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COVER—Courthouse of Chowan County in Edenton. Built about 1767, it is the oldest courthouse in North Carolina still in use. See pages 329-353 for "Legal Practice and Ethics in North Carolina, 1820-1860," in which much is said about courthouses.

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THE NORTH CAROLINA HISTORICAL REVIEW

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FERTILIZERS AND FARMING IN THE SOUTHEAST, 1840-1950[1]

BY ROSSER H. TAYLOR

PART I: 1840-1900

INTRODUCTION OF GUANO

For many years prior to the introduction of commercial fertilizers in the South Atlantic states in the early 1840's, the matter of improving old and worn-out lands engaged the attention of gentleman farmers and the editors of agricultural journals. Much timely advice was broadcast and many interesting experiments were conducted without substantially changing the traditional agricultural pattern.

As a result of the agitation for resuscitating old fields, one development, the increased interest in manures, stands out. In the ante-bellum period the use of domestic or lot manure, composted or otherwise, was well-nigh universal. The supply, however, was never sufficient to cover the broad acres in cotton and corn which must be planted to keep the labor force employed. Experiments with marsh mud on the coast, land plaster, marl and cottonseed evoked considerable interest but failed to arouse a general response. James H. Hammond's prolonged use of marl in South Carolina was watched with interest. Hammond's belated admission that "old lands marled heavily have been as much injured in some places as they were benefited in others"[2] was not calculated to incite many to follow his example.

[1] This study was financed by a Carnegie Grant awarded the author by Furman University when he was a member of the Furman University faculty. The author acknowledges his indebtedness to Professor H. J. Webb of Clemson College and to Professor Ralph Cummings of North Carolina State College for helpful criticism.

[2] James H. Hammond to Edmund Ruffin, Silver Bluff, South Carolina, July 10, 1849. MS in Hammond-Ruffin Correspondence, Southern Historical Collection, the University of North Carolina Library, Chapel Hill. Hammond suspected that Virginia marl contained some substance other than lime or that the crops and climate of Virginia responded more readily to marl.

Instead of crop rotation, strongly recommended by agricultural journals, most farmers and planters turned old fields out to rest. James H. Hammond, rated as a progressive planter, deemed "rest" the only rotation worth consideration.[3] In the absence of crop diversification, rotation and adequate fertilization, more and more land was cultivated until exhausted and then turned out to grow up in broomsedge and pines. Meanwhile, erosion took its toll of topsoil until worn-out hillsides seamed with gullies became a disturbing feature of landscapes of the southern piedmont. People who did not move west to escape the consequences of their folly were more and more faced with the problems of improving old fields and of changing the inherited pattern of clearing land, cultivating it until it was exhausted, and then moving on. Obviously, the old land-killing method of farming if pursued indefinitely would eventually result in impoverishing both land and tenants.

In casting about for some remedy, more attention was given to manures. By 1850 composting was widely practiced and more and more litter was being hauled out and scattered over the fields. J. D. Ashmore of Anderson, South Carolina, was one among many planters who made extensive use of compost and litter. In 1853 he had his hands haul 475 loads of litter into his fields for the 1854 crop.[4] In 1854 John S. Dancy, of Edgecombe County, North Carolina, was credited with making and hauling out 35,000 loads of compost, enough to manure 350 acres with one load for every twenty square feet.[5] The use of lime and marl, where available, was stepped up. These measures, while admittedly beneficial, could not in all instances suffice. Only a portion of the farm or plantation received the annual contribution. Planters owned a labor force capable of cultivating vastly more acres than they could possibly cover with domestic manures. If some nutrient in sufficient quantity for extensive use and priced within the means of the farmer could be made available, agriculture might be raised to a more profitable level.

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[3] James H. Hammond to Edmund Ruffin, Silver Bluff, August 15, 1849. James Hamilton Couper of Hopeton Plantation on the Altamaha River practiced rotation of crops systematically. He was, however, a notable exception. Guion Griffis Johnson, *A Social History of the Sea Islands: With Special Reference to St. Helena Island, South Carolina*, 60.

[4] Plantation Journal of J. D. Ashmore, February, 1853. Southern Historical Collection, the University of North Carolina Library, Chapel Hill. Ashmore's hands were heaping and scattering manure on his fields from February 7 to March 23, 1853.

[5] *The Soil of the South* (Columbus, Georgia), November, 1854.

In the midst of the cry for agricultural reform reports began to reach the United States from England regarding experiments there with cormorant or gull manure from Peru, commonly called *guano*.[6] It is virtually certain that guano was used in England in 1840.[7] Various dates have been assigned for the introduction of guano into the United States. While it is difficult to establish a definite date with certainty, it is safe to state that its introduction followed shortly upon the first tests made in England. A. B. Allen of New York, agent for the Peruvian guano, in a signed statement, asserted: "It is six years since it [guano] has been used to any considerable extent in this neighborhood and its immediate efforts are truly wonderful."[8] Guano was introduced before 1845 along the coast of Long Island, New Jersey, and Maryland, and as early as 1845 J. Jenkins Mikell of Edisto Island, South Carolina, used 200 pounds of guano.[9] South Carolina planters did not receive shipments of guano until after it had been tested in Virginia and Maryland.

The introduction of guano kindled high hopes that it would prove to be a panacea for the ills of southern agriculture. Editors of farm periodicals were deluged with requests for information concerning the price, availability, and proper use of the Peruvian guano.[10] When reliable data were published, it was revealed that Peruvian guano was undoubtedly efficacious. The price was high,[11] however, and the quantity limited.

The most active ingredient in the original Peruvian guano was nitrogen, stored in the excrement of sea birds on the islands along the coast of Peru. These deposits, the accumulation of centuries, attained a depth of fifty to sixty feet. By reason of the dry climate and the absence of rainfall in the area, the nitrogen content of the bird dung suffered very little loss as a result of leaching and volatilization.[12]

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[6] *The Farmers' Register* (Petersburg, Virginia), IX (July 31, 1841).

[7] A number of farmers in England had been supplied with samples by the importer. George Harriott of North Waltham, Basingstoke, asserted that he used guano on some barley in Norfolk in 1840. *The Farmers' Register*, IX (December 31, 1841).

[8] *The Southern Cultivator*, (Augusta, Georgia), July, 1851, 98.

[9] Rosser H. Taylor, "Commercial Fertilizers in South Carolina," *The South Atlantic Quarterly*, XXIX (April, 1930), 181. In a letter written by A. B. Davis of Montgomery County, Maryland, to John D. Freeman of Mississippi and published in the *Farmers' Journal* (Bath, North Carolina), I (September, 1852), 170, Davis held that the first boatload of Peruvian guano was imported at Baltimore in 1844.

[10] Inquiries regarding guano are found in *The Soil of the South*, February, 1853, and *The Southern Cultivator*, VII (1853).

[11] The Peruvian sold for $50 a ton in 1855. The price, which was fixed by the Peruvian government, subsequently rose to $60 per ton. Agencies for the sale of Peruvian guano were established in Baltimore, Charleston, and New York. *The Southern Cultivator*, March, 1851, 35.

[12] *The Farmers' Register*, X (February 28, 1842); IX (December 31, 1841).

The original Peruvian was superior to all other commercial fertilizers; however, the richest deposits were soon exhausted, and maximum importation probably was reached in 1856. By 1870 the Chincha Guano, the best of the Peruvian, was practically exhausted; nonetheless, dealers continued to advertise and to sell the genuine Peruvian long after it declined in quality.[13]

So great was the demand for the Peruvian that the supply was never adequate.[14] The rather prohibitive price ($60 per ton), together with the smallness of supply of the Peruvian, induced domestic manufacturers to prepare manipulated fertilizers for sale at a reduced price, alleging that they were equal to or superior to the Peruvian.[15] Notable among the domestic brands were Rhodes Super Phosphate of Lime, Mapes Super Phosphate of Lime, and the Columbian Guano, sold in barrels of 320 pounds each.[16]

While there were numerous complaints regarding the price of the Peruvian, there were more complaints with reference to its unavailability. So insistent was the demand that efforts were launched to secure direct importation to Charleston and Savannah. John Cunningham, of Greensboro, Georgia, a Peruvian guano enthusiast, wished to start a campaign for direct importation to Savannah. Savannah importers informed him that the article could be had but they "gravely doubted that the consumption of guano has reached the point in our state that will warrant direct importation."[17] According to a subscriber to the *Southern Agriculturist* who desired assistance in getting Peruvian guano imported directly to Charleston in 1853, Baltimore and New York were the only cities "which have direct importation."[18]

It should be remembered that the farmers and planters of the South had no experience to guide them in the use of guano.

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[13] *The Plantation* (Atlanta, Georgia), December 10, 1870.

[14] Avery Odelle Craven, "Soil Exhaustion as a Factor in the Agricultural History of Virginia and Maryland, 1606-1860," *University of Illinois Studies*, XIII, No. 1 (March, 1925), 149. The term "guano" was subsequently applied loosely to all manipulated fertilizers. Correctly used, the term applied only to the natural manure collected and shipped from the islands off the coast of Peru and from those in the Pacific.

[15] *The Farmer and Planter* (Columbia, South Carolina), February, 1860, 44-45.

[16] *The Farmer and Planter*, January, 1860, 13; March, 1860, 82-83. Superphosphates were originally made by treating bones of animals with sulphuric acid. The same process was subsequently used in the manufacture of South Carolina phosphates from phosphatic rocks. Superphosphates stood next to guano in popularity.

[17] *The Southern Cultivator*, XI (April, 1853), 105.

[18] *Southern Agriculturist* (Laurensville, South Carolina), August, 1853, 233. In October, 1853, William Allston Gourdin of Charleston notified the public that he was sole agent for the genuine Peruvian guano in the states of South Carolina, Georgia, North Carolina, Alabama, and Tennessee. Gourdin was in reality a subagent. All guano shipped by him was shipped from Baltimore. *Southern Agriculturist*, October, 1853, 290.

Necessarily, much costly and wasteful experimentation took place. Nearly everyone who used guano was pleased to publish the results of his tests and those who contemplated using it were curious to learn how best to apply it. Solon Robinson, writing from Charleston, April 14, 1851, stated that guano was used more extensively in Virginia than in the Southeast. He had observed the use of guano in Virginia and was convinced that sowing guano on the surface was absolutely wasteful of the substance.[19] A. B. Allen of New York, after seven years' experience with guano, advised users to broadcast and plow under in the fall, then replow in the spring for the crop.[20] Editors of farm journals generally advised their correspondents to broadcast guano for wheat and oats and drill it for cotton. As for corn, the editor of the *Southern Agriculturist* recommended the application of about a tablespoonful to the hill.[21] By 1853 the opinion was quite general that guano should be combined with plaster to fix the ammonia. Due in part to the price of the article, most editors advised the use of small quantities per acre. For example, editor James M. Chambers of *The Soil of the South* recommended sowing guano in the drill for cotton and broadcasting for corn before planting at the rate of 125 pounds per acre. "Too much guano," he opined, "would be too expensive."[22] J. D. Ashmore of Anderson, South Carolina, applied 140 pounds of guano in the drill under cotton in 1854. It was combined, however, "with five wagon loads of light pine straw manure made in my lane."[23]

Much interest was expressed in the effects of guano on the soil and its benefits beyond the first year. There was also a great deal of speculation as to whether the benefits derived from guano were not more than offset by the cost of the article.[24] Not all users of guano were satisfied with the results and editorial opinion was divided, but the demand for the commercial manures never abated. The editor of *The Southern Planter* (Richmond)

[19] *The Southern Cultivator*, May, 1851, 71.
[20] *Southern Agriculturist*, October, 1853, 293.
[21] *Southern Agriculturist*, August, 1853, 235.
[22] *The Soil of the South*, February, 1853.
[23] Plantation Journal of J. D. Ashmore, March 27, 1854. Ashmore thought guano was much overrated for the reason that in 1853 he rubbed or rolled his cottonseed in guano and plaster of Paris mixed and killed the seed. Plantation Journal of J. D. Ashmore, April 5, 1853.
[24] *The Southern Cultivator*, XI (October, 1853), 292; *The Soil of the South*, February, 1854, 34. Those who handled guano were warned to beware of inhaling the dust, as it might be detrimental to health. Guano in the early stage of the industry was lumpy and had to be passed through a sieve before sowing.

noted that in Virginia the majority of the farmers were paying less attention to domestic manures since guano became available. He then ventured the opinion that "in relying upon it [guano] entirely as a means of making a crop we are satisfied that all who have done so have committed an error, which they have probably at this time regretted."[25] On the other hand, Editor Daniel Lee of *The Southern Cultivator* (Augusta, Georgia) gave it as his considered opinion that "farmers should use more guano--- . . . instead of investing their money in more Negroes the sooner to impoverish the best lands of South."[26]

By 1860, the volume of guano available had been augmented by a supply from the Pacific islands of Jarvis and Baker offered for sale at a price 35 per cent less than the Peruvian.[27] Statistics as to the volume of fertilizers used in the South Atlantic states before the Civil War are not conclusive. What is apparent is that they were being used more widely each succeeding year. In Georgia, for example, the railroads hauled 15,353,000 pounds of commercial fertilizer from December, 1859, to June, 1860, as against 3,854,850 pounds the preceding year.[28] In August, 1860, the editor of *The Farmer and Planter* asserted that "the increase in the use of guano in South Carolina during the last year has been immense. . . . . whether it [guano] will work out the problem we have been so ardently bent upon or only hasten the exhaustion of an already impoverished region is yet to be determined."[29]

W. M. Seward, of Isle of Wight County in Virginia, applied guano to a variety of crops every year from 1854 to 1860.

Following are some entries in his farm diary:

May 16, 1854. I bought to put on wheat guano worth $173.45.
Apr. 5, 1855. I bought to put on tobacco $53 worth of guano.
Apr. 5, 1855. I bought to put on corn $53 worth of guano.
July 27, 1855. Bought to put on wheat Peruvian guano worth $164.74.

[25] Excerpt from *The Southern Planter* in *The Farmer and Planter*, September, 1859, 267.

[26] *The Southern Cultivator*, XI (November, 1853), 329. A correspondent of the *American Quarterly Journal of Agriculture and Science* (Albany, New York) stated that he was sorry to see guano imported into the United States because he believed it would cause farmers to neglect their own resources. *American Quarterly Journal of Agriculture and Science*, III (1846), 87.

[27] *The Farmer and Planter*, November, 1859. The guano from the Pacific islands was said to contain a large percentage of bone phosphate of lime and phosphoric acid.

[28] Ralph Betts Flanders, *Plantation Slavery in Georgia*, 93. The railroads in Georgia, according to Flanders, hauled commercial fertilizers at reduced rates.

[29] *The Farmer and Planter*, August, 1860.

Apr. 28, 1856. Bought 2104 lbs. of guano at $64.09 to go on tobacco and corn.[30]

David Dickson of Hancock County, Georgia, a successful planter, did much to advertise and to popularize the commercial manures. In a letter to the Rev. C. W. Howard, July 1, 1859, Dickson stated that he commenced using guano at the rate of seventy-five pounds per acre and "have gradually increased the quality each year up to the present time to 175 pounds per acre for cotton."[31]

With the onset of the Civil War and the Federal blockade commercial fertilizers were no longer available south of Maryland. Nor did they again become available until after the termination of hostilities when the Baltimore merchants once more placed their fertilizer advertisements in southern farm journals and almanacs.[32]

SALE AND APPLICATION AFTER THE CIVIL WAR

After the war a number of factors obtained which supplied incentive for the increased sale and consumption of commercial fertilizers. In the first place, farm lands as a result of wartime conditions had undergone a considerable decline in productivity and there was less stable and lot manure of quality with which to fertilize barren acres. In the second place, there was neither capital nor a dependable labor supply for clearing new fields on a scale comparable with that of the prewar period. Old fields must be cultivated and if possible made more productive. In 1867, when cotton was selling at twenty cents a pound, planters could afford to hire Negro labor by the day or month at $150 to $200 per year. With the tumble in cotton prices in 1868, money for hiring a gang of Negroes to support the old plantation system economy was difficult to command. If, however, planters had been able to hire Negroes for cash wages, the arrangement was far from satisfactory. Farmers and planters found from experi-

[30] Seward Farm Journal, 1854-1888. MS in the Manuscripts Division, University of Virginia Library, Charlottesville. Seward was one of the first planters to advise the free use of guano, *i.e.*, the use of guano by itself.

[31] Letter published in *The Farmer and Planter*, October, 1859.

[32] Baltimore was the center from which southern planters received their fertilizer supplies before the Civil War.

ence that paid Negro laborers would not work regularly.[33] When most needed in a crisis the Negro who received his pay on Saturday frequently failed to show up for work on Monday. "No man . . . ," wrote the Honorable Willoughby Newton, "can suppose it possible to cultivate profitably, poor land with hired labour; and under our new system fertilizers must be used to a much greater extent than formerly."[34]

In the absence of slave labor it was not so convenient or economical to clear new fields. Before the war the cost of labor scarcely counted in the clearing of new fields. After the war the clearing of a tract of woodland involved extra expense and labor; besides, the original forests were rapidly receding. Nonetheless, in the postwar period the clearing of "new ground" in early spring with hired labor continued but on a diminishing scale, until landowners came to realize the monetary value of the trees which were usually sacrificed in the clearing of the forests.

The old fields of the Southeast would not produce good crops without the use of manures. Since domestic manures were scarce, and since the clearing of fresh land when available was expensive and limited as to scope, it was natural for farmers to turn to commercial fertilizers, now procurable in quantity, for fertilizing old upland fields which never received the annual accumulation of the stables. A third factor which augmented the sale of commercial fertilizers was the spread of sharecropping with its emphasis on market crops which require fertilization for the best results. Bottom lands were ditched and planted in corn without fertilization. Upland fields, progressively leached as a result of clean row culture, exhibited a declining fertility. Tenant farmers who did not use commercial fertilizers under cotton and tobacco on the impoverished lands of the Southeast were considered poor risks by the time or furnishing merchant on whom they depended for supplies. Landlords also expected tenants to use commercial fertilizers and frequently the landlord paid for half the fertilizer used on the crop.[35]

Despite the demand for and the obvious need of commercial fertilizers in the period immediately following the Civil War,

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[33] Robert Preston Brooks, *The Agrarian Revolution in Georgia, 1865-1912* (Bulletin No. 639 of the University of Wisconsin, Madison, 1914), 21. So general was the objection to free Negro labor that Virginia, North Carolina, South Carolina, and Georgia undertook to induce white immigrants to settle in these states.

[34] *The American Farmer* (Baltimore), 6th ser., I (September, 1866), 92.

[35] Brooks, *The Agrarian Revolution in Georgia*, 92.

sharp warnings were sounded by those who looked beyond the needs of the hour against the extensive use of commercial fertilizer and especially against its use as a substitute for compost and other domestic manures. E. M. Bateman of Houston County, Georgia, asserted that guano had caused the price of cotton to drop from 40 to 16½ cents per pound. It was estimated that the cotton crop for 1870 would be around 4,000,000 bales. Without guano the crop would, according to Mr. Bateman, be around 2,000,000 bales. A crop of 2,000,000 bales, he contended, would sell for more than a crop of 4,000,000 bales. What then? "Raise more provisions, plant less cotton and discard guano."[36]

During the 'seventies and 'eighties and to a lesser degree in the 'nineties, editors of farm journals deplored the extensive use of commercial fertilizers. Editor L. L. Polk of *The Progressive Farmer* (Raleigh, North Carolina) was especially outspoken. He was convinced that farmers were wasting millions of dollars annually on fertilizers.[37] He took issue with Governor Scales of North Carolina when in 1887 the governor maintained that the impoverished lands of the State needed "strong and stimulating fertilizers." Editor Polk wrote: "A fallacious theory, a theory which has cost the farmers of North Carolina millions and millions of dollars since the War and wellnigh bankrupted everyone who has relied on it."[38]

While the state of agriculture in the South Atlantic states did not noticeably improve, one can only surmise what agricultural yields might have been without the chemical plant food. Apropos of the state of agriculture in Virginia in 1885, the author of an unsigned article in *The Southern Planter* noted with concern that agriculture in Virginia had lagged for twenty years. "In almost every neighborhood," he affirmed, "we find the farms on a downward tendency and the farms with few exceptions are becoming poorer each year."[39] In another unsigned communication, a correspondent of *The Rural Carolinian* (Charleston) stated that he had visited cotton lands in Union and Chester counties in South Carolina and had found a drab and lean economy. "Barring the increased use of commercial fertilizers . . .

[36] *The Plantation*, November 5, 1870.
[37] *The Progressive Farmer* (Raleigh, North Carolina), III (January 29, 1889).
[38] *The Progressive Farmer*, I (January 19, 1887). Among the editors of agricultural journals only one, the editor of *The American Farmer* (Baltimore), heartily endorsed the commercial fertilizers. See *The American Farmer*, April, 1875.
[39] *The Southern Planter* (Richmond, Virginia), April, 1885, 178-180.

I saw few evidences of improvement in my travels. The same old tumble-down barns, gin houses, corn cribs and stables. . . . All the inside fences moved out to repair the outside lines, miserable shanties by the wayside, surrounded by a bush fence and a truck patch; the old pine fields all being cleared for cotton, poor broken-down horses turned out to shift for themselves. The freedman's horse is fast becoming an institution."[40]

It was hardly to be expected, however, that sharecropping and other forms of farm tenancy which had come to prevail would lend themselves to soil building or any marked change in the agricultural pattern. Without incentive for soil improvement, the cropper (and, for that matter, the landowner without capital) must pursue a short-sighted program. Debts must be paid when the crops were harvested and in order to pay debts one must plant row crops which could be converted readily into cash. The time-merchant, successor to the ante-bellum factor,[41] would not supply a farmer who did not grow cotton or tobacco in conformity to his wishes. The net result was that few farmers could afford to engage in a long-range program of soil improvement. In view of the prevailing low prices of farm products, most farmers lived in a chronic and uncomfortable state of debt, while their farms and buildings suffered further deterioration.

