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JOURNAL OF THE NEW BERN HISTORICAL SOCIETY

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HISTORY OF THE NEW BERN FIRE DEPARTMENT

Part I: 1710 Through the Civil War

Claudia B. Houston

New Bern's firefighting history began the same way as most small towns in North Carolina: the original firefighters were citizens of their town and they responded to fire alarms with their own buckets, ladders, axes, or other equipment to fight fires. In many cases this equipment was mandated, as it was clear that no one citizen could fight a fire on his own. Initially, towns were small and homes and farms were long distances from one another. But as the early towns grew, they were extremely vulnerable to fire due to their wooden structures, and as a result, some towns compelled their citizens to participate in fire watches. Very few towns had water systems, which made it impossible to have an effective fire department. Merchants and industrial plant owners understood the gravity of fire and many were willing to establish a method to combat fires on their own property (Mike Legeros, *Early Black Firefighters of NC*, p. 4). Fires were particularly feared during war-time, as a settlement or town could virtually be destroyed.

1710-1799 The town of New Berne was founded in 1710. In the early 1700s it was still a village, but by 1777 it was considered to be the most populous town in the state with some 150 dwelling houses and about six hundred inhabitants (Thomas Alonzo, *18th Century New Bern - A History of the Town and Craven County*, p. 6). The provincial government of North Carolina was charged with the passing of acts establishing towns, and such acts usually contained language pertaining to fire protection. The first formal fire department in New Berne was established in 1773 by Chapter XIX of the Laws of North Carolina, (p.917) which allowed for taxation of citizens to provide for fire protection.

Whereas from the great increase of Buildings in the Town of New Bern, Damages may hereafter arise by Fire; and it appearing necessary that water Engines, and other Instruments for extinguishing Fire, be procured as soon as Possible.....may be equally proportioned to the Danger they may

be subject to by Fire; which Money assessed on the Owners of Houses and residents as aforesaid, shall be collected and applied towards purchasing a Water Engine, Buckets, Ladders, and other Instruments proper for extinguishing Fire, and erecting one or more Public Pumps;...and as soon as such Engine, and other instruments for extinguishing Fire as aforesaid, shall be procured, it shall and may be lawful for said Commissioners or a Majority of them, to appoint and establish a Fire Company to manage and work the said Engine."

New Bern suffered during the last decade of the eighteenth century from a series of fires, beginning with its first catastrophic fire in September 1791. A fire broke out about noon in a house on the county wharf at the juncture of Craven and South Front streets, and flames spread from the roof of this building to several other houses and stores. The fire continued to spread, and by the time it reached the northwest corner of Craven and South Front streets, every house in both directions was burned to the ground. All in all, 130 to 160 homes, one third of the town, were destroyed. On October 25, 1794, a fire destroyed nine buildings on Craven Street and another building was blown up in order to halt the spread of the fire, and on November 17 a fire destroyed twenty-four buildings. (Charles Price, *The State, "They Learned the Hard Way,"* p.1).

Due to these major fires, a town watch was organized to patrol the streets between 9:00 pm and daylight. The men on duty were to spot fires, send alarms, and bring equipment to the fire. In spite of these efforts, in 1795 the New Bern Academy Building was completely destroyed by fire, and in 1798 Tryon Palace, the former colonial governor's residence, burned to the ground. Following this event, the state legislature tried to reorganize fire companies in the state. All citizens were required to keep two fire buckets and one ladder at their residence, and they also ordered all persons in the local militia to report to the scene of a fire when an alarm was given. Town commissioners were given authority to levy a fire tax to pay for a hired night watchman, and they also passed several ordinances in an attempt to control fires in the city and reduce fire hazards. Fires were prohibited on the wharves, fines were imposed upon those who had chimney fires, and some businesses that were considered dangerous were ordered shut down. In addition, five

wooden wells were strategically placed throughout the city (Alan Watson, *A History of New Bern and Craven County*, p. 162).

1800-1839 The town of New Bern, in 1815, hired its first fireman, James Buxton, who was paid fifty dollars a year to maintain the fire house and apparatus. He was replaced in 1820 by Thomas Gooding and Martin Stevenson. No major fires occurred, and New Bern citizens became complacent about fire protection. The town population grew, yet the night watch was discontinued. State legislators were concerned about the universal lack of preparation for dealing with fire danger and in 1820 passed legislation authorizing towns to organize volunteers for fire companies, exempting them from military service as an incentive.

Despite these local and state laws, fires continued, causing much damage (Price, p.1). During May 1821 a steam mill burned, with its total loss estimated at twenty-five thousand dollars. A mass meeting of citizens was called to meet at the courthouse regarding fire issues, and a decision was made to proceed with the formation of a fire company. Many volunteered to join the company and met on June 6, 1821, to elect officers. One month later, on July 9, 1821, at 2:00 am, a brick building on Craven Street, surrounded by wooden structures, was discovered to be in flames. The fire engine did not arrive for thirty-nine minutes, there were problems forming a bucket line to supply the engine with water, and finally when the line was formed, there was an inadequate supply of buckets. Luckily there was no wind and the fire burned itself out.

(Fire engines of this era were basically pumps mounted on a four-wheeled cart, typically pulled to fires by men hauling on ropes attached to the cart. At the site of a fire, the pump was powered by men working long handles on each side of the cart up and down, with three to seven or more men per side. Water for the pump came from a reservoir on the cart into which water was poured by a bucket brigade. These engines were often referred to as "hand tubs." Their major limitation, in addition to the limited range of the stream of water provided by the pump, was the large amount of manpower required to work the pump and provide it with water.)

After this fire, New Bern acquired at "great expense" an engine of "superior force," and a new firehouse was built to house it (Watson, p. 303). Despite this seeming interest and expenditure, by 1823 citizens had again lost interest in fire safety. In April, when fire struck in the kitchen of the Wright C. Stanly home, there was no fire company. Citizens arrived onto a scene of mass confusion, and the town was saved from destruction only due to the direction of the wind. Despite the fact that many citizens were vocal about wanting fire protection, nothing was done for another five years (Price, p. 2). On April 5, 1828, the town leaders appointed six men as fire wardens: Francis Hawks, Jeremiah Brown, John Snead, John Burgwyn, Asa Jones, and Moses Jarvis. They were given authority to direct all firefighting efforts in the town, including the demolition of buildings to stop the spread of a fire. But in 1830, after another large fire, the local newspapers complained about the lack of organization of people in order to combat the fire. Another committee recommended the formation of three fire companies, each with twenty men. They also recommended that there be a fourth company made up of Good Samaritans who would arrive at the scene (Watson, p. 304).

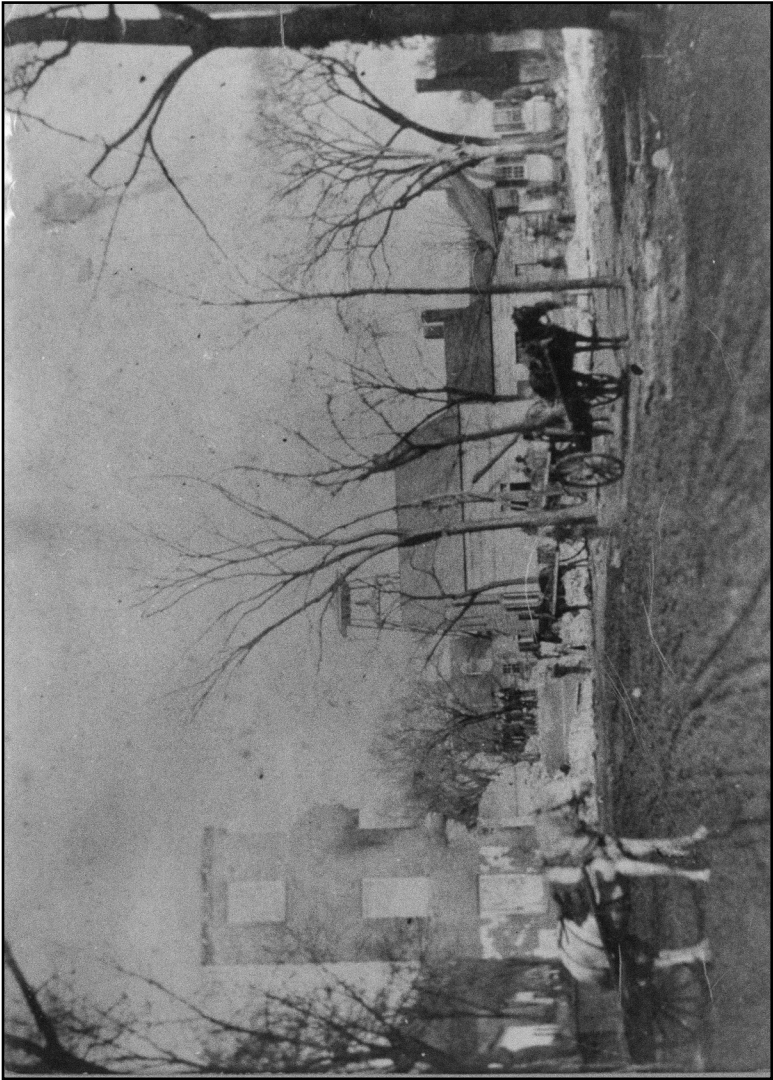
1840-1860 New Bern faced an enormous challenge in 1843. On April 17, 1843, at 2:00 pm, a fire at Union Point at the Wade Mill, owned by John Blackwell, was discovered. Fire fighters responded immediately, but the blaze spread rapidly due to the wind blowing with gale-like force. Within thirty minutes a warehouse 200 yards from the mill was on fire, ten minutes later a building on South Front Street was ablaze, and almost simultaneously the roof of a house on Pollock Street, 500 feet from the mill, burst into flames. The whole town east of Craven Street was threatened, and within one hour from the beginning of the blaze there were fires in twenty different parts of the town. Panic ensued as the fire leveled everything on both sides of East Front Street and on Pollock Street up to Craven before being stopped by a block of fire-proof brick buildings on the east side. This fire left hundreds homeless, without clothing, food, or furniture. There was no loss of life, but a great loss of property. Local citizens tried to help and appeals were sent to neighboring towns for assistance. Damage was estimated to be over one hundred thousand dollars, including seventy-five homes, eight stores, thirteen warehouses, a steam sawmill, and over 160 buildings.

