

Further Light on Jacob Henry

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North Carolina's constitution of 1776 denied public office to individuals unable to affirm the "truth of the Protestant religion" or the "divine authority" of the New Testament. In 1809, however, Jacob Henry was able to prevent his seat in the House of Commons, the lower chamber of the state legislature, from being declared vacant because, as a Jew, he could not make such affirmations. Henry's successful effort has long been celebrated as a victory of the principle that the right to public office is not dependent on religious belief. The impressive speech Henry delivered when the House debated the issue is credited with persuading the legislators to reject the resolution that would have deprived him of his seat. The speech has been reprinted continually, since at least 1814,¹ in collections of addresses and documents and in histories. So limited, however, has our knowledge of Henry himself been that modern-day historians are still unable to assess the validity of the statement by a mid-nineteenth-century North Carolina chronicler that Henry's speech was reportedly "the production of [the state's] Chief Justice Taylor."² John Louis Taylor, a native of Ireland and a Roman Catholic, may conceivably have feared that, if a Jew could lose his position, so might a Catholic, for failure to subscribe to "the truth

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¹ In a note accompanying the most recent reprint as of this writing, Joseph L. Blau indicates that the first reprinting probably appeared in a collection of addresses, *The American Speaker*, published at Philadelphia in 1814. See also Daniel J. Boorstin, ed., *An American Primer* (Chicago, 1966), I, 220. On the North Carolina state constitution of 1776, see *American Jewish Archives*, X (1958), 30-31.

² John H. Wheeler, *Historical Sketches of North Carolina from 1584 to 1851* (Philadelphia, 1851), II, 74.

of the Protestant religion" as specified in Article 32 of the state constitution.³

In general, all historical accounts note that Jacob Henry, first elected a member of the House of Commons from Carteret County in 1808, was reelected in 1809 and that during his second term an attempt was made to vacate his seat. Then biographical data very nearly cease, without so much as the mention of a date or place of birth or of death. It is my intention now to sketch in chronological sequence some events in Henry's life as revealed through census material, vital records, obituaries, and wills. Through such means, at least a skeletal outline may be rendered, one which must suffice until a much-needed, full-blown portrait can be supplied.

That Jacob Henry was the son of Joel and Amelia Henry has been documented on the basis of Joel Henry's will.⁴ Joel Henry is listed in the first Federal census, that of 1790, as head of a household of three in Carteret County.⁵ It may be assumed that the younger male in the household, a lad under sixteen years of age (the only age classifications were over or under sixteen), was Jacob Henry. At the 1800 census, Joel Henry was again listed as head of a household, in Beaufort town, Carteret County.⁶ Since the Henry family then consisted of only one white male and one white female (plus ten slaves), it may be surmised that at the time their son Jacob was not living at home. Jacob was clearly in Carteret County in 1801, however, for county marriage bond records show his application to marry Esther Whitehurst that year. The records are dated February 9, 1801.⁷

At the 1810 census, for the first time Jacob Henry headed a

³ *Ibid.*, p. 129; Boorstin, pp. 219-20.

⁴ See Morris U. Schappes, ed., *A Documentary History of the Jews in the United States, 1654-1875* (New York, 1950), p. 597.

⁵ United States Bureau of the Census, *Heads of Families at the First Census of the United States taken in the year 1790. North Carolina* (Washington, D. C., 1908), p. 129.

⁶ "Population Schedules of the Second Census of the United States: 1800. North Carolina" (ms., National Archives, Washington, D. C.).

⁷ Schappes, p. 597.

household in Beaufort town.⁸ The household consisted of five white males, five white females, and twelve slaves. The household's oldest white male, apparently Jacob Henry, was in the twenty-six to forty-five age category; the oldest white female, apparently Esther Henry, was in the sixteen to twenty-five age group. By 1820, the Jacob Henrys have disappeared from the census rolls of North Carolina, but other sources indicate the family's migration to Charleston, South Carolina, where one household in 1820 was indeed headed by a Jacob Henry. This household contained four white males, seven white females, and fifteen slaves. The white adults included one male in the forty-five and over age category, one female in this age group, and one female between twenty-six and forty-five years of age.⁹

The *City Gazette* of Charleston for July 31, 1823, reported the following obituary:

