

Henry, Jacob ^[1]

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ca. 1775–October 1847

Jacob Henry, legislator, was the son of Joel and Amelia Henry. His birthplace is not known, but by the time of the 1790 census Jacob, then under age sixteen, and his parents were living in [Carteret County](#) ^[2]. The family enslaved eight people.

Despite the fact that the North Carolina constitution of 1776 forbade the holding of public office by those who denied the "truth of the Protestant religion" or the "divine authority" of the New Testament, Henry, a [Jewish person](#) ^[3], was elected to the North Carolina House of Commons in 1808 and reelected in 1809. On 5 December, soon after the beginning of his second term, Hugh C. Mills, a member from [Rockingham County](#) ^[4], cited the constitution in declaring that Henry was not qualified as he "denies the divine authority of the New Testament, and refused to take the oath prescribed by law for his qualification." The house resolved itself into a committee of the whole with Thomas Love, of [Haywood County](#) ^[5], presiding; no proof was presented to support the charges and the resolution was rejected. Henry continued to hold his seat. At the time of the 1810 census Henry was living in the town of Beaufort, Carteret County, but by 1820 he had moved to Charleston, S.C.

In 1801 he married Esther Whitehurst, and they were the parents of at least seven children: Denah, Joel, Philip Jacob, Samuel, Judah (Judith), Cordelia, and Sarah. Esther died in Charleston in July 1823; Henry's mother died there in June 1825. Henry also died in Charleston and probably was buried alongside his wife and mother in the local Hebrew cemetery.

References:

Charleston Courier, 14 Oct. 1847.

Journal of the House of Commons of the State of North Carolina (1809).

A. R. Newsome, "A Miscellany from the Thomas Henderson Letter Book, 1810–1811," *North Carolina Historical Review* 6 (October 1929).

Ira Rosenwaike, "Further Light on Jacob Henry," in Leonard Dinnerstein and Mary Dale Palsson, eds., *Jews in the South* (1973). ^[6]

Additional Resources:

"Jacob Henry Ca. 1775-1847." N.C. Highway Historical Marker C-83, N.C. Office of Archives & History. <https://www.ncdcr.gov/about/history/division-historical-resources/nc-highway-historical-marker-program/Markers.aspx?sp=Markers&k=Markers&sv=C-83> ^[7] (accessed April 16, 2014).

"Jacob Henry Pleads for Political Equality, December 6, 1809." *The Jew in the American World: A Source Book*. Detroit, Mich.: Wayne State University Press. 1996. 102-104. <http://books.google.com/books?id=Q8fq8ct7KmgC&pg=PA102#v=onepage&q&f=false> ^[8] (accessed April 16, 2014).

Tillman, Seth Barrett. "A Religious Test in America? The 1809 Motion to Vacate Jacob Henry's North Carolina State Legislative Seat—A Reevaluation of the Primary Sources." *North Carolina Historical Review* 98, no. 1 (January 2021): 1–41. <https://mural.maynoothuniversity.ie/13964/1/TILLMAN%20JACOB%20HENRY%202098...> ^[9].

Tillman, Seth Barrett. "What Oath (If Any) Did Jacob Henry Take in 1809?: Deconstructing the Myths." *American Journal of Legal History* 60, no. 1 (March 2022): 1–36. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3790115. ^[10]

Warshaw, Mary. "Jacob Henry House circa 1800 National Register - 1973." *Beaufort, North Carolina History* (blog). <http://beaufortartist.blogspot.com/p/jacob-henry-house-circa-1800.html> ^[11] (accessed April 16, 2014).

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Origin - location:

[Carteret County](#) ^[15]

From:

Dictionary of North Carolina Biography, University of North Carolina Press.^[16]

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