Unbelievably, despite this loss, the citizens of New Bern once again became apathetic regarding fire protection. The thinking seemed to be that there could be nothing worse than what had already transpired and nothing of this magnitude would occur again. They were proven wrong just six months later when, on October 18, 1843, a fire started on Craven Street. Flames spread to the corner of Craven and Pollock streets and up Pollock until the fire was stopped by a brick building. Thirteen stores were burned and many homes damaged.

The two fires of 1843 burned over one-third of the town. To make matters worse, the fire engines that had been damaged in the April fire had not been repaired. In the local paper, *The New Bernian*, the editor wrote “there was a woeful lack of organization and planning, a general spirit of indifference, and even an indication of laziness on the part of the citizens. Except for having fire engines and buckets, the town fire company, both in numbers and discipline were woefully unprepared to stop a fire” (Price, p. 3). The town residents finally realized the value of brick construction, and when the downtown area was being rebuilt, many of the new buildings were almost fire-proof structures. Citizens finally seemed to see the need for fire protection, and in the subsequent months fire companies of New Bern were reorganized and new companies chartered.

On May 14, 1845, the *Atlantic Fire Company No. 1*, the oldest chartered fire company in New Bern, as well as the oldest chartered fire department in North Carolina, was organized. A second company, the *Neuse Fire Company No. 1*, was chartered January 18, 1847, by the state assembly. During 1849-1850, the *Atlantic Fire Company* had adequate membership; however, the *Neuse Fire Company No. 1* had only four members, an insufficient number to pull an engine to a fire. In March 1849, the *Neuse Company* announced recruiting efforts and declared that if it could not increase its membership to forty, it would disband and surrender its fire engine to the town. The company failed to meet its goal, but did not disband immediately.

In 1853, a fire broke out at a turpentine distillery and spread rapidly. Two companies arrived quickly with their engines, while a third engine arrived after the fire had been put out. Another fire company, the *Relief Company No. 2*, was organized sometime around 1854. Nothing much is known about this



Photograph of 1861 Courthouse fire, Courthouse located at intersection of Broad and Middle Streets. Photograph believed to be the oldest surviving photograph taken in New Bern. New Bern Historical Society collection.

group except that it “consisted of young men clad in blue shirts trimmed with white, white pantaloons with belts and hats of the latest style.” (Watson, p. 304). In 1857 the *Atlantic Co.* appeared to be in good condition, as it was totally manned and trained. In November 1857 a fire broke out near the intersection of Pollock and Middle streets. Citizens had the fire almost put out before the fire engines could arrive at the scene. In 1858, fire engines arrived as a building was consumed by flames. In frustration, the local newspaper, the *New Bern Progress*, criticized the town as having inadequate fire fighting plans, as well as having no night watch.

On January 15, 1861, there was another serious blaze. It started before daylight at an iron works near Broad Street and Middle Street. The fire quickly spread, destroying the courthouse in the process, along with many other buildings. The fire stopped only when it reached several brick buildings; the estimated damage was forty to fifty thousand dollars.

The fire of 1861 resulted in a complete reorganization of the fire companies. Two companies of thirty-five members each were organized and plans were made to procure better equipment. New Bern thought it finally had a fully reorganized and efficient fire department. However, the majority of members of the *Atlantic Company* soon left to fight with the Confederate army and once again left New Bern without adequate fire protection.

The Civil War Period-1861-1865 The Civil War period was pivotal in the subsequent formation of the New Bern Fire Department. After the Battle of New Bern on the morning of March 14, 1862, Union forces took over the city. As Confederate forces fled through the town, they set fire to the Washington Hotel and burned stores of cotton at the wharves, along with eight thousand barrels of rosin. It took the effort of Union soldiers as well as remaining townspeople to put these fires out. Slowly, order returned to New Bern, but the town was placed under martial law and the military began to reconstruct local government. Regulations were issued for protecting and maintaining the town pumps, as well as for establishing a fire department (Watson, p. 407). The Union forces needed to protect the town as well as themselves, and with the assistance of a young Irishman from New York City, began to organize fire companies.

William H. Racey, a native of Ireland, had joined the New York City Fire Department at the age of twenty-three and quickly became the foreman of the *Lady Washington Engine Co. No. 40*. When war broke out, Racey enlisted in the Seventy-first Regiment NY Militia and fought at the first Battle of Bull Run. After his three-month enlistment expired, he re-enlisted with Co. I of the Fifty-third NY Volunteer Regiment and then became a captain, joining Burnside's Expedition to eastern North Carolina. His ship was blown off course and drifted at sea for more than forty days. By the time the unit finally landed, it was too late to join the expedition and he and his company were mustered out. Racey then joined the quartermaster department in June 1862 as an assistant provost marshal in New Bern, and he was charged with organizing and leading the Fire Regiment of the Union Army. This regiment was responsible for fighting fires as well as fighting the enemy (George William Sheldon, *The Story of the Volunteer Fire Department of the City of New York*, pp. 425-426).

Racey organized several companies in New Bern based upon the successful plans adopted by the city of New York. There were six companies in total as far as we know: the *Foster Hose Company*, *John Decker Engine Company No. 1*, the *Lady Washington Hook and Ladder Company*, the *Denny Bucket and Axe Company*, the *Holden Hook & Ladder Company*, and the *Atlantic Steam Engine Co. No. 2*. The John Decker Engine Company was named in honor of John Decker, the head of the NY City Fire Company during the Draft Riots. He was much admired and was invited to and visited the New Bern fire companies during 1864 (*New Berne Times*, March 9, 1864, p. 2). William Racey, within a year, formed these companies, added seven pieces of apparatus to the newly-formed fire department, and was named chief engineer. In 1864, due to illness, Racey returned home to New York City (J. Frank Kernan, *Reminiscences of the Old Fire Laddies and Volunteer Fire Departments of New York and Brooklyn*, p. 490). In January, J.W. Denny became chief engineer of the fire department, again under the auspices of the provost marshal.

Several articles from the local newspaper help to inform us of the companies that continued to provide fire protection in 1864. In January, it was reported that the *John Decker Engine Company No. 1* had been disbanded and that the en-

gine and apparatus had been turned over to the *Foster Hose Company*. In the same edition, the paper reported the results of elections for officers of the *Foster Hose Company*, the *Lady Washington Hook and Ladder Company*, and the *Atlantic Engine Co. No. 2* (*New Berne Times*, January 16, 1864). During April, the paper indicated that a firehouse for the *Lady Washington Hook & Ladder Company* was to be erected on Craven Street. On the same day, the paper praised the *Holden Hook & Ladder* for paying \$157 to the provost marshal for the benefit of the families of the NC Union soldiers who had been captured during a battle at Beech Grove, Batchelor's Creek (*New Berne Times*, April 9, 1864). During September, a much beloved member of the fire department, John W. Taylor, died, and according to the paper, the department, consisting of the *Foster* and the *Atlantic Engine Companies*, the *Holden Co.*, and the *Denny Bucket and Axe Co.* turned out for the funeral (*New Berne Times*, September 9, 1864).

George W. Nason was a volunteer with Co. H, Twenty-third Massachusetts Volunteers. On January 4, 1864, he was appointed commissary and storekeeper in the fleet with Burnside's Expedition. He was transferred to the provost marshal's department at New Bern May 2, 1864, and was elected chief engineer. After the Confederate attack on New Bern in the spring, Nason was ordered to arm and equip his men, and his regiment became known as the Fire Regiment. The Fire Department Regiment consisted of eight hundred white men and was organized by the commanding general both to serve as infantry soldiers and to protect the government stores at New Bern from rebel incendiaries. Nason was appointed colonel of the regiment by the general in command (Mortimer Blake, *A History of the Town of Franklin, Mass.*, pp. 132).

The Fire Regiment battled the fiercest blaze in New Bern during the war years on the night of November 19-20, 1864. Soldiers were called from their barracks to fight the fire, but the destruction included twenty buildings and two deaths. While the year ended grimly, we know that there were at least five fire companies within the regiment in existence at the end of December 1864 (Watson, p. 408).



KING SOLOMON LODGE NO. 1

Jonathan Miller

It is well known that New Bern lays claim to many “firsts,” and among these is the establishment of the first Masonic lodge for African-Americans in North Carolina, in 1865. Although its name suggests it was the first King Solomon Lodge, this is not so. Many white Masonic lodges and African-American lodges had been given the name King Solomon Lodge, and New Bern’s was originally listed as No. 23. It is unclear exactly when the numbering was changed, but records show that King Solomon Lodge No. 1 in New Bern was referred to in the *Public Laws of the State of North-Carolina, passed by the General Assembly*, Vol. 2, 1870.

From the beginning, King Solomon Lodge in New Bern was a center of controversy among white Masons in the South. In her seminal work on African-American history in New Bern, *Crafting Lives*, author Catherine W. Bishir describes the following account:

On 27 November 1865, the *New Bern Daily Times* ran a story on Negro Masonry, which was taken from a recent issue of the *Anglo-African*. “Past Most Worshipful Paul Drayton, of the National Grand Lodge, is about to resume his labors in the South, under the authority of the Most Worshipful Grand Lodge of the State of New York. He will leave this city in a few days to dedicate and constitute ‘Union Lodge’ in the city of Charleston, S.C., and a King Solomon Lodge in the town of New Bern, N.C., and is also vested with full power to organize lodges throughout the southern portion of this country.”

In the *Daily Times* article, the writer “demanded that North Carolina’s Grand Lodge take a stand against the formation of the black lodge.” As a result, leaders of the state lodge registered a complaint with the white Grand Lodge of New York, and “a heated exchange ensued before the white Carolinians realized that contrary to the report, the New York Grand Lodge had played no role in establishing the New Bern lodge.”

