“LIVE BY THE SPIRIT”:
INSTITUTIONAL DISCIPLINE FOR CRIMES AGAINST ORDER AND MORALS MECKLENBURG COUNTY, NORTH CAROLINA, 1767 – 1839

by

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ABSTRACT

LAYNE CLARISSA CARPENTER. "Live by the Spirit:" institutional discipline for crimes against order and morals, Mecklenburg County, North Carolina, 1767 - 1839. (Under the direction of DR. DAN DUPRE)

Mecklenburg County, North Carolina was located in the Carolina backcountry—an area frequently viewed as immoral, disorganized, and barbaric by contemporaries. However, this study demonstrates that institutions of authority—both legal and ecclesiastical—existed to maintain order and morality. Within and around these institutions, a vibrant community emerged, as did societal values. Morality had Anglican roots, but internal and external influences motivated these institutions to interpret these laws in their own way. These interpretations are evident in enforcement patterns of the crimes against order and morals—a classification defined by actions that Christians regarded as sins and that contributed to community disorder. A regional culture that differed from English tradition surfaced and society evolved due to localized conditions and influences. Core values carried over from England, but this study reveals that the court and church did not always follow the letter of the law. Instead, by employing free will in the maintenance of order, both institutions emerged as social centers that helped the society transition from the English way of life to backcountry survival.

DEDICATION

To Mom, Dad, and Kara

My dad once told me history boils down to economics and religion.

I didn't believe him until I started working on this project.

ACKNOWLEDGEMENTS

Creating this work would not have been possible or nearly as fulfilling without the support of many people. My thesis chair, Dr. Dupre, offered impeccable advice and believed in my abilities throughout this entire process. I will always be grateful for his willingness to give so much of his time to ensure my success and improvement. Dr. Cameron's insightful comments and historiographical suggestions also greatly enhanced this work. I had the opportunity to consider the reaches of this study outside of academia and apply creative concepts thanks to Dr. Shapiro's instruction and assistance with digital media. For her constructive criticism, positive energy, and outstanding mentorship, I would like to recognize Dr. Maren Ehlers. My advisors at Westminster College, Dr. Tim Cuff and Dr. Russell Martin, provided me with a solid foundation in historical writing and gave me confidence in my work.

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CHAPTER ONE: INTRODUCTION

The lifestyle and manners of colonial North Carolinians truly disgusted Charles Woodmason. He deemed "The whole Country" in "a Stage of Debauchery Dissoluteness and Corruption" and considered the settlers' behaviors "Vile and Corrupt."[1] An Anglican itinerant, Woodmason's fear for the souls of backcountry pioneers compelled him to pursue a missionary expedition. In 1766, he departed coastal South Carolina for a religiously driven, life-changing journey into the Carolina backcountry. Embarking on his excursion with a negative bias of the area, Woodmason incessantly recorded the settlers' shortcomings in his travel journal. Though he acquired much of his understanding about North Carolina through word of mouth, Woodmason encountered and described depraved behavior equal to prior depictions as he traveled across the northern and southern regions of Carolina. To him, this was a land where law and order, morality, and wholesome families were of little importance.

Woodmason faced a particularly arduous mission because he aspired to instill Anglican values in an area that had a considerably different religious tradition—the tradition of evangelical or "dissenting" religions. Prior to his departure, Woodmason commented on the absence of Anglican congregations in North Carolina, lamenting that

[1] Charles Woodmason, "A Report on Religion in the South: 'The New Lights now infest the whole Back Country,' An Account of the Churches in South Carolina, Georgia, North Carolina, and the Floridas, 1765," in *The Carolina Backcountry on the Eve of the Revolution: The Journal and Other Writings of Charles Woodmason, Anglican Itinerant*, edited by Richard J. Hooker (Chapel Hill, The University of North Carolina Press, 1953), 80–81.

religious people might not even exist in the colony.[2] During his six-year expedition, he traveled over eighteen thousand miles. To spread Anglican principles, he organized thirty congregations and rode from settlement to settlement to marry, baptize, and advise colonists.[3] His account offers rare insights about the region and its people, but does not reflect the true nature of order and law enforcement in some backcountry regions.

The community that Woodmason encountered existed on the periphery of the British Empire. It was a land that the British tried to control with little success. Woodmason represented this theme of control, for he wanted to instill Anglicanism and legal order in the seemingly uncivilized, immoral citizens of the backcountry. Since the Anglican Church was a branch of the British Empire, the church and the state worked together to regulate morality. Anglican ministers also had some semblance of authority within the colonies. Woodmason felt entitled as the transmitter of this moral authority, and when settlers did not universally welcome his guidance, he supported the South Carolina Regulators—a group of settlers who employed vigilante action to protest the lack of legal control over behavior. As a London-raised Englishman who had spent the previous fifteen years in Charleston, South Carolina, Woodmason only experienced societies fully rooted in English manners and statute law. Based on his opinion of law and order, Woodmason expected a certain level of moral behavior in the backcountry. Upon observing the reality of this region, he imposed his understanding of English law and Anglican morality on the settlers, though they did not entirely accept his teachings.

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[2] Woodmason, "Report on Religion," in *Carolina Backcountry,* 76.
[3] Richard J. Hooker ed., "Introduction," in *The Carolina Backcountry on the Eve of the Revolution: The Journal and other Writings of Charles Woodmason, Anglican Itinerant* (Chapel Hill, The University of North Carolina Press, 1953), xi.

Despite Woodmason's perception of the Piedmont region, Anglican values and English Common Law traditions pervaded the North Carolina legal system. Many of the laws passed and enforced in the colony from the 1740s through the mid-nineteenth century embodied a religious influence that coincided with the Anglican Church's perception of morality. These undertones indicated the colonial and state legislature's desire to regulate the private lives of citizens as a mechanism for maintaining a disciplined community.

In Mecklenburg County, morality had its roots in Anglicanism, for the state laws and societal customs reflected an unmistakable religious influence. However, enforcement patterns in the county's social institutions diverged from this tradition, for these institutions interpreted the laws through their own lenses. The need to maintain economic security drove the enforcement patterns within the courtroom. Evangelical beliefs and revivalism shaped the ways in which local churches disciplined their congregants. Finally, the existing social hierarchy deeply influenced slave punishment for aberrant behavior—a fact that is apparent both in the absence of slave court trials for such activity and in the actions local churches chose to target.

This study examines a particular type of immoral activities classified as the crimes against order and morals. These crimes composed a small segment of the behaviors prosecuted within the early American legal system, but their enforcement demonstrates the role of government influence in regulating private citizens' lives. The category includes bastardy, adultery, fornication, profane swearing, contempt of court, peace warrants, and drunkenness.[4] All of these crimes challenged religious morality, for

[4] Michael Hindus categorizes this class of crimes as the crimes against order and morals, but I have chosen to include profane swearing, peace warrants, and contempt of court in this definition. These acts

Christians considered them the "works of the flesh" and not the works of the Spirit.[5] These activities also contributed to disorderly behavior. Crimes against order and morals offer a lens through which to examine the Mecklenburg County community and its perceptions of moral standards based upon enforcement patterns.

Many historians have engaged in the difficult task of community studies, particularly from the 1970s through the 1990s. Some of the earliest pieces focus on New England towns and cities. However, these works often concentrate on the geo-political organization of the town as representative of community identity, a definition Richard Beeman challenges in his work *The Evolution of the Southern Backcountry*. Beeman contends that the county is the "closest comparable unit of political organization" for southern colonies and that systems of communication were key components of community development. He also argues that in Lunenburg County, Virginia—the subject of his study—residents created local institutions and "networks of association that would serve to bring them together in a system of shared values and aspirations," a phenomenon that occurs in most localities, including Mecklenburg County, North Carolina.[6]

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contributed to disorderly behavior in the county, but also disrupted the perceived sanctity of specific communal spaces. Using God's name in vain in both public and the court violated the decorum of these places. Likewise, contempt of court further challenged the respectability and order of the courtroom. Finally, peace warrants disrupted civility and harmony amongst citizens. Hindus, *Prison and Plantation: Crime Justice, and Authority in Massachusetts and South Carolina, 1767 – 1878* (Chapel Hill, The University of North Carolina Press, 1980), 74,76, 80, 87.

[5] Galatians 5:16-21 (New Revised Standard Version).

[6] Richard R Beeman, *The Evolution of the Southern Backcountry: A Case Study of Lunenburg County, Virginia 1746-1832* (Philadelphia, University of Pennsylvania Press, 1984), 3-13. See the following for examples of New England Community Studies: Charles Grant, *Democracy in the Connecticut Frontier Town of Kent* (New York, Columbia University Press, 1961); Kenneth Lockridge, *A New England Town: The First Hundred Years: Dedham, Massachusetts, 1636-1736* (New York: W. W. Norton and Company, Inc., 1970); Philip Greven, *Four Generations: Population, Land, and Family in Colonial Andover, Massachusetts* (Ithaca, N.Y., 1970).

Beeman asserts that most analyses of Virginia and the Carolinas often consider the backcountry regions unimportant to these colonies' and states' historical narratives. Likewise, Lisa Tolbert in her innovative work *Constructing Townscapes,* contends that the town was just as, if not more important than the plantation in southern society. Small county seats "served as dynamic forces for cultural changes," she insists, and Charlotte as well as Mecklenburg County certainly fits into this mold.[7] The backcountry region and small towns have much to contribute to the larger historical narrative of the South and to North Carolina history specifically. This narrative frequently ignores these localities, but they were vitally important to the evolution of the state and more broadly, the region.

The characterization of the backcountry itself has sparked a historical debate throughout the twentieth century. From defining the region geographically, to discussing social and cultural distinctions, historians and geographers alike continue to transform the boundaries of this expanse of space.[8] Still, scholars find that the backcountry is a "more specific place" than the frontier.[9] For the purposes of this study, the backcountry represents both a specific geographic area and a distinct society in comparison to the coast. Beeman provides the most concrete definition of the southern backcountry's spatial location, stating that through the early antebellum period, it was "the vast expanse of territory running from Frederick County, Maryland, down the Great Valley, Central Piedmont, and Southside of Virginia, and into North and South Carolina between the Fall

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[7] Lisa C. Tolbert, *Constructing Townscapes: Space and Society in Antebellum Tennessee* (Chapel Hill: University of North Carolina Press, 1999), 4.

[8] See Robert D. Mitchell's article "The Southern Backcountry: A Geographical House Divided" for a detailed discussion of this debate. Robert D. Mitchell, "The Southern Backcountry: A Geographical House Divided," in *The Southern Colonial Backcountry: Interdisciplinary Perspectives on Frontier Communities*, edited by David Colin Crass, Steven D. Smith, Martha A. Zierden, and Richard D. Brooks (Knoxville, Tenn.: The University of Tennessee Press, 1998), 1-35.

[9] David Colin Crass, Steven D. Smith, Martha A. Zierden, and Richard D. Brooks, eds., *The Southern Colonial Backcountry: Interdisciplinary Perspectives on Frontier Communities* (Knoxville, Tenn.: The University of Tennessee Press, 1998), xvi-xvii.

Line and the Great Smokies."[10] The land west of the North and South Carolina Fall Line was an interior, upland area without direct access to the coast, and has many rivers, creeks, forests, and fertile soil.[11] Culturally, the coastal settlers viewed the space as socially separated, filled with "underprivileged," "barbaric" inhabitants, which served as "a convenient buffer against Indian attack."[12] As a secondary European settlement, inhabitants came from the North and East. Multiple nationalities—including Scotch-Irish, Scots, Germans, nonconformist English, Africans, and Indians—populated the area, alongside numerous religious sects.[13] These versions of the geographic and social definitions classify the backcountry for this study.

Community studies often pursue a singular agenda when examining a particular locality. Many use a specific town or county as a means to make a larger statement about American society during a distinct period. These works often adopt a single thematic lens—typically race, class, gender, politics, or economics—to offer a microcosmic perspective of national or regional transformations. Additionally, some community studies of the Old South examine how public sentiment eventually supported secession. This analysis incorporates legal, cultural, and religious history, but the aim is not to reframe national or regional movements, nor to discuss Mecklenburg County's eventual decision to secede from the union. Rather this work demonstrates how these larger factors did or did not shape county institutions, residents, and enforcement patterns.[14]

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[10] Beeman, *Evolution of the Southern Backcountry,* 12-13.
[11] Mitchell, "The Southern Backcountry," 6; Hooker, "Introduction," xxi.
[12] Hooker, "Introduction," xxi.
[13] Hooker, "Introduction," xxi-xxii; Crass, et. al., *The Southern Colonial Backcountry*, xvii.
[14] See all studies in Orville Vernon Burton and Robert C. McMath, Jr., eds., *Class, Conflict, and Consensus: Antebellum Southern Community Studies* (Westport, Conn.: Greenwood Press, 1982); Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1995);

Put simply, one cannot assume that one backcountry town represents them all. Kenneth Lockridge attempts to prove that one New England town typified all others in his monograph about seventeenth century Dedham, Massachusetts, but this fails to exemplify the ways in which such towns can be individual.[15] National and regional movements may deeply influence the framework of events in a small town, but it is just as important to understand how a community interpreted these larger ideas and applied them within the context of local need. This study links law and culture through the examination of Mecklenburg society's definition and perception of immoral behavior. Analyzing state laws and their influences reveals expected cultural traditions steeped in Anglicanism, but the values of the local community surface through the interpretations of the laws seen in enforcement patterns.

Another key component of this study is societal perceptions of moral standards. Existing works examine the moral principles of society through the lens of legal prosecution, but the majority of these analyses center on New England towns.[16] This project applies the existing framework to the southern backcountry region. It also deviates from the norm of legal history and community values studies because of the concentration on a specific category of crimes. Additionally, this study does not focus solely on the courtroom room, as Cornelia Hughes Dayton does in her work on women in

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Daniel S. Dupre, *Transforming the Cotton Frontier: Madison County, Alabama 1800-1840* (Baton Rouge: Louisiana State University Press, 1997), among others.

[15] Lockridge, *A New England Town,*

[16] Henry Bamford Parkes, "Morals and Law Enforcement in Colonial New England," *The New England Quarterly* 5, no. 3 (July 1932); Lilian Handlin, "Dissent in a Small Community," *The New England Quarterly* 58, no. 2 (June 1985); Cornelia Hughes Dayton, *Women Before the Bar: Gender, Law, and Society in Connecticut, 1639-1789* (Chapel Hill: The University of North Carolina Press, 1995).

the colonial Connecticut courts.[17] Instead, it looks beyond legal institutions of authority to religious and societal regulatory forces.

Many of the Anglican-inspired state laws shaped the community that emerged in Mecklenburg County through the late-eighteenth and early-nineteenth centuries. In many ways, it was similar to other backcountry areas, but differed considerably from port and northern cities. For the purpose of this study, Mecklenburg's community consisted of the physical space of Charlotte as well as the outlying populations of the county. However, the definition also transcends physical space and includes networks of communication. Community developed through sites that presented people with the opportunity for social interaction, including the institutions of the court and the church in tandem with other sites like taverns and general stores.[18] More specifically, this study focuses on how these various elements of the Mecklenburg County community maintained control over the crimes against order and morals.

Mecklenburg County is an important area to investigate for a number of reasons. Most existing county histories are from the late-nineteenth and early-twentieth centuries, while the latest works examine the post-1850s spatial and economic growth of Charlotte.[19] Studies of the pre-revolutionary and antebellum era do not highlight the values of Mecklenburg society, but merely recount major events, uphold Revolutionary War legends, and detail the lives of important community members. Additionally, race is frequently marginalized in local histories about this period, just as it was in early

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[17] Dayton, *Women Before the Bar*, 1-14.
[18] Beeman, *Evolution of the Southern Backcountry*, 9.
[19] Thomas W. Hanchett, *Sorting Out the New South City: Race, Class, and Urban Development in Charlotte, 1875 – 1975* (Chapel Hill: The University of North Carolina Press, 1998), 1-19; Janette Thomas Greenwood, *Bittersweet Legacy: The Black and White "Better Classes" in Charlotte, 1850-1910* (The University of North Carolina Press, 1994); Matthew Lassiter, "Searching for Respect: From 'New South' to 'World Class' at the Crossroads of the Carolina," in *Charlotte N.C.: The Global Evolution of a New South City*, edited by William Graves and Heather Smith (Athens: University of Georgia, 2010).

Mecklenburg society.[20] Recent works are more concerned with the development of Charlotte as a New South city and only reference early history for context's sake. Charlotteans deserve a history about early life in Charlotte, a history that should be freed from a romanticized interpretation of their past.[21]

According to these histories and local tradition, the county had a rebellious reputation centered on the legend of the Mecklenburg Declaration of Independence, allegedly signed a year before the United States officially separated from Britain. During the Revolution, Lord Cornwallis captured Charlotte, but found that it was a hot bed of defiance. A British veteran of the war recollected that Mecklenburg and Rowan counties were "more hostile to England than any in America."[22] Cornwallis himself called Mecklenburg a "hornets' nest of insurrection" during his retreat after the British defeat at Kings Mountain.[23] Folklore coupled with factual accounts presents this concept that Mecklenburg County was mutinous and desired separation from Britain.

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[20] Some works from the turn of the twentieth century are inundated with Lost Cause ideology, particularly J. B. Alexander. Others do not discuss slave life at all. Still others, like Dan Morrill, describe slave life and societal inequalities, but do not directly address public disciplinary proceedings for this population. J. B. Alexander, M.D., *The History of Mecklenburg County From 1740 to 1900* (Charlotte: Observer Printing House, 1902); Bailey T. Groome, *Mecklenburg in the Revolution 1740-1783* (Charlotte: Sons of the American Revolution, 1931); C.L. Hunter, *Sketches of Western North Carolina: Historical and Biographical* (Raleigh: The Raleigh News Steam Job Print, 1877; Raleigh: The Edward and Broughton Company, 1930). Citations are to the Edward and Broughton edition; Wheeler, *Historical Sketches of North Carolinas;* John H. Wheeler, *Reminiscences and Memoirs of North Carolina and Eminent North Carolinians* (Columbus, O. H.: Columbus Printing Works, 1884); Dan Morrill, *Historic Charlotte: An Illustrated History of Charlotte and Mecklenburg County* (San Antonio: Historical Publishing Network, 2001), 17-23.

[21] The following works compose much of the literature about early Mecklenburg County. John H. Wheeler, *Historical Sketches of North Carolina, From 1584 to 1851* (Philadelphia: Lippincott, Grambo and Company, 1851); Wheeler, *Reminiscences and Memoirs of North Carolina*; Hunter, *Sketches of Western North Carolina*; Alexander, *The History of Mecklenburg County;* LeGette Blyth and Charles Raven Brockmann, *Hornets' Nest: The Story of Charlotte and Mecklenburg County* (Charlotte: Heritage Printers, Incorporated, 1961); Groome, *Mecklenburg in the Revolution*; Dan Morrill, *Historic Charlotte;* Richard P. Plumer, *Charlotte and the American Revolution: Reverend Alexander Craighead, the Mecklenburg Declaration and the Foothills Fight for Independence* (Charleston, S.C.: The History Press, 2014).

[22] Lt. Col. Banastre Tarleton, quoted in Hanchett, *Sorting Out the New South City*, 15.

[23] Lt. Col. Banastre Tarleton, quoted in Hanchett, *Sorting Out the New South City*, 15.

Mecklenburg County, therefore, presents an opportune place of study. Not only are there many unexplored resources from the early years, but there was anti-British sentiment in the area. It is no surprise that although the rules of law reflected British and Anglican traditions, the legal and extralegal institutions of authority interpreted the laws for their own purpose. Mecklenburg County did not have an Anglican Church, which disconnected the area from direct traditional influences. The county instead showed signs of developing its own cultural customs through the enforcement patterns of societal values. The backcountry was not as organized as locales in Britain, New England towns, or coastal areas and its distance from port cities and colonial government isolated Mecklenburg. Therefore, local concerns rather than monarchical—and later state—power dictated day-to-day life. The court maintained economic security and strove for survival, while extralegal authority emerged to sustain evangelical religious values and to preserve the hierarchical system of a slave society.

Throughout much of the South, various institutions of extralegal authority prosecuted immoral and disorderly behavior. Mobs, vigilantes, and duelists all acted as regulating agencies in the Carolina backcountry. However, this study focuses on the legal power of the court and the extralegal authority of the church. Analysis of these two institutions highlights the absence of the black population in court for misdemeanors and elements of inequality in church discipline between the races.

Mecklenburg County aligns with many enforcement patterns seen throughout the Carolina backcountry, as well as rural areas of the South. Like most southern counties, there was a county seat—Charlotte in this case—that housed the courthouse, the primary institution of order. Religion influenced the laws enacted by the state legislature and

enforced in the courthouse, particularly regarding sexual offenses. Nevertheless, the county's desire to survive and maintain economic security deeply motivated disciplinary patterns.

Another institution of order—the church—held a powerful position in Mecklenburg County. The county was home to thirteen evangelical churches from 1767 through 1839, and each had a prominent place in the outlying sections. Like the courthouse, churches operated as disciplinary entities and reprimanded their members for the immoral behaviors that they labeled as sins. In the eighteenth century, these evangelical religions primarily targeted familial issues. However, the movement to privatize the lives of whites and awareness of male misbehavior in public altered the pattern of church enforcement in the early-nineteenth century. With the rise of the Temperance movement, these churches specifically targeted drunkenness, a public act of disorder and ungodliness. Together, the court and the church functioned as the centers of Mecklenburg society.

Within these institutions, racial concerns contributed to the nature of order and enforcement in Mecklenburg County. The court and the church more frequently prosecuted the white population for the deviant behaviors examined in this study, but occasionally the slave and free black population emerged from the shadows. The black population did not appear in court for the crimes against order and morals—only for property distribution or felony cases. The church disciplined black members for moral wrongdoing in the same manner as they did white members, but the church adhered to older traditions and did not acknowledge the privatization of slave lives.

These two institutions—the court and the church—comprise the organization of this study. Chapter one describes the developing Mecklenburg community during the 1760s through the 1830s and provides background about North Carolina legal history. The second chapter examines legal prosecution of the crimes against order and morals and suggests that the community's concern about economic burdens drove enforcement. Finally, chapter three explores church discipline in the county with a particular focus on the move toward privatizing individual lives amongst the white population and the prosecution of drunkenness. These chapters also comment on the slave population, particularly concerning their treatment within these institutions. Collectively, these chapters provide a case study of Mecklenburg County's community organization and perception of order in the Carolina backcountry, a region often viewed as immoral by contemporaries. These critics ascribed immorality to this region because they thought it lacked regulation. Instead, county institutions and residents alike interpreted the laws for their own means, thereby developing a culture outside of English tradition.

CHAPTER TWO: LOCAL CULTURE AND THE ORIGINS OF LAW

"Public Evils, in ev'ry Shape, are to be laid Open—other wise, how will they be redress'd?"
Charles Woodmason, 1771

Mecklenburg County in the late eighteenth century would be unrecognizable to the modern resident. The town of Charlotte occupied only a small portion of the county, with farmland, rivers, creeks, forests, and rolling grasslands composing the rest. Nestled in the expanse of land between the Yadkin and Catawba Rivers, Charlotte occupied a prime position on two trade routes, the Great Wagon Road that ran north to south and another route that ran east to west at the current location of Trade Street. This intersection of two former Indian paths, known in Charlotte as Trade and Tryon Streets, became the center of town. These important routes contributed to Mecklenburg County's eventual population growth and economic prominence.

