

# *Autobiographical Sketch of Asa Biggs*



*Asa Biggs*



*Martha Elizabeth  
Andrews Biggs*

*Written March 1865*



Autobiographical Sketch of Asa Biggs  
Written in March, 1865

Driven from Williamston in 1862  
by approaching Yankees

Bought home and moved to Warren County late 1863  
Describes Life and Times in this section during nineteenth century

Edited by  
The Library Committee  
Martin County Historical Society  
Williamston, North Carolina 27892  
[shepjr@coastalnet.com](mailto:shepjr@coastalnet.com)

Autobiographical Sketch of Asa Biggs Written in March, 1865  
Driven From Williamston Home in 1862 by Approaching Yankees

Bought home and moved To Warren County Late 1863

Describes Life and Times in This Section during Nineteenth Century

(Note an autobiographical sketch by Asa Biggs, Martin County's most distinguished citizen of the early and middle nineteenth century, gives an interesting and intimate view of the life and times in this section preceding and during the Civil War period. It was written in 11 March, 1865, at Dalkeith, Warren County, where the esteemed judge had been living since December, 1863, after having been driven from his ancestral home in Williamston by (approaching Union forces in February, 1862. He was serving as a Confederate States judge for the district of North Carolina at that time.)

(There is a brief addition to the autobiography, written on July 1, 1865, dealing with the fall of the Confederacy, the surrender of General Lee, and the tragic death of Judge Biggs' son, Henry. Young Henry Biggs was fatally wounded on April 8, 1865---one day before General Lee's surrender On April 9---while serving with Manley's Battery near Appomattox Court House, Va., dying four days later on April 12, 1865.

(There is another brief addition to the autobiography, a newspaper clipping of June 18, 1872, telling of Judge Biggs moving to in 1869 and his subsequent business and professional success there. (All of the material in this and several other articles in this edition, came from a handwritten journal obtained by the Williamston Woman's Club from a descendant of Judge Biggs in New Jersey. The journal and its contents are to be turned over to the Martin Memorial Library. The autobiographical sketch follows:

For My Children:-I, Asa Biggs, was born on the 4<sup>th</sup> day of February, 1811, so that now I am in the fifty-fifth year of my age; and although I have passed through many vicissitudes; yet upon a general review of my history I have abundant cause of gratitude and thankfulness to Almighty God for his supporting and directing care and for the eminent success with which I have been able to surmount difficulties and to attain among my fellow man my present distinguished position.

I have concluded, my dear children, if time and opportunity are afforded me, to note for your instruction and information some of the incidents of my life, with the hope that this legacy of affection may prove useful and entertaining to you in the journey of life on which you have entered, and may stimulate you to a course of conduct in which on the termination of your journey you may have as much to felicitate yourselves as your affectionate father. I shall not write with a view of critical composition but to detail facts, with such lessons of experience as may suggest themselves as I pass along.

In February 1862, we were driven from our dear home at Williamston (where you were all born) by the approach of the Yankee invaders up Albemarle Sound, after



the fall of Roanoke Island. About six weeks we lived at a small cottage about 2 miles south of Tarboro and from thence we removed to a dwelling, 3 miles west of Rocky Mount, where we continued to reside until I purchased this place in September, 1863, and here we were all located in December, 1863.

Since the organization of the Government of the Confederate States of America I have been Judge of the Confederate States for the District of North Carolina. I selected this place as secure from Yankee raids and invasion, and although we have been excluded from society and the social intercourse to which we had been accustomed and find it difficult with my limited means to obtain sufficient "food and raiment", yet so far we have not suffered, and the Lord providing for our wants, we continue to this day, and I have confidence that He will still provide.

And now to recur to early scenes and to the dawn of life. My father, Joseph Biggs, was a small merchant in Williamston when I came into this world, and was a Baptist minister. My mother, Chloe Biggs, was his third wife. She was the daughter of William Daniel, who resided on Smithwick Creek. My father, by his two first wives, had several children, nearly all of whom had left him at my earliest recollection, and the children by my mother who reached maturity were (1) Joseph D., (2) Asa, (3) Willie, (4) Kader, (5) Louisa F.

So far as at present advised all are now living. Our brother William, last heard from in 1862, had been driven from his home about 6 miles from Vicksburg by the Yankee invaders there. The others are all now residing at Hilliardston, being also refugees from their former homes and hearthstones by the cruelty of the public enemy.

My father died in the year 1844, then in his 78<sup>th</sup> year. My mother I survived him until the year 1845, when she too fell asleep in her 70<sup>th</sup> year, in prospect of a better world. And here let me bear testimony, to these dear departed ones. Through much difficulty did they rear their family; being poor and illiterate they had to rely upon their own indomitable energy and their moral and religious characters for support. They gave to us all the elements of education to the utmost of their ability and moral precepts and examples which have survived them, and can enable me to say with truth, no better parents ever lived than your grandfather and grandmother Biggs.

By the exertions of my father and others, an academy was established in Williamston about 1820 and in that academy I received (sic) all the educational advantages I ever enjoyed. I grew very rapidly and at the age of 15 was of manly stature weighing 180 and about, that age left school and substantially the home circle to complete my education as a merchant's clerk. In 1825 I resided a short time with a Mr. Martin, a merchant, in Washington. In 1826 I resided at Hamilton and was clerk for a Mr. Edward, a merchant at that place. In June 1827 I engaged with Mr. Henry Williams of Williamston, to superintend his mercantile business at that place for one-third of the net profits and so continued for two years. My income by this arrangement, I think, was about \$500 per year.



About this time I concluded to read law and for the next two years until June 1831 I acted as clerk for Mr. Williams at an annual salary of \$350, he furnishing me board. I note this to show my beginning, and it certainly was small! And yet, it, no doubt, was exceedingly useful to learn me economy, diligence and perseverance.

I had no legal instruction, and consequently labored under many disadvantages in pursuing my studies, but I applied myself diligently in reading, whenever I could, consistently with my duties as clerk. I determined to apply for license and in July, 1831, visited Raleigh for that purpose. In addition to doubts as to my legal qualifications I needed six months age to make me 21 and altogether my anxiety as to success was great. The Judges, however, (Henderson and Hall who examined me), greatly to my relief, treated me very kindly, omitted to ask me any questions as to my age and gave me license to practice law in the county courts and I returned home with a light and joyous heart.

The county court of Martin County was held in a few days after I reached home and during that week I realized in fees about fifty dollars, which was a good beginning and gave me much encouragement. The first Monday in August I attended the county court of Pitt, where I made my maiden speech in an address to the grand jury, among strangers. I then took the Counties of Martin, Pitt, Bertie, Edgecombe, and occasionally Washington and Green, as a circuit but the three first I could only attend regularly in the county and superior courts during my professional course which continued for about 25 years.

When I came to the bar, the courts I attended had several old and able lawyers practicing, and the prospect of my success appeared very problematical; but I commenced with a determination to succeed if possible, attended the courts regularly, applied myself unremittingly to my studies, and gave diligent attention to any business confided to my care. Occasionally and year after year the older members of the bar retired, my practice increased and although at no time did my annual receipts amount to more than \$4,000, generally for the last ten years to not more than \$2,000 (my circuit being very contracted), yet I consider myself remarkably successful, by economy and prudence, to have accumulated a comfortable living by my profession, particularly when my expenses began to increase rapidly upon the increase of my family and I have succeeded in providing for the wants and education of a large family of children.

On 26<sup>th</sup> June, 1832, I was married in Bertie County to your mother, Martha Elizabeth Andrews, who is the daughter of Henry and Elizabeth Andrews; and they were the daughters of your great-grandmother Cotton of Bertie County. We have now lived together for upward of 32 years. She has had 10 children of whom 8 are now living; the other 2 died in infancy.

Nothing remarkable occurred in my history from 1832 to 1840. My wife brought to me a small estate consisting of several slaves and some other property which



materially assisted my small accumulations. It was constant, unremitted labor and an effort to provide for a growing family.

In 1830 I purchased a lot in Williamston on which I built an office and enclosed it with a good substantial fence. After my marriage until January 1833 we boarded with Mr. Williams and the years 1833 and 1834 we resided at a rented house in town and during that time I built a dwelling and outhouses on my lot, to which I have since greatly added as my family increased; and there we continued to reside until we were driven from home in 1862.

In 1832 I attended a District Convention as a delegate from Martin County to nominate an elector on the Jackson-Van Burin ticket. Party spirit run quite high at this period and the Democratic-Republican Party in this state was divided-a portion preferring Barbour to Van Buren for Vice-President. I had made up my mind to attach myself to the Democratic party believing that the principles of this party promised more good to the Country; although in this I differed from my father and the rest of the family who were in the opposition.

Soon after my entrance into active life and until 1840 I was repeatedly urged to engage in politics, but persistently declined, knowing that I could not with justice to my family and future prospects enter into political controversy, without neglecting my private affairs which required my undivided attention. In 1840, however, an election was pending of the most excited character-the contrast between Harrison and Van Buren for the Presidency; and both parties were greatly excited, and the result considered of the highest importance. For the first time in the history of the county of Martin a convention of the people was called to nominate candidates for the General Assembly. At this meeting, which was large and general, Capt. Jesse Cooper who had represented the County for 20 years presided, and by it he was nominated as a candidate for the Senate and me as a candidate for the House of Commons and I was informed that my nomination was unanimous. I did not participate in the proceedings of the meeting being advised that my name would be urged. From such a nomination I concluded there was no escape and accepted. I canvassed the County thoroughly and although an opposition ticket was run I was elected by an overwhelming majority.