The article creating the controversy brought home the lesson that “whatever benefits the war and emancipation had brought or promised for black citizens, a rising tide of white opposition countered their efforts to claim full participation in community life.” Bishir goes on to say, “They saw all the more clearly the importance of establishing Masonic Lodges and other voluntary associations to complement their church homes as they addressed the new challenges of life as free people.... For both blacks and whites, Masonry played a vital role in asserting their manhood, supporting their leadership in economic and civic life, and promoting virtuous living.”

Paul Drayton was associated with the National Compact Grand Lodge, and he met with James Walker Hood, an ordained deacon in the AME Zion church who was preaching at Andrew’s Chapel in New Bern at the time. Hood was at that time associated with the Prince Hall Lodge of New York and is considered a principal founder of the King Solomon Lodge in New Bern. Hood served as the first Worshipful Master of King Solomon Lodge, the first Grand Master of the State of North Carolina, and later became the seventeenth Bishop in the AME Zion church. Hood also founded Livingstone College in North Carolina and was instrumental in founding many black churches throughout the south.

The early leaders and members of King Solomon Lodge in New Bern were also active community leaders and businessmen. Author Bishir discusses a number of these leaders in her book. George B. Willis, formerly enslaved, is considered a principal founder of King Solomon Lodge in New Bern and was one of New Bern’s first black aldermen in 1869. Another founder, Henry H. Simmons, was a freedman and worked as a cooper. It was noted in the 1897 obituary of Israel Harris, Sr., that he “was Secretary of King Solomon Lodge for 30 consecutive years, holding the position at the time of his death.” Edward R. Dudley was one of New Bern’s wealthiest black citizens: a city marshal, a trial justice, and, in addition to serving in the state legislature, “one of Craven’s three black legislators.” A past master of King Solomon Lodge was Allen G. Odeon, a shoemaker and former sergeant in the Thirty-sixth U.S. Colored Troops. Another early member was Edward Havens, a Mason for more than fifty years whose family ran a suc-

cessful shoemaking business in New Bern from the 1860s to the 1940s. By 1880 there were two more black Masonic lodges in New Bern, the Morning Star and Zaradatha.

As to the lodge building's origins, author Bishir noted that "In 1870--as witnessed by a notary in Cleveland, Ohio--Richard G. Hazel, a former blacksmith from New Bern, and Ann N. Hazel of Cleveland sold lot #1 on Queen Street in Dryboro to the trustees of King Solomon Lodge #23 of Free Masons in the city of New Bern." The members of King Solomon Lodge did not have their own building until later that year, when a structure was erected on Queen Street.

While the building survived the great fire of 1922, it was moved to Metcalf Street to make room for the expansion of Cedar Grove Cemetery. That section of Metcalf was later renamed Howard Street, where the building remains today. The building survived two more fires over the ensuing years. A state historical marker placed nearby states: "KING SOLOMON LODGE -- First African American Masonic lodge in N.C.; est. 1865. Erected in 1870, the building was moved here in 1920s." The building is also listed on the National Register of Historic Places for North Carolina.

Peter B. Sandbeck, in his *Historic Architecture of New Bern and Craven County* (Tryon Palace Commission, 1988), describes the lodge as follows:

Among the notable surviving Italianate exterior details are the bracketed cornice, low hipped roof, and diminutive cupola. Recent alterations have obscured its original corner pilasters and an unusual arched panel, probably originally a lodge sign, located on the facade at the second floor level. The window openings retain many of the original six-over-six sash. The present high basement dates from the 1920s move. On the interior, the King Solomon Lodge follows a side-hall plan, with one principal room per floor. The stair exhibits square newels and a rounded handrail supported by rectangular-



**King Solomon Lodge No. 1 ca. 2015. New Bern
Historical Society Collection.**

in-section pickets. At the second floor level is the large, simply-finished lodge room painted the traditional sky-blue color. The highly traditional nature of the interior finishes suggests that they are the product of some of the city's numerous black artisans, probably lodge members, who had worked in the building trades prior to the Civil War.

According to Ronnie Lovick, Past Master of King Solomon Lodge, a written history of the New Bern lodge does not exist. Many of the records of the lodge are not available to the public, and it has only been recently that non-members have been allowed into the building. An exception was granted by the Grand Lodge in Raleigh to allow King Solomon Lodge to participate in the New Bern Historical Society's Ghostwalk event in October 2016. "Ghosts" for that evening were Mr. Pasteur, Past Worshipful Master, and Frank Evans, Sr., a Prince Hall Most Worshipful Past Grand Master who has served as a Craven County commissioner. Other political leaders who have been members of King Solomon Lodge include James O'Hara, legislator and congressman; Henry P. Cheatham, congressman; and George H. White, legislator and congressman.

The lodge continues its active ties to the New Bern community today. Its members hold an annual Founder's Day banquet and parade and sponsor a city street cleanup; additionally it has established a Martin Luther King, Jr. Scholarship Award to be given to a local high school student. It holds a Thanksgiving and Christmas food drive for the needy and is active in sponsoring the Gleaners, a girls group, and the Herbert B. Shaw Knights of Pythagoras, a boys group, with the aim of getting young people involved in activities within their community and in being good citizens.



A FLAG COMES HOME: THE SEVEN STAR SECESSION FLAG IN THE ATTMORE-OLIVER HOUSE

J.M. Hodges, Jr.

The New Bern Historical Society's Civil War collection includes a unique Confederate flag possibly carried at the battle of New Bern, locally referred to as the Seven Star Secession Flag, on display in the central hall of the Attmore-Oliver House.

The history of the Seven Star Secession Flag is interesting if somewhat cloudy. In April 1940 a Mr. E. Merrill Beach, his wife Florence, and son Bobby made a trip to New Bern from their home in Trumbull, Connecticut. They stayed at the Hotel Queen Anne on Broad Street and visited Miss Gertrude Carraway at her home down the street from the hotel. Miss Gertrude was a recognized historian and journalist, active in the New Bern Historical Society and a rising leader in the Daughters of the American Revolution. Mr. Beach carefully unfolded a weathered, stained, Civil War era flag—the Seven Star Secession Flag--and suspended it from Miss Gertrude's clothesline. His son Bobby snapped a photograph of the flag as well as a wooden smoking pipe placed on a sheet of paper positioned on the ground below the flag.

According to Mr. Beach, the flag and pipe had belonged to his great uncle, Thomas Merrill, Jr. of Norwalk, Connecticut. He was not a Union soldier but rather a seaman serving as an assistant engineer on the transport steamer *New Brunswick*. This vessel was part of the large expeditionary force led by Union General Ambrose L. Burnside that captured New Bern on March 14, 1862. Merrill-Beach family lore has it that on the afternoon of the same day Thomas Merrill had an opportunity to explore the streets of New Bern. Somewhere in town he found the flag and the smoking pipe, which he eventually carried back North.

Always a seaman, Thomas Merrill lost his life on the steamer *Portland* November 27, 1898, during an epic storm off the New England coast.



**Seven Star Secession Flag displayed on Miss Gertrude Carraway's clothesline, 1940.
New Bern Historical Society Collection.**

It was not until January 16, 1967, that Merrill Beach and his wife returned to New Bern and presented the Confederate flag belonging to his deceased great uncle to the New Bern Historical Society and the New Bern Chapter of the United Daughters of the Confederacy.

The flag measures four feet by six feet. As is evident in the illustration on the following page, this flag closely resembles the American flag at the time of the Civil War. It contains seven white stars on a blue background--the canton--and thirteen horizontal stripes, seven red and six white. Presumably the stars represent the seven southern states that originally seceded from the Union—South Carolina on December 12, 1860; and Mississippi, Florida, Alabama, Louisiana, Georgia, and Texas on February 8, 1861. (North Carolina did not secede from the Union until May 20, 1861.) The seven stars are not arranged in a circle but rather have three stars at the top of the blue field and three below with the seventh star in between.

With respect to the thirteen stripes, formally only eleven states constituted the Confederacy (Missouri and Kentucky did not formally join the Confederacy, but secessionist factions of these two states did so in late 1861) and the number thirteen is usually quoted. By the time of the Battle of New Bern the first national flag of the Confederate States of America displayed thirteen stars for the eleven states plus Missouri and Kentucky. Therefore, the thirteen red and white stripes in the Union flag representing the original thirteen colonies could be taken as a representation of the thirteen states in the Confederacy.

It is an open question whether the Merrill flag was actually carried at the Battle of New Bern. It could have been simply one of many proposals for an official Confederate flag, discarded in advance of the arrival of Union troops. Most probably the answer regarding the origin and history of Thomas Merrill's flag will never be known.

Suggestive research indicates that Marianne Hurener, a recognized New York City conservator, provided needed conservation for the Seven Star Secession Flag at some point, although no specific documentation has surfaced to support this claim. If such an effort was made it would have been pri-

or to the January 1967 transfer of the flag from E. Merrill Beach to the New Bern Historical Society.

However, there is absolute documentation to confirm that Anne Tyrrell, a textile conservator from Raleigh, North Carolina prepared an in-depth condition report and treatment proposal in late 1985 and early 1986. Her assessment indicated that the flag is hand sewn and made of cotton stapled to a pressed board backing with the reverse side showing. (Generally a flag is displayed with the canton in the upper left corner whereas this flag was and is shown with the canton in the upper right corner.) According to Ms. Tyrrell the flag was dirty and discolored throughout due to mildew and water stains. She also noted that the flag had multiple holes, tears, frays, and areas of missing fabric. Despite all of these deficiencies, conservation treatment was pursued and completed in April 1986. The flag was removed from the mounting board, meticulously vacuumed, wet cleaned, dried and mounted onto a rigid support. An ultraviolet filtered plexiglass case was built for the flag and attached to the mount. In this manner the flag is on display in the Attmore-Oliver House.



THE CONTINUING MYSTERY OF JOHN HAWKS' FINAL RESTING PLACE....

Charles Adams

Does anyone really know where John Hawks, 1731-1790, is buried? The churchyard at Christ Church is thought to be his final resting place, but where?

John Hawks was the principal architect of Tryon Palace, having been brought to New Bern from England by Royal Governor William Tryon in order to design and build a residence for the governor that would serve as well as the government house. Hawks met his wife Sarah Rice, of a planter family, while in New Bern and thereafter remained in the town the rest of his life. He was an active member and vestryman at Christ Church, and his two sons, Samuel and Francis, were active citizens as well. A grandson, Francis Lister Hawks, became a clergyman and then a bishop of the Episcopal Church.

