meant uniform change all in one way, which would not be change at all, but absolute fixity. *Difference* is the essential element in change, and difference is all that is necessary to the idea of change. The assumption of permanent personality in order to make change itself possible is unnecessary. Mr. Bowne says that what constitutes permanence in the conscious self is its ability to gather up its past and carry it with it. But a stratifying rock or growing tree gathers up its past and carries it with it. But the apparent permanence in the case of the rock or tree is a temporarily abiding *form* or temporarily abiding spacial relations. The apparent permanence of personality may similarly consist wholly in a temporarily abiding form or relation, must in fact consist in this, since Mr. Bowne rejects any abiding soul substance. But temporarily abiding relations, the extreme Heracliteans do not deny, certainly not Heraclitus, to whom apparent rest was due to the temporary equilibrium of opposite balancing forces. We conclude, therefore, that Mr. Bowne's charge of falsity against the theory of the Heraclitic flux is not well substantiated. Here as ever we see the difference between modern and

ancient philosophy. The former looks within, the latter without. Mr. Bowne seeks the abiding within himself. Heraclitus looked away from himself to the Universal Order without, which determined all things and himself.

But though the Heraclitic absolute flux is vindicated from objections of the above character, the question still remains unanswered whether the doctrine is consistent with his conception of absolute Order. Did not Heraclitus make the common mistake of hypostasizing law? Did he not conceive of law as something by which the action of things is predetermined, rather than as a mere abstraction from the action of things? No doubt he did even worse than this, for he ascribed to his *κοινὸς λόγος*, attributes which led Bernays and Teichmüller to believe that it was a self-conscious being, (a conclusion questioned by Zeller, Vol. 1, p. 609, 3). But yet again he saved his consistency here by identifying his Absolute with fire and thereby bringing it after all into the all-consuming vortex of endless change. But in the face of this all-embracing flux, the one idea which stands out most prominent in Heraclitus is the deep rationality of the world—the eternal Order. Nor in the last analysis are these two at variance, for any world must be rational to the beings in it, for the rationality of the world to us is only our adaptation to the world, which is involved in the very fact of our existence.

Concerning the cosmogony, it is worth while to recall the suggestive thought contained in the *ζητησιμότης* and *ζόρος* of Heraclitus. In our examination of Schuster's work we found reason to believe that the word *ζητησιμότης*, which we may render "craving" or "longing," was used by the Ephesian to denote the charac-

ter of the impulse or motive force by which the primitive world matter or fire evolved itself into the world of individual things. The records are too meagre to warrant much enlargement upon this idea ; nevertheless it is important historically and in itself interesting. It is the beginning of that line of thought which finds the analogy to the original motive or creative power of the universe, not in man's intellectual but in his emotional nature, not in pure thought but in pure desire. It is opposed to the conception of Aristotle that the absolute first mover is pure intellect, the thought of thought (*νόησις νοήσεως*), and to the modern German enlargement of the same which began with the intellectual monads of Leibniz. On the other hand, it is in agreement with the idea brought out by Plato in his Symposium, the idea of Love as the source of development and immortality, and it reminds us later of Plotinus, who refuses to predicate thought or reason of the One but identifies it with the Good. The Heraclitic-Platonic notion is no less anthropomorphic than the Aristotelian-Leibnizian ; but if the human mind must furnish forth some faculty to be singly hypostasized into God, we much prefer the richer emotional side to that of pure dry intellect or reason.

We come now to the Heraclitic ethics, the freshest and most vital part of his philosophy, but most misunderstood by all the critics. The practical ethical rule with Heraclitus is to follow the law of the state, which again is dependent upon the Divine Law (frags. 91, 100). From his standpoint this agrees with his injunction to live according to Nature (frag. 107). More broadly stated, men should follow the Universal as opposed to individual whims. "The Law of Reason is common, but the majority of people live as though

they had an understanding of their own" (frag. 92). This leads us directly to the theoretical ethical principle which lay at the root of all Heraclitus' philosophy, and which we have outlined above (p. 58) in defining his starting point as that of a preacher and prophet. The highest good was *not* contentment (*εὐαρέστας*), a statement taken from a single indefinite passage in Clement of Alexandria (Strom. ii. 21, p. 417; Clement is followed by Theodoretus, iv. p. 984, ed. Halle), and which, though adopted by Zeller, is as silly and impossible as the better authenticated statement that Heraclitus wept over everything. Such an ethical principle is at variance with every sentence of the Ephesian. He continually exhorts men, as we have seen, to arise, get out of their lethargy and wake up. His most pungent sarcasm is directed against the people who are in a state of indifference, sleepiness, contentment (frags. 2, 3, 5, 94, 95, etc.). The highest good with Heraclitus, therefore, is the greatest intellectually *activity*, the greatest *receptivity* to the divine reason around us, the greatest freedom from individual peculiarities and the greatest possession of that which is universal. "Human nature," he says, "does not possess understanding, but the divine does" (frag. 96). We must look away from ourselves to Nature around us. We must follow the universal Reason therein expressed. Proximately for men this is best found in the common, the normal, the customary, finally therefore in public law.

It will thus be noticed that we have in Heraclitus an emphatic expression of the type of ethics peculiar to the Greeks. Of the individual he thought little. "To me one is ten thousand if he be the best" (frag. 113). He blamed the Ephesians for their declaration



of democracy (frag. 114). He would not have been able to appreciate those modern systems of ethics which make a moral law out of individual conscience and justify actions by good intentions. Heraclitus, as well as psychologists of recent times, seemed to appreciate the dangers of self-involution. His whole system is a protest against individual intensification. He will not have men roll themselves into a cocoon of a single system, or revolve in the circle of a single set of ideas. He will have them throw themselves open to the common light, keep every sense open and receptive to new impressions, and thereby attain truth, which is found in the universal alone.

The optimism which Pfeleiderer justifies for Heraclitus does not stand in contradiction to the misanthropy that we have found to characterize him. His optimism was thoroughly Leibnizian. It was reasoned optimism, resulting in the strong conviction that the world is good, rational and orderly. Most men, to be sure, are fools, but it is their own fault, as they will not put themselves in right relation to the world. Gottlob Mayer, in a pamphlet entitled "Heraklit von Ephesus und Arthur Schopenhauer," has been at pains to prove that Heraclitus is a Schopenhauer pessimist. We cannot regard his attempt as successful. Our study of the Ephesian philosopher in the preceding pages has shown nothing more clearly than that the logical result of his metaphysics is not, as this author claims, pessimism, but quite the opposite. None of the passages which he cites (cp. frags. 86, 55, 84, 66, 20, 111) can be made to yield any pessimism beyond misanthropy, unless possibly the one from Lucian (Vit. Auct. c. 14,—*ΩΝΗΤΗΣ. τί γὰρ ὁ αἰὼν ἐστίν; ΗΡΑΚΛΕΙΤΟΣ. πᾶς παίζων, πεσσεύων, διαφερόμενος*, cp. frag.

79), where Time is compared to a child at play, now arranging, now scattering the pebbles. And yet nothing is conclusive from this. It refers evidently to the periodic creation and destruction of the world. Whether this world building is a pastime of Jove, or the product of fate or of love, makes no difference in this case, provided only the resulting world is one well disposed and rational.

## II.

What has given rise to the reviving interest in Heraclitus attested by the monographs which have lately appeared? The modern world hardly hopes to get any new light from his oracular sayings gathered in mutilated fragments from Philo and Plutarch, from Clement and Origen. Such un hoped for light, however, as our introductory study has shown, may for some minds be found breaking in after all. But the interest in the philosopher of Ephesus is historical. The new discovery of the present half century is that the way to study philosophy is to study its history, and especially its genesis. The passion for origins has carried the interest back to Greek philosophy, and finally back to the beginnings of Greek philosophy. But there is still another reason for going back. In the confusion arising from the fall of the idealistic philosophy in Germany, it was first thought that it would be necessary to return to Kant and secure a new footing; not that any new light was seen emanating from Kant, but error having arisen, it was necessary to trace it to its source.

This movement has neither been successful nor does it promise to be. In fact, there is a certain weariness in philosophy of the whole modern subjective method.

The result has been that thinkers have turned away from it to the one objective side of modern philosophy, namely, the sciences. Those, however, who still retain their love of philosophy in its larger sense, are going back farther than Kant. They see that the whole Hume-Kantian-Fichtean movement was a digression, a sort of branch road, which to be sure had to be explored before philosophy could go on in safety, but which was found to lead nowhere in particular, and that, having thanked these investigators for their services rendered, we may decline to concern ourselves further with this digression, but go on with our search for objective results. In this search our starting point must be from that philosophy which is most free from this whole subjective tendency. Such is the philosophy of Greece. Considering therefore that the introspective method has not proved so fruitful as was hoped, and that it is at least more modest if not more rational to regard man as a part of Nature, rather than Nature as a part of man, students of philosophy are turning their attention to the Greek philosophers where the freer and more ingenuous conception rules.

These two causes, therefore, the former, the passion for studying the origin and development of thought and the connection of different systems of thought, the latter, the need of disinfecting our minds from all the germs of a pathological introspective habit, and putting ourselves as an experiment in the position of those who took it for granted that Nature was larger than man, have led us back to Greek philosophy and especially to its sources.

In either of these aspects Heraclitus is important. He is a perfect, by all means the most perfect, illustration of those qualities which are usually supposed to

characterize the Greek mind, namely, receptivity, unprejudiced freedom of thought, love of order, and trustful confidence in the unity of man and Nature. Of all the Greek schools these qualities were best represented by the Ionian thinkers who, coming before what has been called "the fall of man in Socrates," were free from the later dialectical disturbances. And of the Ionians, Heraclitus, the last, best incorporates them. But it is in the other aspect that the philosopher of Ephesus is most important, namely, in the origin and history of ideas. Let us notice summarily what has come from him.

To Heraclitus we trace the philosophy of change, prominent in subsequent Greek philosophy as *γενόμενον*, the indirect cause of the counter movement of Socrates and Plato with its powerful determining influences, central in modern times as *motion* in the philosophy of Hobbes and the ground principle in the important system of Trendelenburg, and finally in a logical transformation, prominent in both German and English thought as *Werden* or *Becoming*. To Heraclitus we trace the notion of *Relativity*, the central point in the doctrine of the Sophists, which by withdrawing every absolute standard of truth, threatened to destroy all knowledge and all faith, and which sent Socrates searching for something permanent and fixed in the concepts of the human mind, and so led to the finished results of Plato and Aristotle. To Heraclitus we trace some of the fundamental doctrines of the Stoics, namely, their abrogation of the antithesis of mind and matter and their return to pre-Socratic monism, their conception of Nature as larger than man and his complete subjection to it, and finally their doctrine of the future conflagration of the world, later an influential factor in Christianity.

These were the thoughts which were most important in their determining influence upon subsequent philosophy. The following, while in themselves no less important, were less directly involved in the history of opinion. Of these the first is the notion of Law and Order absolute and immanent in the world, an idea so large that no Greek follower could grasp it, and yet vital to Heraclitus' system, for without it his philosophy becomes the philosophy of desperation, the source among the ingenuous Greeks of the nihilism of Gorgias or the universal doubt of the skeptics, and among the brooding moderns the source of the pessimism of Schopenhauer. To Heraclitus again we trace, as Teichmüller has shown, the closely related doctrine of the immanence of God in the world, so that we have in him one source of the pantheistic systems. To Heraclitus, finally, we trace the physical law of opposites, the thought that all order and harmony and apparent permanence are the result of opposite tension, the balance of centrifugal and centripetal forces. Less involved in the history of philosophy, though most important to Heraclitus, and in themselves most interesting to us of modern times, are his great ethical thoughts which we have already outlined.

The determinative ideas of the Ephesian may be summed up in a word by saying that they represent all that way of thinking against which Socrates and Plato raised the whole weight of their authority. Without repeating here the facts, well enough known to everybody, of the Socratic reaction in Greek philosophy, we must sketch one or two phases of it in order to establish the influence and explain the final defeat of the Heraclitic philosophy. In Socrates, Plato, and Aristotle, philosophy underwent a change more radical

than any other in its history, a change that was ultimately to revolutionize all thought, and through its influence on Christian theology, to enter as a large determining element into all western civilization. Heraclitus is the representative of what philosophy was before that change.

Socrates said he could not understand the book of Heraclitus. That was not strange. The Ephesian could have told him the reason why. The man who could learn nothing from the fields and trees (see Plato's Phaedrus, p. 230), who spent all his time in the Agora conversing with other men about virtue, and who never seemed to realize that there was a world above the heads and under the feet of men, was not likely to understand the book of Heraclitus. Could the Ephesian philosopher have taken the Athenian logician out and given him a few lessons from Nature at first hand, could he have induced him to desist for a while from his boring into human intellects in search of a definition, and got his gaze lifted up to the clouds and stars, and put him in actual contact with the *περιέχον*, he would have been an apter scholar with the book. But it is quite impossible even in fancy to think of these two men together. The communer with Nature, the stern misanthropic sage and prophet of Ephesus had no points in common with the society-loving Athenian sophist. They were radically different, and on this difference hangs the secret of the development of philosophy for two thousand years. Socrates was not a Greek at all. He denied the most characteristic traits of his nation. He was a modern in many true senses. He was a curiosity at Athens, and consequently very much in vogue.

Socrates represents the birth of self-consciousness. In

Nietzsche  
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practicing his maieutic art to this end, he little thought that he was giving the death-blow to the most beautiful trait of his countrymen, namely, the instinctive, the unconscious, the naïve. No doubt this new birth had to take place some time, but under Socrates' direction it was premature. The old methods were not yet dead. Here historians of philosophy err. They say the pre-Socratic philosophers of Nature had in vain tried to solve the problems of the world, and it was high time for a critical philosophy that should begin with man. In vain, indeed! Had the naturalists labored in vain when the foundation of the atomic philosophy had been laid in Abdera, that of mathematics in Italy, and a far-seeing metaphysics and ethics in Ephesus? Socrates and Plato took fright too easily at the Sophists. Their philosophy would have died with them. Not so that of Democritus, Pythagoras, and Heraclitus. Socrates was a professor of clear thinking. Clear thinking is in itself well, but two solid centuries of clear thinking from Descartes to Hegel have in modern times ended in failure. We long to know what natural thinking would have accomplished if it had been left an open field a while longer in Greece. Then again clear thinking was overdone. It was, to be sure, not Socrates' fault that his method was afterwards abused, but as a matter of fact it took in later history a pathological turn that has resulted in wide-spread evils. Over self-consciousness, too much inwardness and painful self-inspection, absence of trust in our instincts and of the healthful study of Nature, which in ethics are illustrated in modern questions of casuistry, and in philosophy in Cartesian doubt and the skepticism of Hume, characterize our worst faults. The philosophy and ethics of Heraclitus, as we have seen, stood in vital opposition to all these traits.

But there was another respect in which the fall of man took place in Socrates. The love of beauty and form, and particularly beauty of the human body, characterized all the Greeks until Socrates, but characterizes modern people in a relatively small degree. Socrates cared nothing for outward beauty, but to the surprise of his fellow-citizens laid all the emphasis upon moral beauty. (We will say he was too large hearted to have had a personal motive for so doing.) It may be that the Greeks estimated physical beauty relatively too high, but the rebound has been too great. Caught up by the genius of Plato and intensified by the tenor of his philosophy, and met six centuries later in Alexandria by a powerful current of the same tendency from Judea, it effected the complete destruction of the Greek idea, and with it of course of Greek art. In the medieval church, inherited moral deformity was a *sin* of such extreme import, that for it a man was to be forever damned ; but inherited physical deformity was not only not a sin, but often a blessing, teaching him as it did the relative worthlessness of the earthly life and body. So far was the Greek idea reversed that the body, instead of being the type of beauty, became the type of impurity, and from being the support of the soul, became its contaminator. The "flesh," indeed, was the symbol of evil. The results in modern life are only too well known. Among them may be mentioned the loss of appreciation of the worth of the present physical life in itself, failure to recognize the close connection of soul and body, and that the health of the former depends on the health of the latter, resulting in all the strange devices to secure the welfare of the soul in the face of persistent disregard of the laws of physical



health, or in such attempts as that of sustaining the moral status of a community where all hygienic laws are violated. This idea has been ground into the popular mind by so long education that modern educators find it a serious problem how to correct it. It is not merely physical education that is wanted, but a reconstruction of our notions about the relation of body and mind. The Socratic work must be in part undone, and we must get back more nearly to the pre-Socratic conception of *balance*, for to them physical ugliness was no less an evil than moral ugliness.

But there is still another aspect of the Socratic apostasy, as important as those we have mentioned, and so far-reaching in its effects that it determines modern thought even to the lowest ranks of society. In this movement begun by Socrates, but perfected by Plato and Aristotle, the central thought of the Heraclitic philosophy was denied, and denied with such power that now after twenty-two hundred years it hardly dares assert itself. We refer, of course, to the Platonic transcendentalism. It was designed to give the death-blow to Heraclitus, and it succeeded ultimately beyond the wildest hopes of its founders. Strictly it was begun by Anaxagoras. We have already seen with Teichmüller how the doctrine of transcendent reason gained its first characteristic, Pure Separation, in the Nous of Anaxagoras, its second, Identity, in the definitive work of Socrates. But it was Plato who elevated it into a great system and gave it to the world for a perpetual inheritance. Finally, Aristotle, as if the fates conspired to make this doctrine immortal, took it up and adapted it to unpoetical inductive minds. Heraclitus in a wonderful conception of the world had abolished every antithesis and enunciated a system of pure

monism. The Socratic school reversed his plan and set up a dualism of universal and particular, noumenon and phenomenon, mind and body, spirit and matter, which has dominated all philosophy, religion and literature.

It is with the origin of this dualism that we are concerned, not with the familiar history of its outcome, but yet we may recall what to the student of philosophy or even of history it is needless to more than mention, how this dualism fastened itself upon subsequent thought; how as realism and nominalism it divided the schoolmen; how as mind and matter it left Descartes in hopeless difficulty; how Spinoza founded a philosophy expressly to resolve it, but succeeded only by the artifice of terms; how Leibnitz solved the problem, though with too much violence, by use of the same boldness with which its founders established it; how Kant finally left the antithesis unexplained; how again as the material and immaterial it fixed itself in the psychology of Aristotle, who affirmed as the higher part of the human mind, the active *Nous* or principle of pure immateriality, cognizant of the highest things, identical with the divine Prime Mover, and immortal, thus constituting for man the highest glorification that he ever received from his own hand; how Thomas Aquinas, spokesman for a powerful church, adopted this psychology and fastened it upon the modern popular world; how finally, in the sphere of religion proper, the transcendentalism of Plato has grown into the belief in pure Spirit and spiritual existences, peopling heaven and earth, and holding communion with matter and body, though having absolutely nothing in common (if the paradox may be excused) with them. Such has been in part the wonderful expansion of the Platonic Idealism.

And what was all this for in the first place? It was raised primarily as a barrier against the dissolving power of the eternal flux of the Heracliteans. A philosophy had arisen in Greece that denied all permanence. Misunderstood by the Sophists and abused by Cratylus, it called out the protest of Socrates, at heart the sincerest man of his contemporaries. Man, impelled by that very faculty which connects him most closely with Nature, namely, the sense of dependence, demands something permanent and unchangeable, upon which he can base his laws, religion and philosophy. If he cannot find it in Nature or in Revelation, he will make it out of a part of himself. This is what Socrates and Plato did. Socrates, seeking the permanent for ethical motives, detesting Nature and failing to find there anything fixed and abiding, turned to man and man's manner of thinking. By analysis of thought he separated out general concepts which appeared to be the same for all. Plato, perhaps less in earnest than subsequent ages gave him credit for, hypostasized them, raised them into real *objective* existences, henceforth to become idols, convenient entities to fill all gaps in human reasoning, objects of the dreams of poets and the worship of the religious, archetypes from which a lazy philosophy could deduce the universe. How, we naturally ask, could this audacious piece of anthropomorphism, in which man deliberately took his own norms of thought, projected them outward, and elevated them into gods, impose itself upon the world as it did? There are two answers. First, it flattered men immensely, and like all anthropomorphisms, thereby won half the battle. Second, it did *not* succeed at once, but slumbered for four centuries, and finally, in the decadence of all systems of

philosophy and the breaking up of the old civilization, awakened to supply the groundwork of a religious revival. Platonism fell dead on the Greek world. Plato, and Aristotle as well, shot over the heads of their fellows. The philosophy of the Academy was a brilliant piece of speculation such as only the age of Pericles could call out. After that, philosophy fell back into the old ways. The Older Academy dragged out a short existence and died. Zeno, a Cypriote, but in his desire for unity more Greek than Plato, studied first with Polemo, head of the Academy, but disappointed with Platonism, turned back to Heraclitus. His school, as well as the Epicureans and Skeptics, returned to the Heraclitic monism. These schools loyally upheld for three centuries the Greek idea of the unity of man and Nature. But philosophy itself was doomed and fated to pass over into religion on the one hand and mysticism on the other. Platonism was admirably adapted to this end. In luxurious Alexandria, the weary inductive method of Aristotle, which the Ptolemies had instituted in the Museum, soon yielded to the fascinating lazy philosophy of Plato. Philo the Jew, Plutarch the moralist, Valentinus the Gnostic, Origen the Christian, all yielded to it in greater or less degree. In Plotinus it reached its full fruitage. Porphyry, his pupil, relates that he was ashamed of having a body and was careless of its needs, so anxious was he ecstatically to absorb his soul in the Supra-rational Transcendent One. Here we have a last consequence of the Socratic doctrine of mind. Here we have the extreme opposition to the naturalism of Heraclitus which considered man as a subordinate part of Nature. Greek philosophy ended with the triumph of Socrates and the defeat of Hera-

clitus. The wealth of Plato and Aristotle was the bequest that was handed over to the coming centuries. The Greek naturalists were forgotten. It was reserved for the present century to revive and vindicate them.

In what has been said in setting in relief the philosophy of Heraclitus, it is obvious that we have been concerned with but two or three aspects of that of Socrates and Plato, namely, its transcendental, idealistic and subjective character. It is not necessary to add that were we referring to other sides of it, as for instance, the undeniable importance of Socrates' contribution to ethics, and that of Plato to ethics and religion as well as to real scientific thought, the result would be very different. And of the Idealism itself, its very fascination and prevalence argue that it meets some want of human beings. It is poetry, to be sure, but as poetry it has been and will still be useful in saving men from the dangers of coarse materialistic thought.

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HERACLITUS OF EPHEBUS ON NATURE.

I.—It is wise for those who hear, not me, but the universal Reason, to confess that all things are one.<sup>1</sup>

II.—To this universal Reason which I unfold, although it always exists, men make themselves insensible, both before they have heard it and when they have heard it for the first time. For notwithstanding that all things happen according to this Reason, men act as though they had never had any experience in regard to it when they attempt such words and works as I am now relating, describing each thing according to its nature and explaining how it is ordered. And some men are as ignorant of what

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SOURCES.—I.—Hippolytus, Ref. haer. ix. 9. Context:—Heraclitus says that all things are one, divided undivided, created uncreated, mortal immortal, reason eternity, father son, God justice. "It is wise for those who hear, not me, but the universal Reason, to confess that all things are one." And since all do not comprehend this or acknowledge it, he reproves them somewhat as follows: "They do not understand how that which separates unites with itself; it is a harmony of oppositions like that of the bow and of the lyre" (= frag. 45).

Compare Philo, Leg. alleg. iii. 3, p. 88. Context, see frag. 24.

II.—Hippolytus, Ref. haer. ix. 9. Context:—And that Reason always exists, being all and permeating all, he (Heraclitus) says in this manner: "To this universal," etc.

Aristotle, Rhet. iii. 5, p. 1407, b. 14. Context:—For it is very hard to punctuate Heraclitus' writings on account of its not being clear whether the words refer to those which precede or to those which follow. For instance, in the beginning of his work, where he says, "To Reason existing always men make themselves insensible." For here it is ambiguous to what "always" refers.

Sextus Empir. adv. Math. vii. 132.—Clement of Alex. Stromata, v. 14, p. 716.—Amelius from Euseb. Praep. Evang. xi. 19, p. 540.—Compare Philo, Quis. rer. div. haer. 43, p. 505.—Compare Ioannes Sicel. in Walz. Rhett. Gr. vi. p. 95.

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<sup>1</sup> The small figures in the translation refer to the critical notes, pp. 115 ff.



they do when awake as they are forgetful of what they do when asleep.<sup>2</sup>

III.—Those who hear and do not understand are like the deaf. Of them the proverb says: “Present, they are absent.”

IV.—Eyes and ears are bad witnesses to men having rude souls.

V.—The majority of people have no understanding of the things with which they daily meet, nor, when instructed, do they have any right knowledge of them, although to themselves they seem to have.

VI.—They understand neither how to hear nor how to speak.

III.—Clement of Alex. Strom. v. 14, p. 718. Context:—And if you wish to trace out that saying, “He that hath ears to hear, let him hear,” you will find it expressed by the Ephesian in this manner, “Those who hear,” etc.

Theodoretus, Therap. i. p. 13, 49.

IV.—Sextus Emp. adv. Math. vii. 126. Context:—He (Heraclitus) casts discredit upon sense perception in the saying, “Eyes and ears are bad witnesses to men having rude souls.” Which is equivalent to saying that it is the part of rude souls to trust to the irrational senses.

Stobaeus Floril. iv. 56.

Compare Diogenes Laert. ix. 7.

V.—Clement of Alex. Strom. ii. 2, p. 432.

M. Antoninus iv. 46. Context:—Be ever mindful of the Heraclitic saying that the death of earth is to become water, and the death of water is to become air, and of air, fire (see frag. 25). And remember also him who is forgetful whither the way leads (comp. frag. 73); and that men quarrel with that with which they are in most continual association (= frag. 93), namely, the Reason which governs all. And those things with which they meet daily seem to them strange; and that we ought not to act and speak as though we were asleep (= frag. 94), for even then we seem to act and speak.

VI.—Clement of Alex. Strom. ii. 5, p. 442. Context:—Heraclitus, scolding some as unbelievers, says: “They understand neither how to hear nor to speak,” prompted, I suppose, by Solomon, “If thou lovest to hear, thou shalt understand; and if thou inclinest thine ear, thou shalt be wise.”

VII.—If you do not hope, you will not win that which is not hoped for, since it is unattainable and inaccessible.

VIII.—Gold-seekers dig over much earth and find little gold.

IX.—Debate.

X.—Nature loves to conceal herself.

XI.—The God whose oracle is at Delphi neither speaks plainly nor conceals, but indicates by signs.

XII.—But the Sibyl with raging mouth uttering things solemn, rude and unadorned, reaches with her voice over a thousand years, because of the God.

VII.—Clement of Alex. Strom. ii. 4, p. 437. Context:—Therefore, that which was spoken by the prophet is shown to be wholly true, “Unless ye believe, neither shall ye understand.” Paraphrasing this saying, Heraclitus of Ephesus said, “If you do not hope,” etc. Theodoretus, Therap. i. p. 15, 51.

VIII.—Clement of Alex. Strom. iv. 2, p. 565.

Theodoretus, Therap. i. p. 15, 52.

IX.—Suidas, under word *ἀμφισβαστεῖν*. *Ἐνιοὶ τὸ ἀμφισβητεῖν Ἰωνες δὲ καὶ ἀγχιβαστεῖν, καὶ ἀγχιβασίην Ἡράκλειτος.*

X.—Themistius, Or. v. p. 69 (= xii. p. 159). Context:—Nature according to Heraclitus, loves to conceal herself; and before nature the creator of nature, whom therefore we especially worship and adore because the knowledge of him is difficult.

Philo, Qu. in Gen. iv. 1, p. 237, Aucher.: *Arbor est secundum Heraclitum natura nostra, quae se obducere atque abscondere amat.*

Compare idem de Profug. 32, p. 573; de Somn. i. 2, p. 621; de Spec. legg. 8, p. 344.

XI.—Plutarch, de Pyth. orac. 21, p. 404. Context:—And I think you know the saying of Heraclitus that “The God,” etc.

Iamblichus, de Myst. iii. 15.

Idem from Stobaeus Floril. lxxxix. 17.

Anon. from Stobaeus Floril. v. 72.

Compare Lucianus, Vit. auct. 14.

XII.—Plutarch, de Pyth. orac. 6, p. 397. Context:—But the Sibyl, with raging mouth, according to Heraclitus, uttering things solemn, rude and unadorned, reaches with her voice over a



XIII.—Whatever concerns seeing, hearing, and learning, I particularly honor.<sup>3</sup>

XIV.—Polybius iv. 40. Especially at the present time, when all places are accessible either by land or by water, we should not accept poets and mythologists as witnesses of things that are unknown, since for the most part they furnish us with unreliable testimony about disputed things, according to Heraclitus.

XV.—The eyes are more exact witnesses than the ears.<sup>4</sup>

thousand years, because of the God. And Pindar says that Cadmus heard from the God a kind of music neither pleasant nor soft nor melodious. For great holiness permits not the allurements of pleasures.

Clement of Alex. Strom. i. 15, p. 358.

Iamblichus, de Myst. iii. 8.

See also pseudo-Heraclitus, Epist. viii.

XIII.—Hippolytus, Ref. haer. ix. 9, 10. Context:—And that the hidden, the unseen and unknown to men is [better], he (Heraclitus) says in these words, “A hidden harmony is better than a visible” (= frag. 47). He thus praises and admires the unknown and unseen more than the known. And that that which is discoverable and visible to men is [better], he says in these words, “Whatever concerns seeing, hearing, and learning, I particularly honor,” that is, the visible above the invisible. From such expressions it is easy to understand him. In the knowledge of the visible, he says, men allow themselves to be deceived as Homer was, who yet was wiser than all the Greeks; for some boys killing lice deceived him saying, “What we see and catch we leave behind; what we neither see nor catch we take with us” (frag. 1, Schuster). Thus Heraclitus honors in equal degree the seen and the unseen, as if the seen and unseen were confessedly one. For what does he say? “A hidden harmony is better than a visible,” and, “Whatever concerns seeing, hearing, and learning, I particularly honor,” having before particularly honored the invisible.

XV.—Polybius xii. 27. Context:—There are two organs given to us by nature, sight and hearing, sight being considerably the more truthful, according to Heraclitus, “For the eyes are more exact witnesses than the ears.”

Compare Herodotus i. 8.

XVI.—Much learning does not teach one to have understanding, else it would have taught Hesiod and Pythagoras, and again Xenophanes and Hecataeus.

XVII.—Pythagoras, son of Mnesarchus, practised investigation most of all men, and having chosen out these treatises, he made a wisdom of his own—much learning and bad art.

XVIII.—Of all whose words I have heard, no one attains to this, to know that wisdom is apart from all.<sup>5</sup>

XIX.—There is one wisdom, to understand the intelligent will by which all things are governed through all.<sup>6</sup>

XX.—This world, the same for all, neither any of

XVI.—Diogenes Laert. ix. 1. Context:—He (Heraclitus) was proud and disdainful above all men, as indeed is clear from his work, in which he says, “Much learning does not teach,” etc.

Aulus Gellius, N. A. praef. 12.

Clement of Alex. Strom. i. 19, p. 373.

Athenaeus xiii. p. 610 B.

Iulianus, Or. vi. p. 187 D.

Proclus in Tim. 31 F.

Serenus in Excerpt. Flor. Ioann. Damasc. ii. 116, p. 205, Meinek.

Compare pseudo-Democritus, fr. mor. 140 Mullach.

XVII.—Diogenes Laert. viii. 6. Context:—Some say, foolishly, that Pythagoras did not leave behind a single writing. But Heraclitus, the physicist, in his croaking way says, “Pythagoras, son of Mnesarchus,” etc.

Compare Clement of Alex. Strom. i. 21, p. 396.

XVIII.—Stobaeus Floril. iii. 81.

XIX.—Diogenes Laert. ix. 1. Context:—See frag. 16.

Plutarch, de Iside 77, p. 382. Context:—Nature, who lives and sees, and has in herself the beginning of motion and a knowledge of the suitable and the foreign, in some way draws an emanation and a share from the intelligence by which the universe is governed, according to Heraclitus,

Compare Cleanthes H. in Iov. 36.

Compare pseudo-Linus, 13 Mullach.

XX.—Clement of Alex. Strom. v. 14, p. 711. Context:—Heraclitus of Ephesus is very plainly of this opinion, since he recognizes

the gods nor any man has made, but it always was, and is, and shall be, an ever living fire, kindled in due measure, and in due measure extinguished.<sup>7</sup>

XXI.—The transmutations of fire are, first, the sea; and of the sea, half is earth, and half the lightning flash.<sup>8</sup>

XXII.—All things are exchanged for fire and fire for all things, just as wares for gold and gold for wares.

that there is an everlasting world on the one hand and on the other a perishable, that is, in its arrangement, knowing that in a certain manner the one is not different from the other. But that he knew an everlasting world eternally of a certain kind in its whole essence, he makes plain, saying in this manner, "This world the same for all," etc.

Plutarch, de Anim. procreat. 5, p. 1014. Context:—This world, says Heraclitus, neither any god nor man has made; as if fearing that having denied a divine creation, we should suppose the creator of the world to have been some man.

Simplicius in Aristot. de cael. p. 132, Karst.

Olympiodorus in Plat. Phaed. p. 201, Finckh.

Compare Cleanthes H., Iov. 9.

Nicander, Alexiph. 174.

Epictetus from Stob. Floril. cviii. 60.

M. Antoninus vii. 9.

Just. Mart. Apol. p. 93 C.

Heraclitus, Alleg. Hom. 26.

XXI.—Clement of Alex. Strom. v. 14, p. 712. Context:—And that he (Heraclitus) taught that it was created and perishable is shown by the following, "The transmutations," etc.

Compare Hippolytus, Ref. haer. vi. 17.

XXII.—Plutarch, de EI. 8, p. 388. Context:—For how that (scil. first cause) forming the world from itself, again perfects itself from the world, Heraclitus declares as follows, "All things are exchanged for fire and fire for all things," etc.

Compare Philo, Leg. alleg. iii. 3, p. 89. Context, see frag. 24.

Idem, de Incorr. mundi 21, p. 508.—Lucianus, Vit. auct. 14.

Diogenes Laert. ix. 8.

Heraclitus, Alleg. Hom. 43.

Plotinus, Enn. iv. 8, p. 468.—Iamblichus from Stob. Ecl. i. 41.

Eusebius, Praep. Evang. xiv. 3, p. 720.—Simplicius on Aristot. Phys. 6, a.

XXIII.—The sea is poured out and measured to the same proportion as existed before it became earth.<sup>9</sup>

XXIV.—Craving and Satiety.<sup>10</sup>

XXV.—Fire lives in the death of earth, air lives in the death of fire, water lives in the death of air, and earth in the death of water.<sup>11</sup>

XXVI.—Fire coming upon all things, will sift and seize them.

XXIII.—Clement of Alex. Strom. v. 14, p. 712 (= Eusebius, P. E. xiii. 13, p. 676). Context:—For he (Heraclitus) says that fire is changed by the divine Reason which rules the universe, through air into moisture, which is as it were the seed of cosmic arrangement, and which he calls sea; and from this again arise the earth and the heavens and all they contain. And how again they are restored and ignited, he shows plainly as follows, “The sea is poured out,” etc.

XXIV.—Hippolytus, Ref. haer. ix. 10. Context:—And he (Heraclitus) says also that this fire is intelligent and is the cause of the government of all things. And he calls it craving and satiety. And craving is, according to him, arrangement (*διακόσμησις*), and satiety is conflagration (*ἐκπύρωσις*). For, he says, “Fire coming upon all things will separate and seize them” (= frag. 26).

Philo, Leg. alleg. iii. 3, p. 88. Context:—And the other (scil. *ὁ γονορνής*), supposing that all things are from the world and are changed back into the world, and thinking that nothing was made by God, being a champion of the Heraclitic doctrine, introduces craving and satiety and that all things are one and happen by change.

Philo, de Victim. 6, p. 242.

Plutarch, de EI. 9, p. 389.

XXV.—Maximus Tyr. xli. 4, p. 489. Context:—You see the change of bodies and the alternation of origin, the way up and down, according to Heraclitus. And again he says, “Living in their death and dying in their life (see frag. 67). Fire lives in the death of earth,” etc.

M. Antoninus iv. 46. Context, see frag. 5.

Plutarch, de EI. 18, p. 392.

Idem, de Prim. frig. 10, p. 949. Comp. pseudo-Linus 21, Mull.

XXVI.—Hippolytus, Ref. haer. ix. 10. Context, see frag. 24.

Compare Aetna v. 536: quod si quis lapidis miratur fusile robur, cogitet obscuri verissima dicta libelli, Heraclite, tui, nihil insuperabile ab igni, omnia quo rerum naturae semina iacta.

XXVII.—How can one escape that which never sets?<sup>12</sup>

XXVIII.—Lightning rules all.

XXIX.—The sun will not overstep his bounds, for if he does, the Erinyes, helpers of justice, will find him out.

XXX.—The limits of the evening and morning are the Bear, and opposite the Bear, the bounds of bright Zeus.

XXXI.—If there were no sun, it would be night.

XXVII.—Clement of Alex. *Paedag.* ii. 10, p. 229. Context:—For one may escape the sensible light, but the intellectual it is impossible to escape. Or, as Heraclitus says, “How can one escape that which never sets?”

XXVIII.—Hippolytus, *Ref. haer.* ix. 10. Context:—And he (Heraclitus) also says that a judgment of the world and all things in it takes place by fire, expressing it as follows, “Now lightning rules all,” that is, guides it rightly, meaning by lightning, everlasting fire.

Compare Cleanthes II., *Iovem* 10.

XXIX.—Plutarch, *de Exil.* II, p. 604. Context:—Each of the planets, rolling in one sphere, as in an island, preserves its order. “For the sun,” says Heraclitus, “will not overstep his bounds,” etc.

Idem, *de Iside* 48, p. 370.

Comp. Hippolytus, *Ref. haer.* vi. 26.

Iamblichus, *Protrept.* 21, p. 132, *Arceer.*

Pseudo-Heraclitus, *Epist.* ix.

XXX.—Strabo i. 6, p. 3. Context:—And Heraclitus, better and more Homericly, naming in like manner the Bear instead of the northern circle, says, “The limits of the evening and morning are the Bear, and opposite the Bear, the bounds of bright Zeus.” For the northern circle is the boundary of rising and setting, not the Bear.

XXXI.—Plutarch, *Aq. et ign. comp.* 7, p. 957.

Idem, *de Fortuna* 3, p. 98. Context:—And just as, if there were no sun, as far as regards the other stars, we should have night, as Heraclitus says, so as far as regards the senses, if man had not mind and reason, his life would not differ from that of the beasts.

Compare Clement of Alex. *Protrept.* II, p. 87.

Macrobius, *Somn. Scip.* i. 20.

XXXII.—The sun is new every day.

XXXIII.—Diogenes Laertius i. 23. He (scil. Thales) seems, according to some, to have been the first to study astronomy and to foretell the eclipses and motions of the sun, as Eudemus relates in his account of astronomical works. And for this reason he is honored by Xenophanes and Herodotus, and both Heraclitus and Democritus bear witness to him.

XXXIV.—Plutarch, Qu. Plat. viii. 4, p. 1007. Thus Time, having a necessary union and connection with heaven, is not simple motion, but, so to speak, motion in an order, having measured limits and periods. Of which the sun, being overseer and guardian to limit, direct, appoint and proclaim the changes and seasons which, according to Heraclitus, produce all things, is the helper of the leader and first God, not in small or trivial things, but in the greatest and most important.

XXXV.—Hesiod is a teacher of the masses. They suppose him to have possessed the greatest knowledge, who indeed did not know day and night. For they are one.<sup>13</sup>

XXXII.—Aristotle, Meteor. ii. 2, p. 355 a 9. Context:—Concerning the sun this cannot happen, since, being nourished in the same manner, as they say, it is plain that the sun is not only, as Heraclitus says, new every day, but it is continually new.

Alexander Aphrod. in Meteor. l. l. fol. 93 a.

Olympiodorus in Meteor. l. l. fol. 30 a.

Plotinus, Enn. ii. 1, p. 97.

Proclus in Tim. p. 334 B.

Compare Plato, Rep. vi. p. 498 B.

Olympiodorus in Plato, Phaed. p. 201, Finckh.

XXXIV.—Compare Plutarch, de Def. orac. 12, p. 416.

M. Antoninus ix. 3.

Pseudo-Heraclitus, Epist. v.

XXXV.—Hippolytus, Ref. haer. ix. 10. Context:—Heraclitus says that neither darkness nor light, neither evil nor good, are different, but they are one and the same. He found fault, therefore, with

XXXVI.—God is day and night, winter and summer, war and peace, plenty and want. But he is changed, just as when incense is mingled with incense, but named according to the pleasure of each.<sup>14</sup>

XXXVII.—Aristotle, de Sensu 5, p. 443 a 21. Some think that odor consists in smoky exhalation, common to earth and air, and that for smell all things are converted into this. And it was for this reason that Heraclitus thus said that if all existing things should become smoke, perception would be by the nostrils.

XXXVIII.—Souls smell in Hades.<sup>15</sup>

XXXIX.—Cold becomes warm, and warm, cold ; wet becomes dry, and dry, wet.

XL.—It disperses and gathers, it comes and goes.<sup>16</sup>

Hesiod because he knew [not] day and night, for day and night, he says, are one, expressing it somewhat as follows: "Hesiod is a teacher of the masses," etc.

XXXVI.—Hippolytus, Ref. haer. ix. 10. Context:—For that the primal (Gr. *πρωτον*, Bernays reads *ποιητον*, created) world is itself the demiurge and creator of itself, he (Heraclitus) says as follows: "God is day and," etc.

Compare idem, Ref. haer. v. 21.

Hippocrates, *περὶ διαίτης* i. 4, Littr.

XXXVIII.—Plutarch, de Fac. in orbe lun. 28, p. 943. Context:—Their (scil. the souls') appearance is like the sun's rays, and their spirits, which are raised aloft, as here, in the ether around the moon, are like fire, and from this they receive strength and power, as metals do by tempering. For that which is still scattered and diffuse is strengthened and becomes firm and transparent, so that it is nourished with the chance exhalation. And finely did Heraclitus say that "souls smell in Hades."

XXXIX.—Schol. Tzetzae, Exeget. Iliad. p. 126, Hermann. Context:—Of old, Heraclitus of Ephesus was noted for the obscurity of his sayings, "Cold becomes warm," etc.

Compare Hippocrates, *περὶ διαίτης* i. 21.

Pseudo-Heraclitus, Epist. v.—Apuleius, de Mundo 21.

XL.—Plutarch, de EI. 18, p. 392. Context, see frag. 41.

Compare pseudo-Heraclitus, Epist. vi.

XLI.—Into the same river you could not step twice, for other <and still other> waters are flowing.

XLII.—†To those entering the same river, other and still other waters flow.†

XLIII.—Aristotle, *Eth. Eud.* vii. 1, p. 1235 a 26. And Heraclitus blamed the poet who said, “Would

XLI.—Plutarch, *Qu. nat.* 2, p. 912. Context:—For the waters of fountains and rivers are fresh and new, for, as Heraclitus says, “Into the same river,” etc.

Plato, *Crat.* 402 A. Context:—Heraclitus is supposed to say that all things are in motion and nothing at rest; he compares them to the stream of a river, and says that you cannot go into the same river twice (Jowett’s transl.).

Aristotle, *Metaph.* iii. 5, p. 1010 a 13. Context:—From this assumption there grew up that extreme opinion of those just now mentioned, those, namely, who professed to follow Heraclitus, such as Cratylus held, who finally thought that nothing ought to be said, but merely moved his finger. And he blamed Heraclitus because he said you could not step twice into the same river, for he himself thought you could not do so once.

Plutarch, *de EI.* 18, p. 392. Context:—It is not possible to step twice into the same river, according to Heraclitus, nor twice to find a perishable substance in a fixed state; but by the sharpness and quickness of change, it disperses and gathers again, or rather not again nor a second time, but at the same time it forms and is dissolved, it comes and goes (see frag. 40).

Idem, *de Sera num. vind.* 15, p. 559.

Simplicius in *Aristot. Phys.* f. 17 a.

XLII.—Arius Didymus from Eusebius, *Praep. evang.* xv. 20, p. 821. Context:—Concerning the soul, Cleanthes, quoting the doctrine of Zeno in comparison with the other physicists, said that Zeno affirmed the perceptive soul to be an exhalation, just as Heraclitus did. For, wishing to show that the vaporized souls are always of an intellectual nature, he compared them to a river, saying, “To those entering the same river, other and still other waters flow.” And souls are exhalations from moisture. Zeno, therefore, like Heraclitus, called the soul an exhalation.

Compare Sextus Emp. *Pyrrh. hyp.* iii. 115.

XLIII.—Plutarch, *de Iside* 48, p. 370. Context:—For Heraclitus in plain terms calls war the father and king and lord of all (= frag. 44), and he says that Homer, when he prayed—“Discord be damned



that strife were destroyed from among gods and men." For there could be no harmony without sharps and flats, nor living beings without male and female, which are contraries.

XLIV.—War is the father and king of all, and has produced some as gods and some as men, and has made some slaves and some free.

XLV.—They do not understand how that which

from gods and human race," forgot that he called down curses on the origin of all things, since they have their source in antipathy and war.

Chalcidius in Tim. 295.

Simplicius in Aristot. Categ. p. 104 Δ, ed. Basil.

Schol. Ven. (A) ad Il. xviii, 107.

Eustathius ad Il. xviii, 107, p. 1113, 56.

XLIV.—Hippolytus, Ref. haer. ix. 9. Context:—And that the father of all created things is created and uncreated, the made and the maker, we hear him (Heraclitus) saying, "War is the father and king of all," etc.

Plutarch, de Iside 48, p. 370. Context, see frag. 43.

Proclus in Tim. 54 A (comp. 24 B).

Compare Chrysippus from Philodem. π. εἰσεβείας, vii. p. 81, Gomperz.

Lucianus, Quomodo hist. conscrib. 2; Idem, Icaromen 8.

XLV.—Hippolytus, Ref. haer. ix. 9. Context, see frag. 1.

Plato, Symp. 187 A. Context:—And one who pays the least attention will also perceive that in music there is the same reconciliation of opposites; and I suppose that this must have been the meaning of Heraclitus, though his words are not accurate; for he says that the One is united by disunion, like the harmony of the bow and the lyre (Jowett's transl.).

Idem, Soph. 242 D. Context:—Then there are Ionian, and in more recent times Sicilian muses, who have conceived the thought that to unite the two principles is safer; and they say that being is one and many, which are held together by enmity and friendship, ever parting, ever meeting (idem).

Plutarch, de Anim. procreat. 27, p. 1026. Context:—And many call this (scil. necessity) destiny. Empedocles calls it love and hatred; Heraclitus, the harmony of oppositions as of the bow and of the lyre.

Compare Synesius, de Insomn. 135 A

Parmenides v. 95, Stein.

separates unites with itself. It is a harmony of oppositions, as in the case of the bow and of the lyre.<sup>17</sup>

XLVI.—Aristotle, *Eth. Nic.* viii. 2, p. 1155 b 1. In reference to these things, some seek for deeper principles and more in accordance with nature. Euripides says, “The parched earth loves the rain, and the high heaven, with moisture laden, loves earthward to fall.” And Heraclitus says, “The unlike is joined together, and from differences results the most beautiful harmony, and all things take place by strife.”

XLVII.—The hidden harmony is better than the visible.<sup>18 and 3</sup>

XLVIII.—Let us not draw conclusions rashly about the greatest things.

XLIX.—Philosophers must be learned in very many things.

L.—The straight and crooked way of the wool-carders is one and the same.<sup>19</sup>

XLVI.—Compare Theophrastus, *Metaph.* 15.

Philo, *Qu. in Gen.* iii. 5, p. 178, Aucher.

Idem, *de Agricult.* 31, p. 321.

XLVII.—Hippolytus, *Ref. haer.* ix. 9-10. Context, see frag. 13.

Plutarch, *de Anim. procreat.* 27, p. 1026. Context:—Of the soul nothing is pure and unmixed nor remains apart from the rest, for, according to Heraclitus, “The hidden harmony is better than the visible,” in which the blending deity has hidden and sunk variations and differences.

Compare Plotinus, *Enn.* i. 6, p. 53.

Proclus in *Cratyl.* p. 107, ed. Boissonad.

XLVIII.—Diogenes Laert. ix. 73. Context:—Moreover, Heraclitus says, “Let us not draw conclusions rashly about the greatest things.” And Hippocrates delivered his opinions doubtfully and moderately.

XLIX.—Clement of Alex. *Strom.* v. 14, p. 733. Context:—Philosophers must be learned in very many things, according to Heraclitus. And, indeed, it is necessary that “he who wishes to be good shall often err.”

L.—Hippolytus, *Ref. haer.* ix. 10. Context:—And both straight

LI.—Asses would choose stubble rather than gold.

LII.—Sea water is very pure and very foul, for, while to fishes it is drinkable and healthful, to men it is hurtful and unfit to drink.

LIII.—Columella, de Re Rustica viii. 4. Dry dust and ashes must be placed near the wall where the roof or eaves shelter the court, in order that there may be a place where the birds may sprinkle themselves, for with these things they improve their wings and feathers, if we may believe Heraclitus, the Ephesian, who says, “Hogs wash themselves in mud and doves in dust.”

LIV.—They revel in dirt.

and crooked, he (Heraclitus) says, are the same: “The way of the wool-carders is straight and crooked.” The revolution of the instrument in a carder’s shop (Gr. *γραφεῖω* Bernays, *γραφεῖω* vulg.) called a screw is straight and crooked, for it moves at the same time forward and in a circle. “It is one and the same,” he says.

Compare Apuleius, de Mundo 21.

LI.—Aristotle, Eth. Nic. x. 5, p. 1176 a 6. Context:—The pleasures of a horse, a dog, or a man, are all different. As Heraclitus says, “Asses would choose stubble rather than gold,” for to them there is more pleasure in fodder than in gold.

LII.—Hippolytus, Ref. haer. ix. 10. Context:—And foul and fresh, he (Heraclitus) says, are one and the same. And drinkable and undrinkable are one and the same. “Sea water,” he says, “is very pure and very foul,” etc.

Compare Sextus Empir. Pyrrh. hyp. i. 55.

LIII.—Compare Galenus, Protrept. 13, p. 5, ed. Bas.

LIV.—Athenaeus v. p. 178 F. Context:—For it would be unbecoming, says Aristotle, to go to a banquet covered with sweat and dust. For a well-bred man should not be squalid nor slovenly nor delight in dirt, as Heraclitus says.

Clement of Alex. Protrept. 10, p. 75.

Idem, Strom. i. 1, p. 317; ii. 15, p. 465.

Compare Sextus Empir. Pyrrh. hyp. i. 55.

Plotinus, Enn. i. 6, p. 55.

Vincentius Bellovac. Spec. mor. iii. 9, 3.

LV.—Every animal is driven by blows.<sup>20</sup>

LVI.—The harmony of the world is a harmony of oppositions, as in the case of the bow and of the lyre.<sup>21</sup>

LVII.—Good and evil are the same.

LVIII.—Hippolytus, Ref. haer. ix. 10. And good and evil (scil. are one). The physicians, therefore, says Heraclitus, cutting, cauterizing, and in every way torturing the sick, complain that the patients do not pay them fitting reward for thus effecting these benefits—†and sufferings.†

LV.—Aristotle, de Mundo 6, p. 401 a 8 (= Apuleius, de Mundo 36; Stobaeus, Ecl. i. 2, p. 86). Context:—Both wild and domestic animals, and those living upon land or in air or water, are born, live and die in conformity with the laws of God. “For every animal,” as Heraclitus says, “is driven by blows” (*πληγῆ* Stobaeus cod. A, Bergkiius et al.; vulg. *τὴν γῆν νέμεται*, every animal feeds upon the earth).

LVI.—Plutarch, de Tranquill. 15, p. 473. Context:—For the harmony of the world is a harmony of oppositions (Gr. *παλίντονος ἁρμονίη*, see Crit. Note 21), as in the case of the bow and of the lyre. And in human things there is nothing that is pure and unmixed. But just as in music, some notes are flat and some sharp, etc.

Idem, de Iside 45, p. 369. Context:—“For the harmony of the world is a harmony of opposition, as in the case of the bow and of the lyre,” according to Heraclitus; and according to Euripides, neither good nor bad may be found apart, but are mingled together for the sake of greater beauty.

Porphyrius, de Antro. nymph. 29.

Simplicius in Phys. fol. 11 a.

Compare Philo, Qu. in Gen. iii. 5, p. 178, Aucher.

LVII.—Hippolytus, Ref. haer. ix. 10. Context, see frag. 58.

Simplicius in Phys. fol. 18 a. Context:—All things are with others identical, and the saying of Heraclitus is true that the good and the evil are the same.

Idem on Phys. fol. 11 a.

Aristotle, Top. viii. 5, p. 159 b 30.

Idem, Phys. i. 2, p. 185 b 20.

LVIII.—Compare Xenophon, Mem. i. 2, 54.

Plato, Gorg. 521 E; Polit. 293 B.

Simplicius in Epictetus 13, p. 83 D and 27, p. 178 A, ed. Heins.

LIX.—Unite whole and part, agreement and disagreement, accordant and discordant; from all comes one, and from one all.

LX.—They would not know the name of justice, were it not for these things.<sup>22</sup>

LXI.—Schol. B. in Iliad iv. 4, p. 120 Bekk. They say that it is unfitting that the sight of wars should please the gods. But it is not so. For noble works delight them, and while wars and battles seem to us terrible, to God they do not seem so. For God in his dispensation of all events, perfects them into a harmony of the whole, just as, indeed, Heraclitus says that to God all things are beautiful and good and right, though men suppose that some are right and others wrong.

LXII.—We must know that war is universal and strife right, and that by strife all things arise and †are used. †<sup>23</sup>

LIX.—Aristotle, de Mundo 5, p. 396 b 12 (= Apuleius, de Mundo 20; Stobaeus, Ecl. i. 34, p. 690). Context:—And again art, imitator of nature, appears to do the same. For in painting, it is by the mixing of colors, as white and black or yellow and red, that representations are made corresponding with the natural types. In music also, from the union of sharps and flats comes a final harmony, and in grammar, the whole art depends on the blending of mutes and vocables. And it was the same thing which the obscure Heraclitus meant when he said, “Unite whole and part,” etc.

Compare Apuleius, de Mundo 21.

Hippocrates π. τροφής 40; π. διαίτης i.

LX.—Clement of Alex. Strom. iv. 3, p. 568. Context:—For the Scripture says, the law is not made for the just man. And Heraclitus well says, “They would not know the name of justice, were it not for these things.”

Compare pseudo-Heraclitus, Epist. vii.

LXI.—Compare Hippocrates, περὶ διαίτης i. 11.

LXII.—Origen, cont. Celsus vi. 42, p. 312 (Celsus speaking). Context:—There was an obscure saying of the ancients that war was divine, Heraclitus writing thus, “We must know that war,” etc.

Compare Plutarch, de Sol. animal. 7, p. 964.

Diogenes Laert. ix. 8.

LXIII.—For it is wholly destined——.

LXIV.—Death is what we see waking. What we see in sleep is a dream.<sup>24</sup>

LXV.—There is only one supreme Wisdom. It wills and wills not to be called by the name of Zeus.<sup>25</sup>

LXVI.—The name of the bow is life, but its work is death.

LXVII.—Immortals are mortal, mortals immortal, living in their death and dying in their life.

LXIII.—Stobaeus Ecl. i. 5, p. 178. Context:—Heraclitus declares that destiny is the all-pervading law. And this is the etherial body, the seed of the origin of all things, and the measure of the appointed course. All things are by fate, and this is the same as necessity. Thus he writes, “For it is wholly destined——” (The rest is wanting).

LXIV.—Clement of Alex. Strom. iii. 3, p. 520. Context:—And does not Heraclitus call death birth, similarly with Pythagoras and with Socrates in the Gorgias, when he says, “Death is what we see waking. What we see in sleep is a dream”?

Compare idem v. 14, p. 712. Philo, de Ioseph. 22, p. 59.

LXV.—Clement of Alex. Strom. v. 14, p. 718 (Euseb. P. E. xiii. 13, p. 681). Context:—I know that Plato also bears witness to Heraclitus’ writing, “There is only one supreme Wisdom. It wills and wills not to be called by the name of Zeus.” And again, “Law is to obey the will of one” (= frag. 110).

LXVI.—Schol. in Iliad i. 49, fr. Cramer, A. P. iii. p. 122. Context:—For it seems that by the ancients the bow and life were synonymously called βίος. So Heraclitus, the obscure, said, “The name of the bow is life, but its work is death.”

Etym. magn. under word βίος.

Tzetzze’s Exeg. in Iliad, p. 101 Herm.

Eustathius in Iliad i. 49, p. 41.

Compare Hippocrates, π. τροφής 21.

LXVII.—Hippolytus, Ref. haer. ix. 10. Context:—And confessedly he (Heraclitus) asserts that the immortal is mortal and the mortal immortal, in such words as these, “Immortals are mortal,” etc.

Numenius from Porphy. de Antro nymph. 10. Context, see frag. 72.

LXVIII.—To souls it is death to become water, and to water it is death to become earth, but from earth comes water, and from water, soul.

LXIX.—The way upward and downward are one and the same.

Philo, Leg. alleg. i. 33, p. 65.

Idem, Qu. in Gen. iv. 152, p. 360 Aucher.

Maximus Tyr. x. 4, p. 107. Idem, xli. 4, p. 489.

Clement of Alex. Paed. iii. 1, p. 251.

Hierocles in Aur. carm. 24.

Heraclitus, Alleg. Hom. 24, p. 51 Mehler.

Compare Lucianus, Vit. auct. 14.

Dio Cassius fr. i—xxxv. c. 30, t. i. p. 40 Dind.

Hermes from Stob. Ecl. i. 39, p. 768. Idem, Poemand. 12, p. 100.

LXVIII.—Clement of Alex. Strom. vi. 2, p. 746. Context:—(On plagiarisms) And Orpheus having written, “Water is death to the soul and soul the change from water; from water is earth and from earth again water, and from this the soul welling up through the whole ether”; Heraclitus, combining these expressions, writes as follows: “To souls it is death,” etc.

Hippolytus, Ref. haer. v. 16. Context:—And not only do the poets say this, but already also the wisest of the Greeks, of whom Heraclitus was one, who said, “For the soul it is death to become water.”

Philo, de Incorr. mundi 21, p. 509. Proclus in Tim. p. 36 C.

Aristides, Quintil. ii. p. 106, Meib.

Iulianus, Or. v. p. 165 D.

Olympiodorus in Plato, Gorg. p. 357 Iahn; Idem, p. 542.

LXIX.—Hippolytus, Ref. haer. ix. 10. Context:—Up and down he (Heraclitus) says are one and the same. “The way upward and downward are one and the same.”

Diogenes Laert. ix. 8. Context:—Heraclitus says that change is the road leading upward and downward, and that the whole world exists according to it.

Cleomedes, π. μετεώρων i. p. 75, Bak.

Maximus Tyr. xli. 4, p. 489.

Plotinus, Enn. iv. 8, p. 468.

Tertullian, adv. Marc. ii. 28.

Iamblichus from Stob. Ecl. i. 41.

Compare Hippocrates, π. τροφῆς 45.

M. Antoninus vi. 17.

LXX.—The beginning and end are common.

LXXI. The limits of the soul you would not find out, though you should traverse every way.

LXXII.—To souls it is joy to become wet.<sup>26</sup>

LXXIII.—A man when he is drunken is led by a beardless youth, stumbling, ignorant where he is going, having a wet soul.

LXXIV.—The dry soul is the wisest and best.<sup>27</sup>

Philo, de Incorr. mundi 21, p. 508.

Idem, de Somn. i. 24, p. 644.

Idem, de vit. Moys. i. 6, p. 85.

Musonius from Stob. Flo. 108, 60.

LXX.—Porphyry from Schol. B. Iliad xiv. 200, p. 392, Bekk. Context :—For the beginning and end on the periphery of the circle are common, according to Heraclitus.

Compare Hippocrates, π. τόπων τῶν κατ' ἀνθρώπων, 1.

Idem, π. διαίτης i. 19; π. τροφῆς, 9.

Philo, Leg. alleg. i. 3, p. 44. Plutarch, de EI. 8, p. 388.

LXXI.—Diogenes Laert. ix. 7. Context :—And he (Heraclitus) also says, "The limits of the soul you would not find out though you traverse every way," so deep lies its principle (οὕτω βᾶθὺν λόγον ἔχει).

Tertullian, de Anima 2.

Compare Hippolytus, Ref. haer. v. 7.

Sextus, Enchir. 386.

LXXII.—Numenius from Porphyry, de Antro nymph. 10. Context :—Wherefore Heraclitus says : To souls it is joy, not death, to become wet. And elsewhere he says : We live in their death and they live in our death (frag. 67).

LXXIII.—Stobaeus Floril. v. 120.

Compare M. Antoninus iv. 46. Context, see frag. 5.

LXXIV.—Plutarch, Romulus 28. Context :—For the dry soul is the wisest and best, according to Heraclitus. It flashes through the body as the lightning through the cloud (= fr. 63, Schleiermacher).

Aristides, Quintil. ii. p. 106.

Porphyry, de Antro nymph. 11.

Synesius, de Insomn. p. 140 A Petav.

Stobaeus Floril. v. 120.

Glycas, Ann. i. p. 74 B (compare 116 A).

Compare Clement of Alex. Paedag. ii. 2, p. 184.

Eustathius in Iliad xxiii. 261, p. 1299, 17 ed. Rom.



LXXV.—†The dry beam is the wisest and best soul. †

LXXVI.—†Where the land is dry, the soul is wisest and best. †<sup>27</sup>

LXXVII.—Man, as a light at night, is lighted and extinguished.<sup>28</sup>

LXXVIII.—Plutarch, *Consol. ad Apoll.* 10, p. 106. For when is death not present with ús? As indeed Heraclitus says: Living and dead, awake and asleep, young and old, are the same. For these several states are transmutations of each other.

LXXIX.—Time is a child playing at draughts, a child's kingdom.

LXXV.—Philo from Euseb. P. E. viii. 14, p. 399.

Musonius from Stob. Floril. xvii. 43.

Plutarch, *de Esu. carn.* i. 6, p. 995.

Idem, *de Def. orac.* 41, p. 432.

Galenus, π. τῶν τῆς ψυχῆς ἡθῶν 5, t. i. p. 346, ed. Bas.

Hiermeias in Plat. Phaedr. p. 73, Ast.

Compare Porphyry, ἀφορμ. πρὸς τὰ νοητά 33, p. 78 Holst.; Ficinus, *de Immort. anim.* viii. 13.

LXXVI.—Philo from Euseb. P. E. vi. 14, p. 399.

Idem, *de Provid.* ii. 109, p. 117, Aucher.

LXXVII.—Clement of Alex. *Strom.* iv. 22, p. 628. Context:—Whatever they say of sleep, the same must be understood of death, for it is plain that each of them is a departure from life, the one less, the other more. Which is also to be received from Heraclitus: Man is kindled as a light at night; in like manner, dying, he is extinguished. And living, he borders upon death while asleep, and, extinguishing sight, he borders upon sleep when awake.

Compare Sextus Empir. *adv. Math.* vii. 130.

Seneca, *Epist.* 54.

LXXVIII.—Compare Plutarch, *de EI.* 18, p. 392.

Clement of Alex. *Strom.* iv. 22, p. 628. Context, see frag. 77.

Sextus Empir. *Pyrrh. hyp.* iii. 230.

Tzetze's *Chil.* ii. 722.

LXXIX.—Hippolytus, *Ref. haer.* ix. 9.

Proclus in *Tim.* 101 F. Context:—And some, as for example Heraclitus, say that the creator in creating the world is at play.

Lucianus, *Vit. auct.* 14. Context:—And what is time? A child at play, now arranging his pebbles, now scattering them.

LXXX.—I have inquired of myself.<sup>29</sup>

LXXXI.—Into the same river we both step and do not step. We both are and are not.

LXXXII.—It is weariness upon the same things to labor and by them to be controlled.<sup>30</sup>

Clement of Alex. Paedag. i. 5, p. 111.

Iamblichus from Stob. Ecl. ii. 1, p. 12.

Compare Plato, Legg. x. 903 D. Philo, de vit. Moys. i. 6, p. 85.

Plutarch, de El. 21, p. 393.

Gregory Naz. Carm. ii. 85, p. 978 ed. Bened.

LXXX.—Diogenes Laert. ix. 5. Context:—And he (Heraclitus) was a pupil of no one, but he said he inquired of himself and learned everything by himself.

Plutarch, adv. Colot. 20, p. 1118. Context:—And Heraclitus, as though he had been engaged in some great and solemn task, said, "I have been seeking myself." And of the sentences at Delphi, he thought the "Know thyself" to be the most divine.

Dio Chrysost. Or. 55, p. 282, Reiske.

Plotinus, Enn. iv. 8, p. 468.

Tatianus, Or. ad Graec. 3.

Iulianus, Or. vi. p. 185 A.

Proclus in Tim. 106 E.

Suidas, under word Ποδοῦμος.

Compare Philo, de Ioseph. 22, p. 59.

Clement of Alex. Strom. ii. 1, p. 429.

Plotinus, Enn. v. 9, p. 559.

LXXXI.—Heraclitus, Alleg. Hom. 24.

Seneca, Epist. 58. Context:—And I, while I say these things are changed, am myself changed. This is what Heraclitus means when he says, into the same river we descend twice and do not descend, for the name of the river remains the same, but the water has flowed on. This in the case of the river is more evident than in case of man, but none the less does the swift course carry us on.

Compare Epicharmus, fr. B 40, Lorenz.

Parmenides v. 58, Stein.

LXXXII.—Plotinus, Enn. iv. 8, p. 468.

Iamblichus from Stob. Ecl. i. 41, p. 906. Context:—For Heraclitus assumed necessary changes from opposites, and supposed that souls traversed the way upward and downward, and that to continue in the same condition is weariness, but that change brings rest (= fr. 83).

LXXXIII.—In change is rest.

LXXXIV.—A mixture separates when not kept in motion.

LXXXV.—Corpses are more worthless than excrement.

LXXXVI.—Being born, they will only to live and die, or rather to find rest, and they leave children who likewise are to die.

LXXXVII.—Plutarch, de Orac. def. 11, p. 415.

Aeneas, Gaz. Theophrast. p. 9.

Compare Hippocrates, π. διαίτης i. 15.

Philo, de Cherub. 26, p. 155.

LXXXIII.—Plotinus, Enn. iv. 8, p. 468.

Idem, iv. 8, p. 473.

Iamblichus from Stob. Ecl. i. 41, p. 906. Context, see frag. 82.

Idem, p. 894.

Aeneas, Gaz. Theophrast. p. 9, Barth.

Idem, p. 11.

LXXXIV.—Theophrastus, de Vertigine 9, p. 138 Wimmer.

Alexander Aprod. Probl. p. 11, Usener. Context:—A mixture (ὁ κκεών), as Heraclitus says, separates unless some one stirs it.

Compare Lucian, Vit. auct. 14.

M. Antoninus iv. 27.

LXXXV.—Strabo xvi. 26, p. 784. Context:—They consider dead bodies equal to excrement, just as Heraclitus says, "Corpses are more worthless," etc.

Plutarch, Qu. conviv. iv. 4, p. 669.

Pollux, Onom. v. 163.

Origen, c. Cels. v. 14, p. 247.

Julian, Or. vii. p. 226 C.

Compare Philo, de Profug. ii. p. 555.

Plotinus, Enn. v. 1, p. 483.

Schol. V. ad Iliad xxiv. 54, p. 630, Bekk.

Epictetus, Diss. ii. 4, 5.

LXXXVI.—Clement of Alex. Strom. iii. 3, p. 516. Context:—Heraclitus appears to be speaking evil of birth when he says, "Being born, they wish only to live," etc.

LXXXVII.—The reference is to the following passage from Hesiod:

Those who adopt the reading *ἡβῶντος* (*i. e.* at man's estate, see Hesiod, fr. 163, ed. Goettling) reckon a generation at thirty years, according to Heraclitus, in which time a father may have a son who is himself at the age of puberty.

LXXXVIII.—Io. Lydus de Mensibus iii. 10, p. 37, ed. Bonn. Thirty is the most natural number, for it bears the same relation to tens as three to units. Then again it is the monthly cycle, and is composed of the four numbers 1, 4, 9, 16, which are the squares of the units in order. Not without reason, therefore, does Heraclitus call the month a generation.

LXXXIX.—In thirty years a man may become a grandfather.

XC.—M. Antoninus vi. 42. We all work together to one end, some consciously and with purpose, others unconsciously. Just as indeed Heraclitus, I think, says that the sleeping are co-workers and fabricators of the things that happen in the world.<sup>81</sup>

XCI.—The Law of Understanding is common to all. Those who speak with intelligence must hold fast to that which is common to all, even more strongly than

*ἐννέα τοι ζῶει γενεὰς λακέρνυα κορώνη  
ἀνδρῶν ἡβῶντων · ἐλάφος δέ τε τετρακόρων ος  
τρεις δ' ἐλάφους ὁ κόραξ γηράσκειται. ἀντάρ ὁ φοῖνιξ  
ἐννέα τοὺς κόρακας · δέκα δ' ἡμεῖς τοὺς φοῖνικας  
νύμφαι ἐνπλόκαμοι, κοῦραι Διὸς ἀγιόχοιο.*

Censorinus, de D. N. 17.

Compare Plutarch, Plac. Philos. v. 24, p. 909.

LXXXVIII.—Crameri A. P. i. p. 324.

Compare Philo, Qu. on Gen. ii. 5, p. 82 Aucher.

Plutarch, de Orac. def. 12, p. 416.

LXXXIX.—Philo, Qu. in Gen. ii. 5, p. 82 Aucher.

XCI.—Stobaeus Floril. iii. 84.

Compare Cleanthes H., Iov. 24.

Hippocrates, π. τροφῆς 15. Plutarch, de Iside 45, p. 369.

Plotinus, Enn. vi. 5, p. 668. Empedocles v. 231 Stein.

a city holds fast to its law. For all human laws are dependent upon one divine Law, for this rules as far as it wills, and suffices for all, and overabounds.

XCII.—Although the Law of Reason is common, the majority of people live as though they had an understanding of their own.

XCIII.—They are at variance with that with which they are in most continual association.

XCIV.—We ought not to act and speak as though we were asleep.

XCV.—Plutarch, de Superst. 3, p. 166. Heraclitus says: To those who are awake, there is one world in common, but of those who are asleep, each is withdrawn to a private world of his own.

XCVI.—For human nature does not possess understanding, but the divine does.

XCII.—Sextus Emp. adv. Math. vii. 133. Context:—For having thus stately shown that we do and think everything by participation in the divine reason, he (Heraclitus), after some previous exposition, adds: It is necessary, therefore, to follow the common (for by *ἐνὸς* he means *ὁ κοινός*, the common). For although the law of reason is common, the majority of people live as though they had an understanding of their own. But this is nothing else than an explanation of the mode of the universal disposition. As far, therefore, as we participate in the memory of this, we are true; but in as far as we act individually, we are false.

XCIII.—M. Antoninus iv. 46. Context, see frag. 5.

XCIV.—M. Antoninus iv. 46. Context, see frag. 5.

XCV.—Compare pseudo-Pythagoras from Hippolytus, Ref. haer. vi. 26.

Iamblichus, Protrept. 21, p. 132, Arcer.

XCVI.—Origen, c. Cels. vi. 12, p. 291. Context:—Nevertheless he (Celsus) wanted to show that this was a fabrication of ours and taken from the Greek philosophers, who say that human wisdom is of one kind, and divine wisdom of another. And he brings forward some phrases of Heraclitus, one where he says, "For human nature does not possess understanding, but the divine does." And another, "The thoughtless man understands the voice of the Deity as little as the child understands the man" (= frag. 97).

XCVII.—The thoughtless man understands the voice of the Deity as little as the child understands the man.<sup>32</sup>

XCVIII.—Plato, *Hipp. mai.* 289 B. And does not Heraclitus, whom you bring forward, say the same, that the wisest of men compared with God appears an ape in wisdom and in beauty and in all other things?

XCIX.—Plato, *Hipp. mai.* 289 A. You are ignorant, my man, that there is a good saying of Heraclitus, to the effect that the most beautiful of apes is ugly when compared with another kind, and the most beautiful of earthen pots is ugly when compared with maiden-kind, as says Hippias the wise.

C.—The people must fight for their law as for their walls.

CI.—Greater fates gain greater rewards.

CII.—Gods and men honor those slain in war.

CIII.—Presumption must be quenched even more than a fire.<sup>33</sup>

XCVII.—Origen, *c. Cels.* vi. 12, p. 291. Context, see frag. 96. Compare M. Antoninus iv. 46. Context, see frag. 5.

XCVIII.—Compare M. Antoninus iv. 16.

XCIX.—Compare Plotinus, *Enn.* vi. 3, p. 626. Aristotle, *Top.* iii. 2, p. 117 b 17.

C.—Diogenes Laert. ix. 2. Context:—And he (Heraclitus) used to say, “It is more necessary to quench insolence than a fire” (= frag. 103). And, “The people must fight for their law as for their walls.”

CI.—Clement of Alex. *Strom.* iv. 7, p. 586. Context:—Again Aeschylus, grasping this thought, says, “To him who toils, glory from the gods is due as product of his toil.” “For greater fates gain greater rewards,” according to Heraclitus.

Theodoretus, *Therap.* viii. p. 117, 33.

Compare Hippolytus, *Ref. haer.* v. 8.

CII.—Clement of Alex. *Strom.* iv. 4, p. 571. Context:—Heraclitus said, “Gods and men honor those slain in war.”

Theodoretus, *Therap.* viii. p. 117, 33.

CIII.—Diogenes Laert. ix. 2. Context, see frag. 100.

CIV.—For men to have whatever they wish, would not be well. Sickness makes health pleasant and good ; hunger, satiety ; weariness, rest.

CV.—It is hard to contend against passion, for whatever it craves it buys with its life.

CVI.—† It pertains to all men to know themselves and to learn self-control.†

CVII.—† Self-control is the highest virtue, and wisdom is to speak truth and consciously to act according to nature.†<sup>34</sup>

CVIII.—It is better to conceal ignorance, but it is hard to do so in relaxation and over wine.

CIV.—Stobaeus Floril. iii. 83, 4.

Compare Clement of Alex. Strom. ii. 21, p. 497.

Theodoretus, Therap. xi. p. 152, 25. Context :—Heraclitus the Ephesian changed the name but retained the idea, for in the place of pleasure he put contentment.

CV.—Iamblichus, Protrept. p. 140, Arcer. Context :—Heraclitus is a witness to these statements, for he says, "It is hard to contend against passion," etc.

Aristotle, Eth. Nic. ii. 2, p. 1105 a 8.

Idem, Eth. Eud. ii. 7, p. 1223 b 22.

Idem, Pol. v. 11, p. 1315 a 29.

Plutarch, de Cohib. ira 9, p. 457.

Idem, Erot. 11, p. 755.

Compare Plutarch, Coriol. 22.

Pseudo-Democritus fr. mor. 77, Mullach.

Longinus, de Subl. 44.

CVI.—Stobaeus Floril. v. 119.

CVII.—Stobaeus Floril. iii. 84.

CVIII.—Plutarch, Qu. Conviv. iii. proem., p. 644. Context :—Simonides, the poet, seeing a guest sitting silent at a feast and conversing with no one, said, "Sir, if you are foolish you are doing wisely, but if wise, foolishly," for, as Heraclitus says, "It is better to conceal ignorance, but it is hard," etc.

Idem, de Audiendo 12, p. 43.

Idem, Virt. doc. posse 2, p. 439.

Idem, from Stob. Floril. xviii. 32.

CIX.—† It is better to conceal ignorance than to expose it.†

CX.—It is law, also, to obey the will of one.<sup>35</sup>

CXI.—For what sense or understanding have they? They follow minstrels and take the multitude for a teacher, not knowing that many are bad and few good. For the best men choose one thing above all—immortal glory among mortals; but the masses stuff themselves like cattle.

CXII.—In Priene there lived Bias, son of Teutamus, whose word was worth more than that of others.

CXIII.—To me, one is ten thousand if he be the best.

CXIV.—The Ephesians deserve, man for man, to be hung, and the youth to leave the city, inasmuch as they have banished Hermodorus, the worthiest man among them, saying: “Let no one of us excel, and if

CIX.—Stobaeus Floril. iii. 82.

CX.—Clement of Alex. Strom. v. 14, p. 718 (Euseb. P. E. xiii. 13, p. 681). Context, see frag. 65.

CXI.—The passage is restored as above by Bernays (Heraclitea i. p. 34), and Bywater (p. 43), from the following sources:

Clement of Alex. Strom. v. 9, p. 682.

Proclus in Alcib. p. 255 Creuzer, = 525 ed. Cous. ii.

Clement of Alex. Strom. iv. 7, p. 586.

CXII.—Diogenes Laert. i. 88. Context:—And the fault-finding Heraclitus has especially praised him (Bias), writing, “In Priene there lived Bias, son of Teutamus, whose word was worth more than that of others,” and the Prienians dedicated to him a grove called the Teutamion. He used to say, “Most men are bad.”

CXIII.—Theodorus Prodromus in Lazerii Miscell. i. p. 20.

Idem, Tetrastich. in Basil. I (fol. κ 2 vers. ed. Bas.).

Galenus, *περὶ διαγνώσεως σφρηγῶν* i. 1; t. 3, p. 53 ed. Bas.

Symmachus, Epist. ix. 115.

Compare Epigramm. from Diogenes Laert. ix. 16.

Cicero, ad. Att. xvi. 11.

Seneca, Epist. 7.

CXIV.—Strabo xiv. 25, p. 642. Context:—Among distinguished men of the ancients who lived here (Ephesus) were Heraclitus,



there be any such, let him go elsewhere and among other people."

CXV.—Dogs, also, bark at what they do not know.

CXVI.—By its incredibility, it escapes their knowledge.<sup>36</sup>

CXVII.—A stupid man loves to be puzzled by every discourse.

CXVIII.—The most approved of those who are of repute knows how to cheat. Nevertheless, justice will catch the makers and witnesses of lies.<sup>37</sup>

CXIX.—Diogenes Laert. ix. 1. And he (Heraclitus)

called the obscure, and Hermodorus, of whom Heraclitus himself said, "The Ephesians deserve," etc.

Cicero, Tusc. v. 105.

Musonius from Stob. Floril. xl. 9.

Diogenes Laert. ix. 2.

Iamblichus, de Vit. Pyth. 30, p. 154 Arcer.

Compare Lucian, Vit. auct. 14.

Pseudo-Diogenes, Epist. 28, 6.

CXV.—Plutarch, An seni sit ger. resp. vii. p. 787. Context:—And envy, which is the greatest evil public men have to contend with, is least directed against old men. "For dogs, indeed, bark at what they do not know," according to Heraclitus.

CXVI.—Plutarch, Coriol. 38. Context:—But knowledge of divine things escapes them, for the most part, because of its incredibility, according to Heraclitus.

Clement of Alex. Strom. v. 13, p. 699. Context, see Crit. Note 36.

CXVII.—Plutarch, de Audiendo 7, p. 41. Context:—They reproach Heraclitus for saying, "A stupid man loves," etc.

Compare idem, de Aud. poet. 9, p. 28.

CXVIII.—Clement of Alex. Strom. v. 1, p. 649. Context:—"The most approved of those who are of repute knows how to be on his guard (*φυλάσσειν*, see Crit. Note 37). Nevertheless, justice will catch the makers and witnesses of lies," says the Ephesian. For this man who was acquainted with the barbarian philosophy, knew of the purification by fire of those who had lived evil lives, which afterwards the Stoics called the conflagration (*ἐκπύρωσις*).

CXIX.—Schleiermacher compares Schol. Ven. ad Iliad xviii. 251 and Eustathius, p. 1142, 5 ed. Rom., which, however, Bywater does not regard as referring to Heraclitus of Ephesus.

used to say that Homer deserved to be driven out of the lists and flogged, and Archilochus likewise.

1. CXX.—One day is like all.

CXXI.—A man's character is his daemon.<sup>88</sup>

CXXII.—There awaits men after death what they neither hope nor think.

CXXIII.—And those that are there shall arise and become guardians of the living and the dead.<sup>89</sup>

CXXIV.—Night-roamers, Magians, bacchanals, revellers in wine, the initiated.

CXX.—Seneca, *Epist.* 12. Context:—Heraclitus, who got a nickname for the obscurity of his writing, said, "One day is like all." His meaning is variously understood. If he meant all days were equal in number of hours, he spoke truly. But others say one day is equal to all in character, for in the longest space of time you would find nothing that is not in one day, both light and night and alternate revolutions of the earth.

Plutarch, *Camill.* 19. Context:—Concerning unlucky days, whether we should suppose there are such, and whether Heraclitus did right in reproaching Hesiod who distinguished good and bad days, as being ignorant that the nature of every day is one, has been examined in another place.

CXXI.—Plutarch, *Qu. Platon.* i. 2, p. 999. Context:—Did he, therefore (*viz.* Socrates) call his own nature, which was very critical and productive, God? Just as Menander says, "Our mind is God." And Heraclitus, "A man's character is his daemon."

Alexander Aphrod. *de Fato* 6, p. 16, Orell.

Stobaeus *Floril. civ.* 23. *Comp. pseudo-Heraclitus, Epist.* 9.

CXXII.—Clement of Alex. *Strom.* iv. 22, p. 630. Context:—With him (Socrates), Heraclitus seems to agree when he says in his discourse on men, "There awaits men," etc.

Idem, *Protrept.* 2, p. 18. Theodoretus, *Therap.* viii. p. 118, 1.

Themistius (Plutarch) from *Stob. Floril. cxx.* 28.

CXXIII.—Hippolytus, *Ref. haer.* ix. 10. Context:—And he (Heraclitus) says also that there is a resurrection of this visible flesh of ours, and he knows that God is the cause of this resurrection, since he says, "And those that are there shall arise," etc.

Compare Clement of Alex. *Strom.* v. 1, p. 649.

CXXIV.—Clement of Alex. *Protrept.* 2, p. 18. Context:—Rites worthy of the night and of fire, and of the great-hearted, or rather

CXXV.—For the things which are considered mysteries among men, they celebrate sacrilegiously.

CXXVI.—And to these images they pray, as if one should prattle with the houses knowing nothing of gods or heroes, who they are.

CXXVII.—For were it not Dionysus to whom they institute a procession and sing songs in honor of the pudenda, it would be the most shameful action. But Dionysus, in whose honor they rave in bacchic frenzy, and Hades are the same.<sup>40</sup>

CXXVIII.—Iamblichus, de Mysteriis v. 15. I distinguish two kinds of sacrifices. First, those of men wholly purified, such as would rarely happen in the case of a single individual, as Heraclitus says, or of a

of the idle-minded people of the Erechthidae, or even of the other Greeks, for whom there awaits after death what they do not hope (see frag. 122). Against whom, indeed, does Heraclitus of Ephesus prophesy? Against night-roamers, Magians, bacchanals, revelers in wine, the initiated. These he threatens with things after death and prophesies fire for them, for they celebrate sacrilegiously the things which are considered mysteries among men (= frag. 125).

CXXV.—Clement of Alex. Protrept. 2, p. 19. Context, see frag. 124.

Compare Arnobius, adv. Nat. v. 29.

CXXVI.—Origen, c. Cels. vii. 62, p. 384.

Idem i. 5, p. 6.

Clement of Alex. Protrept. 4, p. 44. Context:—But if you will not listen to the prophetess, hear your own philosopher, Heraclitus, the Ephesian, imputing unconsciousness to images, "And to these images," etc.

CXXVII.—Clement of Alex. Protrept. 2, p. 30. Context:—In mystic celebration of this incident, phalloi are carried through the cities in honor of Dionysus. "For were it not Dionysus to whom they institute a procession and sing songs in honor of the pudenda, it would be the most shameful action," says Heraclitus. "But Hades and Dionysus are the same, to whom they rave in bacchic frenzy," not for the intoxication of the body, as I think, so much as for the shameful ceremonial of lasciviousness.

Plutarch, de Iside 28, p. 362.

certain very few men. Second, material and corporeal sacrifices and those arising from change, such as are fit for those still fettered by the body.

CXXIX.—Atonements.<sup>41</sup>

CXXX.—When defiled, they purify themselves with blood, just as if any one who had fallen into the mud should wash himself with mud!

CXXIX.—Iamblichus, de Mys. i. 11. Context:—Therefore Heraclitus rightly called them (scil. what are offered to the gods) “atone-ments,” since they are to make amends for evils and render the souls free from the dangers in generation.

Compare Hom. Od. xxii. 481. See Crit. Note 41.

CXXX.—Elias Cretensis in Greg. Naz. l. l. (cod. Vat. Pii. 11, 6, fol. 90 r). Context:—And Heraclitus, making sport of these people, says, “When defiled, they purify themselves with blood, just as if any one who had fallen into the mud should wash himself with mud!” For to suppose that with the bodies and blood of the unreasoning animals which they offer to their gods they can cleanse the impurities of their own bodies, which are stained with vile contaminations, is like trying to wash off mud from their bodies by means of mud.

Gregory Naz. Or. xxv. (xxiii.) 15, p. 466 ed. Par. 1778.

Apollonius, Epist. 27.

Compare Plotinus, Enn. i. 6, p. 54.

## CRITICAL NOTES.

## FRAGMENT 1.

Note 1.—Instead of *λόγου*, MS has *δόγματος*, corrected by Bernays, followed by all critics except Bergk.

## FRAGMENT 2.

Note 2.—The *λόγος* of Heraclitus stood for the element of order or law in the ever-shifting world. Our word Reason may express the same idea more in accord with the thought of that time (see Introduction, p. 59 ff.). Zeller and Pfeleiderer understand by it, Reason ruling or immanent in the world; Heinze, the objective (unconscious) law of Reason; Bernays, conscious Intelligence; Teichmüller, self-conscious Reason; Schuster, on the other hand, regards it as the “revelation offered us by the audible Speech of Nature.” In the present passage, Zeller is inclined to understand by *τοῦ λόγου τοῦδε*, primarily the discourse of the author, but containing also the idea of the content of the discourse, *i. e.* the theory of the world laid down in his book (Vol. 1, p. 572, 2). For fuller account of the *λόγος*, compare Introduction, pp. 8, 12, 28, 45, 59, 61.

## FRAGMENT 13.

Note 3.—Bywater reads, *Ὅσων ὄψεις ἀκοῇ μάθησις, ταῦτα ἐγὼ προτιμέω*; Compare Introduction, p. 19 f.

## FRAGMENT 15.

Note 4.—Compare Introduction, p. 48. Bernays (Rhein. Mus. ix. 261 f.) offers the explanation that the eyes are more exact witnesses than the ears, because by the eyes we have the only pure cognition of fire, in the perception of which is the only true knowledge.

## FRAGMENT 18.

Note 5.—See Introduction, p. 36 ff.

## FRAGMENT 19.

Note 6.—Common reading has *ἐν τῷ σοφόν ἐπίστασθαι γνώμην ἥτε οἱ ἐγκυβερνήσει πάντα διὰ πάντων*. Schleiermacher, *γνώμην οἷη κυβερνήσει*. Bernays, *ἥτε οἰακίξει*. Schuster, *ἥτε οἷη τε κυβερνήσει*.

## FRAGMENT 20.

Note 7.—The sense of *ἀπάντων* is uncertain. In the citations from Plutarch and Simplicius, the word is omitted; they read

κόσμον τινδε. Zeller, whose interpretation of the word we have followed, takes it as masculine, referring to the gods and men, the meaning then being, that since gods and men are included in the world as part of it, they could not have created it. Schuster, on the other hand, renders it as follows: "Die Welt, die alles in sich befasst [die neben sich weder für andre Welten noch für einen Schöpfer Raum hat]," etc.

## FRAGMENT 21.

Note 8.—Πρηστήρ is rendered by Schuster "fiery wind" such as forms the stars. Zeller (Vol. 1, p. 588, 1) believes it has essentially the same signification as κεραυνός in frag. 28, both words being other terms for the world-ruling fire or formative principle of the world.

## FRAGMENT 23.

Note 9.—Eusebius omits γῆ, and is followed by Lassalle and Heinze. The former (Vol. 2, p. 63) translates, "Das Meer wird ausgegossen und gemessen nach demselben Logos, welcher zuerst war, ehe es (selbst) noch war," and finds here a confirmation of his interpretation of the Logos as the eternal preëxisting law of the identity of being and not-being. Heinze understands it as follows: "Das Meer verwandelt sich in denselben Logos, also in dasselbe Feuer, von welcher Beschaffenheit es vorher war, ehe es selbst entstand." Schuster reads γῆν and translates, "Das Meer ergiesst sich und nimmt sein Maass ein im selben Umfang, wie damals als noch keine Erde war" (p. 129). Zeller reads γῆ and understands the passage to refer to the return of the earth into the sea from which it sprang. By λόγος here he understands "proportion of magnitude" or "size," so that ἐς τὸν αὐτὸν λόγον means that the sea returns "to the same size" as before it became earth (Vol. 1, p. 628, 3).

## FRAGMENT 24.

Note 10.—See Introduction, pp. 15, 22, 68.

## FRAGMENT 25.

Note 11.—This fragment is not accepted by Zeller, who holds that air was not recognized by Heraclitus as one of the elements, but that he accepted only the three, fire, water, and earth. Air was added, Zeller thinks, by later writers, who confused it with the "soul" of Heraclitus (Vol. 1, p. 615). Schuster, who thinks Heraclitus did not teach a specific number of elements after the manner of Empedocles, regards the passage as trustworthy (p. 157 ff.). Teichmüller gives to air an important place in the system of Heraclitus, distinguishing the upper pure air, which is not different from fire, and the impure lower air (Vol. 1, p. 62).

## FRAGMENT 27.

Note 12.—Schleiermacher, followed by Mullach, reads *τινα* for *τις*, so that the sense becomes, "How can that which never sets escape any one?" This is unnecessary and violates the context in Clement. That which never sets is the eternal Order or Law, conceived here as Destiny or Justice. According to Zeller (Vol. 1, p. 590), that which never sets is fire. According to Schuster (p. 184), it is Relation or Law, and the *τις* refers to Helios, which, though itself the centre of power and intelligence, is yet subject to law. Teichmüller (Vol. 1, p. 184) understands it to refer to Justice or Destiny, which never sets like the sun, and which none can escape.

## FRAGMENT 35.

Note 13.—*Πλείστον* may be taken as neuter: "Hesiod was a teacher of the greatest number of things." On the unity of day and night, compare Introduction, p. 32 f.

## FRAGMENT 36.

Note 14.—The original text, which reads *ὅκταν συμμιγῆ θνώμασι*, has been variously corrected. As the subject of *συμμιγῆ*, Schuster inserts *οἶνος*, the sense then being that as wine is mixed with spices and labelled as any one pleases, so God receives different names under different forms (p. 188). Bywater, following Bernays (Rhein. Mus. ix. 245), inserts *θίωμα*, and Zeller (Vol. 1, p. 602, 2) reads *ὄκως ἀήρ* for *ὄκωσπερ*. Teichmüller (Vol. 1, p. 67) attempts to save the original reading by making *ὁ θεός*, (*i. e.* fire) the subject both of *ἀλλοιοῦνται* and *συμμιγῆ*. The correction of Bernays is the most satisfactory; the meaning then being, that as when perfumes are mixed, the mixture is named according to the scent that impresses each person, so God is named according to the attribute that most impresses the individual. Compare frag. 65. About the same sense, however, is derived from the other readings.

## FRAGMENT 38.

Note 15.—Schleiermacher and Zeller think it doubtful whether any sense can be made out of this fragment. For Schuster's fanciful explanation, see Introduction, p. 18 f. Bernays (Rhein. Mus. ix. p. 265, 6) interprets it to mean that the perception of fire, upon which depends the existence of the soul, is gained after death and the extinction of the sense of sight, by the sense of smell, just as the passage from Aristotle (frag. 37) teaches that in the conflagration of the world, all perception will be by the nostrils. Pfeleiderer (p. 218) suggests *ὄσσωνται* for *ὄσμωνται*.

## FRAGMENT 40.

Note 16.—Of this passage from Plutarch only the words *σκίδνησι καὶ ἀνάγει, πρόσσεισι καὶ ἄπεισι*, can with any certainty be attributed directly to Heraclitus. The rest bears marks of later hands, as shown by Bernays (*Heraklit. Briefe*, p. 55), and Zeller (*Vol. 1*, p. 576, 2).

## FRAGMENT 45.

Note 17.—Bernays' explanation of this passage (*Rhein. Mus.* vii. p. 94; compare Introduction, p. 44 f.) has been followed by Zeller, Schuster (partly), and Arnold Hug. According to this interpretation, the association of the bow and lyre lies in their form, which in the case of the old Greek or Scythian bow with its arms bent back at the ends, was like that of the lyre. Hence we have in the bow and the lyre, two distinct illustrations of harmony by opposite straining tension. Lassalle (*Vol. 1*, p. 113) understands it to refer to the harmony *between* the bow and the lyre; the bow and the lyre being symbols in the Apollo cult, the one of singularity and difference, the other, of universality and union. On Pfeleiderer's modification of Lassalle's view, see Introduction, p. 44. In place of *τόξον καὶ λύρης*, Bast reads *τοῦ ὀξέος τε καὶ βαρέος*. Bergk conjectures *τόξον καὶ κειρήης*. On the interpretation of this passage by Plutarch and Plato's Eryximachus as the harmony of sharps and flats in music, compare Hug (*Platons Symposion*, p. 77, 5) and Zeller (*Vol. 1*, p. 578, 2). Compare frags. 56, 43, 59.

## FRAGMENT 47.

Note 18.—Schuster (p. 24, note) reads *ἐς τί γὰρ φησίν, ἁρμονίη ὀφρανής φανερήης κρείττων*; See Introduction, p. 20, and Zeller, *Vol. 1*, p. 604, 1.

## FRAGMENT 50.

Note 19.—MS reads *γραφέων*; Duncker and Bywater, *γραφέων*; Bernays, *γναφείω*.

## FRAGMENT 55.

Note 20.—The common reading is *πᾶν ἔρπετόν τήν γῆν νέμεται*, which Zeller retains, understanding it to refer to the beastliness of men, who "feed upon the earth like the worm" (*Vol. 1*, p. 660). Pfeleiderer likewise accepts this reading, quoting Sallust, *Catil. 1*: *Vitam silentio transeunt veluti pecora, quae natura prona atque ventri obedientia finxit*. That *πληγῆ*, the reading of Stobaeus, followed by Bywater, is correct, however, is shown by comparison with Æschylus, *Ag. 358*, *Διὸς πλαγὰν ἔχουσαν εἰπεῖν*, and Plato's *Criti. 109 B*, *καθάπερ ποιμένες κτήνη πληγῆ νέμονται*. With this reading, the sense then becomes that man is subject to eternal divine force or law.



## FRAGMENT 56.

Note 21.—Compare frag. 45 and note 17. Bywater reads *παλίντονος ἁρμονίη*, here; but though in three passages, those namely given under this fragment, *παλίντονος* is found in the MSS, yet the context even in Plutarch, where sharps and flats are spoken of, calls for the meaning “harmony of oppositions,” as explained in note 17, for which we should expect *παλίντροπος* rather than *παλίντονος*.

## FRAGMENT 60.

Note 22.—What is referred to by *ταῦτα*, “these things,” has been questioned. Teichmüller, followed by Pfeiderer, has given the true explanation. *Ταῦτα* refers to some idea the opposite of “justice.” Clement is illustrating the Pauline principle that without law there would have been no sin. For this, Heraclitus, whose prominent thought was, no war without peace, no good without bad, etc., served him as good authority.

## FRAGMENT 62.

Note 23.—The original text is as follows: *Εἰ δὲ χρὴ τὸν πόλεμον ἐόντα ξυνὸν καὶ δίκην εἶναι καὶ γινόμενα πάντα κατ’ ἔριν καὶ χρεώμενα*. Schleiermacher proposes *εἰδέναι* for *εἰ δέ* and *ἔριν* for *εἶναι*, and has been followed by Zeller, Bywater and others. Schuster retains the MS form in the first clause. *Χρεώμενα* also gives trouble. Brandis proposes *σωζόμενα*. Schuster reads *καταχρεώμενα*, approved by Zeller. Lassalle and Bywater retain *χρεώμενα*. This passive use is unusual, but possible, as shown by the analogy of *καταχρεώμενα*. The translations of Schuster and Lassalle are as follows:

Schuster (p. 198)—“In dem Falle muss man also den gemeinsamen Krieg sogar Recht nennen und [sagen] das alles [nur] in Folge des Streites entsteht und sich aufbraucht.”

Lassalle—“Man muss wissen dass der Krieg das Gemeinsam ist, und der Streit das Recht, und dass nach dem Gesetz des Streits alles wird und verwendet wird (or lit. und sich bethätigt).”

*Ξυνός* in this passage has almost the signification “common good.”

## FRAGMENT 64.

Note 24.—Critics have expended their ingenuity in trying to make something out of this obscure fragment. Teichmüller (Vol. 1, p. 97 ff.) says that we have here the distinction of the intelligible from the sensible world. The former is the pure, light, fiery and most incorporeal being, compared with which the world of the senses is death. Zeller (Vol. 1, p. 651) similarly refers it to the testimony of the senses, which see the world as something “stiff and dead,” when really everything is in constant motion. Schuster (p. 276) labors with a far-fetched interpretation to show that the passage does *not*

cast any disparagement upon the senses. For Pfeiderer's explanation, see Introduction, p. 43. All these interpretations look for a theoretical meaning, when it is quite possible that no theoretical meaning was intended. It is simpler to compare it with frag. 2, and refer it to Heraclitus' repeated charge against the people, of their sleep-like condition when awake.

## FRAGMENT 65.

Note 25.—We have followed Schuster's punctuation of this fragment. Bywater, with other critics, reads, "Ἐν τῷ σοφόν μῶνον λέγεσθαι οὐκ ἐθέλει καὶ ἐθέλει Ζηνὸς οἶνομα. Τὸ σοφόν, here, is the world-ruling Wisdom or Order, to which Heraclitus applies many names. (See Introduction, p. 60 f.) It wills and wills not to be called by the name of Zeus, because that name, while it points towards its true nature, yet but partly indicates it, or in part wrongly. The variety of meanings, however, which have been drawn from this fragment may be shown by the following translations. Schleiermacher (and Lassalle): "Das Eine Weise allein will nicht ausgesprochen werden und will ausgesprochen werden, der Name des Zeus." Schuster: "Nur eines ist die Weisheit; sie lässt sich nicht und lässt sich doch wieder benennen mit des Zeus Namen." Bernays: "Eines, das allein Weise, will und will auch nicht mit des Ζην Namen genannt werden." The poetical form Ζηνος is chosen, thinks Bernays, to indicate that the One Wise is the source of "life." Zeller: "Eines, das allein Weise, will und will auch nicht mit dem Namen des Zeus benannt werden." Pfeiderer: "Als Eins will das weise Allwesen, Zeus genannt, nicht bezeichnet werden und will es." Teichmüller: "Die Weisheit, Zeus genannt, will allein eins heissen und will es auch nicht."

## FRAGMENT 72.

Note 26.—This fragment is connected by Schuster and Zeller with the group of passages concerning rest in change (see frags. 82, 83), and refers to the pleasure which the rest and change of death bring to souls. They therefore reject the *μη θάνατον* of Numenius as not Heraclitic. (Schuster, p. 191, 1. Zeller, p. 647, 2.) Pfeiderer, however (p. 222), retains the *μη θάνατον* as genuine, and explains that it is a pleasure to souls to become wet, because so by pursuing the way down into apparent death, they attain their new birth of life in death. He therefore retains also the *τέρψην δὲ εἶναι αὐταῖς τὴν εἰς τὴν γένεσιν πτώσιν*, of Numenius, as expressing the true sense of the passage.

## FRAGMENT 74.

Note 27.—The added clause of Plutarch, "It flashes through the body like lightning through the clouds," is also regarded by Schleiermacher, Schuster, Zeller, and Pfeiderer, as Heraclitic.

The similarity of the three fragments 74, 75, and 76 suggests, of course, that they are all corrupted forms of a common original. Bywater, however, accepts the form of expression in frag. 74 as surely Heraclitic and marks the other two as doubtful. Schleiermacher, from the number of citations of each of these fragments, concludes that Heraclitus had expressed himself in each of these three forms. Lassalle, in agreeing with him, believes also that Heraclitus, who was given to playing upon words (for further examples of Heraclitus' puns, compare frags. 91, 101, 127, 66), not without purpose chose the words *αἴη* and *αἴγῆ*, and sees in the use of the latter word a reference to the lightning-like movement of the soul (Vol. 2, p. 196 f.). Zeller thinks it difficult to determine the original form, but he does not regard the proposition *αἴγῆ ξηρῆ ψυχῆ σοφωτάτη*, as Heraclitic (Vol. 1, p. 643, 2).

## FRAGMENT 77.

Note 28.—The original of this difficult and corrupted passage as it appears in Clement, is as follows (unpunctuated), *Ἀνθρωπος ἐν εἰφρόνῃ φάος ἄπτεται ἐαντῷ ἀποθανόν ἀποσβεσθεὶς ζῶν δὲ ἄπτεται τεθνεώτος εἶδων ἀποσβεσθεὶς ὄψει ἐγρηγορῶς ἄπτεται εἶδοντος*. Various emendations and translations of this have been made. Compare Schuster, p. 271; Pfeleiderer, p. 204, 1. Bywater, however, finally rescues as Heraclitic the form given above in the text.

## FRAGMENT 80.

Note 29.—That this fragment is to be taken in the sense in which Diogenes understands it, rather than in that of Plutarch, is held by Schuster (p. 61) and Zeller (Vol. 1, p. 654, 4). Lassalle (Vol. 1, p. 301), following Schleiermacher, takes it as Clement does, in the sense of the Delphic inscription, "I have sought myself in the general flux of things, I have striven to know myself." For Pfeleiderer's interpretation and the true meaning, see Introduction, pp. 41, 48.

## FRAGMENT 82.

Note 30.—Lassalle, following Creuzer, reads *ἀγχεσθαι* instead of *ἀρχεσθαι* (Vol. 1, p. 131.)

## FRAGMENT 90.

Note 31.—Lassalle (Vol. 1, p. 290) interprets this fragment as follows: In waking, we distinguish our own representations from the objective world common to all. In sleeping, they are one and the same. Hence Heraclitus says the sleeping make their own world. Similarly Pfeleiderer (p. 202 f.) understands Heraclitus to mean that the sleeper makes his own world, while the waking man is conscious that corresponding to his world of ideas there is a common

objective world. Pfeiderer rejects *καὶ συνεργοῖς* as an addition of Aurelius.

## FRAGMENT 97.

Note 32.—This fragment has given trouble. Bernays (Heraclitea 15) proposes to substitute *δαίμονος* for *δαίμονος*, but has not been followed by other critics. Schleiermacher translates, “Ein thörichter Mann vernimmt nicht mehr von Schicksal als ein Kind von einem Mann.” Schuster (p. 342) renders, “Der Mensch in seiner Kindheit hat (sic [*ἰ. ε.* the names]) von Gott gehört, wie (jetzt) das Kind von dem Manne,” and finds here support for the theory of the natural fitness of names (see Introduction, p. 16), which primitive man learned directly from Nature. Zeller (Vol. 1, p. 653) refers it to the childish want of reason in man, which does not perceive the voice of the deity. Pfeiderer (p. 51) renders, “Der unverständige Mensch hat von jeher nur soviel von der Gottheit gehört, als ein Kind vom Manne.”

## FRAGMENT 103.

Note 33.—*Υβριν* here is to be taken in the sense of excess of self-assertion, the private will against the universal Law. Compare frags. 92, 104, etc.

## FRAGMENT 107.

Note 34.—The latter clause may also be translated, “Wisdom is to speak and act truly, giving ear to Nature.”

## FRAGMENT 110.

Note 35.—Clementine MS reads *βουλῆ*. Eusebius, followed by all but Mullach, reads *βουλῆ*. For Heraclitus' opinions on democracy, see, further, frags. 114, 113.

## FRAGMENT 116.

Note 36.—The passage in Clement is as follows: *ἀλλὰ τὰ μὲν τῆς γνώσεως βάθη κρύπτειν ἀπιστίη ἀγαθή, καθ' Ἡράκλειτον· ἀπιστίη γὰρ διαφυγγάνει μὴ γιγνώσκεισθαι*, from which it is seen that the words of Heraclitus, *ἀπιστίη διαφυγγάνει μὴ γιγνώσκεισθαι*, were differently understood by Clement and Plutarch. Schuster (p. 72) accepts the Clementine form, and regards the whole passage as Heraclitic, and renders, “Die Tiefe der Erkenntniss zu verbergen, das ist ein gutes Misstrauen. Denn durch diese misstrauische Behutsamkeit entgeht man dem Schicksal durchschaut zu werden,” by which he accounts for the (intentional) obscurity of Heraclitus' writings. Zeller (Vol. 1, p. 574, 2), following Schleiermacher, rejects the Clementine version, and regards the words as teaching that truth is hidden from the masses because it seems incredible to them. A still different meaning may be found in the words if we take *ἀπιστίη* as subjective, referring to the want of faith which prevents us from seeing truth.

## FRAGMENT 118.

Note 37.—The common reading is, *δοκούντων ὁ δοκιμώτατος γινώσκει φυλάσσειν*, which makes nonsense. Schleiermacher proposes *δοκούντα ὁ δοκιμώτατος γινώσκειν φυλάσσειν*. Schuster (p. 340) suggests, *δοκούντων, ὁ δοκιμώτατον γίνεται, γινώσκει φυλάσσειν*, and fancies the allusion is to the poets, who from credible things accept that which is most credible. Bergk, followed by Pfeleiderer, reads *φλνάσσειν*, to talk nonsense. Bernays, followed by Bywater, reads *πλάσσειν*.

## FRAGMENT 121.

Note 38.—This fragment has been variously translated, but the meaning seems to be that a man's God or Destiny depends not upon external divine powers, but upon his own inner nature. Teichmüller finds here the further meaning that the essence of mind is the essence of deity.

## FRAGMENT 123.

Note 39.—The meaning of this passage is very doubtful. We have followed Bernays' reading instead of the common *ἐνθα δεόντι*, which Bywater retains, although he marks it uncertain. Schuster (p. 176, 1) suggests [*δαίμων ἐθέλει*] *ἐνθαδε ἐόντι ἐπίστασθαι καὶ φυλακῆς κ. τ. λ.* Zeller (Vol. 1, p. 648, 4) regards it as a reference to the *dæmons* who are made protectors of men. Lassalle (Vol. 1, p. 185) thinks it refers to a resurrection of souls.

## FRAGMENT 127.

Note 40.—For text and discussion of this passage, see Introduction, p. 52 ff. Teichmüller's interpretation of it is as follows: "Wenn es nicht Dionysus wäre, dem sie die Procession führen und dabei das Lied auf die Schamglieder singen, so wäre das Schamloseste ausgeführt. Nun aber, ist Hades (der Sohn der Scham) derselbe wie Dionysus, dem sie rasen und Feste feiern." This means, says Teichmüller, that the shameful and the becoming are the same (Identification of opposites). For what is improper for men is proper for Dionysus, because he is the same as Hades, and Hades is the same as shame, which latter he attempts to prove from Plutarch, de Is. 29 b. Again, Dionysus and Hades are the same, because the former stands for the sun and the latter for the lower world, and as the sun is absorbed into the earth at night and generated therefrom in the morning, they must be essentially the same. (Neue Studien, Vol. 1, p. 25.)

## FRAGMENT 129.

Note 41.—That the use of this term was ironical, is made probable by the following fragment.

## ΗΡΑΚΛΕΙΤΟΥ ΕΦΕΣΙΟΥ

## ΠΕΡΙ ΦΥΣΕΩΣ.

I. Οὐκ ἐμεῦ ἀλλὰ τοῦ λόγου ἀκούσαντας ὁμολογέειν σοφὸν ἔστι, ἐν πάντα εἶναι.

II. Τοῦ δὲ λόγου τοῦδ' ἐόντος αἰεὶ ἀξύνετοι γίνονται ἄνθρωποι καὶ πρόσθεν ἢ ἀκοῦσαι καὶ ἀκούσαντες τὸ πρῶτον. γινομένων γὰρ πάντων κατὰ τὸν λόγον τόνδε ἀπείροισι εἰκάσι πειρώμενοι καὶ ἐπέων καὶ ἔργων τοιούτων ὁκοίων ἐγὼ διηγεῦμαι, διαίρων ἕκαστον κατὰ φύσιν καὶ φράζων ὅπως ἔχει. τοὺς δὲ ἄλλους ἀνθρώπους λαμβάνει ὁκόσα ἐγερθέντες ποιέουσι, ὅκωσπερ ὁκόσα εὔδοντες ἐπιλαμβάνονται.

III. Ἀξύνετοι ἀκούσαντες κωφοῖσι εἰκάσι φάτις αὐτοῖσι μαρτυρεῖ παρεόντας ἀπείναι.

IV. Κακοὶ μάρτυρες ἀνθρώποισι ὀφθαλμοὶ καὶ ὄτα, βαρβάρους ψυχὰς ἐχόντων.

V. Οὐ φρονέουσι τοιαῦτα πολλοὶ ὁκόσοισι ἐγκυρέουσι οὐδὲ μαθόντες γινώσκουσι, ἐωτοῖσι δὲ δοκέουσι.

VI. Ἀκοῦσαι οὐκ ἐπιστάμενοι οὐδ' εἰπεῖν.

VII. Ἐὰν μὴ ἔλπει, ἀνέλπιστον οὐκ ἐξευρήσει, ἀνεξερευνητον ἔον καὶ ἄπορον.

VIII. Χρυσὸν οἱ διζήμενοι γῆν πολλὴν ὀρύσσουσι καὶ εὐρίσκουσι ὀλίγον.

IX. Ἀγχιβασίην.

X. Φύσις κρύπτεσθαι φιλεῖ.

XI. Ὁ ἀναξ οὐδὲ τὸ μαντεῖόν ἔστι τὸ ἐν Δελφοῖς, οὔτε λέγει οὔτε κρύπτει, ἀλλὰ σημαίνει.

XII. Σίβυλλα δὲ μαινομένη στόματι ἀγέλαστα καὶ ἀκαλλώπιστα καὶ ἀμύριστα φθεγγομένη χιλίων ἐτέων ἐξικνέεται τῇ φωνῇ διὰ τὸν θεόν.

XIII. Ὅσων ὄψις ἀκοὴ μήθησις, ταῦτα ἐγὼ προτιμέω.

XIV. Polybius iv. 40: τοῦτο γὰρ ἰδιὸν ἔστι τῶν νῦν καιρῶν, ἐν οἷς πάντων πλωτῶν καὶ πορευτῶν γεγονότων οὐκ ἂν ἔτι πρέπον εἶη ποιηταῖς καὶ

μυθογράφοις χρῆσθαι μάρτυσι περὶ τῶν αγνοουμένων, ὕπερ οἱ πρὸ ἡμῶν περὶ τῶν πλείστων, ἀπίστους ἀμφισβητουμένων παρεχόμενοι βεβαιωτὰς κατὰ τὸν Ἑράκλειτον.

XV. Ὁφθαλμοὶ τῶν ὄτων ἀκριβέστεροι μάρτυρες.

XVI. Πολυμαθὴν νόον ἔχειν οὐ διδάσκει· Ἡσίοδον γὰρ ἂν ἐδίδαξε καὶ Πυθαγόρην αὐτίς τε Ξενοφάνεια καὶ Ἑκαταῖον.

XVII. Πυθαγόρης Μνησάρχου ἱστορίην ἤσκησε ἀνθρώπων μάλιστα πάντων. καὶ ἐκλεξάμενος ταύτας τὰς συγγραφὰς ἐποίησε ἑωυτοῦ σοφίην, πολυμαθίην, κακοτεχνίην.

XVIII. Ὀκόσων λόγους ἤκουσα οὐδεὶς ἀφικνέεται ἐς τοῦτο, ὥστε γινώσκειν ὅτι σοφόν ἐστι πάντων κεχωρισμένον.

XIX. Ἐν τῷ σοφόν, ἐπίστασθαι γνώμην ἢ κυβερνᾶται πάντα διὰ πάντων.

XX. Κόσμον < τόνδε > τὸν αὐτὸν ἀπάντων οὔτε τις θεῶν οὔτε ἀνθρώπων ἐποίησε, ἀλλ' ἦν αἰεὶ καὶ ἔστι καὶ ἔσται πῦρ αἰείζωνον, ἀπτόμενον μέτρα καὶ ἀποσβεννύμενον μέτρα.

XXI. Πυρὸς τροπαὶ πρῶτον θάλασσα· θαλάσσης δὲ τὸ μὲν ἡμισυ γῆ, τὸ δὲ ἡμισυ πρηστήρ.

XXII. Πυρὸς ἀνταμείβεται πάντα καὶ πῦρ ἀπάντων, ὥσπερ χρυσοῦ χρήματα καὶ χρημάτων χρυσός.

XXIII. Θάλασσα διαχέεται καὶ μετρέεται ἐς τὸν αὐτὸν λόγον ὀκοῖος πρόσθεν ἦν ἢ γενέσθαι †γῆ†.

XXIV. Χρησμοσύνη . . . κόρος.

XXV. Ζῆ πῦρ τὸν γῆς θάνατον, καὶ αἷρ ζῆ τὸν πυρὸς θάνατον· ὕδωρ ζῆ τὸν ἀέρος θάνατον, γῆ τὸν ὕδατος.

XXVI. Πάντα τὸ πῦρ ἐπελθὼν κρινεῖ καὶ καταλήψεται.

XXVII. Τὸ μὴ δύνόν ποτε πῶς ἂν τις λάθοι;

XXVIII. Τὰ δὲ πάντα οἰακίζει κεραυνός.

XXIX. Ἥλιος οὐχ ὑπερβήσεται μέτρα· εἰ δὲ μή, Ἑρινύες μιν δίκης ἐπίκουροι ἐξευρήσουσι.

XXX. Ἡοῦς καὶ ἐσπέρης τέρματα ἢ ἄρκτος, καὶ ἀντίον τῆς ἄρκτου οὐδρος αἰθρίου Διός.

XXXI. Εἰ μὴ ἥλιος ἦν, εὐφρόνη ἂν ἦν.

XXXII. Νέος ἐφ' ἡμέρῃ ἥλιος.

XXXIII. Diogenes Laert. i. 23: δοκεῖ δὲ (scil. θαλῆς) κατά τινας πρῶτος ἀστρολογῆσαι καὶ ἡλιακὰς ἐκλείψεις καὶ τροπὰς προειπεῖν, ὡς φησιν Εὐδήμος ἐν τῇ περὶ τῶν ἀστρολογουμένων ἱστορίᾳ· ὅθεν αὐτὸν καὶ Ξενοφάνης καὶ Ἡρόδοτος θαυμάζει. μαρτυρεῖ δ' αὐτῷ καὶ Ἡράκλειτος καὶ Δημόκριτος.

XXXIV. Plutarchus Qu. Plat. viii. 4, p. 1007: οὕτως οὖν ἀναγκαίαν πρὸς τὸν οὐρανὸν ἔχων συμπλοκὴν καὶ συναρμογὴν ὁ χρόνος οὐχ ἀπλῶς ἐστὶ κίνησις ἀλλ', ὥσπερ εἴρηται, κίνησις ἐν τάξει μετρον ἐχούσῃ καὶ πέρατα καὶ περιόδους. ὣν ὁ ἥλιος ἐπιστάτης ὣν καὶ σκοπός, ὀρίξειν καὶ βραβευεῖν καὶ ἀναδεικνύειν καὶ ἀναφαίνειν μεταβολὰς καὶ ὥρας αἰ πάντα φέρουσι, καθ' Ἡράκλειτον, οὐδὲ φαύλων οὐδὲ μικρῶν, ἀλλὰ τῶν μεγίστων καὶ κυριωτάτων τῷ ἡγεμόνι καὶ πρώτῳ θεῷ γίνεται συνεργός.

XXXV. Διδάσκαλος δὲ πλείστων Ἡσίοδος· τοῦτον ἐπίστανται πλείστα εἰδέναί, ὅστις ἡμέρην καὶ εὐφρόνην οὐκ ἐγίνωσκε· ἔστι γὰρ ἔν.

XXXVI. Ὁ θεὸς ἡμέρῃ εὐφρόνη, χειμῶν θέρος, πόλεμος εἰρήνη, κύρος λμός· ἀλλοιοῦνται δὲ ὅκωσπερ ὁκόταν συμμιγῆ <θυώμα> θυώμασι· ὀνομάζεται καθ' ἡδονὴν ἐκύστων.

XXXVII. Aristoteles de Sensu 5, p. 443 a 21: δοκεῖ δ' ἐνίοις ἢ καπνώδης ἀναθυμίασις εἶναι ὀσμὴ, ὅσα κοινὴ γῆς τε καὶ αἰέρος. καὶ πάντες ἐπιφέρονται ἐπὶ τοῦτο περὶ ὀσμῆς· διὸ καὶ Ἡράκλειτος οὕτως εἴρηκεν, ὡς εἰ πάντα τὰ ὄντα καπνὸς γένοιτο, ρίνες ἂν διαγνοῖεν.

XXXVIII. Αἱ ψυχαὶ ὀσμῶνται καθ' ἄδην.

XXXIX. Τὰ ψυχρὰ θέρεται, θερμὸν ψύχεται, ὑγρὸν αὐαίνεται, καρφαλέον νοτίζεται.

XL. Σκίδνησι καὶ συνάγει, πρόσεισι καὶ ἄπεισι.

XLI. Ποταμοῖσι δις τοῖσι αὐτοῖσι οὐκ ἂν ἐμβαίης· ἔτερα γὰρ <καὶ ἔτερα> ἐπιρρέει ὕδατα.

XLII. † Ποταμοῖσι τοῖσι αὐτοῖσι ἐμβαίνουσιν ἔτερα καὶ ἔτερα ὕδατα ἐπιρρεῖ †.

XLIII. Aristoteles Eth. Eud. vii. ♣, p. 1235 a 26: καὶ Ἡράκλειτος ἐπιτιμᾷ τῷ ποιήσαντι· ὡς ἔρις ἔκ τε θεῶν καὶ ἀνθρώπων ἀπόλοιτο· οὐ γὰρ ἂν εἶναι ἀρμονίαν μὴ ὄντος ὀξέος καὶ βαρέος, οὐδὲ τὰ ζῆα ἄνευ θήλεος καὶ ἄρρενος, ἐναντίων ὄντων.



XLIV. Πόλεμος πάντων μὲν πατήρ ἐστι πάντων δὲ βασιλεύς, καὶ τοὺς μὲν θεοὺς ἔδειξε τοὺς δὲ ἀνθρώπους, τοὺς μὲν δούλους ἐποίησε τοὺς δὲ ἐλευθέρους.

XLV. Οὐ ξυνίασι ὅκως διαφερόμενον ἐωυτῷ ὁμολογέει· παλίντροπος ἀρμονίη ὄκωσπερ τόξου καὶ λύρης.

XLVI. Aristoteles Eth. Nic. viii. 2, p. 1155 b 1: καὶ περὶ αὐτῶν τούτων ἀνώτερον ἐπιζητοῦσι καὶ φυσικώτερον· Εὐριπίδης μὲν φάσκων ἐρᾶν μὲν ὄμβρου γαῖαν ξηρανθεῖσαν, ἐρᾶν δὲ σεμνὸν οὐρανὸν πληρούμενον ὄμβρου πεσεῖν ἐς γαῖαν· καὶ Ἡράκλειτος τὸ ἀντίξουν συμφέρον, καὶ ἐκ τῶν διαφερόντων καλλίστην ἀρμονίαν, καὶ πάντα κατ' ἔριν γίνεσθαι.

XLVII. Ἀρμονίη ἀφανῆς φανερῆς κρείσσων.

XLVIII. Μὴ εἰκὴ περὶ τῶν μεγίστων συμβαλώμεθα.

XLIX. Χρὴ εὖ μάλα πολλῶν ἱστορας φιλοσόφους ἄνδρας εἶναι.

L. Γραφῆων ὁδὸς εὐθεία καὶ σκολιή μία ἐστὶ καὶ ἡ αὐτή.

LI. Ὅνοι σύρματ' ἂν ἔλουντο μᾶλλον ἢ χρυσόν.

LII. Θάλασσα ὕδωρ καθαρώτατον καὶ μιαρώτατον, ἰχθύσι μὲν πότιμον καὶ σωτήριον, ἀνθρώποις δὲ ἄσποτον καὶ ὀλέθριον.

LIII. Columella de R. R. viii. 4: siccus etiam pulvis et cinis, ubicunque cohortem porticus vel tectum protegit, iuxta parietes reponendus est, ut sit quo aves se perfundant: nam his rebus plumam pinnaeque emendant, si modo credimus Ephesio Heraclito qui ait: sues coeno, cohortales aves pulvere (vel cinere) lavari.

LIV. Βορβόρω χαίρειν.

LV. Πᾶν ἐρπετὸν πλῆγῃ νέμεται.

LVI. Παλίντροπος ἀρμονίη κόσμου ὄκωσπερ λύρης καὶ τόξου.

LVII. Ἀγαθὸν καὶ κακὸν ταυτόν.

LVIII. Hippolytus Ref. haer. ix. 10: καὶ ἀγαθὸν καὶ κακὸν (scil. ἔν ἐστι)· οἱ γοῦν ἰατροί, φησὶν ὁ Ἡράκλειτος, τέμνοντες καίοντες πάντη βασανίζοντες κακῶς τοὺς ἀρρωστούντας ἐπαιτιῶνται μηδὲν ἄξιον μισθὸν λαμβάνειν παρὰ τῶν ἀρρωστούντων, ταῦτα ἐργαζόμενοι τὰ ἀγαθὰ καὶ † τὰς νόσους †.

LIX. Συνάψειας οὐλα καὶ οὐχὶ οὐλα, συμφερόμενον διαφερόμενον, συναῖδον διᾶδον· ἐκ πάντων ἐν καὶ ἐξ ἐνὸς πάντα.

LX. Δίκης οὐνομα οὐκ ἂν ἤδεσαν, εἰ ταῦτα μὴ ἦν.

LXI. Schol. B. in II. iv. 4, p. 120 Bekk. : ἀπρεπές φασιν, εἰ τέρπει τοὺς θεοὺς πολέμων θεά. ἀλλ' οὐκ ἀπρεπές· τὴ γὰρ γενναῖα ἔργα τέρπει. ἄλλως τε πόλεμοι καὶ μάχαι ἡμῖν μὲν δεινὰ δοκεῖ, τῷ δὲ θεῷ οὐδὲ ταῦτα δεινὰ. συντελεῖ γὰρ ἅπαντα ὁ θεὸς πρὸς ἁρμονίαν τῶν ὄλων, οἰκονομῶν τὰ συμφέροντα, ὅπερ καὶ Ἡράκλειτος λέγει, ὡς τῷ μὲν θεῷ καλὰ πάντα καὶ ἀγαθὰ καὶ δίκαια, ἄνθρωποι δὲ ἅ μὲν ἄδικα ὑπειλήφασιν, ἅ δὲ δίκαια.

LXII. Εἰδέναι χρὴ τὸν πόλεμον εἶντα ξυνόν, καὶ δίκην ἔριν· καὶ γινόμενα πάντα κατ' ἔριν καὶ † χρεώμενα †.

LXIII. \*Ἔστι γὰρ εἰμαρμένα πάντως \* \* \* \*.

LXIV. Θάνατός ἐστι ὀκόσα ἐγερθέντες ὀρέομεν, ὀκόσα δὲ εὐδοντες ὕπνος.

LXV. \*Ἐν τῷ σοφόν μόνον· λέγεσθαι οὐκ ἐθέλει καὶ ἐθέλει Ζηνὸς οὐνομα.

LXVI. Τοῦ βιοῦ οὐνομα βίος, ἔργον δὲ θάνατος.

LXVII. Ἀθάνατοι θνητοί, θνητοὶ ἀθάνατοι, ζῶντες τὸν ἐκείνων θάνατον τὸν δὲ ἐκείνων βίον τεθνεῶτες.

LXVIII. Ψυχῆσι γὰρ θάνατος ἕδωρ γενέσθαι, ἕδατι δὲ θάνατος γῆν γενέσθαι· ἐκ γῆς δὲ ἕδωρ γίνεται, ἐξ ἕδατος δὲ ψυχὴ.

LXIX. Ὀδὸς ἄνω κάτω μία καὶ ὤντη.

LXX. Ξυνὸν ἀρχὴ καὶ πέρασ.

LXXI. Ψυχῆς πείρατα οὐκ ἂν ἐξεύροιο πᾶσαν ἐπιπορευόμενος ὁδόν.

LXXII. Ψυχῆσι τέρψις ὑγρῆσι γενέσθαι.

LXXIII. Ἀνήρ ὀκότ' ἂν μεθυσθῆ, ἄγεται ὑπὸ παιδὸς ἀνήβου σφαλλόμενος, οὐκ ἐπαῖων ὄκη βαίνει, ὑγρὴν τὴν ψυχὴν ἔχων.

LXXIV. Αὔη ψυχὴ σοφωτάτη καὶ ἀρίστη.

LXXV. † Αὐγὴ ξηρὴ ψυχὴ σοφωτάτη καὶ ἀρίστη †.

LXXVI. † Οὐ γῆ ξηρὴ, ψυχὴ σοφωτάτη καὶ ἀρίστη †.

LXXVII. \*Ἄνθρωπος, ὅκως ἐν εὐφρόνῃ φάιος, ἀπτεται ἀποσβέννυται.

LXXVIII. Plutarchus Consol. ad Apoll. 10, p. 106: πότε γὰρ ἐν ἡμῖν αὐτοῖς οὐκ ἔστιν ὁ θάνατος; καὶ ἦ φησιν Ἡράκλειτος, ταῦτ' εἶναι

ζῶν καὶ τεθνηκός, καὶ τὸ ἐργηγορὸς καὶ τὸ καθεῦδον, καὶ νέον καὶ γηραιόν·  
τάδε γὰρ μεταπεσόντα ἐκεῖνά ἐστι κάκεινα πάλιν μεταπεσόντα ταῦτα.