Concerning land exhaustion as a result of sharecropping in tidewater Virginia, Aubrey H. Jones wrote in 1880: "With hardly an exception such tracts under this system are greatly impoverished and many so barren as not to pay the cost of tillage."[42] There was truth in the published statement of George W. Williams and Company of Charleston, South Carolina, when they asserted that "without commercial fertilizers few of us could afford to carry on cotton farming at all."[43]

It is important to note that commercial fertilizers were sold on long-term credit, as indeed were most farm supplies; and, in order that landlords and tenants might share in buying guano and other farm supplies without cash, state legislatures obligingly enacted crop lien laws. These laws were designed not only to enable farmers to obtain credit for agricultural purposes, but

[40] *The Rural Carolinian* (Charleston, South Carolina), October, 1872, 34.
[41] The time-merchant did not duplicate all the services of a factor, but he did extend credit, without which many people could not engage in farming.
[42] *Southern Planter and Farmer*, XLI (March, 1880), 130.
[43] *Carolina Fertilizer Almanac and Farmers' Journal* (Charleston, South Carolina, 1873), 37.

also to protect the general merchant and the special guano agent in extending such credit. Farmers of character and substance could buy fertilizers on "open account;" others could give a note secured by land or chattels or both. The majority of farmers without capital or credit must needs resort to the crop lien wherein the landlord or tenant, with the consent of the landlord, gave the furnishing merchant a lien or first mortgage on all or a portion of his crop to secure "advances for agricultural purposes."[44] While there was some variation in the lien laws of the South Atlantic states, all of them manifested more solicitude for the creditor than for the debtor.[45]

Some examples of the way crop liens were executed may now be cited. A. Braswell, a fertilizer merchant of Edgecombe County, North Carolina, agreed in the year 1881 "to furnish" R. C. Burgess "guano not to exceed in value of 562 pounds of merchantable cotton" to enable Burgess to carry on his agricultural operations on the land of Mrs. William H. A. Knight. Burgess gave to Braswell a lien on all his crops to secure payment "before November first next." Should Burgess default, Braswell was authorized to enter the premises and to seize the crops.[46] W. T. Pugh, a time-merchant of Charlotte County, Virginia, began selling fertilizers on commission around 1880, taking farmers' notes to secure payment. At the same time, along with other time-merchants, he sold fertilizers and other farm supplies secured by crop liens. In the Pugh Store Records, 1822-1904,[47] there are a large number of crop liens in standard form in which the debtors waived the homestead exemption "as to this debt," and in many instances Pugh was promised the entire market and food crop to satisfy the advance. A rather interesting variation from the over-all crop lien was the lien W. T. Pugh required of James T. Crawley for an advance of seventy-five dollars in cash. For security, Pugh took a lien on Crawley's entire crop of tobacco. Crawley declared that he had not given a previous lien on the crop except a note for guano in the amount of about $50. The contract covering this transaction stipulated that Crawley should pay the guano note first and merchant Pugh second.[48] So avid

[44] See *Statutes at Large of South Carolina* (1878), XVI, 743-744.
[45] Lien Laws later encountered severe condemnation.
[46] Miscellaneous Edgecombe County Papers, Southern Historical Collection.
[47] MS in the Manuscripts Division, University of Virginia Library, Charlottesville.
[48] Entry in Pugh Store Records, 1822-1904, February 22, 1878. MS in the Manuscript Division, University of Virginia Library.

were farmers for commercial fertilizers in the 'eighties that they would sometimes enter into one-sided agreements to get them. For example, Elisha Charles mortgaged his entire crop of tobacco for one bag of fertilizer valued at $4.50.[49]

J. N. Robson, of Charleston, South Carolina, was general agent for Soluble Pacific Guano in South Carolina, North Carolina, and Georgia. In his capacity as general agent he supplied dealers in the three states, but at the same time he sold fertilizers to individuals by taking personal notes bearing 7 per cent interest. In many instances he accepted cotton in payment.[50] His agents when selling on credit were required to protect him by receiving in exchange for the plant food crop liens, negotiable notes payable in November, and sometimes cotton at a designated price per pound.[51] Robson was constantly importuned during the selling season to sell fertilizers with or without crop liens and negotiable notes. John L. Conyers of Manning, South Carolina, wrote Robson in January, 1872:

> I would like very much to get one ton of Soluble Pacific Guano. I am not able to pay you the cash, nor am I able to give you city acceptance; but if you will send me the guano I shall certainly pay you for it by the middle of November with interest. . . ."[52]

Robson experienced great difficulty in keeping his agents supplied with Soluble Pacific. As W. H. Hardin, writing from Chester, South Carolina, in November, 1873, to J. N. Robson, observed, "We think that our people are certainly guano struck or have guano on the brain. Hope it may pay them."[53]

W. H. Young, fertilizer agent at Columbus, Georgia, wrote Robson that he could not supply the demand for guano. He stated that he had already sold 1796 tons of Pacific. "I am," he wrote, "entirely out and if on the spot I could sell 200 tons in five days."[54] There were fertilizer agents delivering fertilizers at nearly every railroad siding and farmers were hauling their favorite brands home in wagons. Adair and Brothers, commission merchants in Atlanta were in the spring of 1872 ordering about a thousand

[49] Vestal W. Perry Papers, 1877-1887. MS in Duke University Library, Durham, North Carolina.
[50] J. N. Robson Papers, 1872-1882, MS in Duke University Library.
[51] J. N. Robson Papers, file for the year 1882.
[52] J. N. Robson Papers, file for the year 1872.
[53] J. N. Robson Papers, file for the year 1873.
[54] W. H. Young to J. N. Robson, March 6, 1873, J. N. Robson Papers.

tons per month from J. N. Robson and selling it without any analysis. Apropos of this state of affairs, Adair and Brothers wrote Robson:

> Will you please send us the analysis of S. P. Guano as we have lost the old one. None of our new circulars have it. While we know about what it is, sometimes a planter wants to see the analysis and we like to have it.[55]

Wherever sold there was a substantial difference between cash and credit prices. According to the editor of the *Augusta Chronicle and Sentinel,* March 26, 1870, "fertilizers now in the market range in price from fifty to eighty dollars per ton." Dealers made a difference of $10 a ton between the cash and credit prices. "Time sales are made payable Nov. 1st. with factors' acceptance."[56] In Georgia in 1870 it was the opinion of A. Means, State Inspector of Fertilizers, that about two-thirds of the commercial fertilizers were sold on time at an average of $75 a ton. Breaking his estimate down into categories he found:

Fertilizers sold for cash	$2,000,000
Fertilizers sold on credit	$5,000,000
Cost of freight	$ 500,000
Interest accruing	$ 875,000
Hauling	$ 25,000
Total	$8,400,000[57]

The fact that commercial fertilizers were sold on credit accounts in large part for the tremendous volume consumed. If farmers had been forced to pay cash they, no doubt, would have given more attention to the preparation of domestic manures. Less labor was required to haul and sow commercial fertilizers than was required for loading, hauling and scattering stable manure and compost; hence, most farmers pursued the line of least resistance.

An examination of the Pulliam-Connolly Papers at Duke

[55] Adair & Bros. to J. N. Robson, January 13, 1872, J. N. Robson Papers.
[56] Reprinted from *The Augusta Chronicle and Sentinel* in *The Plantation,* March 6, 1870.
[57] Reprinted from *The Augusta Chronicle and Sentinel* in *The Plantation,* April 29, 1871. These figures probably run a bit high for the average. The federal government's estimate of the cost of fertilizers in Georgia in 1880 was $4,346,920. Statistics of Agriculture, *Tenth Census of the United States,* 1880 (Washington: Government Printing Office, 1883), 4, table I.

University[58] discloses the terms on which manufacturers sold fertilizers to dealers and also the profit which a dealer was expected to realize, provided he collected his accounts. These merchants sold fertilizers on commission, ranging from 5 to 10 per cent. They, however, were required to guarantee payment by endorsing the farmers' notes and drafts drawn in proper form. In 1876 P. Zell and Sons of Baltimore asked Pulliam and Connolly to sell their tobacco fertilizer. They were to pay $44 a ton and to sell for $50 a ton. The Leesburg merchants were allowed a credit of from four to six months with interest added. Purchasers' negotiable notes were accepted in payment when endorsed by Pulliam and Connolly.[59] Q. De C. Ruth, Jr., Baltimore manufacturer, advised Pulliam and Connolly that he would furnish them Giant Phosphate at $40 per ton "net to me." Settlement was to be made . . . "by paying over to me the notes and drafts of the farmers in proper form endorsed or accepted by you payable at some bank and maturing not later than November and December, 1877." For cash settlement, a discount of three dollars on the ton was allowed.[60] The Stono Phosphate Company of Charleston, desirous of introducing its fertilizers into Caswell County, offered Pulliam and Connolly a commission of 10 per cent on all sales "which we would expect you to secure by taking purchasers' notes payable November next." By way of added inducement, the Charleston firm quoted special rates to agents for Soluble Guano and acid phosphate. The agent was to pay $38 a ton for the Soluble Guano and to sell it at a profit of $6 on the ton. Eight tons constituted a carload, and the freight from Charleston to Leesburg was $4 a ton.[61] Hill and Skinker, commission merchants of Richmond, Virginia, notified Pulliam and Connolly that they did not consign fertilizers to agents. All guano ordered was considered sold. On time sales agents received $5 a ton above the regular price; when sold for cash the commission was $7 a ton.[62]

Manufacturers were not always successful in fixing the retail price of fertilizers. This is admitted in a letter from John Ott

[58] Pulliam-Connolly Papers, 1801-1877. Pulliam and Connolly were merchants at Leesburg in Caswell County, North Carolina. They sold commercial fertilizers for both Richmond and Baltimore manufacturers and commission merchants.
[59] Item dated February 11, 1876, Pulliam-Connolly Papers.
[60] Item dated January 13, 1877, Pulliam-Connolly Papers.
[61] Form letter dated March 24, 1876, Pulliam-Connolly Papers.
[62] Item dated February 17, 1876, Pulliam-Connolly Papers.

of the Southern Fertilizer Company of Richmond to Pulliam and Connolly. "As to the Danville merchants selling at $55," wrote Ott, "we have done our best to regulate this."[63]

The success of the retail dealer depended upon his ability to secure prompt payment of the fertilizer notes. An unpaid note was returned to the retail dealer for collection and in some cases the retailers engaged in collection at the source. When Edward King visited Greenville, South Carolina, in 1873 or 1874 he found the place swarming with fertilizer agents "looking after their interests, for many a planter had given them a lien on his crop and they wished to claim their money when the crop was brought to the market."[64]

THE COMPLETE FERTILIZER

After the War, farmers continued to use cottonseed, compost, and stable manure; but more and more mineral manures became the main reliance and domestic manures the supplement. Since the Peruvian guano was high in price and inferior in quality, farmers purchased larger quantities of superphosphates for cotton.[65] It was not until the late 'eighties that the sale of the "complete fertilizers"[66] came to eclipse the sale of superphosphates. Possibly, the main reason for the extensive use of the superphosphates was that they were relatively cheap and abundant. The chief source of supply was the phosphatic rocks or nodules found near the surface or in the streams in the coastal region of South Carolina. The richest deposits were located along the Ashley, Cooper, and Wando Rivers.[67] The first phosphates were mined commercially in South Carolina in 1867, when six tons were processed. The largest quantity ever mined was in 1889, when 541,645 tons were washed, crushed, and treated with sulphuric acid.[68] The superphosphates manufactured from the South Carolina rock contained from 9½ to 15½ per cent soluble phosphoric

[63] Item dated May 20, 1887, Pulliam-Connolly Papers.

[64] Edward King, *The Great South* (Hartford, Connecticut: American Publishing Company, 1875), 517.

[65] *The Southern Planter and Farmer*, February, 1879, 73.

[66] For a description of the "complete fertilizer" see p. 320, below.

[67] Article by Professor Charles N. Shepard in the *First Annual Report of the Commissioner of Agriculture of the State of South Carolina* (1880), 68-111. Subsequently, the phosphate deposits of Florida and Tennessee came into the market. Superphosphates were also called acid phosphates.

[68] *Year Book of the Department of Agriculture* (1894), 178. According to W. W. Memminger, the fertilizer industry began in South Carolina in 1868. See *The Rural Carolinian*, January, 1873, 202.

acid. Phosphate rock, sold in the crude pulverized state, was called "floats."[69] The appearance of South Carolina phosphates on the market forced the Baltimore processors to reduce the price of their superphosphates from $50 to $35 per ton in order to meet the competition.[70] Baugh and Sons, manufacturers of Baugh's Raw Bone Superphosphate, wrote C. N. Robson of Charleston, South Carolina, January 3, 1872, that they were aware of the reduction in price of phosphates "in your market but cannot see why we should sell Baugh's Raw Bone Superphosphate below cost." They did agree, however, to sell 500 tons at competitive prices.[71]

Neither phosphates where used alone or combined with potash salts,[72] commonly called German Kainit, nor the Peruvian guano satisfied completely the desire for a "complete fertilizer," the need for which had been demonstrated by the celebrated German chemist, Justus von Liebig.[73] The complete fertilizer, as defined by George Ville of France, was a manure which would supply all the essential plant needs in nitrogen, phosphoric acid, lime, and potash and at the same time restore to the soil all the elements absorbed by the growing crops.[74] The complete fertilizer when placed on the market around 1870 did not include lime as such, but contained 2½ per cent to 3 per cent available ammonia, 9 to 10 per cent phosphoric acid, and 1½ to 2 per cent potash in a filler of sand, ground rock, slate, or cinders. The available ammonia promoted the growth of the plant, potash imparted strength to plant fiber, and prevented rust, while phosphoric acid increased yields. Prior to the Civil War, manipulated fertilizers frequently contained two essential plant foods, ammonia and phosphate. When combined with the Peruvian,[75] as was frequently the case,

[69] *Twelfth Census of the United States* (1900), Agriculture 1, ii.

[70] B. C. Flannigan & Co., Charlottesville, Virginia, to C. N. Robson & Co., January 13, 1872, C. N. Robson Papers. Superphosphates were manufactured in Baltimore as early as 1850 by treating bones with sulphuric acid. The Maryland superphosphates were not marketed extensively in the South until after the Civil War.

[71] B. C. Flannigan & Co., Charlottesville, Virginia, to C. N. Robson & Co., January 13, 1872, C. N. Robson Papers.

[72] Potash salts were introduced from Germany soon after the Civil War and were combined with acid phosphate and ammonia by both farmers and manufacturers.

[73] Justus von Liebig (1802-1873), through his experiments in agricultural chemistry, laid the foundation for the modern fertilizer industry. See *The Rural Carolinian*, January, 1870.

[74] Ville's theory was widely discussed in the United States. A series of articles by George Ville was published in *The Rural Carolinian* in 1870 and 1871. David Dickson of Sparta, Georgia, claimed credit with Ville for experiments in the preparation of a complete fertilizer. *The Rural Carolinian*, IV (March, 1873), 301.

[75] Farmers mixed the Peruvian guano with superphosphates. David Dickson wrote in 1868 that "no manure will pay without the addition to it of Peruvian guano." *The Southern Cultivator*, January, 1868, 64.

they also contained a trace of potash. It was not, however, until potash salts from Germany came to be imported in quantity that the complete fertilizer gained wide currency. A typical example of the complete fertilizer is described in a booklet issued by the Baltimore Guano Company in 1883. The guaranteed analysis certified that game guano contained the following: available ammonia 2 to 3 per cent, available phosphoric acid 9 to 11 per cent, and potash 1½ to 2 per cent.[76] The demand for the complete fertilizer soon easily placed it in the lead, a position it maintains to this day.

With the advent of cottonseed oil mills in the 'eighties,[77] a new product, cottonseed meal, came to be extensively used as a fertilizer. In some degree it was a complete fertilizer; however, it was commonly combined with Kainit and acid phosphate by farmers who mixed their fertilizing ingredients at home. Results of experiments conducted by the North Carolina Experiment Station showed that cottonseed meal in both large and small quantities increased yields. Acid phosphate alone increased yields slightly. Acid phosphate and cottonseed meal made a better showing. A complete fertilizer of 200 pounds of acid phosphate, 100 pounds of cottonseed meal and fifty pounds of Kainit per acre in the main proved satisfactory.[78]

FURTHER EXPERIMENTATION

Sidedressing of crops, practiced experimentally in the 'seventies,[79] received much impetus with the appearance of nitrate of soda from Chile. This potent substance, analyzed as around 16 per cent soluble nitrogen, came to be used increasingly with satisfying results on a variety of crops.[80]

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[76] Booklet found in Alonzo T. and Millard Mial Papers, 1845-1867. MS in the North Carolina Department of Archives and History, Raleigh.

[77] In 1860 there were seven cottonseed oil mills in the South; in 1867 there were only four. In 1870 the number had increased to twenty-six. *The Southern Planter*, LXII (January, 1901), 18; *Ninth Annual Report of the Board of Agriculture and of the Commissioner of Agriculture of South Carolina* (1888), 94. The Greenville, South Carolina, oil mill was established in 1882. See *News and Courier* (Charleston, South Carolina), September 29, 1884.

[78] *The Progressive Farmer*, V (July 8, 1890).

[79] *The Rural Carolinian*, IV (May, 1873), 398.

[80] In 1878 the University of Virginia experimental farm was conducting experiments with nitrate of soda. University of Virginia Farm Journals, 1873-1886, MS in the University of Virginia Library. During the 'eighties nitrate of soda was applied as a top dressing for cotton and oats in South Carolina. See *Ninth Annual Report of the Board of Agriculture and of the Commissioner of Agriculture of South Carolina* (1888), 94. Chancellor W. J. Johnson of Marion, South Carolina, said he first used nitrate of soda in 1882. *Ninth Annual Report of the Board of Agriculture and of the Commissioner of Agriculture of South Carolina* (1888), 59.

After the war, experimentation with various quantities, combinations, and ways of distributing fertilizers continued, with broadcasting at planting time for wheat and oats and drilling for row crops as the prevailing pattern. Since the fertilizers were high in price, they were reserved for the most valuable money crops; hence corn received very little manure of any kind.[81] From 1873 to 1886 the University of Virginia conducted an experimental farm on which repeated tests were made of different brands of fertilizers in the growing of Virginia crops, with a view to determining what formulas were best adapted to certain crops. While some progress was made, one cannot be sure from a study of these records that the experiments proved that any one brand produced the highest yields from year to year. In view of the inconclusive nature of the results, farmers were urged to conduct their own experiments. This advice a few farmers heeded; a majority, however, purchased whatever was available in mixed fertilizers, noting only the price and that it was recommended for tobacco or cotton.

A singular situation obtained. Editors of farm journals were urging farmers to use less artificial plant food; to practice crop rotation and deep ploughing, and to rely more on domestic manures and cover crops.[82] At the same time, farmers were buying more commercial fertilizers and giving little attention to crop rotation, deep ploughing,[83] and cover crops. State commissioners of agriculture were generally content to give advice about formulas and plant needs without commitment as to desirability of use; however, by 1891 Thomas Whitehead, State Commissioner of Agriculture of Virginia, in his report to the State Board of Agriculture, asserted that "commercial fertilizers are a necessity to the proper and profitable production of at least three money crops in this state—tobacco, peanuts and cotton."[84]

The consumption of fertilizers increased in Virginia from 57,600 tons in 1887 to over 150,000 tons in 1893.[85] In North Carolina from 1879 to 1881 sales increased from 60,000 tons to 85,000

[81] It was estimated that not half the corn crop of Virginia received any fertilization in 1880. Statistics on Agriculture, *Tenth Census of the United States* (1880), 98.

[82] *The Progressive Farmer*, I (January 19, 1887), 7; *The Southern Cultivator*, September 15, 1899; *The Southern Planter*, February, 1897, 54-55.

[83] Deep ploughing or subsoiling is now little stressed.

[84] *Report of the State Board of Agriculture of Virginia* (1891), 12.

[85] *Report of the State Board of Agriculture of Virginia* (1893), 12. In 1893, 971 different brands were registered with the State Board of Agriculture. *Report of the State Board of Agriculture of Virginia* (1893), 168.

tons.[86] Sales in South Carolina increased from about 100,000 tons in 1880 to 165,000 tons in 1890.[87] The South Atlantic states led all the rest in total tonnage consumed. Official government figures show that in 1899 Georgia was spending $5,738,520 annually for commercial fertilizers, with South Carolina and North Carolina nearly tied for second place.[88] "The smallest farms had the highest average expenditure per acre and the largest farms the lowest."[89] It is also interesting to note that the average expenditure per acre was more for share and cash tenants than "for farms of part owners and managers."[90]

The quantity of fertilizer used per acre depended upon the kind of crop and the means and judgment of the planter. Corn and small grain generally escaped fertilization. Bottom land corn seldom required manure; and upland corn, usually planted on the poorest land, showed small response to the scant quantity of fertilizers applied. Cotton usually received from 200 to 300 pounds of mixed fertilizer per acre sown in the drill at planting time.[91] By 1900 the broadcasting of fertilizer for cotton had been generally discarded for sowing in the drill. Some farmers split the total amount by applying a portion at planting time and the remainder later. An approved formula for cotton in 1899 was 8-2-2.[92] Tobacco invariably received a heavier application, usually from 400 to 500 pounds per acre in the 'eighties and from 600 to 800 pounds in the 'nineties. By 1900 some farmers were using 1000 pounds per acre with pleasing results.[93] It was customary for farmers to sow the fertilizer in the drill for tobacco and then make a list with two furrows. The plants were then set on the list without danger of direct contact with the fertilizer. There

[86] *Report of the Board of Agriculture of North Carolina* (1883), 43.

[87] *First Annual Report of the Commissioner of Agriculture of the State of South Carolina* (1880), 8; *Eleventh Annual Report of the Board of Agriculture and the Commissioner of Agriculture of the State of South Carolina* (1890), 17.

[88] North Carolina subsequently assumed first place among all the states in the Union.

[89] *Twelfth Census of the United States*, part 1 (1900), cxlii.

[90] *Twelfth Census of the United States*, part 1 (1900), cxlii.

[91] Experiments conducted by the Georgia Experiment Station in 1900 definitely demonstrated that drilling produced larger yields of cotton per acre than broadcasting. *Bulletin 52* (Georgia Experiment Station, Experiment, Georgia), January, 1901, 26.

[92] *Bulletin 47* (Georgia Experiment Station, Experiment, Georgia), December, 1899, 108. Prior to about 1930 to 1933 manufacturers of commercial fertilizers invariably presented the guaranteed formula in terms first of phosphoric acid percentage, second of ammonia percentage, and third of potash percentage. Beginning with the early 'thirties, state laws required that nitrogen rather than the ammonia percentage be listed first, followed by phosphoric acid and potash. Hence the old 8-2-2 became 2-8-2.

[93] In 1878 G. B. S. of Amelia County, Virginia, used 400 pounds of fertilizer per acre on tobacco. *The Southern Planter and Farmer*, XLI (January, 1880), 15. B. N. Sykes of Hertford County, North Carolina, stated in a communication to *The Progressive Farmer*, XXI (June 21, 1906), that he used 1,000 pounds of fertilizer per acre on tobacco and harvested 1,000 pounds of tobacco per acre,

was no general agreement as to the best formula for tobacco. It was, however, generally recognized that a tobacco fertilizer should contain a higher percentage of potash than a cotton fertilizer. A formula applicable to the Virginia piedmont would not insure the best results in the coastal plain of North Carolina.

In the cultivation of both cotton and tobacco, many farmers "bedded" the fertilizers several days in advance of the planting. This practice, on the basis of carefully conducted experiments, received the endorsement of the Georgia Experiment Station.[94]

Whether broadcast on wheat and oats or sown in the drill under cotton and tobacco, the amount of fertilizer applied prior to 1900 was woefully inadequate. Before the introduction of the mechanical distributor, much of what was sown by hand was blown by the wind to far-away places. When one considers the extremely low plant food content of the 8-2-2, coupled with the meager contribution per acre, it is quite understandable that many farmers seriously pondered the question, "Does guano pay?" In many instances commerical fertilizers alone did not pay on poor land. Both effort and money were wasted. Farmers could have derived some benefits from soil analyses had they been disposed to avail themselves of this service. Due, however, to mass indifference and skepticism, the laboratory services of the states were generally neglected. It must be remembered that in the 'eighties and 'nineties of the nineteenth century agronomy was still in its infancy. Cover crops of the leguminous variety would store the soil with nitrogen; but where a soil analysis disclosed a potash or a phosphate deficiency the individual farmer, in the absence of a county agricultural agent to direct operations, found it difficult to apply a suitable corrective.[95] All but a few educated farmers preferred to stake their prospects on the complete fertilizers which supplied all three essential plant foods in limited quantities.

CONDITIONS PRESCRIBED FOR SALE

Due to the increased consumption of commercial fertilizers and to the frequent complaints of farmers that fertilizers were

[94] *Bulletin 70* (Georgia Experiment Station, Experiment, Georgia), December, 1905, 74.