Charlotte itself maintained the status of village—or "hamlet" as Charlotte historian Thomas Hanchett labels it—until the mid-nineteenth century. In 1850, the town's population barely exceeded one thousand inhabitants, not even eight percent of Mecklenburg County's population.[24] Though census records did not document the population of Charlotte until 1850, one can infer that due to the agrarian nature of the county's economy, the town's population remained below one thousand until the mid-nineteenth century.

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[24] Hanchett, *Sorting Out the New South City*, 1-19; J. D. B. DeBow, *Statistical View of the United States* (Washington: A.O.P. Nicholson, Public Printer, 1854), 284.

Like many colonial towns, urban planners designed Charlotte in a grid pattern. Trade and Tryon served as the reference point for the grid and this method of town development contributed to a physical sense of community order.[25] By the 1820s, many inhabitants purposed the buildings in town—particularly private homes—for "mixed use." Occupants often utilized the first level of their homes as general stores, hat stores, offices, and other businesses. Hotels, blacksmith shops, tanneries, taverns, the courthouse, and the jail also contributed to the make-up of Charlotte and provided opportunities for resident interaction.[26]

In the mid-eighteenth century, the land beyond the town lay blanketed with tall grass, wild pea vines, and indigenous flora; the creek and river waters flowed clear, flooded with fish; and the forests burst with wild game, such as buffalo and deer, wild animals, and fowl. Fertile soil, a healthy climate, and an abundance of cheap land drew primarily Scots-Irish emigrants from the northern colonies—such as Maryland and Pennsylvania—and from England, Ireland, and Germany. These settlers brought the Presbyterian faith to the Piedmont, which became the dominant religion in the area.[27]

The parameters of Mecklenburg County differed drastically from the present as well. From its establishment in 1762 through 1792, the county encompassed the land included in modern day Cabarrus and Union counties. In 1792, the northeastern portion of Mecklenburg separated from the rest of the county to form Cabarrus County. Nearly fifty years later in 1842, the southeastern segment of Mecklenburg and the western part

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[25] Hanchett, *Sorting Out the New South City*, 29-31.
[26] Charles R. Jones, "A Sketch of Charlotte," in *Beasley and Emerson's Charlotte Directory for 1875-76* (Charlotte: Beasley and Emerson, 1875), 132-135; Hanchett, *Sorting Out the New South City*, 29-31.
[27] Hunter, *Sketches of Western North Carolina*, 19–21; Alexander, *The History of Mecklenburg County*, 9–11; Blyth and Brockmann, *Hornets' Nest*.

of Anson County coalesced to form Union County. From 1767 through 1839, Mecklenburg County comprised of a large land mass.[28]

The population of Mecklenburg County was small at the start. In 1765, Charles Woodmason compiled population data for all of North Carolina's counties. According to his records, there were 791 taxable persons in the county, meaning there were 791 white men above age 16 and capable of bearing arms.[29] Though this number only represents a portion of the inhabitants, one can gather that Mecklenburg County had a small number of residents in its early years. Few records exist to suggest the rate of population increase during the Revolutionary era, but the first United States Census in 1790 demonstrated that the population did grow rapidly. By 1790, there were 4,959 white males of all ages in the county, and a total population of 11,464.[30] Over the next sixty years the population increased steadily, with the 1840 census record revealing a total population of 18,296.[31] The reduction in the land mass that encompassed Mecklenburg County during this sixty-year period skewed these numbers slightly. Since Cabarrus County separated from Mecklenburg in 1792, there was a small decrease immediately.

Moving into the nineteenth century, the slave population steadily swelled. Figure 1 illustrates the percentage of free and slave peoples in the county from 1790 through 1850 and highlights the growing prevalence of the slave population. This group contributed to Mecklenburg County's population growth between 1790 and 1840. In both 1790 and 1840, the combined white male and female demographic constituted the

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[28] Hunter, *Sketches of Western North Carolina*, 159, 207.
[29] Woodmason collected figures for all of the South Carolina parishes and the North Carolina counties in 1765, likely for use by the Bishop of London. It is unclear whether the Bishop requested the data or if Woodmason chose to do so of his own accord. Charles Woodmason, "Report on Religion," in *Carolina Backcountry*, 69.
[30] U.S. Bureau of the Census, *Heads of Families At the First Census of the United States Taken in the Year 1790, North Carolina* (Washington: Government Printing Office, 1908), 158–164.
[31] U.S. Bureau of the Census, *1840*.

majority of the county's inhabitants, but only a small increase in these categories occurred during the sixty-year period. The source of population growth stemmed from the slave demographic, for in 1790, slaves made up fourteen percent of the population and by 1850, nearly forty percent.[32]

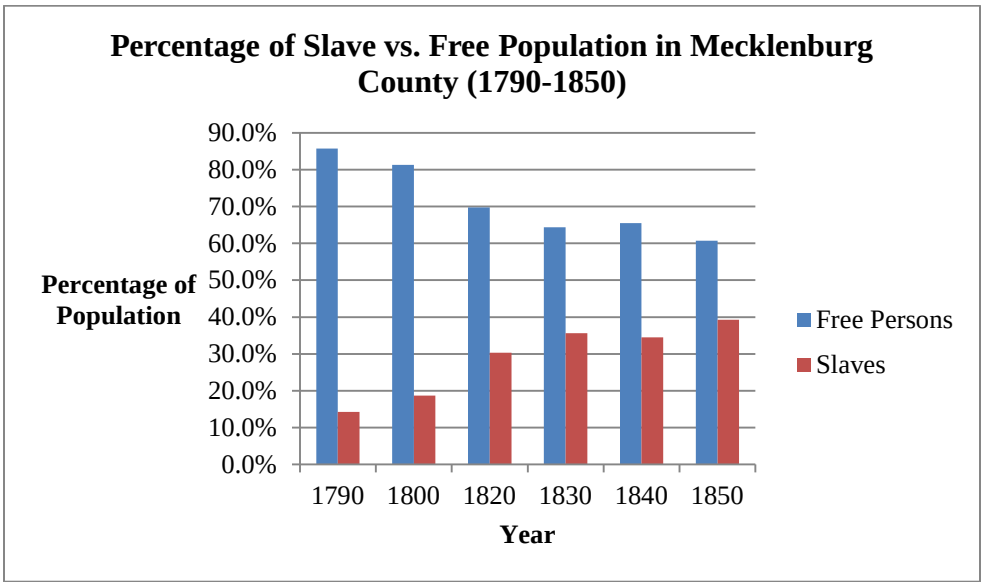

Figure 1: Graph of the percentage of slave vs. free population in Mecklenburg County, 1790-1850. Source: Data compiled from U.S. Bureau of the Census, *Heads of Families At the First Census of the United States Taken in the Year 1790, North Carolina* (Washington: Government Printing Office, 1908), 158–164; U.S. Bureau of the Census, *1800, 1820, 1830, and 1840*; J. D. B. DeBow, *Statistical View of the United States* (Washington: A.O.P. Nicholson, Public Printer, 1854), 284.

Many factors likely contributed to the increase in Mecklenburg's slave population. Throughout the early nineteenth century the cotton economy developed, encouraging planters to acquire more slaves to work in the fields. Mecklenburg County planters may have purchased their slaves from coastal ports or along trade routes, for the trans-Atlantic slave trade brought 2,029 Africans to North Carolina during the eighteenth

[32] U.S. Bureau of the Census, *1790*, 158–164; DeBow, *Statistical View of the United States*, 284.

century and prior to 1807.[33] The domestic slave trade—defined by slave coffles traveling the roads connecting the Chesapeake to the South—likely passed through this region of the backcountry.[34] Since Charlotte rested on the Great Wagon Road that ran north to south, these processions could have passed through town on a number of occasions and provided Mecklenburg County inhabitants with the opportunity to purchase slaves. Naturally, reproduction contributed to the population boost as well.

Despite the increase in the slave population from 1790 to 1850, cotton was not the only crop produced and exported from the area. In the decades following the Revolution, corn and wheat remained the primary exports, though gold and cotton slowly gained prominence toward the end of the eighteenth century.[35] The invention of the cotton gin in1793 simplified the procedure of processing cotton, and by 1802, Mecklenburg County citizens owned the largest number of cotton gins in North Carolina. However, the difficulty of transporting cotton overland to Charleston and the fear of a poor cotton yield compelled local farmers to raise multiple cash crops. Wheat, oats, and corn, in addition to manufactured goods such as liquor, fur hats, wool, and flax seed oil all were crucial components of the Mecklenburg County economy.[36]

These commodities contributed to a modest increase in slave ownership by the late-eighteenth century. More families could afford to own slaves, contributing to numerous small slaveholders. Still, slaveholders constituted of only nine percent of the

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[33] "Voyages Database," *The Trans-Atlantic Slave Trade Database, http://slavevoyages.org/tast/database/search.faces.*

[34] Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market* (Cambridge: Harvard University Press, 1999), 5.

[35] A gold strike occurred 25 miles east of Charlotte in 1799 and this discovery contributed to an economic boost in Charlotte. See Hanchett, *Sorting Out the New South City* for more information about the gold strike and its effect.

[36] Hanchett, *Sorting Out the New South City*, 15-16; U.S. Bureau of the Census, *1810*; U.S. Bureau of the Census, *1840*.

white male population in 1790, but by 1850, nineteen percent of white males owned slaves.[37] In 1790, over ninety-eight percent of the county's 426 slaveholders owned fewer than twenty slaves and the planter class consisted of four men—those who possessed more than twenty slaves. Based on these statistics, it is evident that few, if any, plantations existed in the county.

Considering the agrarian nature of the economy, it is not surprising that Charlotte's population remained small. Over ninety percent of the county's population lived on farms outside of town and for several areas of the county, a trip to Charlotte and back required an entire day. This population distribution did not provide many opportunities for county-wide community development. However, neighborhoods emerged around church congregations and these churches became the centers of the outlying communities.

The first area to establish a church was Rocky River in the southwestern portion of what is now Cabarrus County. The Presbyterian congregation formed in 1750, but did not have a minister until 1758. In 1755, Sugaw Creek Presbyterian became the second church in the county, located 3.5 miles northeast of Charlotte. Residents established five more Presbyterian churches prior to the Revolution. Between 1775 and 1828, three Presbyterian, two Methodist, and a Lutheran Church also emerged in the outlying regions. Few churches existed less than ten miles away from Charlotte (see table 1), which contributed to dispersed communities outside of town.

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[37] U.S. Bureau of the Census, *Heads of Families At the First Census of the United States Taken in the Year 1790, North Carolina*, 158–164; Hanchett, *Sorting Out the New South City,* 14-19.

Table 1. Mecklenburg County Churches: Year Established and Distance from Charlotte

Church	Year Established	Approx. Distance from Charlotte
Rocky River Presbyterian	1750	15 miles
Sugaw Creek Presbyterian	1755	3.5 miles
Steele Creek Presbyterian	1760	7 miles
Hopewell Presbyterian	1762	10 miles
Poplar Tent Presbyterian	1764	15 miles
Centre Presbyterian	1765	23 miles
Providence Presbyterian	1767	11.5 miles
Philadelphia Presbyterian	1770	11.5 miles
Morning Star Lutheran	1775	10.5 miles
Harrison's Methodist	1785	13 miles
Gilead Presbyterian	1787	14 miles
Paw Creek Presbyterian	1808	6 miles
Buckhill (Trinity) Methodist	1815	6.5 miles
Bethel Presbyterian	1828	18 miles

Source: Data compiled from Church websites; Church Histories; LeGette Blyth and Charles Raven Brockmann, *Hornets' Nest.*

The village of Charlotte did not have its own church until the 1820s. Prior to this time, traveling ministers of all denominations preached in the courthouse to churchgoing citizens. Before the 1820s, Sugaw Creek Presbyterian remained the closest congregation to Charlotte, and according to reminiscences, "that was the place where the few church-going people of Charlotte generally attended, when there was no preaching at the Court House." By 1823, the townspeople had built a church at the current site of the First Presbyterian Church, located at the corner of Trade and Church streets. This structure served all denominations until the 1840s when it officially became First Presbyterian. [38]

In 1767, area residents established Charlotte as the county seat of Mecklenburg. In a ploy to outwit the Rocky River citizens who sought to house the county seat, Charlotteans secretly built a log courthouse in the square at the intersection of Trade and

[38] Jones, "Sketch of Charlotte," 132-33.

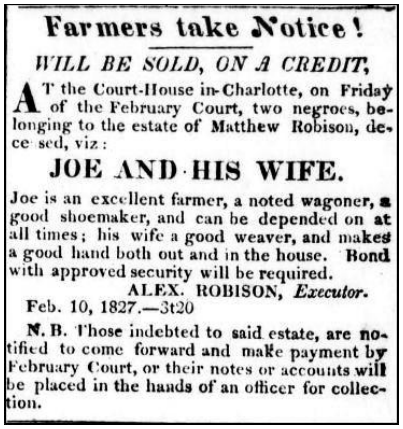
Tryon streets. By erecting the first courthouse in Mecklenburg County, these citizens effectively placed Charlotte on the map.[39] The log courthouse had two stories, the first served as trade stalls for farmers, while the second held the meeting room. By the 1820s, however, the citizens removed the wooden building and replaced it with a brick structure, one of only two brick buildings in town. The new brick courthouse also had two levels, the lower for the courtroom and the upper for a ballroom and later judicial offices. Instruments of justice, including "the whipping post, stocks and pillows [pillories], stood in the middle of the street…in full view of the judge's bench, where he could see his sentence executed."[40] Naturally, the courthouse became a site of trials and the enforcement of the religiously influenced colonial laws.

In addition to the legal proceedings that occurred indoors, the courthouse itself became a center of society on court day. Historian Rhys Isaac describes the occasion of court day as a time when "the scattered community" of the county "attain[ed] existence."[41] Many citizens identified the courthouse and court days as the focal point for sales in newspaper advertisements printed in Charlotte's *Catawba Journal*. Throughout the month of July in 1827, a local doctor named D.R. Dunlap advertised a plot of land for purchase. He stated that he would openly discuss selling the land "at the Court-House in Charlotte, on the 27th day of August next, being the Monday of our next County Court."[42] Another resident, Robert McKenzie, submitted an advertisement to inform his debtors that he would accept payment at the "next February court, in

[39] Blyth and Brockmann, *Hornets' Nest*, 22, 171.
[40] Jones, "Sketch of Charlotte," 132-133.
[41] Isaac, *The Transformation of Virginia*, 90. Isaac's comment specifically refers to Virginia counties, but he describes a phenomenon similar to that seen in Mecklenburg County.
[42] "To all whom it may concern, Take Notice," *Catawba Journal*, July 17, 1827.

Charlotte."[43] The *Miners' and Farmers' Journal* carried similar announcements including land sale notices and new town ordinances.

Citizens bought and sold items, collected debts, and offered credits at the courthouse. Land was the most commonly sold item; however, some individuals advertised other forms of property as well. In one particular instance, the *Catawba Journal* ran an advertisement in 1827 for two slaves (see figure 2). The announcement proclaimed, "Farmers take Notice! Will be sold, on a credit, at the Court-house in Charlotte, on Friday of the February Court, two negroes…"[44] In September of 1833, the *Miners' and Farmers' Journal* publicized a similar announcement (see figure 3). "On the 10th and 11th days of January next, at the Court-House in Charlotte, Mecklenburg County, North-Carolina, I will sell 100 Negroes," stated W. Morrison, trustee of William Davidson's estate.[45] Due to the racial structure of society, the court marginalized African Americans, but the courthouse itself served as the site of racial transactions. Rare because of the commodity marketed, these advertisements represent a sample of the attempts to vend items at the courthouse.



Farmers take Notice!

WILL BE SOLD, ON A CREDIT,

AT the Court-House in Charlotte, on Friday of the February Court, two negroes, belonging to the estate of Matthew Robison, deceased, viz:

JOE AND HIS WIFE.

Joe is an excellent farmer, a noted wagoner, a good shoemaker, and can be depended on at all times; his wife a good weaver, and makes a good hand both out and in the house. Bond with approved security will be required.

ALEX. ROBISON, *Executor.*

Feb. 10, 1827.—3t20

N. B. Those indebted to said estate, are notified to come forward and make payment by February Court, or their notes or accounts will be placed in the hands of an officer for collection.

Figure 2: Source: "Farmers Take Notice!" *Catawba Journal,* February 20, 1827.

100 NEGROES

FOR SALE.

ON the 10th and 11th days of January next, at the Court-House in Charlotte, Mecklenburg County, North-Carolina, I will sell

100 NEGROES,

the property of William Davidson, by virtue of two Deeds of Trust to me executed by the said Davidson, for the benefit of the Bank of Newbern, John Irwin, Samuel McComb and others. Terms, Cash.

W. MORRISON, *Trustee.*

Charlotte, N. C. Sept. 5th, 1833. ts

☞ The Editors of the following papers will insert the above advertisement, once a week, until the first of January next, and forward a paper immediately with their account to this office for settlement, viz: The Times and Gazette, Columbia, S. C.; Courier, Augusta, and Journal, Milledgeville, Ga.; Spirit of the Age, Tuscaloosa, Journal, Montgomery and Register, Mobile, Alabama.

Figure 3: Source: "100 Negroes for Sale" *Miners' and Farmers' Journal,* September 7, 1833.

[43] "Notice," *Catawba Journal,* February 21, 1826.
[44] "Farmers take Notice!" *Catawba Journal,* February 20, 1827.
[45] "100 Negroes for Sale," *Miners' and Farmers' Journal,* September 7, 1833.

The county court also took advantage of the newspapers by publicizing recent and upcoming cases—particularly those of economic concern—such as debt, land, and monetary distribution. The court also summoned specific citizens by way of the *Catawba Journal* and the *Miners' and Farmers' Journal,* usually for debt cases. In addition, the papers announced those recently committed to jail for a variety of crimes. Newspapers such as the *Catawba Journal* and the *Miners' and Farmers' Journal* sustained the court's position in the area, developed a community around court day, and informed citizens about court proceedings.

A similar phenomenon occurred in Virginia during the mid-eighteenth century. Many activities drew a primarily male audience to court day, though court proceedings remained the focal point. A typical Virginia county courthouse had a tavern, jail, and store in the general vicinity, but the activities in and around the tavern held the most appeal for court day attendees. Tavern patrons bought, sold, borrowed, and lent goods and participated in card games, billiards, and other pastimes of skill or risk. As one may expect, drinking and related festivities occurred as well. Outside of the tavern, court day spectators observed or participated in horse races and cockfighting—gambling activities that drew a large crowd. As a center of community in sparsely populated Virginia counties, court day functioned as the social event of the month and provided many opportunities for leisure activities.[46]

Records do not exist to demonstrate a gambling culture during Mecklenburg court days, but the close proximity of taverns, stores, and the jail evince that activities similar to those seen in Virginia likely developed. The exact location of taverns in Charlotte

[46] Isaac, *The Transformation of Virginia*, 88–104; Beeman, *Evolution of the Southern Backcountry*, 100-101.

before the 1820s is unknown, but licensing laws, court records, and town descriptions reveal that taverns did exist in town during this time. In the 1820s, four known taverns operated in Charlotte, all located on Trade and Tryon streets near the courthouse. One tavern situated on the Second Ward side of Tryon had a particularly bad reputation. Labeled the demeaning term "grog shop"—meaning a dive or run down drinking establishment—this tavern was owned and operated by an old bachelor named John McQuay. Apparently, this "grog shop" was "where nearly all the big fights, (and there [were] many of them,) originated."[47] In addition to taverns, general stores, tailor shops, tanneries, and hat shops all existed in the general vicinity of the courthouse. These sites provided opportunities for community development and interaction, as well as a budding communication network amongst county residents.

Other social activities that were important to the fabric of Mecklenburg culture centered around the courthouse. In February of 1832, a particularly interesting statement surfaced in the *Miners' and Farmers' Journal,* which highlights the existence of structured, albeit rowdy, events in Charlotte. The Charlotte Head Quarters called the commissioned officers of the 68th North Carolina Militia regiment to the courthouse and requested they appear "in complete uniform with side arms, for the purpose of drill."[48] Citizens frequently drank during musters and intermingled with community members. In addition, the courthouse contained a ballroom where "all the public balls or dances were held," and when ministers of various denominations visited Charlotte, they preached in the courthouse.[49] Such use of the structure for court proceedings as well as social and church activities, demonstrates the utility of the building and its prominence in the

[47] Jones, "A Sketch of Charlotte," 133-36.
[48] "Attention!" *Miners and Farmers Journal,* February 15, 1832.
[49] Jones, "A Sketch of Charlotte," 132.

community. These institutions, in addition to the space in the courthouse, offered the opportunity for an array of social gatherings during court days and helped establish systems of communication.

The landscape, population, and the culture of court day all contributed to the nature of order and disorder in Mecklenburg County. An agrarian society situated at the intersection of two major trade routes, residents conducted business with other North Carolinians and acquired slaves through this contact. The courthouse itself, though a site of legal authority, served as a cultural and communication center for a dispersed community. The North Carolina laws enforced within this courthouse reflected Protestant religious values and English statute law origins.

North Carolina Codes: Origins and Influences

The North Carolina government enacted statutes that reflected Anglican traditions, resembled English Common Law, and infringed upon citizen's personal lives. These laws demonstrated the state's desire to maintain order in the private sphere, which is a common theme emphasized by scholars of early American legal history. Michael Hindus posits that colonial and state governments often enacted criminal laws to "embody, preserve, and enforce societal values" and that the punishment of such crimes signified the importance of preserving those norms.[50] Peter Hoffer emphasizes this intrusion as well, stating that American law gave some behaviors advantages over others. The law, according to Hoffer, imposed certain expectations on its citizens and anticipated that they would "accept pain, shame, and punishment for their crimes."[51] Hindus specifically examines the laws of Massachusetts and South Carolina and concludes that

[50] Hindus, *Prison and Plantation,* xxii.
[51] Peter Charles Hoffer, *Law and People in Colonial America,* revised ed. (Baltimore: The John Hopkins University Press, 1998), ix–x.

public enforcement of morals demonstrates the willingness of the state government to intervene in the lives of its citizens, though each state did so to a different degree. Massachusetts persisted in regulating moral behavior, while South Carolina believed it to be an improper "exercise of state authority."[52] North Carolina followed a trend similar to Massachusetts, which began with colony establishment.