LXXIX. Αἰὼν παῖς ἐστι παίζων πεσσεύων· παιδὸς ἢ βασιλῆῃ.

LXXX. Ἐδιζησάμην ἐμειωτόν.

LXXXI. Ποταμοῖσι τοῖσι αὐτοῖσι ἐμβαίνομέν τε καὶ οὐκ ἐμβαίνομεν,  
εἶμέν τε καὶ οὐκ εἶμεν.

LXXXII. Κάματός ἐστι τοῖς αὐτοῖς μοχθεῖν καὶ ἄρχεσθαι.

LXXXIII. Μεταβάλλον ἀναπαύεται.

LXXXIV. Καὶ ὁ κυκεὼν δίσταται μὴ κινεόμενος.

LXXXV. Νέκυες κοπρίων ἐκβλητότεροι.

LXXXVI. Γενόμενοι ζῶειν ἐθέλουσι μόρους τ' ἔχειν· μᾶλλον δὲ  
ἀναπαύεσθαι, καὶ παῖδας καταλείπουσι μόρους γενέσθαι.

LXXXVII. Plutarchus de Orac. def. 11, p. 415: οἱ μὲν  
“ἡβώντος” ἀναγινώσκοντες (apud Hesiod. fr. 163 Goettling) ἔτη  
τριάκοντα ποιοῦσι τὴν γενεὰν καθ' Ἡράκλειτον· ἐν ᾧ χρόνῳ γεννῶντα  
παρέχει τὸν ἐξ αὐτοῦ γεγεννημένον ὁ γεννήσας.

LXXXVIII. Io. Lydus de Mensibus iii. 10, p. 37 ed. Bonn:  
ὁ τριάκοντα ἀριθμὸς φυσικώτατός ἐστιν· ὃ γὰρ ἐν μονάσι τριάς, τοῦτο ἐν  
δεκάσι τριακοντάς. ἐπεὶ καὶ ὁ τοῦ μηνὸς κύκλος συνέστηκεν ἐκ τεσσάρων  
τῶν ἀπὸ μονάδος ἐξῆς τετραγώνων α', δ', θ', ιε'. ὅθεν οὐκ ἀπὸ σκοποῦ  
Ἡράκλειτος γενεὰν τὸν μῆνα καλεῖ.

LXXXIX. Ex homine in tricennio potest avus haberi.

XC. M. Antoninus vi. 42: πάντες εἰς ἓν ἀποτελεσμα συνεργῶμεν,  
οἱ μὲν εἰδότης καὶ πᾶρακολουθητικῶς, οἱ δὲ ἀνεπιστάτως· ὥσπερ καὶ τοὺς  
καθεύδοντας, οἶμαι, ὃ Ἡράκλειτος ἐργάτας εἶναι λέγει καὶ συνεργοὺς τῶν  
ἐν τῷ κόσμῳ γινομένων.

XCI. Ξυνὸν ἐστι πᾶσι τὸ φρονέειν. ξὺν νόμῳ λέγοντας ἰσχυρίζεσθαι  
χρὴ τῷ ξυνῷ πάντων, ὅκωσπερ νόμῳ πόλις καὶ πολὺ ἰσχυροτέρως. τρέ-  
φονται γὰρ πάντες οἱ ἀνθρώπειοι νόμοι ὑπὸ ἐνὸς τοῦ θείου· κρατεῖ γὰρ  
τοσοῦτον ὁκόσον ἐθέλει καὶ ἐξαρκείει πᾶσι καὶ περιγίνεται.

XCII. Τοῦ λόγου δ' ἐόντος ξυνοῦ, ζῶουσι οἱ πολλοὶ ὡς ἰδίην ἔχοντες  
φρόνησιν.

XCIII. Ὡμὶ μάλιστα διηνεκέως ὀμιλέουσι, τούτῳ διαφέρονται.

XCIV. Οὐ δεῖ ὡσπερ καθεύδοντας ποιεῖν καὶ λέγειν.

XCv. Plutarchus de Superst. 3, p. 166: ὁ Ἡράκλειτός φησι, τοῖς ἐγγηγορόσιν ἓνα καὶ κοινὸν κόσμον εἶναι, τῶν δὲ κοιμωμένων ἕκαστον εἰς ἴδιον ἀποστρέφεισθαι.

XCVI. ἦθος γὰρ ἀνθρώπειον μὲν οὐκ ἔχει γνώμας, θεῖον δὲ ἔχει.

XCvII. Ἄνηρ νήπιος ἦκουσε πρὸς δαίμονος ὄκωσπερ παῖς πρὸς ἀνδρός.

XCvIII. Plato Hipp. mai. 289 B: ἢ οὐ καὶ Ἡράκλειτος ταῦτόν τοῦτο λέγει, ὃν σὺ ἐπάγει, ὅτι ἀνθρώπων ὁ σοφώτατος πρὸς θεὸν πίθηκος φανέται καὶ σοφία καὶ κάλλι καὶ τοῖς ἄλλοις πᾶσιν;

XCIX. Plato Hipp. mai. 289 A: ὦ ἄνθρωπε, ἀγνοεῖς ὅτι τὸ τοῦ Ἡρακλείτου εὖ ἔχει, ὡς ἄρα πιθήκων ὁ κάλλιστος αἰσχρὸς ἄλλφ γένει συμβάλλειν, καὶ χυτρῶν ἢ καλλίστη αἰσχρὰ παρθένων γένει συμβάλλειν, ὡς φησιν Ἰππίας ὁ σοφός.

C. Μάχεσθαι χρὴ τὸν δῆμον ὑπὲρ τοῦ νόμου ὄκως ὑπὲρ τείχεος.

CI. Μόροι γὰρ μέζονες μέζοντας μοίρας λαγχάνουσι.

CII. Ἀρηιφάτους θεοὶ τιμῶσι καὶ ἄνθρωποι.

CIII. Ὑβριν χρὴ σβεννύειν μᾶλλον ἢ πυρκαϊήν.

CIV. Ἀνθρώποισι γίνεσθαι ὀκόσα θέλουσι οὐκ ἄμεινον. νοῦσος ὑγίειαν ἐποίησε ἡδὺν καὶ ἀγαθόν, λιμὸς κόρον, κάματος ἀνάπαυσιν.

CV. Θυμῷ μάχεσθαι χαλεπόν· ὅ τι γὰρ ἂν χρηρίζῃ γίνεσθαι, ψυχῆς ὠνέεται.

CVI. † Ἀνθρώποισι πᾶσι μέτεστι γινώσκειν ἑαυτοὺς καὶ σωφρονεῖν †.

CVII. † Σωφρονεῖν ἀρετὴ μεγίστη· καὶ σοφίη ἀληθῆα λέγειν καὶ ποιεῖν κατὰ φύσιν ἐπαίοντας †.

CVIII. Ἀμαθίην ἄμεινον κρύπτειν· ἔργον δὲ ἐν ἀνέσει καὶ παρ' οἶνον.

CIX. † Κρύπτειν ἀμαθίην κρέσσον ἢ ἐς τὸ μέσον φέρειν †.

CX. Νόμος καὶ βουλῇ πείθεσθαι ἐνός.

CXI. Τίς γὰρ αὐτῶν νόος ἢ φρήν; [δῆμων] αἰοιδοῖσι ἔπονται καὶ διδασκάλφ χρέωνται ὀμίλφ, οὐκ εἰδότες ὅτι πολλοὶ κακοὶ ὀλίγοι δὲ ἀγαθοί. αἰρεῦνται γὰρ ἐν ἀντία πάντων οἱ ἄριστοι, κλέος ἀναον θνητῶν, οἱ δὲ πολλοὶ κεκόρηται ὄκωσπερ κτήνεα.

CXII. Ἐν Πιρήνῃ Βίας ἐγένετο ὁ Τευτάμεω, οὗ πλέων λόγος ἢ τῶν ἄλλων.

CXIII. Εἰς ἐμοὶ μύριοι, ἐὰν ἄριστος ᾖ.

CXIV. "Αξιον Ἐφεσίοις ἠβηδὸν ἀπάγξασθαι πᾶσι καὶ τοῖς ἀνήβοις τὴν πόλιν καταλιπεῖν, οἵτινες Ἐρμόδωρον ἄνδρα ἐωντῶν ὀνήιστον ἐξέβαλον, φάντες ἡμέων μηδὲ εἰς ὀνήιστος ἔστω, εἰ δὲ μή, ἄλλη τε καὶ μετ' ἄλλων.

CXV. Κύνες καὶ βαῦζουσι ὄν ἂν μὴ γινώσκωσι.

CXVI. Ἄπιστιή διαφυγγάνει μὴ γινώσκεσθαι.

CXVII. Βλαξ ἄνθρωπος ἐπὶ παντὶ λόγῳ ἐπτοῆσθαι φιλέει.

CXVIII. Δοκεόντων ὁ δοκιμώτατος γινώσκει πλίσσειν· καὶ μέντοι καὶ δίκη καταλήψεται ψευδέων τέκτονας καὶ μάρτυρας.

CXIX. Diogenes Laert. ix. 1: τὸν θ' Ὅμηρον ἔφασκεν ἄξιον ἐκ τῶν ἀγόνων ἐκβάλλεσθαι καὶ ῥαπίζεσθαι, καὶ Ἀρχίλοχον ὁμοίως.

CXX. Unus dies par omni est.

CXXI. ἦθος ἀνθρώπῳ δαίμων.

CXXII. Ἀνθρώπους μένει τελευτήσαντας ἄσσα οὐκ ἔλπονται οὐδὲ δοκέουσι.

CXXIII. Ἐνθαδε ἐόντας ἐπανίστασθαι καὶ φύλακας γίνεσθαι ἐγερτὶ ζώντων καὶ νεκρῶν.

CXXIV. Νυκτιπόλοι, μάγοι, βιάχοι, λῆναι, μύσται.

CXXV. Τὰ γὰρ νομιζόμενα κατ' ἀνθρώπους μυστήρια ἀνιερωστὶ μνεῦνται.

CXXVI. Καὶ τοῖς ἀγάλμασι τουτέοισι εὔχονται, ὀκοῖον εἴ τις τοῖς δόμοισι λεσχηνεύοιτο, οὗ τι γινώσκων θεοὺς οὐδ' ἥρωας, οἵτινές εἰσι.

CXXVII. Εἰ μὴ γὰρ Διονύσῳ πομπὴν ἐποιεῦντο καὶ ὕμνεον ἄσμα αἰδοίοισι, ἀναιδέστατα εἵργαστ' ἂν· ὠντὺς δὲ Ἀΐδης καὶ Διόνυσος, ὅτεφ μαινονται καὶ ληναίζουσι.

CXXVIII. Iamblichus de Myst. v. 15: θυσιῶν τοίνυν τίθημι διττὰ εἶδη· τὰ μὲν τῶν ἀποκεκαθαρμένων παντάπασιν ἀνθρώπων, οἷα ἐφ' ἐνὸς ἂν ποτε γένοιτο σπάνιως, ὡς φησιν Ἡράκλειτος, ἢ τινων ὀλίγων εὐαριθμῆτων ἀνδρῶν· τὰ δ' ἔνυλα καὶ σωματοειδῆ καὶ διὰ μεταβολῆς συνιστάμενα, οἷα τοῖς ἔτι κατεχομένοις ὑπὸ τοῦ σώματος ἀρμόζει.

CXXIX. Ἄκεα.

CXXX. Καθαίρονται δὲ αἵματι μαινώμενοι ὥσπερ ἂν εἴ τις ἐς πηλὸν ἐμβὰς πηλῷ ἀπονίροιτο.



I-II

THE BEGINNINGS

OF

AMERICAN NATIONALITY





JOHNS HOPKINS UNIVERSITY STUDIES  
IN  
HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor.

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History is past Politics and Politics present History — *Freeman*.

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EIGHTH SERIES

I-II

THE BEGINNINGS  
OF  
AMERICAN NATIONALITY

The Constitutional Relations Between the Continental  
Congress and the Colonies and States  
from 1774 to 1789

BY ALBION W. SMALL, PH. D.  
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The present number concludes with the introduction to Section VI. The next instalment of the work will continue the discussion through Chapters III and IV, or to the Declaration of Independence.



# THE BEGINNINGS OF AMERICAN NATIONALITY.

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## CHAPTER I.

### INTRODUCTION.

The facts of American history were very early confounded with the definitions and doctrines of a dogmatic political philosophy. Before our Constitution was three score years old, it had been associated with a mass of theoretical and fanciful folk lore, whose authenticity was more vehemently asserted than were the facts themselves. A body of tradition grew up about the origins of our nationality, and it became the mould in which all conclusions from documentary sources must be cast. This apocryphal element obscured the genuine portions of our history, and became the criterion by which events were judged, instead of remaining an hypothesis which the examination of evidence should justify or destroy.

The general view of our national development which found its ablest political champion in Daniel Webster, discovered in the history of the United States an experience absolutely unprecedented. It saw a nation "born in a day." It saw, nevertheless, the anomalous spectacle of repeatedly threatened and finally attempted self-destruction, in the body thus spontaneously generated. Persons who have approached the study

since the interpretation of our Constitution ceased to be a subject for angry dispute, are to be pardoned if they suspect that the point of observation from which our history presents such a phenomenal aspect was not fortunately chosen. It is not surprising that men who have been taught to trace between all historical causes and effects the slow procession of gradual advance, are suspicious of the alleged singular exception. They cannot silence the supposition that there must have been process and plan, not merely catastrophe, at the foundation of our nationality. They see no reason why, from material so abundant, compared with that by means of which so many remote periods have been revived, it should not be possible to reconstruct the plan of our national formation.

The men upon whom we have hitherto depended for a knowledge of our early constitutional history have embarrassed us with the abundance of their learning. Most conspicuously is this true of Mr. Bancroft. To depreciate his work would be no less uncritical than impertinent. Failure to regard him with grateful admiration would forcibly argue unfitness to be an apprentice where he is a master. Yet it may, without disrespect, be observed, that he has credited his readers with powers of discrimination which few possess. As a consequence, while performing a service beyond praise, he has imposed upon students a task which the majority will scarcely prove competent to perform.

It would be a labor of no mean merit to reorganize the material in Mr. Bancroft's last volumes, and arrange it in three groups, each exhibiting a distinct process of evolution. There is, in the first place, material in the volumes for a book on the development of individual opinion in America, upon political philosophy in general, and its particular application to the problems involved in the controversy with Great Britain. There is, in the second place, material for the history of that organization of political forces which was at length defined in the written Constitution of 1789. There is, finally,

material for an account of that necessary assimilation of thought and feeling, without which written constitutions are simply words, a process which began with extreme provincialism, and which was going forward, not completed, in the adoption of the work of the Federal Convention. So long as these distinct lines of development are practically identified by students, so long will each and all of them be misunderstood. It is inevitable that the opinions of Washington and Jefferson and Hamilton upon public policy will seem to be indexes of general sentiment, and that they will color our interpretation of acts and enactments if all are presented together. If the significance of individual opinions is to be apprehended, the personal equation must be computed in every instance. This line of investigation can therefore be properly followed only by itself. If the political condition and development of the *masses* is to be exhibited, testimony of an entirely different sort must be adduced. Hence this must be a separate sphere of research and conclusion. If, finally, institutions are to be described, their action, not their definition, must be observed.

Failure to recognize these fundamental requirements is accountable for much that is misleading in attempts to expound our national experience.

It seems necessary, therefore, to draw, in the first place, very sharp lines between these different areas of investigation. This study is concerned, then, not with the growth of individual opinion, but with the growth of institutions. It is an effort to select a more natural vanishing point for the perspective of our national history.

The question proposed at the outset is:—*What was the exact relation of the Continental Congresses to the colonies and states.* Nearly all the fallacies in the literature of our constitutional history may be traced, wholly or in part, to *assumptions* in answer to this question. Our constitutional history cannot be written with authority until the question of fact

here raised is settled by appeal to the detailed evidence on record.<sup>1</sup>

The most natural method of exhibiting the relations between Congress and Colonies would seem to be, then, to place them before the reader in exactly the relations in which they appear in the public records. That method has been adopted in the following pages. After a brief account of the legal character of the communities with which the history deals, extracts from the records are arranged to show: *First*, the character of the bodies that assumed to act for the colonies; *second*, the powers which these colonial bodies gave to representatives in the continental body; *third*, the character of the continental body so composed; *fourth*, the acts of the continental body; *fifth*, the corresponding acts of the colonial bodies.

This method of exposition is applied *first*, to the period of the Congress of 1774; *second*, to that of the first session of the Congress of 1775; *third*, to that of the session September, 1775 to July, 1776; *fourth*, to the pre-confederation period, July, 1776 to March, 1781; *fifth*, to the period of the Confederation.

As hinted above, this study has proceeded upon the principle that in the nature of the case there is and can be but one text-book of our constitutional history. That book is in many parts, but it is composed solely of the authentic records of public acts, with occasionally admissible marginal notes drawn from more private sources. In collecting and arranging data for generalization from the public records, the exposition has gone forward as though these authorities had, up to

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<sup>1</sup> It is astonishing that, after a space of thirty years for reflection, Mr. George Ticknor Curtis now reprints his history of the Constitution without revision of the assertions which beg this fundamental question. In the second chapter he repeats the dogma that the Congress of 1775 was a "national government." Until more exact analysis is applied, our early history must remain mythical.



the present, been unknown,<sup>1</sup> and as though no attempts had ever been made to describe our national development.

The second part will deal *first*, with the diplomacy of the Association and of the Confederation, as affecting nationality. No attempt to enter upon an exhaustive investigation of our diplomatic history is contemplated for the purposes of this inquiry, but an answer will be sought to the questions: What influence upon national formation was exerted by the fact that the associated and afterwards the confederated states acted practically as one nation in negotiating with foreign powers, in borrowing money, in sending and receiving ambassadors, and in concluding treaties? What effect of these proceedings can be traced in the development of a national consciousness and in the adoption of a national organization? Were the states in any way committed to nationality, as contrasted with alliance, by these foreign relations? It will be shown that while these relations logically *implied* nationality, the force of the logic was not admitted and enacted.

The second part will then discuss the relations between state and state within the Confederation. This is a necessary element in the view. The perspective could not have been so distorted if the details to be considered in this connection had not been unnoticed or unknown.<sup>2</sup>

The outcome of the study, up to 1789, is the demonstration that from this date two distinct questions were to be decided: 1. *What is the necessary legal interpretation of the Constitution on the subject of inter-state relations?* 2. Much more fundamental, but its importance was inadequately understood until

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<sup>1</sup> As indeed to all intents and purposes they seem to have been to pretentious commentators upon our history, who might be named. Scores of faint and blurred composite photographs of many distant views are in circulation, purporting to be accurate representations of our institutions. The false impressions which these have created can only be effaced by studious attention to the clear and precise delineation of the records themselves.

<sup>2</sup> Portions of the evidence to be presented have been used in a popular way by Mr. John Fiske, in his *Critical Period of American History*.

it had passed into history—*What is the actual will of the people on the subject of inter-state relations?* The historian of the present generation, who studies the records independently, cannot fail to discover that while the logic of the Constitution answered the first question in one way, all the significant public acts of the period answered the second question in a contradictory way. The people of the United States simply dodged the responsibility of formulating their will upon the distinct subject of national sovereignty until the legislation of the sword began in 1861. The justification of the success of northern arms was not in its vindication of assertions about the meaning of events in 1775–89. It was in its proclamation of the completion of an historical process begun in 1775–89. This conclusion, which the documentary evidence irresistibly enforces, must determine the method of treating our history under the Constitution.<sup>1</sup>

To provide against rejection without a hearing, analysis of the facts thus to be reviewed, and criticism of the traditions and conventionalities founded upon them, must protest itself more patriotic than the inexact and illogical dogmatism which has claimed for these events a meaning that fastens an artificial construction upon our whole subsequent history. A precise estimate of the importance of these acts, as steps leading to governmental organization, does not diminish, but rather enhances, the value of each force and factor that contributed to the great completion. The exegesis which finds the transition from atomic colonial independence to organic nationality so easy that it is accomplished by a few resolutions, unwit-

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<sup>1</sup>I plead guilty of the large ambition to follow out this method and rescue our constitutional history from the misinterpretations of Von Holst. The struggle of state sovereignty, in this country, for its right of primogeniture, and the gradual obliteration of that right through the development of new economic, social, and moral conditions, which at last violently prevailed, is a subject still obscure enough, but surely instructive enough to reward the labor of him who shall win recognition as its truthful historian.

tingly denies to the artificers of our Union the glory of great achievement. Confusion of distinctions whose discrimination measures and illustrates the length and difficulty of the progress from localism to nationality, instead of assuring to the men of the Revolution the fame they deserve, tends rather to the conclusion that obstacles so quickly overcome, and changes so spontaneously effected, were but factitious and trivial after all, and that consequently the evolution of nationality did not cost steadfastness and sacrifice and devotion especially memorable. If, on the other hand, nothing be interpreted into these acts which they did not literally contain; if steps be not magnified into strides, and strides into leaps; if foreshadowings be not confounded with actualities, and prophecies with fulfilments, the tremendous force of local inertia, resisting unification, can first be recognized and approximately estimated, and the splendid merit of converting a portion of this energy into national loyalty will then appear to belong not to a few, but to a succession of illustrious men, whose labors were crowned in the maturity of our nation, after a century of growth.

## CHAPTER II.

### THE CONGRESS OF 1774.

#### *Section I. The Parties Represented.*

Thirteen corporations created by the laws of Great Britain, but located on American soil, had, for years, impatiently endured violations of their charters by English rulers. The members of these corporations were British subjects, governed by laws made or sanctioned in England, and claiming the rights of British citizens. Clauses similar to the following occur in the charters of these corporations.

“All and every of the persons being our subjects, which shall dwell and inhabit within every or any of the said colonies . . . shall have and enjoy all liberties and franchises and immunities within any of our other dominions to all intents and purposes as if they had been abiding and born within this our realm of England.”<sup>1</sup>

On the other hand, these corporations were as distinct and individual as are different railroad companies which have severally obtained charters and grants of land from the present government of the United States. The patent to Lord Baltimore, conferring upon him the territory of Maryland (1632), contains these significant words:

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<sup>1</sup> Va. Charter of 1606. Cf. Dec. of Rights by Congress of 1774. Journals of Cong., I, 29.

“And further, our pleasure is . . . that the said province, tenants and inhabitants of the said colony or country shall not from henceforth be held or reputed as a member, or as part of the land of Virginia, or of any other colony whatsoever, now transported, or to be hereafter transported; nor shall be depending on or subject to their government in anything, from whom we do separate that and them. And our pleasure is, that they be separated, and that they be subject immediately to our crown of England as depending thereof forever.”

As indicated by the provisions of which this paragraph is an example, the one relation common to all the colonies and colonists, was that of dependence upon the English crown and amenability to British law. The colony of Massachusetts Bay was as distinct from the colony of Pennsylvania as it was from the colony of Jamaica or the kingdom of Ireland. Had Virginia owed her allegiance to the crown of France, and Maryland her allegiance to the crown of Spain, they could not have been more mutually exclusive corporations, in all that pertained to regulation of their respective affairs. A British subject indeed, residing in one of these colonies, had the common law rights within the territory of the others. He had these rights, however, not as a member of another colonial corporation, but as a British citizen. He could exercise the right in the Bermudas or Barbadoes or Bengal as freely as in New Hampshire or New York or the Carolinas.

The attempts to secure recognition of common interests, and to obtain agreement upon plans of coöperation, beginning with the New England Confederation of 1643,<sup>1</sup> and ending with the flat failure of Franklin's scheme,<sup>2</sup> at the Albany Convention of 1754, prove that the colonists were far from readiness to merge their separate interests into those of a comprehensive

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<sup>1</sup> For Art. of Confed. and Acts of the Commissioners of the United Colonies, *vid.* Plymouth Colony Records, Vols. IX and X.

<sup>2</sup> Text in Sparks's *Franklin*, I, 36. *Vid.* also Winsor, *Narrative and Critical Hist.*, V, 612; VI, 65-6.

organization. They refused to make such corporate recognition of mutual relations, as would be involved in the creation of organs for the performance of inter-colonial governmental functions.<sup>1</sup>

The convention of 1765 further illustrates the growing need of concurrent action, but it would be difficult to demonstrate that, at this time, there had been progress towards willingness to adopt methods of concurrence which would in any way subject the action of single colonies to the dictation of the rest. The Congress of 1774 proved to be the introduction to inter-colonial coöperation.

*Section II. The Composition of the Congress.*

Who or what the Congress of 1774 represented, and what its powers were, can be decided by reference to the credentials of the members. We learn from these, in the first place, what parties of men sent the delegates.

“Monday, September 5, 1774, a number of the delegates, chosen and appointed by the several colonies and provinces in North America, to meet and hold a Congress at Philadelphia, assembled at the Carpenter’s Hall.”<sup>2</sup> Of these, the delegates from New Hampshire, were chosen at a meeting “of the deputies” (85 in number) “appointed by the several towns.”<sup>3</sup> The popular branch of the legislature appointed delegates or “committees,”<sup>4</sup> in Massachusetts, Rhode Island, and Pennsyl-

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<sup>1</sup> Whether such organization could have been effected with the sanction of the home government, we need not enquire. The point is that the colonial corporations did not want such arrangement enough to take any effective steps towards it. That the British colonial office might have perfected a plan of consolidation for the benefit of the mother country is probable. That the colonists would have accepted it is questionable. The text of the English scheme appears in the New Jersey Archives, Ser. 1, vol. VIII, pt. II, p. 1, *sq.*

<sup>2</sup> J. of C., Ed. of 1823, Vol. I, p. 1.

<sup>3</sup> J. of C., I, 2.

<sup>4</sup> Mass. and Penn.

vania.<sup>1</sup> Connecticut was represented by a delegation selected by the colonial committee of correspondence, acting under instructions from the House of Representatives.<sup>2</sup> In New York City, delegates were chosen by popular vote in seven wards. The "committees of several districts" in different parts of the state accepted the representatives so determined upon as their own.<sup>3</sup> The county of Suffolk appointed a separate representative, and September 17, "a delegate from the county of Orange, in the colony of New York, appeared at Congress, and produced a certificate of his election by the said county."<sup>4</sup> King's county also chose a delegate who appeared in Congress October 1.<sup>5</sup> In New Jersey, "committees, appointed by the several counties,"<sup>6</sup> chose delegates. The language of the Delaware instructions is obscure; but it appears that "in pursuance of circular letters from the speaker of the house," "the representatives of the freemen of the government of the counties of New Castle, Kent, and Sussex, on Delaware," who would have constituted the Assembly, if regularly summoned, appointed delegates to the Congress.<sup>7</sup> In Maryland the selection was made "at a meeting of the committees appointed by the several counties of the province."<sup>8</sup> Virginia proceeded in the same manner.<sup>9</sup> In North Carolina, "a general meeting of deputies of the inhabitants" of the province took the responsibility of sending representatives.<sup>10</sup> In South Carolina, "a general meeting of the inhabitants" of the colony, nominated, appointed, and instructed "deputies," and the Commons House of Assembly resolved to "recognize, ratify and confirm the appointment."<sup>11</sup> Georgia was not represented.

It is obvious that a body so constituted was entirely extralegal and irregular. It could have no authority to commit

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<sup>1</sup> J. of C., I, 2 and 4.

<sup>2</sup> J. of C., I, 3.

<sup>3</sup> J. of C., I, 4.

<sup>4</sup> J. of C., I, 9.

<sup>5</sup> J. of C., I, 15.

<sup>6</sup> J. of C., I, 4.

<sup>7</sup> J. of C., I, 5.

<sup>8</sup> J. of C., I, 6.

<sup>9</sup> J. of C., I, 6.

<sup>10</sup> J. of C., I, 9.

<sup>11</sup> J. of C., I, 7.

the colonial corporations to any course of action.<sup>1</sup> Even its significance as a reflector of popular opinion could only be approximately conjectured.

*Section III. The Powers of the Members.*

The credentials contain instructions appropriate, in nearly every case, to the extraordinary character of the Congress. The New Hampshire delegation were :

“To devise, consult, and adopt such measures, as may have the most likely tendency to extricate the colonies from their present difficulties; to secure and perpetuate their rights, liberties, and privileges, and to restore that peace, harmony, and mutual confidence, which once happily subsisted between the parent country and her colonies.”<sup>2</sup>

The vote of the Massachusetts House reads :

“ . . . do resolve; that a meeting of committees from the several colonies on this continent, is highly expedient and necessary, to consult upon the present state of the colonies, and the miseries to which they are and must be reduced, by the operation of certain acts of parliament respecting America, and to deliberate and determine upon wise and proper measures, to be by them recommended to all the colonies, for the recovery and establishment of their just rights and liberties, civil and religious, and the restoration of union and harmony between Great Britain and the colonies, most ardently desired by all good men. Therefore, resolved, that . . . be . . . a committee, on the part of this province, for the purposes aforesaid . . . ”<sup>3</sup>

Governor Wanton, of Rhode Island, signed instructions as follows :

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<sup>1</sup> In Mass., Conn., Penn., and especially R. I., there was apparently clearer legal authorization of the conference than in the other colonies. Cf. J. of C., I, 2.

<sup>2</sup> J. of C., I, 2.

<sup>3</sup> J. of C., I, 2.



“Whereas the general assembly of the colony aforesaid have nominated and appointed you . . . to represent the people of this colony in General Congress of representatives from this and other colonies. . . . I do therefore hereby authorize . . . you . . . to meet and join with the commissioners or delegates from the other colonies, in consulting upon proper measures to obtain a repeal of the several acts of the British parliament, for levying taxes upon his majesty’s subjects in America, without their consent, and particularly an act lately passed, for blocking up the port of Boston, and upon proper measures to establish the rights and liberties of the colonies, upon a just and solid foundation. . . .”<sup>1</sup>

The Connecticut representatives were enjoined :

“To consult and advise on proper measures for advancing the best good of the colonies, and such conferences, from time to time, to report to this house.”<sup>2</sup>

The New York delegates bore simply certificates of election as representatives of districts in the city, or counties.<sup>3</sup> In New Jersey, directions were issued :

“To represent the colony of New Jersey in the said General Congress,”<sup>4</sup>

The Assembly of Pennsylvania resolved :

“That there is an absolute necessity that a congress of deputies from the several colonies, be held as soon as conveniently may be, to consult together upon the present unhappy state of the colonies, and to form and adopt a plan for the purposes of obtaining redress of American grievances, ascertaining American rights upon the most solid and constitutional principles, and for establishing that union and harmony between Great Britain and the colonies, which is indispensably necessary to the welfare and happiness of both.”<sup>5</sup>

The Delaware Assembly, assuming that as the governor had refused to summon the legislature in his other province of

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<sup>1</sup> J. of C., I, 8.

<sup>2</sup> J. of C., I, 3.

<sup>3</sup> J. of C., I, 4.

<sup>4</sup> J. of C., I, 5.

<sup>5</sup> J. of C., I, 5.

Pennsylvania, he could not be expected to act otherwise in Delaware, declared that :

“The next most proper method of answering the expectations and desires of our constituents, and of contributing our aid to the general cause of America, is to appoint commissioners or deputies in behalf of the people of this government; to meet and act with those appointed by the other provinces, in General Congress: We do therefore . . . appoint . . . to consult and advise with the deputies of the other colonies, and to determine upon all such prudent and lawful measures, as may be judged most expedient for the colonies immediately and unitedly to adopt, in order to obtain relief for an oppressed people, and the redress of our general grievances.”<sup>1</sup>

The committees appointed by the several counties of Maryland:

“Resolved, That . . . be deputies for this province, to attend a General Congress of deputies from the colonies, . . . to effect one general plan of conduct, operating on the commercial connection of the colonies with the mother country, for the relief of Boston, and preservation of American liberty.”<sup>2</sup>

The delegates appointed from the different counties of Virginia, resolved :

“That it is the opinion of this meeting, that it will be highly conducive to the security and happiness of the British Empire, that a General Congress of deputies from all the colonies assemble as soon as the nature of their situations will admit, to consider of the most proper and effectual manner of so operating on the commercial connection of the colonies with the mother country, as to procure redress for the much injured province of Massachusetts Bay, to secure British America from the ravage and ruin of arbitrary taxes, and speedily to procure the return of that harmony and union, so beneficial to the whole empire, and so ardently desired by all British America.” “The meeting proceeded to the choice of . . . for that purpose.”<sup>3</sup>

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<sup>1</sup>J. of C., I, 5.

<sup>2</sup>J. of C., I, 6.

<sup>3</sup>J. of C., I, 6.

The "general meeting of deputies of the inhabitants" of North Carolina, defined its purposes with more emphasis. It resolved :

"That we approve of the proposal of a General Congress, to be held in the city of Philadelphia, . . . to deliberate upon the present state of British America, and to take such measures as they may deem prudent, to effect the purpose of describing with certainty the rights of Americans, repairing the breach made in these rights, and for guarding them for the future from any such violations done under the sanction of public authority.

"Resolved, That . . . be deputies to attend such Congress, and they are hereby invested with such powers as may make any acts done by them, or consent given in behalf of this province, obligatory in honour upon every inhabitant hereof, who is not an alien to his country's good, and an apostate to the liberties of America."<sup>1</sup>

The Commons House of Assembly, of South Carolina, being informed that during the recess of the house

"a general meeting of the inhabitants" of the colony, appointed deputies "to meet the deputies of the other colonies of North America, in General Congress, . . . to consider the acts lately passed, and bills depending in parliament with regard to the port of Boston, and colony of Massachusetts Bay, which acts and bills, in the precedent and consequences affect the whole continent of America, also the grievances under which America labors, by reason of the several acts of parliament that impose taxes or duties for raising a revenue, and lay unnecessary restraints and burdens on trade; and of the statutes, parliamentary acts, and royal instructions, which make an invidious distinction between his majesty's subjects in Great Britain and America, with full power and authority to concert, agree to, and effectually prosecute such legal measures, as in the opinion of the said deputies, and of the deputies so to be assembled, shall be most likely to obtain a repeal of the said acts, and a redress of those grievances :

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<sup>1</sup>J. of C., I, 9.

“Resolved, that this house do recognize, ratify, and confirm the appointment of the said deputies for the purposes mentioned.”<sup>1</sup>

Such expressions as “prosecute such legal measures,” in the South Carolina act; and the language of the last paragraph of the North Carolina instructions, have sometimes been used in support of the claim that the Congress thus constituted was more than a consultative and advisory body. It is, therefore, pertinent to analyze the proceedings of the Congress, in order to discover its own interpretation of its powers.

*Section IV. The Organization of the Congress of 1774.*

After choice of President<sup>2</sup> and Secretary,<sup>3</sup> it was voted :

“That in determining questions in this Congress, each colony or province shall have one vote. The Congress not being possessed of, or at present able to procure proper materials for ascertaining the importance of each colony.”<sup>4</sup>

September 5, 1774, the formation of committees began. In the first place a committee, consisting of two from each of the colonies, was appointed :

“To state the rights of the colonies in general, the several instances in which these rights are violated or infringed, and the means most proper to be pursued for obtaining a restoration of them.”<sup>5</sup>

A second committee was chosen, consisting of one delegate from each colony :

“To examine and report the several statutes, which affect the trade and manufactures of the colonies.”<sup>6</sup>

September 27, it was resolved :

<sup>1</sup> J. of C., I, 7.

<sup>3</sup> Charles Thomson, not a delegate.

<sup>5</sup> J. of C., I, 7, 8.

<sup>2</sup> Peyton Randolph, of Va.

<sup>4</sup> J. of C., I, 7.

<sup>6</sup> J. of C., I, 7, 8.

“That from and after the 10th day of September, 1775, the exportation of all merchandise and every commodity whatsoever to Great Britain, Ireland, and the West Indies, *ought to cease*, unless the grievances of America are redressed before that time.”

Whereupon it was ordered that a third committee of five members

“bring in a plan for carrying into effect the non-importation, non-consumption, and non-exportation resolved on.”<sup>1</sup>

October 1, a committee of five was appointed to prepare “a loyal address to his majesty.”<sup>2</sup> On the 7th, a committee of three was appointed :

“To prepare a letter to his excellency, general Gage, representing ‘that the town of Boston and province of Massachusetts Bay are considered by all America as suffering in the common cause, etc.,’ and entreating that the work of fortification be discontinued, ‘and that a free and safe communication be restored and continued between the town of Boston and the country.’”<sup>3</sup>

October 11th, a committee of three was formed to prepare a “memorial to the people of British America,” and “an address to the people of Great Britain.”<sup>4</sup>

October 21st, a committee of three was appointed to prepare an address :

“To the people of Quebec, and letters to the colonies of St. John’s, Nova Scotia, Georgia, East and West Florida, who have not deputies to represent them in this Congress.”<sup>5</sup>

The committees thus enumerated are all, of any consequence, which the Congress appointed.

It seems superfluous to construe these facts. There was nothing administrative or governmental about the organization of the body. So far, it certainly did not exceed nor transgress the letter of its members’ instructions.

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<sup>1</sup>J. of C., I, 15.

<sup>2</sup>J. of C., I, 16.

<sup>3</sup>J. of C., I, 17.

<sup>4</sup>J. of C., I, 19.

<sup>5</sup>J. of C., I, 38.

*Section V. The Acts of the Congress of 1774.*

In examining the acts of the first Congress, we are reduced to an analysis of resolutions and pronunciamientos. The various committees into which the body resolved itself received certain instructions from the Congress,<sup>1</sup> which need not be separately considered, as they were incorporated into the reports subsequently submitted and accepted.

The Congress further received and considered several communications. The most important of these were: First, an account of the

“resolutions entered into by the delegates from the different towns and districts in the county of Suffolk, in the province of Massachusetts Bay, on Tuesday, the 6th of September, and their address to his excellency, governor Gage, dated the 9th.”<sup>2</sup>

It does not appear that any specific action was expected of the Congress, but the members resolved unanimously:

“That this assembly deeply feels the suffering of their countrymen in the Massachusetts Bay, under the operation of the late unjust, cruel, and oppressive acts of the British parliament—that they most thoroughly approve the wisdom and fortitude with which opposition to these wicked ministerial measures has hitherto been conducted, and they earnestly recommend to their brethren a perseverance in the same firm and temperate conduct as expressed in the resolutions, . . . trusting that the effect of the united efforts of North America in their behalf, will carry such conviction to the British nation of the unwise, unjust, and ruinous policy of the present administration, as quickly to introduce better men and wiser measures.

“That contributions from all the colonies, for supplying the necessities, and alleviating the distresses of our brethren at Boston, ought to be continued in such manner and so long, as their occasions may require.”<sup>3</sup>

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<sup>1</sup> J. of C., I, 16, 17, *et passim*.

<sup>2</sup> J. of C., I, 9.

<sup>3</sup> J. of C., I, 14.

Whatever comment is necessary, by way of interpretation of these acts, with reference to the relations of which we are in search, may be made in connection with: Second, a letter from the Boston committee of correspondence, reciting the illegal and oppressive acts of the governor, and requesting "the *advice* of the Congress."<sup>1</sup> In response to this letter, the Congress, after appointing the committee mentioned above, resolved:

"That this Congress approve the opposition of the inhabitants of the Massachusetts Bay, to the execution of the late acts of parliament; and if the same shall be attempted to be carried into execution by force, in such case all America *ought* to support them in their opposition."<sup>2</sup>

The next day (October 10, 1774) Congress, resuming consideration of the same subject, resolved unanimously:

"That it is the opinion of this body, that the removal of the people of Boston into the country, would be not only extremely difficult in the execution, but so important in its consequences, as to require the utmost deliberation before it is adopted; but in case the provincial meeting of the colony should judge it absolutely necessary, it is the opinion of the Congress, that all America ought to contribute towards recompensing them for the injury they may thereby sustain, and it will be recommended accordingly."

"*Resolved*, That the Congress recommend to the inhabitants of the colony of the Massachusetts Bay, to submit to a suspension of the administration of justice, where it cannot be procured in a legal and peaceable manner, under the rules of their present charter, and the laws of the colony founded thereon.

"*Resolved unanimously*, That every person and persons whomsoever, who shall take, accept, or act under any commission or authority, in any wise derived from the act passed in the last session of parliament, changing the form of government, and

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<sup>1</sup>J. of C., I, 16.

<sup>2</sup>J. of C., I, 17. The Italics are mine.

violating the charter of Massachusetts Bay, *ought to be held in detestation and abhorrence by all good men, and considered as the wicked tools of that despotism, which is preparing to destroy those rights, which God, nature, and compact have given to America.*"<sup>1</sup>

Surely no commentary could add to the conclusiveness of this language. It demonstrates that the body holding it was perfectly aware of its own character, as a committee of observation and recommendation, without legislative or executive powers of any sort.

On the 11th of October, the letter to Gen. Gage, prepared by the committee, was signed by the President, "in behalf of the General Congress." It recites, to be sure, that "the representatives of his majesty's faithful subjects in all the colonies from Nova Scotia to Georgia," have been appointed "the *guardians* of their rights and liberties."<sup>2</sup> But in this case, as almost invariably during the period, words must be interpreted by acts, or their import will be misunderstood. The protest to Gen. Gage, and the subsequent advice to the people of Massachusetts Bay, did not involve or imply any different relation of the Congress to the colonies from that which would exist between a committee of college students, protesting against alleged violation of laws of the trustees by some member of the faculty, and the general body of students, for whom, on the one hand, they spoke, and to whom they issued recommendations. Or, if a more perfect analogy be sought, a general convention of American railroad representatives, deliberating upon the rights and wrongs of their respective corporations under United States law, and on the one hand protesting to Congress against the administration of the Interstate Commerce Act, and on the other hand, resolving upon advice to their principals, would illustrate the main fact in the relation between this Congress and the people by which it was created.<sup>3</sup>

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<sup>1</sup>J. of C., I, 18.

<sup>2</sup>J. of C., I, 18.

<sup>3</sup>Of course no opinion upon the legal status of delegations, appointed as in 1774, is implied in this comparison.



Congress exemplified the nature of its function of guardianship again, by resolving unanimously, with reference to the people of Massachusetts Bay :

“That they be advised still to conduct themselves peaceably towards his excellency, general Gage, and his majesty’s troops, now stationed in the town of Boston, as far as can possibly be consistent with their immediate safety, and the security of the town, avoiding and discountenancing every violation of his majesty’s property, or any insult to his troops, and that they peaceably and firmly persevere in the line they are now conducting themselves, on the defensive.”<sup>1</sup>

The most important business of the Congress was the preparation of the various documents which were intended not merely as weapons of peaceful warfare, but as incitement and equipment in case resort should be necessary to desperate means.

I. The first of these campaign documents was the *Declaration of Rights and Grievances*.<sup>2</sup> We must regard this composition as the chart which the Congress drew for its own guidance. It was the platform of the assembly. It was the congressional confession of faith. It contains the claims which were insisted on in America and disallowed in England until the alternative of submission or independence alone remained.<sup>3</sup>

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<sup>1</sup> J. of C., I, 19.

<sup>2</sup> J. of C., I, 19–22.

<sup>3</sup> In the history of American political opinion this manifesto is a monument, but for the purposes of the present discussion, we need to notice only the fourth clause: “*Resolved*, That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council: and as the English colonies are not represented, and from their local and other circumstances cannot properly be represented in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where the rights of representation can alone be preserved, in all cases of *taxation* and *internal polity*, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed.”

The words in Italics soon became familiar in state constitutions and elsewhere. Their meaning, like that of other familiar words of the period, must be derived from political not rhetorical usage.

II. The second measure of importance was the *Act of Association*.<sup>1</sup> The representatives of the twelve commonwealths signed an agreement containing a pledge to unite with the others to secure in each colony :

1. Non-importation from England, or English colonies not in the Association.

2. Discontinuance of the foreign slave trade.

3. Non-consumption of East India tea, and of certain other imports.

4. Non-exportation to England and colonies after September 5, 1775.

5. Regulations facilitating execution of the agreement.

6. Provision for improving the breed of sheep, and for equitable sale of mutton.

7. Encouragement of frugality and discouragement of luxury and extravagance.

8. Avoidance of scarcity prices and monopoly.

9. Prevention of evasion of this agreement by individuals.

10. Non-intercourse with "any colony or province in North America which shall not accede to, or which shall hereafter violate, this association," and determination to "hold them as unworthy of the rights of freemen, and as inimical to the liberties of their country."

11. Ratification of the assertion that : "We do solemnly bind ourselves and our constituents, under the ties aforesaid, to adhere to this association till the obnoxious acts are repealed.

The act concludes with the kind of provision which is the key to all acts of the Continental Congress :

"We *recommend* it to the provincial conventions, and to the committees in the respective colonies, to establish such farther

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<sup>1</sup>J. of C., I, 23-26.

regulations as they may think proper, for carrying into execution this association.”<sup>1</sup>

III. The third publication was an address to their “friends and fellow subjects” of Great Britain.<sup>2</sup> It is a review of the American case, at somewhat greater length and in more direct and persuasive language than in the Declaration of Rights. Appeal is taken from “wicked ministers and evil counsellors, whether in or out of office,” to the magnanimity and justice of the British nation.” It might have been issued with propriety by any patriotic individual, or by any single colony.<sup>3</sup> Weight attached to it beyond that which it would have possessed had it come from one of the latter sources, because it more obviously reflected the attitude of great numbers of the colonists. It was in no sense the announcement of a policy which a government was to force upon a people. It foreshadowed a policy according to which a people would presently find themselves obliged to extemporize a substitute for a government.

IV. The fourth expression of opinion worthy of notice is a memorial to the inhabitants of the twelve colonies.<sup>4</sup> It is

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<sup>1</sup> It may not be superfluous to repeat that this epitome of the proceedings of the Congress is a rehearsal of familiar facts, with especial reference to obscured relations. The argument is: 1. The *powers* of the Congress, as defined by the votes of the bodies granting the credentials, are those of a committee for consultation and advice; 2. The *acts* of the Congress, which we are now analyzing, are conformable to these instructions; hence: 3. The authority of a “*government*” cannot be predicated of this committee.

If it be answered that no one now claims that the Congress of 1774 was in any sense a governmental body; the reply is that the same sort of reasoning which makes the Congress of 1775 a “national government,” (vid. Curtis, Chap. II), might be applied to the Congress of 1774. If, therefore, the facts about this earlier committee of safety be recognized, the truth will be more readily perceived in the later case.

<sup>2</sup> J. of C., I, 26.

<sup>3</sup> Substantially this was done by South Carolina, September, 1775. Am. Archives, Ser. IV, Vol. III, 201; also by Mass., in the Spring of the same year. J. of C., I, 66-7.

<sup>4</sup> J. of C., I, 31. It is worthy of note that Ga., because not represented in the Congress, was not mentioned among the colonies addressed.

another and wonderfully temperate discussion of the course of the British government from the close of the French war. It announces the conclusion that :

“It is clear, beyond a doubt, that a resolution is formed, and now carrying into execution, to extinguish the freedom of these colonies, by subjecting them to a despotic government.”

The Congress indicates, in most significant language, its true relation to the colonies, when it declares :

“Our resolutions<sup>1</sup> thereupon will be herewith communicated to you. But, as the situation of public affairs grows, daily, more alarming, and, as it may be more satisfactory, to you, to be informed by us, in a collective body, than in any other manner, of those sentiments that have been approved, upon a full and free discussion, by the representatives of so great a part of America, we esteem ourselves obliged to add this address to these resolutions.”<sup>2</sup>

The memorial explains the considerations which prevailed in favor of the recommendation of commercial rather than military opposition to England, and concludes as follows :

“Your own salvation, and that of your posterity, now depends upon yourselves. You have already shown that you entertain a proper sense of the blessings you are striving to retain. Against the temporary inconveniences you may suffer from a stoppage of trade, you will weigh in the opposite balance the endless miseries you and your descendants must endure, from an established arbitrary power. You will not forget the honor of your country, that must, from your behavior, take its title in the estimation of the world, to glory, or to shame; and you will, with the deepest attention, reflect, that if the peaceable mode of opposition recommended by us be broken and rendered ineffectual, as your cruel and haughty ministerial enemies, from a contemptuous opinion of your firmness, insolently predict will be the case, you must inevit-

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<sup>1</sup> Referring to the other acts mentioned in this section.

<sup>2</sup> J. of C., I, 32.

ably be reduced to choose either a more dangerous contest, or a final, ruinous, and infamous submission.

“Motives thus cogent, arising from the emergency of your unhappy condition, must excite your utmost diligence and zeal, to give all possible strength and energy to the pacific measures calculated for your relief: But we think ourselves bound in duty, to observe to you, that the schemes agitated against these colonies have been so conducted as to render it prudent, that you should extend your views to mournful events, and be, in all respects, prepared for every contingency. Above all things, we earnestly intreat you, with devotion of spirit, penitence of heart, and amendment of life, to humble yourselves and implore the favor of Almighty God; and we fervently beseech his divine goodness to take you into his gracious protection.”<sup>1</sup>

There is pathos, if not authority, in these words. The representatives of the colonies in Congress, from 1774 to 1783 were, all things considered, prudent and wise enough to have wielded vastly more power than they ever received. They were not a government, but their influence upon the different parties to the Association was exerted with patience and discretion which compel admiration. The weakness of the system by which the colonies coöperated makes more marvellous the persistency and resources of the men who, by use of that system, conquered success.

V. The fifth act to be mentioned in this connection is the resolution of October 22d :

“Resolved, *as the opinion of this Congress*, that it will be necessary that another Congress should be held on the tenth of May next, unless the redress of grievances, which we have desired, be obtained before that time. *And we recommend* that the same be held at the city of Philadelphia, and that all the colonies in North America choose deputies, as soon as possible, to attend such Congress.”<sup>2</sup>

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<sup>1</sup> J. of C., I, 38.

<sup>2</sup> J. of C., I, 39.

Attention to the italicised words will prevent attribution of authoritative character to the resolution.

VI. *The letter to the unrepresented colonies of St. John's, etc.*, approved October 22d, was but a brief note calling attention to the acts of the Congress, copies of which were enclosed, and recommending that the measures proposed be "adopted with all earnestness" by the colony addressed.<sup>1</sup>

VII. A vote which is usually passed over in silence, in accounts of this Congress, deserves to be included in this list: viz., the resolve of October 25, as follows:

"That this Congress, in their own names, and in behalf of all those whom they represent, do present their most grateful acknowledgments to those truly noble, honourable, and patriotic advocates of civil and religious liberty, who have so generously and powerfully, though unsuccessfully, espoused and defended the cause of America, both in and out of parliament."<sup>2</sup>

As the Congress possessed only moral powers, this apparently insignificant acknowledgment of friendship and sympathy in England was not only a deserved tribute to valuable allies, but it was the nearest approach to an actual evolution in the political battle that the character of the Congress permitted.

VIII. *The letter to the colonial agents* in England was a request that the authorized and recognized representatives of the colonial corporations, should act as media of communication between the extraordinary and irregular body claiming to speak for the corporations, and the king of Great Britain, and the other persons to whom the Congress sent addresses. It appealed to the personal zeal of the agents, as it could not command their official service, and expressed the hope that

"your good sense and discernment will lead you to avail yourselves of every assistance that may be derived from the advice and friendship of all great and good men who may incline to aid the cause of liberty and mankind." It also "begged the favor" that

<sup>1</sup> J. of C., I, 39.

<sup>2</sup> J. of C., I, 40.

the agents would "transmit to the speakers of the several assemblies the earliest information of the most authentic accounts you can collect, of all such conduct and designs of ministry or parliament as it may concern America to know."<sup>1</sup>

IX. *The address to the inhabitants of Quebec* was an olive branch to a people of another language and religion, between whom and the English colonists hardly concealed jealousies and suspicions existed;<sup>2</sup> whose assistance would nevertheless be of no little consequence if the issues with the mother country should have to be decided by force. Although it seems to "talk down" to the people whose coöperation it was prepared to win, it is a spirited appeal to the French Catholics of Quebec, to resent the injuries and insults which they had received from the English government, and to seek reparation in alliance with their oppressed neighbors. It promised that the colonies for whom it spoke, although Protestant, would respect the religious convictions of the people of Quebec. It urged them to adopt the recommendations of the Act of Association. It invited them

"to add yourselves to us, to put your fate, whenever you suffer injuries which you are determined to oppose, not on the small influence of your single province, but on the consolidated powers of North America."<sup>3</sup>

It need hardly be remarked that all pledges and assurances in this document assumed the indorsement of the members of the twelve corporations for whom its authors spoke. That the indorsement would have been given is probable. That the Congress had any power to compel it need not be expressly denied.

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<sup>1</sup>J. of C., I, 40.

<sup>2</sup>Vid. Declaration of the county of Suffolk, Art. 11. Also similar article in Dec. of Rights by the Congress.

<sup>3</sup>J. of C., I, 40-45.

X. The final important act of the Congress was the signing of the *petition to the king*.<sup>1</sup> In the name and behalf of "his majesty's faithful subjects" of the twelve colonies, it presented another version of the same facts which had been so variously proclaimed. It appeals from the ministers:

"Those designing and dangerous men, who daringly interposing themselves between your royal person and your faithful subjects, . . . have at length compelled us, by the force of accumulated injuries, too severe to be any longer tolerable, to disturb your majesty's repose by our complaints."<sup>2</sup>

Americans will probably never be able to account for the stupidity of the English king, in refusing to be moved from his fatal policy, in view of the matter in the complaints. It is quite easy, however, to understand his displeasure at the method and means of bringing the subject to his attention. To use a modern term, the Continental Congress was an inchoate "trust." If Franklin's Albany proposition of 1754 had been considered dangerous by the home government, how much more reason to fear even this federal advisory committee!<sup>3</sup>

#### *Section VI. The Corresponding Acts of the Colonies.*

The same obscurity has not covered the relations between the Congress of 1774 and the various colonies, which prevails among commentators upon the character of the later Congresses. It will, nevertheless, be well to recall a few typical acts of the different colonial representative bodies, which will complete our outline of congressional and colonial relations for the period.

Although not in the strictest sense acts representing the corporations, it is proper to mention the responses to the

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<sup>1</sup> J. of C., I, 46-9.

<sup>2</sup> J. of C., I, 48.

<sup>3</sup> Vid. letter of Lord Dartmouth; Penna. Archives, 1st Ser., Vol. 4, pp. 576-7.



recommendations of Congress, that Massachusetts be supported in her opposition to the oppressive acts of parliament, and that contributions be made to repair losses endured in the struggle.

The collections of the Massachusetts Historical Society contain the most satisfactory evidences that in each of the colonies there were people eager to observe and even anticipate the advice.<sup>1</sup> The letters referred to are full of information for the investigator of the tendencies of opinion in the colonies. They do not show, however, that the advice of the Congress had any marked influence on the contributors. Not only was aid sent before Congress met, but it would be difficult to prove that any more assistance was given than would have been rendered had Congress never mentioned the subject.

More directly indicative of popular sentiment, though at the same time confirmatory of the conclusion that the Congress was utterly devoid of coercive power, were the acts of popular gatherings, in view of the measures adopted by Congress.

In New Hampshire a popular convention, numbering one hundred and forty-four members, chosen by the towns, met, January 25, 1775, and declared its hearty approval "of the proceedings of the late grand continental Congress." The convention exhorted the people of New Hampshire "strictly to adhere to the Association."<sup>2</sup>

The provincial Congress of Massachusetts passed a resolve, December 5, 1774, approving the proceedings of Congress, and ordering a copy of the resolution to be sent to all the towns and districts.<sup>3</sup> Many of the inhabitants immediately signed a pledge to abide by the Association.

The Connecticut assembly unanimously approved the proceedings of the Congress, and ordered the towns to strictly observe the Association.

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<sup>1</sup> Mass. Hist. Coll., Ser. IV, Vol. IV.

<sup>2</sup> N. H. Prov. Papers, Vol. VII, 443. The proceedings of several towns and counties appear, 444-51.

<sup>3</sup> Am. Archives, Ser. IV, Vol. I, 997, and J. of C., I, 50.

A special meeting of the Rhode Island assembly approved the proceedings of the Congress, December 8, 1774.<sup>1</sup>

In the New York Assembly the motion "to take into consideration the proceedings of the Continental Congress" was lost, and the empire state of the future stood with Georgia alone in a non-committal, and, it was feared, hostile attitude towards the measures recommended for relieving America from oppression.<sup>2</sup> The temper of New York was so doubtful that inquiry was set on foot in Virginia, March 24, 1775, as to whether the former colony had forsaken the colonial cause. The same question was agitated in Maryland and other colonies.<sup>3</sup>

The action of New Jersey, like that of nearly all the colonies, was at first fragmentary; but after various local ratifications,<sup>4</sup> the New Jersey delegates to the Continental Congress laid the proceedings of the continental body before the colonial assembly, October 24; and the house unanimously voted to approve the same, "such as are of the people called Quakers excepting only to such parts as . . . may have a tendency to force."<sup>5</sup> The provincial Congress of New Jersey resolved unanimously, May 26, 1775, to "earnestly recommend to the

<sup>1</sup>R. I. Col. Records, VII, 263.

<sup>2</sup>Am. Arch., Ser. IV, Vol. I, 1188-90. For resolves of counties, *vid. same, passim.*

<sup>3</sup>Am. Arch., Ser. IV, Vol. II, 1, 168, 379, 387, 389, 448. "New York was the pivot of the policy of ministers. Like North Carolina and Georgia, it was excepted from restraints imposed on the trade and fisheries of all the rest. The defection of its assembly from the acts of the general Congress was accepted as proof that it would adhere to the king; and the British generals, who were on the point of sailing for America, were disputing for the command at that place. . . . All believed that it had been won over to the royal cause, and that the other provinces could easily be detached, one by one, from the union, so that it would be a light task to subdue Massachusetts." Bancroft, IV, 149.

<sup>4</sup>Am. Arch., IV, I, 1028, 1051. N. J. Arch., Ser. I., Vol. X, 530. Am. Arch., IV, I, 1084, 1102, 1124.

<sup>5</sup>Am. Arch., IV, I, 1124, 1126, and letter of Gov. Franklin, N. J. Arch., I, 10, 575.

good people of this province, that they do most religiously adhere to the said resolution.”<sup>1</sup>

The Pennsylvania Assembly approved the proceedings of the Congress, December 10, and recommended the good people to observe them inviolate.<sup>2</sup> The provincial convention confirmed this action the following January by voting unanimously :

“That this convention most heartily approve of the conduct and proceedings of the Continental Congress; that we will faithfully endeavor to carry into execution the measures of the Association entered into and recommended by them, and that the members of that very respectable body merit our warmest thanks by their great and disinterested labors for the preservation of the rights and liberties of the British colonies.”<sup>3</sup>

In Delaware, the Assembly voted, March 15, 1775, “to approve of the proceedings of the late Congress.”<sup>4</sup>

The counties of Maryland first chose committees “to carry into execution the Association agreed on by the American Continental Congress.” Then a provincial meeting of deputies from the several counties, “read, considered, and unanimously approved” the proceedings of the Continental Congress (December 8–12). The convention further resolved :

“That every member of this convention will, and every person in the province ought, strictly and inviolably observe and carry into execution the Association agreed on by the said Continental Congress.”<sup>5</sup>

“A convention of delegates for the counties and corporations” of Virginia met at Richmond, March 20, 1775, after many local ratifications had been voted, and resolved unanimously :

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<sup>1</sup>Am. Arch., IV, II, 689.

<sup>2</sup>Am. Arch., IV, I, 1023.

<sup>3</sup>Am. Arch., IV, I, 1170.

<sup>4</sup>Am. Arch., IV, II, 126.

<sup>5</sup>Am. Arch., IV, I, 1031.

“That this convention doth entirely and cordially approve of the proceedings of the American Continental Congress.”<sup>1</sup>

The House of Burgesses, June 5, 1775, adopted the following :

“Resolved, That this house doth entirely and cordially approve the proceedings and resolutions of the American Continental Congress, and that they consider this whole continent as under the highest obligations to that very respectable body, for the wisdom of their councils, and their unremitted endeavors to maintain and preserve inviolate the just rights and liberties of his majesty’s dutiful and loyal subjects in America.”<sup>2</sup>

The Assembly of North Carolina, April 7, 1775, passed the following resolve :

“That the house do highly approve of the proceedings of the Continental Congress, lately held at Philadelphia, and that they are determined, as members of the community in general, that they will strictly adhere to the said resolutions, and will use what influence they have to induce the same observance in every individual in this province.”<sup>3</sup>

A provincial assembly had previously (August, 1774) promised to support the action of the Congress, and to have no further dealings with towns or individuals who declined to take similar action.<sup>4</sup>

After the vote of April 7, Governor Martin dissolved the Assembly (April 8, 1775).<sup>5</sup> At the same time and place a provincial convention was in session, and it voted (April 5) its approval of the act of association, and recommended to its “constituents” to adhere firmly to the same.<sup>6</sup> The provincial

<sup>1</sup>Am. Arch., IV, II, 167.

<sup>2</sup>Am. Arch., IV, II, 1192, 1221.

<sup>3</sup>J. of C., I, 54, and Am. Arch., IV, II, 265.

<sup>4</sup>Am. Arch., IV, I, 735.

<sup>5</sup>Am. Arch., IV, II, 266.

<sup>6</sup>Am. Arch., IV, II, 265 and 268.

Congress, which met August 21, 1775, ratified or repeated the approval.<sup>1</sup>

Deputies from every parish and district in South Carolina met (January 11, 1775) and voted "that this Congress do approve the American Association."<sup>2</sup>

*Section VII. Conclusions with Reference to Traditional Fallacies about the Congress of 1774.*

Comments upon typical expressions of opinion will sufficiently summarize the conclusions to be drawn from the facts thus far considered.

"*The signature of the Association by the members of Congress may be considered as the commencement of the American Union.*"<sup>3</sup>

"*The Association was virtually law, bearing on the individual. . . . the first enactment, substantially, of a general law by America.*"<sup>4</sup>

"*That memorable league of the continent in 1774, which first expressed the sovereign will of a free nation in America.*"<sup>5</sup>

If the words "union," "law," "sovereign," "nation," had not subsequently so often been forced on the rack of sophistry, to utter false evidence in justification of a theory, the expressions quoted might pass as natural and innocent hyperbole. They were not used hyperbolically by the school of interpretation which prevailed until the close of the civil war, and which still holds its ground in the literature of our constitutional history. They were literal and exact technicalities, in conclusions, if not in premises. Composed into political creeds, these terms have been the means of exalting arbitrary and

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<sup>1</sup>Am. Arch., IV, III, 186. The Mecklenburg Declaration is not referred to in this discussion, for reasons stated below. The last word on the subject has been well said in the *Magazine of American History*, for March, 1889, by President James C. Welling, LL. D.

<sup>2</sup>Am. Arch., IV, I, 1110-12.

<sup>3</sup>Hildreth, III, 46.

<sup>4</sup>Frothingham, *Rise of the Republic*, 373.

<sup>5</sup>President John Adams; Benton's Abridgment, II, 404.

unnatural hypotheses to the rank of fundamental truth. With the endorsement of eminent names, they became the axioms of a great political party, and the justification of a persistent, and at length triumphant, political policy. Time will show that the policy had more substantial justification than the defective historical reasoning which supported it. Since the end of a long historical process has been happily reached, it is possible to examine calmly the views which contributed to the result. Patriotic fictions are no longer political necessities. We shall not undermine or undervalue our present nationality by showing that the philosophy which assisted in its establishment was built on a misconception of history.

The term "union," then, can only by the most liberal accommodation be used in connection with the agitations of 1774. There were common grievances. There was prospect of remedy only in combination of the colonies for mutual counsel and support. There was common indignation against the mother country, with almost universal hope that reconciliation, not separation, would result. There was common determination to insist upon constitutional rights, and to grant moral and material aid to the colony or colonies that might make test cases with the home government. There was common recognition of the necessity of coördinating effort under leadership competent to survey the whole situation and point out suitable lines of action. There was common willingness to adopt the advice of a central committee of observation. It will be the aim of a later portion of this work to show that all this, instead of being a matter of course, was evidence of magnanimity altogether admirable. Concert only to this extent was, in some respects, more difficult than it would be to-day for all the republics of the Western Hemisphere to form a commercial alliance. Concert to a greater extent cannot be created by theorizing after the event. To be proved, it must be discovered. The records contain nothing beyond the facts already characterized. To use the term "union," then, with its present associations, is to introduce an inexcusable historical solecism.

Of the word "law," similar assertions are necessary. There was no law, in any colony, but the constitution and laws of England, the special colonial charter, and the enactments of the legislative bodies which the charter authorized. The action of towns and counties upon the recommendations of the Congress, manifests the utmost uncertainty about the jurisdiction even of the local officers, and the sanction of the customary laws.<sup>1</sup>

It is a deliberate distortion of the instructions, the language and the acts of the Congress, and of the proceedings of the

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<sup>1</sup>The relations of the local units to the earlier provincial assemblies cannot be discussed within the limits of this work. The subject deserves careful investigation in each State. Whether the relations which appear in the course of the year 1775, to be exhibited in the fifth section of Chapter III, are essentially new, or merely manifestations of what had previously been latent, I have purposely refrained from inquiring, because the question calls for thirteen distinct constitutional studies. The following citations simply fortify the statement in the text, without reference to further conclusions.

In case of N. H., Am. Arch., IV, I, 1105, 1229. The action of eastern Mass. need not be referred to specifically, as it is the substance of the Revolution thus far. In R. I., Am. Arch., IV, I, 1049. In Conn, same, 788, 827, 1038, 1075, 1215, 1202, 1236. In N. Y., same, 1027, 1035, 1068, 1091, 1100, 1164, 1183, 1191, 1201, 1230. In N. J., same, 1012, 1028, 1051, 1084, 1102, 1106, 1163. In Penn., same, 1052, 1144. In Va., same, 1008, 1022, 1026, 1031, and II, 281, 299, 372. In N. C. the resolves of the Committee of Mecklenburgh Co. (May 31, 1775, not the alleged declaration of the 20th), though belonging in the next period, deserve the most careful attention, Am. Arch., IV, II, 855. The following clauses are in place here:

"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.

"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 power does, or can exist, at this time, in any of these colonies.*

"As all former laws are now suspended in this province, and the Congress have not 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" (*i. e., the provincial Congress, as is evident from the context.*)

organizations that followed its advice, to represent it as, in any sense, a law-making body. Metaphor which can be so directly traced into fallacy deserves no toleration.

To admit the terms "sovereign," and "nation," into a description of American conditions at this stage, is to abandon investigation and classification, and to deliberately beg the issue. For the moment, government, even within the colonies, was partially paralyzed. It was doubtful who might command and who must obey. There is not a trace in any popular or official act of the time that can be rationally expounded as evidence of a claim, on the part of the Continental Congress, to power of inter-colonial control. Persons in South Carolina denounced Georgia, to be sure,<sup>1</sup> and there was talk of forcing that colony into participation with the rest. The argument was supposed expediency, justifying extraordinary action, not the assertion of any general principle subordinating the will of one colony to the command of all. The formation of a Continental Congress was the beginning of inter-colonial deliberation which broadened the horizon of the people, which emphasized the reasons for unity, which brought to popular attention the increasing number and importance of common interests, which created a continental opinion upon subjects of the most obvious common concern. The function of the first Continental Congress was not to express a "sovereign will," but to assist in the development of a common consciousness, so that there would, by and by, be a sovereign will to express. By creating this continental committee, the widely separated colonies became simply colonies testing the actuality and potency of their common ideas. They were no more a nation than twelve neighbors, meeting for discussion of a possible business venture, would be a partnership.

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<sup>1</sup>Am. Archives, IV, I, 1163.



## CHAPTER III.

### THE CONGRESS OF 1775.<sup>1</sup>

#### *Section I. The Parties Represented.*

For the sake of clearness, although it involves repetition of reference and statement, the same lines of inquiry are here to be followed which have been observed in the preceding chapter. The people have, in almost every colony, committed themselves to revolution. They do not seem to realize that in discarding their charter governments they have decreed anarchy until they resort to the exercise of fundamental right and enact order. Wherever the charter government was no longer the *de facto* government; wherever the functions of government were performed under other sanction than that of the Crown of England, revolution was an accomplished fact. It required some time to teach the members of each colonial corporation this truth. Meanwhile the following organizations and bodies chose members of another continental committee, the character of which we shall discover by the same kind of examination as before.

In New Hampshire, "a convention of deputies appointed by the several towns in the province," met at Exeter, January 25, 1775, and chose two delegates.<sup>2</sup>

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<sup>1</sup> Only the first session of this Congress, viz., from May 10 to August 1, will be treated in this chapter. Although in the Spring of 1776 a part of the delegates acted under new credentials, which will be noticed in the proper place, it is more convenient to group the facts of the second session of 1775 with those of the next year, including the early part of July.

<sup>2</sup> J. of C., I, 50.

In Massachusetts Bay, the Provincial Congress chose five representatives, December 5, 1774.<sup>1</sup>

In Rhode Island, the General Assembly chose two delegates, May 7, 1775.<sup>2</sup>

In Connecticut, the House of Representatives appointed five delegates, November 3, 1774.<sup>3</sup>

In New York, "a provincial convention, formed of deputies from the city and county of New York, the city and county of Albany, and the counties of Dutchess, Ulster, Orange, Westchester, King's, and Suffolk," with four representatives of certain free-holders of Queen's county, met, April 22, 1775, and appointed twelve delegates.<sup>4</sup>

In New Jersey, five delegates were chosen by the Assembly, January 24, 1775.<sup>5</sup>

In Pennsylvania, the Assembly appointed six deputies, December 15, 1774. Three others were added May 6, 1775.<sup>6</sup>

In Delaware, the Assembly chose three representatives, March 16, 1775.<sup>7</sup>

In Maryland, "a meeting of the deputies, appointed by the several counties of the province," chose, December 8, 1774, seven delegates, with liberty to "any three or more of them" to represent the colony.<sup>8</sup>

In Virginia, "a convention of delegates for the counties and corporations in the colony," elected seven delegates, March 20, 1775.<sup>9</sup>

In North Carolina, "a general meeting of delegates of the inhabitants of the province, in convention," April 5, 1775, appointed three delegates.<sup>10</sup>

The Assembly, two days later, approved the choice of the convention.<sup>11</sup>

<sup>1</sup> J. of C., I, 51.

<sup>2</sup> J. of C., I, 70.

<sup>3</sup> J. of C., I, 51.

<sup>4</sup> J. of C., I, 51. One half of these were evidently alternates.

<sup>5</sup> J. of C., I, 52.

<sup>6</sup> J. of C., I, 52.

<sup>7</sup> J. of C., I, 52.

<sup>8</sup> J. of C., I, 53.

<sup>9</sup> J. of C., I, 53.

<sup>10</sup> J. of C., I, 53.

<sup>11</sup> J. of C., I, 54.

In South Carolina, the Commons House of Assembly appointed five deputies, February 3, 1775.<sup>1</sup>

It would be foreign to our purpose to enter upon the question of the relation of these various delegations to the members of the colonial corporations for whom they were supposed to act.<sup>2</sup> Sufficient that revolution was strong enough to support these delegates, in each case, and to give them the authority of responsible agents of responsible principals.

*Section II. The Powers of the Members.*

Variations, more or less striking in form, from the credentials of 1774, show, in the first place, that the parties sending representatives had more clearly defined purposes than before; but, in the second place, that they had not changed their views of the nature of the central committee, which was to further define their purposes and devise corresponding plans.

The New Hampshire delegates had authority as follows :

“To represent this province in the Continental Congress . . . and that they and each of them, in the absence of the other, have full and ample power, in behalf of this province, to consent and come to all measures, which said Congress shall deem necessary, to obtain redress of American grievances.”<sup>3</sup>

The Massachusetts Bay delegation was

“appointed and authorized to represent this colony, on the tenth of May next, or sooner if necessary, at the American Congress, . . . with full power, with the delegates from the other American colonies, to consent, agree upon, direct, and order such further

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<sup>1</sup>J. of C., I, 54. By a record on the same page, it appears that the “Provincial Congress of South Carolina” had previously “appointed and authorized” the same representatives.

<sup>2</sup>For illustration of the legal view of the question, *vid.* remarks of Gov. Campbell of S. C. *Am. Arch.*, IV, II, 1044, 1618; also pp. 7, 236, 253-4, 273, 1547.

<sup>3</sup>J. of C., I, 50.

measures as shall to them appear to be best calculated for the recovery and establishment of American rights and liberties, and for restoring harmony between Great Britain and the colonies."<sup>1</sup>

The Rhode Island representatives were instructed :

"To represent the people of this colony in a general Congress of representatives, from this and the other colonies, . . . there, in behalf of this colony, to meet and join with the commissioners or delegates from the other colonies, in consulting upon proper measures to obtain a repeal of the several acts of the British parliament, for levying taxes upon his majesty's subjects in America, without their consent; and upon proper measures to establish the rights and liberties of the colonies upon a just and solid foundation, agreeable to the instructions given you by the general assembly."<sup>2</sup>

The Connecticut delegates were :

"Authorized and empowered to attend said Congress, in behalf of this colony, to join, consult, and advise with the delegates of the other colonies in British America, on proper measures for advancing the best good of the colonies."<sup>3</sup>

The New York delegates held commission :

"To represent this colony at such Congress, with full power . . . to meet the delegates from the other colonies, and to concert and determine upon such measures as shall be judged most effectual for the preservation and reestablishment of American rights and privileges, and for the restoration of harmony between Great Britain and the colonies."<sup>4</sup>

The New Jersey delegation was appointed :

"To attend the Continental Congress of the colonies, . . . and report their proceedings to the next session of general assembly."<sup>5</sup>

<sup>1</sup>J. of C., I, 51.

<sup>2</sup>J. of C., I, 70.

<sup>3</sup>J. of C., I, 51.

<sup>4</sup>J. of C., I, 52.

<sup>5</sup>J. of C., I, 52.

The Pennsylvania representatives were :

“Appointed deputies on the part of this province to attend the general Congress, . . . and that they or any four of them do meet the said Congress accordingly, unless the present grievances of the American colonies shall, before that time, be redressed.”<sup>1</sup>

The credentials of the Delaware delegation contained authorization :

“To represent this government at the American Congress, . . . with full power to them or any two of them, together with the delegates from the other American colonies, to concert and agree upon such further measures as shall appear to them best calculated for the accommodation of the unhappy differences between Great Britain and the colonies, on a constitutional foundation, which the house most ardently wish for, and that they report their proceedings to the next sessions of general assembly.”<sup>2</sup>

To the Maryland delegates, authority was given :

“To represent this province in the next Continental Congress ; . . . and that they, or any three or more of them, have full and ample power to consent and agree to all measures, which such Congress shall deem necessary and effectual to obtain a redress of American grievances, and this province bind themselves to execute, to the utmost of their power, all resolutions which the said Congress may adopt. And further, if the said Congress shall think necessary to adjourn, we do authorize our said delegates, to represent and act for this province, in any one Congress, to be held by virtue of such adjournment.”<sup>3</sup>

The Virginia credentials simply certified that the persons named in them were chosen :

“To represent this colony in general Congress, to be held at the city of Philadelphia on the tenth day of May next.”<sup>4</sup>

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<sup>1</sup>J. of C., I, 52.

<sup>2</sup>J. of C., I, 52.

<sup>3</sup>J. of C., I, 53.

<sup>4</sup>J. of C., I, 53.

The North Carolina representatives presented at Philadelphia certificates that they were :

“ Invested with such powers as may make any acts done by them, or any of them, or consent given in behalf of this province, obligatory, in honor, upon every inhabitant thereof.”<sup>1</sup>

The credentials given by the South Carolina Commons House of Assembly, appointed :

“ . . . deputies, for and in behalf of this colony, to meet the deputies appointed, or to be appointed, on the part and in behalf of the other colonies, . . . with full power and authority to concert, agree to, and effectually prosecute such measures as, in the opinion of the said deputies, and the deputies to be assembled, shall be most likely to obtain a redress of American grievances.”<sup>2</sup>

The credentials of the Provincial Congress to the same individuals read :

“ . . . appointed and authorized to represent this colony, . . . at the American Congress, . . . with full power to concert, agree upon, direct, and order such further measures as, in the opinion of the said deputies, and the delegates of the other American colonies to be assembled, shall appear to be necessary for the recovery and establishment of American rights and liberties, and for restoring harmony between Great Britain and her colonies.”<sup>3</sup>

Massachusetts, Maryland, North Carolina, and South Carolina use, in these credentials, expressions which, taken by themselves, might be understood to delegate more power than the Congress ever exercised. On the other hand, the instructions of Rhode Island, New Jersey, Pennsylvania, neither express nor imply any definite purpose to be guided by the

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<sup>1</sup> J. of C., I, 53. In this connection it is worthy of note that the Provincial Congress of N. C. voted credentials, September 2, 1775, for representatives to the Congress of September 5, or later, in which, after the words “in behalf of this province,” the clause is inserted, “not inconsistent with such instructions as may be given by this Congress.” *Am. Arch.*, IV, III, 195.

<sup>2</sup> J. of C., I, 54.

<sup>3</sup> J. of C., I, 54.

decisions of the Congress. Taken as a whole, the credentials seem to create a body of counsellors, whose deliberations were likely to be so wise that the results would be accepted by the colonies in general as guides of their conduct. If Massachusetts and South Carolina intended to obey the *orders* of the Congress, they were certainly alone in expressing such intentions. If Maryland really meant to pledge compliance with all the recommendations of the Congress, there is certainly food for reflection in the fact that Maryland was the last colony of all to ratify the Articles of Confederation, and that the other states were on the point of forming a confederation without her, when she gave her consent to the proposal of Congress, more than three years after it was made, and nearly two years after all the other states had voted to accept the articles.<sup>1</sup>

According to the canons of interpretation observed in the case of the first Congress, it is necessary to subject these credentials to comparison with the acts of the body which the accredited persons composed. It is certain that the powers voted and attested by the documents here cited, received no increments from the journey to Philadelphia. The language of the credentials meant no more when read in Congress than when voted in the several colonies. The body which organized in Philadelphia plainly had no powers over and above the sum of the powers authorized in the twelve sets of instruc-

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<sup>1</sup>J. of C., II, 610-18, III, 135-6, 201, 280, 281, 283, 576, 592. In the proper place it will be shown that Maryland deserved the gratitude of Americans for stoutly maintaining her position in respect to Western lands. The above allusion has simply this bearing: Argument from the language of the Maryland credentials, that henceforth Maryland was subject to the determinations of the Continental Congress, is estopped by the recorded and famous fact that Maryland was most conspicuously independent of such determinations. This is but another illustration of the principle contended for throughout this work, viz.: the character of institutions, and the nature of relations must be discovered by examination of the institutions and relations themselves, not merely of the language which occasioned or recognized their existence.

tions. Adding together twelve authorizations to "consult and advise," could not make power to command. The Congress may use its position in one of three ways: it may, first, simply debate, reach expressions of the opinion of the majority, transmit the same to the colonies, and await their action; it may, second, resolve upon active measures, and take the first steps in carrying them into execution, depending upon the colonies to endorse its proceedings; it may, third, assume governmental control of the people of the colonies, and attempt to establish the prerogative of forcible coercion of the constituencies represented.

The first form of procedure would be in accordance with the most restricted interpretation that could possibly be placed upon the instructions; the second course would exceed the letter of some of the instructions, but it might fairly be held to correspond with the apparent intent of the greater number, and to be in violation of no express or certainly implied restriction of any; the third possible line of conduct would have only the single word "order," in the Massachusetts Bay and South Carolina resolves, as explicit authorization.

If the first possibility were found to be the actual course of Congress, that body would evidently be merely a committee of advisers, and nothing more. If the second possibility be found realized in congressional acts, the body is then a committee, not only of consultation, but of leadership. If the third possibility be the historical reality, the body which acted for the colonies was a board of government, and the twelve coöperating corporations were a commonwealth under central control, instead of twelve self-determining and self-governing communities.

We have now to examine the records to discover which of the three hypothetical possibilities was actualized.

### *Section III. The Organization of the Congress of 1775.*

May 10, 1775, Peyton Randolph was unanimously chosen president, and Charles Thomson was, also by a unanimous



vote, appointed secretary. A door-keeper and a messenger were, at the same time, selected, and it was agreed to invite one of the city clergymen to act as temporary chaplain."<sup>1</sup>

May 13, Lyman Hall presented himself with credentials from the parish of St. John's, Georgia, and requested admission to the Congress.<sup>2</sup> He was admitted as a delegate from the parish of St. John's, "subject to such regulations as the Congress shall determine, relative to his voting."<sup>3</sup>

The first committee of which mention is made in the Journals, was formed May 15, "to consider what posts are necessary to be occupied in the colony of New York," and "to report as speedily as possible."<sup>4</sup> Congress was practically, thus far, in continual committee of the whole, "to take into consideration the state of America."<sup>5</sup> The differentiation of functions in committees can hardly be said to have begun earlier than June 14th.<sup>6</sup> Besides the committee mentioned above, another of three members, was appointed May 26th, to prepare and bring in a letter to the people of Canada;<sup>7</sup> another, May 27th, "to consider on ways and means to supply these colonies with ammunition and military stores;<sup>8</sup> another, May 29th, "to get the letter" (to Canada) "translated into the French language, . . . printed, . . . and dispersed among the inhabitants there;"<sup>9</sup> another "to consider the best means of establishing post for conveying letters and intelligence through this continent;"<sup>10</sup> and on June 3d, six committees were formed, for the following purposes:

(a) to consider the letter from the convention of Massachusetts, dated the 16th May, "and report what, in their opinion, is the proper advice to be given to that convention;"

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<sup>1</sup> J. of C., I, 50.

<sup>2</sup> His papers explain the situation in Ga. J. of C., I, 68.

<sup>3</sup> J. of C., I, 67. <sup>4</sup> J. of C., I, 70.

<sup>5</sup> J. of C., I, 67, 71, 72, 73, 74, 77, 78, 79, 80, 82, 83.

<sup>6</sup> J. of C., I, 83. It might be placed much later.

<sup>7</sup> J. of C., I, 74. <sup>8</sup> J. of C., I, 74.

<sup>9</sup> J. of C., I, 76.

<sup>10</sup> J. of C., I, 76.

(b) "to draught a petition to the king ;"

(c) "to prepare an address to the inhabitants of Great Britain ;"

(d) "to prepare an address to the people of Ireland ;"

(e) "to bring in the draught of a letter to the inhabitants of Jamaica ;"

(f) "to bring in an estimate of the money to be raised."<sup>1</sup>

June 8, a committee was instructed to examine the papers of one Skene, a prisoner in the custody of the Philadelphia troops, and reported to be "a dangerous partizan of administration," with "authority to raise a regiment in America." It was voted :

"That the said committee be upon honor to conceal whatever of a private nature, may come to their knowledge by such examination, and that they communicate, to this Congress, what they shall discover, relative to the present dispute, between Great Britain and America."<sup>2</sup>

In addition to these committees, one was formed June 7, to draft a "resolution for a fast ;"<sup>3</sup> another, June 10, to devise ways and means to introduce the manufacture of salt-petre in these colonies ;<sup>4</sup> another, June 14, "to prepare rules and regulations for the government of the army ;"<sup>5</sup> another, June 16, "to draught a commission and instructions for the general ;"<sup>6</sup> another, on the same day, "to report what steps, in their opinion, are necessary to be taken for securing and preserving the friendship of the Indian nations ;"<sup>7</sup> another, June 19, "to prepare the form of a commission for the major-generals, also for the brigadier-generals, and other officers in the army ;"<sup>8</sup> another, June 23, to draw up a declaration, to be published by General Washington, upon his arrival at the camp before Boston ;<sup>9</sup> another, the same day, "to get proper

<sup>1</sup> J. of C., I, 79.

<sup>4</sup> J. of C., I, 81.

<sup>7</sup> J. of C., I, 84.

<sup>2</sup> J. of C., I, 80.

<sup>5</sup> J. of C., I, 83.

<sup>8</sup> J. of C., I, 86.

<sup>3</sup> J. of C., I, 79-81.

<sup>6</sup> J. of C., I, 84.

<sup>9</sup> J. of C., I, 88.

plates engraved, to provide paper, and to agree with printers to print" the bills of credit;<sup>1</sup> another, June 24, "to devise ways and means to put the militia of America in a proper state for the defence of America;"<sup>2</sup> another, July 21, "to superintend the press, and to have the oversight and care of printing the bills of credit ordered to be struck by this Congress."<sup>3</sup>

With a few unimportant exceptions, the above is a full list of the congressional committees, up to the adjournment, August 1. Criticism of the functions provided for in this organization may properly be reserved until the acts performed by the Congress have been considered.

*Section IV. The Acts of the Congress of 1775.*

As details now begin to claim the attention of the Congress, its acts must be grouped, and only the most important representative measures particularly noticed. The business of the Congress with which this inquiry is concerned, was:

1. *To dispose of sundry applications, on behalf of individuals.* These were all, apparently, cases that arose under the non-intercourse provisions of the Association. In the case of Robert and John Murray, desiring to be restored to their former situation with respect to their commercial privileges, while the form of expression used by Congress implies that its answer was an authoritative permission, the resolve was in fact a formulation of the principle which, in the opinion of Congress, the spirit of the Association required the local committees to observe. The answer was:

"That where any person hath been or shall be adjudged by a committee, to have violated the continental association, and such offender shall satisfy the convention of the colony, where the offence was or shall be committed, or the committee of the parish of St. John's, in the colony of Georgia, if the offence be committed

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<sup>1</sup>J. of C., I, 88.

<sup>2</sup>J. of C., I, 88.

<sup>3</sup>J. of C., I, 121.

there, of his contrition for his offence, and sincere resolution to conform to the association for the future; the said convention, or committee of the parish of St. John's aforesaid, may settle the terms upon which he may be restored to the favor and forgiveness of the public, and that the terms be published."<sup>1</sup>

The fact that such subjects could be dealt with, under existing circumstances, by local authorities alone, and that Congress had no jurisdiction in the premises, could not have been more plainly recognized, if it had been expressly asserted.

2. *To consider requests for advice and aid to individual colonies.* May 3, 1775, the Provincial Congress of Massachusetts Bay directed to Congress a request for "direction and assistance."<sup>2</sup> It urges the need of a powerful army to oppose "the sanguinary zeal of the ministerial army," and to end the "inhuman ravages of mercenary troops." The petitioners add:

"We also inclose several resolves for empowering and directing our receiver-general to borrow the sum of one hundred thousand pounds, lawful money, and to issue his notes for the same; it being the only measures, which we could have recourse to, for supporting our forces, and we request your assistance in rendering our measures effectual, by giving our notes a currency throughout the continent."

The papers referred to included a series of affidavits, by eye-witnesses and participants, correcting false accounts of the affairs of Concord and Lexington;<sup>3</sup> and an address from the Watertown Provincial Congress of Massachusetts Bay to the inhabitants of Great Britain.<sup>4</sup>

On the second of June another request of similar, yet in some respects more weighty, import, was received from the

<sup>1</sup> J. of C., I, 74. For other cases, vid. pp. 70 and 134.

<sup>2</sup> J. of C., I, 56, *sq.*

<sup>3</sup> J. of C., I, 58-66.

<sup>4</sup> Same, 66-7.

same Provincial Congress.<sup>1</sup> The resolution of Congress, in response to these requests, has furnished material for a vast deal of inconsequent argumentation. Comments upon it may be deferred till further facts have been cited. The text was as follows :

“Resolved, That no obedience being due to the act of parliament for altering the charter of Massachusetts Bay, nor to a governor, or a lieutenant-governor, who will not observe the directions of, but endeavor to subvert, that charter, the governor and lieutenant-governor of that colony are to be considered as absent, and their offices vacant ; and as there is no council there, and the inconveniences, arising from the suspension of the powers of government, are intolerable, especially at a time when general Gage hath actually levied war, and is carrying on hostilities, against his majesty’s peaceable and loyal subjects of that colony ; that, in order to conform, as near as may be, to the spirit and substance of the charter, it be recommended to the provincial convention, to write letters to the inhabitants of the several places, which are entitled to representation in assembly, requesting them to chuse such representatives, and that the assembly, when chosen, do elect councillors ; and that such assembly, or council, exercise the powers of government, until a governor, of his majesty’s appointment, will consent to govern the colony according to its charter.”<sup>2</sup>

May 13, “a petition from the county of Frederick, in Virginia, addressed to the Congress, was presented and read.”<sup>3</sup> May 15, “the city and county of New York having, through the delegates of that province, applied to Congress for advice how to conduct themselves with regard to the troops expected

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<sup>1</sup> It urged the Congress “to favour them with explicit advice respecting the taking up and exercising the powers of civil government,” and declared their readiness “to submit to such a general plan as the Congress may direct for the colonies, or make it their great study to establish such a form of government there, as shall not only promote their advantage, but the union and interest of all America.” J. of C., I, 78.

<sup>2</sup> June 9, 1775. J. of C., I, 80.

<sup>3</sup> J. of C., I, 69.

there, the Congress took the matter into consideration,"<sup>1</sup> and "recommended, for the present, to the inhabitants of New York, that if the troops, which are expected, should arrive, the said colony act on the defensive, so long as may be consistent with their safety and security; that the troops be permitted to remain in the barracks, so long as they behave peaceably and quietly, but that they be not suffered to erect fortifications, or take any steps for cutting off the communication between the town and country, and that if they commit hostilities or invade private property, the inhabitants should defend themselves and their property, and repel force by force; that the warlike stores be removed from the town; that places of retreat, in case of necessity, be provided for the women and children of New York, and that a sufficient number of men be embodied, and kept in constant readiness for protecting the inhabitants from insult and injury."<sup>2</sup>

A single illustration of another class of applications will suffice. June 14, "a letter from the convention of New York, dated 10th instant, respecting a vessel which is stopped there, on suspicion of having on board provisions for the army and navy at Boston, was read and referred to the delegates of Massachusetts Bay, Connecticut, and New York."<sup>3</sup> The next day it was voted to send the following answer to the chairman of the New York convention:

"Resolved, That the thanks of this Congress be given to the convention of New York, for their vigilance in the case of capt. Coffin's vessel, and that it be recommended to them that the vessel be unloaded, and the cargo safely stored, until all just suspicions, concerning the destination of it, shall be removed."<sup>4</sup>

3. *To act as the mouthpiece of the patriotic party in all the colonies.* The Congress appeared in this character when, July 6, 1775, it agreed to the "Declaration by the Representatives of the United Colonies of North America, now met in Congress at Philadelphia, setting forth the causes and necessity of

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<sup>1</sup> J. of C., I, 69.

<sup>2</sup> J. of C., I, 70.

<sup>3</sup> J. of C., I, 83.

<sup>4</sup> J. of C., I, 83.

their taking up arms." In tracing the progress of political opinion, this document must be carefully compared with the "Declaration of Rights and Privileges" by the first Congress.<sup>1</sup> Each of these deserves to constitute a chapter in all hand books of American history.

A few expressions in the later document should be noticed in our present inquiry. The paper declares: "Our cause is just. *Our union is perfect.*"<sup>2</sup>

The contention of this argument is that the idea conveyed to the people of the time by the word "union," and the fact which alone existed as the correlate of that word, must be sought in contemporary interpretations, either formal or practical. In this instance the idea is developed in the protestation:

"With hearts fortified with these animating reflections, we most solemnly, before God and the world, declare, that, exerting the utmost energy of those powers which our beneficent Creator hath graciously bestowed upon us, the arms we have been compelled by our enemies to assume, we will, in defiance of every hazard, with unabating firmness and perseverance, employ for the preservation of our liberties, being with one mind resolved to die freemen rather than live slaves."<sup>3</sup>

The "union" of the time then, was the common purpose to postpone all minor interests in prosecuting this determination. The inter-colonial coöperation, which prudence dictated, in no recognized sense committed the colonies to any system of permanent relations, after the object for which they temporarily combined had been attained. "Union" was, at this period, a concept with which the notion of fixed, organic connection had not yet been joined.

4. *To serve as an organ of communication between the collective colonies and other communities or individuals.* May 29, an address to "the oppressed inhabitants of Canada" was adopted.

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<sup>1</sup>J. of C., I, 19.

<sup>2</sup>J. of C., I, 103.

<sup>3</sup>J. of C., I, 103.

In behalf of the united colonies, the Congress argued with the "friends and countrymen," "fellow-subjects," and "fellow-sufferers" of Canada, that the "fate of the Protestant and Catholic colonies" was "strongly linked together." The letter expressed condolence with the Canadians on account of their deprivation of freedom by the home government, and professed confidence that they "will not, by tamely bearing the yoke, suffer pity to be supplanted by contempt." It characterized, in terms intended to rouse the indignation of the Canadians against England, the tyranny to which, in both civil and religious matters, the people of Canada had been subjected, and the degradation which submission to such despotism involved. It renewed the assurances of friendship made by the Congress of 1774, and called upon the Canadians to join the other colonies "in the defence of our common liberty," and especially in "imploping the attention of our sovereign, to the unmerited and unparalleled oppressions of his American subjects," that he may "at length be undeceived, and forbid a licentious ministry any longer to riot in the ruins of the rights of mankind."<sup>1</sup>

July 8, the Congress adopted an address to the inhabitants of Great Britain.<sup>2</sup> It claims to be a second attempt to interest "friends, countrymen, and brethren" of England, in preventing the dissolution of ties which bind Englishmen in America with those at home. It is a strong, clear, candid presentation of facts in addition to those which had been reviewed in the first address. It demands no further remark in this connection.

The address to the King of Great Britain,<sup>3</sup> adopted also June 8, though remarkable for its profuse expressions of loyalty, and the conciliatory, yet dignified tone of its plea for relief, adds nothing which requires mention here.

The address to the "lord mayor, aldermen, and livery of

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<sup>1</sup> J. of C., I, 74-6.

<sup>2</sup> J. of C., I, 106.

<sup>3</sup> J. of C., I, 104.



London,"<sup>1</sup> contains thanks "for the virtuous and unsolicited resentment shown to the violated rights of a free people;" a declaration that "North America wishes most ardently for a lasting connection with Great Britain on terms of just and equal liberty;" and an assurance that while determined to defend themselves "like the descendants of Britons," the Americans still hope "that the mediation of wise and good citizens will prevail over despotism, and restore harmony and peace, on permanent principles, to an oppressed and divided empire." These last three addresses were, as in the similar cases of the preceding year, sent to Mr. Richard Penn, and the colony agents in London, with the request that they be immediately presented.<sup>2</sup>

The address to the Assembly of Jamaica is a rapid account of the reasons which compelled the colonies to include the British West India Islands in the non-intercourse agreement.<sup>3</sup>

The import of the address to the people of Ireland,<sup>4</sup> may be gathered from the opening paragraph :

"Friends and Fellow-Subjects!

"As the important contest, into which we have been driven, is now become interesting to every European state, and particularly affects the members of the British empire, we think it our duty to address you on the subject. We are desirous, as is natural to injured innocence, of possessing the good opinion of the virtuous and humane. We are peculiarly desirous of furnishing you with a true state of our motives and objects; the better to enable you to judge of our conduct with accuracy, and determine the merits of the controversy with impartiality and precision."

Near the end of the address is a sentence whose optimism is noteworthy, yet as pointed out in a similar case above, it is entirely anachronistic to interpret the language as indicative of organized nationality :

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<sup>1</sup> J. of C., I, 111.

<sup>2</sup> J. of C., I, 112.

<sup>3</sup> J. of C., I, 122.

<sup>4</sup> July 28, 1775. J. of C., I, 125.

“*Blessed with an indissoluble union, with a variety of internal resources, and with a firm reliance on the justice of the Supreme Dispenser of all human events, we have no doubt of rising superior to all the machinations of evil and abandoned ministers.*”<sup>1</sup>

In the acts thus enumerated there is implied no suggestion of any change in the relations between the Congress and the colonies, since acts of like character were performed in 1774.

5. *To devise peaceful plans and measures for the general good.* Of this class the examples are very numerous. May 17, the Congress voted unanimously :

“That all exportations to Quebec, Nova Scotia, the island of St. John’s, Newfoundland, Georgia, except the parish of St. John’s, and to East and West Florida, immediately cease, and that no provision of any kind, or other necessaries be furnished to the British fisheries on the American coasts, until it be otherwise determined by the Congress.”<sup>2</sup>

When it is remembered that the enforcement of such a resolution depended entirely upon the determination of the towns, counties, or colonies, according to the condition of organization in each province at the time; and that it actually was enforced by local authorities, not by the Congress; the baselessness of the claim that the Congress exerted a sovereign power in the premises, is apparent.

May 29, the colonial committees were earnestly recommended to prevent the exportation (except from Massachusetts Bay) of provisions or necessaries of any kind to the island of Nantucket. This was to shut off a source of supply for English fishermen.<sup>3</sup> June 1, it was voted that :

“As this Congress has nothing more in view than the defence of these colonies, *Resolved*, That no expedition or incursion ought to be undertaken or made, by any colony, or body of colonists, against or into Canada; and that this resolve be immediately transmitted to the commander of the forces at Ticonderoga.”<sup>4</sup>

<sup>1</sup> J. of C., I, 128.

<sup>2</sup> J. of C., I, 71.

<sup>3</sup> J. of C., I, 76.

<sup>4</sup> J. of C., I, 77.

June 2, it was resolved :

“That no bill of exchange, draught, or order of any officer in the army or navy,<sup>1</sup> their agents or contractors, be received or negotiated, or any money supplied to them by any person in America ; that no provisions or necessaries of any kind be furnished or supplied to, or for the use of, the British army or navy, in the colony of Massachusetts Bay ; that no vessel employed in transporting British troops to America, or from one part of North America to another, or warlike stores or provisions for said troops, be freighted or furnished with provisions or any necessaries, until further orders from this Congress.”<sup>2</sup>

June 10, the towns and districts in the northern colonies were “recommended” to collect as much salt-petre and brimstone as possible, and send it to the provincial convention at New York.<sup>3</sup> The said convention was “recommended” to put the powder mills in order for the manufacture of all such materials.<sup>4</sup> Like action was urged upon the southern colonies.<sup>5</sup>

June 12, the Congress issued a proclamation, earnestly recommending to the inhabitants of the colonies the observance of Thursday, the 20th of July, “as a day of public humiliation, fasting, and prayer.”<sup>6</sup> Whether any importance may be attached to the change or not, it is curious that the first two fast day proclamations were addressed directly to the people of the colonies ; but after the Declaration of Independence the legislatures of the several states were recommended to appoint both fast and thanksgiving days.<sup>7</sup>

July 4, Congress resolved :

“That the two acts passed in the first session of the present parliament,” for restraining the trade and commerce of the colonies, were “unconstitutional, oppressive, and cruel, and that the

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<sup>1</sup> British.

<sup>2</sup> J. of C., I, 78.

<sup>3</sup> J. of C., I, 81.

<sup>4</sup> J. of C., I, 81.

<sup>5</sup> J. of C., I, 81.

<sup>6</sup> J. of C., I, 81.

<sup>7</sup> J. of C., I, 576, II, 309, 469, III, 125, 229, 377, 441, 537.

commercial opposition of these colonies, to certain acts enumerated in the association of the last Congress, ought to be made against these, until they are repealed.”<sup>1</sup>

July 12, Congress organized a systematic superintendence of Indian affairs for the colonies. Three departments were created: the northern, middle, and southern. Five commissioners were assigned to the southern, and three to each of the other two departments. The commissioners were empowered:

“To treat with the Indians in their respective departments, in the name, and on behalf of the united colonies, in order to preserve peace and friendship with the said Indians, and to prevent their taking any part in the present commotions.”<sup>2</sup>

Congress elected the commissioners for the northern and middle departments,<sup>3</sup> and two of the five for the southern department.<sup>4</sup> The remaining three were left to the council of safety of South Carolina.<sup>5</sup>

July 15, Congress adopted the following preamble and resolution:

“Whereas, the government of Great Britain hath prohibited the exportation of arms and ammunition to any of the plantations, and endeavored to prevent other nations from supplying us; ‘Resolved, That for the better furnishing these colonies with the necessary means of defending their rights, every vessel importing gun-powder, salt-petre, sulphur, provided they bring with the sulphur four times as much salt-petre, brass field-pieces, or good muskets fitted with bayonets, within nine months from the date of this resolution, shall be permitted to load and export the produce of these colonies, to the value of such powder and stores aforesaid, the non-exportation agreement notwithstanding; and *it is recommended to the committees of the several provinces* to inspect the military stores so imported, and to estimate a generous price for the same, according to their goodness, and permit the importer of

<sup>1</sup> J. of C., I, 99.

<sup>2</sup> J. of C., I, 113.

<sup>3</sup> J. of C., I, 117.

<sup>4</sup> J. of C., I, 120-121.

<sup>5</sup> J. of C., I, 120.

such powder and other military stores aforesaid, to export the value thereof and no more, in produce of any kind.”<sup>1</sup>

One of the most timely and sagacious acts of this Congress, was the formulation, July 31, of the principles at issue between the colonies and the home government. In February of that year the English House of Commons had passed a resolve as follows :

“ That when the general council and assembly, or general court of any of his majesty’s provinces, or colonies in America, shall propose to make provision, according to the condition, circumstance, or situation of such province or colony, for contributing their proportion to the common defence (such proportion to be raised under the authority of the general court, or general assembly of such province or colony, and disposable by parliament) and shall engage to make provision also, for the support of the civil government, and the administration of justice in such province or colony, it will be proper, if such proposal shall be approved by his majesty, and the two houses of parliament, and for so long as such provision shall be made accordingly, to forbear in respect to such province or colony, to lay any duty, tax, or assessment, except only such duties as it may be expedient to continue to levy or impose for the regulation of commerce ; the net-produce of the duties last mentioned to be carried to the account of such province or colony respectively.”<sup>2</sup>

It would be difficult to imagine a more cunning proposition of ostensible concessions by the home government. Acceptance of them by an American colony would have been tacit surrender to all the claims against which the Americans were in revolt. Some of the colonies might have been caught in the snare if there had been no common council. The Congress scarcely appears to better advantage than in furnishing the colonies a platform upon which to unite in repelling such disingenuous advances.

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<sup>1</sup>J. of C., I, 118.

<sup>2</sup>J. of C., I, 131.

The parliamentary resolution having been referred to Congress by the assemblies of New Jersey, Pennsylvania, and Virginia, a reply was adopted which exposes the subtlety of the English proposal, and furnishes one of the most statesmanlike justifications of the American demands, in the whole series of revolutionary declarations. In such work as this the service of the Congress to the colonial cause was inestimable. The proposal is pronounced "unreasonable and insidious."

"Unreasonable because, if we declare we accede to it, we declare without reservation, we will purchase the favor of parliament, not knowing at the same time at what price they will please to estimate their favor; it is insidious, because individual colonies, having bid and bidden again, till they find the avidity of the seller too great for all their powers to satisfy, are then to return into opposition, divided from their sister colonies whom the minister will have previously detached by a grant of easier terms, or by an artful procrastination of a definitive answer."<sup>1</sup> The opinion continues: "Upon the whole, this proposition seems to have been held up to the world, to deceive it into a belief that there was nothing in dispute between us but the mode of levying taxes; and that the parliament having now been so good as to give up this, the colonies are unreasonable if not perfectly satisfied: Whereas, in truth, our adversaries still claim a right of demanding *ad libitum*, and of taxing us themselves to the full amount of their demand, if we do not comply with it. This leaves us without anything we can call property. But, what is of more importance, and what in this proposal they keep out of sight, as if no such point was now in contest between us, they claim a right to alter our charters and establish laws, and leave us without any security for our lives or liberties."<sup>2</sup>

The last measure of this class which need be mentioned, was the establishment of a postal system. The exercise of power of this character has been made much of, in arguments upon the political character of the Congress. The fact that an inter-

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<sup>1</sup>J. of C., I, 132.

<sup>2</sup>J. of C., I, 133.

colonial postal system grew naturally into a department of national administration, need not, however, obscure the fact that its origination was a measure rather of revolutionary than of civil policy, and that in the institution of such a service, Congress was acting in its capacity of temporary committee of safety, by virtue of authorization, the nature of which will be further illustrated as we proceed. This is evident by the content of the resolution constituting the committee on the subject:

“As the present critical situation of the colonies renders it highly necessary that ways and means should be devised for the speedy and secure conveyance of intelligence from one end of the continent to the other, Resolved, That . . . be a committee to consider the best means of establishing post for conveying letters and intelligence through this continent.”<sup>1</sup>

The subsequent establishment of “a line of posts, under the direction of the post-master general, from Falmouth in New England, to Savannah in Georgia, with as many cross posts as he shall think fit,”<sup>2</sup> is thus properly classed with plans for rendering the resistance of the colonies more effective.

6. *To devise offensive and defensive measures to be urged upon the individual colonies.* Thus, in view of the British design of invading the colonies from Quebec, the capture of Ticonderoga was approved (May 18, 1775), and Congress

“earnestly recommended it to the committees of the cities and counties of New York and Albany, immediately to cause the said cannon and stores to be removed from Ticonderoga to the south end of lake George; and, if necessary, to apply to the colonies of New Hampshire, Massachusetts Bay, and Connecticut, for such an additional body of forces as will be sufficient to establish a strong post at that place, and effectually to secure said cannon and stores, or so many of them as it may be judged proper to keep there.”<sup>3</sup>

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<sup>1</sup> May 29, 1775. J. of C., I, 76.

<sup>2</sup> July 26, 1775. J. of C., I, 124.

<sup>3</sup> J. of C., I, 72.

Again (May 20, 1775) it was resolved unanimously :

“That the militia of New York be armed and trained, and in constant readiness to act at a moment’s warning; and that a number of men be immediately embodied and kept in that city, and so disposed of as to give protection to the inhabitants, in case any insult should be offered by the troops, that may land there, and prevent any attempts that may be made to gain possession of the city, and interrupt its intercourse with the country.”<sup>1</sup>

It was also voted unanimously the same day :

“That it be recommended to the provincial convention at New York, to persevere the more vigorously in preparing for their defence, as it is very uncertain whether the earnest endeavors of the Congress, to accommodate the unhappy differences between Great Britain and the colonies, by conciliatory measures, will be successful.”<sup>2</sup>

May 30, it was resolved :

“That the governor of Connecticut be *requested* immediately to send a strong reinforcement to the garrisons of Crown Point and Ticonderoga;” “that the president acquaint governor Trumbull, that it is the *desire* of Congress, that he should appoint a person, in whom he can confide, to command the forces at Crown Point and Ticonderoga;” “That the provincial convention of New York be . . . *desired* to furnish” the troops at those posts “with provisions and other necessary stores, and to take effectual care that a sufficient number of batteaus be immediately provided for the lakes;” and “that it be *recommended* to the government of Connecticut, or the general of the forces of that colony, to appoint commissaries to receive at Albany and forward the supplies of provisions, for the forces on lake Champlain, from the provincial convention of New York, and that the said convention use their utmost endeavors in facilitating and aiding the transportation thereof, from thence to where the said commissaries may direct.”<sup>3</sup>

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<sup>1</sup>J. of C., I, 73.

<sup>2</sup>J. of C., I, 73.

<sup>3</sup>J. of C., I, 77.



Recommendations were sent to various parts of the continent urging the people to collect and send to central points all available sulphur and saltpetre.<sup>1</sup> The provincial convention of New York was "desired immediately to apply to governor Trumbull to order the Connecticut troops, now stationed at Greenwich, Stanford, and parts adjacent, to march towards New York."<sup>2</sup>

June 19, the letters from Massachusetts Bay being taken into consideration, the Congress came to the following resolve:

"That the governor of Connecticut be requested to direct all the forces raised in that colony, not employed at Ticonderoga and Crown Point, or recommended by this Congress to be marched towards New York, to be immediately sent to join the combined army before Boston; and it is earnestly recommended to the colony of Rhode Island, and to the provincial convention of New Hampshire, to send immediately to the army before Boston, such of the forces as are already embodied, towards their quotas of the troops agreed to be raised by the New England colonies."<sup>3</sup>

June 22, it was resolved:

"That the colony of Pennsylvania raise two more companies of riflemen, and that these, with the six before ordered to be by them raised, making eight companies, be formed into a battalion, to be commanded by such field officers, captains, and lieutenants, as shall be recommended by the assembly or convention of said colony."<sup>4</sup>

The next day it was resolved:

"That it be recommended to the convention of New York, that they, consulting with general Schuyler, employ in the army to be raised for the defence of America, those called Green Mountain Boys, under such officers as the said Green Mountain Boys shall chuse."<sup>5</sup>

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<sup>1</sup> J. of C., I, 81.

<sup>2</sup> June 16. J. of C., I, 85.

<sup>3</sup> J. of C., I, 86.

<sup>4</sup> J. of C., I, 87.

<sup>5</sup> J. of C., I, 88.

June 26, the state of North Carolina being taken into consideration, the Congress came to the following resolutions :

“Whereas it is represented to this Congress, that the enemies of the liberties of America are pursuing measures to divide the good people of the colony of North Carolina, and to defeat the American association, Resolved, That it be recommended to all in that colony, who wish well to the liberties of America, to associate for the defence of American liberty, and to embody themselves as militia, under proper officers.

“Resolved, That in case the assembly or convention of that colony shall think it absolutely necessary, for the support of the American association and safety of the colony, to raise a body of forces not exceeding one thousand men, this Congress will consider them as an American army, and provide for their pay.”<sup>1</sup>

A resolve was passed, July 1 :

“That in case any agent of the ministry, shall induce the Indian tribes, or any of them, to commit actual hostilities against these colonies, or to enter into an offensive alliance with the British troops, thereupon the colonies ought to avail themselves of an alliance with such Indian nations as will enter into the same, to oppose such British troops and their Indian allies.”<sup>2</sup>

July 18, Congress resolved :

“That it be recommended to the inhabitants of all the United English Colonies in North America, that all able bodied effective men, between sixteen and fifty years in each colony, immediately form themselves into regular companies of militia.”<sup>3</sup>

It was voted the same day :

“That it be recommended to the assemblies or conventions in the respective colonies to provide, as soon as possible, sufficient stores of ammunition for their colonies; also that they devise proper means for furnishing with arms, such effective men as are poor and unable to furnish themselves.”

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<sup>1</sup> J. of C., I, 89.

<sup>2</sup> J. of C., I, 98.

<sup>3</sup> J. of C., I, 118.

It was voted further :

“That it be recommended to each colony to appoint a committee of safety, to superintend and direct all matters necessary for the security and defence of their respective colonies, in the recess of their assemblies and conventions;” and further, “that each colony, at their own expense, make such provision by armed vessels or otherwise, as their respective assemblies, conventions, or committees of safety shall judge expedient and suitable to their circumstances and situations, for the protection of their harbors and navigation on their sea-coasts, against all unlawful invasions, attacks, and depredations, from cutters and ships of war.”<sup>1</sup>

It was resolved, and such resolutions became very frequent in a short time :

“That it be recommended to the colonies of New Hampshire, Massachusetts Bay, Rhode Island, and Connecticut, to complete the deficiencies in the regiments belonging to their respective colonies, retained by the general in the continental army before Boston;” also “that it be recommended to the colony of Rhode Island to complete and send forward to the camp before Boston, as soon as possible, the . . . men lately voted by their general assembly.”<sup>2</sup>

7. *To raise, organize, and regulate a continental army, and assume general direction of military affairs.* On the 14th of June, it was resolved: “That six companies of expert riflemen, be immediately raised in Pennsylvania, two in Maryland, and two in Virginia;” that each company, as soon as completed, march and join the army near Boston, to be there employed as light infantry, under the command of the chief officer of that army.<sup>3</sup> A scale of pay was adopted;<sup>4</sup> a form of enlistment was promulgated;<sup>5</sup> the grades of officers were

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<sup>1</sup>J. of C., I, 119.

<sup>2</sup>The identical resolution, the number of men excepted, was passed with reference to Conn. J. of C., I, 120.

<sup>3</sup>J. of C., I, 82.

<sup>4</sup>J. of C., I, 82-3-4-7, 129.

<sup>5</sup>J. of C., I, 83.

fixed upon, and the number in certain grades determined ;<sup>1</sup> officers of the higher grades were appointed by the Congress ;<sup>2</sup> a hospital staff was organized ;<sup>3</sup> and elaborate rules were drawn up for the government of the army.<sup>4</sup> On the 15th of June Washington was unanimously "appointed to command all the continental forces raised, or to be raised, for the defence of American liberty."<sup>5</sup> After the form of his commission had been agreed upon, June 17, it was resolved unanimously, ". . . this Congress doth now declare, that they will maintain and assist him, and adhere to him, the said George Washington, with their lives and fortunes in the same cause."<sup>6</sup>

Such records as the following indicate the relation of Congress to the movements of the army :

"The Congress then resumed the consideration of affairs in the New-York department, and after some time spent therein, came to certain resolutions, which were ordered to be immediately transmitted to general Schuyler for his direction."<sup>7</sup>

"Resolved, That general Schuyler be empowered to dispose of and employ all the troops in the New York department, in such manner as he may think best for the protection and defence of these colonies, the tribes of Indians in friendship and amity with us, and most effectually to promote the general interest, still pursuing, if in his power, the former orders from this Congress, and subject to the future orders of the Commander in chief."<sup>8</sup>

"Resolved, That a body of forces, not exceeding five thousand, be kept up in the New York department, for the purpose of defending that part of America, and for securing the lakes, and protecting the frontiers from incursions or invasions."<sup>9</sup>

8. *To create and administer a continental revenue.* The signal for the beginning of that financial policy which afterwards

<sup>1</sup> J. of C., I, 84.

<sup>2</sup> J. of C., I, 85-6, 120.

<sup>3</sup> J. of C., I, 124.

<sup>4</sup> J. of C., I, 90-98.

<sup>5</sup> J. of C., I, 83.

<sup>6</sup> J. of C., I, 85. Other instructions to Washington appear under date June 20, in the Secret Journals of Cong., Vol. I, p. 17. Ed. of 1821.

<sup>7</sup> J. of C., I, 89.

<sup>8</sup> July 20, 1775. J. of C., I, 120.

<sup>9</sup> J. of C., I, 123. July 25.

exerted so nearly a decisive influence upon the formation of permanent interstate relations, was given, June 22, in the resolution :

“That a sum not exceeding two million of Spanish milled dollars be emitted by the Congress in bills of credit, for the defence of America.”<sup>1</sup>

On the 29th of July, it was voted :

“That each colony provide ways and means to sink its proportion of the bills ordered to be emitted by this Congress, in such manner as may be most effectual and best adapted to the condition, circumstances and equal mode of levying taxes in such colony.”

“That the proportion or quota of each colony be determined according to the number of inhabitants, of all ages, including negroes and mulattoes in each colony.”<sup>2</sup>

“That each colony pay its respective quota in four equal annual payments,”<sup>3</sup> and that for this end, the several provincial assemblies, or conventions, provide for laying and levying taxes in their respective provinces or colonies, towards sinking the continental bills ; that the said bills be received by the collectors in payment of such taxes, &c.”<sup>4</sup>

The same day (July 29) it was resolved :

“That Michael Hillegas, and George Clymer, esqrs., be joint treasurers of the United Colonies ; that the treasurers reside in Philadelphia, and that they shall give bond, with surety, for the faithful performance of their office, in the sum of one hundred thousand dollars.”

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<sup>1</sup> J. of C., I, 87-8.

<sup>2</sup> An arbitrary apportionment was made to guide until a census could be taken. J. of C., I, 130. In a later section the acts of the separate colonies in making this paper legal tender, providing penalties for counterfeiting, &c., will be cited in exposure of the fallacy of the claim that the Congress was here exercising “one of the highest acts of sovereignty.”

<sup>3</sup> *I. e.* in terms ending Nov., 1779, 1780, 1781, and 1782. J. of C., I, 130.

<sup>4</sup> The resolutions of the provincial Congress of New York (May 30, 1775), on the subject of continental revenues, should be compared at this point. *Am. Arch.*, IV, II, 1254, 1262.

“That the provincial assemblies or conventions do each choose a treasurer for their respective colonies, and take sufficient security for the faithful performance of the trust.”<sup>1</sup>

In illustration of the manner and purpose of disbursements, at this time, the votes of the last day of the session may be cited :

“Resolved, That the sum of five hundred thousand dollars, be immediately forwarded from the continental treasury, to the paymaster general, to be applied to the use of the army in Massachusetts-Bay, in such manner, as general Washington, or the commander in chief for the time being, by his warrants, shall limit and appoint; and if the above sum shall be expended before the next meeting of the Congress, then that general Washington, or the commander in chief for the time being, be empowered to draw upon the continental treasury, for the sum of two hundred thousand dollars, in favor of the paymaster general, to be applied for the use and in the manner above mentioned.”<sup>2</sup>

A similar appropriation was made for the use of General Schuyler in the New-York department.<sup>3</sup> It was also voted :

“That a sum not exceeding one hundred and seventy-five thousand dollars be paid to the provincial convention of New-York, to be applied towards the discharge of the moneys advanced and the debts contracted for the public service, by the said provincial convention and the committee of Albany, in pursuance of the directions of this Congress; and that the said provincial convention account to this Congress, at their next meeting, for the application of the said money.”<sup>4</sup>

A resolution of the same nature was passed in favor of the colony of Connecticut.<sup>5</sup> It was further resolved :

“That the sum of sixteen thousand dollars be paid to the delegates of the colony of Pennsylvania, in full for the like sum by them borrowed by order of the Congress, on the 3d of June last,

<sup>1</sup> J. of C., I, 130.

<sup>2</sup> J. of C., I, 134.

<sup>3</sup> J. of C., I, 135.

<sup>4</sup> J. of C., I, 134.

<sup>5</sup> J. of C., I, 135.

for the use of the continent ;”<sup>1</sup> and “That the sum of ten thousand dollars be placed in the hands of the delegates of Pennsylvania, or any three of them, for contingent services, and that out of the same, be paid the expenses incurred for raising and arming the rifle companies, and for expresses and other small charges, of which the Congress have not been able to procure exact accounts ; and that the said committee do lay before the Congress, at their next meeting, an account of their proceedings in that matter.”<sup>2</sup>

*Section V. Conclusions.*

This review justifies the following conclusions upon the questions raised at the end of the last section. The Congress of 1775 was not content with mere expression of opinions. It took a large view of its powers. It realized that its efficiency depended wholly upon the acceptance of its acts by the principals of the different delegations ; but, following its judgment as to what the patriotism of the colonies would approve and sustain, it initiated action of various kinds, which, from the beginning, assumed the certainty of adoption by the colonies, and derived all its energy from the probability of such ratification. The Congress doubtless exceeded the letter of the instructions received by a portion of its members ; but this was not from any misconception of those instructions, nor from any uncertainty about the essentially advisory character even of those of its proceedings which appeared most peremptory. In pointing out to the colonies the direction which their preparations for resistance ought to take, the Congress no more acted upon an imagined authority to *command* the colonies, than does the lookout at the bow of the ship, when he reports the direction of danger to the officer of the deck. The Congress unquestionably enjoyed a prestige at this juncture, which it subsequently lost. The people, and even the provincial conventions, occasionally addressed it in a tone which indicated that they unconsciously attributed to it power which it plainly did not possess.

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<sup>1</sup> J. of C., I, 135.

<sup>2</sup> J. of C., I, 135.

It would be easy to collate a long array of expressions from the votes of the Congress, which show that its language was influenced, to a certain extent, towards the assumption of an importance inconsistent with its real power. Nothing could be more natural, inasmuch as, under the circumstances, whatever the Congress decided or recommended the colonies were almost sure to adopt. The prestige of such influence could hardly fail to mould advice sometimes into the semblance of requirement. I am unable to find a single evidence, however, that the members ever entertained a doubt about their actual subordination to the colonial assemblies which they represented.

As the provincial congresses grew more accustomed to their position, and as intercourse with the Continental Congress exhibited the limitations of the latter in a thousand examples, all parties began to understand the precise character of the continental body, and its relation to the States. Resistance would be impotent unless it was concerted.<sup>1</sup> The Congress was the only possible medium of coördination and combination. It was the clearing-house of colonial news and opinion. The situation, resources, temper, strength and weakness of the protesting communities could nowhere be so advantageously considered; nor could the disposition of their available means of defence be so prudently made from any other position. In adopting recommendations that came from such vantage ground, the colonies were sure of directing their operations by the utmost strategic and economic wisdom.

Or again, the Congress was the central office of a coöperative political signal service. Its bulletins were enacted into rules by the colonial assemblies, not because they were recognized as statutes, but because they were accepted as the most accurate readings of the signs of the times. The storm, to be averted if possible, or to be breasted if necessary, was just breaking upon different sections of the country. The Congress could

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<sup>1</sup>This idea was well expressed in resolutions of citizens of Savannah, June 13, 1775. *Am. Arch.*, IV, II, 1544.



best calculate its course and its character, and could best suggest precautions and expedients.

The Congress was a sagacious committee of safety. It knew the minds of the people it acted for. It knew the occasions for action. It knew the possibilities of action. It knew what demands could be made and it made them; not as a legislative chamber would make them, but as popular leaders, who had the ear of the colonial assemblies. Its calls for the mobilization of the militia were enforced by the fact that there was work for the militia to do, and by the assurance involved in the calls that the colonies would collectively assume the responsibility incurred by any individual colony in undertaking the work. Its creation of a continental army was a sensible "straight cut" to the association of forces, implying nothing whatever about permanent relations of Congress to colonies.<sup>1</sup> It was made possible simply by the expressed or tacit assent of each colony to the temporary omission of formalities taken for granted in the whole proceeding. Its issuance of bills of credit was banking upon the public spirit of the colonial corporations. As agents holding indefinite powers of attorney, the delegates pledged the credit of their principals. All the power they had for such a purpose had been created in the colonies, and by the colonies, and could be authoritatively interpreted and actually exerted only by the parties giving it. The pledge of the credit of a colony by its delegation was not the source of the colony's obligation, but the colony entered into an obligation by authorizing or endorsing its delegates' pledge. In a word, the Congress of 1775 did no act by any power other than that which the separate corporations repre-

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<sup>1</sup> I mean by this that the colonists did not consciously commit themselves to any form of organization, or to any permanent relationship of an organized interstate character, by allowing the Congress thus to act for the whole. A philosophical view of their experience discovers in the very naturalness of such an arrangement the foreshadowing of a permanent organ of similar action. The people had not, however, willed the establishment of the future order.

sented individually contributed. It was a Congress of deputies, not of legislators. Its executive operations were vicarious, not functional. It performed no single act which did not derive viability from sustentation by the local powers. Its history forms a record of localism rising superior to itself, to meet the demands of a crisis. That imagination runs riot which turns this magnificent effort into the definitive abdication of localism. The last time the proposal of centralization was formally broached, it was rejected.<sup>1</sup> Not constitution building but constitution saving was the object now. The colonies combined not to substitute one dependence for another, but to make their relation to England one of independence.<sup>2</sup> In the freedom of that further actual independence which English policy had made the only alternative with submission, the colonial corporations created a medium of common offence and defence in which localism did not expire, but in which localism displayed its maximum possibilities for resistance and aggression.

These conclusions will be confirmed by considering the same set of relations from the opposite point of view.

#### *Section VI. The Corresponding Acts of the Colonies.*

The people of the several colonies were meanwhile adopting temporary organizations for the control of their corporate affairs. These organizations, or their successors, inherited or usurped all the prerogatives which had belonged to the charter organizations. The people gradually recognized them as the organs of popular rights of self-government, sanctioned therefore by a law superior to that of the constitution. The people did not at first have definite and unanimous opinions about the

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<sup>1</sup> Albany Congress of 1754.