[95] In 1891 the State Board of Agriculture of Virginia did not encourage soil analyses because of difficulty in interpreting the results, *Report of the State Board of Agriculture of Virginia* (1891), 65.

adulterated, state legislatures, in order to protect farmers against the purchase of fraudulent and adulterated fertilizers, passed laws requiring manufacturers of fertilizers to comply with certain standards before offering their products for sale. Reports of adulteration were rife just before and immediately after the Civil War; and, in the absence of any guaranteed analysis or any state inspection, the charge that spurious goods were being sold may have been well founded. At any rate, Georgia in 1868-1869,[96] South Carolina in 1872,[97] North Carolina in 1877,[98] and Virginia in 1877,[99] passed laws providing for the inspection and labeling of all commercial fertilizers sold or offered for sale in these states. The early laws provided only limited protection. They were, however, subsequently strengthened so as to protect the consumer against the most flagrant abuses.

All states stipulated that the guaranteed analysis be printed on the bag or tag or both. All allowed a small tolerance or deficiency without penalty and all provided for inspection by a trained chemist. Georgia charged 50 cents a ton for inspection,[100] North Carolina imposed on the manufacturer a tax of $500 on each brand sold in the State,[101] while South Carolina levied a privilege tax on the manufacturer on each ton of fertilizer introduced or manufactured in the State.[102] In 1883, after the Commissioner of Agriculture alleged that his funds were inadequate to provide for analysis of more than one-half the fertilizers sold in the State, the legislature of Virginia required the manufacturer or dealer to pay an annual fee of one dollar for each brand sold in the State.[103] The law was amended in 1894 so as to limit the number of brands which could be sold for one dollar to ten. For each and every brand in excess of ten the dealer or manu-

[96] *Statutes of Georgia* (1868), 5. The original law was amended in 1869 to require the inspector to analyze fertilizers. *Statutes of Georgia* (1869), 5.

[97] *Acts and Joint Resolutions of the General Assembly of the State of South Carolina* (session of 1871-1872), 33.

[98] *Laws and Resolutions of the State of North Carolina* (1876-1877), 510-511.

[99] *First Annual Report of the Commissioner of Agriculture of the State of Virginia* (1877), 2. Act approved March 28, 1877.

[100] *Statutes of Georgia* (1870), 37. The inspection fee was reduced to ten cents per ton in 1889. *Statutes of Georgia* (1889), 67.

[101] *Laws and Resolutions of the State of North Carolina* (1876-1877), 510-514. The North Carolina law was sharply criticized by the fertilizer manufacturers. It was subsequently voided by the Supreme Court of the United States on grounds of constitutionality.

[102] *Revised Statutes of South Carolina* (1893), I, 450-452.

[103] *Acts and Resolutions Passed by the General Assembly of the State of Virginia* (1889-1890), XXI, 82-85.

facturer was to pay an additional fee of ten dollars.[104] This change was effected to discourage multiplication of brands, of which there were registered 1,772 with the State Board of Agriculture in 1905, "an increase of 138 over last year."[105]

During the early stages of the fertilizer trade, inspection was limited and therefore unsatisfactory by reason of a lack of funds and personnel. Samples drawn and analyzed in South Carolina in 1887 numbered 331, of which number complete fertilizer accounted for 185, acid phosphates 66, Kainit 29, cottonseed meal 16, dissolved bone 18, miscellaneous 17.[106] In North Carolina in 1878 the state chemist was behind with his analyses;[107] and, as previously stated,[108] Commissioner Pollard of Virginia complained of not being able to provide the farmers of his state with suitable protection against inferior brands. As a matter of fact, South Carolina did not employ a corps of inspectors until 1899.[109] Farmers, however, were urged to send samples of fertilizers drawn under strict regulations to Clemson Agricultural College for analysis. The report of the state chemist shows that in 1898 he analyzed 314 samples and found six deficient "under the present law." A few of these samples were sent to the state chemist by farmers.[110]

On the whole, the percentage of samples drawn and analyzed which showed deficiencies below the guaranteed analysis was small. The reputations of the manufacturers of fertilizers were at stake; consequently, all manufacturers wished to avoid having their products exposed as deficient. A "stop order" on the sale of any company's brand was publicized with resultant embarrassment and possible loss of business.

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[104] *Acts and Resolutions Passed by the General Assembly of the State of Virginia* (1893-1894), XXI, 917-919. A tonnage fee of fifteen cents was imposed in 1899 in lieu of the brand fee. The brand fee was restored in 1910. *Acts and Resolutions Passed by the General Assembly of the State of Virginia* (1910), 329-330. North Carolina likewise imposed a tonnage tax in 1891 of twenty-five cents per ton. See *Laws and Resolutions of the State of North Carolina* (1891), 40. The South Carolina privilege tax was in effect a tonnage tax.

[105] *Annual Report for the Year 1905* (Department of Agriculture of the State of Virginia), 11-12.

[106] *Eighth Annual Report of the Commissioner of Agriculture of South Carolina* (1887), 4.

[107] *Second Quarterly Report of the Commissioner of Agriculture, for the Year 1878*, 4.

[108] See p. 325, above.

[109] *Statutes at Large of South Carolina* (1898), XXIII, 94.

[110] *Annual Report of the South Carolina Experiment Station at Clemson Agricultural College for the Year 1898*, 12. In 1890 the farmers of South Carolina sent sixty-eight samples of fertilizers to the state chemist for examination. *Eleventh Annual Report of the Commissioner of Agriculture of the State of South Carolina* (1890), 17.

SUMMARY OF RESULTS

By 1900 the use of commercial fertilizers in the South Atlantic states had become general. Here and there individual farmers resisted the trend and others, on paying their fertilizer bills, resolved to buy less; however, with the return of spring, fertilizer agents encountered very little sales resistance when taking orders.

We may now point out some of the most significant results of the use of commercial fertilizers in the South Atlantic states prior to 1900.

It was generally conceded that commercial fertilizers were partly responsible for the extension of the cotton and tobacco belts. The spread of cotton was strongly indicated in the wiregrass country of southern Georgia[111] and in the piedmont section of the Carolinas. According to H. B. Battle, director of the North Carolina Experiment Station in 1888, the proper control and sale of fertilizers accounted for the western extension of the cotton belt in North Carolina for a distance of fifty miles. "Tobacco acreage," he declared, "has likewise increased."[112] In the extension of the bright-leaf tobacco belt into eastern North Carolina after the Civil War, commercial fertilizers were of prime importance. Without the fertilizers, bright-leaf tobacco could not be extensively and profitably grown.

After commercial fertilizers came to be generally available, farmers gradually neglected homemade manures such as litter and compost. Stable manure, always highly prized, retained its position; but the compost heap, prepared with much care and labor, began to disappear.

Commercial fertilizers made intensive farming feasible, particularly in the trucking areas around Norfolk,[113] Wilmington and Charleston. When the physical limits of trucking overreached the supply of domestic manures, commercial fertilizers were applied in large quantities. Prompt and plentiful yields resulted. Since the size of the average farm was shrinking,[114]

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[111] Brooks, *The Agrarian Revolution in Georgia*, 104.

[112] *The Progressive Farmer*, II (February 9, 1888). *Report of the Board of Agriculture* (1883), 42.

[113] The three great trucking counties of Virginia, Norfolk, Accomac, and Northampton, led all the rest in the use of commercial fertilizers. Percival Hicks, "A Study of the Virginia Agricultural Census," *The Southern Planter*, May, 1912, 592-595.

[114] In 1899 there were 167,800 farms in Virginia; in 1909 there were 184,018 farms. The size of the average farm dropped from 127 acres to 105 acres in ten years. *Compendium of the Eleventh Census*, Part III, 606.

there was a clear need of larger yields per acre of the smaller units of production. In meeting this need commercial fertilizers received the first call.

Lastly, commercial fertilizers were responsible for bringing the fertilizer industry to the South, and for the exploitation of the phosphate deposits of South Carolina, Florida and Tennessee. For many years after the Civil War, Baltimore remained the fertilizer capital of the United States. Before the end of the century Baltimore had to yield first place to cities located nearer the scene of the greatest consumption of plant food, notably the South Atlantic states. The presence of the phosphatic fertilizer industry in and around Charleston was due almost entirely to the presence of commercially profitable phosphate mines in that area. Elsewhere, the controlling factor in the migration of the fertilizer industry was doubtless the cost of transportation. In 1878 there was, according to H. P. Battle, only one fertilizer factory in North Carolina. In 1888 there were ten such factories.[115] The number of fertilizer factories in Virginia increased from twenty-five in 1891 to thirty-one in 1893.[116]

Commercial fertilizers prior to 1900 did not produce an agricultural revolution. On the contrary, the blanketing of fields with factory-mixed fertilizers probably retarded the pursuit of sound farming practices. Nonetheless, when one takes into account the run-down condition of farm lands, the emphasis on cash crops, lack of capital, and the general apathy of the people, one cannot escape the conclusion that, despite wasteful methods of application, commercial fertilizers served a useful purpose in bolstering a languishing farm economy.[117]

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[115] *The Progressive Farmer*, II (February, 1888). In 1881 the legislature of North Carolina passed an act requesting the Board of Agriculture to report upon "the feasibility of establishing a state guano works . . . for the manufacture of fertilizers for the farmers and truckers at cost." The project was doubtless considered too socialistic. *Biennial Report of Samuel L. Patterson, Commissioner of Agriculture* (1905), 13.

[116] *Report of the State Board of Agriculture of Virginia* (1891), 12, and (1893), 167.

[117] In summarizing the general results of the use of commercial fertilizers in the South Atlantic States, the writer has borrowed heavily from his article, "The Sale and Application of Commercial Fertilizers in the South Atlantic States to 1900," *Agricultural History*, XXI (January, 1947), 46-52.

LEGAL PRACTICE AND ETHICS IN NORTH CAROLINA 1820-1860

By Fannie Memory Farmer

So far as physical endurance is concerned, the practice of law was much harder one hundred years ago than it is today. Riding the circuits was a time-consuming and laborious undertaking. Because of transportation difficulties, lawyers had to be away from their families for long weeks on end; the lodgings found on certain of the routes were far from ideal; law offices were small and crude; and rowdiness at many of the courts prevented dignified legal proceedings. A major disadvantage of practicing law was that fees were comparatively small.

During the time when they were not traveling to the various courts of the circuit, lawyers practiced in offices which were, for the most part, cubbyholes—not elaborate suites with fine libraries as may be found in many twentieth century cities. The *Raleigh Register* advertised a law office for rent in 1842; it opened on the courthouse yard, and the owner offered to furnish it with a bed and other necessary furniture if the occupant so desired.[1] Being near the courthouse was obviously a great advantage. Kemp P. Battle made a mistake when he rented a large room in Raleigh to be used as an office and home. Much to his consternation he discovered that the room faced the west; it had a flat, tin roof, and in summer the heat was stifling. In addition to those difficulties, the place was a long distance from the courthouse.[2]

Lawyers frequently inserted notices in newspapers announcing the location of their offices. The information given was sometimes vague, and persons lacking a detailed knowledge of the town probably had trouble locating the barristers. Other notices contained explicit directions. For example: H. W. Miller and G. W. Brooks announced that their office was located on Fayetteville Street, Raleigh, over the Lawrence Hotel;[3] Julius Guion advertised that his office was at Guion's Hotel;[4] "P. Busbee & Brother" advertised that they had moved their office from the courthouse to the Henry Cannon office, which was owned by Willis Scott,

[1] *Raleigh Register*, March 18, 1842.
[2] Kemp Plummer Battle, *Memories of an Old-Time Tar Heel*, edited by William James Battle, (Chapel Hill, 1945), 108.
[3] *Raleigh Register*, September 7, 1859.
[4] *Raleigh Register*, January 23, 1856.

Esq., and which was located on the corner of Wilmington and Martin streets in Raleigh.[5] Vague notices must have often necessitated inquiry by a prospective client who did not know the town's history and geography. For example, William S. Mason stated that he could be found at his office "at the corner of the square upon which Mr. McKimmon's residence is situated."[6] Edward Graham Haywood was to be found "at the office lately occupied by Hon. Wm. H. Haywood, Jr., deceased."[7] In such notices as the last two mentioned, there was neither indication as to where the deceased Haywood had had his office nor on which corner McKimmon's residence was located; in fact, there was not even a hint as to which McKimmon was meant.

Legal advertisements show that lawyers generally practiced alone, though partnerships were sometimes formed. Kemp P. Battle and Quentin Busbee, for example, were partners for two years. Battle gave $500 to Busbee; in return the two were to form a partnership for a year, with Battle receiving one-third of the proceeds. The partnership enabled Battle to get into the swing of things, to learn what went on in a law office, and to learn how to conduct a trial. The arrangement did not work out satisfactorily, because Busbee began to drink; and, after two years, Battle withdrew and practiced alone.[8] Now and then the *Raleigh Register* carried notices that two lawyers had formed a partnership; however, large firms with specialists in the various fields of law were unknown. The majority of lawyers preferred to practice without associates.

Notices of the location of their offices were not the only vague factors incident to the relation of attorney and client. Contracts of employment were very indefinite in many cases. Thomas Ruffin received a letter giving him the following inadequate information about a case:

A.—made a *Verbal* Contract with B.—for a lot in Haywood (Chatham City)—In consequence of unfair dealing, A, is not willing to comply with the said *Verbal* Contract. I am *A*,—and hereby employ *You*, & George E. Badger Esq. to defend me, if I should be sued, (which I expect,.) Of this you will be pleased to inform M. Badger.—

[5] *Raleigh Register*, January 15, 1853.
[6] *Raleigh Register*, February 2, 1853
[7] *Raleigh Register*, January 5, 1853.
[8] Battle, *Memories of an Old-Time Tar Heel*, 109-110.

I will inform you more fully of the matter hereafter.[9]

Often the contracts seemed to presume that the lawyer knew all the circumstances of the case. For example, Robert Mebane wrote to Ruffin, "I suppose it is not necessary at present to relate the circumstances particularly as I expect to see you before Court, and you have I suppose, heard a correct account from brother William [.]"[10] A lawyer today would feel very uneasy if he had no hope of getting the details of the case until he met his client at court; indefiniteness seemed to be the usual thing a century ago. Most agreements between lawyers and their clients were oral and informal, however, just as they are in the twentieth century.

Lawyers actively engaged in practicing had to ride the circuits to get from court to court. This method of practicing law was very time-consuming; but, by pursuing such a course, an attorney was able to serve a large clientele. On the circuits he was busy at all hours, for at night the lawyer had to consult clients and study for his cases the following day. The descriptions of trips to court left by contemporary journalists show the difficult experiences which lawyers faced. The roads over which they traveled to courts in remote sections of the state were often rough and almost impassable. Hotel accommodations were far from luxurious, and often the circuit riders suffered from the cold and snow and rain. Rarely did a lawyer travel over thirty or thirty-five miles in one day. On mule or horseback, often through freezing, wet weather, over mountains and across streams and rivers the lawyers went, hoping to get to the next town before nightfall. Such a life was strenuous and often unremunerative.

Augustus S. Merrimon, a member of the bar, kept a journal in which he described his experiences while riding the circuits. On December 1, 1853, he wrote that he traveled thirty-five miles over a bad road. Only rough accommodations were offered at the house where he spent the night; the hostess was a plain, unfashionable old lady, but her several daughters enlivened things a bit. Many stories were told, and the host and his family and

[9] John Van Hook, Jr., to Thomas Ruffin, February 5, 1820. Ruffin Papers, Southern Historical Collection, University of North Carolina Library, Chapel Hill.

[10] Robert Mebane to Thomas Ruffin, December 23, 1820. Ruffin Papers, Southern Historical Collection, University of North Carolina Library, Chapel Hill.

friends laughed heartily, but Merrimon thought none of them funny. The beds were all in the same room; the cover was stiff and the pillows were small; the bill for the room and board was fifty cents. The following day was pleasant and at the end of the journey the lawyer found a good room, food, and bed.[11] It is easy to see that sometimes accommodations were most unpleasant and at other times they were good; there was little uniformity, and traveling lawyers had to put up with all kinds of places as they went from court to court. Merrimon had another kind of trouble when he found that his horse's back had been injured by the saddle; he had to swap the animal off at a sacrifice.[12]

The muddy roads and the cold weather often discommoded traveling attorneys. Frederick Nash noted the difficult time he had in traveling during the winter months. He wrote to his daughter that he had had a dreadful time since he set out on the circuit, having crossed three mountains. "I crossed each in a snow-storm, the mountain was very steep—when not rocky, muddy—the wind blowing a gale and the snow falling so fast that you could not see an object twenty steps from you. Twenty and twenty five miles a day was as much as I could make"[13]

Though winter traveling was difficult the autumn months afforded circuit riders pleasant trips. Merrimon rode down the French Broad in October, finding the trip satisfactory in all respects. The accommodations on that road were good, and he had a "clever supper" at the house of Smith and Baird.[14] The "Journal" does not intimate what the menu of a "clever supper" included.

To make circuit riding pay, a young lawyer found it necessary to be present at courts in a large area. The more courts he attended, the more people he met and the more quickly his reputation grew. Augustus Merrimon noted that fact when he set out for the Cherokee County Court, over a hundred miles from Asheville, a court he had not at first intended to include in his circuit.[15]

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[11] Albert Ray Newsome, editor, "The A. S. Merrimon Journal, 1853-1854," *North Carolina Historical Review*, VIII (July, 1931), No. 3, 312-314.

[12] Newsome, "The A. S. Merrimon Journal, 1853-1854," *North Carolina Historical Review*, VIII (July, 1931), No. 3, 317-318.

[13] Frederick Nash to Sally K. Nash, April 3, 1843. Nash Papers, North Carolina Department of Archives and History, Raleigh.

[14] Newsome, "The A. S. Merrimon Journal, 1853-1854," *North Carolina Historical Review*, VIII (July, 1931), No. 3, 309-310.

[15] Newsome, "The A. S. Merrimon Journal, 1853-1854," *North Carolina Historical Review*, VIII (July, 1931), No. 3, 312.

Because riding the circuits and attending trials consumed nearly all of the daylight hours, the conscientious members of the legal profession studied and interviewed clients at night. Merrimon sometimes read after supper; and on one occasion he wrote that clients had stayed in his room till late that night. Another evening he worked on a road case which he had coming up for trial the next day.[16]

Most lawyers kept busy while riding the circuits; of necessity, they were away from home for weeks at a time. Thomas Ruffin spent approximately forty-three weeks of each year away at court; he hardly ever failed to be at court, no matter what the weather.[17] The absences from home were sometimes long and lonesome. Frederick Nash wrote to his wife in September, 1833, that he was planning to leave for the Chatham Superior Court and would not be back, in all probability, until the middle or latter part of October.[18] Indulging in a bit of self-pity in a letter to his daughter, he wrote: "Four weeks have I now been upon my circuit & this will make the sixth letter I have written home—& one—only one have I received in return—You, are all together, chearing [*sic*], animating [,] supporting each other—while I am here—alone—litterally [*sic*] alone—for every lawyer is gone—each to the place he calls by the endearing name of home—"[19] On another occasion Nash wrote: "This is Friday—tomorrow this court closes. . . & my face will be turned homeward—Home—oh the magic that is in that word—home, dear home—the center of my world. . . ."[20]

In spite of the desire to be with family and friends, lawyers were not always miserable and lonesome while on the circuits. There was recreation away from home, though it might be nothing more exciting than amusing oneself with a "pamphlet of trashy reading."[21] One of the chief pleasures and advantages of the old circuit system was that it enabled the younger members

[16] Newsome, "The A. S. Merrimon Journal, 1853-1854," *North Carolina Historical Review*, VIII (July, 1931), No. 3, 316, 320-322.

[17] William A. Graham, "Life and Character of the Hon. Thomas Ruffin, Late Chief Justice of North Carolina: A Memorial Oration," in Joseph Gregoire de Roulhac Hamilton, editor, *The Papers of Thomas Ruffin* (Raleigh, 1920), I, 23. Hereinafter cited "Ruffin Oration."

[18] Frederick Nash to Mrs. Mary G. Nash, September 15, 1833. Nash Papers, N. C. Department of Archives and History, Raleigh.

[19] Frederick Nash to Ann Eliza Nash, undated. Nash Papers, N. C. Department of Archives and History, Raleigh.

[20] Frederick Nash to Sally K. Nash, April 23, 1841. Nash Papers, N. C. Department of Archives and History, Raleigh.

[21] Newsome, "The A. S. Merrimon Journal, 1853-1854," *North Carolina Historical Review*, VIII (July, 1931), No. 3, 327.

of the bar to become closer acquaintances of the older, well-known lawyers. The contacts proved of value to new lawyers; meeting fellow attorneys on the circuit was one of the chief ways of becoming associated with them, for there were no bar organizations a century ago. The advantages of the system probably outweighed the numerous disadvantages. As was pointed out in an address before the North Carolina Bar Association, in 1885:

> . . . the labor and fatigue and the discomforts of the circuit were not without their advantages and blessings; besides the joyous social feature of judge and lawyers traveling in company through the country from court to court, with Attic wit and sparkling jest, and laughter-provoking joke, the healthful exercise gave strength and vigor to the body, making strong the casket which held the bright intellectual gems gathered from books and their own reflections. From this city [Raleigh] lawyers used to go by private conveyance, or by stage, or hack, not only to the adjoining counties, but to distant parts of the State—to Halifax, Edgecombe, Bertie, Pitt, Craven and other counties. The abler, and more distinguished members of the bar who did not care for the practice of the county courts would, many of them, begin the circuit with the judge and attend all the courts of the judicial districts.[22]

Attorneys enjoyed the fellowship incident to circuit riding; they led adventuresome lives, never knowing what would happen at court or on the roads as they traveled. Their enjoyment and excitement was nothing, however, compared to that of spectators, who found a favorite means of relaxation in attending trials. The court was the center of activity; most men went —both to see their friends and for the diversion of watching court proceedings. The spectators not only watched the trials, but often indulged in drinking while at court. Merrimon frequently referred to the large amount of drinking and drunkenness at court. For example, he wrote in October, 1853, "I noticed a good deal of drinking going on to day, and whisky drinkers have to day, I suppose, been carrying out this very consistent principle of that class: That to drink in damp and cold weather will warm them and to drink in hot weather it will cool them. Ah! consistency thou art a Jewel!" On one day he saw several people who

[22] J. J. Davis, "Address," *Proceedings of the North Carolina Bar Association at a Meeting Held in Raleigh, the 14th of October, 1885* (Raleigh, 1886), 9.

Beaufort County Courthouse, Washington, N. C.
Erected ca. 1785.

were so drunk that they could not walk and their friends were dragging them home.[23] Merrimon noted that often many could be seen snoozing over drunkenness. When a man with a fiddle would "*saw off* some silly ditty two or three drunken fools would dance to the same." A number of the court officials were drunk all of one day; part of the time, while suits were being tried, the whole court was off the bench. Merrimon thought that the county courts should be abolished because of the lack of dignity and the disreputable way in which trials were conducted in those tribunals.[24]

Despite the fact that drunkenness was prevalent on many court days, the spectators took a keen delight in watching the administration of justice. Most of the people who went to court stayed sober enough to enjoy the trials. The *Raleigh Register* described a trial in Fayetteville in which the jury returned a verdict of not guilty. "The annunciation of this verdict produced, as we understand, a very audible expression of the approbation of the large crowd which had thronged the Court House from the commencement to the close of the trial."[25] Kemp P. Battle recorded an incident, which he seemed to think not at all out of the ordinary, of a fight between two lawyers in the courtroom. He said that fights between attorneys were common and that at the conclusion of a bout the judge would fine the offenders and resume court. He added that generally the lawyers made up, asked the pardon of the court, and the fines would be remitted.[26]

Perhaps the most interesting and spectacular happening in a courtroom during this period occurred in 1853, during the George Carawan trial. Carawan, a Baptist preacher, was tried and found guilty of murder. The judge ordered a recess of one hour; at that moment, the prisoner drew a pistol and aimed at the solicitor. The bullet struck above the heart, cut the cloth of his suit, struck the padding, and fell to the floor. The prisoner dropped his pistol, took another, and, despite the efforts of the sheriff to stop him, shot himself.[27] No wonder the courts attracted a large crowd!

