E. H. Morris Esqr.
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D. M. Furches

From Jane McGuire

ADDRESS

BY

DAVID M. FURCHES,

CHIEF JUSTICE SUPREME COURT
OF NORTH CAROLINA.

Delivered at the Masonic Picnic given for the benefit of the Oxford Orphan Asylum.

MOCKSVILLE, N. C., AUGUST 8TH, 1901.

[Published by request of the Committee of Invitation, and the audience, expressed by a rising vote.]

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Masonic Picnic 1901

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Ladies and Gentlemen :

I have not come here to-day to make you you a speech ; but, like Rip Van Winkle, returned to my old home after an absence of thirty-five years, not entirely "myself," to ask, "Where's Nicholas Vidder?" "He is dead." "Where's Brom Dutcher?" "Oh! he went off to the army, in the beginning of the war." "Where's Van Bummel, the school master?" "He went off to the war, too; was a great military general."

Like Rip Van Winkle, I may ask, where are my old friends? Where's Col. Austin? Where's Ephriam Gaither? Where's Col. March? Where's Braxton Bailey? Where's A. M. Booe? Where's Dr. J. F. Martin? Where's J. M.

Clement? The answer is, they are dead. I only see among those here to-day a few of my old friends that were in active life, or co-temporaries with me; among them Dr. McGuire, Dr. Kimbrough, F. M. Johnson and a few others—the rest have "all gone."

But I am still among friends—the children and grandchildren of my old friends that have gone. I would not have come here to-day but for that.

I therefore do not expect to make you a speech, to discuss any subject, to arrive at any logical conclusions; but to bring together some of the traditions of the early settlement of your county, and of its people from that time to a more recent period.

It is not entirely certain when the first settlements were made in the "Forks" (Davie county); but it is safe to say that it was between 1745 and 1750. At that time it was a part of Anson county, and remained so until 1753, when Rowan county was erected, and it then became a part of Rowan. At that time, during the Revolutionary war, and until 1836, when Davie county was formed, it was known as the "Forks," deriving this name from its location, lying, as it does in the fork of the North and South Yadkin rivers.

The earliest written history we have of this section of North Carolina is Lawson, an English pioneer and adventurer, who passed through this State in 1703, or in round numbers, 200 years ago. But he never came further west than the Catawba river, nor further north than Salisbury, (if that far) striking the Yadkin river at the old trading ford, six miles east of Salisbury. So it is certain that he never saw the fair lands, the beautiful plains and fertile valleys of the "Forks," at that time a vast peavine prairie, except along the water courses, and here and there a stately old oak that had escaped the fire of the Indians. If he had, I am sure that the beauties he found in that part

of Rowan he did see, would have been found here, and the glowing description and praise bestowed on that section would have at least been divided with the beauties and fertility of the "Forks"—to my mind, one of the richest and most beautiful portions of North Carolina.

Nor can it be stated with certainty from whence the first settlers of the "Forks" came. This can often be determined by the religion of the settlers, connected with some historic fact; as the Scotch settlement in Cumberland, on the Cape Fear river, after the battle of Cullodee in 1746; or the settlement of Iredell county, soon after Bradox's defeat in 1755. Not but what there were settlers in Iredell before that time, scattered here and there over the greater part of the county. But upon Bradox's defeat, which left western Pennsylvania exposed to the depredations of the Indians, the white population of that section had to flee for safety. And they came to North Carolina like a swarm of bees, and settled principally in the Piedmont section lying between the Yadkin and Catawba rivers; bringing with them, as far as they could, their belongings, their habits, and their religion. And while it would seem that the greater part of this swarm settled in Iredell, Mecklenburg, Cabarrus, and the southern and western portion of Rowan, I have no doubt but what a part of this hive settled in the "Forks," and in this neighborhood, as old Joppa would indicate. But as already stated, there were settlers here before this swarm, and as early as 1745. This population came from several of the States north of us—Virginia, Pennsylvania, Maryland, Rhode Island and probably other States. But we find no distinct religious creed in the "Forks" by which the first settlers may be traced, as we do in Iredell, Cabarrus, Mecklenburg and Rowan. In a large part of the territory between the Yadkin and Catawba, this hive from western Pennsylvania formed the controlling population in religious matters, as

well as in State. This colony from Pennsylvania seems to have been divided, principally between the Lutheran, the Presbyterian and the Associate Reformed (Seceder) churches.

At first the Presbyterians and Associate Reformers built churches in common—all worshipped together, as the country was thinly populated, and they had but few preachers and but little to pay them with. And as these congregations grew stronger they divided and became Presbyterians or Associate Reformers, according to the numerical strength of each congregation.

Among the earliest settlers in the "Forks" were the Bryans, the Pearsons, the Gaithers, the Horns, the Howells and the Halls. Of course there were many others that cannot be mentioned to-day. There is but one other, and his son, that I will mention, and these are 'Squire Boone and his son, Daniel, the noted pioneer.

History tells us that Daniel was born in Bucks county, Pa., February 11th, 1735, and came to North Carolina with his father when about fourteen years old. Whether 'Squire Boone's first settlement in North Carolina was in the "Forks," I do not know. But we do know that he settled on what is known as the Mullican or Helper farm, three miles west of Mocksville, near the broad bottoms of Bear creek, very shortly after he left Pennsylvania.