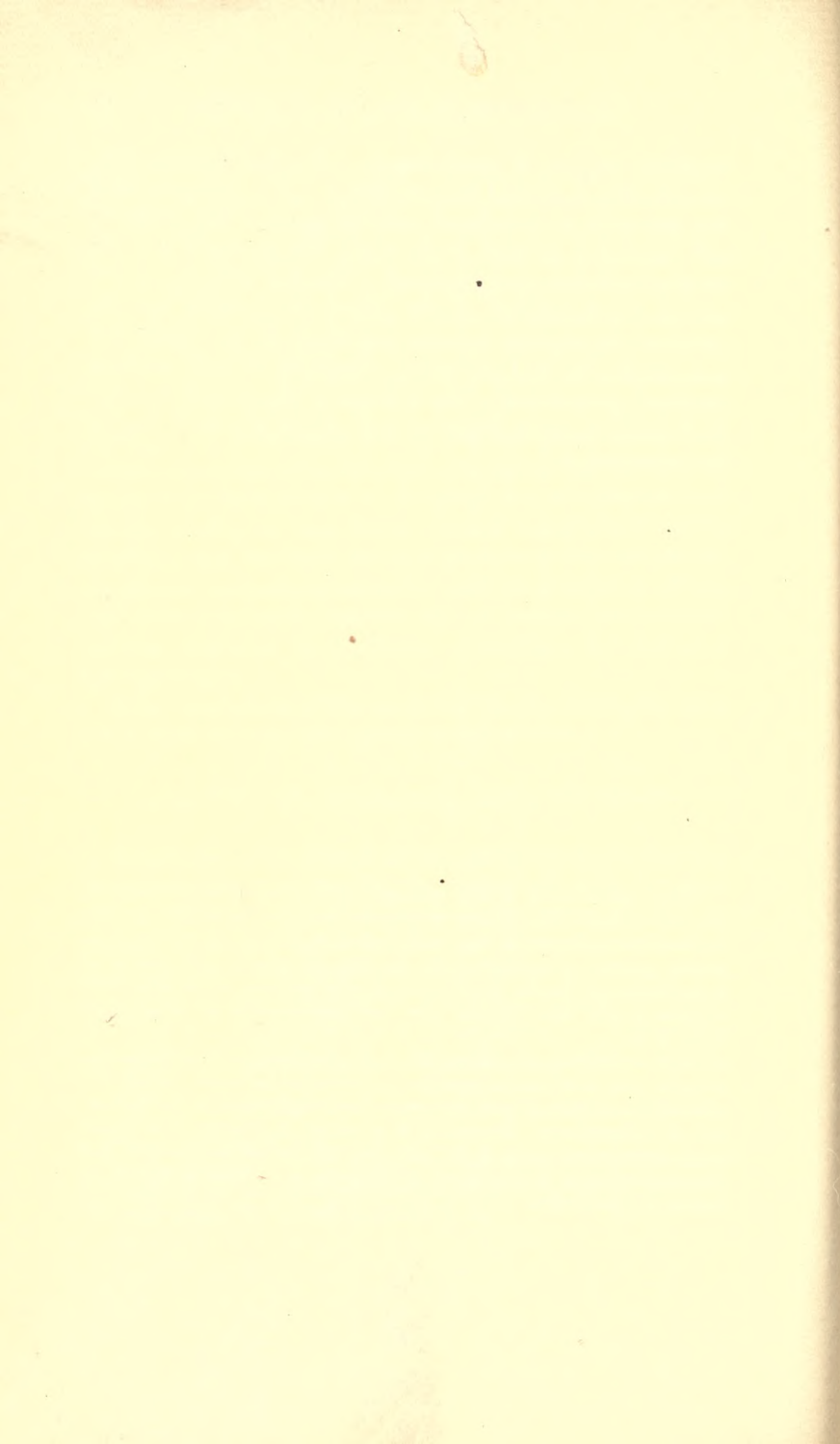
<sup>2</sup> *I. e.* in the sense in which the word was used in the earliest discussions; independence of unconstitutional parliamentary or ministerial dictation. *Vid. Am. Arch.*, IV, II, 1548-9; and same, 21.

respective spheres of town, county and colonial authorities ; but it is true in general that, wherever such a change in form was necessary, the provincial congress assumed the executive and legislative position from which the governor and the charter legislature were displaced. The fact to be placed over against the description of the general Congress is that the people of the separate colonies acquiesced in the assumption and exercise, by their provincial assemblies, of every essential power of government. The evidence of this is next in order. Its importance in the argument will appear at a later stage of the investigation.<sup>1</sup>

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<sup>1</sup> The evidence which I have arranged chronologically on this point, in the case of each of the thirteen colonies in turn, justifies certain generalizations irreconcilable with the traditional views of inter-colonial relations at this period. It establishes the fact that *the colonial authorities looked to the Continental Congress not for sanctions, in the legal sense, but for signs*. The evidence to this effect becomes more and more decisive as we approach July, 1776.

At the end of the next chapter this body of evidence will be discussed as a whole ; *first*, in its bearing upon the conclusion just indicated ; *second*, with reference to its bearing upon the constitutional significance of the Declaration of Independence. The details to be placed in evidence, with respect to the independent action of the individual colonies, are so numerous that the argument must be interrupted at this point, to be resumed in a future number of the Studies.



VII-VIII-IX

THE RIVER TOWNS

OF

CONNECTICUT.



JOHNS HOPKINS UNIVERSITY STUDIES  
IN  
HISTORICAL AND POLITICAL SCIENCE  
HERBERT B. ADAMS, Editor

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History is past Politics and Politics present History.—*Freeman*

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SEVENTH SERIES

VII-VIII-IX

THE RIVER TOWNS  
OF  
CONNECTICUT

A Study of Wethersfield, Hartford, and Windsor

BY CHARLES M. ANDREWS

*Fellow in History, 1888-9, Johns Hopkins University*

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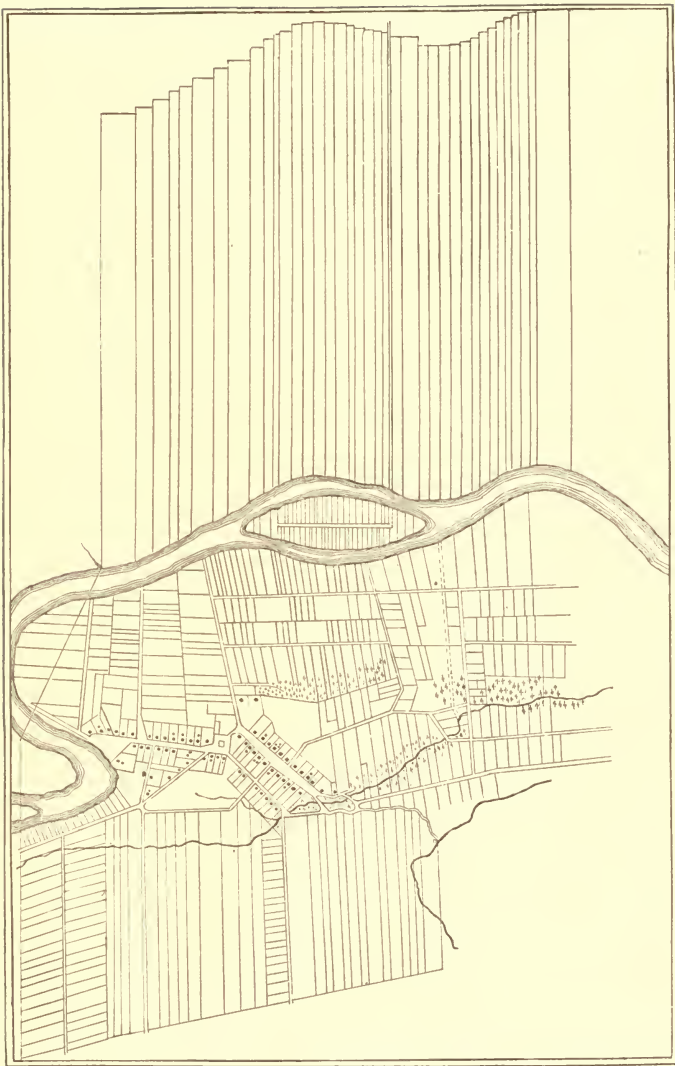


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EARLY ALLOTMENTS IN WETHERSFIELD.

The above represents the lands recorded under date 1640-41. On the extreme left are the West Fields, on the right, across the river, Naubuc Farms, known also as the Three Mile Purchase; in the centre the Great Meadow and Plain with their various divisions. The latter allotments cannot in every case be absolutely ascertained, as the records are often vague and faulty. For further explanation see page 42. Special thanks are due to Judge Adams for the use of his original outline of the town, and other material aids.

# THE RIVER TOWNS OF CONNECTICUT.

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## I.

### EARLY SETTLEMENTS.

#### THE DUTCH AND ENGLISH.

The spirit of trade inherent in the Teutonic life, and given broader and newer fields by contact with an unopened country, led to the first and more isolated settlements in the Connecticut valley. The English sense and mother-wit, sharpened on the Dutch grindstone, laid the foundation for the future Yankee shrewdness, so proverbial in all New England, and peculiarly so in the land of steady habits. This land, "excellently watered and liberal to the husbandman," was, up to 1632, chiefly conspicuous for its hemp, beaver, and petty Indian tribes. It lay, almost unknown, fairly between the settlements of the Dutch at New Amsterdam and Fort Orange, and of the English at Plymouth and Massachusetts Bay, and offered a tempting field for the first quarrel between the kindred nations. The same causes, the occupying of the vantage-ground, and the natural jealousy aroused by mutual successes, were at work here, as a hundred years later with the French in the larger territory of the Ohio; and here, as

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The writer wishes to express his indebtedness, in the preparation of this monograph, to Judge S. W. Adams, of Hartford, whose previous labors in the same field have been of the greatest service; to Miss Mary K. Talcott, of Hartford, who has placed many valuable notes at his disposal and has read a considerable portion of the MS., and to the town clerks of the several towns, especially Mr. Albert Galpin, of Wethersfield.

there, the English displayed the greater diplomacy and covert determination. As elsewhere, the first discoveries were made by another nation ; but the same prowess which brought about the greater final result in the settlement of America, led to the final occupation of this disputed territory by English communities and the reaping of its fruits by English hands. It was a bloodless victory, and the issue, though long debated, was finally decided by the weight of numbers and the tenacity of the English nature. The Dutch were merely traders with the Indians, while the English were wanderers seeking a permanent home.<sup>1</sup>

Until the meeting of the forerunners of each nation upon the banks of the Connecticut river, the relations had been eminently peaceful, and the Dutch had congratulated by letters and messengers the colonists of Plymouth on their prosperous and praiseworthy undertaking, and had offered to trade with them as honored good friends and neighbors. On the departure of De Brasières from Plymouth, after his visit in 1627, Governor Bradford addressed a letter to Minit, the Dutch governor, cautioning him against allowing his people either to settle where they had no title or to extend their trade too near the English plantation. In the early days of their peaceful relations the Dutch had often recommended the Fresh River, "which is known by the name of Conightecute River," as offering peculiar advantages for plantation and trade, which information was treasured up for future use.

About this time the condition of Indian affairs in the valley was bringing the question of settlement more definitely to a head. The invading Pequots, who, after their retreat before the Mohawks from the Hudson river, had passed along the Connecticut coast and conquered the shore tribes, now made war on the weakly united Indians living to the north on both sides of the Connecticut river. A body of these conquered

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<sup>1</sup> Dexter's *New Netherland and New England*, *New Haven Hist. Coll.* III, pp. 443-469. Hazard, *State Papers*, II, containing the correspondence, 1644-1654, particularly pp. 212-218 and pp. 262-267.

Indians, banished from their own hunting grounds, made their way to the Plymouth colony, and endeavored to rouse the interests of the English in their behalf by extolling the advantages of the river for trade. This tale, containing two points for themselves and one for the English, was often repeated, and as the time was opportune for the latter—as they had on hand a surplus of commodities and a need for greater profits to meet their engagements—the settlers determined to explore for themselves the region recommended by the Indians. The expectations were not fully realized, however, for, though they found it, as Bradford says, “a fine place,” yet trade was dull. But it might be stimulated, and the Pilgrims, with always a keen eye, recognized the latent truth of the Indians’ report, and planned to build a trading house and to invite their fellow-colonists at the Bay to share in the advantages. In the meantime, the Indians, not satisfied with the conservative policy of the Plymouth people, had appealed to the other colonists. In 1631 a sagamore at Boston with two companions had proposed to the English there to come and plant the country, with the unexpressed but evident desire that they should assist them to recover their lost possessions. “The governor entertained them at dinner, but would send none with them,” and nothing was done in compliance with their request. During this episode, the men at Plymouth had taken action and had sent a number of men to spy out the land. Among these was Mr. Winslow, the governor, “who discovered the fresh river when the Dutch had neither trading house nor any pretence to a foot of land there.”<sup>1</sup> In 1633, partly in consequence of the knowledge already gained and partly because of his standing in the colony, he, with Mr. Bradford, formed the commission which went to the Bay to confer regarding a partnership in the hemp and beaver trade. This conference was without result, for the independent men of Boston, wanting all or nothing, refused any coöperation,

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<sup>1</sup> Hazard, State Papers, II, p. 215.

evidently thinking to thus discourage an enterprise the advantages of which they must have foreseen. The reasons given for this attitude are not in harmony with their spirit and courage thus far shown, viz. fear of warlike Indians, ice and swift currents, shallowness of the river, and lack of trading goods. Plymouth, however, was in earnest and prepared to carry out what was already determined upon, and thus its colonists were destined to be the "first English that both discovered the place and built in the same."

By this time the Dutch had waked up. On the 8th of June, 1633, a month before the above negotiations, they had purchased from the Pequots, lands on the river where Hartford now stands. On hearing of the plans of the Plymouth colonists, they set about the completion on these lands of a "slight forte," said to have been begun ten years before,<sup>1</sup> and equipped it with two small cannon and a force of men, probably few in numbers. This fort they called the "Good Hope," and with this military foundation they threatened to stop in their progress the stout gentry and yeomanry of England. But the fatal day for the Dutch had arrived, and their control in the Connecticut valley was nearing its end. Much as we may decry the high-handed manner with which the English treated their claims, based on a perfectly legal grant (as grants were then made) to the West India Company by the States General of Holland, we must confess it to our liking that matters were never allowed, through a firmer establishment of the Dutch in Connecticut, to approach a condition such as to require a resort to arms for their settlement.

The bark dispatched by the colony of Plymouth had a double danger to contend with. Having espoused the cause of the original Indians against the Pequots, they had gained the enmity of that powerful tribe, which was not likely to be

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<sup>1</sup> Mr. Savage doubts this (Winthrop's Journal, p. 113, note 1), and the Dutch give the date as 1633 in their complaint.



appeased by the fact that, according to the understood bargain, they bore with them in their craft Attawanott and other banished sachems, for reinstatement. Holmes, the Pilgrim captain, sailed up the river and passed safely the Dutch fort. The threats of its builders were as smoke without ball, though from behind its slender earthwork the garrison threatened and blustered. The resolute Holmes declared he had a commission from the Governor of Plymouth, and where that commission bade him go he was going, and go he did. He bought land of the sachems he carried with him, landed with a picked garrison, put up the ready-made frame-house prepared at Plymouth, sent the vessel home, and had his house well surrounded with a palisade before the Dutch could take any definite action. This was Saxon pluck; but if herein the Plymouth men showed themselves as wise as serpents, they afterwards displayed the ability of being as harmless as doves.

But there was still to follow another exhibition of Dutch bluster. Seventy men, girt about with all the panoply of war and with colors flying, appeared before the sturdy little trading house at the mouth of the Farmington. They marched up, but, fearing to shed blood, consented to a parley and withdrew. For the second time they learned that the English were not to be frightened away, and they apparently cared too much for their precious lives to try the ordeal of battle.

#### THE FORERUNNERS, OLDHAM AND OTHER TRADERS.

Hartford and Windsor had each now its military stronghold, of which we have still a survival in the names "Dutch Point" and "Plymouth Meadow." But as yet without other than Indian inhabitants were the wide-stretching lowlands of Wethersfield. Here the great river flanking the plain on the east, and bending its course at the northern extremity of the great meadow, formed a double curve, whose upper arc cutting deeply into the gently sloping ridge which formed the site for the future town, again turned abruptly northward

toward the forts of the Dutch and English. Up to 1633 no white man had set foot on these tempting fields. Adrian Blok, when in 1614 he explored the river as far as Hartford, saw there only Indian villages belonging to the Sequins; the later Dutch adventurers were traders, not agriculturists, and they sailed past the fruitful soil for a spot better capable of defense; Holmes had too definite a plan in his mind and too many other things to think of to be allured from the express commands of the Governor of Plymouth to go and settle above the Dutch, so that it was left for a restless English trader to first appreciate the possibilities of this quiet Indian valley. John Oldham, for many years a thorn in the flesh for the strait-laced colonists, came from England in the *Anne* in 1623; he was expelled from Plymouth as an intelligencer and creator of faction in 1624; was at Nantasket until the following year, when he returned to Plymouth without permission; again misbehaving himself, he was deliberately thumped on the breech out again, and went to Virginia, where through the agency of a serious sickness he reformed, acknowledged the hand of God to be upon him, and came back to Massachusetts Bay to live a respectable life. In 1631 he became a freeman of the colony, the privilege only of church members, and in 1632 owned a house in Watertown. This was the man who, early in September, 1633, started out from the Bay with John Hall and two other companions to trade in Connecticut. Plunging boldly into the wilderness, so soon to be made historic by a more famous emigration, they pursued a winding itinerary, in order to take advantage of Indian villages where they might lodge at night. On reaching the valley they were hospitably received by the sachem, possibly the one who had already visited Boston, and on returning, carried back to that colony beaver, hemp, and black lead. Regarding the southernmost point reached by Oldham we have no information. The distance to Connecticut was reckoned by him as one hundred and sixty miles. Allowing for the necessary windings incident to a journey through a

primeval wilderness, and supposing him to have reached for greater security the river at a point due west from the Bay, perhaps near Springfield, and then to have followed its course southward, the above impression which he received of the distance is easily explainable. That Oldham and his companions penetrated as far south as the then unoccupied sites of Hartford and Windsor is undoubted, and that he was the first white explorer of the lands still farther south in the present Wethersfield township, further evidence gives good reason to believe.

This overland journey of Oldham was with little doubt instigated by the desire of the colony to learn more of that promising land which, in the presence of the Plymouth representatives, they had so disingenuously decided not to meddle with. It looks a little like duplicity on the part of our Puritan fathers that, at the time of the bold, single-handed expedition of the Pilgrims in which they had refused to take part, they either dispatched or encouraged two private and almost covert expeditions into the same territory. For a month after Oldham's return, the bark *Blessing*, built at Mystic in 1631, explored the coast of Connecticut and Long Island, examined the mouth of the river, and appeared at the Dutch settlements on the Hudson. The Massachusetts men did nothing by halves. But if the reports of Oldham and the sailors of the *Blessing* were favorable to their purpose, those of Hall, who with a few others made a second exploration of the valley shortly after, must have proved somewhat discouraging. The latter encountered all the miseries of intense cold, loss of their way, and small-pox among the Indians, in consequence of which they had no trade. The only grain of comfort to be derived therefrom was that the small-pox had carried off most of the Indians, whose numbers had been up to this time a serious obstacle.

## UNEASINESS AT THE BAY.

No further attempts at settlement were made this year, but in the meantime affairs at the Bay were approaching a crisis unique as it was remarkable and momentous in its consequences. The antecedent events are most important as adding their weight in bringing about a movement whose causes lie deep-hidden in the history of Massachusetts Bay colony. Newtown, one of the neatest and best compacted towns in New England, lay fairly between Watertown on the west and Charlestown on the east, being in form, as Johnson says in his *Wonder-Working Providence*, "like a list cut off from the broadcloth of the two forenamed towns." In consequence, its people were somewhat crowded. In 1633 its population increased rapidly, and the question of removal or enlargement began to occupy their thoughts. There were twelve towns or churches in the colony, and the steady though not rapid accessions from England, while certainly not sufficient in quantity to cause the settlement to be overstocked, were such in quality as to create a strong-charactered minority. As will be seen, the mere extension of their narrow quarters was not enough to satisfy the men of Newtown, and this fact points to some deeper reasons for removal than those openly given. Whatever the causes, signs of discontent are evident from the time of the arrival of Thomas Hooker in 1633. By 1634 these discontents had gained such prominence that a complaint was made to the first general court of delegates by the people of Newtown, and leave was asked to remove or to enlarge their boundaries. This was granted provided they did not interfere with any plantation already established. Having gained her point, Newtown at once sent certain of her number to make explorations and select suitable places for removal. They at first seem to have had in mind a northerly emigration, and visited Agawam (Ipswich) and the Merrimac river; but evidently the reports of Oldham and others had been sufficiently favorable to turn their thoughts to the Connecticut valley, for in July, 1634, six Newtowners went

in the Blessing to explore the river, "intending to remove their town thither." Whether Oldham was one of these six is doubtful, as he lived in Watertown, though not at all improbable, as he was the chief authority among the neighboring towns on all Connecticut matters. This open intention to remove beyond the jurisdiction of Massachusetts caused a revulsion of feeling—certainly natural enough—and in September the subject came up again for discussion. Newtown wished to remove to Connecticut and prayed for leave to carry out her purpose. The application met with strong opposition from the deputy governor and a majority of the assistants, but of the representatives, fifteen were in favor of the motion to ten against, a fact which showed that the sympathy of the representatives of the people lay with the people themselves. Rather than make trouble in the present heated state of the controversy, Mr. Hooker postponed the intended migration until the bitter feeling should have passed away and a more favorable opportunity should offer. A day of humiliation was appointed and the derelicts indirectly reproved in a sermon by Mr. Cotton. But whether it was the humbleness engendered by the day of prayer or the penitence developed by Mr. Cotton's discourse, or a politic restraint of their feelings in view of the adage that "all things come to him that waits," the people of Newtown accepted the grants of meadow and river bank offered by Watertown and Boston for an extension of their territory.

#### SETTLEMENT OF WETHERSFIELD, 1634.

During the interim before the next meeting of the General Court there is some evidence of an exodus from Watertown to Connecticut. It is based on indirect rather than on direct evidence. There has long been a tradition that a few Watertown people came in 1634 to Connecticut and passed a hard winter in hastily erected log huts at Pyquag, the Indian name of Wethersfield. Tradition is apt to contain a kernel of truth, and in this case further evidence seems to substan-

tiate it. In case such a movement took place from Watertown, whether because of the decision of the Newtown people to remain, or independent of it, it is unlikely that Oldham would have failed of coöperation with the movers, if he was not actually the instigator of the plan itself. Does the evidence allow his absence from Massachusetts at this time? In 1634 he was elected first representative from Watertown, and was present at the meeting of deputies in May of that year. His continued presence at the Bay can be traced to September 25, when he was appointed a member of two important committees. His name is not again mentioned until the next year, when, according to the records, he was, in May, 1635, appointed to act again as member of an investigating committee.<sup>1</sup> After his service the previous year he was not again elected deputy, and this may have been, as Dr. Bond suggests, because of his open intention to remove to Connecticut,<sup>2</sup> as that intention, if carried out at any time before the next meeting, in May, 1635, would incapacitate him from serving as deputy at that court. Thus it is quite possible for him to have been away from Massachusetts at this time. Is there any trace of his presence in Connecticut between September, 1634, and May, 1635? If so, which is the more probable date? His presence in Massachusetts in 1635 can be readily accounted for by supposing a return from Connecticut after the traditional winter of suffering at Wethersfield. For light on this point we must turn to the records of the Connecticut colony. There we find the entry of the settlement of the estate of Mr. John Oldham (he was killed by the Indians in July, 1636) in the records of a court held at Watertown (Wethersfield) in September, 1636. Among them is the following: "It is ordered that Thurston Rayner, as he hath hitherto done, shall continue to look to and preserve the corn of Mr. Oldham, and shall inn the same in a seasonable

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<sup>1</sup> Mass. Col. Rec. I, pp. 116, 125, 145.

<sup>2</sup> Bond, Hist. of Watertown, p. 864.

time.”<sup>1</sup> Two facts are noticeable in this entry: first, that Rayner, who arrived in 1635, was given charge of Oldham’s unharvested grain because he had performed a similar office before; and, secondly, that Oldham could not have been continuously present at the plantation, but seems to have been accustomed to take occasional journeys away. The first fact points to a harvested crop of grain the year previous, which, if winter-sown, would argue in favor of his presence there during the winter of 1634-5, or, if summer-sown, a later appearance in the spring of 1635. We are then assured of his presence there at one or the other of these two dates. The second fact would allow his absence in 1635 in case the settlement was made the fall previous. This is not at all unreasonable. He left a family at Watertown; retained property there, an inventory of which is found in the Massachusetts records after his death. These double interests would have been more than likely to have required his presence at times in each plantation, and he was sufficiently acquainted with either route—overland or by sea—to have taken the journey without great inconvenience.<sup>2</sup> The lands held by him in Wethersfield were most favorably situated and of a nature to warrant the presumption that he, as leader of a party, had the first selection, while the eight adventurers accompanying him took adjoining lands farther south in a less convenient situation. We know that in England at this time the winter-sowing of wheat between Michaelmas and the last of November was the rule rather than the exception, the former date marking the beginning of the farming year. Mr. Bradford seems to imply the same when he speaks of those coming over in May as being obliged to wait “upward

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<sup>1</sup> Conn. Col. Rec. I, p. 3.

<sup>2</sup> It is likely that Mr. Oldham made frequent trips back and forth between the two colonies. See the letter of Mrs. Winthrop to her son, at that time Governor of Connecticut, dated April 26, 1636, in which she speaks of sending (from Massachusetts Bay) a letter by Mr. Oldham to Connecticut. Winthrop’s History, vol. I, p. 466.

of 16. or 18. months before they had any harvest of their own,"<sup>1</sup> evidently referring to a winter-sowing of wheat, which with barley formed the chief staple. All this we think leads to the confirmation of an autumn settlement in 1634, but another bit of evidence is at hand. A town vote, under date August 30, 1711, relating to a suit brought against the town for possession of the stated commons and sequestered lands, has the following explanatory clause: "The town having possessed and enjoyed said lands for seventy and seven years last past or more, viz., themselves and their predecessors of the town of Wethersfield, and having measured and laid out the said commons or sequestered land more than twenty-seven years last past, and some of the land more than thirty years last past."<sup>2</sup> By deducting these years from the date of the vote we find that the town in 1711 considered the date of her own settlement to be 1634, and as in the case of the other years mentioned the statement is absolutely correct, there is no reason for doubting the truth of the first; if this be tradition, it is of a very fresh and trustworthy sort, and assists materially in forming our conclusions.

With this then as our evidence, we venture the following historical sequence. Shortly after the September meeting of the Massachusetts General Court in 1634, Mr. Oldham led a party of eight adventurous men to the point reached by him on his overland journey in 1633, where he was impressed by the fertility and beauty of the river meadows and the fact of a non-occupation by white men. Here huts were erected, the ground prepared and grain sown along the lowest eastern slope of the ridge, half a mile from the river, out of reach of the spring freshets. In the following spring Mr. Oldham returned to Watertown, and very likely his presence once more among the uneasy people instigated the petition which was presented by them to the court held in Newtown, May 6, 1635, asking leave to remove. A favor-

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<sup>1</sup> Bradford's History, p. 248.

<sup>2</sup> Weth. Records, I, p. 292-3.



able answer was given to this, and Mr. Oldham accompanied a second band of settlers, some fifteen or twenty in number, who settled in Wethersfield, near the others, to the westward. We are without doubt warranted in the statement that of the three towns composing the Connecticut colony, Wethersfield was the first occupied by settlers and planters who became an integral part of the later community. It is interesting to note that this fact is acknowledged in the general code of 1650<sup>1</sup> and in the manuscripts of Mr. Mix (1693-1737).<sup>2</sup> The existing state of things is, then, a Dutch fort of doubtful permanency at Hartford; a strong, well-established palisaded block-house at Windsor; both of these engaged in trade with the Indians; and a small handful of planters—some twenty-five or thirty—in the meadows of Wethersfield—all in the midst of half friendly and hostile Indians.

#### PLYMOUTH AND DORCHESTER. THE LORD'S WASTE.

But a rift once made for the outpouring of the tide of emigration and the efflux became rapid. A month after permission was granted to the Watertown people a like leave was given to those at Dorchester, with the same proviso regarding jurisdiction. Within two months—by August 16, 1635—a settlement was made by them on the Connecticut. Their

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<sup>1</sup> In the section "Bounds of Towns and Particular Lands" is the following: "It is ordered . . . That every Towne shall set out their bounds . . . and that once in the year three or more persons in the Towne appointed by the Selectmen shall appoint with the adjacent Townes and renew their markes . . . the most ancient Towne (which for the River is determined by the courte to be Weathersfield) to give notice of the time and place of meeting for this perambulation." Col. Rec. I, p. 513.

From the point of view of a habitation by white men, Hartford was first occupied by the Dutch; from the view of occupation by Englishmen, Windsor can claim to be the earliest settled; but from the point of view of settlement by Massachusetts Bay people, by agriculturists and permanent colonists, Wethersfield has undoubted right to the title. On Windsor's claim see article by J. H. Hayden in *Hartford Courant* for September 26, 1883.

<sup>2</sup> Trumbull, *Hist. of Conn.* I, p. 49, note.

unfortunate selection of the lands adjoining the Plymouth block-house led to a lengthy dispute and considerable ill feeling between the two colonies. The one claimed priority of possession and rights acquired by purchase, and warned the new-comers against trespassing. The latter, disregarding these stable claims, plead the providence of God as having tendered the place to them "as a meete place to receive our body, now upon removal." But the Pilgrims were not inclined to accept this somewhat illogical reasoning, thinking the "providence of God" to be a convenient pretext, not altogether reliable as argument. In their rejoinder they say what was not far from the truth, though edged with a Pilgrim bitterness: "We tell you still that our mind is otherwise, and that you cast rather a partiall, if not a covetous eye, upon that which is your neighbours and not yours; and in so doing, your way could not be faire unto it. Looke that you abuse not Gods providence in such allegations." The controversy continued, with the passage of many letters back and forth between them; but the Pilgrims, rather than make resistance, though they had been bold enough to have done so, came to an agreement with the others, first compelling a recognition of their right to the "Lord's Waste," as the Dorchester men called the land in dispute. This recognition proved something of a stickler to the authorities at home, and Mr. Winslow the following year went to Dorchester to settle the controversy. Winthrop here gives another exhibition of Puritan disingenuousness. As the claim of jurisdiction was too doubtful to maintain, he falls back on the assertion that the Plymouth traders had made their settlement through leave granted by Massachusetts, after the latter had refused to join in the undertaking. The leave granted is certainly gratuitous on the part of the Puritans, for Plymouth, settled ten years before the colony of Massachusetts Bay, did not come into her jurisdiction until 1692. Perhaps we may ascribe this rather peculiar sense of equity to the workings of a manifest destiny, to which it is con-

venient to ascribe so much; but if we do so, then there is reason to believe that such destiny does not always follow along the lines of greatest justice. The means for creating an illustrious future are not always in accord with present happiness and harmony. The controversy was finally ended two years after by a compromise, in which Plymouth, to have peace, yielded all save the trading house and a sixteenth of the purchased land to the Dorchester people (inhabitants of Windsor), with a reservation, however, to the southward for the Hartford adventurers, who were Newtown people, and about twelve in number. This disputed "Lord's Waste" is now the town of Windsor. Of course the lands surrendered were duly paid for (price £37 10s.), but the "unkindness" of those who brought on the controversy "was not so soon forgotten." While this dispute was in progress—for the above compromise advances our narrative two years—a third claimant appeared. This was the Stiles party, which, sent from England by Sir Richard Saltonstall, one of the Connecticut patentees, had arrived in Boston, June 16, for the express purpose of settling in Connecticut. They were sent out from the Bay ten days later, and probably arrived some time after the 6th of July. This party of servants numbered sixteen, and included three women, the first of their sex in the Connecticut valley. They at once laid claim to a share in the "Lord's Waste," but the claim was evidently not pushed with vigor in the face of such opposing odds, and, with wise discretion, they retired a little farther up the river. Their little plantation was afterwards included in the Windsor township, and its members shared in the distribution of lands in 1640, in September of which year Francis Stiles was admitted a freeman.

#### HARTFORD. A HARD WINTER.

But our list of those who were to endure the seasoning of a most rigorous winter is not quite complete. We have already mentioned the reservation of a moiety of land, as one

condition of the settlement of the controversy regarding the "Lord's Waste," for certain emigrants from Newtown, who had settled on what was later called the "Venturer's Field" in Hartford. These settlers did not arrive all at once, but evidently formed a part of the Massachusetts men whom Brewster states, under date July 6, 1635, as coming almost daily. Few in numbers, they took no part in the unfortunate controversy between Dorchester and Plymouth. Either because of their weakness, or because of the patient, uncontroversial spirit which they displayed, they were kindly and generously treated by Holmes and his party, who reserved for them in the condition of sale in 1636—the sale took place the next year—a portion equal to that retained by themselves. This land the men of Newtown took gladly, desiring no more than could be conveniently spared them, thus gaining for themselves the approbation of their neighbors, and making the way easier for the later exodus of the Newtown Hookerites. Even the first comers hallowed the ground, "the birthplace of American democracy," with a godly spirit.

As to the question of jurisdiction the problem is simple. All were legally trespassers.<sup>1</sup> In the absence of a grant by the council of Plymouth of this territory to the Earl of Warwick, which grant is now shown to be a figment of the brain,<sup>2</sup>

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<sup>1</sup> Johnston, Conn., p. 10; Bronson, *Early Government*, New Haven Hist. Soc. Papers, III, p. 295.

<sup>2</sup> In the record of sale of the Fort of Saybrook by Mr. Fenwick to the colony, which has been claimed as the basis of the jurisdiction right of Connecticut to the territory, occurs the following section: "The said George Fenwick doth also promise that all the lands from Narragansett River to the Fort of Sea-Brooke mentioned in a patent granted by the earl of Warwicke to certain Nobles and Gentlemen, shall fall in under the Jurisdiction of Connecticut if it come into his power." This section, which seems to promise much, is in fact a much-broken link in the chain of so-called evidence, as it fails of connection at each end. As no patent granted to Warwick can be found, it is evident that he could not give a legal title to Lords Say and Sele and others, the nobles and gentlemen named above, of whom Fenwick was the agent. Again, notwithstanding Mr. Fenwick's agreement, no such conveyance was ever made, as Mr. Trumbull has clearly proved on documentary evidence.—Conn. Col. Records, I, Appendices III and XI.

no one of these various claimants could assert any legal title, other than that obtained by the enforcement of Indian contracts by force of arms. The smaller rights thus based on occupation or purchase were all that seriously concerned the practical colonists, and they pursued their way, generally all unconscious of an occasionally dark cloud which threatened to drive them from their hard-earned homes.

The story of settlement has thus far been concerned with individual enterprise, carried out either in the personal interest of trade, or in the interests of a larger body who assisted and encouraged it. All such movements are legitimate factors in the final issue, and the forerunners differ in no respect as settlers from those larger bodies with which they soon became fused, and in union with which they built up the future towns. Nearly all became proprietors and later inhabitants, and so are to be looked upon equally with the others as sharers in the honor of founding a commonwealth. Before the differences already mentioned had been permanently settled, and while the Dorchester emigrants were subduing the fields and forests of Windsor for habitation, in spite of the Plymouth land claims, word was returned to their townspeople left behind that the way was prepared. On the fifteenth of October there started from the Bay colony a body of sixty men, women and children, by land, with their cows, horses, and swine. Their household furniture and winter provisions had been sent by water, together with probably a few emigrants to whom the overland journey would have proved too tedious. The majority of these people were from Dorchester, but accompanying them were others from Newtown and Watertown, who joined their townspeople on the ground they were cultivating.<sup>1</sup> But they had chosen a

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<sup>1</sup> There is considerable difference of opinion as to when Mr. Warham, the pastor of the church in Dorchester, of which most of these people were members, came to Connecticut. Dr. Stiles says in 1635 at the time of the above migration (*Hist. of Windsor*, p. 25). Rev. Mr. Tuttle says in the spring of 1636 (*Mem. Hist. of Hart. County*, II, p. 499), while Dr. B.

most unfortunate season. Hardly had they settled when all the ills of winter began to come upon them. The brave Puritan heart quaked before these ominous signs of approaching distress. Frosts, snow, insufficient shelter, scarcity of food, difficulty of caring for and preserving their cattle, and a consequent heavy mortality, were but few of the horrors of that winter of 1635-36. Many attempted a return. Six in an open pinnace suffered shipwreck, and after days of wandering reached Plymouth. Thirteen attempted the overland route. After ten days, twelve reached Dorchester, having lost one of their number through the ice, and the remainder only saved themselves from starving by the happy discovery of an Indian wigwam. The river was frozen over by November fifteenth, and snow was knee-deep in Boston. At length even sturdy Saxon blood could stand no more; death from cold and starvation was at hand, and the new-found homes were for the most part abandoned. Seventy men and women pushed their way southward to the river's mouth, to meet the Rebecca with their household goods and provisions on board; she was found frozen into the ice, unable to proceed farther upward. Fortunately a warm rain set her free, and all embarking

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Trumbull places it as late as September, 1636 (*Hist. of Conn.* p. 55). The evidence is so slight as to allow the holding of any one of these views. Under date of April 11, 1636, Winthrop says, "Mr. Mather and others of Dorchester, intending to begin a new church there (a great part of the old one being gone to Connecticut), desired the approbation of the other churches and the magistrates," but on a question of orthodoxy, "the magistrates thought them not meet to be the foundation of a church, and thereupon they were content to forbear to join until further consideration." In the next paragraph, Winthrop says, evidently referring to those mentioned above in parenthesis, "Those of Dorchester who had removed their cattle to Connecticut before winter, lost the greater part of them this winter." And again Winthrop says, under date August 23, 1636, "A new church was gathered at Dorchester, with approbation of magistrates and elders," etc., referring without doubt to the deferred meeting mentioned above. In view of this it seems unlikely that the Dorchester church would have remained all winter without a pastor, and that the gathering of a new church took shape at once on the departure of the pastor in the spring of 1636, some time before April 11.

returned to Massachusetts, arriving there on the tenth of December. Those who remained suffered the chastening which was to make them a great people. All were soon cut off from retreat by land or sea. Some perished by famine; the Windsor people lost nearly all their cattle, £2000 worth; and acorns, malt, and grains formed their chief sustenance. Yet this settling and jarring of a hard winter prepared a firm foundation for the structure that was soon to follow thereon. If the year 1633 marks the laying of the corner-stone, the year 1636 saw the completing of the foundation and the perfecting of the ground-plan for a stately commonwealth.

#### CONNECTICUT PLANTATION.

The plantation had already, in the autumn of 1635, attained sufficient size to be the object of legal recognition, and a constable was temporarily appointed by the Massachusetts court. This local representative of the central authority seems to have been the only outward and visible sign employed in the admission to an equality in the sisterhood of towns of a sufficiently developed candidate. If Massachusetts, with her more artificial system of government, used any other method of recognition in addition to the act of the General Court, it is certain that the precedent set in the case of the first Connecticut plantations was ever after followed. But Massachusetts believed in preserving the law of continuity by reserving the power to her own magistrates of swearing in any constable chosen by Connecticut under the decree giving that plantation permission to make the choice for herself. It was the principle of constabular succession. But slowly there was evolving out of what had been, in the eyes of the Massachusetts court, one plantation of her people on Connecticut soil, three centers of settlement, and one constable was too small a quantity to suffer a tri-section of his powers. In March, 1636, the as yet uncentralized spirit of law and order began to take definite shape, in a provisional government provided by the General Court of Massachusetts. This government was com-

posed of eight prominent men, dwellers along the river, who were authorized to act as a court for investigation and decision, as a council for the issuance of necessary decrees, and as an administrative body for the carrying out of such decrees, either directly or indirectly, through the medium of the separate settlements. This court met eight times between the 26th of April, 1636, and the 1st of May, 1637. One of its earliest acts was to officially declare the tri-partite plantation, made so by the exigencies of its settlement and the triple origin of its people, to be composed of three towns, by the creation of three constables, one for each group of inhabitants. While we may say that this began the official system, it practically only declared the three settlements to be independent military centers, each with its cannon, its watch and individual train-band; and this is a very different thing from calling them towns fully equipped with all the paraphernalia of town government. The further duties of the court related to those matters which concerned the whole, with special reference to increasing the power for self-support and perfecting the bounds of the half-formed towns. By the terms of its commission, this government was to last but a year, and in the court which succeeded it the people found representation through committees, undoubtedly chosen at the request or order of the provisional government, or summoned because of the special emergency which demanded some action to be taken against the Pequots. The proceedings of the next four General Courts relate solely to that war.

#### THE OUTPOURING.

The period of unicameral government was the time of greatest emigration, "the special going out of the children of Israel." Those whom the rigors of winter had terrified returned. With them were many others who had until this time been unable to arrange satisfactorily the disposal of their property and a settlement of other affairs before leaving. It is worthy of note that many of the Connecticut settlers



continued to hold lands in the Bay colony for some time after their withdrawal to Connecticut. At their head was Mr. Warham, the surviving pastor,<sup>1</sup> and this accession, perhaps occurring a few weeks before the formation of the provisional government, brought about its more speedy erection.

In June of this year a majority of the Newtown Church, under the leadership of Mr. Hooker and Mr. Stone, traveled under summer skies through the forests over highland and lowland for a fortnight before reaching their river home. They drove their flocks and herds, subsisted on the milk of their cows, bore their burdens on their backs, and thus their journey was an after-type of those earlier and greater southward and westward wanderings of their national grandparents in the older times. It was the bodily transportation of a living church. No reorganization took place. The unbroken life of the transplanted churches of Hartford and Windsor drew its nourishment from roots once set in Massachusetts soil. New churches took the place of the old, but an ancestry of five and six noble years belongs not to their history, but to the history of the Connecticut churches. With Wethersfield the case is different. The settlement was the work of individuals; a reorganization took place on Connecticut territory, and is recorded in the proceedings of the first court held under the provisional government. Thus, of the three river towns, Wethersfield was the most independent of all links connecting her with Massachusetts.

#### LESSENING OF EMIGRATION.

Every effort was made by the home government at the Bay to check this flow of emigration, or, at least, to turn its current into more adjacent channels; but the bent of the emigrant's spirit was toward Connecticut, and for the time being the colonial government was helpless to prevent it. That their efforts were not confined to the large grants of land made to the Dorchester plantation and other legitimate means

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<sup>1</sup> See note, p. 21.

of quieting the uneasiness, Hooker's letter to Governor Winthrop incisively shows.<sup>1</sup> He calls a series of misrepresentations by the Puritans at the Bay "the common trade that is driven amongst multitudes with you." The emigration grew less and less until 1638, and though large numbers came to Massachusetts that year, very few seem to have come to Connecticut. For this fact Mr. Hooker's remarkable statements are certainly a partial explanation. The Pequot war was not without its effect, but the Massachusetts men without doubt abused Connecticut. They raised pretexts for the effectual frightening of all who projected settlements there. Such settlers might—if they must go from the Bay—go anywhither, anywhere, choose any place or patent, provided they go not to Connecticut. The report was spread that all the cows were dead, that Hooker was weary of his station, that the upland would bear no corn, the meadows nothing but weeds; that the people were almost starved in consequence. Such reports, spread abroad in the streets, at the inns, on the ships before landing, and even in England before embarkation, are a little astounding. Even the Indians, wherever they got their notion, called them water-carriers, tankard-bearers, runagates whipped out of the Bay. As Hooker says, "Do these things argue brotherly love?" It would hardly appear so, and we must confess that in all their relations with their brethren and neighbors in the Connecticut valley, the Puritans showed little of that austere honorableness for which they are famed. Harsh necessity may have seemed to them an all-embracing excuse, but however that may have been, we must plead that even within the dark shadow of necessity, principles of fairness and equity should find a place.

As before intimated, by 1637 the tide of emigration had almost ceased. After-comers were not few, indeed, but the movements which gave birth to a new colony had practically reached an end. The coming of later settlers added no new

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<sup>1</sup> Conn. Hist. Soc. Collections, vol. I, pp. 1-18.

features to the principles according to which the colony was projected.

#### MASSACHUSETTS AND CONNECTICUT.

From nearly every point of view, the civil, ecclesiastical and military life of the colony was far simpler and more natural than elsewhere on the American continent. It was the outcome of a second sifting from the complications of government in England. Its founders were twice purged, and in their revolt from the already purified government in Massachusetts, they evidenced how thoroughly democratic their principles must have been to have found themselves out of harmony with the latter's policy, that is, the policy of the central government; for the Massachusetts Puritans could not rid themselves of many of the associations in which they had been reared. Among them were men who looked longingly at the institutions of Old England and desired their reproduction. The equality of all was not to their taste, and they sought to establish a privileged class, to nullify the representation of the freemen by throwing all power into the hands of the assistants; they endeavored to create a life tenure for the governor, and to make the influence of the towns always subordinate to that of the colony, at whose head was a conservative aristocracy; state was linked to church, and the influence and direct interference of the clergy was great. It was an aristocracy, oligarchy, theocracy, but only in part a democracy.

Thus it was that the English settlements in Massachusetts failed to reproduce in many respects the conditions of a rational democracy. It was a compromise between the spirit of the past and the associations of the present. As a consequence, the dominant class and the commons, the central government and the towns, were continually at variance. This led inevitably to a split and the withdrawal of portions of their number into freer fields for an exercise of their Saxon heritage, the general power of all over general interests, and the

local power of each over local interests. This is self-government, severed from the influence of special class privilege, civil or ecclesiastical. It was the spirit of democracy given free development on a free soil.

The Connecticut central authority began, it is true, before the towns had fairly come into being, but it was a superimposed power, and when the colony erected its own General Court and established its own Constitution, it was found that the people held the check-reins.

To these people belonged the choice of magistrates, and the divine right of kings found no place, except as those in authority were chosen and upheld in office "according to the blessed will and law of God." In the people lay the foundation of authority, and therein a liberty which, as God-given, was to be seized and made use of. As those who have power can give and also justly take away, so the people could set bounds and limitations to the power of their magistrates, and of the places to which they had called them. No tenure for life, no papal infallibility there. Those in authority were weak creatures and liable to err, and as the burdens were heavy, so should censure and criticism give way before honor and respect. Popular election began at once on the assumption of its own government by the colony, and the committees to whom the people delegated their authority were no mere figureheads. They did not toy with government, electing the Assistants and then leaving to them all legislation, as in Massachusetts, but they formed a powerful lower house, which coöperated in the functions performed by the General Court. We may be sure this to have been so of a people who, in the Fundamental Articles, avowed their right, in case the Governor and Assistants refused or neglected to call the two General Courts established therein, of taking the control into their own hands: a House of Commons without King or House of Lords.<sup>1</sup>

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<sup>1</sup> This privilege seems to have been but once exercised, and then under very different circumstances from those mentioned in the sixth funda-

## THE SOVEREIGN PEOPLE.

Yet these same people, in whom lay the sovereign power, gave up that power at the proper time into the hands of the General Court, without reservation. If between 1636 and 1639 the towns were independent republics, each sufficient unto itself, it was only so by virtue of a vivid imagination. It is dignifying with too sounding a title these collections of proprietors, who, busied about the division and cultivation of their lands, and with an as yet unformed system of self-government, looked to their magistrates and elected deputies in these three years for the ordering of those matters which concerned a sovereign state. But, from the date of the adoption of the Fundamental Articles, these towns lost what elements of legal independence they may have had before, and, by the free will of the people inhabiting them, became merely machines for the administration of local affairs, for the apportionment of representation and taxation, and for the carrying out of such powers as the General Court committed to them. They had no inherent or reserved rights. As far as the wording of the tenth section is concerned, complete power was given for the control of all that concerned the good of the commonwealth, with but one reservation to the whole body of freemen—the election of magistrates. The towns never had been sovereign; in fact, they did not become fairly organized towns much before the adoption of the Constitution, and it is not improbable that such adoption was delayed until the colony had become well established, in working order, and its people accommodated to their new environment. A sure foundation for the Constitution must have been laid before that document could be drafted and adopted with reason of success.

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mental. In 1654, on the death of Governor Haynes and the absence of Deputy Governor Hopkins in England, an assembly of freemen met in Hartford, to choose a Moderator of the General Court, who had power to call the next General Court for the election of a Governor and to preside over its meetings.—Col. Rec. I, p. 252.

Another most important evidence of Connecticut democracy must be noted and briefly dismissed. The suffrage of the Connecticut colony was unrestricted by ecclesiastical obligation. In Massachusetts and New Haven no one had a right to vote unless he was a freeman, no one could be admitted a freeman unless he was a church member ; the church was congregational, wherein its affairs were managed by the votes of its members. Town and church were one. But in Connecticut, for the first twenty years, it was only necessary that each freeman have been admitted an inhabitant in the town where he lived, by vote of the majority of the inhabitants in town-meeting. Church and town were theoretically dissociated, though not practically for many years, and the government of Connecticut was, as near as possible in those days, by the people and for the people.

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NOTE.—THE HISTORIC TOWN.—In nearly all the New England settlements the lay-out and organization of the towns were similar. Historically, this institution is purely English. Among the other Germanic nations the unit of constitutional machinery is the Hundred, corresponding to our county. The Celts and Slavs never developed local government by themselves, and the Romance peoples were governed, so to speak, from above, not from within. Yet, whatever may have been the constitutional development of the village community as acted upon by feudalism and the growth of centralized monarchy, there are certainly curious analogies to be found between certain phases of early New England town life and some of the oldest recorded customs, as seen in the extant laws of early German tribes. Many of these can be shown to have been retained in the English parish, and their presence can be explained by acknowledging a previous acquaintance on the part of the Puritan settlers. But, though other analogies, such as the laws against alienation of land, the spirit of town exclusiveness in the fullest sense, and the peculiarly individual and democratic nature of the town meeting, cannot be thus accounted for, they may be shown by the unbelievers in the Germanic origin to have arisen from reasons of economic necessity, and to be nothing more than interesting parallels. This would be the case with those who declare that the "town meeting is an outgrowth of New England life," and that "it had its origin with the first settlers." (S. A. Green, *Records of Groton*, *Introd.*) However, if the views of v. Maurer and Sir H. Maine are to be retained, who have pictured for us a system of Arcadian simplicity, a kind of Eden for the historical student, and we are to talk about

identities and survivals, then the purity of such a condition has been destroyed by the political development of those countries, which can trace back, with plenty of imagination when historical data are wanting, to this simple germ the thread of their history. For these germs, these peaceful congregations of our Aryan forefathers, were certainly destined never to be reproduced in the form given us by the scholarly exponents of the village community theory. There is more that is unidentical than there is that is identical. If we have been given correctly the original form, then it has suffered rough usage in its intercourse with the events of known history. The superstructure has had to undergo the changes which centuries of political modeling have brought about, so that wherever we find traces of the early village community life, they have to be dragged as it were from beneath a mass of irrelevant material necessary to the existence of a modern political unit. It is not strange that this political cell should never have been reconstructed in its entirety on the migration of peoples to England and later to America, for it is a much mooted point whether it had not largely lost its identity before Tacitus wrote about the Germans. It was fitted for only a primitive, half-civilized kind of life, where political craftiness was unknown, and the inter-relation of man with man and state with state still in very early infancy. But whatever form of local life, the village community, or the manor, or both, the Angles and Saxons carried to England, there is no doubt that within that form were embraced many of the foundation principles according to which the German *tun* is supposed to have been built; and that many of these customs, political, legal, social, agrarian and philological, were brought by the settlers to America, no reasonable scholar will pretend to deny.

## II.

## THE LAND SYSTEM.

## ORIGINAL PURCHASE.

The tribes of Indians which dwelt along the Connecticut river had little unity among themselves. They were scattered bands, and on the coming of the Pequots the slender ties which joined them were easily broken. So it was a natural result that the coming of the English, much encouraged by the Indians themselves, was made easy and their settlement on the Connecticut lands greatly assisted. We have seen that the adventurous forerunners were kindly received, and on one or two occasions owed their lives to the friendly shelter of an Indian wigwam; and during the destructive winter of 1635-6, the snow-bound settlers were kept alive by Indian gifts of "malt, acorns and grains." It was not an unusual thing in the colonial settlements for colonists and Indians to live peacefully side by side, pursuing agriculture or trade, or both. Of the early Connecticut adventurers, Holmes is the only one mentioned as purchasing land, and with him, as already shown, the circumstances were exceptional. Oldham and his companions undoubtedly made some bargain, probably of the nature of a joint occupation, and it is very likely that the same was true of the other early settlers before 1636, though one Phelps of Windsor appears to have obtained a deed of Indian land some time in 1635.<sup>1</sup> The indefinite nature of the transaction, and the later confirmation or repurchase of lands, would show that the Indians failed to comprehend the nature of what they were doing; and it may be that what the colonists understood as sale without any reserved rights, the Indian considered as a grant to the whites of the privilege of joint occupancy of the terri-

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<sup>1</sup> Stiles, *Hist. of Windsor*, p. 105.



tory. For many years certain rights in wood and river were conceded to the Indians, and a kind of common law of this nature grew up in some quarters which would point to the recognition of the Indians as possessing some rights in their old possessions, which were sometimes expressly mentioned in their deeds, though they very soon faded away. The land was to the Indians worthless so long as they were in danger of losing it altogether, and the presence of the English meant protection. It was not sharp treatment, but a rough friendliness which led to the ready sale of the valley lands;<sup>1</sup> possibly a legitimate pressure was brought to bear in case of unwillingness, but more probably the unsettled state of affairs and the domination of the Pequots softened any savage obstinacy. As to moral title the colonists could have no better, and the question of original grant has here hardly a place; they purchased of the ancient and original natives, and not of the Pequots, as did the Dutch. It made no difference to the men who watched the Indian make his rude mark of transfer that the historian two hundred years later was to pick flaws in his right to purchase at all, though in English law there was no title until the confirmation of the lands by the charter. Every acre of Wethersfield, Hartford and Windsor territory was honestly obtained. There was no excess of generosity, and for colonists who struggled through hard winters and saw their cattle die by the hundred-pounds worth, there was no opportunity to be generous. But the faded old deeds in the land records, with their strange signature marks, testify at least to a hardy honesty of purpose.

The first to bargain for land had been the Dutch, who, in the name of the West India Company, purchased of the Pequot sachem land whereon they constructed their fort.

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<sup>1</sup>This note in the Windsor Land Records is suggestive: "Coggerynasset testifies that the land on the east side of the Great River, between Scantic and Namareck, was Nassacowen's, and Nassacowen was so taken in love with the coming of the English that he gave it to them for some small matter." Stiles, Windsor, p. 111-112.

The extent of the first purchase is doubtful. Later it consisted of about twenty-six acres, and was, in 1653, seized by the English, and the Dutch driven out forever.<sup>1</sup> After the Dutch bargain came that of Captain Holmes, who, for a valuable consideration, obtained possession of a large tract a few miles up the river, a large part of which was transferred to the Dorchester settlers in 1637. This tract was confirmed to the town of Windsor sixty-seven years later, for a parcel of trucking cloth. The first formal purchase of Hartford territory was made after the arrival of the Hookerites, when a deed was obtained for the whole of the old Hartford township, on the west side of the river. This was paid for by subscriptions to a common fund, and each received his proportion in the later division according to the amount put in. The same year the Wethersfield tract was purchased, perhaps by an oral agreement, and the immediate territory of the three towns became thus firmly established in the hands of the whites. Extensions were, however, obtained on both sides of the river until 1680. Private purchases were made with the consent of the court and town, and gifts from the Indian sachems always required the sanction of the town, in town meeting, where a vote was passed declaring that the grantees and their heirs could enjoy such lands forever. In 1663, however, the court forbade any negotiation with the Indians for land, except it be for the use of the colony or for the benefit of some town.

The law of supply and demand regulated the nature of the exchange. The Indians had at their disposal meadows and hillsides, trees, woods, brooks and rivers, while the colonists had money and goods. The purchase money took the form of so many pounds sterling, so many fathoms of wampum, so many yards of trucking or trading cloth, so many pairs of shoes. There does not appear in Connecticut that variety found in New Haven and elsewhere. Clothing was in great

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<sup>1</sup> Hart. Book of Distrib., pp. 133, 550; Stuart, Hartford in the Olden Time, ch. 24.

demand, and twenty cloth coats are recorded for payment of lands across the river, together with fifteen fathoms of wampum.<sup>1</sup> Small parcels of land were obtained in Windsor in return for fines paid in rescuing unfortunate aborigines from the Hartford lock-up<sup>2</sup> and for other services rendered. It is likely that wampum, which was legal tender in New England from 1627 to 1661, was often the medium of exchange; money or wampum was more available than coats, for it was divisible. Twenty coats could cover twenty men, but not women and children; but so many fathoms of shell-cylinders, deftly pierced and strung on animal tendons, could be divided among the family group or a number of grantors. The boundaries of these purchases were generally undetermined and their extent loosely expressed. Oftentimes natural boundaries were such that the location of the purchase can be approximately fixed. These were stated as lying north and south between fixed points on the river, and as running so many miles inland. Such a description would allow of accurate measurement, but when the distance inland was "one day's walk," there might be a difference of opinion as to who should be the surveyor. Often in case of small sales the tract is described as of so many acres adjoining certain bounds or swamps, or other well-known and fixed localities. It was the hazy outlines of the Indian purchases which gave so much trouble to town and colony in the after-settlement of township bounds. In both Hartford and Windsor there were Indian reservations<sup>3</sup> and villages within which the natives were obliged to live, but they proved rather troublesome neighbors, and there was a constant friction between

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<sup>1</sup> Stiles, Windsor, pp. 110-111.

<sup>2</sup> *Ib.* p. 108. This was not an uncommon occurrence; the circumstances attending the purchase of Massaco (Simsbury) were similar (*Mem. Hist.* II, pp. 341-2), and the red brethren were bought out of the New Haven jail in like fashion (Levermore, *Republic of New Haven*, p. 173).

<sup>3</sup> *Wind. Rec.*, Dec. 10, 1654; *Hart. Rec.*, Mar. 15, 1654; June 15, 1658.

the court and the Indians until their final disappearance. The lands of the reservations came, before 1660, into the possession in Hartford of the town, and in Windsor of a private individual. This reservation of land was a prototype of our national Indian policy, and was employed in many of the colonies.

#### GRANTS BY THE GENERAL COURT.

Before 1639, each set of proprietors by itself purchased land of the Indians, and agreed on the boundaries between the plantations through their representatives. But after 1639, all unoccupied territory became public domain and was subject to the control of the colony. This power was granted in the Fundamental Articles, where the people gave to the General Court the right "to dispose of lands undisposed of to several towns or persons." After this, the growing towns had to apply to the central authority for power to extend their boundaries. Thus it happened in 1640 that the towns petitioned the General Court for an increase of territory, and a committee was appointed for examining certain lands suitable for this purpose.<sup>1</sup> The court had already taken measures toward the maintenance of their rights by recent conquest of the Pequot territory, which, by the treaty of 1638, came into their possession.<sup>2</sup>

The central authority was by no means prodigal with its lands, nor yet were they given grudgingly. It was recognized as a far better condition that the lands be in the hands of enterprising men or communities undergoing improvement than that they remain untilled. But though grants were not made at hap-hazard, yet the colony managed to dispose of about thirteen thousand acres within the first thirty years, in amounts varying from forty to fifteen hundred acres. Careful discrimination was made as to the nature of the lands given, and many a grant was specially stated to

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<sup>1</sup> Col. Rec. I, p. 42.

<sup>2</sup> Col. Rec. I, p. 32.

contain only a certain proportion of meadow, usually one-sixth or one-eighth, and at times no upland was allowed to be taken. The islands at the disposal of the court were first given out, and divisions of the Pequot country followed. It was expected that the grantees would at once or within an allotted time undertake the improvement of their grant, either by cultivation or by the establishment of some industry. Neglect to do so generally called forth a reprimand.

Grants made gratuitously were to the leading men of the colony, although they did not at times hesitate to send in petitions. The latter was in general the more common method, and the petition was based on service rendered to the colony, either in a civil or military capacity. It is not always easy to assign causes for grants, but it is safe to say that where no cause is assigned the grantee will be found to be of some prominence in the colony. The pensioning of soldiers who fought in the Pequot war was by means of land grants. After giving out to these soldiers about fifteen hundred acres, an order was passed in 1671 to the effect that, "being often moved for grants of land by those who were Pequitt soldiers, [the court] doe now see cause to resolve that the next court they will finish the matter and afterwards give no further audience to such motions,"<sup>1</sup> after which summary disposal of pension claims, about a thousand acres more were granted and the matter finished.<sup>2</sup> Land grants were required to be so taken up as not to injure any plantation or previous grant; as

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<sup>1</sup> Col. Rec. II, p. 150.

<sup>2</sup> This prototype of our modern pension claims is full of interest. Not only did the colony reward its soldiers for honest service, but the towns did also. The Soldier's Field mentioned in the Hartford Records was so called because therein the Hartford soldiers who fought in the Pequot war received grants. (See paper by F. H. Parker on "The Soldier's Field," in Supplement to *Hartford Weekly Courant*, June 18, 1887.) Windsor also gave a large plot of land to each of her soldiers serving in this war. (Stiles, Windsor, p. 41; see also p. 201 for petition for land after King Philip's war.) Norwalk rewarded her soldiers who fought against King Philip after this manner; to those who served in the "direful swamp fight" of 1676 were

one entry puts it, "provided it doe not damnify the Indian nor the plantation of New London nor any farm now laid out."<sup>1</sup> Sites which appeared suitable for new settlements were reserved for that special purpose.

In Connecticut it was more frequently the rule that no definite location was assigned. The grantee might take his land wherever he could find it, or, in case of equally favored localities, he could choose that which he preferred, always under the conditions already named. In this particular there was far greater freedom than in Massachusetts. As the colony was not always sure of the extent of its territory—for its boundaries at this time were very unsettled—there was occasionally added in a grant, "so far as it is within their power to make the aforesaid grant,"<sup>2</sup> and in another, "where he can find it within Connecticut liberties."<sup>3</sup> A committee was generally appointed to lay out the grant, which, when made to a particular person, must be taken up in one piece, "in a comely form,"<sup>4</sup> unless it was otherwise provided by special

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given twelve acres within the town bounds; to those who served "in the next considerable service," eight acres, and to those "in the next considerable service," four acres (Hall's *Norwalk*, p. 63). Saybrook also voted that "The soldiers that went out of town in the Indian war shall have five acres apiece of land." (Saybrook Records, 1678.) Following the system inaugurated by town and colony, the Continental Congress in 1776 passed the following resolution: "That Congress make provision for granting lands, in the following proportions: to the officers and soldiers who shall engage in the service and continue therein to the close of the war or until discharged by Congress, and to the representatives of such officers and soldiers as shall be slain by the enemy." The proportions were as follows: Colonel, 500 acres; lieutenant-colonel, 450 acres; major, 400 acres; captain, 300 acres; lieutenant, 200 acres; ensign, 150 acres; each non-commissioned officer and soldier, 100 acres. In 1787, for the satisfying of claims based on this resolution, Congress set apart a million acres of land in Ohio and another large tract covering the southern portion of Illinois, bounded by the Ohio, Mississippi, Kankaskia, Little Wabash and Wabash rivers. (*Journals of Congress*, I, p. 476; IV, p. 801.)

<sup>1</sup> Col. Rec. I, p. 340.

<sup>2</sup> Col. Rec. I, p. 282.

<sup>3</sup> Col. Rec. I, p. 372.

<sup>4</sup> Col. Rec. II, p. 200.

permission of the court. The committee was usually paid by the grantee. In case a grant conflicted with the lands of a township, the right of the township was always maintained and the granted land was laid out in some other quarter.<sup>1</sup> In two cases lands within town boundaries were granted by the General Court, though these are evidently irregular and isolated instances.<sup>2</sup> Industries were fostered and land was granted by the colony, as was also done by the towns, for their encouragement. John Winthrop was subsidized for his saw-mill and his fishery at Fisher's Island, and John Griffen for making tar and pitch.<sup>3</sup>

The General Court took care to see that not only the individual grants were accurately bounded, but that each township should be distinctly separated from its neighboring townships. Of course in the early days there were a number of isolated plantations, yet in these cases the length of the boundary line was fixed in miles. The extension of the boundary lines of a plantation was equivalent to a grant of land to that community, and was very frequently, in fact one may safely say invariably, made for the first fifty years. In 1673 the boundaries of Wethersfield, Hartford and Windsor were extended five miles eastward on the east side of the river, "for the encouragement of the people to plant there,"<sup>4</sup> and in 1671 the bounds of Windsor were extended two miles northward.<sup>5</sup> A few years after, eight inhabitants of Wethersfield petitioned the court for a town grant of ten square miles, with the usual privileges and encouragements, for the purpose of erecting a plantation.<sup>6</sup> This method was not so common in

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<sup>1</sup>Col. Rec. I, pp. 208, 221, 230.

<sup>2</sup>Col. Rec. I, pp. 63, 393. In the latter case the grantee paid for the land to the court.

<sup>3</sup>Col. Rec. I, pp. 64-5, 410. There is a collection of legislative acts for the encouragement of Connecticut industries in the Report of the Bureau of Labor Statistics for 1887, pp. 47 ff.

<sup>4</sup>Col. Rec. II, pp. 185, 187.

<sup>5</sup>Col. Rec. II, p. 155.

<sup>6</sup>Col. Rec. III, 99.

Connecticut as in Massachusetts, where by far the greater part of the land disposed of was granted to communities of settlers.<sup>1</sup> The rule was early made<sup>2</sup> in Connecticut, as also in the other colonies, that neither town nor individual should purchase from the Indians without the sanction of the court; this was enforced<sup>3</sup> both for the protection of the Indians and for the maintenance of the dignity of the court.

In 1666, counties were established, and four years afterwards the General Court gave to each six hundred acres for the support of a grammar school,<sup>4</sup> although the school-teacher himself does not appear to have been assisted as was the case in Massachusetts.<sup>5</sup> By 1674 the colony probably felt that she had rewarded her servants, provided for her towns and schools, and might, herself, reap some benefits from her lands, for we find in that year a committee appointed to examine and dispose of certain public tracts at the best price;<sup>6</sup> this did not mean, however, a cessation of private grants from the public domain.

A word must be said regarding the patent which was given to each town in 1686 for the better securing of its lands. This was at the time of the Andros government. Not only were the lands actually occupied by the towns included in the patent, but also large tracts of public lands within the jurisdiction of Connecticut, to prevent their falling into the hands of Andros. These were granted in free and common socage.<sup>7</sup> To Wethersfield, Middletown, and Farmington a large tract in their immediate vicinity was given, and they were enjoined to erect thereon plantations.<sup>8</sup> To Hartford and Windsor was

<sup>1</sup> Eggleston, Land System of N. E. Colonies, J. H. U. Studies, IV, p. 571.

<sup>2</sup> Before 1650, Col. Rec. I, pp. 214, 402.

<sup>3</sup> Col. Rec. I, pp. 418, 420.

<sup>4</sup> Col. Rec. II, p. 176.

<sup>5</sup> Mass. Col. Rec. I, p. 262.

<sup>6</sup> Col. Rec. II, p. 231.

<sup>7</sup> "Not in capite nor by knight service." This is a curious retention of a formula, for feudal tenures were abolished in England in 1661.

<sup>8</sup> Col. Rec. III, p. 225.



given nearly the whole of the present Litchfield County. In the latter case, after the downfall of the Andros rule, the colony tried to recover the tract of patented land, but the towns clung firmly to what they claimed as their rights, and in 1715 took measures for the proper disposal of the land and the laying out of one or two towns therein. These towns claimed the right contained in the grant of the General Court to give full and ample title to any purchaser,<sup>1</sup> and had two years before taken possession of this tract in good old Teutonic fashion by turf and twig.<sup>2</sup> They now appointed a committee to act as real estate agents for the town. A compromise was afterwards effected. The tract in which they hoped in 1715 to lay out two or three towns now contains nearly twenty-five.

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<sup>1</sup> Col. Rec. III, p. 177-8; Hart. Town Rec., March 3, 1714-15.

<sup>2</sup> Wind. Rec., Dec. 23, 1713. This method of taking possession was formally required by English law. Its origin antedates the use of written documents; a twig broken or a sod cut symbolized the transfer. The later written deed simply took the place of the living witnesses required by the old form; the ceremony continued until a late date. Two quotations will suffice. "Voted that two of said committee shall go and enter upon said propriety and take possession thereof by Turf and Twigg, fence and enclose a piece of the same, break up and sow grain thereon within the enclosure, and that they do said service in right of all the proprietors, and take witness of their doings in writing, under the witness hands." (East Hart. Rec., Goodwin's East Hartford, p. 150.) The second quotation illustrates the transfer of land. Two inhabitants on deposition testify, "as we were going from Hartford to Wethersfield, Jeremy Adams overtook us and desired that we would step aside and take notice of his giving possession of a parcell of land to Zachary Sandford, which we did, and it was a parcell of land . . . on the road that goeth to Wethersfield, and we did see Jeremy Adams deliver by Turf and Twigg all the right, title and interest that he hath or ever hath of the whole parcell of land to Zachary Sandford." (Hart. Book of Distrib., p. 399.) See also Col. Rec. III, 305. The same custom was in use in other colonies. H. B. Adams, *Village Communities of Cape Ann and Salem*, J. H. U. Studies, I, p. 398. Bozman, *Maryland*, II, p. 372, note. "Gleaner's" Articles, Boston, Rec. Comm., vol. V, p. 117.

## EARLY TOWN ALLOTMENTS.

The system of land allotments was not essentially different from that which was in vogue in the Massachusetts towns. The nature of the settlement was different, and in consequence there was probably less order and symmetry in the apportionments. One can almost trace out the story of the settlement from the nomenclature of the Town Votes and Land Records. Wethersfield has her "adventure lands" and her town originally of two distinct parts, with the meeting house square between, betokening an earlier and latter infusion of settlers. Hartford has recorded the "Indian's land," "Dutch Point," and "Venturer's Field" as existing before the coming of Hooker, and Windsor has references to "Plymouth Meadow," and to the "Servants" (Stiles party) who preceded the Dorchester emigrants. The lands seized by these early comers were in advantageous positions, and their occupation was recognized as entailing a legal right to the lands.

The adventure lands of Wethersfield<sup>1</sup> form one of the most fruitful plateaus in the present township; a triangular-shaped plain of splendid arable, out of reach of freshets and capable of high cultivation. This plain was closed in on each side by the Wet Swamp and Beaver Brook, which water-drugged courses gradually drawing closer together met at what was called the "Damms," a division of land half spur and half swampy meadow caused by the artificial damming of the stream by the beavers. Parcels of ten, twenty and seventy acres are found in the Records, adjoining each other on this plateau, and forming the largest open tract in the immediate eastern vicinity of the lower part of the town. As other settlers appeared, they occupied lands taken up somewhat in the order of their arrival. The home-lots were divided originally into two communities, the earlier of whom settled on

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<sup>1</sup>The writer has made a detailed study of the system of early allotments of one town, Wethersfield, as can only be learned from her book of Land Records.

lands adjoining those of the Adventurers, the other farther to the north took advantage of the neighboring water facilities and the convenience of the harbor. The home-lots were of nearly the same size in the majority of cases, about three acres, nowhere less than two, and only exceptionally six, ten, thirteen, and eighteen.<sup>1</sup> It is likely that in the larger homesteads a sale had taken place, not recorded, and the accumulation of property thus early begun. Uniformity is the rule, and shows that whether in a general meeting of the proprietors or otherwise, a certain system was agreed upon. The lay of the village streets marks the double settlement, although the two parties at once united in the division of lands. The system of the New England colonies shows unmistakable traces of the influence of the mother country, yet only in its general bearings and principle of commonage does it have any direct resemblance to the early English or early German tenure. In its direct apportionment of small shares of all kinds of land to each inhabitant, to his heirs and assigns forever, the system is *sui generis*, though in its more general aspect of arable, common and waste land it is similar to the older form. Every New England village divided the lands adjacent to the town, the arable and meadow, into large fields, according to their location and value, and then slowly as there was need subdivided these fields in severalty to the proprietors, according to some basis of allotment. Means of access, or "ways," were cut into or through the fields, answering to the headlands in the Saxon arable, and these, with the more dignified but not necessarily more passable "highways," formed sufficient boundaries to and division lines between the different parts of the meadow. Apparently every new-comer who became an inhabitant either

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<sup>1</sup> In Watertown, whence so many of the settlers came, the recorded home-lots varied in size from one acre to sixteen, with an average of five or six acres. (Bond, Watertown, p. 1021.) Yet one is not sure that this represents the original allotment, for in Hadley, settled partly from Wethersfield in 1659, the size of every home-lot was eight acres, and church members and freemen had no advantage over others in the distribution of lands, a fact which was almost universally true. (Judd's Hadley, p. 33.)

purchased or was given a share in the lands of the town; not, indeed, a lot in every field, for the old fields would soon be filled up, but in the new fields, which, opened or "wayed" off in advance, were a ready source of supply. Certain sets of men held their lands almost exclusively in certain fields, having no part in the division of other inferior fields, which appear to have been assigned to late comers, who evidently came to the settlement in parties of three or four or a dozen at a time. Human nature is much the same the world over, and there are clear traces of an ancient and honorable class, even in the infant community. They held the best lands and had the largest shares undoubtedly because they contributed the largest part of the purchase money. So far as practicable, lands were held in the neighborhood of the home-lot, from obvious reasons. This is chiefly true of early comers, though by no means a fixed rule. Besides the artificial bounding of the large fields by "ways," natural boundaries, as river and mountain, were largely employed, and the names given to these fields at once disclose their location or some superficial or other characteristic.<sup>1</sup> The individual plats are simply described as bounded by highway or river, meadow, fence or water-course, and by the adjoining lot of a neighbor. The shape of the lots was generally that of a parallelogram, though here again no certain rule obtained. We find the "Triangle," "Jacob's Ladder," and a variety of other geometric forms, but the rectangle is the custom. In a number of the fields laid out<sup>2</sup> we notice a certain regularity which betokens design. The field was divided into two parts

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<sup>1</sup>The following are some of the Wethersfield names: Great Meadow, Wet Swamp, Dry Swamp, Long Row in Dry Swamp, Great Plain, Little Plain, East Field, Middle Field, West Field, Little West Field, Great West Field, Furtherest West Field, South Fields, Beaver Meadow, The Dams, Back Lots, Pennywise, Mile Meadow, The Island, Hog Meadow, Huckleberry Hill, Ferne Hill, Fearful Swamp, Hang Dog Swamp, Sleepy Meadow, Cow Plain.

<sup>2</sup>South Fields, Fields in Mile Meadow, The Island, and Middle Row in Dry Swamp.

lengthwise, and the order of holders in one tier would be reversed in the other, thus making the distribution more equal. Often clusters of the same holders are found, two or three together, holding the same relative position to each other in different fields, which seems to show that these must have received their allotments at about the same time, each taking holdings in several adjacent fields. In two<sup>1</sup> of the large divisions a curious arrangement prevailed. Each field was a parallelogram divided crosswise into sections. The holder of the first section next the highway on the east also held the last section, of exactly the same size, next the wilderness on the west. Section-holder number two from the highway owned also the second section from the wilderness, and so on, each holder having two lots in this tier, symmetrically placed and of equal size, the holder of the middle section of course owning one large lot, because his two sections would lie adjoining each other. The system of tiers or ranges in formal divisions was universally employed in Massachusetts and Connecticut, but finds no analogy on the other side of the water, although the method of assigning these lots by chance, in the drawing of numbers or some similar procedure, is as old as the cultivation of the arable itself. In these early allotments the Church comes in for its share. In fact, it was a fixed principle in the working out of the land system to consider the Church as a very important personage, and assign to it lands accordingly. Its portions were considerably larger than the average, and were scattered about in nearly every one of the large fields. These allotments are generally titled "Church lands," "Church lotts," or at the "Churches dispose." Such lands were not taxable, and many of them were held until a late day, not being alienable. The terms of the grant of church or parsonage land are iron-clad: "to remain and continue to the use of the ministry, by way of a parsonage, forever,"<sup>2</sup> or other conditions similarly

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<sup>1</sup> Little and Furtherest West Field.

<sup>2</sup> Weth. Town Rec., March 23, 1666.

binding. But Yankee ingenuity has effected a lease of many of these lands for 999 years, thus obviating a difficulty, though any improvements made upon them changing their condition as church property were, by decision of the court, taxable.

As might have been expected, a great deal of the land was "ungiven" in the year 1640, even within the fields already described. Amongst the homesteads also we find plots reserved by the town as house lots, and the lands ungiven within the more distant fields must have been of considerable amount. Some of the older fields do not appear to have been entirely divided up for forty years.<sup>1</sup> The divided fields were bounded by the ungiven lands, lands not laid out, and the wilderness.

In the mind of the court, the land rights of the three towns must have become by 1639 somewhat confused, for in that year it ordered each town to provide for the recording of every man's house and land, already granted and measured out to him, with the bounds and quantity of the same.<sup>2</sup> As a result of this order, there exist those valuable books of distribution, upon whose records all maps of the river towns are based. In consequence of the fact that four years elapsed before record was made, the standard of apportionment can only be approximately determined. The business activity of the little colony in real estate must have been great during this period. There were numerous withdrawals from and occasional accessions to the number of inhabitants, which would occasion a considerable distortion of any original system. It is safe to say that to each homestead there belonged proportional rights in the upland,<sup>3</sup> and in some cases

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<sup>1</sup> Allotments were assigned in Mile Meadow as late as 1680; in Great Meadow, 1680; in Dry Swamp, 1654; Wet Swamp, 1673.

<sup>2</sup> Col. Rec. I, p. 37. Massachusetts in 1637 had the same trouble, "That some course be taken to cause men to record their lands, or to fine them for their neglect." Mass. Col. Rec. I, 201.

<sup>3</sup> Col. Rec. I, p. 63.

the possession of a home-lot carried with it rights in every division.<sup>1</sup>

By 1640 many of these rights had been sold to men within the colony, and because many of the divisions were already full we find different sets of owners in the different fields. There are certain traces remaining of a proportion between certain of the house lots and the meadow lots. Ratios of two to one, three to one, are visible. In the apportioning of the large fields there is more evidence of design, because consummated at a later period, and thus subject to fewer transfers or sales. Between the lots in the Meadow, Great West Field, and Naubuc Farms we note such proportions as 14-42-84, 13-39-78, 17-51-102, 19-57-195, 16-48-144, 45-135; but we also find as many exceptions to the rule which the above evidence might seem to offer, as there are conformities to it. In which cases we can say that there has been a deviation from an original rule through property accumulation. The fact that in all later apportionments some basis of division was regularly employed, points to a similar custom before 1640. It is possible to draw the conclusion based on slender, yet suggestive facts, that allotments in the homesteads were made as nearly equal as possible, only varying in size because of adventitious causes, such as size of family, wealth, position, influence, etc.; that allotments in the Great Meadow were based on the right of each in the purchase land according to his contribution; that in the Great West Field there was employed a three-fold allotment based on the former division; and in the Naubuc Farms division, there was used a two-fold allotment based on the Great West Field.<sup>2</sup>

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<sup>1</sup> Col. Rec. I, p. 445. "Rachel Brundish hath 14 acres of meadow, her house lott 3 acres, and what upland belongs thereunto in every divysion, saveing what her husband and she hath sold, vizt. her shaire beyond the River and 6 acres in Pennywise."

<sup>2</sup> See below, p. 55, n. 2.

## INDIVIDUAL GRANTS.

Many of the grants already described were individual, but of a somewhat different nature from those of which we have mention in the Town Votes. Before 1640 the town was supplying itself with land, after 1640 it began to supply newcomers. In order to properly understand the situation we must know something about that town oligarchy, the proprietors. They were the body of men who owned the land, who had a dual character as proprietors and as inhabitants; this is recognized in the phrase frequent in the records, proprietors-inhabitants. Herein the three towns present decided differences. In Hartford, while many grants were made by the town in town meeting, yet much was done in proprietors' meeting, and general divisions in but one or two cases were made there also. In Windsor, on the other hand, no grants were made in town meeting except for encouragement of trade, and then such lands were given from the distinctly town lands, as town commons, town farm, town orchard; all was apparently done by the proprietors. But in Wethersfield the town and proprietors were practically one, and all grants, as well as all general divisions, were made in town meeting. The latter case is then specially worthy of examination. The earliest division of lands was between thirty-four men, who claimed, as the number of inhabitants increased, their original right. In 1640, after the order of the General Court giving towns power to dispose of their own lands, and before the recording of lands was completed, an agreement was made between these thirty-four men and the Town and Church, by which they were given an equal share in the lands to be divided, whether to be held as common land or in severalty.<sup>1</sup> This may have given to the Wethersfield system of grants its peculiarly town character. The proprietors' right to the ungiven lands was generally held in abeyance, and practically the town held the privilege of granting lands

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<sup>1</sup> Col. Rec. I, p. 63.



at her pleasure. Two facts are, however, to be noticed ; first, that the proprietors or their descendants held—when they cared to exercise it—the balance of power in town meeting ; and second, that in case of mismanagement, the proprietors exercised their right and it was recognized by the town. Yet in the granting of single lots to new-comers, the proprietors allowed them to be given by the town in the name of the town in town meeting.

For many years after the early allotments no general apportionment of lands was made except in the shape of single grants by the town to private individuals, according to phrases in the records, “which was given by the Church and Town,” “which was given him by the Church,” “which was given him by the Town.”<sup>1</sup> The grant was either gratuitous or by request, more frequently the former. Often the amount is not stated in the vote, and when given, rarely exceeded twenty acres. House lots were given as well,<sup>2</sup> and in the case of gratuitous grants, the desire of the receiver must have been in some way expressed, personally or through his neighbors. The town as well as the State encouraged industries and looked out carefully for all undertakings which promised benefit or advancement. To any one of good character and acceptable to the town, land was granted in very liberal quantities and with considerable liberty in the selection. The grant was almost invariably accompanied by conditions, as in the case of a grant to Governor Winthrop for a mill ; “if the said hon<sup>r</sup> Gov<sup>r</sup> Winthrop doe build mill or mills according to his proposition made to the town, that then this grant to be confirmed and settled upon the said Winthrop and his heirs forever, or else to be void and of none effect.”<sup>3</sup> Governor Winthrop failed to comply

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<sup>1</sup> Weth. Rec., Dec. 28, 1649 ; Jan. 25, 1652, and Land Records, vol. I, *passim*, under date 1640–41.

<sup>2</sup> House lots were often taken directly out of the highway when the width allowed.

<sup>3</sup> Weth. Rec., June 3, 1661.

with the condition, forfeited the land, and it was regranted six years later.<sup>1</sup> But grants for the support of industries (and these and grants for recompense are the only ones found in the Windsor Town Records) were not alone subject to conditions. The principle that granted lands must be improved or built upon was adopted by Hartford as early as 1635, when twelve months was made the limit, the town at the same time reserving the right of necessary highway through any man's land.<sup>2</sup> This rule was relaxed in favor of prominent individuals, sometimes by an extension of the time limit, and sometimes by an entire freedom from the condition.<sup>3</sup> In case of forfeit, the grantee was generally paid the full value of expended labor. As it was a bad policy to observe too tenaciously conditions which would discourage inhabitancy, the town seems to have enforced the forfeiture and then to have avoided bad results by a technical subterfuge; the same piece of land was regranted, or a new lot was given in another quarter.<sup>4</sup>

Another condition provided for in the case of freed servants or repentant sinners was the voiding of the grant in case of sale or alienation. This was to prevent imposition in case of doubtful characters, whose efforts toward uprightness the town wished to encourage. A kind of police regulation is embraced in one condition, best explained by quotation. Thirty acres were given to John Stedman on the town frontier next the common, "on the considerations following, viz. that the said Sjt. John Stedman shall secure, preserve, and defend the timber, fire-wood, and stone belonging to this town from all intruders thereon, especially from the inhabitants of Hartford, . . . and on his failing of the considerations mentioned, he is to

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<sup>1</sup> Weth. Rec., Nov. 4, 1667.

<sup>2</sup> Hart. Rec. 1635, I, p. 11.

<sup>3</sup> Hart. Rec., Jan. 14, 1639.

<sup>4</sup> "Mr. Alcott's house lot being forfeited is taken into the town's hands until the next general meeting, who will either let him have that again or give him answer in some other kind." Hart. Rec., Jan. 10, 1639, I, p. 115.

forfeit his said grant.”<sup>1</sup> Indeed, conditions were by 1650 such a matter of course, that one vote, covering some half a dozen grants, made them all conditionary in one breath. “All these men had their lands given them by the town upon the same conditions, which men had and was formerly tied to and bound to.”<sup>2</sup> Failure to carry out these conditions, as already said, rendered the grant void, and the land reverted to the town. Often, instead of a distinct allotment of new land, the grant took the shape of an enlargement or extension of land already owned. Here no condition was required, as the grantee was already well known and his reputation established. Two other varieties of land allowance need to be mentioned, which would not increase the number of holdings in severalty, as would be the case with those already discussed—the grant of an equivalent elsewhere when land of an inhabitant was taken for street or highway,<sup>3</sup> or unintentional injury had been made by a later grant; and the giving of a portion to some needy person, generally of only an acre or two, to improve for a short time rent free, on condition that the fence be maintained.<sup>4</sup> Rent, when charged, was small—ten shillings per acre.<sup>5</sup> The laying out of all the above grants was done by the townsmen or a committee selected for the purpose, and it was not infrequent that questions of amount and location were left entirely to the discretion of the committee.<sup>6</sup>

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<sup>1</sup> Weth. Rec., January 3, 1686. There is something curiously similar in this instance to the position of the lands of the Saxon *harward*, who was given his lands along the border of the manor, so that, in case of damage by loose animals, his own lands would first suffer. The town fathers evidently appreciated the fact that Sjt. Stedman, holding land where he did, would keep a more careful lookout.

<sup>2</sup> Weth. Rec., Dec. 28, 1649.

<sup>3</sup> Hart. Rec., Jan. 6, 1651.

<sup>4</sup> Hart. Rec., Feb. 3, 1668.

<sup>5</sup> Wind. Rec., Feb. 4, 1684.

<sup>6</sup> The granting of a lot was, of course, confined to inhabitants who were new-comers, and who are to be distinguished from the proprietors. Hartford has a list of “the names of inhabitation as were granted lotts to

Although from the absence of record we have said that the later Windsor grants were made by the proprietors, yet we know that the earliest allotments were made by the "Plantation."<sup>1</sup> The Hartford proprietors were an important body, but were satisfied to let the town shoulder the burden of making individual grants, while they kept in their own hands general divisions. The Wethersfield proprietors were dormant, not dead.<sup>2</sup> Their meetings were fused with those of the town, and troubles arose frequently between the established few who paid the greater part of the taxes, and the new-comers or less important inhabitants.<sup>3</sup> The former asserted their previous rights in the

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have only at the Townes Courtesie, with liberty to fetch wood and keep swine or cows by proportion on the common." (Book of Distr., p. 550.) The privileges of granted lands were generally confined to the owner. Hartford early passed a vote denying the privilege of felling trees on granted land to any except the owner. (Hart. Rec., Dec. 23, 1639.) In Windsor all granted lands were considered free for the inhabitants to use for the obtaining of wood, timber and stones until they were enclosed. (Wind. Rec., Feb. 4, 1684.) An act like this was intended to offset the monopoly of the proprietors, and to hasten occupation and cultivation. Two years after Windsor extended the privilege of every inhabitant for the obtaining of timber, stone, wood, and grass to all unenclosed and undivided lands. (Wind. Rec., Jan. 5, 1686.) On this point, however, see the section Proprietor's Commons.

<sup>1</sup> Wind. Land Rec., vol. I, *passim*.

<sup>2</sup> That the proprietors still lived is evidenced from this vote: "That no land shall be given away to any person by the Town, unless there be legall notice given to all the proprietors before the meeting that is intended by the Selectmen to give away land aforesaid." (Weth. Rec., March 18, 1678-79.) The same factors existed in each of the towns, only differing in the ratio of influence in town affairs. In Wethersfield the town overshadowed the proprietors; in Windsor the proprietors overshadowed the town, while in Hartford the balance was about equally preserved.

<sup>3</sup> Much the same state of things existed among the proprietors of Windsor. There were the historic proprietors who had primordial and inherited rights, and the new class who had purchased rights and held their position by virtue of their money. This led to constant disagreements and factional disputes. The cause of this lack of harmony was the question whether a majority vote was to be decided by counting the number of hands held up, or by reckoning the sum total value of rights thereby represented.

undivided lands, and protested against the indiscriminate giving away of common land, particularly that which lay in the stated commons, streets, and highways, by these less conspicuous taxpayers. The latter, apparently taking advantage of an apathy toward the town meeting, and consequent absence of many of the proprietors, gave away to persons undeserving of the same, the lands belonging, as the protestants claimed, to the proprietors and inhabitants in general. Not only was this very caustic protest entered in the records, but a special vote was passed providing for the proper stirring up of sleepy farmers when town meeting was to be held.<sup>1</sup> The fact of this protest shows that among the townspeople themselves, all undivided lands were considered as belonging to the town, not in its corporate capacity, but as composed of the proprietors and inhabitants of that town, and that indiscriminate alienation of any portions of these lands was a direct infringement on the rights of such inhabitants and proprietors.

The liberal policy pursued by town and proprietor was not sufficient to exhaust all the land in the immediate vicinity. None of the smaller parcels granted were far from the towns, except a few, which formed the partial basis of new villages<sup>2</sup> three or four miles away, often across the river. Therefore a more rapid process was in a few cases effected, and a system of dividing up vacant tracts established. Such tracts were not large, and the number of men interested therein was limited. The principle contained in the gift of such lands was akin to that of the individual grants, while the method of division bore a resemblance to that most prominently employed in the larger divisions. The grantees were always inhabitants already holding land in the township, and the existence of an amount of ungiven land, upland or meadow, favorably situated, would lead to a petition by divers inhabitants for the

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<sup>1</sup> Weth. Rec., Jan. 28, 1697-98.

<sup>2</sup> In this sense were the words town and village used in the Connecticut colony. The town was a political unit, the village was not.

parcelling of it out to them. This petition would be acted upon in town meeting, and a committee appointed to interview the petitioners and fix the basis of allotment. The proportion was usually that which existed already in some divided field or former grant. In one of the earliest instances, seven petitioners were given three acres, and an eighth was made residuary legatee.<sup>1</sup> In another, six inhabitants received all the undivided land in Wet Swamp, and with it the care of what remained unassigned of the common fence.<sup>2</sup> Two years later a large tract of upland was divided in fourfold amounts to those holding allotments in Mile Meadow. The records fail to state the number of partakers, or whether it was done by request or otherwise.<sup>3</sup> In Hartford such a division took place when the land lying in the rear of five home-lots and extending to the river was divided to the owners of these lots, according to the number of acres each had therein.<sup>4</sup>

One interesting case of division is found where the land is allotted according to proportion of meadow fence. This fence was, by order of the town, removed from the lowlands, extended along the top of the hill, and again turned at right angles toward the river. A large grant was made to those removing their fence, and it was proportioned in the following manner: the land was divided by a path into two fields, one 126 rods wide and the other 31 rods wide. To every man there was given in the larger tract one rod's width of land for every three rods which he owned of fence, and in the smaller tract for every eight rods of fence was allotted half a rod's width of land. The allotments therefore ran in narrow strips east and west.<sup>5</sup> This division took place in one of the outlying settlements which afterwards developed into a separate town. Toward the close of the century we begin to find steady encroachment on the generous widths allowed for

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<sup>1</sup> Weth. Rec., March 31, 1660.

<sup>2</sup> Weth. Rec., Feb. 16, 1672.

<sup>3</sup> Weth. Rec., Jan. 1, 1674.

<sup>4</sup> Hart. Rec., Jan. 14, 1683.

<sup>5</sup> Weth. Rec., Nov. 4, 1672; Dec. 25, 1707; April 24, 1713.

highways. This betokens a scarcity in the adjoining fields. It had been previously done in all the towns, for convenience in establishing certain industries near at hand; but later we find private grants taken directly out of the highways and town commons.

#### LATER GENERAL DIVISIONS.

For many years after the settlement, grants of a nature already described, together with the accretions and transferences through alienation or purchase, were sufficient to satisfy the needs of the townspeople. The boundaries between the towns became approximately though not finally determined on, and a steady growth in all directions was taking place; in consequence of which, general divisions began to be called for. We know that many of the earliest allotments had been of the nature of general divisions, and Hartford passed a rule in 1639 voiding any such division made by a part of the inhabitants (proprietors) without the knowledge and consent of the whole,<sup>1</sup> and there is afterwards a reference made to a rule adopted for division of lands of a still earlier date.<sup>2</sup> The earliest division of which we have

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<sup>1</sup> Hart. Rec., Jan. 7, 1639.

<sup>2</sup> Hart. Book of Distr., p. 582, referring to rule of Jan. 3, 1639. What this rule was we cannot say. It may have been the restatement of the rule adopted when the lands were first allotted. We have extant the list of subscriptions to the general fund according to which the settlers were taxed for further purchases and according to which they received land in the early divisions. In this Mr. Haynes is credited with 200 and Richard Risly with 8 shares or pounds, and others with intermediate amounts. As these amounts are not proportionate to the wealth of the persons mentioned, it is likely that the principle of limitation was applied in Hartford, by which no one was allowed to put in more than a certain amount; thus all would be given a fair share in the divided lands and would bear a proportionate share in the burden of future purchases. This principle was probably applied in New Haven (Atwater's New Haven, p. 109; New Haven Col. Rec., vol. I, p. 43), and we know that it was so in Guilford, where the limitation was £500. (Hist. of Guilford from the MSS of Hon. Ralph D. Smith, p. 54.) That such rule of division with possible limitation was in force in each of the river towns we think could be demonstrated.

record was in 1641, when the vote was passed,<sup>1</sup> though its provisions were not fulfilled until 1666. The tier to be divided was on the east side of the river, and was made up of two parts, in the allotting of which the differences in the quality of land were recognized. In the lower of these parts land was given, we might say, at its par value; that is, every one to whom land was given in the southern tier received one acre of land for each pound of right in the undivided lands, or, as the record says, "one hundred for one hundred"; while in the northern half a premium of five per cent was allowed, that is, for every hundred pounds right the proprietor was to have one hundred and five acres. The first allotment was made in a tier of a mile in width, and as the vote provided for a tier of three miles width, the allotments were all trebled.<sup>2</sup> This was properly an extension of the original allotments, for certainly Wethersfield, and probably Windsor, divided the three mile tract in 1640.

Practically the first general division was that of Wethersfield in 1670. Up to this time the whole territory stretching from the West Fields westwards into the unbroken country was known as the Wilderness, and served as a convenient pasture for the masting of swine. Highways had been cut through it by energetic woodsmen and cutters of pipe-staves, by means of which access was had to the lands soon to be laid out. This land lying along the western boundary the inhabitants proceeded in town meeting to lay off in the shape of a tier a mile in breadth, and to divide it up among the "inhabitants, that is to say, to householders, that live on the west side of Conectecot river."<sup>3</sup> The land was divided into seventy-six shares, one share to each householder. The amount of the share was fifty-two acres, and each received an equal amount, "one man as much as another." They were lots in the good old Saxon sense of the word, for the inhabitants cast lots for

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<sup>1</sup> Hart. Rec. I, p. 52.

<sup>2</sup> Hart. Rec., Feb. 18, 1640; Feb. 16, 1665.

<sup>3</sup> Weth. Rec., Feb. 23, 1670.



them; the method is not told us, but he or she (for there were five women among them) who drew lot number one took the first share on the north, number two the next, and so on. One important distinction is at once to be noticed between this grant by the proprietors-inhabitants of land to themselves, and grants of single parcels "by the Towne" to new-comers. In the latter case grants were not necessarily made in fee, many were revoked, but in this case it was expressly stated that the land was to be held by the inhabitant as a proprietor, to be his and his heirs' forever. This emphasizes the view held by the inhabitants regarding the ownership of the undivided lands.

But the growth of the little community soon demanded further division of lands, and a new principle was adopted, much less communistic than the last, which seems to have been based on a "social compact" theory that all men are free and equal and all are to share alike in the distribution of benefits. In 1695 one hundred and sixty-five inhabitants, or their proxy, met for the drawing of lots. Five great tiers were laid out on three sides of the wilderness, and the sharers drew for their position therein, receiving an amount of land proportionate to the tax assessment for 1693, at the rate of half an acre of land for every pound in the list of estate.

In the meantime Hartford had been making a new division, and that, too, along its western boundary. This was done by the proprietors in their own meeting in 1672. The same rule was adopted as had been employed in the earliest divisions. By this time many of the rights had changed hands, but the proportion still remained the same. The basis of division of this tier, which was a mile and a half in breadth, differed so materially from that of about the same date in Wethersfield as to be somewhat striking. Instead of equality we have shares varying from a width of three rods to a width of ninety-one rods, and instead of grants to householders we have a division to original proprietors or their

representatives.<sup>1</sup> The Wethersfield method had a certain advantage, in that a nearly exact division of all the tier could be obtained. In Hartford, however, there was an overplus, and five years later the proprietors took this in hand, and the scheme adopted shows the proprietors in a new rôle which does them credit. This overplus of nearly six hundred acres was laid out in five tiers, running north and south, of which the middle tier was to be divided into twenty-acre lots and the others into ten and fifteen-acre lots, and when this was done, the committee was authorized to "grant these lotts to such of the town of Hartford as they shall see in need of the same, and as they judge it may be advantageous."<sup>2</sup> In point of fact, however, the tiers were divided into much larger lots, and to only thirty-one "needy" persons. Probably the committee put their own construction on the order.

The general division of the Windsor common and undivided lands was long delayed. The first definite proposal to that end was not made until 1720, when a scheme was discussed and voted by the town for laying out and dividing a strip of land running entirely around the township, of a mile in width on the east side of the river and half a mile on the west. But this proposal was met by the protest of the proprietors, and, though the plan continued to be discussed, it was not until 1726 that the two bodies came to an agreement. The town seems to have taken the matter into its own hands, perhaps on account of the wranglings of the proprietors among themselves and the complications which had arisen in their claims. The same trouble resulted from an attempt to divide the Equivalent, a tract of land granted to the Windsor proprietors in 1722 by the colony, to compensate for several thousand acres of their territory which, by the arrangement of the boundary line, had been taken from that town and added to the lands of the Massachusetts colony. As early as 1725 the proprietors voted to divide these 8000 acres to each "pro-

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<sup>1</sup> Hart. Book of Distr., pp. 581-582.

<sup>2</sup> Hart. Book of Distr., p. 584.

prietor Inhabitant, according to the list of Real Estate in the year 1723, viz., such Real Estate as the proprietors hold in their own right.”<sup>1</sup> It was not until 1743 that a sufficient agreement was reached by the conflicting parties to allow the actual division to be consummated. At that time the mile and half-mile tiers were divided into 219 lots, and the Equivalent into 367 lots, the basis of allotment remaining as before, viz. the list of freehold estate. Windsor made up for her lateness of division by her activity when once started, and from this time on her surveyor was kept well employed.

The enactment passed by the General Court establishing the privileges of the proprietors and creating them a quasi-corporation, brought about in the three towns a final division of the common lands about the middle of the eighteenth century. Windsor led off in 1751, giving to each proprietor a lot according to his list, and then finding some land left

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<sup>1</sup> Wind. Propr. Rec., p. 2. The directions given to the committee for division may be of interest :

“1. You are to inspect the list of freehold estate given into the listers in the year 1723, and all lands belonging to orphans set in said List to other persons you are to allow divisions for such lands to the orphans only.

“2dly. Where you have it made evident to you that any person hath put land in that List which he hath purchased and the seller reserved in the time of the purchase his Rights of Division for said Land, in that case you are to allow Divisions for that land to the seller only.

“3dly. You are to lay out the land equally as you can according to the Rule of proportion set by the proprietors in their voat, having Respect to Quantity and Quality.

“4thly. You are to lay out convenient Highways in said Lands according to your best judgment.

“5thly. Where any person in the list of 1723 hath set to him any Lands that he had in Improvement upon the Commons, in that case you are to allow no division for the same.

“6thly. When you have found out the number of the persons that are to receive in the Division, you are to number the Lotts to them, and then cast a lott to determine where each proprietor shall have his lot in the Teare of Lotts in the Division.”—Wind. Propr. Rec., pp. 2-3. Similar rules were adopted in most of the divisions made in each of the towns at this time. Regarding the history of the Equivalent, see Stiles. Hist. of Windsor, pp. 260-263.

over, the committee proceeded to "lay to each Proprietor a small lot" in addition.<sup>1</sup> These small lots were from half an acre to six acres in size. Wethersfield followed in 1752, and there we find an unexpected show of legal formula and red-tapeism. The proprietors sat in solemn council and decided to divide. Strengthened by the decree of the General Court, they passed the customary restrictions and limitations in connection with orphans and landlords. Nine months afterwards did the town, quite in submissive contrast to its former votes, establish, ratify and confirm the action of the proprietors.<sup>2</sup> Hartford proprietors two years afterwards did the same, with the same ratification from the town, with, however, an explanatory clause which is worth quoting. "To divide a certain large tract . . . which tract the Inhabitants have quietly held as their own, enjoyed and improved from Time beyond the memory of man, and whereas the Inhabitants being now sensible of great difficulty and contention that is likely to arise with regard to the claims and pretensions of sundry persons claiming in opposition to the method of division agreed upon, and the inhabitants being now very sensible that no division can be made more for the peace and good will of all concerned than that agreed upon, vote that they grant and confirm unto the afores<sup>d</sup> Proprietors, all the afores<sup>d</sup> Common Lands in proportion as is stated in said list for them and their heirs forever."<sup>3</sup> The method agreed upon

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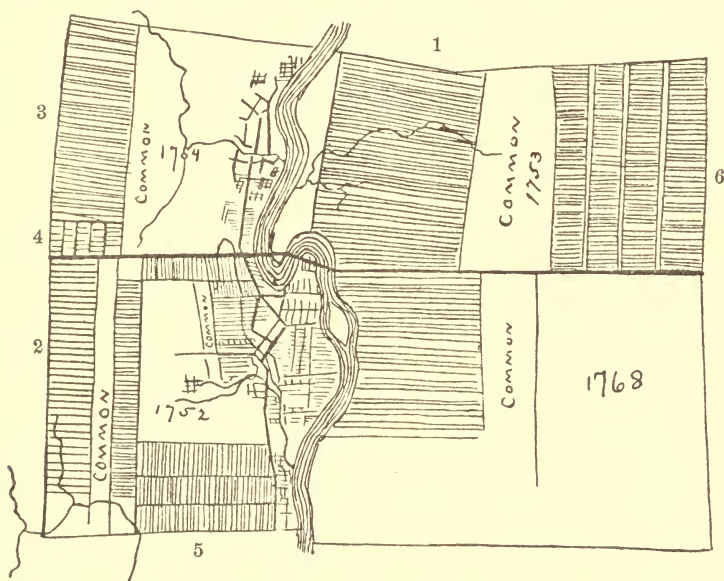
<sup>1</sup> Wind. Propr. Rec., p. 214.

<sup>2</sup> Weth. Rec., Dec. 25, 1752. Proprietors' meeting, in the same volume, Feb. 20, 1752.

<sup>3</sup> Hart. Rec., March 25, 1754. The Hartford division of 1754 was after this manner. The commons lay to the west of the town, and beginning at the southern boundary, thirty tiers of land were laid out, separated laterally by four principal highways and longitudinally by some twenty smaller and shorter highways; the length of this large tract was the width of Hartford township from Wethersfield to Windsor bounds, and its width about one mile. The size of the tiers was very unequal, some being divided into as many as forty lots, while others into as few as five, four, and two. This was partly owing to the position of the already established highways and the coursings of a small but meandering stream. Four

was an apportionment according to the grand list of the inhabitants, made in 1753, with the restrictions as in the other towns.

The following diagram will help to explain what has already been said. It represents the Hartford and Wethersfield townships, and pictures the scheme of tiers or ranges and the land basis of new towns.



1 is the three-mile tract division of 1640 and 1666; 2, the equal division of 1670; 3, the west division of 1672; 4, the overplus; 5, the division of 1695; 6, a division not mentioned before because consummated after East Hartford became a separate township; it was a part of the Five Mile Purchase, and shows the land basis of the town of Manchester.

With these divisions and with the carrying out of a few matters of recompense and equivalents, that all might be

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hundred and seventy-seven proprietors shared in this division, which adjoined the west division lots, now West Hartford, on the west. (From copy of a MS in possession of Mr. Hoadly, found among the Seymour papers.)

content, the mission of the proprietors practically ended. But the association still lingered and meetings were sporadically held. In fact, the common and undivided lands existed in Windsor as late as 1787, and traces of such are found in Hartford in 1785. The last meetings of the proprietors were chiefly for the purpose of appointing committees to search for undivided land, if there should be any remaining, which when found was to be divided to whomsoever had any claims. In case all claims could be met and land still remained, the committees were ordered to sell the residue, whether of lands undivided or of lands left for highways which were not needed, and after deducting from the amount arising from such sales a sum sufficient to pay themselves for all their trouble and expense, to give over the remainder to the ecclesiastical society of the town, the interest of which was to be appropriated to the support of the ministry or school, according to the discretion of the society. Thus with the object for its existence withdrawn, and with the resolution of the common lands into holdings in severalty, the association of proprietors became no longer necessary and died for lack of a *raison d'être*.

It will have been noticed that the system of general land division which obtained in Connecticut only differed in the different towns as regards the basis of allotment. The form was invariably that of ranges or tiers, often one but sometimes many lying adjacent to each other and separated by highways. These tiers were shared into sections or strips generally designated as of so many rods width, for the length would be uniformly the same. It is difficult to see the economic value of the extreme length of many of the sections thus laid out. When the length of a lot is three miles and its width a few rods, successful agriculture must be at a disadvantage. In many cases these were wood lots, but by no means in all. It is evident that many of those who received shares in the division sometimes sold them before they took possession, and it was to prevent such action that the Hart-

ford proprietors voted at the time of the division of the overplus that no one should sell his lot before he had fenced it in and improved it.<sup>1</sup> Generally, however, farmers soon removed to their sections and began improvement and cultivation, and it happened, as might have been expected from the shape, that great inconvenience resulted in preserving the bounds and cultivating the narrow strips.

As yet nothing has been said of the division of the Five Mile Purchase, the tract granted by the General Court to the towns in 1673. For our purpose it is only interesting as showing the origin of a proprietorship. The towns on receiving the grant at once provided for its purchase from the Indians, by a rating distinct from the other town rating, "that so the just sum of every man's payment to this purchase might be known for an equal division of this land according to their payments."<sup>2</sup> The rate was a halfpenny upon the pound in Wethersfield, and one hundred and fourteen inhabitants became the proprietors of this tract. The highest amount subscribed was seventeen shillings eight pence, and the smallest nine pence;<sup>3</sup> this to pay for a tract containing thirty square miles! For drawing up a special rate a special committee was appointed. Stringent rules were made regarding such as neglected to give in a new list at such a time, and in case any person falsified his statement and put in lands not owned he was denied a share in the common division. Special summons were given to the inhabitants at the time of drawing, as well as information as to where it was to be done, and the town clerk was the secretary of the meeting.

#### PROPRIETORS' COMMONS.

For a long time the common lands above described were in the hands of the proprietors or inhabitants-proprietors of

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<sup>1</sup> Hart. Book of Distr., p. 584.

<sup>2</sup> Weth. Rec., Oct. 10, 1673.

<sup>3</sup> Weth. Land Rec. III, p. 63.

the town, but it must not be supposed that the exclusive privilege of these large tracts of unimproved land was confined to the limited number who claimed ownership. In practice all the inhabitants made use of these commons, as the above quoted vote of the Hartford inhabitants shows, restricted only by self-imposed limitations, passed in town meeting. The value of the commons before division lay in their furnishing pasturage for horses, cattle and sheep, and providing the town with timber, stones, earth and grass. It is uncertain just where the earliest of these lay; there is little doubt, however, that many of the fields mentioned in the books of distribution were at first used as commons and soon after divided. Traces of them are found in Hartford in the old ox pasture, the ox pasture and the cow pasture. But the greatest commons were set off some years later when the cultivation of sheep assumed prominence. All the towns had these large strips of commonage, from half to three quarters of a mile wide. Wethersfield in 1674 laid off a large tract containing a thousand, and afterward twelve hundred acres, "to remain for the use of the Town in general for the feeding of sheep and cattle forever."<sup>1</sup> The Hartford tract, divided in 1754, retained its old name, the "Town Commons," for some years after it had ceased to be such. There was also the half-mile common next the Wethersfield west division, and the half-mile common on the east side of the river in Windsor township, and the larger tract in the same township adjoining the lands divided in severalty on the west side. All the New England towns had these fields of common land, for the settlers had been accustomed to the tenure in England, where it had existed from earliest times. In fact, the principle of commonage is as old as the settled occupation of land itself, and is not confined to any one class of people, but can be found among nearly all in some form or other. The large stated commons of New England were used by the majority for pasturage for their animals, yet all

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<sup>1</sup> Weth. Rec., Jan. 1, 1674.



cattle were not so kept, and we find in Connecticut enclosed pastures as well.<sup>1</sup> The expense of pasturing cattle on the commons was borne by the owners in proportion to the numbers and age of the animals. Town herders were paid in this way. Grants had often been made out of the common lands, which are to be distinguished from the stated commons, and such were reckoned to the owners as so much deducted from their share in the final division; but as soon as commons were established, granting from that quarter was stopped.<sup>2</sup> The boundaries of such commons were, after the fashion of the time, somewhat loosely laid out, and even in 1712, seventy-two years after the allotments in the "west field" of Wethersfield, it was found necessary to determine the line which separated that field from the adjoining common. If this were the case with the line adjoining the lands in severalty, much more must it have been true of the other boundary lines.<sup>3</sup>

Communal holding of land does not seem to have been known. Land held in common was subject to the use of a stated number, and when the inhabitants voted that so many acres of land were to be a settled common and "to remain for the use of the town in general for the feeding of sheep or cattle forever," the town was conceived of as composed of the inhabitants, an always increasing quantity, and town land was the property of the proprietors-inhabitants, and is so definitely stated.<sup>4</sup>

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<sup>1</sup> Weth. Rec., Dec. 31, 1683.

<sup>2</sup> Weth. Rec., Dec. 28, 1685. Encroachment on the commons as well as on the highways was a not infrequent offense. Sometimes the encroachment was sustained if found "no prejudice" by the town, though quite as often removal was ordered, and force employed if compliance did not ensue. Hart. Rec., Sept. 2, 1661; April 22, 1701; Weth. Rec., Dec. 25, 1704.

<sup>3</sup> Weth. Rec., Dec. 24, 1712. "At the same meeting ye town voated to have these lands which are refered for sheep commons or sequestered land layed out and bounded." Wind. Rec., Dec. 29, 1701.

<sup>4</sup> "For the use of the Town, viz. the inhabitants-proprietors." Weth. Rec., Mar. 15, 1707-8.

The proprietors-inhabitants held the land in common, and as they voted in new inhabitants not through their representatives, the townsmen, but in person in town meeting, it consequently lay in their power to admit new members to the privilege of having rights in the common field, and thus in theory, if they had any theory about it, neither stated commons nor undivided lands were town lands, though the records often call them so, but tracts for the use of a definite number of individuals, who called themselves the inhabitants-proprietors, and whose share, while not stated in so many words,<sup>1</sup> was generally recognized as proportionate to their purchased rights in the common and undivided lands. By later acts of the General Court, the corporate nature of the proprietors was recognized. In 1717 it was declared that all fields which at that time were considered common and so used should be so legally until the major part of the proprietors should vote for their division.<sup>2</sup> This was merely legalizing custom; such had been the common law for many years. A legal proprietors' meeting required the application of at least five persons to the justice of the peace for a warrant for a proper meeting, requiring proper warning six days before and a notice on the sign-post twenty days before.<sup>3</sup> Thus the proprietors became a regularly organized body, holding meetings, levying taxes on themselves for defraying the expenses of fences, gates, etc., and appointing rate-makers and collectors.<sup>4</sup> They also chose a clerk, who entered acts and votes, was duly sworn,<sup>5</sup> and held his office until another was sworn.<sup>6</sup>

One of the most troublesome matters which arose in con-

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<sup>1</sup> One vote, in recording a project for division, in which the major part of the proprietors decided the method to be employed, says "the voices to be accounted according to the interests that said persons have." *Weth. Rec.*, Dec. 24, 1705.

<sup>2</sup> *Col. Rec.* VI, p. 25.

<sup>3</sup> *Col. Rec.* VI, p. 424.

<sup>4</sup> *Col. Rec.* VII, pp. 379-380.

<sup>5</sup> *Col. Rec.* VI, p. 25.

<sup>6</sup> *Col. Rec.* VI, p. 276.

nection with the commons was the prevention of trespass and damage. We have already noticed a sort of frontier lot-holder, who was granted lands on condition of his serving as ward of the commons. This protection was mainly against inhabitants from other towns, and intruders who had in some way come into the town itself. Temporary votes, however, were constantly passed, regulating even the proprietors' rights. Timber was carefully guarded. It was forbidden to all to cut down young trees, and any tree felled and left three months became public property. Carrying wood out of the town was almost criminal, no matter for what purpose. Yet, notwithstanding these constant decrees, damage continued to be done. Finally Wethersfield complained that the inhabitants-proprietors could hardly find timber for the building of houses and making of fences, and the lines of prohibition were drawn still tighter. The evil, however, was not entirely done away with until the final division of the remaining lands.<sup>1</sup>

One other matter in reference to the common fields is of interest. Every person in the towns above fourteen years of age, except public officers,<sup>2</sup> was obliged to employ one day in the year clearing brush on the commons. The townsmen appointed the day and all had to turn out. If any neglected to appear on that day he was fined five shillings.<sup>3</sup> On one occasion the undergrowth evidently got ahead of the inhabitants, for they voted to work that year one more day than the

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<sup>1</sup> The General Court as well passed acts forbidding the cutting, felling, destroying and carrying away of any tree or trees, timber or underwood. The act of 1726 recognizes the distinction between town commons, in which case trespass was accounted as against the inhabitants of the respective towns; common or undivided land, in which trespass was against the proprietors; and private lands, in which the person trespassed against was the individual owner. Conn. Col. Rec. VII, 80-81. On the subject of trespass see Weth. Rec., May 11, 1686; Dec. 25, 1693; Dec. 24, 1705; Dec. 23, 1706; Wind. Rec., Dec. 27, 1655; June 1, 1659; Nov. 11, 1661, and the volume of Wind. Prop. Rec.

<sup>2</sup> The minister of the gospel was a public officer in 1670, as he is to-day in Germany.

<sup>3</sup> Col. Rec. II, p. 139.

law required.<sup>1</sup> The fine of five shillings undoubtedly in many cases became a regular money payment in lieu of personal labor. This equal responsibility of all for the well-being of the town is one of the best evidences of its peculiarly democratic character, an extension of the same principles which were at work in the founding of the State. It may be a *descensus ad ridiculum* to pass from the establishment of the fundamental articles to shooting blackbirds, but it is just as much a government by the people, a controlling of their own affairs, when every rateable person was required to kill a dozen blackbirds in March, April, May, and June, or else pay one shilling to the town's use.<sup>2</sup> And it was the same obligation which called out the inhabitants to work on the commons.

#### COMMON MEADOW.

We have already spoken of the common or undivided land and the stated commons, but it is necessary to distinguish another class of common holding. This was the common meadow, early divided in severalty, which belonged to those proprietors who owned land therein. At first all the proprietors had a share in the common meadow, and for a long time after there remained land undivided, so that practically most of the inhabitants had a share. But with the sale of lands, and the consequent accumulation of many lots in single hands, the number of proprietors decreased, and an increasing number of the town inhabitants had no part in their meetings. These meetings, at which all who had a lot in the meadow were entitled to be present, are technically to be distinguished from the proprietors' meetings already spoken of. Practically they were composed of the same men who, as proprietors of the common meadow, came together to discuss questions of fencing, trespass, and rights.

These are the meadows, the regulation of which has been

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<sup>1</sup> Weth. Rec., May 11, 1686.

<sup>2</sup> Windsor Rec., Dec. 16, 1707.

found to bear such a striking resemblance to certain forms of old English and German land-holding. There is nothing specially remarkable in this identity. It was the influence of English custom which can be traced back to that interesting law of the Anglo-Saxons, "when ceorls have an allotted meadow to fence," which is the earliest English evidence of a common meadow.<sup>1</sup> These meadows became the Lammas fields of later England, which were cultivated for six months in the year, and were then thrown open for common use for six months. This state of things existed until the Enclosure Acts struck the death-blow to common tenure. But the settlers left England before these acts were passed, and the common meadow system has been found to have been applied by them from Salem to Nantucket.

This common meadow was enclosed by the common fence. In the river towns nature provided half the fence—the Great River—and the proprietors half. It would have been impossible to have surrounded each small plot of meadow land with a fence, and it would have been needlessly expensive and wasteful, as the spring freshets would have carried them off yearly. Even the common fence was not always exempt, and early had to be moved to higher ground. The lands which had been allotted within the meadow were divided by meer-stones at each corner, and hunting for meer-stones must have been a very lively pursuit then, as it occasionally is now. These meadows were owned by a definite number of inhabitants, who had fixed allotments of a definite number of acres, and who cultivated these lands for half the year. This gave to each proprietor a certain right in the meadow, according to which his share in the maintenance of the fence was determined, and the number of

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<sup>1</sup>Laws of Ine, §42. Schmid, Gesetze der Angelsachsen, p. 40. By this is not meant the *gemaene laese* or common pasture, but the *gedâl land*, that which is held by a few in common. The former bears a certain resemblance, which is the result of its own influence, to the commons, in their capacity as the common pasture.

animals he was entitled to admit on the opening of the meadow was established. This opening took place at a given date, quite as often fixed in town meeting as in proprietors', and cattle and horses were allowed to enter the fields and pasture on the stubble. Sheep and swine were not admitted; each had its own pasture; sheep were fed on the stated commons and swine were turned wholesale into the wilderness. No herder was required during this period, which lasted from November 11 to the 15th of April, through practically the cattle were withdrawn with the opening of winter.<sup>1</sup> Later this period became a moveable one and sometimes began as early as October 13. Evidently, at first, by tacit consent, it was allowable for certain proprietors to bait their animals in the common meadow upon their own holdings, if they so wished, during the summer. This was afterward restricted to week days, and finally abolished, as possibly too great a waste of time. The breaking loose of such baited animals and the breaking in of loose cattle to the meadow was a constant source of trouble, for great damage was done thereby to the corn and grass of others, and fines were frequent. Such animals were accounted *damage feasant*, a legal phrase which

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<sup>1</sup>There are curious and unexpected outcroppings throughout the old records of bits of English custom, as shown by names, dates, and common usage. Not only are these New England common meadows almost identical with the Lammas Fields and with the earlier Saxon meadow and arable, but this date, November 11 (Martinmas day), was the day of opening the Lammas Fields in Old England, and the time when the tenant paid a part of his rent. In other entries we find a period of time stated as "from Michaelmas to the last of November," "a week before Micheltid," and again, "fourteen night after Micheltid." The renting of the town lands of Hartford was from Michaelmas to Michaelmas. This was a direct following of the English custom of rents. How did the Puritans happen to retain and actually make use of these when they knew them to be "popish"? In the description of Hartford lands the term *messuage* is very often used, and continued to be used for many years. It sounds as if it might have been taken out of the Hundred Rolls or Liber Niger or Domesday Book, as signifying a cottage holding, so familiar is it to the student of early English tenures. In this country it was used in the sense of a homestead. The use of turf and twig has already been noted.

the old town clerks spelled in extraordinary ways. The sowing of winter grain was continued, and this, of course, would, if sown in the common meadow, suffer from the loose animals, so that, for a long time, a regular keeper was employed by the proprietors to guard the sown land, and afterwards it was required that all who wished to sow winter grain must fence it in. The customs regarding the common meadow are, some of them, still in existence. Permanent fencing has in many quarters encroached on its decreasing area, which, owing to the washings of an erratic river in the alluvial soil, has been in some quarters reduced nearly one-half, while in others there has been an increase. The cattle and cow rights, which were formerly so important, and were bought and sold, thus giving outsiders an entrance into the meadow, have been given up within twenty years. But the practice of throwing open the meadow about the middle of November—a date decided by the selectmen—is still continued.

#### ALIENATION OF LAND.

For the first seventy years of colonial history in the Connecticut Valley one notices a spirit of self-sufficiency in all matters which concern individual town interests. The communities felt that a careful husbanding of their own resources was necessary to swell their own subsistence fund. Apart from the fact of legal subordination to the General Court, the valley towns were within their own boundaries as exclusive as a feudal knight within his castle. No magic circle could have been more impassable than the imaginary lines which marked the extent of the town lands. This principle of town separation; the maintenance of its privileges as against all intruders; the jealousy with which it watched over all grants to the individual inhabitants, taking the greatest care that not one jot or tittle of town rights or town possessions should be lost or given up, characterizes everywhere the New England towns, and though a narrow, it was yet a necessary view. It made them compact, solid foundations, and bred men who,

while ever jealous for their native heath, never failed in loyalty to the State.

In no particular was this spirit more clearly evidenced than in the town's attitude toward the alienation of land. It is a subject worth elaborating. Apart from commonage, no link connecting the present with the past stands out in bolder relief, as if proud of its antiquity. The principle is found everywhere, and runs back to the beginnings of community life, that in case of sale of an allotted tract of land, the seller must first offer it to the inhabitants of the town itself before looking elsewhere for a purchaser. In Connecticut the need of securing the town lands from falling into the hands of outsiders was so strong that the General Court even went so far as to pass a law to this effect, forbidding any inhabitant to sell his "accomodation of house and lands until he have first propounded the sale thereof to the town where it is situate and they refuse to accept of the sale tendered."<sup>1</sup>

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<sup>1</sup> Col. Rec. I, p. 351. This is a widely recognized principle of community life. M. de Laveleye has shown by concrete examples that it exists in Russia, Switzerland, France, and in Mussulman countries, as Algeria, India and Java (Prim. Prop., pp. 11, 151-2). In those countries where community of holding was the rule, of course a law against sale can refer only to the house lot. It is a necessary part of primitive community life, where it was almost a religious tenet that the lands remain in the possession of the community. It has its origin in the patriarchal family which developed into the patriarchal community, wherein every member of the association was considered as owning a share in the lands of the commune, and therefore had a lawful right in the land which each cultivated. This may look back to the time when the community was but a large family under the patriarch, and when the principle of heirship gave to each a share in the common property. If this be its origin, it is curious to see that the New England towns applied this principle from economic reasons, for the safety and development of the town seemed to depend on some such rule. Such principles must have been known to the settlers, though only partially in practice in the English parish (see note 3, p. 84). It cropped out in its completeness on New England soil, though even there in some towns there was no more elaborate application than had been known in the mother country. To explain it it is not necessary to suppose a return to a primitive system; there is no missing link in the chain of direct descent from Germany to America.



This law was passed in 1660, and is the only instance in New England history in which the towns were unable to settle such matters for themselves.<sup>1</sup> The will of the court was binding, for the towns did not consider themselves sufficiently independent to interpret this law as they pleased. In 1685 they asked through their representatives whether the court intended that all lands within the township should "be tendered to sale to the town before any other sale be made of them to any other than the inhabitants of the town" where they were situated. To this the court answered in the affirmative.<sup>2</sup> One of the towns had already construed the law very strictly, though the above appeal to the court seems to show a growing uneasiness under the strictures of a prohibitive law.

Wethersfield declared in special town meeting regarding the division of 1670, that "no man or person whatsoever, who either at present is or hereafter be a proprietor in the lands mentioned shall at any time, either directly or indirectly, make any alienation, gift, sale or other disposition of his property in the said lands to any person who shall not be for the time being an inhabitant of this town."<sup>3</sup> In case such alienation took place the proprietor's right was forfeited, the sale void, and the land returned to the town for reallocation by the proprietors. This injunction, however, had to be twice repeated. Notwithstanding which there were sold, some time within the next fifteen years, six of these lots, and the attention of the town having been called to it, in order that the former vote should not be a mere dead letter, it was ordered that the lots be recovered and returned to the town. The committee of one appointed to recover was given two of

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<sup>1</sup> The question was brought up in the Massachusetts Court as to whether the towns had the right of pre-emption or forbidding of sale. No action was taken, and possibly the court thought the matter a subject for town management. Mass. Col. Rec. I, 201.

<sup>2</sup> Col. Rec. III, 186-7.

<sup>3</sup> Weth. Rec., Mar. 8, 1670-71.

the lots as payment, and the remainder reverted to the town. It would be interesting to know whether this restriction upon freedom of sale was actually carried out.<sup>1</sup>

The town passed a similarly binding law at the time of the second division, but nothing further is heard of the matter. Hartford having voted in 1635 that the offer of house-lots must first be made to the town, or to some one of whom the town approved, said nothing more about alienation, and the General Court order was passed before it made another division. Windsor began to divide after such laws had ceased to be necessary, and made no restrictions on sale; but in many other towns in the colony the principle was applied. The object of such a law was evidently twofold: to prevent town lands from falling into the hands of persons dwelling in other towns or colonies, with the consequent loss to the town of all the fruits of its own territory, and to prevent the admission of persons likely to be obnoxious or injurious to the town's interest; for Hartford and Windsor each required—at least in a few instances—that the owners of land should secure the town against damage resulting from sale to an outsider.

There is little doubt that rules of this nature in practical application were often relaxed. Hartford allowed in 1640 to all her original settlers the privilege of selling all the lands that they were possessed of, and there is plenty of evidence that sales had taken place from the earlier divisions, though not to persons dwelling out of the colony. The increase of inhabitants would make the enforcement of such a rule a matter of constantly greater difficulty. In comparing the Wethersfield order with those of other towns, we find none so strict in the declaration of the alienation principle.<sup>2</sup> Others allowed, as did Hartford in one instance at least, in case no purchaser

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<sup>1</sup> In 1696 an inhabitant applied to the town for liberty to sell an individual grant, on account of necessity. The liberty was granted. Evidently the principle against sale without permission was still enforced. *Weth. Rec.*, Aug. 7, 1696.