[23] Newsome, "The A. S. Merrimon Journal, 1853-1854," *North Carolina Historical Review*, VIII (July, 1931), No. 3, 306, 311.

[24] Newsome, "The A. S. Merrimon Journal, 1853-1854," *North Carolina Historical Review*, VIII (July, 1931), No. 3, 329-330.

[25] *Raleigh Register*, December 8, 1835.

[26] Battle, *Memories of an Old-Time Tar Heel*, 141.

[27] *Trial of the Rev. Geo. W. Carawan, Baptist Preacher, for the Murder of Clement H. Lassiter, Schoolmaster, before the Superior Court of Law of Beaufort County, North Carolina, Fall Term, 1853* (New York, 1854), 114-115. Hereinafter cited *George Carawan Trial.*

The court was an exciting place. Another diverting episode, reported by the *Raleigh Register*, took place at the Wake County Court in 1851. The constable of the county, James H. Murray, was sitting within the bar when a man named John Williamson came up from behind and struck him with a rock, causing Murray to fall to the floor. Williamson was immediately imprisoned, but he was released on bail and later sentenced to two months and fined $50.00 for contempt of court. The newspaper reported that the constable was recovering.[28]

The judicial proceedings were so interesting that great crowds attended court despite the uncomfortable physical surroundings which existed in many courthouses. The rooms were often poorly heated and the benches hard; accommodations for consultation between attorneys and clients were frequently non-existent. At the Jackson County Court, Merrimon wrote that the trial was held in an open house with no floor in it. The room was cold and Merrimon felt that the atmosphere of the place made everybody feel revengeful.[29] At the end of one winter's day, writing in his "Journal," Merrimon stated that it had been so cold that he did not wait to hear the charge.[30] In October Judge David Caldwell opened court in an open house, where the seats were not "fit to sit on . . ." and where there was no place for attorneys and their clients to conduct business.[31]

Not all courthouses were uncomfortable; in fact, some were rather elegant buildings. An advertisement for sealed bids for a courthouse in Granville County stated that the building was to consist of two stories, to be of brick, with two chimneys and six fireplaces, and was to be 44′ x 60′. The lower floor was to be divided into five rooms for offices and the upper floor into the courtroom and jury rooms.[32]

No matter what the building was like, the courthouse was the center of activity in practically every town. In the 1850's it was common for fairs to take place at the courthouse; exhibits were placed within the courtroom itself and in the yard; prizes

[28] *Raleigh Register*, February 26, 1851.
[29] Newsome, "The A. S. Merrimon Journal, 1853-1854," *North Carolina Historical Review*, VIII (July, 1931) No. 3, 318.
[30] Newsome, "The A. S. Merrimon Journal, 1853-1854," *North Carolina Historical Review*, VIII (July, 1931), No. 3, 327.
[31] Newsome, "The A. S. Merrimon Journal, 1853-1854," *North Carolina Historical Review*, VIII (July, 1931), No. 3, 315.
[32] *Raleigh Register*, December 4, 1837.

were announced at the courts,[33] and contests and discussions were held there. Discussions, speeches, and recreational activities at the courthouse contributed to the enlightenment of the people, many of whom would have found no similar instruction elsewhere.[34]

Not only was the courthouse valuable because of the recreational and judicial facilities it afforded, but the building itself generally formed the nucleus around which the town was built.[35] Juliana M. Conner, in her diary, frequently elaborated on the fact that the court was the central building in the town. She wrote, on going to Waynesboro, that she and her husband "rode out of the town which consisted of 8 or 10 log houses and a small frame court house! ! !" About Newport she said it was "a small town, one description will usually answer for all such—a main st. Tavern, Court House. . . ." She also wrote that the courthouses were "always the most prominent building in towns and are usually placed in the middle of the main street."[36]

While fairs were conducted at the courthouses, and while numerous social events took place there, trials were the most important occurrences. In the midst of drunkenness, crowds, and fights, trials in civil and criminal cases continued. North Carolina lawyers journeyed to sundry courts and attended to the legal business at hand. Merrimon wrote of David E. Caldwell, who presided over the Superior Court of Buncombe County, as a stern judge, who saw to it that the law was properly enforced. He punished anyone who infringed on the dignity of the court in the least.[37] Unfortunately not all judges were as conscientious as Caldwell.

The administration of justice varied widely from court to court. Sometimes minor, relatively insignificant cases occupied more time than they were worth, and cases were often tried without much system or efficiency. The judges and other court officials, including lawyers, were largely responsible for the

[33] Guion Griffis Johnson, *Ante-bellum North Carolina: A Social History* (Chapel Hill, 1937), 108-109.
[34] William Henry Hoyt, editor, *The Papers of Archibald D. Murphy* (Raleigh, 1914), II, 313-314.
[35] Johnson, *Ante-bellum North Carolina*, 116.
[36] Diary of Juliana M. Conner, 51, 52, 41, 42, 20-21. Typed copy in N. C. Department of Archives and History, Raleigh.
[37] Newsome, "The A. S. Merrimon Journal, 1853-1854," *North Carolina Historical Review*, VIII (July, 1931), No. 3, 300-301.

manner in which court was conducted. Sometimes trials ran smoothly; on other occasions, time was wasted and the entire trial was handled in a haphazard way. Inefficiency and confusion were particularly prevalent in the county courts, where many of the officials were ignorant men, caring little about the public interest. Court was sometimes conducted in the midst of talking, noise, and confusion; in fact, on one occasion, Merrimon observed that the noise was so loud that the testimony could not be heard.[38] Lawyers sometimes magnified relatively insignificant cases into all-day affairs.[39] The lowest courts did not command respect from the populace, but the superior courts were generally presided over by intelligent men who sought fair administration of justice in the midst of dignified legal proceedings.

The trial of cases in the superior courts did not differ radically from trials of today. A study of the George Carawan trial, which occurred in the Beaufort County Superior Court, shows that the procedure and evidence were handled much as they would be handled in modern trial. Witnesses were examined and cross-examined; tangible exhibits were offered in evidence; and lawyers argued vehemently before the judge and jury.[40] Expert testimony was used in trials of a century ago, just as it is now. Doctors testified at length in the Ann K. Simpson trial on the question of poisons and the possibility of death by various types of poisons.[41]

Though the procedure in the introduction of evidence and the examination of witnesses was similar to that in twentieth century trials, one difference in the courts of a century ago and today stands out. This difference is that evening, Saturday afternoon, and holiday sessions of court were not at all unusual. To cite a few examples: Merrimon recorded an account of a riot case which occupied the court from 2:00 to 7:00 o'clock;[42] part of the Carawan trial was held on Saturday afternoon;[43] and

[38] Newsome, "The A. S. Merrimon Journal, 1853-1854," *North Carolina Historical Review*, VIII (July, 1931), No. 3, 328.
[39] Newsome, "The A. S. Merrimon Journal, No. 3, 1853-1854," *North Carolina Historical Review*, VIII (July, 1931), No. 3, 303-304.
[40] See *George Carawan Trial*.
[41] William H. Haigh, reporter, *The Trial of Mrs. Ann K. Simpson, Charged with the Murder of Her Husband, Alexander C. Simpson, by Poisoning with Arsenic* (Fayetteville, 1861). Hereinafter cited *Ann K. Simpson Trial*.
[42] Newsome, "The A. S. Merrimon Journal, 1853-1854," *North Carolina Historical Review*, VIII (July, 1931), No. 3, 324-325.
[43] *George Carawan Trial*, 75.

Ann K. Simpson's trial was set for Thursday, Thanksgiving day.[44]

The conduct of lawyers in court was as varied as the individuals who practiced before the different courts. For instance, Murphey was a safe counsellor in his office, a man who never encouraged litigation. He was calm and polite at all times. Ruffin was at the opposite pole; he was rough toward opposing witnesses and would get very excited while a case was being tried.

Murphey's conduct was described by Judge Jesse Turner in a letter to Archibald Murphey Aikes. He said:

> In the Court House, he was adroit and successful in the management of his cases. His speeches whether addressing the Court or Jury were remarkable for simplicity of style yet his thoughts and arguments were always couched in chaste and elegant English but never using words and phrases unsuited to the Common understanding. His ordinary manner of speaking . . . was like earnest, animated Conversation and he never at any time became boisterous or vehement. Although on rare occasions when warmly enlisted in the cause of a greatly wronged client he became wrought up to an unusually animated presentation of his client's cause, and at these times the force of his logic and power of his eloquence were almost irresistible, yet he never seemed to labor, or make an effort for display, but his speeches ordinarily seemed *extemporaneous* or rather grew out of the facts and revelations of the particular causes in which he was engaged as Counsel. Yet Judge Murphey was always well equipped, and being learned in his profession prepared himself well in all cases requiring preparation, but his speeches never seemed to smell of the midnight lamp.[45]

Turner, who was one of Murphey's pupils, wrote that Murphey was a "*Model of decorum* and *propriety* in every walk of life."[46]

Thomas Ruffin was thought to have been rough toward opposing litigants and witnesses. He was unpopular with the common people and "with many who were not very common."[47] Ruffin was "a vehement speaker, and would sometimes knock the floor instead of the table with his knuckles. . . ."[48] His powerful cross-examinations were such an ordeal that frightened witnesses

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[44] *Ann K. Simpson Trial*, 7.

[45] Hoyt, *The Papers of Archibald D. Murphey*, II, 421-422.

[46] Aubrey Lee Brooks and Hugh Talmage Lefler, editors, *The Papers of Walter Clark, 1857-1901* (Chapel Hill, 1948), I, 264.

[47] Hoyt, *The Papers of Archibald D. Murphey*, II, 426-427.

[48] Edwin Godwin Reade, *Address Delivered by the Hon. Edwin Godwin Reade, LL.D., before the Convention of the Legal Profession of North Carolina, at Asheville, N. C., July 9th, 1884* (Raleigh, 1884), 11. Hereinafter cited *Address*.

frequently trembled when they took the stand. Though Ruffin was noted for his attitude toward witnesses, he does not seem to have been the only lawyer to have behaved in an unseemly manner. Judge Jesse Turner, in discussing the conduct of certain lawyers, said:

> The practice of almost *wholesome, indiscriminate* abuse of opposing parties and witnesses obtained so extensively in the N. C. Courts of that day as to produce widespread discontent among the people. I remember public Meetings called in Orange County to consider this abuse as it was considered of the legitimate functions of an Attorney and Advocate. At these Meetings *Resolutions* were passed expressing the indignant condemnation by the people of this reprehensible practice. I think Ruffin's manner at the bar contributed more largely than any thing else to these Meetings. In the resolutions this sort of practice at the bar was styled *"Bullyragging" parties and witnesses* in Court.[49]

But Murphey was respectful to witnesses at all times, and never tried to embarrass them.[50] He "was as soft as the lute, and would steal on the jury, and tap his snuff box and offer a pinch."[51] The actions of Murphey and Ruffin represented two extremes; most lawyers spoke and acted in a normal manner and did not cause any comment among the legal profession or the spectators at court. The crowds who thronged to court probably enjoyed watching Ruffin more than other lawyers because they liked action and oratory.

Oratory was of far more importance in the trial of a case a century ago than it is today. Newspapers frequently mentioned the forceful speeches made by attorneys. For example, the *Raleigh Star* commented that in a particular case

> The Attorney General with his accustomed eloquence, contended that the circumstances of this homicide justified a verdict of murder, which he endeavored to shew, from various precedents. He spoke about 2 1-2 hours, very animatedly. . . .

Henry Seawell and George E. Barger, attorneys for the defendant, replied at length "and with that ability for which these learned and eloquent gentlemen are so justly distinguished."[52]

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[49] Hoyt, *The Papers of Archibald D. Murphey*, II, 426-427.
[50] Hoyt, *The Papers of Archibald D. Murphey*, II 424-425.
[51] Reade, *Address*, 11.
[52] *Raleigh Star*, April 28, 1820.

Since such a large number of people attended court, the attorneys probably felt that eloquence and flowery oratory were necessities. Kemp Plummer Battle, a poor speaker, had such a feeling, and he worried because of an unwritten family law which required that he study law. A friend advised him to speak in a conversational manner, prepare his subject, and talk as if he were trying to persuade one man of his views. He took this advice and became a successful practitioner.[53] Oratory was not absolutely essential, but it was endorsed heartily by the populace. The crowd went to court for the display to be found there; when the lawyers spoke to the jury in soft, natural voices, the audience was apt to be greatly disappointed.

The importance of a single lawyer at a term of court was amazing; in fact, sometimes a session of court would not be held if one or two of the busiest lawyers failed to appear. Frederick Nash wrote that he had a short court because of the absence of a lawyer who had a "commanding" business.[54] The *Raleigh Register* of April 9, 1838, reported that the superior court had been in session for a week, but, in the absence of one of the leading lawyers, had transacted little business.[55]

The practice of law had its disadvantages as well as its advantages. Comments from contemporaries show what lawyers had to contend with in the courts, and the small amount paid by clients for some types of legal services. George S. Attmore wrote:

> I hope this may find you realizing all the pleasures and enjoyments which flow from health and rest—the last of which can be appreciated by none more truly than those who have undergon[e] the fatigues and trials inseperably [*sic*] incident to our Courts. Indeed I look upon it as one of the peculiar and almost exclusive advantages of the profession that it confers such happiness on a fellow after a circuit is over and when he can look ahead to a "Millenium" of a few weeks rest and comfort.[56]

Henry Seawell wrote to Ruffin:

I despair of reaching home in time for Wake Supr. Court. The clients from whom I have received fees in that court, already begin the refunding system—it is ruinous to me—for the expenses of my situation, are almost equal to the emoluments.

[53] Battle, *Memories of an Old-Time Tar Heel*, 74-75.
[54] Frederick Nash to Sarah K. Nash, undated. Nash Papers, N. C. Department of Archives and History, Raleigh.
[55] *Raleigh Register*, April 9, 1838.
[56] Hamilton, *The Papers of Thomas Ruffin*, I, 351.

Hainds, our client in Jail, wrote me a note when I was at home enquiring whether in case of failure, I would refund what he had paid me? I have visited him half a dozen times in a loathsome dungeon; done more drugery than I would perform for the seventy dollars he had paid me, (I think it is about that sum I have received) and now he calls on me to return that unless I go through with him.[57]

Riding the circuits was strenuous, and the fees were many times inadequate to compensate for the immense amount of time and work of the lawyers. Those people unable to afford legal aid had assigned to them "learned counsel" who served without fee.[58] Thomas Ruffin had a practice rarely exceeded by any North Carolina lawyer;[59] few lawyers were so fortunate as to have the income he had. Lawyers who put on a good show often attracted more clients than those who practiced in a quiet, dignified manner. Ruffin's showmanship in court probably contributed to his success as a practitioner.

Small fees and tiresome journeys were disadvantages which had to be met by circuit riders. Another discouraging factor to be considered by lawyers starting out on the circuits was the likelihood of ill health caused by travels through all kinds of weather and climate. Lawyers frequently discussed the perils to health incurred by those of their group who rode the eastern circuits. For example, Archibald D. Murphey inquired of Thomas Ruffin, "Where will you go this Fall? If to the low Country, prepare yourself before you set out, by getting rid of all superfluous Bile."[60] The judges often expressed their lack of desire to ride the circuits in the eastern part of the state because of the fear that ill health would result. On the other hand, Frederick Nash pointed out the value of the exercise one was forced to take in riding the circuits.[61]

The physical discomforts were slight compared to the professional disadvantages. The opportunities to confer with clients and witnesses were limited; reference to written authorities was confined to those books that could be carried in saddlebags.[62]

[57] Hamilton, *The Papers of Thomas Ruffin*, I, 298.
[58] *Revised Code of 1852*, chap. 31, sec. 43, 47-48.
[59] Graham, "Ruffin Oration," *The Papers of Thomas Ruffin*, I, 23.
[60] Hoyt, *The Papers of Archibald D. Murphey*, I, 310-311.
[61] Frederick Nash to Mary G. Nash, undated. Nash Papers, N. C. Department of Archives and History, Raleigh.
[62] John Allen Krout and Dixon Ryan Fox, *The Completion of Independence, 1790-1830* (New York, 1944), 287.

Sometimes the lawyer did not meet his client for a conference until he got to court; many courthouses lacked adequate facilities for conferences between attorneys and their clients. Law libraries were scarce, but lawyers could not be encumbered in their travels by any great number of books. The lawyers had to rely on their memories and their common sense to a greater extent than they do in the twentieth century.

The difficulties connected with circuit riding also prevented many lawyers from engaging in appellate work. Quite a few attorneys hesitated to appeal their cases from the superior courts to the Supreme Court because of transportation difficulties involved in the journeys to the Supreme Court. For the same reason, many lawyers did not engage in federal court practice. However, appeals from county courts to the superior courts were common. For instance, Augustus Merrimon wrote, in complaining of a county court decision against him, "The Court decided against me verry [sic] improperly and I made my Client appeal to the Superior Court.—A County Court is more influenced by their own wishes, most generally, than by what is really their duty. It is not well therefore, for a litigant to get his suit into this Court."[63] Lawyers were not always eager to make their clients appeal to the Supreme Court; as a matter of fact, many of them would not undertake the traveling involved in appellate practice. In 1838, when the Supreme Court calendar was called, it was agreed that precedence would be given to causes in which the lawyers had come a great distance. Unless such an exception arose, the court proceeded regularly with the docket.[64] A natural consequence of the difficulties incident to appellate practice was that a group of lawyers began specializing in state Supreme Court and United States inferior court practice.[65]

Such men as Peter Brown, Moses Mordecai, William Gaston, George E. Badger, Thomas Ruffin, Archibald D. Murphey, Henry A. Seawell, Gavin Hogg, Duncan Cameron, Joseph Wilson, and James Martin were included in the group who did a great deal

[63] Newsome, "The A. S. Merrimon Journal, 1853-1854," *North Carolina Historical Review*, VIII (July, 1931), No. 3, 320-322.

[64] "Rules of Court," 20 *North Carolina Reports* (1838), 324. The Supreme Court required hard work for the judges as well as for the lawyers. Frederick Nash wrote that he did not "rightly" appreciate the work of a Supreme Court justice when he accepted appointment on that bench. He had written until after 12:00 o'clock several nights and had had trouble with his eyes ever since. See Frederick Nash to Mary G. Nash, undated. Nash Papers, N. C. Department of Archives and History, Raleigh.

[65] "Legal Education," *North Carolina Journal of Law*, I (May, 1904), 222.

of appellate work and were often seen in the North Carolina Supreme Court.[66] The same men, together with other leaders of the legal profession, comprised the active members of the bar of the United States courts within North Carolina.[67] These men found it profitable to devote much of their time to state appellate and federal court practice, despite the rocky and miry roads, the infrequent bridges, and the distances from the seat of government.[68] The majority of a legal profession contented themselves with riding the circuits in their own vicinities, leaving the appellate work to the more adventuresome and ambitious members of the group.

After the War of 1812 and until after the Civil War, the federal courts did not touch the lives of the common people to any great extent. There was no such thing as a federal courthouse at that time; federal court was held in the county courthouse, by courtesy of the local authorities.[69] The principal business in the federal courts was that involving violations of postal laws, counterfeiting, and some admiralty cases at Wilmington and Edenton. The federal circuit court at Raleigh was presided over by John Marshall from 1801 until 1835.[70] It is interesting to note that the names which appear in the lists of Supreme Court and federal bars, with few exceptions, are the same names which are recognized as those of the leading lawyers in the lower courts. It is safe to make the generalization that the most enterprising lawyers made their services known, and attended all courts for the benefit of their clients.

In their trial and appellate practice, lawyers were aided by forms and books just as they are today. The first seven volumes of the *North Carolina Supreme Court Reports* were not officially printed but were published at private expense and as a private enterprise. The court reporters charged lawyers one cent a page; thus reports were printed at great length, with no compression of the facts of the cases. For this privilege of printing the reports,

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[66] Archibald Henderson, *North Carolina: The Old North State and the New* (Chicago, 1941), II, 31.

[67] Henry Groves Connor, *Remarks upon the Opening of the Federal Court Room, Raleigh, N. C., January 18, 1915, and in Accepting the Portraits of Hon. Asa Biggs, Judge of the United States District Court for the District of North Carolina, 1858-1861 and Hon. George W. Brooks, Judge of the United States District Court for the District of North Carolina, 1867-1882* (Raleigh, 1915), Hereinafter cited *Remarks on Court Room.*

[68] Kemp Plummer Battle, *History of the Supreme Court* (Raleigh, 1889), 42.

[69] Connor, *Remarks on Court Room,* 11.

[70] Connor, *Remarks on Court Room,* 9-10.

the reporter was required to furnish copies to the State. The State also paid him $500.00, which was increased by $100.00 in 1852.[71]

Other aids included such materials as Benjamin Swaim's magazine, *The Man of Business,* which included much law, with supporting citations. Swaim had every number of the publication scrutinized by a member of the profession in the hope of eliminating errors.[72] He said that the purpose of his publication was to set forth the principles of law in an easy and familiar style so that any man with common sense could ascertain what his legal rights were without the necessity of going to counsel. The advertisement of the magazine stated that the forms alone were worth the price of the subscription.[73] Swaim also edited a book containing forms, statutes, digests of state Supreme Court decisions, and other pertinent information.[74] When one remembers that he was a lawyer, one is amazed that Swaim was eager to help the common man and to assist him in being his own attorney.

The *Raleigh Register* frequently carried advertisements of law books and forms for lawyers' use. A set of forms, advertised in 1845, had been carefully prepared by a lawyer and were "believed to be accurate." The purpose of the forms was to encourage uniform pleadings in the state.[75] Another publication, prepared by a "sound lawyer," was advertised as embodying useful legal information in simple language.[76] A newspaper notice, calling attention to a new book on civil procedure, insisted that attorneys "just coming to the Bar, should get this work by all means. In some Towns, every Lawyer has it, old and young. Citizens ought to favor it too, for it is by one of our own people."[77] It is hard to imagine any laymen being interested in a book on civil procedure

[71] Walter Clark, *History of the Supreme Court Reports of North Carolina and of the Annotated Reports* (Raleigh, 1918) is a brief account of the publication of the high court decisions.

[72] Benjamin Swaim, editor, *The Man of Business; or Every Man's Law Book: Showing how to execute properly all deeds and writings obligatory, with approved forms and precedents suited to every class of cases according to modern practice. Interspersed with legal advice, useful statistics, tables for reference, improving anecdotes, scientific suggestions, &. The whole intended to form a book of convenient reference: and a safe guide to all classes in the community, whether public officers or private citizens* (New Salem, 1834-1835), II, 147. Hereinafter cited *The Man of Business.*

[73] *Raleigh Register,* May 23, 1837.

[74] Benjamin Swaim, *The North-Carolina Justice: Containing a Summary Statement of the Statutes and Common Law of this State, Together with the Decisions of the Supreme Court and all the most approved Forms and Precedents, Relating to the Office and Duty of a Justice of the Peace and Other Public Officers, according to Modern Practice: The Whole Intended as a Complete Practical Application of the New Revised Statutes of North-Carolina* (Raleigh, 1839).

[75] *Raleigh Register,* April 8, 1845.