In 1663, King Charles II granted the eight lords proprietors a patent to create the colony of Carolina. The area north of Cape Fear developed as a culturally separate entity, since settlers came from Virginia and the southern Carolina region, but many of Carolina's founding laws held sway in both the northern and southern divisions. The lords proprietors controlled the structure and form of Carolina's government and approved laws that resembled English statutes. Of utmost importance to the future of the colony, however, was the Carolina constitution's tolerance of all religions. Though the government only supported the Church of England, the colony welcomed settlers of other religious affiliations. Religious toleration allowed evangelical religions—such as the Baptist, Methodist, and Presbyterian faiths—to develop in Carolina, particularly in the backcountry regions. These religions eventually influenced the interpretations of North Carolina legislation.[53]

Due to internal disorder, the Crown took control of the Carolina colony, and in 1729 formed the royal colonies of North and South Carolina. The King and the royal governor created a county-based system of rule with His Majesty serving as the central authority. The county governments operated as legal jurisdictions of the central

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[52] Hindus, *Prison and Plantation*, 49.
[53] Alan Gallay, *The Indian Slave Trade: The Rise of the English Empire in the American South, 1670 – 1717 (*New Haven: Yale University Press, 2002), 43–45; William Nelson, *The Common Law in Colonial America: Volume II: The Middle Colonies and the Carolinas, 1660-1730* (Oxford Scholarship Online: January 2013), 84–85.

government, served as political units for representation in the colonial assembly, and managed local government functions, specifically law enforcement. This legal structure remained in effect through 1868, though the state's General Assembly served as the sanction of authority after 1776.[54]

The system of consolidated colonial power instituted a series of laws to regulate crimes against order and morals. In 1741, the colony passed "An act for the better observation and keeping the Lord's Day, commonly called Sunday; and for the more effectual suppression of vice and immorality," an act which included codes to repress swearing, drunkenness, fornication, adultery, and bastardy.[55] Throughout the period studied, these laws remained in place with little modification. Anglican rhetoric held less prominence in these laws than they did in the English statutes, but religious morals motivated the suppression of these misdemeanor crimes. Religion and tradition, not the English statute laws, more powerfully influenced in the North Carolina laws. As legal historian Peter Hoffer insists, scholars cannot assume that colonial lawmakers knew much about English law.[56] Legislators instead established laws that supported religious tradition and the lifestyle they were accustomed to as former English citizens.

English statute laws traditionally had religious inspiration, but following the English Reformation this influence became more evident. Prior to the seventeenth century, the statute laws referred to the king as the absolute authority and the enforcer of laws. After 1600, however, the laws placed the supremacy on God and his word. For

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[54] Charles D. Liner, "The Evolution of Governmental Roles and Responsibilities," in *State and Local Government Relations in North Carolina: Their Evolution and Current Status,* ed. Charles D. Liner (Chapel Hill: University of North Carolina at Chapel Hill, 1995), 3–5.
[55] *An act for the better observation and keeping the Lord's Day, commonly called Sunday; and for the more effectual suppression of vice and immorality,* in John Haywood, *A Manual of the Laws of North Carolina…*vol. I and II (Raleigh: J. Gales and W. Boylan, 1808), 229–232.
[56] Hoffer, *Law and People in Colonial America,* xiii.

example, the statutes from 1236 and 1285 that regulated order and morals used phrases such as: "The King prohibiteth," "the King shall do common right," "the King shall sue," and "if he be attained at the King's suit, and there the King shall have the suit."[57] By contrast, the laws after 1600 employed the following expressions: "to great dishonor of God," "to the great offence [*sic*] of Almighty God, and the wasteful destruction of God's good creatures," "forbidden by the word of God," "the loathsome and odious sin," and "the root and foundation of many other enormous sins."[58] There was a clear divide between statute language before and after 1600, which coincided with the English reformation and Elizabeth I's establishment of theological principles for the Church of England. This shift seems logical, given the governing pattern associated with the Church of England—where the monarch was the head of the church, not the Pope as in Catholicism. North Carolina adopted some of this religious language in their laws, but it was not as explicit as in the statutes.

The early North Carolina codes that prohibited fornication contained imprecise stipulations. The 1741 law forbade pre-marital sex without specifying the terms of the crime. The law only stated: "If any persons commit fornication, upon due conviction, such of them shall forfeit and pay twenty-five shillings proclamation money for each and every offence [*sic*]."[59] In contrast, the English statute laws specified the conditions of fornication misdemeanors. Thirteenth and fourteenth century statutes that regulated

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[57] "The Punishment of him that doth ravish a Woman," 21 Hen. 3, c. 13., "It is a Felony to commit Rape. A married Woman elopeth with an advouterer," 13 Edw. 1, c. 34., in Martin, *A Collection of the Statutes,* 7, 33.

[58] "An Act for repressing the odious and loathsome Sin of Drunkenness," 4 James., c. 5., "An Act for the better repressing of Drunkenness, and refraining the inordinate haunting of Inns, Alehouses, and other Victualling Houses," 21 James., c. 7., "An Act to prevent and reform Prophane Swearing and Cursing," 21 James., c. 20., in Martin, *A Collection of the Statutes* 360, 367, 374.

[59] *An act for the better observation and keeping the Lord's Day, N.C.* Code 14.7.9 (1741), in Haywood, *A Manual of the Laws of North Carolina,* 230.

crimes against order and morals focused solely upon sexual relations.[60] The language of the early edicts emphasized that whether it was consensual sex or rape, and in spite of the woman's marital status, the authorities disciplined the man for such actions. However, a latter statute in 1382 afforded punishment for both the man and woman if she consented. Female punishment barred women from receiving dower or inheritance from their husbands if married, and their fathers if unmarried.[61] In the late fourteenth century, a shift occurred in the state's view of the female's role in sexual relations, and the statutes began subjecting women to punishment for consenting to the advances of men. By the early modern period, the law only punished women and not men for adultery, which demonstrates the unbalanced nature of this enforcement.[62]

Unlike the statute laws, the 1741 code in North Carolina did not define the acts as strictly within a religious context and the punishment was much less severe. Instead of the woman losing the right to her dower or inheritance, she paid a fine of just over a pound, as did the man. In 1805, a new law passed that had more morally based rhetoric. The law clearly stated that if a man or woman took a person of the opposite gender into their home and had one or more children together without separating, or if the evidence presented convinced the court and jury that the couple "bed or cohabit[ated] together," the court deemed these offenses chargeable.[63] Those legally convicted of such crimes received a fine not exceeding £100. Fornication and adultery laws continued to monitor

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[60] "The Punishment of him that doth ravish a Woman," 21 Hen. 3, c. 13., "It is a Felony to commit Rape. A married Woman elopeth with an advouterer," 13 Edw. 1, c. 34., "The Penalties of the Man and Woman, where a Woman ravished doth consent," 6 Rich. 2, c. 6., in Martin, *A Collection of the Statutes*, 7, 33, 92.
[61] "The Penalties of the Man and Woman, where a Woman ravished doth consent," 6 Rich. 2, c. 6., in Martin, *A Collection of the Statutes*, 92.
[62] A.J. Fletcher and J. Stevenson, "Introduction," in *Order and Disorder in Early Modern England*, ed. Anthony Fletcher and John Stevenson (Cambridge: Cambridge University Press, 1985), 33.
[63] *An act for the better observation and keeping the Lord's Day, N.C.* Code 14.13 (1805), in Haywood, *A Manual of the Laws of North Carolina*, 232.

morals into the nineteenth century in contrast to the earlier laws regulating bastardy, which focused solely on alleviating the economic consequences.

The crime of bastardy carried more weight than adultery and fornication in North Carolina and the laws drew upon the legal tradition of English Common Law. In 1225, the statute entitled "He is a Bastard that is born before the Marriage of his Parents," solidified the idea that a child born before marriage was illegitimate and therefore could not inherit money or an estate.[64] In the sixteenth century, Parliament established a law that required the father and the mother of a bastard child to pay the local parish weekly. Due to the parents' lack of matrimonial status, the parish had to support the child to some extent. Consequently, the parents compensated the parish directly, providing a profit for the church. If either or both parents failed to pay the fine, a court appearance became necessary and they could face jail time if they still refused to make the payment.[65] This law influenced North Carolina law and Mecklenburg County enforcement patterns, for both took the economic threat to heart.

The early North Carolina codes did not reflect a desire to maintain morality, but rather aimed to protect the parish from the economic burden of caring for poor, fatherless children. The law held the father responsible for supporting an illegitimate child he begot. The 1741 code emphasized discovering the identity of the father, primarily to alleviate the parish of the economic responsibility for a fatherless child. These laws were so strict that if the mother refused to name the father of her child, she had to pay the fine herself or she faced imprisonment until she divulged the name. Identifying the father

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[64]"He is a Bastard that is born before the Marriage of his Parents," 9 Hen. 3, c. 9., in Francois-Xavier Martin, *A Collection of the Statutes of the Parliament of England in Force in the State of North-Carolina* (Newbern, N. C.: Editor's Press, 1792), 3.

[65] "Justices of the Peace shall order the Punishment of the Mother, and reputed Father of a Bastard, "18 El., c. 3., *A Collection of the Statutes,* 403–404.

freed the woman from such responsibilities, and the court required the father to pay the fines. This system ensured the financial security of the child and its mother, as well as that of the local community. The trend continued with a revised version of this law in 1799, which stated that if the reputed father refused or neglected to pay, the Sheriff could "order an execution against the goods, chattels, lands, and tenements" of the man as an alternative to payment.[66] In 1814, the state modified the law yet again. For the first time, a man accused of fathering an illegitimate child faced trial by jury to determine his guilt or innocence. Previously, the court relied on the word of the woman, but now a jury of citizens decided the "true" parentage of a bastard child.[67] Instead of solely believing the woman, prosecuting such crimes relied more heavily upon community investment. Since North Carolina and Mecklenburg County were more interested in avoiding the economic threat of bastards than the immorality of such cases, it follows that the community became more involved to ensure the revelation of the true parentage.

The North Carolina codes that regulated profane swearing and drunkenness also had a basis in Anglicanism and English legal tradition. In the early seventeenth century, many of the statutes that centered on crimes against order and morals expanded their focus from stifling pre-marital fornication to suppressing drunkenness, and cursing. The recently established Church of England—a Protestant religion—contributed to this shift. Protestantism in contrast with Catholicism, emphasized avoiding such sins as alcohol consumption and profane swearing, while both aimed to suppress other sinful behavior such as murder, assault, and fornication. This shift was of great importance because prior

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[66] *An act for the better observation and keeping the Lord's Day, N.C.* Code 17.12.3 (1799), in Haywood, *A Manual of the Laws of North Carolina*, 231–32.

[67] *An act for the better observation and keeping the Lord's Day, N.C.* Code 14.8.10 (1741), Code 14.9.11 (1741), Code 17.10.1 (1799), Code 17.12.3 (1799), Code 7.14.1 (1814), in Haywood, *A Manual of the Laws of North Carolina*, 230.

to the seventeenth century, the state did not repress drinking and cursing, while it did target the other crimes. There is a clear connection to Protestantism in the enactment of these laws, which transferred to North Carolina law.

The North Carolina code that regulated profane swearing required citizens to refrain from using God's name in vain. If a person swore within hearing range of a justice of the peace or one or more witnesses, he or she was required to "pay the sum of two shillings and six-pence of the like money for every oath or curse." The code failed to specify the words deemed profane, which permitted the witness(es) open interpretation. The North Carolina code specifically targeted public officials and those who cursed in court. Public officials received a greater punishment—a five shilling fine—for each curse, while those who swore in court either paid ten shillings or stood in the stocks for three hours per curse.[68] This emphasis relates to the authority of public officials within the colonial and local government in North Carolina. Through 1868, the local government's purpose was to enforce the law, and so those who tarnished the reputation of the government or court received harsher punishment.

Public drunkenness legislation contained strong religious rhetoric in the colonial period. The 1741 code stated that those convicted of drunkenness in the presence of a justice of the peace, by oath of one or more witness(es), or by personal confession, paid two shillings and six-pence for every offense. However, the law stated, "if such offence were committed on the Lord's Day," the guilty party would "forfeit and pay the sum of five shillings of the like money."[69] North Carolina law charged a larger fine to those who violated public order with intoxication on the sacred day of worship. What contributed to

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[68] *An act for the better observation and keeping the Lord's Day, N.C.* Code 14.2, 14.3 (1741), in Haywood, *A Manual of the Laws of North Carolin*a, 229.
[69] Ibid, 229–30.

this decision? The 1741 Act clearly stated that "all and every person…shall on the Lord's Day, commonly called Sunday, carefully apply themselves to the duties of religion and piety, and [no person]…shall…exercise any labour…nor employ themselves…[in] sport or play."[70] Some religious groups also considered drunkenness an act of the flesh, and therefore a sin. Consequently, the authorities measured the crime more heinous and disrespectful to God and religion if one indulged in such a sin on Sunday—the day during which a person was to partake in the duties of religion, abstain from work, and avoid participation in sport.

The laws prohibiting public intoxication and the selling of "spirituous liquors" developed further in the early-nineteenth century and began to carry a stronger religious sentiment. Such a concentrated effort to control the buying, selling, and consumption of alcohol on or near church grounds coincided with the Second Great Awakening and the growing number of Protestant congregations that opposed alcohol consumption. The state did not revise the previously described 1741 code. Instead, the new laws resided with the edicts monitoring religion. In 1800, the state passed a law that forbade the selling or possession of "spirituous liquors" in or near a church or churchyard on a day of worship, pending a five-pound fine. By 1809, the state extended this law to prohibit selling or possessing alcohol within a half-mile radius of the church, excluding taverns.[71]

An additional law, passed in 1806, regulated disorderly behavior during divine worship. Such behavior included people acting "either in a state of intoxication or otherwise, behaving him or themselves in a riotous or disorderly manner." Those

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[70] *An act for the better observation and keeping the Lord's Day, N.C.* Code 14.1, (1741), in Haywood, *A Manual of the Laws of North Carolin*a, 229.

[71] *Religion. N.C.* Code 24.8.1 (1800) and Code 28.9 (1809), in Haywood, *A Manual of the Laws of North Carolina…* (Raleigh: J. Gales, 1819), 481–2.

convicted of the crime paid fifty shillings, which the county used to alleviate the plight of the poor.[72] The three major evangelical denominations—Presbyterians, Methodists, and Baptists—all viewed drunkenness as a sin. In Virginia, the Baptist church in particular evolved as a popular response to social disorder. The church exercised excommunication, censure, and penitence as ways to deal with drunkenness, especially among the gentry class.[73] As the state of North Carolina began to crack down on such actions, the churches did as well, culminating in the Temperance movement of the mid-1820s and 1830s.[74] The state likely noticed or received complaints about an emerging problem with public intoxication—specifically near churches—and established laws to control this behavior.

The North Carolina laws echoed Anglican traditions, imitated English Common Law, and interceded in the private lives of citizens to maintain a specific moral code. North Carolina did not strictly enforce all crimes against order and morals like Massachusetts, but they did enact the same types of laws, primarily due to similar religious and legal influences. Such laws regulated fornication, adultery, bastardy, profane swearing, and drunkenness—all of which threatened community morality and order. However, the actual enforcement of these laws in Mecklenburg County had an economic rather than religious motivation.

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[72] *Religion. N.C.* Code 16.10.1 (1806), in Haywood, *A Manual of the Laws of North Carolina,* (1808), 102.
[73] Isaac, *The Transformation of Virginia,* 168–69.
[74] Anne C. Loveland, *Southern Evangelicals and the Social Order 1800 – 1860* (Baton Rouge: Louisiana State University Press, 1980), 130–158; Robert H. Abzug, *Cosmos Crumbling: American Reform and the Religious Imagination* (New York: Oxford University Press, 1994), 81–104.

CHAPTER THREE: THE LEGAL PROSECTUION OF THE CRIMES AGAINST ORDER AND MORALS

"I once stopp'd at a Magistrates on his Court day, to see the Practise of Things"
Charles Woodmason, 1771

In his journal and sermons, a flabbergasted Charles Woodmason commented on the expression of sexuality in the Carolina backcountry. The institution of marriage lacked legal precedence in this region, for Woodmason observed that "many hundreds live in Concubinage—swopping their Wives as Cattel, and living in a State of Nature, more irregularly and unchastely than the Indians."[75] In a year's time, he estimated that ninety-four percent of the women he performed marriage ceremonies for were already with child.[76] The dress of these people also astounded Woodmason. "The Men with only a thin Shirt and pair of Breeches or Trousers on—barelegged and barefooted—The Women bareheaded, barelegged and barefoot with only a thin Shift and under Petticoat—Yet I cannot break [them] of this."[77]

Their general propensity for nakedness and drunken exploits, as well as a lack of legal prosecution for these actions further dismayed Woodmason. Throughout his journal and sermons, Woodmason noted disorderly behavior and the ineffectiveness of the Justices of the Peace. He observed that many of the Magistrates owned taverns and

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[75] Woodmason, "The Journal of the Rev. Charles Woodmason," in *Carolina Backcountry*, 15.
[76] Taken from a 1768 sermon delivered by Charles Woodmason. Woodmason, "The Baptists and the Presbyterians: 'This is very fine Talking: I could wish that all the Doings too, were equally Innocent'" in *Carolina Backcountry*, 99–100.
[77] Woodmason, "The Journal of the Rev. Charles Woodmason," in *Carolina Backcountry*, 61.

stores, "Thus Vice and Wickedness is countenanc'd by those whose Duty it is to suppress it—but their Interest to promote it."[78] According to Woodmason's scrutiny, these Justices of the Peace performed improper oaths in court, targeted the crime of profane swearing, and largely ignored prosecuting drunkenness.[79]

Woodmason's accounts of these acts reveal the culture of the backcountry region in the early years of this Mecklenburg County study. The shortage of competent local institutions presented difficulties for missionaries and reformers who wanted to make an enduring change. This deficiency frustrated Charles Woodmason, for he could not convince the majority of settlers to repent through Anglicanism and leave behind their lives of sexual expression.

According to historian David Hackett Fischer, the eighteenth century backcountry settlers tended to openly discuss and partake in pre-marital sex more than other British American cultures. In contrast to the northern Puritan and Quaker frontier settlers who formally prosecuted fornication, these men and women used sexual acts as pastimes and diversions.[80] North and South Carolina settlers, according to historian Richard Godbeer, "did not care about sexual and marital protocol." In this region, many people lived in cohabitational, unmarried relationships. Serial monogamy, adultery, bigamy, and premarital pregnancy did not concern many of the settlers during the eighteenth century.[81]

Throughout the period examined, the Mecklenburg County court selectively prosecuted crimes against order and morals. The Court of Pleas and Quarter Sessions

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[78] Woodmason, "The Baptists and the Presbyterians," in *Carolina Backcountry*, 97.
[79] Woodmason, "The Justices of the Peace," in *Carolina Backcountry*, 123-129.
[80] David Hackett Fischer, *Albion's Seed: Four British Folkways in America* (New York: Oxford University Press, 1989), 680–683.
[81] Richard Godbeer, *Sexual Revolution in Early America* (Baltimore: The John Hopkins University Press, 2002), 120-130.

served as the local or "inferior" court and dealt with community issues. This assembly—including state-appointed Justices of the Peace, a jury of property-owning white men, and the sheriff—met four times per year, usually in the months of February, May, August, and November. The next level of legal authority was the Superior Court, which also met four times per year in Mecklenburg County. The final tier was the North Carolina Supreme Court, which established guidelines for the lower courts, could reverse lower level decisions, and determined the power of the local courts.[82] Together, this court system ensured the application of state law, but this study of the Mecklenburg County courts demonstrates that the Court of Pleas and Quarter Sessions as well as the Superior Court interpreted these laws to meet local needs.

Although few records exist from the pre-Revolutionary years, the court minutes divulge an economically influenced enforcement method. Anglican tradition prompted the actions targeted, but the court took liberties with enforcement. Data and analysis reveals that economic security was more important than moral standing in Mecklenburg County, and so the courts prosecuted bastardy more vigorously than any other crime against order and morals (see table 2). To a lesser degree, the courts indicted residents for other sexual offenses and disciplined citizens for contempt of court, disturbing the peace, drunkenness, and profane swearing. Potential economic threats from sexual crimes—including the burden of illegitimate children and the dissolution of families—motivated the court to concentrate on these types of crimes at a higher rate.

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[82] Mecklenburg County Court of Common Pleas, vols. 1-4 (1774-1800), Carolina Room, Charlotte-Mecklenburg County Library, Charlotte, N.C.; Mecklenburg County Civil and Criminal Superior Court Minutes, Carolina Room, Charlotte-Mecklenburg County Library, Charlotte, N.C; and Mecklenburg County Court Pleas and Quarter Sessions, vols. 4-8 (1801-1839), North Carolina State Archives, Raleigh, N.C.; Hanchett, *Sorting Out the New South City*, 18-19; Karin L. Zipf, *Labor of Innocents: Forced Apprenticeship in North Carolina, 1715 – 1919* (Baton Rouge: Louisiana State University Press, 2005), 17-18.

Table 2. Criminal Prosecutions for the Crimes Against Order and Morals in Mecklenburg County

Crime	1774-79	1780-89	1790-99	1800-09	1810-19	1820-29	1830-39	n/d	Total
Profane Swearing	1	0	0	0	1	1	0	0	**3**
Contempt of Court	0	0	0	6	2	2	0	0	**10**
Peace Warrant	0	0	0	0	0	1	5	0	**6**
Drunkenness	0	1	0	0	0	0	0	0	**1**
Inappropriate Touching	1	0	0	0	0	0	0	0	**1**
Fornication	0	0	1	3	1	3	0	0	**8**
Bastardy	1	7	22	23	29	18	24	1	**125**
Adultery	0	0	0	0	1	1	3	0	**5**
Divorce	0	0	0	0	2	9	2	0	**13**
Total	**3**	**8**	**23**	**32**	**37**	**35**	**34**	**0**	**172**

Source: Data compiled from Mecklenburg County Court of Common Pleas, vols. 1-4 (1774-1800), Carolina Room, Charlotte-Mecklenburg County Library, Charlotte, N.C.; Mecklenburg County Civil and Criminal Superior Court Minutes, Carolina Room, Charlotte-Mecklenburg County Library, Charlotte, N.C; and Mecklenburg County Court Pleas and Quarter Sessions, vols. 4-8 (1801-1839), North Carolina State Archives, Raleigh, N.C.

The Crime of Bastardy

The need to maintain economic security resulted in the court's emphasis on bastardy prosecution in Mecklenburg County. In the courtroom, the immorality of sexual offenses held less import than the economic strain illegitimate children could bring to the community. From 1780 through 1839 there were 125 bastardy cases in the county, far more than any other crime against order and morals. Backcountry settlers' general opinions about sexuality may have provoked the high rate of illegitimacy, but the county's need to cover economic costs pressured the court to prosecute such crimes. State legislation that regulated bastardy contributed to Mecklenburg County's manner of enforcement as well, particularly regarding the system of monetary punishment.

