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GOVERNOR OF NORTH CAROLINA

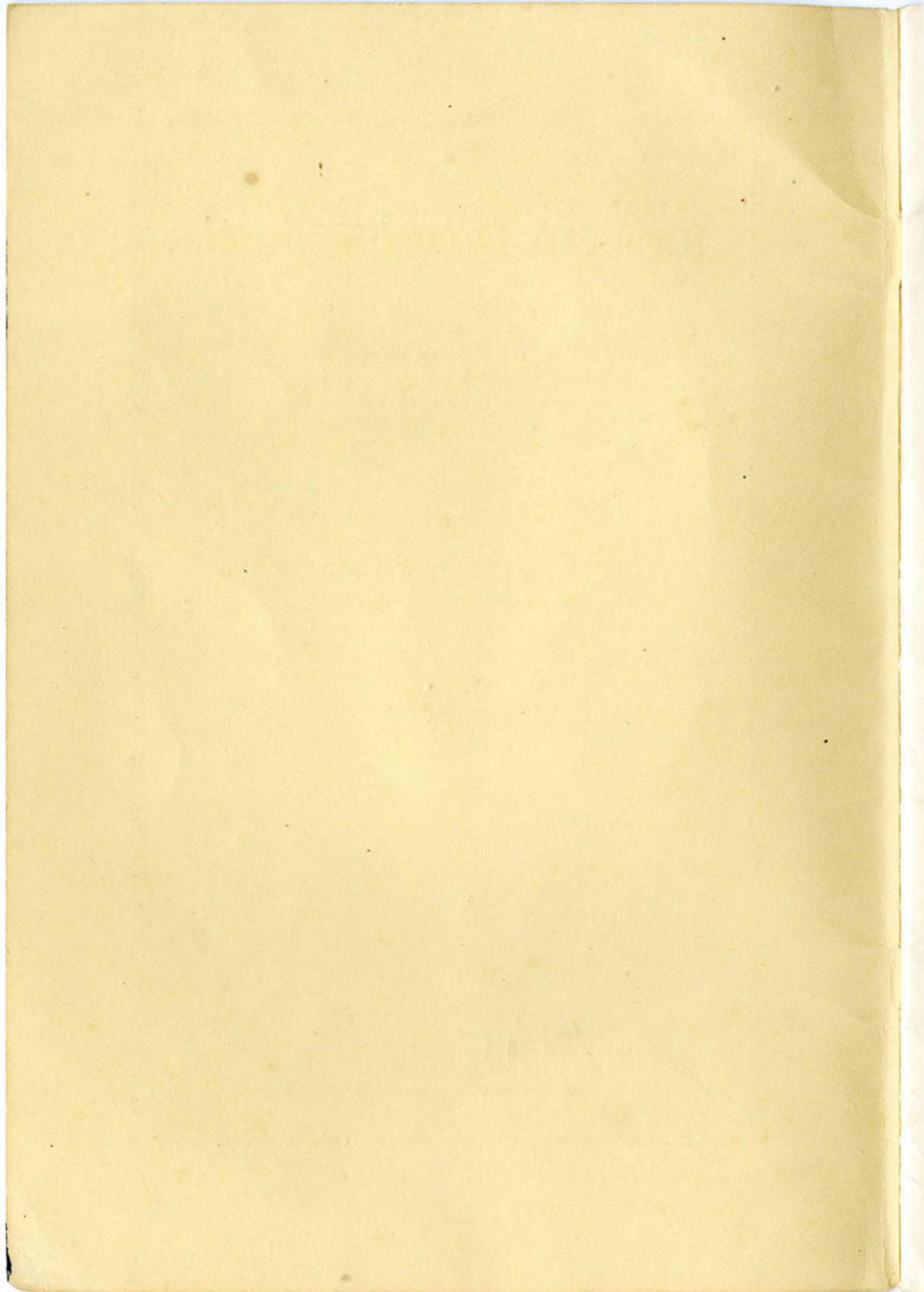
1792-1795

BY

ALEXANDER B. ANDREWS



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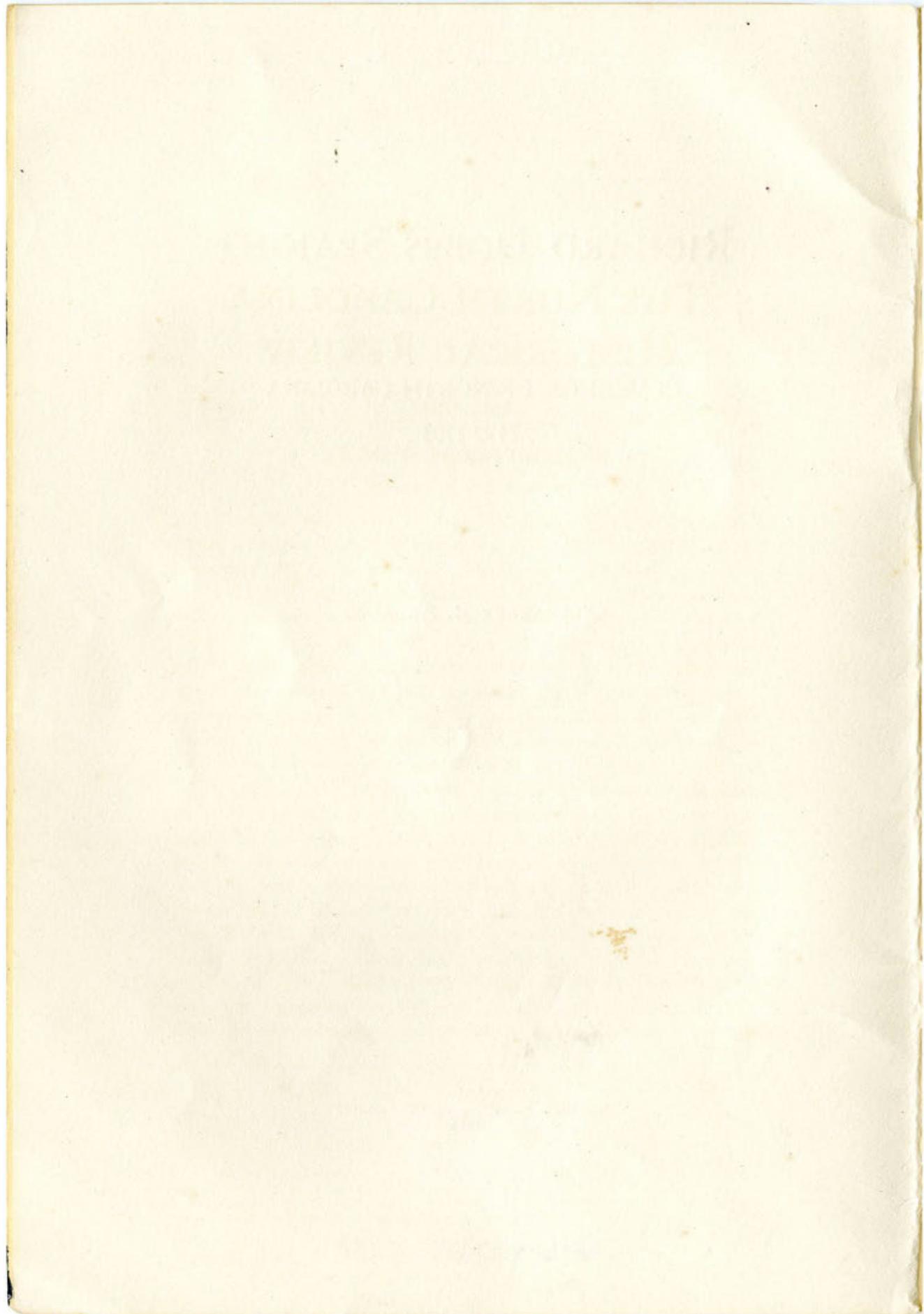
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# THE NORTH CAROLINA HISTORICAL REVIEW

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## RICHARD DOBBS SPAIGHT

BY ALEXANDER B. ANDREWS

Richard Dobbs Spaight was born in the city of New Bern, N. C., on March 25th, 1758.<sup>1</sup> His father was Richard Spaight,<sup>2</sup> a grand nephew of Governor Arthur Dobbs, who accompanied that illustrious Irishman when he came to North Carolina in October, 1754,<sup>3</sup> to become Governor of the Royal Colony, while his mother was a Miss Elizabeth Wilson, then the widow Moore, of Craven County.<sup>4</sup> His father, Richard Spaight,<sup>5</sup> was successively acting clerk of the Upper House in December, 1754, in 1755 Pay Master to the North Carolina Regiment commanded by Col. James Innis,<sup>6</sup> which was a part of the ill-fated expedition against the French and Indians on the Monongahela and Ohio Rivers, which terminated so disastrously in the battle near the present site of Pittsburgh. That same year he was commissioned Secretary of the Colony,<sup>7</sup> which *ex officio* made him clerk to the Upper House,<sup>8</sup> and sometime during 1756 he was married, as we learn from the letter of Governor Robert Dinwiddie of Virginia,<sup>4</sup> written on November 10th of that year, congratulating Secretary Spaight upon his marriage. He resided "three miles from New Bern on the other side of the Trent River," and was a parishioner of the Rev. James Reid, a missionary sent out by the Society for the propagation for the Church of England.<sup>9</sup> In 1757 he had a dispute with Mr. Joseph Leach about the entry of a tract of land of Batchelor's Creek, which transaction was criticized

<sup>1</sup> Wheeler's Reminiscences, p. 5; 4 North Carolina Biographical Sketches 397. (Sketches of Richard Dobbs Spaight by Marshall DeLancey Haywood.)