<sup>2</sup> Egleston, *Land System*, J. H. U. Studies IV, pp. 592-594.

was found in the town itself, the effecting of a sale elsewhere, generally with the approval of the community. But the fact that the inhabitants of the town practically controlled the land divisions, while in Hartford and Windsor they were managed by the proprietors, together with the presence of a General Court order, may account for the absence from the records of the latter towns of as elaborate an order against alienation as is found in Wethersfield.

#### EVOLUTION OF NEW TOWNS.

The river towns were prolific mothers. Ten daughters now look to them for their origin, and the total number of communities contained within the historic boundaries of the early settlements now equals the number of the original colonies. Windsor has been the mother-stock from which four towns have been severed; Wethersfield three, and Hartford three.<sup>1</sup> In the various allotments of lands do we see the beginnings of new towns. The isolated settler (at first probably with temporary summer residence which afterward became permanent) would be joined by others to whom the town made single grants in that quarter. The lands on the east side of the river were early used for farming, and the site of future towns became a source for hay and a corral for keeping cattle. The development of such a centre was by gradual accretion. In the event of a general division of land, many of those who received shares withdrew to these lots, and, erecting houses, began the nucleus of a town. The original outlying districts were called Farms, and this nomenclature

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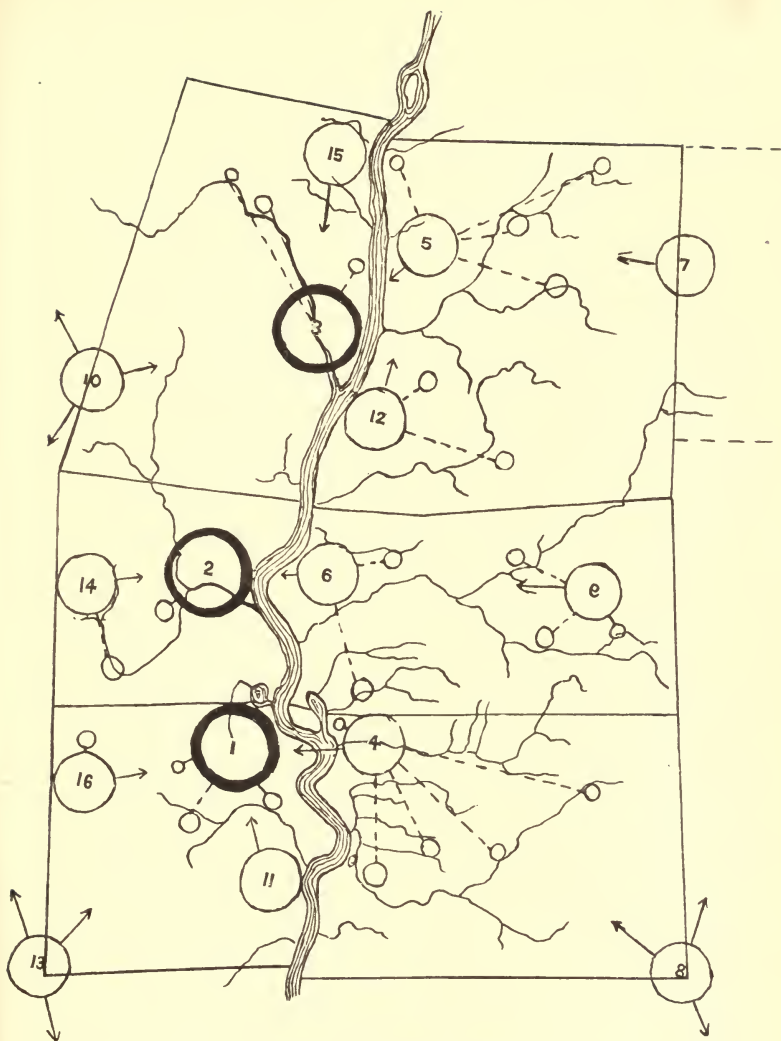
<sup>1</sup> Windsor: East Windsor, South Windsor, Ellington, Windsor Locks. Wethersfield: Glastonbury, Rocky Hill, Newington. Hartford: East Hartford, West Hartford, Manchester. No account is here taken of Farmington and Simsbury, as these sections were not included within the limits of the river towns, although by general consent they were considered as belonging, the former to Hartford and the latter to Windsor. Nor are there included those portions of territory which were cut off to form but a part of another town, as Berlin, Bloomfield, and Marlborough.

is generally found in the Connecticut colony.<sup>1</sup> The dwellers in the farms still continued to be present at the only meeting-house in the township, and to cross the river or the belt of dense woods for attendance at the monthly town meeting. But it was not long before that oldest of institutions, the village pound, which is said to be older than the kingdom, was established and formed the first centralizing factor. Before the community was recognized as either a religious or a civil unit, before a thought of separation had entered the mind of its founders, it received permission to "make and maintain a pound"<sup>2</sup> for the common use of the settlers, sometimes without condition, sometimes subject to the approval of the town. The pound began the process of separation; in this one particular a settlement became economically independent, and the greater privileges only awaited an increase in the number of the inhabitants. The next step in the separating process was generally an ecclesiastical one. Sometimes the religious and civil steps were taken at the same time, as was the case in Glastonbury, where the difficulties of crossing a large river hastened the process. In other cases

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<sup>1</sup> In a catalogue of ministers in Massachusetts and Connecticut, by Cotton Mather, is the following: *Windsor*, Mr. Samuel Mather; and *Farne*, Mr. Timothy Edwards. The term *side*, though used in Connecticut, does not seem to have had so distinctive a meaning as in Massachusetts. Yet it is found to designate the halves of a town divided by a rivulet, as in Windsor and Hartford. Each *side* had its own meetings and its own officers in Hartford. "To secure the said Town and Side from damage." (Hart. Rec., p. 153.) Yet in no case did a *side* grow into a separate town, though at times certain officers, as haward, were chosen by the *side*.

<sup>2</sup> Weth. Rec., Feb. 24, 1673; Oct. 15, 1694; Hart. Rec., June 9, 1645. Glastonbury claims the first recognition of that part of Wethersfield as an independent community to be the act of the General Court in 1653, giving the Eastsiders liberty of training by themselves. (Chapin's Glastonbury, p. 37.) This was twenty years before that part of the town was granted a pound. The date of the beginnings of recognition can even be put back two years farther, when in 1651 liberty was granted to the Farms anywhere in the colony, of reserving for their protection one able-bodied and fully armed soldier on training days. (Col. Rec. I, p. 222.) In the case, however, of original settlements, setting up a pound was one of the first acts.



### EVOLUTION OF NEW TOWNS.

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|------------------------|---------------------------------|-------------------------|
| 1 Wethersfield.        | 7 Ellington, 1786, lying partly | 12 South Windsor, 1845. |
| 2 Hartford.            | in the Equivalent.              | 13 Berlin (1785), 1850. |
| 3 Windsor.             | 8 Marlborough, 1803.            | 14 West Hartford, 1854. |
| 4 Glastonbury, 1690.   | 9 Manchester, 1823.             | 15 Windsor Locks, 1854. |
| 5 East Windsor, 1768.  | 10 Bloomfield, 1835.            | 16 Newington, 1871.     |
| 6 East Hartford, 1784. | 11 Rocky Hill, 1843.            |                         |

The smallest circles represent villages legally a part of the towns to which they are attached. The arrows on the severed towns point to the original town of which they were formerly a part. Towns with three arrows were formed from land taken from three original townships. The above are the original boundaries of the River Towns, but the river course is as at present.



the difficulties of winter attendance led to the granting of winter privileges, that is the privilege of having service among themselves during the winter. Even the stiff-necked Puritans did not relish the idea of travelling five, six and seven miles to church, and foot-stoves and hot stones were not so comfortable as the neighboring room where they would meet to worship together. Often, however, winter privileges were not sufficient, and "liberty of a minister" was asked for from the first. In this case a meeting-house was generally built and minister's rates established, and a grant of land made. Here we notice the paternal character of the General Court, for though the petition was generally sent to the authorities of the town of which they formed a part, yet it invariably had to be confirmed by the central power. Sometimes the Assembly paid deference to the wishes of the town, as in the case of South Windsor, where, finding Windsor unwilling to consent to the separation, it requested the petitioners to wait.<sup>1</sup> In East Windsor the report of the committee appointed to consider the petition was adopted, notwithstanding some remonstrance from the Southsiders.<sup>2</sup> Again, in the case of Ellington, the town of Windsor granted the petition temporarily, retaining the privilege of again demanding ministerial taxes when she pleased. But the Assembly a little later freed them from this, and granted them a permanent ecclesiastical separation.<sup>3</sup> With the granting of winter preaching went the remission of a third of the ministerial taxes, and with the granting of full privileges an entire remission of these taxes and a grant of land to the new ecclesiastical centre for a parsonage. Then followed the incorporation of the society, for the church did not become legally established with the corporate powers of a parish until it had received a charter from the Assembly.<sup>4</sup> When this act was completed, town and parish were no longer coterminous. The inhabitant of the township attended town meeting in the central

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<sup>1</sup> Stiles, Windsor, pp. 292 ff.

<sup>2</sup> *Ib.* pp. 226 ff.

<sup>3</sup> *Ib.* pp. 267 ff.

<sup>4</sup> Col. Rec. V, p. 374.

settlement when he wished, and worshiped God at the neighborhood meeting. Town and parish records were now kept distinct from each other, the society had its own committee and collected its own rates;<sup>1</sup> as far as practical separation was concerned the two settlements were already independent. The obligation to perform religious duties was felt to be greater than that of attendance on civil assemblies. Absence from town meeting was not uncommon, from worship rare.

While this process was going on, a gradual political independence was taking place. This began with the election for the growing community of sundry officers, such as haward, fence-viewer, and surveyor, who were generally inhabitants of the settlement, and served only within its borders. The embryo town was gradually assuming shape. It had its pound, its meeting-house, its ecclesiastical committee, its school and special officers, and many a village in Connecticut is in the same condition to-day, often thinking little of the next step, which only an active desire for civil independence brings about. In the case of Glastonbury, winter privileges, full ecclesiastical privileges, and political independence were consummated at one stroke; but with many of the other towns the process was slow. Sometimes incorporation was granted at the first petition, more often frequent petitions were necessary.

It is difficult to defend Professor Johnston's idea of incorporation.<sup>2</sup> All the towns of the Connecticut colony were either offshoots from the original town in the way already pointed out, or they owed their settlement either to the movements of dissatisfied members of the older communities, or (because of a favorable situation for a plantation) to the efforts of the court, or of some private individual to whom land had been granted. In the first of the latter cases, as soon as the idea of settlement took practical shape, a petition was sent to the General Court praying for permission to inhabit the selected spot.

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<sup>1</sup> Col. Rec., Oct. 12, 1699.

<sup>2</sup> Johnston, Connecticut, pp. 76, 136.



This was generally granted with readiness, often with advice and encouragement, if done in an orderly way, and a committee was appointed by the court to report on its feasibility, and to superintend the settlement and have charge of the division of lands. In the second case a committee was directly appointed, which was instructed to dispose of the lands "to such inhabitants . . . as by them shall be judged meet to make improvements thereof, in such kind as may be for the good of the commonwealth."<sup>1</sup> Sometimes the colony purchased the land, and the amount was to be repaid by those who took allotments there.

Then the process of settling in the new quarter began, under the watchful eye of the court, and under the direct charge of the Grand Committee, as the town records call it. This committee governed the plantation until it was incorporated; it made rules for the planters, prescribed the conditions of settlement, as that the lands should be dwelt upon for at least two years, and that improvements should begin at once by ploughing, mowing, building and fencing; it selected the site, laid out the home-lots, disposed of them by sale or grant, looked after highways and fences, made suitable provision for the church, minister and schools, and in fact did all that the town authorities of an incorporated town were accustomed to do. "They were to found a town, to organize it, and to supply it with locomotive force until it got legs of its own."<sup>2</sup> After this process of nursing, the infant settlement became weaned from the direct control of the court, to which it owed its existence, and upon which it was entirely dependent through the Grand Committee, until the court itself at length severed those ties which bound it, by the decree of incorporation. This often took place within a year, as in the case of Mattabeseck (Middletown), or within four or five years, as in the case of Massacoe (Simsbury). The town was now entitled to the privileges and subject to the burdens

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<sup>1</sup> Col. Rec. I, p. 161.

<sup>2</sup> Bronson's Waterbury, p. 8.

of the other towns; it now elected its constable, and presented him to the court for approbation and oath; it chose its deputies, its town officers; began its town records, admitted its own inhabitants; in a word, did all that the committee had before done. For the first time it became independent, for the first time attained to that degree of self-government which the river towns possessed, limited though they were by the overshadowing of the General Court. Incorporation meant a great deal; besides self-organization, it meant payment of rates, "in proportion according to the rule of rating for their cattle and other visible estate";<sup>1</sup> it meant a constable, deputies and freemen; in brief, it meant manhood. In case of towns incorporated within the first sixty years, no objections were made to granting them this privilege. The colony needed new towns, and encouraged their settlement and growth by every possible means. But after that time, when the majority of incorporated towns were severed sections of an old town, incorporation became a different matter. Had it been granted to every petition, it might have been construed as a mere form; but it was by no means so granted. The General Court was the power above the town, and was always so recognized. The town was less a republic than she is now. East Hartford petitioned for sixty years for the privileges which incorporation carried with it. The term meant something, it was the admission into the body politic of an organized community, but the right of deciding when it was properly qualified lay with the Assembly, and it had no rights except what that body allowed it. It is worthy of notice that it was as a rule the lower house which negatived the petition. Too often the records of the colony chronicle only the birth; the travail attending it can only be fully understood by searching the minutes of town and church. The word of the court was final, and without exception was desired, waited for and accepted.

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<sup>1</sup> Col. Rec. I, p. 228.

The same was true of ecclesiastical incorporation. Questions regarding religious differences, the settlement of ministers and the organization of churches, were interfered with or settled either with or without the request of the town. But with the later divisions of churches and the establishment of separate parishes, the position of the State church gradually ceased for the Congregationalists. New denominations came into the field, which received recognition, thus estopping in such cases the Assembly from any interference in matters of church organization or separation. The town lost even its distinctive position as a parish, and became merely a local administrative body.

## III.

## THE TOWNS AND THE PEOPLE.

We have now examined the nature of the causes and circumstances which led a remarkable people into this quiet Indian valley. We have investigated their relations to the soil which they cultivated, and the manner in which they endeavored to so apportion it that the greatest good might come to the greatest number. It now remains to discuss the conditions existing among the people themselves, in their civil and administrative capacity, to discover the real strength of their town life, that we may perhaps the better understand what was the home environment of those men, whose combined actions as a body politic have called forth deserved admiration for the history of a vigorous State.

## FREEMEN, INHABITANTS, HOUSEHOLDERS, PROPRIETORS.

No one of the characteristic differences between Massachusetts and Connecticut is so well known and so far-reaching as the extension of the privilege of freemanship. The errors which must accompany a restriction of the suffrage to church members find no place in the Connecticut fundamentals. The platform was broad, and based on the opinion of the majority of the people composing the commonwealth. The theocratic limitation takes for granted a falsity: that every church member must of necessity be the most worthy participator in civil affairs. Thus there would be admitted to the franchise men of inferior and unworthy qualifications, while many of sagacity and wisdom, and often greater conscientiousness, would find themselves debarred.<sup>1</sup> No greater privilege could be accorded to a town and its inhabitants than that inserted in the first section of the constitution of 1639, that

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<sup>1</sup> Ellis, *Puritan Age*, p. 209.

choice of the governor and magistrates "shall be made by all that are admitted freemen and have taken the oath of Fidelity and do cohabitte within this jurisdiction (having beene admitted Inhabitants by the major part of the Towne wherein they live) or the major parte of such as shall be then present."<sup>1</sup> This, then, threw the burden on the inhabitants of the different towns, who, so far as the constitution went, might regulate the admission of additional inhabitants as they pleased. That the same general rules for such admission were operative in each of the towns is undoubted, otherwise the equity of the law would have been destroyed.

Before going further, then, it is necessary to examine the conditions which influenced the inhabitants of a town in adding to their number. For the first sixty years the township and the parish were identical. There was one meeting-house, and here met inhabitants to perform both civil and religious duties. The affairs of town and church were alike passed upon at the civil meeting, and it is not surprising that the religious atmosphere lingered in the historic edifice to influence the words and acts of a purely civil body. The conformity to the laws of the church would compel a recognition of its precepts in matters of government. Theoretically, church and state were separated; practically, they were so interwoven that separation would have meant the severance of soul and body. Consequently, whosoever failed to meet an approval based on the general principles of doctrine and ethics which the church believed in, would be rejected as an unfit inhabitant. But such unfitness must not be construed as in any way comparable with the narrow lines laid down in Massachusetts. For the town's own protection it was necessary that all who would be burdensome to it, or would, from factious or drunken conversation, be damaging to its interests or its reputation, should be forbidden admission.

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<sup>1</sup>Col. Rec. I, p. 21. The passage in parenthesis was probably inserted in 1643, when an amendment to that effect was passed by the General Court. (Col. Rec. I, p. 96.) For the Oath of Fidelity see Col. Rec. I, p. 62.

The opinion of the majority was likely to be averse to all positively out of harmony with their Congregational tenets, such as "loathsome Heretickes, whether Quakers, Ranters, Adamites or some others like them." It was not, however, until 1656 that the General Court, following the recommendation of the Commissioners for the United Colonies, passed an order forbidding the towns to entertain such troublesome people.<sup>1</sup> But no one became a permanent resident of the town until he was admitted an inhabitant. The floating body of transients were a political nonentity, and though from the nature of things they formed a necessary element, one can hardly call them, as does Dr. Bronson, a rightful element.<sup>2</sup> Their rights were meagre in the extreme, and the towns, paying them a scant hospitality, got rid of them as rapidly as possible. As early as 1640 Hartford passed a vote ordering that whosoever entertained any person or family in the town above one month, without leave from the town, should be liable for all costs or troubles arising therefrom, and at the same time might be called in question for such action.<sup>3</sup>

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<sup>1</sup> Col. Rec. I, pp. 283, 303. Compare Bronson, *Early Government in Connecticut*, p. 312.

<sup>2</sup> Bronson, *Early Government*, p. 311.

<sup>3</sup> Hart. Rec., Jan. 14, 1639. Probably Wethersfield and Windsor passed similar orders, though the records are missing for the first fifteen years. It is evident that the same economic reasons against alienation or rent of land to strangers without giving security were at work in the English parish, so that in this particular the colonists simply enlarged, on account of the greater dangers of their situation, a condition with which they were familiar. Notice this by-law of Steeple Ashton parish: "Item: whereas there hath much poverty happened unto this parish by receiving of strangers to inhabit there, and not first securing them against such contingences . . . It is ordered, by this Vestry, that every person or persons whatsoever, who shall let or set any housing or dwelling to any stranger, and who shall not first give good security for defending and saving harmless the said Inhabitants from the future charge as may happen by such stranger coming to inhabit within the said parish,—and if any person shall do to the contrary,—It is agreed that such person, so receiving such stranger shall be rated to the poor 20 sh. monthly over and besides his monthly tax." (Toulmin Smith, *The Parish*, pp. 514-15; see also p. 528 for a similar by-law in Ardley parish, Hertfordshire.)

Can we not fairly say that before 1657 there was universal suffrage in Connecticut, and approximately complete representation? It was more universal than it is now, for freemanship was conferred upon all above sixteen who brought a certificate of good behavior from the town.<sup>1</sup> This ideal democracy is the more striking when we realize that in Massachusetts none but freemen (chosen by the General Court) could "have any vote in any town in any action of authority or necessity or that which belongs to them by virtue of their freedom, as receiving inhabitants or laying out of lotts, etc."<sup>2</sup> This meant that only about one-sixth of the inhabitants of a town were allowed any voice in matters for the carrying out of which all the inhabitants were taxed. The building of the church, the maintenance of the same, the election and institution of the minister, were in the hands of the few, yet for all these the many paid their proportion. No matter how many inhabitants a town contained, unless there were ten freemen among them, they were allowed no representation at the General Court.<sup>3</sup> It is by such a contrast that we appreciate the full meaning of the liberal attitude of Connecticut for the first twenty years of her history.

To what, then, are we to ascribe the narrowing of the political boundaries which took place in 1657? It has been said that there was an infusion of an inharmonious element at this time into the colony, evidently referring to the Quakers. These people appeared in Boston first in 1652. Their numbers were very small, and strenuous efforts were made to keep them out. Their books were burned, themselves committed to prison, and shipmasters enjoined, on penalty of fine and imprisonment, not to bring any into the colonies. In Connecticut an unfortunate controversy in the church in Hartford caused the appearance of the Quakers to be viewed with alarm. The General Court eagerly followed the recommenda-

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<sup>1</sup> Col. Rec. I, p. 139.

<sup>2</sup> Mass. Col. Rec. I, p. 161.

<sup>3</sup> Mass. Col. Rec. I, p. 178.

tion of the United Commissioners and passed a law against them two weeks before the Massachusetts court convened.<sup>1</sup> But there is not the slightest evidence that there had yet come a Quaker into Connecticut; the dread of them was enough. The colonial magistrates scented Quakerism from afar and passed laws as stringent as if this "cursed set of haeriticks" were already as thick as tramps in the colony. Even in New Haven, more easily reached by Quakers escaping from Massachusetts, there was a minimum of cases tried under the law.<sup>2</sup> If any Quakers reached Connecticut they passed unnoticed by the towns, though the records notice the presence of Jews. It does not seem possible, then, to ascribe to this cause the passage of the law in 1657 limiting the suffrage. This law defined admitted inhabitants, mentioned in the seventh Fundamental, that is the freemen, as "householders that are one and twenty years old or have bore office or have 30 l. estate." This meant, interpreted, that no unmarried man in the colony could vote for governor, magistrates or deputies unless he had himself held office or was possessed of real estate of thirty pounds value—a large sum in those days when rateable estate averaged about sixty pounds to each inhabitant.<sup>3</sup> But this law has nothing to do with the persons to be admitted into the various towns as inhabitants; it only declared that hereafter admission into the various towns as inhabitants was not a sufficient qualification for a freeman. The colony was losing faith in its towns. As before said, in connection with the proprietors,<sup>4</sup> the meetings were in the control of those who were admitting such as were not of honest conversation and, in the eyes of the court, acceptable as freemen. The cause of this is not far to seek. The first generation were passing away; the fathers were giving way to the children. The narrow circle within

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<sup>1</sup> Col. Rec. I, pp. 283, 303, 308. Mass. Col. Rec. IV, Part I, pp. 277, 278.

<sup>2</sup> Levermore, New Haven, pp. 135-6.

<sup>3</sup> Col. Rec. I, p. 293. Bronson, Early Government, p. 315.

<sup>4</sup> *Supra*, pp. 52-3.



which the former were willing to grant the exercise of pure democratic principles was broadening under the more catholic views of the new generation, and men of many sorts seem to have been admitted, or to have established themselves without the knowledge of the town authorities. If the dying out of the old spirit ushered in an era of religious change, as seen in the Hartford controversy, it also marks an era of political change, as seen in the law limiting the suffrage. It makes a small show on the statute book, but it is a sure index to the looseness of system which had grown up in the various towns. But if the children and those whom they admitted controlled in the towns, the fathers were in ascendancy at the court, and the limitation law was the result. Yet not even this law was stringent enough. In the lists of 135 inhabitants made freemen within the ensuing two years, are to be seen, mingled with the names familiar to the student of the earlier period, many entirely new to the colony. This number was too great—considerably more than half of all admitted in twenty-three years under the constitution,<sup>1</sup>—and the court changed the thirty pounds real estate to thirty pounds personal estate.<sup>2</sup> On this account but three new freemen were created during the next three years and a half before the receipt of the charter. This action of the court apparently aroused the towns to a realization of their position, and Windsor passed an order regulating the admission of inhabitants in June, 1659, and Hartford followed with a forcible protest against intruding strangers the February following, in which it is declared that no one was to be admitted an inhabitant “without it be first consented to by the *orderly* vote of the inhabitants.”<sup>3</sup> The word which we

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<sup>1</sup> Bronson, *Early Government*, p. 315.

<sup>2</sup> Col. Rec. I, p. 331.

<sup>3</sup> No abstract of these votes could be so graphic as the votes themselves. “The townsmen took into consideration how to prevent inconvenience and damage that may come to the town if some order be not established about entertainment and admitting of persons to be inhabitant in the town.

have italicized is the key to an explanation of what had been the condition of the meetings before, and helps to substantiate the position already taken regarding a growing looseness in the town system. The machinery for admission had not been successful under the constitution; it had caused much trouble, and the cause seems to have been organic. With church and state practically interwoven, the theory of the one was too narrow, and of the other too broad. The throes of the controversial period had this result. By the Half Way Covenant the lines of church theory were extended; by the restrictions upon the right to vote, the lines of the theory of state were contracted; and these two great factors, democracy and church membership, no longer so unequally yoked, and made more harmonious by that liberal guide for action, the charter, ceased to struggle for the supremacy; neither was destined to swallow the other.

With the narrowing of the elective franchise,<sup>1</sup> the right was

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We therefore order that no person or persons whatsoever shall be admitted inhabitant in this town of Windsor without the approbation of the town or townsmen that are or shall be from year to year in being. Nor shall any man sett or sell any house or land so as to bring in any to be inhabitant into the town without the approbation of the townsmen, or giving in such security as may be accepted to save the town from damage." (Wind. Rec., June 27, 1659, vol. I, p. 40.) Stiles gives the year wrongly, 1658 (p. 54). The Hartford record is as follows: "for the preventing future evils and inconveniences that many times are ready to break in upon us, by many persons ushering in themselves among us who are strangers to us, through whose poverty, evil manners or opinions, the town is subject to be much prejudiced or endangered. It is therefore ordered at the same town meeting that no person or persons in Hartford, shall give any part of his or their house to him or them whereby he or they become an inmate, without it be first consented to by the orderly vote of the inhabitants at the same town meeting, under the forfeiture of five pounds for every month, to be recovered by the townsmen in being by a course of law." (Hart. Rec., Feb. 14, 1659 (1660 N. S.).

<sup>1</sup> It is not our purpose to trace further the history of popular suffrage. With the coming of the charter a law was passed which, as it practically remained the law till 1818, is worth quoting: "This Assembly doth order that for the future such as desire to be admitted freemen of this corpora-

taken away from a number of inhabitants of voting for colonial officers. Every freeman was an inhabitant, but not every inhabitant a freeman. For the former the only qualification was that he be of honest and peaceable conversation and accepted by the major part of the town. In 1682 the court passed a law forbidding persons of "ungovernable conversation," who pretended to be hired servants, or who pretended to hire houses and lands, and who would be likely to prove vicious, burdensome and chargeable to the town, from remaining there. Wethersfield, acting upon this, at once warned four men out of town. The towns frequently declared certain persons "no inhabitants," and in general carried out the provisions of the law with celerity.

Within the circle of inhabitants were the householders, who, as the name implies, were probably heads of families, or owners of a sufficient amount of real estate. A study of the list of those who received in the division of 1670<sup>1</sup> shows that eight were probably not freemen, and five were women.<sup>2</sup> Of course this gives us no positive clue to the position of a householder, but it shows that in the Connecticut colony one need not be a freeman and might be a woman. The simplest

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tion shall present themselves with a certificate under the hands of the major part of the Townsmen where they live, that they are persons of civil, peaceable and honest conversation and that they have attained the age of twenty-one years and have 20 l. estate, besides their person in the list of estate; and that such persons so qualified to the court's approbation shall be presented at October court yearly or some adjourned court and admitted after the election at the Assembly in May. And in case any freeman shall walk scandalously or commit any scandalous offence and be legally convicted thereof, he shall be disfranchised by any of our civil courts." Col. Rec. I, p. 389.

<sup>1</sup> See p. 56.

<sup>2</sup> The seventy-six names in the Wethersfield Records, compared with the list of freemen of 1669 (Col. Rec. II, p. 518), leaves twenty names unaccounted for. Two of these are found in the Hartford lists. Eight more were propounded in May, 1669, and accepted in October, 1669. Two others, propounded in May, 1670, were accepted in October, 1670. The division did not take place until the February following. This leaves only eight unaccounted for, of which the recorded admission of two with similar names makes further reduction to six possible.

definition of a householder is the head—male or female—of a household.

The position of the proprietors has already been practically discussed. They probably formed a small circle of men within the larger circle of householders and inhabitants, composing, as has been well said, a land community as distinct from the political community.<sup>1</sup> A proprietor was not of necessity, however, resident, though in the majority of cases he was so. In origin they were a body of men who collectively purchased lands of the natives, through grant of the General Court or otherwise. The right of each in the purchased land could be sold, exchanged, or left by will. Generally on removal such rights were sold to new-comers, who thus became proprietors, or some one of the inhabitants by such purchase added to his own rights. Often they were retained and looked upon as stock in a corporation.<sup>2</sup> This naturally led to the existence of proprie-

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<sup>1</sup> Egleston's Land System, p. 581.

<sup>2</sup> We find records of the conveyances of title in the common lands of a town from one person to another. Such right and title was valued according to the number of pounds annexed to the name of the proprietor in a certain list at the time of division. This number of pounds right was proportioned to the amount which the person had given in original payment for the lands. To show how such rights passed from hand to hand we have record as follows: "Edward Ball and James Post of Saybrook convey all their right, title and interest in the common and undivided land of Hartford to Samuel Talcott, Samuel Flagg and Daniel Edwards, being the right of Stephen Post, formerly of Hartford, dec<sup>d</sup>, whose name appears in the list of Proprietors in 1671 with a £24 right" (Hart. Book of Distr., p. 149). Such a right was divisible and could be sold in parts to different persons, and when laid out, was not so done all at once. The above list is found in Book of Distr. p. 581, with each proportion in pounds, highest £160, lowest £6. The division was generally acre for pound. The rights are spoken of as £24 right, £10 right, etc., and half and quarter rights are mentioned where a man purchased part of the right of another. This quotation shows the workings of the system: "Laid out to Thomas Sandford, one of the legal heirs of Jeremy Adams, one of the ancient proprietors of the sum of £15, which is what remains of said Adams' right to be laid out, and also £5. 6. 10. in the right of Robert Sandford under Hale, which is all that remains to be laid out in said right." (Hart. Land Records, 18, p. 477.)

tors holding rights in one town and living in another, or even out of the colony, and troubles frequently arose. It was a claim of this kind which gave rise to a vexatious suit, lasting three years, of an inhabitant of Hartford, for one hundred acres of land in Wethersfield, he basing his claim on his right in the division of 1693, as received from his father-in-law. The neglected proprietor won his case.<sup>1</sup> The proprietors, as such, had no political rights. It was only in their capacity as admitted inhabitants that they voted in town meeting.

Thus we have seen that the people composing a town in the Connecticut colony were made up of inhabitants, householders, proprietors, and freemen, no one class entirely excluding another, while the majority of adult males could undoubtedly lay claim to all four titles. The right to vote in town meeting and to hold town office at first was the privilege of any one admitted by the town. But as time went on it is evident that the same looseness of system which led to the limitation of the general suffrage was to have its effect on the towns themselves. The "honest conversation" clause had to be repeated by the court, and the votes already recorded explain the action of two of the towns in 1659. Wethersfield has a very caustic protest of a later date from twenty-eight inhabitants, and possibly proprietors, which speaks of the "cunning contrivances and insinuations which men are studious to doe . . . voating in town meetings when the inhabitants have many of them been withdrawn, and because there is not enuff present to countermand their proceedings," etc.<sup>2</sup> So we may be sure that there was some ground for the passage by the court of a law restricting the

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<sup>1</sup> Mr. Hooker's suit was a matter of great concern to the town. Fearing to lose the land, the town even empowered the selectmen, in case the suit went against them, to "address her Majestie by petition, praying her Majestie take notice in this case, and do as in her wisdom her Majestie shall see meet, whereby justice may be done." Weth. Rec., Oct. 4, 1708; July 8, 1710; Dec. 18, 1710; April 24, 1711; August 30, 1711.

<sup>2</sup> Weth. Rec., Jan. 28, 1697.

right of voting in town meetings. In 1679 the court decreed that because there were a "number of sourjourners or inmates that do take it upon themselves to deal, vote or intermeddle with public occasions of the town or place where they live," therefore no one except an admitted inhabitant, a householder and a man of sober conversation, who has at least fifty shillings freehold estate, could vote for town or country officers or for grants of rates or lands.<sup>1</sup> The towns take no notice of this order, and if it was carried out, as was probably the case, it was practically the first limitation on the right of voting in regular town meeting. The towns clung to their democratic principles longer than did the colony.

#### GROWTH OF THE OFFICIAL SYSTEM.

There seems to be a good deal of misapprehension, particularly among those to whom the early history of the colony in its detail is not familiar, regarding the exact nature of the settlement. It has been conceived of as the bodily transportation of three organized towns, as if the emigrants migrated like an army completely officered. It is true that nearly all<sup>2</sup> the settlers came from three Massachusetts towns, but they by no means came all at once. Two of the bodies came as organized churches, but this was after the three centres of settlement had been occupied by previous planters, and after they had become towns in the eyes of the law by the act of the provisional government, based on the decree of the Massachusetts court the year before.<sup>3</sup> Mr. Hooker did not arrive until the June following. Mr. Warham had probably but just arrived with the greater part of the Dorchester people,

<sup>1</sup>Col. Rec. III, p. 34. Although this is practically the first limitation of town suffrage, there was, however, an early order passed to this effect, "if any person . . . have been or shall be fined or whippen for any scandalous offense he shall not be admitted after such tyme to have any voate in Towne or Commonwealth . . . until the court manifest their satisfaction." (Col. Rec. I, p. 138.)

<sup>2</sup>"Members of Newe Towne, Dorchest<sup>r</sup>, Waterton and other places." (Mass. Col. Rec. I, pp. 170, 171.)

<sup>3</sup>Mass. Col. Rec. I, p. 160.

and the Wethersfield church was organized at the same meeting of the court. Massachusetts evidently looked upon the settlement as one plantation, for she appointed for it but one constable. It was one plantation, but the conditions of settlement allowed its ready separation into three distinct towns, through the powers vested in the commissioners. But it is almost misleading to call them towns even now, for practically they were three plantations organized on a military basis. The constable at first was a military officer. The equipment was the drakes—one for each town—granted by the Massachusetts court the year before.<sup>1</sup> This step was the beginning of recognition of the triple nature of the settlement. First the towns had a military organization, then a religious organization, and last of all, an act that was not completed until the passage of the orders of 1639, an independent civil organization. For two years and a half it is extremely probable that the only civil officers were the constable, whose position was semi-military, the collectors, appointed by the court to gather the rates, the commissioners, afterwards the assistants, and the committees of the General Court who resided in the separate towns. The inhabitants must have met “in some Publike Assembly,”<sup>2</sup> for their consent was necessary in certain orders, and they elected committees to the court of 1637. The use of this term inclines us to the opinion that all strictly town matters were at first conducted by committees appointed in a meeting of the whole, and that by 1638–39 one such committee, the townsmen, had become official in its character and was annually elected. The fact that the Hartford records for the first three years were merely notes regarding land, precautions to prevent the spread of fire, provision for guard at every public meeting, and the appointment of a man to keep the bridge in repair and to do work on the highways, would seem to show that there was hardly a settled organization. These notes were undoubtedly either entered

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<sup>1</sup> Mass. Col. Rec. I, p. 184.

<sup>2</sup> Conn. Col. Rec. I, p. 23.

in the book at a later day when a recorder was appointed, or transferred from jottings made at the time of the adoption of these rules.

With the beginning of the year 1639 (January 1, 1638, O. S.) we find the first mention of town officers. Hartford elected at that time four townsmen, and accompanying the record of election is an elaboration of their duties. The careful manner in which the latter is drawn up seems to point to a first election and to the fact that the towns were just beginning to get into form. This properly begins the official system, and for the present we must depend on the Hartford records, as those of the other towns are not extant. The principle of official limitation is present, so honestly maintained by Hooker in his well known sermon, and every act of these officials was watched by the people whose will they were chosen to execute.<sup>1</sup> The widening of this system consisted in the extension of these duties by town or court, the development of new powers, and the differentiation of these powers by the creation of new officers. The duties of the townsmen were soon extended. They were constituted into a court for petty cases of debt and trespass (for which, however, a separate body might be chosen if the town wished); they supervised estates of deceased persons; they took inventories and copies of wills, and performed additional supervisory duties. The first probable distribution of their powers was when a recorder was appointed. All orders previous to

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<sup>1</sup>The orders of Oct. 10, 1639, first put into shape the powers that the towns were to enjoy. That they already possessed the privileges therein contained, as Prof. Johnston maintains (*Connecticut*, p. 76), is without warrant and as a statement is indefensible. We prefer to consider the incorporation of the town to have taken place at the time of the appointing of a constable, and the orders to be the completion of the act by the General Court. It is hardly probable that Prof. Johnston has examined the town records, or he would not have been misled into making an entirely wrong interpretation of the magisterial board, "the really new point in the 'orders,'" which, though truly a new point, was not the origin of the "executive board of the towns, known as 'selectmen.'"



this were jotted down either by the townsmen or by the committee chosen to order the affairs of the town. This officer was elected in Hartford shortly after the passage of the above orders of the court, and at the same time the town voted that a chosen committee should "also inquire what orders stand in force which are [of] general concernment which are not recorded."<sup>1</sup> Undoubtedly such orders had been made without system, were not minutes of meetings, but partook of the nature of memoranda of matters decided upon in some public gathering or in a sort of committee of the whole. About the same time Hartford, following out the court order allowing the towns to choose their own officers, elected two constables for presentation to the court. At this meeting one finds a very interesting differentiation of the townsmen's duties and gradual beginning of a more extensive official system. In December, 1639, the town gave the townsmen liberty of appointing two men (one for each *side*), who were to "attend them in such things as they appoint about the town affairs and be paid at a publicque charge."<sup>2</sup> The townsmen do not appear to have chosen these men, for they were elected by the whole town at its next meeting. At that time their duties were elaborated. These two men as assistants to the townsmen were to perform many of those duties which afterwards, little by little, were to fall to the lot of specially elected officers. The record says that these men were chosen to assist the townsmen, but their principal duties were as follows: to view the fence about the common fields when requested by the townsmen; for this they were to have three pence an hour, and four pence an hour if they were obliged to spend time in repairing. This was to be paid by the owners of the broken palings. They were to survey the common fields, when appointed, with recompense of three pence an hour. If any stray cattle or swine were taken, then they were "to do their best to bring them to the pound, either

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<sup>1</sup> Hart. Rec., Dec. 26, 1639.

<sup>2</sup> Hart. Rec., Dec. 23, 1639.

by themselves or any help they shall need," for which work they were to receive pay, with so much additional for every animal pounded. This was made a general duty to be performed without command from the townsmen, whenever there was need. In addition they were to do any other special public service, such as "to warn men to publick employment or to gather some particular rates or the like," for which they were to receive the usual recompense of three pence per hour.<sup>1</sup> Here we have in embryo the fence-viewer, pinder or haward, the public warner, and the rate collector. Just before this outlining of duties there had been surveyors appointed, who as their first duty had supervision of the highways. Thus in 1640 the governing body of the town consisted of two constables, four townsmen, two surveyors, and a committee of two, whose duties, partially defined, embraced such as were not performed by the others. Of these functionaries the constable and townsmen were permanent and received annual election, the surveyors were yet little more than a committee appointed for an indefinite period, with specific duties, and the body of two was but a temporary expedient, the resolution of which into fixed officers was only a matter of time.

Three stages of growth were yet to take place: a greater distribution of labor, a definite period of service, and a gradual adding of new duties such as the growth of the town demanded. Up to 1640 the simple concerns of the town of Hartford required no further oversight than that which could be given by these few officers, by an occasionally appointed committee to perform duties of a sporadic nature, and by the town as a whole. At this time the question of highways and fences comes into more or less prominence, and special committees were appointed to lay out new highways and to order the proportions of fencing. This seems to crystallize the surveyor of highways into a regular officer, and he was from this time annually elected. No additions were made to this list until

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<sup>1</sup> Hart. Rec., pp. 1, 7.

in 1643 chimney-viewers were elected. The town had established in 1635 the requirement that every house have its ladder or tree for use in case of fire, and probably the watch under the control of the constable saw that this was carried out. The chimney-viewers were at first scarcely more than a committee elected to serve till others superseded them, for new chimney-viewers were not chosen for two years. After 1645, however, they became annual officers. In the year 1643 the court ordered the towns to choose seven men (afterwards reduced to five) to give the common lands their "serious and sadde consideration."<sup>1</sup> Hartford in response elected five men "to survey the Commons and fences and to appoint according to order [*i. e.* of the court] in that case." The next year this body was apparently elected under the title of fence-viewers; at least five are elected who are so called, with no mention of any other court committee. Then, again following the order of the court, the town the next year, 1651, handed over these duties to the townsmen, with the addition of one outside member.<sup>2</sup> This step very naturally led to the next, which consisted in relieving the townsmen altogether of these duties and constituting this extra member of the board official fence-viewer. Two were hereafter elected (as required by the two *sides*), who served often two or three years in succession, and were paid out of the fines they gathered. After 1666 they were annually chosen and became established officials. No other officers were chosen before 1651. When the records of Wethersfield and Windsor usher the condition of those towns into view in 1646 and 1650, respectively, we find only

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<sup>1</sup> Col. Rec. I, p. 101.

<sup>2</sup> It is a little curious that the town order for the above is dated Feb. 4, 1650, while that of the court is Feb. 5, 1650. We suspect that in a great many cases, of which this is not the first evidence, the relation between the town and court in Hartford was much closer than in the other towns. Hartford seems to have been made a kind of experimental station before the issuance of court orders regarding towns. This would account for the backwardness of the official systems of Windsor and Wethersfield.

townsmen performing the will of the people. Though a great deal is said about fences, highways, animals, and rates, yet no mention is made of specially appointed officers to take charge of these matters. All was apparently done by the townsmen, with the committees which were occasionally appointed to assist them. We know that early in Hartford the townsmen were given control of all matters except land grants, the admission of new inhabitants, and the levying of taxes, the control of which matters was retained by the town. It is probable that in Wethersfield and Windsor this system obtained to 1651. But with the adoption of the code of 1650, and the promulgation of a definite law ordering the appointment by the towns of certain officers, the latter began to elaborate their system. Hereafter each town elected regularly townsmen, constables, and surveyors. Windsor added chimney-viewers, fence-viewers, and way-wardens in 1654. These Hartford had already elected, but Wethersfield did not elect chimney-viewers till the next century (1708), nor fence-viewers until 1665, and then not annually until 1669. The Wethersfield townsmen were a very important body; they at first chose even the surveyors, and when in 1656 the town took the election of these officers into its own hands, they continued to choose, when needed, the pinders—whose duties were later merged in those of haward—perambulators,<sup>1</sup> and

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<sup>1</sup> *Perambulation*.—The ancient right of perambulation, or going the bounds, was in full operation in the Connecticut colony. The custom dates back very far in history, and was, in early Saxon times, attended with considerable ceremonial. The bounds of manors, and later of parishes, were fixed by trees, heaps of stones and natural marks, and the perambulation of half the parishioners from mark to mark was made yearly for the purpose of resetting the bounds if destroyed, or of reaffirming them and seeing that no encroachments had taken place. The Connecticut settlers were familiar with the old custom and early applied it, but in a less pretentious fashion than that which existed in the mother country. "When their bounds are once set out, once in the year three or more persons in the town appointed by the selectmen shall appoint with the adjacent towns to goe the bounds betwixt their said towns and renew their marks." (Col. Rec. I, p. 513.)

warners to town meeting, though these were not elected every year, and they appointed many important committees. In Windsor the town elected these men as was the case in Hart-

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The boundaries of each town were very early settled at the time the towns were named. They are rudely described, and it is no wonder that town jealousies found opportunity to dispute them. The landmarks were at first the mouths of three brooks, a tree and a pale, with east, west and south measurements by miles. (Col. Rec. I, pp. 7, 8.) This gave to each of the townships the form of a parallelogram. It is doubtful whether anything was done in addition to establishing these bounds before the passage of the code of 1650. In that document it was ordered that each town was to set out its bounds within a year, in order to avoid "jealousies of persons, trouble in towns and incumbrances in courts"; the town records show that this was carefully complied with. The proper maintenance of town boundaries has been called the symbol of free institutions, as it is the assertion on the part of the town of independence and self-respect, and the frequency of the disputes is evidence that the river towns were no shiftless upholders of their rights. Wethersfield at one time even threatened to sue the whole town of Hartford if the latter refused to send her committee to settle a disputed point (Weth. Rec., Sept. 30, 1695), and two years later actually entered on a suit; while with her neighbor on the west she was in dispute for forty years. It does not appear that in England it was the custom for parishes to join in the perambulation, but each beat its own bounds. Yet the theory of the English perambulation was carried out in Windsor, of as many as possible joining in the bound-beating. "Also men desired and appointed to run the lyne between Windsor and Hartford on the east side of the Great River from the mouth of Podang according as it was anciently run betwixt us on the west side. Mr. Newbery, Matthew Grant, John Fitch to carry an axe and a spade, and others as many as can and will" (Wind. Rec., Mar. 26, 1660), "and as many as will besides." (Mar. 11, 1668.) Each town appointed a committee, one of whom was ordered to give the other towns warning. This committee, of from two to six men, to which was occasionally added the townsmen, would meet the committee from the neighboring town on the dividing line. The joint body then advanced from mark to mark, digging ditches, heaping stones, or marking trees if necessary. This repeated every year ought to have kept the matter from dispute, and in general we may say that it did. (Weth. Rec., Mar. 8, 1653-4; Apr. 2, 1655; Mar. 24, 1658-9, etc.) Without making too much of a survival, it is interesting to note a shadow of the old English ceremonial. In the records of Windsor, liquors for bound-goers occurs year after year as a regular town expense (compare this with an entry in the account book of Cheshire, England, 1670, "spent at perambulation dinner, 3.10," Toulmin Smith, p. 522).

ford, and as they were not restrained by any general order, the nature of the officers differed somewhat both as to duties and date of first election.

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Yet the perambulators received pay in addition. (Wind. Rec., Feb. 14, 1654; Feb. 16, 1665; Stiles, Windsor, pp. 61, 161.) From the value of the liquor used, from two to six shillings, and from its character and the amount needed—a quart of rum, two gallons of cider—it is likely that another survival is to be chronicled; the Saxon stopped at each bound mark and performed a little ceremony, probably the Windsor fathers did the same in a somewhat different manner. But Wethersfield was not so lavish as her sister town, she allowed no such heathenish survival. Not one mention is anywhere made in her records of liquor for bound-goers; she ordered that her bounds “be Rund” according to court order, but that which under some circumstances would make them run more smoothly was wanting.

There must be noticed a difference in the custom as applied here from that known in England. There the idea was that careful perambulation must be made by the parish, that no sharp practice on the part of a neighbor parish should deprive it of any rightful territory. To this end a large number of the inhabitants, old and young, passed over the bounds until the entire parish had been circumperambulated. This was done independently of any adjoining town. But in Connecticut a distinct perambulation was made with each committee from the adjacent towns, covering each time only the extent of line bounding the two towns concerned. In Virginia, where the custom, under the title “processioning” or “going round,” was early in vogue, the method was more like the English perambulation. Each Virginia parish was divided into precincts, around which processioning was performed once in four years. On a stated day between September and March, two freeholders were appointed to lead the procession and to make return to the vestry by means of registry books. They were accompanied by the “neighbors” or all freeholders in the precinct, who were obliged to be present and follow. When the boundaries had been three times processioned they became unalterably fixed. It was generally the custom for neighboring precincts to perform their perambulation at the same time. (Hening’s Statutes, II, p. 102; III, pp. 32, 325-8, 529-31.) The custom did not appear in New Haven until 1683. (Levermore, p. 170.) In Massachusetts it was established by court order in 1647, and of that order the Connecticut law is an almost verbatim copy. (Mass. Col. Rec. II, p. 210.) The custom as enforced in the Plymouth colony contained the same general provisions about time, place and manner. (Plymouth Laws, p. 259.) Rhode Island, Pennsylvania, and Maryland went no further than to pass laws against the removal or alteration of boundary marks.

In nearly every case save that of townsmen, town officers were the result of an order of the court to that effect. Hartford was generally the first to respond—for it was the seat of government—to the decree of the higher power, and the other towns followed sometimes at once, often within reasonable time, though again apparently they neglected it altogether. The court had already ordered the establishment of the constable, the watch, surveyors, recorder, and fence-viewer; yet as late as 1668 it declared that adequate provision had not been made for the establishment of town officers, and passed a general law enacting a penalty in case of refusal to accept office.<sup>1</sup> This referred only to townsmen, constables, and surveyors, and had the effect of making the town service more efficient.

With the increase in the number of inhabitants and in the wealth of the communities, special officers to regulate the finances were necessary, and collectors of rates were early appointed by the court.<sup>2</sup> There were at first three rates and afterwards a fourth. When a plantation became a town it first bore its share of the country rate, which was the amount paid by each town to the colony, which was collected and transmitted by the constable; then there was the town rate, established by the town at each meeting, and paid for according to the list of estate by each inhabitant; there was also the minister's rate, levied and collected as was the town rate, and afterward there became established a school rate. The officers for the management of these rates were the lister, who made up the list of estate, and his associate, who made out the rate; the collector or bailiff, to whom the inhabitants brought their wheat, pease and "marchantable" Indian corn; and the inspector, a short-lived officer, who was to see that no estate was left out of the country list. Often the minister's and the town rate were collected by the same person, sometimes by different persons, and the townsmen had full power to call the collectors to account every year.

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<sup>1</sup> Col. Rec. II, p. 87.

<sup>2</sup> Col. Rec. I, pp. 12, 113.

In addition to these officers there were a series of others ordered to be appointed by the court and called into being by the commercial activity of the settlement. We find intermittently elected such officers as the packer of meat, brander of horses, with his brand book and iron, scaler of leather, with his stamp, and examiner of yarn, each of whom took his oath before the magistrate—the assistant or commissioner—and received as pay the fees of his office. Then there was also the sealer of weights and measures, the standard of which was originally procured from England; sometimes the court appointed these latter officers, but more often the town elected them. By way of special functionaries there were the public whippers, the cattle herders, sheep masters, tithingmen, ordinary-keepers, and, of the military organization, the ensign of the train band. In the year 1708 the following was the list of officers chosen in Wethersfield: town clerk, selectmen, constables, collectors for the minister's and town rate, surveyors (two for the center, one for Rocky Hill, and one for West Farms), fence-viewers (two for the center, two for Rocky Hill), listers, sealer of measures, leather sealer, chimney-viewers, hawards, and committee for the school. The office of town-warner and town-crier had for some time been obsolete, for the court ordered the erection of a sign-post in 1682.

For the satisfaction of justice there was ample provision. As early as 1639 the townsmen had been authorized to sit as a court for the trial of cases involving less than forty shillings. Cases of debt, of trespass, little matters of dispute between inhabitants, with damages paid in Indian corn or rye, are to be found in the Windsor records. It is probable that the other towns had the same court, though there is no record of it, for the Particular Court of the colony had no trials for less than forty shillings. This was superseded in 1665 by the commissioner, to whom was given "magistratical" power. To aid him and to preserve the number of the former town court, Wethersfield twice, in 1666 and 1667,



elected a body which she called "selectmen," but after that evidently the commissioner acted alone. In 1669 a court was ordered to be erected in the towns, consisting of the commissioner, assisted by two of the townsmen; these three acting with the assistant formed a court of dignity, more worthy to inspire respect and moderation on the part of offenders. It was, however, short-lived, and though Windsor has record of it in 1669, we hear nothing more of it. The judicial duties now devolved entirely on the commissioner, until he was superseded in January, 1698, by the Justice of the Peace. Appeal to the Particular Court, and later to the County Court, was allowed, but not encouraged.

Lawyers as we understand them were not in existence. But many a man in the colony had the requisite qualifications, with perhaps a smattering (or more, as in the case of Roger Ludlow) of law, and he only required to be clothed with legal power to bring or resist a suit. This authority was conveyed by letter of attorney, which was a document signed by the plaintiff or defendant and duly witnessed. Such a letter would be given to one person or more, and when a town wished to bring suit it empowered the townsmen to plead and manage the case themselves, or instructed them to constitute others as attorneys acting under them, to whom they were to give letters of attorney.<sup>1</sup> Debts were collected in the same way.<sup>2</sup> Sometimes in more personal cases arbitration was resorted to, in which case two (and if they could not agree, three) would be chosen, and a bond of so many pounds put up, which was forfeited by him who failed to abide by the judgment of the arbitrators.<sup>3</sup> Committees were appointed for the same purpose for a limited time to hear cases of complaint, to be reported to the town, who reserved the right to pass judgment.<sup>4</sup>

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<sup>1</sup> Hart. Rec., May 13, 1678; Weth. Rec., Dec. 17, 1762.

<sup>2</sup> Hart. Book of Distrib., p. 544.

<sup>3</sup> Weth. Land Rec. III, p. 3; Stiles, Windsor, p. 65.

<sup>4</sup> For a very interesting case of this kind see Weth. Rec., Mar. 4, 1701-2.

## TOWNSMEN.

After this bird's-eye view of the town official system, an examination into the constitution and growth of the most important body of all, the executive board of townsmen, will give us an idea of the practical working of the town machinery. The first appearance of this body in the Hartford records of January 1, 1638 (1639), shows it to us in no process of development, as was the case elsewhere,<sup>1</sup> but full grown, with qualified powers, undoubtedly the result of previous experimentation. At a meeting held January 1, 1638-39, two weeks before the "11 orders" were voted, it was ordered that the townsmen for the time being should have the power of the whole to order the common occasions of the town, with, however, considerable limitation. They were to receive no new inhabitant without the approbation of the whole; could make no levies on the town except in matters concerning the herding of cattle; could grant no lands save in small parcels of an acre or two to a necessitous inhabitant; could not alter any highway already settled and laid out; in the calling out of persons and cattle for labor they must guarantee in the name of the whole the safe return of the cattle and a reasonable wage to the men, and should not raise wages above six pence per day. They were required to meet at least once a fortnight, for the consideration of affairs, and for arranging the proper time for the calling of a general meeting, and for absence from such meeting they were to be fined two shillings six pence for every offense.<sup>2</sup> The next year it was voted that once a month the townsmen should hold an open meeting, to which any inhabitant might come, if he had any business, at 9 o'clock in the morning of the first Thursday in the month; and that no order as passed in

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<sup>1</sup> The townsmen of Dorchester, Mass., furnish a good example of such a development. Dorchester Rec. pp. 3, 7; in 4th Report of Boston Record Commission.

<sup>2</sup> Hart. Rec., Jan. 1, 1638.

the townsmen's meeting was to be valid until it had either been published at some general meeting or reported to the inhabitants house by house, or read after the lecture. If any one, on being warned, failed to stay to listen to the order, he could not plead ignorance of the law, but was liable for its breach.<sup>1</sup> The type of townsmen in 1638-39 was little different from that found in later years.<sup>2</sup>

The value of such a system would seem to be patent to every one, but it is specially interesting to find the colonists' own reasons, expressed a few years later, as to the principles on which the functions of townsmen were based. In 1645 the town (Hartford) voted that persons refusing to respond when called out by the townsmen to work on the highways should be fined. Evidently an unrecorded protest was made against giving the townsmen so much power, for on the next page appears a study of principles which is worthy, in its relation to the town, to stand beside Hooker's sermon in its relation to the commonwealth. The "Explication" reads thus :

"Whereas in all communities & bodies of people some publique workes will occur for the ordering & managing whereof yt hath ever bene found necessary & agreeable to the rules of prudence to make choice of p'ticular p'sons to whome the same hath been comitted whoe both with most advantage to the occasions & least trouble & inconvenience to the whole may oversee & transact such affayres: And

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<sup>1</sup> Hart. Rec., Jan. 7, 1639.

<sup>2</sup> The error often made regarding the origin of the Connecticut townsmen, ascribing the beginning of the townsmen system to the magisterial board or town court instituted by the General Court in October, 1639, seems to be due to the indexing of this board in the printed records of the colony under the heading "Townsmen." Dr. Levermore, in his *Republic of New Haven*, p. 72, note, as well as Prof. Johnston (*supra*, p. 94, note), falls into the error. As we have seen, the decree of the court had nothing to do with the establishment of even prospective townsmen, for they already existed, with functions almost identical with those performed by the townsmen of the later period.

accordingly yt is w<sup>th</sup> us usuall (the beginnings in w<sup>ch</sup> we are p<sup>r</sup>esenting many things of that natuer) to make choise of some men yearly whome we call Townesmen to attend such occasions. But yt is easily obvious to evry apprehension that unles w<sup>th</sup> the choise of y<sup>m</sup> to the place power be given for the manageing & carring on of the same their indeav<sup>rs</sup> wilbee fruitless & the publike nessesarily suffer; It is therefore by general consent ordered that in all occasions that doe concerne the whole and is comitted to the care & oversight of the townesmen yt shal bee lawfull for them or anie twoe of them to call out the teames or p<sup>r</sup>sons of anie of the inhabitants, the magistratts & officers of the church in their owne persons only excepted for the manning & carring on of such occasions wherin yet they are to use the best of their descretion not to lay such burthens on anie as to destroy the p<sup>r</sup>ticular but soe farr as the natuer of the occasion under hand will in their judgments w<sup>th</sup>out disadvantage p<sup>r</sup>mitt to attend as neare as may be a p<sup>r</sup>portion according to the interest ech hath in the whole.”<sup>1</sup> In this declaration is contained the fundamental idea of town government: the election by the body of those who are to order its affairs, the investing these when elected with power for the proper performance of their duties, and the implied responsibility in the use of this power. There lies in the latter factors all the difference between good representative government and bad representative government, between the Constitution and the Articles of Confederation. It is an outcropping of the spirit which framed the Fundamental Articles. A clause which follows the above vote declares that if any partiality be shown by the townsmen, the aggrieved person might appeal to the whole town, or if not then receiving satisfaction, might carry his case to the “publique justice in the place,” thus making the law a court of higher appeal than the people.

The number of men for this purpose chosen has differed

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<sup>1</sup> Hart. Rec. I, p. 37.

greatly in different colonies and towns. In Massachusetts, bodies of twenty were elected to order affairs, of whom seven could bind the people.<sup>1</sup> In some towns twelve townsmen are recorded,<sup>2</sup> but as years went on a reduction took place, and we find the number gradually lessening to nine, seven, five, and three. In New Haven the number was ten, afterwards reduced to seven. In the Connecticut colony it varied. Hartford regularly had four; Wethersfield in seventy years elected twenty-six bodies of five, twenty-nine bodies of four, and fifteen bodies of three; the Windsor number was at first seven, afterwards five. The object for which they were elected has been already dwelt upon. The records generally phrase it "to order the town's occasions for the year," "to agetat and order the townse occasions for the present year." These occasions were far more extensive than is now the case. Town affairs included church affairs, and in those three little communities great were the religious agitations. The more important matters, such as building the meeting-house, settling a minister or a controversy, were put into the hands of a special committee, but the townsmen cared for and repaired the meeting-house, and had charge of those chosen by town vote for sweeping, dressing, underdaubing and clapboarding the building, and generally saw to the construction of porch, seats, and pulpit. At that time much was passed upon by people in town-meeting which would now be decided by the selectmen at their own meeting, on the strength of the power vested in them by law. But there was then no law determining the exact nature of their office. Each town measured the proper limitations of its own townsmen, and one may say that the townsmen did everything for the performance of which no one else was appointed. Often these powers varied year by year. In carrying out their functions the townsmen often, though by no means always, wrote out the orders

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<sup>1</sup> Blake, *Annals of Dorchester*, pp. 13, 14.

<sup>2</sup> Watertown and Boston.

already arranged in their own meeting, drawing them up in the proper form. These were presented at the general meeting, when they would be accepted or not as the inhabitants pleased, for the latter had always the power of vetoing the projects of their agents if they did not approve of them.

The modern town treasurer is an important differentiation of the townsmen's powers. This is not the place to speak of the nature of the rates or the method of raising them. Suffice it to say that the control of all expenditures, whether for church, town, or school matters, was in the hands of the townsmen. They never collected the rates. For this purpose a committee or special officer was chosen, but it was through the townsmen that the regular expenses of the town were met. Under such heading there seems to have been included such items as paying the herders, watch, drum-beaters, building and repairing bridges, setting the town mill, surveying lands, repairing the minister's house, payment of minister's salary, occasionally supporting indigent persons, repair of town property, as guns, ferry (in Windsor), town stocks, etc., payment of bounties for wolves and blackbirds, payment of town officers, and such extra expenses as "Townsmen dining with magistrates" and "liquor for boundgoers." Of course this is an imperfect list, yet it gives an idea of town expenditure in the last half of the seventeenth century. Every year the town voted a certain amount for the past year's expenses, and it is worthy of notice that difficulties over financial matters were not so frequent as we might have expected. Yet, though the townsmen were hard-headed economists, they do not always appear to have been systematic and prompt in squaring their accounts and handing over the surplus to the newly elected officers. There was no law, as now, requiring that an annual statement of receipts and expenditures be made and laid before the town at their annual meeting. It was customary to do so, but there was at times a curt independence about the old townsmen-treasurers which would not brook too close supervision. Their honesty placed

them above giving bonds, or obeying laws which seemed to question their honor.<sup>1</sup>

The townsmen gradually changed into the selectmen. This name does not appear in Hartford and Windsor before 1691, and from that time for a period of twenty-five years there is a curious commingling of the two terms. The title "selectmen" was often used in recording the election, but the town clerk still clung to the good old name, and we find "townsmen" in the minutes of further proceedings. But there is plenty of evidence to show that the terms were used synonymously. Wethersfield employed the term in a very confusing fashion. It first styled two town courts established in 1666 and 1667 "selectmen," and in 1679 and 1681 again used the term for a distinct body; it is evident, from the nature of the latter's duties, that they were connected with the granting and receiving of certificates of freemanship. The establishment of this body seems to have been the following out of an order of the court in 1678, in which selectmen giving false certificates were fined £5.<sup>2</sup> Wethersfield immediately elected for this purpose an extra body—first of four members, then of three—who performed this service, and because, from their position, they needed to have a familiarity with the list of estate, they were, in 1679, given the duties of listers and rate-makers. But in a few years the term had become confused with that of townsmen, and the fact that the name selectmen was already in use and further established by the laws of Andros in 1688, to which Wethersfield, at least, very duti-

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<sup>1</sup> In seventy years in Wethersfield seventy-four men held the office of townsmen, with an average of four elections to each. Of these seventy-four, thirty held office over four times, with an average of six elections to each; fourteen held office over six times, with an average of eight elections to each; four held office over eight times, with an average of ten elections to each; and the most befunctionaried individual served as townsman eleven times, while only fifteen held office but once. (Weth. Rec. 1646-1716.)

<sup>2</sup> Col. Rec. III, p. 24.

fully responded,<sup>1</sup> brought it into common use, and after 1725 it was the commonly accepted term.

#### CONSTABLES.

The appointment of a constable in Connecticut was the affixing of the official seal to a town, and was done without exception, though in at least two instances (Simsbury and Derby) the court appointed the constable before the settlements petitioned for town privileges. He was the right arm of the law, and the channel through which the court communicated with the towns, and frequent were the orders to constables by the court.

The first constables appointed for the river towns were of a decidedly military character. They rather resembled their English prototype than the officer of later colonial days.<sup>2</sup> The first independent organization of the towns was for defense. The earliest act of the provisional government was directed against a laxity of military discipline, and the next forbade sale of arms, powder or shot to the Indians; following which is the appointment of constables, practically as military officers. A further extension of the armed organization is seen in the watch, undoubtedly a kind of constabulary patrol to guard against Indian attacks. The constable was next required to view the ammunition, which every inhabitant was ordered to have in readiness, and finally, before half a year had passed, each town was put into working military form by the institution of monthly trainings under the constable, with more frequent meetings for the "unskillful." At this time the constable was required to perform his time-honored duty of viewing the arms to see "whether they be serviceable or noe," which duty was later given to the clerk of the train band. One is not surprised that the colonists

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<sup>1</sup> Weth. Rec., May 21, 1688.

<sup>2</sup> For the military character of the constable see Adams, *Norman Constables in America*. J. H. U. Studies, vol. I, pp. 8 ff.



were in readiness the next year to declare an offensive war against the Pequots.<sup>1</sup> After the war was over the inhabitants were ordered to bring to the constable "any Armor, gones, swords, belts, Bandilers, kittles, pottes, tooles or any thing else that belongs to the commonwealth," and this officer was to return them to the next court.<sup>2</sup>

But after this need of special military jurisdiction was passed and Captain Mason was appointed general training officer, the constable's duties became of a purely civil character. Such were first outlined in the code of 1650. But without reference to that code, his duties, as the records declare them, were as follows: He was obliged to take oath after his election by the town before a magistrate or assistant. He collected the country rate and transmitted it to the colonial collector, afterwards the treasurer (1708). He warned the freemen to attend their meeting when deputies were chosen, and, in Windsor at least, warned for one town meeting yearly. At this meeting he read to the inhabitants the "cuntry laws" or orders of the General Court passed during the preceding year, and declared to them the amount of the country rate. At this meeting his successors were chosen as well as other town officers. He controlled the watch and executed all commands of the court or warrants from a magistrate. He broke up tipplers, raised the hue and cry (of ancient lineage), and could summon other inhabitants to join in the pursuit. He also passed on objectionable personages to the constable of the next town, who continued the process until Sir Vagabond reached the town that owned him. This was one way of disposing of intruders. He was an officer that inspired awe. Yet notwithstanding this, the office was not one greatly sought after; its duties were arduous, and many a man preferred to pay his forty shilling fine than to serve.<sup>3</sup>

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<sup>1</sup> Col. Rec. I, pp. 1, 2, 3, 4, 9.

<sup>2</sup> Col. Rec. I, p. 12.

<sup>3</sup> Dr. Stiles, quoting a Windsor record of 1661, where "after much contending" constables were chosen, concludes that the office was in great

Besides this functionary, some of the towns had a kind of petty constable, who guarded the commons to prevent neighboring townspeople from carrying off timber, fire-wood, stone, etc. He was, however, a town officer, and his election does not appear to have been ordered by the court.

#### TOWN MEETINGS.

In comparing the records of the different towns and colonies, one is struck by the bareness, the brevity and narrowness in scope of the minutes of meetings of the Connecticut settlers. There is little doubt that what we have represents the gist of the proceedings, and not only does the subject-matter show us that questions of necessity alone were discussed, such as related to the existence of the town and church as a corporate body, but the record of such discussion is embraced in the simple statement of its result as embodied in a town order. There is little flesh on the bare skeleton of facts, little color to lighten up the sombre monotony. Here and there an unconscious bit of phraseology or an exceptionally lively subject naïvely treated by the recorder, gives a hint of the activity which lay behind the formal phrases, and a realistic peep into the life of the people. But any attempt to portray the daily social and business life of the people of the early colony would be a difficult task.

The town meeting was held at first monthly, but, with the growth of the town, the meetings during the summer months were held less frequently, and at times were apparently dropped altogether, except in case of special call. The autumn and winter meetings were of the greatest importance, for at these officers were elected, rates proclaimed and laws read. During the seventeenth century the different officers were not always elected at the same meeting, though such

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demand. It may have been at that time, but after 1675 it was not. Hartford and Wethersfield had plenty of cases of refusal and payment of fine. In 1691 seven men were elected one after the other, and each refused to take the office. (Weth. Rec., Dec. 28, 1691.)

was the case with the more important. The town-meeting was generally called together by the beating of the drum or blowing of the trumpet from the top of the meeting-house, in a manner made clear by the following: "determined that provision should be made upon the top of the meeting-house, from the Lanthorn to the ridge of the house, to walk conveniently to sound a trumpet or drum to give warning to meetings."<sup>1</sup> This was employed for all meetings, on Sundays and lecture days as well. There were also warners, who went from house to house in Wethersfield, giving notice to the inhabitants. These inhabitants generally came together at 9 in the morning, and at first fines were imposed for absence, but this seems to have fallen into disuse. When the inhabitants were assembled, a moderator was appointed and business begun. The nature of the orders passed upon will have been gathered from what has already been said, and it is unnecessary to enlarge upon it here. There was no interference with private concerns, no sumptuary legislation, no votes touching on the morals or religious opinions of the people. What little of this sort was to be done in the colony was reserved for the General Court. Town officers were generally elected by ballot, though at times, for "dispatch of business," it would be voted to elect them by hand. General orders were passed by majority of hands held up, and in case of a vote for minister where a majority was certain to be in favor, a raising of hands was all that was necessary. Such meetings were after 1700 held quarterly, and later semi-annually, and now annually,<sup>2</sup> always, however, subject to a special call. In addition, there are scattered here and there among the minutes of town-meetings, records of constable's (freemen's) meetings and meetings of the townsmen.

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<sup>1</sup> Wind. Rec., Dec. 13, 1658.

<sup>2</sup>The present law is that town-meetings shall be held annually some time in October, November, or December, and special meetings may be convened when the selectmen deem it necessary, or on the application of twenty inhabitants. Town-meetings may, however, be adjourned from time to time, as the interest of the town may require.

## RATES AND FINES.

The financial system of the towns was of a simple order, and few difficulties arose of a specially troublesome nature. In the beginning there was but one rate or tax levied on all the inhabitants by the town, which covered all the debts contracted of any nature. The creditors presented their accounts generally at the February meeting, and a rate was voted to cover them. Before 1688 the amount of the rate was stated as so many pounds, which was apportioned among the inhabitants for payment, but after that time the town voted a tax of so much on a pound, as "one half penny and one farthing on ye pound," "one penny farthing upon the pound." This covered the ordinary expenses. Those of an extraordinary nature, such as building a bridge or a meeting-house, seem to have been met by a special rate laid by the town, though all repairs were included among the regular town debts. But very soon there was separated from this general rate—and it was the first step in the separation process—the minister's salary, which was voted in the lump—so much for the minister and so much for his assistant, if he had one. For the collection of this a special officer was chosen, and all the people were taxed in proportion to their list of estate. This list was carefully made out and published from house to house. In addition to the rate, the minister was given on his settlement a grant of land, a certain share of the mill tolls, and his land was voted free from taxation. It is probable that he was paid semi-annually, once in September and again in March. Windsor tried for many years the system of voluntary subscriptions, appointing a committee to go from house to house to find out what each would give. This scheme was continued many years.<sup>1</sup> In 1680 the general statement was made regarding the whole colony—including, of course, New Haven—that nowhere was the minister's rate

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<sup>1</sup> Wind. Rec., Nov. 11, 1662; Stiles, Windsor, p. 153.

less than £50, and in some towns it was as high as £90 and £100 a year.<sup>1</sup>

As early as 1642, Hartford voted £30 to be settled upon the school for ever,<sup>2</sup> though we cannot say that Wethersfield or Windsor made provision so early. In the latter town, in 1658, there was allowed out of the town rate £5 for the schoolmaster. Wethersfield the same year makes her first recorded provision somewhat more liberally. The first schoolmaster was to receive £25 for his teaching. A house and land was allowed him, but of the £25 the children were to give him eight shillings apiece and the town to make up the rest. Three years after the town appropriation was £8 and that of Windsor reduced to £4 10s. The payment by the scholars was at first by such as went to school, later all boys between five and ten years were taxed, "whether they go to school or not," and we find that all who sent children to school in winter between September and April were each to send a load of wood to keep them warm. Thus the provision for the school was at first twofold—appropriation by the town and payment by the scholars. Later, as the teacher received a definite amount, the town stated exactly how much it would give, and the remainder was made up by the scholars. This became the school rate, and every child between six and twelve was taxed according to the length of attendance. Servants taught were paid for by their masters. In 1701 a third source of supply was provided in what the records call the "cuntry pay," that is a tax of forty shillings laid on every thousand pounds of estate, collected by the constable, and handed over to those towns which maintained their schools according to law. This was the beginning of state support. The townsmen controlled all school matters either in person or by appointed committees, which became a regular official board about 1700. This system of town control lasted till the first quarter of the eighteenth century,

<sup>1</sup> Col. Rec. III, 300.

<sup>2</sup> Hartford Rec., Dec. 6, 1642.

when, with the separation of town and parish, the control of school matters fell into the hands of the ecclesiastical societies. Again a change was made with the system of dividing the town into districts, and the control is now in the hands of regular district committees, though there is a tendency to centralize the management by the institution again of town committees with general supervisory power.

In addition to these regular rates there were others of a minor and intermittent character; the seat rate, which corresponded to the present custom of sale of pews, with this difference, that as each was assigned his seat by a committee, he paid what he was told, and many worked off this rate by laboring for the town; the meadow rate for building the common fence; the watch rate, and other lesser ratings for unusual appropriations.

Many of the town and state expenses were met by fines. If the towns used whipping or the stocks, as did the court, their use is not recorded.<sup>1</sup> But fines were of regular ordering. There were fines for everything that the town forbade: for elders, briars or weeds in the highway, for leaving the meadow gates open, for neglecting fences, for having unruly cattle or runaway swine, for carrying off timber, from outsiders for felling trees, and from inhabitants for not working on common or highways; in fact for all neglects of town orders. Officers were fined for neglect of duty and for refusing to serve when elected.

Payment of all debts, of rates and of fines, was at first entirely in kind. Wheat, pease and Indian corn, sound, dry and well dressed, were employed, and rye came into use a little later. By 1695 the inhabitants were allowed to pay half in current money of New England, and soon this was extended to the privilege of paying all the rates in current money. But the depreciation of the currency was such that

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<sup>1</sup>The towns certainly had stocks. The court ordered each town to have a public whipper. But there is no record that the towns used these for themselves. Perhaps they carried out the court orders.

by 1698 money would be taken at only two thirds of its face value. All money accounts were kept in pounds, shillings, pence and farthings, and a regular schedule of prices was made every few years, determining the value of the different qualities of grain. Smaller amounts, such as mill and ferry tolls, were probably paid in wampum at three, four and, later, six for a penny. The nature of the commodities was such that they were brought to the collector's house, which served as a sort of town treasury, and the town paid its debts from this fund.<sup>1</sup> The accounts of these collectors were often loosely kept, and the townsmen had difficulties in squaring accounts with them, for rates were difficult to collect, particularly in hard times, and the inhabitants were often in arrears. It was not until the end of the century that the collectors made annual reports and town finances were put on a systematic basis. Even the townsmen themselves did not always keep accounts in good order, and their successors in office often found affairs very mixed, though the towns differed in this according to the financial ability of their officers. Windsor apparently had the most conscientious officials. This town had a somewhat thorough way of dealing with her debtors. If the rate-payer did not hand in his due within reasonable time after the rate was published, a committee was appointed by the townsmen and given a note of the amount due. This committee was ordered to go to the houses of the delinquents, and, as the record says, "if they can find corn they shall take that in the first place, but if not, then what of any goods that come to hand (and give the owners three days liberty after to carry in the debts and withal 2d. in a shilling over and above the true debt or rate which belongs to them that distrayne towards their labors according to the order of the Court) and if they neglect to redeem the goods distrayned, that then they shall get it

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<sup>1</sup> Windsor had a "Town Barn" built for this special purpose. Stiles, Windsor, p. 125.

prized by indifferent men and sell it and pay the debt and themselves and return what remains to the owners."<sup>1</sup> This is interesting as showing the way in which the towns applied the court orders, and how faithfully they worked in harmony with the policy laid down by the General Court in regard to all town matters.

#### TOWN AND COLONY.

We have now considered in some detail the characteristic features of the agrarian and civil life of this sturdy people. It was not essentially different from that existent among the other New England towns; such life was in its general features everywhere the same. On close examination, however, we find that the machinery of town and court administration can be classified as to whether it is pure or mixed, simple or complicated, natural or artificial. To Connecticut belongs the best of these conditions. Her town life was pure, simple and natural; the law which guided her political relations was nearer to the law which governs to-day than anywhere else on the American continent. We are apt to think of her settlement as an artificial importation, as one ready-made through the influence of pre-existent conditions. On the contrary, it was a natural growth; it passed through all the stages of gestation, birth, and youth to manhood. Beginning with the commercial stage, when trade was the motive power, it soon entered the agricultural stage, when the adventure lands were occupied by planters. With the development of this phase of its growth the military stage begins, when it became necessary to systematically arm against the Indians, and to turn the agricultural settlements into armed camps, with the people a body of trained soldiers. At this stage the organized religious life begins, when systematic church life arises with the infusion of new settlers; and last

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<sup>1</sup> Wind. Rec., Dec. 10, 1659. For "the order of the Court," see Code of 1650, Col. Rec. I, 550.



of all is reached the civil or political stage, when for the first time the settlements may be fairly called organized towns. Now with these five factors—commercial, agricultural, military, religious, political—all active elements in the structural unity of the towns, we can understand why the need of some more exact and authoritative scheme of government was felt, and why the constitution of 1639 was adopted. We can also understand why such a document had not been drafted before; it was not a constitution struck off at one blow, but was in every article the result of experience. Two years previous the General Court had met, and without other right than that of all men to govern themselves, began to legislate in matters of general concern; the state dates its birth from this date. But not until the inhabitants composing that state had become accommodated to the new situation, and the separate settlements had become sufficiently developed to be used as units for popular representation, was a general system of government framed. We have said that every article in that constitution was based on experience, either in Massachusetts or Connecticut; the document as finally drafted was the result of the trial by democracy of itself. The people were experimenting, and as they experimented, the towns were growing and the state was taking shape. The very title “committees” of the first representatives is a clue to the yet unformed condition of the towns. This committee bore no distinctly official character, but was probably chosen by the people of the town—for as yet the principle of freemanship had not been established—to represent themselves, not the town, in the body which was to try the experiment of legislating for a self-governed community. Can we doubt that each town was managing its own affairs by committees of a not essentially different character from those sent to the General Court? It is at least a significant fact, that within an interval of two weeks preceding the crystallization of the state experiment in a written constitution, Hartford, the only town of which we have record, formulated the plan for its

permanent government, by the election of townsmen, and, what is more significant, by setting bounds and limitations to their power in seven prohibitive orders. Had not the people been experimenting in town government as well as state, and is it surprising that the permanent organization of the one almost exactly coincided with the permanent organization of the other? Far be it from us to take without warrant an attitude antagonistic to an historian who has done so much for Connecticut history, and whose political discernment is so superior to our own, but the whole bearing of this study has been to convince us that Prof. Johnston's theory that in Connecticut it was the towns that created the commonwealth; that in Connecticut the towns have always been to the commonwealth as the commonwealth to the Union, is entirely untenable. If Hartford, in every way the most precocious in rounding out her town system, did not begin that system till 1639 (N. S.), there is no doubt that the other towns, which in 1650 had but the beginnings of an official town system, were even later in development. How then can towns with an as yet hardly formed government, receiving and obeying orders from a central authority, their only permanent officers the appointees of that authority, be said to have sovereignty and independence? There were not three sovereignties, but one sovereignty, and that lay with the people. These people in their position as settlers in separate localities, and through those acting for them in the General Court, effected the erection of these localities into legal towns; and though these towns were used as convenient channels of representation and taxation, they never, either before or after the constitution, had complete local independence. As there were no sovereign towns, there could be no pre-existent town rights; such rights lay with the people, and they gave them up with but one reservation, as has been already stated in the first chapter. This constitution was not the articles of a confederation, although the people entered into "combination and confederation," in

which the peculiar nature of the settlements was recognized; but it was a government to order the "affairs of the people," "gathered together," "cohabitting and dwelling in and upon the River of Conectecotte and the Lands thereunto adjoyning," to which government was granted "the supreme power of the commonwealth." Compare this expression with that in the first article of the Constitution of the United States, where the very phrase, "All legislative power herein granted," shows at once that the framers never considered the supreme power as belonging to the central government they were creating.

In turning from the historical to the legal aspect of the question, the discussion may be brief. This act of the people of Connecticut has been the basis of all judicial decisions. Two quotations will show the drift of such interpretation. In 1830 Chief Justice Daggett decided that the towns "act not by any inherent right of legislation, like the legislation of a State, but their authority is delegated."<sup>1</sup> Still more pertinent is the decision of Chief Justice Butler in 1864, who, referring to the surrender of power, says, "That entire and exclusive grant would not have left a scintilla of corporate power remaining in themselves as inhabitants of the towns, if any such had then existed"; and again, "And thus their powers, instead of being inherent, have been delegated and controlled by the supreme legislative power of the State from its earliest organization."<sup>2</sup>

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<sup>1</sup> Williard vs. Killingworth, 8 Conn. Reports, p. 247.

<sup>2</sup> Webster vs. Harwington, 32 Conn. Reports, pp. 136-139. Both of these cases were quoted by Roger Welles, Esq., in the *Hartford Courant*, Aug. 27, 1888, and will suffice for the argument in the text, but enlargement in a note may not be without profit. More fully, Chief Justice Daggett's opinion is as follows: "The borough and town are confessedly inferior corporations. They act not by any inherent right of legislation, like the legislature of the State, but their authority is delegated, and their powers therefore must be strictly pursued. *Within* the limits of their charter their acts are valid; *without* it they are void." July, 1830. The Webster vs. Harwington case was argued by Governor (now Judge) Andrews in 1864, who took the ground "that in a democratic govern-

So much, then, for the historical and legal side of the case. How was it in practice? Were the towns in Connecticut "almost as free as independency itself until near the period of the charter," as Prof. Johnston says, or were they controlled by the supreme legislative body of the state from

ment, ultimate sovereignty resides with the people; the simplest municipal organization, viz. the towns, being the most purely democratic and voluntary, possess all power with which they have not expressly parted." This is the claim that Prof. Johnston makes of reserved rights in the towns. Chief Justice Butler in answer says, speaking of the Constitution of 1639, "That extraordinary instrument purports on its face to be the work of the people—the residents and inhabitants—the free planters themselves of the three towns. It recognizes the towns as existing municipalities, but not as corporate or independent, and makes no reservation, expressly or impliedly, of property or legislative power in their favor." (p. 137.) Again, in referring to the historical authorities quoted by the plaintiffs he says: "These views" (that the towns gave up a part of their corporate powers and retained the rest in absolute right) "have been expressed by [the historians] without sufficient reflection or examination, and are not correct in principle or sustained by our colonial records or by any adjudication of our courts" (p. 136). He also says, in speaking of the orders of October, 1639, which Prof. Johnston refuses to accept as anything more than a defining of privileges already possessed, and not as an incorporation or chartering of the towns (p. 76): "Now that provision enacted by the General Court in 1639 was both a grant and a limitation of vital power, and was intended to embrace towns thereafter created (as they were in fact) by law, and is utterly inconsistent with the idea of a reserved sovereignty, or of any absolute right in the towns and constituted the towns corporations, and the continuance of it has continued them so; and that provision, with the numerous special provisions then and since made, prescribing their officers and regulating their meetings and other proceedings, and imposing and prescribing their duties as subordinate municipal corporations, constitute their charters." Then follows the second quotation in the text (p. 139). For further similar judicial opinions see *Higley vs. Bunce*, Conn. Rep. 10, 442; *New London vs. Brainard*, Conn. Rep. 22, 555. In these cases there was no dissenting voice against the opinion of the Chief Justice by the associate judges of the Supreme Court. The suit of *Webster vs. Harwington* had already been decided by Judge Sandford in the Superior Court, against the theory of reserved rights. The attitude of Massachusetts and New York toward their towns is exactly the same. *Bangs vs. Snow*, Mass. Rep. I, p. 188; *Stetson vs. Kempton et al.*, Mass. Rep. 13, p. 278; Statutes of 1785, ch. 75. For New York see *Hodges vs. City of Buffalo*, 2 Denio, p. 110; Revised Statutes I, p. 599, secs. 1, 3.

their earliest organization, as has just been quoted? The court almost at once, in the August or September following the adoption of the constitution, took measures to complete the organization of the towns, through the agency of a court committee appointed for that purpose, and on the presentation of their report, in the October following, passed the orders which they had drawn up. In these orders and those frequently passed afterward—we are speaking of the period preceding the charter—can be found all the rights that the towns were possessed of. Every officer chosen except the townsmen can be traced to these orders, as well as every privilege exercised of which the town records give us knowledge. The allowance was liberal, and the towns never exceeded, and in some cases did not wholly exhaust, the powers granted them. Even within these orders the court occasionally interfered. It ordered regarding highways, fences, and unruly animals; decided the boundaries of the towns, refused the right of town suffrage to such as had been whipped or fined for scandalous offenses; even made grants of town lands; settled the ferry rates of Windsor, gave orders to her deacons; interposed in the ecclesiastical affairs of Wethersfield; ordered the establishment of town inns; commanded the payment of bounties, and showed its authority in many other similar ways. It also controlled all the military and commercial affairs of the towns. In other words, the General Court directly controlled all matters not expressly delegated to the towns, and even in those matters it interfered, though rarely. That this was as true in practice as in theory, a careful study of the town records enables us to affirm.

What an actual reservation of rights was may be seen in the case of Southhampton, which, settled in 1640, came under the jurisdiction of Connecticut in 1644. As for these four years it had been an independent church-state, it had some right, made more decided by its peculiar situation on Long Island, to introduce into the agreement a distinct reservation

of power. Its inhabitants were given "liberty to regulate themselves according as may be most suitable to their own comforts and conveniences in their own judgment," and power was reserved for all time "for making of such orders as may concerne their Towne occations."<sup>1</sup> This, by force of contrast, makes clear how different the position of the river towns actually was in the eyes of the court.

Nor did the towns themselves fail to recognize this position of complete subordination to the General Court. It might be sufficient to say, as substantiating this, that they never overstepped their boundaries, but a concrete expression of their opinion is more conclusive. Windsor was much troubled because the people neglected their fences, from which many complaints had resulted, and says "that we cannot but see it the cause of many trespasses and discord among neighbors, and therefore, as we should desire and endeavor the peace and comfort of one another," it proceeds to regulate the matter, adding almost parenthetically: "The court having left the care and ordering of things of this nature to the care of the townsmen in the several towns."<sup>2</sup> If this was the situation up to the time of the charter, much more was it so in the period following, when, with the growth of towns and commonwealth, colonial organization became more complicated and new conditions were constantly arising. That

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<sup>1</sup> Col. Rec. I, p. 567, Appendix II. Compare the historic beginnings of the Connecticut towns with those of Rhode Island, of which it can be truly said, as does the historian of that State, "In Rhode Island each town was itself sovereign, and enjoyed a full measure of civil and religious freedom."—Arnold's Hist. of Rhode Island, I, p. 487.

<sup>2</sup> Wind. Rec., March 21, 1659. The only instance that the writer can find of an unwillingness to obey a court order was when the court, apparently unjustly, refused to ratify the election of Mr. Mitchell, a weighty landholder of Wethersfield, who had been elected to the office of Recorder. The court declared the office vacant and ordered a new balloting. The town refused compliance, and Mr. Mitchell entered upon his office. In answer to this the court promptly fined him twenty nobles, and that part of the town which voted for him five pounds.—Col. Rec. I, pp. 40, 51-52.

town and court relations had not changed it is almost unnecessary to state.<sup>1</sup> To attempt to prove it by example would be tedious and add little that was new. It may all be summed up in two quotations, which bring into sharp contrast the relation of the town to the colony, as compared with that of the State to the American Congress. When East Hartford wished the liberty of a minister in 1694, Hartford, though loath to part with "their good company," yielded gracefully and said, that "if the General Court see cause to overrule in this case, we must submit."<sup>2</sup> But when it was rumored in 1783 that the Congress of the Confederation was overstepping its privileges, the town passed, among others, the following article. Addressing the State delegates, it said, "And first (Gentlemen) we desire and expressly instruct you to oppose all Encroachments of the American Congress upon the Sovereignty and Jurisdiction of the separate States, and every Assumption of Power not expressly vested in them by the Articles of Confederation."<sup>3</sup>

Far more worthy of admiration, and nobler in its accomplishment, was the relation which actually did exist between the town and the court in the colony of Connecticut. Its boasted democracy becomes almost greater in the practice than in the conception. This we realize when we see a body endowed with supreme power, unrestrained by any authority on earth, exercising that power with such moderation and remarkable political sagacity that the town appears as almost an independent unit. If an institution is the lengthened shadow of one man, then here we see Thomas Hooker with the king in

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<sup>1</sup> "The royal charter was a precious gift and came to be the object of almost superstitious regard. But it did not in any way affect the relations previously established between the people and their chosen rulers. The frame of government continued to rest on the same broad foundation on which the Constitution of 1639 had placed it, and 'the supreme power of the Commonwealth' was made to consist, as before, in the general court." Trumbull's Hist. Notes on the Constitution of Connecticut, pp. 10-11.

<sup>2</sup> Hart. Rec. I, p. 173.

<sup>3</sup> Hart. Rec. II, p. 301. For the nature of this encroachment see Curtis. Hist. of the Constitution, I, p. 190; Trumbull's Hist. Notes, p. 18.

his pocket, and his exceeding fervor of spirit well under control.

If the General Court of Massachusetts interfered in half the affairs of its towns, as says Dr. Ellis, it is safe to say that the General Court of Connecticut interfered practically in a proportion very much less, the exact fraction of which it would be difficult to formulate. Once established, the towns were left to run themselves. It was not often that the court directly interfered; it interposed its authority in case of disputes, instructed the towns in their duty when they seemed to be wandering from it, and offered its advice gratuitously if it seemed necessary. The towns were often unable to manage their own affairs, and then the peculiarly paternal position of the court most prominently appears. The town petitions were always carefully considered. In this way they came to the court for advice and counsel, to it they presented their difficulties; Windsor with her boundaries, Wethersfield with her minister, Simsbury in a pathetic appeal regarding her fences. The court in all such cases, full of almost a tender interest in its towns, appointed a committee to help them out of trouble. In matters of grievance it was the court of last resort, and its decision was final. Only when the towns seemed to be misusing their privileges was its manner firm, and against evildoers its tone was severe. Yet its laws were always temperate, and never arbitrary in their nature. For this reason town and colony grew without display, but with a political strength unequalled; and its people, made strong by adversity, and unhampered by a false political friction, have developed a state which has proved in the crises of history a bulwark to the nation.

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*Addendum.*—For the sake of clearness regarding a statement made in note 2, page 15, it should be explained that in 1636 Mr. Winthrop was Governor at Saybrook, acting under the Patentees. He was not Governor under the Constitution until 1657.



BUREAU OF EDUCATION,  
CIRCULAR OF INFORMATION NO. 2, 1888

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CONTRIBUTIONS TO AMERICAN EDUCATIONAL HISTORY  
EDITED BY HERBERT B. ADAMS

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No. 3

THE  
HISTORY OF EDUCATION

IN

NORTH CAROLINA

BY

CHARLES LEE SMITH  
FELLOW IN HISTORY AND POLITICS  
JOHNS HOPKINS UNIVERSITY

---

WASHINGTON

GOVERNMENT PRINTING OFFICE

1888

"Here was a colony of men from civilized life, scattered among the forests, hermits with wives and children, resting on the bosom of nature, in perfect harmony with the wilderness of their gentle clime. With absolute freedom of conscience, benevolent reason was the simple rule of their conduct. \* \* \* Are there any who doubt man's capacity for self-government, let them study the history of North Carolina; its inhabitants were restless and turbulent in their imperfect submission to a government imposed on them from abroad; the administration of the colony was firm, humane, and tranquil when they were left to take care of themselves. Any government but one of their own institution was oppressive." (George Bancroft.)

"Almost invariably, as soon as a neighborhood was settled, preparations were made for the preaching of the Gospel by a regular stated pastor, and wherever a pastor was located, in that congregation there was a classical school." (Foote's Sketches of North Carolina.)

"The progress of society and civilization depends upon the education and virtue of the people." (Hon. Bartlett Yancey, in 1810.)

"In an ardent and increasing zeal for the establishment of schools and academies for several years past, we do not believe North Carolina has been outdone by a single State. \* \* \* The number at present is nearly fifty, and is rapidly increasing." (North American Review, January, 1821.)

"We can diffuse the blessings of education and become a virtuous if not a great people. I wish the State University were located in Raleigh, for I do not believe in that kind of education which is obtained in cloisters. The manners of boys should be attended to as well as their morals. The society of the city of Williamsburg, Virginia, is said to have been the most polished in America, and its college, William and Mary, has turned out more celebrated men than any other institution within my knowledge." (Nathaniel Macon, in North Carolina Constitutional Convention, 1835.)

"The University does not lack the sanction either of the Constitution or of the people. Under the loving care of the people of the State, led by wise master-builders, much more than from the liberality of the General Assembly, the University grew in the lapse of nearly a century to be a great institution, the nursing mother of the ingenuous youth of the State without distinction of party or sect. Embracing all her children in her great catholic heart, she has always striven to allay sectional feeling, to moderate sectarian heat, to cultivate and encourage a broad, ardent love for the State, a veneration for her early history and traditions, an appreciation of the domestic virtues of her citizens, and a love of liberal learning." (Hon. John Manning, LL. D., professor of law, University of North Carolina.)

"I remember in my young manhood the University of North Carolina was always spoken of with the greatest respect among men who knew anything about an American collegiate education. While the Universities of Virginia and Johns Hopkins have to some extent drawn attention away from it, I see no reason why its present Faculty should not give it a commanding position in the south-east of our Republic." (Hon. Andrew D. White, Ex-President of Cornell University.)

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## LETTER.

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DEPARTMENT OF THE INTERIOR,  
BUREAU OF EDUCATION,  
*Washington, D. C., December 9, 1887.*

*The Honorable* the SECRETARY OF THE INTERIOR,  
*Washington, D. C.*

SIR: In pursuance of the plan already approved by you for a systematic inquiry by the Bureau of Education into the educational history of the United States, I beg to recommend for publication the second of the series of State monographs in this direction edited by Dr. Herbert B. Adams, whose studies upon the College of William and Mary, and Thomas Jefferson and the University of Virginia, with the monograph upon the Study of History in American Colleges and Universities, formed the introduction to this new line of inquiry.

The subject of the present monograph is the history of education in North Carolina. It is an original and valuable contribution, and deserves to be widely read. In this monograph Mr. Charles Lee Smith, who has been trained in historical methods at the Johns Hopkins University and now holds a fellowship in history and politics at that institution, gives the results of a thorough and careful study of the educational history of his native State.

For North Carolina this is pioneer work. The history of education in that State has hitherto remained unwritten. That the Old North State has failed to receive just recognition at the hands of some historians is due in great measure to the fact that many important phases of her early history have remained undeveloped by her own sons, to whom they were known, and who have allowed the prejudiced statements of early chroniclers, ignorant of the facts, to be accepted without contradiction as authoritative.

The writer has traced the genesis and development of education in North Carolina from the first settlement of that State to the present time. For this purpose he is the first to exploit the colonial records, the publication of which was begun last year, and the early laws of the State. He has also utilized early newspaper files, and all the published biographical and historical works relating to his State to be found in the public libraries of Raleigh, Washington, and Baltimore, besides certain private collections and personal correspondence.

In the study of education as a growth North Carolina affords peculiar advantages. The character of the early settlers, the objects of their

coming, and the results achieved by them in their struggle against oppressive government give the history of that State unusual interest. Bancroft says, "North Carolina was settled by the freest of the free," and the records of the colony show that a constant warfare was waged against oppression until freedom was won. This fact was emphasized and is illustrated in the proceedings of that meeting of patriots at Mecklenburg in 1775, which, without doubt, is one of the most memorable events of our Revolutionary period. This struggle was for civil and religious liberty, and Mr. Smith demonstrates how intimate was the connection between the liberties and the educational history of the people. The government is, perhaps, to be censured that schools were not earlier provided. It is an error, however, to suppose, as has been stated by some writers, that there were no good schools in the State previous to the Revolution, for it is shown that there were many creditable institutions, several having a wide reputation.

The higher education has been principally treated in this sketch, although the history of primary and secondary instruction has not been neglected. The influence of certain classes of immigration and of institutions outside the State, especially of Princeton, which previous to the establishment of the University of North Carolina was largely patronized by the young men of that State, is clearly shown. Many interesting facts concerning noted educators of the State are brought out. The sketch which is given of the University of North Carolina is the first full account of that institution which has ever been written. The writer thinks no institution of this country has a more honorable record, and it is claimed that in proportion to the number of its alumni it stands second to none in the number of the distinguished public men it has given to the State and nation.

The account which is given of its "influence upon the South" makes an admirable showing. As indicative of its wide-spread influence upon the country, a President, a Vice-President, many Cabinet officers, ministers to foreign countries, Senators, Governors, and other distinguished men are mentioned among its alumni.

President Andrew D. White said of this institution: "I remember in my young manhood the University of North Carolina was always spoken of with the greatest respect among men who knew anything about an American collegiate education. While the Universities of Virginia and Johns Hopkins have to some extent drawn attention away from it, I see no reason why its present Faculty should not give it a commanding position in the South-east of our Republic."

The subjects taught in the institutions for the secondary and the higher education are noted from time to time, thus showing the general educational development. The present status of education in North Carolina is well pictured. The work, while strictly historical, is both practical and suggestive. Hon. Henry Barnard, the first Commissioner of Education, once said that "no subject now interesting or im-

portant can be adequately understood or further investigated unless proper pains be first bestowed upon its history. \* \* \* There is no department of human exertion, however, in which this preliminary historical knowledge is so necessary as in education. For this there is both a general and a special reason. The education of a people bears a constant and most pre-eminently influential relation to its attainments and excellencies—physical, mental, and moral. The national education is at once a cause and an effect of the national character; and, accordingly, the history of education affords the only ready and perfect key to the history of the human race and of each nation in it—an unfailing standard for estimating its advance or retreat upon the line of human progress.

“But the special reason just alluded to is yet more in point at this time. It is, that there is no department of human exertion whose annals are more brilliant with displays of industry, talent, and genius, whether successful or unsuccessful, and consequently none in which a reference to the past will afford such abundant materials for improvement in the present.”

Urging, therefore, the publication of this monograph and the encouragement of this new line of educational inquiry to be continued by the Bureau of Education, not only in the South but in the North-west and South-west and beyond the Mississippi, where such inquiries are most needed,

I have the honor to be, very respectfully, your obedient servant,  
N. H. R. DAWSON,  
*Commissioner.*

Approved:

L. Q. C. LAMAR,  
*Secretary.*



# EDUCATION IN NORTH CAROLINA.

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## CHAPTER I.

### EDUCATION DURING THE PROPRIETARY GOVERNMENT— 1663-1729.

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#### INTRODUCTION.

During the first sixty-five years of the colonial history of North Carolina there were but few schools, and these were ill-attended. Compared with the New England colonies, a great difference is observed in the attention given to education during this period, and historians, without considering all the facts in the case, have reproached North Carolina with want of zeal in this direction. For this difference there are several causes. New England was peopled by colonies, and the establishment of towns was coeval with the settlements. The people were forced by circumstances to live together, and this tended to strengthen the bonds of union between them and to unite them in all objects relating to the common welfare. Then, too, the people of each community were generally of the same religious faith, and their preachers were at the same time the teachers of their schools.

Let us now see how it was with North Carolina. This province was occupied by individual families, and although the first permanent settlement was made about 1660, there was no town until Bath was located in 1704. The population was chiefly confined to the territory north of Albemarle Sound, west of the Chowan River, and the territory between the two sounds, Albemarle and Currituck. The people were scattered sparsely here and there along the shores of the sounds and on the banks of the water-courses. Bancroft says: "Here was a colony of men from civilized life, scattered among the forests, hermits with wives and children, resting on the bosom of nature, in perfect harmony with the wilderness of their gentle clime. With absolute freedom of conscience, benevolent reason was the simple rule of their conduct."<sup>1</sup>

As late as 1709 the Rev. William Gordon, writing to the secretary of the Society for the Propagation of the Gospel in Foreign Parts, referring

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<sup>1</sup> Bancroft's United States (1843), Vol. II, p. 154.

to the settlement on the Pamlico River, has this to say of the only town in the province: "Here is no church, though they have begun to build a town called Bath. It consists of about twelve houses, being the only town in the whole province. They have a small collection of books for a library, which were carried over by the Rev. Dr. Bray, and some land is laid out for a glebe."<sup>1</sup> About this time Beaufort was laid out for a town, and a little later Newbern was settled by the Swiss. There were many differences in religious belief among the people, and sectarian disputes often led to serious difficulties. "The population of the colony in 1703," says Martin, "was composed of individuals of different nations, and consequently of various sects: Scotch Presbyterians, Dutch Lutherans, French Calvinists, Irish Catholics, English Churchmen, Quakers, and Dissenters; emigrants from Bermuda and the West Indies, which, from their late settlements, could not be places remarkable for the education of young people in Christianity and morality."<sup>2</sup>

North Carolina's best known historian says: "Under these circumstances, with families far removed from each other, with religious disputes flagrant, and indeed all the politics of the colony turning on religious dissensions, it is easy to see why there was but little progress made in establishing schools."<sup>3</sup> We thus see from the very nature of things that the village schools of New England were an impossibility here.

Schools were for a long time neglected, no provision for their maintenance being made by the Government. But it must not be understood that the inhabitants were in dense ignorance and wholly devoid of educational facilities. We are told that "there were many highly educated citizens scattered throughout the province, who lived with considerable style and refinement. Sturdy, honest, and hospitable agriculturists gathered around themselves elements of large future development, and their premises showed wealth, industry, and care."<sup>4</sup> Yet, notwithstanding this, it must be confessed that among the poorer classes there was a vast amount of ignorance. Wheeler says that there were not only men of learning, culture, and refinement in the colony, but also "men of means who contributed to found libraries, to erect churches, and to promote the welfare of the people. Moseley, Hyde, Swann, Porter, Lillington, Harvey, Sanderson, Pollock, Lowe, the son-in-law of Governor Archdale, and others too numerous to mention, were men who were not indifferent to education. If the facts could be unearthed, it would probably appear that there were many good schools in the province."<sup>5</sup>

Dr. Brickell, in his account of the Present State of North Carolina, written about 1730, after giving an account of the government, courts,

<sup>1</sup> North Carolina Colonial Records, Vol. I, p. 717.

<sup>2</sup> Martin's North Carolina, Vol. I, p. 218.

<sup>3</sup> Wheeler's Reminiscences, p. 258.

<sup>4</sup> Vass's Eastern North Carolina, p. 21.

<sup>5</sup> Wheeler's Reminiscences, p. 259.

and the speedy manner of securing justice, enumerates some of the laws, and adds: "These, and many other good laws that are to be met with in this province, make it one of the best and mildest governments to live under in all America."<sup>1</sup>

The inhabitants are characterized as "good economists, remarkably kind to strangers and those in distress." Such a people could not have constituted the lawless, irreligious, apathetic, and ignorant community described by Mr. John Fiske in Harper's Magazine for February, 1883, in an article entitled "Maryland and the Far South in the Colonial Period,"<sup>2</sup> and by Lodge in his History of the English Colonies in America. Professor Fiske, in the article referred to, shows an ignorance of his subject which is inexcusable, and after other misrepresentations adds that, "Until just before the war for Independence there was not a single school, good or bad, in the whole colony. It need not be added that the people were densely ignorant." Lodge says: "There was scarcely any means of education, and no literature whatever. Printing was not introduced until 1764,<sup>3</sup> and at the time of the Revolution there were only two schools, lately incorporated at Newbern and Edenton, in the whole province. An act of the year 1770, to endow Queen's College at Charlotte, was repealed by proclamation, and even after the war for Independence, with the exception of a feeble academy at Hillsborough, in all relating to education North Carolina was far behind the other States." In this connection he adds that "The people were very lawless, and averse to order and government, although they had a keen perception of their own rights, as is shown by the passage of an act to secure the *habeas corpus* as early as the year 1715. They fell in eagerly with the movement against England, etc. \* \* \* But it is a strong proof of the vigor and soundness of the English race that this lawless, apathetic people finally raised themselves in the scale of civilization, and built up a strong and prosperous State."<sup>4</sup>

To see how a greater historian views this same period of the history of North Carolina it is only necessary to add the following quotation from Bancroft: "Are there any who doubt man's capacity for self-government, let them study the history of North Carolina; its inhabitants were restless and turbulent in their imperfect submission to a government imposed on them from abroad; the administration of the colony was firm, humane, and tranquil when they were left to take care of themselves. Any government but one of their own institution was oppressive."<sup>5</sup>

<sup>1</sup> Brickell's North Carolina, p. 29.

<sup>2</sup> For reply to this article see the Introduction to Part III of Wheeler's Reminiscences: "North Carolina in the Colonial Period," by Daniel R. Goodloe, to which the writer is indebted for valuable suggestions.

<sup>3</sup> The first printing press was brought to the province in 1749, and the laws were printed at Newbern in 1752.

<sup>4</sup> Lodge's English Colonies, p. 157.

<sup>5</sup> Bancroft's United States (1843), Vol. II, p. 158.

A careful reading of the following pages will prove conclusively that the above statements of Fiske and Lodge are not warranted by the facts, and that North Carolina in her educational as in her Revolutionary history has reason to be proud of her record.

#### EDUCATIONAL BEGINNINGS—THE FIRST SCHOOLS.

In 1692 Dr. Compton, Bishop of London, determined to know more of the church in the colonies, and appointed Dr. Bray to be his commissary in Maryland. Dr. Bray gave North Carolina her first public library, established at Bath. On receiving the report of Dr. Bray, Bishop Compton went to the King and obtained from him a bounty of twenty pounds to every minister who would go over to America; but Carolina profited but little from this.<sup>1</sup>

The earliest account that we have of teachers in North Carolina is the report of Dr. John Blair, who came as a missionary to the colony in 1704. He states that the settlers had built small churches in three precincts, and had appointed a lay reader in each, who were supplied by him with sermons.<sup>2</sup> We know that these lay readers were school-masters, from the evidence of Dr. John Brickell, a naturalist of note who had travelled through the settlements in North Carolina in the early part of the eighteenth century, and published in Dublin, in 1737, the *Natural History of North Carolina, with an Account of the Trade, Manners, and Customs of the Christian and Indian Inhabitants*. He says: "The religion by law established is the Protestant, as it is professed in England, and though they seldom have orthodox clergymen [he means those of the Church of England] among them, yet there are not only glebe lands laid out for that use commodious to each town, but likewise for building churches. The want of these Protestant clergy is generally supplied by some school-masters who read the Liturgy, and then a sermon out of Dr. Tillotson or some good practical divine every Sunday. These are the most numerous and are dispersed through the whole province."<sup>3</sup>

About 1705 Mr. Charles Griffin came from some part of the West Indies to Pasquotank, and opened a school which was patronized by all classes. Rev. William Gordon, who came from England as a missionary in 1708, in a letter to the secretary of the Society for the Propagation of the Gospel, written in 1709, alludes to the fact that the Quakers in Pasquotank were sending their children to the school of a lay reader of the church, named Griffin.<sup>4</sup>

Rev. Mr. Gordon established a church in Chowan Precinct, at the head of Albemarle Sound, in the settlement which afterwards became

<sup>1</sup> Hawks's North Carolina, Vol. XI, p. 338; North Carolina Colonial Records, Vol. I, p. 571 *et seq.*

<sup>2</sup> North Carolina Colonial Records, Vol. I, p. 601.

<sup>3</sup> Brickell's North Carolina, p. 35.

<sup>4</sup> North Carolina Colonial Records, Vol. I, p. 716.



Edenton. Rev. James Adams having settled in Pasquotank, the school in that settlement was transferred to him, and Mr. Griffin, at the instance of Mr. Gordon, was elected lay-reader of the church and clerk of the Chowan vestry, and opened a school in that parish, text-books for the pupils being furnished by the rector, Mr. Gordon.<sup>1</sup>

In a letter to John Chamberlaine, Esq., of the Society for the Propagation of the Gospel, dated "Chowan, in North Carolina, July 25, 1712," the Rev. G. Rainsford, a missionary to the colony, says: "I had several conferences with one Thomas Hoyle, king of the Chowan Indians, who seems very inclinable to embrace Christianity and proposes to send his son to school to Sarum to have him taught to read and write by way of foundation in order to a farther proficiency for the reception of Christianity. I readily offered my service to instruct him myself, and having the opportunity of sending him to Mr. Garratt's, where I lodge, being but three miles distance from his town. But he modestly declined it for the present till a general peace was concluded between the Indians and Christians. I found he had some notion of Noah's flood, which he came to the knowledge of and expressed himself after this manner, 'My father told me, I tell my son.' But I hope in a little time to give the society a better account of him as well as of those peaceable Indians under his command. There's one Mr. Washburn who keeps a school at Sarum, on the frontiers of Virginia, between the two governments, and neighboring upon two Indian towns who, I find by him, highly deserve encouragement, and could heartily wish the society would take it into consideration and be pleased to allow him a salary for the good services he has done and may do for the future. What children he has under his care can both write and read very distinctly and gave before me such an account of the grounds and principles of the Christian religion that strangely surprised me to hear it. The man upon a small income would teach the Indian children gratis (whose parents are willing to send them could they but pay for their schooling) as he would those of our English families had he but a fixed dependency for so doing, and what advantage would this be to private families in particular and the whole colony in general is easy to determine."<sup>2</sup>

The above account represents the state of education under the rule of the Lords Proprietors. It is probable that there were other schools, but certainly none of higher grade. We are told by the Rev. Francis L. Hawks, D. D., in his excellent history of this period, that among the higher classes many were educated in England. Governors, judges, councillors, lawyers, and clergy furnish evidence from their letters and other documents that there was no deficiency of education among the higher classes. Libraries at Bath and Edenton possessed many valuable books, showing that those who read them had cultivated minds. Gale, Little, Moseley, and Swann were fit associates for the most intelli-

<sup>1</sup> North Carolina Colonial Records, Vol. I, pp. 684, 714, 716.    <sup>2</sup> *Ibid.*, p. 859.

gent men in any of the English provinces of their day. In determining the boundary between North Carolina and Virginia, Swann and Moseley proved themselves better mathematicians than the members of the commission from Virginia. The only author in the colony during this period, so far as is known, was the Surveyor-General Lawson, who wrote a history of the colony, which was published after his death in 1714.<sup>1</sup>

A careful examination of the records of the colony while under proprietary government shows only one instance in which help was afforded to literature. This was an act<sup>2</sup> for the preservation of the library given by Dr. Bray, to which reference has been made. This act provided that a librarian should be appointed, that catalogues should be prepared, and that, under certain conditions, books might be taken from the library. It was provided that if the books were not returned within a specified time fines should be paid. No further thought seems to have been given by the Government for the promotion of education.

#### EDENTON PUBLIC LIBRARY.

As an evidence of the culture of some of the inhabitants, a catalogue of books presented to the public library at Edenton about 1725 is given. Their character, and it is to be supposed that they were suited to the comprehension of at least a portion of the inhabitants, is an evidence of higher education.

[*From North Carolina Letter-Book of the Society for the Propagation of the Gospel.*<sup>3</sup>]

“A catalogue of books humbly presented by Edward Mosely, Esq., to the Honorable and most August Society for the Propagation of the Gospel in Foreign Parts, towards a Provincial Library to be kept in Edenton, the Metropolis of North Carolina.”

#### FOLIOS.

Pool's Synopsis Criticorum, 5 vols.  
T. Augustine Opera, 10 vols., Col. Agrip.,  
1616.  
Tanti in quartour Libros Regum, etc.  
Tanti in Jeremiam.  
Tanti in Ezechuelem.  
Tyntagma Theologia Christianæ.  
Leigh's Body of Divinity.  
Deodati's Annotations on the Holy Bible.  
Ancient Histories of Eusebius, Socrates,  
and Evagrius.  
Jimson's History of the Church.

#### QUARTOS.

Answer to a Challenge made by a Jesuite.  
Buridani Questione in Sto. Libe Col. Aristotolis.  
Prideaux's Fascioulus Controv. Theologicarum.  
Cartwright's Harmonica Evangelica.  
Notations in Totam. Scrip. Sacram.  
History of the Church of Great Britain.  
Billson's True Difference between Christian Subjection, etc.  
Ball's Answer to Canns's two Treatises.  
Brickluck's Protestant Evidence.

<sup>1</sup> Hawks's North Carolina, Vol. II, p. 370.

<sup>2</sup> Laws of North Carolina, Davis's Revisal (Newbern, 1752), p. 203.

<sup>3</sup> North Carolina Colonial Records, Vol. II, pp. 533, 534. The list has been copied as it appears in the records, though many mistakes may be noticed in the spelling of the names of titles and authors.

Rainoldi De. Rome: Ecclesia Idolotatria.  
 Pieres Sunier Impleaded.  
 Hemsy, Sac Exercitad. Novo Testamen-  
 tum.  
 Cartwright's Comment in Prov. Solo-  
 monis.  
 Usher's Britannicarum Eccles. Antiqui-  
 tates.  
 Ball's Friendly Trial of the grounds of  
 Separation.

## OCTAVOS.

Francisco Le Rees Cursus Philos., 2 parts.  
 Tertia pars Sum Philos and quarta.  
 Piccolomino Univeras Philos de Moribus.  
 Da Parci Exercital Philosophicarum.  
 Da Parci Systima Logica.  
 Lensden's Clavis Greeca novo Testamenti.  
 Baronij Metaphysica Generalis.  
 Dounams Comment Rami Dialect.  
 Iah. Regio Comment ac disput sojicarum.  
 Salij Ethica.  
 Buxtoy's Lexicon.  
 Dialogue in Answer to a Papish Cate-  
 chism.  
 Augustini de Civitate Dei, 2 vols.

Greek Grammar.  
 Itimedonci De Scripts Dei Verbo, etc.  
 Itummis Comment in Evang—Secmat.  
 Eustachio a Sancto Paulo Sum Philos.  
 quadripartitæ.  
 Scheiblus Libeo Comment Tapicorum.  
 Schickard's Hist. Hebreum.  
 Melanchoris Cronicon Curionis.  
 Calvin's Institutio Christ. Religionis.  
 Davidis Pares Corpus Doct. Christiana.  
 Aristotle's Organou.  
 Heckerman's Systima S. S. Theologia.  
 Buxtoyi Epit. Grammat. Hebrae.  
 Hyselbein's Thearia Logica.  
 Amesius de Divina Predestinatione.  
 Baronius Annales Ecclesiastico.  
 Hugo Gertius Defensio fidei Catholicae.  
 Augustini Confessionum.  
 Amesij medulla Theologica.  
 Amesij Rescript Scolastica ad pic Grevin-  
 chori.  
 Amesij Tech no matria.  
 Wendelini Christianae Thedogia.  
 Lactantij Divinarum Institutionem.  
 Peh Cunai de Reb. Hebraorum.  
 Hebrew Psalter.

## CHAPTER II.

### EDUCATION DURING THE PROVINCIAL AND STATE GOVERNMENTS BEFORE 1800.

#### GENERAL SURVEY.

At the date of the transfer of authority from the Lords Proprietors to the Crown the white population is estimated by Martin at about 13,000. During the first twenty years of royal rule the educational condition of the masses was but little changed. Throughout the colonial period it was the custom of gentlemen of means living in the country to maintain tutors for their children. In the Cape Fear section it seems to have been the custom from 1740 to the Revolution to send the young men to Harvard to be educated.<sup>1</sup> It will be remembered that this section was the seat of the New England colony which came to North Carolina about 1660. A writer in the Raleigh (N. C.) News and Observer says, "We remember to have heard that Mr. William Hill, the father of Hon. William Hill, came from Boston to the Cape Fear to attend the wedding of one of his classmates."

Wheeler says that the William Hill here referred to was graduated at Harvard in 1716, and came to North Carolina on account of his health, and settled at Brunswick, where he taught school. He became the ancestor of the distinguished Hill family on Cape Fear. His son, the Hon. William Hill, married a daughter of General John Ashe, and represented the Wilmington District in Congress from 1799 to 1803. The Hill and Ashe families were for many years patrons of Harvard. He adds, "It would seem that while the Cape Fear region largely patronized Boston, the north-eastern section sent her sons to England, and the Presbyterians of the interior sought higher education at Princeton."<sup>2</sup> The early Governors of the province had little desire to promote popular education, and as a rule it was the people, and not the Government, who promoted it to the extent to which it was carried. It is a pleasure to note an exception to this general rule.

#### FIRST EFFORTS FOR GOVERNMENTAL AID.

It is said that "Gabriel Johnston, who was appointed Governor in 1734, was the first who urged on the Assembly the importance of mak-

<sup>1</sup> Wheeler's Reminiscences, p. 257.

<sup>2</sup> *Ibid.*, p. 258.

ing some provision for schools. He was a native of Scotland and a literary man. Having been educated in the University of St. Andrews and afterwards professor of Oriental languages in that institution, he knew the value of learning and wished to see it promoted; but when appropriations were made for it, they were either wasted or taken to meet some other demands of the treasury."<sup>1</sup>

In 1736 Governor Johnston, in his address to the Legislature, said: "In all civilized Societys of men, it has always been looked upon as a matter of the greatest consequence to their Peace and happiness, to polish the minds of young Persons with some degree of learning, and early to instill into them the Principles of virtue and religion, and that the Legislature has never yet taken the least care to erect one school which deserves the name, in this wide extended country, must in the judgment of all thinking men, be reckoned one of our greatest misfortunes. To what purpose, Gentlemen, is all your toil and labour, all your pains and endeavors for the advantage and enriching your families and Posterity, if within ourselves you cannot afford them such an education as may qualify them to be useful to their Country and to enjoy what you leave them with decency." He further asked them, among other things, to consider a country "where no care has been taken to inspire the youth with generous sentiments, worthy Principles, or the least tincture of literature," and then added, "lay your hands upon your hearts and consider how you can answer it to God and your own consciences, how you can answer it to your country or your Posterity, if you either neglect this opportunity of pursuing such valuable ends, or are diverted from it by the trifling arts of designing men."<sup>2</sup>

The General Assembly in their reply to the address of the Governor said: "We lament very much the want of Divine Publick worship (a crying scandal in any, but more especially in a Christian community) as well as the general neglect in point of education, the main sources of all disorders and corruptions, which we should rejoice to see removed and remedied, and are ready to do our parts towards the reformation of such flagrant and prolific evils."<sup>3</sup> Although so much was said about the encouragement of education and the establishing of schools, no provision was made nor bill introduced looking to that end at this session of the Assembly.

#### FIRST SCHOOL LEGISLATION.

The first account we have of legislative enactment for the promotion of schools is to be found in the legislative journals of the General Assembly held in Newbern, April 8-20, 1745. On April 15th, "Mr. Craven brought in a Bill for an act to Impower the Commissioners for the town

<sup>1</sup> Caruthers's Life of Caldwell, p. 77.

<sup>2</sup> North Carolina Colonial Records, Vol. IV, pp. 227, 228.

<sup>3</sup> *Ibid.*, p. 231.

of Edenton to keep in repair the Town fence, & to erect and build a Pound Bridges Public Wharf & to erect and build a school house in the said Town and other purposes, which he read in his place." On April 19th this bill had passed its several readings, and was sent to the Council for approval, receiving the Governor's assent the following day.<sup>1</sup>

The first act establishing a free school by the Government was passed in 1749.<sup>2</sup> This would seem to discredit the statement made by various historians of the State that the first school of any kind established by the Government was at Newbern, in 1764.

#### SCOTCH-IRISH IMMIGRATION—MARKED EDUCATIONAL ADVANCEMENT.

There was no marked educational advancement manifested till the arrival of the Scotch-Irish, who began to settle in the State in large numbers about 1736; this immigration continued till 1776, the new comers bringing with them in a great measure the same spirit and the same principles that prompted the establishing of Icolumkill and Lindisfarne.

The history of the introduction of this people into North Carolina is concisely stated by the Rev. J. Rumble, D. D., in the Home Magazine of March, 1881, as follows: "In June, 1736, Henry McCulloch, from the province of Ulster, Ireland, secured a grant from George II of 64,000 acres in the present county of Duplin, and introduced into it between three and four thousand emigrants from his native county. These were the Scotch-Irish descendants of the Scotch settlers whom James I had induced to move to Ireland and occupy the immense domains that escheated to the Crown after the conspiracy of the Earls of Tyrconnel and Tyrone in 1604. About the same time (1730-1740) the Scotch began to occupy the lower Cape Fear, and after the fatal battle of Culloden Moor, in 1746, great numbers of Highlanders implicated in the rebellion of 'Prince Charlie' emigrated to America, and occupied the counties of Bladen, Cumberland, Robeson, Moore, Richmond, Harnett, and parts of Chatham and Anson. Thus it happened that the Scotch obtained the ascendancy in the region of the upper Cape Fear, and have retained it till this day.

"In the meantime thousands of Scotch-Irish from the province of Ulster, Ireland, laboring under disabilities in consequence of their religion, began to seek homes in America. Most of them landed at Philadelphia and a few at Charleston. The northern stream first flowed westward to Lancaster County, Pa., and the Alleghany Mountains, and as the French and Indian War, about the time of Braddock's defeat (1755), rendered frontier life dangerous in Pennsylvania, multitudes changed their course and moved down parallel to the Blue Ridge through Virginia and North Carolina, till they met the other stream of their countrymen that was moving upward from Charleston along the

<sup>1</sup> North Carolina Colonial Records, Vol. IV, pp. 783, 788, 790.

<sup>2</sup> *Ibid.*, p. 977.

banks of the Santee, Wateree, Broad, Pacolet, Ennoree, and Saluda Rivers. And this was the way the Scotch-Irish came into this region, beginning to arrive about 1736 and continuing to the opening of the Revolution in 1776, during forty years."

From the arrival of these immigrants dates the impulse for the establishment of schools throughout the State. It is to the Presbyterian Church that North Carolina owes the establishment of her first classical schools, and during the second half of the eighteenth century the history of education in this State is inseparably connected with that of this denomination. Rev. Dr. Ruple, in writing of this period, says: "And so the Presbyterian Church of this age has regarded it as indispensable to her welfare to maintain schools where her sons should learn to read the Latin tongue, the language of western Christianity, and the Greek, in which the New Testament was written, as well as the mathematics and the liberal sciences—the 'Trivium' and the 'Quadrivium.'"

About 1745 the New York and Pennsylvania Synods of the Presbyterian Church began to send missionaries to North Carolina. Numerous churches were established, and in nearly every instance a school was planted by the church. "Almost invariably," says Foote, "as soon as a neighborhood was settled, preparations were made for the preaching of the Gospel by a regular stated pastor, and wherever a pastor was located, in that congregation there was a classical school,—as in Sugar Creek, Poplar Tent, Centre, Bethany, Buffalo, Thyatira, Grove [Duplin County], Wilmington, and the churches occupied by Patisillo in Orange and Granville [Counties]."<sup>1</sup>

#### THE INFLUENCE OF THE COLLEGE OF NEW JERSEY.

In North Carolina, as in several other States, the higher education owes its first impulse to the Presbyterian Church and Princeton College.

Presbyterian missionaries, graduates of Princeton, sent to this State in the first half of the eighteenth century by the Pennsylvania and New York Synods, gathered the scattered families of their faith into churches, and by the side of the church was planted a classical school.

For more than half a century Princeton influence was predominant in North Carolina. Many of the leading divines, teachers, and politicians were alumni of that institution, as is demonstrated by the following list of native and adopted sons of the State who were graduated by that institution in the eighteenth century. The first of these to make his home in North Carolina was the Rev. Hugh McAden, class of 1753, a native of Pennsylvania, who came as a missionary in 1755. His biographer says he was one of the chief founders of the Presbyterian Church in the Southern States.

<sup>1</sup> Foote's Sketches of North Carolina, p. 513.

One of the most prominent public men of this period was Alexander Martin, class of 1756, whose father came from New Jersey to this State. He was a colonel in the Revolutionary War. In 1782, and again in 1789, he was elected Governor of the State. From 1793 to 1799 he was in the United States Senate. His *alma mater* conferred the degree of LL. D. upon him in 1793.

Among the ablest of those who came from New Jersey was the Rev. Alexander McWhorter, class of 1757, who organized several churches and rendered valuable service to the cause of education. In later life he returned to his native State.

In 1777 Samuel Spencer, class of 1759, a native North Carolinian, was elected one of the judges of the superior court at the first election under the Constitution.

The services of Joseph Alexander, class of 1760, and Rev. David Caldwell, class of 1761, as pioneer promoters of education in the State, are referred to in the sketches of Queen's College and Caldwell's School.

The Rev. John Close, class of 1763, is remembered as an earnest promoter of religion and education.

A well-known name in the history of the State is that of Waightstill Avery, class of 1766, a native of Connecticut. In 1769 he began the practice of law in Charlotte, where he did much to advance the cause of education and literature. He was the first attorney-general of the State, being elected to that position in 1777.

Ephraim Brevard, class of 1768, was a leading spirit of the Revolution, and one of the signers of the Mecklenburg Declaration of Independence.

The class of 1768 had two representatives from North Carolina—Adlai Osborne and Thomas Reese. The former was one of the original trustees of the State University and a man of wide influence. The latter won distinction in another State.

Isaac Alexander, class of 1772, was at one time president of Liberty Hall Academy. The Alexander family has furnished several noted educators to the State, and has at this time a representative in the Faculty of the University.