[76] *Raleigh Register,* January 1, 1838.

[77] *Raleigh Register,* June 8, 1847.

—even though it was by a native son! Advertisements of law books were numerous. Virtually every issue of the contemporary newspapers carried notices of new or old law books, without which no lawyer could ever hope to be successful at the bar. Members of the bar whose incomes were large enough to justify the expenditure could buy form books and commentaries which simplified their practice.

Many attorneys could not afford extensive libraries, and public law libraries were few and small. Borrowing was a common practice among lawyers who had a few books. As is often true of borrowers, particularly of book borrowers, they not infrequently failed to return the volumes promptly. For example, "H. Potter" advertised that his "2nd Blackstone's Commentaries has been out of my library for several years. I will thank the borrower to return it."[78] It would be interesting to know if the second volume of Blackstone was ever returned to Potter's library.

Some few attorneys had extensive libraries containing many reference books and classics as well as legal treatises. For instance, Archibald D. Murphey's library contained eighty-nine volumes of history; thirty of biography; three of philology; twenty-six of statistics, political economy, politics, and political law; seventeen of religion; sixteen of morals; fifty-five of science; sixteen of *belles lettres* and rhetoric; ten of philosophy of the mind and philosophical essays; ninety-six of reviews and periodical works; one hundred of miscellaneous subjects, including *Advice to Mothers, Krafts Distiller,* and *Gentleman Farmer;* twelve of travels and voyages; forty-five of poetry; five of Greek classics; nine of Latin classics; twelve novels; forty books in the French library; and two hundred forty-four volumes of legal treatises.[79] Murphey's was an exceptionally good library, but other lawyers had numerous publications. William Gaston read widely in law, history, biography, theology, economics, and literature. He read in the English, Greek, Latin, and French languages.[80] Augustus Moore's office was lined with books—both legal and non-legal works.[81]

[78] *Raleigh Register,* July 14, 1820.
[79] Hoyt, *The Papers of Archibald D. Murphey,* II, 438-442.
[80] Robert Digges Wimberly Connor, *William Gaston: A Southern Federalist of the Old School and His Yankee Friends, 1778-1844* (Worcester, Massachusetts, 1934), 12.
[81] Pulaski Cowper, "Reminiscences and Anecdotes of the North Carolina Bar," *North Carolina University Magazine,* XIV (April, 1895), 347-350.

Many lawyers, not so fortunate as the men mentioned above, did not have a large selection of books. There were practically no public law libraries, save those of the Supreme Court at Raleigh and Morganton. The paucity of available books undoubtedly helped create a spirit of fraternity among lawyers. Though no such thing as present-day bar associations existed, the members of the bar felt an intangible unity. They were willing to help each other by lending books; looking up statutes in sources unavailable to their friends; and by assisting clients of lawyers who, for one reason or another, were unable to appear in court on time. For example, Thomas Ruffin wrote to Bartlett Yancey in Raleigh in 1824, asking him to look up certain statutes he needed and send copies to him.[82] In 1821 Ruffin wrote to Murphey saying that he had been sick and did not feel that he could properly attend to business at Caswell superior court. He asked Murphey to take charge of his cases, stating that he would "leave my clients to the tender mercies of you and the brethren."[83]

Lawyers felt a kind of unity merely because of the fact that they were all members of the same profession; however, there was no formal organization of lawyers. The only thing that drew the members of the bar together as a body was the death of one of the members. On such occasions the lawyers met to pass resolutions bemoaning the death of their fellow attorney and to agree to wear the customary badge of mourning for thirty days. The members of the Salisbury bar met to raise a sum to erect a monument over the grave of Archibald Henderson. This they did in addition to passing the following resolution:

> No lawyer of this State has left an earthly bar to appear at a heavenly one within our remembrance, whose memory presents stronger claims to the grateful veneration of his brethren, than that of Mr. Henderson.[84]

The Nash County bar met in 1824 to testify to their high esteem for, and adopt resolutions honoring, Thomas N. Mann, who died shortly before.[85] The lawyers of a community generally attended the funeral of a deceased counsellor in a body. The procession at William Gaston's funeral shows that lawyers served as pallbearers, and that members of the bar went in to the funeral together.

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[82] Hamilton, *The Papers of Thomas Ruffin*, I, 320.
[83] Hoyt, *The Papers of Archibald D. Murphey*, I, 206.
[84] *Raleigh Register*, October 7, 1825.
[85] *Raleigh Register*, August 20, 1824.

Clergy and attending Physician.

Mr. Attorney General,	CORPSE	Mr. Cameron,
Mr. Bryan,		Mr. Henry,
Mr. J. T. Morehead,		Mr. Manly,
Mr. Badger,		Mr. Mordecai,

Family of the Deceased.
The Chief Justice, the Governor, Judge Daniel.
Officers of the Court.
Members of the Bar.
Heads of Departments.
Intendent of the City and Commissioners.
Citizens and Strangers.[86]

Gaston was an outstanding lawyer and judge of the Supreme Court, but his funeral was not an unusual one. Lawyers nearly always were requested to attend the funeral of fellow attorneys and to wear mourning badges. The Supreme Court passed a resolution including a recommendation that all lawyers wear the accepted badge of mourning in honor of Gaston.[87]

Though the members of the bar did not have meetings, except on the occasion of the death of a member, the feeling among the lawyers was a fraternal one. William K. Ruffin wrote that he would like to be a member of the legal profession because "There prevails among the members of the Bar so much good feeling and harmony."[88]

Perhaps lack of organization was one of the causes of the laxness of rules of ethics. Today bar associations have lengthy and elaborate codes of ethics.[89] In the nineteenth century there was no such thing, but most lawyers probably felt a certain amount of responsibility toward maintaining reasonably high standards. It is now considered unethical to advertise one's services as a lawyer; one hundred years ago, such action was considered perfectly normal and justifiable. During the early 1820's advertisements were comparatively rare;[90] as the years passed, it became more and more common for lawyers to advertise. M. J. Coman advertised in 1824 that he would practice in Wake, Halifax, Nash, Northampton, and Washington counties; he promised

[86] *Raleigh Register*, January 30, 1841.
[87] 38 *North Carolina Reports*, 502-504.
[88] Hamilton, *The Papers of Thomas Ruffin*, I, 520-521.
[89] For North Carolina's present code, see A. Newson Michie, Charles W. Sublett, and Beirne Stedman, editors, *The General Statutes of North Carolina* (Charlottesville, Virginia, 1943), IV, 53-64.
[90] See *Raleigh Register* for the years 1820 to 1824.

to attend to business faithfully and punctually; he would execute legal conveyances "in a correct, legal and technical manner."[91] William S. Ransom promised "assiduity and promptitude in the discharge of the duties of his vocation."[92] Quentin Busbee and Kemp P. Battle wanted it known that they practiced law in the central counties of North Carolina and that any business intrusted to their care would be attended to promptly.[93] J. W. Johnson of Raleigh announced that he would attend "particularly and promptly to the collection of all kinds of claims, renewing and discounting notes in Bank, hiring and renting property, and buying and selling real estate on commission. Refer to Charles Dewey, Cashier Bank of the State, and W. H. Jones, Cashier Bank of Cape Fear."[94] Johnson was undoubtedly busy since his real estate business was only a side line. The practice of giving references in the advertisements was common during these years.[95]

A. S. Merrimon elaborated at length on his idea of ethics in the legal profession. He wrote:

> I do not consider it the duty of a Lawyer to bewilder a Jury or the Court and lead their minds astray. This is not what a lawyer ought to do, and I consider it highly dishonorable for him to do it. It is every lawyer's duty to seek after the true and just rights of his clients, and to present his case in the most forcible light to the court and jury and he has not done his duty until he has done this; but it is not part of the duty of a lawyer to assist a scoundrel at law or in regard to the facts and whenever this is done, the man who does it is to some extent and [*sic*] accomplice. . . . A Lawyer, in the true sense of the term, never studies Chikenery [*sic*] and low cunning. No, a man who is a lawyer, never fears to meet the question and battle face to face.[96]

In all probability many lawyers failed to adhere to the high ideals held by Merrimon. Benjamin Swaim printed an article which indicated that the good advocate was one who would not plead a cause if "his tongue must be confuted by his conscience."

[91] *Raleigh Register*, July 2, 1824.
[92] *Raleigh Register*, June 17, 1829.
[93] *Raleigh Register*, October 4, 1854.
[94] *Raleigh Register*, September 30, 1857.
[95] See for example, the notice of Henry B. S. Williams in the *Raleigh Register* for February 28, 1840, and that of Nathaniel J. Palmer in the *Raleigh Register* for March 2, 1841.
[96] Newsome, "The A. S. Merrimon Journal, 1853-1854," *North Carolina Historical Review*, VIII (July, 1931), No. 3, 304.

The good lawyer would not grow lazy; he would be "*more careful to deserve, than greedy to take fees.*"[97]

Some lawyers evidently failed to deserve all the fees they took. William Hooper, speaking at Wake Forest on *The Sacredness of Human Life*, expressed the opinion that lawyers would have no fees if they followed the principle of justice to every man. The section of his speech entitled "The Blood of the Bar and the Jury-Box" contained vituperations galore against the legal profession. Hooper felt that the more desperate the case and the more odious the offender, "the greater is the harvest of renown and wealth to the successful pleader." Any criminal would be acquitted if he had enough money to retain a good criminal lawyer, Hooper contended.[98]

In 1833 the *Raleigh Register* quoted one Brougham who had expressed the opinion, in an address on the privileges of the bar, that the lawyer owed his first duty to his client, and that he should act "reckless of consequences." The *Register* disagreed, saying that this was false in principle. The editor observed "it will never be maintained in an American Court of justice, that the acceptance of a fee releases a man from the obligations of social virtue and future responsibility."[99]

A lawyer who practiced gross improprieties could be punished by the courts and stricken from the roll of attorneys, because the legal profession held strict surveillance over its members. A lawyer taking the oath was admitted to practice during good behavior.[100] However, prior to 1868, no court, so far as the records show, was called upon to disbar an attorney.[101]

Statutory regulations, designed to protect the public from fraudulent practices on the part of lawyers, provided that if any practicing lawyer should neglect to perform his duty or should act fraudulently, in any action in which he was retained, he would be liable to the injured party to the extent of double damages

[97] Swaim, *The Man of Business*, II, 135-138.

[98] William Hooper, *The Sacredness of Human Life, and American Indifference to Its Destruction: An Address before the Literary Societies of Wake Forest College, June 10th, 1857* (Raleigh, 1857), 24, 19.

[99] *Raleigh Register*, September 10, 1833.

[100] [Edwin G. Reade], *A Vindication of the Legal Profession against the Unjust Accusations contained in an Address delivered by William Hooper, DD., LL.D., at Wake-Forest College, in June, 1857, By "An Advocate"* (Raleigh, 1858), 22, 23.

[101] L. H. Clement, "Address of President," *Report of the Eleventh Annual Meeting of the North Carolina Bar Association, Held at the Battery Park Hotel, Asheville, June 30th, 1909*, 18.

and court costs.[102] The taking of a greater fee than was allowed by law was also a misdemeanor.[103]

The statutes did not establish fees to be charged for many types of legal services. Fees varied, depending on the lawyer and on the work done. The charges were not generally exorbitant, however. For example, in December, 1840, the state paid $12.00 to Thomas C. Miller for drawing a contract. In January, 1841, $100.00 was paid to Thomas L. Clingman, attorney for the state, to appear in suits which might be brought against the state involving reservations of land under treaty between the United States and the Cherokee Indians.[104]

Frederick Nash was much pleased when one client gave him a note for $500.00 as a fee and another note for $330.00, conditioned upon Nash's success in the case. He wrote, "I wish there were a few more such—but alas! They come like angels visits—few & far between."[105] Benjamin Swaim wrote that attorneys received $20.00 for a suit in equity, $10.00 for a suit in the superior or county courts where a land title was involved, $4.00 for any other suit in the superior courts, and $2.00 for an appeal from the judgments of justices of the peace to the county courts. The attorney general, solicitor general, and solicitors received $20.00 for attending court, $10.00 for every conviction of murder, perjury, forgery, or burglary, $5.00 for every conviction of grand or petit larceny, arson, fraud, deceit, or mayhem, and $4.00 for all other convictions; the attorney general received $100.00 for attending each term of the Supreme Court. For every conviction of petit larcency, county solicitors were paid $10.00; for a conviction of a misdemeanor, $4.00.[106] Edward Cantwell, a lawyer, observed that, strictly speaking, an attorney was entitled to no more than he would recover in an action of assumpsit for work and labor done. He continued by saying that the practice was for lawyers to receive a retainer on all notes placed with them for collection. Commissions on the amount collected depended on the sum in controversy and the trouble and length of the litigation. Contingent fees depended on the same circum-

[102] *Revised Code of 1821*, I, Ch. 37, Sec. 1, 169.
[103] *Revised Code of 1852*, Ch. VIII, Sec. 7, 18.
[104] "Comptroller's Report for the Year Ending Nov. 1, 1841," *Documents Printed by Order of the General Assembly of North Carolina, at Its Session of 1842-43*, 32, 41.
[105] Frederick Nash to Mary G. Nash, undated. Nash Papers, N. C. Department of Archives and History, Raleigh.
[106] Swaim, *The Man of Business*, I, 276-277.

stances plus the difficulty of the case, and the client's ability to pay. The agreement as to the fee was generally made at the time of employment.[107] John Livingston, in 1851, estimated the average United States lawyer's income to be $1,500.00 a year; in 1860 he gave the average earnings as about $1,000.00 annually.[108] No estimates for average earnings of North Carolina lawyers are available; however, they were undoubtedly less than the average for the United States as a whole.

James H. Ruffin wrote in 1826 that he and other lawyers were attending court but that there was little trial work and fees were small. He said that citizens dreaded litigation and were using other means of settling their disputes.

> If there be not an improvement in the business of our Courts, some of us, *honorable Attornies at Law,* will have to resign our Credentials and betake ourselves to employment more suited to our capacities and more congenial with our dispositions, the pursuits of agriculture or the acquisition of the knowledge necessary for the performance of some *trade* which will secure to us the means of an honest livelihood. . . .

He added that part of the lawyer's particular difficulty was due to the fact that he gave much advice "without having the requisite knack of asking a gratuity in return, but that *must stop.*"[109]

Archibald D. Murphey wrote to Thomas Ruffin in 1825 that he had had as good fortune on the circuit as he could expect. At the end of the fifth court he had received about $300.00 in cash and had notes for about $600.00. He said that he would probably receive in money and notes $200.00 the next week, but after that his prospects were poor.[110] He wrote to William Duffy that one could make very little at superior courts except in criminal matters, "and that is very precarious."[111] The North Carolina Supreme Court held that attorneys were entitled to the reasonable worth of their services;[112] it also held that reasonable attorney's fees were a necessary and reasonable expense in the settlement of an estate.[113]

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[107] Edward Cantwell, *The Practice at Law in North Carolina* (Raleigh, 1860), I, 124-125.
[108] John Livingston, editor, *The United States Monthly Law Magazine,* IV (July-December, 1851), xiv; John Livingston, *Livingston's United States Law Register and Official Directory for 1860; Being a Hand-book of Information Useful to Every Lawyer and Business Man, as well as to all Executive, Judicial, Legislative and County Officers* (New York, 1860), ix.
[109] Hamilton, *The Papers of Thomas Ruffin,* I, 345-346.
[110] Hoyt, *The Papers of Archibald D. Murphey,* I, 317.
[111] Hoyt, *The Papers of Archibald D. Murphey,* I, 6-9.
[112] *Leach v. Strange,* 10 North Carolina Reports, (1825), 601-603.
[113] *Fairbairn v. Fisher,* 58 North Carolina Reports (1860), 385.

In the discussion of fees, not once does it appear that any lawyer thought he overcharged a client; neither does one ever suggest that a fellow lawyer overcharged anybody. If the sentiments of the lawyers can be accepted, no lawyer ever charged exorbitant fees; instead, every member of the bar was a poor struggling individual, who barely made a living. It is true that some lawyers suffered hardships and were often indebted to their creditors. Archibald D. Murphey, for example, was actually imprisoned for debt.[114]

Lawyers, dentists, doctors, and others whose salaries or fees yielded an income of not less than $500.00 yearly, had to pay an income tax of $3.00. The legislators thoughtfully provided that every physician, surgeon, dentist, and lawyer should be exempt from this tax for the first five years of his practice.[115] A law of 1856-1857 raised the tax to $5.00 for the first $500.00 and one per cent for all above $500.00.[116] The amount of the income tax was changed the next year so that one paid one per cent of his income, provided the total exceeded $500.00.[117]

Despite income taxes, low fees, miry roads, blinding snow storms, dirty courthouses, and drunkenness and brawls in the courtrooms, the attorneys who practiced law in the years 1820 to 1860 seem to have enjoyed the fellowship which the circuit system offered; they learned to bear hardship without complaint (except for a touch of homesickness now and then); they grew to respect other members of the bar and bench, and many lawyers formed intimate friendships with those whom they met on the circuits. The lawyers who went through all of the discomforts which had to be endured for the sake of the law must have been devoted to their calling; perhaps that is one reason why the names of many of the lawyers in this period are synonymous with the great names of North Carolina.

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[114] See Hoyt, *The Papers of Archibald D. Murphey*, II, 431-437. See also Brooks and Lefler, *The Papers of Walter Clark, 1857-1901*, I, 265.
[115] *North Carolina Public Laws*, (1848-1849), Ch. LXXVII, Sec. 6, 131.
[116] *North Carolina Public Laws*, (1856-1857), Ch. 34, Sec. 39, 39-40.
[117] *North Carolina Public Laws*, (1858-1859), Ch. 25, Sec. 27(16), 36.

THE LABOR MOVEMENT IN NORTH CAROLINA, 1880-1922

By Harley E. Jolley

There is no single factor in the public life of today which has more devoted friends or more uncompromising enemies than organized labor. Its members and friends claim that it is the pillar of cloud and pillar of fire which will lead the workingman into the promised land of justice. While its enemies represent it as a great devouring monster which will, unless restrained, make all business impossible. Which view is right? In our opinion neither. There seems to be no doubt of the fact that organized labor has come and come to stay.[1]

In the pre-Civil War days North Carolina and the other southern states were at a disadvantage in the consideration of the rights of labor for the obvious reason that a goodly portion of southern labor was under bondage, directly or indirectly, to the institution of slavery; hence, there was little attention paid to what in later days has been called the "dignity of labor." Yet, one of the heritages of the Civil War was that at long last it became considered honorable to toil with one's hands.[2]

Nevertheless, North Carolina and her sister southern states proved to be very infertile fields for an organized labor movement and to a great extent this is still basically true of the present day South. Various theories have been advanced to account for the slow growth of a labor movement in the South. For example, it has been claimed that the southerner's Calvinistic outlook caused him to frown upon strikes as being contrary to the will of God; i.e., men should accept whatever befell them and trust that an all-wise God would prosper them in due time. This same outlook created the attitude, so the story goes, that the mills were the property of the owners and as the master of such property the owner had the right to set his own wage rate. Should the workman object to the offered rate it was a free country and the worker had the right to reject the wage or quit working, but "if the workman did reject the wage, then he plainly ought to get off the premises and go on somewhere else to look for a job,

[1] *Daily Industrial News* (Greensboro) Editorial, October 18, 1905.
[2] *Labor Day Address of Chief Justice Walter Clark of the North Carolina Supreme Court, Wilmington, North Carolina, September 7, 1914,* 18.

and not gang up with others of his sorry sort to deprive more honest men of the right to take the vacated job. . . ."[3]

Again, the theory was propounded that it was partially fear of Catholicism which helped to retard organized labor in the South. This was explained by pointing out that most of the southern laborers were Protestants, who had a tendency to distrust the labor organizer from the North since to them he represented Catholicism and foreigners.[4]

The contention has also been made that the reason why the South made such slow progress toward organizing labor was that the workers in the post-Civil War era had been saved from economic ruin through the benevolence of the southern industrialists and had therefore, out of a sense of gratitude remained fervently loyal to them, under a system which came to bear the label "paternalism."[5]

Too, sectionalism has been cited as playing its role. This partially derives from the fact that more often than not the labor agitator was from some northern state, rather than being a native son. The following remark is indicative of how these men were regarded in the South: ". . . labor leaders are 'alien' invaders, racketeers, stick-up men, mad Yankee guerrillas waging war on the South. . . ."[6]

Perhaps all of the theories were best summed up in this fashion:

> The mill workers of the South are 300,000 Rip Van Winkles. Slavery and cotton penned them in the untaught poverty of the back country for four or five generations. They know less about union meetings, negotiations with employers or strike discipline than the immigrant workers of Lowell or Lawrence. Deep prejudices—sectional jealousy, bitter Protestantism, and a stimulated Anglo-Saxonism—add bitter difficulties for a Northern, partly Catholic and somewhat non-Nordic union.[7]

Most of the theories had some basic elements of the truth in them, but when the whole story is examined two key factors seem

[3] Wilbur Joseph Cash, *The Mind of the South* (New York: A. A. Knopf, 1941), 349-350.
[4] Broadus Mitchell and George Sinclair Mitchell, *The Industrial Revolution in the South* (Baltimore: The Johns Hopkins Press, 1930), 126. (Hereinafter cited as Mitchell and Mitchell, *Industrial Revolution.*)
[5] E. T. H. Shaffer, "Southern Mill People," *Yale Review*, XIX (September, 1929), 326.
[6] Wilbur Joseph Cash, "The War in the South," *American Mercury*, XIX (February, 1930), 165.
[7] Mitchell and Mitchell, *Industrial Revolution*, 182.

to stand out. First, it appears that the objects and processes of organization, as set forth by those who have urged it have not met the worker's needs nor suited his or his employer's tastes.[8] In the second place, there stands the simple fact that the South was, to say the least, somewhat slow in becoming industrialized and thus the industrial revolution with its accompaniments, such as organized labor, didn't make much of a showing in the South until the beginning of the twentieth century or, more specifically, the First World War period. Yet throughout the years attempts were made to alert the southern workmen to the benefits and possibilities of organized labor. The story of this attempt in North Carolina is the concern of the remainder of this article.

There is evidence to show that the idea of organization had borne fruit in North Carolina's skilled labor ranks even prior to the Civil War. For example, there is an existing account of an address delivered before the Wake County Workingmen's Association in Raleigh, February, 1860. It is of interest to note that the speaker informed his audience that they were charged with being abolitionists, stirring up strife, being opposed to internal improvements, organizing a new political party, arraying class against class, and with being poor. All except the last were, of course, denied fervently.[9]

The speaker, in the flowery language of the day, painted a dark and what proved to be a prophetic picture for labor:

> . . . Workingmen, We have fallen on evil times. Dark and troubled clouds are lowering around us. Compelled to *disgrace* of labor, either mental [or] physical, to maintain ourselves, our wives and children, the keen scented nostrils of aristocratic patriots smell treason in every movement of our muscles, and in every idea of our brains. In every pulse-throb of the blood that courses through our veins, they feel a jar to the temple of Liberty; and in every word we utter they hear the thunder tones of intolerable impudence and insolence. Ever and anon their wrath, like arrowy lightnings, cleaves the gloom above and around us, with a light whose lurid gleam is quite as substantial, if not as fearful as Chaos itself. . . .[10]

The foregoing description of the wrath of the employing class

[8] Harriet L. Herring, *Worker and Public in the Southern Textile Problem* (Greensboro: Industrial Seminar for Ministers, 1930), 4.
[9] Frank I. Wilson, *Address Delivered before the Wake County Workingmen's Association, in the Court House at Raleigh, February 6, 1860*, 6.
[10] Wilson, *Address*.

against organized labor is so apt and so revealing that it might readily be used as the basic guide to the employers' reactions to labor unions throughout the period being studied.