<sup>2</sup> Ibid. Life of Gov. Wm. Tryon. (Haywood), 46, 47.

<sup>3</sup> N. C. Col. Rec. VI. 978, Life of Tryon, 10.

<sup>4</sup> N. C. Col. Rec. V, 646; VI, 276.

<sup>5</sup> N. C. Col. Rec. V, 213.

<sup>6</sup> N. C. Col. Rec. VI, 273.

<sup>7</sup> N. C. Col. Rec. V, 442.

<sup>8</sup> N. C. Col. Rec. V, 515.

<sup>9</sup> N. C. Col. Rec. VI, 273, 264.

in the Colonial Assembly.<sup>10</sup> On February 4, 1757, he was commissioned as a member of the Council of the Royal Governor and was inducted into office on November 18th at New Bern.<sup>11</sup> He also had the power of attorney from George Augustus Selwyn,<sup>12</sup> who owned a large tract of land in the vicinity of the present city of Charlotte, including the site of that city. In 1759 we find him still participating in the deliberations of the Council,<sup>13</sup> and also he was one of the committee of seven on the building of the Court House at New Bern;<sup>14</sup> also acting as Associate Judge of the Court.<sup>15</sup> In 1760 he whips Thomas Core for slandering his wife, for which he was brought before the Assembly and excused.<sup>15</sup> In 1761 he with Joseph Leech and John Fonville was commissioned to complete the Court House at New Bern,<sup>16</sup> originally authorized by Acts 1759, Ch. 12.<sup>17</sup> On April 26, 1762, he was allowed 60 pounds, the value of a slave Cato, who was outlawed and died of wounds inflicted in being apprehended.<sup>18</sup> On December 11th<sup>19</sup> we find his last appearance in Council, and from a later date, February 23, 1763,<sup>20</sup> we learn by Governor Arthur Dobbs that Richard Spaight died prior to that date. Of him Rev. Mr. McDowell, of the Church of England, Missionary at Brunswick, writes to the Secretary of the Society for the Propagation of the Gospel in London under date of March 26, 1763: "Mr. Spaight, one of the King's Council and your late secretary, is lately dead, he came over with his excellency and was a very sprightly gay young man."<sup>21</sup>

Richard Spaight must have left considerable property, for on April 25, 1764,<sup>22</sup> Governor Arthur Dobbs and Frederick Gregg (with Richard Lyon and John Davis, Jr. as sureties) qualified as guardian of Richard Dobbs Spaight, giving bond for the sum of 10,000 pounds sterling money on Great Britain.

Little is known of the life of Richard Dobbs Spaight for the next fifteen years, his biographical sketches<sup>23</sup> stating that he was sent

<sup>10</sup> N. C. Col. Rec. VI, 274.

<sup>11</sup> N. C. Col. Rec. V, 817; XI, 126-7; V, 989.

<sup>12</sup> N. C. Col. Rec. VI, 797; VII, 17; V, 773-4-5.

<sup>13</sup> N. C. Col. Rec. VI, 75, 84, 115.

<sup>14</sup> N. C. Col. Rec. XXV, 401, 462.

<sup>15</sup> N. C. Col. Rec. VI, 275.

<sup>16</sup> N. C. Col. Rec. XXV, 462.

<sup>17</sup> N. C. Col. Rec. XXV, 401.

<sup>18</sup> N. C. Col. Rec. XXII, 837.

<sup>19</sup> N. C. Col. Rec. VI, 758-762.

<sup>20</sup> N. C. Col. Rec. VI, 967.

<sup>21</sup> N. C. Col. Rec. VI, 978.

<sup>22</sup> N. C. Col. Rec. VI, 1042; XXIV, 848-849.

<sup>23</sup> See note above.

abroad to be educated and completed his education at the University of Glasgow,<sup>24</sup> the natural deduction being that he was in the care of his Dobbs relatives, his great great uncle and guardian having left two sons,<sup>25</sup> Mr. Conway Dobbs of Antrim, and Captain Edward Brice Dobbs of the English Army, the latter having served as a member of the Council in North Carolina.<sup>26</sup> About 1778 he returned to the Colony, and during the stirring times of 1778 and 1779 his personality must have impressed the people of his country, for on October 18, 1779,<sup>27</sup> he presented a certificate of election to the House of Commons from the town of New Bern in the place of Richard Cogdell who had been elected Treasurer of the District of New Bern. On October 19th, William Blount, afterwards, nine years later, his colleague in the Convention at Philadelphia and later United States Senator from Tennessee, filed a protest which the Committee on Elections on October 21st<sup>28</sup> sustained, the reasons given being as follows:

UNIVERSITY OF GLASGOW.  
21 November, 1912.

<sup>24</sup>MR. A. B. ANDREWS, ESQ., JR.  
Attorney and Counsellor At Law,  
230 Fayetteville St.  
Raleigh, N. C.

DEAR SIR: Your letter, addressed to the Principal, has been handed to me. The name of "Spaight" does not occur in our records at or near the period you mention. Our records, however, of those days are somewhat incomplete and not altogether satisfactory and Richard Dobbs Spaight may have been a student here although we have no record of him.

There is presently going through the press a book entitled "Matriculation Albums of the University of Glasgow, 1728-1858," annotated by W. Innes Addison (late Registrar) and from the proof sheets I cull the following regarding the Dobbs family, as it may be of interest to you:—

A. D. 1743.

"Nomina discipulorum in quacunque facultate qui prius in Academiæ album inscripti non fuerunt, quique nunc demum inscribuntur ut suffragium ferendi in Rectore Magnifico eligendo, juxta Academiæ Statuta, jure gaudeant."

(1038) "Conway Dobbs filius Arthuri Dobbs Armigeri in urbe Lisburne  
in Com: de Antrim."

"Otherwise Conway Richard Dobbs. Of Castle Dobbs. M. P. for Carrickfergus and High Sheriff of County Antrim, 1752. Died 11th April, 1811. Father of Richard Dobbs, matriculated in 1773—see No. 3023."

A. D. 1771.

"Nomina Discipulorum qui hoc Anno intrarunt sub Presidio  
D. Thomæ Reid Ethices Professoris."

(3028) "Richardus Dobbs Filius natu maximus Conway Richardi, Armigeri de Castle Dobbs in Comitatu de Antrim Hyberniciæ."

"Of Castle Dobbs. Died 24th January, 1840, aged 87. Son of Conway Dobbs, matriculated in 1742—See No. 1038.

Yours faithfully,

J. C. BALLANTYNE.

<sup>25</sup> 3 N. C. Biographical History (Sketch of Gov. Arthur Dobbs), 80-83.

<sup>26</sup> N. C. Col. Rec. VI, 75.

<sup>27</sup> N. C. Col. Rec. XIII, 914.

<sup>28</sup> Ibid. 928.

Mr. Haywood, from the Committee of Privileges and Elections, reported as follows:

Your Committee, to whom was referred the Petition of Mr. William Blount, beg leave to report: That upon examination of Depositions, produced by said Blount & Mr. Richard Spaight, they find that an election was held at New Bern on the 25th and 26th of June, last, for Electing a Member to represent the said Town of New Bern in General Assembly, that the Poll was opened about 10 o'clock in the forenoon, that the Tickets were received and put in a Tin Cannister without a Top, and that the said Cannister at neither of the adjournments was sealed. That a certain David Thompson, a Soldier in the State Regiment, and a certain Richard O'Dowdy, offered their Tickets, which were refused by the Sheriff; the Ticket of the former because he was a Soldier, and that of the latter, because he had removed from New Bern to avoid the smallpox.

Your Committee further beg leave to report that it appears, by the Confession of the said Blount & Spaight, that many persons voted who had no right to do so.

Upon the whole, your Committee are of the opinion that the Election was illegal and ought to be set aside.

All which is Humbly submitted.

W. HAYWOOD, *Chairman.*

The House taking the said Report into consideration, concurred therewith.