On the 16th inst. departed this transitory life, in the 37th year of her age, after an illness of 16 days, Mrs. Esther Henry, the wife of Mr. Jacob Henry of this city. Mrs. Henry was a native of Beaufort, in North Carolina, but has resided in this city for several years.¹⁰

Two years later almost to the day, the *City Gazette* for July 28, 1825, lamented

the loss of Mrs. Amelia Henry, a native of the Island of Bermuda, but for many years a truly respectable resident in this city to which she was brought in early life, with exception of a few years' residence in Newburn and Beaufort, N. C. She pursued practice of midwifery in this city. She departed on the morning of June 25th.¹¹

Amelia, Jacob Henry's mother, was seventy years old at the time of her death, according to the Charleston death records. Both she and her daughter-in-law Esther — who was called "Hester" in the

⁸ "Population Schedules of the Third Census of the United States: 1810. North Carolina" (ms., National Archives, Washington, D. C.).

⁹ "Population Schedules of the Fourth Census of the United States: 1820. South Carolina" (ms., National Archives, Washington, D. C.).

¹⁰ Cited in *The South Carolina Historical Magazine*, LIII (1952), 172.

¹¹ *Ibid.*, p. 174.

official city records and listed as thirty-eight years of age — were interred in the “Hebrew” cemetery.¹² Amelia’s will, dated April 19, 1824, indicates the composition of the Henry family a year before her death. Mentioned are her son Jacob, who is named coexecutor, and seven grandchildren: Denah, named coexecutrix, Joel, Philip Jacob, Samuel, Judah (Judith), Cordelia, and Sarah Henry.¹³

Two of Henry’s children were next to appear in the obituary columns. The *Charleston Courier* of November 11, 1835, reported the death, at the residence of her brother in Orangeburg District, of “Miss Judith J. Henry, second daughter of J. Henry, Esq. of this city, aged 26 years.” Judith’s will, dated October 1, 1835, named her brother Philip J. Henry as executor.¹⁴ In a lengthy eulogy, the *Charleston Courier* of May 26, 1842, recorded the death of Philip J. Henry in his thirty-fifth year; he had been “a native of Beaufort, North-Carolina, but for many years a resident of this city.”

WITHOUT FURTHER INVITATION

Perhaps historians have failed to note the date of Jacob Henry’s death because the Charleston press published no obituary to mark the passing of this long-term Charleston resident. Nor, strangely, has any record of the probating of a will appeared, but a funeral notice in the *Charleston Courier* of October 14, 1847, is of moment in this connection:

The relatives, friends and acquaintances of Jacob Henry and of his son S. W. Henry, and the Masonic Fraternity, are particularly requested to attend the funeral of the former, from the residence of his son, Meeting-st., opposite Circular Church, this afternoon at 4 o’clock, without further invitation.

It seems clear that this announcement refers to Jacob Henry, the former North Carolina legislator. S. W. Henry, his son, would

¹² “Return of Deaths within the City of Charleston 20 July 1823 to 27 February 1825, 27 February 1825 to 9 July 1826” (ms., County Department of Health, Charleston, S. C.).

¹³ “Charleston County Will Book” (ms., Charleston, S. C.).

¹⁴ *Ibid.*

have been Samuel [Whitehurst?] Henry. Furthermore, Henry's Masonic associations as early as his North Carolina years are known; one study has pointed out his membership in a lodge in Beaufort County in 1807 and in New Bern in 1812.¹⁵

Jacob Henry's age at the time of his death in 1847 can be calculated from census sources as about seventy-two or seventy-three. In 1790, as a child in his father's household, he was under sixteen, indicating a birth year not earlier than 1774. In 1820, he was enumerated in the age classification "forty-five and upward," which would mean a birth year not later than 1775 (assuming the accuracy of the tally).

Why should Jacob Henry have fallen into such obscurity during his lifetime that his death — unlike that of his wife, or of his mother — produced no obituary? That is not clear. What can be stated is that his contemporaries were unaware of the lasting place Jacob Henry was to achieve in the annals of American history.

¹⁵ Samuel Oppenheim, "The Jews and Masonry in the United States before 1810," *Publication of the American Jewish Historical Society*, XIX (1910), 75.

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