Mrs. Henry Francis du Pont of Wilmington, Delaware (nee Ruth Wales, 1889-1967), who was a descendant of John Hawks through her maternal line, served on the Tryon Palace Commission in the early 1960s. During that time, she approached the rector at Christ Church, the Reverend Ed Sharpe, and the vestry and told them that she would fund the restoration of the colonial version of Christ Church, completed about 1750 and demolished about 1824, if the grave of her ancestor John Hawks could be located within the church grounds. She related that, according to her family tradition, Hawks had been buried under the floor of the original church.

Morley Jeffers Williams, a noted landscape architect who had served on the faculties at Harvard and North Carolina State University and had assisted in the restoration of the gardens at Mt. Vernon and Stratford Hall, was living in New Bern at the time as architectural associate for the Tryon Palace reconstruction and restoration specialist for the Palace gardens, so Mrs. du Pont engaged him to research the colonial-era church and do excavations of its floor and also in the churchyard. The church grounds at that time had become overgrown from landscaping previously done in 1925, landscaping that

had been a gift from church member Mrs. Vernon Blades (nee Emma Duffy), who paid the cost of \$500.

The site of the original church was determined to be in the southwest corner of the church grounds, where today a low brick foundation marks that church's original footprint. The floor area of the old church was cleared of vegetative growth, and an unmarked grave plot was archaeologically determined to be located in the center aisle at the base of the chancel. During the time that work and study were being done there, a tent with side curtains was placed over the grave to protect it. Additionally, it shielded the site from curious passersby.

At a depth of six feet, there was found a brick vault built in the shape of a sarcophagus, with a brick arch built over it for protection. The brickwork had been expertly done. The remains of a body were obvious within the vault, its altar-facing end having been broken through at some point in an obvious desecration of the grave. It appeared that the decedent's bones had been dragged to the opening (or out through it and then stuffed back in), because, at the time of excavation, a leg bone was lying next to the skull.

No identification could be ascertained. It was hoped that a fragment of gravestone or some definite object could be found to identify the occupant, but it was not to be. Mr. Williams had his workmen dig all around the church grounds, but nothing definite was found to conclusively indicate any burial location for John Hawks.

The placement of a grave in the floor of the original church near the altar would also have been an appropriate resting place for the Reverend James Reed, who was the first rector of Christ Church, having been sent from London in 1752 by order of King George II. He brought his wife and children with him to New Bern, and he remained rector of Christ Church for the rest of his life, until his death in 1777. He is assumed to be buried in the churchyard at a site near the fence that borders Middle Street, but there's no certain verification for his burial there. Indeed, the grave was unmarked until the 1930s, when a women's chapter at the church placed a marker on it.



Possible John Hawks gravesite (outlined in white) at the ca. 1750 church on the grounds of Christ Episcopal Church. Courtesy of Richard McEnally and Brenda Stott.

Mr. John Thomas is the only known still-living participant in the 1960s excavations who can relate those events. No photos were taken at the time, no documentation was recorded, and no DNA testing was done, so the mystery remains. Possibly, at some time, interest will be revived and funds found to reopen the grave and test the remains lying therein. Presently, the outline of the discovered grave in the old church is marked in the aisle of the redefined structure by a course of bricks laid side-by-side.

As to the notion of reconstruction of the original church, many parishioners at Christ Church were supportive of such effort, including leading New Bernians Dr. and Mrs. Charles Ashford, Sr., Mr. and Mrs. Robert Lee Stallings, Miss Gertrude Carraway, Dr. and Mrs. Dale Milns, Dr. and Mrs. Junius Davis (Dr. Davis was, at that time, head of the Christ Church Sunday school and president of the New Bern Historical Society), and Mr. John Thomas. The Reverend Sharpe nixed the proposal, however, his expressed concern being the future upkeep of an additional building.



HISTORIC MILITARY SITES IN CRAVEN COUNTY PART III: PRE- AND POST-CIVIL WAR

Peter J. Meyer, Jr.

Author's note: This is the third and final part of a multi-part article. The first part, dealing with Confederate defenses, appeared in this *Journal*, Vol. XXII, No.1, 2015. The second part, dealing with Union defenses, appeared in the last issue of this *Journal*, Vol. XXIII, No.1, 2016.

The coming of European settlers to the region preceded the founding of New Bern in 1710 by Baron Christoph de Graffenreid. Perhaps prior to 1700, but certainly by the first decade of the eighteenth century, land purchases were being made in and around what is now Craven County by such men as Farnifold Green (1701), Thomas Lepper (1702), William Powell (1703) and John Lawson (1705) among others. These settlements were rather few and relatively separated from each other. They did not encroach greatly on the territory of the numerous and strong local Indian tribes. The largest and strongest of these were the Tuscarora.

William Brice was among those early settlers. He acquired a number of sizable tracts of land between 1701 and 1711 along the south shore of the Trent River. His plantation rested on the east side of the creek that bears his name today (Brice's Creek). Brice was both a farmer and trader with the Indians. He fortified his plantation, known locally as BRICE FORT and, for a time, this provided safe haven for New Bern colonists during the Tuscarora War (1711-1715). I consider this the first substantial "fort" in the area.

The convergence of the Neuse and Trent rivers provided a good location for a settlement. With its abundant natural resources and access to the interior, this tiny peninsula would soon be occupied by the arrival in 1710 of de Graffenreid with four hundred Swiss and Palatine refugees. This new settlement would be called New Bern. It would dramatically shift the population balance in the area, alarming the Tuscarora specifically.

To his credit, de Graffenreid understood the needs of the colony in order to survive. As Alan D. Watson, author of *A History of New Bern and Craven County*, describes it, he “undertook the construction of a gristmill and sawmill at Mill Creek and a blockhouse at the junction of the creek and the Trent River. From the blockhouse extended a series of redoubts along the Trent....” These defenses would not be enough to protect New Bern. (Note: Mill Creek no longer exists but would have been located between Norwood Street and Jones Street passing under Walt Belamy Drive, not far from Leander Morgan Park.)

On September 22, 1711, the Tuscarora launched a massive attack that culminated in the massacre of between 130-140 settlers. Clearly, the settlement was vulnerable and only Brice Fort could provide some protection.

As a reprisal for the massacre, Captain John Barnwell of South Carolina was enlisted to undertake an expedition against the Tuscarora. His initial force of settlers and several hundred Indians from tribes in South Carolina were joined by North Carolina colonial militia on January 12, 1712. Barnwell’s early success against the Tuscarora was welcome relief for the settlements. Author Watson wrote “He began to construct a fort some twenty miles above New Bern and seven miles from King Hancock’s town.” Hancock was the Tuscarora chief and his town was called Catechna. Known as FORT BARNWELL, this fort was generally triangular in form. Two sides were naturally fortified by cliffs that bordered the Neuse River and a small creek. The third side was protected by a 180 foot stretch of breastworks. Several huts were built within the enclosure. Fort Barnwell is located on NC 55. A state historical marker there says the site of the fort was two miles northeast of that point. The remains of the fort are on private property.

The Tuscarora War ended the immediate threat of Indian attacks. Attention now turned to the growing threat of the Spanish Navy and coastal pirates. The British Navy soon put those threats to rest. The death of the notorious pirate Blackbeard provided local relief, especially for coastal towns like Beaufort.

Even the French and Indian War (1754-1763) was of little concern for sparsely settled North Carolina. Fought largely in New York and Pennsylvania, there was little need to feel threatened and no new forts were constructed during this time.

The Revolutionary War (1775-1783) created a new sense of urgency in New Bern and Craven County. As the colonial capitol, the city felt threatened even though the major battles were being fought primarily in the northern colonies. Colonial Governor Martin, fearing the British would not be forthcoming in providing a defense against the uprising colonists, dismantled the cannon at Tryon Palace and fled to the safety of New York in May 1775.

The local legislature thought differently and took action. “A fort, authorized in 1775, and completed in 1776, was constructed at Hanging Point” according to author Watson. Initially called FORT POINT, this earthen mound structure would later be renamed FORT CASWELL, after Richard Caswell, the new colonial Governor. It is unknown how many cannon were mounted or the number of men manning the fort. But the defense was so feeble that the British did eventually come and briefly occupy New Bern between August 17-19, 1781. A North Carolina state marker located at the corner of Old Cherry Point Road and Green Springs Road in James City refers to the site.

The War of 1812 (1812-1815) was also fought far from North Carolina. The British Navy controlled much of the Atlantic coastline. When reports of marauding along the coast in May and June of 1813 surfaced, the area felt threatened. The appearance of a flotilla at Ocrakoke in July prompted action. Author Watson wrote “New Bernians prepared for the worst. At the direction of the local committee of safety, a breastwork of logs, earth and stone was erected at Union Point, several rusty cannon were mounted, and thirteen hundred pounds of powder collected.” UNION POINT exists today as a city park and no remnants of the breastworks remain.

The British never came. But the federal government saw the need to better defend itself, and a series of coastal forts stretching from Maine to Florida were built over the next few decades. One of these was Fort Macon in Morehead City, and

while not in Craven County, it is the closest of these forts to New Bern. The fort served the nation into the mid-twentieth century and today is a state park and historic site.

The Mexican-American War (1846-1848) was another conflict that posed no danger to North Carolina. It is noteworthy, however, in that many officers who fought for the Confederacy and the Union would receive their training and experience in that war.

The Civil War and the forts in Craven County and New Bern have been covered in previous *New Bern Historical Society Journal* articles. During the Spanish-American War (1898) and World War I (1914-1918), no additional forts were built in our area. World War II, however, saw the addition of two new forts nearby.

By 1940, war was raging in Europe, and North Carolina saw German submarine activity off its coast. After the Japanese attack on Pearl Harbor threw America into the war, two significant military installations of local interest were constructed. One was CAMP BATTLE here in New Bern and the other was the construction of the MARINE CORPS AIR STATION AT CHERRY POINT.