On July 31, 1780, when he was an aide upon the staff of Major General Richard Caswell, then in command of the North Carolina Militia in camp four miles above Cheraw, we find him writing to Governor Abner Nash, his townsman and neighbor,<sup>29</sup> giving information as to military affairs, and we note that he was present at the Battle of Camden Court House. In 1781 at the session of the Assembly held at Wake Court House, he was again present as a member from the town of New Bern,<sup>30</sup> and on behalf of the House was appointed a committee with Colonel Williams of the Senate to notify Governor Thomas Burke of his election.<sup>31</sup> He was also a member of the committee on the Governor's message delivered two weeks later on July 9th to that same Assembly,<sup>32</sup> and three days later was elected First Major of Militia.<sup>33</sup> On April 16, 1782, he again represented the town of New Bern in the House of Commons in the Assembly which met at Hillsboro,<sup>34</sup> and at which session he was placed in

<sup>29</sup> *Ibid.* XV, 9 and 10.

<sup>30</sup> N. C. Col. Rec. XVII, 878.

<sup>31</sup> N. C. Col. Rec. XVII, 811, 896.

<sup>32</sup> N. C. Col. Rec. XVII, 852.

<sup>33</sup> N. C. Col. Rec. XVII, 952, 954.

<sup>34</sup> N. C. Col. Rec. XVI, 2, 29; XIX, 18.

nomination as a delegate to Congress,<sup>35</sup> the successful candidates being Abner Nash, William Blount, Dr. Hugh Williamson and Benjamin Hawkins, while he, with Thomas Person, Joseph Jones, Archibald Macline and Adlai Osborn, were also voted for. Again on April 18, 1783, the Assembly meets at Hillsboro and we find him the representative of the town of New Bern,<sup>36</sup> during the session of which Assembly he was appointed by Governor Alexander Martin as a delegate to the Continental Congress to succeed Colonel William Blount, resigned, which appointment he accepted on May 9th. He was re-elected by the Assembly in 1783 and 1784, the Congress sitting at Philadelphia. In 1784 we find him selected as one of the trustees of the New Bern Academy.<sup>37</sup> On November 19, 1785, the Assembly met at New Bern, when he with Abner Neale represented Craven County,<sup>38</sup> at which session he was elected speaker of the House of Commons.<sup>39</sup> He was named as one of the original trustees of the Kinston Academy,<sup>40</sup> and that year resigned his seat in the Continental Congress.<sup>41</sup>

In 1786 he was a member of the House of Commons from Craven County in the assembly which met at Fayetteville on November 18th,<sup>42</sup> where his and his colleague's seat were contested by John Allen and Albert Nixon, which contest the committee dismissed, affirming Spaight's title to his seat.<sup>43</sup> In this as in other Assemblies, we find him serving on many committees considering governor's messages and other financial matters relating to the State.<sup>44</sup> He opposed the bill to charter the Dismal Swamp Company and urged its delay until the succeeding year;<sup>45</sup> by Chapter 35 of that year he and John Wright Stanly, John Hawkes, Spyers Singleton and Abner Neale were the managers of a lottery, the proceeds of which were to complete a Poor House in New Bern.<sup>46</sup>

At the session of the Assembly held at Fayetteville commencing November 18, 1786, there was a foreshadowing of the bitter debate which was to come two years later at Hillsboro when the Convention of 1788 met to consider the Constitution of the United States,

<sup>35</sup> N. C. Col. Rec. XVI, 90.

<sup>36</sup> N. C. Col. Rec. XIX, 234, 235.

<sup>37</sup> N. C. Col. Rec. XXIV, 607.

<sup>38</sup> N. C. Col. Rec. XVII, 264.

<sup>39</sup> N. C. Col. Rec. XVII, 166.

<sup>40</sup> N. C. Col. Rec. XXIV, 754, Acts. 1785, Ch. 32.

<sup>41</sup> N. C. Col. Rec. XVII, 338.

<sup>42</sup> N. C. Col. Rec. XVIII, 226.

<sup>43</sup> N. C. Col. Rec. XVIII, 247, 269.

<sup>44</sup> N. C. Col. Rec. XVIII, 127, 230, 250, 290, 309, 348.

<sup>45</sup> N. C. Col. Rec. XVIII, 350.

<sup>46</sup> N. C. Col. Rec. XXIV, 821; XVIII, 341.

which had been framed at Philadelphia in 1787, which was then rejected and afterwards adopted by a large vote by the Convention of 1789 at Fayetteville.

In the closing day of 1786 a resolution was offered to investigate the conduct of the judges.<sup>47</sup> On Monday, November 27, 1786, Governor Richard Caswell sent to the House of Commons the petitions of Donald Shaw and Alexander McIver asking the House to take such orders on them as they should think proper.<sup>48</sup> This was sent over to the Senate, and the Committee of which John Rutherford was Chairman reported as follows: "That the inquiry into the present state of the administration of justice in the Superior Court is absolutely necessary, and they beg leave to recommend that the speakers of both Houses be requested to notify the Honorable, the Judges of the Superior Court of Law and Equity, that this inquiry will take place, in order that they may give their attendance if they think proper. Your committee also recommend that the Superior Court of the Wilmington District be requested to attend this committee to give such information as may come to his knowledge respecting the special abuses said to have been committed by the Honorable, the Judges of the Superior Courts, in the case of fines and forfeitures, all of which is submitted." At the same time John Rutherford made a recommendation on the memorial of McIver recommending mercy towards McIver and also a refunding of the moneys alleged to have been erroneously collected by him. Under date of December 14th, at Wilmington, Judge Samuel Ashe addressed a letter to the Honorable, the Speaker of the General Assembly, defending the action of the judges, which was spread upon the minutes of the Senate of Saturday, December 23, 1786, defending the action of the judges, demanding a strict inquiry into the charges made. It is impracticable in an article like the present to review his letter, occupying as it does five and one-half pages in the *Colonia! Records*. However, the extract referring to the case of Bayard against Singleton, which had been argued at the May Term, 1786 in New Bern, is of interest, from which we quote:

As to the affair at New Bern (if it is in charge) the Houses may probably have a fuller information of it than I can give, but they will pardon and bear a short recital of it; as far as it respects myself it was thus: A suit in Ejectment had been commenced in the Superior Court at New Bern prior

<sup>47</sup> N. C. Col. Rec. XVIII, 479, 80.

<sup>48</sup> N. C. Col. Rec. XVIII, 255.

to the passing of the act entitled an act, &c., and at the Court in May term last the hasty defendant filed his affidavit (without producing his titles) setting forth that the property in dispute had been confiscated and sold by the Commissioner of the District, and prayed a dismissal of the suit, this brought on long arguments from the Council on each side on constitutional points; and then the pleadings were finished, the Court made a few observations on our Constitution and System of Government. I on my part (as far as I now recollect) observed that at the time of our separation from Great Britain we were thrown into a similar situation with a set of people ship-wrecked and cast on a maroon'd island, without laws, without magistrates, without Government or any legal authority. That being thus circumstanced, the People of this Country, with a general union of sentiment by their Delegates, met in Congress and formed that system or those fundamental principles comprised in the Constitution, dividing the powers of Government into separate and distinct branches, to wit: the Legislative, the Judicial and the Executive, and assigning to each several and distinct powers, and prescribing their several limits and boundaries. This I said without disclosing a single sentiment upon the cause, or the proceeding, or the law introduced in support of it. The other Judges proposed to take an advisari thereon, to which I readily agreed, as the printer had never furnished me with the law, and I had then only read it cursorily, and as I had reason to believe the next Assembly meant to revise the law, and in respect to them wished to decline an opinion, and lastly from a strange malady with which I was then attacked, having not slept three hours in as many days and nights next preceding the trial, though I had taken repeated doses of laudanum, I was afraid to give my opinion in that situation in any matter, especially in one of importance. I therefore immediately after the rising of the Court, fearing my malady would increase, left New Bern; the matter (I have told) was stirred again, but the result I know only from report. If my opinion of our Constitution is an error, I fear it is an incurable one, for I had the honor to assist in the forming it and confess I so designed it, and I believe every other gentleman concerned did also.<sup>49</sup>

From Judge Ashe's letter it would seem that the courts of that day were then accused of delay in business, which he mentions as follows:

As to the charge of delay of business whispered against the Judges, I candidly admit to be in part true; for tho' the delay has arisen from the Bar, the Bench are blamable; they have been to blame in not constraining the bar to a more punctual and close attention to the business of the Court; for often while the Court have been waiting they have been scouring and hunting after fees; the Bench have been to blame also for indulging the Bar in unnecessary long and rambling harangues, calculated only to amuse the client and pay him in empty words for the extravagance of the fee. But Sirs, for these blamable indulgences at the first, I had (and I believe my brothers in office also) laudable motives. I wished to convince the people at large (for the minds of many, though they acquiesced under, were not

<sup>49</sup> N. C. Col. Rec. XVIII, 137.

reconciled to, our Government) that the suitors would receive as much justice from the Courts of the present Government as from those in the former—that the present Judges were as easy of access, as patient in hearing and as desirous of redressing wrongs and doing equal justice as those under the Crown. These motives (with me) first gave rise to those indulgences which the lawyers (an encroaching tribe) have carried into a mischief.<sup>50</sup>