The discharge of the duties of this responsible position gave me great anxiety. The legislature was decidedly Whig and the State had voted for Harrison by a large majority. I endeavored, however, faithfully to maintain my principles, though in a small minority. In 1842 I was again nominated and elected to the same position, though I had Democratic opposition.

It had been the invariable custom, up to this point, for candidates to "treat" with spirituous liquors while canvassing and at the election. I adopted the custom in 1840 to a moderate extent, but my observation satisfied me this practice was highly pernicious and ought to be abandoned and therefore I refused to "treat" in 1842. This originated numerous false reports as to my purposes-such as a desire to compel by law all the fruit



trees to be destroyed and to prohibit the introduction of foreign liquors. This gave me an opportunity to discuss the question fully and I boldly defended my position and denounced the custom as injurious to the public morals and interest. Since then I have never "treated", as was the former practice, although I have been a Candidate for popular suffrage repeatedly and after the lapse of years I still commend my course on that occasion as proper and entitled to imitation by others.

In 1844 I was nominated for the Senate, and was opposed by the old Senator Cooper, who then denounced nominating conventions, and a prominent Whig was also a candidate. This placed me in a very embarrassing situation and there was a reasonable prospect by the division of the Democratic Party the Whig would be elected. I conducted the canvass without appealing to passion, firmly but temperately arguing principle-and I was triumphantly sustained by the people, obtaining a handsome majority over both of my opponents-Cooper receiving but 25 votes.

By this I was transferred to a new theatre and the session of the General Assembly was stormy and excited, the parties being equally divided in the Senate, and the responsibility of taking a prominent position in the debates and proceedings being thrown upon me; but here as elsewhere. I endeavored to discharge my duty with fidelity to the party I espoused and the great principles of administration in which I believed the good of the Country was involved.

This public service gave me considerable prominence in the State and the approbation of my fellow citizens was sufficient to gratify any reasonable ambition and although it interfered to some extent with my domestic affairs and somewhat with my professional duties I very cheerfully made the sacrifice as a duty I owed to my family and my country.

There followed, however, a period to "try" me thoroughly. The county of Martin had been attached to the Ninth Congressional District in 1842, having little or no intercourse with the other counties in the District except Bertie. The District was decidedly Whig and gave in 1844 in the Presidential election between Clay and Polk nearly a majority of 1,000 for the Whig ticket. Late in the spring of 1845 the Democratic Party held a district convention in the lower part of the district, in which the county of Martin was not represented and much to my surprise and embarrassment nominated me as a candidate for Congress. The almost certain prospect was defeat; the Whig candidate, Col. Davis Outlaw, was a gentleman of talent and worth. In a large number of the Counties I was personally unacquainted while he was well known-for many years had been the solicitor for that judicial District. If I did not accept, I run the risk of incurring the censure of friends whose good opinion I highly valued and if the improbable result should be success, it would effectually throw me out of the practice of the law and deprive me of the personal supervision of my growing family.

I took time for one week to deliberate at the end of which I accepted the nomination and entered actively into the canvass. I concluded it was my duty. The princi-



ples of the two parties were debated with ardor but with proper temper and personal respect. And here I will vote my entire disapprobation of the vicious practice of public men becoming personal enemies and indulging in personal reproaches while discussing political principles. It prostitutes the public morals, unnecessarily engenders strife, exerts a baneful influence and develops the worst passions of the human heart. It gives me pleasure to say that Col. Outlaw and myself canvassed the district on two occasions at a very excitable period in 1847 during the progress of the Mexican War without an unkind personal remark; and although we did not share each others' political positions or arguments yet we maintained our social intercourse unimpaired and my personal respect for him increased rather than diminished.

And I had as well mention now that in 1848 I canvassed an electoral district in the presidential election of that year with Edward Stanley estimated one of the most violent partisans in the State and who I regret to say has since become a degenerate son. He was elector on the Taylor and I on the Cass ticket; and but one unpleasant passage occurred between us which was at the conclusion of the canvass, and his unkind personal remark was retracted as soon as the heat of the moment passed and we closed the discussion personal friends. My conclusion, therefore, is that if a public man, while firmly sustaining his personal dignity, does not unnecessarily provoke personal crimination, the vicious example of public men laboring themselves and the public mind by personal feuds will be avoided.

The great issues at that day were a modification of the tariff of 1842; a United States Bank instead of the Independent Treasury and a distribution of the proceeds of the public lands. The question was also debated as to the propriety of terminating the joint occupation of Oregon by Great Britain and the United States. I was in favor of a modification of the tariff so as to make the burdens of taxation more equal, being opposed to the protection afforded to northern manufacturers; I was opposed to a United States Bank and in favor of the Subtreasury. I also opposed a distribution of the proceeds of the public lands, and was in favor of giving notice to Great Britain to terminate the joint occupation of Oregon.

Col. Outlaw took opposite positions to those I assumed. The result was I was sustained by a majority of 146 votes, showing a very close race, out of 10,000 votes. I attributed my success mainly to the position I took on the tariff question

During the canvass some of my friends, knowing the former party majority against me and governed by their ideas of policy, advised that in certain counties I should not argue against or for certain measures in which I disagreed with a majority of the people. But my judgment and principles taught me differently and therefore on all occasions and in every county I boldly advocated the cause I represented and I therefore went to Congress a representative man, no voter being able to reproach me with concealing my opinions or **deceiving** him as to my position.



Upon taking my seat in the House of Representatives at Washington in December 1845, I felt oppressed with the weight of my responsibility and being so deficient in education, and a general course of reading and political information, I greatly feared I should disappoint the expectations of my friends and should fail to do credit to myself and the State. Everything was new and I must learn every day. I had the disposition of application and therefore was assiduous in the acquisition of knowledge to fit me for the duties of the station.

For one month I gave myself but little sleep and no exercise and this, with the change of habits and diet, came near prostrating me. After feeling the effect upon my constitution, which before I thought could stand any amount of such labor, I was compelled to change my course, but the effect of this **unremitted** application I did not recover from for two years.

We had a very protracted session and one incident gave me great pain and severed a friendship in a very unpleasant manner. Mr. W. H. Haywood was one of the Senators from the State, elected partly by my vote when I was a member of the legislature. The tariff question was one in which my constituents felt a deep interest. The House of Representatives had passed a bill to modify the tariff for which I had voted. Parties so stood in the Senate that the vote was doubtful and as the time for voting approached it was reported that Mr. Haywood would vote against the bill. I proposed to the Democratic members of the House to call upon him and remonstrate. They declined, none of them having assisted in his election but myself. I sought an interview in which we had a very animated and excited conversation at the door of the Senate Chamber; the last we ever had. Shortly afterwards on the same day he resigned as Senator which placed the fate of the bill more doubtful. Fully impressed with a sense of my public duty and feeling sensibly the unpleasantness of my situation I, on the next day, in the House, publicly denounced his conduct. It is proper to state that Mr. Haywood was universally condemned by his party in this state for his course and never recovered any political standing thereafter.

During this Session the war with Mexico was recognized and efficient measures adopted for its prosecution. For all these measures I voted. I had become greatly chagrined at the corrupted course of public affairs and my North Carolina ideas of frugality and economy in public expenditures were greatly shocked. Long absence from home had deranged all my private arrangements and my family were suffering for my personal superintendence.

At the commencement of the short session in December 1846, I wrote to the leading men in the district declining to run again as a candidate and requesting that steps might be taken to run some other person at the next election. In response to these letters there was universal dissent and I fully ascertained that the public dissatisfaction and censure would be general and I should incur the disapprobation of many of my warmest and most valued personal and political friends. I concluded therefore to sacrifice my personal wishes and desires to a sense of duty.



In 1847 Col. Outlaw was again my competition and all the old political issues were evaded or abandoned and nothing was discussed in this canvass but the Mexican War and its incidents. In connection with this some of my votes were misrepresented by my political opponents in some of the counties by which I was made to appear as opposed to an increase of the soldiers' pay and the result was that the former party vote was nearly rallied in opposition to me and my opponent was elected by upwards of 700 majority. I can truthfully say that except for the mortification and disappointment to my friends, after the excitement of the moment passed, the defeat was neither unexpected nor viewed with regret.

I could now honorably retire from public life and could devote myself to the prosecution of my profession and attention to my family. I found, however, as all will who have tried it, that it required time to recover practice lost by irregular attendance on the courts. But I set to work with diligence in reading to refresh my mind for the practice and regularly attended the courts, by which I partially, if not fully, succeeded in regaining my business.

I will now before I proceed farther supply an omission at the proper place. I have stated that I persistently declined engaging in politics until 1840. But in 1835 I was elected and served as a member from the county of Martin in the state convention called to amend the constitution of the state. I was then only 24 years old and I considered myself highly honored by this position of distinction. This body was composed of the most experienced and talented men in the state, "grave and reverend seigniors; and my association with such a dignified and able convention was an admirable and useful school for me, being nearly the youngest member of the body. I did not participate in the debates, but was an attentive and careful learner, and I always feel gratified that my native county thought me worthy to represent them in such an important assembly.