Camp Battle began operation in December 1941. It served as a base for Army units assigned to anti-aircraft gun positions protecting bridges over the Neuse and Trent rivers. Named after Confederate Major General Cullen A. Battle, the camp was located northwest of New Bern on the site of a 1930s Civilian Conservation Corps installation. The 111th Infantry, Pennsylvania National Guard, was stationed there in 1942 in eighty-five wooden frame buildings.

In 1942 the camp was converted into a prisoner of war compound and housed up to 380 German prisoners. It was one of seventeen such camps in North Carolina during the war. The prisoners were paid \$3 a day for working in the local fields, and could use the money to buy cigarettes and sundries in a camp commissary. When the war ended, the German prisoners were not immediately repatriated. They remained here, working in the fields, until 1946 when the last of them were

returned to Germany. The former camp is located on the grounds of Glenburnie Park.

The Marine Corps Air Station at Cherry Point was authorized by act of Congress in 1941. Construction began immediately and the installation was commissioned Cunningham Field. When finally completed, the base received its current name. The facility was a training ground for Marine aviation and served as a base for anti-submarine activity during the war.

Comprising more than 29,000 acres, the air station is considered among the best all-weather bases in the world. Few realize that it contains one of the longest runway systems in North America, enabling it to serve as a backup landing site for NASA space missions. It is the premier Marine air base on the Atlantic Coast. MCAS Cherry Point remains the largest military installation ever built in Craven County and continues to serve our nation in providing both fighter and logistical support for our armed forces around the world.



A HISTORY OF ST. MARY'S ORIGINAL FREE WILL BAPTIST CHURCH

Steven J. Hill

The roots of the Free Will Baptists in North Carolina can be traced back to 1727 through the efforts of Paul Palmer, who started the first Free Will Baptist church in Chowan County. Originally known as General Baptists, they were often called "Free Willers," a derogatory term given to them by those known as Particular Baptists, who embraced the Calvinist doctrine of predestination. The General Baptists believed in the "general atonement" for all and that God had given each one a free will to accept Him, which differed from the Particular Baptist view in "particular atonement" or "limited atonement," meaning that God had already chosen his elect. By the end of the eighteenth century, these General Baptists began to refer to themselves as Free Will Baptists, and today they are considered the first or original Baptists to be organized in North Carolina (*Free Will Baptists*, Wikipedia.org).

According to the research compiled by George Stevenson, former archivist of the NC Department of Cultural Resources, Palmer purchased a plot of land (Lot 112) in New Bern in March 1738 and contracted to build a fifteen-by-twenty-foot frame building. However, it is uncertain as to where exactly that lot was located or if a church was ever constructed on the premises (Stevenson, George, *History of Saint Mary's Free Will Baptist Church*, unpublished memorandum, undated, 6 pages).

During the 1700s, it was considered short of heresy to believe in any religious doctrine other than that of the Church of England (the Anglican Church). Colonials were expected to attend and support "the King's Church," and yet many did not feel allegiance to that church. Tensions were mounting between different groups of people who wanted to worship God in their own way.

In 1740, several Baptists of New Bern petitioned the Craven County Court of Quarter Sessions and Common Pleas to register and build a church. The court denied their claim and

accused them of various misdemeanors and placed them under individual bonds of twenty pounds each. According to some accounts, three of the men were also sentenced to a public flogging, but there is dispute about the validity of these accounts (Stevenson). The following September, church members requested the benefits of the Toleration Act of 1689. This act granted religious toleration to non-Anglican Protestant sects; it had been passed by Parliament as a result of the “Glorious Revolution” that had driven the Catholic James II from the throne of England and replaced him with the Protestants William and Mary. As a result of these religious and political changes in England, the seeds of the Free Will Baptist Church in New Bern were sown.

According to church tradition, these Baptists erected a church building, which unfortunately burned during the American Revolution. The grounds were then used as the pastor’s garden while church members met at the home of the pastor, a Mr. Anderson. After the latter’s death, the grounds were reportedly sold to a downtown businessman for a suit of clothing.

During the early 1800s, other Free Will Baptist churches formed and spread rapidly throughout the eastern part of North Carolina, but the spirit of the Free Will Baptists in New Bern was at low ebb. The first actual documentation referring to the church on the present site was in 1828. The church has in its possession a deed dated March 11, 1828, from Elder John Creekman to the “Trustees of the Free Will Baptist Society of New Bern,” for the sum of \$1.00, a lot on Fleet Street. By 1829, a small twenty-by-forty-foot frame building was in use. By 1841 the church had a total of forty-six members. It is uncertain who the pastors were during these years, but by 1850, John Creekman, who had deeded the lot to the Free Will Baptists, described himself as the pastor of the New Bern Free Will Baptist Church.

During these early years the church faced various obstacles in its growth. One of these had to do with whether church members should belong to secret societies, most notably the Freemasons, in consideration of Jesus’ admonition to do nothing in secret. The General Conference, which was the ruling body of the North Carolina Free Will Baptists, was divided over the issue. Some believed that the decision should be left to each individual church, while others thought that the General Confer-

ence should decide the issue. In 1853 and for several years thereafter, the General Conference was split into two rival conferences, each calling itself the “Original Free Will Baptist General Conference” (Pelt, Michael R., *A History of Original Free Will Baptists*, 1996, Mount Olive Press). In that same year, the pastor of the New Bern church, Elder Hiram Paul, decided to withdraw from the General Conference, and he carried the New Bern church with him. However, in 1858, when Elder Paul wanted to join with the Union Baptists (a Virginia group with similar doctrinal beliefs), the New Bern church refused to join him. In fact, when he left, he persuaded half the church membership to go with him.

On March 14, 1862, the battle of New Bern occurred and the city fell to federal forces. There is something of a mystery as to what happened to the New Bern church during the federal occupation. By some accounts it burned; certainly it was no longer there when the federal army left New Bern.

In 1868, the General Conference of Free Will Baptists appointed John S. Gaskins, Noah Gaskins, and Furrney Fulsher as trustees of the vacant lot on Fleet Street and directed that they hold the lot until further instructions. This appeared to be somewhat of a challenge because, in 1871, a trespassing suit was brought against a person who had encamped on the property and was evidently trying to claim squatter’s rights. In 1876, the issue was finally resolved and the lawsuit was dropped (Stevenson). Then, in 1881, Elder Rufus K. Hearn, editor of *The Free Will Baptist* newspaper, was granted permission by the General Conference to build on the vacant lot. The Free Will Baptist Press was relocated there and remained at that location until 1889.

The first attempt to rebuild the church came in 1884, when the General Conference appointed N. B. Gaskins, R. F. Stilley, W. H. Slaughter, and J. F. Heath as a building committee to construct a church on the Fleet Street property. To assist in the cost, the pastors of every church in the General Conference were to request each member of their congregations to contribute ten cents toward the building of the church. However, it would be almost ten years later before a building was erected on the property. In the meantime, religious services were being conducted in private homes and church membership began to grow. In 1891 the General Conference of Free Will

Baptists voted to receive the New Bern church (Hill, Steven J., *A Brief History of St. Mary's Church*, unpublished memorandum, undated, 2 pages).

The following year, the Reverend R.F. Stilly, who lived a few miles from Bridgeton on the north side of the Neuse River, began holding religious services in the home of a Mr. Bryce Anderson on Pollock Street. It was during one of these services that Mr. Anderson was converted and baptized in the Neuse River, taking membership in the Free Will Baptist Church. Others were added until an organization was perfected, consisting of the new converts and several families of like faith who had moved in from other places. At the close of Reverend Stilly's pastorate, the Reverend Wilson Lupton was called to the church. A carpenter by trade as well as an able speaker, he proved to be an inspiration to the people. Soon after his arrival the membership decided that they must have a church building. By 1893 a small wooden plank church was erected on the Fleet Street property, and sometime between 1893 and 1899 the name of St. Mary's was adopted (Hill).

Throughout the history of the church, the women of the congregation have always been a true inspiration. In the years 1892 and 1893 the church women maintained a "sewing circle," the purpose of which was to make garments for the poor and the needy. On October 1, 1907, Mrs. Alice E. Lupton organized the Ladies Aid Society, the forerunner of the present-day Women's Auxiliary. This was the first such organization within the denomination for women anywhere in the state. Later, in 1915, the Free Will Baptist League, an organization for youth, was organized under the leadership of the Reverend W. B. Everett (Hill).

As a result in the growth of membership, the congregation decided it must have more space. On Thanksgiving Day 1909, the old wooden church was razed, and on December 10 the first brick was laid for a new structure. The first service in the new church was held in the fall of 1910. Although the church had been closed in, it was far from complete. The *New Bern Sun* reported on October 10, 1910, that the work was progressing slowly. It even sent out a request to the citizens of the town to donate towards the building fund, stating that the members of the church were small in number and certainly "not the