This letter was sent to a committee composed of MacLaine, William R. Davie, William Hooper, Richard Dobbs Spaight, J. G. Blount, John Stokes and John Sitgraves, who investigated the matter<sup>51</sup> on Monday, January 1, 1787.<sup>52</sup> The committee presented their report to the two Houses sitting as a Committee of the whole, Richard Dobbs Spaight being chosen as Chairman<sup>53</sup> and the Committee's report being of some four pages and calling by name Judges Spencer, Williams and Ashe, stating among other things:

That the delay of the judges was greatly increased by tedious disputes between Judge Spencer and Judge Williams, and all of the Judges, as it combined to waste their time and delay the business by long and frequent unnecessary charges to the jury, even in cases where they have been all agreed, seldom trying more than six or eight cases during the term.<sup>52</sup>

Also they referred to the decided case of Bayard against Singleton (1 N. C., 42, May term, 1787):

That at New Bern Court in May Term, 1786, in several Suits brought against Mr. Singleton and others, the Defendants under the Act for quieting in their possessions the purchasers of confiscated property, produced such Affidavits as the Act appears to require, and prayed that their suits might be dismissed, but the Judges declined to decide either for or against the Defendants, though another Term has elapsed since the Arguments were heard, whereas if any insuperable Doubts arose on that Subject your Committee submit whether they should not have stated them to the General Assembly, that the Act in question might have undergone a Revisal. See the New Bern Petition marked No. 12.<sup>52</sup>

The House sitting as a committee of the whole took the matter under consideration and brought in a report adjudging in (1) that the suspension of Peter Mallett did not amount to a misdemeanor in office, (2) that the judges were not guilty of any malpractice in the banishment of Francis Brice and Daniel McNeale, and (3) that the judges have not been guilty of any malpractice in office.<sup>54</sup>

<sup>50</sup> N. C. Col. Rec. XVIII, 137.

<sup>51</sup> N. C. Col. Rec. XVIII, 194, 348, 400.

<sup>52</sup> N. C. Col. Rec. XVIII, 213, 428.

<sup>53</sup> N. C. Col. Rec. XVIII, 194, 425.

<sup>54</sup> N. C. Col. Rec. XVIII, 428.

Upon the roll call this report was rejected by a vote of forty-nine to twenty-two, every one of the seven members of the committee voting No excepting Stokes whose name was not recorded.

In view of the interest evoked by the late decision of Bayard against Singleton the criticising of the court for delay is of interest.

On the concluding day of the session there was entered the protest of William Hooper, William Pool, Richard Dobbs Spaight, John Sitgraves and John Hay against the action of the House in excusing the judges.

*Constitutional Convention of 1787*

On January 4, 1787, the General Assembly on joint ballot elected as delegates to the Convention to form a Constitution, to be held at Philadelphia on the second Monday in May, Governor Richard Caswell, General Alexander Martin, General William R. Davie, Colonel Richard Dobbs Spaight, and General Willie Jones.\* Governor Caswell declined the position, and William Blount, afterwards United States Senator from Tennessee was appointed April 23d.<sup>55</sup> Also on April 3d Dr. Hugh Williamson was appointed in place of General Willie Jones.<sup>56</sup> The session of Congress met on Monday, May 14th, but not until Friday, May 25th, when the majority of the New Jersey delegates appeared, making the number of States then represented seven, did the Convention open for busi-

\*N. C. Col. Rec. XVIII, 462. Samuel Johnston and Dr. Hugh Williamson were also placed in nomination. 1 Elliott's Debates (2d Edition, 1836) 169-170-176.

THE STATE OF NORTH CAROLINA.

TO THE HONORABLE RICHARD DOBBS SPAIGHT, ESQ.

*Greeting.*

Whereas, our general assembly at their late session, holden at Fayetteville, by adjournment, in the month of January last, did by joint ballot of the senate and house of commons, elect Richard Caswell, Alexander Martin, William Richardson Davie, Richard Dobbs Spaight and Willie Jones, Esqurs. deputies to attend a convention of delegates from several United States of America, proposed to be held in the city of Philadelphia, in May next, for the purpose of revising the federal Constitution.

We do therefore by these presents, nominate, commissionate and appoint you the said Richard Dobbs Spaight, one of the deputies for an in behalf of us, to meet with our other deputies at Philadelphia, on the first day of May next, and with them, or any two of them, to confer with such deputies as may have been, or shall be appointed by other states, for the purpose aforesaid; To hold, exercise and enjoy the said appointment, with all powers, authorities and emoluments, to the same weident and belonging, or in any wise appertaining, you conforming, in every instance, to the act of our said assembly under which you are appointed.

Witness, Richard Caswell, Esq. our Governor, Captain General and Commander in Chief, under his hand and our great seal, at Kinston, the 14th day of April, in the eleventh year of our independence, Anno Dom. 1787.

RICHARD CASWELL.

By His Excellency's command:  
WINSTON CASWELL,  
P. Sect'ry. (L. S.)

<sup>55</sup> 1 Elliotts Debates, 171.

<sup>56</sup> 1 Elliotts Debates, 171.

ness.<sup>57</sup> The States represented at that time were New York, Pennsylvania, Delaware, Virginia, North Carolina and South Carolina,<sup>58</sup> with New Jersey made seven. Three days later Massachusetts and Maryland appeared, and on the 30th Connecticut and Georgia were represented, and not until July 23d was the State of New Hampshire represented, this being after the majority of the New York delegates had withdrawn. The State of Rhode Island was not represented.<sup>59</sup>

We presume Colonel Spaight arrived in Philadelphia on May 20th and we find a letter from Governor Caswell to John Gray Blount, Esq., dated April 24th, 1787,<sup>61</sup> enclosing the commission of William Blount as Deputy to the Convention, and a warrant in favor of Mr. Spaight which he suggests may be forwarded to Mr. William Blount from Washington by such conveyance as he may think proper or else that Mr. Winston Caswell may take it to Spaight at New Bern. Under date of May 28th, 1787,<sup>62</sup> from New York Hon. William Blount writes to Governor Caswell acknowledging that he had been advised by Mr. Spaight soon after his arrival in Philadelphia of the commission for him (Colonel Blount) as a delegate to attend the Convention, and advises Governor Caswell that he had been sick and at that time was too indisposed to take a journey as far as Philadelphia, but as soon as recovered he would leave in a few days to attend the appointment. He further advises that on the 24th inst. only six States had appeared, among them North Carolina, which had four members, and that on the 25th there are seven, and at that period the delegates from Massachusetts had passed through the city.<sup>62</sup>

An interesting side light on the Convention is shown by several letters published in Volume 20 of the Colonial Records. Under date of June 12, 1787, Governor Spaight writes to Governor Caswell:

I should have done myself the pleasure of writing to your Excellency oftener than I have done, but not being at liberty to communicate anything

<sup>57</sup> 1 Elliotts Debates.

<sup>58</sup> 1 Elliotts Debates, 176-177-178.

Mon. May 28. "Also a motion was made by Mr. Spaight, one of the deputies of North Carolina, to provide that, on the one hand, the house may not be precluded, by a vote upon any question, from revising the subject matter of it, when they see cause: Nor, on the other hand, be led too hastily to rescind a decision, which was the result of mature deliberation."

<sup>59</sup> One Hundredth Anniversary of the Constitution of the United States by Hampton L. Carson. Volume 1, 33.

<sup>60</sup> Was present Friday, May 25, as were Gen. Alexander Martin, Gen. Wm. R. Davie and Dr. Hugh Williamson.

<sup>61</sup> N. C. Col. Rec. XX, 682, 706.

<sup>62</sup> N. C. Col. Rec. XX, 707.

that passed the Convention I have nothing to write about.<sup>63</sup> He then advises that it will probably take at least two months before the Convention will finish their work. Two days later General Martin, Colonel Spaight, General Davie, and Dr. Williamson join in a letter to Governor Caswell as follows:

By the date of this you will observe that we are near the middle of June and though we sit from day to day, Saturdays included, it is not possible for us to determine when the business before us can be finished, a very large field presents to our view without a single straight or eligible road that has been trodden by the feet of nations. An union of sovereign states preserving their civil liberties and connected together by such ties as to preserve permanent and effective government is a system not described, it is a circumstance that has not occurred in the history of man; if we shall be so fortunate as to find this in descript our time will have been well spent.<sup>64</sup>

Under date of July 7th these four Deputies again write Governor Caswell:

The Convention having on the 26th of last month finished the outline of the amendments proposed to the Federal system, the business was of course committed for detail and we have the pleasure to inform your Excellency that the report was received on yesterday. From the progress, which has already taken up near three months, we are induced to believe the result of our deliberation will shortly be presented to the United States in Congress, and as they are only to consider whether the system shall or shall not be recommended to the States, the business cannot remain long before them.<sup>65</sup>

Under date of July 26th we find Governor Caswell at Kinston writing Colonel Spaight at Philadelphia a letter from which we quote:

I have been very much indisposed a great part of the time since you left the State is the reason I have not before this done myself the honor of acknowledging your receipt of the 20th of May and 12th of June, which came to hand some weeks past. However, I am now able to be about and hope to get restored to health.