And now I approach a period in my history of a deeply interesting character. Surrounded as I had ever been by religious influences and associations my mind had often been drawn to a consideration of my latter end, but no decided impression had ever been made. I had generally been guided by moral principles, and had never indulged to excess, or to any great extent, in the vices and wickedness common to many of my acquaintances and associates. Endeavoring to guide myself by the strictest rules of honor, and sobriety, absorbed in the pursuit of wealth and fame, and the gratification of what I esteemed a laudable ambition; I concluded that it was time enough, in my declining years, to turn my attention to religious matters very suitable for those in advanced life, but for me they would seriously interfere with my success at present. Above all, I entertained a decided opinion that no person could pursue the profession of law and be a Christian; and to abandon my profession would disappoint all my hopes of wealth and fame. I quieted any uneasiness of conscience which occasionally disturbed me by the consideration that I stood much better than others, and I had a better opinion of myself than many who professed religion. I, always, paid due respect to religious characters, and religious ordinances and worship; frequently attended preaching of all denomina-



tions, more generally upon Methodist service as their meeting house was on adjoining lot and often the ministers and members of that society visited my house, partook of my hospitality, and with some of them, I was on terms of intimacy and friendship. I often passed through periods of religious excitement, and while occasionally serious impressions would force themselves upon me, I condemned the noise and **tumult** of such scenes. When I engaged in religious conversation, it was in reference to the differences in doctrine and practice between the Baptists and Methodists, and, if I was with a Methodist, I argued for the Baptists and, if with a Baptist, I argued for the Methodists. But, my most mature reflection could not explain satisfactorily how God could be just, and save a portion of the human family, and condemn the residue. Thus I speculated and acted, and thus I should have speculated, and thus I should have acted, until this day, age, even to the last day of my earthly existence; if, God in his mercy, had not opened my eyes, and changed the whole current of my thoughts and speculations.

In the early part of April 1851, there was a religious excitement in the Methodist Church in this town. For some time before this, I had discovered that my wife, was deeply concerned on the subject of religion, and during this excitement, she attended the meetings, and appeared to be more powerfully operated on. I was laboring under a violent cold and hoarseness, but I went with her on Thursday night; and after the sermon, when an invitation was given to go up to the altar, I came to the conclusion that she was prevented from going by a fear that it would not be agreeable to me; and, to relieve her, I went across the house, and told her if she felt an inclination to go, to do so; and, at my solicitation, she went up and I went with her. After the service we came home, and I did not feel any particular impression on my mind. It appeared to be entirely sympathetic for her. We went to bed, and I took some paregoric for my cold. This was 10<sup>th</sup> April, 1851. About 2 o'clock of that night, I awoke in great agony of mind. At first I thought laboring under fever, but soon became satisfied that my mind was powerfully awakened as to my awful condition as a sinner, so that in a few minutes, the visitation was so great, as to compel me to cry aloud for mercy and arouse the whole house. I thought my mental powers were giving away. This continued for two hours. Some Methodist friends who were staying with us sent off after Mr. Carson and Mr. Martin, the preachers. They came and prayed, but no relief could I find. After about two hours I became more composed, but the melancholy and depression of spirits continued, more or less, and all the time very great until the next Tuesday evening, 15<sup>th</sup>. On Friday and Saturday mornings I went to prayer meetings.

On Saturday, I went to Skewarkey, and heard Bro. Hassell preach from 33 Psalm, 18<sup>th</sup> and 19<sup>th</sup> verses. Monday was court day. I went to the Courthouse and stayed a short time. On Tuesday I did not go. On Tuesday evening, while meditating, the 8<sup>th</sup> verse of 3<sup>rd</sup> chapter of John came to my mind with such power that I repeated it aloud; and I became thereafter more composed, and for several days my soul was drawn out to praise the Lord for his goodness and love; and frequently I was in a flood of tears praising and blessing the Lord. On the Saturday before the 5<sup>th</sup> Sunday in June, being the union meeting at Skewarkey, the 28<sup>th</sup>, I was received a member of Skewarkey Church; and on the 29<sup>th</sup> baptized in Roanoke River at Williams ton by Elder C. B. Hassell in the



presence of a large crowd of spectators. At some other time I propose to write my exercises more at length."

Commencing with, and including the quotation points above, in the copy of a memorandum I made in January, 1853, which I now transcribe as fully disclosing my feelings at that time; but it signally fails to give an adequate description of my conviction, and as I humbly trust, my conversion by the Holy Ghost, from darkness to light, and from the power of sin and Satan to the service of the true and living God. If I made the attempt to "write my, exercises more at length, I shall fall infinitely short to give you a faint representation of my conflicts, trials, hopes, and rejoicing; but, I venture to say, that the awful gloom that hung over me at the time I awoke out of sleep may be compared to an impenetrable overhanging cloud, ready to burst upon me in all its fury, and to sink me to everlasting despair and ruin; while I was anxiously looking for some ray of light, through the gloom, by which I might hope to escape the impending danger; but no glimmer could I discover. I felt indeed, that I was a poor miserable and lost sinner; condemned to punishment for my iniquities; and my cry was, Lord! save or I perish! All my moral rectitude's did not avail me. I could see nothing to extricate me from this awful dilemma. My intense suffering forced me to cry out in despair, and I readily concluded that I was going deranged, and frequently inquired, Am I losing my mind? During this deep distress, all my sins and improprieties seemed to be brought before me, and I am reminded that I felt sincerely desirous to make friends with all those with whom I was not then on friendly terms, and felt willing to accommodate every difficulty I had ever had with my fellow man. I was willing to obtain relief in any way, and from any body, and readily attended the meetings with the hope of being relieved; yet my inclination was to seclude myself from observation and read, and pray, and meditate in secret; and thus I was engaged the most of the time for several days.

Nothing that was said or done appeared to soothe or console, I was miserable, and could find no solace or hope. And here, I had as well transcribe in full, and the text of Bro. Hassell to which allusion had been made: 33<sup>rd</sup> Psalm, 18 and 19 verses: "Behold, the eye of the Lord is upon them that fear him, upon them that hope in his mercy: to deliver their soul from death and to keep them alive in famine." It is a blessed promise to a sin-sick soul, but from it or his sermon could I derive no consolation. I had no sudden deliverance from this deep distress. The first composure and serenity of mind I enjoyed, and that slight, was on Tuesday evening, when, as I have heretofore said, the 8<sup>th</sup> verse of 3<sup>rd</sup> chapter of St. John was forcibly brought to my mind. It reads thus, "The wind bloweth where it listeth, and thou hearest the sound thereof, but canst not tell whence it cometh, and whither it goeth: so is every one that is born of the Spirit." Commencing here, my mind grew more calm and composed, and my soul, for several days was melted in thanksgiving and praise to God for his loving-kindness and forbearing delivered from the deep gloom through which I had passed.

My wife and myself had often conversed about family prayers. It seemed impressed upon me for years as proper, but I never could determine to discharge this duty; but during the week, one night, I called the family together and in a trembling manner,



bowed at the family altar, and, I hope, most sincerely implored mercy and supplicated blessings, from our Heavenly Father. In the discharge of this duty, I experienced more, sudden, sensible, consolation, than I have ever enjoyed; and therefore I continue the same to this day, believing it a duty acceptable to God.

My mind was soon drawn to the consideration of Christian association; and a desire was excited to partake of the Lord's Supper. I had conversations on experience with some Baptists and Methodists; and among the latter were some friends I highly esteemed, and whose exercise induced me to believe they were truly converted by the Spirit of God. But when I compared their professed faith with the Bible, I concluded they must be in error. And yet I reasoned how is it that Christians so essentially differ as to doctrine and ordinances? Does God permit his children to see so different when they are led by the same Spirit? This gave me much trouble; but it finally occurred to me that it may be permitted for some wise and good purpose; as inscrutable to finite creatures as the dispensations of His providence in temporal matters, where we see the righteous and pious bowed down by poverty and disaster, when the wicked and vicious are permitted to prosper. The important question for my decision and action is, what path the lights afforded me teach me to walk; and, I soon came to the conclusion, that it was my duty to attach myself to the Primitive Baptist Church at Skewarkey; although by doing so I should incur the contumely and disapprobation of all the world besides.

From April to the last of June, when I was baptized, I passed through many scenes. I attended the Supreme Court and argued my cases there. I visited Chapel Hill at the Commencement exercises of the University of North Carolina; and was thrown into a variety of company and associations; and in reviewing my course and feelings, it was made evident to my mind that the finger of a merciful God had directed my path way down into the liquid grave in which I was buried in the Roanoke River; and on that day, if I could have had my choice, I would preferred to have had the whole world present to witness my profession. And yet, on that day, never did I feel a more humbling sense of my weakness and ignorance about divine and heavenly things.

For many months, did I enjoy refreshing seasons in attending the churches and upon the administration of the word and ordinances; but for many years back I have failed to receive those sensible, and feelings, tokens of love I then enjoyed; yet, I thank God, I continue to this day, more confirmed in my faith and no cause to regret that I am one of that despised hard-shell sect everywhere spoken against. The foundations of God standeth sure; and I believe we have built upon the foundation of the prophets and apostles, Jesus Christ being the chief cornerstone, and the gates of hell shall never be able to prevail against it. If in this I am not deceived, why should I be afraid or ashamed of man whose breath is in his nostrils? Or why should I shudder or attempt to avoid, the reproaches of a gainsaying world? Perhaps I have written enough of my religious exercises; possibly too much to interest you, as you cannot in a great degree appreciate it now: yet I hope, and pray, that in years to come you may be able to add yours to my testimony, and rejoice in the same truth, and, while I could not desire in the slightest degree to fetter your consciences in regard to religious faith, nor would I wish to influ-



ence you except for good, I would however, firmly but affectionately impress upon your youthful minds, never to permit yourselves to join in the cry of contumely and scum against the old Baptists, much too frequent in this sin-disordered and false-professing world.