From the colonial to the antebellum era, moral concerns regarding illegitimacy lessened as economic issues took precedence. During the colonial period, illegitimacy laws had two primary purposes: to minimize the threat of bastardy to the family structure and to protect the public from paying the burdensome costs of raising such children. Illegitimacy endangered the family because it presented a divergent form of household organization that lacked a father figure, while public charges could negatively distress the local economy. As the colonies moved into statehood, the focus shifted from punishing the sin of pre-marital fornication to limiting the economic costs. Cornelia Hughes Dayton's study of female prosecution in seventeenth and eighteenth century New Haven, Connecticut, offers an example of this change. The family of single mothers often bore the financial burden of illegitimate children, but during the seventeenth century, families tried to force fathers to admit paternity. By the 1740s, women could not depend on the courts to hold men publicly accountable for fathering their children. Instead, Connecticut women continued to receive financial aid from their families, though women could prompt a hearing to collect child support.[83]

Similarly, in the seventeenth-century, the colony of Massachusetts upheld strict statutes regarding fornication, but by the Revolution, the court only charged the mothers of bastards. In contrast, South Carolina did not punish fornication and only prosecuted bastardy due to this potential financial threat. Though these colonies only represent three judicial systems, they suggest that this economic trend prevailed throughout the colonies, and echoed the Mecklenburg court's fiscally based impetus for such proceedings.[84]

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[83] Dayton, *Women Before the Bar*, 203-7.
[84] Michael Grossberg, *Governing the Hearth: Law and the Family in Nineteenth-Century America* (Chapel Hill: The University of North Carolina Press, 1985), 197–198; Hindus, *Prison and Plantation,* 49–50.

These two contributing factors for enforcement—upholding the family structure and preventing economic threat—pervade the historiography of bastardy. Throughout much of the twentieth century, historians have studied the crime of bastardy, often using gender relations, southern legal structure, female criminal prosecution, familial relations, and sexual morality to compare eighteenth and nineteenth century tendencies with current trends. Historians often ascribe to one argument or address both. Early historians focus primarily on the economic argument, while those from the later twentieth century contribute to both the economic and familial assessments. These assertions present valid points, but the data for this Mecklenburg County study primarily supports the economic argument.

The contention that communities prosecuted bastardy crimes to uphold the family structure gained ground in the late twentieth century. Not surprisingly, the impetus for prosecuting bastardy and other sexual offenses had roots in England. Historian Martin Ingram argues that due to the Church's influence in government, English law placed a high standard on morality prior to and within a marriage. The Church and the government viewed the family as a "natural manifestation of a divinely ordered hierarchy" where the father had patriarchal authority. These institutions also emphasized "the gravity of fornication" because the church regarded it as "a venial sin."[85] Maintaining this family structure and concern for children maturing without male authority served as important forces to support prosecuting bastardy crimes. Sociologist Susan F. Newcomer comments on this idea in her 1990 study of bastardy in Wake County, North Carolina during the first half of the nineteenth century. She mentions that

[85] Martin Ingram, *Church Courts, Sex and Marriage in England, 1570 – 1640* (Cambridge: Cambridge University Press, 1987), 125, 153.

the principle of legitimacy still contributes to the concern for out-of-wedlock births in a modern context. Historically, Newcomer emphasizes, bridal pregnancy faced minor punishment in comparison to bastardy cases, primarily because the former produced a child in a two-parent home. Other sociologists argue that a man should assume the role of father before children are born. In addition, they contend that the "social stigmatization of illegitimate and unwed mothers" was necessary to maintain the accepted social structure.[86] Both ideas—in addition to Anglican moral traditions—contributed to societal motivation for prosecuting bastardy.

Morality and the desire to maintain a male-dominated hierarchical society provoked the courts to act as the locus of paternalistic control over unwed women, particularly those facing bastardy charges. Historian Victoria Bynum argues that within the family, the male head of household held paternalistic authority over his wife, and the legal system expected him to serve as "the primary instrument of social control over women." In the cases of single women without male dominance, the courts themselves enforced the standards of female conduct.[87]

The economic argument for bastardy enforcement existed throughout the twentieth century, and remains relevant in recent historical literature. In her 1938 work, historian Julia Cherry Spruill clearly posits that bastardy acts in the southern colonies were emblematic of an effort to save the parishes from the burden of illegitimates, rather than a desire to preserve morality.[88] Historians writing in the 1990s and the early 2000s maintain this contention. In each of their respective studies, these historians argue that

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[86] Susan F. Newcomer, "Out of Wedlock Childbearing in an Ante-Bellum Southern County," *Journal of Family History* 15, no. 3 (July 1990): 358-59.
[87] Victoria E. Bynum, *Unruly Women: The Politics of Social and Sexual Control in the Old South* (Chapel Hill: The University of North Carolina Press, 1992), 86-7.
[88] Julia Cherry Spruill, *Women's Life and Work in the Southern Colonies* (Chapel Hill, the University of North Carolina Press, 1938), 314-315.

the state focused on punishing the parents of illegitimate children to prevent such children from becoming public charges under the protection of the parish.[89]

Spruill, along with the other historians, emphasizes the importance of determining paternity for the sole purpose of collecting monetary security from the reputed fathers. Newcomer identifies the bastardy bond as "the precursor of the paternity test," for the mothers named the reputed fathers of their illegitimate children to avoid imprisonment and ensure economic security for the state.[90] The law stated that if a woman failed to name the father, then she faced jail time until she paid the appropriate fines. The court system in North Carolina also enticed women to name their children's fathers through the apprenticeship law. This law bound orphans, bastards, and free black children to white artisans until they came of age (21 for boys and 18 for girls). Such a system provided craftsmen with free labor and avoided the threat of county charges. Single women who hoped to evade the apprenticeship fate for their children named the father to obtain financial support and keep custody of their children.[91]

The North Carolina courts rarely prosecuted the bastardy cases of black women, primarily because they could not testify against white men. Before the American Revolution began, North Carolina law forbade the black population from testifing in court, but by 1777, the state admitted the evidence of blacks in slave capital cases.[92] Still, blacks could not testify against whites. Victoria Bynum addresses this issue in terms of free black bastardy cases, arguing that black women's inability to bear witness against white men meant that the courts seldom prosecuted the white fathers of mulatto

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[89] See Bynum, *Unruly Women,* 103; Cornelia Hughes Dayton, *Women Before the Bar,* 205; Godbeer, *Sexual Revolution in Early America*, 103; Karin L. Zipf, *Labor of Innocents,* 86.
[90] Newcomer, "Out of Wedlock Childbearing," 359-360.
[91] Zipf, *Labor of Innocents,* 8-39, 86.
[92] Thomas D. Morris, *Southern Slavery and the Law, 1619-1860* (Chapel Hill: The University of North Carolina Press, 1996), 229-30; Hindus, *Prison and Plantation,* 131.

children.[93] In general, the courts ignored relationships between white men and black women—whether they were free or slave. Unlike the illegitimate children of white women, those of free black women did not receive child support from public funds. Consequently, the court did not track down a man to financially support them—especially in mixed race cases.[94]

The apprenticeship records provide evidence that free black women produced illegitimate children. In her study, historian Karen Zipf discovers that between 1811 and 1820, fourteen percent of all assigned apprentices in Mecklenburg County were African Americans, but between 1831 and 1840 this rose to forty two percent.[95] Bastards and orphans were the most frequently apprenticed, but in 1826 the General Assembly expanded the apprenticeship law to include, in essence, all free black children. The vague language of the law stipulated, "all the children of free negroes and mulattoes where the parents with whom such children may live, do or shall not habitually employ his or her time in some honest, industrious occupation" could be apprenticed.[96] This legal change required free black parents to engage in legitimate work and the ambiguity of the law likely contributed to the increase in African American apprenticeship. However, the illegitimate children of free black women still were part of the apprenticeship class. The lack of economic motivation, alongside racial prejudice, the apprenticeship system, and nonexistent civil rights explains the absence of free black bastardy cases in the Mecklenburg court minutes.

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[93] Bynum, *Unruly Women*, 108.
[94] Kirsten Fischer, *Suspect Relations: Sex, Race, and Resistance in Colonial North Carolina* (Ithaca: Cornell University, 2002), 122-125.
[95] Zipf, *Labor of Innocents*, 34-5.
[96] "Chapter 5: Apprentices," *Revised Statutes of the State of North Carolina, Passed by the General Assembly at the Session of 1836-7*(Raleigh: Turner and Hughes, 1837), 1:67-69, quoted in Zipf, *Labor of Innocents*, 26-7.

The Mecklenburg Court of Pleas and Quarter Sessions prosecuted bastardy cases largely for economic reasons and they followed a particular process. Bastardy prosecution began when the sheriff brought the mother before the Justices of the Peace, who then questioned her regarding the paternity of her child. The court followed this by summoning the accused father and the sheriff often assigned him a hefty bond to ensure a court appearance. There the reputed father could attempt to prove his innocence or accept the charges. Occasionally the court acquitted men, but in the majority of cases the father entered a bastardy bond, which proved he claimed paternity and agreed to provide monetary support for the child. Following the bond, the mother could petition the court for further money to prevent the child from becoming a county charge. The bond required the man to continue returning to court each time the mother petitioned for child support.

The most telling evidence of economic motivation appeared in Mecklenburg court minute rhetoric. In nearly every bastardy case, the verdict included phrases such as "to keep The County Clear of any Expense which may hereafter Arrive during the non-age of Said Child" or "to keep [said] Child from becoming a County Charge," when explaining the need for the father to enter a security bond.[97] The county collected its due from the reputed fathers of illegitimates, primarily to protect itself from fiscal burdens.

The concept of a security bond in itself demonstrates the focus on the economic threat of bastardy. Reputed fathers of bastard children were bound to a sum of $20 or more for their initial appearance in court to answer for their crime. In every case, one or two men—usually friends or family of the accused—served as bondsmen, agreeing to

[97] *Margaret Ewin [Ewing] v. Sampson Gray,* (Meck. C. P. 1786)*; State v. David Alexander,* (Meck. C. P. 1791); both in Ferguson trans., *Mecklenburg Court of Common Pleas,* 57, 110.

help pay the fee if the father did not come to court. Therefore, these bondsmen were both funders and persuasive forces to guarantee the appearance of the alleged fathers. Often, the court maintained the security bond for many years to ensure that the fathers returned to the court "for any future orders of the court and for the maintenance of the child."[98] Through these security bonds, the court held substantial power over the reputed fathers and could request money from them for a number of years.

Since state laws did not stipulate a figure, as time progressed, the monetary amount required for the security bond swelled from $20 to $500 (see figure 4). The growing rate of illegitimacy demonstrated in court proceedings contributed to this growth, as did inflation. Additionally, as the American continental market developed, North Carolina desired to remain competitive.[99] Mecklenburg County's agrarian economy relied on trade and local purchases to survive. To compete with the surrounding counties, the court went to great lengths to reduce the number of illegitimate children, who posed a threat to economic conditions moving into the nineteenth century. Likely to prevent bastardy and to remain competitive, the county increased bond amounts to maintain an economic foothold.

[98] *Allen Curry* (Meck. C. P. 1802).
[99] Gordon Wood, *The Radicalism of the American Revolution* (New York: Vintage Books, 1993), 313–316.

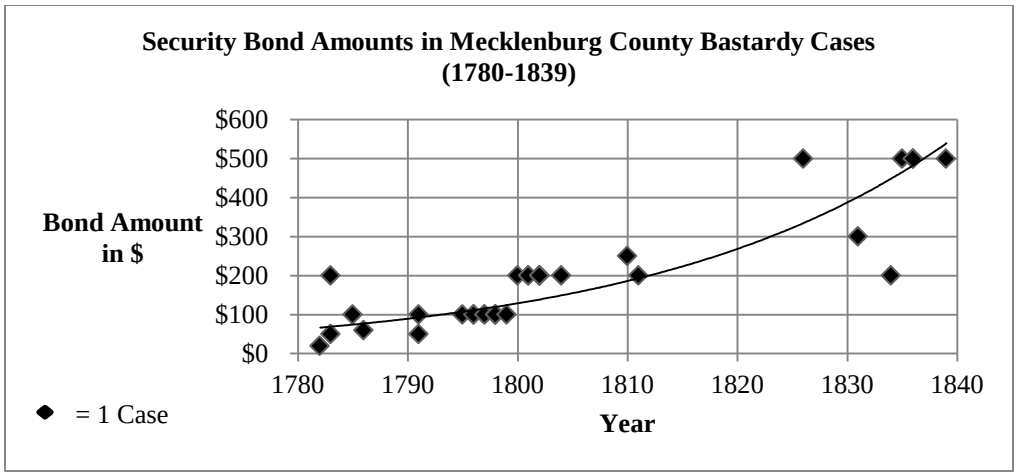

Figure 4: Security bond amounts in Mecklenburg County Bastardy Cases. The graph shows the general increase in court ordered security bonds 1780 through 1839. Source: Data compiled from Mecklenburg County Court of Common Pleas, Carolina Room, Charlotte-Mecklenburg County Library, Charlotte, N.C and from Mecklenburg County Court Pleas and Quarter Sessions and Mecklenburg County, Miscellaneous Records, 1759-1859, bastardy bonds and records (1795-1935), bastardy fines received (1807, 1818) North Carolina State Archives, Raleigh, N.C.

Figure 4 also illustrates an interesting development during the late 1790s. From 1780 through 1795, the bond amounts were random with little consistency or order. By 1796, this pattern stabilized and became more uniform. Many factors could have contributed to the randomness of the early years, primarily different Justices of the Peace, the father's economic standing, and the financial state of the county at the time. However, the graph also shows a thirteen-year gap in bonds issued. From 1812 through 1825, court minutes recording the bonds do not appear to have survived, the fathers may have had more means by which to pay child support, or the father did not require an incentive to pay the bonds. The true reasons for the break are unknown, but figure 4 demonstrates an obvious increase in bond amounts over time. The fact that order emerged by the end of the eighteenth century, and generally remained through the 1830s, demonstrates that the county took strides to become a more structured society, one that not only prosecuted these crimes, but also allotted consistent punishment.

The Mecklenburg County court regularly enforced the established security bonds, primarily to ensure that the reputed fathers paid the mothers an allowance. The court generally expected the man to pay the mother's childbirth fees and child support for the first year of care and sometimes for a second or third year. Court minute data demonstrates that nearly fifty bastardy cases addressed the issue of first year allowances. However, the second and third year allowance cases were fewer in number. The court minutes do not provide evidence for payment beyond the third year of the child's life. This lack of data suggests that the mothers either received financial support from their family or married by the time their child reached age four. Another possibility relates to the apprenticeship law, for all illegitimate children and even children with a widowed mother could be assigned to an artisan. North Carolina law did not recognize women as the legal guardians of their children, for fathers were the "natural" protectors, and if the justices of the peace deemed a mother incapable of raising the child, they received an apprenticeship.[100] After the third year—or during any of the years prior—the court could decide on the effectiveness of a mother's care. The process of requesting child support coupled with the apprenticeship law demonstrates that there were many layers to the narrative of illegitimacy in the county. However, once the court bound the alleged father to a security bond, they had the legal power to summon him to court if the mother petitioned for an allowance.

There are numerous examples of fathers returning to court following female petitions for additional funds, but for this study, a few will suffice.[101] In October 1791, David Alexander appeared before the court for illegally begetting a child with a single

[100] Bynum, *Unruly Women*, 88-110; Zipf, *Labor of Innocents*, 8-39.
[101] These cases represent the standard in such proceedings and few deviate from this norm.

woman named Mary Harris. The court required David to enter a bond of $50 to prevent the child from becoming a "County Charge," to pay $3 to Mary quarterly for a year, and to surrender his $0.50 fine for the act of fornication, a fine that Mary also paid.[102] Two years later, the court requested David's presence once again. This time, they ordered him to pay an additional $8 to Mary as further allowance for the maintenance of the child.[103] James Clarke experienced a similar situation. In October 1795, James entered a $100 security bond and paid his fornication fines for fathering an illegitimate child with Rosanna Nicholson. After the birth of the child, he stood trial in January of 1796, and the court required him to pay Rosanna $3 quarter-yearly during the first year of the child's life. A year later, the court ordered James to pay Rosanna an additional $3 quarter-yearly for a year of nursing his child.[104] With the court's order, David and James each provided further child support for the mother to insure that the illegitimate child would not become a charge of the county.

Similar to the security bond, the monetary amount of these allowances increased in the nineteenth century. Figures 5, 6, and 7 compare the child support paid to mothers within the first, second, and third years of the child's life. The by-decade assessment in figure 5 demonstrates that from 1780 through 1800, the court lacked uniformity and did not have a standard allowance set for the first year of the child's life. By 1800, the court consistently regulated payment. Child support in years two and three (see figures 6 and 7) show a more orderly system of payment. These figures also reveal a clear difference between first, second, and third year allowances, for the first year's average was

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[102] *State v. David Alexander,* (Meck. C. P. 1791) in Ferguson trans., *Mecklenburg Court of Common Pleas,* 110.
[103] *State v. David Alexander,* 137.
[104] *State v. James Clarke,* (Meck. C. P. 1795); *James Clarke* (Meck. C. P. 1796); *James Clarke* (Meck. C. P. 1797); in Ferguson trans., *Mecklenburg Court of Common Pleas,* 160, 164, 177.

generally much higher than the second and third years'. All allowances gradually increased from the 1780s through the 1810s, but a major boost occurred in the 1820s. The first year's allowance continued to spike in the 1830s as well. Inflation contributed to the general increase, but the invention of the cotton gin and the demand for cotton during the first twenty years of the nineteenth century likely resulted in higher wages and a thriving economy.

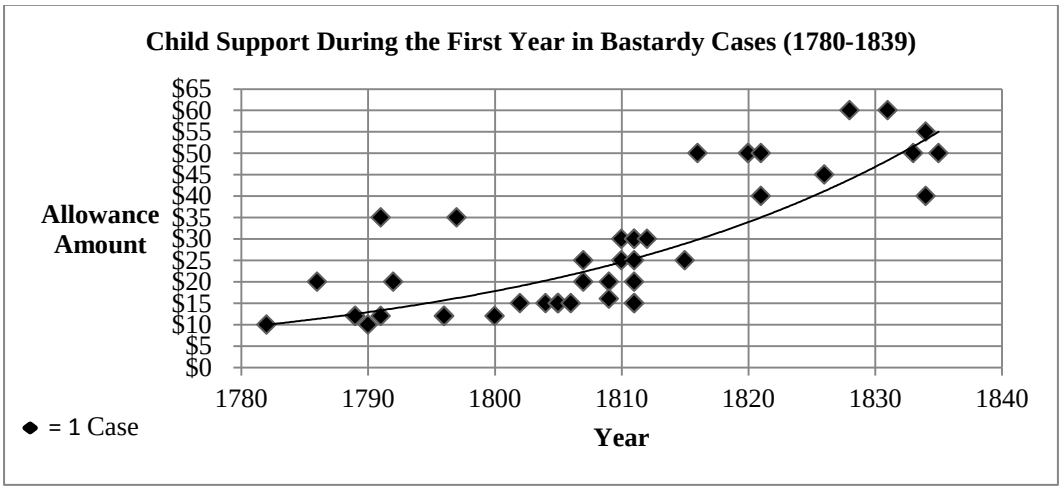

Figure 5: Child support during the first year in bastardy cases. Source: Data compiled from Mecklenburg County Court of Common Pleas, Carolina Room, Charlotte-Mecklenburg County Library, Charlotte, N.C and from Mecklenburg County Court Pleas and Quarter Sessions and Mecklenburg County, Miscellaneous Records, 1759-1859, bastardy bonds and records (1795-1935), bastardy fines received (1807, 1818) North Carolina State Archives, Raleigh, N.C.

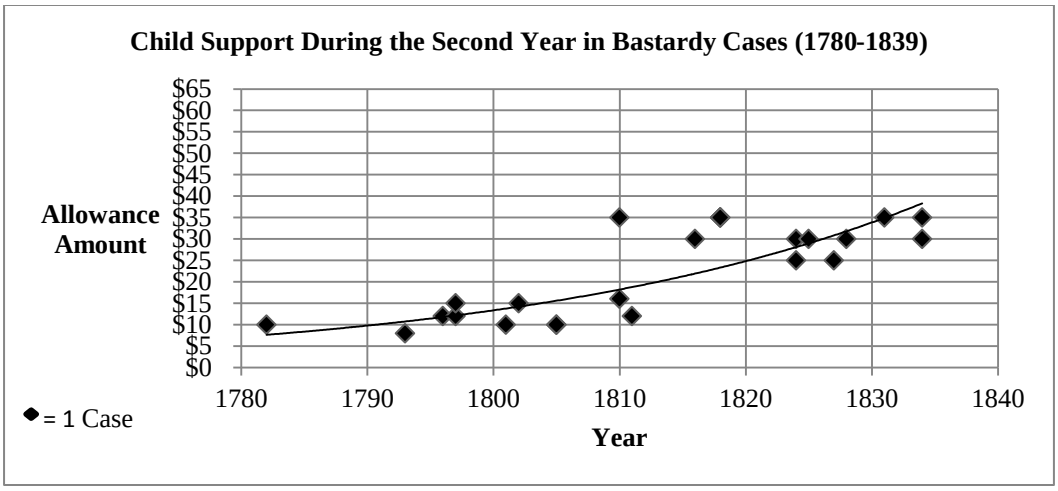

Figure 6: Child support during the second year in bastardy cases. Source: Data compiled from Mecklenburg County Court of Common Pleas, Carolina Room, Charlotte-Mecklenburg County Library, Charlotte, N.C and from Mecklenburg County Court Pleas and Quarter Sessions and Mecklenburg County, Miscellaneous Records, 1759-1859, bastardy bonds and records (1795-1935), bastardy fines received (1807, 1818) North Carolina State Archives, Raleigh, N.C.

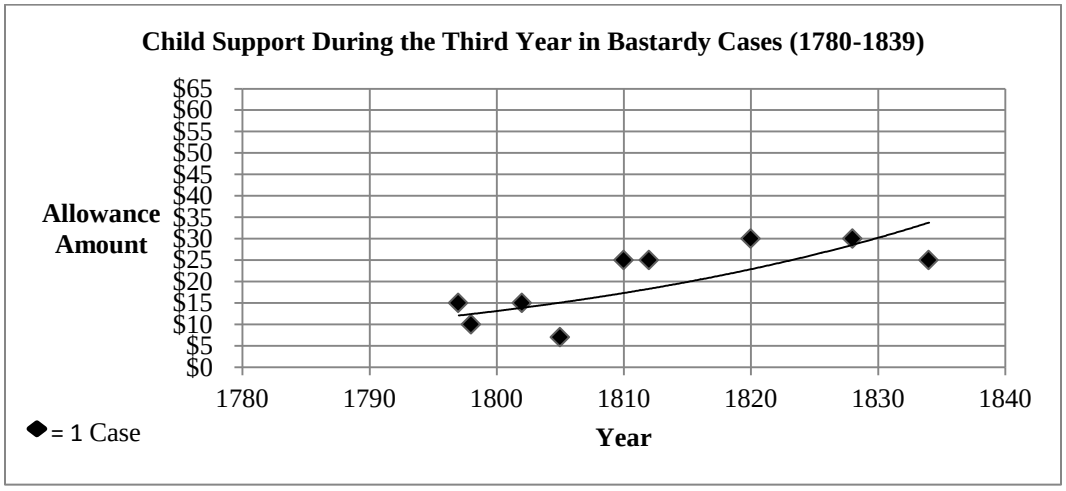

Figure 7: Child support during the third year in bastardy cases. Source: Data compiled from Mecklenburg County Court of Common Pleas, Carolina Room, Charlotte-Mecklenburg County Library, Charlotte, N.C and from Mecklenburg County Court Pleas and Quarter Sessions and Mecklenburg County, Miscellaneous Records, 1759-1859, bastardy bonds and records (1795-1935), bastardy fines received (1807, 1818) North Carolina State Archives, Raleigh, N.C.