The Rev. James Templeton, class of 1772, labored for several years in this State.

A native Carolinian, Andrew King, class of 1773, after graduating, made his home in New York, where he became prominent.

North Carolina is interested in four members of the class of 1774—the Rev. Stephen Bloomer Balch, a native of Maryland, who came to this State in early life; Rev. James Hall, a Pennsylvanian, an account of whom is given in the sketch of Clio's Nursery; David Witherspoon, a son of President Witherspoon, of Princeton, who became prominent as a member of the bar in Newbern; and John Ewing Calhoun, who entered college from North Carolina, but afterwards won distinction in South Carolina.



The Rev. Thomas B. Craighead, class of 1775, was a native of North Carolina, but about 1781 he made Tennessee his home. He was one of the founders of Davidson Academy, which afterwards became Nashville University, and was its first president.

In 1790 Spruce McCay, class of 1775, was appointed a judge of the superior court. The Rev. James McRee, D. D., of the same class, was an earnest friend of education and did much for its promotion.

The class of 1776 gave two Governors to the State,—Nathaniel Alexander and William Richardson Davie. The latter was a native of England. He was a prominent soldier of the Revolution, and a member of the convention that framed the Constitution of the United States, though his absence at the time it was signed prevented his name being affixed to it. In 1799 he was elected Governor, and soon after that was appointed by the President envoy from this country to France. In the sketch of the University, reference is made to his efforts in behalf of education.

Edward Graham, class of 1786, was a successful lawyer.

Evan Alexander, class of 1787, was a member of the State Legislature from 1797 to 1803, and of Congress from 1805 to 1809.

For twenty-five years David Stone, class of 1788, was prominent in the political affairs of the State. He was an able champion of the University, and was at different times a member of the Legislature, judge of the supreme court, Governor, member of Congress, and United States Senator.

The Rev. Thomas Pitt Irving, class of 1789, was principal of the Newbern Academy from 1790 to 1812. He was an Episcopal clergyman, and was regarded as one of the best Greek scholars of his day.

Sketches of Robert Hett Chapman, class of 1789, and Joseph Caldwell, class of 1791, early presidents of the University, are given in the history of that institution.

In the class of 1792 were graduated John McKnitt Alexander, M. D., one of the signers of the Mecklenburg Declaration of Independence, and Charles Wilson Harris, one of the first professors of the University.

One of North Carolina's most distinguished sons, William Gaston, was graduated in 1796. He represented his district in Congress from 1813 to 1817. Daniel Webster, when asked "Who was the greatest of the great men of the 'War Congress?'" is said to have replied, "The greatest man was William Gaston." In 1834 he was elected one of the judges of the supreme court of North Carolina, which position he held till his death, in 1841. The opinions which he rendered while on the bench "are not only monuments of legal learning, but models of elegant literature." The degree of doctor of laws was conferred on him by the University of Pennsylvania, 1819; Harvard, 1826; University of New York, 1834; and Princeton, 1835.

Frederick Beasley, class of 1797, was a distinguished Episcopal clergyman, and was at one time provost of the University of Pennsylvania.

James W. Clark, of the same class, was prominent in State politics. In 1815 he was elected a member of Congress, and in 1828 was appointed chief clerk in the Navy Department.

The last North Carolinian to graduate at Princeton in the eighteenth century was Frederick Nash, class of 1799, who became a distinguished lawyer and chief-justice of the supreme court of the State. Prominent among those who studied at Princeton but did not graduate was Nathaniel Macon, member of the National Congress from 1791 to 1828, and several times speaker of the House and president *pro tem.* of the Senate. Many Carolinians of note have studied there during the present century, but since the establishment of Davidson College by the Presbyterians the student attendance from this State to that institution has almost ceased.

The first two presidents of the University were graduates of Princeton, and as far as practicable they copied the curriculum of their *alma mater*. The first president of Davidson College was graduated at the University during the Caldwell administration, so it is evident that early collegiate education in North Carolina was greatly influenced by the College of New Jersey.

#### EARLY CLASSICAL SCHOOLS—TATE'S ACADEMY AND CROWFIELD ACADEMY.

The Rev. James Tate, a Presbyterian minister from Ireland, was among the first to establish a classical school in the State. Foote says that he established his school in the city of Wilmington about 1760.<sup>1</sup> At that time this place could have had but a few hundred inhabitants. This school was maintained by Mr. Tate for about eighteen years, but so pronounced and violent were his Whig principles, that the proximity of British power rendered it unsafe for him, so he removed into the interior, making Hawfields, in Orange County, his home.

In 1760 Crowfield Academy was opened in Mecklenburg County, in the bounds of Centre Presbyterian Church congregation, about two miles from where Davidson College now stands, of which institution this school may be considered the germ, and on that account is worthy of note. Many of the leading spirits of the Revolution, the Davidsons, Osbornes, and others, got part of their classical training in this academy.<sup>2</sup> Mr. Leazar, in a recent address at Davidson College, said that this was the first classical school in the State, and that it was conducted by some of the most learned men of the time,—“the Rev. David Kerr, graduate of the University of Dublin, and afterwards professor in the University of North Carolina; Dr. Charles Caldwell, later a distinguished professor in a medical school in Philadelphia, and others of like character.” Among those who studied here he mentions “Dr. McKee, the scholarly divine; Dr. James Hall, the learned and military parson; Dr. Samuel E. McCorkle, one of the foremost educators of his genera-

<sup>1</sup> Foote's Sketches of North Carolina, p. 178.

<sup>2</sup> Ruple's Rowan County, pp. 84-85.

tion; Col. Adlai Osborne, the wise counsellor and able defender of the people's rights; Dr. Ephraim Brevard, author of the Mecklenburg Declaration of Independence; and, probably, Hugh Lawson White, the most distinguished citizen of our daughter, Tennessee, during the first part of this century." Some young men from the West Indies studied at this school.

DR. DAVID CALDWELL'S SCHOOL—ITS INFLUENCE UPON NORTH CAROLINA AND THE SOUTH.

The most illustrious name in the educational history of North Carolina is that of the Rev. David Caldwell, D. D. For many years "his log cabin served for North Carolina as an academy, a college, and a theological seminary."<sup>1</sup> An able Presbyterian divine, the Rev. E. B. Currie, says that "Dr. Caldwell as a teacher, was probably more useful to the church than any one man in the United States." In 1766 or '67 Dr. Caldwell established his classical school in Guilford County, at that time the north-eastern part of Rowan County, about three miles from where Greensborough now stands.<sup>2</sup> It soon became one of the most noted schools of the South, and we are told that to have passed through the course of study given here, with the approbation of the teacher, was a sufficient recommendation for scholarship in any section of the South.

Dr. Caldwell was a full graduate of Princeton, and such was his reputation as an instructor and disciplinarian, that in his school were students from all of the States south of the Potomac. It is claimed that he was instrumental in bringing more men into the learned professions than any other man of his day, certainly in the Southern States. While many of his students continued their studies at Princeton, and at the University of North Carolina after the establishment of that institution, the larger number, and several of those who became the most distinguished in after-life, never went anywhere else for instruction, nor enjoyed other advantages for higher education than those afforded at his school. His biographer says: "Five of his scholars became Governors of different States; many more members of Congress, some of whom occupied a high standing, and still (1842) occupy it; and a much greater number became lawyers, judges, physicians, and ministers of the gospel. It would be a credit to any man to have been the instructor of such men as Judge Murphey, Judge McCoy, and many others who, in the same road to honor and usefulness, fell very little, if any, behind them; and to one who knew the value and importance of religion as he did, it must have been a matter of very pleasant reflection that he had been instrumental in bringing into the gospel ministry such men as the Rev. Samuel E. McCorkle, D. D., and the Rev. John Anderson, D. D., who died a few years since in Wash-

<sup>1</sup> The early classical schools of the Presbyterian Church in North Carolina, Virginia, and New Jersey were called "log colleges."

<sup>2</sup> Ruple's Rowan County, p. 84.

ington County, Pa., and many others who were burning and shining lights in the world.”<sup>1</sup>

DAVID CALDWELL—HIS LIFE AND HIS WORK.

Dr. Caldwell's life presents many valuable lessons, and a short sketch of this patriot and scholar can but prove interesting. David Caldwell, the son of a sturdy Scotch-Irish farmer, was born in Lancaster County, Pa., March 22, 1725. In early youth, after receiving the rudiments of an English education, he was apprenticed to a carpenter, and until his twenty-sixth year he worked at the bench. He then decided to enter the ministry, and his first steps were to obtain a classical education. For some time he studied in eastern Pennsylvania at the school of Rev. Robert Smith, the father of John B. Smith, so favorably known in Virginia as president of Hampden-Sidney College, and of the Rev. Samuel Stanhope Smith, D. D., at one time president of Princeton College.<sup>2</sup> Before entering college he taught school for one or more years.

It is not certainly known what year he entered Princeton, though he was graduated in 1761. At the time he became a student the requirements for admission were as follows: “Candidates for admission into the lowest or Freshman class must be capable of composing grammatical Latin, translating Virgil, Cicero's Orations, and the four Evangelists in Greek; and by a late order (made in Mr. Davies's administration) must understand the principal rules of vulgar arithmetic. Candidates for any of the higher classes are not only previously examined, but recite a fortnight upon trial, in that particular class for which they offer themselves; and are then fixed in that, or a lower, as they happen to be judged qualified. But, unless in very singular and extraordinary cases, none are received after the Junior year.”<sup>3</sup>

His assiduity as a student may be gathered from the following incident related by Dr. Caruthers: “An elderly gentleman of good standing in one of his (Caldwell's) congregations stated to me a few weeks since that when he was a young man Dr. Caldwell was spending a night at his father's one summer about harvest, and while they were all sitting out in the open porch after supper, a remark was after some time made about the impropriety of sitting so long in the night air, when he (Dr. Caldwell) observed that, so far as his own experience had gone, there was nothing unwholesome in the night air; for while he was in college, he usually studied in it and slept in it, during the warm weather, as it was his practice to study at a table by the window, with the sash raised, until a late hour, then cross his arms on the table, lay his head on them, and sleep in that position till morning. This was not very far behind the most inveterate students of the seventeenth century, whether in Europe or America, and a man who had strength of constitution to

<sup>1</sup> Caruthers's Caldwell, p. 31.

<sup>2</sup> Foote's Sketches of North Carolina, p. 232.

<sup>3</sup> Maclean's History of the College of New Jersey, Vol. I, p. 272.

pursue such a course of application, though of moderate abilities, could hardly fail to become a scholar."<sup>1</sup>

The character of the instruction given at Princeton is shown by the following extract from an account of the college by President Finley, published in 1764; and as Dr. Caldwell was graduated in 1761, it is to be supposed that the courses are substantially the same as while he was a student. After taking his degree in 1761 he taught for a year at Cape May, when he again returned and took a graduate course and at the same time acted as tutor in languages, so it is certain that he had the system of instruction as it was under Dr. Finley's administration. In his account of the courses and methods President Finley says: "As to the branches of literature taught here, they are the same with those which are made parts of education in the European colleges, save only such as may be occasioned by the infancy of this institution. The students are divided into four distinct classes, which are called the Freshman, the Sophomore, the Junior, and the Senior. In each of these they continue one year, giving and receiving in their turns those tokens of respect and subjection which belong to their standings, in order to preserve a due subordination. The Freshman year is spent in Latin and Greek languages, particularly in reading Horace, Cicero's Orations, the Greek Testament, Lucian's Dialogues, and Xenophon's Cyropedia. In the Sophomore year they still prosecute the study of the languages, particularly Homer, Longinus, etc., and enter upon the sciences, geography, rhetoric, logic, and the mathematics. They continue their mathematical studies throughout the Junior year, and also pass through a course of natural and moral philosophy, metaphysics, chronology, etc.; and the greater number, especially such as are educating for the service of the church, are initiated into the Hebrew. \* \* \* The Senior year is entirely employed in reviews and composition. They now revise the most improving parts of Latin and Greek classics, part of the Hebrew Bible, and all the arts and sciences. The weekly course of disputation is continued, which was also carried on through the preceding year. They discuss two or three theses in a week, some in the syllogistic and others in the forensic manner, alternately, the forensic being always performed in the English tongue." Besides the above there were public disputations on Sundays on theological questions, and once each month the Seniors delivered original orations before a public audience. Members of the Senior and lower classes were also required from time to time to declaim.<sup>2</sup>

Such was the course of instruction taken by Dr. Caldwell, and such the educational system which prevailed in the first institutions for higher education established in North Carolina.

At a meeting of the Presbytery held at Princeton in September, 1762, David Caldwell was received as a candidate for the ministry. He was licensed to preach in 1763. In 1764 he labored as a missionary in North

<sup>1</sup> Caruthers's Caldwell, p. 20.

<sup>2</sup> Maclean's History of the College of New Jersey, Vol. I, p. 266.

Carolina, returning to New Jersey in 1765, being ordained to the full work of the ministry at the Presbytery held at Trenton in July of that year. He immediately returned to North Carolina, where he labored as missionary, until on March 3, 1768, he was installed as pastor of the Buffalo and Alamance congregations.

At this time there were but few Presbyterian ministers in North Carolina, and Dr. Caldwell was one of the very first to make the State his permanent home. His history is more identified with the moral and educational history of North Carolina than is that of any other one man of the eighteenth century. In 1766 he married the daughter of the Rev. Alexander Craighead, and as the salary from his churches was not sufficient for the support of a family, it became necessary for him to supplement it by teaching a school. At this time schools for primary education existed in various parts of the colony, but to him is due the honor of having established the first institution for the higher education that achieved more than local fame. Mention has already been made of the reputation which this school acquired. The average attendance of students was from fifty to sixty, which was a large number for the time and the circumstances of the country. The exercises of the school were not interrupted by the war till 1781, at that time nearly all his students having taken service in the American Army. The exercises of the school were resumed as soon as circumstances permitted, "though the number of students was small until peace, and with it incipient prosperity, were restored to the country." Dr. Caldwell continued his labors as a teacher till about 1722, when he was forced by the infirmities of age to retire from active work.

Judge Archibald D. Murphey, in an address before the literary societies of the University of North Carolina in 1827, referring to the facilities for higher education before the opening of the State University in 1795, has this to say about the Caldwell school: "The most prominent and useful of these schools was kept by Dr. David Caldwell, of Guilford County. He instituted it shortly after the close of the War, and continued it for more than thirty years. The usefulness of Dr. Caldwell to the literature of North Carolina will never be sufficiently appreciated, but the opportunities for instruction in his school were very limited. There was no library attached to it; his students were supplied with a few of the Greek and Latin classics, Euclid's Elements of Mathematics, and Martin's Natural Philosophy. Moral philosophy was taught from a syllabus of lectures delivered by Dr. Witherspoon, in Princeton College. The students had no books on history or miscellaneous literature. There were indeed very few in the State, except in the libraries of lawyers who lived in the commercial towns. I well remember that after completing my course of studies under Dr. Caldwell I spent nearly two years without finding any books to read, except some old works on theological subjects. At length I accidentally met with Voltaire's History of Charles XII, of Sweden, an odd volume of

Smollett's *Roderick Random*, and an abridgment of *Don Quixote*. These books gave me a taste for reading, which I had no opportunity of gratifying until I became a student in this University in the year 1796. Few of Dr. Caldwell's students had better opportunities of getting books than myself; and with these slender opportunities of instruction it is not surprising that so few became eminent in the liberal professions. At this day [1827], when libraries are established in all our towns, when every professional man and every respectable gentleman has a collection of books, it is difficult to conceive the inconveniences under which young men labored thirty or forty years ago."

The Rev. Dr. Caruthers says: "But the most important service he (Dr. Caldwell) rendered as a teacher was to the church or to the cause of religion, for nearly all the young men who came into the ministry of the Presbyterian Church for many years, not only in North Carolina but in the States south and west of it, were trained in his school, many of whom are still living (1842); and while some are superannuated, others are still useful men, either as preachers or as teachers in different institutions of learning."<sup>1</sup>

It is said that his mode of discipline was peculiar to himself, and while it did not admit of imitation, yet it was so successful that it could not be surpassed. His students were bound to him with bonds of affection, and an approving word from their "Dominie" was eagerly sought for. If the course of instruction at his school was not very extended it was thorough, as is testified by those who were prepared by him for future usefulness. Governor John M. Morehead, one of North Carolina's most distinguished sons, who studied under Dr. Caldwell and was prepared by him for the Junior class half advanced in the University of North Carolina, gave him the highest praise as a teacher, though at the time he was under his instruction Dr. Caldwell was between eighty-five and ninety years old.

Dr. Caldwell's services to his country in the hour that "tried men's souls" deserve to be mentioned here. He had his full share of the troubles of the times. It was the delight of both the Tories and the British to persecute him. He was driven from his home, and to keep from falling into the hands of his enemies was forced to spend many nights in the forest. His library and the many valuable papers which he had prepared were destroyed with great wantonness. An effort was made to seduce him with British gold, but neither money nor persecution could shake his loyalty to the cause he had espoused.

Alexander says: "The first bloodshed of the Revolution was not at Lexington, but on the Alamance, in North Carolina, May 16, 1771, in an engagement between Governor Tryon's troops and the Regulators, as they were called. These Regulators were not adventurers, but the sturdy, patriotic members of three Presbyterian congregations, all of them having as their pastors graduates of Princeton. Mr. Caldwell was

<sup>1</sup> Caruthers's Caldwell, p. 36.

one of them, and on the morning of the battle was on the ground, going from one side to the other, endeavoring to prevent the catastrophe."<sup>1</sup>

Dr. Caldwell was a member of the State convention of 1776, which drew up the "Bill of Rights" and framed the Constitution. He was also a member of the convention to consider the Constitution of the United States in 1778, where he took a decided stand as an advocate of States' rights; but in the party conflicts preceding the second war with Great Britain he was on the side of the Federalists.

Such was the esteem in which he was held by his State, and such his reputation for scholarship, that on the establishment of the State University the presidency was tendered him. On account of his years the honor was declined. In 1810 this institution conferred on him the honorary degree of doctor of divinity.

This great and good man died August 25, 1824. It is a fit testimonial of his many virtues that "time-worn veterans in the service of their country, men who have stood firm against the intrigues of ambition and the assaults of power, men who have fought the battles of freedom and maintained the rights of the people in the halls of our National Legislature, year after year, until they have grown gray in the service, have been known to shed tears at the mention of his name when passing in public conveyance by the place where his remains lie buried, and by the church in which he preached and they were hearers from Sabbath to Sabbath, while preparing under his instruction for future distinction and usefulness in the world."<sup>2</sup>

#### QUEEN'S COLLEGE.

The most celebrated institution for higher education in North Carolina during the colonial period was Queen's College, also known as Queen's Museum, located at Charlotte, and its history is interesting to the friends of literature as a bold and vigorous effort made for its promotion under the most discouraging circumstances.

The beginnings of this institution are found in the classical school established in 1767, by the Rev. Joseph Alexander,<sup>3</sup> a graduate of Princeton of the class of 1760, and a Mr. Benedict, at the Sugar Creek Presbyterian church, near Charlotte.<sup>4</sup> The community in which this school was located was noted for its intelligence. The school flourished, and to meet the demands of a growing and prosperous community it was decided to enlarge its scope. Queen's College became the successor of Alexander's school. An act entitled "An act for founding,

<sup>1</sup>Alexander's Princeton College during the Eighteenth Century, p. 70.

<sup>2</sup>Caruthers's Caldwell, p. 36.

<sup>3</sup>After a few years Dr. Alexander removed to South Carolina, where he was as active in the cause of education as he had been in his native State. In 1797 the South Carolina Legislature bestowed a charter upon Alexandria College, named in his honor.

<sup>4</sup>Footes's Sketches of North Carolina, pp. 194, 513.



establishing, and endowing of Queen's College, in the town of Charlotte, in Mecklenburg County," was passed by the Assembly which met in Newbern on December 5, 1770.<sup>1</sup> It was twice chartered by the Legislature, and twice repealed by royal proclamation. It has been truly said that "No compliments to his Queen could render Whigs in politics and Presbyterians in religion acceptable to George III. A college under such auspices was too well calculated to insure the growth of the numerous democracy." The royal Government, as a rule, favored no institutions not under the control of the Church of England. To this the Presbyterians of this section would not assent. It is said that the notorious Col. David Fanning offered to secure a charter with himself as chancellor and the Rev. Joseph Alexander as head teacher. But the people of Mecklenburg, whose capital city, Charlotte, was termed by Lord Cornwallis the "hornet's nest of the Revolution," were as much opposed to such a chancellor as was the King to an institution that would not receive his minions. But, notwithstanding royal disfavor, Queen's College continued to flourish. Dr. Caruthers, referring to the people of Mecklenburg, says: "Man might as well attempt to lay his interdiction upon the coming forth of vegetation, when the powers of nature are warmed and refreshed by genial influences from above, as to arrest the progress of such a people in knowledge and improvement."<sup>2</sup>

We are told by Vass that "the King's fears that the college would become the fountain of republicanism were, perhaps, quickened into reality by his repeated rejection of the charter, for Queen's Museum became the rallying point for literary societies and political clubs preceding the Revolution; and in its halls were held the significant and decisive debates preceding the adoption of the Mecklenburg Declaration of Independence," on May 20, 1775.<sup>3</sup>

It is probable that the name of the institution was changed from Queen's College to Liberty Hall Academy in 1775.<sup>4</sup> It is not probable that the trustees cared to have a royal name upon an institution to which the British authority had refused a charter. The coveted charter came at last, but it was under the blessing of liberty, and was conferred by the Legislature of North Carolina as the representatives of the sovereign authority of a free and independent State. On May 9, 1777, the first year of American independence, an act was passed incorporating Isaac Alexander, president, Col. Thomas Polk, Col. Thomas Neal, Abraham Alexander, Waightstill Avery, Adlai Osborne, John McKnitt Alexander, Dr. Ephraim Brévard, Rev. David Caldwell, Rev. James Hall, Rev. James Edmonds, Rev. John Simpson, Rev. Thomas Reese, Samuel McCorkle, and Rev. Thomas H. McCaule, as president and trustees of Liberty Hall Academy. All the trustees were Presbyterians, and the school

<sup>1</sup> Davis's Second Revisal of Laws of North Carolina (Newbern, 1773).

<sup>2</sup> Caruthers's Caldwell, p. 193.

<sup>3</sup> Vass's Eastern North Carolina, p. 46; see also Foote's Sketches of North Carolina, p. 514.

<sup>4</sup> Wheeler's Reminiscences, p. 230.

was under the supervision of Orange Presbytery, at that time covering the whole State. The preamble of the act of incorporation reads as follows: "*Whereas*, The proper education of youth in this infant country is highly necessary, and would answer the most valuable and beneficial purposes to this State and the good people thereof; and *whereas*, a very promising experiment hath been made at a seminary in the county of Mecklenburg, and a number of youths there taught have made great advancements in the knowledge of the learned languages and in the rudiments of the arts and sciences, in the course of a regular and finished education, which they have since completed at various colleges in distant parts of America; and *whereas*, the seminary aforesaid, and the several teachers who have successfully taught and presided therein, have hitherto been almost wholly supported by private subscriptions; *in order, therefore*, that said subscriptions and other gratuities may be legally possessed and duly applied, and the said seminary, by the name of 'Liberty Hall,' may become more extensive and generally useful for the encouragement of liberal knowledge in languages, arts, and sciences, and for diffusing the great advantages of education upon more liberal, easy, and general terms, *be it enacted* by the General Assembly of the State of North Carolina, etc."<sup>1</sup>

The only authoritative account of this institution to be found is in a manuscript volume, written by Adlai Osborne, and deposited in the library of the University of North Carolina, from which the following extracts (quoted in Caruthers's Caldwell) are taken :

"The regulations respecting the steward and boarding were singularly excellent and calculated to give general satisfaction. In April, 1778, the laws formed by Dr. Isaac Alexander, Dr. Ephraim Brevard, and Rev. Thomas H. McCaule, the committee chosen at the last meeting, were adopted without any material alteration. The course of studies and the distinction of classes were nearly the same as those pointed out by the trustees of the University of North Carolina, but more limited, and the honors conferred were the same, except that instead of degrees of Bachelors and Masters the trustees had only the right of giving a certificate of their studies and improvements. At this meeting overtures were made to Dr. Alexander McWhorter, of New Jersey, to accept the presidency, but he could not comply with their request owing to the derangement of his affairs from a long absence during the Revolutionary War, having been appointed by Congress to preach up liberty and independence to the inhabitants of the Southern States. Mr. Robert Brownfield was then appointed to the office, and he agreed to accept for one year, as Dr. Alexander had thought proper to resign. Several gentlemen of great literary talents were successively invited without success. Dr. Ephraim Brevard and the Rev. Samuel E. McCorkle were then sent to New Jersey with a second invitation to Dr. McWhorter, with instructions, if he should think proper again to decline, to solicit

<sup>1</sup> Laws of North Carolina, p. 35 (James Davis, Newbern, 1777).

the advice of Dr. Witherspoon and Mr. Houston, of Princeton, in the choice of some other gentleman of eminence in the republic of letters. Dr. McWhorter, after settling his affairs, removed to Charlotte, and was about to take charge of Liberty Hall when the whole business relating to it was suspended, never to be resumed. This took place about the 15th of February, 1780."

The following is a copy of the diploma received by Dr. John Graham, who was prominent in the early history of the State, and afterwards president of a college in South Carolina:

"STATE OF NORTH CAROLINA,  
     *Mecklenburg County:*

"This is to certify that Mr. John Graham hath been a student in the Academy at Liberty Hall, in the State and county above mentioned, the space of four years preceding the date hereof; that his whole deportment during his residence there was perfectly regular; that he prosecuted his studies with diligence, and made such acquisitions both in the languages and scientific learning as gave entire satisfaction to his teachers.

"And he is hereby recommended to the friendly notice and regard of all lovers of religion and literature wherever he may come.

"In testimony of which this is given at Liberty Hall this 22d day of November, 1778.

"ISC. ALEXANDER,  
     *President.*

"EPH. BREVARD,  
     "ABR'M ALEXANDER,  
     *Trustees."*

It is said that this institution was the most celebrated seminary of learning, except William and Mary, south of Princeton. Its able presidents, Rev. Dr. McWhorter and Dr. Ephraim Brevard, were both graduates of Princeton. The Revolutionary War closed its halls, and they were desecrated by Cornwallis's troops, who burned them when his retreat upon Wilmington commenced.<sup>1</sup>

In October, 1784, by an act of the Legislature, Liberty Hall Academy was transferred to Salisbury, the name being changed to Salisbury Academy.<sup>2</sup>

Rev. S. C. Caldwell, after the closing of Liberty Hall Academy, maintained for many years a classical school of high grade at Sugar Creek, near Charlotte, where young men from the neighboring counties were prepared for the University of North Carolina and Princeton.<sup>3</sup>

<sup>1</sup>Wheeler's Reminiscences, p. 256. Foote says that Liberty Hall was used by Cornwallis as a hospital, and was greatly defaced and injured, but does not say that it was burned.—Sketches of North Carolina, p. 516.

<sup>2</sup>Martin's Collection of Private Acts, p. 142 (Newbern, 1794).

<sup>3</sup>Rev. J. Rumble, D. D., in North Carolina Presbyterian.

After peace was declared between this country and Great Britain, Dr. Thomas Henderson, a physician of note, who had been educated at Liberty Hall Academy, opened a high school, which he carried on with great reputation for a number of years.<sup>1</sup> Since that time excellent institutions for both males and females have been maintained at Charlotte.

#### REV. HENRY PATILLO'S SCHOOL.

Rev. Henry Patillo, a contemporary of Rev. Dr. Caldwell, for many years maintained a classical school in Orange County. Although this school is mentioned by writers as one of the best schools in the province, no detailed information concerning it can be obtained. Mr. Patillo studied at Princeton during the presidency of the Rev. Samuel Davies, so noted in the religious controversies in Virginia during the first half of the eighteenth century, and who afterwards did so much to establish the reputation of Princeton and put it on a firm financial basis. Such was Mr. Patillo's reputation as a scholar that in 1789 the degree of A. M. was conferred on him *causa honoris* by Hampden-Sidney College, of Virginia.

Like many of the other Presbyterian ministers of his day, he took a prominent part in the political questions in which the colony was involved. In 1775 he was a member of the Provincial Congress of North Carolina, being at the same time chaplain of the body. He had the honor of being the chairman of this Congress in committee of the whole in considering the arrangements for confederation. The reputation made by some of the students of his school during the first years of the history of the State after independence had been achieved evidences that "he was a faithful and successful teacher," and his services to his country during the war of the Revolution will entitle him to a high place in the history of North Carolina when it is written as it deserves to be, and the records of her patriotic sons are made known and become a part of the history of our whole country.<sup>2</sup>

#### GRANVILLE HALL.

In October, 1779, "Granville Hall," Granville County, was incorporated. This school was liberally supported, and for many years was one of the leading educational institutions in the State.

The preamble to the act of incorporation reads as follows: "*Whereas*, The proper education of youth in this State is highly necessary and would answer the most valuable and beneficial purposes to the good people thereof; and *whereas*, the county of Granville, from its situation both pleasant and healthy, well watered and abounding with provisions, is a fit and proper place to erect buildings for a seminary of learn-

<sup>1</sup> Foote's Sketches of North Carolina, pp. 477, 517.

<sup>2</sup> For an interesting sketch of the life of Rev. Henry Patillo, see Foote's Sketches of North Carolina, pp. 213-230.

ing; and *whereas*, large sums of money have already been subscribed to promote and encourage such a laudable and beneficial establishment, which together with such other sums as may be given in donations and otherwise will answer all the expense attending the same, *Resolved*, etc.”

The following trustees were appointed: Governor Richard Caswell; Abner Nash, Speaker of the Senate; Thomas Benbury, Speaker of the House of Commons; John Penn, Rev. George Micklejohn, Rev. Henry Patillo, Thomas Person, Edmund Taylor, John Taylor, Memucan Hunt, Philemon Hawkins, Jr., Howell Lewis, Robert Lewis, Charles Rust Eaton, John Young, and Samuel Smith. They were instructed to purchase five hundred acres of land and erect suitable buildings.<sup>1</sup>

For several years the Rev. Henry Patillo was principal of this institution.

#### CLIO'S NURSERY AND THE ACADEMY OF THE SCIENCES.

Olio's Nursery, located on Snow Creek, Iredell County, was opened about the beginning of the Revolutionary War. For many years the Rev. James Hall, D. D., a patriot, scholar, and divine of western North Carolina, was the superintendent of this institution, where so many whose memory North Carolina now delights to honor studied. But the school is remembered chiefly on account of the history of its superintendent, James Hall, who was born at Carlisle, Pa., August 22, 1744, but in early youth made North Carolina his home. In 1774 he was graduated from Princeton, where he stood first in his classes. As a student he especially distinguished himself in the exact sciences, and such was the reputation he made in those studies that soon after his graduation President Witherspoon proposed to have him appointed teacher of mathematics in Princeton. Mr. Hall declined this honor, feeling that duty called him to labor in North Carolina. The Orange Presbytery licensed him to preach in 1776, and two years later he became pastor of churches within the bounds of that presbytery.

He was an earnest advocate of the cause of liberty, and the following tribute to his memory is worthily bestowed: “A full account of the actions of Mr. Hall during the Revolutionary War would fill a volume. His active, enterprising spirit would not let him be neuter; his principles, drawn from the Word of God and the doctrines of his church, and cultivated by Dr. Witherspoon, carried him with all his heart to the defence of his country. To that he gave his powers of mind, body, and estate.”<sup>2</sup> His appeals during the opening years of the war did much to fire the hearts of North Carolinians for the cause of liberty. When Cornwallis was devastating South Carolina Mr. Hall called the people of his section together and addressed them with great fervor. A cavalry company was immediately organized, and by general consent he was demanded for their leader, which post he accepted. He was at the

<sup>1</sup> Martin's Collection of Private Acts, p. 93.

<sup>2</sup> Alexander's Princeton College during the Eighteenth Century, p. 176.

same time the captain of a company and the chaplain of a regiment. General Greene tendered him a commission as general, which he declined on the grounds that there were others who could fill the position with ability equal at least to his, while he had pledged his life to the work of the ministry.<sup>1</sup>

After the war Doctor Hall again resumed his duties in the "log college" mentioned above. In connection with his duties as principal of Clio's Nursery, he opened at his residence an "academy of the sciences," which was supplied by him with some philosophical apparatus, and of which he was the sole professor. This was the first scientific school in the State. A large number of men who afterwards became distinguished received their scientific education there while pursuing their classical studies at Clio's Nursery. Besides a number of ministers who studied under his direction, there were President Waddell, of Athens College, and Judge Lowrie, of Georgia; Andrew Pickens and Governor Israel Pickens, of Alabama; and George W. Campbell, Secretary of the Treasury in 1841 and afterwards minister to Russia, and Judge Williams, of Tennessee. Many of the students of these institutions came from Tennessee, Georgia, South Carolina, Alabama, and other States.

The great want of the schools of this time was elementary text-books. To meet this need he wrote a treatise on English grammar, which was copied and circulated in manuscript, and afterwards printed and largely used in the schools of North Carolina and neighboring States.

Doctor Hall died July 25, 1826, but the school of which he was the principal survived him many years, and finally gave place to Davidson College, founded by and under the direction of the Presbyterians of North and South Carolina.<sup>2</sup>

#### SCIENCE HALL.

In 1779 Science Hall, at Hillsborough, Orange County, was incorporated, with William Hooper, Alexander Martin, and others as trustees. They were given the same privileges as the trustees of Liberty Hall Academy.

The Legislature in 1784 accorded this institution the privilege to raise money by means of a lottery, and also gave the school the old Episcopal church, built in colonial times by taxation, for recitation halls, reserving the right of holding sessions of the Legislature in it when the General Assembly should convene in Hillsborough.<sup>3</sup>

#### ZION PARNASSUS.

Zion Parnassus, a classical school established by the Rev. Samuel Eusebius McCorkle, a native of Pennsylvania, at Thyatira, on the road be-

<sup>1</sup> Alexander's Princeton College, pp. 175, 176.

<sup>2</sup> Foote's Sketches of North Carolina, pp. 330, 331.

<sup>3</sup> Martin's Collection of Private Acts, p. 87.

tween Salisbury and Statesville, in 1785, is noted as the first institution, certainly in North Carolina (and President Battle, of the University of North Carolina, thinks in America), having a distinct normal school attachment. At this school worthy young men needing assistance were given their tuition and furnished with the necessary text-books. Dr. McCorkle was a graduate of Princeton, class of 1772, and his course of instruction was modelled after the course of that college. We are told that a high standard of scholarship was maintained in Zion Parnassus, and that the idle and vicious were excluded. That so large a proportion of his students became useful in the liberal professions is due to the fact that he only encouraged those to pursue advanced courses who manifested decided talent. It is said that forty-five of his pupils became ministers of the Gospel. Six of the seven first graduates of the University of North Carolina were prepared for that institution by Dr. McCorkle. At the establishment of the State University Dr. McCorkle was elected first professor, and given the chair of moral and political philosophy, which was declined. Alexander says: "He was a thorough scholar, and kept up his acquaintance, not only with the Latin and Greek classics, but with mathematics, philosophy, and every important branch of learning." The degree of D. D. was conferred on Dr. McCorkle by Dartmouth College in 1792. He was a man of fine conversational powers, of noble physique, and is said to have much resembled Thomas Jefferson in appearance and gait.<sup>1</sup> After Dr. McCorkle's death, in 1811, the school which he had so successfully conducted was suspended, but was soon re-opened in Salisbury, and with few intermissions has continued till the present as the Salisbury High School.

#### OTHER PRESBYTERIAN SCHOOLS.

In 1791 the Rev. David Kerr, pastor of the Presbyterian church in Fayetteville, opened a classical school under the direction of a board of trustees in that town. Mr. Kerr was a graduate of Trinity College, Dublin, and in his day was considered one of the best scholars in the State. In July, 1794, he was elected a professor in the University of North Carolina, and some incidents in his life will be noted in the sketch of that institution.<sup>2</sup> From that time to this the people of Fayetteville have, with but few interruptions, maintained an excellent classical school.

The last of the Presbyterian schools of the eighteenth century in North Carolina, whose names are known to the writer, of sufficient importance to deserve mention here, were the Providence Academy, about twelve miles from Charlotte, established by the Rev. James Wallis in 1792, and the Poplar Tent Academy, in Cabarrus County, established about 1778<sup>3</sup> by the Rev. Robert Archibald, who was graduated at Princeton in 1772. "Mr. Archibald," says Alexander, "was a man

<sup>1</sup> Alexander's Princeton College, p. 156; Foote's Sketches of North Carolina, p. 361.

<sup>2</sup> Foote's Sketches of North Carolina, p. 490.

<sup>3</sup> *Ibid.*, pp. 442, 482.

of talent, of an amiable disposition, and considered a good classical scholar.”<sup>1</sup>

These schools were continued through nearly the first half of this century, but finally gave place to other institutions, the last principal of Providence Academy becoming the first president of Davidson College, and the last principal of Poplar Tent being made president of the board of trustees of that institution.

#### APPROPRIATIONS FOR EDUCATION.

In 1760 Governor Dobbs recommended the subject of education to the Legislature, and proposed that the vestry in each parish should raise a limited sum to pay a parish clerk and register, who should be qualified to act as school-master and, in the absence of the clergyman, as reader. The sum so raised was afterwards borrowed for military purposes, to be paid back by a direct tax upon the people. This tax was never laid, and consequently the school money was never refunded.

In his address to the General Assembly, which met in Wilmington in 1764, Governor Dobbs deplored the great want of clergymen. In their reply, the Lower House admitted the “want of clergymen,” but added, “sufficient provision was already made in proportion to the ability of the people, and there were large sums appropriated for the establishment of schools and for the purchase of glebes, under a suspending clause, until the King’s pleasure was known, which had been borrowed for the service of the late war, and since in part for contingencies.”<sup>2</sup>

It was at this session of the Legislature that an act was passed for the erection of a school-house and a residence for the master in the town of Newbern, which was the first effectual aid given by the Government for the encouragement of literature. Half of two lots which had been appropriated to the church in 1740 was set apart for these purposes.<sup>3</sup>

#### INCORPORATED SCHOOLS—NEWBERN ACADEMY.

The Newbern school was incorporated in 1766, being the first incorporated academy in the State.

The act is entitled “An act for establishing a school-house in the town of Newbern,” the preamble reading as follows: “Whereas, a number of well-disposed persons, taking into consideration the great necessity of having a proper school or public seminary of learning established, whereby the rising generation may be brought up and instructed in the principles of the Christian religion and fitted for the several offices and purposes of life, have at great expense erected and built, in the town of Newbern, a convenient house for the purposes aforesaid; and being

<sup>1</sup> Alexander’s Princeton College, p. 148.

<sup>2</sup> Martin’s North Carolina, Vol. II, p. 180.

<sup>3</sup> Davis’s First Revisal, Laws of North Carolina, p. 351.



desirous that the same may be established by law on a permanent footing, so as to answer the good purposes by the said persons intended: *Be it enacted* by the Governor, council, and Assembly, and by the authority of the same, etc." It was then provided that trustees should be elected, the same being incorporated into a body politic and corporate by the name of the "Incorporated society for promoting and establishing the public school in Newbern," and by that name to have perpetual succession and corporate seal.

It was furthermore provided "That no person shall be admitted to be master of the said school but who is of the Established Church of England, and who, at the recommendation of the trustees or directors, or the majority of them, shall be duly licensed by the Governor, or Commander-in-chief for the time being."

In addition to taking the several oaths of government and subscribing to the Test, the trustees had to take the following oath: "I, A. B., do solemnly swear that I will duly and faithfully, to the best of my skill and ability, execute and discharge the several powers and authorities given me by an act of Assembly for establishing a school-house in the town of Newbern; and that in all things for the well-ordering and good government thereof, I will do equal and impartial justice to the extent of my understanding. So help me God."

It was also enacted "That a duty of one penny per gallon on all rum, or other spirituous liquors imported into (?) the river Neuse, be paid, for and during the space of seven years, from and after the passing of this act, by the importers thereof, for and towards raising a fund for the education of ten poor children in the said school (to be chosen by the trustees), whose parents may be unable to pay for the same; and that the said duty be part of the common stock of the said school, and to be appropriated as aforesaid, and towards giving a salary of twenty pounds per year to the master of said school, towards enabling him to keep an assistant, which said duty shall be collected, accounted for, and paid to the treasurer of the said school, in the same manner, and under the same penalties and restrictions as the duty of four pence per gallon on spirituous liquors is now paid and collected."<sup>1</sup>

Owing to the fact that prior to the Revolutionary War this school was under the control of the Established Church, it was not favorably regarded by dissenters, many of them sending their sons to the Presbyterian schools of piedmont Carolina, to be educated.<sup>2</sup>

In his account of this school Vass says: "The first large and commodious building, erected at great expense, was burned down accidentally in 1795, when, by an act of Assembly, a room in the Palace was used for the school-room. The present old brick academy was erected in 1806; the corner-stone of the additional elegant graded school building was laid in 1884, just one hundred and twenty years after the first act

<sup>1</sup> Davis's Sec. Revisal (Newbern, 1773), p. 359.

<sup>2</sup> Caruthers's Caldwell, p. 30.

of the Legislature already mentioned. In that older building Gaston, Stanly, Badger, Spaight, Hawks, and many other distinguished sons of Carolina were educated for future careers of honor and usefulness."<sup>1</sup>

The North Carolina Gazette of July 24, 1778, contains the following advertisements, which show that even during the Revolution education was not wholly neglected in Newbern:

"Mr. Joseph Blyth has opened school in the public school-house, and will teach Latin, English, arithmetic, geography, geometry, trigonometry, and several other of the most useful branches of the mathematics, according to the best and most approved methods. Gentlemen and ladies who favor him with their children may depend he will be diligent and pay proper attention to their education.

"NEWBERN, *July 24.*"

In the same paper Mr. George Harrison advertises a school for instruction in the English and French languages.<sup>2</sup>

#### EDENTON ACADEMY.

In 1770 an act was passed "for vesting the school-house in Edenton in trustees." The preamble is as follows: "*Whereas*, the inhabitants of the town of Edenton, for the promoting the education of youth and encouragement of learning, have, by voluntary subscription, purchased two lots and erected a convenient school-house thereon in an agreeable and healthy situation in the said town: *Therefore, etc.*" The charter provides, like that of the Newbern Academy, that the principal must be a member of the Established Church.<sup>3</sup>

#### INNIS ACADEMY.

Of the academy founded in Wilmington by James Innis and incorporated by the Legislature in 1783, not much is to be learned. Wheeler, in referring to Mr. Innis, says: "Much interest is connected with this name, since from his will, duly proved in 1759 before Governor Dobbs, the 'Innis Academy' had its origin. In April of that year the Legislature passed an act incorporating the academy, with Samuel Ashe, A. McLain, William Hill, and others as trustees. Before the academy building was completed, a theatrical corps had been organized in Wilmington, and an arrangement was made between them and the trustees that the lower part of the building should be fitted up and used exclusively for a theatre. This arrangement was carried out by a perpetual lease made to the 'Thalian Association.'

"The name of Colonel Innis is frequently met with in the history of the State. He was born in Scotland, and lived at Point Pleasant, on the north-east branch of the Cape Fear River, about seven miles from

<sup>1</sup> Vass's Eastern North Carolina, p. 75.

<sup>2</sup> *Ibid.*, p. 44.

<sup>3</sup> Laws of North Carolina, Davis's Sec. Revisal (Newbern, 1773), p. 478.

Wilmington. He had been an officer of rank in the British army, and was distinguished in the expedition against Carthagera, in South America. He was considered a man of mark, and possessed of considerable estate."<sup>1</sup>

Mr. Wheeler is evidently mistaken as to the date of the establishment and incorporation of this school. In Martin's Collection of the Private Acts of the General Assembly of the State of North Carolina, published at Newbern in 1794, we find that the Innis Academy, for the establishment of which Colonel Innis had bequeathed his home, known as Point Pleasant, and other plantations, and his negro slaves, was incorporated by the Legislature in April, 1783. It was provided in the act of incorporation that "the rector, professors, and tutors of this academy, and all other academies and public schools in this State established by law, shall be exempt from military duty during their continuance in those offices, provided the number of teachers in any of the said academies or public schools shall not exceed three; provided, also, that all scholars and students entering into said academy, or any other public school and being of the age of fifteen years or under at the time of entering, shall, during their continuance thereat, be exempt from all military duties."

#### MARTIN ACADEMY—NOW WASHINGTON COLLEGE, TENNESSEE.

In 1783 the Legislature of North Carolina incorporated Martin Academy, in Washington County, N. C. (now Washington County, Tenn.), which was the first literary institution that was established in the great valley of the Mississippi. John Canson, president, and Hezekiah Baleb, Samuel Doak, William Heuston, James Heuston, Thomas Stewart, Daniel Kenady, Landon Carter, and Robert Irwin were incorporated into a body politic and corporate as president and trustees of Martin Academy, "with the same powers, authorities, and privileges" as were accorded the president and trustees of Liberty Hall Academy, in Charlotte.<sup>2</sup> This school became Washington College in 1795. Rev. Samuel Doak, a native of Virginia, educated at Princeton College and at one time a tutor in Hampden-Sidney College, was the president of this school from its incorporation in 1783 till 1818. Foote says: "He procured for his institution a small library in Philadelphia, caused it to be transported in sacks on pack-horses across the mountains, and thus formed the nucleus of the library at Washington College. The brick buildings overlook the site of the log college; but long must it be before the enlarged institution can equally overshadow the usefulness of the log academy and college that for a time supplied the opportunities for education for ministers, lawyers, and doctors, in the early days of Tennessee, and still is sending out its stream."<sup>3</sup>

<sup>1</sup> Wheeler's Reminiscences, p. 308.

<sup>2</sup> Martin's Collection of Private Acts, p. 119; also see Phelan's History of Tennessee, Dedication, and page 233.

<sup>3</sup> Foote's Sketches of North Carolina, p. 311.

## MORGAN ACADEMY.

Morgan Academy, Burke County, one of the most noted schools in that part of the State then called the District of Morgan, was incorporated in 1783 with James Temple, president, and Waightstill Avery, Charles McDowell, William Moore, Alexander Irwin, James Greenlie, Benjamin Ellage, Abraham Denton, and David Vance as president and trustees.<sup>1</sup>

## OTHER INCORPORATED INSTITUTIONS.

The following list includes all the incorporated schools of the eighteenth century in North Carolina which have not been previously mentioned. The date of incorporation is given in each case. It will be seen that at the close of the Revolutionary War much interest was manifested in the promotion of education :

*Smith's Academy*, Edenton, Chowan County, 1782.

The General Assembly, in 1783, passed an act establishing two public schools in Onslow County, one in the village of New Town, at the mouth of White Oak River, and the other at the Richlands of New River. By the same act the name of New Town was changed to Swansborough.<sup>2</sup>

*Davidson Academy*, Davidson County, 1785.—Two hundred and forty acres of State land were given this school.

*Grove Academy*, Duplin County, 1785.—The North Carolina Chronicle, or Fayetteville Gazette, of January 3, 1791, contains the following advertisement of this institution, which gives an idea of its scope and character :

"Gentlemen who wish to encourage literature in this part of the State are hereby informed that the Grove Academy in this county will, on the second Monday in January, again open ; where the Greek and Latin languages will be taught, and also the sciences. Boarding may be procured on as moderate terms as can, from the present price of produce, be expected. We also presume that the order and regulation here observed, and the progress made by those who have been members of it, is equal to any which have been made in any private institution.

"The assistance and encouragement of generous and patriotic gentlemen will be kindly received.

"By order of the trustees.

"THOMAS ROUTLEDGE,

"Vice-President."

"DUPLIN COUNTY, December 24, 1790."

*Dobbs Academy*, Kinston, Dobbs County (now Lenoir County), 1785.

*Franklin Academy*, Franklin County, 1786.

*Pitt Academy*, Martinborough, Pitt County, 1786.—By the same act the name of Martinborough was changed to Greenville.

*Pittsborough Academy*, Chatham County, 1786.

*Richmond Academy*, Richmond County, 1786.

*Warrenton Academy*, District of Halifax (now Warren County), 1786.—Prominent among the trustees were Nathaniel Macon, Benjamin Hawkins, and Rev. Henry Pattillo. The treasurer of the board was bound in a bond of £5,000. The institution could confer certificates of proficiency, but not degrees.

*Currituck Seminary of Learning*, Currituck County, 1789.—Trustees were appointed to take charge of property and gifts to the institution, and to attend to the "build-

<sup>1</sup> Martin's Collection of Private Acts, p. 119.

<sup>2</sup> *Ibid.*, p. 118.

ing or purchasing of suitable and convenient houses, purchasing a library and philosophical apparatus, and supporting and paying the salaries of the provost and such number of professors and tutors as to them shall seem necessary."

*Onslow Academy*, Onslow County, 1791.

*Lumberton Academy*, Robeson County, 1791.

*Stokes Seminary*, Wadesborough, Anson County, 1791.

*Stokes Seminary*, Henderson, Montgomery County, 1797.

*Bladen Academy*, Elizabeth, Bladen County, 1797.

Seminary in Salisbury, Rowan County, 1798.

*Smithville Academy*, Brunswick County, 1798.—The trustees were authorized by the act of incorporation to raise \$7,000 by lottery for the school.

*Unity Meeting-House Academy*, Randolph County, 1798.

*Adams Creek Academy*, Craven County, 1798.

*Fayetteville Academy*, Cumberland County, 1799.

*Moore County Academy*, Moore County, 1799.

Some of the above institutions had existed several years before being incorporated.

LOTTERIES FOR SCHOOLS.

In the eighteenth and in the early part of the present century, it was common in North Carolina, as in other States, for the Legislature to grant to schools the right to raise funds for building and other purposes by means of lotteries. The University of North Carolina was assisted in this way several times.

The following act, passed by the General Assembly in 1797, will show how these lotteries were conducted :

"AN ACT to authorize the trustees of the Pittsborough Academy to raise the sum of seven hundred dollars, by way of lottery.

"Whereas, The trustees of the academy aforesaid have represented to this General Assembly that the raising of the above sum of seven hundred dollars would be of great benefit to said institution :

"I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the trustees of the academy aforesaid shall have leave to raise by way of lottery the sum aforesaid, and that John Ramsey, James Taylor, Charles Chalmers, John Henderson, James Bradley, John Dabney, and William Warden shall be, and they are hereby, appointed commissioners for the purpose of opening and completing a scheme of a lottery calculated to raise the sum aforesaid, in the following manner :

3,500 tickets at two dollars each, is \$7,000.	
1 Prize of four hundred dollars is .....	\$400
2 Prizes of one hundred dollars is .....	200
4 Do. of fifty dollars is .....	200
8 Do. of thirty-five dollars is .....	280
18 Do. of twenty-five dollars is .....	450
200 Do. of ten dollars is .....	2,000
490 Do. of three dollars is .....	1,470
400 Do. of five dollars is .....	2,000
1,123 Prizes .....	\$7,000
2,377 Blanks .....	

3,500 Tickets at two dollars each, is \$7,000.

"And the said commissioners, or a majority of them, shall be managers of said lottery, and shall be accountable for the prizes and profits thereof.

"II. *And be it further enacted*, That when three-fourths of the said tickets are sold, that the drawing of the said lottery shall commence, under the management of the said commissioners, they giving thirty days' notice in the Fayetteville Gazette.

"III. *And be it further enacted*, That all prizes shall be paid in four weeks after the drawing is finished upon demand of a possessor of a fortunate ticket, which prize shall be subject to a deduction of ten per cent.; and if such prize is not demanded within six months after the drawing is finished, of which public notice shall be given in some public paper in this State, the same shall be considered as relinquished for the benefit of said academy, and the produce of said lottery shall be vested in the trustees aforesaid."

Sections IV and V of the act provide for the bond of the treasurer, and for the collection of the bond in case he should fail to perform his duty.

#### GERMAN IMMIGRATION—THE MORAVIANS.

Of the 30,000 Germans who left their country in the early part of the eighteenth century to find homes in America, 18,000 are said to have eventually settled in North Carolina. Baron De Graffenried with his Swiss and Palatines settled in Newbern in the eastern part of the State. Later German emigration settled principally in the Piedmont section.

In 1751 the religious sect known as the *Unitas Fratrum*, commonly called Moravians, purchased 100,000 acres of land in western Carolina, and in 1753 began their settlement, which from that time to this has been noted as one of the most moral, prosperous, and intelligent communities in the State.

These Germans were, as a class, men of fair education and refinement, especially in the Moravian settlements. The latter, even before homes for all had been provided, erected a church and school-house in their settlement.

One of the most noted of the early Moravian settlers in Carolina was John Jacob Fries, who came to the colony in April, 1754. Mr. Fries was a native of Denmark, where, previous to his coming to America, he had officiated as an assistant minister and had acquired a wide reputation as an accomplished scholar, especially in the Hebrew language. He was one of the pioneer teachers of North Carolina, in which vocation he continued till his death in 1793.<sup>1</sup>

Salem, one of the most beautiful towns in the State and the principal settlement of the Moravians, was laid out in 1765. The first permanent school-house for boys was built in 1794. An account of the Moravians,<sup>2</sup>

<sup>1</sup> *Vide* Reichel's History of the Moravians in North Carolina.

<sup>2</sup> Supposed to have been written by Bishop Reichel, of the Moravian Church, and published in Martin's North Carolina, Vol. I, Appendix.

written about 1800, contains the following: "The male children of the inhabitants of the town and of the other members of the congregations living in the neighborhood receive from their sixth to their twelfth or fourteenth year instruction in reading and writing, German and English, ciphering, history, geography, and some of them in the rudiments of the Latin language, drawing, and music."

The Salem Female Academy, one of the best equipped and most widely known institutions for higher female education in the South, was founded in 1802. Its history is valuable and interesting. Until the late Civil War it was the most noted female school in the South, and one of the best in the Union, and up to that time its influence on the higher female education in other States was marked. The total number of students who studied here between 1804 and 1856 was 3,470, from seventeen States. This school throughout its entire existence has been noted for the competent and successful teachers it has sent forth. It is patronized by every denomination, and the most distinguished men of the country have sent daughters there to be educated.

#### THE LUTHERANS.

Previous to the Revolutionary War the Lutheran congregation in the State was under the supervision of the Consistory of Hanover and the University of Göttingen, which not only gave pecuniary aid, but also sent over pastors and teachers, who were men of ability and scholarship. Gottfried Arndt was one of the most noted of these. After the Revolutionary War the North Carolina congregation was made subject to the Julius Charles University of Helmstadt, in the Duchy of Brunswick. The Lutherans have ever maintained good schools, and at this time have under their control North Carolina College in Cabarrus County, Concordia College in Catawba County, and Gaston College in Gaston County.<sup>3</sup>

#### STATE OF EDUCATION IN 1795.

The state of education in North Carolina during the closing years of the eighteenth century may be judged from the following extract from a very interesting and instructive work written by Rev. W. Winterbotham, which is entitled, *A View of the United States of America*, published in London, 1796. After giving an account of the State University, which had just been opened, he adds: "There is a very good academy at Warrenton, another at Williamsborough, in Granville (County), and three or four others in the State of considerable note."<sup>2</sup> The principal of the Warrenton Academy, Professor George, was a graduate of Trinity College, Dublin.<sup>3</sup>

<sup>1</sup> *Vide* Brneheim's History of the German Settlements in North Carolina and South Carolina.

<sup>2</sup> *American Journal of Education*, Vol. XVI, p. 156.

<sup>3</sup> Foote's Sketches of North Carolina, p. 543.

An announcement in the North Carolina Journal of June 22, 1795, written about the time of Dr. Winterbotham's visit to the United States, reads: "We have the pleasure to announce to the public that the academy at Thyatira, erected and conducted by Dr. McCorkle; the Warrenton Academy, under the management of the Rev. Mr. George; and the Chatham and Newbern Academies, are all in a very flourishing state. The high reputation and great experience of the gentlemen who have the direction of these seminaries will insure their establishment and success, and furnish annually a large number of students prepared to enter at once upon the higher branches."

The State was now ready for a university. Men like Caldwell, Patislo, and Hall had prepared the people for a higher and more thorough education than could be obtained in the log colleges. It was through their efforts that constitutional provision was made for the establishment of the University, and now at the beginning of the nineteenth century we find it the leading institution for higher education in North Carolina.

#### TWO ACCOUNTS OF THE STATE OF EDUCATION AND SOCIETY BEFORE 1810.<sup>1</sup>

##### *In Caswell County.*

The following account of education in one of the northern central counties of the State is taken from an article by that distinguished North Carolinian, the Hon. Bartlett Yancy [now written Yancey], first published in the Raleigh Star, in August, 1810, and republished in the North Carolina University Magazine for November, 1860.

Mr. Yancy says: "The progress of society and civilization depends upon the education and virtue of the people; great improvements, therefore, have been made since the first settlement of the county. From 1750 to twenty-five years after, it is computed that not more than one-third of the inhabitants could read, and scarcely half that number could write a legible hand; from 1775 to 1800 what was then called a common English education, viz, 'to read, write, and cipher as far as the rule of three,' was given to a little more than half of the inhabitants, but from 1800 up to the present time (1810) the progress of civilization and literature has been greater than for perhaps fifty years antecedent to that time. The great revival of religion about that period seems to have contributed much to the dissemination of morality, sound principles, and good order in society; but, as naturalists have observed, every calm is succeeded by a storm, and accordingly many of the inferior classes of society appear now more depraved than ever.

"For the progress of literature in the inferior branches of an education, such as reading, writing, and arithmetic, since 1800, the people of this county are much indebted to Mr. Robert H. Childers. Greater improvement in writing could not have been expected by any man. At

<sup>1</sup>See foot-note, p. 51.



least one-half of the youth of the county who write well were taught, either directly or indirectly, by this excellent penman.

“Situating within a quarter of a mile of the court-house is Caswell Academy. The plan of Caswell Academy was first conceived and brought to view in the winter of 1801. Early in the succeeding year between \$500 and \$600 was subscribed, and during the year 1803 it was completed for the reception of students. The Rev. Hugh Shaw and Bartlett Yancy were the teachers for the first two years; the number of students was from 55 to 65 each year. From that period the institution was not in a very flourishing state until 1808, since which time it has prospered much under the direction of Mr. John W. Caldwell, a gentleman educated in Guilford County by his father, the Rev. David Caldwell, well known in the State for his services in disseminating literature, morality, and religion among his fellow-citizens. The funds of the academy at present are low; it is now, and always has been, dependent on the liberality of the trustees of the institution and a few other public-spirited gentlemen of the county for a support. No library of consequence is yet established; a plan has, however, been suggested, and is now going into operation, by which it is hoped a good library will be procured in a few years. The number of students at present is 38.

“Hico Academy, situated near the Red House, in Caswell, was erected, it is believed, in 1804, by a number of public-spirited gentlemen in that part of the county. Mr. Shaw, after he left Caswell Academy, became the teacher in this academy for two or three years, during which time, it is believed, it had between 30 and 40 students. It has since been on a decline, and about the middle of last month it was consumed by fire. \* \* \* The trustees have, however, determined to rebuild it of brick, upon a more extended plan.

“Since the establishment of these institutions the progress of virtue and of science in the county has exceeded the most flattering hopes of the friends of literature. \* \* \* The inhabitants generally are more enlightened; men who thirty and forty years ago were considered the best informed and most learned among us are now scarcely equal in point of information to a school-boy of fifteen years.”

Mr. Yancy then mentions some honored citizens of North Carolina and Virginia who were fitted for the University at these institutions.

He tells us that there were two societies in the county, constituted for intellectual improvement, their exercises being mostly polemical. In 1808 some gentlemen of Person and Caswell Counties organized a society for the encouragement of the arts and agriculture, but, at the time he writes, but little had been done for its promotion.

As a further index to the condition of society in this section of the State, the following facts are drawn from Mr. Yancy's admirable sketch:

At that time (1810) there were in Caswell County five practising physicians—John McAden, William S. Webb, Samuel Dabney, James Smith,

and Edward Foulks; and three lawyers—Bartlett Yancy, Edward D. Jones, and Solomon Graves.

The state of religion may best be estimated by the number of churches and communicants: "There are four Baptist churches and about 300 communicants; four Presbyterian congregations and about 200 or 250 communicants; three or four Methodist societies and 250 or 300 communicants."

We are told that "the amusements of the polite part of society consist in balls, tea-parties, and visiting parties. Those of an inferior class consist of Saturday-night frolics, now become almost obsolete; shooting-matches and horse-racing afford amusement to the better sort of men, and now and then may be seen a party with an old, rusty pack of cards, amusing themselves for whisky. The only sporting club in the county is the 'Jockey Club' of the Caswell turf."

*In Edgecombe County.*

In 1811 the Raleigh Star published a sketch of "Edgecombe County in 1810," by Jeremiah Battle, M. D., who was one of the first students of the State University. At this time he was a practising physician in Tarborough, Edgecombe County (in eastern North Carolina), but he afterwards removed to Raleigh, where he died in 1825. The North Carolina University Magazine for April, 1861, republished Dr. Battle's article, and it is from this that the following data are obtained:

"The progress of learning for twenty-five years back has been slow, and perhaps has not more than kept pace with the population, till within these two or three years. The people now manifest some disposition to diffuse learning, perhaps from their finding the means of obtaining it more accessible now than heretofore. The custom at the public schools, and in some towns, among those who are desirous of intellectual improvement, has found its way here. Societies have been formed, and kept up with a tolerable degree of spirit, greatly to the benefit of the members thereof, both in talents and morals. \* \* \* Some attempts have been made to procure libraries, but this, for some of the above reasons, was never effected, except by a society that was in existence about fifteen years ago. On the dissolution of that body the books were scattered abroad, or divided among those who contributed to the establishment. The agricultural society has appropriated a sum of money to procure an agricultural library. Some donations are made of books for this purpose. On the fourth day of July, 1810, proposals were made for the establishment of a society for the promotion of agriculture and the arts. The plan has succeeded so far as to go into operation. It has now upwards of thirty respectable members, whose public spirit is thus manifested, greatly to their benefit, and it is to be hoped to the benefit of the country. \* \* \*

"It is believed that about two-thirds of the people generally can read, and one-half of the males write their names, but not more than

one-third of the women can write. The girls not at school are learning and are very desirous to write; it is deemed a more important accomplishment in that sex among the common people now than formerly. \* \* \*

“There are seventeen county schools in the county, at which there are about four hundred scholars; nothing more is attempted to be taught in them than the elements of reading, writing, and arithmetic, and but few of the teachers are qualified to do justice to those. Notwithstanding this apparently infant state of literature, we may easily discover that it is progressing; for fifty years ago there was not more than one or two schools in the whole county. For want of an academy in this county several have been sent to those in the adjacent ones, viz, at Westrayville and Vine Hill. It is in contemplation to establish an academy at Mount Prospect, in this county, and we can not account for the delay otherwise than from the general indifference with which learning is still viewed.”

Dr. Battle, in the article quoted from above, says that there was but one lawyer and few physicians in the county in 1810, but that quacks were abundant.

The only religious denominations were the Baptists and Methodists. The former had several churches and numbered about five hundred and twenty communicants. The Methodists were not strong numerically, but had several places of worship.

Amusements were not pursued to any great extent. The principal out-door sports were hunting, fishing, shooting-matches, course-racing, and quarter-racing. There were no “sporting clubs.” Dr. Battle says: “Card-playing is an amusement confined to a few; and they are not much disposed to make the winning and losing any great object. Gambling under the name of amusement has nearly ceased. The ladies have never been known to play for money. Balls and family tea-parties afford the principal amusements in which the ladies participate, and those are not so common as formerly.”<sup>1</sup>

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<sup>1</sup>It must not be understood that the above accounts represent the general educational condition of North Carolina in 1810. They are true for the counties of which they treat, but, as has been shown, those parts of the State in which Presbyterians were influential, good classical schools had existed since about the middle of the eighteenth century.

## CHAPTER III.

### THE UNIVERSITY OF NORTH CAROLINA.

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#### THE CONSTITUTION AND THE UNIVERSITY.

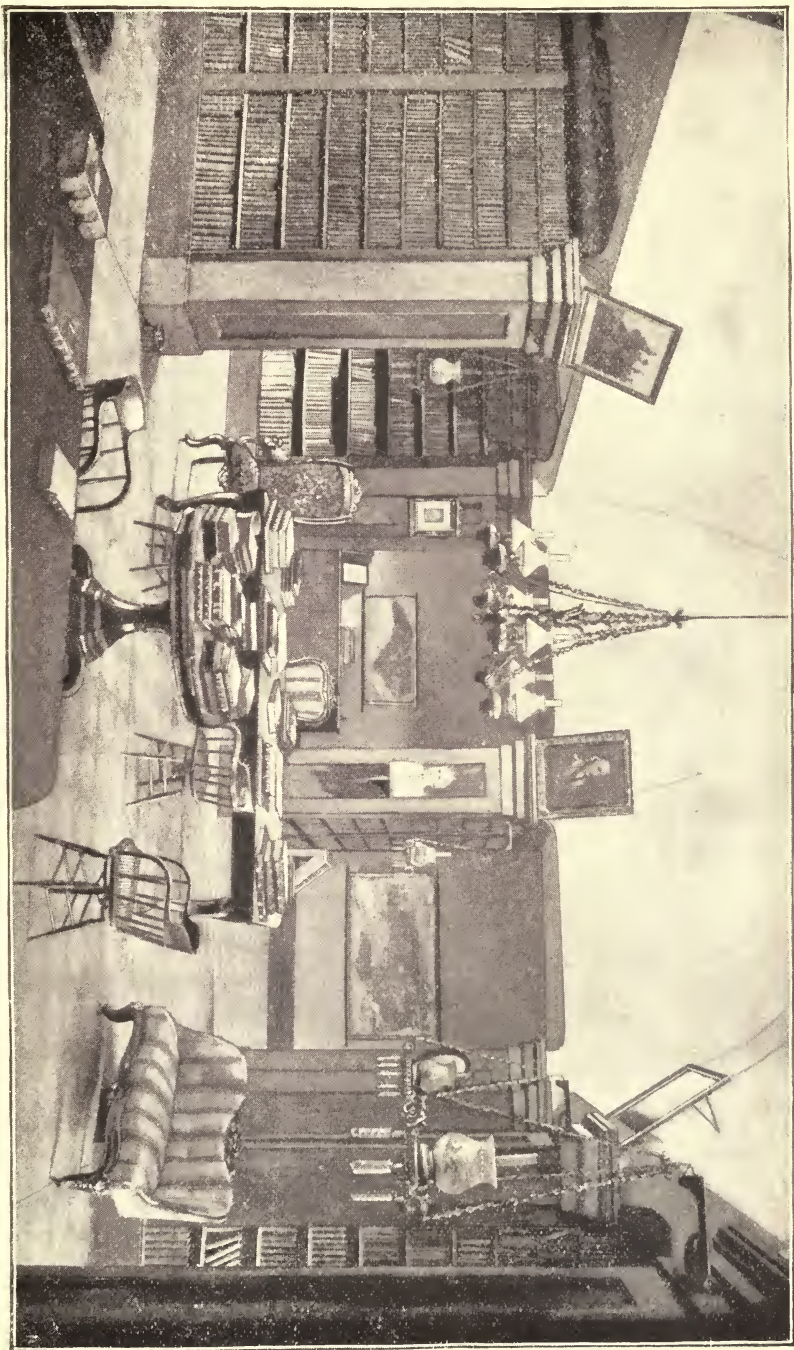
North Carolina was one of the first States to make constitutional provision for the higher education. To the Scotch-Irish Presbyterians occupying Central and Piedmont Carolina is due the lasting honor of having established the first academies in the Province, and it is said that it was through their influence that the clause providing for a university was inserted in the initial Constitution of the State. It is worthy of note that the men of Mecklenburg County, whose capital, Charlotte, was termed by Cornwallis "the hornets' nest of the Revolution," instructed their delegates, John Phifer, Robert Irwin, Zaccheus Wilson, Hezekiah Alexander, and Waightstill Avery, to use their endeavors for the establishment of a college and its endowment and maintenance. In the efforts to promote education, privileges which the British Government had accorded other colonies had been denied this, and, doubtless, the refusal of the King to grant a charter to Queen's College, in Charlotte, on conditions similar to those of Harvard and Princeton, fired the resentment of the Revolutionary patriots, and quickened their action under the blessings of liberty and the protection of the new-born Republic.

It was one of the darkest hours of the Revolution when the representatives of the people met at Halifax, November 12, 1776, to throw off their provisional government and adopt a permanent constitution. The recent defeat of the Continental Army at Long Island and the capture of New York filled the country with gloom and despondency, but these sturdy sons of Carolina had hearts full of stern resolution and abiding faith. On the 18th of December a State Constitution was adopted, and it is in obedience to a clause of Section XLI that the University owes its establishment.<sup>1</sup>

In the annual address before the Alumni Association of the University of North Carolina, which convened in Raleigh on January 26, 1881, President Kemp P. Battle thus alluded to the members of the convention: "They not only framed a constitution of surpassing wisdom, but

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<sup>1</sup> It is worthy of note that this clause is almost identical with Article XLIV of the Constitution of Pennsylvania, which was adopted by the Convention which met in Philadelphia from July 15 to September 28, 1776.



SECTION OF LIBRARY—UNIVERSITY OF NORTH CAROLINA.



with faith approaching sublimity, when bullets were being moulded and soldiers were marshalling, and the roar of cannon was echoing among the hills, they provided for the interests of unborn children. Their clear vision looked through the murky present, and discerned the needs of the distant future. They knew that their children would not be capable of freedom without education. They knew there could be no education without teachers. They knew that teachers could not be procured without institutions of higher learning, and while providing for the education of the masses they made the requirements of the University a part of the fundamental law. They coupled common school education with the education of the University. Hear these golden words written amid storms and thundering, to be made good when the sun shone brightly on a free and united people: 'A school or schools shall be established by the Legislature for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices; and all useful learning shall be duly encouraged and promoted in one or more Universities.'

The conventions of 1835, 1861, 1865, and 1868 left the requirements of the University in the Constitution. The people, in 1873, by a separate vote, indorsed the University, and intrusted its management to the General Assembly. The convention of 1875 re-enacted the University provisions, and its action was ratified by the people in 1876. Thus the University, born of the Constitution of 1776, has continued the child of the State.

The present Constitution provides, in Article IX, Sections 6, 7, and 14, that "The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom when chosen, shall be vested all the privileges, rights, franchises, and endowments thereof, in anywise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws, and regulations, from time to time, as may be necessary and expedient for the maintenance and management of said University.

"The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State, free of expense for tuition; also that all the property which has heretofore accrued to the State, or shall hereafter accrue, from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

"As soon as practicable after the adoption of this Constitution, the General Assembly shall establish and maintain in connection with the University, a department of agriculture, of mechanics, of mining, and of normal instruction."

The Hon. John Manning, LL. D., professor of law in the University of North Carolina, in an address before the University Alumni Association in 1884, after emphasizing the constitutional claims of the University for State aid, said: "So that the University does not lack the sanction

either of the Constitution or of the people. Under the loving care of the people of the State, led by wise master-builders, much more than from the liberality of the General Assembly, the University grew in the lapse of nearly a century to be a great institution, the nursing mother of the ingenuous youth of the State without distinction of party or sect. Embracing all her children in her great catholic heart, she has always striven to allay sectional feeling, to moderate sectarian heat, to cultivate and encourage a broad, ardent love for the State, a veneration for her early history and traditions, an appreciation of the domestic virtues of her citizens, and a love of liberal learning."

#### THE UNIVERSITY CHARTERED.

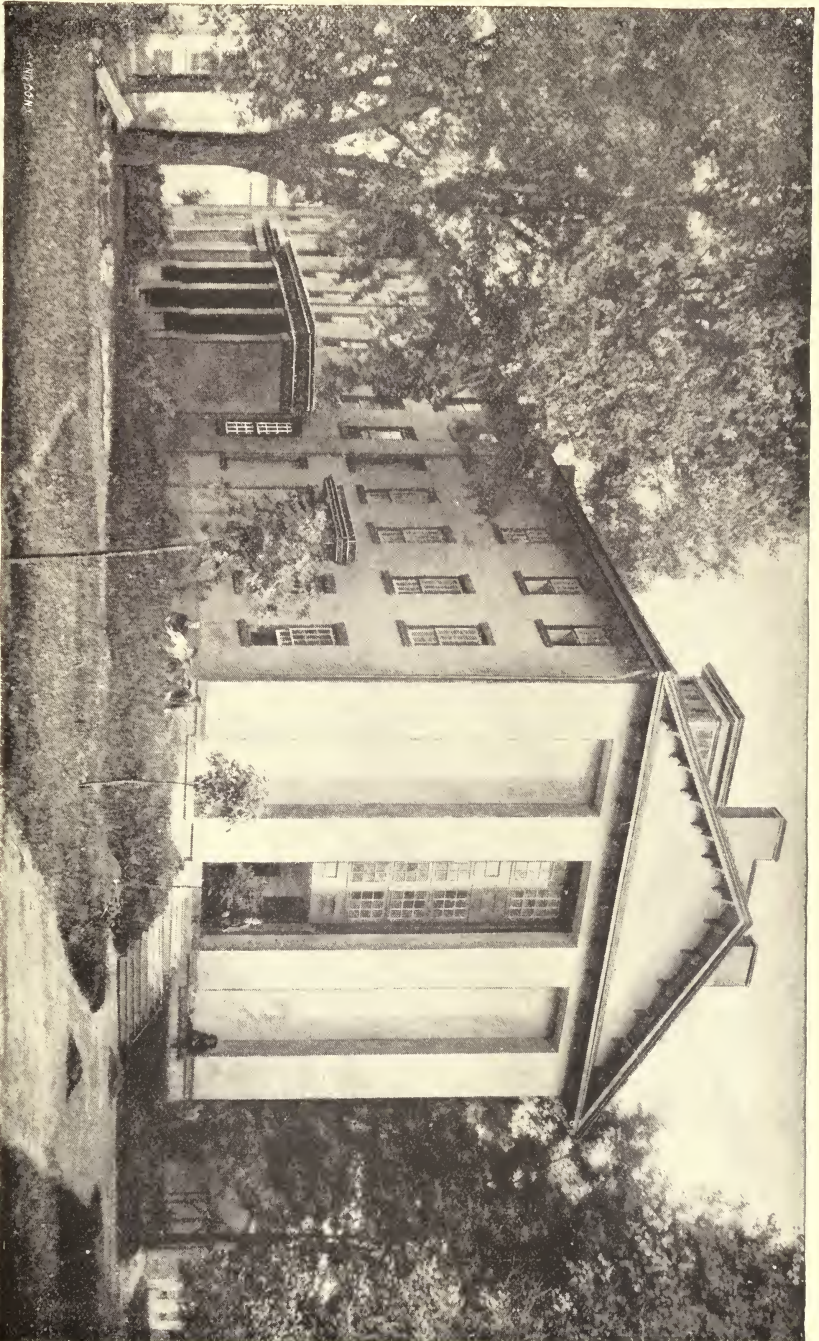
While the war for independence was progressing, the mandate of the Constitution respecting education lay dormant; but when peace was restored, the people again turned their attention to the promotion of learning.

In November, 1789, North Carolina adopted the Constitution of the United States, and on the 11th of December following the University was chartered. The preamble to the act for its establishment reads as follows: "WHEREAS in all well regulated Governments, it is the indispensable Duty of every Legislature to consult the Happiness of a rising Generation, and endeavor to fit them for an honorable discharge of the social duties of life, by paying the strictest attention to their Education:—And whereas an University supported by permanent funds, and well endowed would have the most direct tendency to answer the above purpose: 1st, *Be it therefore enacted,*" etc. The corporators named in this act as trustees were forty of the most distinguished men in the State. In the list are to be found the names of many of North Carolina's early Governors, judges, Senators and Representatives in Congress. Let us call the roll of these friends and promoters of the higher education: Samuel Johnston, James Iredell, Charles Johnson, Hugh Williamson, Stephen Cabarrus, Richard Dobbs Spaight, William Blount, Benjamin Williams, John Sitgreaves, Frederick Hargett, Robert W. Snead, Archibald Maclaine, Samuel Ashe, Robert Dixon, Benjamin Smith, Samuel Spencer, John Hay, James Hogg, Henry William Harrington, William Barry Grove, Samuel McCorkle, Adlai Osborne, John Stokes, John Hamilton, Joseph Graham, John Williams, Thomas Person, Alfred Moore, Alexander Mebane, Joel Lane, Willie Jones, Benjamin Hawkins, John Haywood, Sr., John Macon, William Richardson Davie, Joseph Dixon, William Lenoir, Joseph McDowell, James Holland, and William Porter.

#### A SITE CHOSEN.

At a meeting of the board of trustees held in Newbern on January 2, 1792, a committee was appointed "to view and examine the most eli-





1892-1904

OLD EAST BUILDING - UNIVERSITY OF NORTH CAROLINA.



gible situations whereon to fix the University in the counties of Wake, Franklin, Warren, Orange, Granville, Chatham, and Johnston."

The trustees met in Hillsborough August 1, 1792, to decide on a location and to provide for the erection of buildings. On August 3 ballots were taken for the selection of a point the centre of a circle of 15 miles radius, within which the University should be located, the place to be determined by a committee of the board constituted of one member from each judicial district. The fact that the charter provided that the site should not be within five miles of the permanent seat of government or any court-house, prevented any of the leading towns from being chosen. Many places were put in nomination, but finally Cypritz Bridge, over New Hope River, in Chatham County, was selected as the point within 15 miles of which the university buildings should be placed.

On November 1, 1792, the committee met at Pittsborough, Chatham County, to make a final decision as to location. Several handsome offers of land and money were made to secure the election. Eleven hundred and eighty acres were offered at a place called New Hope Chapel Hill, and on the 9th of November the committee decided in its favor by a unanimous vote.

The trustees at their next meeting ratified the report of the above committee. On motion of Governor Davie commissioners were appointed to lay off a town and superintend the erection of university buildings. It was provided that the first to be erected should accommodate fifty students, the cost not to exceed \$5,000.

#### LOCATION AND BUILDINGS.

The University is located in Chapel Hill, Orange County, twenty-eight miles from Raleigh, the capital of the State. In colonial times a chapel of the Church of England was built there, which was known as New Hope Chapel Hill, and from this circumstance the village takes its name.

The location was wisely chosen. It is not far from the geographical centre of the State, and is noted for its beauty and healthfulness. One can scarce imagine a more inviting spot than the campus. The buildings are surrounded by a grove of old forest trees, chiefly oak and hickory, which completely hide them from the rest of the village. The grounds, about 50 acres, are beautifully undulating. Adjoining the campus is a magnificent forest of several hundred acres. Here the young academic may find that monastic quiet and seclusion which used to be thought so essential to student life.

The village of Chapel Hill was laid off, the first lots sold, and the corner-stone of the old east building was laid on the 12th day of October, 1793.

President Battle, in the address before the alumni in 1881, said: "We have fortunately an account of the proceedings of this day, so memorable, written by Davie himself, the chief actor. I will endeavor to

take the veil off this picture of long ago, and wipe off the dust which obscures it.

“The Chapel Hill of eighty-eight years ago was vastly different from the Chapel Hill of to-day. It was covered with a primeval growth of forest trees, with only one or two settlements and a few acres of clearing. Even the trees on the East and West avenue, named by the Faculty, in recognition of the wise and skilful superintendence of the extensive repairs of our buildings prior to the re-opening in 1875, Cameron, after our president [of the association], were still erect. The sweet-gums and dog-woods and maples were relieving in the autumnal sun, with their russet and golden hues, the general green of the forest. A long procession of people for the first time are marching along the narrow road, afterwards to be widened into a noble avenue. Many of them are clad in the striking, typical insignia of the Masonic fraternity, their Grand Master arrayed in the full decorations of his rank. They march with military tread, because most of them have seen service, many of them scarred with wounds of horrid war. Their faces are serious, for they feel that they are engaged in a great work. They are proceeding to lay the foundations of an institution which, for weal or woe, is to shape the minds of thousands of unborn children; whose influence would be felt more and more, ever widening and deepening as the years roll on, as one of the great forces of civilization. \* \* \*

“The tall, commanding figure most conspicuous, in the Grand Master’s regalia, is that of William Richardson Davie. He is no common man. He had been a gallant cavalry officer in the Revolution. He had been a strong staff on which Greene had leaned. He had been conspicuous in civil pursuits, an able lawyer, an orator of vast influence. With Washington and Franklin and other great men he had assisted in evolving the grandest Government of all ages—the American Union—out of an ill-governed and disintegrating confederacy. He was beyond his times in the advocacy of a broad, generous education. His portrait has been drawn by a masterly hand, Judge Archibald Murphey, one of the most progressive and scholarly men our State has known. In his speech before the two societies at Chapel Hill he says: ‘Davie was a tall, elegant man in his person, graceful and commanding in his manners. His voice was mellow and adapted to the expression of every passion; his mind comprehensive yet slow in its operations, when compared with his great rival [Alfred Moore]; his style was magnificent and flowing; he had a greatness of manner in public speaking which suited his style, and gave to his speeches an imposing effect. He was a laborious student, arranged his discourses with care, and, where the subject merited his genius, poured forth a torrent of eloquence that astonished and enraptured his audience.’

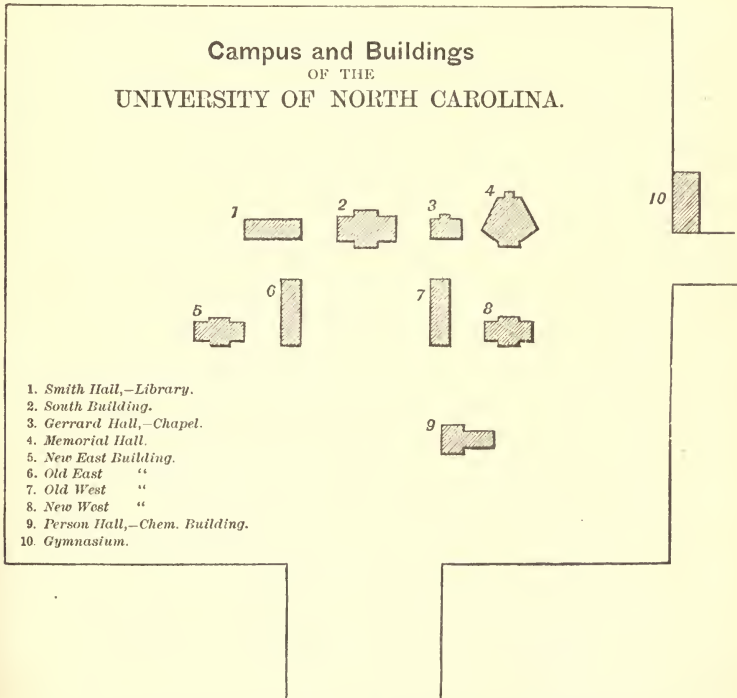
“Judge Murphey says: ‘I was present in the House of Commons when Davie addressed that body upon the bill granting a loan of money to the trustees for erecting the buildings of the University, and although

more than thirty years have since elapsed, I have the most vivid recollection of the greatness of his manner and the powers of his eloquence on that occasion.<sup>2</sup> General Davie was afterwards Governor of the State; an envoy of the United States to the court of France. I find him styled in the journal of the University, in 1810, 'the founder of the University,' and he well deserved the title."<sup>1</sup>

Other trustees present on this occasion were Alfred Moore, afterwards a judge of the Supreme Court of the United States; William H. Hill, member of Congress; John Haywood, for forty years treasurer of the State; Alexander Mebane, member of Congress; Thomas Blount, member of Congress; John Williams, one of the three judges first appointed under the State Constitution of 1776; Frederick Hargett, State Senator; and Dr. Samuel E. McCorkle, one of the most noted teachers in the State.

Dr. McCorkle delivered the address on the occasion. The report of it which has been preserved is evidence that the high estimate which was placed on his ability by his contemporaries was well deserved.

The 12th of October is annually observed as "Foundation or University Day," when an address is delivered by some well-known alumnus.



<sup>1</sup> Proceedings of the Alumni Association, 1881, pp. 22-23.

The university buildings are ten in number. The following list, furnished the writer by President Battle, gives the dates of erection, together with the purposes for which they are now used :

1, 2. Old east (1795) and old west (1826) buildings, each three stories, 36 by 120 feet, used for dormitories, with the exception of two rooms about 36 feet square in each, used, one as a museum, the others for lecture-rooms.

3. Person Hall (1796), 36 by 54 feet, one story, once used for religious as well as other exercises, hence often called "Old Chapel." It is now the lecture room of the professor of chemistry, and contains also the industrial museum. A chemical laboratory 70 by 30 feet, has been recently added to this building.

4. South building (1814), three stories, 50 by 116 feet, used for dormitories, except two rooms 28 by 36, and three rooms 20 by 30, of which one is set apart for the Young Men's Christian Association and the others for lecture-halls.

5. Gerrard Hall (1827), 45 by 66 feet, one story, used for religious as well as general exercises, hence often called "New Chapel."

6. Smith Hall (1852), 35 by 122 feet, one and a half-story. The basement is divided into a qualitative and quantitative laboratory. The main room above contains the University library.

7, 8. New east (1859) and new west (1859) buildings, the former four, the latter three stories, each 40 by 116 feet. The former has four lecture and laboratory halls, the hall of the Philanthropic Literary Society, established 1795, and the Philanthropic library, each 36 by 54 feet. The latter has three lecture and laboratory halls, and the hall of the Dialectic Literary Society, established 1795, and the Dialectic library, each 36 by 54 feet. Dormitories are in both of these buildings.

9. The University Memorial Hall (1885), a very handsome design for an auditorium. It is 136 by 128 feet, with a ceiling 52 feet high. It has 2,000 seats on the floor, 200 chairs on the rostrum and 250 chairs in the music gallery. On the walls are many marble tablets commemorating the eminent officers and alumni of the University. On four large tablets are the names of all the sons of the institution who lost their lives in the Civil War.

10. Gymnasium Hall (1885), 110 by 45 feet, one story, is fitted up with the most approved appliances for physical culture.

The total value of the lands and buildings is estimated at over \$350,000.

#### ENDOWMENT AND INCOME.

An act entitled "An act for raising a fund for erecting the buildings, and for the support of the University of North Carolina," was passed by the General Assembly in 1789.

This endowed the institution with all the arrearages due to the State from receiving officers up to the 1st of January, 1783, and with all property that had theretofore, or should thereafter, escheat to the State. This grant of escheats, though not of immediate was finally, by the energy and good management of the trustees, of great value. This, with private benefactions, constituted the fund for the erection of buildings and the principal part of the endowment.

At the first meeting of the board of trustees, held in Fayetteville, November, 15, 1790, James Hogg, Esq., in behalf of Colonel Benjamin Smith (who had been an aid of General Washington and subsequently Governor of the State), of Brunswick County, presented the University

with 20,000 acres of land located in Obion County, Tennessee. About the year 1835 this land was sold for \$14,000.

In 1791 the General Assembly voted a loan of \$10,000, which was afterwards converted into a gift.

On the location of the University in 1792 the citizens of Chapel Hill presented \$1,596 in cash and 1,180 acres of land. After reserving sufficient land for the institution, \$3,068 were realized from the sale of lots in the village.

In 1797 Major Charles Gerrard, of Edgecombe County, gave 1,300 acres of land, from the sale of which about \$40,000 were realized.

In 1797 General Thomas Person, the old chief of the "Regulators," gave \$1,025 in cash towards the erection of the buildings.

The gifts of Smith, Gerrard, and Person were the earliest, and for that reason the most important benefactions to the University.

In 1803, \$5,080, the profits of two lotteries granted by law, were added to the funds of the institution.

The following extract from a memorial presented to the General Assembly in 1867, by Governor Jonathan Worth, in behalf of the trustees of the University, shows the condition of the endowment at that time :

"The moneyed endowment on December 10, 1862, was ascertained to be, over and above its liabilities, \$148,520.26. This endowment was derived from escheated and derelict property and remnants of doubtful debts transferred to the institution by the charter; by a direct grant from the public treasury of \$10,000 in 1791; from the gift in 1789 of 20,000 acres of Tennessee land, by the late Governor Smith; a still more valuable donation by the late Major Charles Gerrard, and by smaller gifts from hundreds of patriotic men and women in every section of the State.

"The General Assembly, in February, 1859, chartered the bank of North Carolina and, with a view to promote the interests of the University, provided in the second section 'that the State shall be entitled to subscribe the amount of the literary fund now invested in the bank of the State as part of the capital stock, and the trustees of the University of North Carolina also, as part thereof, a sum not exceeding \$200,000.' The trustees made the subscription accordingly. The General Assembly of 1860-61 and the convention of 1861-62 secured an arrangement with the several banks of the State which subjected all their available means to public control. The convention of 1865, on October 19th, repudiated the War debt thus created, broke the bank in whose stock the funds of the University were invested, annihilated, and more than annihilated, the entire moneyed endowment of the University.

"The General Assembly, at the last session, appropriated \$7,000 for the temporary relief of the institution, and this sum, together with the above-mentioned sum of \$10,000, making the aggregate amount of \$17,000, are the only direct grants ever made from the public treasury."

In 1867 the General Assembly transferred to the University the land scrip granted by the General Government, a history of which is subjoined.

The General Assembly, in 1881, voted an annual appropriation of \$5,000, which in 1885 was increased to \$20,000. This, added to the interest paid on the certificate of indebtedness issued for the land scrip, gives to the University an annual appropriation of \$27,500 from the State treasury.

#### THE LAND-SCRIP FUND.

The General Government, by an act approved July 2, 1862, granted to the several States and Territories land scrip to the amount of 30,000 acres for each Senator and Representative in Congress, in trust, to be applied to the endowment and maintenance of one or more colleges, "the leading object of which should be, without excluding other literary and scientific studies (and including military tactics), to teach such branches of learning as are related to agriculture and the mechanic arts, in order to promote the liberal and practical education of the industrial classes."

Among the conditions of the grant were these: "If the principal or the interest of the fund should, by any action or contingencies, be diminished or lost," the State should restore it; if the college should not be established, the State should repay to the General Government the entire amount of the sales of the scrip; and that no greater expenditure than 10 per cent. of the fund should be made for the purchase of lands, erection of buildings, etc.; the remainder of the fund to be vested in some safe stock, yielding not less than 5 per cent. per annum, and the amount thus funded to be preserved intact and intangible forever.

By a joint resolution of the General Assembly, adopted February 22, 1866, North Carolina's quota of 270,000 acres of scrip was accepted in behalf of the State. By an act of the Legislature, passed February 11, 1867, this scrip was transferred to the trustees of the University of North Carolina to be used by them in accordance with the terms of the grant; at the same time it was provided that the commissioners of each county should have the authority to select and have at all times in the University one student from the county, without the necessary means to defray his expenses, who should receive tuition and room rent free.

The trustees sold the scrip at the then market price, 50 cents per acre, realizing \$135,000. Of this \$10,000 were used for building purposes, etc.

In 1868 a new board of trustees came into office under the reconstruction acts, and the land-scrip fund, \$125,000, passed into their hands. This fund their treasurer invested in North Carolina securities, part of which were valid, but bearing no interest. The larger part was in special-tax bonds, which the General Assembly declared to be void and worthless, owing to the illegality of their issue.



In 1874, the trustees appointed in 1868 having been removed by an amendment to the Constitution, a board of trustees was elected by the General Assembly. This board reported on the condition of the fund, and asked the assistance of the Legislature in carrying out the provisions under which the scrip had been accepted by the State. The General Assembly of 1874-75 directed the State treasurer to issue to the trustees of the University a certificate of indebtedness for \$125,000, bearing interest from January 1, 1875, at 6 per cent., payable semi-annually.

By act of the General Assembly, session of 1887, it was ordered that the interest arising from this fund should be transferred from the University to the College of Agriculture and the Mechanic Arts as soon as the latter should be ready to begin the work of instruction.

#### PLAN OF EDUCATION.

The first action taken by the trustees looking towards the literary character of the University was the adoption of a report, submitted by Samuel McCorkle at a meeting of the board held at Pillsborough, in November, 1792. This report is interesting and valuable, as showing what studies these early promoters of the institution thought most essential in a liberal education. It provided that on the opening of the University the attention of the student should be confined to the following subjects: "The study of languages, particularly the English; the acquirement of historical knowledge, ancient and modern; the study of belles-lettres, mathematics, and natural philosophy; the improvement of the intellectual powers, including a rational system of logic and moral philosophy; information in botany, to which should be added a complete knowledge in the theory and practice of agriculture best suited to the climate and soils of this State; the principles of architecture." It will be seen from this that it was intended to provide a liberal and comprehensive curriculum. Both literature and science were to be provided for, and the course here outlined will compare favorably with that provided in the colleges of to-day.

The report further recommended "that steps be taken to procure apparatus for experimental philosophy and astronomy. In this they [the committee] would include a set of globes, barometers, thermometers, microscope, telescope, quadrant, prismatic glass, air pump, and an electrical machine. A library, your committee are also of opinion, should be provided, but the choice of books will perhaps come more immediately within the province of the faculty of the University." More liberal ideas of what was requisite for a well-rounded education could not have been expected at that early day.

#### ELECTION OF A PROFESSOR OF HUMANITY.

The committee appointed by the trustees to prepare a "plan of education" reported December 21, 1793. The report specified that the exercises of the institution should commence on January 15, 1795; that

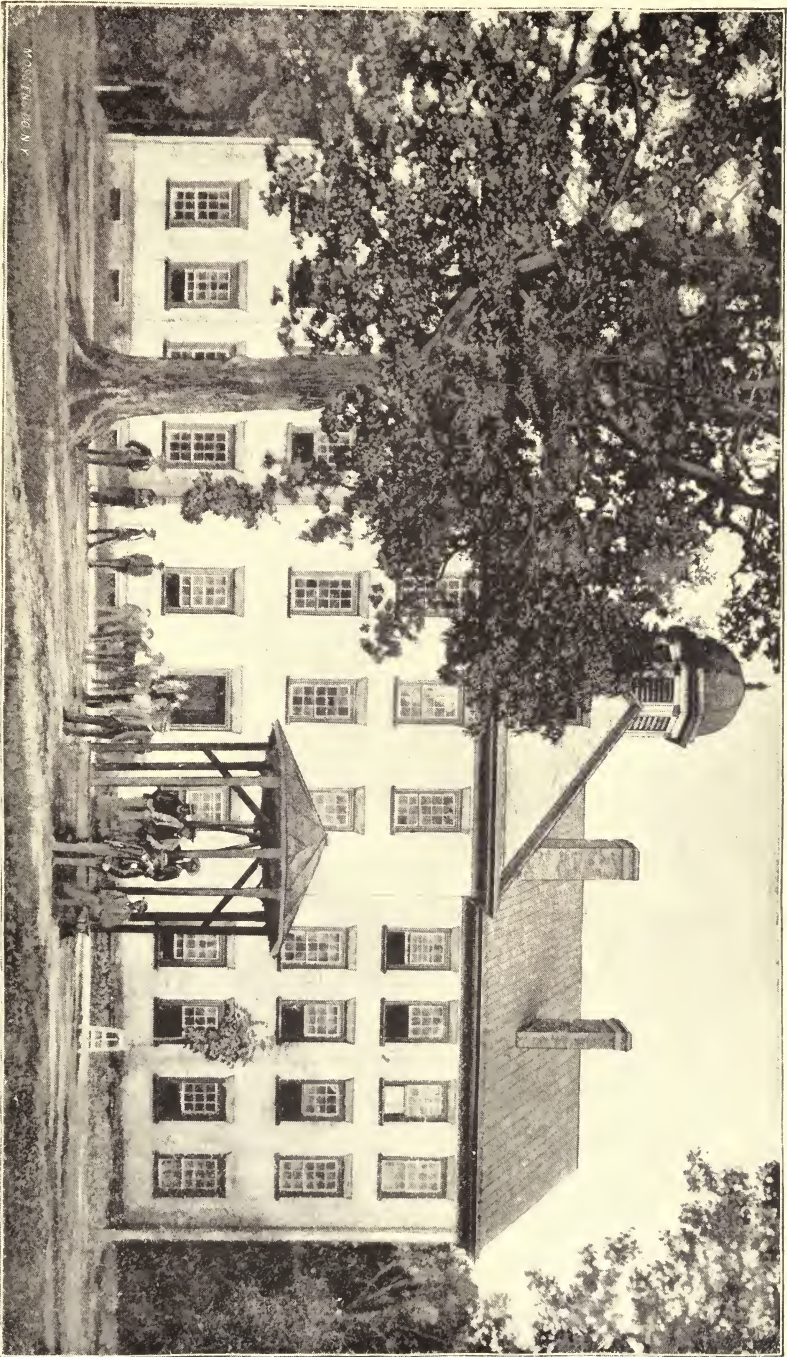
the first commencement should take place on July 10 following, to be succeeded by a vacation of one week only, and that the students should live at commons. Tuition in the English department was fixed at \$8 per annum; for instruction in the Latin, Greek, and French languages tuition was \$12.50; and for the higher branches of science it was \$15. The committee recommended that one person be employed under whose care the University should be placed. He was to be styled "Professor of Humanity," and to receive a salary of \$300 per session and two-thirds of all tuition fees. An assistant was to be appointed at a salary of \$200 and one-third of the tuition money. Neither of these was to be regarded as having any right or claim to the presidency. The report was adopted. The election of teachers was postponed until January 10, 1794, when the Rev. David Kerr, of Fayetteville, was chosen "Professor of Humanity."

#### OPENING OF THE UNIVERSITY.

The University was opened for students in February, 1795, and from that time to this it has been the recognized head of the higher education in North Carolina. It is one of the few institutions of the State which has traditions reaching back to the foundation of the Government. Truly, it may be called the child of the State, and its history is inseparably connected with that of the parent. Its influence in North Carolina can not be estimated; nor has this influence been confined within the limits of the State, but especially has it been felt in the Southern and South-western States. It is doubtful whether any other university in this country can show a list of alumni of which so large a percentage has achieved so many and such honorable successes in all the avenues of life. It would be difficult to name a place of trust or honor within the gift of the people of the State or nation that has not been filled by an alumnus of the institution, and thus its history becomes an integral part of the history of the higher education in the United States. To confirm this statement it is only necessary to mention the names of James K. Polk, William R. King, John Branch, John Y. Mason, William A. Graham, Thomas H. Benton, Willie P. Mangum, Aaron V. Brown, Jacob Thompson, Judges Pearson, Moore, and Dick, and Bishops Green, Otey, Polk, and Hawks. Scores of others whom the State and nation has honored could be named. It is a pleasant duty to trace the development of such an institution, and its history will now be considered.

#### FIRST REGULATIONS, 1795.

On the opening of the University, in February, 1795, it was provided by the trustees that there should be four literary classes entered upon annually, distinguished by the appellation of first, second, third, and fourth. In order to enter a higher class it was necessary to pass an examination on the studies of the preceding class.



W. S. H. B. N. Y.

SOUTH BUILDING—UNIVERSITY OF NORTH CAROLINA.



To enter the first class the applicant was required to "pass a competent examination" on Cæsar's Commentaries, Sallust, Ovid or Virgil, "or other Latin books equivalent," and the Greek grammar. This class was to devote the year to the study of English grammar, Roman antiquities, and the Latin classics. The second class studied arithmetic, book-keeping, geography, Grecian antiquities, and Greek classics. The third class devoted the whole time to mathematics, including geometry, surveying, navigation, algebra, natural philosophy, and astronomy. The fourth class had logic, moral philosophy, principles of civil government, chronology, history, ancient and modern, the belles-lettres, "and the revisal of whatsoever may appear necessary to the officers of the University." It was also provided that those who wished to study only the sciences and the English branches "be either formed into a class called the scientific class, or else arranged with some of the literary classes when they shall be studying the sciences." In addition to the annual examinations, three quarterly examinations were given.

The students were required to attend daily both morning and evening prayers, morning prayers being held at sunrise. From then until 8 o'clock the time was devoted to study. One hour was given to breakfast. Then followed three hours of study and recitations. After an intermission of two hours came another period of work, which lasted till 5 o'clock. Evening prayers were then held, and the student was allowed his freedom from that time till 8 o'clock, when he was required to repair to his lodgings, which were not to be left without the consent of a teacher till prayers the next morning. A monitor was appointed for each class, who reported absences and disorderly conduct.

Every Saturday morning the students were required to speak, read, and exhibit compositions, the afternoon being given them for recreation.

From the opening until about the close of the Caldwell administration there was a steward's hall connected with the University, and the students "boarded at commons," being seated at the table according to classes. The following picture of student life is taken from an address delivered at the University in 1859 by Dr. William Hooper, who entered that institution in 1804. He said: "Coarse corn bread was the staple food. At dinner the only meat was a fat middling of bacon, surmounting a pile of cole-worts; and the first thing after grace was said (and sometimes before) was for one man, by a single horizontal sweep of his knife, to separate the ribs and lean from the fat, monopolize all the first to himself, and leave the remainder for his fellows. At breakfast we had wheat bread and butter and coffee. Our supper was coffee and the corn bread left at dinner, without butter. I remember the shouts of rejoicing when we had assembled at the door, and some one jumping up and looking in at the window, made proclamation: 'Wheat bread for supper, boys!' And that wheat bread, over which such rejoicings were raised, believe me, gentlemen and ladies, was manufactured out of what

we call *seconds*, or, as some term it, *grudgeons*. You will not wonder if, after such a supper, most of the students welcomed the approach of night, as beasts of prey, that they might go a-prowling and seize upon everything eatable within the compass of one or two miles; for, as I told you, our boys were following the laws of Lyeurgus. Nothing was secure from the devouring torrent. Bee-hives, though guarded by a thousand stings, all feathered tenants of the roost, watermelon and potato patches, roasting ears, etc.—in fine, everything that could appease hunger was found missing in the morning. These marauding parties at night were often wound up with setting the village to rights." Dr. Hooper then relates some amusing and characteristic student exploits.

#### THE FIRST PROFESSORS.

At the opening of the University no president was appointed. As has been before noted, the Rev. David Kerr, a graduate of Trinity College, Dublin, who had been conducting a classical school at Fayetteville, N. C., was elected "Professor of Humanity" and had the general management of the institution. He had charge of the department of ancient languages. Mr. Charles W. Harris, a citizen of the State and a graduate of Princeton, was appointed professor of mathematics. Mr. Samuel A. Holmes had charge of the preparatory department.

In a few years the entire *personnel* of the faculty had changed. In 1796 Mr. Kerr resigned. He demitted the ministry, removed to Mississippi, and began the practice of law. In 1802 he was appointed to a judgeship in that Territory by President Jefferson. After the resignation of his professorship in 1796, Mr. Harris entered upon the practice of law, and before his death in 1803 he had won an enviable reputation in his profession. He was regarded as one of the most promising young men in the State. The last of the trio, Mr. Holmes, resigned in 1798.

Mr. Harris was succeeded in the professorship of mathematics by the Rev. Joseph Caldwell, whom he had known at Princeton. Mr. Caldwell became first professor, and, from this time till his death in 1835, his history is a part of that of the University.

#### AN INTERESTING LETTER.

The writer, while exploiting the manuscript records of the University, came across some correspondence of Prof. Charles W. Harris, which shows the practical tendency of the higher education, gives an insight into the workings of the University, and pictures the state of society at Chapel Hill at that time.

The letter, from which the following extract is taken, is addressed to Dr. Charles Harris, Cabarrus County, and is dated "University, April 10, 1795." Professor Harris says:

"We have begun to introduce, by degrees, the regulations of the

University, and as yet have not been disappointed. There is one class in Natural Philosophy and Geography, and four in the Languages.

“The Constitution of this college is on a more liberal plan than that of any other in America, and by the amendments which I think it will receive at the next meeting of the trustees, its usefulness will probably be much promoted. The notion that true learning consists rather in exercising the reasoning faculties and laying up a store of useful knowledge, than in overloading the memory with words of dead languages, is becoming daily more prevalent. It appears hard to deny a young gentleman the honour of a college after he has with much labour and painful attention acquired a competent knowledge of the Sciences, of composing and speaking with propriety in his own language, and has conned the first principles of whatever might render him useful or creditable in the world, merely because he could not read a language two thousand years old. Though the laws at present require that the Latin and Greek be understood by a graduate, they will in all probability be mitigated in their effect. These old forms which have been sanctioned by time but not by utility ought to be dispensed with. I have lately found many good hints on education in a book entitled the rights of woman—a book of very great merit, the production of an original genius, and penned in such a strong, manly style that you would scarcely believe it to be the work of a woman. For we are taught by many able writers and tolerably accurate observers of mankind that the natural weakness of a woman’s body extends to her mind and becomes characteristic of her thoughts and words as well as of her actions. Miss Mary Wollstonecraft is the lady born effectually to rectify these misrepresentations from which so much evil has sprung. Miss’ intention is to bring about a total reform in the education of women, but she takes occasion to speak of the error in the present plan of teaching young men and boys in Europe. ‘The memory,’ says she, ‘is loaded with unintelligible words to make a show of, without the understanding acquiring any distinct idea; but only that education deserves emphatically to be termed cultivation of mind, which teaches young people how to begin to think.’ She effectually overthrows Chesterfield’s plan of bringing up boys. The amendments which she proposes are two numerous to be detailed in a letter, but are such as do the greatest honour to the authoress and may be beneficial to mankind. That there is much wrong in the old manner of educating is plain and whatever alterations will be made in our University will be made by those who can be actuated by no other principle than general utility. At present we find much difficulty in procuring books; the trustees have ordered two hundred dollars to be expended for that purpose, but it is very uncertain when the books will arrive. Dr. Williamson is commissioned to purchase and he is so totally engaged about his own book which he is preparing for the press, that he may forget others of less importance. Col. More presented us with

globes; Mr. Benham with an air pump as soon as it can be procured. We will shortly have an electrical machine and other trifles.

“Our society is not so good at this place as we could wish. My only resort is to Mr. Kerr, who makes ample amends to me for the want of any other. He is a violent Republican and is continually deprecating the aristocratical principles which have lately prevailed much in our Executive.”

#### FIRST PURCHASE OF BOOKS AND APPARATUS.

Early in 1795 Dr. Hugh Williamson, author of a history of North Carolina, was requested by the trustees to invest \$200 in books for the University. This he did, purchasing principally Greek and Latin works, lexicons, etc.

On December 4, 1795, the trustees voted an annual appropriation of \$50 for the purchase of books.

The trustees, on December 7, 1795, instructed Professor Kerr to have an air-pump, condenser, microscope, lenses, concave mirror, loadstones, magnets, phials for an electrical machine, and a set of surveying instruments purchased.

During the first years of the institution a number of books and some apparatus for the scientific departments were given by individuals. This policy of individual contributions has continued to the present time.

The first large purchase of books and apparatus was made in the first quarter of this century.

#### THE CURRICULUM, 1796.

On December 9, 1796, the committee appointed by the trustees to prepare and digest a plan of education made its report, which was adopted. The following is an outline of the system introduced:

The students of the institution were “divided into a Preparatory School, and the Professorships of the University.”

In the preparatory school the English language was “taught grammatically on the plan of Webster’s and South’s Grammars.” Thorough instruction in arithmetic was provided. Geography was taught on the plan of Guthrie. French and Latin were required, and before the student could enter the University the grammars of these languages had to be mastered and several standard authors in each read. The study of Roman antiquities was required. Greek was optional, but to enter the University class on this, it was necessary that the student should be able to read and translate the Gospels correctly.

Instruction in the University was given in the following schools, called “professorships,” viz:

*I. Rhetoric and belles-lettres.*—Rhetoric on the plan of Sheridan; belles-lettres on the plan of Blair and Rollin.



*II. Moral and political philosophy and history.*—The following text-books were used: Paley's Moral and Political Philosophy; Montesquieu's Spirit of Laws; Adams's Defence; De Lolme on the English Constitution; the Constitution of the United States; Vattel's Law of Nations; Burlamaqui's Principles of National and Political Law; Priestley's Lectures on History; Federal Policy; Millot's Ancient and Modern History; Hume's History of England with Smollett's continuation; Chronology on the most approved plan.

*III. Natural philosophy.*—This subject was taught under the following heads: General properties of matter; laws of motion; mechanical powers; hydrostatics; hydraulics; pneumatics; optics; electricity; magnetism; geography; the use of globes; the geometrical, political, and commercial relations of the different nations of the earth; astronomy on the plan of Ferguson.

*IV. Mathematics.*—The required course embraced algebra, geometry, trigonometry, and the application of trigonometry to the mensuration of heights and distances, of surfaces and solids, and surveying and navigation. In addition to the above, if desired, instruction was furnished in spherical trigonometry, conic sections, and in the other higher branches of the science.

*V. Languages.*—Extended courses were provided in the modern and ancient languages. The principal Latin authorities were Virgil, Cicero, and Horace; in Greek, selections were made from the works of Homer, Lucian, and Xenophon. Prose composition in these languages was required.

The trustees, at their meeting on December 9, 1796, changed the above schedule of studies by no longer requiring the study of geography in the preparatory department, and Montesquieu's Spirit of Laws, Vattel's Law of Nations, and Hume's History of England with Smollett's continuation, in the University; though we find that the use of both Vattel and Montesquieu was continued. About this time Nicholson's Astronomy was substituted in the place of Ferguson's.

The greatest attention was given to the study of the English language, mathematics, and political science, and previous to 1800 the degree of Bachelor of Arts was conferred on passing "an approved examination in the English language and the sciences." It was then required that the course in Latin should also be completed before this degree would be conferred. In 1801 it was provided that after February 1, 1802, no one should be admitted to this degree "unless he shall have acquired a competent knowledge of either the Greek or French language." To enter the Freshman class, the candidate had to pass an examination on either Greek or French equivalent to that required in Latin. In July, 1804, it was enacted that no student should be admitted to a degree without having taken the course in Greek, exceptions being made in the case of those then studying for degrees.

#### THE FIRST GRADUATES.

The first to be enrolled as a student of the University was Mr. Hinton James, of Wilmington, N. C., who entered February 12, 1795.

During the first session forty-one students were enrolled, and in 1796 the attendance reached one hundred.

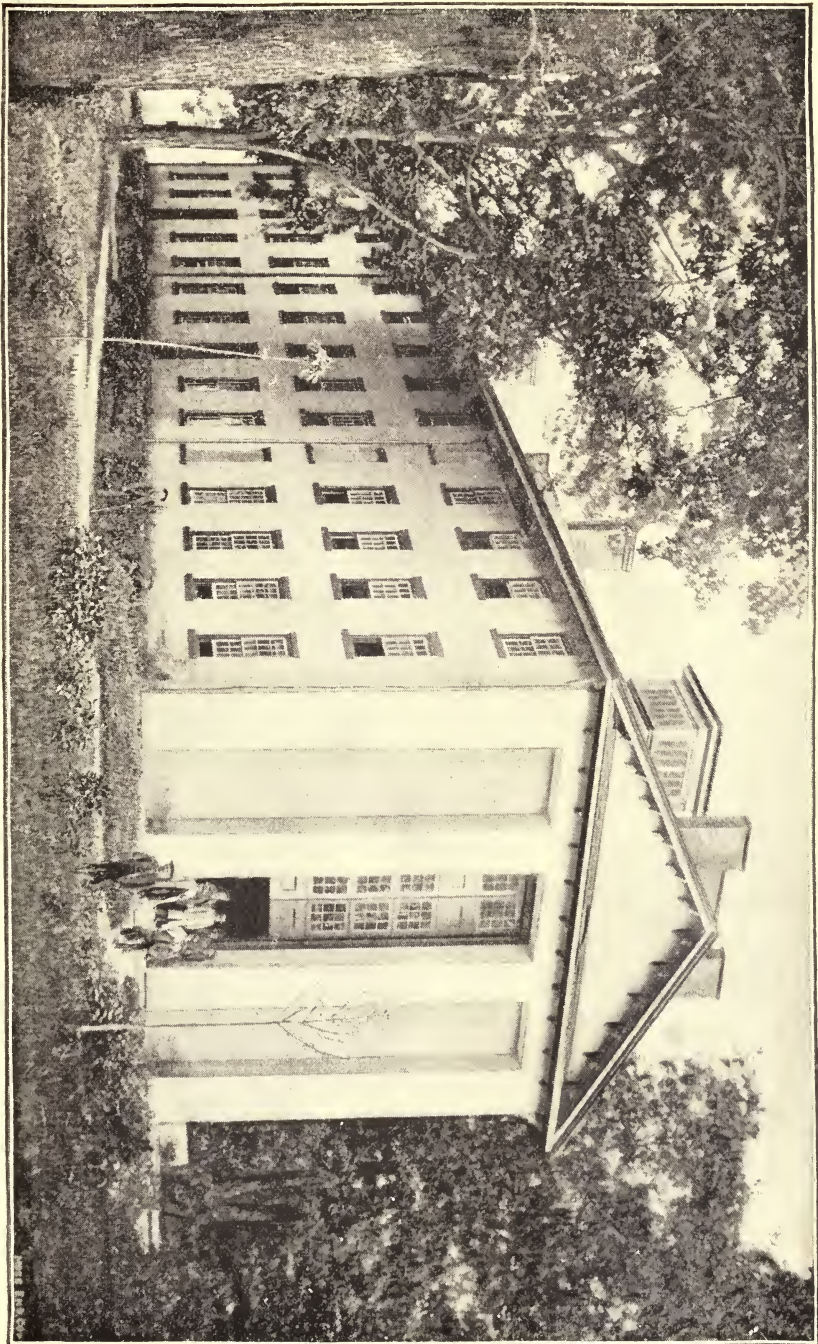
The commencement first observed was on July 4, 1798, the first degrees (Bachelor of Arts) being conferred on that occasion. The graduating class numbered seven, viz: Samuel Hinton, William Houston, Hinton James, Robert Locke, Alexander Osborne, Edwin Jay Osborne, and Adam Springs. From that time till the appointment of a president, in 1804, forty young men were graduated.

## THE FIRST PRESIDENT, REV. JOSEPH CALDWELL, D. D.

Dr. Caldwell was of Scotch and French descent. The persecution of the Huguenots in France, and the Revocation of the Edict of Nantes, caused his maternal grandfather, Lovel, to leave his country and seek a home in England. After remaining there a short time he came to America and settled on Long Island. His daughter married a Mr. Harker, a Presbyterian minister, and their daughter Rachel became the wife of Joseph Caldwell, M. D., a native of Ulster, Ireland, and at that time a resident of New Jersey. Dr. Caldwell died April 19, 1773, and on April 21, the day following his burial, was born the subject of this sketch. Mrs. Caldwell was left in poverty, but, assisted by President Witherspoon, of Princeton College, she was enabled to give her son a good education. He entered Princeton in 1787, and in 1791 took his degree with the honorary appointment of Latin salutatory. Soon after graduation he became connected with a classical school at Elizabethtown, N. J., and in 1795 he was appointed a tutor in Princeton, which position he resigned the following year to accept a professorship in the University of North Carolina. As chairman of the faculty, on him devolved the duty of outlining the course of study. This being the case, and having succeeded a Princeton graduate, it is easy to understand why the curriculum was modelled after that of the College of New Jersey.

No president was elected until 1804, Dr. Caldwell being promoted to that position. By his able management the institution was conducted safely through the many difficulties of its infancy, occasioned by a meagre endowment and a deficiency of good preparatory schools.

When Dr. Caldwell came to the University the trustees and the public were prejudiced against the classics, and it is owing to his efforts that Greek was finally given just recognition in the curriculum. But the greatest service which he rendered to the State and to the University was the firm stand he took and the influence he wielded in stemming the tide of infidelity which at one time threatened to engulf the State. Rev. Dr. J. Rumple, referring to this period of the University's history, says: "Strong bands of sympathy and gratitude united our people to the French nation, and as a natural consequence French opinions and French infidelity rolled like a devastating tide over the land. The writings of Voltaire, Volney, and Paine were in the hands of almost all, and the public mind was poisoned. Professor Kerr not only demitted his ministerial office, but renounced Christianity. Professor Harris, Caldwell's predecessor and friend, was shaken in his faith, and at one time agreed that the Bible must be surrendered. Professor Holmes, his co-laborer, not only renounced Christianity but openly taught that morality and virtue, as well as religion, were merely the watchwords of hypocrites. His only gift to the library contained the works of Paine. General Davie, a master spirit in the board of trustees,





and the acknowledged leader in the Legislature, was deeply imbued with infidel principles until reclaimed by the arguments of Caldwell, and the number of the trustees that were at that time firm supporters of the Bible was few. Dr. Caldwell stood nearly alone in his contest against fearful odds, and he deserves the singular honor of having fought a terrible battle successfully without noise, and of having won a signal victory without sounding the trumpet of triumph. When we remember what immense influence is exerted by a University standing alone, and manifestly at the head of all the educational institutions of the State, it appears impossible to estimate the desolation that would be caused by the poisoned stream flowing into hundreds of homes from this poisoned fountain."

Dr. Caldwell's efforts in behalf of the University were ceaseless. The institution so grew in reputation and numbers that new buildings had to be erected to meet the demands for lecture halls and dormitories. In 1811, by personal solicitation, he secured \$12,000 for the completion of the "south building," which had been commenced in 1798 but had remained unfinished for want of funds.

Now that the University was in a prosperous condition, Dr. Caldwell yielded to his inclinations for study, and in 1812 he resigned the presidency and returned to the chair of mathematics. He now devoted himself to his chair and to the completion of his geometry, which, although certain parts of it had been used by his students for several years previous, was not published till 1822.

On the resignation of his successor to the presidency, the Rev. Robert Hett Chapman, he again, on December 17, 1816, became president, in which position he continued the rest of his life.

In 1824 the trustees voted an appropriation of \$6,000 for the purchase of books and apparatus, and sent President Caldwell to Europe for this purpose. He remained abroad ten months. On his return the University buildings were illuminated, and he was tendered an ovation by the students. Mr. Paul C. Cameron, who was then a student at the University, says that President Caldwell "returned his thanks for the pleasant welcome, and addressed the students with the affection of a long-absent father returned to his home and duties. His heart was full and his emotions most manifest."

After his return from this trip Dr. Caldwell, in 1827, built an astronomical observatory at the University, which was the first in the United States, and continued its operation till his death.<sup>1</sup>

In 1830 Dr. Caldwell projected and started the *Harbinger*, the first newspaper ever published at Chapel Hill. It was controlled and edited by the Faculty. After a few years its publication ceased.

He was not only a learned professor and divine, but was also an enthusiastic and efficient advocate of the public schools and the railroad

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<sup>1</sup> The Nation, Vol. XLVII, p. 131 (August 16, 1888).

systems of the State. He originated the idea of a railroad from the Atlantic through the State to Tennessee, which has since been constructed, opening up the mountain counties to the outside world, and uniting all sections of the Commonwealth in bonds of common interests.

The following, taken from the *North American Review* of January, 1821, evidences the influence the University, under the management of President Caldwell, was exerting on education in the State: "In an ardent and increasing zeal for the establishment of schools and academies for several years past, we do not believe North Carolina has been outdone by a single State. The academy at Raleigh was founded in 1804, previously to which there were only two institutions of the kind in the State. The number at present is nearly fifty, and is rapidly increasing. Great pains are taken to procure the best instructors from different parts of the country, and we have the best authority for our opinion that in no part of the Union are the interests of education better understood and under better regulation than in the middle counties of North Carolina. The schools for females are particularly celebrated, and are much resorted to from Georgia, South Carolina, and Virginia. In the year 1816, the number of students at academies within the compass of forty miles amounted to more than one thousand. This space comprised the counties of Warren, Granville, Orange, Wake, Franklin, and two or three others adjoining. All the useful and ornamental branches of knowledge are taught at most of these institutions."

In his address before the Alumni Association in 1881 President Battle quotes the above, and with pardonable pride adds: "In those days the University was the only institution for higher learning in North Carolina, and when we contrast the general darkness in 1795 with the rapid improvement as shown by the extract from the *North American Review* in twenty-five years, can not the University say with triumph, 'These schools were my children; I am their *alma mater*—their creative and fostering author?'"

Besides two or three occasional sermons, Dr. Caldwell published a *Compéndious System of Elementary Geometry*, in seven books, to which an eighth is added, containing such other propositions as are elementary; subjoined is a *Treatise on Plain Trigonometry*. He published, also, in one of the Raleigh newspapers, a series of articles called *Letters of Carlton*, which were designed to awaken a spirit of internal improvement in the State, and another series on *Popular Education or Free Schools*. These were republished in a volume about the year 1825.

Few men have been held in greater esteem while living, or have been more revered when dead, by a State, than was the first President of the University. The imposing shaft to his memory, erected on the campus by the alumni, stands a fit testimonial to his valuable services; but the most enduring monument of his power and wisdom is the advance which North Carolina made in intelligence and virtue through the instrumentality of his labors.



WESSING CO. N. C.

GERRARD HALL UNIVERSITY OF NORTH CAROLINA.

PHOTO BY WESSING CO.





The monument bears the following inscriptions:

In grateful acknowledgment of their obligations to the first President of this University, JOSEPH CALDWELL, D. D., the President of the United States, the Governor of North Carolina, and other Alumni have raised this monument A. D. 1847.

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Born at Lamington, N. J., April 21, 1775. Professor of Mathematics in this University, 1796. Died at Chapel Hill January 27, 1835.

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He was an early, conspicuous, and devoted advocate of the Common Schools and Internal Improvements in North Carolina.

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Near him repose the remains of his beloved wife, Helen Caldwell.

THE CURRICULUM DURING CALDWELL'S ADMINISTRATION.

About the beginning of President Caldwell's administration the trustees ordered that the class studying political science should read De Lolme's English Constitution, Montesquieu's Spirit of Laws, the Constitution of the United States, and the modern constitutions of Europe, and "that the other books on civil government and political constitutions, which by an ordinance of December 4, 1795, formed a part of this course, should no longer be considered as doing so." But few changes were made in the curriculum first adopted, till on December 19, 1818, it was superseded by the following course leading to the degree of Bachelor of Arts:

*In the preparatory school.*—Latin grammar; Corderius or Sacra Historia; Æsop's Fables, 25; Selectæ Vetui; Cornelius Nepos or Viri Romæ; Mair's Introduction; Cæsar's Commentaries; Prosody; Ovidi Editii Expungata; Virgil's Bucolics and six books of the Æneid; Greek grammar; St. John's Gospel and Acts of the Apostles in Greek; Græca Minora to Lucian's Dialogues.

*In the college.*—Freshman class, first session: Sallust; Adam's Antiquities; Græca Minora continued; elements of ancient and modern geography; arithmetic; algebra; English grammar; composition; theses; declamation. Second session: Virgil's Georgics; Cicero's Orations; Græca Majora, first volume; algebra continued; Adam's Antiquities; English grammar; composition; declamation; theses.

*Sophomore class:* First session: Græca Majora continued, first volume; Horace; algebra continued; geometry; theses; composition; declamation. Second session: Horace continued; Homer's Iliad; geometry continued; geography; composition; declamation.

*Junior sophistcs.*—First session: Plain trigonometry; logarithms; mensuration of heights and distances; surveying; spherical trigonometry; classics; composition; declamation. Second session: Navigation; conic sections; fluxions; natural philosophy; classics; composition; declamation.

*Senior class.*—First session: Chemistry; mineralogy; geology; philosophy of natural history; moral philosophy; Stuart's Essays on the Progress of the Moral and Ethical Sciences; logic; natural philosophy continued; Playfair's Essay on the Progress of the Mathematical and Physical Sciences; astronomy; classics; English grammar; composition; declamation. Second session: Chemistry; mineralogy; geology continued; rhetoric; chemistry; metaphysics; classics; composition; declamation.

In the course here given one can not fail to notice the prominence given to classical and mathematical studies and the time devoted to composition and the cultivation of oratory. To the latter, more than anything else, is due the fact that such a large proportion of the alumni became distinguished in public life.

#### THE INFLUENCE OF YALE.—MITCHELL, OLMSTED, AND ANDREWS.

President Caldwell was assisted by an able corps of instructors. In the Faculty were some intellectual giants who not only gave reputation to the University, but whose contributions to letters and science made them prominent among the learned men of their day.

Rev. Dr. Elisha Mitchell, who was called from Yale College to the University of North Carolina in 1817, was the most noted of all.

Dr. Mitchell came of a noted New England family—one whose influence has been widely felt in religion, science, and politics. He was born in Washington, Litchfield County, Conn., August 19, 1793. His father, Abner Mitchell, was a farmer. His mother, Phœbe Eliot, was a descendant in the fifth generation of John Eliot, the "Apostle to the Indians," and minister of Roxbury, Mass., from 1632 to 1690.

Prof. Charles Phillips, in a memoir of his friend and colleague, Dr. Mitchell, published in 1858, and from which the data for this sketch are principally drawn, says: "He possessed many of the characteristics which marked the Eliots, especially of the earlier generations. The Rev. Jared Eliot, M. D. and D. D., minister for many years at Killingworth, Conn., was Dr. Mitchell's great-grandfather. He was distinguished in his own times for his knowledge of history, natural philosophy, botany, and mineralogy, while as a theologian he was sound in the faith and delighted in the doctrines of gospel grace. Among his correspondents were Dr. Franklin and Bishop Berkeley, and in 1762 he was honored by the Royal Society of London with a gold medal for a valuable discovery in the manufacture of iron. This ancestor, Dr. Mitchell closely resembled in many peculiarities of body and soul. Both were men of large stature, of great bodily strength, of untiring activity, of restless curiosity, of varied and extensive attainments, of a quaint and quiet humor, of persevering generosity, and of a well-established piety."