The bottoms of Bear creek contained a heavy growth of beech, producing large masts of its rich nuts, which made it a fine hunting ground for bear. And there is a tradition, which I have heard from old persons, long since dead, that Daniel and his father killed ninety-nine bear in these hunting grounds in one year, and the creek took its name from that fact. 'Squire Boone died on this Bear creek farm and was buried at old Joppa.

But Daniel could not stand the pressure of the tide of emigration, and he went West in search of larger fields

and fresher hunting grounds, and died in Missouri in 1820.

About 1800 there was a heavy emigration from Currituck county, N. C., to this county, consisting of the Brickhouses, the Ferebees, the Brocks, the Taylors, the Fulfords, the Cuthrells, the Ballances, and others. This colony settled in the Farmington country, and when I was a boy it was still called Little Currituck. This was a splendid emigration, settled in one of the best portions of the county, out of which grew a splendid citizenship, and many of their descendents still live in that section of the county.

But let us return to the early settlers I have named.

PEARSON FAMILY.

The Pearson family sprang from Richmond Pearson, who settled at the "shoals" of the South Yadkin river, now Cooleemee. He was a Virginian, a man of some means, and erected the first mill at that place; lived in a red house on the hill above the shoals, where it is said the first postoffice in the "Forks" was established, called in honor of the proprietor, "Richmond Hill."

He was the father of a large family, among them Gen. Jesse A. Pearson, Joseph Pearson, Richmond M. Pearson and Giles N. Pearson. Jesse was a lawyer, and a soldier in the Creek war, and was frequently a member of the State Legislature. Joseph was a lawyer, a member of the Legislature and a member of Congress. And Richmond was the great Chief Justice of North Carolina, who adorned the bench for more than forty years, the last thirty years being upon the Supreme Court bench. And owing to his great ability and learning, and the great length of time he was on the bench, he probably impressed himself more upon the judicial history of the State than any other Judge has ever done. He was the father of Hon. Richmond Pearson and the grandfather of Lieutenant

extent, dominated and gave great strength to this disloyal sentiment. And while the relations between the Whigs and Tories must have been much strained, yet friendly relation existed among many of them, and the young people of the different parties would sometimes intermarry.

While the "Forks" was a stronghold of Toryism, controlled, as we have said, by the Bryans, higher up the Yadkin in the Cleavland settlement, controlled by the Cleavland's influence, the sentiment was thoroughly Whig. And the Tories of the "Forks" were in the habit of aiding their friends up the Yadkin; and the Whigs of that settlement were in the habit of aiding their Whig friends of the "Forks." This brought about what in tradition is called the "battle of the Shallow Ford," though the battle was fought a half mile west of the Shallow Ford, across a small branch on the south side of the Yadkin, since called the "battle ground branch."

The Tories of the "Forks" had raised a company, headed by Capt. Bryan, for the purpose of aiding their friends up the river against the ravages, as they said, of Cleavland and his Whigs; while Cleavland at the same time had raised a company of Whigs and dispatched them, under the command of Capt. Francis, to subdue Bryan and his Tory allies in the "Forks." These forces were moving at the same time; the Tories up the river and the Whigs down the river, it is said, without either side knowing of the movement of the other, until they met—the Whigs on the west side and the Tories on the east side of the branch, and within a few hundred yards of each other. The battle at once commenced, each side sheltering itself behind trees and other obstructions as best it could. The battle continued the greater part of the day, in this desultory way, when finally the Tories retreated, leaving the Whigs in possession of the field and of the dead and wounded. It was a hot and stubbornly fought battle, in

which both Capt. Bryan and Capt. Francis were killed, and about thirty men were killed and wounded. Capt. Francis was buried on the east side of the branch, on the slope of the hill between the branch and Huntsville. An old man by the name of Vestal enclosed the grave of Capt. Francis, which was continued to be enclosed by an old man by the name of Welch until sometime during the late war. I have seen this enclosure. The last time I saw it there were but four posts standing, I think, of black locust. But this is all gone now, and I doubt whether at this time the precise spot where this noble patriot was buried, who lost his life in the defence of his country, could be identified by anyone. The body of Capt. Bryan was taken by his relatives and buried at "Howell Meetinghouse."

On the march of the Tories, Capt. Bryan had taken Robin Horn, an active young Whig, a prisoner and held him as such at the commencement of this battle. As the battle grew warm, young Horn escaped from his imprisonment, entered the lines of the Whigs and fought the battle through on the Whig side. He afterwards joined the Continental army, where he remained until he saw the American flag flying triumphantly over Yorktown, and his country independent.

This leads me to another incident in the life of this patriotic soldier. Capt. Bryan, a short time before the battle of Shallow Ford, had married Sallie Howell, a Whig girl. And, when peace was declared, Robin Horn returned home, married Capt. Bryan's widow, settled on the Bryan estate, on the north side of Dutchman creek, between Bryan creek and Dutchman creek, and raised a large family, many of whom still survive; and some of them, bearing the name of Horn, are now honorable citizens of your beautiful little town.