The monetary data demonstrates that these Mecklenburg County cases had little variation, for other forces often influenced the bond and allowance amounts requested by the court. Few bastardy cases deviated from the norm, and the case of Elizabeth Paul illustrates the nature of the prosecution process for the crime of bastardy. Elizabeth's is not an exceptional case, but rather the standard for bastardy proceedings.

The documentation of Elizabeth's case begins on October 24, 1831. Justices of the Peace Thomas Lewis and Neil M Still recorded receiving information that a single woman, Elizabeth Paul gave birth to a child, which "is said to be a bastard." Lewis and Still commanded the sheriff to "apprehend and bring before us or any two Justices of the Peace…the aforesaid Elizabeth Paul to answer the matter alleged against her." This statement served as the sheriff's warrant to arrest Elizabeth for the crime of bastardy and two weeks later on November 4, she appeared before Justices Lewis and Still.[105] Elizabeth admitted that she did deliver a child and accused local brewer Robert Simson of being the father.[106] The following day, the court issued a warrant for Robert Simson, which commanded the sheriff to bring Robert before two Justices of the Peace to answer Elizabeth's allegation.[107] On March 1, 1832, Robert Simson appeared in court and signed a bastardy bond for the sum of $200, with David Simson and James Morris serving as bondsmen. The bond held these men responsible for paying $200 to the state, unless Robert Simson made another appearance the following year to answer for the charge of bastardy. The document served as a security bond, and proved in writing that Robert

[105] Elizabeth Paul's Arrest Warrant, October 24, 1831, in Miscellaneous Records, 1759-1859, bastardy bonds and records (1795-1935), (North Carolina State Archives, Raleigh, N.C.).
[106] Elizabeth Paul's Statement, November 4, 1831, in Miscellaneous Records, 1759-1859, bastardy bonds and records (1795-1935), (North Carolina State Archives, Raleigh, N.C.).
[107] Robert Simson's Arrest Warrant, November 5, 1831, in Miscellaneous Records, 1759-1859, bastardy bonds and records (1795-1935), (North Carolina State Archives, Raleigh, N.C.).

admitted paternity of Elizabeth's child, that he would provide financial support for the child, and that he would return to court to make the required payments.[108]

Bastardy cases like this one required much attention in the courtroom and the fact that the Mecklenburg court went to such lengths to acquire statements from mothers and security bonds from fathers demonstrates the importance of preventing numerous illegitimate children from becoming county charges. In the case of bastardy crimes, economic threat provided the primary motivation for prosecution and enforcement, in slight contrast to the other crimes against order and morals.

Other Sexual Offenses

Bastardy remained the most frequently prosecuted crime against order and morals throughout the 1830s, but other sexual offenses held a prominent position in courtroom procedures. Prior to 1805, the Mecklenburg courts only prosecuted one case of illicit fornication. From 1805 to 1839, however, the courts addressed seven cases of fornication and five cases of adultery. A linkage between the developing evangelical movement in the South and this trend is probable, but an even more likely influence is the previously examined adultery and fornication state code passed in 1805. This law stipulated that any single person found guilty of cohabitating with or engaging in sexual intercourse with anyone of the opposite sex would pay a fine not exceeding £100.[109]

Of the seven Mecklenburg County fornication cases between the years 1807 and 1829, only two resulted in conviction and punishment. In all of the acquitted cases, the court minutes clearly stated that the jury found the defendants "not guilty as charged,"

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[108] Robert Simson's Security Bond, March 1, 1832, Miscellaneous Records, 1759-1859, bastardy bonds and records (1795-1935), (North Carolina State Archives, Raleigh, N.C.).

[109] *An act for the better observation and keeping the Lord's Day, N.C.* Code 14.13 (1805), in Haywood, *A Manual of the Laws of North Carolina,* 232.

language rarely used in cases prior to the nineteenth century. Another interesting difference in court minute rhetoric demonstrates a variation between the Superior Court and the Court of Pleas and Quarter Sessions. Typically, Superior Court minutes recorded only a charge against the male for fornication, while the Court of Pleas and Quarter Sessions prosecuted both the female and male involved in the case. Unfortunately, the minutes do not reveal the reason for the respective verdicts, though Thomas McKorkle and Katharine Evits' case offers another layer to the story of prosecuting fornication.

In this case, religious ideals and the church's view of the family as an ordered hierarchy remained so important in Mecklenburg County that the court encouraged marriage between those who breached the fornication law. In July of 1807, Thomas McKorkle and Katharine Evits faced the court for the charge of fornication. The jury deemed them both guilty and required each pay a $25 fine. However, the court offered to reduce the fine to 6 pence each, "provided the said Thomas and Katharine join together as man and wife in holy wedlock."[110] County marriage bond records disclose that Thomas and Katharine did marry on October 15, 1807, effectively avoiding the £25 fine.[111] This case represents the only time in the Mecklenburg court where religious morals proved to be a prominent enforcement factor. Nevertheless, economic security also played a role because Thomas and Katharine's relationship could have produced an illegitimate child. By strongly encouraging marriage, the court formalized the older marriage pattern of matrimony following premarital sex and prevented the conception of a county charge. In this particularly rare case, the court held to the religious influences found in the statute

[110] *State v. Thomas McCorkle and Catharine Evits*, (Meck., C. P. 1807).
[111] *Marriages of Mecklenburg County, North Carolina: 1783-1868* (Baltimore, Genealogical Publishing Co., Inc: 1981), 123.

laws, though the court continued to manipulate citizens through economic means to discourage sinful acts and encourage holy matrimony.

In contrast to the low conviction rate for fornication, three of the four adultery cases ended with a guilty verdict. The higher conviction rate likely occurred because of distressed accusers and witnesses. Though there are few cases in the sample size, only the males received punishment, while the female defendant evaded a sentence. The earliest case occurred in 1814, in *State v. David Gowan.* Interestingly, earlier court records divulge that David Gowan was a Court of Pleas and Quarter Sessions Justice of the Peace in 1805.[112] Considering his prominent legal position, it is not surprising that he appeared in court on three different occasions for this particular case. His first appearance, on May 10, 1814 served as a preliminary hearing, followed by two additional appearances in November for his trial. The court found him guilty of adultery and sentenced him to a fine. Andrew Caldwell in 1820 and Joseph King in 1839 received guilty verdicts as well. The court bound Andrew to a $100 security bond for an additional appearance, but took a portion of Joseph's property as collateral. Only Rebecca McCord avoided penalty.[113] An additional case occurred in the Court of Pleas and Quarter Sessions in 1837. The court bound Levi Ferturman to $200 for his appearance at the next superior court in order to answer the charge for adultery.[114] Unfortunately, the Superior Court records do not suggest that Levi ever made this appearance, likely resulting in his payment of the security bond. These fornication and

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[112] *Mecklenburg County: Minutes of the Court of Pleas and Quarter Sessions vol. 4*, laminated and rebound by North Carolina Department of Archives and History, 1959.
[113] *State v. David H. Gowan*, (Meck. Super. Ct. 1814), 86; *State v. Andrew Caldwell*, (Meck. Super. Ct. 1820), 181; *State v. Joseph King*, (Meck. Super. Ct. 1839), 215; *State v. Rebecca McCord*, (Meck. Super. Ct. 1838), 191.
[114] *State v. Levi Ferturman*, (Meck. C. P. 1837).

adultery cases, though few, represent the sexual crimes prosecuted in Mecklenburg County in the nineteenth century outside of bastardy.

Another related case type is divorce. Divorce cases did not always involve sexual impropriety, but they did have an economic and social effect on the community. In 1814, North Carolina passed its first divorce laws.[115] North Carolina had relatively liberal divorce laws in comparison to other states, though the justices in the state's Supreme Court held conservative views of divorce. Often, the high court refused to affirm divorces decreed by the superior courts.[116] Despite this fact, the Mecklenburg County Superior Court judged a number of divorce cases.

None of the divorce cases involved the same people as the previously analyzed adultery cases, although adultery was a factor for some. Of the thirteen divorce decisions in the county from 1814 through 1839, four involved adultery. Three times, the adulterers were women. In divorce cases concerning adultery, the court removed the petitioners "from the bonds of matrimony" and often required the defendant to pay a sum of money for the court appearance. That men were more likely to shame women for adultery demonstrates a power dynamic between couples, for antebellum society tasked the man with protecting a white woman's purity. Therefore, when women challenged this obligation, men responded by petitioning for divorce. Similarly, in early Republic Virginia, men petitioned for divorce more often and the state legislators granted more

[115] Divorce laws stipulated that petitioners could only obtain a divorce if either party was naturally impotent at the time of marriage, had separated him or herself from the other, or lived in a state of adultery. Petitioners could acquire divorce from "bed or board" or from the bonds of matrimony. However, if both parties were guilty of the above mentioned actions, the court barred the couple from divorce. For more information about this law, see *Divorce and Alimony, N.C.* Code 5 (1814), in Haywood, *A Manual of the Laws of North Carolina.*

[116] Bynum, *Unruly Women*, 68; Crystal Gale Moore, "'To Chain a Man to Misery 'til Death': Marital Strife in Colonial and Early Republic Virginia" (master's thesis, University of North Carolina at Charlotte, 2011).

divorces to men.[117] In contrast, other North Carolina county judges denied men divorces from adulterers, because the women had few resources by which to live after the divorce.[118] However, in Mecklenburg County the courts permitted a separation for couples with female sexual indiscretion, demonstrating a variation from the norm in North Carolina. Women petitioned the court if their husbands deserted the family, but men rarely appealed to the court unless their wives committed adultery.[119]

A particularly interesting case occurred between Robert M. Sterling and his wife Margaret Sterling. Married on September 4, 1829, the Sterling's union did not last long. Robert petitioned for divorce in November of 1833, and the court granted the request. The court found that Margaret had "separated herself from her husband and lived in a State of Adultery." Thereby, the court dissolved the bonds of matrimony. Most of the marriages in the Mecklenburg County divorce cases lasted less than ten years.[120] According to Nancy Cott and Lawrence Friedman, three elements contributed to the rising divorce rate in America following the Revolution. These factors included fewer arranged marriages, an emerging emphasis on marriage as a contract for happiness, and the developing concept that complementary partnership was possible.[121] Mecklenburg County's experience certainly aligns with these nationwide trends.

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[117] Moore, "To Chain a Man to Misery," xxiii, 101-110.
[118] Bynum, *Unruly Women*, 70.
[119] *Margaret Duffay v. Robert Duffay*, (Meck. Super. Ct. 1822), 203; *Benny Steward v. Harriett Steward*, (Meck. Super. Ct. 1829), 14; *Robert Bigham v. Mary Bigham*, (Meck. Super. Ct. 1829), 15; *Robert Sterling v. Margaret Sterling*, (Meck. Super. Ct. 1833), 100.
[120] *Robert Sterling v. Margaret Sterling*, (Meck. Super. Ct. 1833), 100; State of North Carolina, *An Index to Marriage Bonds Filed in the North Carolina State Archives* (Raleigh, N. C.: North Carolina Division of Archives and History, 1977).
[121] Nancy F. Cott, "Divorce and the Changing Status of Women in Eighteenth-Century Massachusetts," *William and Mary Quarterly* 33 (October 1976): 586-614; Lawrence M. Friedman, *A History of American Law* (New York: Touchstone Books, 1973), 181-84.

The *Catawba Journal* publicized divorce cases alongside debt and distribution cases, especially when it became necessary to summon the defendant. For example, the case between Jane and Aaron Perry received press time on June 28, 1825. According to court records, Jane appeared in court on May 21, 1825 and provided proof that her husband was not a resident of the state. The *Journal* advertisement, which ran for three months, ordered, "the defendant [Aaron] come forward on or before the next Superior Court of Law…and plead, answer or demur, otherwise the petition will be taken *pro confesso* [as if the defendant had confessed]."[122] The paper served as an announcement service and in a sense acted on behalf of the court for a variety of cases, including divorce petitions.

Divorce challenged the traditional patriarchal family structure and presented economic threats to the community. Mecklenburg County still prosecuted these cases and required alimony for women, primarily to protect women and children from becoming county charges. Conversely, the county punished female adulterers. Though religious morals and suppression of infidelity contributed to sexual offense and divorce prosecution, the economic concerns remained an underlying influence, due to the threat of unsupported county charges.

Prosecuting Disorderly Behavior

The Mecklenburg court also prosecuted citizens for other immoral actions that disrupted the order of society and the perceived sanctity of communal spaces. Contempt of court, peace warrants, drunkenness, and profane swearing cases all appear in the court minutes, but to a much lesser degree than sexual offenses.

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[122] "State of North Carolina, Mecklenburg County, Jane Perry vs. Aaron Perry," *Catawba Journal*, June 28, 1825.

For these types of cases, the court often employed punishment that publicly shamed the guilty party. Public embarrassment functioned as a mechanism for social control and it took on many forms. The stocks and pillory openly humiliated individuals, but newspaper accounts of trial proceedings produced the same result. Advertising divorce cases exhibited disorderly behavior in the society and embarrassed both involved parties to prevent others from partaking in similar actions. Contempt of court and peace warrant cases did not see print, but they did employ punishment in the form of publicly shaming.

From 1800 through 1830, the Mecklenburg County Justices of the Peace judged ten contempt of court cases. Frequently these minutes did not detail the reasons for contempt of court, but some did. The 1802 case of Thomas Kennedy specifically stated that he insulted the court, resulting in a ten-shilling fine. In *State v. Henry Price,* the defendant faced punishment for quarrelling during a court session. In addition to standing in the stocks for half an hour, Henry paid a fine of $5. For contempt of court cases, fines ranged from a few dollars to ten and the defendants often spent time in the stocks.[123]

In July of 1809, Edward Reynolds faced trial for contempt of court. Like Henry Price, the court sentenced Edward to the public stocks for half an hour. Edward's case appears similar to that of Henry and Thomas, but, the court also requested he pay a $5 fine for bringing a slave into North Carolina and selling the slave contrary to law.[124] Records do not exist to suggest where he acquired the slave nor the manner in which he illegally sold the slave. However, it is intriguing that the court combined a contempt of

[123] *Thomas Kennedy,* (Meck. C. P. 1802); *State v. Henry Price,* (Meck. C. P. Ct. 1805).
[124] *Edward Reynolds,* (Meck. C. P. 1809).

court case with an illegal slave sale violation. This case suggests that the court may have brought citizens into court with the intent of charging them for multiple crimes.

Another type of court-mandated ruling to uphold order was the peace warrant. Victoria Bynum describes the peace warrant as a means for women to seek protection from abusive marital relationships. The wife could initiate the peace warrant, which required the defendant to post a bond that guaranteed twelve months of peaceful behavior toward her.[125] Mecklenburg County deviated from Bynum's description, for the court issued peace warrants to both males and females. Argyle King's case in 1828 resulted in a court order to keep the peace toward the citizens of North Carolina, and Polly Beaty in particular. This case represents the only one between two citizens who had a known sexual relationship, for Argyle King fathered Polly Beaty's illegitimate child in 1822. Six years later, he faced the court yet again for mistreatment of Polly. Another intriguing peace warrant case involved three women. In August of 1833, the state issued a peace warrant to Delila Grover, which bound her to $200 to keep the peace for twelve months toward Sally Carter and Lucretia Allen. Such an order differs drastically from Bynum's understanding of peace warrants, for in Mecklenburg County, women received peace warrants to protect other women. The court even bound Polly Stewart to $100 in 1836 to keep the peace toward Peter M. Brown. Although records do not indicate a sexual relationship between Polly and Peter, this may have been a factor in the issuance of a peace warrant. Contrary to Victoria Bynum's definition, peace warrants in Mecklenburg

[125] Bynum, *Unruly Women*, 77.

County did not involve abusive relationships between husbands and wives, but they did represent a desire to maintain order in society and civility between citizens.[126]

The county did not follow the law in all cases involving the crimes against order and morals, probably due to a lack of economic threat. In general, very few cases for drunkenness and profane swearing saw trial. The only recorded drunkenness case in Mecklenburg during this period occurred in 1785, when the convicted John Hokerty faced confinement in the stocks for half an hour. The first swearing case occurred in 1774. The court placed John Johnson in custody until he could pay the 15 shilling fine. Over forty years later, John King profanely swore and acted disorderly in court, resulting in a court summon. On May 9, 1817, the court found him guilty and fined him $20, consistent with the North Carolina laws that required stricter punishment for such behavior in the courtroom.[127] Obviously, the court did not prosecute such cases as readily as the sexual offenses and divorce cases. Though the county acquired money from such cases, these acts did not threaten economic security like the crimes of bastardy, adultery, and divorce.

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The Mecklenburg County courts tended to only prosecute the crimes against order and morals that negatively affected the community and threatened economic security. Bastardy received the most courtroom time, followed by sexual offenses, and disorderly acts. The court took on sexual crimes to regulate female sexual behavior and prevent numerous county charges in the form of bastard children and single mothers, but black

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[126] *State v. Argyle King,* (Meck. C. P. 1828); *State v. Delila Grover*, (Meck. C. P. 1833); *State v. Polly Stewart,* (Meck. 1836); Bynum, *Unruly Women*, 77.
[127] *John Hokerty,* (Meck. C. P. 1785), in Ferguson trans., *Mecklenburg Court of Common Pleas,* 49; *John Johnson,* (Meck. County Ct. 1774), in Briscoe ed., *Mecklenburg County Court Minutes,* 13; *State v. John King,* (Meck. Super. Ct. 1817), 125, 131.

women did not receive the same treatment. Additionally, the courts did not publicly try slaves for the crimes in this category, demonstrating courtroom inequality.[128]

The state instituted laws steeped in Anglican tradition and reflective of English Common Law to monitor immoral behavior, but the Mecklenburg courts interpreted this legislation in response to local needs. The court focused on moral crimes that disrupted the economy and occasionally the social order of the community. Other local institutions disciplined people—both black and white—for crimes against order and morals and applied different interpretations when upholding the moral standards dictated by law.

[128] Failure to prosecute slaves for crimes against order and morals in court was common practice in the southern colonies and states. Often, laws against order that concerned slaves—including fights—were lumped into other felony crimes, such as assault and battery. Society expected the master to discipline his slaves for these activities within the confines of the farm, but the county brought capital crimes to court, for they disrupted the larger community. Selected works that discuss plantation discipline: Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, Mass.: The Belknap Press of Harvard University Press, 1998), 32, 98, and 115-16; Jeff Forret, *Race Relations at the Margins: Slaves and Poor Whites in the Antebellum Southern Countryside* (Baton Rouge: Louisiana State University Press, 2006), 115-156; Dupre, *Transforming the Cotton Frontier*, 206-7; Isaac, *Transformation of Virginia*, 106; Carol Bleser, ed., *Secret and Sacred: The Diaries of James Henry Hammond, a Southern Slaveholder* (Oxford: Oxford University Press, 1988); Drew Gilpin Faust, *James Henry Hammond and the Old South* (Baton Rouge: Louisiana State University Press, 1982); Bertram Wyatt-Brown, "Community, Class, and Snopesian Crime: Local Justice in the Old South," in *Class, Conflict, and Consensus: Antebellum Southern Community Studies*, edited by Orville Vernon Burton and Robert C. McMath, Jr. (Westport, C.N.: Greenwood Press, 1982), 173-206.

It is clear from Mecklenburg court records that when slaves did appear in court, it was to bind them to a new master, for land and property distribution suits, or for felony cases. During the years examined, 14 slave cases saw trial. All were felony crimes, including such acts as manslaughter, horse stealing, burglary, rape, and assault with the intent to rape. This minute number of appearances indicates that either few crimes were committed or small farm masters simply chose to discipline their slaves on the farm in order to avoid paying the court for slave misbehavior. Outside of the court, newspaper advertisements demonstrate that masters attempted to maintain authority over their slaves through publicizing their escape from the farm or plantation. For sources on the court punishment of slaves, see: Thomas D. Morris, *Southern Slavery and the Law*; Hindus, *Prison and Plantation;* Mecklenburg County Criminal Superior Court Minutes, Carolina Room, Charlotte-Mecklenburg County Library, Charlotte, N.C; Mecklenburg County, Miscellaneous Records, 1759-1959, no date, Clerk of Superior Court, Clerk of Court of Pleas and Quarter Sessions, Register of Deeds (Creators), North Carolina State Archives; and from Mecklenburg County Court Pleas and Quarter Sessions, North Carolina State Archives, Raleigh, N.C.

CHAPTER FOUR: THE NATURE OF CHURCH DISCIPLINE

"Ministers are as much Watchmen [of Public Evils] as Magistrates"
Charles Woodmason, 1771

Charles Woodmason entered the backcountry in 1766 with the intent to transform the religious sentiment of the population. Hoping to instill the people with Anglican beliefs, he often commented negatively on the existing religious denominations, particularly the New Light Baptists, the Presbyterians, and the Methodists. Woodmason referred to these congregations in the most offensive terms he could muster, likening their behavior to both animals and savages: "they…now infest the whole Back Country," they are a "vile, licentious Pack," and "there are so many Absurdities committed by them, as wou'd shock one of our *Cherokee* Savages."[129]

The lack of moral conduct further infuriated Woodmason. In his eyes, religious groups had a responsibility to discipline and reform sinful misconduct, but during a 1768 sermon delivered in an Episcopal Chapel near present day Columbia, South Carolina, he described the behaviors that these evangelical religions failed to eradicate. In Woodmason's opinion, these dissenting groups actually contributed to an increase in misconduct:

> But let us go on, and examine if in the General Corruption of Manners these New Lights have made any Reform in the Vice of Drunkenness? Truly, I wot not. There is not one Hogshead of Liquor less consum'd since their visiting us, nor any Tavern shut up—So far from it, that there has been Great Increase of

[129] Woodmason, *The Carolina Backcountry*, 78, 46, 101.

> Both…We will further enquire, if Lascivousness, or Wantonness, Adultery or Fornication [are] less common than formerly, before the Arrival of these *Holy* Persons? Are there fewer Bastards born? Are more Girls with their Virginity about them, Married, than were heretofore? The Parish Register will prove the Contrary: There are rather more Bastards, more Mullatoes born than before…the Magistrates and Courts of Justice...are ready to declare, that since the Appearance of these New Lights, more Enormities of all kinds have been committed—More Robberies Thefts, Murders, Plunderings, Burglaries and Villanies of ev'ry Kind, than ever before.[130]

This passage is emblematic of Woodmason's perception of backcountry evangelical religions generally and the New Light Baptists specifically. Due to his Anglican bias, he viewed these faiths and their practices as ineffective for policing the sinful nature of such "low and ignorant persons."[131] Only the Anglican Church, as well as an effective legal system could possibly save these heathens.

Woodmason's assessment, though passionately articulated, is not supported by Mecklenburg County records. In sharp contrast with his depiction of failed reforms, the fourteen Mecklenburg churches effectively held their members—both white and black—to a certain moral standard. Only three Presbyterian churches' records survive to illustrate this extralegal institution's nature of enforcement, but church histories and monographs demonstrate that all of the churches followed the trend of disciplinary order.