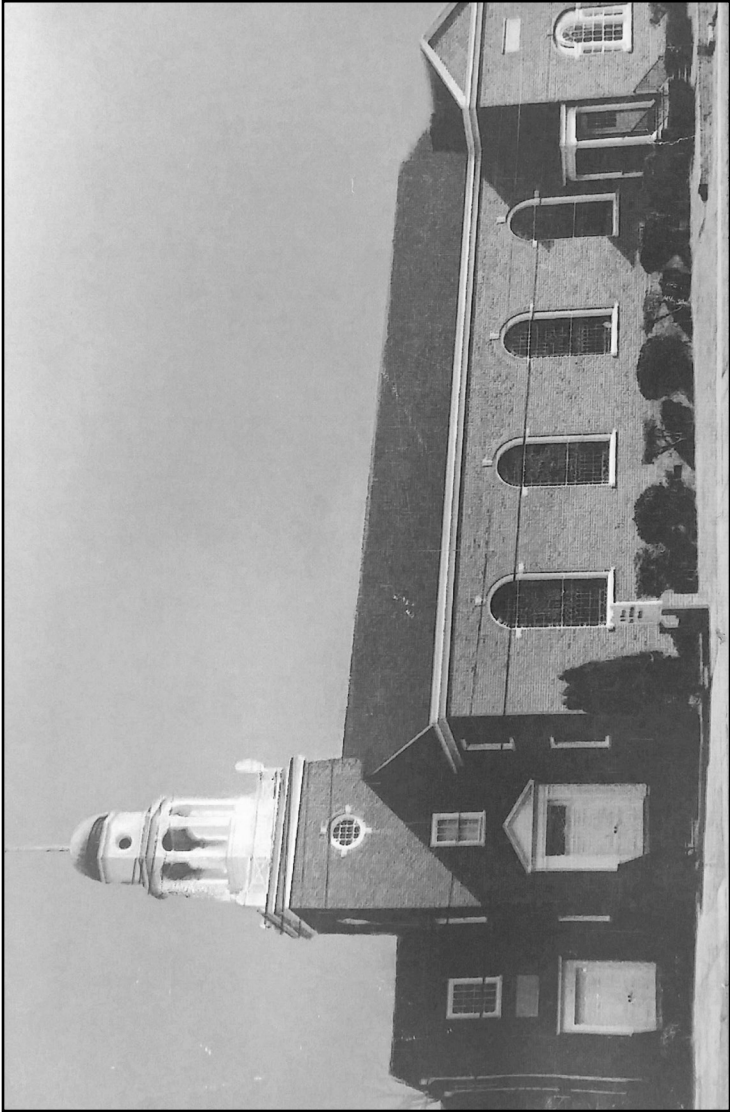
wealthiest in the city.” By the first week in December 1910, *The Daily Journal* reported on December 1 that the steeple had been erected and an early completion date was anticipated. However, it was not until the church called the Reverend W. B. Everett to become its pastor in 1913 that the building was completed.

The design of this church can best be described as vernacular Gothic Revival. It was rectangular in shape and occupied almost every foot of the small property’s dimensions. The brick exterior was covered in a type of stucco and scored to resemble stone blocks. The church also had a bell tower, even though a bell would never be hung there. On either side of the entry door were exterior light posts with glass globes mounted on masonry square pillars. The interior of the church contained handcrafted pews along with eight Gothic-styled windows (four on either side) of frosted glass with colored glass panes within the borders of each. A transom arch of similar glass surmounted the entry door. The largest and most beautiful window in the church was of stained glass, located on the front and near the entrance. It had been given by the Ladies Aid Society in memory of the Reverend R.F. Stilley, who had died a few years before the church was built. Unfortunately, the actual design or imagery of this window has been lost to posterity and is unknown today.

In the 1930s and 1940s, adjoining property was purchased, and a wing was built onto the church to provide additional seating. An educational wing was added later. By 1954, the membership had grown so large that construction of a larger church was needed. During that year, the earlier church was razed, and the present Georgian Colonial structure was built. The church was designed “to follow the spirit of Tryon Palace,” which was also undergoing construction just a few blocks away. The old cornerstone, dated 1909, was salvaged and included within the wall of the vestibule to tie the modern church with its historic heritage (“St. Mary’s Free Will Baptist Church Lays Cornerstone of New Auditorium,” *The Sun Journal*, January 5, 1955). On May 29, 1955, the first service was held in the new church, a large and beautiful structure that added another dimension to the churches of the city (“St. Mary’s Church Building to be used for First Worship Services on Sunday,” *The Sun Journal*, May 28, 1955).



St. Mary's Church building completed in 1913, Reverend W.B. Everett standing in the entryway. Steven Hill Collection.



**Current St. Mary's Church, completed 1955.
Steven Hill Collection**

The following years proved a period of growth for the church, as well as providing challenges. The greatest challenge occurred in 1961, when the church split. This was connected to a larger movement sweeping throughout the state, for during that year, the North Carolina Original Free Will Baptist State Convention, which had been organized earlier in 1913 as an adjunct of the National Association of Free Will Baptists, split from the national body (*Original Free Will Baptist Convention*, Wikipedia.org). Some member churches chose to affiliate with the national association; these churches today are known as “Free Will Baptist.” The majority of churches, now known as “Original Free Will Baptist,” affiliated with the state convention (*Original Free Will Baptist Convention*). The church membership voted to stay with the national body; however, the deacons overruled the membership and decided to stay with the state body. As a result, around 130 members left the church, many of whom would be instrumental in forming a new church in New Bern, Sherwood Forest Free Will Baptist Church. As detrimental as this split was, it did not prove fatal. The church was able to rebound and membership grew in subsequent years.

Today St. Mary’s Original Free Will Baptist Church continues to be a vibrant worshiping community within the heart of New Bern and proudly claims its rich heritage, among the other historical churches, as being one of the oldest in the city.

Acknowledgement: This article benefitted from personal interviews with U.V. Daugherty, Jake M. Hill, and the Reverend Willie Stilley in 1975 and 1976. The author also gained valuable insights from records held by St. Mary’s church.

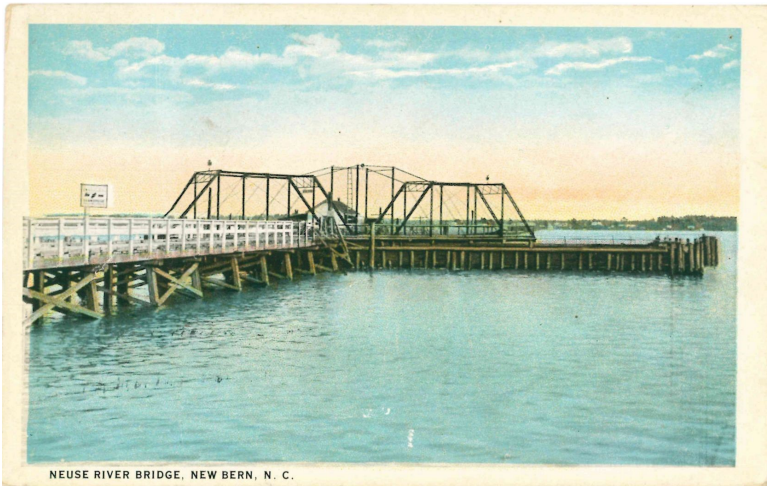


NEW BERN ON POSTCARDS

In those bygone days before digital imaging, it was common for people to send to friends and loved ones via post office mail printed images of places they visited. These were called postcards. Some were photographs, often heavily retouched, while others were artists' conceptions. (As examples of the latter, postcards portraying Tryon's Palace were available long before its restoration.) Taken collectively, postcards provide an interesting look at what was regarded as significant by the public and how things were in years gone by.

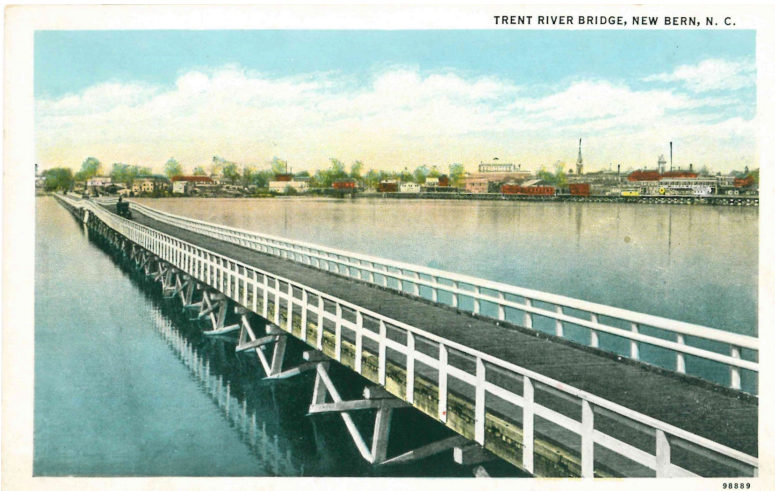
In our time historical postcards have become quite collectable. The New Bern Historical Society has an extensive collection of postcards relating to the city and Craven County, as does the New Bern–Craven County Public Library and several individuals.

In this and subsequent issues of this *Historical Society Journal* we will reproduce postcards from these collections, with emphasis on structures that are no longer standing and scenes that have been heavily modified.



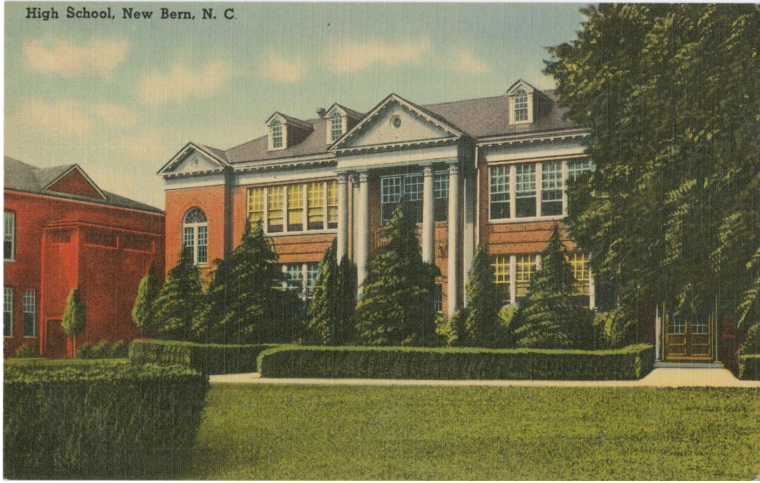
NEUSE RIVER BRIDGE, NEW BERN, N. C.

Neuse River Bridge at the foot of Johnson Street, initially constructed 1898, rebuilt several times following hurricanes, replaced by bridge at foot of Broad Street in 1951. New Bern Historical Society Collection.



TRENT RIVER BRIDGE, NEW BERN, N. C.

Trent River Bridge at the foot of George Street, 1898 ~ 1952. New Bern Historical Society Collection.



Moses Griffin High School, once located on the southwest corner of Johnson and Hancock Street, constructed 1905-09, torn down in 1981. Courtesy of the Kellenberger Room, New Bern-Craven County Library.



Intersection of Middle and Pollock Streets looking south, ca. 1950. (Note the Coca-Cola sign on the southeast corner, now the location of The Pepsi Store – The Home of Pepsi-Cola.) New Bern Historical Society Collection.



Fishing boats landing at the foot of Middle Street, early 1900s. New Bern Historical Society Collection.