Dr. Mitchell was graduated at Yale in 1813, in the class with Hon. George E. Badger, Dr. Denison Olmsted, and others, who afterwards became noted as statesmen and scholars. After graduation he accepted a position in a male academy at Jamaica, Long Island, which he held till the spring of 1815, when he became principal of a female school in New London, Conn. From there he was called to Yale as tutor in 1816. Dr. Mitchell and Dr. Olmsted were recommended to the trustees of the University in 1816, by a son of President Dwight, of Yale, the Rev. Sereno E. Dwight, chaplain to the Senate of the United States, through Judge William Gaston, then a member of Congress. In 1817 they were

appointed to professorships in the University—Dr. Mitchell to the chair of mathematics, and Dr. Olmsted to that of chemistry, then first established in the institution.

Dr. Mitchell entered upon the discharge of his duties February 1, 1818, and from that time till his death he was the foremost professor in the institution. On the resignation of Dr. Olmsted, in 1825, he was transferred to the chair of chemistry, mineralogy, and geology, a position better suited to his tastes and in which he made his reputation for scientific scholarship. Dr. Phillips says of him, that "even while a professor of mathematics he had frequently indulged his taste for botany by pedestrian excursions through the country around Chapel Hill. After he took upon himself instruction in chemistry, mineralogy, and geology, he extended and multiplied these excursions, so that when he died he was known in almost every part of North Carolina, and he left no one behind him better acquainted with its mountains, valleys, and plains; its birds, beasts, bugs, fishes, and shells; its trees, flowers, vines, and mosses; its rocks, stones, sands, clays, and marls. \* \* \* Nor were his accomplishments as a professor confined to his own department. In the ancient languages he was frequently ready and able to help a colleague who was prevented from discharging his own duties. In the mathematics he would often, at public examinations, propose such questions as showed that his earlier love still retained a hold on his attention and affections. He was a good writer, and in the department of belles-lettres he was a well-read and instructive critic." He was a correspondent of Agassiz and other scientists, and kept himself fully abreast of the scientific progress of his times.

Dr. Mitchell contributed many able articles to the scientific publications of his day. He contributed the following interesting papers to Silliman's Journal: January, 1830, "A Substitute for Welther's Safety-tube," and "The Geology of the Gold Regions of North Carolina;" January, 1831, "The Causes of Winds and Storms;" April, 1831, "An Analysis of the Protogæa of Leibnitz;" July, 1831, a reply to Redfield's criticism of his article on winds and storms; January, 1839, "Observations on the Black Mountains in North Carolina." He was the author of a manual of chemistry, the second edition of which was passing through the press at the time of his death; a manual of geology, illustrated by a geological map of North Carolina; a manual of natural history, and a collection of facts and dates respecting the history, geography, etc., of the Holy Land.

When he came to the University the academic staff numbered 4 and the students 120. At his death there were 16 professors and 440 students in the institution.

Dr. Mitchell died a martyr to science, and the incidents of his death present a picture of tragic interest. By observations in 1835, 1838, 1844, and 1856 he had established the fact that the peaks of the Black Mountains, in North Carolina, are the highest east of the Rocky Mount-

ains. A controversy arose between him and the Hon. Thomas L. Clingman as to which was the higher, Mount Mitchell or Clingman's Peak, named respectively in their honor. In June, 1857, he visited the Black Mountains to make further observations in order to fully settle this dispute, but this was not his only object. Dr. Phillips says: "One object before him in 1857 was to collect in a southern latitude corrections for barometrical observations on mountain heights. He proposed to connect the railroad survey across the Blue Ridge, in North Carolina, with the top of Mitchell's Peak (Mount Mitchell) by a series of stations differing from each other by 500 feet of altitude." On Saturday, June 26, 1857, he set out alone across the mountains for a settlement on Caney River. This was the last time he was ever seen alive. Not returning when expected, search was made for him, and on July 8 his body was found in a pool of water on the mountain-side, into which he had fallen from a precipice some 40 feet above. His remains were taken to Asheville and there interred, but it was finally decided to give them sepulture on Mount Mitchell, and on June 16, 1858, they were buried on the highest point of that peak. His death and eminent services to science were chronicled by the press throughout the United States.

In July, 1885, the writer made a pilgrimage to his grave. It is an humble mound, inclosed by a wall of rough stones collected on the mountains. The surroundings are majestically grand. It has been beautifully said that "the green-hued ivy and the many-hued rhododendron lend their wild beauty to the scene, and the dark-leaved firs spread their funeral pall over the spot where he lies."

The mountain is his monument—he needs no other.

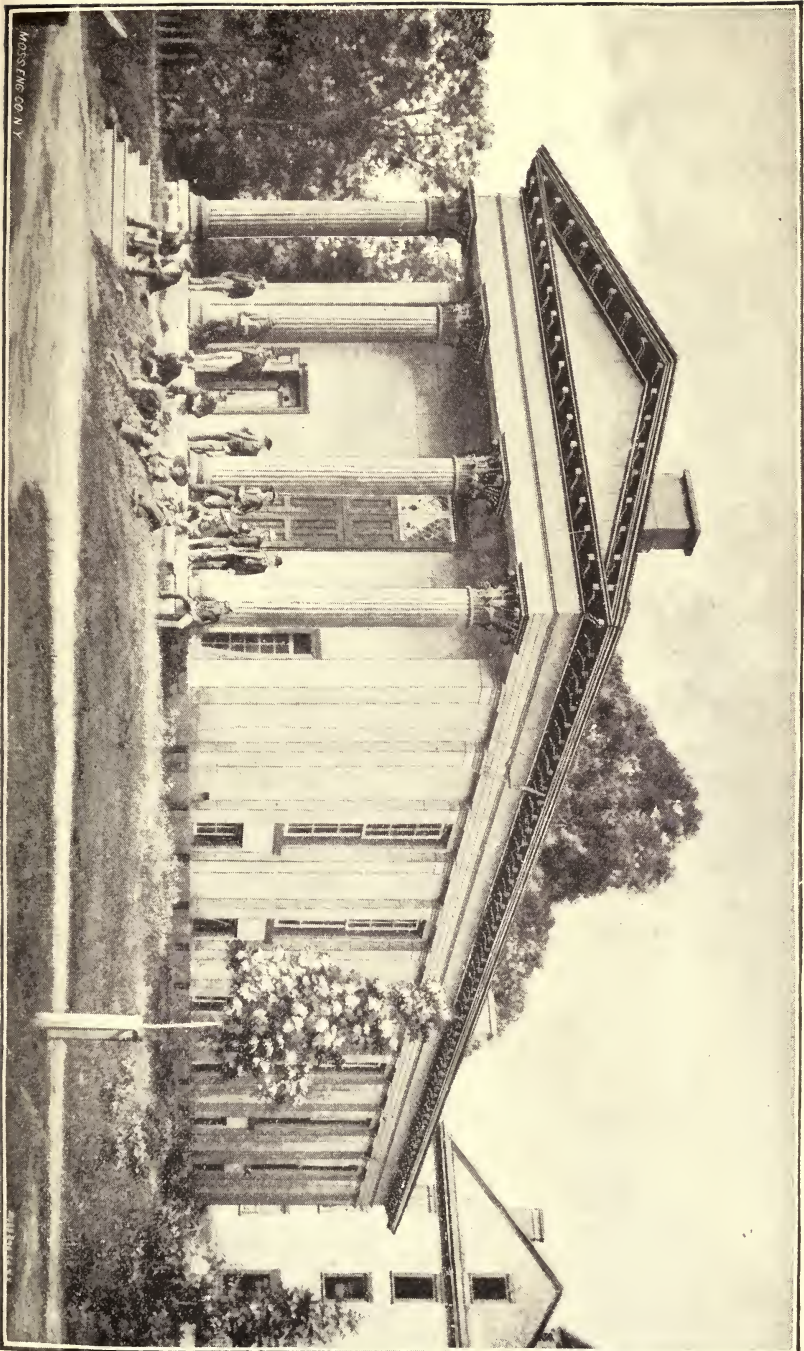
*Denison Olmsted, LL. D.*—Probably no other professor of the University ever achieved so wide a reputation as did Professor Olmsted. He was a classmate of Dr. Mitchell at Yale, having entered that institution in 1809, and graduating in 1813. For two years he taught in New London. In 1815 he was called to Yale as tutor, which position he held until his election to the professorship of chemistry in the University of North Carolina in 1817.

Under the auspices of the Legislature of North Carolina he began a geological survey of the State, which was the first to be undertaken in the Union.

In 1825 he was recalled to Yale as professor of mathematics and natural philosophy. After 1835 he was professor of natural philosophy. His *Natural Philosophy*, which is a valuable contribution to science, appeared in 1831, and his *Astronomy*, another important work, in 1839.

He was one of the earliest advocates of special institutions for the professional training of teachers, and he also deserves honorable mention for his advocacy of improvements in the elementary schools in the United States.

He was born at East Hartford, Connecticut, June 18, 1791, and died at New Haven, in that State, May 13, 1859.



Messing Co. N.Y.

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*Ethan Allen Andrews, LL. D.*—Professor Andrews came to the University as professor of ancient languages in 1822. He, too, was an alumnus of Yale, having been graduated in 1810. The duties of his chair were filled with signal ability, and it caused much regret when he resigned, in 1828, to accept the professorship of ancient languages in the New Haven Gymnasium. In 1829 he established the New Haven Institute for Young Ladies. In 1833 he removed to Boston, where he succeeded Jacob Abbott as principal of a female school, and also became senior editor of the Religious Magazine. In 1839 he returned to New Britain, Conn., where he was born April 7, 1787, and began the publication of a series of Latin text-books. He died there March 4, 1858.

These young professors, fresh from Yale, brought new life into the institution. Prior to their advent Princeton thought and Princeton methods had prevailed to the exclusion of all others. The disciples of Dwight and Witherspoon worked together in harmony and brought about a blending of Yale and Princeton methods.

#### THE SECOND PRESIDENT, REV. ROBERT HETT CHAPMAN, D. D.

On the resignation of President Caldwell, in 1812, Rev. Robert Hett Chapman, D. D., a prominent Presbyterian divine, was called to the presidency of the University.

Dr. Chapman was born at Orange, N. J., March 2, 1771, and died at Winchester, Va., June 18, 1833. He was graduated at Princeton in 1798, and, after studying theology, was licensed to preach by the Presbytery of New York in 1793. For a short time he was a professor in Queen's College, New Brunswick. From 1796 to 1799 he was pastor at Rahway, N. J., and from 1801 to 1812 he preached at Cambridge, N. Y. He accepted the presidency of the University of North Carolina, December 16, 1812, resigning it November 23, 1816, to again enter actively upon the work of the ministry. As president he continued the policy of Dr. Caldwell, his predecessor and successor. After leaving the University he held pastorates in North Carolina, Tennessee, and Virginia.

#### THE THIRD PRESIDENT, DAVID LOWRY SWAIN, LL. D.

At the time of President Caldwell's death the University was firmly established, and its influence was gradually being appreciated in other States. The high school of 1795 had become one of the foremost colleges in the Union.

In the selection of Dr. Caldwell's successor the trustees appreciated their responsibility. Scholars with more than national reputation were presented for the position, but the board of trustees with great unanimity tendered the presidency to the then Governor of the State, David Lowry Swain. Although a man of varied acquirements, it was not for his scholarship that he was selected, but on account of his per-

sonal popularity, his intense devotion to the State, and his acknowledged executive capacity.

In Governor Swain were combined the best qualities of the Puritan and the Cavalier. His father, George Swain, was of good New England stock. George Swain was born in Roxbury, Mass., in 1763, and on coming South he settled in Georgia. He served in the Legislature of Georgia five years, and was a member of the convention which revised the Constitution of that State. In 1795 he removed to Buncombe County, North Carolina. Soon after this he married Caroline Lowry, a widow, whose maiden name was Lane. She was a sister of Joel Lane, the founder of the city of Raleigh, and of Joseph Lane, at one time United States Senator from Oregon, and Democratic candidate for Vice-President of the United States on the ticket with General Breckinridge in 1860.

On January 4, 1801, was born David Lowry Swain. His early education was received at home. At the age of fifteen he was sent to the Newton Academy, near Asheville, founded by the Rev. George Newton, a Presbyterian clergyman. Senator Z. B. Vance says that this school was justly famous in that part of the State, and that many of the prominent citizens of North Carolina, beyond the Blue Ridge, and of other States, were educated, in whole or in part, at that institution. Governor B. F. Perry and Hon. Waddy Thompson, of South Carolina, M. Patton, R. B. Vance, James Erwin, and other prominent citizens of North Carolina, were classmates of young Swain while there. He taught Latin at this school for five months.

He entered the Junior class of the University of North Carolina in 1821, but, for want of means, he only remained four months. In 1822 he commenced the study of law in the office of Chief-Justice Taylor, in Raleigh, and in December of that year obtained license to practise law.

He returned to Buncombe County and entered upon the practice of his profession. His advancement was rapid. In 1824 he was elected a member of the lower house of the Legislature from his county, and was continued by successive elections for five years. The Legislature, in 1829, elected him solicitor of the Edenton circuit. He was elected a judge of the Superior Court in 1830. In 1832 he was elected Governor. Under the Constitution of 1776, the Governor was elected for only one year. Governor Swain was successively re-elected in 1833 and 1834. He was a delegate to the convention of 1835, which revised and amended the State Constitution, in which he took a prominent part. In 1835 he was elected president of the University, which position he held until 1868.

Under his energetic and able management, the University made rapid and permanent progress. The halls were filled with students from all parts of the South, the number at one time reaching nearly five hundred. The Faculty was enlarged, and the course of study extended and made more thorough. The finances were improved and wisely managed.



Several large and handsome buildings were added, ample provision being made for lecture rooms, libraries, and society halls. The campus, containing 50 acres, naturally one of the most beautiful, if not the most beautiful college campus in the Union, was inclosed and ornamented by walks and shrubbery.

President Swain was the head of the department of history and political science, and we are told that so brilliant and fascinating were his lectures in political economy and constitutional and international law that these courses were always largely attended. Such was his reputation that many from other States who afterwards became distinguished statesmen were influenced to pursue their studies at the University of North Carolina rather than at older and better-known institutions.

The then Governor of North Carolina, now Senator Zebulon B. Vance, in a memorial oration on The Life and Character of Hon. David L. Swain, delivered at the University in 1877, said:

“How well do I remember the many occasions during my sojourn at the University when he, as my preceptor, esteeming such influences of greater importance to the class than the texts of the lessons, would for the time give his whole soul to the stirring up of these generous and generous sentiments in the hearts of his pupils. The very first recitation in which I ever appeared before him was one such. I shall never, never forget it! In 1851 I entered the University and joined the Senior class as an irregular. This first lesson was in constitutional law. A single general question was asked and answered as to the subject in hand, and then he began to discourse of Chancellor Kent, whose treatise we were studying; from Kent he went to Story, from Story to Marshall, repeating anecdotes of the great Americans who had framed and interpreted our organic law, and touching upon the debate between Hayne and Webster. From these he went back and back to the men and the times when the great \* \* \* principles of Anglo-Saxon liberty were \* \* \* placed one by one as stones polished by the genius of the wise and cemented by the blood of the brave in the walls of the temple of human freedom. He told us of the eloquence of Burke, of the genius of Chatham; he took us into the prison of Eliott and went with us to the death-bed of Hampden; into the closet with Coke and Sergeant Maynard, and to the forum where Somers spoke; to the deck of the Brill where William, the deliverer, stood as he gazed upon the shores of England; to the scaffolds of Sydney and of our own glorious Raleigh. Warming as he went with the glowing theme, walking up and down the recitation room, which was the library of the ‘old South,’ with long and awkward strides, heaving those heavy, passionate sighs which were always with him the witnesses of deep emotion, he would now and then stop, reach down from its shelf a volume of some old poet, and read with trembling voice some grand and glowing words addressed to man’s truest ambition that thrilled our souls like a song of the chief musician. A profound silence was

evidence of the deep attention of the class, and the hour passed almost before we knew it had begun."

This incident is characteristic of President Swain, as is testified by many of his old pupils.

It was during the administration of President Swain that the State Historical Society was founded in January 1844, the University Alumni Association organized in 1843, and the University Magazine established in March, 1844. He was eminent for his knowledge of North Carolina history and the author of some valuable monographs on Revolutionary and ante-Revolutionary periods, several of which were published in the University Magazine.

Under his able and progressive management the University had developed into vigorous manhood, but the War, like an untimely frost, came and checked its promising career.

#### REQUIREMENTS AND COURSES DURING SWAIN'S ADMINISTRATION.

It was under the administration of President Swain that the University reached its highest development and prosperity. His predecessor had laid a broad foundation. Many of those graduated during the presidency of Dr. Caldwell had become teachers, and now classical schools were established in every section of the State. The preparatory school in connection with the University was no longer a necessity, and we find it quietly dropped. The standard of instruction was raised, and the requisites for admission made more stringent. As early as 1838, and probably before, candidates for admission into the Freshman class were required to sustain an approved examination on the grammar of the English, Latin, and Greek languages, including Latin prosody, Mair's Introduction, or Andrew's Exercises; Cæsar's Commentaries (five books); Ovid's Metamorphoses (Gould's edition—extracts from the six books); Virgil's Bucolics, and six books of the Æneid; Sallust; Greek Testament (St. John's Gospel and the Acts of the Apostles); Græca Minora or Greek reader; arithmetic; algebra, through equations of the first degree; ancient and modern geography.

In the main, after the remodelling of the curriculum at his accession, the requirements in the different departments of the University remained the same throughout the administration of President Swain.

The session of 1854-55 is taken as a typical one. The academic staff then numbered sixteen. The University consisted of eight departments and a school for the application of science to the arts, added in 1854, with a president and four professors.

The time required for the completion of the studies of each department, together with the number of recitations given, will enable one to form an idea of the relative importance attached to each. The requirements for admission to the Freshman class of the University have already been given.

In the collegiate classes the requirements were as follows:

*In Latin.*—Freshman class, 166 recitations: Virgil's Georgics, Cicero's Orations, and five books of Livy read. Sophomore, 143 recitations: Odes and Satires of Horace, Epistles of Horace and Cicero on the Immortality of the Soul. Junior, 57 recitations: Cicero de Officiis.

*In Greek.*—Freshman class, 167 recitations: Xenophon's Anabasis and one book of Herodotus read. Sophomore, 143 recitations: One book of Thucydides, five of Homer's Iliad, and Select Orations of Demosthenes. Junior, 54 recitations: Two tragedies of Sophocles. Senior, 33 recitations: One Tragedy of Sophocles.

We find the instructors in these departments complaining that candidates for admission are generally deficient in some part of the preparatory studies, especially in Latin construction, Greek grammar, Roman and Grecian antiquities, and ancient geography, and mythology. At the same time they acknowledge that they are much indebted to "the faithful teachers who are laboring to promote classical learning by thorough elementary instruction. \* \* \* We trust that our obligations to them will be still further increased; for on their efforts we must, in a great measure, depend for success in elevating the standard of scholarship in the University."

*In history.*—Besides the historical works read in Latin and Greek, the following were required: Freshman class, 78 recitations: Grecian and Roman antiquities and ancient history studied. Junior, 78 recitations: History of the Middle Ages and modern history, with attention to that of England and America.

The text-books recommended in this department were Bojesen's Greek and Roman Antiquities, Weber's Outlines, Tytler's Universal History, and Smith's Lectures on Modern History. It was provided that throughout the entire course the classes should be guided to the best sources of information on all the more important subjects of historical inquiry and stimulated from time to time to extend their investigations beyond the text-books.

*In French.*—Sophomore class, 38 recitations: Levizac's Grammar and Perrin's Fables used. Junior, 76 recitations: Florain's Gonzalve de Cordone and Bossuet's Orations. Senior, 35 recitations: Selections from Racine's Tragedies and Molière's Comedies. Throughout the course, lectures were given from time to time on the history and character of French literature.

*In logic and rhetoric.*—Sophomore class, essays required every third week. Junior, 3 recitations per week and one original oration from each member during the session. Senior, 4 original orations from each member during the year. The text-books used were Whateley's Elements of Logic and Rhetoric, with reference to the works of Mill and Campbell, and occasional lectures upon the principles of taste and criticism.

*In mathematics.*—The Freshman class had 4 recitations a week, the Sophomore 5, and the Junior 4. The text-books used were Pierce's Algebra, Geometry, Trigonometry, Navigation and Surveying, and Spherical Trigonometry; Church's Analytical Geometry, and Differential and Integral Calculus; Olmsted's Natural Philosophy, and Norton's Astronomy. A course of lectures was given in natural philosophy and astronomy, illustrated by appropriate experiments.

*In chemistry, mineralogy, and geology.*—Senior class, 3 lectures and 3 recitations in each per week. The text-books of Draper, Graham, Regnault, and Silliman were used in the course.

This department was under the direction of the distinguished Dr. Mitchell, who was also one of the professors in the School for the Application of Science to the Arts, where the studies of this department were taught with great thoroughness.

*In political science and philosophy.*—Required in course during the Senior year three days per week. Text-books used were Wayland's Political Economy, Story's Familiar Exposition of the Constitution, and Kent's Commentaries on American Law, Vol. 1; Wayland's Moral Science, Abercrombie's Inquiries concerning the Intellectual Powers, and Wayland's Intellectual Philosophy. A course of lectures was also

delivered on the history of constitutional law. It was provided that no portion of the text-books should be omitted, "but the whole carefully recited, subsequently reviewed, and each member of the class separately and rigidly examined on the entire system."

#### SCHOOL FOR THE APPLICATION OF SCIENCE TO THE ARTS.

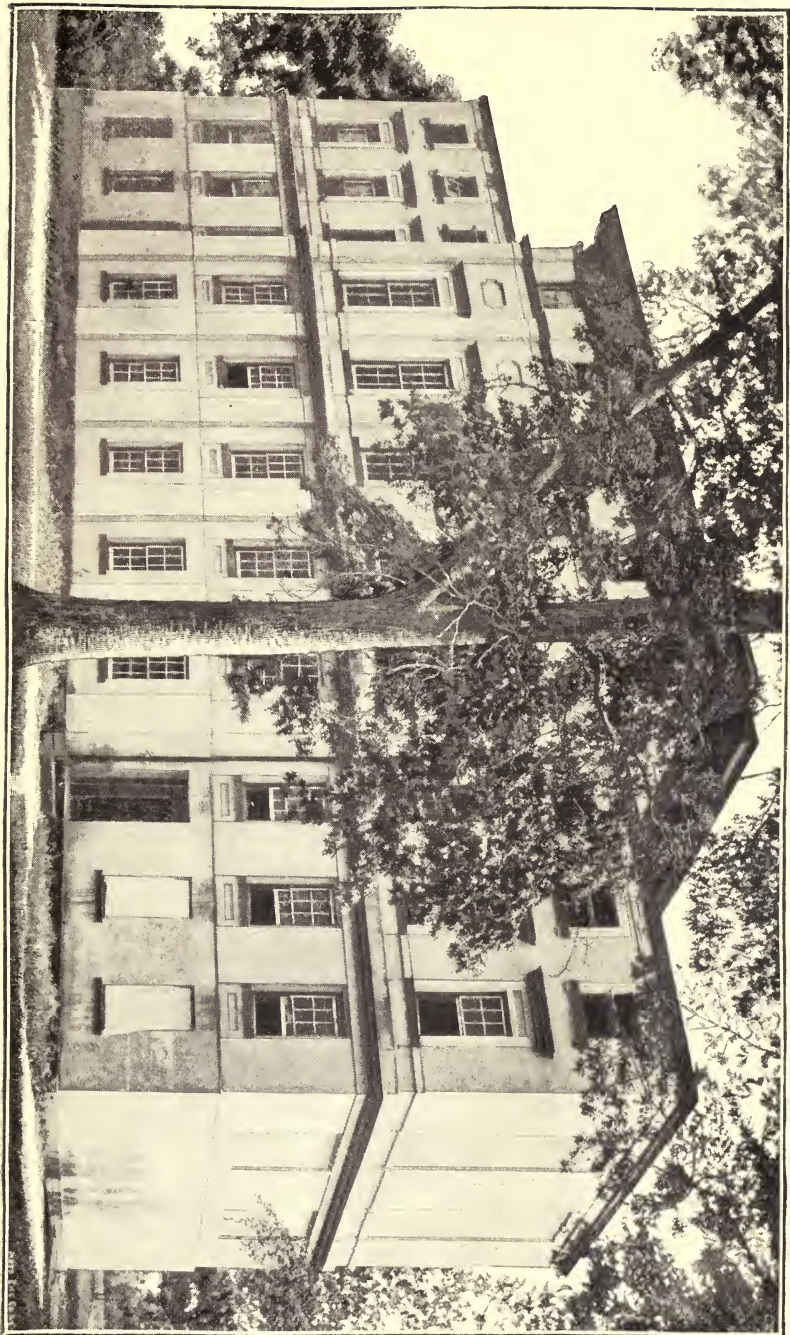
As before stated, in January, 1854, a "School for the Application of Science to the Arts" was established with Elisha Mitchell, professor of chemistry, mineralogy, and geology; James Phillips, professor of pure mathematics and natural philosophy; Charles Phillips, professor of civil engineering, and Benjamin S. Hedrick, professor of chemistry applied to agriculture and the arts.

The object of this school was to prepare young men for professional life as engineers, artisans, farmers, miners, and physicians. They were given both practical and theoretical instruction. The University catalogue for 1854-55 says: "It is judged that this course will secure the greatest benefits to the various interests of our community. For, while theory without practice is in danger of becoming visionary and unproductive—practice without theory may become devoted to isolated efforts, or to a barren routine of imitations."

It was provided that "as this school is an integral part of the University, candidates for its first degree will be allowed to substitute civil engineering or agricultural chemistry for the ancient and modern languages, or for international and constitutional law, at their own election, but only during the second term of their Senior year. Those students of the University who seek for a professional education may leave the academic course at the end of the first term of their Senior year and devote themselves entirely to their own special studies during a period of eighteen months. At the end of six months they will receive the degree of Bachelor of Arts along with the rest of their class, and at the end of their fifth year the degree of Master of Arts. Instruction will be given to others also who are connected with the University only as pupils of this school. From them an attendance of two years and a half will be required generally, but, as usual, they will be admitted at the beginning of their course to such classes as their own acquisitions may suit. On completing the required studies these pupils will receive the degree of Bachelor of Science."

To enter the department of civil engineering the student was required to stand approved examinations on arithmetic, algebra, geometry, and plane and spherical trigonometry, with its application in surveying, navigation, and in the mensuration of heights and distances. The course in this department comprised three years. The text-books used were Church's Analytical Geometry, Church's Differential and Integral Calculus, Davies's Descriptive Geometry, Davies's Shades and Shadows, Smith's Mechanics and Engineering, Mahan's Civil Engin-

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eering, Gillespie on Roads and Railroads, Trantwine, Borden, Loud, etc., on Geodesy and Earth Works.

Mechanical, topographical, and architectural drawing, both plane and isometrical, were taught throughout the course.

Students in the department for the application of chemistry to agriculture and the arts were instructed in analytical chemistry and its application to the analysis of soils and manure, the assaying of soils and minerals, the analysis of mineral waters, and the testing of drugs and medicines. Daily work in the laboratory was required.

In addition to the lectures, the following works were required for reading and reference: Will's Outlines of Chemical Analysis, Rose's Analytical Chemistry, Regnault's Chemistry, Johnston's Agricultural Chemistry, Stockhardt's Field Lectures, Plattner's Testing with the Blow-pipe, and Bowman's Medical Chemistry.

#### LAW SCHOOL.

A professorship of law was established in 1846, but the professor received no salary from the University; neither was he nor were his students subject to the ordinary regulations.

There were two classes, the students of the first or independent class having no connection with any other department, and the college class consisting of students who were also pursuing their studies in the University. Tuition in the first class was \$50, and in the latter \$25 per session, all fees being paid to the professors of the department.

The full course occupied the independent class two years, at the end of which the degree of Bachelor of Laws was conferred on those students passing approved examinations.

The plan of studies comprised Blackstone's Commentaries, Cruise's Digest of Real Property, Fearne on Remainders, Iredell on Executors, Stephen on Pleading, Chitty's Pleading, Selwyn's *Nisi Prius*, Smith on Contracts, Greenleaf on Evidence, and Adams's Doctrine of Equity, together with lectures on the common law, having special reference to the legislation and judicial decisions of North Carolina. Moot courts were held from time to time, presided over by one of the professors, for the discussion of legal questions.

On the transfer of the University to President Pool and his associates in 1868 the law school was abandoned, but on the accession of President Battle, in 1876, it was re-opened with the Hon. William H. Battie, LL. D., as professor. In 1881 the Hon. John Manning became the head of this department, which position he has occupied continuously since. For the past few years the number of students in this department has averaged about twenty-five.

Besides the University Law School there is only one other regularly organized law school in the State, the Dick and Dillard Law School, at Greensborough, an excellent institution.

## THE CIVIL WAR.

The War fell upon the University like a thunderbolt. Prosperity was shattered and discordant elements introduced which were not harmonized until years after the close of that eventful struggle. The War and the days of reconstruction are the period of the University's distress and humiliation, and they constitute the only dark picture in its history.

After North Carolina passed the ordinance of secession and war had been declared, both students and professors were eager for the conflict. Seven members of the faculty and nearly all the students joined the army. They were inspired by patriotic motives, for they believed they were fighting for liberty and home. But in all the excitement incident to the struggle President Swain was calm and remained faithful to the institution over which he had been called to preside. His efforts were mainly directed to keep the University open, and it was his boast that during the four years of war the college bell never failed in its daily calls, and the institution was maintained in full working order. In doing this he was fiercely assailed by many who urged that college walls should not prove a protection to those whose fortune it was to be favored by wealth and influence. But conscious of his own integrity of purpose, he did not waver in the course adopted.

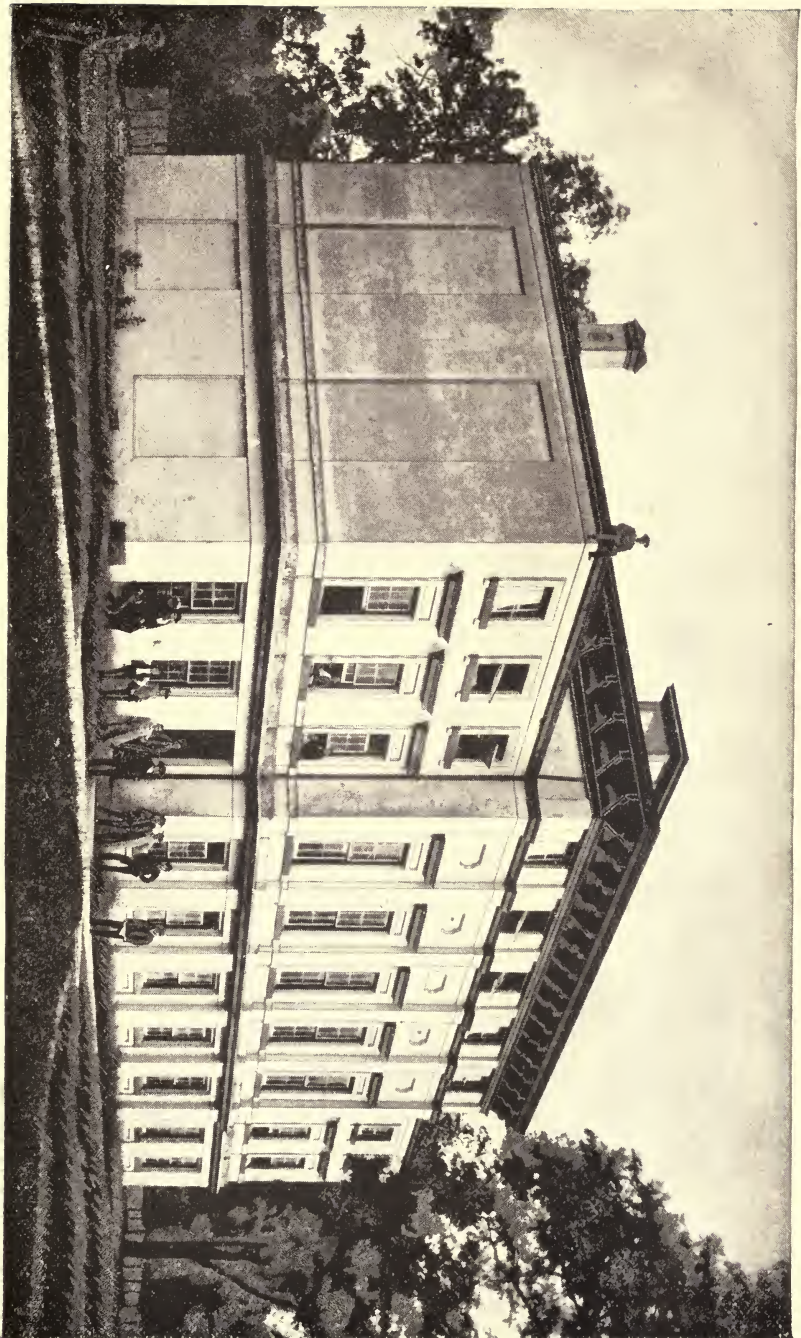
Senator Vance, in the address before referred to, said: "Governor Swain appealed to the Confederate government more than once to prevent the handful of college boys left from being drafted. President Davis himself seconded these efforts in the earlier years of the War, declaring that 'the seed corn should not be ground up.' But as the exigencies of the country increased, this wisdom was lost sight of, the collegians were again and again called upon, till at the time of Lee's surrender there were but about a dozen here still keeping up the name and forms of a college. But even while the village and the University were occupied by 4,000 Michigan cavalry, the old bell was rung daily, prayers were held, and the University was kept going."

## A ROMANCE OF THE WAR.

Federal cavalry, under General S. D. Atkins, took possession of Chapel Hill, April 17, 1865. General Sherman, in consequence of a visit from President Swain, as a member of the commission to surrender the city of Raleigh, had ordered that the University should be protected from pillage and destruction, which was done very effectually.

General Atkins, while visiting President Swain on official business, accidentally saw his daughter; he afterwards sought her acquaintance, addressed her, and was accepted. During the summer her father visited General Atkins's home in Illinois and satisfied himself as to his character and social standing. Her father's permission having been secured, Eleanor Hope Swain, against the protest of friends, married the Union General in August, 1865. They now reside in Freeport, Ill.





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Mrs. Atkins is the only living child of President Swain. No male representative of the family survives.

President Swain had never entertained extreme views in regard to "State rights," and did not permit himself to become embittered against the North during the War. Mrs. C. P. Spencer, a neighbor and familiar acquaintance of President Swain, in her *Pen and Ink Sketches of the University*, says: "Governor Swain believed this marriage was but the first of many others like it to take place all over the South; that our peace was to flow like a river, and that North and South were coming together at once to be more firmly united than ever. He was a sagacious man and accustomed to calculate possibilities very closely and accurately, but he did not once dream of the party issues that were to spring up and divide the country even more effectually than the War, nor of the bitterness that was to be engendered and revived."

This marriage provoked much adverse criticism throughout the State. President Swain's course was censured by many, some being alienated from the University on account of it; but now that prejudice has yielded to reason, his wisdom in this matter is admitted. Had all been as charitable as he was, the wounds of the War would soon have been healed.

#### LAST YEARS OF SWAIN'S ADMINISTRATION.

Now that the War was over, it was hoped that the University would rise to its former prosperity. But it seemed that President Swain had lost his hold upon the affections of the people of the State, and in consequence the institution suffered. His liberal policy had pleased neither of the then existing political factions. The leaders of the Republican party looked upon him with suspicion, and regarded the University as "a hot-bed of treason." He had displeased many prominent and influential friends of the institution by his willingness to accept the results of the War and banish all sectional strife. Many clamored for his removal. His resignation was tendered in 1867, but was not accepted, the reason probably being that the trustees were aware that they were soon to be succeeded by a new board of trustees, and they wished to throw the responsibility of the reorganization of the University upon them.

In 1868 the State passed under the new Constitution. There was an entire change in the State government. The University was placed in the hands of a new board of trustees, and one of their first official acts was to dismiss the president and Faculty, that they might remodel it on a partisan basis.

President Swain did not long survive this dark hour of the University. On August 11, 1868, while out driving with a friend near Chapel Hill, he was thrown from the buggy and painfully injured. He died from the effects of his injuries August 27, following the accident. He was buried in Oakwood Cemetery, near Raleigh.

President Swain was an earnest Christian and an honored member of the Presbyterian Church. Senator Vance, in referring to his Christian character, says: "He was a praying man, and was not ashamed to be known as such. He first introduced the practice of opening the regular meetings of the faculty with prayer." Truly has it been said that "the soil of our State holds the dust of no son who loved her more or served her better."

#### RECONSTRUCTION.

The first acts of the board of trustees, which had been appointed upon the adoption of the Constitution of 1868, were unconstitutional and condemned by the best citizens of the State.

They ordered the University to be closed, declared all the chairs vacant, and all the professorships abolished. The Constitution of the State provides that the University shall be perpetuated and maintained, and the charter of the institution expressly states that the members of the Faculty shall not be dismissed unless certain specified charges shall be proved.

The larger part of the endowment was unwisely invested and lost, and political bias was manifested in all that was done.

Upon the re-opening of the University in 1869, the friends of the institution were dissatisfied to find that the late distinguished president and his able coadjutors had been succeeded by new and untried men.

In referring to President Swain and this period of the history of the University, Mr. Paul C. Cameron, president of the Alumni Association, in an address before that body in 1881, said:

"The shadows of a dark night were falling round him and his colleagues and the object of his care. A special Providence seemed watchful to save these old servants of our State University from the humiliation of a painful exile from homes, labors, honors, offices, and altars. Professor Mitchell had fallen on rest in the deep and dark chambers of the Black Mountain. Professor Phillips had lain down with his harness on, upon the rostrum of the chapel, for his long sleep whilst the students were assembling for morning prayer. President Swain, in visiting a small farm in preparation for the comfort of his small family of old servants, is by an accident fatally injured; lingering a few days his useful life and well-rounded labors are closed in charity and kindness to all, but with anxious fears for the future of an institution that he had loved so long and served so well. He knew that new and unknown men would soon be placed in charge. Pleasant is the memory of such a man to the good people of North Carolina, and they silently rebuked the punishment of a man without a crime, and a Faculty without a stain, and in fortitude submitted to the inevitable, and passed their sons to the care of the undisturbed institutions of learning of our sister State of Virginia."

## THE FOURTH PRESIDENT, REV. SOLOMON POOL, D. D.

Rev. Solomon Pool, D. D., became president in 1869. Doubtless he had the interest of the University at heart in accepting the position, but time has proved that it was unfortunate for him and for the institution that he did so. In becoming a member of the Republican party at the time he did and under the then existing circumstances, he rendered himself unpopular with some of the best and most influential people in the State—the former friends and supporters of the University. The board of trustees, of which Dr. Pool was a member, was regarded with disfavor, and the fact that he was its choice did not add to his reputation.

Without reputation for broad scholarship or administrative ability, without influential friends outside his own party, without any claim upon the people of the State, he accepted the presidency of one of the leading institutions in the Union. Even though his best efforts were put forth in its behalf, yet that his administration was a comparative failure is no surprise. It is due Dr. Pool to add that he was the best man of his party in the State for the position, and at that time it would have been almost, if not quite impossible, for any Republican to have succeeded in the management of the University.

During the presidency of Dr. Pool the attendance at any time was not more than seventy-five, a large proportion of the students coming from the immediate neighborhood of the institution and none from without the State. The faculty numbered five; all were Republicans, and two of them were Northern men who had previously been connected with institutions for the education of colored people. This, in a measure, accounts for the small attendance. The writer is glad to add that the day has now come when no man is ostracized in North Carolina on account of political convictions, and that some of the most prominent physicians and one of the ablest divines in the State are professors in Shaw University, an institution in Raleigh for the higher education of the negro in medicine, law, divinity, and letters, and no right-thinking man condemns them for their course.

After 1870 all exercises were discontinued until the reorganization in 1875. Dr. Pool continued as nominal president in charge of the University property until the reopening.

Dr. Pool is a member of the Methodist Episcopal Church South. He is a native of Elizabeth City, N. C. In 1849, at the age of seventeen, he entered the University, where he was graduated in 1853. In December, 1853, he was elected tutor of mathematics in his *alma mater*, and in 1860 he was promoted to the adjunct professorship of pure mathematics, which position he held until 1866, when he accepted a Government position in the revenue service. He was president of the University from 1869 to 1875. After his connection with that institution was severed, he was for a short time principal of a school in Cary,

but he now devotes all his time to the ministry. He is considered one of the ablest and most eloquent divines in the State.

#### THE RE-OPENING.

In 1875, the trustees being elected by the General Assembly, in pursuance of a Constitutional amendment of that year, the University was re-opened with a corps of seven professors, the Rev. Charles Phillips, D. D., LL. D., professor of mathematics, being made chairman of the Faculty.

Dr. Phillips is a native of Harlem, N. Y. His father, James Phillips, came to this country from England, and from 1826 to his death in 1867, was professor of mathematics at Chapel Hill. He was graduated at the University in 1841, and after studying a year at Princeton, became tutor of mathematics at his *alma mater* in 1844; was promoted to the professorship of civil engineering in 1853, and upon the death of his father was transferred to the chair of mathematics. After the dispersion of the Faculty of the University, he became professor of mathematics in Davidson College in 1869, where he remained till his recall to Chapel Hill in 1875. In 1879, owing to bad health he gave up active work and was made professor emeritus in his department. He has written much for the religious and secular press, and published a Manual of Trigonometry for use at the University.

The requirements for admission were made essentially the same as at the close of the administration of President Swain. Three courses of study were provided: the classical, requiring four years for its completion, and leading to the degree of Bachelor of Arts; the scientific, requiring three years, and leading to the degree of Bachelor of Science; the agricultural, requiring three years, and leading to the degree of Bachelor of Agriculture.

During the session of 1875-76 sixty-nine students were enrolled.

#### THE FIFTH PRESIDENT, KEMP PLUMMER BATTLE, LL. D.

In 1876 the Hon. Kemp P. Battle was elected president of the University and has held the position continuously since. He is a son of the late Judge William H. Battle, at one time a member of the Supreme Court of North Carolina, and author of a digest of the laws of the State. President Battle was born December 19, 1831. He was graduated at the University in 1849, being valedictorian of his class, and for four years was tutor of mathematics in that institution. In 1854 he began the practice of law and made rapid advancement in his profession. He was a Whig delegate to the secession convention of 1861, and was State treasurer from 1866 to 1868. At the time of his election to the presidency he was a prominent lawyer of Raleigh.

At the beginning of his administration the Faculty was increased, the courses enlarged, and the standard of instruction raised. The course

leading to the degree of Bachelor of Agriculture was done away with, and a philosophical course, differing from the classical in that only one ancient language is required, more attention being devoted to the scientific studies, leading to the degree of Bachelor of Philosophy, was added. All the undergraduate courses were made co-ordinate, each requiring four years for completion. Post-graduate instruction leading to the master's degree (A. M., Ph. M., and M. S.) and the doctor's degree (Ph. D.) was provided. For the master's degree the candidate must take post-graduate study for one year in three subjects, submit a suitable thesis and pass satisfactory examinations. For the doctor's degree, two of the subjects of the post-graduate work of the first year must be continued for another session, the candidate then submitting a thesis and passing examinations.

The University as now constituted embraces the following departments: The Literary Department, the Scientific Department, the School of Normal Instruction, the College of Agriculture and the Mechanic Arts, and the School of Law.

Under the administration of President Battle its growth has been marked. Since 1876 the annual enrolment of students has averaged about 175. The academic staff now numbers 17.

Beginning with the Swain administration the salaries have been as follows:

In 1836 the president received \$2,000 per annum and residence; the professors each \$1,240 and residence. In 1860 the president's salary had been increased to \$2,500, and the professors' to \$1,700. The former now (1887) receives \$2,500 and the latter \$2,000 per year and residences.

#### PRESENT REQUIREMENTS AND COURSES.

The requirements for admission to the University are as follows:

*In Latin*.—Caesar's Gallic War (5 books), Virgil's *Aeneid* (5 books), Cicero's Orations (4). Equivalent amounts from other authors are accepted. A thorough acquaintance with the forms of declension and conjugation and the general principles of construction is absolutely essential. *In Greek*.—Xenophon's *Anabasis* (3 books), simple exercises in translating English into Greek, Greek Grammar (Goodwin or Hadley-Allen), a good knowledge of which is required. *In Mathematics*.—Arithmetic, and Algebra to quadratic equations. *In English*.—English Grammar (Whitney, Bain), Introduction to Rhetoric and Composition (Chittenden and D. J. Hill, or Reed and Kellogg), Outlines of English and American History and Literature (Freeman, Gilman).

Applicants wishing to pursue the classical course are examined in all the above studies, and in addition are required to exhibit a general acquaintance with ancient history, geography, and mythology. Slight deficiencies in the amount of reading required in Latin and Greek are allowed to be made up by private study during the first session, if the rest of the examination is satisfactory. Those desiring to take the philosophical course are examined in Latin or Greek, according to selection made, mathematics and English. For the scientific course the

applicants are examined in Mathematics and English. Optional students are examined in such of the above as relate to the studies they select. For admission into advanced classes, applicants are examined in the studies completed by the classes they wish to join.

The following undergraduate courses of study are provided. The figures in parentheses denote the number of recitations or lectures per week :

1. *Classical course*, leading to the degree of Bachelor of Arts :

*First year.*—First term : Algebra (4), Latin (4), Greek (4), English (2), History (1), Hygiene (six lectures), Practical Morals (six lectures). Second term : Geometry (4), Latin (4), Greek (4), English (2), History (1).

*Second year.*—First term : Trigonometry (4), Latin (4), Greek (4), Chemistry (3), English (1). Second term : Analytical Geometry (4), Latin (4), Greek (4), Chemistry (3), English (1).

*Third year.*—First term : Physics (4), Logic (2), English (1), Elective (9), of which at least (3) must be devoted to a modern or classic language. Second term : Physics (4), Logic and Psychology (2), English (1), Elective (9), subject to same condition as in first term.

*Fourth year.*—First term : Political Economy (3), English Literature (3), Essays and Orations (1), Psychology and Moral Philosophy (2), Elective (6), subject to same condition as in third year. Second term : Constitutional and International Law (3), English Literature (3), Essays and Orations (1), Moral Philosophy (2), Elective (6), subject to same condition as in third year.

Elective studies : History (3), French (3), German (3), Latin (4), Greek (4), Anglo-Saxon (3), Industrial Chemistry (3), Qualitative Chemical Analysis (3), Quantitative Chemical Analysis and Assaying (3), Physiology, Zoölogy, and Botany (3), Economic Entomology (3), Advanced Botany (3), Surveying and Engineering (3), Calculus (4), Practical Horticulture (2), Biological Laboratory (2), Astronomy (1½), Theoretical Mechanics (1½), Geology (1½), Mineralogy (1½), Metallurgy (1½), Mental and Moral Philosophy (2), Physics (2).

2. *Philosophical course*, leading to the degree of Bachelor of Philosophy :

*First year.*—First term : Algebra (4), Latin or Greek (4), German or French (3), English (2), History (1), Physiography (1), Hygiene (six lectures), Practical Morals (six lectures). Second term : Geometry (4), Latin or Greek (4), German or French (3), English (2), History (1), Physiography (1).

*Second year.*—First term : Trigonometry (4), Latin or Greek (4), German or French (3), Chemistry (3), English (1). Second term : Analytical Geometry (4), Latin or Greek (4), German or French (3), Chemistry (3), English (1).

*Third year.*—First term : Physics (4), Physiology (3), Logic (2), English (1), Elective (6). Second term : Physics (4), Zoölogy and Botany (3), Logic and Psychology (2), English (1), Elective (6).

*Fourth year.*—First term : Political Economy (3), English Literature (3), Essays and Orations (1), Astronomy (3), Psychology (2), Elective (3). Second term : Constitutional and International Law (3), English Literature (3), Essays and Orations (1), Geology (3), Moral Philosophy (2), Elective (3).

Elective studies : Studies to fill out the hours marked Elective in the above course may be chosen from either or both of the lists of Elective Studies given under the Classical Course and Scientific Course.

3. *Scientific course*, leading to the degree of Bachelor of Science :

*First year.*—First term : Algebra (4), German or French (3), or Latin (4), English (2), History (1), Entomology (1), Physiography (1), Physiology (3), Hygiene (six lectures), Practical Morals (six lectures). Second term : Geometry (4), German or French (3), or Latin (4), English (2), History (1), Entomology (1), Physiography (1), Zoölogy and Botany (3).





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3. *Scientific course*—Continued.

*Second year.*—First term: Trigonometry (4), German or French (3), or Latin (4), English (1), Chemistry (3), Qualitative Chemical Analysis (3), Biological Laboratory (2). Second term: Analytical Geometry (4), German or French (3), or Latin (4), English (1), Chemistry (3), Qualitative Chemical Analysis (3), Biological Laboratory (2).

*Third year.*—First term: Physics (4), Mineralogy (3), English (1), Elective (8). Second term: Physics (4), Geology (3), English (1), Elective (8).

*Fourth year.*—First term: Astronomy (3), Elective (12), (of which (6) must be devoted to Science). Second term: Elective (15), (of which (6) must be devoted to Science).

Elective studies: Advanced Botany (3), Quantitative Chemical Analysis and Assaying (3), Surveying and Drafting (3), Calculus (4), Anatomy and Physiology of Domestic Animals (3), History (3), Psychology and Moral Philosophy (2), English Literature (3), Political Economy, Constitutional and International Law (3), French or German (3), Economic Entomology (2), Practical Horticulture (2), Agricultural Chemistry (1½), Metallurgy (1½), Mechanics (1½), Practical Geology (3), Essays and Orations (1), Physics (2), Logic and Psychology (2), Industrial Chemistry (3).

In the *College of Agriculture and the Mechanic Arts* the following courses are given:

1. *Agriculture*, leading to the degree of Bachelor of Science, with a certificate of proficiency in Agriculture:

*First and second years.*—The same studies are required as in the corresponding years of the Scientific Course.

*Third year.*—First term: Mechanics (4), Mineralogy (3), Industrial Chemistry (3), Agricultural Botany (3), Entomology (2). Second term: Physics (4), Geology (3), Industrial Chemistry (3), Agricultural Botany (3), Entomology (2).

*Fourth year.*—First term: Land Surveying (3), Astronomy (3), Domestic Animals (3), Horticulture (2), Elective (4). Second term: Agricultural Chemistry (3), Horticulture (2), Elective (10).

In addition to the above a two years' course has been arranged for those who wish to give special attention to agriculture and who can not remain four years. This course leads to no degree. The studies are as follows:

*First year.*—First term: Algebra (4), Physiology (3), Chemistry (3), Qualitative Laboratory Practice (3), English (2), Entomology (1), Hygiene (six lectures). Second term: Geometry (4), Zoölogy and Botany (3), Chemistry (3), Qualitative Laboratory Practice (3), English (2), Entomology (1).

*Second year.*—First term: Mechanics (4), Agricultural Botany (3), Anatomy and Physiology of Domestic Animals (3), Injurious and Beneficial Insects (2), Principles of Horticulture (2), Business Law (1). Second term: Agricultural Chemistry (3), Geology (3), Agricultural Botany (3), Feeding and Breeding of Domestic Animals (3), Injurious and Beneficial Insects (2), Practical Horticulture (2).

2. *Civil Engineering and Mining*, leading to the degree of Bachelor of Science, with a certificate in Civil Engineering and Mining:

*First and second years.*—The same studies are required as in the corresponding years of the Scientific Course.

*Third year.*—First term: Physics (4), Mineralogy (3), Calculus (4), Surveying and Drafting (3). Second term: Physics (4), Geology (3), Calculus (4), Surveying and Drafting (3).

2. *Civil Engineering and Mining*—Continued.

*Fourth year.*—First term: Engineering (3), Mining and Assaying (3), Quantitative Chemical Analysis (3), Practical Geology (3), Astronomy (3). Second term: Engineering (3), Metallurgy (3), Quantitative Chemical Analysis (3), Theoretical Mechanics (3), Elective (3).

The *Normal Department* has been established in accordance with the State Constitution, and by a recent act of the General Assembly young men preparing to teach are given free tuition on the condition that they pledge themselves to teach at least one year after leaving the University. The special object of this department is to prepare teachers for the public schools.

A two years' *Normal Course* is provided:

*First year.*—First term: English (2), Algebra (3), Physiology (3), History of North Carolina (2), Commercial Arithmetic (1), Reviews and Methods of Teaching (5). Second term: English (2), Algebra (3), Zoölogy and Botany (3), History of United States (2), Book-keeping (1), School Economy (4).

*Second year.*—First term: English (1), Algebra (4), Physical Geography (1), Elocution (2), Chemistry (3), or Physics or Latin (4), Graded Schools (3), Seminary (1). Second term: English (1), Physical Geography (1), Geometry (4), Chemistry (3), or Physics or Latin (4), Methods of Culture (2), History of Education (3), Seminary (1).

This course leads to no degree, but upon passing approved examinations in the studies above enumerated, a certificate of proficiency is awarded.

In the *School of Law* the plan of studies comprises (A) the course prescribed by the Supreme Court of North Carolina, and (B) an additional course for those desiring to compete for the degree of Bachelor of Science. The following works are used as text-books:

(A) Blackstone's Commentaries, Washburn on Real Property, Schouler on Executors, Stephen on Pleading, Chitty's Pleading, Adams' Doctrine of Equity, 1st Greenleaf on Evidence, Smith on Contracts, Addison or Bigelow on Torts, Constitution of the United States and of North Carolina, Code of North Carolina, particularly the Code of Civil Procedure. (B) Parsons on Contracts, Pierce on American Railroad Law, Angell & Ames on Corporations, Willard's Equity Jurisprudence, Cooley's Constitutional Limitations, Wharton's Criminal Law, and Best's Principles of Evidence.

In addition to the above, post-graduate courses are provided, open to students of any institution who have taken their baccalaureate degree, free of tuition. Applicants for a Master's degree must have completed the course leading to the corresponding Bachelor's degree. In all cases the instructors must be satisfied that the student is prepared to follow the course selected.

1. *Classical Course*, leading to the degree of Master of Arts: Three studies, pursued for one year, to be selected from the following groups, subject to the condition that one study must, and two may, be selected from group 1, but not more than one from any other group:

1. Latin, Greek.
2. German, French, English.
3. Political Science, Mental and Moral Science, History.
4. Chemistry, Geology, Metallurgy, Natural History.
5. Mathematics, Natural Philosophy.

2. *Philosophical Course*, leading to the degree of Master of Philosophy: Three studies, pursued for one year, to be selected from the following groups, subject to the same condition as in Classical Course.
  1. Latin, Greek, German, French, English.
  2. Political Science, Mental and Moral Science, History.
  3. Chemistry, Geology, Metallurgy, Natural History.
  4. Mathematics, Natural Philosophy.
3. *Scientific Course*, leading to the degree of Master of Science: Three studies, pursued for one year, to be selected from the following groups, subject to the same condition as in Classical Course.
  1. Chemistry, Geology, Metallurgy, Natural History, Mathematics, Natural Philosophy.
  2. Latin, Greek, German, French, English.
  3. Political Science, Mental and Moral Science, History.
4. The course leading to the degree of Doctor of Philosophy, requiring two years: For the first year the candidate may select any one of the courses offered for a Master's degree (A. M., PH. M., M. S.). The second year is devoted to a more extensive study of two of the subjects pursued in the first year.

## EQUIPMENT FOR TEACHING.

The Faculty includes seventeen teachers; there are eighteen lecture and recitation rooms; six laboratories and museums for daily scientific work; a large general museum; a select library of 25,000 volumes; a reading-room, which is provided with about 100 leading periodicals, and a fine supply of maps and illustrative apparatus. The library building is admirably fitted up, and will compare favorably with that of any university of this country. It is in charge of a regular librarian, and the books are well catalogued and arranged.

## SCHOLARSHIP AND LOAN FUNDS.

*The B. F. Moore Scholarships*.—This fund, now amounting to \$6,000 in North Carolina 4 per cent. bonds, was established in 1878. The interest is devoted to the payment of the tuition of those students to whom the Moore scholarships may be awarded.

*The Deems Fund*.—This fund was instituted in 1878, by the Rev. C. F. Deems, D. D., pastor of the Church of the Strangers, New York, as a memorial of his son, Lieutenant Theodore Disosway Deems, who was born at Chapel Hill while his father was in the Faculty of the University. In 1881 it was greatly enlarged through the munificence of Mr. William H. Vanderbilt.

The object of this fund is to assist needy students by loans. The loans are made at 6 per cent. interest, and for a sufficient length of time to make the payment easy. The fund now amounts to \$13,600.

*The Francis Jones Smith Fund*.—The late Miss Mary Ruffin Smith, of Orange County, left a valuable tract of 1,440 acres of land in Chatham County, known as the Jones Grove Tract, the income of which, or of the proceeds if sold, is used for the education of such students as the Faculty may designate.

It is estimated that this land, at present prices, would sell for at least \$13,000, but as real estate in this part of North Carolina is rapidly increasing in value, it is expected that more than that amount will ultimately be realized for it.

#### PRESENT SYSTEM OF GOVERNMENT.

The University is, by the State Constitution, intrusted to the General Assembly. "Its government is under the control of a board of eighty trustees, elected by joint vote of the General Assembly. Of these one-fourth go out of office and their places are filled every two years. Although not so required by law, in practice they are distributed among Congressional districts. The board meets regularly twice a year—in the winter at Raleigh, on a day selected by the chairman, and in the summer at Chapel Hill, during Commencement week. The former is called the annual meeting. The Governor is *ex-officio* chairman of the board. Ten constitute a quorum. During the recess of the board an executive committee of seven trustees, elected at the annual meeting, exercises all the powers of the board of trustees, except those specially reserved." (University Catalogue, 1886-87, p. 9.)

#### LITERARY SOCIETIES.

A prominent feature of Southern colleges is their literary societies. The exercises consist of debate, declamation, and composition. Social, economic, political, and historical questions are discussed. Parliamentary order is strictly enforced, and thus the young collegian becomes familiar with the management of deliberative bodies. In the distribution of honors and offices, "society politics," as it is termed, comes into play. Parties are organized, and their management is, in many respects, not unlike that of the political parties with which the students are likely to become connected after leaving college. It is often the case that the student finds his society the strongest tie to the institution, and many think the training there received for practical life equal to that given in the lecture-room.

The literary societies of the University of North Carolina, the Dialectic and the Philanthropic, are noted throughout the South. Their members have filled the highest positions of trust and honor that the State and nation can confer. The writer is indebted to Stephen B. Weeks, A. M., instructor in English at the University, for the following information concerning them.

The *Dialectic Society* was founded June 3, 1795, and from that time to the present has had about 2,700 members, some 1,100 having been graduated by the University.

The society color is blue, and its motto is "Love of Virtue and Science." The hall is handsomely furnished. Portraits in oil of the following distinguished members adorn the walls: James K. Polk, Wil-



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liam A. Graham, David L. Swain, Thomas Ruffin, Abram Rencher, J. Motley Morehead, Charles Manly, Willie P. Mangum, Thomas L. Clingman, Duncan Cameron, James Mebane, and Paul C. Cameron. There are also portraits of William Richardson Davie, Governor and minister to France, who, as grand master of the Masonic fraternity in North Carolina in 1793, laid the corner-stone of the first University building; George Edmund Badger, United States Senator and Secretary of the Navy, and other noted North Carolinians, who were honorary members of this society.

The *Philanthropic Society* was founded August 1, 1795, under the name of "Concord Society." It received its present name August 29, 1796. Of its 2,141 members 818 were graduated at the University.

The society color is white, and its motto is "Virtue, Liberty, and Science." Its hall is furnished similarly to that of the Dialectic. The hall contains oil portraits of the following members: William R. King, John Branch, John Y. Mason, Francis Lister Hawks, William Miller, James C. Dobbin, John Heritage Bryan, Bartholomew Figures Moore, Thomas C. Manning, James Grant, R. R. Bridges, Bryan Grimes, William L. Saunders, Jacob Thompson, Joseph John Daniel, J. Johnston Pettigrew, and Richard Spaight Donnell. In addition to the above there are portraits of the following honorary members: Joseph Caldwell, Elisha Mitchell, and William Gaston, at one time associate justice of the supreme court of North Carolina, the first Roman Catholic to hold office in the State.

As a rule the students from the western part of the State join the Dialectic Society, and those from the eastern section the Philanthropic Society. Members of the two societies room in different buildings.

The North Carolina University Magazine is published under the auspices of these societies.

#### GREEK LETTER FRATERNITIES.

Greek letter fraternities have existed at the University since 1850. Before the War they were known to exist and were recognized by the Faculty. When the University was reorganized in 1875 nothing was said of them, but in January, 1885, they were formally recognized by the trustees.

The following list includes all the fraternities that have existed or now exist at the University:

- $\Delta KE$ , B chapter, 1850-1861. Re-organized 1887.
- $\Phi \Gamma \Delta$ , E chapter, 1851-1861. Not re-organized.
- $\Phi \Delta \Theta$ , H chapter, 1852-1861. Re-organized 1885.
- $\Delta \Psi$ ,  $\Xi$  chapter, 1854-1863. Not re-organized.
- $\Delta \Phi$ , K chapter, 1855-1861. Not re-organized.
- $X \Psi$ ,  $\Sigma$  chapter, 1855-1861. Not re-organized.
- $\Phi K \Sigma$ , A chapter, 1856-1861. Re-organized 1877.
- $\Sigma AE$ ,  $\Xi$  chapter, 1857-1862. Re-organized 1885.
- $\Theta \Delta X$ , M chapter, 1857-1862. Not re-organized.

*ZΨ*, *Γ* chapter, 1858-1868. Reorganized 1885.  
*XΦ*, *A* chapter, 1858-1867. Not reorganized.  
*ATΩ*, *AA* chapter. Organized 1879.  
*KA* (Southern order), *Γ* chapter. Organized 1881.  
*ΦΘA*. Organized 1885.

The Phi Kappa Sigma owns a fraternity hall, erected in the spring of 1887. This is the only hall built and owned by a Greek letter fraternity in the State.

About one-half of the students are fraternity men.

#### INFLUENCE OF THE UNIVERSITY UPON THE SOUTH.

Before the late War the University was eminent among the colleges of the Union. In the South it occupied a commanding position; in numbers it ranked among the first, and in influence and reputation it was only equalled by the University of Virginia.

The growth of the institution is remarkable when we take into consideration the difficulties with which it struggled in its infancy. When Dr. Caldwell became president in 1804, there were but 60 students. From this time till his death in 1835 the average attendance per session was about 100, and the average number of graduates 16.

The highest number put down in any annual catalogue during his administration was 173, but as the catalogue was always issued early in the session the full number for the year is not given.

Among those who studied at the University before 1835, the following became prominent:

William R. King, who was in public life, from 1810-57, as member of Congress, Secretary of Legation at St. Petersburg, United States Senator, being twice elected president *pro tempore* of the Senate, Minister to France, and Vice-President of the United States; Thomas H. Benton, United States Senator from Missouri, author of "Thirty Years' View," etc; John Branch, Governor of North Carolina, United States Senator, Secretary of the Navy, Governor of Florida Territory; John Henry Eaton, United States Senator from Tennessee, Secretary of War, Governor of Florida Territory, Minister to Spain, and author of "Life of Jackson;" John Witherspoon, president of Miami College, Ohio; Romulus M. Saunders, judge, and Minister to Spain; Hutchins G. Burton, Governor of North Carolina; A. D. Murphey, judge, and "Father of the Public Schools of North Carolina;" Rev. William Hooper, professor of languages in the Universities of North Carolina and South Carolina, and president of Wake Forest College; Willie P. Mangium, judge, and United States Senator from North Carolina; Bedford Brown, United States Senator from North Carolina; Charles Manly, Governor of North Carolina; John G. A. Williamson, Chargé d'Affaires to Venezuela; John M. Morehead, Governor of North Carolina; William D. Mosely, Governor of Florida; Alfred M. Slade, Consul to Buenos Ayres; William H. Haywood, United States Senator from North Carolina; Rev. Thomas B. Slade, president of Columbus (Georgia) Female Institute; Rev. Robert H. Morrison, president of Davidson College; William H. Battle, supreme court judge, North Carolina; Rev. Francis Lister Hawks, professor of divinity in Trinity College, Connecticut, vice-president of American Ethnological Society, 1855-59, president of American Geographical and Statistical Society, 1855-56, and author of History of North Carolina, Egypt and its Monuments, History of the Episcopal Church in America, etc.; Richmond M. Pearson, chief-justice supreme court, North Carolina;



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William A. Graham, Governor of North Carolina, United States Senator, Secretary of the Navy, and Confederate States Senator; Rt. Rev. Leonidas Polk, bishop of Arkansas and Louisiana; Daniel M. Barringer, Minister to Spain; Joseph J. Daniel, supreme court judge, North Carolina; William Miller, Governor of North Carolina, and Chargé d'Affaires to Guatemala; John Heritage Bryan, member of Congress from North Carolina; Richard Dobbs Spaight, member of Congress, and Governor of North Carolina; Edward Jones Mallett, Consul-General to Italy; Thomas N. Mann, Chargé d'Affaires to Guatemala; Thomas J. Green, brigadier-general in Texan army, and member of Texan Congress; John Bragg, judge, and member of Congress from North Carolina; Thomas Bragg, Governor of North Carolina, United States Senator, and Attorney-General of the Confederate States; Warren Winslow, Special Commissioner to Spain in regard to "Black Warrior" affair, and member of Congress from North Carolina; John Owen, Governor of North Carolina, and president of the Whig convention of 1840; Rev. William M. Green, Protestant Episcopal bishop of Mississippi; Rev. Thomas F. Davis, Protestant Episcopal bishop of South Carolina; Abram Rencher, Chargé d'Affaires to Portugal, Governor of New Mexico, and member of Congress; Mathias E. Manly, superior and supreme court judge, North Carolina; Thomas L. Clingman, United States Senator, and brigadier-general, C. S. A.; William W. Avery, Confederate States Senator from North Carolina; Cicero Stephens Hawks, Protestant Episcopal bishop of the diocese of Missouri; Jacob Thompson, member of Congress from Mississippi, and Secretary of the Interior; James C. Dobbin, member of Congress from North Carolina, and Secretary of the Navy; John L. Gay, professor in University of Indiana; James Grant, judge, Iowa; Rev. Solomon Lea, professor in Randolph-Macon College, and president of Greensborough Female College; William Blount Rodman, supreme court judge, North Carolina; Robert Ballard Gilliam, judge, and member of Congress from North Carolina. All of the above were natives of North Carolina. In addition to these should be mentioned the following, who entered the University from other States during this period: James Knox Polk, of Tennessee, Governor of Tennessee, member of Congress, and President of the United States; Aaron V. Brown, of Virginia, Governor of Tennessee, member of Congress, and Postmaster-General; Judge Thomas J. Haywood, of Tennessee; John Young Mason, of Virginia, judge, member of Congress, Secretary of the Navy, Attorney-General of the United States, Minister to France; George C. Dromgoole, of Virginia, member of Congress; Walker Anderson, of Virginia, professor in the University of North Carolina, and chief-justice supreme court of Florida; James Hervey Otey, of Virginia, Protestant Episcopal bishop of the diocese of Tennessee; Alexander D. Sims, of Virginia, member of Congress from South Carolina; Edward Dromgoole Sims, of Virginia, professor in Randolph-Macon College and University of Alabama; Thomas Samuel Ashe, of Alabama, Confederate States Senator, member of Congress, supreme court judge of North Carolina; John M. Ashurst, of Georgia, solicitor-general of Georgia; David V. Lewis, of Georgia, president Georgia Agricultural and Mechanical College; Judge Nathaniel W. Williams, of Tennessee; John A. Cameron, of Virginia, judge in Florida; Judge Henry Y. Webb, of Alabama; Thomas J. Lacy, of Kentucky, supreme court judge, Arkansas; Judge William M. Inge, of Tennessee; Erasmus D. North, of Connecticut, professor at Yale; Alfred O. P. Nicholson, of Tennessee, United States Senator from Tennessee; Oliver N. Treadwell, of Connecticut, president of Rockville Academy, Maryland; Archibald M. Debow, of Louisiana, author of "Industrial Resources of the South and West."

Besides the above many could be mentioned who became distinguished in their respective States, but these will suffice to demonstrate that the instruction received at the University was of a high order, and political in its tendencies.

During the thirty-three years of President Swain's administration (1835-1868), including the four years of the War, the average number of

students enrolled per session was 207 ; the average number of graduates for the same time being 37 per session. The most prosperous years were from 1850 to 1860, inclusive, the average annual attendance being about 351, a large proportion of the students coming from without the State. The number of students in 1858 was 456, being the largest attendance ever enrolled at any one time in the history of the institution.

President Swain, in a circular letter of September 4, 1860, addressed to the patrons of the University said: "Half the States of the Union are represented in our catalogue." We have students from about thirty colleges in various parts of the country, from Vermont to Texas, and are thus enabled to compare ourselves with other institutions. The comparison gives us much reason to be satisfied with the condition of things among us, and we may add, that at no previous period has our corps of instructors been more efficient, or the morals and scholarship of our students more encouraging." During this period many studied at the University who afterwards became distinguished. In the list of names the following are prominent:

Frederick Divoux Lente, M. D., professor in the University of New York, founder and president of the American Academy of Medicine; John W. Moore, historian and novelist; Zebulon B. Vance, Governor of North Carolina, and United States Senator; Matt. W. Ransom, United States Senator; Samuel Hall, chief-justice of Georgia; Washington C. Kerr, State geologist, North Carolina; Thomas Settle, supreme court judge, North Carolina, United States Minister to Peru, president National Republican Convention in 1872, and judge United States district court in Florida; Francis Preston Blair, member of Congress, major-general United States Army, and United States Senator; William S. Bryan, supreme court judge, Maryland; Thomas Courtland Manning, chief-justice supreme court of Louisiana and Minister to Mexico; General James Johnston Pettigrew, Secretary of Legation in Spain; William L. Saunders, secretary of State for North Carolina, author, and editor of North Carolina Colonial Records; George Davis, attorney-general of Confederate States; Samuel F. Phillips, United States Solicitor-General; A. M. Scales, Governor of North Carolina; Peter M. Hale and Theo. B. Kingsbury, journalists.

The writer has found it impossible to secure a complete list of the students of the University before the War. The Philanthropic Society of the University has recently issued a "Register of Members" from 1795 to 1887, edited by Mr. Stephen B. Weeks. The Dialectic Society has not issued a register since 1852.<sup>1</sup> The University has never issued a complete list of its students. But from the two society registers above mentioned it appears that of those who studied at the University before 1860, one became President of the United States; one Vice-President of the United States; ten Cabinet officers; twelve ministers and chargé d'affaires; fourteen United States Senators; thirty-five members of Congress; fifteen Governors of States; fifty-five judges; three presidents of colleges outside of North Carolina, and twelve prominent professors in colleges not in North Carolina. Of course this list

<sup>1</sup> Since the above was in type the writer has learned that the Dialectic Society issued a catalogue of its members in June, 1888.

could be greatly increased if the writer had a complete and well-edited register of the Dialectic Society.

The War fell upon the University like an untimely frost. It suffered during the days of reconstruction, and finally at the close of the Pool administration (1869 to 1870 inclusive) its glory appeared to have departed and its usefulness seemed at an end.

With the re-opening in 1875 a brighter day dawned upon the institution. Since then the annual attendance has averaged 180. From 1875 to 1887, inclusive, 201 young men were graduated.

From the opening of the University in 1795 to the present time about 5,000 students have matriculated.

The attendance from States other than North Carolina is shown by the following table prepared by Mr. Stephen B. Weeks:

*Student attendance by States, 1795-1887.*

State.	Number.	State.	Number.
Virginia .....	261	New York .....	4
Alabama .....	182	Iowa .....	3
Tennessee .....	168	California .....	2
South Carolina .....	103	Missouri .....	2
Mississippi .....	99	Connecticut .....	2
Louisiana .....	69	Ohio .....	1
Georgia .....	58	Maryland .....	1
Florida .....	38	District of Columbia .....	2
Texas .....	34	New Mexico .....	2
Arkansas .....	15	Indian Territory .....	1
Kentucky .....	10		
		Total .....	1,057

To complete the above table it is only necessary to add the attendance from North Carolina, about four thousand, making a grand total of five thousand students.

A majority of the students from Virginia came from 1800 to 1825;<sup>1</sup> of those from other States the majority came in the most flourishing period of the University—1850 to 1860. Since the re-opening in 1875 only twenty-five have been in attendance from outside North Carolina.

#### A TRIBUTE TO THE UNIVERSITY.

President Andrew D. White, of Cornell University, in a letter to Prof. George T. Winston, professor of Latin in the University of North Carolina, thanking him for a copy of his monograph on The Greek, the Roman, and the Teuton, said: "Your subject interests me greatly.

<sup>1</sup>In this connection it is interesting to note the student attendance from North Carolina at the University of Virginia from 1825 to 1874. The following facts are taken from a table prepared by William P. Trent, A. M., an alumnus of the University of Virginia, now taking a post-graduate course at the Johns Hopkins University.

Whole number of students from North Carolina, 380, which is four per cent. of the total attendance, divided as follows: Lawyers, 59; physicians, 119; clergymen, 7; editors, 1; teachers, 3; in Confederate service (one brigadier-general), 76; farmers, 43; judges (one chief justice of North Carolina), 3; in State Legislature (one speaker), 13; number that emigrated to other States, 59.

I have never realized so fully how near to us the history of Rome is, and how full of instruction it is for thinking men of our Republic. It gives me especial pleasure to think that with such a work as this you are reviving the old glories of your University. I remember in my young manhood the University of North Carolina was always spoken of with the greatest respect among men who knew anything about an American collegiate education. While the University of Virginia and Johns Hopkins have, to some extent, drawn away from it, I see no reason why its present Faculty should not give it a commanding position in the South-east of our Republic."

## MEMBERS OF THE FACULTY—1795-1887.

*Presidents.*

Joseph Caldwell, D. D., 1804-1812; Robert Hett Chapman, D. D., 1813-1816; Joseph Caldwell, D. D., 1816-1835; David Lowry Swain, LL. D., 1835-1868; Solomon Pool, D. D., 1869-1875; Kemp Plummer Battle, LL. D., 1876-.

*Professors.*

*Ancient languages* (Latin and Greek): David Kerr, 1794-1796; Samuel Allen Holmes, 1796-1798; William Edwards Webb, 1799-1800; Archibald DeBow Murphey, 1800-1801; William Bingham, 1801-1805; Andrew Rhea, 1806-1814; William Hooper, 1817-1822; Ethan Allen Andrews, 1822-1828; William Hooper, 1828-1837; Manuel Fetter, 1838; Ashbel Green Brown, adjunct, 1855-1856.

*Latin language and literature*: John DeBerniere Hooper, 1838-1848; Fordyce Mitchell Hubbard, 1849-1868; D. S. Patrick, 1869-1870; George Tayloe Winston, 1875-.

*Greek language and literature*: Manuel Fetter, 1833-1868; F. P. Brewer, 1869-1870; J. DeBerniere Hooper, 1875-1885; Solomon Cohen Weill, acting professor, 1885-1886; Eben Alexander, 1886-.

*Mathematics*: Charles Wilson Harris, 1795-1796; Joseph Caldwell, 1796-1817; Solomon Pool, adjunct, 1860-1868; Alexander McIver, 1869-1870; Charles Phillips, 1875-1879; Ralph Henry Graves, 1879-; James Lee Love, associate professor, 1885-.

*Mathematics and natural philosophy*: Elisha Mitchell, 1817-1825; James Phillips, 1826-1867.

*Natural philosophy*: Jacob Smiley Gillespie, 1797-1799; Walker Anderson, 1833-1836; Carey D. Grandy, 1879-1882; Joshua Walker Gore, 1882-.

*Chemistry*: Denison Olmsted, 1817-1825; Elisha Mitchell, 1825-1857; William Joseph Martin, 1858-1867; Alexander Fletcher Redd, 1875-1880; Carey D. Grandy, assistant professor, 1875-1879; Francis Preston Venable, 1880-.

*Modern languages* (French and German): Nicolas Marcellus Hentz, 1826-1831; John DeBerniere Hooper, 1836-1838; John Jones Roberts, 1841-1842; John DeB. Hooper, 1843-1848; Hildreth Hosea Smith, 1856-1868; John DeB. Hooper (French), 1875-1885; George Tayloe Winston (German), 1875-1885; Walter D. Toy, 1885-.

(During the first years of the University great attention was given to the study of French, a native Frenchman generally being employed as tutor of that language.)

*Rhetoric and logic*: Shepard Kosciusko Kellock, 1819-1825; William Hooper, 1825-1828; Walker Anderson, 1833; William Mercer Green, 1838-1849; Charles Force Deems, adjunct, 1842-1848; John Thomas Wheat, 1850-1859; Andrew Doz Hepburn, 1860-1867.

*History*: Albert Micaja Shipp, 1849-1860.

*Law*: William Horn Battle, 1845-1868 and 1876-1879; John Manning, 1881-.

*Political science*: David Lowry Swain, 1835-1868; Kemp Plummer Battle, 1876-.



*Agricultural chemistry*: Benjamin S. Hedrick, 1853-1858; John Kimberly, 1856-1866 and 1875-1876.

*Agricultural chemistry and metallurgy*: William Battle Phillips, 1835-.

*Natural history*: William H. Smith, 1876-1877; Frederick William Simonds, 1877-1881; Joseph Austin Holmes, 1881-; Emilé A. de Schweinitz, assistant professor, 1884-1885; George F. Atkinson, associate professor, 1885-.

*English language and literature*: Thomas Hume, Jr, 1885-.

*Theory and art of teaching*: Nelson B. Henry, 1885-.

*Medicine* (preliminary): Thomas W. Harris, 1878-1885.

*Lecturer on stenography*: N. B. Cobb, 1880-1881.

*Mental and moral science*: Adolphus W. Mangum, 1875-.

#### Tutors.

Archibald DeBow Murphey, 1799-1800; P. Celestine Molié, (?)--1802; Richard Henderson, 1800-1804; Atlas Jones, 1804-1806; Jacob Martin, 1806-1807; Gavin Hogg, 1808; Abner Wentworth Clopton, 1809-1810; Lewis Williams, 1810-1812; William Hooper, 1810; Abner Stith, 1814-1816; Jacob Morrison, 1814-1817; John Harper Hinton, 1814-1815; John Patterson, 1816-1817; John Motley Morehead, 1817; Priestley Hinton Mangum, 1817; Robert Rufus King, 1817-1818; William Dunn Moseley, 1817-1818; Hamilton Chamberlain Jones, 1818; Simon Peter Jordan, 1818-1821; Robert Rufus King, 1819-1820; Jacob Hervey Otey, 1820-1821; Anderson Mitchell, 1821-1823; Joseph Hubbard Saunders, 1821-1825; George Shonnard Bettner, 1823-1826; Elisha Young, 1824-1825; Matthew Evans Manly, 1825-1826; Edward Dromgoole Sims, 1825-1827; Oliver Wooleott Treadwell, 1826-1829, John Jenkins Wyche, 1826-1828; Silas Milton Andrews, 1827-1828; Lorenzo Lea, 1828-1829; Thomas Bird, 1829-1831; Henry Grattan Smith, 1830-1832; John Allen Backhouse, 1830-1831; John DeBerniere Hooper, 1831-1833; Jacob Thompson, 1831-1833; Aegidius Mebane, 1832-1833; Jacob Hogg Norwood, 1833-1834; Thomas Lapsley Armstrong, 1833-1834; William Nelson Mebane, 1833-1834; Samuel Richardson Blake, 1834-1835; William Pugh Bond, 1835; Harrison Wall Covington, 1835; Abraham Forrest Morehead, 1835; David McAllister, 1835-1836; William Henry Owen, 1835-1843; Ralph Henry Graves, 1837-1843; Ashbel Green Brown, 1844-1855; Charles Phillips, 1844-1854; Kemp Plummer Battle, 1850-1854; William Henry Johnston, 1851-1852; Richard Hines, 1853-1854; Henri Herrisse, 1853-1856; Solomon Pool, 1854-1860; Joseph Blount Lucas, 1854-1858; Richard Henry Battle, 1855-1858; William Robards Wetmore, 1855-1858; Peter Evans Spruill, 1856-1858; Samuel Spencer Jackson, 1856-1860; Thaddeus Charles Coleman, 1856-1857; Charles Andrews Mitchell, 1857; John Washington Graham, 1858-1860; William Lee Alexander, 1858-1859; Robert Walker Anderson, 1859-1861; William Carey Dowd, 1859; Edward Graham Morrow, 1859; Frederick Augustus Fetter, 1860-1863; George Pettigrew Bryan, 1860-1863; George Burgwin Johnston, 1860-1863; Iowa Royster, 1860-1863; Isaac E. Emerson, 1878-1879; Locke Craig, 1879-1880; Albert Lucien Cobb, 1879-1880 and 1883-1885; Robert Paine Pell, 1879-1881; Robert Watson Winston, 1880-1881; Angus Robertson Shaw, 1881-1882; Numa Fletcher Heitman, 1881-1882; Thomas Radcliffe, 1882-1883; Benjamin Franklin White, 1883-1884; Berrie Chandler McIver, 1883-1885; James Lee Love, 1883-1884; Augustus White Long, 1884; Solomon Cohen Weill, 1884-1885; James Randlette Monroe, 1885; Claudius Dockery, 1887-; Stephen Beauregard Weeks, 1887-.

#### THE ELISHA MITCHELL SCIENTIFIC SOCIETY.

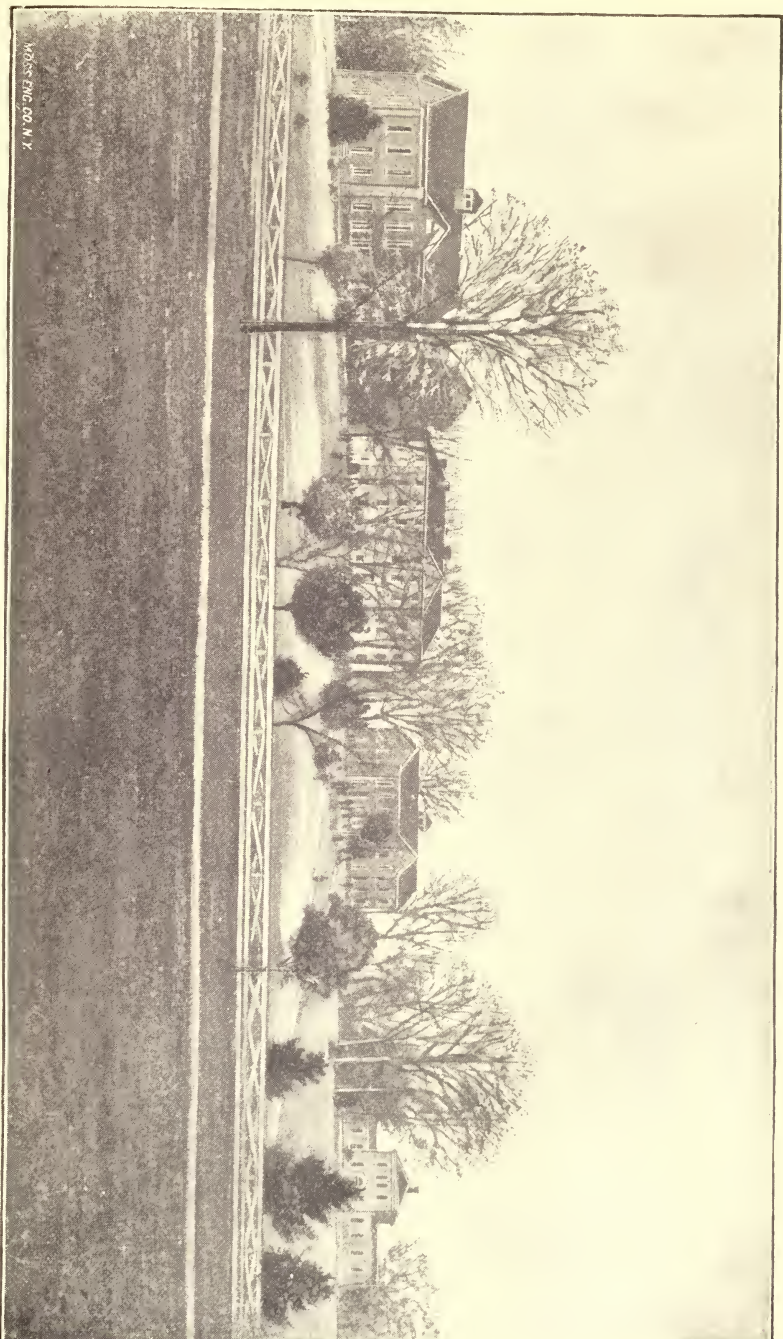
The Elisha Mitchell Scientific Society was provisionally organized at the University of North Carolina September 24, 1883. Its founders and first promoters were the professors in the scientific department of that institution. In naming it they paid a fitting tribute to the memory of North Carolina's best known scientist.

The call which was issued to all who were thought to be interested in the promotion of science in North Carolina was favorably received, and at a second meeting held October 1, 1883, permanent organization was effected and a constitution adopted.

Prof. F. P. Venable, Ph.D., F. C. S., the first president of the society, in his report for 1883-84, states the objects of the organization as follows: "The proposed aims of the society were the arousing of an increased interest in scientific work, the building up of a spirit of research, the encouragement of those already at work, and the advancing of our knowledge of the State and its resources. The plan or system of work for the society was to have the centre of the organization at the University with enough resident members there for the transaction of business. Monthly meetings were to be held at which popular treatises on scientific subjects were to be read with the hope of interesting and training up a number of young scientific workers. An annual journal was to be published containing all papers on original work or observations contributed by members of the society." He further says that one of the aims of the society will be the collecting and preserving all scientific works published or in manuscript relating to the State, or the authors of which are North Carolinians.

The society has now been in active operation for four years. Its objects are being admirably realized, and its success has been commensurate with the expectations of the founders. Scientific papers of great value have been presented which are printed in the annual reports. Each number of the journal contains about one hundred pages.

The grades of membership are life, regular, associate, and honorary. The leading scientists of the State are united in furthering the aims of the society, and favorable notice has been taken of its work by some of the noted scientists of this country and Europe. It is in correspondence with some of the principal scientific societies of this and foreign lands.



WOLFE & CO. N. Y.

WAKE FOREST COLLEGE.



## CHAPTER IV.

### LEADING DENOMINATIONAL COLLEGES.

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#### WAKE FOREST COLLEGE.

##### FIRST PROSPECTS OF THE ESTABLISHMENT OF A BAPTIST COLLEGE.

Wake Forest College belongs to the Baptists of North Carolina. In methods and management it is pre-eminently a Christian institution. Its founders and first promoters were men of fervent piety and broad philanthropy, who recognized the needs of their denomination and the State,—increased facilities for the higher education. Their first efforts were to bring the churches of their faith into harmonious union, and then they prepared the way for an educated ministry, the primary object of the college.

In June, 1829, Rev. Messrs. John Armstrong, W. R. Hinton, James McDaniel, and others, met in Tarborough and organized the “Benevolent Society,” which had for its object the more effectual dissemination of the Gospel throughout the State. At the regular meeting of this society, held in Greenville, Pitt County, March 26–29, 1830, a resolution was adopted dissolving the society and transferring its funds to the Baptist State Convention, which was organized at that time.

The most prominent founders of the convention were Rev. Messrs. Samuel Wait, Thomas Meredith, and John Armstrong. The primary objects of the convention, as stated in article second of its constitution, were the education of ministers and the promotion of home and foreign missions.

At its next annual session, held at Cross-Roads Church, Wake County, in 1831, the convention accepted the offer of Rev. John Armstrong to educate students preparing for the ministry, and the board of managers were directed to send to him or to some other good school such young ministers as they should approve, and defray their expenses as far as the funds of the convention would allow.

In August, 1832, the convention convened at Reeve’s Chapel, Clatham County, and there it was decided to establish a school under the auspices of the denomination, to be managed by a board of trustees elected by the convention. Rev. William Hooper, chairman of the committee on education, in his report advocated the purchase of a farm and the establishment of a school. The report was received, and it was unanimously

"*Resolved*, That the convention deem it expedient to purchase a suitable farm and adopt other preliminary measures for the establishment of a Baptist literary institution in this State, on the manual labor principle," and a committee was appointed to secure the funds and make the purchase.

At this time manual labor institutions were in great favor throughout the country. Among the institutions operating on this plan at that time were the Virginia Baptist Seminary, Mercer Seminary (Georgia), Maine Wesleyan Seminary, Oneida Institute (New York), Cumberland College, and the Pennsylvania Manual Labor Institute. The manual labor system was thought wise, both on account of health and economy.

Although the institution was intended primarily for the education of ministerial students, yet as this patronage would not support the school it was decided to admit all young men of good character.

In August, 1832, the committee appointed by the convention to select a location for the school, purchased of Dr. Calvin Jones his farm, about 16 miles from Raleigh, containing 615 acres, for \$2,000.

#### WAKE FOREST INSTITUTE.

The board of managers, at a meeting held in Raleigh, September 25, 1832, decided that the Baptist school should be called Wake Forest Institute. It is said that in that part of Wake County bounded by the Neuse River on the south, the Franklin line on the west, and Smith's Creek on the east, the original oak forest was unusually fine. On this account the section was called the Forest of Wake, or Wake Forest; hence the name of the institution.

At this time it was hoped that the school would be opened the following February, but the board, at a subsequent meeting, postponed the beginning of the work of instruction till February, 1834.

Rev. Samuel Wait, D. D., as the general agent of the convention, did what he could in the way of collecting funds and furniture for the institute. On May 10, 1833, he was elected principal of the school. Dr. Wait was born in Washington County, N. Y., December 19, 1789. He was graduated at Columbian College, Washington, D. C., where he was for a while tutor. In 1827 he came to North Carolina on a collecting tour for that college. He so favorably impressed the Newbern Baptists that they called him for their pastor in 1827. No sooner had he made North Carolina his home than he began to labor for the organization of a Baptist State convention, the foundation of a Baptist college, and the establishment of a Baptist paper, all of which he was instrumental in accomplishing.

He was president of the institute, later college, until 1846. He was afterwards president of a female college in Oxford, and later pastor of churches in Caswell County. He died in July, 1867, "honored and respected by all, and loved with surpassing devotion by the Baptists of North Carolina."

## THE CHARTER.

The institute was chartered by the General Assembly of 1833-34. At that time there was much prejudice against the Baptist denomination, and at one time it seemed as if the Legislature would refuse a charter. Finally the lower house passed the bill by a respectable majority, but on its final reading in the Senate there was a tie. The speaker, Mr. William D. Moseley, an alumnus of the University of North Carolina, gave the deciding vote in favor of the charter.

The charter conferred the most meagre privileges, and nothing was done by the State to encourage or aid the school. Rev. Dr. Samuel Wait, in a sketch of the origin and early history of the college, referring to the charter, says: "This created a board of trustees composed of such individuals as were desired, with certain provisions for perpetuating themselves, allowed the institution to acquire funds to the amount of \$50,000, continuing the obligation to pay taxes the same as on all private property, and to be in force or continue twenty years and no longer. Was ever a charter given more meagre or lean than this? We have leave to be if we can. But no disposition to encourage us even to the value of a dime. We were not exempted from paying taxes. Such was the state of things then."

## OPENING OF THE INSTITUTE.

Prof. W. L. Poteat, in a sketch of the college which appeared in the Raleigh Register of April 2, 1884, says: "On the first Monday of February, 1834, the exercises were opened with about twenty-five students in attendance, which number was increased to seventy in August following. What did these first students find on reaching Wake Forest? On the spot where now stands the imposing old building they found a small but comfortable frame dwelling. To the right, about where the library building stands, was the garden, both its site and embellishment still marked by the everlasting jonquils, just now venturing into the chill spring air as they did in those olden days. From a window of the magnificent public hall in the Wingate Memorial Building one may look directly down upon what was then the horse-lot. Near by was the carriage-house, 16 feet by 24, in which Mr. Wait gathered his heterogeneous charge for lectures or morning prayers. For dormitories seven good log cabins were principally relied on. The hoe and the plow were not out of sight of the blackboard and desk, for, it will be remembered, manual labor was to begin the same day with mental labor among the books."

## THE MANUAL LABOR SYSTEM.

The system as first introduced here required that each student should labor three hours per day, receiving three cents per hour for his labor.

Finally the time was reduced to one hour per day, and after about four years the system was abandoned altogether.

Manual labor was unpopular with the students, and the system was never, from any standpoint, even a nominal success. Prof. W. T. Brooks, in an address before the alumni of Wake Forest College, in 1859, said: "The utter distaste which many of the students had for the system was but too evident when the bell rang for labor. When the roll was called some were taken suddenly ill (?)—unable to work; but when supper hour arrived it was very apparent that their sickness was not unto death."

Prof. L. R. Mills, in a sketch of the financial history of the college,<sup>1</sup> says: "It was supposed in the beginning that the students' daily labor on the farm would go a long way towards paying their board. After a close examination of their accounts for that year (1835), I find that they made on an average for a year's work \$4.04."

#### CHARGES AND EXPENSES.

In 1835 the charges per month were as follows: Board, \$6; tuition in Latin, Greek, etc., \$2; tuition in English, \$1.50; washing, \$1; room and firewood, gratis. During this year the price of provisions advanced about 100 per cent. and the price of board was raised to \$9 per month, and yet the steward's hall did not make expenses by several hundred dollars. At the close of the year the institution was in debt to the teachers, the steward, and the treasurer.

The next year was more prosperous, the number of students reaching 142.

The year 1838 was what is usually termed a "hard year." Owing to the stringency in the money market many of the banks were forced to suspend specie payments. But few of the subscriptions for the large brick building which was just completed could be collected, and the trustees found it difficult to make prompt payments. In this strait money was borrowed from the banks, and the village of Wake Forest was laid off and most of the land belonging to the college was sold. The manual labor department was abolished, the steward's hall, which had all along been an incubus, was done away with, and the students were allowed to board where they pleased.

#### BUILDINGS AND EQUIPMENTS.

The college campus contains about thirty acres, artistically laid out and shaded by magnificent oaks.

In the account of the opening of the institute a description of the first buildings used for school purposes was given. These have all disappeared, and in their place are four large and well-arranged brick buildings.

<sup>1</sup> Wake Forest Student, Vol. III, Nos. 6, 7, and 8 (1884).





HECK-WILLIAMS BUILDING—WAKE FOREST COLLEGE.



The following is a list of the buildings, with the dates of their completion.

(1) *Old Building*, 1838.—One hundred and thirty-two by 65 feet, four floors; cost \$15,000. This building contains dormitories for about one hundred students, two lecture-halls, and the gymnasium.

(2) *Heck-Williams Building*, 1878.—One hundred and ten by 45 feet, with 10 feet from projection in centre, two floors; cost \$10,000. The funds were contributed by Col. J. M. Heck and Mr. J. G. Williams, both of Raleigh. It contains the Philomathesian and Euzelian Society halls, the library (containing about 15,000 volumes), the reading-room, elegantly fitted up with the necessary furniture by the Hon. Charles M. Cooke, now president of the board of trustees, and two lecture-halls.

(3) *Wingate Memorial Hall*, 1880.—One hundred and two by 60 feet, with projection in front of 10 feet, two floors; cost \$12,500. The first story contains a small chapel and four lecture-halls. The second story is the main hall, known as the Wingate Memorial Hall, in honor of the late president, W. M. Wingate. It will seat two thousand people, and its acoustic properties are excellent.

(4) *Lea Building* (or chemical laboratory), 1887.—The central part is 32 by 65 feet, two stories, with a wing on each side 26 by 38 feet, one story. It has been erected at a cost of \$15,000, and is said to be the best arranged chemical laboratory in the South. Apparatus costing \$2,000 has been recently put in, and other additions are to be made. The funds for this building were mainly contributed by Mr. A. S. Lea, of Caswell County, in whose honor it has been named.

#### WAKE FOREST COLLEGE.

By legislative enactment Wake Forest Institute was changed to Wake Forest College on December 26, 1838. By the amended charter the trustees were permitted to confer the usual degrees, to hold 600 acres of land and \$250,000 free from taxation. The time of the charter was extended fifty years.

In 1839 the college charges per annum were as follows: Tuition, \$45; room rent, \$2; bed and bedding, \$4; wood, \$2; servants' hire, \$2; deposit for repairs, \$2. Board and washing could be secured in the village at \$8 per month.

To meet the payment of some debts that were being pressed, the trustees, in 1840, borrowed \$10,000 from the State literary fund.

Dr. Wait resigned the presidency November 26, 1844, and his successor, Rev. William Hooper, D. D., LL. D., was elected president October 17, 1845, but did not enter upon the discharge of the duties of the position till the beginning of the next year.

Dr. Hooper was one of the first trustees of the college, and had always manifested much interest in its welfare. He was a grandson of William Hooper, a signer of the Declaration of Independence, and was born near Wilmington, N. C., in 1792. In 1812 he was graduated at the University of North Carolina, and afterwards studied theology at Princeton, N. J. He was elected professor of ancient languages in the University in 1816. In 1818 he entered the ministry of the Episcopal Church, and was for two years rector of St. John's Church, in Fayetteville. Owing to change of views he became a Baptist, resigned his rectorship, and again entered the University as professor of rhetoric.

He was afterwards a professor in South Carolina College, and came from that State to accept the presidency of Wake Forest, which he resigned in 1848. From this time his efforts in educational work were for the promotion of the higher education of women. In 1855 he was president of the Chowan Baptist Female Institute and in 1867 he became co-principal with his son-in-law, Prof. J. DeB. Hooper, of the Wilson Female Seminary. He died August 19, 1876, and was buried in the campus of the University at Chapel Hill, near the remains of President Caldwell. It has been said of him that "North Carolina has produced no better scholar, and his work at Wake Forest and the State University is to this day a fragrant memory."

The liabilities of the college continued to increase, and in 1848 amounted to \$20,000. It looked as if the property of the institution would have to be sold to meet the outstanding obligations. The State was pressing for a return of its loan, and the claim for the balance due on the building was being urged. Owing to these difficulties, the president of the college and the president of the board of trustees resigned. The trustees at their meeting of this year adjourned without arranging to meet the obligations. It seemed that the end had come.

In this crisis Dr. Wait, Rev. J. S. Purefoy, and other friends of the institution rallied to its rescue, relieved it from temporary embarrassment, and before 1850 they had paid every cent of the indebtedness and secured the nucleus of a permanent endowment fund.

After the resignation of Dr. Hooper, Rev. J. B. White was elected president, which position he held till 1852.

In June, 1854, Rev. Washington Manly Wingate, D. D., was elected president. From his accession dates a new era in the history of the college. By his wise and able management, the difficulties which threatened to overwhelm the institution were surmounted and it was placed on a permanent basis.

Dr. Wingate was born in Darlington, S. C., March 22, 1828; was graduated at Wake Forest in 1849; studied theology at Furman University, and then entered the pastorate in his native State. In 1852 he became the agent of his *alma mater*, which position he held until he was called to the presidency. He remained president until his death, February 27, 1879. To write his history during the twenty-five years that he was connected with Wake Forest would be to give the history of the Baptist denomination in North Carolina for that time. For a quarter of a century he was the foremost Baptist in the State, and his influence upon the higher Christian education is not to be estimated.

Owing to the War all college exercises were suspended in May, 1862, and were not resumed until 1866. In 1864 the Confederate States authorities took possession of the college building and used it as a hospital till the close of the War.

In 1862 the total funds of the college amounted to \$56,167.54. These were invested principally in State and Confederate Government bonds.

Of course most of these securities were worthless at the close of the War. At that time the endowment of the college amounted to \$11,700. By 1883 it had grown to about \$50,000. In 1883 \$50,000 were added to the fund, making a total endowment of \$100,000. Of this amount \$10,000 were contributed by Mr. J. A. Bostwick, of New York. Since then Mr. Bostwick has brought the college and friends of education in North Carolina under renewed obligations to himself. In 1885 he inaugurated the "Bostwick loan fund" of \$10,000, the interest of which is loaned to indigent young men for the payment of tuition fees. In 1886 the "Bostwick endowment fund" was founded, by a donation of \$50,000, making his total contributions \$70,000. On May 1, 1887, the endowment fund amounted to \$153,006.44 and the total productive funds of the college to \$172,263.04. The endowment fund is being augmented from time to time, and it is probable that before many years it will amount to several hundred thousand dollars.

In 1879 Rev. Thomas Henderson Pritchard, D. D., was elected president of the college. He is an alumnus of Wake Forest and one of the ablest Baptist ministers in the South. After accomplishing a great work for the institution, he resigned the presidency in 1882, much to the regret of the friends of the college, to again enter actively upon the work of the ministry.

After the resignation of Dr. Pritchard, Prof. W. B. Royall, of the chair of Greek, became chairman of the faculty.

In 1884 Rev. Charles E. Taylor, D. D., at that time professor of Latin, was made president. He is one of the ripest scholars in the South, having studied with distinction at Richmond College, the University of Virginia, and in Germany. His administration has been a success in every particular. Through his efforts and influence the greater part of the present endowment fund was secured, and to him, more than to any other one man, is due the present efficiency of the college.

#### SCHOOLS AND DEGREES.

The course of study comprises ten schools, viz: Latin language and literature, Greek language and literature, English language and literature, modern languages, pure mathematics, physics and applied mathematics, chemistry, natural history, moral philosophy, and political science.

For admission to the college the requirements are about the same as at the State University. The requirements for degrees are as follows:

*Bachelor of Letters.*—The student must be a proficient in the schools (that is, he must have obtained 75 per cent. of the maximum of scholarship on each study in the school) of Latin language and literature, Greek language and literature, English language and literature, moral philosophy, and political science, and in French or German, and experimental physics.

*Bachelor of Science.*—English language and literature, pure mathe

matics, physics and applied mathematics, chemistry, natural history, political science, and in French or German.

*Bachelor of Arts.*—Latin language and literature, Greek language and literature, English language and literature, pure mathematics, physics and applied mathematics, moral philosophy, and political science, and in junior chemistry, zoölogy, and geology.

*Master of Arts.*—All of the schools.

A course is also given preliminary to the study of medicine, but leading to no degree.

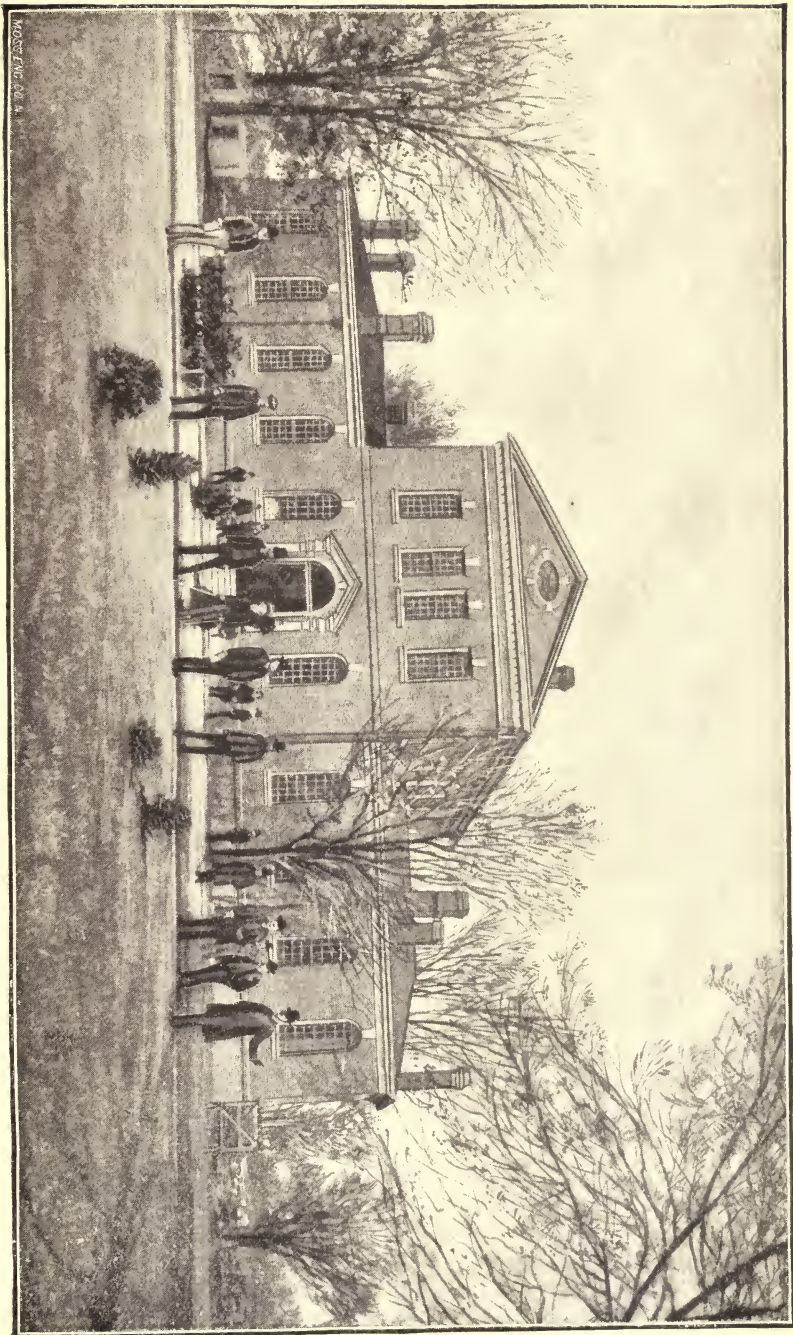
Candidates for degrees are required during their Senior year to deliver four public orations, or to submit in lieu thereof, under certain conditions, theses.

#### LITERARY SOCIETIES.

But two literary societies are allowed, the Euzelian and the Philomathesian. They were founded in February, 1835, and there has ever been a healthy rivalry between them. As the college has grown in prosperity, the good effects have been felt in the societies. For many years they occupied halls on the fourth floor of the old college building, but were given large and comfortable quarters on the second floor of the Heck-Williams building on its completion in 1878. The college library and the society libraries were then consolidated and placed in "Library Hall," which is in the centre of the building and separates the society halls. It is said that there are not two prettier or more handsomely furnished college-society halls in the South than those at Wake Forest. The walls, tastefully frescoed and panelled, are adorned with oil portraits of members who have honored their *alma mater* and reflected credit on their societies. The "Phi" color is red and the "Eu" blue, and these colors are displayed on their banners and regalia. Their mottoes are, respectively, "Esse quam videri malo" and "Inveniam viam aut faciam."

In preparing a young man for the active duties of life, these societies are worthy of special mention as an important adjunct of the college. Each Friday night and Saturday morning during the session is devoted to debate, reading of essays, and transacting the business of the society. The rules of parliamentary procedure are strictly enforced. The student has here an opportunity to formulate and express in his own language the information gathered in the recitation room. He learns to think and speak while on his feet. The proceedings of the societies are kept secret, but in February of each year they celebrate the anniversary of their organization by a public debate and orations.

The Wake Forest Student, established in January, 1882, and second to no college periodical of its class in the country, is published by the societies. A medal is awarded each year to the student contributing the best article to this magazine. Besides this, each society gives an-



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nually two medals, one for improvement in debate and the other for the best essay, open to competition among its members only.

During the last fifty years the societies have made a noble record, as is attested by the success of their members in this and other States. With the increasing prosperity of the college, their future usefulness is assured.<sup>1</sup>

Greek-letter fraternities are not permitted in the college.

#### INFLUENCE OF THE COLLEGE.

Wake Forest has an honorable record. Since its foundation seventy instructors and twenty-five hundred students have been connected with the institution. More than four hundred of the students have become ministers of the Gospel, eight have been college presidents, and a large number have been professors in various institutions. They have served their country in both the State and National Legislatures, have adorned the highest judicial tribunals of the State, and as farmers, teachers, physicians, merchants, and manufacturers have proved themselves good and progressive citizens.

Wake Forest stands second to no educational institution in the State. The Faculty is liberal and progressive. It contains men who have been graduated with distinction at the University of Virginia, Leipsic, Johns Hopkins, and other well-known institutions.

The last catalogue shows nine professors and a student attendance of two hundred, representing seven States.<sup>2</sup>

The close proximity of the college to the State capital gives its students a manifest advantage in the observation of political and economic phenomena. They have access to the State library and museums, and the privilege of attending the sessions of the State Legislature. Theirs is the advantage of both village and city life.

Liberal and philanthropic friends, North and South, have established the institution on a good financial basis. Its influence is extending beyond State limits, and its future is bright with promise.

#### DAVIDSON COLLEGE.

##### PRESBYTERIAN INFLUENCE.

The pioneer promoters of advanced educational work in North Carolina were Presbyterians. It was through their endeavors that Queen's College was established. Failing to secure Royal recognition for that institution, the name was changed to Liberty Hall Academy and chartered by the State Legislature. After the suspension of Liberty Hall the Presbyterians sent their sons to Princeton, Mt. Zion College in

<sup>1</sup> This account of the societies was prepared by the writer for a sketch of the college which appeared in the Raleigh (N. C.) State Chronicle of June 11, 1886.

<sup>2</sup> Since the above was written two additional professors have been elected, and the student attendance has increased to two hundred and twenty-five.

South Carolina, and later to the University of North Carolina. It is said that it was through their efforts that the clause providing for a University was inserted in the State Constitution. But the expenses of educating at those institutions prevented many of the citizens of the western part of the State from giving their sons the advantage of collegiate training, so they determined to have a college located in their midst.

The first definite move for this purpose was a convention held at Lincolnton in September, 1820, which was attended by representatives from both the Carolinas. A board of trustees was named, and about the close of that year the State Legislature granted a charter for

#### WESTERN COLLEGE.

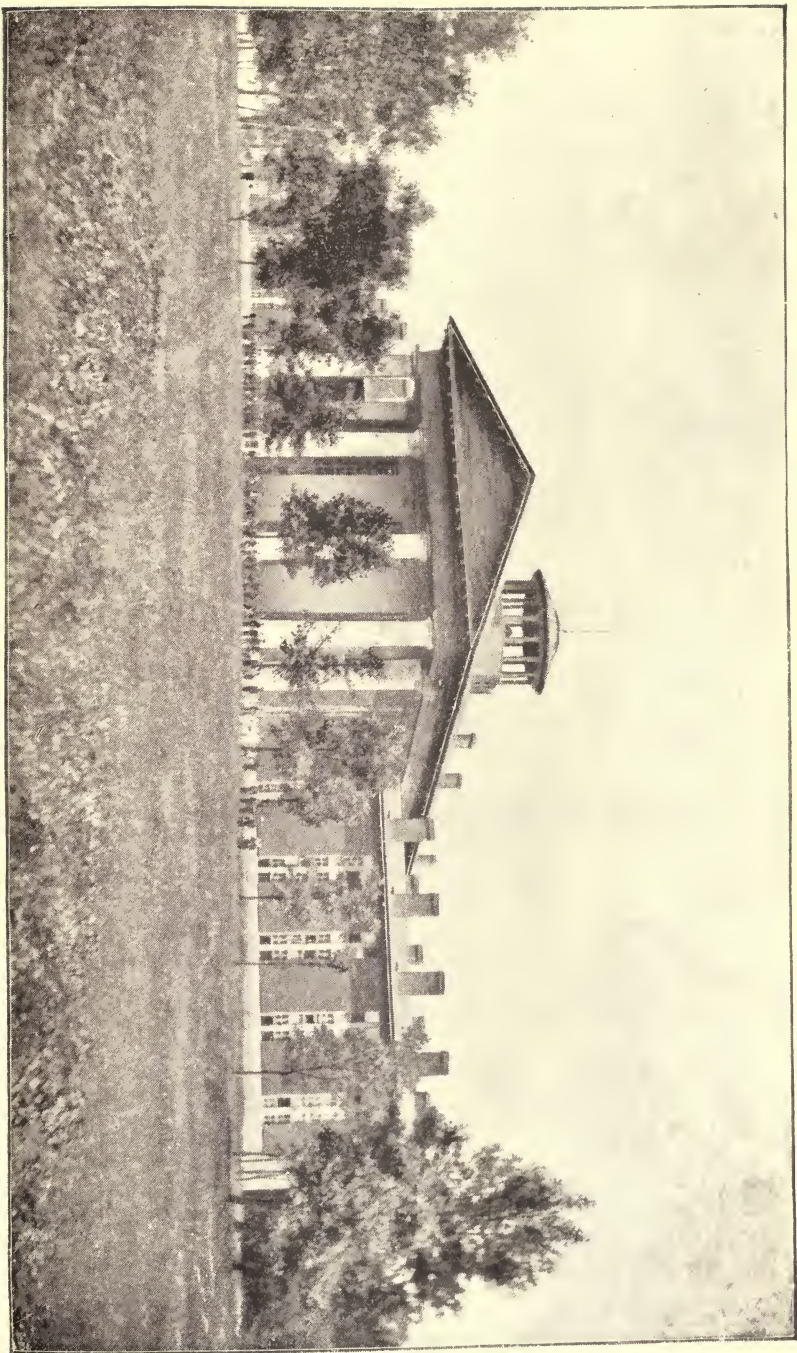
The charter was liberal in its provisions. The trustees constituted a close corporation without ecclesiastical connection or control. The reason assigned in the charter for the establishment of this college is "that the more western counties in the State are distant from Chapel Hill, which renders it inconvenient for their youth to prosecute their education there." It was provided that the institution should be located "somewhere to the south-west of Yadkin River." More than half the trustees were Presbyterians.

There was much opposition to the establishment of the college by the friends of the University. The trustees could not agree as to the location, or the selection of professors. They met from time to time till 1824, when the project was abandoned. But the idea still lived, and the Presbyterians decided to establish a denominational college on the manual labor plan. The theory was that indigent students could do sufficient work to pay their college expenses, while the financially better-circumstanced would be benefited physically and mentally by the amount of labor required.

#### DAVIDSON COLLEGE.

At the meeting of the Concord Presbytery, then embracing that part of the State south-east of the Yadkin River, at Prospect Church, in the spring of 1835, resolutions were adopted looking to the establishment of a Presbyterian college in that section.

A prominent alumnus of Davidson, A. Leazar, Esq., in a recent address, referring to the early history of his *alma mater*, said: "The unwritten story is that upon a black-board standing against the wall of the log house at Prospect was written, by the hand of Rev. Robert H. Morrison, the modest and unambitious declaration of those wise men, that 'with reliance upon God's blessing' they would undertake the establishment of a school for the promotion of liberal learning 'preparatory to the Gospel ministry.' To Rev. Messrs. R. H. Morrison, John Robinson, Stephen Frontis, and Samuel Williamson, with Elders Robert Bur-



DAVIDSON COLLEGE—MAIN BUILDING.



ton, William Lee Davidson, John Phifer, and Joseph Young, was committed the responsibility of preparing plans and selecting a location for the college."

In the fall of 1835 arrangements were perfected to begin the erection of the necessary buildings, and the following summer a site was chosen in the northern part of Mecklenburg County, near the Iredell County line, which has been called "the literary and geographical centre of the State." William Lee Davidson, a son of General William Davidson, donated the building site, besides a large tract of land and other valuable gifts. Rev. Dr. Morrison and Rev. P. J. Sparrow secured subscriptions amounting to \$30,000.

The institution was named Davidson College in honor of General William Davidson, who fell while bravely fighting for the liberty of his country at Cowan's Ford, on the Catawba River, about 7 miles from where the college stands, on February 1, 1781. General Davidson was born in Lancaster County, Pa., in 1746. His father, George Davidson, came to North Carolina in 1750, and settled in that part of Rowan County which is now Iredell. General Davidson was probably educated at Crowfield Academy and Queen's College. He entered the Continental Army as major of the Fourth Regiment of North Carolina troops, under Colonel Thomas Polk, in General Nash's brigade. He was with Washington the greater part of the time from 1776-79. He lost his life in the engagement with the forces of Lord Cornwallis at Cowan's Ford, to which reference has been made. His sword hangs in Davidson College Museum. The Continental Congress passed resolutions eulogizing him and ordered a monument to be erected to his memory, which, however, was never done. No shaft marks his resting place. Davidson College is his monument. He could not have one nobler and, it is to be hoped, more enduring.

The college was opened in March, 1837, with 66 students and the following Faculty: Rev. R. H. Morrison, president; Rev. P. J. Sparrow professor of languages; and Mortimer D. Johnston, tutor of mathematics. A charter was granted by the Legislature December 28, 1838. The manual labor system was introduced, but proving a failure here, as at Wake Forest College, it was abandoned after a trial of four years.

In 1855 the institution was placed on a good financial basis by the magnificent bequest of Maxwell Chambers, of Salisbury, N. C., amounting to \$258,000. But the limit of the endowment as provided by the charter was \$200,000; so only that amount could be received.

The college prospered until the outbreak of the Civil War. It continued its operations during that conflict with from four to six professors, and was not suspended till just before the surrender of Lee. It was, however, soon re-opened. About \$100,000 of its endowment was lost by reason of the War.

Since the establishment of the institution the following have held the office of president: Rev. R. H. Morrison, D. D., 1837-40; Rev. Samuel

Williamson, D. D., 1841-54; Rev. Drury Lacy, D. D., 1855-60; Rev. J. L. Kilpatrick, D. D., 1860-66; Rev. G. W. McPhail, D. D., LL. D., 1866-71; Prof. J. R. Blake, A. M. (chairman of Faculty), 1871-77; Rev. A. D. Hepburn, D. D., LL. D., 1877-85; Rev. Luther McKinnon, D. D., 1885.

#### PRESENT STATUS OF THE INSTITUTION.

The college is under Presbyterian control. It was established by the Concord Presbytery, but from time to time other Presbyteries have been invited to take part in the oversight of the institution, until now each of the Presbyteries in the States of North Carolina, South Carolina, Georgia, and Florida has representatives in the board of trustees.

The endowment (invested funds) amounts to \$105,000. There are thirteen separate buildings belonging to the college, valued at \$150,000, viz: The main college building, the chapel, two society buildings, three dormitory buildings, and six professors' houses, all of brick, except three of the residences.

There are five endowed scholarships, viz: One of \$3,000, the Maxwell Chambers scholarship, endowed by the Presbyterian Church of Salisbury, N. C.; one of \$1,500, the D. A. Davis scholarship, also endowed by the Salisbury Presbyterian Church; two of \$1,000, the George Bower scholarship, endowed by Mrs. A. C. Davis, of Salisbury, and the Thomas Brown scholarship, endowed by Brown & Bro., of Winston, N. C.; and one of \$500, endowed by General R. Barringer and George E. Wilson, Esq., of Charlotte, N. C. Some of these entitle the incumbent to free tuition, and others go to pay the room rent and incidental expenses of the nominee.

There are two literary societies connected with the institution, the Philanthropic and the Eumenean. Each has a commodious and handsomely furnished hall. Their exercises consist in debate, declamation, and composition. Under their auspices the Davidson Monthly, a literary magazine of merit, is published.

Each society annually awards a debater's, an essayist's, and a declaimer's medal; and the two together award an orator's medal, which, in a public contest, is competed for by representatives from each society.

The college and society libraries together number about 11,000 volumes.

Greek letter fraternities are allowed, and each of the following has a chapter at the college: Mystic Seven,  $\Sigma A E$ ,  $K A$ , and  $\Phi A X$ .

Two regular courses of study leading to the degrees of Bachelor of Arts and Bachelor of Science, each requiring four years, are provided. The requirements for admission are about the same as at the State University. A post-graduate course leading to the degree of Master of Arts is offered. The classes are divided into Freshman, Sophomore, Junior, and Senior, and there is but little latitude allowed in the choice of elect-

ive studies. Davidson College is noted for thoroughness, and it ranks with the best colleges of the South.

The necessary expenses of a student for the collegiate year of ten months is about \$250, the same as at the University and other colleges of the State.

The faculty numbers 8 professors, and during the session of 1886-87 there were 119 students enrolled.

Since the opening of the institution (including the session of 1886-87) there have been 1,875 young men enrolled as students, of whom 571 have been graduated.

Many of North Carolina's most honored and best known citizens have been and are alumni of Davidson. Not only North Carolina but many other States, especially of the South, have appreciated the influence of those who were educated at this institution.

### TRINITY COLLEGE.

#### THE BEGINNINGS AND HISTORY OF THE INSTITUTION.<sup>1</sup>

Trinity College is managed by a board of trustees appointed by the North Carolina Conference of the Methodist Episcopal Church, South. It is distinctively a denominational college, and from humble beginnings it is now ranked among the leading institutions for the higher education in the State. It is located in Randolph County, near the sources of the Cape Fear and Uwharrie Rivers, 5 miles from the town of High Point, on the North Carolina Railroad, and 100 miles west of the capital of the State.

The beginnings of this institution are to be found in the grammar school, established in 1838, near the present location of the college, by the Rev. Brantly York, D. D. The following year this school was moved to the present site, a good framed building erected, and a charter secured from the Legislature for the institution under the name of Union Institute. The object of the founders was to establish an academy in which their sons and those of their neighbors might receive a good practical education.

In 1842 Dr. York resigned the management of the school, and Rev. B. Craven, then nineteen years old, was elected to take charge. From 1843 to 1850 the annual gross income of the school varied from \$300 to \$1,800, the general average being about \$1,200. For this period the student attendance varied from 28 to 184, the average being about 105.

In January, 1851, the institution was rechartered, the name being changed to Normal College. By this new charter the school was

<sup>1</sup> The materials for this sketch are drawn from an address by Rev. Dr. B. Craven, in *The Centennial of Methodism in North Carolina*, Raleigh, 1876, an account of Trinity College by Prof. J. F. Heitman in the *Raleigh Register*, and data furnished by Mr. A. W. Long, now graduate student in English of the Johns Hopkins University, and late professor of history and English literature in Trinity College.

brought under State supervision. The Governor of the State was made *ex-officio* president of the board of trustees, and the superintendent of common schools, secretary. The object of this connection was to secure a better grade of teachers for the common schools. By a provision of the charter a certificate from the Normal College was made lawful evidence of qualification to teach in the public schools, and no further examination was required.

The institution became very popular, and the number of students rapidly increased. The good results that were expected from the normal feature did not follow. On the contrary, it worked harm. Many received the normal certificate who were not at all adequately qualified for teaching the most elementary branches, and yet they were authorized to teach in any common school in the State which might be open to them. During the normal period, 1851 to 1859, the average annual number of matriculations was 197, and the gross income for the same time averaged about \$5,000 per annum.



Trinity College.

At the annual session of the North Carolina Conference of the Methodist Episcopal Church, South, held at Salisbury, in 1851, the first connection between the conference and this school was formed. The trustees of the college agreed that young men preparing for the ministry should be educated without charge, and in return the conference indorsed the institution and annually appointed a visiting committee.

In 1853 the charter was amended, giving the college authority to confer any and all degrees and do all other acts usually granted to literary institutions of high grade. The trustees were loaned \$10,000 from the State literary fund, which was used for building purposes.

The management of the institution was transferred to the North Carolina Conference of the Methodist Episcopal Church, South, in 1856. This transfer was not fully effected until 1858, and in 1859, by an act



of the Legislature, the college was vested in the Conference, with all the rights and privileges usually granted in such cases, the name being changed from Normal to Trinity College. By this act all connection with the State was severed, all normal features annulled, and the institution placed on the same footing as the other denominational colleges.

From 1859 to 1862 the gross income averaged \$7,500 per annum and the number of students 204. During the War the exercises were continued, but with a constantly decreasing number of students. In 1863 President Craven resigned and Prof. W. T. Gannaway was placed in charge as president *pro tempore*, which position he held until 1865. On the arrival of General Hardee's corps in the village in April, 1865, exercises were suspended. Dr. Craven was re-elected president in 1865, and in January, 1866, the exercises were resumed.

On November 7, 1882, the honored president and founder of the college and one of the foremost men in the State, Rev. Braxton Craven, D. D., LL. D., died. His death was a sad blow to the institution, and it is just beginning to recover from the effects. Prof. W. H. Pegram was appointed chairman of the faculty until the trustees could elect a president.

In 1883 the Rev. M. L. Wood, D. D., became president. The institution became embarrassed, and at the close of the fall term of 1884 Dr. Wood resigned. The number of students continued to grow smaller, and many of the friends of the college were despondent as to its future. Just at this juncture three noble laymen of the Methodist Church, Messrs. Julian S. Carr, J. W. Alsbaugh, and James A. Gray, came forward and proposed to the Conference that they would give \$3,000 per year, for two years, for the support of the college, provided they should be allowed to manage the institution in their own way (subject to the general supervision of the trustees), and further provided that the Conference would contribute \$2,500 per year as a supplement to their contribution. Their proposition was accepted, and they were constituted the "committee of management."