Historians also disagree with Woodmason's judgment of evangelical religion. Richard J. Hooker, a mid-twentieth century historian and editor of Charles Woodmason's published writings, directly challenges Woodmason's depiction of the Baptists. He believes that their portrayal as immoral and ineffectual is unfair, for the church minutes of Cashaway Baptist Church, dated before Woodmason's arrival in South Carolina's Peedee region, reveals that the church suspended members for excessive drinking and

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[130] Woodmason, "The Baptists and the Presbyterians," in *Carolina Backcountry,* 98-101.
[131] Woodmason, "The Journal," in *Carolina Backcountry,* 20.

misbehavior.[132] Other historians assert that the Baptists, Methodists, and Presbyterians all disciplined their congregations for sinful deeds. Each denomination had a separate system, but all instituted a method of maintaining the churches' standards of conduct. Church disciplinary action targeted and discouraged activities that threatened domestic harmony, economic security, and church purity. Perpetrators of infidelity, sexual crimes, profane language, intemperance, gaming, and other "worldly" transgressions all faced trial during church gatherings or session meetings.[133]

Further historical studies reveal a marked shift in enforcement practices during the early nineteenth century: the switch from targeting primarily familial issues to almost exclusively prosecuting disorderly conduct in public. These changes align with the Second Great Awakening, the rise of religious revivals, and the emergence of the temperance movement. Mecklenburg County's Philadelphia Presbyterian Church, Sugaw Creek Presbyterian Church, and Bethel Presbyterian Church session minutes mimic these regional enforcement patterns, but expose that the church adhered to older disciplinary traditions when chastising the slave population. Although the records also divulge a rich history of prosecuting intemperance, the churches clearly were not interested in teetotalism. This chapter aims to highlight the churches' attempt to repress sinful

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[132] Hooker, ed., "The Baptists and the Presbyterians," in *Carolina Backcountry*. 95n; For the church minutes, see Wm. Glenn Pearson, "The Church Minutes for Cashaway Neck Church of Christ, 1757-1772," *Marlboro County, SC Churches* (contributed in May 2000, transcribed from microfilm of Original Documents held by Furman University), http://sciway3.net/proctor/marlboro/church/Cashaway_Baptist.html (accessed February 20, 2015).

[133] For more on this subject, see Christine Leigh Heyrman, *Southern Cross: The Beginnings of the Bible Belt* (New York: Alfred A. Knopf, 1997), 89-92,137-38; Walter H. Cosner Jr. and Robert J. Cain, *Presbyterians in North Carolina: Race, Politics, and Religious Identity in Historical Perspective* (Knoxville: The University of Tennessee Press, 2012); Loveland, *Southern Evangelicals,* 37-8, 97-108; Isaac, *Transformation of Virginia*, 161–77, 192-94, 243-269, 299-302; McCurry, *Masters of Small Worlds,* 149-50.

behavior, but first aims to contextualize the ecclesiastical disciplinary system and the historical framework.

Church Discipline

The Methodists, Presbyterians, and Baptists viewed moral conduct as vital to church members' lives. When members strayed from doctrinal teachings, all three denominations held the minister responsible for disciplinary action, but each chose to involve their congregations in different ways. Until 1800, Methodists granted suspension powers to circuit-riding ministers. The laity organized trials and served as witnesses, but the itinerants had the absolute authority to expel members. Local congregations challenged this system and, in the nineteenth century, circuit preachers began to divide the congregation into groups of twelve to fifteen. These groups had a leader who supervised the spiritual growth and moral conduct of the members. If disciplinary action became necessary, the small group held trial and the minister presided. The group then settled the verdict together.[134] Presbyterians had a more formal regulation system, for the session—an assembly of the minister and the ruling church elders—tried misbehaving members. Session records recount the various misdeeds committed by church members, the session's deliberation, and the ultimate decision.[135] In contrast, Baptists prosecuted errant members before the entire congregation, with the minister serving as moderator. Baptist congregants were responsible for monitoring the behavior of their fellow church members to protect the "purity of the church." Members were expected to report violations of God's law to the church, and thereby could influence the congregation's behavior. Often, these cases saw trial during the monthly business meetings, rather than

[134] Heyrman, *Southern Cross*, 88-94, 137-38; Loveland, *Southern Evangelicals*, 37-38.
[135] Loveland, *Southern Evangelicals*, 37-38; Cosner, *Presbyterians in North Carolina*, 94-95.

during Sunday morning service. [136] All three denominations established corrective systems to support their church doctrine and maintain an expected manner of conduct within their congregations.

Session minutes and church histories show that the Mecklenburg County churches followed the disciplinary method of their respective denomination. Unfortunately, the earliest existing records are from the antebellum period, and even those only include three of the fourteen churches in the county—all Presbyterian. Sugaw Creek Presbyterian's session minutes prior to 1826 were destroyed, Philadelphia Presbyterian did not document session proceedings until Angus Johnson became minister and session clerk in 1837, and Bethel Presbyterian was not founded until 1828. Though the records are few and only represent a small portion of the years in this study, they reflect evangelical membership and disciplinary tendencies that coincide with the movements of the early antebellum period.

Throughout the South, many churches counted slaves and free blacks among their members. While less than one tenth of all African Americans were active church members in the 1810s, the next thirty years witnessed an influx of black involvement in churches, particularly in the Baptist, Methodist, and Presbyterian denominations. The Second Great Awakening fostered a missionary impulse, and revivalists became aware of slave spiritual needs. Although they believed that slaves were childlike and would be easy to convert, evangelists also assumed that religious instruction would instill morality and subsequently social order among the slave population. The Baptist, Methodist, and Presbyterian faiths appealed to the black population, for bondsmen and bondswomen

[136] Monica Najar, *Evangelizing the South: A Social History of Church and State in Early America* (Oxford: Oxford University Press, 2008), 60-61; Heyrman, *Southern Cross,* 137-38; Loveland, *Southern Evangelicals,* 37-38.

found a "message of deliverance" in these religious groups and in the Afro-Christianity congregations they often established.[137]

Mecklenburg County churches followed the larger evangelical movement and included slaves as well as free blacks in their congregations, for slaves could not hold their own worship services.[138] During the late 1830s and early 1840s, the black population reached well over 6,000, and a portion of that population joined the local churches. In 1838, Philadelphia Presbyterian reported total membership at 232 with sixteen percent of the congregation being black. Eighteen percent of Sugaw Creek Presbyterian's 237-member congregation was black in 1841.[139] Congregations did not exclude the black population from church membership, but some local churches established seating segregation that reflected the social hierarchy of the county. A payment system supported the organization of church seating—the closer the pew, the more expensive. Often, slave owners and their families sat downstairs, with wealthy planters in the front and the less affluent in the back. Poor whites and slaves shared the balcony—a wooden divider served as the only separation.[140] Despite composing a minute portion of the congregation and their subjection to prejudicial treatment, the disciplinary proceedings of the session did not ignore the presence of blacks. For the most part, these procedures mirrored the larger evangelical movement.

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[137] Heyrman, *Southern Cross*, 5; Loveland, *Southern Evangelicals*, 220-227; McCurry, *Masters of Small Worlds*, 140; Cosner, *Presbyterians in North Carolina*, 76; John B. Boles, "Evangelical Protestantism in the Old South: From Religious Dissent to Cultural Dominance," in *Religion in the Old South*, edited by Charles Reagan Wilson (Jackson, Miss.: The University of Mississippi, 1985), 28.
[138] Morrill, *Historic Charlotte*, 23, Boles, "Evangelical Protestantism in the Old South," 28.
[139] Philadelphia Presbyterian Session Minutes 1837-1911, North Carolina State Archives, Raleigh, N.C.; Sugaw Creek Presbyterian Church Session Minutes 1826-1847, North Carolina State Archives, Raleigh, N.C.; Russell Martin Kerr, *The Presbyterian Gathering on Clear Creek: The History of Philadelphia Presbyterian Church Mint Hill, North Carolina* (Charlotte, N.C.: Philadelphia Presbyterian Church, 2001), 151; Neill Roderick McGeachy, *A History of the Sugaw Creek Presbyterian Church: Mecklenburg Presbytery Charlotte, North Carolina* (Charlotte, N. C.: Sugaw Creek Presbyterian Church, 1954), 55.
[140] Morrill, *Historic Charlotte*, 21; Greenwood, *Bittersweet Legacy*, 44.

During the eighteenth century, southern evangelical churches frequently targeted behaviors that threatened family unity. Crimes like bigamy, adultery, fornication, and abuse—both verbal and physical—dominated church records, along with public misconduct like gambling and intoxication. However, early nineteenth century revivals shifted the focus of these proceedings. The Great Revival of 1800-1805 began near Lynchburg, Virginia, spread westward and then south into the Carolinas and Georgia. A response to the 1790s—a period of perceived "catastrophic religious decline"—the Great Revival produced immense societal change.[141] The revival even permeated the Mecklenburg community, for on March 27, 1802, Providence Presbyterian hosted a revival meeting that produced a number of converts and improved church membership.[142]

In the South Carolina town of Beaufort, community culture reflected the changes brought forth by the Great Revival, for "the riotous sensuality of the old times had disappeared" and evangelical leanings dispelled overindulgent behavior.[143] Evangelical churches continued to discipline members for sexual and familial misconduct, but the primary focus turned to policing the acts of church members in public spaces. This shift from private to public actions reflects the late eighteenth century privatization of the home, which emerged as social refinement became more popular. Privatization aimed to protect the family from a perceived impure and vulgar world, and so, hosts only offered hospitality to close acquaintances or those recommended by friends. The physical structure of homes also transformed to reflect this movement, allowing for individual

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[141] Louise Barber Matthews, *A History of Providence Presbyterian Church, Mecklenburg County, North Carolina* (Matthews, N. C.: Providence Presbyterian Church, 1967), 89-92; Boles, "Evangelical Protestantism in the Old South," 14-24.
[142] Matthews, *History of Providence Presbyterian Church,* 92-94.
[143] McCurry, *Masters of Small Worlds,* 149-50.

seclusion.[144] The enforcement trend focused on public spaces echoes this change in societal customs.

Other southern revivals also altered church enforcement patterns, for they began to reflect the larger shift in the notions of reputable conduct. After 1800, white male church members increasingly faced prosecution for activities previously considered respectable by the southern code of honor. The code asserted that the pastimes of drunkenness, fighting, swearing, and gambling—all important to elite social culture—bestowed respect, but in the nineteenth century these actions dominated evangelical church discipline. The focus shifted from targeting transgressions within the home to misconduct within society. The church still disciplined familial offenses, just to a lesser degree. Worldly amusements, defined by evangelical religions as "those exercises of the mind and body, which have no natural connection with religion; and which are generally pursued by those persons whose thoughts and actions are of an earthly character," gradually met more church judgment. These activities challenged the pure exterior of both the church and its members.[145]

Mecklenburg County churches followed this southern change in enforcement patterns. In line with the shift toward prosecuting public disorderly behavior, the Presbyterian Synod of the Carolinas ruled in 1789 that "dancing, reveling, horse racing and chard [*sic*] playing are wrong and that the practisers of them ought not to be admitted to sealing ordinances until they be dealt with by their spiritual rulers."[146] These activities were central to the dominant culture of elites and male participation in them equated male

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[144] Isaac, *Transformation of Virginia,* 302-305.
[145] *Religious Herald,* April 18, 1850, p. 61, quoted in Loveland, *Southern Evangelicals,* 98; Heyrman, *Southern Cross,* 249-50.
[146] McGeachy, *History of the Sugaw Creek Presbyterian Church,* 102.

identity. Evangelical religions often denounced such behavior that traditionally brought the dispersed society together, for they viewed dancing, gambling, and carousing as sustenance to a disorderly, vulgar society. Restraint from partaking in these activities defined evangelical masculinity, in sharp contrast with the elite culture.[147] Considering the depth of evangelical influence in Mecklenburg County, it is surprising that the Charlotte courthouse served as both a site for evangelical preaching and social dances. Perhaps using the same space for both purposes was not problematic, but church member participation in dancing deeply troubled the Presbyterian Synod.

Mecklenburg churches also offered an ordered system of justice for slave misconduct, which deviated from the North Carolina Presbyterian narrative. Historian Walter Cosner argues that the moral or spiritual state of slaves was "left up to the individual slave owner, for the church would not oversee that stewardship."[148] However, from the Revolution through the Civil War, the Sugaw Creek Presbyterian session met to discipline both black and white members for "traveling on the Sabbath, dancing, intemperance...the use of profane and intemperate language," fighting, and sexual offenses.[149] Philadelphia Presbyterian did the same and the church records during this period verify the reality of such proceedings.[150]

Church disciplinary action against both the white and black population pervades the session minutes and reveals trends similar to other evangelical congregations. Of the thirty-five cases recorded between 1826 and 1839, seventy-four percent were charges for

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[147] Isaac, *Transformation of Virginia,* 168-69; Beeman, *Evolution of the Southern Backcountry,* 108; Janet Moore Lindman, "Acting the Manly Christian: White Evangelical Masculinity in Revolutionary Virginia," *The William and Mary Quarterly* 57, no. 2 (April 2000): 394-396, 407-410.
[148] Cosner and Cain, *Presbyterians in North Carolina,* 76.
[149] McGeachy, *A History of Sugaw Creek,* 55.
[150] Philadelphia Presbyterian Church, Mecklenburg Presbytery, Session Minutes; Sugaw Creek Presbyterian Church, Mecklenburg Presbytery, Session Minutes.

public misconduct and worldly amusements. The remaining twenty-six percent of cases were for the sexual offenses of incest, adultery, and fornication (see table 3). These statistics demonstrate that in the early antebellum period—particularly during the late 1830s—Philadelphia Presbyterian, Sugaw Creek Presbyterian, and Bethel Presbyterian targeted the same sinful acts as other evangelical religions across the South.

Table 3: Sinful Acts Disciplined in Philadelphia Presbyterian, Sugaw Creek Presbyterian, and Bethel Presbyterian in Mecklenburg County (1826-1839)

Crime	1826-27	1828-29	1830-31	1832-33	1834-35	1836-37	1838-39	**Total**
Profane Language	0	0	0	1	0	0	1	**2**
Drunkenness	1	1	1	0	0	3	10	**16**
Selling Arduous Spirits	0	0	0	0	0	0	1	**1**
Fighting	0	0	0	0	0	0	2	**2**
Carousing	0	0	0	0	0	0	2	**2**
Dancing	0	0	0	0	0	0	3	**3**
Incest	0	0	1	0	0	1	0	**2**
Fornication	0	0	0	0	0	2	3	**5**
Adultery	0	0	0	0	0	0	2	**2**
Total	**1**	**1**	**2**	**1**	**0**	**6**	**24**	**35**

Source: Data compiled from Philadelphia Presbyterian Session Minutes 1837-1911, North Carolina State Archives, Raleigh, N.C.; Sugaw Creek Presbyterian Church Session Minutes 1826-1847, North Carolina State Archives, Raleigh, N.C.; and Jetton Family Papers, UNC Charlotte Special Collections.

Table 3 illustrates that church discipline spiked in the late 1830s. This data may be skewed by the absence of Philadelphia Presbyterian minutes prior to 1837 and more accurate recordkeeping by session clerks. Nevertheless, public misconduct cases claimed the majority of the session's time, especially those for drunkenness. Despite this focus,

other activities only prosecuted within the church and avoided by the court provide an interesting point of study.

During the April 22, 1839 meeting of the Philadelphia Presbyterian session, three slaves faced punishment for the act of dancing. Considered a sinful, worldly amusement that reflected the dominant culture, the punishment for dancing could be detrimental. Adam, Nancy, and Philis, all members of the church, were guilty of dancing, but each received a different sentence. Nancy gave "satisfactory evidence of repentance" and the session fully restored her to church membership. Adam refused to repent and the session suspended him from partaking in the privileges of church members until he repented and admitted his sin to the congregation. The session excommunicated Philis from the church, likely because she also refused to repent, though she may have committed a previous offense. These verdicts characterized the three rulings administered by the Presbyterian session throughout the records examined.[151]

The cases of Adam, Nancy, and Philis represented the only dancing cases documented in the surviving session minutes. Though the church obviously held black members to the same moral expectations as white members, there was inequality between the two races regarding allegation. Beeman contends that in Lunenburg County, Virginia, Meherrin Baptist Church more frequently prosecuted black members for misdemeanors to uphold Baptist codes as well as to enforce slave submission to their masters.[152] The majority of cases prosecuted in Mecklenburg challenged the actions of white church members, but the church only disciplined slaves—not whites—for dancing.

[151] Philadelphia Presbyterian Church, Mecklenburg Presbytery, Session Minutes, April 22, 1839.
[152] Beeman, *Evolution of the Southern Backcountry,* 110.

Other worldly transgressions performed by white members did face trial, with similar sentence patterns as those seen in the cases of Adam, Nancy, and Philis.

Also in 1839, the Sugaw Creek Presbyterian session judged an unusual case related to this desire to suppress worldly pleasure. In April, Moses W. Alexander publicly acknowledged that he opened "his house to Amusements on or about Christmas last"—likely meaning he permitted all or some of the following to occur in his home: gambling, card playing, dancing, and drinking.[153] He promised not to permit such activities in his home again. However, the session cited a repeat occurrence on May 20, 1839, and summoned Moses a second time. During the October session meeting, Moses confessed his guilt and promised, "never to admit of such parties either public or private in his house again." Due to his frankness, the session felt compelled to allow Moses to continue as a member of the church without further punishment.[154] Like those of Adam, Nancy, and Philis, Moses' case demonstrates the churches' mission to suppress the congregation's interest in partaking of worldly amusements.

Despite the larger movement away from prosecuting family issues, Philadelphia Presbyterian and Sugaw Creek Presbyterian occasionally chastised white members for familial matters. Two couples faced trial between 1826 and 1839 for a widower's marriage to his deceased wife's sister. The Presbyterian Church and other denominations including Congregationalist, Dutch Reformed, and Episcopal, deemed such unions "biblically prohibited," for "Levitical prohibitions" considered such a marriage

[153] Loveland, *Southern Evangelicals*, 97-101.
[154] Sugaw Creek Presbyterian Church, Mecklenburg Presbytery, Session Minutes, April, 1839 and October 1839.

incestuous.[155] When civil state laws began to stray from biblical roots in the 1780s, a centuries' long theological debate intensified and continued throughout the first half of the nineteenth century. Changes to these laws questioned the morality of American society, for Presbyterians in particular believed that allowing such marriages would contaminate "the purity of private life" and females may feel unsafe dwelling in the home of their sisters.[156] Between 1824 and 1846, the controversy reached its climax.[157]

Presbyterian Churches in North Carolina made moral judgements that echoed this larger discussion during its peak. In 1824, Ottery's Presbyterian Church in Fayetteville suspended Donald McCrimmon, a church elder, from his position for marrying his deceased wife's sister just five weeks after her passing.[158] Seven years later, Sugaw Creek's session judged the case of F. Alexander and Lydia Campbell. The assembly deemed the act unlawful, unchristian, and "against the confession of faith," and therefore suspended the couple from church membership until they repented and reformed.[159] Philadelphia Presbyterian took a different approach in the 1837 case of Miller and Elizabeth Maxwell, due to unusual circumstances. Miller and Elizabeth engaged in

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[155] Cosner and Cain, *Presbyterians in North Carolina,* 23; Brian Connolly, *Domestic Intimacies: Incest and the Liberal Subject in Nineteenth-Century America* (Philadelphia: University of Pennsylvania Press, 2014), 50-51,

[156] Connolly, *Domestic Intimacies,* 57, 69.

[157] The incest debate began in Protestant England in the sixteenth century, but gained traction in the colonies through public discourse in 1695 and the first trial in 1717. In 1779, the legitimacy of marriage with a deceased wife's sister came into question with the Delaware case of Anthony Duchane. The "marriage question" became so controversial that by 1847, one newspaper worried that "incest would cause another schism in the Presbyterian Church." In 1785, Massachusetts became the first state to remove a wife's sister and niece from the list of forbidden relatives and many states followed suit. Changes to civil law, many religious sects believed, challenged the sanctity of family and brought into question the morality of American society. In 1844, Presbyterian minister, J. J. Janeway commented on the subject of family life, stating that if such marriages were permitted, a female "will feel that she cannot dwell in her sister's family" and "the purity of private life will be contaminated." As the debate carried on, however, northern Presbyterians increasingly accepted "incestuous marriages" to a deceased wife's sister, while southern Presbyterians continued to oppose such marriages. Connolly, *Domestic Intimacies,* 50-79.

[158] Connolly, *Domestic Intimacies,* 57-60.

[159] Sugaw Creek Presbyterian Church, Mecklenburg Presbytery, Session Minutes, April 1831; McGeachy, *A History of the Sugaw Creek Presbyterian Church,* 101.

sexual intercourse prior to their marriage and after his former wife's death. The session recognized that church doctrine did not authorize their marriage, but it could not declare the marriage null since civil law legalized their union. In addition, they had children and lived as man and wife. The session "considered it the less of the two evils for them to remain married" and following reconciliation and penitence, restored both members to the "full privilege of the church."[160] That very day, Miller and Elizabeth applied to baptize their child, William Wilson Maxwell. The session authorized this request, demonstrating that the church did reinstate the couple to complete membership.[161] In another North Carolina case, the Presbytery of Fayetteville suspended one of its ministers, Reverend Archibald McQueen, from the ministry for incest. After a lengthy trial in 1842, however, the General Assembly decided in his favor and reinstated him as a minister. With this ruling, the controversy over the "marriage question" began to dwindle.[162]

Outside of targeting incestuous relationships, Philadelphia Presbyterian and Sugaw Creek Presbyterian did not try white congregants for sexual offenses. The opposite was true for black members. Of the nine sexual cases prosecuted in these churches from 1826 to 1839, slaves were seven of the accused. Crimes included fornication and adultery, the latter of which implies that the church honored slave marriage unions despite the lack of legal recognition.[163] It is interesting to note that if a slave was not charged alongside their partner, the minutes did not list the partner's name

[160] Philadelphia Presbyterian Church, Mecklenburg Presbytery, Session Minutes, July 9, 1837.
[161] Philadelphia Presbyterian Church, Mecklenburg Presbytery, Session Minutes, July 9, 1837.
[162] Cosner, *Presbyterians in North Carolina,* 23; Connolly, *Domestic Intimacies*, 60-62.
[163] The Baptist church did honor slave marriages and permitted remarriage if a partner was sold, even if they still lived or did not part voluntarily. However, Baptists still held slaves to the same moral standard as whites, and before the church for fornication, , spousal abuse, adultery, marital discord, and voluntary separation. Najar, *Evangelizing the South,* 84-86; Beeman, *Evolution of the Southern Backcountry,* 111.

or their race. Since voluntary interracial marriages and relationships were problematic in southern society, the session likely would have noted if the partner was white. Therefore, it is safe to assume that these cases only involved relationships between blacks.