I could greatly enlarge in noting my spiritual conflicts and warfare, and give you some lessons from my experience in relation to spiritual wickedness in high places, but it would occupy too much time and space, to but little profit I fear and therefore I pass on to the relation of other incidents of my history, remarking here that your mother was also received a member of Skewarkey Church and baptized on the 2<sup>nd</sup> Sunday in Nov., 1851.

In 1851 I was associated with Judge Saunders and B. G. Moore, Esqr., in a commission appointed by Gov. Reid to revise the statutes of North Carolina. This commission was suited to my taste and inclination and I entered upon the duties with alacrity and diligence. Judge Saunders soon resigned and the whole responsibility rested upon Mr. Moore and myself. We found it impracticable to report to the session of 1852 and the General Assembly of that year by a law continued Mr. Moore and myself as commissioners and authorized us to proceed without an associate. It was an arduous labor, and I was absent from home at Raleigh very frequently, engaged often night and day for months. It was to me an interesting and useful pursuit adding greatly to my professional knowledge. During this employment I was again solicited to engage in political life, I was nominated in 1852 as a candidate for the State Senate from Martin County but I declined the nomination so flattering tendered, assigning among other reasons the responsible duty in which I was then engaged, from which I would be diverted by being a representative in the Legislature.

The General Assembly of 1852 re-arranged the senatorial districts, and as the county of Martin, theretofore entitled to a Senator, did not then pay into the public treasury sufficient taxes, my county was attached to the county of Washington to form a senatorial district; and in the spring of 1854 I was nominated as the Democratic candidate for the district and strongly urged to accept. I was not unmindful of the unimpaired partiality of my fellow countrymen and the gratitude I owed them for my support and elevation in the past, and the duties of the commission being nearly performed, I consented to accept the nomination, and entered actively into the canvass.

I was strongly opposed, and the result was doubtful. I felt much anxiety about it, because I was then desirous to be on the floor of the House to superintend the passage of the revised code through the legislature. The professional reputation of my colleague and myself was involved in obtaining the consent of the legislature to pass the revision as we had prepared it, knowing how liable it was to be marred and disjointed by amendments. I was sustained by a majority of 21 votes only in the district, so equally balanced were the parties of that day.



The session of 1852 was the regular period for the election of one Senator of the United States and the session of 1854 of the other. In consequence of the nearly equal division of parties in 1852, a contest arose between Mr. Dobbin, who was the regularly nominated candidate of the Democratic party, and Judge Saunders, who opposed him, and the session terminated without an election. The election of two Senators was therefore thrown upon the Legislature of 1854, and of course excited much feeling and interest. Many names of high prominence were canvassed in the newspapers and among; a large number my name was mentioned, but I can with sincerity say to you that while it was gratifying to my ambition, I certainly felt no confidence or expectation that I would stand prominent for the position.

I did not reach Raleigh until the night before the session was to open, and then I ascertained that an active canvassing had been going on for a week by aspirants for these distinguished positions and that my name was generally discussed. It was soon evidently the desire of the members to decide these elections as early as practicable and to that end a caucus of the Democratic party was held on Tuesday night. I did not attend, although urged by some of my friends to do so, nor would I visit the members as customary with others, concluding that it was a position not to be obtained by personal solicitation. The session of the caucus was protracted but the result was that I was nominated for the six years term and Gov. Reid (then Governor) was nominated for the short term of four years. On Thursday the election was held by the General Assembly and Gov. Reid and myself were elected according to the nominations, which placed me as the successor of Mr. Badger. Thus, unsolicited on my part, was I elevated to one of the most distinguished places in the gift of the State, and certainly enough to gratify the highest, laudable ambition.

I received this distinction with great diffidence and a feeling sense of my deficiencies, but as a great honor to my county and family. With a firm resolution I determined to devote myself unremittingly to the best interests of my native state and if possible reflect credit upon my constituents and myself. Upon a review of all my surroundings I strongly impressed upon my young friends that the great element of my success was a firm but temperate maintenance of principles, pursued with energy and a settled conviction of their truth. It was a remarkable success of one, unaided by family or fortune, with all the disadvantages of early life and a limited education emphatically "the architect of his own fortune" rising to a most exalted position suddenly and unexpectedly. I can sincerely assure you that no fawning sycophancy or corrupting influence was practiced by me. I became the untrammelled and honored representative of a proud sovereign state, and one, not of the least of my gratification, was the credit I had thus been able to give my dear children with the hope that neither of them would ever bring reproach upon or tarnish the fair name I had thus obtained. And now in humble adoration to that kind Providence who has so signally exalted me above my fellows, I would implore Him to watch over, guide and direct my offsprings to the same honorable, if not exalted, end.



As my Senatorial term did not commence practically until December, 1855, though the nominal beginning was 4<sup>th</sup> March 1855, I continued a member of the Senate until the legislature adjourned; and being at the head of the large joint committee of both Houses on the revised code, composed of the ablest members, I was laboriously engaged on that subject, but I did not neglect a faithful discharge of my other legislative duties.

And here I am reminded of a temptation to which I was subjected during the session of a most trying and unpleasant character. There were many schemes of internal improvements, some of the most extravagant and visionary kind; and all together of the most alarming magnitude, but they were urged with earnestness by members from the different localities, many of whom had cordially voted for me and who sought my aid and assistance for their favorite schemes. A strong appeal was made to me that as I was about retiring from the legislature, I could run no risk of my constituents by supporting these measures, and thereby I could sustain my friends. Governed, however, by a high sense of public duty, and my integrity of character, as the representative of the wishes of my district, I firmly opposed many of these darling projects of my friends, and thereby for several weeks, I became odious to many, who in the early part of the session seemed greatly attached to me. I was gratified however, before the session terminated, as many of these engaged in the "log rolling", and to which was attributed their depart. Above all when the enormous liabilities proposed, was calmly considered, justice was done to my course; and I regained the good will of all, I think, before we separated. This is another instance, to which I direct your minds, where substantial good was accomplished by resisting a specious and trying temptation to error.

And, now I was necessarily compelled to change all my arrangements for the future. It was a thorough disruption of all my professional, domestic, business and family affairs, to enter upon the sea of political life, in which I will say that although it was gratifying to my ambition, yet the turmoil and strife necessarily incident did not suit my inclination. Add to this, I was to be separated from my Christian friends and associations, and I felt greatly oppressed with my responsibility and the trials to which I must be subjected. And after I have had long experience of these responsibilities and trials, I will truly advise you that the station of a faithful public servant is not a "bed of roses," but it is certainly true, that the highest stations are strewn with thorns and difficulties.

Gov. Reid resigned his office of governor and went to the Senate in 1854. I took my seat there in December, 1855, a stranger to the members, with a desire to be useful as I could not hope to be brilliant.

I soon discovered that the same influences operated there as in other places. It was evident to my mind a lamentable decay of virtue was progressing in our public councils; that there was no amendment for the better since 1845--on the contrary things I were growing worse.



With a nominal Democratic party majority of upward of 15 out of a Senate of 60 members, I found myself frequently voting in a minority of from 10 to 12 members. Rarely could we reach the highest figure, particularly on important questions of public expenditure. The prevailing desire seemed to be to procure large appropriations for any and every object; and there were constantly presented new propositions for lavish expenditures, on which sufficient votes were generally obtained from the Democratic party, with the opposition, to constitute a decided majority. It may not be uninteresting, to diversify this narrative, with one or two illustrations of the corrupting influence brought to bear upon Congress. I will select one of the smallest of these abuses.

For some time previous to 1845 there was considerable discussion in relation to books furnished to members of Congress. It was represented as a growing abuse and I felt desirous to correct it. The custom was for some old member at the commencement of Congress to move a resolution directing the clerk to purchase for and furnish to the new members the books formerly furnished to the old members and subsequently the appropriation was made in the general appropriation bill. At that time the value to each member was nearly one thousand dollars, the cost to the government and the appropriation was generally about \$75,000. Soon after I took my seat as a member of the House the usual motion was made by Mr. Winthrop of Massachusetts. Upon its introduction, a member from Maine (a new member) violently opposed it in an hour's speech in which he charged corruption and alleged that members were in the habit of selling their books for three or four hundred dollars and pocketing the money instead of distributing the books for general information the ostensible object of the appropriation. Thereupon Mr. Winthrop asked that his resolution might be laid upon the table until an investigation could be had, and called upon the member from Maine to move a committee to relieve the house from these serious charges and expose the guilty. I was much pleased with this movement, with a fond hope that this great outrage would be corrected. A committee was raised, of which the member from Maine, of course, was chairman. I sought his acquaintance and encouraged him to make a full exposure. I frequently called upon him to inquire how he was progressing with the investigation, and at first he stated he had not canvassed the committee as he was collecting information to be laid before them when they assembled. Shortly, it was said, that nearly all the books necessary to supply the members belonged to the Government, and were then lying in a room in the Capitol, and but a small amount would be necessary to complete the set. The result was the committee never were convened, and after some months delay the resolution of Mr. W. was passed, and the appropriation was subsequently made. It was evident to me that the member from Maine soon surrendered to the corrupting influence brought to bear upon him, or was made the dupe of those interested in that question. I afterwards learned it was true, there was a large number of the books required lying in a room in the Capitol, but they were not owned by the Government, but belonged to the booksellers who had purchased them from old members.