But of this prominent, wealthy and extensive Bryan family, there is not one of their descendants, bearing the

Bryan name, left in the county. Where they have gone I do not know, but am of the opinion that the Bryans of the Trap Hill section and of Alleghany county are of the same family. "Morgan" was a common name among the Bryans of the "Forks," and the Bryans of Alleghany still retain this name, Morgan, in their family, which is not a very common surname.

I am making this narrative too long, but you must pardon me for detaining you a while longer. I must give a little more time to some of those I have already mentioned, and to the general spirit and traditions of the people.

Though we cannot trace the population inhabiting the "Forks" at the time of the Revolution, they were principally of English and German descent, with a scattering of Irish, Welch and French, who soon intermarried, producing a strong, vigorous and thrifty population. From this development the "Forks" have produced two Congressmen: Mumford and Pearson; a number of lawyers: three Pearsons, Cook, two Clements, Hobson, Gaither, Bailey, Stewart, Chaffin, Price (A. H.), and your humble servant who now stands before you. Jesse A. Pearson and Giles N. Pearson never rose to any great distinction in their profession. I have already spoken to you of the great Chief Justice, Richmond M. Pearson. I once heard Judge Anderson Mitchell say that Gen. James Cook was the strongest man he ever heard address a jury.

There are many here to-day who will bear witness with me to the learning, ability and power of John Marshal Clement in the court house. I think for ready learning, careful preparation and dexterous management of his cases, he was equal to anyone I ever met in court. He was my friend.

Many of these have gone, but you still have with you the other eminent members of the bar I have mentioned.

It has also produced quite a number of eminent physicians: Bryan, Little, Smith, three Clements, two Andersons, McGuire and Kimbrough and probably others. Some of these are gone; the others are still with you.

This brings us up to a date almost too recent to be treated as tradition or reminiscences. But as many here have grown up since then, I will say that in 1860 Davie county was one of the best in the State. Her people were generally intelligent and thrifty. But in that year the murmurings of war clouds were heard in the distance. They continued to mutter and get thicker and thicker, until 1861, when their shadows covered the whole land in the gloom and darkness of war.

While there were a few cecessionists—a few that talked war and Southern independence,—the great mass of the people of Davie county were for the Union and opposed to war. When the States north and south of us had seceded, sentiment had very much changed. But there was still a strong sentiment in this county opposed to secession and the war. But the time came when nearly every able bodied man had to go into the army, either as a volunteer or as a conscripted soldier. This being so, the most of them volunteered. They were put upon their mettle. They did not like the idea of being conscripted, and once in the army they had too much spirit, too much individuality and pride of character to lag behind, to falter or shrink from duty; and no braver, nobler soldiery ever wore uniform than went into the fields of battle from Davie county. Nothing could deter them; nothing could cause them to abandon their duty on the tented field or in the scarred lines of battle. The want of rations, the want of clothing—nothing, not even the distress and suffering of loved ones at home could induce them to abandon their comrades in arms. This was true bravery, true heroism, noble manhood, sustained by the spirit of a free citizen-

ship, as thousands of them knew they were fighting to maintain an institution in which they had no interest. But they could not bear the name of traitor or coward; they preferred death rather than disgrace. But after all they could do, the war ended disastrous to the flag they carried, and those left returned home to their families and friends amid joy and grief. To meet their wives and children, their mothers and fathers, from whom they had been so long separated, was a great joy. But to see the empty chairs, the desolated fields and the empty larders, with no stock to work and no money to buy anything, was more trying to many a brave heart than the fire of the enemy's guns. It seemed at first that all was lost. But that was not so. They had saved their manhood and their honor. They had their hands to work with. The results of the war had freed them from the competition of free (slave) labor, and to-day the masses of the people are in a better condition than they were before the war. It was a new independence, a new freedom to the poorer class of whites, to the middle class, to the toiling millions, and nobly have they taken advantage of it. And this betterment has only commenced, to go on and on.

There is a greater spirit of enterprise and more liberality among the people now than ever before. A more charitable sentiment is manifesting itself among the people now than ever before. The orphan children that need assistance are like the poor mentioned in the Bible—they are "always with you," they have always been with you and will always be with you. But it has only been within the last few years that any organized effort has been had to take care of them, to provide homes for them. The Masons were the first in this State to take hold of this great charitable work, and located an orphanage at Oxford. Since then the State has aided this institution. The Odd Fellows entered the work and located their orphanage at

Goldsboro. Then the Baptists took hold of it, and located their orphanage at Thomasville. Then the Episcopalians took up this work and located their orphanage at Charlotte. Then the Presbyterians entered this field of charity and located their orphanage at Barium Springs. And lately the Methodists have entered upon this charitable work and located their orphanage at Raleigh.

It is a noble work, and no one will ever regret the contribution he makes to this noble cause. It should be made freely and liberally. Everyone that contributes to this noble charity will feel better, and the more he contributes the better he will feel. Our Saviour was mindful of the poor and of the little ones. If we have within us His spirit, shall we not imitate His example that we may receive His blessing? Help the poor orphan children.