In most sexual offense cases involving slaves, the defendants repented and the church restored them to full membership following public acknowledgment.[164] However, one case slightly diverged from this tendency. On July 9, 1837, slaves George and Jade appeared before the Philadelphia Presbyterian Church session for a fornication charge. They committed the offense a few years prior while the church did not have an ordained minister. Since the session could not meet nor make official disciplinary decisions, the assembly expelled George and Jade from church ordinances until the church received a minister. During the 1837 meeting, the session reprimanded George and Jade, reminded them of "their Christian duties," and spoke with them about the "guilt and impropriety of their conduct."[165] Following this discussion, the session was "induced to receive them as reclaimed back-sliders; remembering the word of the Lord 'that who confesses and forsaketh his sin shall find mercy of the Lord.'"[166] The session considered George and Jade "back-sliders"—a phrase not used for any other sinners in the church records—due to their proclivity for sexual misconduct. With some deliberation and persuasion by biblical teachings, however, the session decided to receive both as full members once again. This case reveals that not all slave sexual offense cases resulted in immediate membership restoration. It also suggests that although the church instantly accepted

[164] Philadelphia Presbyterian Church, Mecklenburg Presbytery, Session Minutes, July 9, 1837, September 22, 1838, August 18, 1839; Sugaw Creek Presbyterian Church, Mecklenburg Presbytery, Session Minutes, April 1831, August 12, 1838, September 16, 1838.
[165] Philadelphia Presbyterian Church, Mecklenburg Presbytery, Session Minutes, July 9, 1837.
[166] Philadelphia Presbyterian Church, Mecklenburg Presbytery, Session Minutes, July 9, 1837.

repentance from white members like Moses who repeatedly transgressed, the session had to be "induced" to reclaim some sinning black members.[167]

This obvious focus on sexual offenses implies that while the church had more faith in the white family to police domestic issues, they did not trust slaves to avoid such misbehavior. Privatization, which sparked the shift in church prosecution methods, did not apply to the slave population. Such action both sustained and challenged the authority of masters, because slaves faced public trials and were held accountable for their actions—exposing the inadequacy of master dominance. The church reserved responsibility for monitoring the private lives of blacks more frequently than whites even though both races experienced equal sentences for public misbehavior within church walls.

Often, both the Philadelphia and Sugaw Creek Presbyterian church sessions aimed to restore rather than to discipline.[168] Moses' case illustrates this tendency, for despite his promise to avoid opening his home to parties he repeated the act. The session felt that his second confession spoke the truth, so they gave him the benefit of the doubt. Even in cases where members were suspended, the church provided opportunities for repentance and reinstatement. The case of George and Jade both illustrates and deviates from this tendency, for while the church did reclaim them, the minutes suggest that the session hesitated in readmitting "back-sliders" to the congregation. More than likely, the session wanted to avoid disrupting the church community, pardon offenders for confessing their sins, and maintain a respectable congregation that did not

[167] Philadelphia Presbyterian Church, Mecklenburg Presbytery, Session Minutes, July 9, 1837.
[168] Kerr, *The Presbyterian Gathering on Clear Creek*, 152.

excommunicate members for a momentary lapse of judgement. When it came to drunkenness, however, the session took a firmer stand.

Condemning Intoxication

Evangelical religions took a particular interest in discouraging drunkenness. Protestant groups had always condemned intemperance and considered the act of excessive drinking a sin, but during the antebellum period, a religious and later political movement emerged to dissuade alcohol consumption. The temperance movement did not gain a stable foothold in the South until 1827 when a temperance society formed in Eaton, Georgia. At that point, the movement began to spread throughout the region.[169]

W. J. Rorabaugh's foundational work, *The Alcoholic Republic: An American Tradition,* demonstrates that reformers' complaints about the high rate of drinking was not imagined. His statistical analysis of the nation evinces that the largest amount of pure alcohol imbibed prior to the nineteenth century was 3.5 gallons per capita in 1770, but by 1830, that number rose to 4 gallons—the highest rate of consumption in United States history. Farmers' need to convert grain and apples into marketable commodities produced more liquor and the psychological strain of the new industrial-based economy contributed to this increase.[170]

Presbyterians supported temperance early on and the Methodists and Baptists eventually followed suit. Many evangelical groups permitted temperance societies to hold meetings in their churches and in some cases, congregations mandated complete abstinence from alcoholic beverages. Historian Anne Loveland asserts that in the 1820s

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[169] John W. Quist, *Restless Visionaries: The Social Roots of Antebellum Reform in Alabama and Michigan* (Baton Rouge: Louisiana State University Press, 1998), 156.

[170] W. J. Rorabaugh, *The Alcoholic Republic: An American Tradition* (Oxford: Oxford University Press, 1979), 6-11; Dan McKanan, *Identifying the Image of God: Radical Christians and Nonviolent Power in the Antebellum United States* (Oxford: Oxford University Press, 2002), 104; Quist, *Restless Visionaries,* 169.

and 1830s, temperance societies consisted either of church congregations organized into societies or secular groups. By the mid-1840s, the movement gained political traction. Many evangelicals came to believe that moral persuasion would not convince alcohol consumers to discontinue the activity, and instead began to focus on restricting licensing laws and later prohibition.[171]

There is not a public record of temperance societies within the Mecklenburg community, likely because many local churches did not support teetotalism. Instead, the churches targeted the act of intoxication, while still permitting church members to vend alcohol to a limited group of people. They also specifically focused on suppressing the consumption of "arduous spirits"—distilled liquors like whiskey, rum, gin, and brandy that contained 45 percent alcohol on average. In 1770, the national average consumption of hard liquor was 3.7 gallons per capita, but in 1830, the amount increased to just over 5 gallons.[172] Beverages with less alcohol content, like beer, wine, and cider, were of little concern to local evangelicals in comparison to "spirits." This interest in repressing the sale of distilled liquor and not fermented beverages also indicates that the Mecklenburg churches were not concerned with teetotalism, but rather in preventing drunken, ungodly behavior.

Despite the lack of temperance societies in Mecklenburg, local newspapers did publicize the national movement. The March 23, 1833 edition of the *Miners' and Farmers' Journal* printed information about the American Temperance Society meeting in Washington, D.C. and included specific resolutions passed. The October 13, 1832

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[171] Quist, *Restless Visionaries,* 166-70, 231-33; Loveland, *Southern Evangelicals,* 133; Richard J. Carwardine, *Evangelicals and Politics in Antebellum America* (New Haven, Conn.: Yale University Press, 1993), 204-207; Abzug, *Cosmos Crumbling,* 81-104.
[172] Rorabaugh, *The Alcoholic Republic,* 7-8.

edition broadcasted a ruling approved by the Temperance Convention held in Raleigh. The Convention resolved to allow local Temperance Societies formed in North Carolina to petition for auxiliary status to the State Society. Among the terms required for admittance, the Convention insisted that all members of auxiliary groups not "make, buy, use, nor sell ardent spirits, except as medicine."[173] By 1833, North Carolina citizens had organized thirty-one temperance societies, but most of these were located near Fayetteville and Wilmington—far from Mecklenburg County.[174]

Local editorials and letters also stressed the need for temperance. Mecklenburg newspapers often reprinted pieces from Baltimore, New York, and Philadelphia newspapers, but also included submissions from local citizens. The wife of a frequent drunk wrote to the *Catawba Journal* to describe her husband's drinking habits. "I discovered that [spirits] begot a distaste to business, and a fondness for low company, with a desire to neglect his home for the tavern and the card table."[175] In essence, alcohol led to a surge of other questionable activities and ultimately this man neglected his home in favor of the public sphere. The woman's portrayal of her husband's actions reflects temperance supporters' larger issues with drink—the idea that alcohol was the common cause of misconduct. Her depiction indicates that Mecklenburg citizens had some exposure to and absorbed the rhetoric used to support the national temperance movement.

During the 1830s and 1840s, evangelical denominations increasingly held their members accountable for acts of public drunkenness, alongside other amusements in public spaces. Historian Christine Leigh Heyrman attributes this shift to the new

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[173] "TEMPERANCE," *Miners and Farmers' Journal,* October 13, 1832.
[174] Cosner and Cain, *Presbyterians in North Carolina,* 24.
[175] "To the Editor of the Catawba Journal," *Catawba Journal,* November 27, 1827.

evangelical desire to "reform the public spheres of male camaraderie."[176] The church authorities took it upon themselves to hold their members accountable for community activities, employing disciplinary measures to ensure that their members used self-restraint to uphold a godly countenance in the public sphere. The Mecklenburg County church records demonstrate that these congregations worked to enforce the expectation of temperance, and in some cases further defined their characterization of intoxication.[177]

A number of factors likely contributed to the local congregations' amplified attack on intoxication, in addition to the mounting national movement to eradicate the activity. Evangelical churches viewed drunkenness as a sin, for inebriation slowed the body and distracted the mind from doing God's work. Churches also feared the influence of worldly pleasures and their effects on the congregations' reputation. Furthermore, the county court failed to prosecute intemperance—likely because the community did not view drinking as threatening to economic security—and so drunkards roamed the streets freely without facing punishment. To uphold an accepted moral standard, but not in support of teetotalism, Philadelphia Presbyterian and Sugaw Creek Presbyterian actively prosecuted drunkenness in the 1820s and 1830s (see figure 8). [178]

[176] Heyrman, *Southern Cross*, 250.
[177] Heyrman, *Southern Cross*, 249-252; Loveland, *Southern Evangelicals*, 144-148.
[178] See Beeman, *Evolution of the Southern Backcountry*, 108.

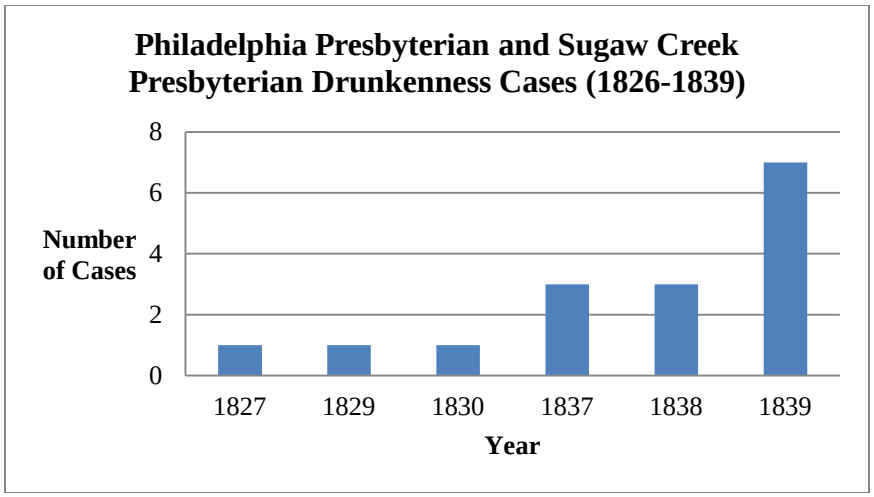

Figure 8: Drunkenness cases prosecuted at Philadelphia Presbyterian and Sugaw Creek Presbyterian between 1826 and 1839. Source: Data compiled from Philadelphia Presbyterian Session Minutes 1837-1911 and Sugaw Creek Presbyterian Church Session Minutes 1826-1847, North Carolina State Archives, Raleigh, N.C.

Clearly, 1837, 1838, and 1839 were years for increased chastisement of drunkenness. Whether more individuals drank excessively or the church chose to actively discipline members, sixty-two percent of the cases prosecuted from 1826 to 1839 saw trial in 1838 and 1839. Improved record keeping likely sparked this change, for in these years there were no documented revivals. Accused congregation members repeatedly returned to session, either for multiple offenses or because they denied the allegations. Nevertheless, as the national temperance movement came into full swing, Mecklenburg County church sessions judged more cases, many of which presented obstacles.

Philadelphia Presbyterian in particular has a rich record of intemperance cases. Drunkenness was by far the most commonly prosecuted act of misconduct. Philadelphia Presbyterian offers an interesting case study because some trials gave the session cause to change their regulations regarding alcoholic beverages.

On July 7, 1839, the session cited Colonel E. Alexander, Ambrose Rodgers, and John Houcks for intoxication, and requested their appearance on July 19. Both John Houcks and Colonel E. Alexander came to session on that date, but Ambrose Rodgers failed to do so. John confessed guilt, repented, and professed to refrain from drinking in the future, and the session permitted him to remain as a full member following public acknowledgement of his guilt. In contrast, the Colonel denied the charge and the session responded by calling in two witnesses for August 2. Faced with Ambrose's absence, the session also summoned two witnesses to prove his guilt on August 2.[179]

Ambrose Rodgers finally appeared on August 2, confessed his guilt, and promised "to entirely abandon the use of ardent spirits unless for medical purposes."[180] On the same day, Colonel Alexander failed to appear, so the session questioned the two witnesses. Both testified that the Colonel had been clearly intoxicated. The following day, the Colonel came to session, and after the elders judged him guilty of drunkenness, he finally acknowledged the first citation. When questioned why he denied the initial allegation, the Colonel said, "from the common acceptance of the term that a man must be incapable of doing common business before he is considered intoxicated, and that he was not so under the influence of the drink."[181] He then confessed his guilt and repented, and the session agreed to continue membership following public acknowledgment to the congregation.[182]

This questionable meaning of intoxication so troubled the Philadelphia Presbyterian session that on August 18, 1839, they adopted a new explanation of what

[179] Philadelphia Presbyterian Church, Mecklenburg Presbytery, Session Minutes, July 7, 1839 and July 19, 1839.
[180] Philadelphia Presbyterian Church, Mecklenburg Presbytery, Session Minutes, August 2, 1839.
[181] Philadelphia Presbyterian Church, Mecklenburg Presbytery, Session Minutes, August 3, 1839.
[182] Philadelphia Presbyterian Church, Mecklenburg Presbytery, Session Minutes, August 2, 1839 and August 3, 1839.

constituted drunkenness. Among other definitions, the session established that "we consider a person intoxicated drunk or intemperate, when he is so under the influence of drink as for it to be noticed in his conversation, looks, or deportment although he may not stagger, nor be incapable of doing common business."[183] This definition of drunkenness suggests that Philadelphia Presbyterian was not committed to teetotalism, but instead wanted to monitor the amounts of alcohol their members consumed in the community. Colonel E. Alexander's case provoked the church to clearly characterize intemperance, which allowed the session to more effectively police church members in the public sphere.

Surviving records reveal that church officials prosecuted slaves for drunkenness similarly to the white population. In particular, two slave intemperance cases demonstrate that Philadelphia Presbyterian's congregation held black members to the same expectations as white members and issued equivalent sentences depending on the offender's testimony. On April 22, 1839, the church suspended a slave named Jerry for drunkenness and fighting until he was compelled to give evidence of repentance. The session excommunicated Easter Wallace—a free black—from "the communion of the faithful" for intemperance and fighting due to her "general character." These cases illustrate that the church expected black members to remain temperate like white members, despite unequal discipline for other transgressions.[184]

Another intemperance case in September of 1839 gave the session cause to change their rules of enforcement. The session tried Archibald Hall for selling spirits to those who habitually drank to excess, and those customers, in turn, got drunk, quarreled,

[183] Philadelphia Presbyterian Church, Mecklenburg Presbytery, Session Minutes, August 18, 1839.
[184] Philadelphia Presbyterian Church, Mecklenburg Presbytery, Session Minutes, April 22, 1839.

and fought. Archibald did not apologize for his actions and refused to abstain from selling spirits. Consequently, the session resolved unanimously to suspend him from the church. That very day, the session passed a resolution regarding liquor sales, which stated "no person shall be continued in church membership who will sell ardent spirits to those whom they know will abuse themselves therewith according to the book of discipline, that an offence in a church member may consist in tempting others to sin or [mar] their spiritual edification."[185] Such a ruling further supports the argument that Philadelphia Presbyterian was not concerned with teetotalism. The session did not outlaw alcohol sales, it only prohibited vending to those who frequently drank to intoxication. In a month's time, Philadelphia Presbyterian altered their intoxication regulations in response to church member action, but not in line with the national temperance movement. This ruling further supports the premise that this congregation was not concerned with complete temperance, while the national movement desired total abstinence.

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The changes in church discipline triggered by evangelical revivals resonated in the sessions of Philadelphia Presbyterian and Sugaw Creek Presbyterian. The shift in focus from prosecuting crimes that challenged the family structure to policing the public sphere of male camaraderie demonstrates that these evangelical churches were not only concerned with the conduct of their members, but also their negative reflection on the congregation at large. Elements of eighteenth century enforcement lingered, however, particularly when prosecuting black congregants. The churches continued to monitor the private lives of slaves despite the larger evangelical movement away from prosecuting

[185] Philadelphia Presbyterian Church, Mecklenburg Presbytery, Session Minutes, September 28, 1839.

familial issues among the white population. The church was the only institution of authority recorded as prosecuting the black population for the crimes against order and morals, which suggests that perhaps church discipline did not meet the same societal boundaries as the court.

Concentrating on drunkenness specifically echoed the national temperance movement, but the local churches did not support teetotalism. The Mecklenburg courts failed to prosecute intemperance, the churches considered excessive drinking a sin, and intoxicated members reflected poorly upon the congregation. All of these factors contributed to the church repression of extreme inebriation. The Mecklenburg County churches disciplined their members, but both religious values and outside forces contributed to the actions churches chose to target. Overall, the Mecklenburg churches prosecuted the same sins Anglicans demonized, but applied interpretations derivative of the larger evangelical movement to form their own disciplinary system.

CHAPTER FIVE: CONCLUSION

When one considers Charlotte before the Civil War, a small, insignificant town in the southern backcountry comes to mind. A town with only a few shining moments—including the alleged 1775 Mecklenburg Declaration, the occupation by Lord Cornwallis during the American Revolution, and the proximity to the battles of Cowpens and Kings Mountain—Charlotte's early history is often only associated with patriotic mythology and great man's history. However, this study has demonstrated that the institutions of order diverged from traditional Anglican and English tradition, producing a local culture of its own. National and regional movements influenced the operations of these institutions, but local need held priority.

This study has illustrated the evolution of a community's identity. This identity, though shaped by Anglican values, demonstrates a focus on local need and the influence of regional movements. Dispersed across an expanse of land, the Mecklenburg community still developed. The institutions of the court and the church provided the spaces for social interaction—both during disciplinary proceedings and outside of these structured occurrences. The courthouse was the site of court day activities multiple times per year, including sales, markets, and musters occurred, and the close proximity of taverns presented opportunities for drinking, gambling, and conversing. Other times, the courthouse hosted dances and traveling ministers. On a more frequent basis, churches offered chances for community development during worship services and other church

activities. These church communities were much smaller, but still presented opportunities for residents to interact and develop relationships with their fellow Mecklenburg neighbors. Court day brought the county community together, but worship services and church congregations developed tightly knit communities.

This study establishes that through these nodes of social interaction, early Mecklenburg society held their citizens to a specific moral standard. Societal values did emerge despite contemporary beliefs that the region was disorganized, immoral, and socially inept. Law and religion provided the basis for these values, but the court and the church recognized and enforced these traditions in their own manner. To a certain extent, however, the actions of these institutions exposed a desire to uphold family purity.

An emphasis on the economic security of the larger community drove courtroom proceedings. These actions, despite the economic focus, suggest that the society still considered premarital sex taboo, especially when it produced a child. Single mothers and fatherless children threatened the economy and diverged from the accepted family construct. Likewise, the prosecution of adultery and fornication reprimanded wayward men and women for sexual exploits, preserved the sanctity of marriage, and prevented the potential creation of other county charges. Thomas McKorckle and Katharine Evit's case illustrates this dual motivation for enforcement. Their relationship could have produced a child and presented an economic risk, so the court enticed them to marry. By doing so, however, the court upheld the preferred family structure of marriage before children. Such enforcement, though minimal, demonstrates that the society maintained traditional values, even though the court prosecuted such cases for economic reasons.

The local churches add another layer to this narrative of social moral standards, for this institution's interpretation largely followed the path of the evangelical movement. As other evangelical churches moved away from disciplining familial issues and toward activities in the public sphere at the turn of the nineteenth century, so did Mecklenburg churches. This change does not mean that the churches were no longer interested in the family lives of their congregants. While local churches honored the privatization of family life, they indirectly monitored this life through the individual acts of members in public. These outside forces of public social life—such as drinking—presented challenges to the family. As emphasized by supporters of the temperance movement, intoxication in particular could pull a man away from his home and result in a myriad of misconduct. Verbal and physical abuse, sexual impropriety, gambling, and numerous other sins could be consequences of one night of excessive drinking. By targeting these public activities, churches aimed to not only to protect the congregation's image, but to also reduce the number of familial issues, ensure stability, and preserve the idyllic white family.

The law did not protect black families, nor did they receive the same privacy as white community members. Slave marriages and in some instances, interracial marriages were illegal in North Carolina. Most assuredly, illegitimate children were born to slave and free black women, but these women never received financial assistance from the reputed fathers or the state. This fact demonstrates that although family structure was an underlying value for the white community, the same protection was not bestowed upon black residents. However, since the local churches recognized slave marriages, congregations took it upon themselves to ensure slaves honored their commitments.

Instead of permitting familial issues to remain private as they did for the white population, the sessions charged bondsmen and bondswomen for fornication and adultery. The church was the only institution to hold slaves to the same family standards as whites, which suggests that in some respect, traditional ideals of marriage were transmitted to this population despite the legal system lagging behind.

Because the aim of this study is to analyze societal values and community development based on the prosecution of a certain class of crimes and during a specific period of study, many complex elements of this story have not received as much attention as necessary. In particular, the place of gender within this society has been touched upon, but can be further explored. The agency of women in the courtroom more generally, the church, and the community would provide an additional layer to this narrative. Although black residents did not appear in court for the crimes against order and morals, further studies can examine their presence in the courtroom for other charges, particularly through the end of the nineteenth century. Extending this study past the Civil War could reveal racial shifts in prosecution, legal changes generally, and the influence of the war itself on the community at large. Broadened studies could incorporate more church records, for the survival rate of session minutes is much higher after 1850. Further, the private lives of residents are absent from this study, primarily because few records pertaining to the topic survive from the era examined. Expanding the time frame of this study could allow future historians to incorporate these documents and analyze the courtroom and church records alongside the private lives of certain citizens.

Despite the limits of sources and potential for future growth, this study demonstrates that the backcountry community in Mecklenburg County was not immoral

and unconcerned with traditional societal values. Rather, this community developed and thrived with an agrarian economy and a diverse population. The court and the church operated as the centers of community and provided avenues for maintaining moral standards that carried over from Anglican tradition. Outside forces influenced court and church enforcement, which allowed the community to develop outside of English culture.

After the second year of his expedition, Woodmason summarized his contributions to the backcountry settlers thus far. He emphasized that he had spread Anglicanism to these people and offered them the chance for a moral life. "Works begun thro' my Means," Charles wrote, will "make the Country side wear a New face, and the People become New Creatures."[186] Perhaps Charles was right, for by the late eighteenth century, both the court and the evangelical religious congregations regulated sinful behavior in Mecklenburg County. However, the economic security, the larger evangelical movement, and social hierarchy—not Anglicanism alone—defined the focus of Mecklenburg enforcement. With these evolving disciplinary patterns, Mecklenburg County emerged as a thriving society at the end of the eighteenth century, and by the mid-nineteenth century, boasted a town of dramatic economic growth that grew into the largest metropolitan city in the state of North Carolina.