This abuse continued and increased, until public sentiment compelled Congress to pass a law prohibiting any appropriation upon a resolution in regard to books as had been before customary and such was the law when I went into the Senate. Notwith-



standing this law, the practice continued until the value of the books to each member was about \$1,500, and the appropriation about \$150,000. The House of Representatives passed the usual resolution and appropriation. The Senate, inconsistent with their usual course rejected that item in the appropriation bill and that with other matters became a subject of conference between the two Houses. I was placed upon the committee of conference. A compromise was made with the consent of a majority of the Senate committee by which a part of the books was appropriated for. I opposed the report of the committee in the Senate and was gratified to find that my position was sustained by a majority and the report not concurred in something very unusual upon reports of committees of conference. The bill was sent to another committee and they could not agree, and on the very last day of the session another committee was raised upon which I was again placed. The conference was not harmonious. I would not yield a principle in defiance of a solemn act of Congress; but the bill was an important one, involving millions for necessary objects and a majority of the committee again made a compromise striking down the appropriation and providing for a distribution of the books in the congressional districts. I still opposed it, but it was passed in the expiring hour of the session. Now from this you can form some faint conception – faint though it will be – of the extravagance waste and corruption that controlled our public councils, yearly and daily destroying the vitals of healthy, honest legislation.

I give you another incident. According to the long habit of the Senate, the Senate committees at the commencement of each session were arranged in caucus by the majority party taking a majority on each committee and leaving to the opposition to fill up the minority in their caucus, and as new members of the majority came in, they were placed at the foot of the committees and gradually went up by seniority until they reached the head. The consequence was that Gov. Reid and myself, being new members, were placed in apparently no prominent positions. I protested in caucus against the injustice to Gov. Reid, but I was assured by old members it was the only rule that could be adopted to avoid difficulty after long years of experience and I of course yielded.

I was placed on 2 or 3 committees, but the only one of importance was the Committee on Territories (of which Judge Douglas was chairman), then not very important but subsequently obtained great importance, in consequence of the exciting questions that arose as to the establishment of territorial governments and which shook the Union from its base.

During the first session, my position was clearly defined by votes invariably against wasteful extravagance generally voting as I said in a minority of 10 or 12. When the committees were being arranged for the next session, a member of the Committee of Finance (one of the most important and distinguished of the Senate and of which Mr. Hunter of Va. was chairman) insisted that he should be taken from that committee and that I should fill his place, assigning as a reason that as the committee was then constituted a majority were for large appropriations that he was compelled frequently to go for these appropriations against his better judgment that it was necessary Mr. Hunter should be sustained in his economical efforts and that I was the member to place on that



committee. The change was made. I felt it a high compliment, but you will from this gather how much prostituted were members of Congress, extending to the august body of the Senate, who themselves had not the manly virtue and independence to resist error, but who required a check from their fellow members to avoid the inevitable ruin to which we were driving.

The tendency of everything in the government, according to my opinion, was towards ruin. The picture presented to my mind every day was sad. The whole soul of a large number was absorbed in schemes and arrangements to secure themselves in power, and one election was just over when plans for another to secure success were projected. My party, to the people for a proper administration of public affairs. And there I found myself bearing the responsibility without the slightest means to correct mal-administration; and no prospect for the better in the future, because this state of things was increasing and becoming firmly fixed so far as I could see or hope.

I would not have you believe there were no exceptions among our public men to this general deterioration. It gratifies me to say, I found many, but they were, like me, powerless for good. I would not be guilty of the affectation and vanity of stating to you that I was not often misled by these evil influences, and therefore did not indulge in error, but my general course, I am by an elevated desire to act for the good of the country and to resist every corrupting influence. The experience of my senatorial course, ending in 1858, forced the conviction upon my mind that the government of the United States was becoming thoroughly corrupt, and that in a few years it would fall to pieces by its own corruption and I so expressed myself to my friends. When I went to the Senate Mr. Pierce was President. His general measures of administration met my cordial support. During my term he retired and I witnessed the inauguration of Mr. Buchanan, and his administration generally met my approbation while I remained in the Senate; but his subsequent course in relation to succession I emphatically condemn. It is as well to note here that I visited home at Christmas, 1855, and carried with me on my return to Washington City all the family, where we resided until the adjournment of Congress in the summer of 1856. During the next session, being the short session, the family with the exception of Lucy, remained at home. She accompanied me to Washington. In January, 1858, the family again removed to Washington and remained until the spring of that year. Part of the time we resided at the Capital we boarded, but a portion of the time kept house in furnished lodgings which I rented by the month.

The gayety, extravagance and society of the metropolis was unsuited to me, and soon after first reaching there I sought Christian association and conversation more congenial to my feelings, when relieved from the cares and perplexities of my public station. I attended divine worship of different societies, but at length I met with a few old school Baptists and attended the preaching of the word by Elder Wm. I. Purington in a dilapidated house in an obscure part of the city, and here I enjoyed more real pleasure than in the magnificent temples which decorated the city.



In the winter of 1857-58, Judge Potter, the district judge of the United States for North Carolina, died, having held the office for upwards of 50 years. It was a station desirable to me, as honorable and consistent with my former habits of life. I preferred being relieved from the irksome position I occupied, though it certainly was one of the most distinguished in the country. I expressed these feelings to some of my friends, and after the disposal of some important business then pending in the Senate, in May, 1858, I was nominated by President Buchanan, as judge, and confirmed unanimously by the Senate; and thereupon I resigned my seat as a Senator from North Carolina when about half of the term for which I was elected was unexpired. In this case, as heretofore, I made no personal solicitation for the office, and took no steps to secure it; but it being offered, with profound gratitude to my State for my elevation to the Senate and for the constancy and fidelity with which I was encouraged by a large number of admiring constituents, yet with a decided conviction that I could pass down the current of life more gently, giving place to some more talented and faithful statesman in the distinguished arena of the Senate, I left public life with pleasure; and, although I parted reluctantly with many valued friends, I retired to the judicial bench, without regret.

In consequence of my mental anxiety and the turmoil and irregularity of the life I was compelled to live, it seriously impaired my physical powers. I reduced very much in flesh, and I on my return, my friends at home looked at me with astonishment; but resuming the comparative quiet of my former life and again adopting my regular habits I soon recuperated and was prepared for labor.

The duties of my office required a course of reading essentially differing from my former course, and I set to work diligently to qualify myself for the responsible duties of United States Judge. The district courts were held twice a year at Edenton, New Bern and Wilmington and the circuit court once a year at Raleigh. At the latter court the presiding judge was an Associate Justice of the Supreme Court of the United States when attending, and Judge Wayne was assigned to my circuit. For many years, in consequence of the age and imbecility of Judge Potter, the courts had become formal farces. I reorganized them, adopted necessary rules to render them efficient, and prepared to make the district courts useful. I held also the circuit court, unaided until Nov., 1860, when for the first and last time Judge Wayne presided.

Having had some correspondence with him, I ascertained before we met that he positively denied the right of a state to secede from the Union, and as Lincoln had been elected President, and the excitement in the South was great, it was not improbable that this might become a practical question and require the decision of the judiciary. I supposed if it were to arise at that term it could only be made in his address and charge to the grand jury, and as I entertained a decidedly different opinion on the subject, I prepared in writing the conclusions of my judgment to be used if occasion called for it. He, however, charged the jury without alluding to the subject, but I will here transcribe what I intended to say, for preservation, and to show my position at that time.



The following was prepared to be delivered in case Judge Wayne was not present or in case, if he were present, I should charge the jury:

"Treason against the United States consists in levying war against them, or in adhering to their enemies, giving them aid and comfort. The constitution provides that no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. An act of Congress passed in 1790 provides that if any person owing allegiance to the United States of America shall levy war against them, or shall adhere to their enemies, giving them aid and comfort, within the United States or elsewhere, and shall be convicted on confession in open court, or on the testimony of two witnesses to the same overt act of treason, whereof he shall stand indicted, he shall suffer death. And it is a high misdemeanor by the same act, for any person having knowledge of treason to conceal the matter or not to disclose it to the public authorities. These are offences against the United States and cognizable in the courts of the United States only. But it is also true that treason may be committed against the state government, forming a state offence, cognizable in a state court and punishable by state authority. A period may arrive in the history of our country when it may be proper and necessary to consider and decide the appalling question, whether a citizen owing allegiance to the United States and his own state, can be guilty of treason to the United States by rendering obedience to the commands of the sovereign authority in his own state, after the state has solemnly decided to separate himself from the Union. It would, however, be premature in the judiciary to prejudge that important question, yet undecided by the courts; and it being yet a political question (about which however I entertain a decided impression) I deem it improper now judicially to express or intimate what my opinion is.