As might have been expected, the first steps toward labor organization in North Carolina developed among the groups of skilled workers in some of the larger towns. One of the earliest such organizations was the Raleigh Typographical Union, which was organized in 1854 and became a member of the National Typographical Union in 1860. The primary objects of the union were to maintain a fair rate of wages, to help the members secure and keep employment, to encourage good workmanship, and to elevate printers generally, as well as to protect the members from dishonorable competition, and "to elevate the social, moral, and intellectual conditions of its members, and for burying the dead."[11]

To accomplish these aims the union established a set price scale for labor and placed into operation an apprentice law whereby apprentices were limited to one for every four journeymen and were required to serve an apprenticeship of four years before being admitted to membership. By the early 1880's the printers of Wilmington, Charlotte, and Raleigh were organized. Due to the nature and level of the occupation involved, these printers' unions enjoyed a long and relatively successful career.[12]

Organizers were busy in other fields also. According to the *Carolina Watchman* of April 1, 1886, everybody was getting the organizing fever. Under the headline "They All Organize" it was reported that:

> Bakers, Truck Drivers and Shipping Clerks, Tailors, Shoesalesmen, "progressive" painters, Tin and Slate roofers, Cigar Makers, Wholesale Drug Clerks, Barbers, Wood Carvers, Hotel Clerks, and lots and lots of other folks are organizing to demand more pay and to reduce working hours. If it don't beat bob tail. Had not the press better organize to demand more readers at better prices. . . .

[11] *Seventh Annual Report of the Bureau of Labor Statistics of the State of North Carolina, for the Year 1893.* (Raleigh: Josephus Daniels, State Printer, 1894), 120. The North Carolina Labor Statistics Bureau changed into the Bureau of Labor and Printing, and finally adopted its present-day title, Department of Labor. (Hereinafter referred to as Annual Report.)

[12] Harry Mortimer Douty, "Early Labor Organization in North Carolina, 1800-1900," *South Atlantic Quarterly,* XXIV (July, 1935), 260. (Hereinafter cited as Douty, "Early Labor Organization.")

Although the writer undoubtedly had in mind the national scene, rather than the state of North Carolina in general, it is nevertheless worthy of noting that organized labor was now beginning to attract attention even in the South.

In addition to the craft unions among the skilled mechanics there gradually developed a more widespread and more inclusive labor movement which slowly assumed the aspects of a truly bona fide labor organization. For example, William Sylvis, founder of the National Labor Union, one of the nation's earliest national unions, made an organizing trip to the South in 1869 with the purpose of "evangelizing" among the workers in order to spread trade-unionism. Among the places visited was Wilmington, North Carolina. Sylvis's biographer states that he had expected considerable support of his National Labor Union in the South "because everybody is poor, and ours is a war of poverty against a monied aristocracy."[13]

Yet his hopes were doomed to disappointment, just as were the similar hopes of later organizers in the same district. His failure was probably partially due to the fact that the South was too busy with Reconstruction to pay much attention to the rantings of a labor organizer. Furthermore, the South of that day very likely was too poor to support and/or finance a labor movement, even had one been desirable.

It was not until the advent of the Noble Order of the Knights of Labor that North Carolina experienced any noticeable statewide labor movement. The Knights of Labor began in Philadelphia, 1869, as a secret society of garment cutters under the leadership of Uriah S. Stephens. By 1873 the order had attained national scope. According to the doctrines of the order, any person who worked for a living was eligible for membership. Notable exceptions, however, were those persons who sold or made a living, directly or indirectly, by the sale of intoxicating drinks; furthermore, no lawyer, banker, professional gambler or stock broker would be admitted. No distinction was to be made of race or sex. Strikes were opposed and arbitration was favored as the best means of settling all differences between employee and employer. The order was also non-partisan. Workers were grouped

[13] Jonathan Philip Grossman, *William Sylvis, Pioneer of American Labor; a Study of the Labor Movement During the Era of the Civil War* (New York: Columbia University Press, 1945), 186.

into local assemblies on the basis of residence rather than occupation. The industrial program called for such things as the creation of producers' and consumers' cooperatives, equal pay for equal work for both sexes, and the eight-hour work day.[14]

The Knights of Labor first appeared in North Carolina in 1884 at which time John R. Ray, a printer from Raleigh, organized in that city the first North Carolina local assembly. By 1887 the State Commissioner of Labor was reporting that the order had grown very rapidly in North Carolina and that there were local assemblies in most of the counties of the state. He further reported that "The membership of the order in the State . . . is large, and is composed of male and female, white and colored."[15]

Some light on the reaction of the press to the Knights of Labor may be gained from the following statement which appeared in a North Carolina paper of that day:

> There can be little doubt that many who join the Knights of Labor are activated by no special concern for working men, but rather by a desire for personal gain. Some wish the trade of the Knights of Labor and others seek votes. . . . For the special purpose of elevating the condition of labor the order is admirably adopted. . . . For the general protection and amelioration of society, we have already the church and the state. We cannot see how any other instrumentality is needed.[16]

The diversified occupations of the order's members is indicated by the fact that at one meeting of the local assembly in Raleigh among those accepted for membership were "two merchants, two farmers, a salesman, machinist, tailor, bookkeeper, clerk, carpenter, locomotive engineer, blacksmith, stationary engineer, and a printer."[17] With such a membership it might readily be gathered that the union was entirely too broad in its scope, and this eventually was to cause its decay.

Meanwhile, in 1886 the national labor movement had attracted world attention through the Haymarket affair. Strangely enough, the ramifications of the affair reached into the North Carolina Knights of Labor organization with the charge that the same John R. Ray who had founded the first local assembly in the

[14] *Annual Report*, 1887, 202-222; Louis M. Hacker and Benjamin B. Kendrick. *The United States Since 1865* (New York: F. S. Crofts and Co., 1947), 226. (Hereinafter referred to as Hacker and Kendrick, *United States Since 1865*.)
[15] *Annual Report*, 1887, 224.
[16] *Carolina Watchman*, (Salisbury) June 17, 1886, quoting the Shelby *New Era*.
[17] Douty, "Early Labor Organization," 261.

state was an anarchist. It was reported that the Chicago police, in a raid on a radical center, had found a communication from one of Durham's assemblies of the Knights of Labor in which it was stated that the red flag would yet fly over Durham, North Carolina. A Durham tobacco worker, J. A. Strickland, who allegedly had written the message, in some way implicated Ray who immediately and strenuously denied that he was an anarchist. The affair, so far as North Carolina was concerned, closed out with Ray's being acquitted by his local assembly of misconduct charges while Strickland was expelled from his Durham assembly.[18] That Ray was probably innocent of the charges might be deduced from the fact that as early as April, 1886, prior to the Haymarket affair, Ray had issued public notices warning that there were persons in the state who were falsely using the name of the Knights of Labor to teach "communistic and revolutionary doctrines, contrary to the principles of our order and dangerous to the people of our common country."[19]

So far as the activities and influences of the Knights of Labor were concerned, one of their most important accomplishments was the organization of the North Carolina Bureau of Labor Statistics in 1887. It was organized largely through the Knights' agitation and over the repeated protests of the employing class. The order was also responsible for the introduction of several labor legislation bills in the State General Assembly. These bills embodied such things as a ten-hour working day, and the prohibition of the employment of children under fifteen years of age in certain occupations.[20] Too, the Raleigh Assembly, in April, 1886, donated money for the relief of strikers who were striking against Jay Gould's railroad system in the Southwest. One of the local's members even proposed the following epitaph for Gould:

While heat and cold, sunshine and rain,
When the oppressor Jay Gould
In the silent grave shall lay cold
And starless night and deathly form
Shall hover o'er the tyrant's tomb

[18] Douty, "Early Labor Organization," 263.
[19] *Carolina Watchman*, April 29, 1886.
[20] United States Senate, *The Beginning of Child Labor Legislation in Certain States; a Comparative Study, Senate Document No. 645*, 61st Congress, 2nd Session (Washington: Government Printing Office, 1910), 131.

And his last sleep no waking knows,
While heat and cold, sunshine and rain,
their dominion shall maintain
All o'er the land and o'er the main
The Knights of Labor still shall reign
Triumphant over all their foes.[21]

As to further influences, the Commissioner of Labor declared, 1893, that the order's "sweet influences" had won some of its members away from strong drink, had reduced the hours of labor in many of the cotton mills, and had elevated labor in general.[22]

Although the Knights of Labor supposedly did not approve of strikes, they were generally given credit for a strike which occurred in April, 1887, against the Raleigh City Waterworks. The strikers, colored laborers, "nearly all Knights of Labor," were demanding an increase of pay. A Carolina newsman prophesied that it was quite probable that the Waterworks would hold no conference with the strikers nor grant them any increase in pay. Instead the Waterworks "will proceed to take in others who are not bound like slaves to obey the commands of official Knights."[23] Information is not available as to just what the conclusion of the strike really was, but it is more than likely that the strike was a failure.

By 1886 the Knights of Labor were beginning to decline in national importance, and after 1887 the decline began in the South with such devastating effect that the 1894 report of the Labor Commissioner stated that there were no Knights of Labor in the state.[24] Nevertheless, the order had rendered at least one service: it had acquainted the laboring classes with the potentialities and advantages which might be gained through organization.

It was also during the mid-1880's that one of the earliest labor disputes developed in North Carolina's tobacco industry. This dispute is of interest for several reasons. For one thing, it concerns one of the few instances in which an employer imported outside labor to work in a North Carolina mill, that is, on a fairly large scale. It is also notable in that it furnished one of the

[21] Douty, "Early Labor Organization," 264.
[22] *Annual Report*, 1893, 116.
[23] *Carolina Watchman*, April 21, 1887.
[24] *Annual Report*, 1895, 262.

earliest examples of workers in North Carolina protesting against technological improvements which were encroaching upon their labor rights.

The Durham plant of W. Duke, Sons and Company, had found it necessary, or so they thought, to import some 125 Polish Jews, formerly employed by a New York tobacco firm, to work as cigarette rollers. In 1884 cigarette rolling machines were installed in the Durham plant and immediately the immigrant workers threatened to destroy not only the machines but also the mechanics who serviced them. Apparently matters could not be settled to these workers' satisfaction because they are reported as having left the Duke's employ in September, 1886, at which time they returned to New York. Several years later, in commenting upon this matter, Washington Duke declared: "We have never had any trouble in the help except when 125 Polish Jews were hired to come down to Durham to work in the factory. They gave us no end of trouble. We worked out of that, and we now employ our own people."[25]

The extent of organization existing in North Carolina during the '90's is to some extent reflected in the annual reports of the State Department of Labor. The report for 1896 declared that "Labor organizations have not as yet obtained a very strong footing in North Carolina." The 1899 report listed the following organizations as being in operation in the State: Bricklayers, Masons and Plasterers Union; Brotherhood of Locomotive Engineers; Typographical Union; Federation of Labor; Order of Railway Conductors; and the Bookbinders Union. It will be noted that most, if not all, of these fall into the craft union bracket. Also, as might have been expected, the majority of these unions were located in the larger towns, especially in Asheville, Charlotte, and Raleigh.

However, for several years following the decline of the Knights of Labor there was no major activity in North Carolina by a national labor organization. Nevertheless, the American Federation of Labor, which had been organized in 1881 and reorganized in 1886 under the leadership of Samuel Gompers, eventually began to take notice of the South. The American Federation of

[25] Nannie May Tilley, *The Bright-Tobacco Industry, 1860-1929* (Chapel Hill: University of North Carolina Press, 1948), 519.

Labor, unlike the Knights of Labor, restricted its members to workers in the skilled classification. Some of the aims of the union were: compulsory education for children, the use of the strike as a bargaining weapon, child labor legislation, a national eight-hour work day, and a protective tariff.[26]

As early as 1895 a resolution was introduced at the annual convention of the American Federation of Labor whereby it was requested that an effort be made by the union to organize the textile industries in the South. The following year President Gompers announced that, "In accordance with your directions, two special organizers have been commissioned to proceed to the South for the purpose of organizing thoroughly the textile workers upon trade union lines."[27]

In the 1898 convention a delegate from Nashville, Tennessee, introduced a resolution proposing that the American Federation of Labor provide and salary an organizer to travel in the South for at least six months for the purpose of encouraging a trade-union organization, as well as for agitating in favor of union-made goods. This delegate reminded the convention that if the American Federation of Labor did not take action in the South then the result would be that the low wages prevalent in the South would eventually force down wages in the North. His appeal was championed by other delegates, one of whom stated that the South was truly a splendid field for organization. Another spoke up to say that if some steps were not taken to organize the workers in the South, the South's low-wage competition would force Massachusetts to "drop back from the position she occupies in the front rank of the states of the Union, so far as labor legislation is concerned."[28]

In this same tone, the Arkwright Club of Boston, Massachusetts had, in 1897, predicted the ruin of New England industry unless something were done to offset the advantages of long hours and cheap wages which the South enjoyed. Also, in 1899 it was even proposed that the northern manufacturers cooperate in raising a fund to be spent in unionizing the southern workers

[26] Hacker and Kendrick, *United States Since 1865*, 231.
[27] *Labor Omnia Vincit. Report of the Proceedings of the Fifteenth Annual Convention of the American Federation of Labor. Held at New York, N. Y. December 9th to 17th Inclusive, 1895*, 30. (Hereinafter cited as *Proceedings, A.F.L.; Proceedings, A.F.L.*, 1896, 21.)
[28] *Proceedings, A.F.L.*, 1898, 92.

and it is believed that some money was contributed for this very purpose.[29]

These continued urgings for organizing activities in the South by members of the American Federation of Labor finally brought forth the desired results. The official press organ of the American Federation of Labor, May, 1899, contained this announcement:

> It is well known that the "peculiar institution" which until the commencement of the present generation, dominated the social and industrial life of the Southern States, has hitherto prevented any very great expansion of the voluntary organization of labor, and has therefore imposed upon the American Federation of Labor today an immense and most difficult task, a task unparalleled in the history of the world. As a commencement then, of this herculean yet delicate mission, three of our brothers . . . all of them well acquainted with Southern conditions, were chosen as general organizers in that hitherto neglected field.[30]

Among the cities listed for visitation by these special organizers were Asheville, Charlotte, Raleigh, and Wilmington. One of the three men later reported that he had succeeded in strengthening the Typographical Union in Asheville. Two of the organizers went to Charlotte where they received "all manner of opposition" from the mill owners. It was alleged that the mill owners denounced them as agitators and "stooped to the vilest methods" to thwart their organizing efforts. Nevertheless, the two did succeed in organizing what they described as a monster meeting, out of which came the organization of a local union. This prompted one of the organizers to proclaim that he was prouder of that union than any previously organized because it represented an outpost "in the enemy's country."[31]

The American Federation of Labor had also come to the support of North Carolina in another field. The 1896 convention adopted a resolution endorsing a bill introduced in the United States Senate by Senator Marion Butler from North Carolina, which favored the government ownership and operation of the telegraph service as a branch of the postal system.[32] The bill never got anywhere but this action by a North Carolina senator

[29] Holland, Thompson, *From the Cotton Field to the Cotton Mill* (New York: The Macmillan Company, 1906), 190. (Hereinafter cited as Thompson, *Cotton Field to Cotton Mill.*)
[30] *American Federationist*, VI (May, 1899), 57.
[31] *American Federationist*, VI (May, 1899), 58.
[32] *Proceedings, A.F.L.*, 1896, 76.

and the American Federation of Labor was a sign of the tendency away from the old conservatism of former days.

The American Federation of Labor had not been long in existence before it was evoking comments from the North Carolina press. In 1889 one newspaper editor, commenting upon the American Federation of Labor's eight-hour day movement, declared:

> The sentimental side of the question, with its suggestions of rest at home and time for the cultivation of the intellect, is attractive, but it is probable that the practical side, involving the necessity for bread and meat and clothing, will continue to make differences in the length of the working day in spite of all that labor federations may do. The great stern facts of life are stubborn things to deal with.[33]

Meanwhile the organizing efforts of the American Federation of Labor continued. In 1899 one of the union's organizers told of "agitating the movement" in Salisbury, Haw River, Spray, and McAdamsville. He added that he felt hopeful of securing strong locals in all four places as he had left the "work in good reliable hands."[34] He described the working conditions in the South in very uncomplimentary terms: "The awful and pitiable condition of these overworked, oppressed people is a curse to humanity, a shame to civilization, and presents a striking example of the reign of selfishness instituted by men of the proprietary classes."[35]

Although the description might have been generally true, it is more than likely that the very workers and "proprietary classes" of whom he was speaking were not aware that there was anything radically wrong with either their condition or attitude, nor would they have recognized themselves from the organizer's descriptions. Such are the problems of labor organizing.

During the same time another organizer was busy at Greensboro, Lexington, Winston-Salem, and other North Carolina towns. He organized a union of the Woodworkers of Winston-Salem and hoped to have similar success in the other places visited.[36]

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[33] *The News and Observer* (Raleigh), February 26, 1889.
[34] *American Federationist*, VI (June, 1899), 77.
[35] *American Federationist*, VI (June, 1899), 126.
[36] *American Federationist*, VI (June, 1899), 226.

By 1903 the Federation was receiving requests that it sponsor colored organizers to be sent among the colored workers to organize them.[37] It is not known whether this proposal ever received actual execution but it is a fact that in 1899, four years prior to the above request, a local of the International Tobacco Workers Union, affiliated with the Federation, was organized in Winston-Salem, and by 1901 two more locals had been formed in Winston-Salem as well as two in Mt. Airy, and two in Wilson. Thus there is the possibility that these locals had Negro members since a major portion of the tobacco workers were Negroes.

The members of the Federation in North Carolina agitated against child labor and sought the passage of a child labor law. They were highly critical of the father who sent his children into the factories and then loafed himself. An organizer from Gastonia, in a letter to the Commissioner of Labor, 1901, declared:

> I will say hail to the day when the old lazy, tobacco-chewing, whiskey-drinking, union cursing fathers, who sit around the company's store and whittle on goods boxes and talk politics, and make unmanly remarks about the virtue of women, will be put into the mills to work, and those little children of theirs taken out and sent to school. . . .[38]

The attempt to institute child labor legislation aroused the ire of the manufacturing groups. In 1903 the manufacturers even became so aroused as to describe the proposed legislation as "Yankee doings." One, in a letter to the *News and Observer,* declared that the whole thing was a "Yankee trick, started in New England, the home of 'Uncle Tom's Cabin' and all the abolition deviltry."[39]

Despite the employers' objections, the State Legislature in 1903 passed an act prohibiting the employment of any child under twelve years of age in any factory or manufacturing establishment within the state.[40]

Yet it was in the southern textile industry upon which the Federation spent most of its efforts. The organizers assigned to this region were given instructions to pay particular attention to the labor movement among the textile workers. Furthermore,

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[37] *Proceedings A.F.L.*, 1903, 131.
[38] *Annual Report*, 1901, 421.
[39] Elizabeth H. Davidson, "The Child Labor Problem in North Carolina, 1883-1903," *North Carolina Historical Review*, VIII (April, 1936), No. 2, 120.
[40] *Annual Report*, 1906, 2.

during the period 1898-1901 the Federation provided the mill unions with funds as well as leadership for organizing.[41]

Even so, the total efforts of the American Federation toward organizing the North Carolina workers during this particular period must not have been very great. This statement is based upon the fact that the union's financial reports indicate that less than nine hundred dollars was expended for organization purposes in North Carolina, 1900-1901. The growth of the union's activity in later years, however, is shown by the expenditure of more than fifteen thousand dollars for organizational purposes in North Carolina and some five other states in 1921.[42]

Another indication that the North Carolina region did not prove very receptive in these early efforts of the Federation is that President Gompers was informed by one of his ablest agents in the South that the Carolinas presented an unique problem since they were states having many isolated mills. And besides, said he, the people of the South were not yet ready to receive organized labor.

Meanwhile organization among the textile workers of North Carolina was interesting others. Especially was the 1898-1900 period a busy one. According to the Commissioner of Labor's report "organization has progressed so rapidly that we find it impossible to keep pace with it." He also saw such a great increase in the labor union activity that he believed that in five years time every textile worker in North Carolina would be a union member. He was about 100 per cent too optimistic.[43]

Around 1900 the National Union of Textile Workers, headed by a southerner, Prince W. Greene, began activities in North Carolina. This union was affiliated with the American Federation of Labor and probably received support for its activities through American Federation of Labor subsidy. By 1901 the National Union had established locals in such towns as Charlotte, Greensboro, Concord, Salisbury, Lexington, Gastonia, Burlington, Bessemer City, and Spray, or in other words, the chief textile centers of the state.[44]

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[41] George Sinclair Mitchell, *Textile Unionism and the South* (Chapel Hill: The University of North Carolina Press, 1931), 26. (Hereinafter cited as Mitchell, *Textile Unionism.*)

[42] *Proceedings, A.F.L.*, 1901, 52; 1921, 23-24.

[43] *Annual Report*, 1901, 386, 400.

[44] Harry Mortimer Douty, "The North Carolina Industrial Worker, 1880-1930" (Ph.D. thesis, University of North Carolina, 1936), 267. (Hereinafter cited as Douty, "North Carolina Industrial Worker.)"