[186] Woodmason, "The Journal," in *Carolina Backcountry*, 63.

BIBLIOGRAPHY

Primary Sources

Government Documents:

DeBow, J. D. B. *Statistical View of the United States*. Washington: A.O.P. Nicholson, Public Printer, 1854.

Haywood, John. *A Manual of the Laws of North Carolina: Arranged Under Distinct Heads in Alphabetical Order With References from One Head to Another When a Subject is Mentioned in Any Other Part of the Book Than Under the Distinct Head Where it is Placed.* Volumes I and II. Raleigh: J. Gales and W. Boylan, 1808.

Haywood, John. *A Manual of the Laws of North Carolina: Arranged Under Distinct Heads, in Alphabetical Order, With References from One Head to Another, When a Subject is Mentioned in any Other Part of the Book Than Under the Distinct Head to Which it Belongs.* 2nd ed. Raleigh: J. Gales, 1819.

Haywood, John. *Reports of Cases Adjudged in the Superior Courts of Law and Equity of the State of North Carolina: From the Year 1789 to the Year 1798.* Halifax: Abraham Hodge, 1799.

Jones, Charles R. "A Sketch of Charlotte." In *Beasley and Emerson's Charlotte Directory for 1875-76.* Charlotte: Beasley and Emerson, 1875.

Marriages of Mecklenburg County, North Carolina: 1783-1868. Baltimore, Genealogical Publishing Co., Inc: 1981.

Martin, Francois-Xavier. *Collection of the Statutes of the Parliament of England in Force in the State of North-Carolina.* Newbern, N. C.: Editor's Press, 1792.

Mecklenburg County Court Minutes: Book I: 1774-1780. Abstracted, Compiled, and Edited by Doris Futch Briscoe. Charlotte, N. C.: Doris Futch Briscoe, 1966.

Mecklenburg County, North Carolina Minutes of the Court of Common Pleas and Quarter Sessions 1780-1800. Transcribed by Herman W. Ferguson. Rocky Mount, N.C.: Herman W. Ferguson, 1995.

Mecklenburg County, N.C. Court Minutes, Book 1 1774-1780. Greenville, S.C.: Southern Historical Press, Inc., 1996.

Mecklenburg County Court Pleas and Quarter Sessions, vols. 4-8 (1801-1839), North Carolina State Archives, Raleigh, N.C.

State of North Carolina. *An Index to Marriage Bonds Filed in the North Carolina State Archives.* Raleigh, N. C.: North Carolina Division of Archives and History, 1977.

U.S. Bureau of the Census. *Heads of Families At the First Census of the United States Taken in the Year 1790, North Carolina.* Washington: Government Printing Office, 1908.

U.S. Bureau of the Census, *1800*.

U.S. Bureau of the Census, *1820*.

U.S. Bureau of the Census, *1830*.

U.S. Bureau of the Census, *1840*.

Manuscript:

Woodmason, Charles. *The Carolina Backcountry on the Eve of the Revolution: The Journal and other Writings of Charles Woodmason, Anglican Itinerant.* Richard J. Hooker, ed. Chapel Hill, The University of North Carolina Press, 1953.

Jetton Family Papers, UNC Charlotte Special Collections.

Microform:

County Court of Pleas and Quarter Sessions Minutes from Mecklenburg County, 1774-1791. Raleigh, N. C.: Microfilmed by North Carolina Department of Archives and History, Division of Archives and Manuscripts, 1966.

Mecklenburg County, Providence Presbyterian Church, Matthews, N.C. Church Minutes and Register, 1839-1961. Raleigh, N.C.: Microfilmed by Carolina Department of Cultural Resources, Division of Archives and History, 1981.

Philadelphia Presbyterian Session Minutes 1837-1911, North Carolina State Archives, Raleigh, N.C.

Rocky River Presbyterian Church, Concord, North Carolina, Church Register. Raleigh, N.C.: Microfilmed by Carolina Department of Cultural Resources, Division of Archives and History, 1981.

Superior Court Minutes from Mecklenburg County, Civil and Crime Cases, 1811-1851. Charlotte, N. C.: Carolina Room Microfilms.

Sugaw Creek Presbyterian Church Session Minutes 1826-1847, North Carolina State Archives, Raleigh, N.C

Newspapers:

Catawba Journal (Charlotte, N.C.).

Miners' and Farmers' Journal (Charlotte, N.C.).

Religious Herald (Richmond, V.A.).

Other:

Pearson, Wm. Glenn. "The Church Minutes for Cashaway Neck Church of Christ, 1757-1772." *Marlboro County, SC Churches.* Contributed in May 2000. Transcribed from microfilm of Original Documents held by Furman University. http://sciway3.net/proctor/marlboro/church/Cashaway_Baptist.html.

Secondary Sources

Articles:

Cott, Nancy F. "Divorce and the Changing Status of Women in Eighteenth-Century Massachusetts." *William and Mary Quarterly* 33 (October 1976): 586-614.

Fletcher, A. J. and J. Stevenson. "Introduction." In *Order and Disorder in Early Modern England.* Anthony Fletcher and John Stevenson, eds. Cambridge: Cambridge University Press, 1985.

Haberlein, Mark. "Reform, Authority and Conflict in the Churches of the Middle Colonies, 1700-1770." In *Religious and Secular Reform in America: Ideas, Beliefs, and Social Change."* Edited by David K. Adams and Cornelis A. van Minnen, 1–27. New York: New York University Press, 1999.

Handlin, Lilian. "Dissent in a Small Community." *The New England Quarterly* 58, no. 2 (June 1985): 193-220.

Klein, Lawrence. "Liberty, Manners, and Politeness in Early Eighteenth-Century England. *The Historical Journal* 32, no. 3. (September 1989): 583-605.

Lassiter, Matthew. "Searching for Respect: From 'New South' to 'World Class' at the Crossroads of the Carolina." In *Charlotte N.C.: The Global Evolution of a New South City.* Edited by William Graves and Heather Smith. Athens: University of Georgia, 2010.

Liner, Charles D. "The Evolution of Governmental Roles and Responsibilities." In *State and Local Government Relations in North Carolina: Their Evolution and Current Status.* Chapel Hill: University of North Carolina at Chapel Hill, 1995.

Mitchell, Robert D. "The Southern Backcountry: A Geographical House Divided." In *The Southern Colonial Backcountry: Interdisciplinary Perspectives on Frontier Communities.* Edited by David Colin Crass, Steven D. Smith, Martha A. Zierden, and Richard D. Brooks. Knoxville, Tenn.: The University of Tennessee Press, 1998.

Newcomer, Susan F. "Out of Wedlock Childbearing in an Ante-Bellum Southern County." *Journal of Family History* 15, no. 3. (1900): 357-368.

Parkes, Henry Bamford. "Morals and Law Enforcement in Colonial New England." *The New England Quarterly* 5, no. 3 (July 1932): 431-452.

Wyatt-Brown, Bertram. "Community, Class, and Snopesian Crime: Local Justice in the Old South." In *Class, Conflict, and Consensus: Antebellum Southern Community Studies. E*dited by Orville Vernon Burton and Robert C. McMath, Jr. Westport, C.N.: Greenwood Press, 1982.

Books:

Abzug, Robert H. *Cosmos Crumbling: American Reform and the Religious Imagination.* New York: Oxford University Press, 1994.

Alexander, J. B. *The History of Mecklenburg County: From 1740 to 1900.* Charlotte: Observer Printing House, 1902.

Ambivalent Legacy: A Legal History of the South. Edited by David J. Bodenhamer and James W. Ely, Jr. Jackson, Miss.: University Press of Mississippi, 1984.

Beeman, Richard R. *The Evolution of the Southern Backcountry: A Case Study of Lunenburg County, Virginia 1746 -1832.* Philadelphia: University of Pennsylvania Press, 1984.

Berlin, Ira. *Many Thousands Gone: The First Two Centuries of Slavery in North America.* Cambridge, Mass.: The Belknap Press of Harvard University Press, 1998.

Blackwelder, Linda Lawless. *A History of Central Steele Creek Presbyterian Church.* Charlotte, N. C.: 1978.

Blyth, LeGette and Charles Raven Brockmann. *Hornets' Nest: The Story of Charlotte and Mecklenburg County.* Charlotte: Heritage Printers, Incorporated, 1961.

Boles, John B. "Evangelical Protestantism in the Old South: From Religious Dissent to Cultural Dominance." In *Religion in the Old South.* Edited by Charles Reagan Wilson. Jackson, Miss.: The University of Mississippi, 1985.

Burton, Orville Vernon and Robert C. McMath, Jr., eds. *Class, Conflict, and Consensus: Antebellum Southern Community Studies.* Westport, Conn.: Greenwood Press, 1982.

Bushman, Richard. *The Refinement of America: Persons, Houses, Cities.* New York: Alfred A. Knopf, Inc., 1992.

Bynum, Victoria E. *Unruly Women: The Politics of Social and Sexual Control in the Old South.* Chapel Hill: The University of North Carolina Press, 1992.

Cable, Mary and the Editors of American Heritage. *American Manners and Morals: A Picture History of How We Behaved and Misbehaved.* New York: American Heritage Publishing Co., Incorporated, 1969.

Carwardine, Richard. *Evangelicals and Politics in Antebellum America.* New Haven: Yale University Press, 1993.

Clebsch, William A. *From Sacred to Profane America: The Role of Religion in American History.* New York: Harper and Row, 1968.

Connolly, Brian. *Domestic Intimacies: Incest and the Liberal Subject in Nineteenth-Century America.* Philadelphia: University of Pennsylvania Press, 2014.

Cosner Jr., Walter H. and Robert J. Cain. *Presbyterians in North Carolina: Race, Politics, and Religious Identity in Historical Perspective.* Knoxville: The University of Tennessee Press, 2012.

Crass, David Colin, Steven D. Smith, Martha A. Zierden, and Richard D. Brooks, eds. *The Southern Colonial Backcountry: Interdisciplinary Perspectives on Frontier Communities*. Knoxville, Tenn.: The University of Tennessee Press, 1998.

Dayton, Cornelia Hughes. *Women before the Bar: Gender, Law, and Society in Connecticut, 1639-1789.* Chapel Hill, N. C.: The University of North Carolina Press, 1995.

Dupre, Daniel S. *Transforming the Cotton Frontier: Madison County, Alabama 1800-1840.* Baton Rouge: Louisiana State University Press, 1997.

Fischer, David Hackett. *Albion's Seed: Four British Folkways in America.* Oxford: Oxford University Press, 1989.

Fischer, Kirsten. *Suspect Relations: Sex, Race, and Resistance in Colonial North Carolina.* Ithaca: Cornell University, 2002.

Forret, Jeff. *Race Relations at the Margins: Slaves and Poor Whites in the Antebellum Southern Countryside.* Baton Rouge: Louisiana State University Press, 2006.

Friedman, Lawrence M. *A History of American Law.* New York: Touchstone Books, 1973.

Gallay, Alan. *The Indian Slave Trade: The Rise of the English Empire in the American South, 1670 – 1717.* New Haven: Yale University Press, 2002.

Godbeer, Richard. *Sexual Revolution in Early America.* Baltimore: The John Hopkins University Press, 2002.

Goodwin, Lorinda B. R. *An Archaeology of Manners: The Polite World of the Merchant Elite of Colonial Massachusetts.* New York: Kluwer Academic/Plenum Publishers, 1999.

Grant, Charles. *Democracy in the Connecticut Frontier Town of Kent*. New York: Columbia University Press, 1961.

Greenwood, Janette Thomas. *Bittersweet Legacy: The Black and White "Better Classes" in Charlotte, 1850-1910.* The University of North Carolina Press, 1994.

Greven, Phillip. *Four Generations: Population, Land, and Family in Colonial Andover, Massachusetts.* Ithaca, N.Y.: Cornell University Press, 1970.

Groome, Bailey T. *Mecklenburg in the Revolution 1740–1783.* Charlotte: Sons of the American Revolution, 1931.

Grossberg, Michael. *Governing the Hearth: Law and the Family in Nineteenth-Century America.* Chapel Hill: The University of North Carolina Press, 1985.

Hall, Kermit L., William M. Wiecek, and Paul Finkelman. *American Legal History: Cases and Materials.* 2nd ed. New York: Oxford University Press, 1996.

Hanchett, Thomas W. *Sorting Out the New South City: Race, Class, and Urban Development in Charlotte, 1875 – 1975.* Chapel Hill: The University of North Carolina Press, 1998.

Hemphill, C. Dallett. *Bowing to Necessities: A History of Manners in America, 1620–1860.* New York: Oxford University Press, 1999.

Heyman, Christine Leigh. *Southern Cross: The Beginnings of the Bible Belt.* New York: Distributed by Random House, 1997.

Hindus, Michael Stephen. *Prison and Plantation: Crime Justice, and Authority in Massachusetts and South Carolina, 1767 – 1878.* Chapel Hill, The University of North Carolina Press, 1980

Historical Committee of 1976. *The History of Steele Creek Presbyterian Church: Mecklenburg County Charlotte, North Carolina.* 3rd Edition. Charlotte, N. C.: Craftsman Printing and Publishing House, 1978.

Hoffer, Peter Charles. *Law and People in Colonial America.* Revised Edition. Baltimore: The John Hopkins University Press, 1998.

Hunter, C. L. *Sketches of Western North Carolina: Historical and Biographical.* Raleigh: The Raleigh News Stream Job Print, 1877.

Ingram, Martin. *Church Courts, Sex and Marriage in England, 1570 – 1640.* Cambridge: Cambridge University Press, 1987.

Isaac, Rhys. *The Transformation of Virginia: 1740–1790.* New York: W. W. Norton and Company, 1982.

Johnson, Walter. *Soul by Soul: Life Inside the Antebellum Slave Market.* Cambridge: Harvard University Press, 1999.

Kerr, Russell Martin. *The Presbyterian Gathering on Clear Creek: The History of Philadelphia Presbyterian Church Mint Hill, North Carolina.* Charlotte, N. C.: Philadelphia Presbyterian Church, 2001.

Lindman, Janet Moore. "Acting the Manly Christian: White Evangelical Masculinity in Revolutionary Virginia." *The William and Mary Quarterly* 57, no. 2 (April 2000): 393-416.

Lockridge, Kenneth. *A New England Town: The First Hundred Years: Dedham, Massachusetts, 1636-1736.* New York: W. W. Norton and Company, Inc., 1970.

Loveland, Anne C. *Southern Evangelicals and the Social Order, 1800-1860.* Baton Rouge: Louisiana State University Press, 1980.

The Many Legalities of Early America. Edited by Christopher L. Tomlins and Bruce H. Mann. Chapel Hill: The University of North Carolina Press, 2001.

Mathisen, Robert R., ed. *The Role of Religion in American Life: An Interpretive Historical Anthology.* Lanham, M. D.: University Press of America, Incorporated, 1982.

Matthews, Louise Barber. *A History of Providence Presbyterian Church: Mecklenburg County, North Carolina.* Charlotte, N. C.: Brooks Litho Publishers, 1967.

McCurry, Stephanie. *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country.* New York: Oxford University Press, 1995.

McGeachy, Neill Roderick. *A History of the Sugaw Creek Presbyterian Church: Mecklenburg Presbytery Charlotte, North Carolina.* Charlotte, N. C.: Sugaw Creek Presbyterian Church, 1954.

McKanan, Dan. *Identifying the Image of God: Radical Christians and Nonviolent Power in the Antebellum United States.* Oxford: Oxford University Press, 2002.

Morrill, Dan. *Historic Charlotte: An Illustrated History of Charlotte and Mecklenburg County.* San Antonio: Historical Publishing Network, 2001.

Morris, Thomas D. *Southern Slavery and the Law, 1619-1860.* Chapel Hill: University of North Carolina Press, 1996.

Najar, Monica. *Evangelizing the South: A Social History of Church and State in Early America.* Oxford: Oxford University Press, 2008.

Nelson, William. *The Common Law in Colonial America: Volume I The Chesapeake and New England, 1607–1660.* Oxford: Oxford University Press, 2008.

Nelson, William. *The Common Law in Colonial America: Volume II: The Middle Colonies and the Carolinas, 1660-1730.* Oxford Scholarship Online: January 2013.

Pease, William H. *The Web of Progress: Private Values and Public Styles in Boston and Charleston, 1828-1843.* New York: Oxford University Press, 1985.

Plumer, Richard P. *Charlotte and the American Revolution: Reverend Alexander Craighead, the Mecklenburg Declaration and the Foothills Fight for Independence.* Charleston, S.C.: The History Press, 2014.

Practicing Protestants: Histories of Christian Life in America, 1630-1965. Edited by Laurie F. Maffly-Kipp, Leigh E. Schmidt, and Mark Valeri. Baltimore: The John Hopkins University Press, 2006.

Quist, John W. *Restless Visionaries: The Social Roots of Antebellum Reform in Alabama and Michigan.* Baton Rouge: Louisiana State University Press, 1998.

Reich, Jerome R. *Colonial America.* Englewood Cliffs, N. J.: Prentice-Hall, Incorporated, 1984.

Rorabaugh, W. J. *The Alcoholic Republic: An American Tradition.* Oxford: Oxford University Press, 1979.

Salinger, Sharon V. *Taverns and Drinking in Early America.* Baltimore: The John Hopkins

Schlesinger, Arthur M. *Learning How to Behave: A Historical Study of American Etiquette Books.* New York: The Macmillan Company, 1947.

Shields, David S. *Civil Tongues and Polite Letters in British America.* Chapel Hill, N. C.: The University of North Carolina Press, 1997.

Sommerville, Charles William. *The History of Hopewell Presbyterian Church: For 175 Years from the Assigned Date of its Organization 1762.* Charlotte, N. C.: Hopewell Presbyterian Church, 1939.

Spruill, Julia Cherry. *Women's Life and Work in the Southern Colonies.* Chapel Hill, the University of North Carolina Press, 1938.

Tolbert, Lisa C. *Constructing Townscapes: Space and Society in Antebellum Tennessee.* Chapel Hill: University of North Carolina Press, 1999.

Transformations in American Legal History. Edited by Daniel W. Hamilton and Alfred L. Brophy. Cambridge, Mass.: Harvard Law School, 2009.

Wharton, Anne Hollingsworth. *Through Colonial Doorways.* Philadelphia: J. B. Lippincott Company, 1893.

Wheeler, John H. *Historical Sketches of North Carolina, From 1584 to 1851.* Philadelphia: Lippincott, Grambo and Company, 1851.

Wheeler, John H. *Reminiscences and Memoirs of North Carolina and Eminent North Carolinians.* Columbus, O.H.: Columbus Printing Works, 1884.

Wood, Gordon. *The Radicalism of the American Revolution.* New York: Vintage Books, 1993.

Wright, Louis B. *The Cultural Life of the American Colonies 1607-1763.* New York: Harper and Brothers, 1957.

Zipf, Karin L. *Labor of Innocents: Forced Apprenticeship in North Carolina, 1715 – 1919.* Baton Rouge: Louisiana State University Press, 2005.

Unpublished Materials:

Moore, Crystal Gale. "'To Chain a Man to Misery 'til Death': Marital Strife in Colonial and Early Republic Virginia." Master's thesis, University of North Carolina at Charlotte, 2011.

Websites:

"Voyages Database." *The Trans-Atlantic Slave Trade Database. http://slavevoyages.org /tast/database/search.faces.*

APPENDIX: DIGITAL PROJECT PROCESS

When designing the website for this project, I faced many challenges, particularly in trying to creating a visually appealing and interactive website. Due to the time period of this study and the location of Mecklenburg County, few visual resources exist. Those that do are maps, drawings from over fifty years later, and written documents. This deficiency forced me to be creative. Structurally, I decided to present the information similarly to the format of my thesis. There is a clear narrative, for the navigational buttons and the menu direct the user, but viewers can also navigate through the site as they wish.

Due to the nature of this study, much of the website includes text, though the text is condensed and easier to read than the thesis. What differentiates the digital project from the thesis, however, is the use of pictorial and new media visuals. The site incorporates a variety of visuals, including static and interactive maps, pictures, prints, paintings, an interactive timeline, videos, and a blog.

The static visuals required sifting through digital archives such as the Library of Congress, Flickr, Digital NC, and North Carolina Maps to select the best representation of the written material. Some of the pictures are my own, but most come from these collections. I chose to use a map of early map of Mecklenburg County for the website background because it gives a sense of the time period and it provides a constant theme for the website. The header photographs were meticulously chosen to provide the reader with not only a textual, but also a visual sense of what the page depicts. Since I am not exhibiting artifacts, the in-text pictures give the reader a visual depiction of the behaviors I describe. Even though these photographs are not from Mecklenburg, I believed that it

was important to include visual representations, because some elements of this project are foreign to users. I also chose to include some graphs from my thesis because they are the best illustration of change over time. Online users want to *see* change, not just read about it.

The interactive maps, timeline, and videos required a different type of creativity to help visitors visually explore my topic. The maps—both static and interactive—geographically place Mecklenburg County and Charlotte. The interactive map that plots the local churches also shows the location of outlying communities and their distance from Charlotte. This visual is vitally important to understanding the Mecklenburg community spatially and the distance citizens had to travel to communicate and develop a county-wide community. The timeline serves to provide an interesting way for viewers to navigate through the otherwise dry and text-heavy legal section. I describe the legal changes from the thirteenth century through the nineteenth in the few paragraphs, but then users can observe the changes as they see fit.

The links to the video case studies within the exhibit break up the text and allow visitors to move to a different page and experience another type of visual. Users also have a choice in how they experience the site, for they can either view the case study when prompted in the text or view all at once on the case study page. In addition to three videos, the case studies include a page entitled "Artistic Renderings." I chose to incorporate this page for a variety of reasons. First, it provides visual artistic interpretations of the behaviors I describe throughout the site and in my thesis. Second, the site demonstrates that these behaviors occurred throughout Europe and America over time, since the pieces are arranged in chronological order. Third, this page provides an

opportunity to link to museum sites, other pieces of art, and current artists who are still creatively interpreting these behaviors. This section makes connections to the larger internet world and show users that there is more to explore about the topic outside of the site. The same is true of the blog section. I can engage with and link to bloggers who touch on similar issues, discuss current or past art that relates to my topic, engage with present issues that relate to the topic, and blog about any case studies for which I did not create a video.

Although this site is rather detailed and lengthy, it is only the foundation for a larger project. I envision an even more interactive site that educates the audience about the early Mecklenburg community, how the institutions of the church and court operated, and about societal values. The audience will primarily be current Mecklenburg County residents, as well as graduate students and those interested in learning more about the region. The launching point for this future site will be a website that aims to serve as a hub for all digital history projects created by UNCC graduate students that relate to North Carolina Piedmont regional history. This site will showcase past and future projects created in graduate courses and for thesis projects. Many of the projects students create are lost following their graduation. Through the site, the works of students can reach their envisioned audience and future students can access such projects for reference. I envision this site's audience being Piedmont region residents, current and future graduate students, and researchers. Recently, I spoke to some of the archivists at J. Murrey Atkins Library and they are willing to share the link for the site. The site will not only provide a great learning opportunity, but also allow my research to reach an audience.

Website: http://ftlayne21.wix.com/mecksocialorder