Nelson House, once located on the northwest corner of East Front and Broad Streets, now replaced by a parking lot. New Bern Historical Society Collection.

JUDGE WILLIAM GASTON LAW OFFICE

Susan J. Cook

On September 17, 2016, the small building traditionally referred to as the Judge William Gaston Law Office (JGO) settled at its fifth and hopefully final location on the grounds of the New Bern Historical Society.

As the name suggests, this building is associated with William Joseph Gaston (September 19, 1778 – January 23, 1844), an eminent New Bernian who served in the North Carolina House of Commons, the North Carolina Senate, the U.S. House of Representatives, and as an associate justice on the North Carolina Supreme Court. He argued against religious tests for public office and, as a jurist, ruled in favor of the rights of slaves to defend themselves and for the constitutional rights of freed slaves. He was highly respected at the local, state, and national levels, though he declined to run for the U.S. Senate and turned down an offer to become U.S. attorney general. An 1894 article about Gaston in *The New Berne Weekly Journal* quotes U.S. Chief Justice John Marshall as saying he would retire if he knew Judge Gaston would replace him as chief justice. Gaston authored the song “The Old North State,” which later became the North Carolina state song. He was a trustee of the New Bern Academy in New Bern and also of the University of North Carolina from 1802 until his death. He was prominent in the establishment of St. Paul’s Church of New Bern, the oldest Catholic church in North Carolina, and he was president of the Bank of New Bern. His prominent leadership and service earned him the accolade “an eminent Carolinian and New Bern’s most distinguished son.”

One question about the law office merits particular attention: when was it built and did Gaston actually use it for his office? A search through the Gaston papers at the Southern Historical Collection, UNC-Chapel Hill, has shed no light on either its construction date or its usage.

Peter Sandbeck, in his authoritative survey *The Historic Architecture of New Bern and Craven County, North Carolina* (Tryon Palace Commission, 1988), labels the building as the

Coor-Gaston dependency, being associated with the ca. 1770 Coor-Gaston House that was built on the southwest corner of Craven and New Streets (now 421 Craven Street). In 1818 Gaston, who also owned a plantation in Craven County, purchased this property for his family's townhouse and owned it until his death in 1844. The dependency was located on the same lot to the rear of the house, facing New Street and fronting directly onto the edge of the sidewalk. Sandbeck dates the dependency to ca. 1800, a date at variance with an old tour guide script found in the papers of the New Bern Garden Club that claims Gaston himself had the dependency built as an office in 1824. The source of this information is without documentation, however.

Whatever the exact construction date, the dependency was on the property during Gaston's ownership, and he could have used it as an office. The question is, did he? Sandbeck notes that "...No firm evidence exists to prove or disprove its traditional standing as Gaston's law office." In Sandbeck's judgment, the simplicity and vernacular form of the building suggest it may have been used for servants' quarters or other domestic purposes.

What then might indicate that Judge Gaston actually used the New Street structure as an office? Although active in public affairs and spending much time in Raleigh, there were some years in which he was not in public office, including 1820-1823, 1826, and 1830. His papers show that he continued the practice of law during these periods and between government sessions. In 1828 Gaston was appointed president of the Bank of New Bern, again indicating that he did spend time in New Bern. In a letter to his daughter Hannah, dated August 26, 1828, he writes, "In my office every morning from sunrise till ten – at the bank till one."(<http://www.americanantiquarian.org/proceedings>) And certainly it was not unusual in this time period for professional men to have offices adjacent to their homes.

Even more convincing are the comments from an early New Bern historian and prominent citizen, Colonel John D. Whitford. In 1882 in "Rambles about Town" (*The Daily Journal*, August 27, 1882), Whitford identifies the dependency as Gaston's office. He points out the Gaston home on the corner of New and Craven, and adds "...on New Street, a few steps



**Judge Gaston office in original location, ca. 1863.
Courtesy of the Southern Historical Collection, Wilson
Library, University of North Carolina.**

from the old mansion, was his office. In it he slept on a small bed for years and up to his death when in New Bern.” In his memoirs Whitford recollects going as a youth to Judge Gaston’s office to deliver a deed and take an oath about witnessing a signature (The Whitford Papers, New Bern Public Library, Kellenberger Room). He relates this interaction with Judge Gaston in detail. Whitford was born in New Bern in 1825, and a 1919 review of his life by Judge Romulus Nunn notes, “As a young man he enjoyed the friendship of William Gaston” (<http://www.newbern.cpclub.org/research/nunn/speech.htm>) The definite detail in Whitford’s account and the established link between Whitford and Gaston verify that Gaston did indeed use the dependency as an office.

After Judge Gaston’s death, his New Bern home with dependencies passed through a succession of owners. It was at one time owned by E.W. Smallwood and his sister Fannie, who used the office for a school. Sanborn Fire Insurance maps of 1908 and 1913 indicate that sometime between those dates the small building was moved to the southwest corner of the lot and reoriented with its facade toward Craven Street. An undated photograph taken after the move shows a drastically changed and dilapidated building. The two chimneys that appear in an earlier picture have disappeared. A wide garage door type opening has been cut into the front, and the building was apparently being used as a garage and storage shed.

At about the time that the office was moved from its original site, interest in preservation began emerging. With the celebration of New Bern’s bicentennial in 1910, residents began to pay attention to the city’s historic structures. That concern broadened in the 1920s, and on April 19, 1923, the first meeting of what would become the New Bern Historical Society was held at the home of Minnette Chapman Duffy (Mrs. Richard Duffy). This energetic lady, later prominent in the reconstruction of Tryon Palace, was also an active member of the New Bern Garden Club, which was and still is affiliated with the state-wide Garden Club of North Carolina. In 1937 the state club adopted the slogan “Conservation and Restoration.” Club focus was extended to include historic buildings, and in 1938 a state restoration committee was formed with Mrs. Duffy as one of the advisors.



The Judge Gaston office in the 1940s before being moved to Craven Street. Courtesy of the Kellenberger Room, New Bern-Craven County Library.

On the local level, in December 1941, a reorganizational meeting of the New Bern Historical Society was held and Mrs. Duffy was elected president. Not surprisingly, attention was focused on the woeful state of the Judge Gaston office. David Brook, in *Passion for the Palace: Minnette Chapman Duffy*,² provides helpful detail about her efforts in saving this building. The Coor-Gaston lot was at that time owned by county auditor Ben O. Jones and his wife, the latter also being a member of the restoration-oriented garden club. At a March 1942 historical society meeting, the Joneses offered to give the office to the historical society contingent on the building being restored and moved to a more accessible location. New Bern aldermen generously offered a space on city property.

Perhaps sidetracked by war activity, the historical society became inactive during this time, and the project was then carried on by the New Bern Garden Club under Mrs. Duffy's direction. Also in 1942, the garden club requested and received a \$500 interest-free loan from the state garden club for the express purpose of rescuing the office. In 1943 artifacts that might be used in the restoration, as well as personal items belonging to Judge Gaston, were already being offered to that end. After 1943 progress on the project slowed due to a wartime shortage of carpenters.

By 1946, however, plans were again moving forward. During this time, due to Mrs. Duffy's declining health, garden club president Mrs. C.B. Foy took direction. Mrs. Leinster Duffy acted as treasurer and assisted in helping raise the necessary funds. The decision was made to locate the building next to New Bern City Hall, eventually to the rear of the lot on the north side at 307 Craven Street. The garden club took title to the building, and the city aldermen tendered the lease for a dollar a year with the understanding that it could be terminated with a year's notice.

With plans and specifications made by Jack Maier, a New York architect, and additional input from local architect B.H. Stephens, work began. The building was "carefully" razed in 1946, with the reclaimed wood being moved to the new site. Fire had recently destroyed the S.M. Brinson house at 516 Broad Street and much of the heavy timber from that house was donated, along with antique floors and windows. Other donations included cornices and woodwork from the ca. 1819 Bank



The Judge Gaston office on city-owned lot on Craven Street, 2015, prior to its latest move. (At the time of this publication the installation in new location was incomplete.) Courtesy of Susan Cook.

of New Bern, hand-wrought strap hinges and blind fasteners, several six-raised-panel doors and a mantle, all original to the time period, although not original to the Gaston dependency. Reconstruction was completed by October 1949, with the final product being clearly a mix of material from the original building, material from other sites but original to the period, and new materials. While not an exact replica, the rebuilt office is equivalent in size to the original, including the shed back that was a feature of the original building. It has a similar frontal appearance as well. This is basically the office as we know it today.

At a later date the Gaston office was moved directly forward closer to Craven Street. And there it remained until 2016. The garden club used the facility for meetings and workshops until the 1970s, when a new woman's club building became available for these purposes. In 1988 a Kellenberger Foundation grant funded repair of the exterior, and the roof was also replaced. Air conditioning and central heat were added in 2006.

In April 2015 the City of New Bern requested that the garden club move the building from the city-owned property. Once again a new home was needed. Long-time garden club member and Gaston board trustee Nancy Chiles rallied the club, and the decision was made to relocate the structure. Recognizing the building's significance as it had done seventy years previous, the New Bern Historical Society offered a permanent location on its downtown grounds. Beginning at day-break on September 17, 2016, the office was moved to its final destination. As the existing chimney could not be moved due to its poor condition, a replacement brick chimney was constructed using old brick.

The William Gaston Law Office has gone through many transformations. Peter Sandbeck calls the 1949 effort "well intentioned," but notes that it "...resulted in a finished project which bears little resemblance to its original form and appearance." Others have observed that the JGO is historically significant because it is an early attempt at preservation, not because it is an eighteenth century building. As noted by Nelson McDaniel, president of the New Bern Historical Society during the time of the 2016 move, the importance of the law office is not so much in a belief that it has all its original fabric,

but because of Gaston's extraordinary importance. It's an important place to remember the judge and to do everything possible to perpetuate his memory.

Acknowledgement: The New Bern Garden Club acknowledges the contribution of the late Robert Chiles, owner of Chiles P.E. Engineers, Surveyors and Marine Consultants, who guided the club through this entire project and contributed his company's skill and expertise in many ways. Thanks also go to the Harold H. Bate Foundation and to the private donors who are underwriting the cost of this venture.