Yet, southern membership in the National Union Textile Workers was never large. In fact, one writer states that "most locals probably counted their paid-up members by scores instead of by hundreds."[45]

It was through the work of the National Union of Textile Workers that North Carolina experienced one of her first major strikes. This strike took place in Alamance County, beginning in the fall of 1900, and centering around Haw River and Burlington. Some eighteen to twenty-five mills were involved, most of them belonging to one family.[46]

Apparently the strike was brought about over disagreement between management and labor in regard to the firing or retention of an unpopular mill overseer. The members of the local union demanded that the overseer be fired inasmuch as his treatment of the workers, especially the women, was "harsh and inconsiderate." The management refused to comply with the union request and also refused to negotiate with the union representatives. When the strike was called other nearby mills struck with sympathy strikes.[47]

The strike, which was expected to be short-lived, lasted for more than a month during which time both sides brought charges and counter-charges against the other. The union claimed that the management had failed to accept a proposal to meet and talk the matter over. Said the management: "We will not receive a committee such as you suggest in relation to the management of the help in any of our mills. We do not hire the help through committees but individually, and we certainly will not treat with them in any other way as individuals."[48]

Finally, October 3, 1900, the management announced that since the recent developments had demonstrated that the mills could not be operated with the necessary harmony between workers and employers so long as the workers were subject to interference by "outside parties," the management had decided, therefore, to operate its plants with non-union labor only, effective October 15, 1900. Furthermore, any worker who objected to this decision and who would not withdraw from the labor union was

[45] Mitchell, *Textile Unionism*, 27.
[46] Thompson, *Cotton Field to Cotton Mill*, 192.
[47] *The News and Observer*, October 5, 1900.
[48] *The News and Observer*, October 6, 1900.

to evacuate any and all company property occupied by him on or before October 15, 1900.[49]

In speaking of the strike a feature writer for the *News and Observer* made the remark that:

> The mill owners will win, but their victory will be short-lived. They are trying to crush out organized labor. They will not succeed. It is in the North, in the West—all over the world—and it will come in the South, He is a wise mill owner who realizes this and prepares to make the best of the changed conditions.[50]

The mill owners did win, thanks to evictions, hard times generally, blacklisting, etc., coupled with the lack of adequate strike relief funds. This defeat of organized labor was so complete that it practically ended textile organization efforts in North Carolina for a considerable period. One writer states that in 1903 the United Textile Workers Union (which had absorbed the National Union of Textiles Workers, 1901) "practically threw overboard the Southern unions."[51] Another authority declares that the American Federation of Labor had formed the United Textile Workers Union partially as a means of relieving itself of the problem of the South and that for eight or nine years after 1903 no United Textile Workers Union agent visited the region.[52]

Thus from around 1903 until the beginning of World War I the southern branch of the United Textile Workers Union was practically non-existent. A branch office of the Union was kept open in Charlotte but its activities were of very limited importance.[53]

The above is not intended, however, to convey the idea that organized labor lost out completely in North Carolina in the 1902-1914 period. Not at all, as is proven by the fact that on October 18, 1905, there was organized in Raleigh a State Federation of Labor, which, according to the *News and Observer,* was formed by delegates representing more than a thousand union members.[54]

On the day prior to this meeting, the editor of a leading North Carolina newspaper had issued a warning both to the employers

[49] *The News and Observer,* October 5, 1900.
[50] *The News and Observer,* October 20, 1900.
[51] Thompson, *Cotton Field to Cotton Mill,* 192.
[52] Mitchell, *Textile Unionism,* 32.
[53] Myra Page, *Southern Cotton Mills and Labor* (New York: Workers Library Publishers, 1929), 71.
[54] *The News and Observer,* October 19, 1905.

and the employees of the state informing them that a successful Federation would require the utmost wisdom and fullest cooperation of both workers and employers. Said the editor:

> To the leaders who are launching the new movement for a State federation we say: "Be careful. Go slowly. Do nothing which will turn against you the great mass of the people who are neither employers nor employees. Do nothing you would afterwards wish undone." And to the host of employers who are anxiously awaiting the result we say: "Give them a fair show, a square deal. Do not condemn until you have cause. Meet them in a spirit of conciliation rather than defiance."[55]

The Raleigh Central Labor Union appears to have been the chief force bringing about the final organization of the state's unions into a State Federation of Labor. That the membership was drawn from the larger towns in the state is indicated by the selection of the officers: the president came from Raleigh; the vice president from Charlotte; and the secretary-treasurer came from Greensboro.[56]

From 1905 to the First World War there were no major unionizing activities in North Carolina. The craft unions more or less held their own but the industrial workers, for the most part, remained outside the pale of organized labor. For example, the State Labor Commissioner in 1910 stated that so far as he knew there was no textile union in the state at that time.[57]

The coming of the war once more brought forth efforts to organize the southern laborers, and also brought with it the usual union struggles. Strikes once more occurred in North Carolina beginning around 1913, in such places as Charlotte, and continuing throughout the war period. During the 1914 period the I.W.W. is reported as conducting some "spontaneous strikes" in both North and South Carolina but no permanent organization came from its activities.

It was not until 1919 that any prolonged strikes occurred during this time of union activity. By 1919 the United Textile Workers union had made considerable headway in North Carolina. It claimed a membership of some 45,000 in the two Carolinas with sixty-seven locals, one of which was Negro.[58]

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[55] *Daily Industrial News*, October 18, 1905.
[56] *The News and Observer*, October 19, 1905.
[57] *Annual Report, 1910*. 42.
[58] Page, *Southern Cotton Mills and Labor*, 73.

In 1919 also the Tobacco Workers International Union finally succeeded in establishing a union in the R. J. Reynolds Tobacco Company in Winston-Salem, with provisions for an eight-hour day. This foothold lasted until 1922, during which time the union claimed upwards of 14,000 members. After 1922 the union lost its power and declined rapidly.[59] Yet, this union had succeeded for the first time in the history of the North Carolina labor movement in bringing Negroes into the union camp in any significant numbers.[60]

Labor organization in North Carolina developed now so rapidly that once again the State Federation of Labor merited an editorial comment which stated that the war had brought North Carolina labor solidarity along with other things and henceforth "The Labor Federation is to be heard and recognized in North Carolina, as in every other state."[61]

The year 1919 brought what to many North Carolina people seemed to be an epidemic of strikes. The street car operators in Winston-Salem struck for an eight-hour day at the same pay for which they had been working ten hours.[62] There was a strike in Charlotte, also of the street car workers. In High Point strikes occurred which, in at least one case, lasted seven weeks and required the governor's personal intervention to settle it.[63]

There were other strikes at various points throughout the state. Many of these 1919 strikes were fairly successful due to relatively high wages and the shortage of labor brought by the war. So promising did the union situation look, one writer has maintained that had "the prosperity of the textile industry continued for several years the union might have entrenched itself strongly in the state."[64]

But by 1920 there were signs that the labor organizations were beginning to lose their grip and desertion of members became more and more pronounced. The national depression which struck the country in 1920-21 dealt a great blow to the labor movement in North Carolina, as elsewhere, and almost sounded the death knell of Carolina textile unions.

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[59] Harry M. Cassidy, "Trade Unionism in the South, "*Editorial Research Reports*, III (July, 1929), 577.

[60] John Donald Rice, "The Negro Tobacco Worker and His Union in Durham, North Carolina" (M.A. thesis, University of North Carolina, 1941).

[61] *The News and Observer*, August 12, 1919.

[62] *The News and Observer*, August 13, 1919.

[63] *The News and Observer*, September 14, 1919.

[64] Douty, *North Carolina Industrial Worker*, 283,

By the spring of 1921 the textile industry was suffering very seriously from the depression. Wages had been cut in the state anywhere from 30 to 50 per cent and many of the mills were operating only part time. Despite this fact some of the union members decided to put up a fight against wage cuts, recalling that in the recent 1919 period they had been able to wring concessions from the employers. Their strike was doomed from the start; even the president of the national union warned that it was not a wise time to spring a strike but his warning was not heeded.[65]

The national union claimed that it was financially bankrupt and would be unable to finance the strike whereupon the local union representatives waived strike benefits, a move they were to later regret.[66]

This strike was not one of the so-called "spontaneous strikes." It had long been threatened by Thomas J. McMahon, vice president of the United Textile Workers Union. The manufacturers greeted the threat with the remark that they would gladly welcome a general strike as it might improve the general strain on the market by cutting down production. They also claimed that many of them had been keeping their plants open only to provide the workers with enough work to keep them from starving and that the owners were losing money by operating.[67]

On June 1, 1921, some 9,000 workers struck in Charlotte, Huntersville, Concord, and Kannapolis. As the strike progressed there were the usual outbursts of charges and counter-charges only this time the charges were more heated. The manufacturers, for example, charged that a portion of the fund used in calling the strike was contributed by a few New England cotton manufacturers who hoped thereby to strike a blow at their southern competitors.[68] That vociferous enemy of labor unions, David Clark, editor of the *Southern Textile Bulletin*—an anti-union organ—pounced upon the fact that the national union claimed to have no money in its treasury and demanded of McMahon what he had done with the dues which the poor working men had paid into his treasury. At the same time Clark informed the workers

[65] *The News and Observer*, September 14. 1919.
[66] *The Charlotte Observer*, June 2, 1921.
[67] *The Charlotte Observer*, June 2, 1921.
[68] *The News and Observer*, July 13, 1921.

that the union organizers, especially McMahon, were interested in their welfare, perhaps, but were more interested in the dues they paid into the national treasury.[69]

The strike lasted throughout most of the summer of 1921, and at times it became necessary to call out the national guard to preserve order. At times, too, the governor timidly intervened, apparently hoping to settle the affair but fearing to step on any toes in so doing.[70]

When the strike finally ended in the autumn of 1921, work was resumed on terms which spelled complete defeat for the union. The wage scale which was in operation when the strike began was continued; many labor leaders were refused employment; and for several weeks after the strike was officially declared "over" several hundred workers were still without work.[71]

Thus ended what had been the most serious strike ever to occur in North Carolina up to that time. For several years after this the labor movement in North Carolina, so far as the industrial worker was concerned, was at a standstill, if not in marked decline. Not until 1929 would there be an effective renewal of efforts to organize the North Carolina industrial worker.

During the 1921-1929 period, then, most of the industries in North Carolina operated on the "open shop" system of employment, a method wittily described by Peter Finley Dunne's inimitable "Mr. Dooley" in this manner:

> "What's all this that's in the papers about the open shop?" asked Mr. Hennessey.
>
> "Why, don't ye know?" said Mr. Dooley. "Really, I'm surprised at yer ignorance, Hennessey. What is th' open shop? Shure, 'tis where they kape the doors open to accommodate th' constant stream av' min comin' in what has th' jobs. . . .
>
> "But," said Mr. Hennessey, "These open-shop min ye menshun say they are f'r unions if properly conducted."
>
> "Shure," said Mr. Dooley, "If properly conducted. An' there we are: an' how would they have them conducted? No strikes, no rules, no contracts, no scales, hardly any wages, an' dam few members."[72]

Out of the open shop practice came a strike, involving the Raleigh Typographical Union, which began May 1, 1921, when

[69] *Southern Textile Bulletin*, XXII (September, 1921), 12.
[70] *The News and Observer*, August 20, 1921.
[71] Mitchell, *Textile Unionism*, 53.
[72] *The Literary Digest*, LXVII (November, 1920), 18-19.

five out of the six printing firms in Raleigh declared they would not meet the Union's demands for a forty-four-hour week and instead would thereafter operate their firms on an open shop basis. This was considered one of the hardest blows received by organized labor in the state because for a long time Raleigh had been most sympathetic toward the union movement.[73]

This strike lasted throughout the summer and the efforts of the union to picket the printing firms and thus prevent "scabbing" led to the issuance of what quite possibly was the first labor injunction in North Carolina. A female non-union worker, Marguerite McGinnis, and other non-union workers sought protection via the Raleigh city courts from the activities of the union pickets, charging that the

> . . . defendants have devised and are executing a systematic course of espionage, annoyance, intimidation, threats, abuses and insults, which are intended to make, are calculated to make, and are making the lives of the complainants . . . miserable, intolerable and unendurable. . . .[74]

The counsel for the plaintiffs argued that the case was something new under the sun, claiming that it was the first time in legal history that labor had come into court begging protection from idle labor. The court issued a restraining order against the union men, forbidding them to molest, disturb, or otherwise interfere with the non-union workers. The first restraining order was issued on August 18, 1921; it was later renewed and then was finally dissolved by the State Supreme Court, "without prejudice to either side," on the grounds that there was not enough evidence to warrant its continuance.[75]

Little was gained by this particular strike and the whole labor movement in the state more or less stagnated until the depression years beginning in 1929 brought forth a further surge of organizing.

In retrospect, it has been seen that although North Carolina never in the 1880-1921 period experienced the growth of unionism which took place in some of the northern states, there did take

[73] *The Charlotte Observer*, May 7, 1921.
[74] *Marguerite McGinnis and others vs Raleigh Typographical Union and others*, Brief of Plaintiffs, 2.
[75] Marguerite McGinnis, *et al.*, *vs.* Raleigh Typographical Union No. 54, *et al.*, 182 N. C. 774.

place at least some semblance of a labor movement. This movement was characterized by spasmodic ups and downs, with peak organization successes falling in the early 1900's and the 1919-1920's, only to be succeeded in each case by a counter-attack of the movement. This was particularly true of the 1902-1905 and 1920-1921 periods and was to prove true in later years with continued ups and downs.

Thus, as of 1921, little remained of the organizing efforts so far as actual unions were concerned. Yet, and most important to the movement, the workers had been acquainted with the operation and potentialities of organization and this in later years was to serve as an aid in the third major attempt to unionize the North Carolina workmen, beginning in 1929.

NORTH CAROLINA NEWSPAPERS, EDITORS AND JOURNALISTIC POLITICS, 1815-1835

By Daniel Miles McFarland

The years from 1815 to 1835 in North Carolina were filled with interesting and complicated political maneuvers. Between the end of the war with England and the state Constitutional Convention of 1835 a new generation of political leaders came of age, and during these twenty years a political revolution was accomplished. The complexity of this period is best seen in its newspapers. Many of these papers are still available to the public, but few complete files remain. Many copies have long since disappeared, and we know of them only through passing references in other newspapers or in the letters of those times.

Journalism was a precarious profession in the North Carolina of 1815 to 1835. Some 125 men tried their hands at publishing in the state during that time. None of them became rich through their presses alone, and many of these men never did more than dream of publishing a paper. It seems that only one woman tried her fortune at the editor's desk during this period. Sarah M. Wills edited the Edenton *Gazette* for a time in 1826 and 1827.

Most of the journals of that day had pitifully small subscription lists and editors were forced to supplement their incomes in many ways. A few fortunate printers could hope to get national or state government printing contracts, but these agreements depended on the rapidly changing political currents of the day. Many of the newspaper men were lawyers; a few of them served in the state General Assembly or even the United States Congress. A. J. Maurice, William Potter and T. J. Lemay were ministers; Calvin Jones was a physician and soldier; William Boylan and Joseph Gales were bankers and business men of great ability. Many of them served as postmasters in their communities, and their printing offices generally sold printed blanks, stationery and books. Often worm-destroying lozenges and other medicines could be purchased from the local editor. Agricultural hints in the newspaper were more than likely based on the practical experience of the printer in his own fields. After a hard day

of work any citizen could always find interesting political discussion at the newspaper office, and publishers usually posed as the community experts on any subject.

The small four-page sheets printed during this period would amaze those used to the more elaborate journals of today. The lack of news was astounding. Most of the papers were filled with lottery advertisements, lists of unclaimed letters in the post offices, current prices, court orders, notices of rewards for runaway slaves, notices of sales for taxes, and public laws and stories copied from other papers or magazines. Much of the news was weeks old and copied from other papers. It is difficult to determine where the news ended and where the editoralizing began, though the editorials appeared usually on the first and perhaps second columns of the third page. There were no news agencies at that time, and most of the news published for the first time in a paper probably came from some stage driver, postmaster, member of the General Assembly or Congress, friend of the editor, or from the editor himself.

Subscription rates were often never collected, and when they were the payment was frequently in farm produce. It was a custom to send a slice of wedding cake for the insertion of a wedding notice. Editors usually served as subscription agents for their fellow editors, and postmasters sometimes aided in collection of money due for subscriptions. Many of the journals proposed during this period were never published because enough subscribers could not be found. More than two-thirds of the ones actually published soon died from a lack of paying readers. The slightest period of hard times would mean the end of the journalistic careers of many publishers. In the May 12, 1825, issue of the Fayetteville *Carolina Observer* it was estimated that there were 75,000 copies of newspapers being published in North Carolina each week. Editors felt that many more could have been published if the people of the state ceased reading second-hand copies bought by their neighbors, or stopped subscribing to out-of-state papers.

At no time between 1815 and 1835 were there more than thirty papers published in the state. Most of these were weeklies, but there were at least two semi-weeklies which lasted for a time.

During the prosperous years immediately after 1815, quite a few papers were begun with hopeful prospects, but the depression of 1819 ended most of them. The Salisbury *Western Carolinian* for December 9, 1823, noted that there were twelve papers in the state. The same paper in May, 1825, listed fifteen papers, and pointed out that seven of these had been started in the preceding six years. In the March 12, 1830, issue of the Tarborough *Free Press*, twenty-one papers were listed for North Carolina. By June 14, 1832, the Raleigh *Star* said the number had grown to twenty-five. Hard times in 1833 and 1834 again caused the number to drop to twenty-one, according to the Charlotte *Miners' and Farmers' Journal* of June 7, 1834, but with the excitement of the 1836 election the number again rose.

The student of political history will find much of interest in the "gazettes" of this period. Before 1815 there was a clear division between the Federalist press and the Republican press of the state, with the Federalists usually stronger.[1] Yet between 1815 and 1820 it is very difficult to trace the political readjustment. Several editors did not even mention the elections of 1816 and 1820.

After 1821 there was a rapid growth of interest in national politics. Before the election of 1824 the *Milton Gazette*, the *Raleigh Register*, the *Warrenton Reporter* and the Wilmington *Recorder* supported William H. Crawford. The rest of the press in the state supported John Quincy Adams and John C. Calhoun. After the formation of the People's Party in early 1824, most of these latter papers rather reluctantly supported Andrew Jackson in order to beat William H. Crawford. During the 1828 campaign some eight journals supported Jackson and Calhoun, but it is surprising, in view of the outcome in popular vote, that almost as many supported John Quincy Adams. A few of the editors in the state remained neutral.

By 1832 the Jackson press was split in two factions. The national branch of the Jackson forces supported Martin Van Buren for the vice presidency, while the States' rights group supported Philip P. Barbour of Virginia. The Raleigh *Star*, June 15, 1832, claimed that there were five papers in the state for Van Buren and fifteen opposed, with five taking no position. As the election

[1] D. H. Gilpatrick, *Jeffersonian Democracy in North Carolina* (New York, 1931), 171-175.

neared, however, ten papers seem to have committed themselves to Jackson and Van Buren, seven to Jackson and Barbour, five to Henry Clay; the three remaining papers took no stand.

After 1832 two issues in national affairs tended to detract from Jackson's popularity among the property holders in North Carolina. One was Jackson's conflict with the second United States Bank, and the other was the nullification controversy over the tariff. The Salisbury *Western Carolinian,* the Halifax *Roanoke Advocate,* the New Bern *Sentinel,* the Tarborough *North Carolina Free Press,* and to a certain extent the Raleigh *Star* took the pro-nullification position. At least twelve other papers were strongly opposed to nullification. By the campaign of 1836, these two issues had been largely responsible for turning the press away from the Jackson party. In the election of 1836 Jackson's candidate, Martin Van Buren, received active support from only seven editors. Hugh L. White of Tennessee, the southern candidate opposed to Van Buren, received active support from at least seventeen papers. The people of the state did not follow their editors, however, for Van Buren carried the state by a small majority.

The editors of this period show a disappointing lack of interest in state and local political affairs. The conflicts over a constitutional convention, internal improvements, and public education received a good deal of attention in the papers west of Tarborough, but few other issues are discussed. One must be satisfied with scattered election returns during the years before 1832.

In the following pages it is our purpose to discuss briefly the editors and newspapers in North Carolina history from 1815 to 1835. Where it is possible, the political position of these papers is also noted.

ASHEVILLE

The Census of 1830 listed Buncombe as one of the most populous counties in North Carolina; yet no newspapers were published within a hundred miles of Asheville, the county seat. In 1832 William Potter, who had already aided in establishing at least two papers in the state, attempted to establish a paper at Asheville.[2]

[2] *Miners' and Farmers' Journal* (Charlotte), March 14, 1832.

Potter wrote to Willie P. Mangum early in 1832 asking for a loan from any "Jacksonian Republicans" who might be willing to give aid. John H. Coleman, postmaster of Asheville, and others had promised aid, but Potter still needed more subscribers. He asked Mangum if it would be possible to get a contract to do government printing. He promised that his paper would be "a consistent Jackson republican and State's Rights paper . . ." and would "advocate the Convention question."[3]

There is no evidence that Potter ever received the needed aid to begin his paper, and it is doubtful that he even visited Asheville. At a later date he did work on other papers in the state.

BLAKELY

Soon after the War of 1812 a new village in Montgomery County was named for the state's best-known hero of that war. The short era of prosperity led many to believe that the new town was destined for a considerable role in the future of the state. Blakely, it was hoped, would soon be a gateway through which much of the trade of North and South Carolina would flow.

In anticipation of the growth expected of Blakely, Thomas Loring of Wilmington announced late in the fall of 1818 that he would publish a paper in the new village if he got enough subscribers to make the venture profitable.[4] Loring never began his paper, but the following year Alexander H. Dismukes and John Carney of the Fayetteville *Carolina Observer* did begin a paper in Blakely. Carney moved to Blakely to publish the *Gazette,* while Dismukes remained in charge of the *Carolina Observer.* The first issue of the *Gazette* appeared on July 19, 1819. In less than a year the paper had failed and Carney had returned to Fayetteville. The depression of 1819 seems to have ended the dreams of the little village in Montgomery.[5]

CHAPEL HILL

William B. Crittenden, a lawyer from New York, issued proposals in March, 1832, to publish the *Harbinger* in Chapel Hill.[6]

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[3] William Potter to Willie P. Mangum, January 22, 1832. Henry T. Shanks, ed., *The Papers of Willie Person Mangum* (Raleigh, 1950) I, 458-459.

[4] *Raleigh Register,* November 6, 1818. (Issued under various titles such as *Raleigh Register and North Carolina Gazette,* but hereafter referred to as *Raleigh Register.*)

[5] *The National Intelligencer* (Washington, D. C.), July 28, 1819.

[6] *North Carolina Free Press* (Tarborough), March 13, 1832.

Crittenden does not seem to have started the paper, but in August, 1833, the *Harbinger* was begun in that university village. It was published by Isaac C. Patridge, "under the supervision of the Professors of the University of North Carolina." The *Harbinger* lasted exactly one year.[7]

In April, 1836, Hugh McQueen proposed to publish the *Columbian Repository* in Chapel Hill. He promised to support the cause of Hugh L. White in the presidential race.[8] The first issue appeared two months later.

CHARLOTTE

When Lemuel Bingham moved to Charlotte in the fall of 1824, he had already gained valuable journalistic experience in both Salisbury and Fayetteville. It was well-known that in the five-way presidential race of 1824, he favored Adams first and then Calhoun. Consequently, he was not happy over the moves of the Jackson forces to unite the followers of Adams and Calhoun with those of Jackson. In October, 1824, the Fayetteville *Carolina Observer* announced that its former editor had established the *Catawba Journal* in Charlotte. This was just in time for Bingham to support the rather drawn-out election of Adams. He was much pleased with the results of the election and gave support to the Adams administration.[9] In May, 1828, Bingham moved his paper to Salisbury, where it was continued as the *Yadkin and Catawba Journal.* He felt that his paper would have more influence in its new location.

For two years after Bingham left Charlotte, no paper was published in that place. By 1830, however, the population had increased to 717, and the discovery of gold in the vicinity gave promise of rapid progress. Early in June of that year Thomas J. Holton and H. S. Noble announced that they would soon begin a paper in Charlotte, which they hoped would be impartial in the arena of political warfare, but which would support all movements for internal improvements.[10] Holton had formerly been a journalist in Fayetteville and Noble had been with a newspaper in Salem. The first issue of the *Miners' and Farmers' Journal*

[7] *The Star* (Raleigh), August 30, 1833; *Carolina Observer* (Fayetteville), September 3, 1833.
[8] *The Star*, April 14, 1836.
[9] *Carolina Observer*, October 14, 1824.
[10] *Carolina Observer*, June 17, 1830.

appeared late in September. After March 21, 1832, Holton was in sole control of the paper. The *Miners' and Farmers' Journal* took no clear stand in the election of 1832, but it was opposed to the doctrine of nullification. Holton opposed many of the policies of Jackson, especially the removal of federal deposits to pet banks; by 1834 he was in decided opposition to the administration. The paper took an active part in demands for a reform of the constitution of North Carolina.