The Convention in my judgment have done wisely in enjoining secrecy in their members; was the case otherwise it would give more room to Babblers and Scribblers to exercise their powers than they can be at liberty to take in their present case.

From the hint you throw out in your first letter I am induced to think that the plan of a National Parliament and Supreme Executive with adequate powers to the government of the Union will be more suitable to our situation and circumstances than any other, but I should wish also an independent Judicial Department to decide any contest that may happen be-

<sup>63</sup> N. C. Col. Rec. XX, 723.

<sup>64</sup> N. C. Col. Rec. XX, 723, 724.

<sup>65</sup> N. C. Col. Rec. XX, 733.

tween the United States and individual States, and between one State and another; this however is only a hint, you may not see the necessity of it as forcibly as I do and I presume now it is too late to offer any reasons for the establishment, as that matter I flatter myself is before this got over; all I can say respecting the Convention is to recommend a perseverance to the end, to the Deputies from this State.<sup>66</sup>

It is to be regretted that the debates of the Convention of 1787 have not been preserved. An examination of the minutes of that body, as well as Yates' Minutes of the Secret Sessions, show only the proceedings. As it was a representation of States the votes were taken entirely by States and never by individuals. It is interesting to note that while Colonel William Blount, the fifth member, did not appear until June 20th,<sup>67</sup> yet the entire time from May 25th to June 20th the North Carolina delegation never divided evenly, but always the delegation appeared unanimous, certainly it acted as the majority did. Towards the end of the proceedings the Convention seemed to refer everything to a Committee of States, selected by ballot, and North Carolina seems generally to have been represented by Dr. Hugh Williamson. Dr. Williamson was then a man of sixty years of age, considerably the senior of the other delegates, a Professor in the University of Pennsylvania, and probably his varied experience as a physician, a merchant, college professor, and a public official<sup>68</sup> doubtless gave him the tact to deal with the men he met in the diplomatic way that is so productive of achievement in legislative work.

Of the North Carolina delegation Mr. Hampton L. Carson in his One Hundredth Anniversary of the Constitution of the United States thus describes the several delegates:

RICHARD DOBBS SPAIGHT<sup>69</sup>

He proposed the election of United States Senators by the Legislatures of the States, and suggested seven years as the Presidential term of office. He was in favor of reconsidering the decision once arrived at, to choose the President by electors appointed by the State Legislatures, and objected to requiring more than a majority to pass a navigation act.

HUGH WILLIAMSON

In the Convention he was the most active member from his State. He proposed impeachment of the President for malpractice or neglect; preferred

<sup>66</sup> N. C. Col. Rec. XX, 752.

<sup>67</sup> 1 Elliott's Debates, 216.

<sup>68</sup> Wheeler's History of North Carolina pp. 91-93. 5 North Carolina Biographical History, (Sketch of Hugh Williamson, by Stephen B. Weeks).

<sup>69</sup> One Hundredth Anniversary of the Constitution of the U. S. by Hampton L. Carson, Vol. 1, page 194.

the consent of an executive council to appointments instead of either branch of the legislature; suggested the appointment by Congress of a provisional successor of the President; thought that the Presidential term should be six years. On the whole, he preferred an executive of three persons to a single one, and strongly disapproved of the seat of government being at a State Capital. He wished the Senate to be a small select body, with its members chosen for a term of six years, and thought that representatives should be paid by the State legislatures. He urged a compromise between the large and small States as to representation, and the protection of Southern interests in apportioning representation. He approved of the exclusive right of representatives to originate money bills, the prohibition of a tax on exports, and contended for a provision for trial by jury. He doubted whether controversies between the States should in all cases be decided by the judiciary.

## ALEXANDER MARTIN

In the Convention he desired that the ineligibility of representatives should be limited to offices created or augmented during their term. In this he warmly supported Mr. Madison. When it was moved by Mr. King "that the States at the first meeting of the general legislature should be represented by sixty-five members," in which five representatives were allotted to North Carolina, Mr. Martin contended that his State was entitled to six members, but his views did not prevail. He supported Mason of Virginia in his views that it was highly improper that the seat of the general government should be at any State capital, first because it tended to produce disputes concerning jurisdiction, and next because of the intermixture of the legislatures tended to give a provincial tincture to the national deliberations.

## WILLIAM E. DAVIE

He proposed an impeachment of the President for malpractice or neglect, a matter which he deemed of vital importance to secure the good behavior of the executive, "for," said he, "if he be not impeached whilst in office, he will spare no effort or means whatever to get himself re-elected." He proposed eight years as the executive term, but subsequently supported Mason in his motion "that the executive be appointed for seven years, and be ineligible for a second time." He insisted that slaves be included in the ratio of representation.

## WILLIAM BLOUNT

So far as the records show, he took no active part in the debates.

The Assembly which met at Tarboro on November 19, 1787, found Richard Dobbs Spaight as a member of the House of Commons from Craven County.<sup>70</sup> He appeared on November 19th,<sup>71</sup> and upon his qualification was immediately added to the Committees on Finance and directed to prepare bills of a public nature.<sup>72</sup> Later in December he was made a member of the Committee to prepare a bill of

<sup>70</sup> N. C. Col. Rec. XX, 119.

<sup>71</sup> N. C. Col. Rec. XX, 151.

<sup>72</sup> N. C. Col. Rec. XX, 152, 339, 157.

Impeachments, which was introduced,<sup>73</sup> and also introduced a bill to change the time of the meeting of the General Assembly.<sup>74</sup> On December 15, 1787,<sup>75</sup> names were placed in nomination for a delegate to Congress, Spaight's name not being among them.

As Chairman of the Committee he introduced the bill to define treason by reason of the action of the people of the western country.<sup>76</sup>

At this same session (1787) he is named upon a Committee on the resolution about the navigation of the Mississippi River,<sup>77</sup> and his acquaintance with matters of taxation and the attempted equal distribution of those burdens is shown by his voting No on taxing the lands west of the Cumberland Mountains one shilling for each 100 acres, and voting Aye for taxing the lands east of the Cumberland Mountains two shillings for each 100 acres.<sup>78</sup> At the same session by Acts, Chapter 35, he frees a mulatto slave by the name of Mary Long.<sup>79</sup>

#### *Convention of 1788*

On July 25, 1788, the Convention called by the General Assembly to consider the ratification of the Constitution of the United States met at Hillsboro in the Presbyterian Church. It was composed of 284 delegates, each county being represented in proportion to the number of senators and representatives of that county and the borough towns within its boundaries, and those present representing Craven County were Richard Dobbs Spaight, Joseph Leech, Abner Neale, Benjamin Williams, and Richard Nixon.<sup>80</sup> For able men no other body ever assembled in North Carolina has equaled the personnel of the Hillsboro Convention, including as it did Governor Samuel Johnston, Ex-Governors, Judges, Legislators, soldiers, and men of property and prominence. Present in the Convention were William R. Davie and Richard Dobbs Spaight, who had sat in the Convention that formed the Constitution of the United States. Also Richard Caswell and Willie Jones, who had been elected to that body and declined. Upon its assembling they unanimously elected Governor Samuel Johnston as President of the Convention, his well known fairness being apparent to every one. Leading the fight for

<sup>73</sup> N. C. Col. Rec. XX, 205, 387.

<sup>74</sup> N. C. Col. Rec. XX, 211.

<sup>75</sup> N. C. Col. Rec. XX, 244.

<sup>76</sup> N. C. Col. Rec. XV, 248 433.

<sup>77</sup> N. C. Col. Rec. XX, 274.

<sup>78</sup> N. C. Col. Rec. XX, 287.

<sup>79</sup> N. C. Col. Rec. XXIV, 930.

<sup>80</sup> N. C. Col. Rec. XXII, 1.

4 Elliotts Debates, 33.

the adoption of the Constitution was James Iredell, a clear-headed lawyer of Edenton, known by reputation to all the members of that Convention by his work as Attorney-General for four years and following that service Judge of the Superior Court for that same length of time he then being thirty-seven years of age and in the practice of law. At that time the Superior Court sat only at eight places in the State, namely Edenton, Halifax, New Bern, Wilmington, Fayetteville, Hillsboro, Salisbury and Morganton,<sup>81</sup> and it was the custom of the lawyers to ride the circuit of courts with the judges.