It is fervently hoped by me that the alarming circumstances now surrounding us may be so overruled as to render unnecessary the decision of this question. But if unfortunately a decision shall be forced from the courts, I trust they will exhibit the same firmness and wisdom that have marked the course of the judiciary in many trying periods of our history.

The following was prepared to deliver in case Judge Wayne should express an opinion differing from mine:

"With deep regret I am compelled to differ with my associate, the presiding judge of this court. On ordinary questions I should feel disposed to defer to the greater experience and wisdom of my associate, as it is very desirable when practicable that there should be a concurrence of opinion among judges, so as to give the decisions of the courts greater weight. But now I am forced to express an opinion upon a question of the gravest character without argument and without the judgment of a superior tribunal, although I am free to say it is a question that has occupied much of my consideration and particularly within these last few months. It is an extraordinary occasion, and I feel the full force of my responsibility. I have heretofore said, in my opinion, it is premature in the judiciary, considering the gravity of the question, to prejudge it, by ex-



pressing an opinion in advance of a judicial case arising in which the light of argument may greatly assist in which the light of argument may greatly assist in which the light of argument may greatly assist in forming a correct opinion. And I the more regret this conflict of opinion, because it occurs when my associate and myself meet for the first time to co-operate in the discharge of our official duties, and at a time of great political excitement in the country upon the very question now brought up.

I am well aware that the right of state secession from this union has been for a long time a controverted question upon which statesmen and the brightest intellects of the country have entertained opposite opinions; and therefore I might well hesitate as a judicial officer in volunteering an opinion until a case is made, which rendered it necessary to pronounce my judgment. But no alternative is now left me, and I will not shrink from the expression of my opinion, forced upon me as it is, because by remaining silent now I should tactfully adopt the opinion of my associate. Perhaps I am in error in concluding it is improper to withhold the opinion of the court from the grand jury charged with an enquiry into all violations of the criminal laws of the United States as this question involves a violation of criminal law.

I hold therefore that the states, in forming the federal government acted separately as equals and sovereigns, with no common superior; and that the first duty and obligation of the citizen was due to his state; and upon the adoption of the constitution of the United States by his state, this duty and obligation is no less due to the United States, but because it is at the command and clothed with the sovereign authority of his state. That the citizen, while his state remains a member of the Federal Union, must conform to the Constitution of the United States and the Constitutional laws of the Federal government, although they conflict with the constitution and laws of his state; and where there is a conflict of opinion as to what laws are constitutional, the proper tribunal to decide that question is the supreme judiciary of the United States. The question being thus decided, it is the duty of the citizen to acquiesce in, and maintain that decision.

“But whenever any state in her sovereign capacity (and I mean by that, the people of a state duly and legally assembled in a convention by the proper authority, with the same formalities and regularity as conventions were held to ratify and adopt the constitution of the United States originally) shall solemnly so decide she has the right, for sufficient cause, (of which she must be the judge, as upon her alone rests the heavy responsibility for such a fearful act) to voluntarily and peaceably secede from the Union, which she voluntarily entered; and thereupon, a citizen of such state is absolved from his allegiance to the United States, for obeying the commands and maintaining the laws of his own state.

“This is my decided judgment now, formed after much reflection upon the theory of our government, and the history of the day in which the federal government was created; and in my humble judgment, in the language of one of North Carolina’s most cherished sons (the late Mr. Macon) this right is the best guard to public liberty and to



public justice that could be desired; and if, generally or universally admitted, would secure security for the permanent and perpetuity of the Union.

"I cannot now, and therefore do not propose to allude to the arguments advanced against this right; and it is with entire deference I declare my opinion on the general subject; but, I repeat, no alternative is now left me, and I therefore respectfully announce this conclusion as the firm conviction of my best judgment."

I will retrospect a little. The Democratic party in 1850 were divided upon their preferences of men for the Presidency, and there was a conflict of opinion as to the course to be adopted in creating territorial governments; some in favor, and others opposed to what was called "Squatter Sovereignty". The opposition then organized a party, called themselves "Republicans" (a desecration of that old party name), claimed the right of Congress to prohibit slavery in the territories, and to legislate for them, and avowed their determination to do so if they obtained the power.

The Democratic convention assembled at Charleston in the spring of 1860 to nominate a candidate. There was a failure to nominate. The convention adjourned to meet in Baltimore early in the summer. There was great excitement through the country. Although removed from political life, I felt a deep interest in the alarming state of public affairs. All the old political organizations had dissolved except the Democratic Party, and I was convinced that upon the disruption of that party, as the country was then situated, there was a virtual dissolution of the Union. I felt an earnest desire to save the Union if the rights of the South and States could be preserved.

I cannot better illustrate my position than giving the substance of a conversation I had, when I was a Senator, with Mr. Deith of S. C., a member of the House. He expressed a confident opinion that we could live no longer in harmony with the Union, and he was then in favor of a dissolution of the Union, and insisted upon a course of action on some pending question to which I dissented. I remarked that I felt as determined to maintain our rights as he could possibly be, but the difference between me and him was we were governed by different motives of action he thought dissolution desirable I did not think so he would shape his course to attain that result and I would do all I could, consistent with our rights and honor, to avoid what I should consider a sad calamity.

After the adjournment at Charleston, and before the meeting in Baltimore, I visited Washington to inform myself personally of the prospect for the future; and while there, I had full and free conference with many distinguished public men. The aspect of affairs then has been verified too truly by subsequent events. I called upon General Cass, then Secretary of State, and our conversation made a deep impression upon my mind. He remarked that things "were sadly out of joint. It seemed that the people were demented. "My section," said he, "appeared to have run wild. Although I have been identified with my state for forty years, I do not suppose, upon my return home, I could be elected a constable; and recently a gentleman from your section expressed to me a



hope that the Union might be dissolved. My conclusion is, if this calamity is not avoided, these states, in a short time, will be cut up into 3 or 4 independent republics, warring against each other. I am now numbering my days and cannot hope to remain here much longer, if I shall be able to get through with the duties of my present office; and I trust I shall pass away before this sad event happens.

Neither of us could realize that the catastrophe was so near at hand, although the forebodings were then significant. Mr. Cass then agreeing with me that a disruption of the Democratic Party seriously threatened such a result. A dissolution of the Union was the inevitable effect of a false religion, a fanatic philanthropy, a disregard of plighted political faith, and the non-observance of rights secured by the constitution by which every state was guaranteed equality, notwithstanding their domestic institutions and the consequent estrangement from the Union of the affections of a section of the country if being manifest that this Union had become their oppressor instead of their defender.

The election of Mr. Lincoln as a sectional candidate, with his avowed principles of abolition and the supremacy of congressional legislation, totally subversive of the rights of the states, was the climax of endurance; and a separation followed, first of the Gulf States, and upon the issuing of his infamous proclamation of April, 1861 intended to coerce the States into submission Virginia, North Carolina and other states ranged themselves with their southern sisters in resistance.

The legislature of North Carolina, in February 1861, submitted the question of a state convention to the votes of the people; providing that in case a majority should so decide, it was to assemble immediately, and delegates were elected at the same time a vote was taken on the convention question. At this election Martin County voted for a convention, and Elder C. B. Hassell was elected the delegate from that county. A majority in the state, however (though small) voted against a convention, and North Carolina, therefore, for the present decided to remain in the Union. I was decidedly in favor of a convention to deliberate as to the course the state ought to take. I retained my office, because I deemed it imprudent to resign it until the state seceded, or such controlling circumstances occurred as to induce me to conclude that it could no longer be held with honor and consistent with the duty owed to my state. To show you, however, my feelings and opinions before the proclamation was issued, I transcribe here some propositions reduced to writing at that period:

1. I unequivocally admit the right of a state to secede from the Union, and thereafter, I deny that the United States government has any power or authority within the jurisdictional limits of each state.
2. If the United States government attempts to coerce a seceding state, I think this a sufficient cause for North Carolina to immediately secede from the Union and unite her destiny and resources with the seceding states.



3. As the Union is now dissolved by the withdrawal of several states, I consider it important that the whole of the southern states should act untidily and harmoniously as the only means to avert civil war.

4. At present I cannot see a probability of living in harmony with any of the non slaveholding states; but if a Union can be reconstructed by which the guarantees contemplated by Mr. Crittenden's resolutions can be obtained, then I am for a re- construction upon those resolutions as a basis.

5. If that is found impracticable, then I am for secession of North Carolina and co-operation with such of the southern states as may agree to form a Southern Confederacy; and I am utterly opposed to a Union of a central confederacy of the border slaveholding and non-slaveholding states and thereby cutting loose from the Gulf States.

6. I will not be pledged to any particular course of action, except as indicated in the above propositions and conclusions intending, however, to exercise my best judgment to maintain the institution of domestic slavery, and desiring to that end the co-operation of all the Southern States.

Stirring events succeeded each other rapidly. A failure by the peace congress to settle difficulties was followed by the proclamation of April, 1861; and thereupon I determined no longer to hold office in the government of the United States, and prepared immediately transmitted my resignation; a copy of which I here transcribe:

Williamston, N.C., April 23, 1861  
To Abraham Lincoln,  
President of the United States:

Sir: I hereby resign my office of district judge of the United States for the District of North Carolina, being unwilling longer to hold a commission in a government which has degenerated into a military despotism. I subscribe myself yet a friend of constitutional liberty.

"Asa Biggs."