GOVERNOR ABNER NASH: A BIOGRAPHICAL SKETCH

Brenda S. Stott

Abner Nash is notable in North Carolina history as the second governor of the state following its independence from Great Britain in the Revolutionary War. Additionally, he served North Carolina as a representative in the provincial congresses, as a delegate to the Continental Congress, and as a member of the North Carolina General Assembly. In a private capacity, he capably practiced law in Halifax and New Bern. His stature in the events of the state's early days marks him as one of our distinguished founding fathers.

Nash was born August 8, 1740, in Prince Edward County, Virginia, the third son of John Nash and Ann Owens Nash, both of whom came from prosperous family roots in Pembrokeshire, Wales. John Nash purchased, after about 1730, an estate, Templeton Manor, at the fork of the Bush and Appomattox Rivers in Virginia. The elder Nash became prominent in his community, serving as a justice of the peace, as sheriff, as a member of the House of Burgesses, and as a captain during conflicts with the Indians.

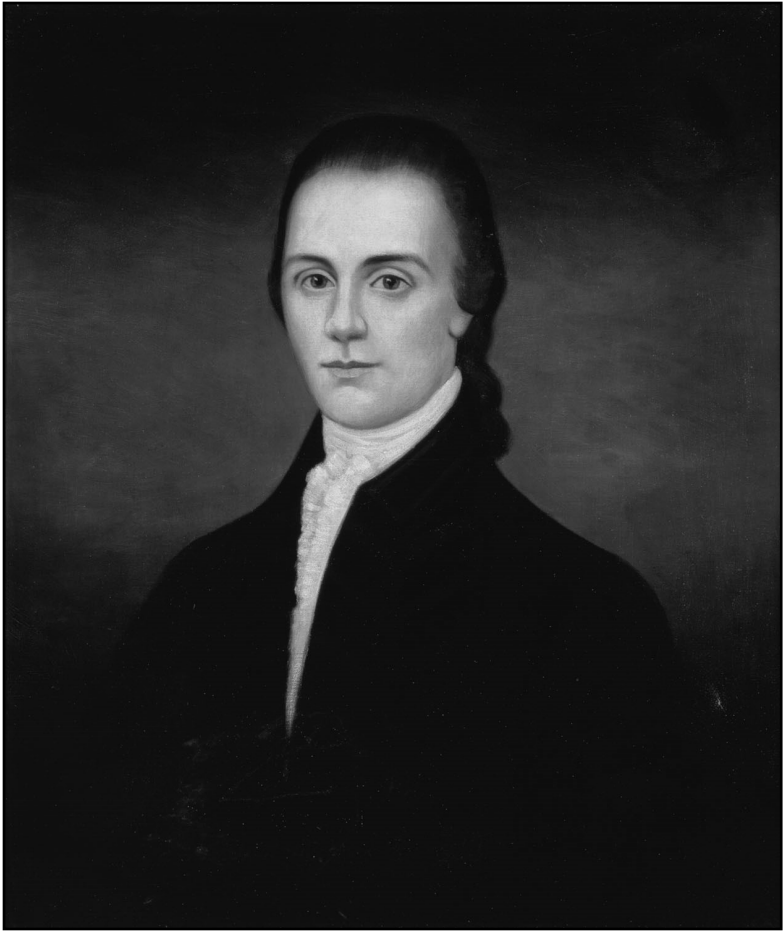
Young Abner enjoyed an advantaged life of culture and education. He read law and was admitted to the bar in Virginia in 1757. In 1761-1762, he was representative for Prince Edward County in the House of Burgesses. Soon thereafter he moved to Hillsborough, North Carolina, using proceeds from the sale of a piece of land in Virginia given to him by his father. He was accompanied by his younger brother Francis (who became a lawyer, a public official, a representative from Hillsborough in the provincial congresses and the General Assembly, an officer in the North Carolina Revolutionary forces, and a brigadier general in the Continental Army). Nash remained in Hillsborough until 1764, when he moved to Halifax to practice law. Experiencing success in both law and politics, he represented the town of Halifax in the House of Commons in 1764-1765 and was a representative from Halifax County in 1770-1771.

In 1768, he married Justina Davis Dobbs, the widow of Royal Governor Arthur Dobbs, and they had three children, a son and two daughters, before her death in 1771. Within a year, Abner moved to New Bern, the seat of the royal government. In 1774, he married again, to Mary Whiting Jones, 1757-1799, a lineal descendant of Governor William Bradford of Plymouth Colony and an heiress from Chowan County. This union produced five additional Nash children, a son and four daughters. The Nash family resided at Pembroke, a sizeable plantation on the south side of the Trent River inherited by Mary Whiting Jones. It was called "Pembroke" in memory of Abner's grandfather Owens' estate in Wales. During the colonial period, Nash operated a ferry across Trent River from his plantation, connecting on the opposite side to what is the present-day Abner Nash Road and Country Club Road through the Pembroke community. [The widowed Mary Whiting Jones Nash married a second time, in 1788, to David Wither-spoon, whose father John Knox Witherspoon was a signer of the Declaration of Independence for New Jersey.]

Nash's political involvements were increasingly important during the period of Revolutionary activity. He was a leader in the Patriot opposition to Royal Governor Josiah Martin, who styled him as "the orator of the [local safety] committee" and "the principal promoter of sedition," and after Martin fled the colony in 1775, Nash took an active role in the interim government. He was a delegate to North Carolina's several provincial congresses 1774-1776, while also serving as a member of the Provincial Council. During the session of 1776, he served on the committee that presented the 12th of April resolution, the first move by a state for independence.

He represented New Bern in North Carolina's first General Assembly as an independent state, as a member in the House of Commons in 1777-1778, 1782, and 1784-1785. He served as Speaker of the House in 1777. He was subsequently a member of the State Senate, representing neighboring Jones County, in 1779-1780, serving as its Speaker in 1779.

He was elected by the legislature in April 1780 to be North Carolina's second governor, for a term running 1780-1781. It was a difficult administration for him, however, having the task of supporting the national war effort while protecting the state against British attack from the south. Major



Abner Nash portrait by Henry J. MacMillan. Courtesy of Tryon Palace, New Bern, N.C.

setbacks that occurred with the defeat of Patriot forces at Charleston in May 1780 and at Camden in August 1780, along with the depletion of state supplies and resources, all encouraged the sizeable Loyalist faction within the state. Nash's temperament and poor health made him ill-suited for the needs engendered by war and brought him into conflict with his legislature. He soon found his Council to be too geographically dispersed to be of much help to him in guiding a state at war, so he requested that a three-member Board of War be authorized to function between legislative sessions and to closely cooperate with him in the conduct of the war. This scheme went amiss, however, and the members of the board became actively opposed to him, intercepting his correspondence with his military leaders and flaunting his authority as commander-in-chief.

The mounting problems of providing and equipping an army, the tensions between the governor and his Board of War, and the loss of his personal fortune took a continuing toll on his never-robust health. He declined a nomination in 1781 to a second gubernatorial term and returned to the House of Commons in 1782 and 1784-1785. He also accepted election to the Continental Congress in 1782-1783 and 1785-1786. In 1786 as well, toward the end of his legal career, he notably represented defendant Spyers Singleton in the initial hearing of *Bayard v. Singleton*, a landmark case decided in 1787 in New Bern, the first reported court case in which a court nullified a law because that law was found to be unconstitutional. This case set a precedent for judicial review, as afterward applied by the U.S. Supreme Court in the 1803 case of *Marbury v. Madison*.

Nash continued to serve in Congress as his health allowed until his death, of "consumption," in New York City on December 2, 1786, while attending the Congress. It was a testament to his national stature that his funeral was attended by Congress, marching as a body, by diplomatic and consular foreign representatives, by the Supreme Court, by the governor of New York and the mayor of New York City, by various national civic and military officers, and by a number of ordinary citizens.

He was initially buried in the churchyard at St. Paul's Episcopal Church, Manhattan, but was later transferred to his home, Pembroke, and reinterred in his family plot. A marble plaque on his burial vault lists his outstanding accomplishments

and characterizes him as an “ardent patriot, influential statesman and able lawyer,” a concise summation of Nash’s distinguished abilities.

Addendum:

Bayard v. Singleton was a landmark case decided in 1787 in New Bern, the first reported court case in which a court nullified a law because it was found to be unconstitutional. The case involved property in New Bern belonging to Samuel Cornell, a member of Royal Governor William Tryon’s Council and a Loyalist who fled the colony in April 1775. Since Cornell refused to take a loyalty oath to the United States, his property was confiscated by the state and sold, being purchased in part by New Bern merchant Spyers Singleton. In 1786, Elizabeth Cornell Bayard filed suit to reclaim her father’s estate, it having been willed to her.

Mrs. Bayard’s attorneys, future governor Samuel Johnston and future governor William R. Davie, argued that the 1785 confiscation acts passed by the state violated a provision set forth in the state’s 1776 constitution that guaranteed anyone a trial by jury in a case involving the potential of loss of land-holdings or property. The case was heard by a three-judge Court of Conference (Judges Samuel Ashe, Samuel Spencer, and John Williams), forerunner to the North Carolina Supreme Court. The court faced a difficulty: although it appeared clear that the confiscation acts did indeed violate the state constitution, there was no real precedent in the 1780s for a court to overrule a legislative act. Abner Nash, with future United States Supreme Court Justice Alfred Moore as his second, moved to have the case dismissed, but the court chose to delay a decision, awaiting a hoped-for out-of-court settlement and providing time for the General Assembly to repeal the acts.

The legislature chose not to repeal the confiscation acts at its November 1787 session, but concluded as well that the court had the right to hear the case. The court ultimately decided against Bayard after finding a loophole in the prosecution’s case and stating that Cornell was actually an alien and there-

fore could not have owned land in the first place. Singleton was thus able to keep the land he had purchased based on the state's confiscation acts. The significance of this case resulted from the court's overruling of an established act of the legislature. *Bayard v. Singleton* set an influential precedent for judicial review that was applied by the U.S. Supreme Court in 1803 in the case of *Marbury v. Madison*.