One is now led to ask why it was that General Davie or Colonel Spaight, each of whom had sat in the Constitutional Convention of 1787, were not selected to lead the fight for the adoption of the Federal Constitution. Of their eminent abilities as leaders there can be no doubt, as future events and the honors upon each of them show. The reason for the choice of Judge Iredell must have been because of his preëminent ability and qualifications and not by any discredit to the others. Colonel Spaight was not a lawyer and was seven years younger than Judge Iredell. General Davie was a lawyer, and like every lawyer testified to Judge Iredell's able scholarship, distinguished learning, and clear-headed legal ability, and besides Judge Iredell was probably the only man among those advocating the adoption of the Constitution who was known to the larger number of people. It is true they knew Governor Samuel Johnston, but his position as chief executive for the entire State precluded selecting him, and likewise Ex-Governor Richard Caswell, while known to many, would probably not be in touch with the younger element of the Convention as would a young man leading such a fight.

Fortunately for the country the debates in this Convention which sat from July 21st to August 2d, 1788, inclusive, were taken and preserved and ordered printed for distribution among the people as information.<sup>82</sup> There is a world of information and learning in the 200 pages of Elliott's Debates comprising the proceedings of this Convention. Judge James Iredell, as before stated, led the fight, being most ably seconded by General William R. Davie, afterwards Governor of North Carolina, and General Richard Dobbs Spaight, each of whom had sat in the Convention, also Governor

<sup>81</sup> Wheelers History of N. C. 100, 104.

Iredell was Justice of U. S. Supreme Court, 1790-1799.

<sup>82</sup> 2 McRee's Life of Iredell, 231.

Samuel Johnston and Mr. Archibald Maclaine, a lawyer of Wilmington.<sup>83</sup> The result of their efforts was that the opposition, headed by General Willie Jones of Halifax though he did not take the lead in the debate, defeated the advocates of the Constitution by an overwhelming vote of 184 to 84 votes,<sup>84</sup> and delayed its adoption until next year when this overwhelming vote was reversed when the Convention met at Fayetteville on November 16, 1789, and on November 21, 1789, adopted the Constitution by a vote of 195 to 77, adjourning on the 22d day of November.<sup>85</sup> Why was this seeming revolutionary change in sentiment of the people of North Carolina in the space of fifteen months? The one answer is that the thinking people read the debates of the Convention and to them the speeches of Iredell, Spaight, Davie, Johnston, and McAlaine read like essays upon political government, and they fully answered every argument raised against the adoption of the Constitution, and to the larger number of the open-minded people they carried conviction and decision of the justness and timeliness of the Constitution of 1787.

In the proceedings eleven times does Mr. Spaight address the Convention,<sup>86</sup> sometimes almost as though answering an inquiry, at other times making an extended speech, always clear and trying to remove any doubts as to the advantages of the Constitution, never beclouding its meaning. Through his address can be traced his ideas of government, such as the fact that the Constitution was intended for the building of the nation, and that it was not to destroy individual States. The central government was to be one in fact and not in name, yet that central government should not interfere with the affairs of the individual States. The most interesting speech that he made in this Convention was on Wednesday, July 30, 1788, when in defending the Constitution he said:<sup>87</sup>

"Mr. Chairman, I am one of those who formed this Constitution. The gentleman says we exceeded our powers. I deny the charge. We were sent with full power to amend the existing system. This involved every power to make every alteration necessary to ameliorate and render it perfect. It cannot be said that we arrogated powers altogether inconsistent with the objections of our delegation. There is a clause which expressly provides for future amendments, and it

<sup>83</sup> 2 McRee's Life of Iredell, 231.

<sup>84</sup> N. C. Col. Rec. XXII, 28.

<sup>85</sup> N. C. Col. Rec.

<sup>86</sup> 4 Elliotts Debates, 39, 43, 73, 82, 100, 101, 108, 109, 127, 181 and 209.

<sup>87</sup> 4 Elliotts Debates, 207-210.

is still in your power. What the Convention has done is a mere proposal. It was found impossible to improve the old system, without changing its very form. For by that the system of three great branches of government are blended together. All will agree that the concession of powers to a government so constructed is dangerous. The proposing of a new system to be established by the assent and ratification of nine States arose from the necessity of the case. It was thought extremely hard that one State, or even three or four States, should be able to prevent necessary alterations. . . . . It was therefore thought by the Convention that if so great a majority as nine States should adopt it, it would be right to establish it. It was recommended by Congress to the State Legislatures to refer it to people of different States. Our Assembly has confirmed what they have done by proposing it to the consideration of the people. It was there not here that the objections should have been made. This Convention is, therefore, to consider the Constitution, and whether it is proper for the government of the people of America, and had it been proposed by any one individual, under these circumstances it would be right to consider whether it be good or bad. The gentleman has insinuated that this Constitution, instead of securing our liberties, is a scheme to enslave us. He has produced no proof, but rests on his bare assertion—an assertion which I am astonished to hear, after the ability with which every objection has been fully and clearly refuted in the course of our debates. I am, for my part, conscious of having had nothing in view but the liberty and happiness of my country, and I believe every member of that Convention was actuated by motives equally sincere and patriotic.” (Pages 207, 208.)

His reply to Judge Spencer attacking that section of the Constitution providing for the Federal Judiciary<sup>88</sup> reads so much like a

<sup>88</sup> 4 Elliotts Debates, 150.

Mr. Spaight—Mr. Chairman, the gentleman (Judge Spencer) insinuates that differences existed in the federal convention, respecting the clauses which he objects to. Whoever told him so was wrong, for I declare that, in that convention, the unanimous desire of all was to keep separate and distinct the objects of the jurisdiction of the federal from that of the state judiciary. They wished to separate them as judiciously as possible, and to consult the ease and convenience of the people. The gentleman objects to the cognizance of all cases in law and equity arising under the laws of the United States. This objection is very astonishing. When any government is established, it ought to have power to enforce its laws or else it might as well have no power. What but that is the use of a judiciary? The gentleman from his profession; must know that no government can exist without a judiciary to enforce its laws, by distinguishing the disobedient from the rest of the people, and imposing sanctions for securing the execution of the laws. As to the inconvenience of distant attendance, congress has the power of establishing inferior tribunals in each state, so as to accommodate every citizen. As congress have it in their power will they not do it? Are we to elect men who will wantonly and unnecessarily betray us?

lawyer that one hearing Colonel Spaight was not a lawyer would at once realize the study he had given to this question, when on July 28th he spoke as follows:

The gentleman insinuates that differences existed in the Federal Convention respecting the clauses which he objects to. Whoever told him so was wrong, for I declare that in that Convention the unanimous desire of all was to keep separate and distinct the objects of the jurisdiction of the Federal from that of the State judiciary. They wished to separate them as judiciously as possible, and to consult the ease and convenience of the people. The gentleman objects to the cognizance of all cases in law and equity arising under the Constitution and the Laws of the United States. This objection is very astonishing. When any government is established it ought to have power to enforce its laws, or else it might as well have no power. But what is the use of the Judiciary? The gentleman from his profession, must know that no government can exist without a judiciary to enforce its laws. By distinguishing the disobedient from the rest of the people and imposing sanctions for securing the execution of the laws. As to the inconvenience of distant attendance, Congress has power of establishing inferior tribunals in each State so as to accommodate every citizen.

This defense of the Federal Judiciary by Colonel Spaight is all the more remarkable as an evidence of his strength of mind in being able to have a fixed opinion, and then have that opinion entirely reversed and declare for a contrary state of affairs when the error of his former position is shown. As stated above, in this address Colonel Spaight had originally held very strong grounds against the Judiciary, and especially against the Judiciary nullifying an act of the Legislature.

The North Carolina Historical Commission has found the following notice of the marriage of Governor Spaight in the *Columbian Magazine* for October, 1788:

NORTH CAROLINA.—At New Bern, The Hon. Richard Dobbs Spaight, Esq. late member of the Federal Convention, to Miss Mary Leech, daughter of Col. Joseph Leech, of that town; a young lady whose amiable character and beautiful person, added to an extensive fortune, promise much felicity to this worthy pair.—Page 614.

The magazine being printed in October in Philadelphia, it is impracticable to state whether his marriage occurred prior to the Hillsboro Convention or subsequent thereto. Also it is impossible to state whether Colonel Joseph Leech was the identical Leech who with Governor Spaight and three others was the representative of Craven County in that Convention, but as propinquity is a valuable adjunct to matrimony, that conclusion can be drawn. Similarly it

is impossible to state whether this is the same Colonel Joseph Leech who in 1757 had a dispute with Richard Spaight, the father of the subject of this sketch, about the entry of the tract of land on Batchelor's Creek, yet it is a reasonable conclusion to believe that he was the same person. Here we have one generation engaged in contentions and strife about business matters, and the next generation uniting their lives. Truly "Man proposes but God disposes."

