

Stokes, John ^[1]

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by James S. Brawley, 1994

20 Mar. 1756–12 Oct. 1790

John Stokes, Revolutionary patriot, surveyor ^[2], lawyer, and first federal district judge appointed for North Carolina, was the son of David and Sarah Montfort Stokes. Born in Lunenburg County, Va., located about thirty miles southwest of Petersburg, he spent his early years in Virginia and perhaps in Halifax ^[3], N.C., the home of his mother's family.

At the outbreak of the Revolutionary War ^[4] Stokes was commissioned an ensign in the Sixth Virginia Continental Regiment on 16 Feb. 1776. In the same year he was promoted to second lieutenant (July) and then to first lieutenant (18 December). On 20 Feb. 1778 he rose to the rank of captain. His active military career came to an end on 29 May 1780 in The Waxhaws on the border between North Carolina and South Carolina. Here, under the command of Colonel Abraham Buford, the American forces were cut to pieces, and Captain Stokes was severely wounded in many places; his hand was completely severed by a British saber. One biographer of Andrew Jackson ^[5] states that Jackson's mother nursed Stokes and other wounded Americans after the battle. On 29 May 1780—the day of that engagement—Stokes was appointed a captain in the First Rowan Artillery, but there is no record of his participation in any further battles.

After the war Stokes settled in Halifax County ^[6], where his brother Montfort ^[7], his sister, Mrs. Benjamin McCulloch, and his first cousins, Mrs. Willie Jones ^[8] and Mrs. Benjamin Ashe, also lived. It was in Halifax that Stokes probably received his law license, for on 4 May 1784 he presented to the Rowan County court his license to practice as an attorney. The same day the Rowan court appointed him to act as attorney for the state during that term of court in place of Spruce Macay ^[9], who was ill. Although he owned no property in Rowan County ^[10], Stokes remained there during the years 1784 and 1785, when he taught law to his brother, Montfort, and to the young Andrew Jackson. Spruce Macay, who had taken Jackson under his wing in 1784, advised him to read under Stokes, whose law library "exceeded any other in that region."

In 1786 Stokes moved to Montgomery County ^[11], which he represented as a state senator in 1786–87. During 1786 his name was not carried in the Rowan court minutes, but in August 1787 he again appears in the records taking an active part in the legal and military affairs of Rowan County. Also in 1787 the state appointed him lieutenant colonel of the Salisbury District.

On 8 May 1788 Stokes married Elizabeth (Betsy) Pearson, the daughter of Richmond Pearson, and in November of that year Pearson gave Stokes 698 acres of land in the Forks of the Yadkin River on Anthony's Creek. Soon afterwards Stokes built his home near present Cooleemee ^[12], Davie County ^[13].

In 1789 he was named one of the original trustees of The University of North Carolina ^[14] and was elected, together with Matthew Locke ^[15], a representative in the House of Commons. Also that year he was elected a delegate to the constitutional convention at Fayetteville ^[16] as a Federalist ^[17]. Because of his loyalty to the Federalist cause, he was named by President George Washington on 3 Aug. 1790 as the first federal judge for the district of North Carolina, William R. Davie ^[18] having declined the appointment. After holding his first court in New Bern, Stokes died of "pleurisy of the brain" in Fayetteville on his return trip home. He was buried there with Masonic ^[19] honors. He was the father of one child, Richmond Pearson. His father-in-law was named administrator of his estate under bond of 2,000 pounds, which suggests the extent of Stokes's wealth. Stokes County ^[20], created in 1789, was named in his honor.

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