President Wood and Prof. L. Johnson, of the chair of mathematics, having resigned, the remaining members of the faculty were retained under the new management. They were Prof. J. F. Heitman, chairman of the faculty and chair of metaphysics; Prof. M. T. Gannaway, chair of Latin and French; and Prof. W. H. Pegram, chair of natural science. Mr. H. H. Williams, A. M., was elected professor of Greek and German; Mr. J. M. Bandy, Ph. B., of mathematics; and Mr. A. W. Long, A. B., of history and English literature. Mr. N. C. English, A. M., was elected professor of business law and principal of the preparatory department.

During the two years of this management, the college took several decided steps forward. The curriculum was broadened, examinations were made more rigid, and the system of grading examination papers

made more strict. The number of students increased from 75 to 146 and confidence in the future of the institution was restored.

At the close of the session of 1886-87 the college again came under the control of the conference. Two additions have been made to the faculty. Rev. J. F. Crowell, A. B. (Yale) was elected president, and Prof. J. L. Armstrong (Randolph-Macon and Leipsic), professor of French and German. Professors Williams and Long having resigned in order to continue their studies, the former at Yale and the latter at Johns Hopkins, English and German were assigned to Professor Armstrong, Greek and metaphysics to Professor Heitman, and history and theology to President Crowell. No other changes were made except that Mr. Julius Hathcock was elected a tutor in the preparatory department.

The degrees conferred in course are bachelor of philosophy, bachelor of arts, and master of arts. Four years are generally required for the completion of a course of study leading to a degree. The standard of admission is about a year below the requirements of the State University, and consequently the standard of graduation has been lower. The new administration has already taken steps to raise the standard of instruction.

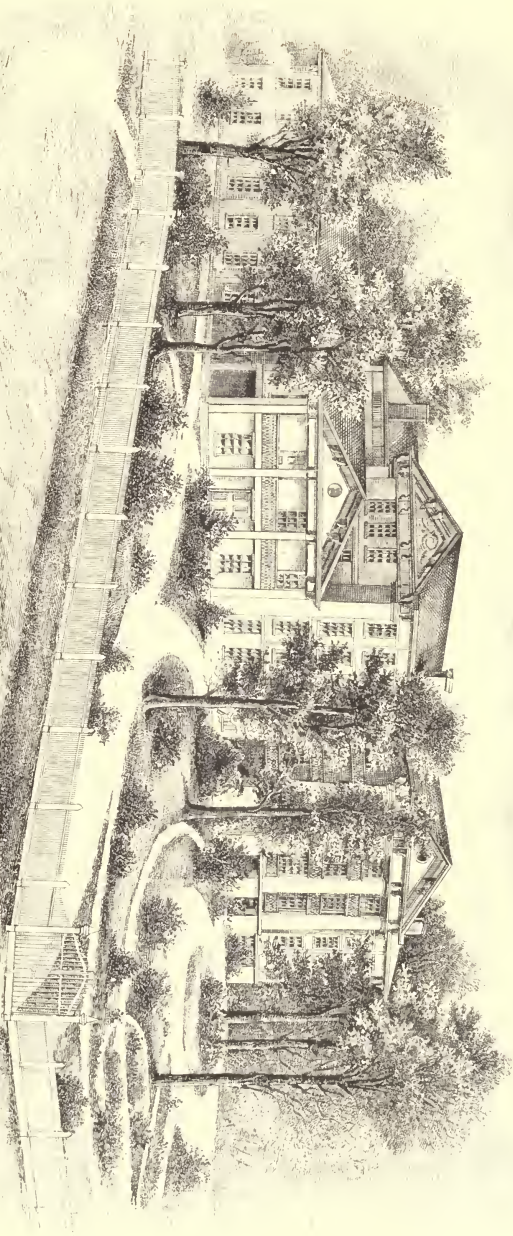
There are two literary societies—the Columbian and the Hesperian—connected with the institution. They publish a college monthly. Greek letter fraternities were at one time permitted, but their influence being thought bad, they have been disbanded and are forbidden in the college. The libraries of the literary societies have recently been added to the college library, which now numbers about ten thousand volumes. Medals for oratory and scholarship are awarded annually by the societies and friends of the institution.

Efforts are being made to raise a liberal endowment fund. One year ago this fund was only \$6,000; now it is nearly \$40,000, and it is expected that it will reach \$100,000 by the close of the present year.

From the re-opening in 1866 to the present time the average attendance has been about one hundred and fifty. The brick building has been recently enlarged. There are now ample accommodations for two hundred students. The college property, including land, buildings, furniture, and apparatus, is valued at \$50,000.

The number of students now in attendance is the largest the college has had in ten years. The institution is stronger and more aggressive than it has been since the death of its founder, and its friends believe that a bright and useful career is opening up for it in the educational work of North Carolina.

1897



PEACE INSTITUTE.



## CHAPTER V.

### THE HIGHER FEMALE EDUCATION.

#### FEMALE SCHOOLS.

The State has never made the least provision for the higher female education, and it was not until the beginning of the present century that organized individual or denominational effort was made to establish female schools.

In the promotion of the higher education, as well as of primary education, the best results can not, as a rule, be attained by individual or denominational endeavor operating without State competition, and so at no time have the girls of North Carolina had opportunities for intellectual development equal to those provided for the boys. The reason for this is that few individuals or denominations can provide for an institution so munificently as can a State, and if able, some stimulus is generally necessary to induce them to do it. The male colleges have always had the State University to quicken them to emulation, and in their efforts to surpass it in equipment and in the character of the instruction offered, steady growth and development have resulted.

The first and best of the early female schools was the Salem Female Academy, founded by the Moravians in 1802, an account of which is given in this connection. Other female schools which flourished before the late Civil War, and still exist, are St. Mary's School (Episcopal), Raleigh, Wake County, established 1842; Greensborough Female College (Methodist Episcopal, South), Greensborough, Guilford County, 1846; Chowan Baptist Female Institute (Baptist), Murfreesboro', Chowan County, 1848; Thomasville Female College, Thomasville, Davidson County, 1849; Asheville Female College (Methodist Episcopal, South), Asheville, Buncombe County, 1850; Wesleyan Female College, Murfreesboro', Chowan County, 1853; Charlotte Female Institute (Presbyterian), Charlotte, Mecklenburgh County, 1857; Select Boarding and Day School, Hillsborough, Orange County, 1857; Davenport Female College, Lenoir, Caldwell County, 1858; Mt. Pleasant Female Seminary (Ev. Lutheran), Mt. Pleasant, Cabarrus County, 1858. Of those that no longer exist the following were prominent: Lochiel, near Hillsborough, Orange County, opened and conducted for a while by Walker Anderson, at one time a professor in the University of North Carolina, and later chief-justice of Florida; Rock Rest, near Haw River, Alamance County, afterwards removed to Pittsborough, Chatham County; Edgeworth Seminary, Greensborough, Guilford County, established under the auspices of Governor John M. Morehead; Floral Female College, Shoe Heel, Robeson

County; and female schools at Williamston, Granville County; Warrenton, Warren County; and Milton, Caswell County.

The following institutions have been recently established: Peace Institute, Raleigh, Wake County, 1872; Shelby Female College, Shelby, Cleveland County; Mt. St. Joseph College (Roman Catholic), Hickory, Catawba County, 1880; Claremont Female College, Hickory, 1880; Statesville Female College, Statesville, Iredell County, 1883. Other institutions of merit might be mentioned, for nearly every town in the State of any size has its female academy.

The following sketches of the leading female schools, given in the order of their establishment, will show the character of the provision made for the higher education of women in North Carolina.

#### SALEM FEMALE ACADEMY.

The Salem Female Academy, so well and favorably known throughout the South, is located at Salem, Forsyth County, in the north-western part of the State. The property of the institution is valued at \$200,000. Salem is situated immediately adjacent to Winston, and they are often called the "twin cities." These towns are in the midst of a rolling, woodland country, among the foot-hills of the Blue Ridge, at an elevation of about 1,000 feet above the level of the sea.

This school "is one of the five institutions of higher learning in the United States which are the property of the American Moravian Church, and are conducted under the supervision of the executive boards of its provinces, North and South. The first Moravian boarding schools in this country were institutions in which the children of the church were educated. As their parents, by reason of the responsibilities incurred in their missionary enterprises, were incapacitated for providing for these children, their education and maintenance devolved entirely upon the church. The sons and daughters of both laymen and clergymen were accordingly placed at schools, whose government, domestic arrangements, and routine life closely resembled those of the family, and were, in fact, designed as far as possible to compensate their pupils for the loss of home. Parental training, thorough instruction in useful knowledge, and scrupulous attention to religious culture were characteristics of those early schools, and are still the main features of the modern schools of which they were the precursors."

The following facts concerning the academy were furnished the writer by Rev. Edward Rondthaler, D. D., one of the principals. Visitors in Salem toward the close of the last century were often impressed with the superior educational facilities enjoyed by the Moravian youth of this small town, and expressed the desire that their children might become partakers in their advantages. Thus the impulse was awakened in the minds of some of the Moravian people to serve God by ministering to the educational needs of the South. A work for girls was accordingly devised under the direction of an experienced educator,

Bishop Reichel, who had been the founder of a similar institution for boys in the North.

All the conditions of such an enterprise needed to be supplied *de novo* and out of small means. Several years were thus occupied. Rev. Samuel Kramsch, a gentleman of fine scholastic culture, was appointed principal on October 31, 1802. Several ladies were selected as assistants. On October 5, 1803, the corner-stone of a new building was laid with appropriate ceremonies. The spirit which animated the founders appeared in the corner-stone document, which stated that the stone was laid "with fervent prayer to our Lord, that by the school to be established in this house, His Name may be glorified, His Kingdom of Grace be enlarged in this country, and the salvation of souls of those who shall be educated therein be promoted." This prayer has been fulfilled during four-score years to a degree which the founders could not have anticipated.

On May 16, 1804, the first pupils came from abroad. The curriculum at that time was as follows: Reading, grammar, writing, arithmetic, history, geography, German, plain needle-work, music, drawing, and ornamental needle-work. Admittance was limited to the years between eight and twelve, and the stay terminated at the age of fifteen years. Gradually the number of pupils increased until every State in the South was represented, and some of them very largely. The curriculum was enlarged, until in the "select class" a fair collegiate course was enjoyed without graduation, however. The academy was only incorporated at a late date—February 3, 1866—and its first diploma of graduation was conferred in 1877.

The new academy building was erected 1854–56, during the principalship of the widely known and revered Rev. Robert de Schweinitz. There were at that time 216 boarding pupils, the largest number until the years of the Civil War, when the school was overcrowded with pupils sent as much for shelter and protection as for education.

The whole number of alumnae, not including day pupils, has been between six and seven thousand. The number of graduates since 1877 is 153.

The school is regularly graded, with a four years' mathematical and classical course. Special advantages are offered in music, painting, drawing, and needle-work. A commercial course is also provided. Technically, it belongs to the preparatory schools, its object being to carry its pupils to the standard of entrance required at Vassar, Wellesley, or Smith Colleges.

The corps of instructors at this time numbers 26. During the session of 1886–87 there were 222 students in attendance, representing eleven States.

The influence of the Salem Female Academy has been wide-spread. For many years it was the only institution of repute in the South for female education. Its pupils have, therefore, been unusually well rep-

resented in the leading families of the South. A great many of its alumnæ have become teachers and heads of seminaries and academies, carrying the thorough and painstaking methods of this school into their own institutions. It is probably owing to the influence of the Salem Academy that preparatory institutions for the education of girls are more numerous in the South, and, as a rule, better equipped than are similar institutions for boys.

#### ST. MARY'S SCHOOL.

This institution is located at Raleigh, the capital of the State. The buildings, six in number, are located in an oak grove of 20 acres, on elevated ground, a mile from the State capitol. Three of the buildings are of brick, two of stone, and one of wood. They are admirably arranged for school purposes and are furnished with modern improvements. The school was founded in 1842, under the auspices of the Episcopal Church in North Carolina, and has operated continuously since.

The Rt. Rev. Theodore B. Lyman, D. D., is visitor of the school; the Rev. Bennett Smédes, A. M., principal and rector, and Miss M. E. J. Czarmonska, lady principal. The academic staff numbers 16 teachers, and from February, 1886, to February, 1887, there were 197 students from nine States in attendance.

The school is divided into primary, preparatory, and academic departments. In the primary department the best features of the kindergarten system are retained, while those suited only to the nursery are discarded. Three years are required to complete the preparatory course. The academic course is arranged for five years, but if accomplishments are added more time is needed to complete it. The courses in French and German are each five years, and those languages are taught with much thoroughness. The department of music is one of the noted features of this school. It is under the direction of Dr. Auguste Kürsteiner, and the system pursued is modelled after that of the Leipzig Conservatory.

#### GREENSBOROUGH FEMALE COLLEGE.

The college building, a magnificent brick structure, is located near the western limits of Greensborough, in the center of a beautiful park of 40 acres. Greensborough is in the central part of the State, and is noted for the intelligence and social refinement of its citizen

In 1837 the trustees of the Greensborough Female School sent a petition to the Virginia Conference of the Methodist Episcopal Church, asking that a female college, under the auspices of the denomination, be established at Greensborough. It was in this year that the North Carolina Conference began its separate existence. The petition was referred to a committee, which reported favorably, and in 1838 the North Carolina Conference secured a charter for the institution from the State Legislature.





ST. MARY'S SCHOOL.



This is the first female college chartered in North Carolina, and, with the exception of the Wesleyan Female College at Macon, Georgia, the first south of the Potomac.

A site for the institution, consisting of 40 acres, was secured, and in September, 1843, the corner-stone of the college building was laid. This building, costing about \$20,000, was completed in the summer of 1845.

In 1846 the institution was opened for students, with the Rev. Solomon Lea as president. Mr. Lea resigned in December, 1847, and was succeeded by the late Rev. Albert M. Shipp, D. D., afterwards professor in Vanderbilt University, Tennessee. In 1850 the Rev. Charles F. Deems, at that time a professor in the University of North Carolina and now pastor of the Church of the Strangers, in New York City, became president, who in turn was succeeded by Rev. T. M. Jones, D. D., in 1854.

Owing to the large attendance the building was enlarged in 1856, and again in 1859. The building was burned August 9, 1863, and the War prevented the immediate rebuilding.

In 1869 a new charter was secured for the institution, and a board of trustees was elected in 1870. The present school building was commenced in 1871, and on August 27, 1873, the college was opened with 9 teachers, and, under the presidency of Doctor Jones, has continued in successful operation since.

A preparatory course, and a collegiate course requiring four years are provided. The faculty at this time numbers 15, and during the session of 1886-87 there were 186 students, representing six States, in attendance.

#### CHOWAN BAPTIST FEMALE INSTITUTE.

The Chowan Baptist Female Institute is located at Murfreesborough, Chowan County, in the north-eastern part of the State. The campus, embracing 28 acres, is a beautiful place. This institution is the pride of eastern Carolina, and is one of the best equipped and most thorough in the State. Its history is interesting as a successful denominational effort in behalf of the higher female education.

In 1848 the Bertie Union Meeting (Baptist), embracing the counties of Northampton, Hertford, and Bertie, recognizing the need for female education, sent a communication to the Chowan Baptist Association asking that a high school for girls be established by the association.

This request was acted upon favorably, and trustees were appointed with instructions to make arrangements for such a school.

The trustees purchased and fitted up a house and lot in Murfreesborough at a cost of \$1,225. The school was formally opened October 11, 1848, with the Rev. A. McDowell, D. D., of South Carolina, a graduate of Wake Forest College, as principal. In 1849 small-pox in the town necessitated the suspension of the school, but work was resumed the following month, with Rev. M. R. Forey as principal.

The rapidly growing patronage of the school made it necessary to have larger buildings. So encouraging was the outlook that in 1851 a joint stock company took charge of the school, selected a new site and contracted for the large and handsome brick building now occupied, which was completed the following year. The property at that time was estimated at \$35,000, but with the improvements which have since been added it is valued at more than \$50,000. The funds were contributed principally by the Chowan Association, though other associations, especially the Portsmouth (Va.) Association, aided handsomely. With its enlarged facilities the institution was soon filled with young ladies from the States of North Carolina, Virginia, South Carolina, Alabama, Mississippi, Georgia, Texas, Maryland, and New York, and the District of Columbia.

Rev. Mr. Forey was succeeded in the principalship by Rev. William Hooper, D. D., LL. D., in 1854. The institute continued its work throughout the War, although it was not far from the scene of active military operations.

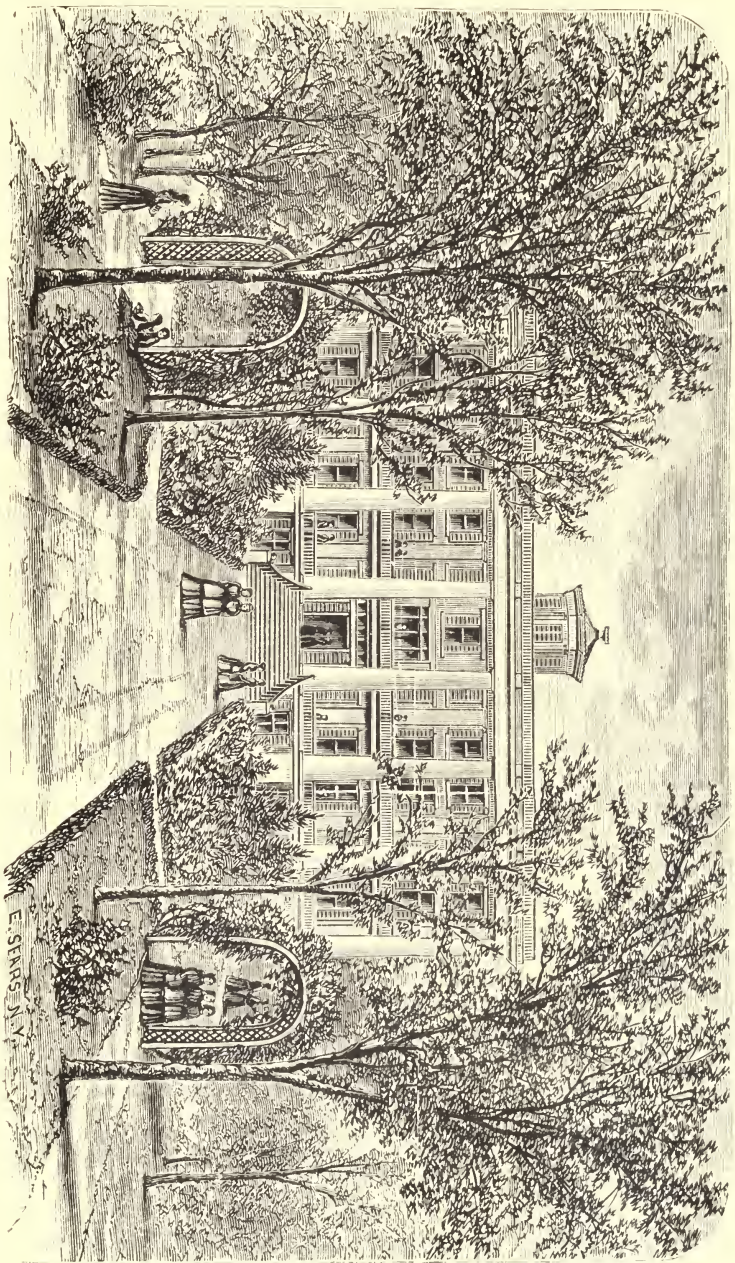
In 1862 Dr. Hooper resigned and Dr. A. McDowell, who had returned to the institution in 1855 as professor of mathematics and natural science, was elected president.

In 1878 the joint stock company gave the institute to the Baptist denomination. Although there are other Baptist schools in the State conducted by individuals, this is the only school property devoted to female education held by the denomination.

On May 27, 1881, Dr. McDowell died. Prof. John B. Brewer, at that time president of the Wilson Collegiate Seminary for young ladies was elected to the presidency, and assumed the duties of the position in October, 1881. President Brewer is one of the foremost educators in the State. He is a graduate of Wake Forest College, and has associated with him 8 teachers from some of the best schools of our country. There are two departments—the preparatory, requiring two years, and the collegiate, requiring four years, for completion. Since its foundation the average attendance at this school has been about 100, nearly all of whom were boarders. As an evidence of its prosperity it may be well to add that the present building is soon to be greatly enlarged to meet the increasing demand for room.

#### THOMASVILLE FEMALE COLLEGE.

This institution is located at Thomasville, in Davidson County, near the centre of the State. It was established in 1849, by Mrs. Charles Mock, and was called Silva Grove Female Seminary. During the presidency of Rev. Charles F. Deems, D. D., who was prominent in educational work in North Carolina before the war, and is at this time a well known pastor in New York City, it was chartered by the Legislature, in 1855, as Glen Anna Female Seminary. Soon after this the school came under the management of Mr. John W. Thomas, who placed it on a bet-



CHOWAN BAPTIST FEMALE INSTITUTE.



ter basis by erecting a large four-story brick building and equipping it for school purposes. At the outbreak of the War the attendance numbered one hundred and fifty young ladies, from several of the Southern States. The exercises were continued during the War. In 1867 the name of the institution was changed by act of the Legislature to Thomasville Female College. After the death of Mr. Thomas, in 1873, the institution was closed for a year and a half. In 1874 the property was purchased by Prof. H. W. Reinhart, of Richmond College, and the school re-opened. In 1879 a large addition was made to the building, making it one of the largest and most attractive school buildings in the State. In 1885 the Rev. J. N. Stallings, an alumnus of the University of North Carolina, became principal. The institution is divided into primary, preparatory, collegiate, ornamental, and domestic departments. The corps of instructors numbers nine, and the catalogue for 1886-87 shows a student attendance of eighty-three.

#### PEACE INSTITUTE.

This institution is situated at Raleigh, about one mile from the State capitol. The grounds comprise 8 acres, artistically laid out and admirably suited for exercise and amusement. The main building, costing more than \$40,000, is lighted by gas and electricity, and is heated by steam. It is claimed that it is the largest and best equipped school building in the State.

In 1857 the plan of having a school of high grade for young ladies, at the State capital, was discussed by many prominent men in the North Carolina Synod of the Presbyterian Church. Steps were taken to establish such a school, William Peace, an elder in the Raleigh Presbyterian Church, heading the subscription list with \$10,000, and it is in his honor that the school is called Peace Institute.

Presbyterians throughout the State contributed liberally, and in 1858 the erection of a building was commenced.

The War prevented the opening of the school, and the Confederate government took charge of the building for hospital purposes. After the fall of the Confederacy, the Federal authorities took possession and used it for the Freedmen's Bureau. When the directors again got control of the property it was in such a condition that they almost despaired of putting it in a suitable condition for school purposes, and were on the point of selling it to Rev. Dr. Tupper, president of Shaw University, for the use of a colored school, but some friends came forward and contributed sufficient funds to enable the directors to make the necessary repairs, and the building was made ready for the school.

In 1872 the property was leased to Rev. R. Burwell, D. D., and his son, John B. Burwell, A. M., at that time principals of the Charlotte Female Institute, and since then it has been under their direction.

Dr. Burwell has probably been connected longer with institutions for girls than any other educator in the State. In 1837 he opened a female

school in Hillsboro'. In 1857 this school was removed to Charlotte, where it was known as the Charlotte Female Institute. This institution is still one of the best female schools in the State. He continued the management of this school until his removal to Raleigh, in 1872.

The growth of Peace Institute has been steady. The corps of instructors numbers fifteen, and during the past five years the average enrolment has been over 200 students, representing more than half a dozen States. Instruction is given in the following departments: Collegiate, normal, primary, and kindergarten, music, and fine arts. In thoroughness and equipment it stands second to no female school in the South.

#### OXFORD FEMALE SEMINARY.

The seat of this seminary is Oxford, Granville County, in the northern part of the State.

This institution is the continuation of the Raleigh Female Seminary, which was established in Raleigh, about 1870, by the Rev. William Royall, D. D., now a professor in Wake Forest College, and one of the most learned men in the State. After the resignation of Dr. Royall, Prof. F. P. Hobgood became president, and in 1880 he moved the institution to Oxford, changing the name to Oxford Female Seminary.

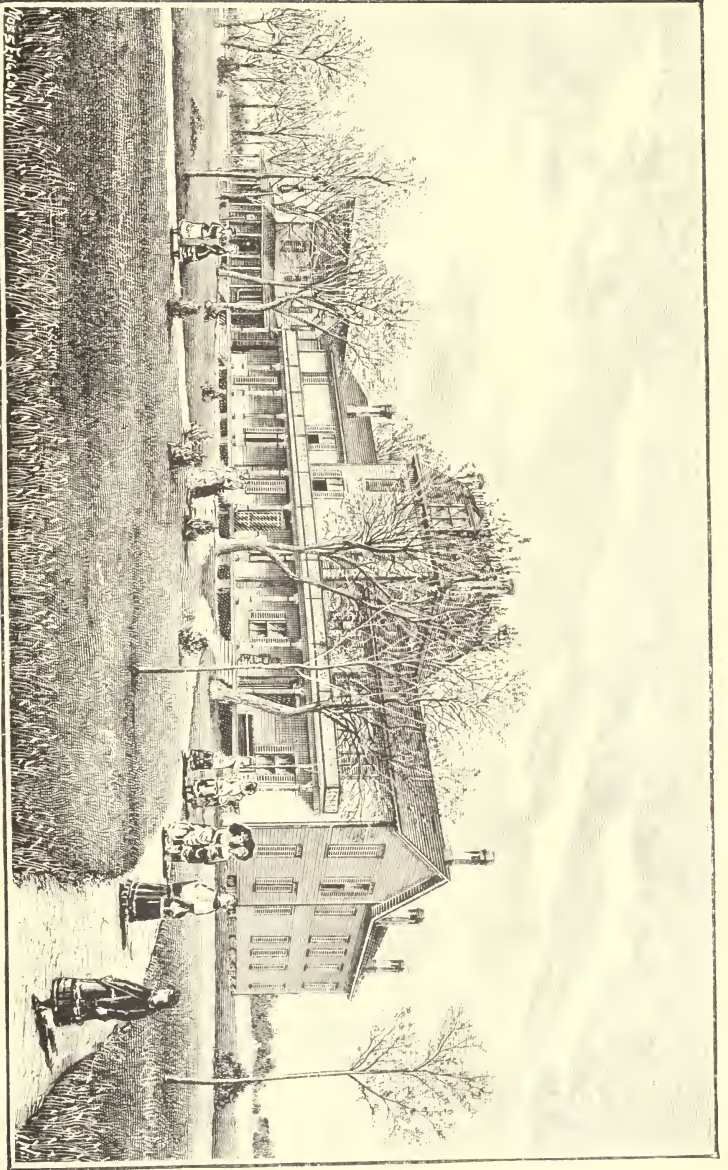
The buildings of the Oxford Female Seminary, which were erected about 1850, were remodeled in 1880 at a cost of \$4,500. Since that time about \$5,000 additional have been spent in building and repairs. The school grounds are about four acres, beautifully laid out.

The course of study comprises a preparatory and a collegiate department. There are nine teachers in the faculty, representing the University of Virginia, the Stüttgart Conservatory, Cooper Institute, and other well-known institutions of learning and art. During the session of 1885-86 there were one hundred and thirty-seven students enrolled, an increase on any previous year.

#### GENERAL CHARACTERISTICS.

North Carolina has no Vassar or Bryn Mawr. The reason is obvious. With one or two exceptions all of the female schools are owned and directed by the principals. They can not be blamed for managing them in such a way as will remunerate them most, just as merchants and manufacturers manage their affairs. It is to be expected that they will add improvements, extend their curricula, and secure the best teachers only as they are forced to do so by rival institutions or the demands of public sentiment. Owing to the fact that none of these institutions are endowed, nor receive any income from any source other than from the pupils, they can not reach the highest degree of efficiency. It is well known that at the best colleges and universities of this country only a small fraction of the expenses are met by the fees from students. Until there is in the State a well endowed female college it can not be expected





JOSE S. KILGORE

OXFORD FEMALE SEMINARY.



that the quality of the higher female education will be equal to that provided in most of the Northern States.

But it must not be judged from the above that North Carolina has no good female schools, nor that they are managed wholly on selfish principles. The principals of these schools are men of liberal culture, devoted to their profession, and with the means at their disposal they deserve great credit for having placed the standard of instruction as high as it is.

A well known professor in one of the leading female schools says that "the higher female education in North Carolina is not *high*." But while the courses of study in the female schools are not very extended, yet the instruction given, as far as it goes, is thorough. Most of these institutions give from three to five years' courses in Latin, French, German, history, English language and literature, the natural sciences, and mathematics as far as and including trigonometry.

The following schedule of classes and studies required at Peace Institute will give a fair and comprehensive view of the extent and character of the subjects taught in the collegiate departments of the leading female schools in the State, for in the main their curricula are about the same :

FIRST CLASS.		SECOND CLASS.	
<i>First term, twenty weeks.</i>	<i>Second term, twenty weeks.</i>	<i>First term, twenty weeks.</i>	<i>Second term, twenty weeks.</i>
Higher lessons in English.* Reading and spelling. <sup>†</sup>	Higher lessons in English completed. Elocution and spelling.	Grammatical analysis. Elocution and spelling.	English synonymes. Elocution and spelling.
Arithmetic to percentage.*	Arithmetic completed.	Algebra begun.	Algebra completed.
First lessons in botany.	Physiology.	Natural history.	Physics.
History of the United States.	History of England.	Ancient history commenced.	Ancient history completed.
Latin grammar and reader.	Caesar.	Sallust.	Virgil.
French grammar.	French grammar. Reading from different authors.	Grammar. Reading from different authors. Composition or letters.	Reading from different authors. Composition or letters.
German grammar.	German grammar. Sprachlehrer.	Sprachlehrer continued. Compositions.	Reading from different authors.

JUNIOR CLASS.		SENIOR CLASS.	
<i>First term, twenty weeks.</i>	<i>Second term, twenty weeks.</i>	<i>First term, twenty weeks.</i>	<i>Second term, twenty weeks.</i>
Rhetoric and composition commenced. Elocution.	Rhetoric and composition completed. Elocution.	English literature and elocution.	Principles of criticism.
Geometry.	Trigonometry, plane.‡	Trigonometry, spherical.‡	Arithmetic reviewed.
Chemistry.	Geology.	Physical geography.	Astronomy and history of science.
General history commenced.	General history completed.	Mental philosophy.	Moral philosophy and evidences of Christianity.
Cicero.	Horace commenced.	Horace completed.	Livy.
Grammar Larousse. Fables de Lafontaine. Composition.	Grammar Larousse. Littérature contemporaine. Compositions.	Entretiens sur la Grammaire. Molière. Compositions.	Littérature classique. Racine.
Selections from the classics. Compositions.	Weber's Literature. Compositions.	Hayes' Grammar. Compositions.	Goethe. Schiller.

\* All pupils are required to take these schools; the rest elective.

† Spelling and dictation exercises through second year.

‡ In lieu of these, book-keeping and advanced arithmetic can be taken.

The charges for board and tuition in the regular course as represented above, in the leading female schools of the State, amount to about \$250 per annum.

Nearly all the institutions of which accounts have been given provide good courses in vocal and instrumental music, in pastel, charcoal, and crayon drawing, and in oil and water-color painting, for which extra charges are made. One criticism of the higher education provided for young ladies in North Carolina is that more attention is given to the attainment of these accomplishments than to the acquirement of a substantial education. A professor in one of these schools writes: "It seems to me that the more cultured (?) of our people care less for a substantial education for their girls than the masses do. Poverty and necessity are driving us from the heathenish notion that all the preparation a woman needs for the battle of life is a delicate body, a pretty face, and a musical voice."

The leading institutions have libraries varying from five hundred to two thousand volumes. As a rule their stock of scientific apparatus is small and insufficient. The great need of all these schools is funds.

The cheapest and best way to educate the next generation is to educate every girl of the present one. The mother gives more education that is of practical effect in life than all the teachers. It has been well said that "the physical, mental, and moral muscles of a child are beginning to harden before he ever gets into the hands of a teacher." A better and more healthful sentiment in regard to the education of women is growing up in the Old North State, which, it is hoped, will soon develop itself in a practical way.

## CHAPTER VI.

### SECONDARY INSTRUCTION.

#### GENERAL CRITICAL SURVEY.

Schools for secondary instruction are numerous, but it is impossible to collect full and reliable statistics concerning them. The State superintendent of public instruction informs the writer that he does not know the number of private schools in the State, and that no provision is made for collecting information concerning them. The reports which they make to the United States Commissioner of Education are meagre and unsatisfactory, and private individual effort to reach them has proved unsuccessful.

A stranger reading their catalogues and announcements might be led to suppose that many of them offer advantages for study superior to those of Phillips Exeter, and other excellent fitting schools in the East, but to one who has had an insight into their management and is acquainted with their workings such a supposition is impossible.

The first criticism that the writer would urge is that they undertake too much. Some of these schools endeavor to offer the advantages of a college, while many of the so-called colleges are in reality secondary schools, but in attempting to place themselves on a higher plane than they are fitted to occupy they lose in thoroughness and efficiency.

As a rule, no well ordered system of study and student advancement are provided in these schools, though there are several notable exceptions to which reference will be made. The most noticeable defect in the educational system (if system it may be called) is in the primary training of the pupil. Proper attention is not given to the groundwork of his education. He is advanced from the primary to the preparatory department before the essential rudiments of an education have been mastered. The charge for annual tuition is determined by the student's grade; the schools are private property; the teachers are ambitious; the result is that it is not infrequent that the child is assigned work beyond his capacity. Parents as well as teachers are to be blamed for this. Many regard their children as intellectual prodigies and are dissatisfied if they are not rapidly promoted in school. In their eyes he is the best teacher who advances (?) his pupils fastest. If he attempts to hold the child to primary work longer than the parents think necessary, they withdraw their patronage and send to one who will gratify their vanity. It is pleasing to the pupil to be advanced rapidly from class to class. He is not yet old enough to realize the ad-

vantage of a thorough preparation. It is patent, therefore, that the self-interest of the teacher, the vanity of the parents, and the whim of the child, as represented above, tend to superficiality.

After the student has been advanced from the primary to the preparatory department, the object in most cases is to get him in college as soon as possible, or if he is not fitting for college, to silver-plate him with a business course (?) which he is assured will answer his purposes in practical life without the necessity of submitting to college drill and discipline for four years.

Instead of providing a broad and liberal course of study, the object of most of these schools is to give the student enough Latin, Greek, and mathematics to enable him to enter college with credit, and in but few instances is this result attained. Only the outlines of history are taught, and this in a superficial way; political economy is hardly ever included in the curriculum; the courses in political and physical geography are short and unsatisfactory; botany, geology, physiology, zoölogy, and natural philosophy are barely touched upon; the modern languages are hardly ever taught; and the student is given such a meagre course in his own language and literature that in after life as a writer and speaker he is often made to feel the deficiencies of his early training.

From the preparatory school the student goes to college, passes the entrance examination in Latin, Greek, and mathematics, enters upon advanced studies, and, at the end of four years is presented to the world as a graduate; but in few cases can he be said to be educated, in the full sense of what that word implies; for the defects of preliminary training are too often manifest.

For the more than one hundred secondary schools reporting from North Carolina, excepting only a few institutions, the above is true; and not only is it true for this State, but for many others of the Union, especially in the South.

#### GRADED SCHOOLS.

The public graded schools in the larger towns, the first being established at Greensborough in 1875, are exerting a good influence in systematizing and making more thorough primary and preparatory instruction throughout the State. Maj. S. M. Finger, superintendent of public instruction, in his report for 1885-86, says: "These schools have done a great deal of good, not only in the communities in which they are located, but to the whole State. They are examples of the possible efficiency, popularity, and cheapness of education at public expense.

"They are becoming so efficient as to command respect and patronage of all classes of our people. I wish that every citizen of the State could spend a day in one of these well managed schools, because I think he would go away with a higher appreciation of the safety and practicability of public schools."

By special acts of the Legislature, towns are permitted to vote upon

the establishment of these schools. The funds for their support are raised by special taxation and taxation under the common-school law.

Each school is usually divided into about ten grades, each grade having a teacher and room to itself. One year is required to complete the studies in a grade. By a uniform system of examinations pupils are advanced to higher grades. In nearly all of these schools there is a library for the benefit of the pupils and a pedagogical library for the teachers. The teachers usually meet once or twice a month to discuss methods of teaching, study approved works on pedagogy, and have review lessons on the subjects taught in the schools. Students in these schools are prepared for entrance into the colleges and University of the State. There are seventeen graded schools in the State. The secretary of the board of trustees of the Durham Graded School, Mr. S. F. Tomlinson, who has given much attention to the study of educational systems, gives it as his opinion that "Graded schools, properly conducted, are pre-eminently the schools for the towns and cities of the South, because they afford the greatest and most improved facilities to all classes alike for obtaining an education free, or for the least money."

#### CO-EDUCATIONAL INSTITUTIONS.

In North Carolina the opposition to the co-education of the sexes in the higher institutions of learning is so manifest that no one would dare propose, with any hope of success, that women be admitted to the University and leading denominational colleges of the State. But co-education is making headway in the institutions for secondary instruction, and its friends claim that good results have been manifest. The rank that women are taking in some of the best of the English and American universities precludes the argument that they can not maintain themselves in intellectual competition with the sterner sex, and so the objection that their admission would necessitate the lowering of the educational standard is not valid. The expediency of their admission is an open question which the writer is not prepared to advocate; but at this time when a number of the female teachers of the State are seeking admission to the normal department of the University, endowed by the State for the express purpose of giving the teachers of the State, a large proportion of whom are women, a better opportunity for special preparation in their profession, the question is practical to all North Carolinians and is worthy of careful study.

The following co-educational institutions, established before the War, are still in successful operation: Friend's School (Quaker), New Garden, Randolph County, established 1833 (the property of this school is valued at \$40,000, and it has \$23,700 in productive funds); Catawba College (German Reformed), Newton, Catawba County, 1850; Clinton Collegiate Institute, Clinton, Sampson County, 1850; Mt. Vernon Springs Academy, Mt. Vernon Springs, Chatham County, 1850; Oak Ridge Literary and Commercial Institute, Oak Ridge, Guilford County,



1850; Anson Institute, Wadesborough, Anson County, 1854; Yadkin College (Protestant Methodist), Davidson County, 1856; Rutherford Academy, Burke County, 1858 (chartered as Rutherford Seminary in 1861, and as Rutherford College in 1870). The following have been established since the War: Weaverville College (Methodist Episcopal, South), Weaverville, Buncombe County, 1875; Concordia College (Evangelical Lutheran), Conover, Catawba County, 1875; Kinston College, Kinston, Lenoir County, 1876; King's Mountain High School, King's Mountain, Cleveland County, 1876; Moravian Falls Academy, Wilkes County, 1876; Judson College (Baptist), Hendersonville, Henderson County, 1878; Graham Normal College, Graham, Alamance County, 1880; Oakdale Academy, Oakdale, Alamance County, 1880; Gaston College (Lutheran), Dallas, Gaston County, 1882; Southern Normal, Lexington, Davidson County, 1884. Some of these institutions represent a wide area of student patronage, *e. g.*, during the session of 1886-87 more than two hundred students were enrolled at Oak Ridge Institute, more than fifty of them coming from Virginia, South Carolina, New York, Texas, and Arizona, and the rest representing more than thirty counties in North Carolina, but a majority draw their entire student clientele from the State.

#### PREPARATORY MALE SCHOOLS.

##### THE BINGHAM SCHOOL.

The Bingham School stands pre-eminent among Southern schools for boys, and ranks with the best in the Union. It is the oldest, the largest, and the most successful male boarding school for secondary instruction in the South, and for the past five years it has been second to no institution of similar character in area of patronage.

This noted school was established in 1793, by the Rev. William Bingham, a native of Ireland. He was educated for the church and was graduated with distinction at the University of Glasgow. Mr. Bingham became involved in one of the many unsuccessful attempts for Irish independence, and was compelled to seek safety and freedom in another land. His dismissal from the Presbytery of Belfast, of which he was a member, is dated April 14, 1788, soon after which date he sailed for America. Landing at New Castle, Delaware, he made his way to Wilmington, North Carolina, where he hoped to secure employment as a teacher. He had failed in this and was about to give up in despair, when, by a sign given in taking a drink of water, he was recognized as a Mason by some influential citizens, who thereupon exerted themselves in his behalf and secured for him the principalship of the Wilmington Academy. In 1793 he removed to Pittsborough and established the Bingham School. In 1801 he was made professor of Latin at the State University, which position he filled with credit till 1806, when he resigned to again open a private school, thinking that in this

way he could do more to advance the cause of education than by his work in the University. The school was opened at Hillsborough, but was soon removed to Mt. Repose, in Orange County, four miles from the present location, where he conducted it till his death in 1826.

Rev. Mr. Bingham was succeeded by his eldest son, William J. Bingham, of whom it has been said that "It is hardly possible that any other man can ever again be so pre-eminent in the State as Mr. Bingham was in his profession. He occupied a field previously unoccupied, and to remarkable opportunities he added remarkable ability. He raised teaching from an almost disreputable employment to an honorable profession; he raised tuition fees from \$20 per year at the highest to \$150 per year. He refused three hundred applications for admission in a single year, and though he conscientiously avoided accumulating money, he became, in spite of himself and his numerous charities, a man of comparative affluence."

For twenty years William J. Bingham conducted the Bingham School at Hillsborough, where he established it after the death of its founder. Then it was removed to Oaks, in Orange County, where it remained until, in the winter of 1864-65, the seat of the school was fixed permanently at its present location (Bingham School P. O.) in the same county, near Mebane, 50 miles west of Raleigh, on the North Carolina Railroad.

In 1857 he associated his sons, William and Robert, with him in the management, they having been graduated at the State University with the highest distinction.

The school was incorporated by an act of the Legislature of 1864-65; the military feature, which had been introduced during the War, was formally ingrafted; its officers were commissioned by the State, and its pupils were exempted from duty till they were 18 years of age. Although the Confederacy was tottering to its fall, log huts were built and the cadets went regularly into camp. Soon after the War began, the present principal, then the junior teacher of the school, entered the army and remained there till the surrender at Appomattox. His father, who died in 1866, and his elder brother continued the school throughout that eventful struggle.

William Bingham, as senior principal, conducted the school with distinguished success till his death in 1873. He was the author of a series of Latin text-books, which the publishers say are used in every State in the Union; certainly there is hardly an institution of note in North Carolina in which they are not used.

The Bingham School has reached its greatest efficiency under its present superintendent, Major Robert Bingham.

The log huts in which the cadets were quartered when the school was first removed to its present site have been replaced by frame buildings, with increased accommodations. The lecture halls, society halls, and barracks are excellently equipped for their specific purposes, and a

gymnasium and bath-house, with swimming baths, have been added to the school buildings. The buildings are provided with gas.

The motto of the school is "*Mens sana in corpore sano*," and physical culture receives the attention which its importance demands. "Bingham's is the only school in North Carolina, and one of only 40 in the United States, which has an officer detailed from the U. S. Army as commandant of cadets. The military feature has been found of great value as a means of physical culture and as an aid to discipline. At the same time the drill is not allowed to interfere in any degree with study, the object being to make, not soldiers, but citizens." (Cat., art. 4.)

The Bingham School does not claim to be a cheap school, though for the advantages offered there is none cheaper known to the writer. The actual school expenses for a term of forty weeks is \$272. This does not include uniform, etc.; and the necessary expenses of a student per year, all told, are from \$400 to \$500. Three courses are provided, viz, classical, mathematical, and commercial. A regular course occupies four years, on the satisfactory completion of which the student is given a certificate of proficiency. Major Bingham says: "It is a training school, pure and simple, not a college or a collegiate institute, though its certificate of proficiency, as indicated by the demand for its proficient graduates as teachers and the pay they command, is more valuable than a similar certificate from any other school in the South, and more valuable than a diploma from many of the colleges."

During the session of 1886-87 there were 220 students in attendance from 15 States and the District of Columbia. The present faculty numbers 8 teachers.

#### THE HORNER SCHOOL, OXFORD.

The Horner School was established at Oxford, in Granville County, in 1851, under the auspices of the present senior principal, Prof. J. H. Horner.

For scholarship and thoroughness this school has but few equals in the State. It is a classical, mathematical, scientific, and military academy.

Two courses of study are provided, the "classical," and the "scientific and English." Each course is arranged for four years. The requirements are as follows:

I. The classical course embraces the studies in the schools of Latin, Greek, mathematics, English grammar and rhetoric, geography, history.

II. The scientific and English course embraces the studies in the schools of mathematics, natural science, metaphysics, English grammar and rhetoric, geography, history.

French, German, and book-keeping are elective studies, which may be substituted for their equivalent in the regular courses, or taken in addition to them.

Every student, on his admission into the school, is assigned to those classes in the regular courses for which he is found qualified.

*Scheme of morning recitations.*

[Daily except Friday.]

Class room No.	8.30 to 9.	9 to 9.45.	9.45 to 10.30.	10.30 to 11.15.	11.15 to 12.
1.....	Penmanship and book-keeping.	Latin, first class.	Latin, second class.	English grammar, first class.	Greek, second class.
2.....	do.....	Latin, fourth class.	Greek, first class.	English grammar, second class.	Greek, third class.
3.....	do.....	English grammar, third class.	Latin, third class.	Geography or history, fourth class.	Geography or history, third class.
4.....	do.....	Natural science, second class.	English grammar, fourth class.	Natural science, fourth class.	Natural science, fourth class.

[Friday.]

1.....	English composition.	Latin, first class.	Latin, second class.	English grammar, first class.	Metaphysics.
2.....	do.....	Latin, fourth class.	Greek, first class.	English grammar, second class.	Greek, second class.
3.....	do.....	English grammar, third class.	Latin, third class.	Geography or history, fourth class.	Geography or history, third class.
4.....	do.....	Military tactics.	English grammar, fourth class.	Experimental work in natural science.	

*Scheme of afternoon recitations.*

[Daily except Friday.]

Class room No.	2 to 2 30.	2.30 to 3.15.	3.15 to 4.	4 to 4.45.	4.45 to 5.30.
1.....	Penmanship and book-keeping.	Mathematics, fourth class.	Metaphysics.....	} Reading and spelling.	} Military drill.
2.....	do.....	French.....	German.....		
3.....	do.....	Mathematics, third class.	Mathematics, second class.		
4.....	do.....	Natural science, first class.	Mathematics, first class.		

[Friday.]

1.....	English composition.	Geography, first class.	History, first class.	} Declamation.....	} Military drill.
2.....	do.....	Geography, second class.	History, second class.		
3.....	do.....	Geography, fourth class.	History, fourth class.		
4.....	do.....	Geography, third class.	History, third class.		

The student, besides being subjected daily to quizzes by his instructors, is given oral and written examinations at the close of each session on all the subjects studied. A report of the standing, punctuality, and deportment of each student is made out at the close of every quarter and sent to his parents or guardian. The student's standing in his class is estimated by the instructor, and marked on a scale in which the number 7 is taken as a maximum, and stands for "very good"; 6, "good"; 5, "very respectable"; 4, "respectable"; 3, "tolerable"; 2, "bad"; 1, "very bad." Students are not advanced to a higher class until they have stood an approved examination on the studies of the preceding class.

The school is strictly military in its organization and discipline.

The annual register for 1885-86 shows four instructors, and a student attendance of one hundred and six, from four States and the District of Columbia. The principals say that "improvements will continue to be made in our accommodations, but the capacity of the school will not be enlarged. We do not desire any considerable increase in our numbers, satisfied as we are that efficiency in the management of a school is best secured with a limited number of pupils."

#### OTHER SCHOOLS OF MERIT.

Prominent among the schools deserving to be mentioned in this connection is the Raleigh Male Academy, at Raleigh, reopened by Professors J. J. Fray and Hugh Morson, both of the University of Virginia, in 1878, and which, since the death of Captain Fray, in December, 1884, has been under the efficient management of Professor Morson and Capt. C. B. Denson, two of the best known and most popular teachers in the State.

This school has no regular curriculum. The subjects taught may be divided into the following general classes, viz :

- I. The usual English branches, with mathematics.
- II. The Latin and Greek languages and their literature.
- III. The French and German languages and their literature.
- IV. The natural sciences.
- V. Book-keeping.

Every pupil is required to take throughout his connection with the school orthography, penmanship, English composition, and declamation. The average student attendance is about one hundred.

The writer was connected with this school as an assistant teacher in 1884, and is prepared to commend it for thoroughness and substantial work.

The early history of the Raleigh Male Academy is thus given by President Kemp P. Battle, of the University of North Carolina, in a centennial address on "The Early History of the City of Raleigh," delivered in that city July 4, 1876:

"The attention of the people of Raleigh was early directed to the

subject of education. The most active man in inaugurating schools was Joseph Gales, the editor of the Register, one of the most enlightened fathers of Raleigh. The following is the list of trustees elected March 27, 1802: John Ingles, William White, Nathaniel Jones (of White Plain), Henry Seawell, Simon Turner, William Boylan, John Marshall, and Joseph Gales. Nathaniel Jones, who had donated \$100, was chosen president, and Joseph Gales secretary.

“One month afterwards \$800 is reported subscribed, and soon an academy is built, by permission of the General Assembly, on Burke Square, one building for the males and one for the females.

“This academy became a power in the land. It grounded the education of nearly all the boys of that day in central North Carolina. It was the pride and glory of Raleigh for a third of a century.

“The academy began in grand style. In 1804 we read an advertisement which announces the teachers as follows: Rev. Marin Detargney (late of Princeton, and of the College of Maryland) as principal; Chesley Daniel, graduate of the University of North Carolina and late one of the tutors, assistant; Miss Charlotte Brodie, teacher of needle-work.

“Greek, Latin, Spanish, French, mathematics, with application to the system of the world, astronomy, navigation, etc., all at \$5 per quarter. A less amount might be had for \$4 per quarter. The English branches were \$3 per quarter, and needle-work free.

“Such array of all the sciences seems to have been above the demands of young Raleigh, and in 1810 it is announced by William White, the secretary of the board, that the trustees of the academy had engaged the Rev. William McPheeters, from Virginia, a gentleman eminently qualified for the undertaking, to become the principal of the academy and pastor of the city.

“The leaders in the great contest with the social and political evils of the day, those who must drill the young to their full powers and enable them to cope with the active, adventurous, nothing-fearing, all-daring spirit of this age, are the teachers of the land. Our people, captivated by the eloquence of the statesman, or the brilliant achievements of the warrior, do not fully appreciate the grandeur of their calling. \* \* \*

“Dr. William McPheeters was one of the best of his class, painstaking, conscientious, thorough, parental and kind to the dutiful, but a terror to the truant. High-minded, brave, frank, abhorring all meanness, he not only instructed the minds of his boys, but he trained their consciences to aim at his own lofty standard.

“He was, too, pastor of the city for several years. His ministrations in the Commons Hall were attended by all; and Episcopalians and Baptists, Presbyterians and Methodists, in their triumphs and their sorrows, on the bed of sickness and in the hour of death, found in him a sympathizing friend, a safe counsellor, a true, tried, well-armed, Great-Heart.

"Under this remarkable man the Raleigh Academy grew and flourished, and the Raleigh people, insensibly looking up to him as a common guide, were a united community, unpretentious, sociable, cordial to one another, and cordial to strangers."

For a number of years this academy, previous to coming under its present management, was conducted by the Lovejoys, who during their lifetime were as noted educators as the Bingham.

Owing to the fact that Burke Square, where the school was conducted for many years from its organization, was fixed upon as the site of the new residence for the Governor, another location for the school had to be chosen. An entire square in the north-eastern part of the city was secured, on which a large, well-ventilated, and comfortable building was erected, fully adapted to the requirements of the school. This building has been occupied since September, 1883.

The DAVIS SCHOOL, a classical and military institution, established by Col. A. C. Davis, at La Grange, Lenoir County, in 1881, is rapidly gaining a wide reputation. In many respects it is modelled after the Bingham School. Its student attendance embraces a large number of States. The faculty is able and progressive and includes graduates from some of our best institutions. This school, as do the Bingham, the Horner, and other leading institutions of the State, maintains excellent literary societies in which the students are required to debate, declaim, and prepare essays. It also has a good cadet cornet band and orchestra.

Other schools for secondary instruction might be mentioned in this connection, but the above are sufficient to show the characteristic features of these institutions in North Carolina.

#### ANTE-BELLUM MALE SCHOOLS.

##### CALDWELL INSTITUTE.

This institution, named in honor of the Rev. Joseph Caldwell, D. D., first president of the State University, was instituted and managed by the Orange Presbytery. It was established at Greensborough and began the work of instruction January, 1836, the Rev. Dr. Alexander Wilson and Mr. Silas C. Lindsay being the first teachers. To these was added the Rev. John A. Gretter. Dr. Charles Phillips says: "This trio taught a school of the highest pretensions ever known in North Carolina. Its students joined the Junior class in the University."

This institute was removed to Hillsborough sometime about 1846. It succeeded the Bingham School at that place, and was in turn succeeded a few years later by the school of Mr. Ralph Graves, father of Professor Graves, of the University.

The Graves School was succeeded by the Hillsborough Military Academy.

## HILLSBOROUGH MILITARY ACADEMY.

This school was founded in February, 1859, by Col. Charles C. Tew, a native of South Carolina. Colonel Tew was educated at the Citadel, the South Carolina Military Academy. Soon after being graduated he was appointed to a professorship in the Arsenal, a branch of the Military Academy, where he remained, with the exception of a year spent in study in Europe, until 1858, when he decided to establish a military academy in North Carolina. Excellent brick barracks, one mile from Hillsborough, were erected for this school.

At the outbreak of hostilities Colonel Tew entered the Confederate army and lost his life in the service. Major Gordon, one of the assistant teachers, conducted the school during the War. After the War it was attempted to revive the institution, at first under Colonel White and then under General Colston, but upon the latter's removal to Wilmington in 1868 the school was closed, until in 1874 it was revived under Messrs. Graves and Horner, who had been conducting a school at Oxford, but in a few years, for want of satisfactory patronage and other reasons, it was again closed and has not been re-opened since.

## THE NORTH CAROLINA MILITARY INSTITUTE.

At one time this was one of the noted institutions in the State. It was located in the suburbs of Charlotte.

The corner-stone of the main building, an imposing brick edifice, built in the Norman castellated style of architecture, situated in a campus of twenty-seven acres well shaded by oaks, was laid in 1858, and, the building having been completed, the work of instruction was commenced the following year. It is said the building was planned by General "Stonewall" (T. J.) Jackson, who at one time contemplated opening a military academy with his brother-in-law, General D. H. Hill, in Charlotte. The school was opened with General D. H. Hill as superintendent, assisted by General Lane, Col. Charles Lee, and one or two others.

The War closed its halls. The institution was revived in 1873 by Col. John P. Thomas, of South Carolina, at one time principal of the Citadel Academy, in that State, who conducted it for several years. The building is now used by the graded school.

Other institutions could be mentioned, but the above were the most prominent of the schools organized before the Civil War, and which have since gone down.

REV. JOHN CHAVIS,

A DISTINGUISHED COLORED EDUCATOR.

One of the most remarkable characters in the educational history of North Carolina was a negro. His life finds no parallel in the South, nor, so far as the writer is aware, in any part of our country. To one who



is familiar with the status of the negro in the slave-holding States in the first half of this century, the following will read stranger than fiction, but of its truth there can be no question. This man, with a history so unique, was the Rev. John Chavis, a Presbyterian clergyman and an eminent teacher. His contemporaries admired him for his noble bearing as a gentleman, revered him for his fervent piety as a Christian, and respected him for his eminent ability as a teacher and preacher.

The Rev. Charles Phillips, D. D., LL. D., of the University of North Carolina, made an effort, several years ago, to collect materials for a sketch of Mr. Chavis, and the data for this account are drawn principally from correspondence which he has kindly placed at my service. These letters are from well-known citizens who were personally acquainted with the negro divine. He is remembered by them as an old man, after he had retired from the work of teaching, and of his early life but little is known.

The birthplace of John Chavis can not be located with certainty, but it is probable that he was born near Oxford, in Granville County. The name is still common in the northern central section of the State. It is evident that he was born free. He studied at Princeton as a private pupil of Dr. Witherspoon, to whom, it is said, he was sent to see if a negro were capable of receiving a collegiate education. His career in after life leaves no doubt as to the success of the experiment. It is believed that he went from New Jersey to Virginia with the Rev. Samuel Davies, where he actively engaged in the work of the ministry. At the instance of the Rev. Henry Patillo he returned to North Carolina about 1805.

Previous to his connection with the Orange Presbytery (N. C.) in 1809, he had been connected as a licentiate with the Lexington and Hanover Presbyteries in Virginia. The records of the Hanover Presbytery show that he was "riding as a missionary under the direction of the General Assembly" in 1801. In 1805 he was granted dismissal from the Hanover Presbytery to join the Orange Presbytery. He united with the latter in 1809, being received as a licentiate. He ministered to churches in Granville, Wake, and Orange Counties. The late George Wortham, a distinguished lawyer of Oxford, in a letter of May 22, 1883, writes: "I have heard him read and explain the Scriptures to my father's family and slaves repeatedly. His English was remarkably pure, contained no 'negroisms;' his manner was impressive, his explanations clear and concise, and his views, as I then thought and still think, entirely orthodox. He was said to have been an acceptable preacher, his sermons abounding in strong common sense views and happy illustrations without any effort at oratory or any sensational appeals to the passions of his hearers. He had certainly read God's Word much and meditated deeply on it. He had a small but select library of theological works, in which were to be found the works of Flavel, Buxton, Boston, and others. I have now two volumes of Dwight's Theology which were

formerly in his possession. He was said by his old pupils to have been a good Latin and a fair Greek scholar. He was a man of intelligence on general subjects, and conversed well. I do not know that he ever had charge of a church, but I learned from my father that he preached frequently many years ago at Shiloh, Nutbush, and Island Creek churches to the whites."

Mr. Chavis opened a classical school soon after his return to his native State, and during his career as a teacher he taught in Granville, Wake, and Chatham Counties. His school was patronized by many of the most distinguished men in the State. Prominent among his pupils were Willie P. Mangum, Priestly Hinton Mangum, Archibald E. and John L. Henderson, sons of Chief Justice Henderson, Governor Charles Manly, Rev. Williams Harris, Dr. James L. Wortham, the Edwardses, the Enlows and the Hargroves. Many of his students became prominent as politicians, lawyers, preachers, physicians, and teachers. Prof. J. H. Horner, principal of the Horner School, Oxford, one of the oldest and best high schools in the State, in a letter of May 14, 1883, says: "He had a well attended classical school in Wake County. My father not only went to school to him but boarded in his family." He says that what his father knew he got at this school, and adds that, "Chavis was no doubt a good scholar and a good teacher, and hence was patronized by the best people of the country. \* \* \* The school was the best at that time to be found in the State."

This worthy man of God was stopped from preaching by the law enacted by the Legislature in 1832, silencing all colored preachers in North Carolina, in consequence of "the Nat Turner insurrection of the previous year." At the one hundred and twenty-fourth session of the Orange Presbytery, held in Raleigh, we find the following on the record, dated April 21, 1832: "A letter was received from Mr. John Chavis, a free man of color, and a licentiate under the care of the presbytery, stating his difficulties and embarrassments in consequence of an act passed at the last session of the Legislature of this State, forbidding free people of color to preach: Whereupon, *Resolved*, That presbytery, in view of all the circumstances of the case, recommend to their licentiate to acquiesce in the decision of the Legislature referred to until God in His providence shall open to him the path of duty in regard to the exercise of his ministry." From this time till the death of Mr. Chavis, in 1838, when about seventy-five years old, we find the presbytery making provision for his support. In 1838 we find this record: "Presbytery resolved to continue the support of the widow of John Chavis." In 1842 it was reported to the presbytery that she no longer needed pecuniary aid from that source, and the case disappears finally from the records. After being debarred from preaching, Mr. Chavis published a sermon entitled "The Extent of the Atonement," which was sold for his benefit, at 15 cents per copy, and widely circulated. John Chavis is described as of dark brown complexion, without any admixture of white

blood in his veins. He was a robust, corpulent man, with large, round clean-shaven face, expressive of benevolence and its kindred virtues. His stature was about 5 feet 7 inches in height. He was always neat in dress and usually wore a suit of black home-spun, with spotless linen and a nicely-tied white cravat. In his latter years his woolly hair was as white as driven snow, adding to the dignity of his appearance.

He frequently visited his former pupils, by whom he was well received, heartily welcomed, and kindly entertained. Mr. Paul C. Cameron, a distinguished friend of the University, and probably the wealthiest man in the State, in a letter of April 24, 1883, writes: "In my boyhood life at my father's (Judge Cameron) home I often saw John Chavis, a venerable old negro man, recognized as a free man and as a preacher or clergyman of the Presbyterian Church. As such he was received by my father and treated with kindness and consideration, and respected as a man of education, good sense, and most estimable character." He says it excited the wonder of the slaves to see one of their race so pleasantly received by their master. Mr. Cameron further says: "He seemed familiar with the proprieties of social life, yet modest and unassuming; and sober in his language and opinions. He was polite—yes, courtly; but it was from his heart and not affectation. I remember him as a man without guile. His conversation indicated that he lived free from all evil or suspicion, seeking the good opinion of the public by the simplicity of his life and the integrity of his conduct. If he had any vanity, he most successfully concealed it. He conversed with ease on the topics that interested him, seeking to make no sort of display, simple and natural, free from what is so common to his race in coloring and diction. \* \* \* I write of him as I remember him and as he was appreciated by my superiors, whose respect he enjoyed."

Such, in brief outline, was the life and activity of one of nature's noblemen.

"His life was gentle; and the elements  
So mixed in him, that Nature might stand up,  
And say to all the world, '*This was a man!*'"

## CHAPTER VII.

### EDUCATIONAL EFFORTS OF THE FRIENDS.

#### FIRST SETTLERS.

Friends and Baptists, who were, as a rule, fugitives from ecclesiastical oppression, were the first to make North Carolina their permanent home. New England Puritans and Virginia Churchmen were equally zealous in adopting and enforcing measures to maintain their respective creeds, and their restrictions and persecutions forced many good people to seek homes where liberty could be had to worship God according to the dictates of conscience. In Carolina such a refuge was found.

George Fox, the founder of the Society of Friends, began preaching in England in 1647, and nine years later the first Friends to come to America settled in Massachusetts. Driven thence by hostile legal enactments, some fled to Virginia, but finding no more cordial reception there, they journeyed further south. Martin, in his history of North Carolina, under date of 1660, says: "The Legislature of Virginia having passed laws unfavorable to the Quakers, a number of whom had fled thither from the persecuting spirit of New England, many families sought an asylum on Albemarle Sound."

The first permanent settlement in the province was made about 1660 at Durant's Neck, in what is now Perquimans County, in the north-eastern part of the State, by a small colony of Friends, which soon became and has since remained the nucleus of a large settlement of that sect. Hawks says that "The oldest land title in North Carolina, and that which we think was actually the first, is still on record. It is the grant made by Cistacanoë (Kilkocanen?), king of the Yeopim Indians, in 1662, to Durant, for a neck of land at the mouth of Little and Perquimans Rivers, which still bears the name of the grantee. In 1663 Berkeley confirmed this grant by a patent under his own signature." It has been established that this George Durant was a Friend, and here we find him purchasing land from the rightful owner as did that more illustrious follower of Fox, William Penn, at a later day. This grant of the Indian king antedates that given by Charles II to the Lords Proprietors by several months.

From the time of the first settlement till the transfer of the province to the Crown in 1729, it is estimated that the Friends numbered at least

one-half of the population. In 1671-72 the colony was visited by William Edmundson and George Fox, and it is probable that an organization of the Society of Friends was established about that time, it being the first religious body organized in the State. Dr. Nereus Mendenhall claims that it antedates the Penn organization in Philadelphia by some ten years. The first Quarterly Meetings established were the Eastern, previous to 1689, and the New Garden, in 1688. The earliest of the preserved records of the Yearly Meeting date from 1708.

It is worthy of note that it was in this State that the Friends first became influential in the administration of civil affairs. One of the best of the early Governors of North Carolina was a Friend, John Archdale, a Proprietor, whose administration began in 1795. By his wisdom, prudence, and sagacity, quietude and peace were brought to the hitherto badly governed and consequently turbulent colony.

With a population consisting of so large and representative a proportion of this sect, one of whose fundamental doctrines is freedom in civil and religious affairs, it is not to be wondered that the Old North State has such an honorable history in her efforts for independent self-government. And with the well-known record of the Friends for zeal in promoting education, it would be a matter of surprise if their history was not intimately connected with the educational advancement of the State. So it has been, but unfortunately no care was taken to preserve the records of their early educational undertakings. The Friends here, as elsewhere, have it as a part of their discipline that no child shall grow up among them without the rudiments of a good education. They have ever maintained schools, when practicable, whose influence has been widely felt beyond the limits of the Society. Since 1750 the Friends have constituted but a small proportion of the population of the State, the Society at this time numbering less than seven thousand members, yet they have been a potential factor in providing for the educational upbuilding of the people, especially since the late Civil War.

The oldest Friends' schools in North Carolina still in operation were established in 1833, and their history will next be considered.

#### FRIENDS' BOARDING SCHOOL.

This institution is located at New Garden, six miles west of Greensborough, in Guilford County.

New Garden was settled by Friends early in the eighteenth century and soon became the center of a large community of that sect. For a number of years the Yearly Meeting, the highest authority in discipline and other matters relating to the Society of Friends in the State, was held there, but since 1881 High Point, a neighboring town, owing to better railroad facilities has been the seat of that assembly.

For detailed information concerning the school the writer is indebted to Prof. L. Lyndon Hobbs for the use of an address which he deliv-

ered at a student's reunion at New Garden on August 23, 1883. This address was prepared with great care, and it is so admirably adapted to the purposes of this sketch that it is followed with closeness and freedom.

"This institution," says Professor Hobbs, "had its origin in a deep religious concern for the education of the members of the North Carolina Yearly Meeting and for the promotion of the Society of Friends. No less powerful motive than a religious one could have sustained the worthy men and women who, fifty years ago, struggled against poverty and indifference for the establishment of a school for their own children and for those of future generations."

Steps preliminary to the establishment of the school were taken at the Yearly Meeting in 1830. Subordinate meetings were directed to report the following year upon the character of the schools attended by the children of Friends, and also to give the number of Friends' children of school age, and of these the number not in school.

At the next session of the Yearly Meeting the subordinate meetings reported as directed. Their report is thus recorded: "There is not a school in the limits of the Yearly Meeting that is under the care of a committee either of monthly or preparative meeting. The teachers of Friends' children are mostly not members of our Society, and all the schools are in a mixed state; which brought the meeting under exercise for a better plan of education, and Dougan Clark, Jeremiah Hubbard, Nathan Mendenhall, Joshua Stanley, and David White were appointed to prepare an address to the subordinate meetings on the subject of schools."

The following extract from the address, which was adopted, bears witness to the high estimate which the Friends place upon education: "We believe that the Christian and literary education of our children, consistent with the simplicity of our profession, is a subject of very deep interest, if not of paramount importance, in supporting the various testimonies that we profess to bear to the world, and even the very existence and continuance of the Society."

A committee was appointed to receive subscriptions of funds for the establishment of a boarding school. The amount secured that year amounted to \$370.55. Another committee was appointed later to digest a plan relative to purchasing a suitable farm on which to locate the school and beginning work, and to report the same at the next annual meeting. In 1832 a plan was submitted and about \$1,200 were subscribed for putting it in operation.

This plan proposed the purchase of a small farm with buildings necessary to accommodate forty or fifty boarding pupils. It was provided that the institution should be located near a meeting-house, and not on a public road. The farm was to have a sufficient orchard of fruit trees to furnish fruit for the students and be suited to the pasturage of cattle for the benefit and convenience of the institution. Care was to

be taken that this farm should be watered by a constantly running stream, located in a healthful neighborhood, and "be somewhere within the limits of New Garden, Deep River, Western, or Southern Quarterly Meetings."

The school was to be under the management of a committee appointed by the Yearly Meeting, consisting of two men and two women from each of the above-mentioned Quarterly Meetings. This committee was empowered to decide upon location and to appoint the superintendent and teachers. So far as the writer can learn this is the first time it was ever seriously proposed to appoint women for such duties in North Carolina.

All the students were to be boarders; not even those from the immediate neighborhood were to be received as day scholars. No girls under ten or boys under twelve years of age were to be admitted. It was expressly stated that "none but members of the Society of Friends and the children of members should be admitted, and none for a shorter time than three months." This provision, however, was soon done away with, and the only requirement for admission was evidence of good character.

The instructors were to teach studies approved by the committee, be present with the pupils at their meals, and lodge in their bed chambers with them.

In addition to regulations regarding the observance of the Sabbath, the following are some of the general rules to be observed by the children: "Upon awaking in the morning you should endeavor to turn your minds inward and wait upon your great Creator, the author of all your blessings, and think of his great loving-kindness to the children of men in sending his beloved Son into the world that whosoever shall believe shall have everlasting life.

"During the hours of recreation you should observe moderation and decency in all your conduct, carefully guarding against everything that would vex or provoke each other to wrath, and avoid throwing sticks, stones, etc., calling nick-names, or mocking one another or the aged or the deformed. \* \* \* The boys are not to indulge themselves in the dangerous practice of climbing trees.

"You are neither to borrow, lend, buy, nor exchange without leave. When strangers speak to you, give modest, suitable answers, with your faces turned towards them.

"In the evening after supper you are again to collect together, and after the calling of your names retire to your bed-chambers in as much stillness as possible, avoiding conversation, folding up your clothes neatly and putting them in their proper places. And you are tenderly and affectionately advised to conduct and close the day with remembering your gracious Creator, that being the best preparation for quiet repose."

Each monthly meeting within the limits of the Yearly Meeting was to select one man or woman who would be willing, when sufficiently educated, to teach in primary or monthly meeting-schools, to be educated at the boarding school at the expense of the monthly meeting or from the general fund of the Yearly Meeting, if the parent or guardian should not be able to pay the board and tuition fee.

In 1833 the school was located on the site it still occupies, and through the influence of George C. Mendenhall, a prominent Friend and a member of the State Senate, the General Assembly of that year granted an act of incorporation.

The Friends, while neither strong in numbers nor wealth, made substantial progress towards placing the institution, which for several years had been an object of solicitous care, on a firm basis. They admitted and deplored the fact that their "members are generally very deficient in literary knowledge," but now they rejoiced in the dawn of a brighter day.

In accordance with the original plan, the trustees purchased a small farm, and in 1834 Elishu Coffin, a descendant of Admiral Coffin of Revolutionary fame, donated a tract of land containing seventy acres, adjacent to that first purchased, to be used for the benefit of the school. Mr. Coffin was one of the original trustees, and his gift was one of the first and largest that came to the institution.

Interest in the struggling school was not confined to the limits of a single commonwealth, for the Yearly Meetings of several States not only gave words of encouragement but also liberal contributions for constructing and furnishing the necessary buildings. The Friends in England have also manifested a lively interest in the institution since its incipency. The following contributions are worthy of special note. As early as 1834 English Friends had contributed \$2,000 for the erection of buildings. In 1837 Joseph John Gurney, of England, gave \$500, one-half of which was to be applied as the trustees saw fit and the balance to be used in aiding the children of Friends who were not able to meet the expenses of their education. This was the beginning of the fund to aid students. Through the donations of English Friends "early provision was made to defray the expenses, wholly or in part, of ten children at the school. This assistance was given for several years at a period in the school's history when, but for this aid, the attendance would have been discouragingly small." George Howland, of the New England Yearly Meeting, contributed \$1,000 in 1839, and subsequently gave another thousand. Of the early friends and benefactors, Roland Green, of Rhode Island, was one of the most ardent. Liberal contributions have been received from members of the New York, Philadelphia, and Baltimore Yearly Meetings; Francis T. King, a noble philanthropist of Baltimore, alone contributing about \$10,000.

Professor Hobbs says that, "Of the members of the North Carolina Yearly Meeting no one, perhaps, exerted a greater influence for the school at home and abroad than Nathan Hunt. An eminent minister



of the Gospel, ardently interested in the education of the young people of our State, he used his extraordinary eloquence to aid the effort which was being made for the establishment of a higher institution of learning. Through his influence many large donations were made."

The necessary buildings having been completed, the school was opened August 1, 1837. Fifty students were in attendance the first day—twenty-five boys and twenty-five girls. This equal representation of the sexes fitly symbolizes the equal advantages which they have enjoyed here throughout the entire history of the institution, notwithstanding the opposition shown in the State to the co-education of the sexes.

The first superintendents were Dougan and Asenath Clark, two well-known and accomplished Friends. The contract under which they were employed, a most formal instrument, begins thus: "This indenture, made on the 18th day of the 2nd month, in the year of our Lord one thousand eight hundred and thirty-seven, between Dougan Clark and Asenath Clark, his wife, on the first part, and Nixon Henty and others, trustees of New Garden Boarding School, in the county of Guilford and State of North Carolina, on the other part, witnesseth: That said Dougan and Asenath Clark, his wife, for and in consideration of the interest they feel in the promotion of the objects of the said boarding school, together with the further consideration of the covenants here contained, have undertaken, promised, and agreed, and by these presents do undertake, promise, and agree, etc."

The first teachers were Jonathan L. Slocum, of Providence, R. I., principal of the boys' school; Catharine Cornell, principal of the girls' school; Harriet Peck and Nathan B. Hill. All of the instructors but the last-named were from New England. Mr. and Mrs. Clark served the institution for nearly six years.

During the first term the average attendance was sixty-eight. The Yearly Meeting fixed the charge for board and tuition at \$65 per year.

Among the early rules adopted by the trustees were the following, which at this time will cause a smile, though at that time they were enforced with all seriousness: "It is the united judgment of the committee that the boys should have their hair cut smooth and decent." "No more frock coats to be admitted into the school."

For a decade preceding the Civil War the institution was much embarrassed financially, and in 1860 the sale of the property was proposed; but Friends, North and South, rallied to its support and it was decided that the school should be maintained. During that period many of the North Carolina Friends were emigrating to free soil; and in this time of political commotion New Garden suffered. The school was continued without interruption throughout the War on a gold basis.

In 1867, the trustees, encouraged by the Baltimore Friends, decided to make the school more efficient. The buildings were refurnished, the corps of teachers was increased, and a permanent endowment fund,

now amounting to \$23,700 in invested securities, was inaugurated. During the present year an effort is being made to increase the endowment to \$50,000. Several handsome subscriptions to that end have already been made and it is more than probable that the hoped-for amount will be obtained.

The institution has now three large and well-ordered brick buildings for class-room and dormitory purposes,—Founder's Hall, 126 by 40 feet, three stories; King Hall, 100 by 60 feet, with a front projection 16 by 40 feet, three stories; and Archdale Hall, 90½ by 42 feet, two stories.

The school is provided with a good library, and connected with it are two well-conducted literary societies.

Two courses of study, the "literary and scientific" and the "classical," each extending over four years, are provided. Special normal instruction is given. Diplomas of graduation, but not degrees, are conferred on those completing a course. The academic staff now numbers seven. The charges per academic year for board, tuition, and washing are \$150.

Since its establishment more than 3,000 boys and girls have studied at New Garden. Their influence has been widely felt in North Carolina and in several States of the West, many of them having become teachers and preachers.

Referring to the influence of the institution, Professor Hobbs says, "Its effects have not been confined to the limits of the State. Many of her children have found homes in the West, where they have won distinction as teachers in high schools and colleges, as ministers of the Gospel, and as substantial conscientious farmers.

"When Kansas Yearly Meeting was organized, an aged and esteemed Friend, John Clark, of Indiana, was asked why it was that in all the Western Meetings, with rare exceptions, they chose for clerks either Carolinians or their immediate descendants. After a moment's reflection he replied, 'It is because they can do no better, for they would if they could.'"

The address above quoted closes as follows: "Inestimable as are the benefits which the founders and supporters of the boarding-school have conferred upon their fellow-men through an unbroken period of forty-six years, in view of the thorough improvements for the accommodation of pupils and the additions to our facilities for instruction, what has been accomplished may be regarded as the infancy and youth of an institution which is now entering upon its manhood; and this day may be a happy fulfilment of the prophecy of Jacob Green, a well-known Friend from Ireland, who, at a meeting of the trustees in 1839, uttered these words: 'This institution will do good to your children's children. It is the Lord's work and will prosper in your hands.'"

This prediction of Jacob Green is now on the point of being realized in a fuller sense than was anticipated at the time of its utterance. At

the students' reunion in 1883, Francis T. King said that he was encouraged to believe that in the near future, instead of New Garden Boarding School, the institution would bear the more imposing title of "Guilford College of North Carolina." The writer is informed that at a recent meeting of the trustees it was decided to change the name to Guilford College, and that the next General Assembly of the State will be asked to amend its charter and confer upon it all the privileges usual to colleges. It was proposed that the institution be christened King College, but through the preference of Mr. King it received the historic name, Guilford.

Steps are now being taken to secure an endowment sufficient to equip and maintain this school for a high grade of collegiate work. The institution has strong and influential friends, not only in North Carolina but in other States, and it bids fair to become one of the first colleges in the State.

#### BELVIDERE ACADEMY.

This school is situated at Belvidere, Perquimans County, near the seat of the first settlement made in the State. The following sketch of this well-known Quaker institution was prepared for this work by Josiah Nicholson, a prominent Friend and citizen of eastern Carolina :

"The Society of Friends, at their Quarterly Meeting held at Little River, 8th month 31, 1833, entertained a proposition to establish a school (at that time there were no organized schools in the Albemarle district of the State), and a committee was appointed to take the subject into consideration, select a place, erect the buildings, employ a teacher, and put the school in operation.

"The committee purchased a lot at Belvidere and proceeded to erect a two-story building thereon, in which, on the 30th of 11th month, 1835, school was opened under the instruction of Edward S. Gifford, of Massachusetts.

"This school, though at first intended only for Friends' children, was in the second year opened for others besides Friends, by their conforming to the rules of the school.

"It has continued uninterruptedly from its organization, fifty years ago, up to the present time, and to-day enjoys a fair patronage."

There was a semi-centennial celebration of this school on December 24, 1885, and the following is an extract from the speech of Hon. Jonathan W. Albertson, made on the occasion :

"I have feebly pointed to some of the influences which have been fermenting within the last fifty years. For all that time, with trifling intermissions, this school has been open, its light shining, and it has contributed no trifling share to the thought of the age. All honor to these old walls! and all honor to that band of enlightened men who foresaw the needs of the young and prepared an *alma mater* to bring up children furnished forth for the battles of the century!

“For fifty years a stream of young men and women has left these doors and gone into the world, bearing with them the lessons taught them here, and here they were always taught what was right. Like a stone dropped into the water, the circling influence is felt to the extremity of the earth, and I have traced the pupils of Belvidere, some to where the surf beats upon the far Pacific shore, some to the land of the Montezumas, and some linger amidst the orange groves of Florida. The cities of the Atlantic sea-board claim some, some dwell in the mighty valley of the Mississippi, and some have not wandered far from the ‘old school house.’ Many of them, I know, are abreast of the age, and all are, consciously or unconsciously, imbued with its spirit.

“I was here when these doors were first opened, and at the length of fifty years I return to greet my *alma mater*.

“Many who were with me here when these doors first opened have passed beyond the river. I remember many of the lost ones. Of those who remain, I ask that we give a kind thought to the absent, living and dead; and now clasping your hands across the chasm of fifty years, I bid you all hail and God speed.”

#### BALTIMORE FRIENDS.

North Carolina has reason to be grateful to the “Baltimore Association of Friends to advise and assist Friends of the Southern States” for its noble and successful efforts for the material and intellectual upbuilding of the State during the dark period succeeding the Civil War. At first the work of the association was confined to Friends occupying that section of the State devastated by Sherman in his march to the sea, but soon the limits of the charity were broadened until they embraced a large part of the State’s territory and population without regard to differences in religious belief.

Then, too, unlike other aid associations then operating within the State, only help was given to the white race, and it was given in such a way as to elevate and not pauperize. The leaders in the movement believed that the best way to help the people was to put them in a condition to help themselves, and with this as a working principle their efforts met with success.

It is interesting to note the origin of this association. Soon after the outbreak of the War between the States, Friends from North Carolina occasionally passed through Baltimore on their way to the West to seek homes on free soil, where they would not be constantly menaced by the horrors of war. Many of these received assistance from individual Friends in Baltimore, but towards the close of the War the demands were so frequent and the exigencies so pressing that the Baltimore Friends decided to co-operate in giving aid, and this led to the formation of the association. The immediate cause leading to its organization is thus stated by Mr. Francis T. King: “One Sunday morning towards the close of the War, two men appeared in front of the Friends’ meeting-house on Courtland Street, and quietly waited on the pavement till serv-

ices were over. As the members were coming out of the building, the two strangers informed several of the congregation that there were some North Carolina Friends at one of the city wharves in destitute circumstances. A committee at once repaired to the locality, and found there fifty persons of all ages and conditions whose homes had been ruined by the passage of Sherman's army through the section in which they lived. They had obtained permission to go to their friends in the North-west. Their sufferings excited the warmest sympathy of the Friends, and steps were at once taken for their comfort. But the charity did not stop there. Permission was obtained from President Lincoln to send a vessel load of provisions and agricultural implements to the Friends in North Carolina. Several hundred more Friends soon after this passed through Baltimore on their way West, and they, too, received assistance. The temporary aid thus extended became an established permanency, and the "Baltimore Association to aid Friends in the South" was formed in 1865. Since the War this association has expended about \$150,000 in North Carolina in educational and agricultural work."

The association discouraged emigration from the State, and returned to their former homes some of the families that had gone West.

The following extract is taken from the first annual report of the association, made October 23, 1866:

"Whilst thus engaged in aiding our brethren and endeavoring to relieve their physical wants, we soon discovered that there were even stronger claims upon us to educate their children, many of whom, from the need of their labor at home, the scarcity of books, and the conscription of teachers, had lost four years of instruction, the period of a country child's school life.

"One of our number (Francis T. King) again visited North Carolina at the time of the Yearly Meeting in the eleventh month, 1865, and there met in consultation our friends Joseph Crosfield, of England, Samuel Boyce, of New England, and Marmaduke C. Cope, of Philadelphia, and conferred with the education committee of North Carolina Yearly Meeting. After carefully considering the whole subject, the association concluded to appropriate \$5,000 to the boarding school (New Garden), \$2,500 to be expended in repairing the school buildings and in refitting the furniture and school apparatus, and \$2,500 to pay the board and tuition at the school of the children of Friends, who had suffered most by the War, which has since been done. Secondly, to establish primary schools in every Friends' neighborhood, under the direction of our association, and to appoint a competent superintendent to devote his whole time to their supervision. \* \* \*

"We are satisfied that the most useful pecuniary aid to families that we can now render, and one that will be most general in its application and permanent in its results, is to assume the expense and oversight of the schools (except the boarding school), until our Friends recover from the effects of the War and we succeed in establishing a system which will sustain itself. \* \* \*

“The subject of improved agriculture has claimed the attention of our board, and our president, Francis T. King, has been directed to confer with North Carolina Friends at the time of their Yearly Meeting, next month, and submit to us a plan for accomplishing this very important object; without it, it will be impossible to prevent the emigration of many young people whose energy and ambition have been stimulated.”

The educational work of the association was commenced about the close of 1865 by assuming charge of twelve schools, numbering about six hundred students. In 1867 the number of schools had increased to thirty-eight, with two thousand one hundred and forty-three pupils. A graded course of instruction covering a period of four years was introduced and the necessary text-books were furnished the schools. The North Carolina Friends furnished the school-houses, boarded the teachers, and provided fuel, in return for which their children received free tuition. The children of those who did not belong to the Society of Friends were received at the rate of \$1 per month.

In the summer of 1866 the association established a normal school to prepare teachers for the primary schools, which was continued from summer to summer, during the vacation of the other schools, until the State Normal was established. Capable instructors were secured from the North to direct the Normal. Tuition was free, and teachers of all denominations from various sections of the State attended. The aim of the Baltimore association was to prepare North Carolina teachers to teach in North Carolina schools, and in that way to secure the sympathy and co-operation of the people of the State. This it succeeded in doing.

At one time the association had under its management fifty-six schools, numbering about thirty-two hundred pupils, of whom only thirteen hundred were the children of Friends.

The following table, prepared by Mr. John C. Thomas, the secretary of the association, shows the amount spent for educational purposes, not including the sums appropriated to the model farm and subscriptions of members of the association to the boarding school :

*Baltimore Association of Friends to aid Friends in the South.*

AID TO EDUCATION IN NORTH CAROLINA.

1866. For New Garden school, in repairs, apparatus, and tuition of 36 scholars .....	\$4,817.50
1866. For 30 primary schools and 1 normal School, and aid to new school-houses .....	4,710.36
1867. For New Garden School .....	1,332.73
1867. For 38 primary schools and 1 normal school .....	11,327.12
1868. For 40 primary schools and 1 normal school (about) .....	13,000.00
1868. For New Garden School (about).....	1,000.00
1869. For New Garden School (about).....	500.00
1869. For primary schools and 1 normal school (about) .....	10,000.00
1870. For primary schools and 1 normal school (about).....	4,500.00
1870. For New Garden School (about).....	300.00
1871. For primary schools and 1 normal school .....	3,150.00

1872. For primary schools and 1 normal school .....	\$2,575.00
1873. For superintendent's services .....	825.00
1874. For superintendent's services .....	500.00
1875. For superintendent's services .....	400.00
1876. For superintendent's services .....	1,200.00
1877. For superintendent's services .....	800.00
1878. For 36 primary schools and superintendent's services.....	1,953.09
1878. For New Garden scholars .....	232.00
1879. For primary schools and superintendent's services .....	1,254.17
1880. For primary schools and superintendent's services.....	1,023.90
1881. For primary schools and superintendent's services.....	544.00
	\$65,944.87

## THE MODEL FARM.

The model farm, established in 1867 near High Point, in Randolph County, was one of the greatest educational factors introduced into the State by the association.

The president of the association in his annual report for 1867, after referring to the low and unremunerative state of agriculture in North Carolina and the fact that many of her citizens were emigrating, says: "To educate and enlighten her people without at the same time demonstrating the possibility of greater returns to labor, would still further tend to depopulation. Our work, so general in its character, could not fail to stimulate Friends to desire improved agriculture. There has been a continual pressure upon us to establish a model farm and to place among them a practical farmer, who with improved farming implements, artificial manures, the introduction of grasses, selected seed and stock, could demonstrate to their eyes the great neglected wealth of the soil, awaiting only the call of improved cultivation; and who, by the establishment of agricultural clubs within the limits of each quarterly meeting, should stimulate a spirit of inquiry and enterprise which would be rewarded by the best practical results. We have accordingly purchased the farm of that honored and devoted servant of Christ, the late Nathan Hunt, at Springfield, on the dividing line of Guilford and Randolph Counties."

The farm contained 200 acres and cost \$4,400. An experienced farmer was secured and the farm was supplied with the most improved farming implements and stocked with the best cattle. The farm proved a great success. A wide-spread interest in agriculture was awakened, leading to the formation of many farmers' clubs. W. A. Sampson, who had charge of the farm, gave occasional lectures before these clubs on agricultural topics. The farm soon became recognized as a practical agricultural school, and was visited frequently by farmers from distant parts of the State.

A department was established for the sale and distribution of improved stock, agricultural implements, and seeds. In a few months after the farm was established two tons of clover-seed were distributed at cost. To this and the farm together the association appropriated about \$24,000. The farm, however, soon became self-sustaining.

The emigration of Friends was stopped, their numbers began to increase, and they are now numbered among the most cultured, prosperous, and enterprising citizens in the State.

#### PHILADELPHIA FRIENDS.

The Philadelphia Friends have been doing much to elevate and advance the moral and educational interest of the colored people in North Carolina since the War.

The following statement in regard to the work of "The Friends' Association of Philadelphia and its vicinity for the relief of colored freedmen," was prepared for this chapter by the treasurer of the association, Mr. Richard Cadbury :

The Friends' Association of Philadelphia and its vicinity for the relief of colored freedmen was founded in the eleventh month, 1863. Its purpose, as tersely stated in the preamble to its constitution, "shall be to use every means in its power to further the object indicated in the title and preamble."

The work then begun extended over a wide area and embraced a great variety of objects, and any statement, therefore, of what was done in one branch and in one State must necessarily be imperfect, as the details would have to be almost entirely estimates.

The first school founded by this association in North Carolina was at Greensborough, Guilford County, in the eleventh month, 1865.

At the meeting of the executive board held in the sixth month of that year, the instruction committee reported that they "are desirous of procuring the services of an interested friend to locate and superintend schools in North Carolina and Western Virginia." Yardley Warner was soon after appointed to visit North Carolina to prepare the way for establishing schools, and in the ninth month report was made that "Nereus Mendenhall has been appointed superintendent of schools in North Carolina, and nine teachers selected to act under his care." In the twelfth month report was made that the following schools were in operation: Greensborough, 7 teachers; Salisbury, 4 teachers; Deep River, 1 teacher; Goldsborough, 3 teachers.

In the second month, 1866, report was made that over 3,000 children were being educated in the North Carolina schools. In the fourth month, 1866, the following schools were in operation: Goldsborough, 5 teachers; Hillsborough, 2 teachers; Durham, 1 teacher; Mebanesville, 1 teacher; Centre, 3 teachers; New Garden, 1 teacher; Greensborough, 3 teachers; Jamestown, 1 teacher; Deep River, 2 teachers; Sandy Ridge, 1 teacher; Oak Ridge, 1 teacher; Bruce's Cross Road, 1 teacher; Morehead's Mill, 1 teacher; Thomasville, 1 teacher; Charlotte, 3 teachers; Salisbury, 3 teachers; Lincolnton, 1 teacher; Mud Lick, 1 teacher; Madison, 1 teacher; Walnut Cove, 1 teacher.

During the year 1869, 29 schools were maintained in North Carolina with about 40 teachers. In addition to those in the above list (some of which had been discontinued) there were schools at Hopewell, Lexing-



ton, Salem, Mount Vernon, Cedar Grove, Company Shops, Warrenton, Boone Hill, and 10 small schools in Rowan, Iredell, and Davies Counties, under the care of a special superintendent.

This is probably the highest point reached, both in the number of schools and scholars. A reasonable estimate would place the average enrolment of these schools for a number of years at 2,000.

In 1871 there were 16 schools, 26 teachers; in 1878, 13 schools, 21 teachers; 1881, 4 schools, 11 teachers.

At the present time 2 schools are maintained by the association,—Goldsborough, 6 teachers; Salem, 2 teachers; besides some assistance given to the schools at Greensborough and Rutherfordton.

It is proper to state that in very few instances, even from the beginning, has the entire expense of supporting any school been borne by the association. The Freedmen's Bureau, the Peabody Fund, local taxation, the colored people themselves, and many of the white people, have all aided in the work.

It is difficult to estimate the amount of money expended in North Carolina for education. In 1869, probably \$10,000 is within the mark; in the last fiscal year \$750. Including, under educational purposes, bibles, tracts, etc., I think \$60,000 within the mark, as the money expended by the association from its own contributions since 1865.

#### NEW YORK FRIENDS.

The Bible School and Missionary Board of New York Yearly Meeting of Friends has been doing important educational work in North Carolina among colored people since 1874, and among white people since 1878. The chairman of the board, Mr. Robert M. Ferris, has kindly furnished the following statement in regard to their educational undertakings in this State:

#### *Schools for colored people.*

Years—winter.	Number of schools.	Number of pupils.	Amount expended.
1874-75 .....	1	45	\$100.00
1875-76 .....	5	170	243.00
1876-77 .....	11	435	635.00
1877-78 .....	16	695	1,246.00
1878-79 .....	10	401	1,016.59
1879-80 .....	16	755	1,613.60
1880-81 .....	15	546	1,502.64
1881-82 .....	15	615	1,225.95
1882-83 .....	16	689	1,362.82
1883-84 .....	17	764	1,521.18
1884-85 .....	19	788	1,969.00
1885-86 .....	15	552	1,492.00
1886-87 .....	8	348	1,786.70
			\$15,785.54

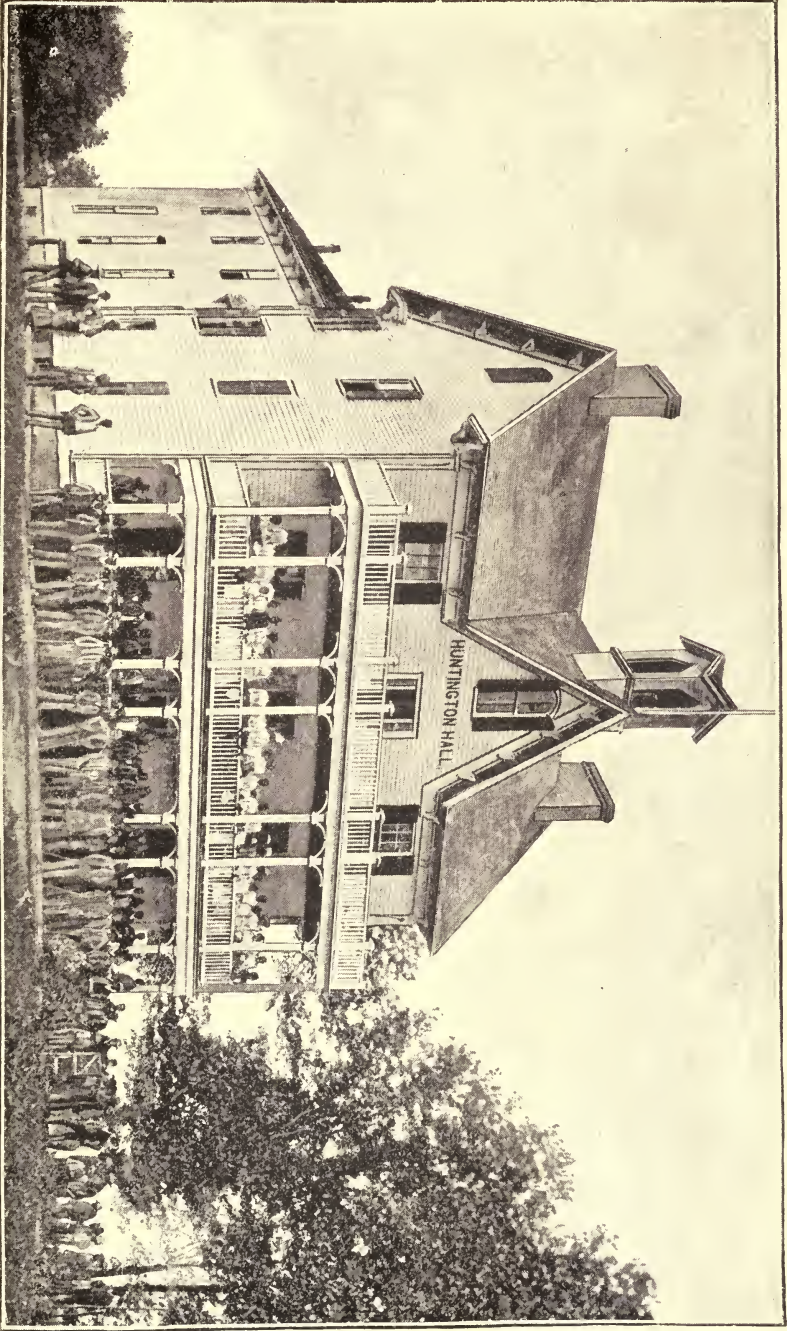
Nearly all these schools are in Randolph and Guilford Counties. In connection with the above schools, Sabbath schools are generally held; girls' sewing schools in connection with some, temperance organizations with many, and mothers' meetings for general instruction in family duties in connection with a few. With very few exceptions the teachers are professing Christians, and in most cases active workers. A superintendent, paid by the board, visits the schools from time to time. These schools draw a certain amount of public money, which is sufficient to maintain them for two to three months. The money from the Friends extends the time upon an average about five months, and makes it possible to secure a much better grade of teachers. The teachers are always selected and engaged as approved by the Board's superintendent, and the schools send reports to New York every month. Appropriations for physical relief, clothing, etc., are not included in the above report.

*Schools for white people.*

Years—winter.	Number of schools.	Number of pupils.	Amount of money.
1878-79 .....	5	175	\$100. 00
1879-80 .....	12	485	320. 00
188 -81 .....	9	343	294. 00
1881-82 .....	11	513	200. 00
1882-83 .....	11	278	260. 00
1883-84 .....	15	625	257. 15
1884-85 .....	11	484	275. 00
1885-86 .....	11	495	125. 00
			\$1, 831. 15

The above schools were among Friends mostly in Randolph and Guilford Counties.

The Friends have several excellent self-supporting schools in the State, and they were never more zealous than now in promoting education.



HUNTINGTON HALL

MAIN BUILDING—LIVINGSTONE COLLEGE.



## CHAPTER VIII.

### HISTORY AND STATUS OF EDUCATION AMONG THE COLORED PEOPLE.<sup>1</sup>

From what can be gathered from tradition and observation, it does seem that the colored people of North Carolina have, during the last hundred years, partaken of that hearty and independent spirit which has characterized their white-masters and fellow-citizens of the same soil.

And while the above remark would not necessarily suggest educational progress, it is a fact that education has its most ready growth and development, with its attendant fruits, in an atmosphere pregnant with the spirit of thrift and independence. Hence the colored people of North Carolina for a long time have been the most noted of the race in the South for their ardent desire for education and for their zealous perseverance in trying to secure the same. This is confirmed in that so many, before the War, betook themselves to the States in the Union which would allow them an education. Hence, further, the fact that the emancipation found the North Carolina colored people so well prepared to receive its concomitant blessings, especially those of education. This will be confirmed by the following notes on the educational institutions of which North Carolina negroes can boast:

I. The oldest, and one of the most representative, of the colored schools in the State is the Shaw University, for both sexes, at Raleigh.

This school had its origin in the formation of a theological class of freedmen in Raleigh, December 1, 1865, taught by Rev. H. M. Tupper, of Massachusetts, who, with his wife, had arrived in Raleigh the 10th of the preceding October. The work was commenced under the auspices of the "American Baptist Home Mission Society." The school has developed with great rapidity, being commenced as the "Raleigh Institute," and successively changing its name, until now as the Shaw University it occupies several acres of land situated in one of the most desirable parts of the city, upon which have been erected five large handsome brick buildings. I suppose its property may not truly be estimated at less

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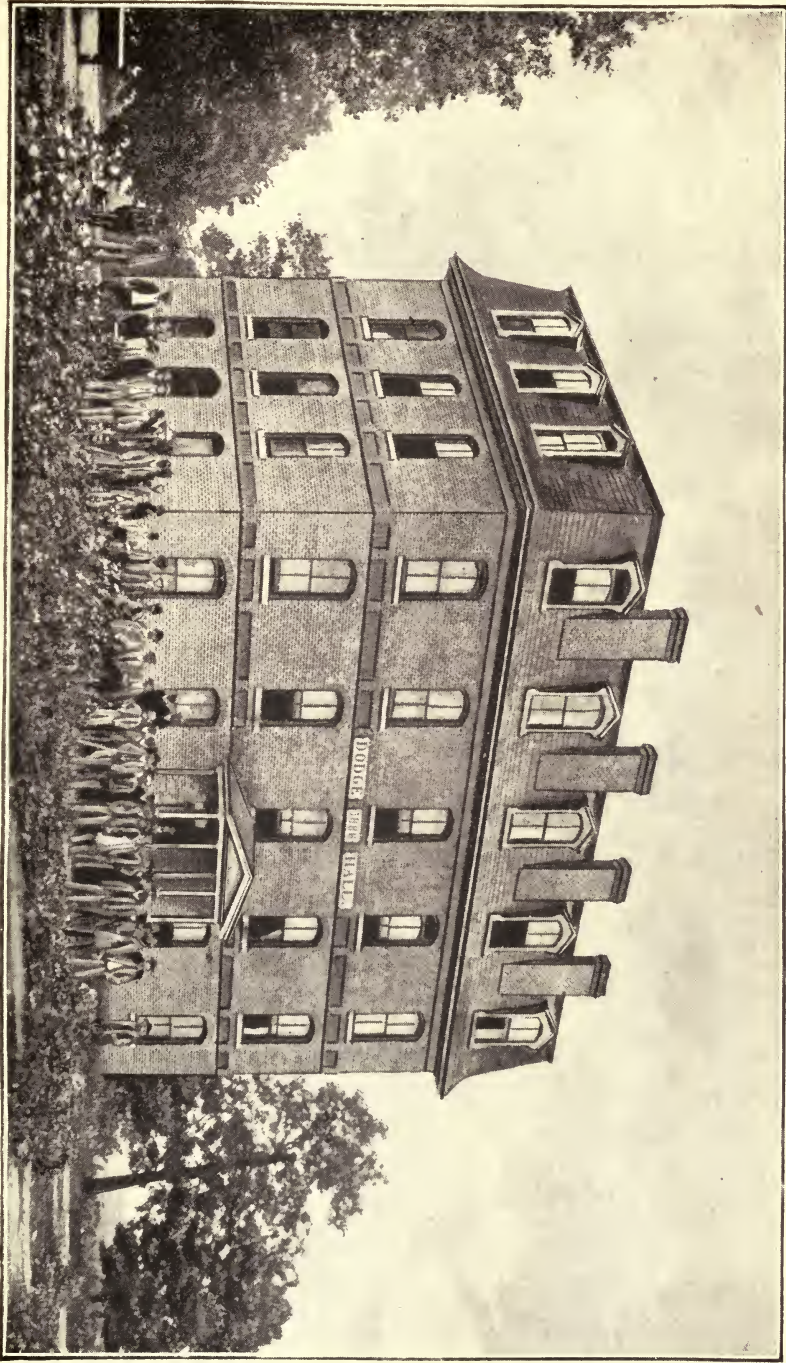
<sup>1</sup>This interesting and valuable chapter was prepared for this monograph by Prof. S. G. Atkins, of Livingstone College, one of the foremost institutions in the State for the education of the colored people. The writer is thoroughly conversant with the status of his race, and what he says is worthy of careful attention.

than \$200,000. It has six different departments—viz, college, scientific, normal, theological, medical, and industrial—in successful operation. A reference to the course of study shows that the amount of work done at Shaw is adequate to efficiency on the lines indicated by the courses. Special mention might be made of the medical department, whose Faculty includes some of the most eminent members of the medical profession in our State. The indications are that its appliances will soon be all that is necessary for thoroughly preparing the student for his special work. Further points will be noted in the tabular chart.

II. The second institution, in order of date, for the colored people in North Carolina is the Biddle University, at Charlotte, for young men. This institution was organized in 1867, under the auspices of the Presbyterian Board of Missions for Freedmen. Its advancement has been steady, until its property is valued at \$70,000, and its scope of work covers three departments of instruction, viz, theological, college, and preparatory. In the college and preparatory departments, either one or both of two courses are pursued, a classical course and a scientific course. The preparatory is antecedent to the college.

The courses in the college department lead to the degrees of A. B. and B. S.; and it might be added that the character of work done at Biddle is no whit behind, if not superior to, that of any college for the race in the State. (See tabular chart.)

III. The third institution of learning, in order of date, founded in North Carolina for the education of the colored people is the St. Augustine Normal School and Collegiate Institute, for both sexes, at Raleigh, founded by the Rev. J. Britten Smith, D. D., and under the auspices of the Protestant Episcopal Church. St. Augustine Normal School and Collegiate Institute was incorporated July, 1867, and opened January, 1868. Its threefold object is to afford young men and women superior advantages for obtaining a thorough academic education, to train and equip teachers for efficient service, and to prepare young men for the holy ministry. The scope of its work embraces four departments, viz, theological, collegiate, normal, and preparatory. The course in the theological department includes instruction in the prayer-book and Bible, Christian evidences, systematic divinity, ecclesiastical history, and homiletics. The course in the collegiate department embraces history, ancient and modern; mathematics to trigonometry; and so much of the sciences and classics as is necessary to make the student master of the more important facts and theories of science, and to lay the basis of a thorough scholarship in the Greek and Latin languages. In the normal department the course is arranged with special reference to the wants of teachers in the public schools. Those desiring to enter the institute, who are not prepared to pass examinations for admission to the academic or the normal department, are

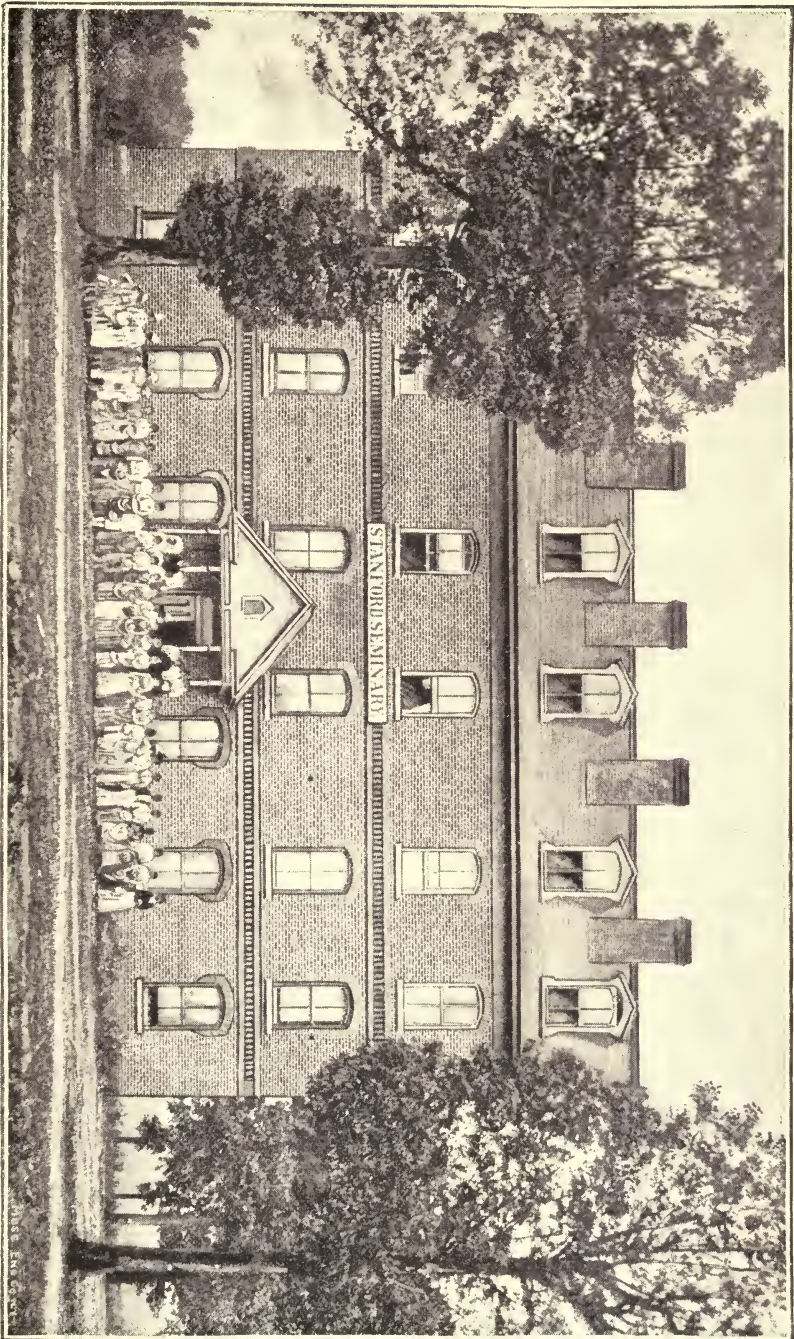


DODGE BROS. HOTEL

LIVINGSTONE COLLEGE - MEN'S DORMITORY.







LIVINGSTONE COLLEGE - WOMEN'S DORMITORY.



admitted to classes in the preparatory department. (See tabular chart.)

IV. The fourth institution, in order of date, founded in North Carolina for the colored people is the Scotia Seminary, for young ladies, at Concord. Scotia Seminary was chartered in 1870. It was founded by Rev. Luke Dorland, D. D., and is under the auspices of the Presbyterian Board of Missions for Freedmen. Its scope of work embraces three departments, viz, industrial, preparatory, and seminary. The seminary department embraces two courses of study, viz, a normal and scientific. The object of the normal course is to give a thorough preparation for teaching. The scientific course is intended to give some advantages not afforded by the normal course, and to bring the standard of Scotia up to that of similar institutions elsewhere. This course includes the sciences, ancient and modern literature, and mathematics to geometry. (See tabular chart.)

V. The fifth institution of learning, in order of date, founded in North Carolina for the education of the colored people is the Bennett Seminary, for both sexes, at Greensborough. It was opened in 1873. Its establishment was largely due to the prayers and labors of the Rev. Matthew Alston (colored), at whose earnest representations the Freedmen's Aid Society of the Methodist Episcopal Church founded the institution. The Bennett Seminary embraces five courses of study, viz, a college course, a normal course, an English course, a theological course, and an instrumental music course. The college course has not, I think, as yet been put into operation, but the other courses are similar, in character of work done, to similar courses of the institution previously noted. (See tabular chart.)

VI. The sixth institution, in order of date, established in North Carolina for the training of colored youth is the first high school founded by the State for the education of its colored citizens. It is known as the State Colored Normal School at Fayetteville. It was established by the State board of education, under an act of the General Assembly of 1876-77, for the training of teachers for the colored schools of the State. It receives an annual appropriation of \$2,000 from the State. It might be remarked that the colored people of Fayetteville gave the land upon which the building in which the normal school is conducted was erected. The building was erected by the Freedmen's Bureau.

The State has since established four similar schools, at Salisbury, Goldsborough, Franklinton, and Plymouth. The design of these schools is:

1. Thorough instruction in all the branches required to be taught in the public schools of the State.

2. To present the best methods of teaching these branches and governing the schools.

The courses of study are adapted to these ends. (See tabular chart.)

VII. Among the youngest of North Carolina negro colleges is the

Livingstone College, for both sexes, at Salisbury, incorporated in 1879, opened in 1880, and under the auspices of the A. M. E. Zion Church.

This institution was incorporated in 1879 as "Zion Wesley Institute," chartered in 1884 as "Zion Wesley College," and name changed in 1887 to "Livingstone College." Its progress has been marked. It is now only in its eighth year, and has property valued at \$75,000. Its Faculty numbers fourteen instructors. Its scope of work includes five departments, viz, preparatory, normal, collegiate, theological, and industrial departments.

The work of the preparatory department is represented by a grammar school course of four years, which serves as preparatory to the normal course.

The normal course is designed to prepare efficient teachers. It is, probably, more purely normal than the course of any similar department in the State. The college department offers an academic course, which includes instruction in the sciences, mathematics, and belles-lettres. The theological department comprehends two courses, a classic-theological and an English-theological.

The industrial department offers instruction in needle-work, printing, carpentry, and cooking.

This institution is unique in that it is directed, controlled, and officered entirely by negroes.

One of its most hopeful inspirations is the generous encouragement given by white friends, both at the North and in the South. (See tabular chart.)

VIII. The last institucion to be named under this head is the "Franklinton Literary and Theological Christian Institute," for both sexes, at Franklinton: This school was founded in 1880 by the Christian Church at the North. It is now in its eighth session. Its curriculum embraces four departments, viz, a preparatory, an intermediate, a normal, and a theological. The scope of the courses of these departments is not so extensive as that of similar departments in the schools previously mentioned; but the Franklinton Literary and Theological Christian Institute is doing an effective work for good among the colored people of the State. (See tabular chart.)

Tabular chart, showing statistics, etc., of colored high schools in North Carolina.

Name of institution.	Location.	Date of organization.	Incorporated.	Chartered.	By whom founded.	Endowment.	Income.	Number of instructors.	Number of students.	Average attendance.	Name of president or principal.
Shaw University	Raleigh	1865	1875	1875	H. M. Tupper, D. D.	\$5,000		23		400	H. M. Tupper, D. D.
Biddle University	Charlotte	1867		1877	Presbyterian Board of Missions.	8,600		10	133		W. F. Johnson, D. D.
St. Augustine Normal School and Collegiate Institute.	Raleigh	1867	1867		J. Britton Smith, D. D.	50,000		7	140		Rob't B. Sutton, D. D.
Scotia Seminary	Concord			1870	Luke Dorland, D. D.	1,500	\$11,500	13	213	175	Rev. D. J. Satterfield.
Bennett Seminary	Greensborough	1873			Rev. Matt. Alston, (col.)			4		150	Rev. W. F. Steele, B. D.
State Colored Normal School.	Fayetteville	1877			State of North Carolina.		2,000	3	126		Rev. E. E. Smith, A. M.
Do	Salisbury				do		1,500	3	120		Rev. J. O. Crosby, A. M.
Do	Franklinton				do		1,500	3			S. A. Waugh, A. M.
Do	Goldsbrough	1887			do		1,500	2			Chas. N. Hunter.
Do	Plymouth				do		1,500	3			H. C. Crosby, A. M.
Livingstone College	Salisbury	1888	1879	1879	North Carolina Conference A. M. E. Zion Church.		10,000	14	161	125	Jas. C. Price, D. D.
Franklinton Literary and Theological Christian Institute.	Franklinton	1880			The Christian Church at the North.	3,000		6	228	100	Rev. Geo. Young.

## OBSERVATIONS.

This sketch might include a number of private high schools and academies not referred to above, among which should be mentioned the Kittrell Normal and Industrial School at Kittrell, the Whitin Normal School at Lumberton, the Albion Academy at Franklinton, the Yadkin Academy at Mebaneville, the Winton Academy at Winton, the M. E. Academy at Asheville, and the Congregational High School at Wilmington. These schools are doing an important work in the State in supplying the communities in which they are with a higher order of instruction than would ordinarily come to them. To the schools just mentioned might be added excellent graded schools in a number of towns in the State. These graded schools are subject to the same provisions as are the other graded schools referred to in the monograph.

It might be remarked that the industrial departments of the colleges are doing an important work, and are proving themselves admirably adapted to the needs of the lately emancipated race. These departments cover a wide field of operations, including carpentry, printing, cabinet-making, needle-work, shoemaking, tailoring, blacksmithing, and cooking.

The Bennett Seminary has recently added to its departments the Kent Home, a model home, "put up and opened in order to teach girls and young ladies how to make a perfect Christian home." In it are taught sewing and mending, dress and garment making, housekeeping and cooking, nursing, and laundry work. Other seminaries in the State contemplate having, if they have not already begun, similar departments.

It is the opinion of those most interested in and nearly connected with the work of education among the colored people that there can be no permanent advancement of the race on æsthetic and literary lines without improving and perfecting the home life. It is my opinion that the mission of the schools among us can never be fully served apart from making the females in the race to be good housekeepers—makers of perfect Christian homes. The industrial departments of most of the colleges above referred to are maintained by appropriations from the John F. Slater fund.<sup>1</sup>

The same remarks in general that would apply to the public schools of one race in North Carolina would apply to those of the other race. The North Carolina public schools are as yet inefficient, but have made and are making progress. True of one race, true of both. The same hindrances impede in the case of both, with perhaps one exception. To this one exception I wish to refer. It is the great want (not absolute) of qualified teachers among the colored people. To my mind it is just now the only practicable way of improving our public-school

<sup>1</sup> North Carolina has received from the Slater fund the following amounts for the years given: 1883, \$2,000; 1884, \$740; 1885, \$4,400; 1886, \$3,600; 1887, \$4,200; apportioned for 1887-88, \$5,300.

system. I mean the preparation of teachers through normal training schools. It can hardly be expected that the State will soon be able to materially lengthen the school terms (an average of  $2\frac{1}{2}$  to 3 months), the shortness of which causes chiefly the inefficiency already referred to, but the State can arrange to have better teachers.

There are just two ways—both of which should go together, one of which must obtain—to make the public schools passably efficient. They are school terms of full length, and teachers with full preparation. The one would afford the time; the other would furnish the means. The former is almost indispensable, the latter is entirely so. And since the latter is more practicable, I would say that schools and departments for preparing teachers are the great needs of our public school system at present, especially among the colored people of the State. It is a pleasing circumstance to note that the State is striking out on this line, and we are led to hope that our schools will soon be furnished with such teachers as will make the schools all they should be.

The last observation I wish to make appertains to the attendance in the colored schools of the State. In all the schools, high, intermediate, and primary, the attendance is increased this year by from 15 to 30 per cent., in some cases it is nearly doubled. This is significant. This fact can not arise from any lax tendencies in the management of the schools, for the schools have rather raised their standards, broadened their scope of work, and made more circumspect their discipline. These observations taken all in all, it seems to me, teach that the North Carolina negro is making his way slowly, but truly to the position of a useful, intelligent, Christian factor in the body-politic of this progressive, intelligent, and Christian commonwealth.

S. G. ATKINS.

## CHAPTER IX.

### THE PUBLIC SCHOOLS.

#### ORIGIN OF THE SYSTEM.

North Carolina was one of the first States to make constitutional provision for both the common and the higher education of her citizens. The heroes of 1776 recognized that liberty and enlightenment were complements of each other, and that the surest safeguard to democratic government is education; so in the initial Constitution of the State it was declared "That a school or schools shall be established by the Legislature for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices; and all useful learning shall be duly encouraged in one or more universities."

The above, then, is the foundation of the public-school system; but such was the financial condition of the State in the early years of its history that a half century elapsed before the fair promise of the Constitution was realized, even in a measure, in so far as it related to common schools. The University, which was chartered in 1789, and began the work of instruction in 1795, was doubtless instrumental in educating public sentiment to the importance of a State system of schools.

Not until 1816 did the public authorities take any action on this question. In that year Governor Miller, in his message to the General Assembly, called attention to the need of public schools, and recommended that some action be taken looking to their establishment. The Legislature appointed a committee, with the Hon. Archibald D. Murphey as chairman, to report upon the subject of "affording means of education to every one, however indigent." Judge Murphey has been called the father of our public-school system, and well does he deserve this title.

On December 19, 1816, Judge Murphey, in behalf of the committee, submitted a report urging the establishment of "a judicious system of public education." This report, which he drafted, is worthy of close study. The first part is devoted to a learned dissertation upon the benefits of education and the needs of the State University. Following this are suggestions for a school system. "This general system," says the report, "must include a gradation of schools regularly supporting each other, from the one in which the first rudiments of education are taught to that in which the highest branches of the sciences are cul-



tivated. It is to the first schools in this gradation that your committee beg leave to draw the attention of the Legislature at this time, because in them will be taught the learning indispensable to all—reading, writing, and arithmetic. These schools must be scattered over every section of the State, for in them education must be commenced, and in them it will terminate as to more than one-half of the community. They will be the most difficult of organization and the most expensive to the State; but they will be the most useful, inasmuch as all the citizens will be taught in them, and many of the children are destined never to pass to any other.”

No action was taken at this session of the Legislature, and Judge Murphey was made chairman of a committee to investigate the subject more fully and report at the next session. He was much interested in this subject, and before submitting his report in 1817 he not only made a careful study of education in the New England States, but also visited Europe to examine the Continental school systems. The result of his study and observations are embodied in the report of the committee, a voluminous but well-written and eminently suggestive document.

A comparison with the reports as published in the records of the General Assembly for 1816 and 1817 shows that their main provisions are excellently summarized in the following extract from the admirable historical sketch of the North Carolina State school system in the Report of the Commissioner of Education (U. S.) for 1876:

“The report (of 1816) went on to suggest that from the youth educated in these schools at State expense teachers should be selected for schools in which they might be qualified to teach, and that discreet persons should be appointed in each county to superintend and manage the concerns of the sectional schools which should be established, to designate the children who should be educated in whole or in part at the public expense, and to apply the funds which should be consecrated to the purposes of these schools. It closed with a recommendation that the two houses should appoint three persons to digest a system of public instruction, founded upon the general principles which had been stated, and to submit the same to the next General Assembly.

“The house concurring with the senate on this motion, a committee was appointed, with the same gentleman as chairman, which made an elaborate report at the session of 1817. This new report recommended the formation of a fund for public instruction, and the constitution of a board to manage the fund and carry into execution the plan of public instruction contemplated. This plan was one which was meant ‘to make the progress of education natural and easy,’ beginning with primary schools, in which the first rudiments of learning were to be taught, and proceeding to academies, in which youth were to be instructed in languages, ancient and modern history, mathematics, and other branches of science, preparatory to entering the University, in which instruction should be given in all the higher branches of the sciences and the prin-

ciples of the useful arts. An institution for the deaf and dumb was also included in the plan.

“For the elementary instruction to be given it was proposed to divide each county in the State into two or more townships, and to have one or more primary schools established in each township, which should provide a lot of ground of not less than four acres, and erect thereon a sufficient house, and vest it in the board of public instruction. For secondary training this board was to divide the State into ten academic districts and have an academy erected in each district; the State to meet one-third of the expense of the erection and the site, and furnish one-third of the sum required for salaries of teachers, on condition of their instructing a certain number of poor children free of charge. As to the superior instruction which was meant to crown the whole, the Legislature was urged to provide the needed funds for sustaining and carrying forward the then struggling University. For knitting the whole together came the board of public instruction to be constituted, which was to consist of the Governor of the State as president, and six directors, to be appointed by the General Assembly. This board was to have power to locate the several academies to be established; to determine the number and titles of the professorships therein; to examine, appoint, and regulate the compensation of the professors and the teachers; to appoint, in the first instance, the trustees; to prescribe the course of instruction and discipline according to the general rules which should be first fixed by law; and to provide some just mode of advancing from the primary schools to the academies, and from the academies to the University, as many of the most meritorious children educated at the public expense as the proceeds of the funds for public instruction should suffice to maintain and educate.”

The writer just quoted adds that “No better, more compact, or more connected scheme for the formation of a State system of instruction could well have been devised at that quite early day. The main fault in it was that it undertook too much, viz, to ‘maintain’ as well as ‘educate’ the children of the poor—an undertaking quite beyond the means of a State yet sparsely settled, and with the burdens of a recent war still weighing on the people. It was the expense which this portion of the plan involved that seems to have killed the project, for though the bill met with favor from the Legislature, was ordered to be printed, and put into a form for passage, the consideration of the large sums it would annually require to carry out its liberal provisions induced a pause, and that pause was fatal to it. Instead of eliminating from it the one specially impracticable feature and trying to work out the practicable ones, its advocates desired and urged its passage as a whole, and so friends fell from it and it failed.”

#### PROVISION FOR PUBLIC SCHOOLS.

No further legislative action was taken on this question till 1825. In that year “a fund for the establishment of common schools” was estab-

lished by the General Assembly "consisting of the dividends arising from the stocks then held or afterwards acquired by the State in the banks of New Berne and Cape Fear, the dividends arising from the stocks owned by the State in the Cape Fear Navigation Company, the Roanoke Navigation Company, and the Clubfoot and Harlowe's Creek Canal Company, the tax imposed by law on license to retailers of spirituous liquors and auctioneers, the unexpended balance of the agricultural fund, all moneys paid to the State for entries of vacant lands, and all the vacant and unappropriated swamp lands of the State, together with such sums of money as the Legislature may hereafter find it convenient to appropriate from time to time."

Hon. S. M. Finger, superintendent of public instruction of North Carolina, in a recent address on public education said :

"From those sources it might seem that a large fund would soon have been accumulated, but the generosity of the State as shown by act of Assembly, at Fayetteville, 1789, cut off what, under the above-recited provision, would soon have yielded a magnificent school fund. I refer to the act ceding to the United States all her territory now included in the great State of Tennessee. I recite the preamble giving the reasons for the cession of this magnificent domain, and as indicative of the character of our people at that early date.

"Whereas the United States in Congress assembled have repeatedly and earnestly recommended to the respective States, owning or claiming western territory to make cession of part of the same as a further means, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States; and the inhabitants of the said western territory being also desirous that such cession should be made in order to obtain a more ample protection than they have heretofore received. Now this State being ever desirous of doing ample justice to the public creditors, as well as establishing the harmony of the United States and complying with the reasonable desires of her citizens :

"*Be it enacted, etc.* The act goes on to recite the manner of making the deed, and various conditions of the grant, among which is this :

"*Provided, always,* That no regulations made or to be made by Congress shall tend to emancipate slaves."

"The deed was made February, 1790, for the reason stated in the preamble above recited, and the grant was accepted by Congress on the 2d day of April of that year. Thus it was that North Carolina parted with this valuable domain, because Congress requested it to be done as a means of paying the public debt, which had been incurred by the thirteen original States in their common struggle for independence. Thus it was that North Carolina surrendered what would have yielded her a magnificent school fund, under such legislation as that of 1825, above recited. This action on the part of North Carolina was in marked contrast with the action of Connecticut in reference to her public lands.

Connecticut, instead of contributing her public lands to the payment of the common debt of the country, held her 'western reserve' for her own uses and from it laid the foundation of her school fund."

The following State officials were appointed to manage the school fund: the Governor, the chief justice of the supreme court, the speaker of the senate, the speaker of the house, and the State treasurer, with their successors in office. These were constituted a body corporate and politic under the title of "The president and directors of the literary fund." They were empowered to hold property, and to dispose of and improve the same, for the promotion of learning and the instruction of youth. In 1836 the constitution of the board was changed, and it was made to consist of the Governor and three others to be appointed by him biennially.

In 1837 the literary fund was largely augmented by the transfer of \$1,433,757 by the General Government to North Carolina, being this State's share of the surplus deposit fund. That sum, less \$300,000, was added to the literary fund, increasing this fund to more than \$2,000,000. The Legislature of that year directed the president and directors of the literary fund to digest a plan for common schools suited to the condition and resources of the State, and to report the same at the next session of the General Assembly. The State was now ready to carry out the educational provisions of the Constitution, and to inaugurate a system of common schools which would, to some extent, meet the needs and requirements of the people.