Of this union there were born several children, three of whom survived him,<sup>89</sup> namely (1) Richard Dobbs Spaight, Jr., born 1796, and in 1834 elected Governor of the State, this being the one instance in the history of North Carolina where father and son had each held the gubernatorial chair, (2) Charles B. Spaight, born in 1800, and (3) Miss Margaret Spaight, who married Hon. John R. Donnell, afterwards a Judge of the Superior Court. Neither of Governor Spaight's sons were ever married, so the only descendants of his now living are those of his daughter, Mrs. Donnell, several of whom live in New Bern.

Richard Dobbs Spaight was graduated in 1815 from the University of North Carolina, and like his illustrious father early entered public life, serving continuously in the State Senate from Craven County from 1820 to 1834, when he was elected Governor, with the exception of 1823 and 1824, when he was a member of the United States Congress. In 1831 he was elected Grand Master of the Grand Lodge of Masons and served two terms. Charles B. Spaight was a member of the House of Commons from the borough of New Bern in 1829 and 1830.

In 1789 the Assembly met at Fayetteville at which time we find Chapter 22 chartering the University of North Carolina names Colonel Spaight as one of its Board of Trustees,<sup>90</sup> likewise by Chapter 32 he and eight others are named as Wardens for the Episcopal Church at New Bern to hold property for that body.<sup>91</sup> On November 24th Colonel Spaight was one of the eleven placed in nomination to be named for United States Senator, the others being the two successful candidates, Governor Samuel Johnston and Colonel Benjamin Hawkins, the other eight being Colonel Joseph McDowell, Hon. Timothy Bloodworth, Thomas Person, William Blount, John

<sup>89</sup> Richard Dobbs Spaight, by John H. Wheeler (1880), page 21 and 22.

<sup>90</sup> N. C. Col. Rec. XXV, 22.

<sup>91</sup> N. C. Col. Rec. XXV, 35.

Williams, William Lenoir, William Pope, and James White.<sup>92</sup> Later the names of Colonel Spaight and James White were withdrawn.<sup>92</sup> In February of that same year he resigned as Colonel of Artillery.<sup>93</sup> It is stated that at this time he was enfeebled from disease and hence his enforced inactivity for the years 1789, 1790, and 1791.<sup>94</sup>

In 1792 he again entered the General Assembly, being returned as the member of the House of Commons for the town of New Bern, which Assembly met in that city on November 15th.<sup>95</sup> On November 20th we find placed in nomination for Governor, William Lenoir, General Williams, Richard Dobbs Spaight, Judge Samuel Spencer, and John Macon,<sup>96</sup> while later the names of Judge Samuel Ashe and General Benjamin Smith were added. (Before the balloting Judge Spencer's, Judge Ashe's, and General Smith's names were withdrawn.) The Assembly balloted for four days without an election, and on Wednesday, December the 12th, General Spaight was elected,<sup>98</sup> and accepted the following day, and on Friday, December 14th, he was inaugurated Governor.<sup>99</sup> His first message was delivered December 5, 1793, when the Assembly met at Fayetteville,<sup>100</sup> and contains little of interest to the present time. He refers to the violation of the neutral dry law by a sloop at Wilmington which had seized a Spanish brig. Also the correspondence with Governor Moultrie of South Carolina on the subject of the dividing line between the two States. Mentions the pestilential fever existing in Philadelphia, and recommends the proper person vested by law to take proper steps to prevent the introduction into this State. The special message on December 9th deals with the troubles had with the Indians in the western part of the State. On December 14, 1793, he was re-elected Governor<sup>101</sup> and inaugurated on December 26, 1793.<sup>102</sup>

On Tuesday, December 30, 1794, the Assembly met for the first time in the city of Raleigh.<sup>103</sup> On the following day Governor

<sup>92</sup> N. C. Col. Rec. XXI, 253.

<sup>93</sup> N. C. Col. Rec. XXI, 529.

<sup>94</sup> Funeral sermon of Rev. Thos. P. Irvine. 4 N. C. Biographical History (Richard Dobbs Spaight, by Haywood), 401.

<sup>95</sup> House Journal, 1792.

<sup>96</sup> House Journal, 1792.

<sup>97</sup> House Journal, 1792.

<sup>98</sup> House Journal, 1792.

<sup>99</sup> House Journal, 1792.

<sup>100</sup> Senate Journal, 1793.

<sup>101</sup> Senate Journal, 1793.

<sup>102</sup> Senate Journal, 1793.

<sup>103</sup> Senate Journal, 1794.

Spaight was placed in nomination for re-election as Governor, the other names mentioned being General William Lenoir and Judge Samuel Ashe, both of which names were withdrawn, and he was elected January, 1795, for this third term.<sup>104</sup> His second message on January 6th deals largely with local matters, the principal one being the withdrawal of the patrol in the Indian country as the Indians were friendly. On January 27th he sends a special message about the Great Seal of the State, which had been ordered in the fall of 1793, but the sickness prevailing in Philadelphia had prevented the order being executed until the summer of 1794, and that the seal when completed and sent to New Bern lacked a screw and hence was useless.<sup>105</sup>

In November 1795, the Assembly again met in Raleigh,<sup>106</sup> and in the Governor's Message that year<sup>107</sup> he refers to the navigation proposition to deepen the Catawba River and for the construction of the Club Foot and Harlow Canal; also refers to the late storms and freshets destroying the crops of Indian corn and suggests an embargo on the shipping of corn out of the State. On November 15th Judge Samuel Ashe, General Allen Jones and General Leigh were placed in nomination for Governor, and Judge Ashe was elected and inaugurated on November 19, 1795,<sup>108</sup> Governor Spaight giving up the office after three years of service satisfactory to the people.

In 1796 he was chosen one of the electors to cast the vote of the State for President and Vice-President, as he had been in 1793 when a member of the General Assembly.

Of interest in connection with General Spaight's holding the high office of Governor and at the same time being one of the electors to cast the vote for President, it is of interest that he was the first native-born North Carolinian to be chosen Governor, as all of his predecessors who so honored that office had been born abroad, or in a few instances in other colonies, and had moved to North Carolina to make their life work.

The years 1796 and 1797 he seems to have spent quietly at New Bern. These seem to have been the only years that he was not active

<sup>104</sup> Senate Journal, 1794.

<sup>105</sup> Senate Journal, 1794.

<sup>106</sup> House Journal, 1795, p. 1.

<sup>107</sup> House Journal, 1795, p. 16.

<sup>108</sup> House Journal, 1795, p. 22.

Resolved unanimously, that the thanks of this Gen. Assembly are due to Richard Dobbs Spaight for his able, faithful and disinterested services as Chief Magistrate of the state; and that a joint committee of both houses be appointed to communicate when this expression of the confidence and gratitude of his country.

in a representative capacity in public work, excepting the years 1789, 1790, and 1791, and the Spring of 1792, when he was a young man then only thirty-one years of age, his health broke down from the arduous duties of public life. This enforced idleness must have chafed on a man of activity. It is remarkable when we consider the honors held by him, namely a member of the House of Commons at twenty-one, an Aide to Governor Tryon at twenty-two, a member of the Federal Congress at twenty-five, a member of the Convention to frame the Constitution of the United States at twenty-nine, a delegate to the North Carolina Constitutional Convention at thirty, and its Governor at the age of thirty-four, and dying at the early age of forty-four. In this time, when honors come to men only in middle age, it is all the more surprising when we realize how early honors came to Governor Spaight.

On Monday, June 4, 1798, William Bryan, the member of Congress from his district, died, and General Spaight was selected to succeed him, taking his seat on December 10th,<sup>109</sup> Congress then sitting at Philadelphia. At that Congress came up the question of the impeachment of Hon. William Blount, United States Senator from Tennessee, who had served with Governor Spaight in the Constitutional Convention of 1787. The managers at a previous session offered a report that they be instructed to compel the personal appearance of Senator Blount. This report was rejected by the House of Representatives by the decisive vote of 69 to 11, Governor Spaight voting against compelling the appearance.<sup>110</sup> In passing it may be stated that the offense for which Senator Blount was charged was that of inciting the Indians to make war against the French and English, which would result to the advantage of the American States in their colonizing. Today such a man would be hailed as a benefactor to his country, but at that time it was thought otherwise, and while the Senate expelled Senator Blount, the people of Tennessee rallied to his support, chose him Speaker of their Senate, and would have elected him Governor of the State except for his death.<sup>111</sup>

<sup>109</sup> Annals 5th Congress 2425 (Dec. 10, 1798).

A new member, to wit: Richard Dobbs Spaight returned to serve in this House as a member for North Carolina, in the room of Nathan Bryan, appeared, produced his credentials, and took his seat in the House; the oath to support the Constitution of the United States having been first administered to him by the Speaker.

<sup>110</sup> Annals 5th Congress 2485. Impeachment of William Blount, Annals 5th Congress 2245-2416.

<sup>111</sup> Wheeler's History, 3 N. C. Biographical History (William Blount, by Haywood), 27.

