

Hay, John ^[1]

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by Linda Hawkins, 1988

ca. 1757–20 June 1809

John Hay, lawyer and legislator, was born in Belfast, Ireland. In 1779, while still in Ireland, he purchased 2,800 acres of land in Duplin County ^[2], formerly the property of royal governor Arthur Dobbs ^[3]. Hay left Belfast in September 1779, sailing for America with forty other prominent Irishmen. In December, he landed in Virginia and there took an oath of loyalty to the Revolutionary cause. In April 1780, he proceeded to North Carolina to claim his lands, which were not formally granted to him until April 1782.

Educated as a lawyer, Hay presented his license to the New Hanover Court of Pleas and Quarter Sessions ^[4] in Wilmington in April 1783 and was admitted to the practice of law in the courts of North Carolina. While a lawyer in the Court of Admiralty ^[5] in 1784, Hay was involved in a confrontation with Judge Samuel Ashe ^[6], with the intention of removing Ashe from the Superior Court bench. This action was part of a general rivalry between Federalist ^[7] lawyers and Anti-Federalist ^[8] judges Ashe, John Williams ^[9], and Samuel Spencer ^[10], which continued through 1787. Charged with insolent behavior toward Judge Spencer in the Court of Admiralty in 1786, Hay was banned from practicing law in that court. As a member of the legislature in 1787, he retaliated by preferring charges of "negligence of their duty and delay of business" against the three judges. The Assembly, however, voted to sustain the judges.

It was said of Hay that he "ranked among the first men in his profession at the bar of North Carolina." He was nominated for the post of councillor of state in 1783 but failed to win that position. In December 1784, as a justice of the peace in Sampson County ^[11], Hay presided over the first session of the Sampson County Court of Pleas and Quarter Sessions. In 1786 he moved to Fayetteville, where he practiced law until his death. In 1789 Hay was nominated for U.S. attorney for the Fayetteville district and in 1790 for U.S. district judge, but was not elected to either post.

Hay served as a representative to the North Carolina General Assembly intermittently from 1784 to 1805; in 1784–85 he represented Sampson County, and in 1786, 1790, 1793, 1799, and 1805, Fayetteville and Cumberland County ^[12]. While in the legislature he was instrumental in drawing up several bills reforming the state court system. In 1786, he was appointed to the committee on finance wherein he investigated the embezzlement of public money by the army commissioners for liquidating army accounts at the end of the war. Hay was reputedly an eloquent orator in the General Assembly.

At the second North Carolina convention ^[13] to ratify the Constitution, held in Fayetteville in 1789, Hay served as a member from Cumberland County and voted in favor of ratification. He was also appointed to a committee of seven that prepared suggested amendments to the Constitution, eight of which were accepted and sent on to the federal government.

A prominent citizen of Fayetteville ^[14], Hay resided at his estate, Hay Mount, which later became a residential section of the town. In 1783 he was appointed a town commissioner, his task being to aid in planning the streets of Fayetteville. One of those streets, Hay Street, bears his name. At the convention in 1789, he introduced a measure that gave Fayetteville representation as a borough town in the General Assembly. In April 1791, he served as chairman of a public meeting called to invite George Washington to the town on his visit to the South. Hay ran as a Federalist candidate for the United States Congress from the Fayetteville district in 1803, but was defeated by the Republican candidate. His affiliation with the Federalist party ^[7], which was never popular in North Carolina, often worked against his political career.

In 1783 Hay was appointed a trustee of Innes Academy in Wilmington, and in 1789 he was made one of the original trustees of The University of North Carolina ^[15]. In the early years of the university he served on committees to establish a curriculum and to choose faculty members. In 1795 he served on the first committee of visitation to report on "the progress of the Students, and the State of the Institution."

In February 1786, Hay married Susannah Rowan, the daughter of Colonel Robert Rowan. Her stepbrother William Barry Grove ^[16], also of Fayetteville, was one of the state's first U.S. congressmen. Hay had one son, David, and a daughter, Susan; she married Judge William Gaston ^[17], a distinguished North Carolina jurist who wrote the words for "The Old North State," which since 1927 has been the official state song of North Carolina. Hay died at his residence in Fayetteville at age fifty-two.

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