I thereby cut myself loose from all official connection with the Government, and took my stand as a private citizen of the state, and advised and acted as the convictions of my judgment dictated. Another convention was called to convene on 20<sup>th</sup> of May, 1861, and an election of delegates was ordered on the 13<sup>th</sup>. My name was placed before the people of Martin as a delegate, and I was elected with but little show of opposition. And now, my hoped for quiet is disturbed. I am again forced into the stormy arena at an awful crisis of my country's history. I did not hesitate. I encouraged the formation of military companies, assisted in, and promoted their equipment and supplies, and urged upon all to defend the legacy of our ancestors the right of self-government to the last extremity. The county of Martin furnished immediately two volunteer companies, commanded by Capts. Lamb and Clements, and subscribed several thousand dollars to fur-



nish equipment and supplies; and the company commanded by Capt. Lamb left the wharf at Williamston for the defense of the Coast of North Carolina on 20<sup>th</sup> May, 1861, the day that the state formally seceded from the Union.

I took my seat as a member of the state convention at Raleigh on 20 May, 1861, and so united and harmonious was public sentiment then that before the close of that day an ordinance of secession unanimously passed, separating the state from the Union and declaring our determination to assert the right of self-government, a right inestimable to freemen and formidable to tyrants only. When I recur to the scenes of that day, my heart exults with pride at the proud position my native state then assumed; and I can but regret that anything has since occurred to cast a reflection upon the patriotism of any portion of my fellow citizens; but candor and truthfulness require me to say that many, then voting for secession, have since greatly embarrassed our efforts to sustain the position then taken. In a few days, the state became a member of the provisional government of the Confederate States of America and elected delegates to represent the state in Congress; and for weal or woe, identified herself with the Southern Confederacy by subsequently adopting the Constitution of the Confederate States.

I was laboriously engaged in the convention as long as I remained a member, being placed on the most important committees by the appointment of Mr. Weldon N. Edwards, the venerable president. Whatever may be the criticisms on my course in that body, I will say that I never proposed or urged any measure that I did not hope and believe would promote harmony in the maintenance of our course being deeply impressed with the conviction that our success depended upon our unity.

On 17<sup>th</sup> June, 1861, I was appointed by Jefferson Davis, President of the Confederate States, Judge of the District Court for the District of North Carolina; and this appointment was confirmed by the advice and consent of the Congress, and a commission was sent to me dated 13<sup>th</sup> August, 1861. Upon the formation of the permanent government of the Confederate States under the permanent constitution, I was appointed by President Davis, by and with the advice and consent of the Senate, judge of the court aforesaid; and my commission furnished me is dated on 15<sup>th</sup> April, 1862, and I took the oaths of office before Judge Heath of the Superior Court Bench of North Carolina on 27<sup>th</sup> May, 1862.

The convention had several recesses, one or two while I was a member. I continued a delegate until I thought it was time the Court was organized, and that my attention was required to the prize cases which were accumulating at New Bern. I resigned my seat in the winter of 1861-62 and Mr. D. W. Bagley was elected my successor. Again did I retire from public life, and since then I have been discharging the duties of judge. As remarked in the outset, I was driven with my family from home by the enemy in February, 1862, and have been residing at this place since December, 1863; looking on with the deepest anxiety at the struggle which has been progressing for four years; with an abiding belief in our ultimate success, because I do firmly believe our cause is just.



Frequently, however, I have been greatly depressed in spirits with pain and grief realizing what I did not expect to see prevail so extensively in the south a spirit of covetousness, selfishness, extortion, and avarice that induces me to suppose this cruel war is still to be prolonged, until a just and merciful God shall humble our people more, and extirpate the distracting and fell spirit that so generally prevails. How any patriot, philanthropist, or Christian can permit himself to be absorbed in making a fortune out of the miseries of this war is past my comprehension! How men of standing wealth can remain at home, accumulating their thousands and millions at the expense, misery, and discomfort of the families of those brave and gallant soldiers who are protecting our rights at such sacrifices, is but another evidence of the ingratitude and depravity of poor, fallen, human nature! How any Southerner, not deprived of his manhood and spirit of freedom, can be willing to submit to the insolent foe who demands our subjugation at his feet, with his heel in our faces, the confiscation of all our property, with the ignominious and debased condition of becoming the slaves of slaves is to me distressingly painful and amazing!

In April 1861, my son William, then about 18 years old, and in his junior year, was at school the University of North Carolina at Chapel Hill. Before the secession of the state he applied to me for permission to join a company who proposed to tender its services to President Davis. I declined to give my consent, advising him to apply himself diligently to his studies, as he might soon be deprived of any further educational advantages, a matter of vast importance to him. The students, however, became so much excited that college exercises were partially suspended, and he ventured to visit home.

He reached there in the morning of the day when we were engaged in forming the volunteer companies in the county. He remained in the house but a few minutes, and asked my permission to attach himself to one of the companies, which I promptly granted. He was elected 3<sup>rd</sup> Lieut. of Capt. Lamb's company of 12-month volunteers, called the Roanoke Guards, and started with that company to Cape Hatteras on 20<sup>th</sup> May. It is remarkable, they carried no guns, no entrenching tools, and for weeks were stationed on the bold sea bench without any means of defense. In August, 1861, the garrison at Fort Hatteras were captured by the enemy, carried as prisoners to New York and from thence to Fort Warren in Boston harbor, and were kept for 8 months before they were exchanged.

Upon the re-organization of the company, William was elected 1<sup>st</sup> Lieut., subsequently promoted to the Captaincy of Company A. of 17<sup>th</sup> Regiment of North Carolina Troops, and attached to Martin's Brigade; in which capacity he has been serving ever since. The brigade is now commanded by General Kirkland attached to General Hoke's division. He has been through a great deal of hard service, in North Carolina and Virginia, and engaged in several battles; but through the mercy of God he has escaped with one slight wound, and has had but one serious spell of sickness thus far. Certainly we have cause to adore the superintending and preserving Providence of our Kind and Heavenly Father!



In July 1864, my son Henry, having reached the age of 17 years, by my consent, attached himself to Capt. Manly's Battery of Artillery of Cabell's Battalion, stationed between Petersburg and Richmond, where he has been serving ever since; and so far has enjoyed good health. He has not yet been engaged in a battle.

I cheerfully give up my boys to the service of my country, though the sacrifice is great. I would consider myself and my family disgraced if we desired to and could relieve ourselves from a participation in this great conflict for our liberty. I fervently pray that they may be spared; but I endeavor to make myself resigned to any event; with faith, that God will order all things for the best, and that out of this bloody courage, some great good is to be accomplished.

This war for independence has now been in progress for more than four years with varying success. And such a gigantic war we do not read of in modern history! The sacrifice of human life, and some of the most worthy of the country, is great and painful, and the end of this carnage is only known to Almighty God. It is a contest on our part for the right of self-government, a right inestimable to us, and which we cannot surrender without dishonor. Our country is invaded by those who demand our subjugation and submission to their rule the utter annihilation of our personal rights and our rights of property. The consequences of which would be our degradation and ruin.

I know that I am rapidly passing from the stage of action. In a few short years the place that now knows me will know me no more forever, but I feel great solicitude that you, my dear children, may be permitted to enjoy the blessing of freedom that I have so long possessed. If we are unsuccessful I shall die with a conviction that you and my countrymen will become the most degraded people upon the face of the earth. If we are successful, and our people, as I hope they will, learn from our sad experience the errors of the past, reform their vices and confess their sins and transgressions, God in his mercy may make us a prosperous and happy people.

It is amazing how successful we have been in resisting the enemy with our limited resources compared with our foes. It is evident to me that the Almighty arm has been interposed in our behalf; and this gives me confidence that He will yet deliver us. But we are a sinful nation, I am compelled to confess; and this war has developed a spirit of covetousness, extortion and a greed for gain in the southern country which I did not expect to see. It is poor, fallen, unregenerate human nature!

In my opinion the proximate course of this war is a false religion, an anti-Christian spirit which I think will be punished severely by a just and holy God. We have suffered immensely and the clouds now look lowering and the prospect is exceedingly gloomy, but God knows all things and what is best, and I endeavor to be calm and resigned to His holy will.



This much I now say in regard to the pending war. Much more I could write on this all-absorbing subject, but you have had experience of the evils of the times as well as myself; and some of you can appreciate the horrors, anxieties, and difficulties of the past four years, and I pray Heaven that you may never have such painful and melancholy experience for another four years of your lives. I have been driven from my own home twice by fear of being captured by the enemy, and am now under apprehensions that I shall be compelled to leave my family again. If I should not, I may hereafter continue these memoirs; but if I do, it is probable this will be the last I shall ever write in this form to you, and I therefore commend and commit you to God, praying to preserve and guide you with the admonition to live soberly, righteously and godly in this present evil world.

July 1, 1865

It is with a sad and heavy heart I resume these memoirs. Most important events have occurred, the consequences of which I cannot foresee and a blow has fallen upon our family circle, heartrending and irreparable. Our country is subjugated and our dear boy Henry is no more, another sacrifice of blood, another mournful calamity of this cruel war.