The Sixth Congress of the United States met at Philadelphia on December 2, 1799,<sup>112</sup> and on January 2, 1800, Governor Spaight appeared and took oath of office.<sup>113</sup> We find frequent roll calls which attest his presence at that session, lasting continuously through until May 14th.

Again he was present at the session of that Congress which met at Washington on November 17, 1800.<sup>114</sup> He appeared on November 18th, and remained until the adjournment of the Congress on March 4th.

This was the House of Representatives which had to decide the tie vote between Thomas Jefferson and Aaron Burr, the leading candidates for the presidency, no one having received a majority of the electoral votes. From the Annals of Congress of that time we learn that Governor Spaight, together with Hon. Willis Alston, Nathaniel Macon, Richard Stanford, David Stone and R. Williams, invariably voted for President Jefferson, who was finally elected.<sup>115</sup> The other representatives from North Carolina, Messrs. Archibald Henderson, William H. Hill, Joseph Dixon, and William Barry Grove voted principally for Mr. Burr, three of them voting on the first ballot for Mr. Jefferson. He voted to reject the Sedition Act,<sup>116</sup> also voted against the act to provide a uniform system of bankruptcy,<sup>117</sup> while favoring the appropriation to General Washington for \$50,000.00, voted against increasing that appropriation to \$100,000.00.<sup>118</sup>

In 1802 Governor Spaight was a candidate for the State Senate from Craven County, and was elected at the election held on August 13th, and at the same time William Bryan and Lewis Fonville were elected to the House, while Edward Harris was elected from the town of New Bern.<sup>119</sup> That campaign grew very bitter, and out of incidents connected with it came the circumstances that led up to his unfortunate duel with Mr. John Stanly. The *Raleigh Register* of Tuesday, September 14, 1802, contains the notice of the tragic event including the correspondence,<sup>120</sup> which is too long here to note, stating that the challenge passed on Sunday, September 15th.

<sup>112</sup> Annals 6th Congress, 185.

<sup>113</sup> Annals 6th Congress, 230.

<sup>114</sup> Annals 6th Congress, 780.

<sup>115</sup> Annals 6th Congress, 1032. R. D. Spaight by John H. Wheeler, 18.

<sup>116</sup> Annals of 6th Congress, 1032.

<sup>117</sup> Annals of 6th Congress, 1061.

<sup>118</sup> Annals 6th Congress, 1071.

<sup>119</sup> Raleigh Register, Aug. 24, 1802. (2d page).

<sup>120</sup> Wheeler's History, 112-114.

The parties, with their seconds, met near this town (New Bern) at about half past five o'clock on the afternoon of the 5th inst. and upon the exchange of the fourth shot Mr. Spaight received a wound in his right side, of which he expired in twenty-three hours. On Tuesday the 7th his remains were deposited in the family vault at his principal country seat near New Bern with expressions of universal sorrow and of those testimonials of respect which were due to his acknowledged merit.

At the session of the Legislature which met on November 15th, Mr. Stanly petitioned the Legislature asking that they memorialize the Governor to grant him a pardon,<sup>121</sup> the petition being presented by Felix Walker, representative from Rutherford, which was reported to a General Committee of three from the Senate and three from the House. This Committee recommended a pardon, which report was rejected on the grounds "that the memorial at first blush carried a strong and direct distrust of the relations of the deceased, that they would not rest contented, but that they would carry on a legal prosecution. It was believed that there was not the least well-founded apprehension that such a prosecution would be attempted; that on the contrary, sufficient assurance had been given the memorialists that nothing of this sort would be done." And that this was a matter in which the Governor ought to act, and that while the Legislature had the right to act they would not recommend to the Governor.<sup>122</sup>

The Rev. Thomas P. Irvine, Rector of Christ Church, New Bern, Governor Spaight being a communicant of that church and having been one of its vestrymen, was to have preached the memorial sermon on September 12th, as we learn from the *Raleigh Register* of Tuesday, October 5, 1802, which states: "On Sunday the 12th ulto. the public would have been favored by the Rev. Mr. Irvine with a funeral discourse on the death of the unfortunate Mr. Spaight had not indisposition prevented, and since his recovery he had had the following extract to be made, which though concise will give some idea of the character of that worthy man." His address in part reads as follows:

The worthy personage to whom this tribute of respect was paid, was descended of respectable parentage. His mother was a woman whose amiable virtues had so endeared her to society that her name is to this day repeated with veneration, and the respectability of his father may be estimated from the offices which he filled, and the marks of royal confidence

<sup>121</sup> *Raleigh Register*, Nov. 23, 1802. (3d page, 1st column.)

<sup>122</sup> *Raleigh Register*, Nov. 30, 1802. (2d page, 1st column.)

with which he was frequently honored, but he was not destined to know the advantages of birth or to reap the fruits of parental attention, for before the age of nine he was unfortunately bereaved of both his parents and consigned to the care of a guardian. In him, however, he found a friend, as far as compliance with the injunctions of his father, relative to his education, can merit the name of friendship. At this early age he was sent to Ireland, where he continued until he had finished the usual course of academic studies, when he was removed to the University of Glasgow. There he completed his education, and about the year 1778 returned home to his native soil an ornament to his friends and a blessing to his country. On his arrival he found his Alma Mater engaged in a bloody war with that very government under which his youth had been spent, and calling on her true-born sons to aid her in her struggle for liberty. His sentiments and his conduct evidenced him to be of the number, and confidence in his talents and integrity was soon manifested by his being called into active service as Aide-de-camp to Major-General Richard Caswell.

After referring to his service in the Legislature, he thus refers to the Constitutional Convention:

In 1787 when United America thought proper to amend her government by the fabrication of a new Constitution, he was deputed as one of the representatives of North Carolina, to assist in the accomplishment of that arduous work. This he did with cheerfulness and so much to the satisfaction of his constituents that we find him in the succeeding year nominated as a member of the State Convention for discussing its merits and deliberating on the propriety of its adoption.

Here a chasm of about four years interrupts his political career, occasioned, however, by no loss of the confidence of the people or miscarriage in his public demeanor. He was afflicted by the hand of Providence. A malady of very uncommon severity, and not much inferior perhaps to that which exercised the patience of the Patriarch of Uz, called him from the period of political life and consigned him to the chamber of affliction. The West Indies and various parts of the United States were visited by him in search of relief. At last, after enduring almost as much as the firmness of manhood could bear, he was blessed if not with entire recovery, at least with such a restoration of health as enabled him to return home and witness once more the congratulations of his friends.

No sooner had he returned than his fellow citizens again elected him a representative for the town of New Bern, and as if anxious to omit no opportunity of testifying their affection, the next session of the General Assembly appointed him Governor of the State, which office for three years successively he administered with dignity, fidelity and moderation.

In describing his Legislative services, including those in the Fifth and Sixth Congresses, he says:

Such was the firmness and independence of his conduct through the most tumultuous sessions which we have ever witnessed since the organization of our government, that I am authorized to say that he not only experienced the equitable approbation of his constituents but conciliated and received

the respect and esteem of many wise men to whom before this test of opinion he was but little known. Afflicted with a constitutional disease and worn out in the service of the public, though not old, he felt some of the infirmities of age, and having withstood this conflict of parties and serving two long campaigns of warfare with honor and applause, he now anxiously hoped, as I have heard him frequently declare, to spend the residue of his days in domestic retirement, but domestic retirement was not for him. He was destined for a political career, and his friends omitted no opportunity of availing themselves of his usefulness. In 1801 they found employment for him in the Senate of the State Legislature, and had again re-elected him to the same office but a few weeks before his unfortunate and tragical end.

On this short history I shall make but a single comment. When a man without art or intrigue has so entwined himself in the affection of a people as to preserve their unshaken confidence for the space of four and twenty years, he must have merit—he must have worth.

As a private citizen General Spaight was upright in his intentions and sincere in his declarations, methodical and even mercantile in his business, no errors of ignorance or blunders of negligence involved him in litigation with his neighbors.

We regret that this article is too long to be reproduced in full, but it closes with this language:

His domestic character may be comprised in a few words. He was a tender, affectionate and attentive husband, he was a loving and indulgent father, and a compassionate and lenient master. He was consistent in his hours of study, of business, and of recreation. No irregularities disturbed the repose of his family—no improper indulgences created in him remorse. The day commenced and closed with uniformity—but alas! he is gone and snatched from us too at an hour when we least expected it. Yes, he has gone, and let the living lay it to heart. He is gone lamented by the good and revered by the brave—he is gone loaded with honors of his country and the benediction of his friends.

So sleeps the brave—he sinks to rest  
In all his country's wishes blessed.  
When Spring with dewey fingers cold  
Returns to deck his hallowed mold,  
She there shall deck a sweeter sod  
Than fancy's feet have ever trod.  
By fairy hands his knell is rung,  
By forms unseen his dirge is sung,  
There honor comes a pilgrim gray,  
To bless the turf that wraps his clay,  
And freedom shall awhile repair  
And dwell a weakened hermit there.