#### PUBLIC SCHOOLS ESTABLISHED.

On December 4, 1838, the president and directors of the literary fund made their report to the General Assembly in accordance with the resolution which was passed by that body at its previous session. The principal provisions of this report and the workings of the system before the late Civil War are thus given in the Report of the Commissioner of Education (U. S.) for 1876: "It proposed to have the State divided into 1,250 school districts, each to have a school-house erected in it, as pleasantly situated and as neat and commodious as possible; to have a normal department organized in the State University for the training of teachers for the schools; to have the income of the literary fund, amounting then to about \$100,000 annually, distributed among the districts at the rate of about \$240 for each, to aid in the maintenance of schools, and to be supplemented by a local tax of twice that amount, levied by the county court; and, finally, to have five superintendents of schools for each county and three committee-men for each school district. The scheme provided only for common schools, and left academies to succeed these at no long interval, and colleges and universities in due time to crown the whole.

"The adoption or rejection of this system it was proposed to submit to a vote of the people; and on the 8th of January, 1839, a little more

than one month after the submission of the report, the Legislature, under the lead of Mr. W. W. Cherry, chairman of the committee on education, passed an act to divide the State into school districts, six miles square, and to refer to the people the question of the establishment and maintenance of schools in these. The establishment of a school for teachers was passed by. In counties where the vote should be in favor of common schools the county court was to select five superintendents for the county, whose first duty was to divide the county into school districts, for each of which three committee-men were to be chosen 'to assist the superintendents in all matters pertaining to the establishment of schools' within their districts. The court was also to see to the levying of a tax sufficient to build a school-house for fifty scholars in each district, and the further tax above referred to for meeting the State allowance to each school, which tax, however, most mistakenly was cut down in 1844 to one-fourth of what had been recommended.

"Nearly every county in the State voted for the schools and the school-tax proposed, and at the next session of the Legislature in 1840, a law embodying the main features of the report was passed, and the new school system was at once set in operation. It was modified somewhat in 1844, especially by an allowance of an increase of the school districts, diminishing, in proportion to that increase, the amount of school money to be paid to each, and also, by express allowance, the amount of local tax to be collected. In 1852 a State superintendent was appointed, The census of 1850 gave the number of schools as 2,657; of teachers, 2,730; of pupils, 104,095; the income being \$158,564, most of it from local taxes and from public funds. In 1860 there was a slight advance upon these figures as to schools, teachers, and pupils, and an increase of the income to \$268,719, the greater part still from taxation in the counties and from the income of the literary fund."

In order that the reader may have an idea of the progress of education in North Carolina during the twenty years preceding the War the following school statistics of the census of 1840 are given. It must be remembered that the common-school system had not gone into operation at this time. In 1840 there were 2 colleges (including the University), 141 academies and grammar schools, 632 primary and common (county) schools, making a total of 775 educational institutions. The number of students in attendance was as follows: at colleges, 158; at academies, 4,398; at other schools, 14,937; making a total of 19,483.

The following comparative statistics are gathered from an article in the North Carolina Journal of Education of February, 1858, prepared by Rev. Calvin H. Wiley, D. D., superintendent of common schools.

The average length of the schools of Maine at that time was four months and three weeks; of New Hampshire, five months; of North Carolina, four months. Maine and New Hampshire distributed about 70 cents per capita for white population; Connecticut and Pennsylvania, about 95 cents; New York and Ohio, about \$1; Virginia, about 8 cents;

North Carolina about 50 cents. North Carolina had a larger school fund than Maine or New Jersey (by \$1,500,000), or Maryland or Virginia (by \$600,000), or Massachusetts (by \$500,000), or Georgia (by \$1,700,000). North Carolina and Georgia were about equal in white population, yet the former had 2,000 more common schools than the latter, more than 100 more academies, and as many colleges. North Carolina had more colleges than South Carolina, more academies by 100, and nearly three times as many children at school. Virginia had 340,000 white population more than North Carolina, yet the latter had as many colleges, as many academies, and 500 or 600 public schools more than Virginia. Kentucky had 200,000 white population more than North Carolina, yet the latter had as many colleges as the former, as many academies, more common schools by 1,000, and as many children at school. The same is substantially true in the comparison between Tennessee and North Carolina. It should also be remembered that at that time North Carolina had but few towns of any consequence and no large cities.

Dr. Wiley, after stating the above facts, adds: "Upon a calm review of the entire facts, it is neither immodest nor unjust to assert that North Carolina is clearly ahead of all the slave-holding States with her system of public instruction, while she compares favorably in several respects with some of the New England and North-western States."

The public-school system had reached its highest efficiency at the outbreak of the War. As a result of that conflict the permanent school fund was almost entirely destroyed, and the public schools were closed until about 1870.

#### PUBLIC SCHOOLS SINCE THE WAR.

The War not only swept away the school fund, but at the same time left the country impoverished. The freeing of the negro added largely to the school population of the State and increased the difficulty of the educational problem. The negroes numbered about three-eighths of the whole population. Major Finger, in the address before referred to, said:

"The problem then was how the five-eighths, impoverished as they were, owning all the lands, but essentially nothing but the lands, could educate themselves and also the three-eighths of paupers recently made citizens. I do not think that any civilized people ever had thrust upon them a more difficult problem than the South had, for it applied to the whole South, in the formation of safe political society out of such material. Of course, general education was seen to be a necessity. Our people, recognizing the necessity, with that wonderful adaptability which characterizes them, did not fold their hands in tame submission to what seemed to many inevitable political, social, and material destruction, but they went earnestly to work to educate."

In the State Constitution which was adopted in 1868, it was provided

that "The General Assembly at its first session under this Constitution shall provide by taxation and otherwise, for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years." The Constitution, as it now stands, contains, among others, the following provisions relating to public education: "The General Assembly shall levy a capitation tax on every male inhabitant in the State, over twenty-one and under fifty years of age, which shall be equal on each to the tax on property value at \$300 in cash.

"The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than 25 per cent. thereof be applied to the latter purpose.

"Each county in the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained, at least, four months in every year; and if the commissioners of any county shall fail to comply with aforesaid requirements of this section they shall be liable to indictment.

"The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or by the United States; also all moneys, stocks, bonds, and other property, now belonging to any State fund for purposes of education; also the net proceeds of all sales of swamp lands belonging to the State, and other grants, gifts, or devises that have been or hereafter may be made to the State, and not otherwise appropriated by the State, or by the term of the grant, gift, or devise, shall be paid into the State treasury; and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever."

It is also provided in the Constitution that the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State shall be appropriated in the respective counties for maintaining free public schools.

The above provisions are the basis of the present system of public schools. The expenses of these schools are met, for the most part, by the taxation on polls and property. The State board of education holds about 1,000,000 acres of swamp lands, but there is not much prospect that these will be a source of income for many years yet. Before the War some \$200,000 were expended in attempts to drain them, but without success. The State has no large fund for educational purposes, and what has been done for schools since the War has been accomplished mainly by taxation, and unless the General Government comes to the assistance of the States, and distributes the surplus so rapidly accumu-

lating in the treasury, the people must still rely upon their own efforts for the further promotion of public education.

As has been stated, the public schools were re-opened in 1870, and though they have not yet reached any marked degree of efficiency, yet there has been steady improvement since that time. The disbursements for these schools have been as follows: In 1871, \$177,497.94; in 1872, \$173,275.62; in 1873, \$196,675.07; in 1874, \$297,090.85; in 1875, no report, about the same as in 1874; in 1876, \$334,163.14; in 1877, \$319,813; in 1878, \$324,827.10; in 1879, \$326,040.35; in 1880, \$352,882.65; in 1881, \$409,658.88; in 1882, \$509,736.02; in 1883, \$623,430.98; in 1884, \$640,245.20; in 1885, \$630,552.32.

The following statistics<sup>1</sup> for 1886 will give an idea of the present status of public schools: Number of public school-houses for whites 3,443; for colored, 1,592; total, 5,035; value of public-school property for whites, \$449,824.60; for colored, \$203,281.79; total, \$653,106.39; number of public schools taught, for whites, 4,115; for colored, 2,223; total, 6,338; average length of school terms, for whites, 11 $\frac{3}{4}$  weeks; for colored, 12 weeks; enrollment of whites, 188,036; of colored, 117,562; total, 305,598; average attendance of whites, 117,121; of colored, 68,585; total, 185,706; average salary of public-school teachers per month, white, \$25.05; colored, \$22.52 $\frac{1}{2}$ .

The following is a summary of the receipts for public schools in 1886: Poll-tax, \$253,261.49; property tax, \$258,799.85; special poll-tax, \$7,110.48; special property tax, \$20,618.83; special poll-tax under local acts, \$1,184.98; special property tax under local acts, \$6,820.17; fines, forfeitures, and penalties, \$22,876.22; liquor licenses, \$83,002.75; auctioneers, \$32.66; estrays, \$14.38; other sources, \$16,950.60; making the total receipts for the year, \$670,672.41. Funds which came in afterwards increased this total to \$671,115.65. The amount expended in 1887 was \$653,037.33.

Major Finger says that "the General Assembly now levies a tax of 12 $\frac{1}{2}$  cents on every \$100 of property and 37 $\frac{1}{2}$  cents on each poll for schools; and at least 75 per cent. of all other poll-taxes, whether levied in the revenue law or by the county commissioners, must be appropriated for schools. All these moneys so appropriated are collected by the sheriffs of the respective counties, and by them turned over to the county school officers. If the fund accumulated in each county is not sufficient to maintain schools for a period of four months the statute requires the county commissioners, in accordance with the provision of the Constitution above cited, to levy a special tax for that purpose. Our supreme court has recently decided in the case of *Barksdale vs. Commissioners of Sampson County* that this requirement is constitutional only within the limits of 66 $\frac{2}{3}$  cents on property and \$2 on the poll, but that

<sup>1</sup> Gathered from report of the Superintendent of Public Instruction of North Carolina, for 1885-86.



special taxes for special purposes under special acts of Assembly are not to be included.”

Many of the larger towns, under special acts of the Legislature, have excellent graded schools, each employing from six to fourteen teachers. In 1886 there were seventeen of these schools in the State. They are supported principally by voluntary taxation.

According to the school census for 1886 the total number of children in the State of school age (between the ages of six and twenty-one years) was 547,308; of these there were 338,059 white and 209,249 colored children. The total enrollment at the public schools was 305,598; at private schools, about 30,000. When it is taken into consideration that many of the younger children of school age do not attend school and many stop their education before the age of twenty-one, it will appear that a large proportion of the children are in school.

#### PEABODY FUND.

North Carolina has received large benefactions from the Peabody Fund, which have been appropriated to public, normal, and graded schools, and to the holders of the Peabody scholarships in the Nashville Normal College. This State has now fourteen scholarships at that institution, each yielding \$200 per annum. Appointments are made for two years by the State superintendent of public instruction. Only those are appointed who expect to make teaching a profession, and who guarantee to teach at least two years in North Carolina.

The appropriations from the Peabody Fund to this State, from 1868 to 1887, inclusive, have been as follows: 1868, \$2,700; 1869, \$6,350; 1870, \$7,650; 1871, \$8,750; 1872, \$8,250; 1873, \$9,750; 1874, \$14,300; 1875, \$16,900; 1876, \$8,050; 1877, \$4,900; 1878, \$4,500; 1879, \$6,700; 1880, \$3,050; 1881, \$4,125; 1882, \$6,485; 1883, \$8,350; 1884, \$6,075; 1885, \$5,430; 1886, \$5,500; 1887, \$5,500—making a total of \$143,315. This noble charity has been of great advantage to the State.

#### PRESENT PUBLIC SCHOOL SYSTEM.

The Constitution provides for a “State board of education,” consisting of the following State officials, viz: Governor, secretary of state, treasurer, auditor, attorney-general, and superintendent of public instruction. This board has full power to legislate in relation to free public schools and the State educational fund. Any action which it may take, however, is subject to change or amendment by the General Assembly. The superintendent of public instruction is the head of the system of public schools, and has general supervision in their management.<sup>1</sup>

<sup>1</sup> *State superintendents.*—The first superintendent of common schools was the Rev. Calvia H. Wiley, D. D., 1852-65. While occupying this position he prepared a “North Carolina Reader,” giving the history of each county in the State, with an account of the soil, climate, etc. It also contained selections from the writings and public ad-

Each county has a county board of education and a county superintendent of education. The county board consists of three men, elected biennially by the commissioners and justices of the peace of the county. This board has the general management of the public schools in the county and lays off the school districts, the convenience of each neighborhood being consulted in the division. In each of these districts there is a school committee, consisting of three persons, whose duty it is to provide school-houses, employ teachers and give orders for the payment of the sums due for their services, and take at a stated period a census of the children within the school age. The compensation of teachers of the first grade is left to the committee; teachers of the second grade receive \$25, and those of the third grade \$15 per month. The schools for the two races are separate. The school districts for the two races may be the same in territorial limits or not, according to the convenience of the parties concerned. Major Finger says that "these districts are irregular in size, but not many of them contain an area of more than 4 miles square, and many are much smaller, so that, except in the very sparsely populated sections of the State, there is annually a school in easy reach of every child."

The county superintendent is elected by the county board of education, the county commissioners, and the justices of the peace, for a term of two years. The county superintendent has the general oversight of the schools in his county, and examines all applicants for positions as teachers. The census reports and school statistics are reported to him by the district committees, and he makes an annual report to the State superintendent of public instruction. His salary is decided by the county board, but is not to be less than \$2 nor more than \$3 per day for the time in which he is necessarily engaged in the discharge of his duties, provided his salary shall not exceed 4 per cent. of the school fund apportioned in the county.

The studies required by law to be taught in the public schools are spelling, defining, reading, writing, arithmetic, English grammar, geography, elementary physiology and hygiene, and the history of North Carolina and of the United States.

#### NORMAL INSTRUCTION.

In 1885, in accordance with the Constitution of the State, the General Assembly established a "normal department" in the University of North Carolina, which is open to young men preparing to teach, free of tuition, on condition that they sign a pledge to teach at least one year after leaving the institution.

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dresses of eminent North Carolinians. It is an excellent work, and before the War was used in the public schools. On the reconstruction of the system in 1870, under the law of April 12, 1869, the Rev. S. S. Ashley was made State superintendent, 1870-72. His successors have been Alexander McIver, 1873-75; Stephen D. Pool, 1875-77; John C. Scarborough, 1877-85; Sidney M. Finger, 1885--.

There are now in the State eight normal schools for the whites and five for the negroes.

In 1876 the Legislature established the University Normal School for the whites and the Fayetteville State Normal for the negroes, making an annual appropriation for each of \$2,000. In 1881 four additional normal schools for each race were established, each school receiving an annual appropriation of \$500. In 1885 the University Normal was discontinued, and the annual appropriation of \$2,000 which this school had formerly received was divided equally between four white normal schools which were established at that time. In 1887 an additional appropriation of \$1,000 was made to each of the four colored normals which were established in 1881, making the total appropriation to each \$1,500. The annual appropriations for the white normals amount to \$4,000, and the annual appropriations for the colored normals amount to \$8,000.

The normals for the whites are in the nature of teachers' institutes, and are held annually at convenient points in the State for a period of one month. As these are held in the summer, during the vacation of the other schools, the best teachers in the State are secured to teach in them, as well as noted teachers from other States.

The colored normals are established at fixed points and are regularly in session eight or nine months during the year. They annually supply a large number of teachers for the colored schools.

The statutes of the State provide for county teachers' institutes for both races; many of the counties hold them one or two weeks during each summer. The State superintendent of public instruction says that these normal schools and county institutes have had a fine effect in elevating the standard of common-school teachers.'

#### FEDERAL AID.

The State has a well-appointed system of public instruction, but is hampered on every hand by want of funds. The financial condition of the people does not warrant an increase of taxation sufficient to meet the educational needs of the State. When it is remembered that the white population bears the burden of taxation not only for their own children but also for those of the negro race, it can be seen how onerous is this charge.

Superintendent Finger makes an earnest appeal for national aid to education. He says:

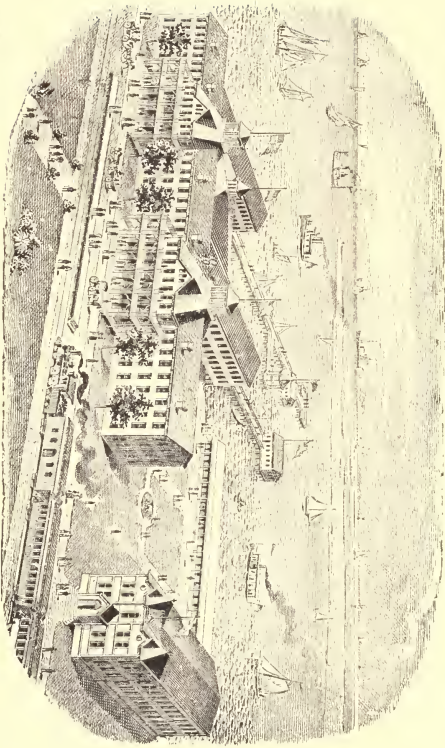
"The State has done well in the revival of her public schools, and she will continue to struggle on, carrying her burden, earnestly looking forward to the time when the Congress of the United States will open the doors of the Treasury and extend aid. North Carolina and other Southern States gave to the United States vast domains which were used to pay a common debt, a debt of the original thirteen States, and in the course of events it turns out that the United States frees the slaves of

<sup>1</sup> In addition to the public schools, the State makes excellent provision for the education of the deaf, dumb, and blind of both races.

the South, and makes them citizens and voters while in a condition of extreme ignorance. Twenty-two years have elapsed since the close of the War; almost another generation has been raised up since the South laid down her arms; it is too late to look back now and engage in crimination and recrimination; it is surely time for the United States to lend a helping hand to the South in carrying her burden.

\* \* \* \* \*

“Surely the Government that could find warrant in the Constitution to free the negroes and make them citizens can also find authority to distribute from its overflowing Treasury funds to educate them for the proper discharge of the duties of freemen and citizens.”



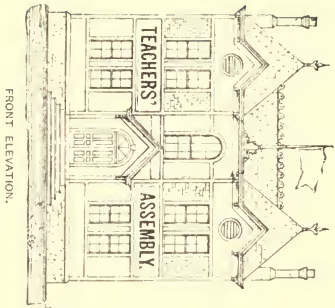
FRONT PART OF HOTEL.

NEW BUILDING.

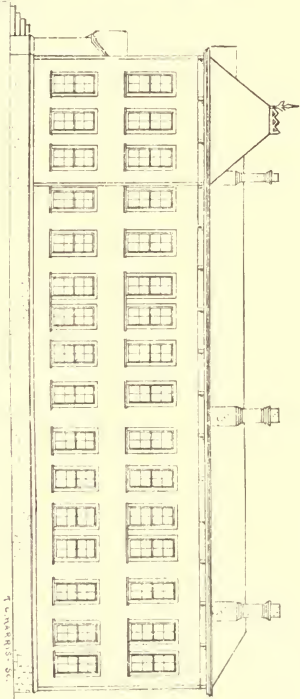
TEACHERS' BUILDING.

THE ATLANTIC HOTEL AND TEACHERS' ASSEMBLY BUILDING, MOREHEAD CITY, N. C.





FRONT ELEVATION.



SIDE ELEVATION.

NORTH CAROLINA TEACHERS' ASSEMBLY BUILDING, MOREHEAD CITY.





## CHAPTER X.

### THE NORTH CAROLINA TEACHERS' ASSEMBLY.

#### HISTORY AND INFLUENCE OF THE ORGANIZATION.

In studying the present dynamics of education in North Carolina the writer has observed no one force more powerful for good than the North Carolina Teachers' Assembly, which, in the opinion of the State superintendent of public instruction, is doing more to further the educational advancement of the State than all other agencies combined.

This organization was originated by that earnest and progressive friend of education, Eugene G. Harrell, editor of *The North Carolina Teacher*. He conceived the idea in August, 1883, and it at once became popular throughout the State. Owing to his wise and energetic management the movement has been a success from the first, and through its agency, the teachers of the State have been brought into closer relations than ever before. It bids fair to revolutionize the school system of the State, or rather to systematize the schools, for it is a misnomer to speak of a school system as existing in North Carolina.

The first session of the Assembly was held in June, 1884, at the Haywood White Sulphur Springs, one of the favorite resorts in "the land of the sky," that part of our country so beautifully pictured by Miss Fisher (Christian Reid). The next two annual sessions were held at Black Mountain, some 7 miles from the famous Mount Mitchell, the highest peak east of the Rockies.

The last session convened at Morehead City, on the Atlantic coast, one of the most popular of Southern watering places. The presidents, elected annually, have been as follows: 1884, Prof. J. J. Fray, of the Raleigh Male Academy, whose death the State mourned before the close of that year; 1885, Dr. R. H. Lewis, of Kinston College; and 1886 and 1887, Professor E. A. Alderman, of the Goldsborough Graded and High School. Mr. Harrell has been unanimously continued as secretary since the organization. The growing interest is manifested by the attendance, which, for the four sessions of its history, has been as follows: 365, 620, 720, and 1,765. The present membership numbers about 3,000, and includes teachers from every known educational institution in the State. All teachers, and all friends of education who are recommended by the county superintendents of public schools, are eligible for membership. The annual dues are \$2 for males and \$1 for females.

The exercises of the Assembly consist in the discussion of educational topics at the day sessions by the members, and lectures in the evening by distinguished educators of this and other States who are especially engaged for this purpose. Sometimes, in place of the lecture, a musical and literary entertainment is substituted. After the lecture or entertainment there is usually a dance for the benefit of those who enjoy that pastime. At both the mountain and seaside sessions many little excursions for pleasure and recreation are made. The close of the session is generally marked by a grand excursion. At the close of the last session the teachers made a trip to Baltimore and Washington, where they were tendered a special reception by President Cleveland. A trip to New York, Niagara Falls, and other points of interest has already been planned for the coming year. These trips are always mapped out with wise forethought and are made both pleasant and profitable.

The Assembly has been permanently established at Morehead City, and an "Assembly building" is now being erected, at a cost of \$2,750, the funds for this purpose having been given by a few friends of the organization; Mr. Julian S. Carr, of Durham, who has endeared himself to the people of his State by many noble benefactions to education, alone giving \$1,750 of the amount. The building when completed will be a handsome, two-storied structure. The following description of it is taken from the *North Carolina Teacher* for October, 1887: "The hall is on the second floor, 40 by 80 feet, 15 feet pitch, well lighted and ventilated. On the same floor is the secretary's office, and the reading-room and library, each 15 by 18 feet. The first floor has a passage 10 feet wide, the entire length of the building, and on either side are four rooms, each 15 by 18 feet. These rooms include special ones for teachers' bureau, visiting editors, parlor, office, and committees; the others are to be used for an educational exposition, exhibiting all classes of school furniture and conveniences for educational work.

"The Assembly hall will be seated with folding settees, and well furnished with globes, maps, charts, slate blackboards, and everything needed in our assembly work, and it will not be long before the teachers of North Carolina will have not only the most pleasant place in the South for an annual gathering, but will also have one of the best assembly rooms to be found in America."

The officers of the Assembly are making arrangements for a park, embracing 50 acres of land, on Bogue Sound, about 5 miles from Morehead City, and will run a small steamer regularly between those places for the pleasure of the members.

The teachers of North Carolina now have a delightful summer home for rest, recuperation, and enjoyment, of which they may well be proud.

Through the influence of the Assembly, "reading circles," with a prescribed course of reading, and local "teachers' councils," are being

established throughout the State. The organization has been well termed "The North Carolina Chautauqua."

#### IN CONCLUSION.

Never in North Carolina was the educational outlook brighter than at present. Since the revival of the University in 1875 there has been manifest progress in every department of education. The public schools have been made more efficient; the graded school system has been introduced in the principal towns; the endowments of several of the denominational colleges have been largely increased, their curricula made more thorough, and their standard of graduation raised; normal schools and teachers' institutes are conducted at convenient points, the State and counties making provision for their maintenance; and at the last session of the Legislature (1886-87) provision was made for the immediate establishment of a college of agriculture and the mechanic arts, to which the State, besides granting the interest from the land-scrip fund, amounting to \$7,500 per annum, guarantees a liberal income from certain specified taxes. All the young men of the State who can successfully pass the entrance examination will receive free tuition. This college has been established at Raleigh, and it is expected that the work of instruction will begin in the fall of 1889. The interest now so manifest in all that pertains to the intellectual advancement of the Old North State promises grand results for the future.

## APPENDIX.

### LIST OF THE PRINCIPAL WORKS CONSULTED IN THE PREPARATION OF THIS MONOGRAPH.

[NOTE.—Those sources from which the writer has derived the greatest help—personal interviews with those who are or have been prominent in the educational work in the State, correspondence, pamphlets, newspaper articles, school catalogues, etc.—it would be impossible to enumerate here. He would, however, make special acknowledgment to Rev. J. Rumple, D. D., for information concerning the early Presbyterian schools; to President Kemp P. Battle, LL. D., for assistance in collecting materials for the sketch of the University; to Rev. Charles Phillips, D. D., for many important facts relating to education previous to the late War; to Hon. S. M. Finger, for statistics of the public schools; and to Hon. William L. Saunders, for advance sheets of the first four volumes (1662–1754) of the Colonial Records, and other favors.]

- Colonial Records of North Carolina.* Edited by Hon. William L. Saunders, Raleigh.
- History of Carolina.* By John Lawson, Gent., surveyor-general of North Carolina. London, 1714; Raleigh, 1860.
- The Natural History of North Carolina.* With an account of the trade, manners, and customs of the Christian and Indian inhabitants. By John Brickell. Dublin, 1737.
- History of North Carolina.* Two vols. By Hugh Williamson. Philadelphia, 1812.
- History of North Carolina.* Two vols. By F. X. Martin. New Orleans, 1829.
- History of North Carolina.* Two vols. By J. H. Wheeler. Philadelphia, 1851.
- History of North Carolina (1584–1729).* Two vols. By F. L. Hawks. Fayetteville, N. C., 1857.
- History of North Carolina.* Two vols. By J. W. Moore. Raleigh, 1880.
- Sketches of North Carolina.* By W. H. Foote. New York, 1846.
- History of the Moravians in North Carolina.* By L. S. Reichel. Salem, N. C., 1857.
- History of the German Settlements in North Carolina.* By G. D. Bernheim. Philadelphia, 1872.
- Eastern North Carolina.* By L. C. Vass. Richmond, Va., 1886.
- The Old North State in 1776.* By E. W. Caruthers. Philadelphia, 1854.
- History of Rowan County.* By J. Rumple. Salisbury, N. C., 1881.
- Sketches of Western North Carolina.* By C. L. Hunter. Raleigh, 1877.
- Reminiscences and Memoirs of North Carolina and Eminent North Carolinians.* (Part III.) By J. H. Wheeler. Columbus, Ohio, 1884.
- North Carolina in the Colonial Period.* By Daniel R. Goodloe. (Introduction to Wheeler's Reminiscences, Part III.)
- Life of Rev. David Caldwell.* By E. W. Caruthers. Greensborough, N. C., 1842.
- Life of Macon.* By Edward R. Cotton. Baltimore, 1840.
- Centennial of Methodism in North Carolina.* By L. S. Burkhead. Raleigh, 1876.
- Princeton College during the Eighteenth Century.* (Biographical sketches of graduates.) By S. D. Alexander, New York, 1872.
- History of the College of New Jersey.* Two vols. By John Maclean. Philadelphia, 1877.
- De Bow's Industrial Resources of the South and West.* New Orleans, 1852.
- Public Acts and Laws of North Carolina.* Beginning with Davis's Revisal. Newbern, 1752.
- Trustees' Journal of the University of North Carolina.* (Manuscript.)
- The standard histories of the English Colonies in America and of the United States.

# THE ĀSURĪ-KALPA:

A WITCHCRAFT PRACTICE

OF THE

ATHARVA-VEDA,

WITH AN INTRODUCTION, TRANSLATION, AND  
COMMENTARY.

A DISSERTATION

PRESENTED TO THE BOARD OF UNIVERSITY STUDIES OF THE JOHNS HOPKINS  
UNIVERSITY FOR THE DEGREE OF DOCTOR OF PHILOSOPHY.

By H. W. MAGOUN.

1889.

BALTIMORE:  
PRESS OF ISAAC FRIEDENWALD,  
32 S. Paca St.



DEDICATED  
TO  
PROFESSOR MAURICE BLOOMFIELD  
OF THE  
JOHNS HOPKINS UNIVERSITY  
WITH THE  
SINCERE REGARD AND GRATITUDE OF  
THE AUTHOR.





# THE ĀSURĪ-KALPA; A WITCHCRAFT PRACTICE OF THE ATHARVA-VEDA.

## I.—INTRODUCTION.

The ritual literature of the Atharva-Veda, like that of the other Vedas, has attached to itself certain *pariṣiṣṭas*, or supplements. Of these, the thirty-fifth, according to the best accessible MS, is the Āsurī-Kalpa, an *abhicāra*, or witchcraft practice, containing rites to be used in connection with the *āsuri*-plant. The question as to what this plant was will be discussed below. The use of the word *kalpa* for such a text is explained by a passage in the Atharvaṇīya-Paddhati, which states, on the authority of Uparvarṣa,<sup>1</sup> that in addition to the five AV. *kalpas*—Kāuṣṭhika, Vāitāna, Nakṣatra, Ḍānti, and Aṅgīrasa—which are called *ṣṛuti* 'inspired,' there are certain other *kalpas* which are to be considered as *smṛti* 'handed down by tradition.'<sup>2</sup>

Three MSS have been consulted in preparing this paper. Two of them are copies of the *pariṣiṣṭas* of the AV.; the third is a commentary to the Āsurī-Kalpa. All three are loans to Dr. Bloomfield from the British Government in India. Just here I may say that I am greatly indebted to Dr. Bloomfield for the use of these MSS, for the encouragement and assistance which he has given me, and for his kindness in looking over my work. The MSS are as follows:

**A**, large sheets of light yellow paper, bound in book form, written lengthwise in a large clear hand and with considerable care. It is a modern copy.

**B**, narrow sheets of light blue paper, bound in book form, written lengthwise, text fuller in places than the preceding, but in a poor hand and with numerous errors. It must be a very recent copy. Both of these MSS are numbered 23.

**S** (Scholiast), much older than either of the preceding, single sheets of light brown paper grown dark at the edges, written lengthwise as the other MSS, but in a very poor, though large,

<sup>1</sup> A *mīmāṃsā* (pūrva-) teacher. See *Life and Essays of H. T. Colebrooke*, Vol. II, pp. 319-49.

<sup>2</sup> Cf. J. A. O. S. XI 377, Bloomfield, *On the Position of the Vāitāna-Sūtra in the Literature of the Atharva-Veda*.

hand. It contains three sections or chapters. **Part first** (folios 1b-6a<sup>7</sup>) contains all the practices in brief form, and occupies about one-fourth of the MS. **Part second** (folios 6a<sup>7</sup>-7b<sup>5</sup>) treats only of the externals of the principal rite, and occupies scarcely one-tenth of the MS. **Part third** is an elaborate commentary on what has preceded; but in its present condition deals with only about two-thirds of the practices, since the MS lacks some folios at the close.<sup>1</sup> This MS is numbered 120; but is also marked *p* (*paṭtrāṇi*) 18; *saṁ.* (*saṁvat*) 1880-81; and, on the last folio, written across the end on the margin, 347. From the appearance of the MS it might be as old as one hundred and fifty years; and since *saṁ.* 1880-81 probably has reference to Kielhorn's Report,<sup>2</sup> the MS may be as old as it looks. It contains about 200 ṣlokas.

At the beginning of **part third** it names Mahādeva as the speaker,<sup>3</sup> who introduces his commentary (see p. 11, note 19) by saying: 'It [the mantra] is not to be uttered (performed) without teachers; by the precept of a teacher this magic power (success) [comes into being]. Accordingly in a single final commentary the Āsurī-[rite] should succeed,'—

*vinā gurūn akartavyaṁ guruvākyena siddhīdam* <sup>4</sup> (cod. *sīdhī-*),  
*ekāntimaṭīkāmādhye* (cod. *ekānte-*) *sādhayeta tad āsurī. 2.*

Mahādeva<sup>5</sup> is spoken of as the seer of the divine āsurī-text,<sup>6</sup> and as becomes a ṛṣi he speaks of the Gāyatrī, Triṣṭubh, and Anuṣṭubh metres (*gāyatrītriṣṭubhanuṣṭubhchandaḥ*), after which he proceeds to give full instructions concerning the rites.

<sup>1</sup>**Part first** seems to be in fact a version of the *pariṣiṣṭa*, fuller than the text and differing from it in some passages, but still essentially the same. The chief points of difference have been noted as readings of *S*. They have been put into ṣloka form where the MS seemed to warrant it. Readings from **parts second** and **third** are so marked.

<sup>2</sup> See p. 5, foot-note 1. The MS is catalogued on p. 58.

<sup>3</sup> The *pariṣiṣṭas* as a whole are in the form of dialogues. Cf. Weber, *History of Indian Literature*, p. 153.

<sup>4</sup> The conjectural reading *siddhīdam* requires a regular fem. noun to be regarded as neu.; but for this text it may be allowable, since the MS departs widely in places from all rules of grammar, and also treats *siddhi* as a neu. in other passages.

The comma and period (, and .) have been used in all Sanskrit passages as the simplest means of transliterating the two Sanskrit marks of punctuation (| and ||).

<sup>5</sup> An epithet of Rudra or Śiva, also of Viṣṇu and the name of various persons. It is an appropriate title, "Great-Lord," for the teacher of such a text.

<sup>6</sup> *asya ṣṛyāsūrimantrasya* (cod. *ṣṛīasu-*) *mahādeva ṛṣīḥ*.

Apart from its subject-matter *S* possesses no little interest, because it contains abundant evidence of the character of the people having to do with its rites. It is exceedingly corrupt, as a few examples may suffice to show. The common writing for *sapta* is *satpa*; for *āsuri*, *asuri*; for *sūkṣma*, *sukṣma*; for *cūrṇa*, *curṇa*, etc.: *juhīyat* and *juhīyāta* are used for *juhuyāt*; *mṛyate* for *mriyate*, etc.: *ṛdayaṁ* is found for *hrdayaṁ*; *bhimantritena* for *abhi-* (beginning of a sentence); *karaye* for *-yet*; *titha* for *tithir*, etc.: little or no attention is paid to *saṁdhi*: the confusion of sibilants,<sup>1</sup> *s* for *ṣ* and vice versa, is exceedingly common: and other curious freaks in spelling occur, notably the use of *cy* for *c* (*cyurṇa* for *cūrṇa*, and *muñcyati* for *muñcati*), which is of some interest from a phonetic standpoint, and the writing of the word *vaçikartukāma* in eight different ways, while using it but twelve times, with a mistake of some kind in every single instance.<sup>2</sup> The errors are doubtless due in part to later copyists; but, from the present state of corruption, it may be safe to infer that the original MS was bad at the start; for it seems hardly possible that the scribes should be guilty of all the errors which it contains, even if the present MS is the result of several successive transcriptions. The nature of the mistakes stamps the writer at once as an ignorant and perhaps degraded person. It is about such a document as might be expected to be written in English by some Voodoo doctor among the blacks of the South. Numerous repetitions serve to light up otherwise hopeless passages, and when the brief outlines of the *pariçişṭa* are combined with the commentary the whole practice becomes clear. No two of the MSS exactly agree in the order in which the different forms of the rite are treated, and *B* has a passage not found in either *A* or *S*. Fortunately the *pariçişṭa* is mostly written in *çlokas*, which is of great service in determining the true reading.<sup>3</sup> In style the *pariçişṭa* is somewhat like the *sūtras*, being terse and technical in its forms of expression, and consisting mostly of what may

<sup>1</sup> Cf. PROC. A. O. S., May, 1886. Introduction to the Study of the Old-Indian Sibilants; by Prof. Bloomfield and Dr. Edward H. Speiker.

<sup>2</sup> It may be said in addition that there is hardly a sentence in the entire MS in which there are not mistakes in the case-forms, the most common being the use of a stem-form for an acc.

<sup>3</sup> In the text, where a MS reading is of no importance, it has been thought best to omit it; so, in the quotations from *S* the MS reading has been omitted where the emendation is obvious, where the same mistake is repeated several times, and, in a few instances, where MS evidence warrants the change; on the other hand, where it has been thought best to do so, the passage has been quoted *verbatim*.

be called rules ; the commentary is, of course, more like an ordinary text.

In this paper the attempt has been made not only to present a correct version of the *pariṣiṣṭa*, so far as the material at hand would allow, but also to reproduce to some extent the scholiast by citing, mostly from the first division, such passages, with the text, as bear on the same part of the rite, and by incorporating into the commentary accompanying the translation such other passages as throw light upon those already cited, or give an idea of additional matters not treated of in the text at all. In this way most of the salient points of *S* have been preserved without, at the same time, copying its tiresome minuteness of detail and unending repetitions—not that the commentary is of so much importance in itself, for, as has been shown, it represents the work of a person of little intelligence apparently, certainly of small acquirements ; but that the picture of the whole might be as complete as possible. The practice of witchcraft forms a dark chapter in the history of mankind, and anything that throws light upon the attitude of mind in which its devotees have practiced their curious rites is not to be despised. The “meditations” of *S* may not be without their suggestions to those who care to read between the lines, and the whole practice is a curious bit of evidence of the power of superstition over the human mind.

While the Āsurī-Kalpa has proved a rich field for emendation, and has afforded some opportunity for conjecture, it has not been altogether unfruitful in new material, as the following list will show.

#### SIMPLE STEMS.

Denominative Verb: *piṣṭaya*, to grind up, make into meal.

Nouns (members of compounds): *naṣṭika* [*naṣṭi*], destruction. *ṛavi*,<sup>1</sup> a tree or plant of some kind. *ṣaḍi* (not in a comp.), a collection of six. *sruca* (?) [*sruc*], sacrifice-ladle.

Adjectives: *pretaka* [*preta*], belonging to a dead [man]. Possibly (?) *jigāiṣa*, desiring to conquer.

Particles: *klm̄*, *kṣāum̄*, and *ḡr̄m̄*.<sup>2</sup>

Analogical Vocative: *duhite* [*duhitar*], O daughter.

New Meanings or Uses: *sureḡvari* (compound stem), āsurī (plant and probably also goddess). So *lakṣmī*, apparently and possibly *ḡr̄*. *caturtham* (?), fourthly (as adverb).

<sup>1</sup> See page 25, foot-note 4.

<sup>2</sup> Evidently from *ḡr̄* ‘beauty, welfare.’ These words are used as part of a muttered spell, and have, therefore, no particular meaning.

COMPOUND STEMS.

Nouns: *aprajatva*, childlessness. *utkaraṇa*, overcoming (?).

Adjectives: *dakṣiṇakarnika*, having its point (ear) to the south. *devija*, goddess-born. *raktavāsasa*, having a reddish garment. *vaçyaga*, subdued. Possibly *pratyāmukha*, facing.

Neuters as Adverbs: *dinatrayam*, at the three parts of the day (A. M., M., and P. M.) *dināṣṭakam*, at the eight parts (watches) of the day. Possibly (?) *saptāhanam*, at the seventh dawn.

COMPOUNDS OF A MORE GENERAL CHARACTER.

*aparājaya*, invincibleness. *karmakārikā* (fem. of adj. *-raka*), deed-performer. *nāgendra*, a plant, probably Betel. *vaçikartukāma*, the desire to render submissive. Possibly also *surati*, a plant of some kind.

A few words have as yet baffled all attempts at a solution. They will be mentioned as they occur.

That the Āsurī-Kalpa must at one time have occupied a position of some importance appears from the fact that it is mentioned, according to Weber, Ind. Stud. XIII 415, under the name Āsurīyaḥ Kalpaḥ in the Mahābhāṣya IV 1, 19, Vārttikam f. 19b. In this connection it may be added that the conjecture offered by Professor Bloomfield (J. A. O. S. XI 378): "*pañcakalpaḥ* is probably not to be understood (with Weber, Ind. Stud. XIII 455) as one studying five different *kalpas*, i. e. *grāuta-sūtras*, but means an Atharvavedin who is familiar with these five *kalpas*," i. e. the five belonging to the AV., has recently been confirmed by the discovery, made by the same scholar, of the word *pañcakalpi* (stem *-in*) used in the colophon of a Kāuç. MS<sup>1</sup> to mean the writer of a Kāuç. MS. In connection with *pañcakalpaḥ*, says Weber (loc. cit.), the Mahābhāṣya (Vartt. 3f. 67a) mentions the words *kālpasūtraḥ*, *pārāçarakalpikaḥ*, and *mātrkalpikaḥ*. This last word Weber does not attempt to define, but says of it: "Letzteres Wort ist in der vorliegenden Beziehung unklar." In the Kāuçika-Sūtra, 8, 24, is mentioned a gaṇa of hymns (AV. II 2, VI 111, and VIII 6) under the title *mātrnāmāni*, the object of which is the preventing or removing of evil; and Atharva-Pariçīṣṭa<sup>2</sup> 34, 4, mentions the same gaṇa with the

<sup>1</sup>No. 86. Report on the Search for Sanskrit MSS in the Bombay Presidency, 1880-81, by F. Kielhorn.

<sup>2</sup>A No. 32, B No. 34. The latter numbering makes the Āsurī-Kalpa No. 37; for each MS gives between it and the Gaṇamālā two other pariçīṣṭas—

addition of AV. IV 20, under the same name.<sup>1</sup> It also adds, *iti mātṛgaṇaḥ*.<sup>2</sup> As *kālpasūtraḥ* means one familiar with the Kalpa-Sūtras, and *pārāçarakalpikaḥ* seems to have been used of a person who had studied the Parāçara-Kalpa,<sup>3</sup> it is safe to infer that the word *mātṛkalpikaḥ* meant one who was familiar with or made use of the Mātṛ-Kalpa, and such a text may yet be found. If it ever appears, Professor Bloomfield conjectures that it will prove to be a ritual for the use of a priest in connection with this Mātṛgaṇa. The presence of these words in the Mahābhāṣya, which contains many Atharvanic words not found elsewhere, cited as they are without explanation, goes to show that they were all well understood by the people of Patañjali's time, and therefore referred to rites and practices so familiar to the Hindoos that the mere name was sufficient to make the reader understand the author's meaning. As they are all Atharvanic, and the word *Āsurī-Kalpaḥ* is also Atharvanic, there can be no doubt that the *Āsurī-Kalpaḥ* and the *Āsurīyaḥ Kalpaḥ* are essentially the same, though the text may have suffered some changes at the hands of later authorities on the uses of *āsurī*, and it is evident that the *pariçiṣṭa* must have had considerable currency among those who made use of Atharvan rites. Additional evidence of the familiarity of the Hindoos with such practices is to be found in the Laws of Manu (XI 63), where the practice of witchcraft (*abhiçāra*) and of magic with roots (*mūlakarman*) is mentioned in a list of secondary crimes (*upapātaka*). This reference also makes clear the fact that such practices are old; for they must have been well established when the Mānava-Dharmaçāstra took its present shape, and go back, therefore, in all probability, some hundreds of years before our era. On the other hand, it must be said that the MSS bear marks of a late origin. *S* mentions the Hindoo trinity (*brahma-viṣṇuhara*), contains the Buddhistical word *hevara*, uses the gen. for the loc. and ins., etc.; and all the MSS contain forms (transfers to the *a*-declension, etc.) due to analogy and not cited in any of the dictionaries, besides exhibiting in the subject-matter certain

the Mahābhiṣeka and the Anuloma-Kalpa. *B* does not number the latter or the *Āsurī-Kalpa*, but has after the Mahābhiṣeka what is evidently a corruption for 35. The PETERS. LEX., with *A*, makes the Anuloma-Kalpa No. 34. The numbering of *B* has been taken to correspond to Dr. Bloomfield's edition of the Kāuç.

<sup>1</sup> Cf. Weber, *Omina et Portenta*, pp. 350-53.

<sup>2</sup> Not in *A* or *B*; but see Bloomfield, Kāuç. 8, 24, note 5.

<sup>3</sup> Cf. Weber, *Ind. Stud.* XIII 445.

tendencies which are recognized as modern. They are mentioned below.

The word *āsuri* is the fem. of an adj. from *asura* "spirit, demon," and therefore means primarily, "belonging to, or having to do with, spirits or demons." Under the form *āsuri*, the PETERS. LEX. gives the meaning, schwarzer Senf, *Sinapis ramosa* Roxb.<sup>1</sup> From the evidence of the MSS, *āsuri* must be a plant with a pungent leaf, and must bear fruit (*phala*) and flowers; moreover, a religious meditation (*dhyāna*) of *S*, which can hardly refer to anything else, speaks of the "bright four-sided granter of wishes"; then of the same as "reddish," "blue-colored," "having a sword in the hand," "having a hook in the hand," "having a 'red-stone' in the hand," etc. All these expressions are based upon characteristics of the plant, as will appear below. In describing the oblation the *pariṣiṣṭa* says: 'The wise man should make meal of *rājikā*' (*rājikāṁ piṣṭayed budhal*), while *S* in the same passage speaks of *āsuri* as made into meal. The word *rājikā*, in fact, occurs in *S* only in *part third*, never in connection with *āsuri*, and always where the latter might be expected. The same is true of the word *rājasarṣapa*, for example,—

*vidhāne pūrvavat karmapratimāṁ rājasarṣapāih,  
pūrvavat kārayen nyāsaṁ, chedayet pūrvavad api.*

'In [his] preparation, as before, [one should cause] an image for the rite [to be made] with black mustard seeds. As in the former case, he should cause the [limb]-placing ceremony to be performed; he should cause [the image] to be chopped also as before.' The word *rājikā*, which was left untranslated above, is the common name for the Black Mustard of India. This plant has bright yellow flowers, and bears small dark seeds contained in a pod which is tipped by a long, straight, flattened, and seedless beak.<sup>2</sup> In all members of the Mustard Family, the pungency pervades the entire plant.<sup>3</sup> There can be no doubt that this was the plant actually used, and it is plain that the ignorant and superstitious devotee saw a goddess in the plant itself,<sup>4</sup> and found,

<sup>1</sup> Wm. Roxburg, *Flora Indica*, Semapore, 1832.

<sup>2</sup> Hooker, *Flora of British India*, I 157. The Black Mustard of Europe, which is closely related, is described as having smooth erect pods which are somewhat four-sided and tipped with a sword-shaped style. They contain small dark brown or nearly black seeds. The Black Mustard of the U. S. is similar.

<sup>3</sup> Gray, *Introduction to Structural and Systematic Botany*, and *Vegetable Physiology*, 1873, p. 389 f.

<sup>4</sup> Cf. the frequent similar personifications of the AV.

perhaps, in the effect of the seeds upon his palate an evidence of her supernatural power.<sup>1</sup> The "red-stone" (*rudhira*) mentioned above, and defined by the dictionaries as a certain red stone, not a ruby, here plainly means the seeds in the pod of the *āsuri*-plant, while the pod itself is probably the "sword," and possibly also the "hook."

The chief object to be attained was the subduing of another to one's will, or the destruction of an enemy. The use of the hymns of the AV. for the latter purpose is sanctioned by the Laws of Manu (XI 33): 'With the thought 'one should utter (perform) the hymns of the Atharva-Veda,' [let him be] without hesitation; the 'word' is the Brahman's weapon, you know, with it the twice-born should smite [his] enemies,'—

*grutīr atharvāṅgirasīḥ kuryād ity avicārayan,  
vāk gastraṁ vāi brāhmaṇasya tena hanyād arin dvijaḥ. 33.*

The other practice, as has been stated, is pronounced criminal by the same authority. The rite itself is briefly as follows: after certain introductory ceremonies, the person grinds up mustard into meal, with which he makes an image representing the person whom he desires to overcome or destroy. Having muttered certain spells to give efficiency to the rite, he chops up the image, anoints it with ghee (melted butter), curds, or some similar substance, and finally burns it in a "sacred-fire-pot." The idea that an image thus destroyed accomplishes the destruction of the person represented, or at least does him serious harm, still survives in India, and it can be duplicated in almost any country in which witchcraft has been practiced. The *Sāmavidhāna-Brāhmaṇa* contains a similar practice, in which an image of dough is roasted so as to cause the moisture to exude, and it is then cut to pieces and eaten by the sorcerer. An image of wax has been largely used in various countries, the life of the enemy represented having been supposed to waste away as the wax gradually melted over a slow fire. This process was known to the Greeks, to the Romans, to the Germans, and even to the Chaldeans.<sup>2</sup> A vari-

<sup>1</sup> This may also account for the name, since at the time when these practices originated the Hindoos were both very superstitious and extremely unscientific in all matters pertaining to natural phenomena, and they would, therefore, quite naturally assign the pungency of the plant to some spirit or demon.

<sup>2</sup> Cf. Theocr. Idyll II 28, Hor. Epod. XVII 76; Grimm, *Deutsche Mythologie*, 1047 ff.; Lenormant, *Chaldean Magic*, p. 5, foot-note 1, and p. 63; Burnell, *Sāmavidhāna-Brāhmaṇa*, Vol. I, *Intro.* p. xxv, and see p. 26, foot-note 1, end.



ation of the same performance is to fill the image with pins, attach a hated name to it, and set it away to melt or dry up according to the material used. This is said to be still practiced in some parts of America, England and the Continent.<sup>1</sup> It is reported that a practice of this kind, i. e. the making of an effigy to be used for his destruction by means of sorcery, was tried on Henry VI of England; and early in the present century a similar trick was used against the Nizām of the Deccan.<sup>2</sup> Among the Indians of our own country, the Ojibway sorcerers were supposed to be able to transfer a disease from one person to another by a somewhat similar process. They were accustomed to make, for the patient who paid them, a small wooden image representing his enemy; then, piercing the heart of this image, they put in small powders, and pretended by this means, with the help of certain incantations, to accomplish the desired end.<sup>3</sup> The fact that an image has been so universally used in witchcraft practices is no more remarkable than the fact that all nations have made use of images to represent their gods in religious worship, and the two things may both be referred to some law of the human mind by which similar conditions produce similar results. There is no discoverable connection between the Ojibway's wooden image and the Hindoo's effigy of dough other than the mere fact that each is the outcome of a desire to injure, and nature teaches them both to think of what is practically the same expedient.

The minor practices of the *Āsurī-Kalpa*, which are designed either to work harm to an enemy or good to the practitioner, will be found in their turn below. They seem to indicate a desire on the part of the author to furnish a short cut to power and to some of the more important blessings which were supposed to be gained by the sacrifices prescribed by the *Brāhmaṇas*; indeed, the practices of the *Āsurī-Kalpa*, as a whole, seem to show a disposition to supplant certain religious forms by simpler magical rites, while endeavoring at the same time to obtain powers for harm which religious practices either left in the hands of the educated Brahmans or did not bestow at all. It must be added, however, that the belief in the efficacy of repetition, so conspicuous in the modern "prayer-mills" of Thibet, is here plainly to be seen. In the *Āsurī-Kalpa*, as in all other Indian witchcraft practices, there is, of course, an underlying stratum of skepticism; but the

<sup>1</sup> Conway, *Demonology and Devil-Lore*, Vol. I, p. 272.

<sup>2</sup> Lyall, *Asiatic Studies*, p. 88.

<sup>3</sup> Dorman, *Origin of Primitive Superstitions*, p. 361.

great power of the priests is tacitly recognized by the care enjoined upon one who undertakes to subdue a Brahman. The practices for obtaining blessings are confined to the latter part of the *pariṣiṣṭa*,<sup>1</sup> and, from their general character, seem like an extension of the original practices, perhaps for the purpose of giving additional currency or respectability to the whole; they may possibly be regarded as a further indication that the *Āsurī-Kalpa*, however ancient its main practices may be, is, in its present shape, comparatively modern.

At the present time in America, the interest felt in witchcraft is shown by our surprisingly large and growing literature on the subject.<sup>2</sup> In India the interest felt is of a different nature, but it is none the less strong. To the Hindoo the subject is a living one, and while the native literature referring to magic and superstition has always been great, at present, especially in the vernacular dialects, it is enormous, and forms the favorite reading of the people.<sup>3</sup> So great is its hold upon the natives that Lyall says of it:<sup>4</sup> "It is probable that in no other time or country has witchcraft ever been so comfortably practiced as it is now in India under British rule";<sup>5</sup> again, "in India everyone believes in witchcraft as a fact"; and just below, "In every village of Central India they keep a hereditary servant whose profession it is to ward off impending hailstorms by incantations, by consulting the motion of water in certain pots, and by dancing about with a sword." Beside this may be placed the statement of Conway,<sup>6</sup> that there are 84,000 charms to produce evil made use of in Ceylon at the present time. In so far as it throws light on the past history of such practices, the work on the *Āsurī-Kalpa* may not have been in vain.

<sup>1</sup> Both MSS recognize a division of the practices into groups—*A* into two, as shown by the figures (*1* and *2*), and *B* apparently into three; for it has a two (*2*) where *A* has one (*1*), and what may be a one (*1*) in the passage which it alone contains. It lacks the number at the end. The divisions of *A* have been marked in Roman numerals, since it has been thought best to number the *çlokas*, although the MSS do not do so. The practices of the second division are all of the same general nature.

<sup>2</sup> See Poole's Index, third edition, 1882, under the headings Witchcraft, Demonology, Magic, etc.

<sup>3</sup> Burnell, *Sāmavidhāna-Brāhmaṇa*, I, p. xxv.

<sup>4</sup> *Asiatic Studies*, 1882, p. 96.

<sup>5</sup> "Of course the witch is punished when he takes to poisoning or pure swindling" (*loc. cit.*)

<sup>6</sup> *Demonology and Devil-Lore*, I 274.

II.—TEXT, CRITICAL NOTES, AND EXTRACTS FROM THE SCHOLIAST.

*om̐ namo rudrāya*<sup>1</sup>, *om̐ kaṭuke kaṭukapattre*<sup>2</sup> *subhaga āsuri rakte*<sup>3</sup> *raktavāsase*<sup>4</sup>, *atharvaṇasya duhile*<sup>5</sup> *ghore* *ghorakarmakā-rike*<sup>6</sup>, *amukaṁ hana*<sup>7</sup> *hana daha daha paca paca mantha*<sup>8</sup> *mantha tāvad daha tāvat paca yāvan me vaçam ānayaḥ*<sup>9</sup> *svāhā*.<sup>10</sup> *çayyā-vashthitāyās*<sup>11</sup> *tāvaj*<sup>12</sup> *japed yāvat svapiti, prasthitāyā*<sup>13</sup> *gatiṁ daha daha svāhā svāha, upaviṣṭāyā bhagaṁ*<sup>14</sup> *daha daha svāhā svāhā, suptāyā*<sup>15</sup> *mano daha daha svāhā svāhā svāhā svāhā, prabuddhāyā* *hṛdayaṁ daha daha svāhā svāhā svāhā svāhā svāhā*.<sup>16</sup>

*athāta āsurikalpam*<sup>17</sup> *upadekṣyāmo*<sup>18</sup> *tharvaṇaḥ, nāsyās tithir*<sup>19</sup> *na nakṣatraṁ nopavāso vidhīyate. 1.*

*ghṛtādisarvadravyeṣv*<sup>20</sup> *āsuri*<sup>21</sup> *çatajāpitā,*

1. *A* and *S* omit these three words. *S* begins *çrīganeçāya namah*.—2. MSS (all three) regularly *patra*.—3. *B* and *S* omit.—4. So MSS (all three), fem. from transition stem in *-a*.—5. So MSS (all three), analog. voc., as if from stem in *-ā*. In all cases where an *a-* is elided it is written in the MSS.—6. *B* *-karike*, *S* *-kārake*; but in one passage (p. 23) *-kārīṇi*.—7. *B* *hana*, *A* *hana* 2.—8. *A* omits.—9. MSS *-naya*.—10. *S* *amukasya matiṁ daha daha, upaviṣṭasya subhagaṁ* (cod. *çu-*) *daha daha, suptasya mano daha daha, prabuddhasya hṛdayaṁ daha daha hana hana paca paca* (cod. *pra-*) *matha matha tāvad daha daha yāvan me vaçam āyāti hr̥ṇi huṁ phaṭ svāhā, iti mūlamantraḥ*. *S* also calls it *atharvaṇamantraḥ*.—11. *A* *çīṣyā*.—12. *B* *-tāyāḥ etāv*.—13. *B* *prachitāyāpagatiṁ*.—14. *B* *magaṁ*.—15. *B* omits, *A* *svaptāya*.—16. *S* *part third* *devadattasya* [*'Of a certain one,'* technical use] *matiṁ daha daha, upaviṣṭāyā bhagaṁ daha daha, suptāyā mano* (cod. *marā*) *daha daha, prabuddhāyā hṛdayam* (cod. *ṛda-*) *daha daha paca hana matha* (cod. *ra atha*) *tāvad daha yāvan me* (cod. *-vakte*) *vaçam ānayo* (cod. *-ya*) *huṁ phaṭ svāhā*.—17. *B* *āsuriṁ*.—18. *B* *-deçād atharvaṇaḥ, S* *vyākḥāsyāmah*.—19. *B* *na tasyās tithi nitratraṁ. S* *part third*

*çrīmāhāde* (*-mahādeva*) *uvāca,*  
*çṛṇu vatsa mahāmantram āsurīvidhim uttamam,*  
*na ca titha* (*-thir*) *na* [*ca*] *nakṣatraṁ na māsānyūṭva* (!) (*māsāny*  
*eva* ?) *vāsare,*  
*na sthānaṁ nakta* (*-te* ?) *tu kāpi na veṭa* (!) (*veṭa* ?) *ca vidhī-*  
*yate. 1.*

—20. *A* *ghṛtādidravyasarveṣv*.—21. The man tra *nāsyās*, etc. ?

*pattrādyavayavaç<sup>1</sup> cāsyā jigīṣā<sup>2</sup> cānuṣāyini,*  
*hantukāmo hi çatrūñç ca vaçikartuñ<sup>3</sup> ca bhūpatīn. 2.*

*āsuriçlakṣṇapiṣṭājyañ<sup>4</sup> juhuyād ākṛtīm budhaḥ,*  
*arkāidhasāgniñ<sup>5</sup> prajvālya cittvāstreñākṛtīm tu<sup>6</sup> tām. 3.*

*pādāgrato 'ṣṭasahasrañ juhuyād yasya vaçy<sup>7</sup> asāu,*  
*ghṛtāktayā strī vaçini<sup>8</sup> pālāçāgnāu dvijottamaḥ<sup>9</sup>. 4.*

*guḍāktayā kṣatriyās<sup>10</sup> tu vāiçyās tu dadhimiçrayā<sup>11</sup>,*  
*çūdrās tu lavaṇamiçrāi<sup>12</sup> rājikāñ piṣṭayed budhaḥ. 5.*

*ā saptahāt<sup>13</sup> sarva eta āsurīhomato vaçāḥ,*  
*kaṭutāilena trisañdhyāñ kulocchedañ karoti hi. 6.*

*çunām<sup>14</sup> tu lomabhiḥ<sup>15</sup> sārddham apasmārī tribhir dināih,*

1. *A* yatrā-, *B* patrā-.—2. *A* jikāiṣā, *B* jigāiṣāgañtugāmini.  
—3. *A* -kurvaṇç ca. *S* atha rājā, vacikartukāmāḥ; but elsewhere rājavarūçikartukāmāḥ. Cf. **part third**, rāmāvāçikaraṇakāmāḥ and çatrughātanakāmāḥ.—4. *B* āsurīm. *S* āsuryā supiṣṭayā (cod. surṣiṣṭā-) pratikṛtīm kṛtvārkasamidbhīr agniñ (cod. -iddhiñ agniñ) prajvālya dakṣiṇāpadārābhya [or -pādenā-] (cod. -pādā-) çastreṇa cittvā (cod. always cititvā) ghṛtāktāñ juhuyāt 108 aṣṭottaraçatahomena vaçi (cod. vaçi varçi). [Sc. rājā bhavati.]  
—5. *A* arkedhanā-, *B* arke-.—6. *A* nu.—7. *A* vatyasāu.—8. *S* āsurīsūpiṣṭapṛakṛtīm kṛtvā vāmapādenākramya çastreṇa cittvā ghṛtāktāñ juhuyāt 108 saptāhe siddhiḥ (cod. sidhi).—9. *S* palāçasamidbhīr agniñ (cod. -idhiñ agniñ; similarly below) prajvālyāsuriñ (cod. -ri; so regularly) ghṛtāktāñ madha (!) (madhusahitām?) juhuyāt 108 homena çatyahēvāra (-varo?) vaçam ānayati.—10. *S* khadīrasamidbhīr agniñ prajvālyāsuriñ madhusahitām (cod. madha-) 108 homena saptāhe va (!) (vaçi) bhavati.  
—11. *B* madhumiçrayā. *S* udumbarasamidbhīr . . . dadhyaktāñ (cod. dardhoktāñ).—12. *B* miçritāñ. [Sc. pratikāyāñ?] *S* udumbarasamidbhīr . . . lavaṇamiçrāñ kṛtvā trisañdhyāñ (-añ) juhuyāt 108. For an enemy, *S* āsurīm kaṭukatāilāktāñ, limbakāṣṭe agni (!) (nimbakāṣṭenāgniñ) prajvālya homayo (-yet) 108 homena satpāhāna (!) (saptāhanañ?) [or -āhe] mriyate rūpuḥ.  
—13. *B* samāhat.—14. *S* çvetakhararom (!) asuri (!) ekikṛtya (-romṇāsuriñ ekī- or -romāsuriñ cāiki-?) yasya nāñnmāñ (!) (nāmnā?) juhuyād akasmād apasmārāu (-re?) gūdyate (!) (guhyate?).—15. *B* (not in *A* or *S*) çunām tu lomabhi (-bhīr) atra patrañrlīpya (!) (patrañ līpya?) rliṅgañ (!) (liṅgañ?) vā rājasarṣapāñ samālīpyātu (-ya tu?) bhūpayet (!) (dhū-?), gaureregram (-rāgram?) tato dadyān mriyate sava (sarvaḥ?) sañçayāḥ, abhakṣabhakṣoç cārogyāñ sarvarogaṇaprayojanam. samññātā (-tāḥ?) piñçapatāu (-pātikā?) japāt pāpā bhavanti hi, ekādaçānujaptavyāñ kulocchedakṣato (-cchedaḥ kṣa-?) bhavet. 1. (?)

*nivṛtīh*<sup>1</sup> *kṣīramadhvājyāir*<sup>2</sup> *lavaṇena tu saḥvarī*<sup>3</sup> 7.

*arkāidhahsamidagnāu*<sup>4</sup> *tu*<sup>5</sup> *karoti*<sup>6</sup> *sphoṭasainbhavam,*  
*teṣāṃ upaṇamañ*<sup>7</sup> *vidyāt sureṣvarya*<sup>8</sup> *ghṛtena ca.* 8.

*arkakṣīrāktayārkaṅgnāv akṣiṇī sphoṭayed*<sup>9</sup> *dviṣah,*  
*gatāsumāṅsañ tasyāiva nirmālyañ citibhasma*<sup>10</sup> *ca.* 9.

*eṣāṃ cūrṇena saṃsprṣṭo hāsyacilo*<sup>11</sup> *'bhijāyate,*  
*ajākṣīrāktayā homāt*<sup>12</sup> *tasya mokṣo*<sup>13</sup> *vidhīyate.* 10.

*tagarañ kuṣṭham*<sup>14</sup> *māṅsī ca tasyāḥ pattrāṇi cāiva hi,*  
*etāiḥ ślakṣṇāis tu saṃsprṣṭah*<sup>15</sup> *prṣṭhataḥ paridhāvati.* 11.

*tasyāḥ phalāni mūlāni surabhīhastimedasā,*<sup>16</sup>  
*sūkṣmataddravyasaṃsparṣād*<sup>17</sup> *anudhāvaty acetasaḥ.*<sup>18</sup> 12.

*vāicyasādhane homyāç çūrṇāi (homayec çhūrṇāiḥ?) suratibhiḥ (?)*  
*kṛtām,*  
*catuṣpathe tu çūdrasya padmīnyotkarane yatu (yā-?).*  
*likhitvā nāma saṃgr̥hya karāgrāṅguliṣūḍitam (-pīḍi-?),*  
*çirahpīḍājvaraḥ çūlañ vimatiḥ svastyasaṃgatiḥ [svastyasaṃgatiḥ.]*  
*valpādya (kal-?) vā prayoktavyā vrāhmaṇādicatuṣṭaye (brā-),*  
*evañ saṃpaty abhicāraç [ca] caturṇām api darçitah.*

1. MSS *nivṛtīh*. **S** *juhuyāt pranmānayane* (!) (*pratyānayane*?)  
*kṣīrāktām kṛtvā homa* (-mam?) 108 *tataḥ sthito bhavati.*—2. **B**  
*çiranaghājyāir.*—3. **S** *āsurīm lavaṇamiçrām juhuyāt* 108 *saptāhe*  
*jvareṇa prathānayane* (!) (*pratyā-*) *kṣīrāktām juhuyāt* 108 *para-*  
*svastho bhavati.*—4. **B** *arghedhāsa-*, **A** *arkeñdha-*. **S** *āsurīm-*  
*bapattrāṇi* 108 (cod. -nīva-).—5. **B** omits.—6. **A** *karoviṣphoṭa-*,  
**B** *karute puruṣa sphoṭa-*. **S** *lutvā sa visphoṭakāir gr̥hyate.*—7.  
**A** *upasa-*.—8. **S** *prathānayana* (*pratyā-*) *āsurīm kṛtvā* 108 *svasto*  
*bhavati.*—9. **B** -ṭānye. **S** *āsurīm arkakṣīrāktām kṛtvā . . . homayed*  
*yad asya nānmām* (!) (*nāmnā*?) *gr̥hṇāti tasyākṣi sphoṭayati.* For  
cure, **S** *āsurīm kṣīrāktām juhuyāt* 108.—10. **S** *āsurīm citābhasma*  
*mahāmaṅsañ pretakañ nirmālyañ ekikṛtya* 108.—11. **S** *mantri-*  
*tena cainṇena (cūrṇ-) yasya spūnāti* (!) (*spṛçati*?) *sa unmatto*  
*bhavati.*—12. **B** *hometa.*—13. **S** *āsurīm ajākṣīrāktām kṛtvā svastho*  
*bhavati.* In **S** the order is "Eye-twitching," "Epilepsy," "Fever,"  
"Loss of sense," "Boils."—14. **A** *kuṣṭha*, **B** *nagarañ kuṣṭha.*—  
15. **S** *abhimantritena yasya spūçati* (*spṛ-*) *sa prṣṭhato 'nucaro*  
*bhavati.*—16. **A** *surarbhīr ha-*.—17. **A** *sūkṣmetat dra-*, **B** *sūktam*  
*tadra-*.—18. **S** has,—

*uçīrañ tagarañ kuṣṭham usrām othasitghātham* (!) (∪∪∪) *paç-*  
*caka (pañcakam),*  
*āsurīpuṣpasainyuktam sūkṣmacūrṇam tu kārayet* 108, (cod. -yet,  
*tenācatābhi* 108)

*abhimantritena* (cod. *mantri-*) *yasya çati* (*spṛçati*) *çavaço* (*sa vaço*)  
*bhavati* (*bhavel*). 14.

*achidrapattrāṅy asita uçīrah<sup>1</sup> sarṣapās tathā,  
etaccūrṇāt pūrvaphalaṁ<sup>2</sup> etāiç cāivāparājayah<sup>3</sup>. 13. I.  
kusumāni manaḥçilā priyaṅgutagarāṅi<sup>4</sup> ca,  
gajendramadasaṁyuktāṁ<sup>5</sup> kiṁ kurvāṅas tv akimkaram<sup>6</sup>. 14.  
yāç ca<sup>7</sup> striyo 'bhigachanti tā vaçāḥ pādalepinaḥ<sup>8</sup>,  
sapuṣpāṁ<sup>9</sup> tāṁ samādāyāñjanaṁ nāgakeçaram<sup>10</sup>. 15.  
anenāktābhyām<sup>11</sup> akṣibhyāṁ yaṁ<sup>12</sup> paçyet sa ca kimkaraḥ,  
añjanaṁ tagaraṁ kuṣṭhaṁ<sup>13</sup> devijaṁ kāṣṭham eva ca. 16.  
māṁsī ca sarvabhūtānāṁ sāubhāgyasya tu kāraṇam<sup>14</sup>,  
tatsamidhāṁ lakṣahomān nidhānam paçyate mahat<sup>15</sup>. 17.  
sarpī[dadhi<sup>16</sup>]madhvaktapattrāṅāṁ vṛddhaputri<sup>17</sup> sahasrataḥ,  
rājyam tu labhate vaçyaṁ tatpatratrisahasrataḥ<sup>18</sup>. 18.*

1. *B* uçīraṁ.—2. *B* puts çloka 13–18 directly after the passage which it alone contains.—3. *A* yuvatphala ghate cāi-. *S* has instead,—

*āsurīpuṣpapattrāṅi puṣpāṅi ca phalāni ca,  
nāgendraphalasaṁyuktāṁ sūkṣmacūrṇāṁ tu kārayet 108,  
abhimantritena yana (yasya) sprçati sa vaço bhavati (-vet). 15.*

—4. *B* mriyaṁyu ta-. *S* has,—

*manaḥçilā priyaṅguç ca tagaraṁ nāgakeçaram,  
āsurīphalasaṁyuktāṁ sūkṣmacūrṇāṁ tu kārayet 108 [aṣṭaçatāni],  
abhimantritena ya (yasya) sprti (sprçati) sa vaço bhavati (-vet). 16.*

—5. *B* gajeṅdrāsa saṁ.—6. *A* akr̥dvaram.—7. *A* yasyā.—8. *A* lepanaḥ, *B* pārasādalepalāt.—9. *B* puṁspānāṁtsa-.—10. MSS kesaram.—11. *B* añjanetāktām.—12. *B* yaṁ yaṁ paçyet sa kimkaraḥ. *S* abhimantritena cakṣuṣv añjayitvā yaṁ nirikṣayati sa vaço bhavati.—13. *B* omits, *A* kuṣṭa.—14. *S* has instead,—

*āsuryaṅgapañcakenātmanam dhūpayet,  
yasyāgagandhaṁ (!) (yo 'sya gandhaṁ?) tighrati (ji-) sa vaçyo  
bhavati. 18.*

It also reverses the order of the two following statements.—15. *S* has,—

*dadhimadhughṛtāktām hutvāsurīm juhuyāt,  
mahānidhānaṁ labhate daçasahasrāṅi,  
çatāyur vāi puruṣā (-ṣah). 20.*

—16. Omit on account of metre? *S* āsurīm madhughṛtāktām hutvā . . . labhate putram. 19.—17. *A* vṛdvapannīm.—18. *B* tatpatratridhānaṁ . . . -trisahasrataḥ, repeating from çloka 17 last pāda to 18 end inclusive. It then has sārddham . . . acetasaḥ (çloka 7 end of first pāda to çloka 12 end inclusive), after which it continues with çloka 19 (suarṇa-). *S* has,—  
*rājyārthāṁ madhughṛtāktām juhuyād āsurīlakṣmīm,  
sa rājyaṁ labhate. 21.*

*suvarṇasahasraprāptis<sup>1</sup> tatpattrāṇāṁ tu lakṣataḥ,  
sahasrajaṣṭac<sup>2</sup> ca tadvad udake kṣīrabhakṣiṇaḥ. 19.*

*vārīpūrṇe 'tha kalaḥ<sup>3</sup> ṣalāḥṣipallavān kṣīpet<sup>4</sup>,  
snānād alakṣmyā<sup>5</sup> mucyeta sāuvarṇakalaḥ<sup>6</sup> 'pi tu<sup>7</sup>. 20.*

*vināyakebhyaḥ snānato dāurbhāgyāc cāiva durbhagāt<sup>8</sup>,  
prṣṭhataḥ cānudhāvanti saṁsprṣṭā<sup>9</sup> udakena tu. 21.*

*uḍirāṁ tagarāṁ kuṣṭhāṁ<sup>10</sup> mustā<sup>11</sup> tatpattrasarṣapāḥ,  
cūrṇenābhīhitas<sup>12</sup> tūrṇam iṣvaro 'pi vaḥo bhavet. 22.*

*tulasī bhūmadā devī cūrṇasprṣṭas<sup>13</sup> tathā vaḥī,  
rājabhaye<sup>14</sup> sureṣvarī mārjanād<sup>15</sup> dhāraṇāt tathā. 23.*

*na<sup>16</sup> syād asyādbhutaṁ kiṁ cin<sup>17</sup> na kṣudropadravas<sup>18</sup> tathā,  
nānāiṣvaryaṁ<sup>19</sup> nāprajatvaṁ<sup>20</sup> yasya devy āsurī gṛhe. 24.*

*yasya devyāsurī gṛhe<sup>21</sup>. II.*

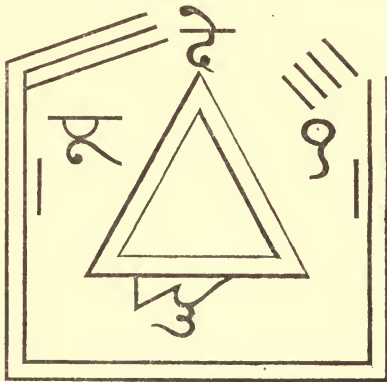
*ity āsurīkalpaḥ samāptaḥ<sup>22</sup>.*

1. **A** svarṇasahasrasyāptis tu tatpuspāṇāṁ. **S** suvarṇātham āsurīphalāni daḥasahasraṁ hutvā suvarṇasahasraṁ labhate.—  
2. **B** sahaja-. **S** payobhakṣy āsuryudake prakṣiṇāṁ (!) (dakṣi-?) dityāmukho (!) (pratyā-?) bhūtvā daḥasahasraṁ jāpet.—3. **A** -laḥe lokeḥi.—4. **B** -vāṁ kṣāpet. **S** āsurīpallavāir aṣṭaḥātoti-mānūtritam (!) (aṣṭottaraḥātābhimantritaṁ?) saṁpūrṇāṁ kṛtvā atma (!) (kṛtvātmānaṁ?) snāpayeta (-yed?) ma (!) (ātmānaṁ?) dhūpayet.—5. **B** -kṣmī. **S** alakṣmīṁ muṅcyati (!) (muṅcati), vināye kopasvarga (kopasargaṁ?) muṅcati.—6. **A** -phalaḥ.—7. **B** -pi va.—8. **A** -gān. **S** durbhagā subhagā bhavet.—9. MSS saṁsprṣṭa.—10. **A** kṣṣṭāṁ, **B** kuṣṣṭāṁ.—11. **B** mastārāsnaṭatpatra.—12. **B** -bhīhitas.—13. **B** -ṣṭasas.—14. **A** -bhaya.—15. **B** marjjanāt, vāraṇās tathā. **S** has instead, cyartutha (!) (caturthaṁ?) jvarādībhūtān aṣṭaḥātāni jāpeta mārjayena (!) (-nena?) prakṣiṇa (-iṇāṁ?) mucyati (-te?).—16. **B** na ca tasyadbhu.—17. **A** -cī na.—18. **S** has instead, āsurīpiṣṭāṁ ḥatavārāṁ (!) (-raṁ?) pari-jaspya (-apya) ḥirasī dhāpayeta gṛhīto mucyati (-cyate?), duṣṭagrṛhītānām āsurīṁ homayet 108 tato mucyati (-te) kṣīpram.—19. **B** -nīḥva.—20. **B** -pramataṁ. **S** has instead, atha mantraṁ prakāḥayati lokānāṁ hitakāmyayā, āsurīmantraḥ saṁpūrṇam (-ṇo) astu ('stu).—21. MSS gṛhe iti.—22. **A** -taḥ. 35.

## III.—TRANSLATION AND COMMENTARY.

Oṃ, obeisance to Rudra : oṃ, O pungent one, thou of the pungent leaf, blessed āsurī, reddish one, thou of the reddish garment, O daughter of atharvan, non-terrific one, non-terrific wonder-worker (deed-performer), 'so-and-so' smite, smite, burn, burn, cook, cook, crush, crush, so long burn, so long cook, until thou hast brought [him] into my power : Svāhā.<sup>1</sup>

This is the so-called fundamental formula (*mūlamantra*). Preceding it *S* gives, somewhat at length, a preparation rite (*puraṣ-carāṇavidhi*), in which a triangular fire-pot is prescribed for use in reverencing the goddess. *Part third* gives a diagram of it which is here duplicated. It appears that the altar-mouth was so



placed that one angle pointed to the south ; for the diagram has *pū* for *pūrvā* "east," *u* for *udīcī* "north," *de* probably for *dakṣiṇā* "south," and a figure one (1) which may easily be a corruption for *pr*, *praticī* "west." Cf. (*part first*) *puruṣahastapramāṇe* (cod. -*ṇam*) *trikonaḥkuṇḍe*<sup>2</sup> *vedīyonisahītaṃ sattvā* (cod. *satvā*) *dakṣiṇa-*

<sup>1</sup> 'Good-offering, good oblation.' Used at the end of invocations very much as we use Amen.

<sup>2</sup> The equilateral triangle has been a favorite figure in mysticism as well as in magic. See description of the pentacle in *Dictionnaire Infernal*, Sixième Édition, 1863, p. 518. Cf. also Cornelius Agrippa, Vol. I, p. 196 ff., *De undenario & duodenario cum duplici duodenarii Cabalistica & Orphica*; also I 226 ff., *De Geometricis figuris atque Corporibus qua virtute in magia polleant, & quae quibus elementis convenient, atque coelio*.



*karṇike devīm* (cod. -vi) *pūjayet*.<sup>1</sup> 'Having reclined (sat down), one should worship the goddess in a three-cornered fire-pot of the size of a man's hand, with an altar-mouth having [its] point (ear) to the south.' The preparation-rite includes an oblation of ghee and sugar (*ghṛtaçarkarāhoma*), garlands of the red, sweet-smelling oleander (*raktakaravīrapuṣpamālā*), an ornament (mark) of red sandal-wood (*raktacandanatilaka*), the partaking of a brahmacya-oblation (*brahmacaryahaviṣpānaḥ bhaktvā*, cod. *bhaktā*), and a lying on the ground (*bhūmiçayana*).<sup>2</sup> **S, part second**, adds, *dakṣiṇābhimukho nityam* 'facing the south constantly,' *kambalāsanam* 'sitting on a woolen blanket,'<sup>3</sup> *raktavastraparidhānam* (cod. *traṇ pari-*) 'putting on a red garment,' and *raktagandhānulepanam* 'anointing with red sandal-wood powder.'<sup>4</sup> **S, part third**, says also, *sarvatra prāṇāyāmādiṣu* 'in all cases in the holding of the breath in worship, etc.'

The address to the Āsuri-goddess, beginning the "fundamental formula," occurs in **S** several times, mostly in **part third**, with slight variations in form. In one instance it has as one of its introductory phrases, *netratrayāya namaḥ* "obeisance to 'Three-eyes,'" and then continues, *om hrīm kaṭuke*, etc. Under the title *japamantraḥ* "whisper-spell," it appears in the form, *om klīm hrīm çrīm kṣāum kṣāum çrīm hrīm klīm om, kaṭupattre subhaga*

<sup>1</sup> **Part second** says of it: *trikoṇakaravuyonisahitaḥ karavuhastamātraḥ tu kuṇḍlaḥ sāryam, onīśahita (!) (yonīśahitam ? hardly onī-) ayāta (athāto ?) brāhmaṇa-dakṣiṇāmukhavesine (!) (-vāsini ?) homa (-mayet ?) karavukuṇḍanu (!) agna (!) (-de tv agnīm ?) dakṣiṇakaravum paraḥ (-rā ?) sidhī (siddhīḥ)*. 'A fire-pot must be made having a triangular — altar-mouth of the size of a — hand moreover; thereupon (?) one should offer an oblation (?) in the — fire-pot with an altar-mouth having a situation towards the south suitable for worship (?) [having kindled] a fire moreover with a — to the south. The greatest magic (success) [results].' The word *karavu* occurs nowhere else and is not at present translatable.

<sup>2</sup> Cf. **part second** *bhojanam haviṣpānam ekasuktaḥ (!) (-bhuktaḥ ?) bhūmiçayanaḥ brahmacaryam*; also **part third** *jitendriyaḥ* (cod. *yā*) *pūjayed āsurīm devīm* (cod. -ri devī).

<sup>3</sup> For explanation see *Durga Puja (durgāpūjā)* by Prātāpachandra Ghoshā (*prātāpachandra ghoshā*), note 19, p. xxix.

<sup>4</sup> It heads the preparation-rite with the words *atha paḍgātimantra (-aḥ)*, and ends it by saying *iti dāṇkathitaḥ (-aḥ) mantram (-aḥ)*. The first seems to mean, 'The going to the feet [of Rudra] text' (*paḍ for paḍ*). The second is a puzzle; but it probably contains some similar idea referring to the propitiation of the god.

*āsuri raktavāsase 'tharvaṇasya duhite 'ghore 'ghore svāhā, om  
klm̄ hr̄m̄ ḡr̄m̄ kṣāuṁ kṣāuṁ ḡr̄m̄ hr̄m̄ klm̄ om.*<sup>1</sup>

Following the mūlamātra, *S* gives a 'limb-placing ceremony' (*aṅganyāsa*), consisting of "obeisance" paid to the fingers in pairs, and to the two palms and backs of the hands. The object of such a ceremony is said to be the mental assignment of various parts of the body to certain divinities, with accompanying gestures and prayers.<sup>2</sup> In the present case, the end in view seems to have been the propitiation of Rudra.<sup>3</sup> Next in order comes a meditation (*dhyāna*), in which the protection of Durgā is invoked, and mention is made of some of her characteristics, among them the possession of 90,000,000 bodily forms (*durgā navakoṭimūrti-sahitā*).

In the case of a woman lying on a couch, as long as she sleeps, one should mutter: 'Of her arisen the going burn, burn: svāhā, svāhā; of her seated the bhaga (pudenda) burn, burn: svāhā, svāhā; of her asleep the mind burn, burn: svāhā, svāhā, svāhā, svāhā; of her awake the heart burn, burn: svāhā, svāhā, svāhā, svāhā, svāhā, svāhā, svāhā, svāhā.'<sup>4</sup>

1. So then we will teach the Āsuri-Kalpa of the Atharva-Veda (atharvan). For her not a 'lunar-day,' nor a 'lunar-mansion,' nor the kindling of a holy fire is decreed.<sup>5</sup>

2. Over all material consisting of ghee, etc., the āsuri<sup>6</sup> is caused to be muttered<sup>7</sup> one hundred times, And [let there be] a

<sup>1</sup> For other lists of particles somewhat similar in nature, cf. Durga Puja, pp. 36 end f. and 61 end. It has been thought best to keep the *anusvāra* throughout; the MS uses the *anunāsika* sign, possibly to indicate a pronunciation of the vowels by nasalization.

<sup>2</sup> See Durga Puja, p. 30 ff., and note 21, p. xxxi f.

<sup>3</sup> Cf. *part third*, *tatra karāṅgulīnyāsaḥ, evaṁ rudayādi (rudrāyādāu) nyāsa evaṁ mantram (-aḥ) samam (sāma?) nyāsam (-aḥ) kartavyam (-aḥ) sadhakottamāi (sādhakottamāi)*. 'Then the finger-placing ceremony; thus to Rudra in the beginning the *nyāsa*, thus the *mantra*, the *sāma*; the *nyāsa* is to be performed with the highest magical [rites].'

<sup>4</sup> *S*, *part first*, does not contain this formula.

<sup>5</sup> 'The highest āsuri-ordinance.' Cf. p. 11, foot-note 19, where a fuller but not altogether clear form of the *mantra* is given.

<sup>6</sup> Probably the *mantra* just given, possibly the *mūla-mantra*.

<sup>7</sup> Cf. *Laws of Manu*, II 85, where the statement is made that muttering [the syllable *om*, the words *bhūr*, *bhuvaḥ*, and *sva*, and the *Sāvitrī ṛc* (RV. III 62, 10)] is ten times better than a regular sacrifice; if they are muttered so low that they cannot be understood, they avail one hundred times more than a regular sacrifice; and, if they are recited mentally, one thousand times more. This is possibly the starting point of the notion that muttered words and par-

portion of this<sup>1</sup> consisting of leaves, etc. . . . . [Let there be] one, surely, who desires to smite [his] enemies and to render submissive kings.

Owing to the uncertainty of the text,<sup>2</sup> it has been thought best to omit the translation of one pāda, though a provisional reading has been adopted. *S* has nothing corresponding to it, but reads : *atha çrī āsurimantraṁ (çryāsuriṁmantraṁ) mā atharvāṇa ṛṣiḥ (mātharvāṇarṣir) asuridevatā (āsuri-) hrīm̄ bijam̄ (-m) asuricakti (āsuri-) naṣṭikachandaḥ (-ndo) mama çatruksayaṁ (-yo) māraṇe mohane vasikaraṇe (vaçi-) staṁbhane (stambh-) viniyogaḥ*, 'Then me possessing the divine āsurī-mantra [let] the seer of the Atharva-ritual, [let] the āsurī-divinity [help?]:

ticles possess a peculiar and mysterious power which even the gods cannot escape, and by which the person understanding how to use them can control divine as well as human agencies and accomplish what he wills. At the present time in India, the Brahmans consider it a sacrilege to utter the word *om̄* (pronounced *aūm* as representing the trinity) aloud, and they also still attach wonderful powers to it. Cf. the *om̄ maṇi padme hūm* of the Buddhists.

*S* regularly gives the number of oblations as one hundred and eight, and a mantra is as regularly said to be pronounced with the oblation. One hundred images are mentioned by *S*, *part second*—*sarṣapatāilāhomaḥ* (cod. *parṣ-*) *pratimāçataḥ* 108—but the number 108 follows immediately, as elsewhere.

<sup>1</sup> The āsurī-plant.

<sup>2</sup> The reading of *A* is impossible as it stands, and that of *B* presents difficulties which can hardly be overlooked. The word *jigāiṣa* could scarcely be anything but a secondary adjective derivative from *jigīṣa*, meaning "he who desires to conquer" (here fem.), while *gaṁtu* or *āgaṁtu* might be a 3d, sing., root-aor., imv. or the stem of the inf. used in a compound. It is difficult to see why a woman should be specified as the one desiring to conquer, and even if it were plain the rest would remain unsatisfactory. The root-aor. of the *√gam* is confined to the Vedas, Brāhmanas, and Sūtras (Whitney, Roots, Verb-Forms, etc.) and may justly be suspected here, though the MSS seem to use some Vedic words, for example, *homa* (probably for *homaṁ*), the *√yu* (p. 98, foot-note), and *indha* (*A*, ç 10 ka 8). The infinitive stem also, as part of a compound, does not here make satisfactory sense, though the form is unobjectionable. The three lines taken together evidently serve as a sort of introduction to the practice, and taking the reading given in the text (as emended from the better MS), the whole may perhaps be rendered freely:

'The āsurī-[mantra] is caused to be muttered one hundred times over all sorts of materials, such as ghee, etc.; [There is to be] both a portion of the [āsurī] consisting of leaves, etc., and [there is to be] a desire to conquer without [ordinary?] means (by magic?); For [there is] one who both wishes to smite [his] enemies and to render submissive kings.'

While this is not altogether satisfactory from a Sanskrit standpoint, it is the best that can be done at present.

hr̥im. [There is] the core of the mantra (seed) possessing the might of āsurī, the desire to destroy, the destruction of my enemy; in the slaying, in the stupefying, in the making submissive, in the fixing like a post [this is] the practice.'

Following this statement *S* has a "contemplation"<sup>1</sup> (*dhyāna*), in which the person should meditate (*dhyāyet*) on the bright four-sided granter of wishes (*çuklāṅ caturbhujāṁ*<sup>2</sup> *varadām*), having a hook in the hand (*aṅkuçahastām*), adorned with all ornaments (*sarvālaṅkārabhūṣitām*), seated in the padmāsana-position<sup>3</sup> on a serpent (*nāgopari padmāsanopaviṣṭām*), and having a gracious countenance (*prasannavadanām*). The MS then has, *iti vaçṭkaraṇe*, 'Thus [readeth it] in the making submissive.' Secondly, in the fixing like a post (*stambhane*) the person is to meditate on the reddish, four-sided, fearless wish-granter (*kapilāṅ caturbhujāṁ abhayavaradām*), with sword in hand (*khaṅgarahastām*), having as an ornament a half-moon crest(?) (*candrārdhamāulinepathyām?*<sup>4</sup> cod. *caṅdārdhamāulineprāṅ*), etc. And thirdly, in the slaying or magical incantation for that purpose (*māraṇe*), he should meditate on the blue-colored, four-sided, fearless wish-granter (*nīlavarṇāṅ*, etc.), having a "red-stone" in the hand (*rudhira-*), seated on a dead-man (*mṛtamānuṣopaviṣṭām*), wearing a muṇḍāgarland (*muṇḍāmālādharām*), etc. The meditation contains several vocatives addressed to the goddess, for example, *kṣame*<sup>5</sup> "gracious one," *nāgayajñopavitini* "thou that hast a snake for sacred cord," and so on. The corresponding reflection of *S*, **part third**, written in çlokaś, begins: 'This is the time-triad meditation. [There is the meditation] pertaining to passion and also [that] pertaining to goodness and [that] pertaining to spiritual darkness; thereupon the highest, accompanied by all sacred rites, divine, hard to be attained accomplishment by magic [takes place],—

*atha kālatrayaṅ dhyānam.*

*rājasāṅ sātṛikē* (!) (*sāttvikaṅ*) *cāiva tāmasāṅ ca 'tataḥ param,*  
*sarvakarmasamāyuktaṅ sādhanāṅ devadurlabham. I.*

<sup>1</sup> For a similar *dhyāna*, see Durga Puja, p. 34 f.

<sup>2</sup> This word is used as an epithet of Viṣṇu in the sense of having "four arms."

<sup>3</sup> A posture in religious meditation. The person sits with his thighs crossed, one hand resting on the left thigh, the other held with the thumb upon his heart, while his eyes are directed to the tip of his nose.

<sup>4</sup> *Candrārdhamāuli* is an epithet of Çiva.

<sup>5</sup> An epithet of Durgā.

The three parts of this meditation treat mostly of the adornment and characteristics of a goddess. The first following the passage just cited begins: 'At dawn [one should meditate on the goddess<sup>1</sup>] shining with reddish apparel, adorned with guñja<sup>2</sup> and vidula (?),'<sup>3</sup>—

*prātā* (cod. *prātarakta-*) *raktāambarābhāsān guñjāvidumabhūṣitām* (!) (*-avidula-*?).

It continues with similar expressions, and the third *çloka* reads: 'The one having three eyes and having four mouths, illustrious with the murmuring proceeding from the reading of the Veda, Possessed of staves and a disk,<sup>4</sup> carrying a sacrifice-spoon<sup>5</sup> and ladle, a beautiful one,'—

*trinetrān ca caturvaktrān vedadhvanivirājitām, daṇḍekamaṇḍalāiyuktān* (!) (*daṇḍikāmaṇḍalāir yuktān?*) *ṣuvaḥ-ṣrucadharān* (!) (*sruvasruca-*?)<sup>6</sup> *ṣubhām. 3.*

It ends with the words *iti rājasam*, 'Thus [readeth] the [meditation] pertaining to passion.' The second begins: 'At midday [one should meditate on] the goddess wearing white apparel, moreover always gracious, Having put on a white garment, carrying a white serpent,<sup>7</sup> Decked with garlands of *mālatī*<sup>8</sup> along with white sandal-wood ointment, etc., Having an appearance like [that of] the fruit of the *ghātri*,<sup>9</sup> made beautiful with a string of pearls in the nose,'—

<sup>1</sup> This meditation contains no verb; but from the meditation in *S, part first*, it is evident that *dhyāyet* is to be supplied. The *devīm* is expressed in the next division.

<sup>2</sup> *Abrus precatorius*.

<sup>3</sup> *Calamus rotang* or *Calamus fasciculatus*.

<sup>4</sup> The disk is mentioned again just below in another section of the meditation. There is a general tendency noticeable in both divisions of *S* to repeat certain ideas in the three parts of the meditation.

<sup>5</sup> The constant use of these two implements together makes it probable that this is the meaning of the passage, which is very corrupt.

<sup>6</sup> Transition stem in *-a* from *sruc*, though possibly bad writing for *sruva*. The *sruc* is a large spoon or ladle, made usually of *pālāça-* or *khadira-*wood, and is used for pouring ghee on a sacrificial fire; the *sruva* is a small spoon used for skimming the fat from the pot into the *sruc*. The reading *suvaḥsruca-* may be suspected here.

<sup>7</sup> There are several plants called *kañcukin*, and it may possibly be one of these.

<sup>8</sup> *Jasminum grandiflorum*.

<sup>9</sup> Emblic myrobolan.

*çuklāambaradharāṅ devi (!) (-vīṅ) madhyāhne tu sadā çivaṅ (!)*  
*(-vām),*  
*çubhravastraparidhānaṅ (-nāṅ) çretakaṅcukidhāriṅ (!) (çveta-*  
*kaṅcukidhāriṅ?). 5.*

*çubhracandanalepadyaṅ mālatīmālāmaṅḍitām (-pādyamāl-?),*  
*ghātriphalasamākārāṅ nāsāmāuktikaçobhitām. 6.*

To these expressions may be added *triçūlacandrāhidharām* (cod. *-hidharā*) 'bearing a trident and a white serpent,' and *çvetavṛṣa-bhasaṅsthitām* 'standing by a white bull.' It ends with the words: *iti tāmasam* 'Thus [readeth] the [meditation] pertaining to spiritual darkness.' The third division is substantially as follows: 'In the afternoon moreover [he should meditate on] the goddess made beautiful with a black ornament, Having put on a black garment, decorated with an ornament (mark) of *kastūrī* (musk?), Adorned with three eyes in a streak of black antimony [applied to the lashes as a collyrium], Sitting down along with a bird, made illustrious with a conch-shell and a discus,<sup>1</sup> Possessed of a blue lotus,<sup>2</sup> decked with garlands of holy basil,<sup>3</sup> Thus at evening the goddess<sup>4</sup> Lakṣmī, in a black color, obeisance! one praises' (?),—

*aaparāhṇe* (cod. *-āhne*) *īu sā (!) tāṅ (?) devi (!) (-vīṅ) kṛṣṇālamākāra-*  
*çobhitām,*  
*kṛṣṇapaṭaparidhānaṅ (-āṅ) kasturitolakāṅkitām (!) (kastūritila-*  
*kāṅjitām?).*

*kṛṣṇakajjalarekhāyāṅ locanatrāyabhūṣitām,<sup>6</sup>*  
*vihanṅe (-haṅgena) samāsinaṅ (-āsinaṅ) çāṅkhacakravirāji-*  
*tām. 1.<sup>6</sup>*

<sup>1</sup> Cf. *çāṅkhacakraḡadhara* 'holding a conch-shell, a discus, and a mace'; an epithet of Viṣṇu.

<sup>2</sup> *Nymphaea caerulea*.

<sup>3</sup> *Ocymum sanctum*.

<sup>4</sup> Possibly the reading should be *rāmāṅ devīṅ* 'the beautiful goddess'; but there is reason to believe that it should be *ramāṅ*. Preceding the "Triad meditation," there is a brief *āsurī*-meditation of a similar nature, introduced by the words *āsurīdhyānam ādāu ca vāididhyānam (vedī-?)* 'The *āsurī*-meditation and in the beginning the altar-meditation,' in which Çrī and Lakṣmī are both mentioned (cod. *çrī ca te lakṣmī*), and the meditation of *S*, **part first**, referring to Durgā also mentions Lakṣmī. The tendency of the MS to repeat has been mentioned.

<sup>5</sup> *trilocanī* is an epithet of Durgā; *trilocana*, of Çiva. It is probable that the *netratraya* used in a form of the *mūlamantra* (p. 17) refers to the latter.

<sup>6</sup> The numbering of the MS has been followed.



ring to sattva in the afternoon.<sup>1</sup> The number of oblations has been mentioned above, and it will be again considered below in another connection.

3. The wise man should offer as an oblation a mixture of ghee and fine āsurī-meal [in the form of] an image, Having kindled a fire of arka-wood fuel, having chopped the image, moreover, with a weapon.

4. He [becomes] submissive before whose feet [a person] offers eight thousand oblations. A woman [is made] submissive by [an image of āsurī-meal] anointed with ghee: Brahmans in a fire of palāça-wood:

5. Kṣatriyas, moreover, by [an image] anointed with sugar: but Vāiṣyas by [one] mixed with curds: Çūdras, furthermore, by [those]<sup>2</sup> mixed with salt: the wise man should make meal of black mustard.

6. As a result of an oblation of āsurī [extending] up to the seventh day,<sup>3</sup> all these [are made] submissive.

The practice in full<sup>4</sup> seems to have been as follows: The wizard first ground āsurī<sup>5</sup> into meal, with which he made an image, symbolizing the person whom he desired to overcome.<sup>6</sup> He used kindlings (samidhs)<sup>7</sup> of arka-wood for Rājās and

<sup>1</sup> It is to be observed that the corresponding meditation in *S, part first*, is also divided into three minor reflections. No time is mentioned with the divisions in that place; but it is probable that the same rule was observed as that laid down in *part third*. It also appears from the former, that each reflection was regarded as instrumental in accomplishing some particular part of the complete process of subjugation or destruction.

<sup>2</sup> The change to the plu. masc. seems at the first glance to be for the sake of the metre; but since *çūdras lavanamiçrayā* makes even a better pāda than the one in the text, it may be inferred that a different word was purposely implied in the case of Çūdras. As a matter of fact the word most appropriate to them is masc. Cf. çloka 5 and foot-note.

<sup>3</sup> Cf. p. 12, notes 8, 10, and 12 end; also p. 13, note 3, and p. 27.

<sup>4</sup> See çlokas 3, 4, and 5, and foot-notes.

<sup>5</sup> Probably the leaves as well as the seeds. See translation of çloka 2.

<sup>6</sup> Cf. *part third* (beginning of the rite used to subdue a Brahman), *purvabrahmatimān* (*purvabrahmapratimān*?) *kṛtvā* 'having made the former image of a Brahman,' i. e. as before.

<sup>7</sup> The samidhs used in offering oblation were small sticks of wood about a span (9 in.) long and about as thick as a man's thumb. Cf. Colebrooke, *Asiatic Researches*, VII 233. The usual number is seven; but the *Gṛhyasamgraha-Pariçīṣṭa* of Gobhilaputra gives nine and their names (I 28 f.),—

. . . . . *ity etāḥ samidho nava,*  
*viçirṇā vidalā hrasvā vakrā stūlā kṛçā dvidhā, 28.*  
*kṛmidasṭā ca dirghā ca varjanīyāḥ prayatnataḥ.*



women, palāṣa-wood for Brahmans, khadira-wood for Kṣatriyas, udumbara-wood for Vāiṣyas and Āndras, and nimba<sup>1</sup>-wood for foes. Having chopped up the image with a sword, he finally offered it as an oblation, adding ghee for a king or woman, ghee [and honey<sup>2</sup>?] for a Brahman, sugar for princes, curds for third caste persons, salt for fourth caste persons, and pungent mustard oil for foes.<sup>3</sup> It is to be observed that in the case of a king the person was to advance with the right foot; in that of a woman, with the left. This is doubtless to be put with the similar Hindoo notion that the throbbing of the right eye or arm is lucky for a man and unlucky for a woman, while with the left eye or arm the case is reversed.

*S, part third*, while much fuller in its details than the other two sections, adds little of importance or interest. A few points in which it differs from them may be mentioned, for example, in the rite used for ensnaring a king it has *ravikāṣṭhena prajvālya* 'having kindled [a fire] with a stick of ravi<sup>4</sup>-wood'; it also pre-

Dr. Bloomfield, in his edition, thus translates: "dies sind die neun samidhs (Zündhölzer). Ein zerbrochenes, ein gespaltenes, eins das kürzer (als eine Spanne) ist, ein krummes, eins das dicker (als ein Daumen) ist, eins das zwei Zweige hat, ein von Würmern zerfressenes, und eins das länger (als eine Spanne) ist, sind nach Kräften zu vermeiden." The most complete description of them, however, is to be found in the ḡṛhya-sūtras.

<sup>1</sup> In the order named these trees are the *Calotropis gigantea*, the *Butea frondosa*, the *Acacia catechu*, the *Ficus glomerata*, and the *Azadirachta indica*. Some idea of the Hindoo view in regard to these woods may be obtained from the *Āitareya-Brahmaṇa*, II 1, The Erection of the Sacrifice-post (*yūpa*); and their appropriateness may be inferred from the Laws of Manu, II 45, where it is stated that the Brahman's staff should be of vilva- (*Ægle marmelos*) or palāṣa-wood; the Kṣatriya's, of vaṭa- (*Ficus indica*) or khadira-wood; and the Vāiṣya's, of pīlu- (*Careya arborea* or *Salvadora persica*) or udumbara-wood. Āndras are not dvijas "twice-born," and so do not come under the rule. For *nimba*, *part third* uses *picumanda*, which is only another name for the same wood, and verifies the emendation (p. 12, foot-note 12 end).

<sup>2</sup> See p. 12, foot-note 9.

<sup>3</sup> The use of an image is treated of in the Introduction above. *Kāuṣ. Sū.*, adhyāya 6, contains further material of a similar sort. See *Kāu.* 35, 28; 17, 54; and 49, 22.

<sup>4</sup> Böhlingk, *Lex. V*, 172, cites *ravi* as the *Calotropis gigantea* which makes it identical with *arka*. In this sense it seems to have been known heretofore to the lexicographers only.

This article was in type before I had access to the index to Böhlingk's lexicon, which also contains the word *aparājaya* and perhaps others. It has not been in my power to carefully consult that work for all the new or doubtful words in these MSS.

scribes in this connection the "whisper-spell" (p. 17 above): in that for ensnaring a woman<sup>1</sup> it has the heading *rāmāvaçīkaraṇa-kāmaḥ* and refers to the two fundamental formulas<sup>2</sup> (*mūlamantṛāu*): under the ensnaring of a Brahman it prescribes white sandal-wood, a white wreath, and a white garment with other ornaments (*çvetacandanasaṁyuktam çvetamālā- . . . çvetavastra-samanvitam*); the oblation must also be performed with especial care (*prayatnena homayet*) and in preparing it use is made of balls of Guggula<sup>3</sup> gum (*guggulāir guṭīkāḥ*—cod. *gugulāi guṭīkā—kṛtvā*), black mustard seeds (*rājasarṣapāḥ*), leaves of the betel-plant (*nāgavallidalāir hutāiḥ*), and other vegetable products, such as fruits and flowers;<sup>4</sup> finally, under the subjugation of a Çudra, it mentions also the Cāṇḍālas. A few passages from the same division may be cited with reference to the number of oblations and the time for performing them. In the rite used against women: 'Afterward the muttering is to be performed, moreover, one hundred and eight times by (of) men,'—

*paçcāj japaṁ tu kartavyam aṣṭottaraçatāṁ nṛṇām.*

'Having muttered the fundamental formula in the mouth and [having performed] one hundred and eight [rites], The girl wastes away in (of) her middle [parts]; thereupon the girl is likely to become submissive,'—

*mūlamantṛe (-trāṁ) mukhe japtvāṣṭottaraçatāni ca,  
dasyate madyānāṁ yoṣā tato yoṣā bhaved vaçā.*

<sup>1</sup> Under this heading four different uses are given with considerable minuteness of detail. The words employed to designate a woman are, *rāmā* "beautiful woman," *yoṣā* "girl, young woman," and (once only) *strī* "woman, wife." The words used to signify her subjection are, *vaçagā* "obedient" (second use), *vaçī* "submissive" (third use), and *vaçyagā* "subdued" (fourth use). (This last word is also used of a Vāiçya and of a Çūdra.) In the first use where *strī* occurs, it is difficult to say what the word is. It appears that the practice was used in some instances as a philter, and there is even reason to believe that this may have been its most common use. Cf. Virg. Ec. VIII 64 ff.; Hor. Sat. I, VIII 23 ff., and Epod. V; Lucian Dial. Mer. IV 4 and 5; Ovid Met. VII 224 ff., and Heroid. VI 91; and see çloka s 14 and 15, and p. 8, foot-note 2.

<sup>2</sup> It will be remembered that two formulas were given for a woman. Under the preliminary rites in *part third* the plu. is used (*mūlamantṛāiç ca*).

<sup>3</sup> Bdellium or the exudation of the *Amyris gallochum*.

<sup>4</sup> From the statements here made, and another passage (p. 12, foot-note 9) which says that by oblation 'a certain high number consisting of hundreds' (*çatyachevara*) leads a Brahman to one's will, it may be inferred that the eight thousand oblations of the text (p. 12) have special reference to Brahmans.

In the rite for a Vāiçya: 'Having done this (kindled the fire and performed the other preliminary rites), at the three periods of the day, he should burn the prepared āsurī [made into an image]. With one hundred and eight [rites] so long should he perform the muttering at the three periods [morning, noon, and afternoon],—

*evam̐ dīnatrayaṁ kṛtvādhyāktām (-aktām?) āsurīm̐ dahet,  
aṣṭottaraṣatāis tāvat trikālāṁ japam̐ ācaret. 3.*

'One should perform with pains the muttering during one month uninterruptedly,—

*japam̐ kuryāt prayatnena māsam̐ ekam̐ nirantaram.*

Under this heading also (first śloka) the dark fortnight, i. e. from full to new moon (*kṛṣṇapakṣe*) is specified as a time for performing the rite. In respect to a Kṣatriya, it is said that he should be subdued in the course of twelve days (*dvādaṣāir vāsarāih̐*). Finally, regarding a foe, it says: 'At the eight periods (watches) of the day having done honor with the mantra he goes against [his] foe; On the seventh day the completion of the foe-slaying becomes fixed,—

*paraṁ pratyeti mantreṇa pūjayitvā dināṣṭakam,  
saptāhe ripughātasya nidhanaṁ bhavati dhruvam (cod. dhruvam). 3.*

Most of the references agree in fixing the completion of the ensnaring on the seventh day. One hundred and eight oblations performed in six days amounts to just eighteen per day, and these performed at the trisamdhyaṁ would make six in the morning, six at noon, and the same in the afternoon, which was evidently the plan followed as a rule.

With pungent mustard oil [in the oblation]<sup>1</sup> at the three periods of the day, surely one makes a split in the family.

7. With the hairs of a dog,<sup>2</sup> moreover, [a person is] afflicted with

<sup>1</sup> It is probable that āsurī was to be used in this and all of the following prescriptions, though it is omitted in many of them.

<sup>2</sup> The passage which is found only in **B** at this point is very corrupt, yields no connected sense, and contains nothing of importance. It is probably an interpolation. Its general meaning seems to be about as follows:

'Having then, moreover, smeared a leaf with the hairs of a dog, or having well smeared with mustard seeds (!) he should fumigate the liṅga (perfume it with incense).

He should then give a measure (?) of white mustard drink: all doubt vanishes (dies). And there is health in eating and in fasting: [it is] the practice in all diseases.

epilepsy during three days.<sup>1</sup> The stopping [of this is brought about] by milk, honey, and ghee [in the oblation]. [By performing the rite] with salt, however, he [becomes] afflicted with fever.<sup>2</sup>

8. In a fire of arka<sup>3</sup>-wood samidhs, furthermore, one establishes a source of boils. Of these he should understand the cure (stopping) with the help of sureçvarī and with ghee.

The word *sureçvarī*, which occurs in one other passage below (p. 33), is thus defined by the PETERS. LEX.: Bez. der Durgā . . . der Lakṣmī . . . der Rādḥā . . . der himmlischen Gaṅgā. It here means evidently āsurī<sup>4</sup> (probably both plant and divinity). The use of this word for *āsuri*, combined with the fact that various words found in the āsurī-meditation (p. 20 f.) are or may be used of Durgā, makes a strong presumptive argument that āsurī was regarded as a form of Durgā. *sureçvarī*, however, may be used of Lakṣmī, who is spoken of in the same connection, and who appears again below. It will also be observed

Surely the well known ones who live by alms (?) [Brahmans] become bad as a result of muttering. It is to be muttered eleven times in succession. The split in the family may become destroyed (he is likely to become injured by a split in the family?)

In the subjugation of a third caste person he should offer as an oblation (?) [an image] made with powdered suratis (?) (surabhis "nutmegs"?). In the overcoming (doing up) of a Çūdra, moreover, let [the person] go (?) with a lotus-plant (*padmini*) to a place where four ways meet.

Having written the name, having seized [it] pressed by the finger (?), [there arises] headache, fever, [and] colic. Disagreement is a non-meeting with prosperity, a non-meeting with prosperity.

Or the ādyā of the kalpa (?) [is] to be used in a quaternion of Brahmans, etc.: thus in their coming together, the magic practice of the four even is made manifest.<sup>5</sup>

The word *ādyā* is a puzzle. It is an epithet of Durgā, but can hardly be used in that sense here. If for *ādya* (neu.), it may possibly refer to the mūlamāntṛa as the beginning of the kalpa. It does not seem likely that the MS reading *valpādyā* is a new word.

The scenting the liṅga with incense may possibly be a love-charm. Cf., however, Herod. I 198, ὀσάκις δ' ἂν μιχθῆ γυναικὶ τῆ ἐωντοῦ ἀνὴρ Βαβυλώνιος, περὶ θυμῆμα καταγιζόμενον ἴζει, ἐτέρωθι δὲ ἡ γυνὴ τῶντδ ποιέει.

<sup>1</sup> S 'Having tied up (made one) the āsurī [in the form of an image?] with a hair from a white ass, he with whose name he may make oblation is suddenly afflicted with (hidden in?) epilepsy.'

<sup>2</sup> āsurī and milk are used in making the one hundred and eight oblations for his restoration to health.

<sup>3</sup> S has simply āsurī and nimba leaves.

<sup>4</sup> S 'Having made āsurī, 108, he becomes well (in his own condition).'  
*ghṛtāktām* is probably omitted.

that a large part of the *dhyānas* consists of "stolen thunder,"<sup>1</sup> a fact not to be wondered at, since the people who used these rites were hardly capable of originating any ideas themselves, and would naturally borrow any that might seem suitable. In the same way they would refer to deities, especially evil ones, who might be regarded as likely to give success. A mixture of direct reference to *āsuri*, and allusions to these other divinities, is therefore to be expected, and clear conceptions are hardly to be looked for, since confusion of the two sets of ideas is almost inevitable with an untrained mind, and it is to be seriously doubted whether those who practiced the rites had any really definite idea as to the exact meaning of their 'prayers.' The confusion of divinities would probably only make the spell appear all the more potent because of the mystery<sup>2</sup> which it created; for the mysterious is an essential element of all magic.

9. In a fire of arka-wood, with [*āsuri*] anointed with arka-plant and milk, [a person] may cause the two eyes of [his] foe to twitch (burst).

*S* adds a clause which is not altogether clear. The *√grabh* regularly takes the acc., and emending to *nāma*, the meaning is, 'When he mentions his name.' If emended to the ins.,<sup>3</sup> which seems more likely from the MS reading, the use must be a technical one in some such sense as: 'When he grasps [the image] along with the name,' i. e. having the name attached to it.<sup>4</sup>

<sup>1</sup> Cf. references to the *Durgā Pūja*, foot-notes, pp. 18 and 20.

<sup>2</sup> That the capacity of the Hindoo mind for the mysterious is not small can be seen from a stanza in the RV. (X 54, 3), in which Indra appears as the begetter of his own parents:

*kd u nū te mahimānaḥ samasyāsmāt pūrva ṣṣayō 'ntam āpuḥ,  
yān māttraṇ ca pittraṇ ca sākām djanayathās tanvāḥ svāyāh. 3.*

Grassmann thus translates: "Gab je es Sānger, welche vor uns lebten, die deiner ganzen Grösse Ziel erreichten? Der du zugleich den Vater und die Mutter aus deinem eignen Leibe dir erzeugt hast." After this, some obscurity in the thought and a slight confusion of divinities may be pardonable in such a document as the *Āsuri-Kalpa*, in which the object in view is not so much the sense as the use of potent words and particles to accomplish a result by magic.

<sup>3</sup> Cf. p. 12, foot-note 14, which favors the emendation.

<sup>4</sup> Cf. pp. 9 and 27, foot-note 2. *Part third* begins the practice with the words: *atha netranāṅgam, ravikāṣṭhe kṛte home* 'Then the eye-destruction, Oblation having been made on a stick of ravi-wood.' It prescribes *āsuri*, arka-plant, and salt in the oblation, and says: 'And the seventh day having arrived (been obtained) he becomes deprived of his eye,'—

*saptame vāsare prāpte caksuhinaḥ (!) caksurhī-) ca jāyate. 3.*

The flesh of a dead man, his remains of course, and ashes from a funeral pile.<sup>1</sup>

10. He who [is] touched with the meal [made] of these becomes possessed of a ridiculous character.<sup>2</sup> Deliverance from this is produced as a result of an oblation with [āsurī] anointed with goat's milk.

11. Tagara, kuṣṭha, and māñsī<sup>3</sup> plants and also certainly leaves of this [āsurī]: He who [is] touched with these [ground] fine, moreover, runs about behind [one's] back.<sup>4</sup>

12. Fruits and roots of this [āsurī] with the fragrant fat of an elephant. From contact with fine material of these<sup>5</sup> [a person] runs after those devoid of sense.

It adds: 'Then the cure (causing to cease). Having made an oblation of āsurī anointed (?) with cow's milk, with fires of ravi-wood as a result of his own oblation (*maha*) he becomes well (goes to the being in his own condition); the eye-disease should disappear (become vanished),'

*atha çāntāu (-tiḥ?).*  
*godugdhenāsuriptupta (!) (-rīm līptām?) hutvā ravihutāçanāiḥ,*  
*svamahāt svasthātām yāti netraruñ mīlitā bhavet.*

**Part first** has 'āsurī anointed with milk.' The similarity of the means used in producing and curing the evils is noteworthy as an evidence of the popular notion in India that he who can cure disease must also be able to produce it and vice versa.

<sup>1</sup>S 'Having united āsurī, ashes from a funeral pile [and] human flesh, the remains of a dead [man].' **Part third** adds fine chopped meat, the hair of a Cāṇḍāla, and some other things not yet clear (*ullakamayāiḥ*),—

*āsurīm ca citābhasma janāḥ piçitām saṁyute,*  
*cāṇḍālakeçasamīyuktam ullakamayāiḥ saha (sahitam),*  
*mṛtanirmālyasamīyuktām ṣaḍḍir (-im?) ekatra kārayet. 2.*

(*ṣaḍḍi* is probably a fem. derivative from *ṣaḍ* in the sense of "sixness," a collection of six. The person unites the six items mentioned.) It puts this rite under those to be employed against an enemy, ending the whole with the words: *iti çatruksayavivaraṇam* 'Thus [readeth] the detailed account of the destruction of an enemy.'

<sup>2</sup>S 'out of his senses.' It adds that the mantra is to be pronounced over the meal.

<sup>3</sup>Tagara is *Tabernaemontana caronaria*, also a powder made from it; kuṣṭha is a plant used for the cure of takman (fever?), the *Costos speciosus* or *arabicus*; māñsī may be *jaṭāmāñsī* (*Nardostachys jatamansi*), *kakkolī*, or *māñsacchandā*. The MSS seem to require a plant called *kuṣṭhamāñsī*. No such plant is mentioned elsewhere so far as known. The omission of the *anusvāra* is easily explained, and it appears in çloka 22. S reads, *nagara kuṣṭa te upatnī māñsī*.

<sup>4</sup>S 'becomes a servant (attendant) behind [his] back.'

<sup>5</sup>S mentions five plants besides āsurī-flowers: tagara, kuṣṭha, uçīra (fragrant root of *Andropogon muricatus*), usrā (*Anthericum tube-*

13. Uninjured leaves [of āsurī] the dark uçīra-root, likewise mustard seeds. From the meal of these the former result<sup>1</sup> [is produced] and also by these invincibility [is obtained].<sup>2</sup>

According to *A* this marks the close of the first division of the practices, all of which thus far have been for the purpose of producing ill, curing the same, or getting the mastery of some one. In all of them the materials have been ground into meal, to be used either in making an image of the intended victim or to be applied to him in person. Those that follow have already been discussed above.

14. Flowers [of āsurī?], realgar, and millet and tagara plants, With the juice from the temples of a huge rutting elephant,<sup>3</sup>  
 . . . . .<sup>4</sup>

15. And the women who approach [become] submissive to (servants of) the one anointing their feet. Having taken this [āsurī] in bloom, añjana,<sup>5</sup> [and] nāgakeçara-plant.

rosam), and some other plant which is not clear. The *tgh* may possibly stand for *jh* (p. 13, foot-note 18), in which case an emendation to *jhāṭā* (*Jasminum auriculatum*) might be suspected. A correct pāda can then easily be made, though there is no MS authority for it, by omitting the doubtful word *othasi*: *usrāṁ jhāṭāṁ tu pañcakam*. It prescribes the mantra, and says, 'He whom he touches becomes submissive.'

<sup>1</sup> Probably the running after those devoid of sense.

<sup>2</sup> *S* says, 'He should make into fine meal, moreover, āsurī-flowers and leaves, and flowers and fruits, along with fruit of the nāgendra (betel?). He becomes submissive whom he touches with [this meal] consecrated by mantras muttered over it.' The use of the mantra, or muttered spell, seems to be an essential element in all these practices.

<sup>3</sup> The reading *-medasa-* 'fat (of a huge elephant),' may be suspected here possibly, though the evident nature of the compound favors the MS reading.

<sup>4</sup> The two MS readings of this pāda are neither of them entirely satisfactory. The MSS agree save in the two middle syllables of the last two feet. *S* gives no help. It reads: 'He should make into fine meal, moreover, realgar, and millet, tagara [and] nāgakeçara (*Mesua roxburghii*) plants, along with āsurī-fruit. [He should mutter the spell] one hundred and eight [times] (one hundred and eight [mantras should he mutter]?). He whom he touches with [this meal] consecrated by the mantra muttered over it becomes submissive.' From the connection it appears that the pāda must refer to or contain instructions for the person using the philter. *B*'s reading would mean then:

'[Let him be] preparing [the mixture], however, (*kim . . . tu*) without help (in the manner [of one] having no servant).'

The idea may possibly be that the power of the charm would be impaired or diverted if another had anything to do with it. The *akṣṛd varam* of *A* seems to mean 'not acting the suitor,' or something similar. Cf. p. 14, foot-note 6.

<sup>5</sup> An eye salve or ointment made from *Amomum xanthorrhiza* or antimony, used as a cosmetic.

16. He whom<sup>1</sup> [a person] looks at with [his] eyes anointed with this [compound becomes his] servant. Añjana, tagara, kuṣṭha- and devīja kāṣṭha<sup>2</sup> precisely,

17. And māṅsī plants [are] a cause of good fortune, moreover, to all creatures. From an oblation of one hundred thousand of the same of this [āsuri] great treasure is beheld.<sup>3</sup>

18. From one thousand leaves [of āsuri] anointed with ghee, curds<sup>4</sup> (?), and honey [in the oblation, a person becomes] possessed of grown-up sons. One obtains, moreover, a submissive kingdom from three thousand leaves of this, [āsuri, offered as an oblation].

**S** says, 'For the sake of a kingdom one should make an oblation of āsurīlakṣmī anointed with honey and ghee, he obtains the kingdom.' Lakṣmī is used as a name for several propitious plants, evidently by a sort of personification, and its use here as an extension of the name for black mustard is significant because it is also used in the āsurī meditations above.

19. The obtaining of one thousand gold pieces [comes] from one hundred thousand leaves<sup>5</sup> of this [āsuri, offered as an oblation], . And likewise one thousand mutterings of him who partakes of milk over water.<sup>6</sup>

20. Then in a vessel filled with water let him strew palāci twigs.<sup>7</sup> He is likely to be freed from ill-luck<sup>8</sup> as a result of an ablution, in a golden vessel, however.

<sup>1</sup>**B** 'whoever he looks at,' a better reading in some respects; but **S** supports **A**. It also adds the usual muttering of spells over the salve.

<sup>2</sup> Probably kāṣṭha-dāru (Pinus deodora), called also deva-dāru. Here called "goddess-born." **S** has a different statement: 'He should perfume himself with the smoke of five parts of āsuri [flowers, leaves, etc.], he who smells the scent of it becomes submissive.'

<sup>3</sup> **S** 'Having offered an oblation of āsuri anointed with curds, honey, and ghee, he should make an oblation; he obtains great treasure, ten thousand [oblations should he make]. A man [will reach] the age of one hundred years you know [if he does this].'

<sup>4</sup> **S** and the metre both favor the omission of this word.

<sup>5</sup> **S** 'ten thousand āsuri fruits, having offered as an oblation.'

<sup>6</sup> **S** 'Having partaken of milk over āsuri and water [and] having taken a position facing the south (?), he should mutter ten thousand times.'

<sup>7</sup> A species of climbing plant, called patravallī, parṇavallī, and palāçikā. **S** 'With āsuri twigs having made full [a vessel] consecrated by one hundred and eight spells muttered over it, he should bathe himself, he should perfume himself (?) with incense.'

<sup>8</sup> **S** 'He sets aside ill-luck; in good breeding he puts away the disposition to (onset of) anger.' (?) The reading *vināge kopa-* is suspiciously like *vināya-kebhyaḥ*; but other similar cases occur.



21. [A person is likely to be released], as a result of an ablution, from obstacles and also from unfortunate ill-luck. And touched by the water, moreover, they run about behind [them].<sup>1</sup>

22. Uçīra, tagara, kuṣṭha, mustā,<sup>2</sup> mustard seeds, and leaves of this [āsurī]. When quickly touched with meal [made of these] even a lord should become submissive.

23. Tulasī, bhūmadā, [and?] devī.<sup>3</sup> Touched with the meal [made of these?] likewise [a person becomes] submissive. In case of fear of a Rājā, [let] sureçvarī be used. From purification with it, likewise the carrying [it with one].<sup>4</sup>

24. No portentous occurrence is likely to be his, likewise no small misfortune. [He is] neither devoid of power nor destitute of children in whose house the divine āsurī is, in whose house the divine āsurī is.<sup>5</sup>

Thus endeth the Āsurī-Kalpa.

<sup>1</sup> *S* 'An ill-favored woman should become well-favored.' The ill-luck seems to be especially a husband's dislike, and the last clause may mean, therefore, that the husbands become very attentive.

<sup>2</sup> A species of grass (*Cyperus rotundus*). *S* omits.

<sup>3</sup> This line is not clear: tulasī is the Holy Basil; devī may be one of several plants, *Sansevieria roxburghiana*, *Medicago esculenta*, *Trigonella corniculata*, etc.; and bhūmadā "earth giver," may be a plant or simply an epithet of one. If a plant, it is probably āsurī (cf. *varadā* used in the meditations). Two other meanings are possible: 'Holy basil, the earth-giving goddess,' and 'Holy basil [and] the earth-giving goddess [āsurī].' *S* has a different statement: 'Fourthly, with respect to [evils] such as (consisting of) fever, etc., one should mutter [the spell] one hundred and eight times. By means of a purification, destruction is averted.' For *prakṣiṇa*, cf. Peters. *Lex.*, *prakṣiṇam idam devadattasya* "Dies ist der Ort wo D. umgekommen ist." It might be rendered 'Here the death (destruction) of D. [took place].'

<sup>4</sup> *S* has, 'Having muttered [the spell] one hundred times (?) he should put āsurī-meal on his head. He who has been seized is released. For those who have been overpowered by sin (?) he should make an oblation of āsurī one hundred and eight times; thereupon [the person] is at once released.'

<sup>5</sup> In place of this statement *S* has: 'Thereupon he causes the text to become clear by the good-will of men. Let the āsurī text be completed.' It adds the usual ending:

'The Āsurī-Kalpa [is] concluded.'



## LIFE.

Herbert William Magoun was born Feb. 17, 1856, at Bath, Maine. In 1871 he entered the high school at Worcester, Mass., where he remained about two years and three months, completing the third year's work under private instruction at Bath, Maine. The last year of preparation for college was spent at Grinnell, Iowa, in the academy connected with Iowa College. He graduated from that institution in 1879, and during the following year acted as assistant in the Oskaloosa High School near Grinnell. At the close of the year he went east and accepted a position as principal of a grammar school at Bath, Maine, from which he was called, after one year's service, to Grinnell as a tutor at his *alma mater*. After remaining there three years, he resigned this position to go to the Johns Hopkins University; but was induced to remain a year with a Hartford insurance company for which he had done some work during the summer of 1884. In the fall of 1885 he entered the university, taking Greek as his major study and Latin and Sanskrit as minors. In Jan., 1887, he made Sanskrit his major course and soon after took a scholarship in that study. The following year he was appointed Fellow in Sanskrit and also taught the beginner's class in that language. For the year 1888-9 he acted as director of the Johns Hopkins University gymnasium during the absence of the director in Europe, and gave instruction in Swedish gymnastics; but he also continued his Sanskrit studies and gave instruction in the *Nala*, *Hitopadeṣa*, and *Rig-Veda*.













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