General Lee evacuated Petersburg and Richmond about 1<sup>st</sup> April and on 9<sup>th</sup> surrendered his army to General Grant at Appomattox C.H. Va. On 8<sup>th</sup> (Saturday), late in the afternoon. Manly's Battery was attacked by the enemy near the Court House and Henry was wounded in the neck. It paralyzed him, rendered him speechless and lockjaw ensued. He was carried to a poor man's house by the name of Tyree on Sunday and there he lingered until 12<sup>th</sup> (Wednesday), when he expired about 9 o'clock p.m. and was buried in the private burial ground of a Mr. Overton about ½ mile from Mr. Tyree.

We have assurances he was well cared for and decently interred. He was the only member of the battery that we could hear was injured, and why was it that he was permitted to fall? Oh God thou knowest! What a bitter pang! We looked anxiously for him among the returning soldiers; we hoped to see him hourly make his appearance; we sought diligently to ascertain his situation, until we were informed he was wounded. A glimmer of hope still sustained us until a visit of William to the place (about 10 miles from Appomattox C.H.) to inquire after him, brought us the certain and melancholy truth that he was dead. That awful truth sunk our hearts, threw a gloom over the household-plunged us into the deepest grief-and night and day has his dear mother mourned the loss of her absent boy with broken lamentations!

Henry was a sprightly, a very intelligent youth, energetic, patriotic and hopeful, a dutiful and promising child; and we had hoped for him a long life of usefulness to the family and to the Country. God thought best to remove him from this scene of strife and turmoil that he might not witness the subjugation of his country, and I humbly trust has taken him to a world of rest and peace. We bow, O God, to thy righteous will and pray that this great affliction may be sanctified to our good. Let the thought console



you, my dear children that he died in the defense of his country, in the pathway of duty. May you all discharge your duties with the same fidelity and die in the same honorable way. Let us humbly submit to the dispensations of a righteous Providence, who for some wise purpose, inscrutable to us, has removed from our family the loved ones who so frequently enlivened our home circle and promised so much for the future. It teaches us among other lessons that the young also die and the importance of being prepared for that change whether old or young. It has left an aching void, that nothing but the consolations of God's Spirit can supply and to Him I commend you for light and comfort and pray that He may sustain and support us in this our day of trial and grief.

On the day that Henry was wounded, I was in Raleigh to visit William, who was sick in the hospital. He obtained leave of absence for a week to come home and recruit, but before the week expired General Johnston retreated Raleigh was occupied by the enemy. He was prevented from joining his command until General Johnston surrendered his army to General Sherman about 20<sup>th</sup> April. Subsequently, as we hear, the other military forces of the Confederacy surrendered, and thus the Confederate military organization was disbanded and the enemy victorious. The President of the Confederate States, Jefferson Davis, and many other prominent southern officials have been arrested and are now in prison. In one short month our government terminated, and we are placed at the mercy of the United States military authorities.

The President, Mr. Lincoln, was assassinated at a theatre in Washington City on or about 14<sup>th</sup> April and the Vice President, Andrew Johnson, is now President. Mr. Johnson has appointed Mr. Holden provisional governor of North Carolina, who has declared all the civil offices of the state vacant and prepares to call a convention to reconstruct the state government. The military have declared the slaves free, and still occupy the Capitol and important positions in different sections of the state; so that all is chaos and nothing definite for the future. This much may be said with certainty that now, to all intents and purposes, we are a conquered province, held and governed by the strong arm of military power.

Mr. R.P. Dick has been appointed United States district judge in my place. I expect to be arrested and tried for treason and all my property confiscated, if what appears to be the intention of the reigning authority is enforced. It is useless for me to extend this gloomy picture. It darkens as it expands, and, as it is viewed more closely. And yet the Lord reigneth! and I believe nothing will transpire but what He permits and therefore with confidence I leave my all to Him; and conclude this hasty resume of passing events, with some probability, that I may not soon, if ever, continue in this form any note of future events.

May God bless, guide, and protect you!!!

(Note The concluding item in this sketch is a newspaper clipping from The Economist of Elizabeth City, prepared by General H. G. Spruill, of Norfolk, Va., and



published on June 18, 1872 as part of a series of sketches of members of the convention of 1835 by a member of that body. It follows:)

Hon. Asa Biggs

The subject of this Sketch was born in the county of Martin. He had but limited early advantages, did not have a liberal education, and was literally the architect of his own fortunes. But, he had the advantage of being raised by a very intelligent and pious father, and those early impressions doubtless had their effect on his future life. In early life while yet a boy, he engaged as a clerk, with an intelligent and worthy merchant of Williamston. He was so close a student and manifested so much desire for knowledge that his employer suggested and urged on him to abandon that business and study law. He followed the advice, and pursuing the natural inclination of his mind, studied law, soon obtained license, and commenced the practice in 1831, and soon secured an extensive and lucrative practice. Judge Biggs' first appearance in public life, was in the convention of 1835, being the youngest member of that body. He participated but little in the discussions, but was a close observer and student of the great principles and questions involved in the debates.

He represented Martin County in the Commons in 1840 and 1842, and in the Senate in 1844. In 1845 he was elected to the House of Representatives in the Congress of the United States, beating Hon. David Outlaw. In 1847 he was beaten for Congress by his former competitor, Col. Outlaw. In 1850, he, together with Hon. B.F. Moore and Hon. R. M. Saunders, were appointed code commissioners. Judge Saunders soon resigned and Messrs. Moore and Biggs could not complete the code in time to report to the General Assembly in 1852. At that session an act was passed continuing the Commission and appointing Messrs. Moore and Biggs to complete the revision. They reported at the session of 1854. The revision of this code was always held as very perfect, and reflected much credit on the authors.

Judge Biggs was elected to the Senate from Martin and Washington counties in 1854, and during that session he was elected to the U. S. Senate until December, 1855, as he remained during the session of the N.C. legislature to superintend the passage of the code. He remained in the U. S. Senate until May, 1858, when he resigned and was appointed judge of the District Court of the United States for North Carolina. He held this office until a few days after the proclamation of President Lincoln in 1861, when he resigned, and was elected the delegate from Martin County to the convention of 20<sup>th</sup> May 1861. In the summer of that year he resigned his seat in the convention, and was appointed judge of the District Court of the Confederate States for N.C.

In 1848 he was the Democratic elector and canvassed the electoral district in the contest between Cass and Taylor. In 1866 Judge Biggs resumed the practice of the law and settled in Tarboro. He attended the courts in the adjoining counties, and in the superior and federal courts with great success. In 1869 the party then in power had thoroughly changed the judicial system of the State, and made it necessary for him to prac-



tice before inferior courts, composed often of corrupt and incompetent Negro justices. And to cap the climax, the Supreme Court had debarred unless he would retract, or apologize for what, he honestly believed was a commendable act, and which he positively refused to do. His separation from his old and honored associates at the bar and the many dear and valued friends of his whole life was a source of deep regret, and was most painful to him. In 1869 his brother, Kader Biggs, the head of a long-established, popular and successful commission house in Norfolk, invited him to be a partner in that house, which is now conducted under the name of Kader Biggs and Co.

In 1870 Judge Biggs and Hon. W. N. H. Smith formed a law partnership in the city of Norfolk, and enjoyed a liberal patronage, which has been dissolved by Mr. Smith's returning to North Carolina.

Judge Biggs was not classed among the orators in the common acceptance of the term. He never dealt in tropes or figures, never attempted any display of witticism or anecdote, nor did he ever attempt to excite the passions of his hearers. He aimed only to take hold of the strong points and enforce them by sound logical reasoning he always addressed the reasoning faculties of his hearers. The great peculiarity in his speeches was his earnestness. He would present his arguments in a manner to impress on his hearers convictions of his honesty, and present his reasons and arguments with fervid earnestness. He was remarked for the honest simplicity of his character. He had great influence over the juries in all the courts he attended from the fact that he never attempted to deceive them. When he stated a point of law they were satisfied that he believed it.

When he was canvassing for Congress with Col. Outlaw, party politics ran very high, and the excitement was intense, yet no word escaped either party that was calculated to excite angry feelings, and when the contest was ended, both the contestants had the respect of his opponent.

The contest between him and Hon. Edward Stanley, in 1848 was very exciting. Mr. Stanley was noted for the fire of his eloquence. He used the weapons of wit, satire and ridicule freely and yet in all those discussions, neither party was betrayed into the use of an offensive expression—and they closed the campaign as personal friends.

No man possessed a private character more pure and spotless, no word of suspicion was ever breathed about him. He was esteemed among the members of the bar as a sound, safe lawyer, and a pure, profound jurist. Judge Biggs was a life-long Democrat. He held that the general government was created by the states, that it had no powers but such as were expressly granted in the constitution, and that all powers not thus granted were still retained by the states.

Judge Biggs is now residing in the city of Norfolk, busily engaged; still retaining all his vigor of mind and body, and enjoying in a green old age the affluence which has been produced by his own exertions.



**Editor's Note:** Asa possessed courage and integrity beyond his years and he became impatient with the waste of time and money he saw while he was in Congress, so he returned to private practice. He and several other North Carolina lawyers were against the interference the Justices of the Supreme Court exercised in political affairs, so they signed a protest against the activity.

Not willing to apologize to the court as he was demanded to do, Judge Biggs moved to Norfolk, Virginia where he continued to practice law with W. N. H. Smith. He and his brother, Kader, also organized a mercantile business. On 6 March 1878, Judge Asa Biggs died in Norfolk at the age of 67. He was buried in Elmwood Cemetery in Norfolk.