The fifth volume, number 247, of the *Miners' and Farmers' Journal* appeared on June 26, 1835, and the following week the next number was published as the *Charlotte Journal.* T. J. Holton continued as proprietor and publisher, but R. H. Madra became editor. The new editor, who a few months before had planned to publish a paper in Morganton, announced that he was for "Hugh L. White . . . and for Southern Interests." Madra continued with the paper for only a year, and with the July 1, 1836, issue Holton again assumed sole control of the *Journal.*

In 1834 supporters of the Jackson administration issued proposals to publish a pro-Jackson newspaper, to be called the Charlotte "Republican," but they were unsuccessful.[11]

EDENTON

The *Edenton Gazette,* in 1815, had been in existence for ten years and its editor was James Wills. In 1824 the *Gazette* leaned toward the People's Party, but Jackson was their last choice. In keeping with the strong Federalist tradition of the town, the paper supported Adams after his election as President. Wills died August 7, 1826, and for about a year his wife, Sarah M. Wills, edited the *Gazette.* In June of 1827, Mrs. Wills sold her interest in the paper to Nathaniel Bruer and Daniel H. Goodman.[12]

J. H. Barclift was publisher of the *Gazette* for a time in 1827, but by 1830 William E. Pell had gained control. In December, 1832, he formed a partnership with Thomas Meredith, and the name of the paper was changed to the *Carolina Miscellany.* Pell and Meredith announced that they would remain neutral in political controversy.[13] Early in 1833, Theo. J. Bland was editing

[11] *Miners' and Farmers' Journal,* August 9, 1834.
[12] *Western Carolinian* (Salisbury), June 8, 1824; *Raleigh Register,* August 18, 1826; *Raleigh Register* (semi-weekly), June, 1827.
[13] *North Carolina Free Press,* January 3, 1832.

the paper. The following year the *Miscellany* was discontinued and after a time Bland began a new weekly called the Edenton *Gazette and Albemarle Intelligencer*. This new paper was also to follow a neutral course in regard to politics.[14]

ELIZABETH CITY

Franklin S. Meyer began publishing the Elizabeth City *Republican* in April, 1823, but this newspaper lasted less than a year.[15] A short time after the end of the *Republican,* William Albertson issued the first number of the Elizabeth City *Star*.[16] The *Star* at first favored the candidacy of John Quincy Adams, but later stated that it would support Jackson in opposition to W. H. Crawford. Benjamin Albertson was publishing the *Star* in 1828, and he supported President Adams. The name of the paper had been changed by this time to the Elizabeth City *Star and North Carolina Eastern Intelligencer*. In 1834 Albertson discontinued his paper and contemplated moving to Portsmouth, Virginia, where he hoped to establish a paper.[17] Later in the year he must have changed his mind, because he decided to remain in Elizabeth City, where he revived the old *Star* under the new name, *Herald of the Times*.[18] The *Herald,* Albertson announced, would remain aloof from the political arena. It was published until after 1835.[19]

Edward A. McNally began the *North Carolina Advocate* in May, 1832, announcing that he would support Jackson for the presidency but would be uncommitted for the vice presidency. Later in the year he agreed to support Van Buren for the second position.[20] After publishing his paper for only a year, McNally discontinued publication in Elizabeth City and moved to Portsmouth, Virginia, where he hoped to start another paper.

FAYETTEVILLE

Situated on the upper Cape Fear River, Fayetteville was the second largest town in North Carolina from 1815 to 1835. It was

[14] *Carolina Miscellany* (Edenton), February 20, 1833; *The Star,* February 20, 1834.
[15] *Raleigh Register,* April 25, 1823; *Western Carolinian,* October 21, 1823.
[16] *Star* (Elizabeth City), December 13, 1823, was the first issue.
[17] *The Star,* May 29, 1834.
[18] *North Carolina Free Press,* August 22, 1834.
[19] *Raleigh Register,* August 19, 1834.
[20] Prospectus, *North Carolina Free Press,* January 17, 1832; *North Carolina Journal* (Fayetteville), June 6, 1832.

the leading town in a section which had often supported Federalist candidates after the formation of the United States.

The Fayetteville *American* was founded early in 1813 by A. F. Bowell. Duncan Black joined Bowell on the staff of the *American* in 1816, after several unsuccessful attempts to establish a paper in Fayetteville. His luck did not change with the *American,* for in 1818, after Black had assumed sole control, the *American* too ceased to be published. Black continued to live in Fayetteville until his death in 1829.[21]

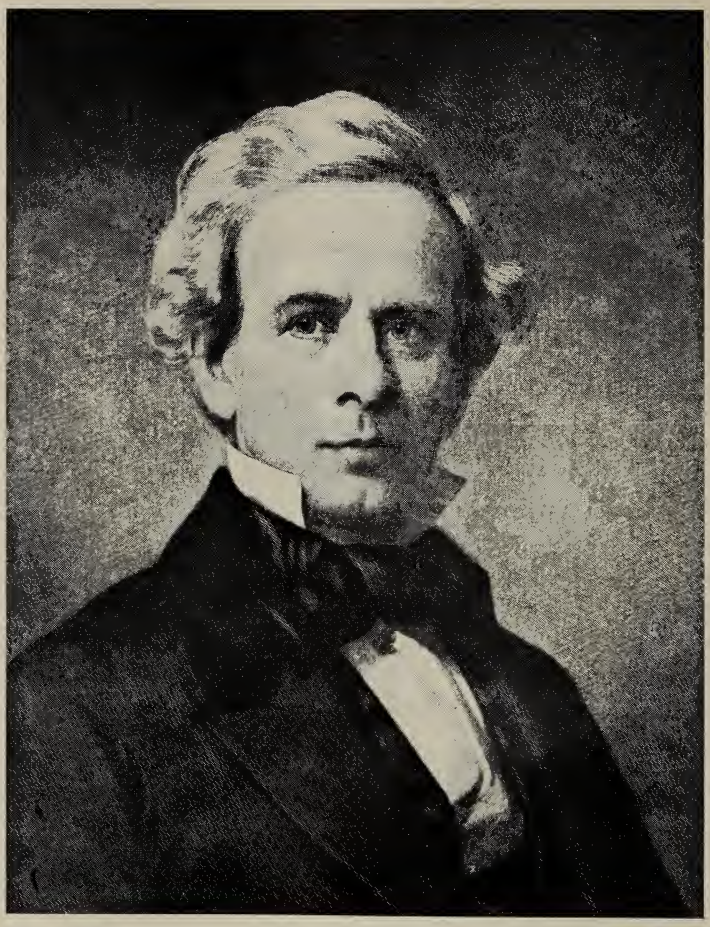
Alexander Macalaster established the *People's Friend* in November, 1815, coming to Fayetteville after working for a time on the Wilmington *Gazette.* There is no record of how long the *People's Friend* was published.[22]

Fayetteville's longest-lived paper was first printed in June, 1816, by Francis W. Waldo, and was named the *Carolina Observer.* Early in 1818 Waldo transferred the paper to Alexander H. Dismukes, who had once lived in Raleigh. John Carney was also listed at this time as a publisher.[23]

Dismukes did not confine his interest to the *Carolina Observer;* in July, 1819, John Carney went to Blakely to publish a paper which he owned with Dismukes. Early in 1820 Dismukes began another paper in Fayetteville, called the *Gazette,* and was aided in this enterprise by a man named Ward. Sometime after June, 1822, the *Gazette* was combined with the *Observer.* During the existence of both the Blakely paper and the *Gazette,* Dismukes continued with the *Observer.* After the failure of the paper in Blakely, John Carney also returned to the *Observer.*[24]

On April 3, 1823, John McRae announced that he had purchased the *Observer.*[25] In October of the same year, in the issue of the 23rd, Lemuel Bingham was listed as printer and publisher. Bingham, who had aided in beginning the Salisbury *Western Carolinian* a few years before, supported the campaign of John Quincy Adams in 1824 with Calhoun as his second choice.[26] The last copy of the *Observer* printed under Bingham's name was the September 23, 1824, issue. The following week Edwin W. Brewer

[21] Clarence S. Brigham, *History and Bibliography of American Newspapers: 1690-1820* (Worcester, Massachusetts, 1947) II, 1377; *The Star,* March 26, 1829.
[22] Brigham, *History and Bibliography of American Newspapers,* II, 764.
[23] *Raleigh Register,* February 27, 1818.
[24] *Raleigh Register,* June 7, 1822.
[25] *Carolina Observer,* April 3, 1823.
[26] *Western Carolinian,* November 11, 1823.



EDWARD JONES HALE (1802-1883) WAS EDITOR AND PUBLISHER OF THE *Carolina Observer* (RENAMED THE *Fayetteville Observer* IN 1834) FROM 1825 UNTIL 1865.

was listed as printer and publisher, but for the rest of the year no name is given. MacRae probably owned the paper during all this period.

From January, 1825, Edward J. Hale was owner and editor of the *Observer*, a position he retained until Union forces destroyed his presses some forty years later. John Carney seems to have been associated with him until sometime in 1830. Hale was a native of Chatham County and was about twenty-three when he assumed control of the *Observer*. While still a child, he was apprenticed on the Raleigh *Register* and later he worked on the Washington *National Intelligencer*. The Gales family, owner of both these papers, was thus in a position to exert an important influence on the young printer's political philosophy.[27]

Hale wrote in March, 1827, that had he edited a paper in 1824, he would have supported W. H. Crawford for the presidency. In 1828, however, he had no particular attachment for either candidate, but supported Jackson as the lesser evil. He was disappointed that Calhoun did not run against Adams and Jackson, since he preferred him to either of the others. As his objections to Adams he listed the conflict with Governor Troup of Georgia, the Panama Mission, the tariff policy and the loss of West Indian trade.

Jackson had been in office but a short time when it became evident that Hale would soon join the opposition to the President. The *Observer* was allied with the Calhoun faction until it was clear that Calhoun was openly avowing the nullification doctrines of his home state. Hale then turned to the National Republicans, hoping that they would nominate William Wirt. Disappointed when this group selected Henry Clay rather than Wirt, he followed many other of the pro-Calhoun people of North Carolina in support of the Barbour faction of the Jackson party. After the defeat of Barbour, he at last entered the Whig ranks.[28]

Benjamin H. Talbot, in May, 1824, announced that he expected to begin a newspaper in Fayetteville to be called the "Weekly Gleaner." Talbot must not have gained the necessary number of subscribers, for in May of the following year he was trying to begin a paper in Wilmington.[29]

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[27] *Carolina Observer*, February 11, 1830.
[28] *Carolina Observer*, June 5, 1832.
[29] *Raleigh Register* (semi-weekly), August 13, 1824; *Western Carolinian*, May 17, 1825.

In February, 1825, James A. Patterson of Raleigh announced that he would soon publish the Fayetteville *Centinel* with John A. Cameron as editor of the paper. Edward J. Hale warned that Fayetteville could not support two papers, but wished the new enterprise well.[30]

Patterson and Cameron changed the name of the *Centinel* to the *North Carolina Journal* on May 17, 1826.[31] Not long after this Patterson gave up his connection with the *Journal,* and Thomas J. Holton was listed as printer. Cameron was the dominant influence behind the paper at this time. John A. Cameron was born in Virginia in 1788, and while yet young moved to North Carolina. He represented the borough of Fayetteville in the House of Commons from 1810 through 1812, and again in 1820. He served in the War of 1812, reaching the rank of major. As an editor, he was an outspoken supporter of Andrew Jackson and, although the *Observer* and *Journal* both opposed the administration of John Quincy Adams, Hale and Cameron were in political conflict almost from the first issue of Cameron's paper. An example of the heat which this battle engendered is seen in one of Hale's editorials about Cameron. "With nothing to lose himself, he is a proper instrument to attack the character of others. Degraded to the lowest degree in the estimation of a virtuous community, among whom he once held the highest stations, his character would afford a fit subject for the pen of a Milton to sketch a fallen Angel."[32]

By 1829 the *Observer* was openly opposing the group in North Carolina most favorable to Jackson. In the fall of 1829, in the election for a congressman from the seventh district, Cameron became the candidate of the more extreme Jackson forces. The *Observer* gave its support to Edmund Deberry against Cameron, who lost by a small majority. Defeated politically, and financially in need, Cameron decided that he would have to sell his paper. Almost a year after his defeat in the congressional election, in October, 1830, he finally offered the *Journal* for sale. By March, 1831, Thomas L. Hybart and William F. Strange bought the paper, and Cameron had been to Washington to seek a govern-

[30] *Carolina Observer,* February 10, 1825; *Western Carolinian,* May 17, 1825; and the *Raleigh Register* (semi-weekly), March 27, 1826, used spelling "Sentinel" rather than "Centinel." The *Hillsborough Recorder,* May 4, 1825, spoke of *Fayetteville Centinel, and Commercial Advertiser.*
[31] *Carolina Observer,* May 24, 1826.
[32] *Carolina Observer,* October 18, 1827.

ment position. He was successful in this, for Jackson gave him an appointment as consul to Vera Cruz.[33] In the meantime Holton had gone to Charlotte to begin a paper.

Hybart and Strange were both faithful Jackson men. Hybart ran for a seat in the General Assembly several times, and did represent his borough in the House of Commons of 1835. Strange was given the honor of carrying North Carolina's Jackson-Van Buren electoral vote to Washington after the 1832 election.[34]

GREENSBOROUGH

William Potter issued a prospectus for a paper, the *Carolina Patriot,* to be published in Greensborough, in December, 1825. L. G. Watson was also to be connected with the *Patriot.* Publication began in February, 1826, but in a very short time Watson and Potter were forced to sell their establishment to T. Early Strange of Raleigh. When publication was resumed, the name of the paper had been changed to the Greensborough *Patriot.*[35]

T. Early Strange was editor of the *Patriot* for three years, but in 1829 sold the paper to William Swaim (whose grandson one day was to be "O. Henry"). Swaim issued his first number of the paper on May 23, 1829. This erratic genius at once made the *Patriot* one of the most unusual newspapers in the whole South. The prospectus of the new editor gave just a hint of what was to come. He promised that his paper would be "devoted to the collection and dissemination of facts and arguements in favor of public education, the encouragement of Manufacturers in the Southern States, a general improvement in the condition of our coloured population; a change in the policy of our banking institutions, and a total overthrow of that system of electioneering which has disgraced the character of our country." Thus he threw down the gauntlet to several powerful vested interests.[36]

As an advocate of the gradual emancipation of slaves, Swaim found little sympathy in North Carolina; only the Quakers supported him. In 1829 a bill was before the General Assembly of North Carolina to vest the right of electing sheriffs in the "free

[33] *The Star,* March 3, 1831.
[34] *Raleigh Register,* December 7, 1832.
[35] *Carolina Observer,* December 8, 1825; *The Star,* May 5, 1826.
[36] C. Alphonso Smith, *O. Henry Biography* (New York, 1916), 18-24; *Patriot* (Greensborough), March 4, and May 23, 1829; *North Carolina Journal,* February 10, 1830.

white men of the State." Swaim wrote, "We cannot well see what business that pretty *leetle* word, *white,* has in any part of the bill. . . ."[37] A few months later Swaim began to publish advertisements in the *Patriot* for Benjamin Lundy's *Genius of Universal Emancipation,* a paper hated throughout the South.[38] In 1830 Swaim published a pamphlet, "Address to the People of North Carolina on the Evils of Slavery, by the friends of liberty and equality." He waged almost a one-man fight against the laws opposed to incendiary publications, championing freedom of speech and of the press. This course soon got him into trouble with the state General Assembly. On December 25, 1830, Spencer O'Brien of Granville County submitted a resolution to the House of Commons, "that the Attorney General of this State be and he is hereby directed to commence a prosecution against Wm. Swaim, Editor of the Greensboro *Patriot,* for seditious and libellous publications contained in his paper of the 15 December instant, and his papers issued from that office on previous dates." The resolution, however, was postponed indefinitely.[39]

Fear of arrest did not disturb Swaim. Less than a month after the resolutions in the General Assembly, he began an article against the slave trade in the District of Columbia by writing, "If we were not afraid of an indictment for sedition, we would publish the following article. . . " and proceeded to publish the article. A few days later he denounced the General Assembly for attempting to keep anti-slavery publications out of the state.[40]

Swaim often received threatening letters, which he published for the edification of his readers. One such letter accused him of being a disciple of the abolitionist David Walker.[41] Swaim's stinging editorials resulted in a suit for libel by Z. J. Emery in November, 1831. Hamilton C. Jones and John M. Morehead defended Swaim on the basis of freedom of the press, but he was convicted by the lower courts. The case was then appealed to the state Supreme Court and apparently died there.[42]

In the prospectus for his paper Swaim had demanded a change in the policy of the state's banking institutions. Robert Potter,

[37] *Patriot,* January 6, 1830.
[38] *Patriot,* July 7, 1830.
[39] *Raleigh Register,* December 30, 1830.
[40] *Patriot,* January 19, and February 2, 1831.
[41] Letter signed "Mansfield," *Patriot,* September 21, 1831.
[42] *Raleigh Register,* November 10, 1831.

in both the General Assembly and Congress, was the recognized leader of the anti-bank forces in North Carolina. It was therefore natural that Swaim should come to Potter's aid when Potter found himself in jail. Potter wrote a pamphlet denouncing the judge who had presided over his trial, and Swaim published this pamphlet. The judge then sued them both for libel. Swaim denounced the whole thing as a conspiracy on the part of bench, bar and bank aristocracy. Separate trials were agreed upon for the two men, and Potter was tried first on the second Monday of September, 1833. The jury was discharged due to a tie and Swaim's case was postponed. Finally in March of the next year the case was dropped.[43]

Although not actually a Quaker, Swaim often fought for their causes.[44] Politically, he was opposed to Jackson from the beginning. In 1832 he gave his full support to Henry Clay. He was a bitter opponent of nullification and supported the movement for a change in the state Constitution.

Early in 1835, Swaim announced that he would publish a second paper to be called the "Southern Citizen." The following year the *Southern Citizen* was published in the small town of New Salem in Randolph County by a cousin of Swaim's—Benjamin Swaim. In the meantime, at the age of thirty-four, William Swaim died on December 31st, 1835.[45] Had Swaim lived twenty years longer, his views of liberty would have caused him serious trouble.

For a time after the death of William Swaim, Alfred E. Hanner printed the *Patriot* for the benefit of the estate of the deceased editor. Early in April, 1836, Hanner and C. N. B. Evans bought the paper and published it for themselves. Shortly thereafter Lyndon Swaim, who seems to have been no kin of the former editor, took over the *Patriot*.[46]

Early in 1836 the first copy of the *Carolina Beacon* appeared in Greensborough. It was published by Messrs. E. S. Zevely and R. J. West. The *Beacon* supported Hugh L. White in the presidential race of that year.[47]

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[43] *Patriot*, September 25, 1833 and March 26, 1834.
[44] In the *Patriot*, May 9, 1832, Swaim says he is not a Quaker. It is clear, however, that many of his family were Friends.
[45] *Raleigh Register*, March 3, 1835 and February 11, 1836.
[46] *Patriot*, March 24, and April 5, 1836.
[47] *Carolina Observer*, June 2, 1836.

GREENVILLE

John Brown began the Greenville *Patriot* in August, 1832. It is probable that he had worked on one of the Washington, North Carolina papers before beginning his own at Greenville, since the Raleigh *Star*, April 9, 1829, in announcing his marriage, referred to him as a printer. Brown stated that the *Patriot* would remain neutral on presidential politics. It is doubtful that the *Patriot* was published very long, as no reference to it has been found after August, 1832.[48]

HALIFAX

At one time Halifax was one of the most important political centers in North Carolina. After 1800 its relative importance declined rapidly, but for several years after this it was one of the leading villages in the Roanoke section of northeastern North Carolina. Its newspapers strongly mirrored the political philosophy of the Virginia school of politicians.

M. W. Dunnavant, William Dunnavant and James H. Smith founded the Halifax *Compiler* in January of 1818.[49] Smith soon left the paper and John Wright became editor in 1820. The *Compiler* was an early and outspoken advocate of eastern principles and thus gained the enmity of the western part of the state.[50]

In 1819 the accounts of State Treasurer John Haywood were questioned by the Halifax representative in the General Assembly. The following year these charges resulted in an investigation of Haywood's records, but he was found innocent of the charges. John A. Cameron of Fayetteville then moved that the solicitor general commence criminal prosecution against John Wright, printer of the Halifax *Compiler*, for a libel against the General Assembly in the December 15, 1820, issue of that paper. It seems that Wright had been enraged at the report of the committee which had investigated Haywood. Cameron's resolution passed 72 to 25, but after a time the indictment of the solicitor was withdrawn. It is not known when the *Compiler* ceased publication,

[48] *North Carolina Free Press*, August 28, 1832.
[49] Smith was spelled as "Smyth" in some sources.
[50] *Hillsborough Recorder*, October 25, 1820.

but it was being published as late as October, 1822. Later events proved Wright at least partly justified.[51]

George Howard from Baltimore, Maryland, began the Halifax *Free Press* in March, 1824. He promised that he would take no part in the presidential election of that year.[52] Howard published the *Free Press* in Halifax for two years, but early in 1826 announced that he would move to Tarborough.[53]

Two more years passed before John Campbell, who had formerly edited a Jackson paper in Milton, began a new paper in Halifax. In January, 1829, the first issue of Campbell's *Minerva* appeared. Ten months later Edmund B. Freeman and others bought the *Minerva*, and John G. Liles was listed as printer. The paper pledged its support to Andrew Jackson.[54]

The March 4, 1830, issue of Freeman's paper changed the title to the *Roanoke Advocate*. Once again Freeman stated that he favored Jackson, but made it clear that he was a "Southern man." A week later Liles was dropped from the masthead of the *Roanoke Advocate*, and Campbell returned to the staff as printer and joint proprietor. This new partnership lasted until July, when Campbell announced that he would move to Windsor and open a Jackson paper there. Freeman continued to publish the *Roanoke Advocate* alone.[55]

In January 1834, Freeman sold the *Roanoke Advocate* to Charles N. Webb and Thomas K. Thomas and moved to Raleigh. Webb and Thomas announced that they would support the doctrines of nullification. A year later, Webb retired and left Thomas as sole proprietor. By 1835 the nullification doctrines of Thomas had carried his paper into the Whig ranks.[56]

HAYWOOD

During the prosperous period which followed the War of 1812, Haywood, in Chatham County, seemed destined to become an important town. In 1819 David Whitaker announced that in

[51] *Journal of the House of Commons, 1820*, 80, 104; D. L. Swain to George Swain, Raleigh, November 1, 1822, Needham Tyndale Cobb, Jr., Loan to University of North Carolina, Chapel Hill.
[52] *Western Carolinian*, April 13, 1824.
[53] *Western Carolinian*, February 24, 1826; *The Star*, August 25, 1826.
[54] *Minerva* (Halifax), October 29, 1829.
[55] *The Star*, August 4, 1831. Freeman was born in Massachusetts in 1795, but after moving to North Carolina became a leading advocate of southern rights. In 1835 he was principal clerk to the Constitutional Convention of North Carolina. He died in 1868.
[56] *The Star*, January 24, 1834, and January 29, 1835.

November he would begin the "Haywood Spectator" in that boom town, but the depression of that year ended the hopes of Whitaker, as well as the hopes of Haywood.[57]

HILLSBOROUGH

Dennis Heartt was born in North Bradford, Connecticut, on November 6, 1783. In 1807 he was a guest of Robert Fulton on the trial voyage of the famous "Clermont." By 1810 he was publishing a newspaper in Philadelphia, and in 1820 he moved to Hillsborough, North Carolina. Hillsborough was a town of 437 whites in February of 1820, when Heartt issued the first number of the *Hillsborough Recorder.*

The *Recorder* at once became a leader in the fight on the part of western North Carolina for a constitutional convention. By 1823, it was clear that Heartt would support John Quincy Adams for the presidency, although until 1828 the *Recorder* attempted to give both sides in political questions. From 1928 the paper challenged those who supported South Carolina doctrines with the subtitle, "United We Stand; Divided We Fall," and after 1834 Heartt became a strong supporter of the Whig cause. He continued to edit the *Recorder* until his death, May 13, 1870. Few men have played as important a role in the history of North Carolina journalism as Dennis Heartt.[58]

LINCOLNTON

Peregrine Roberts issued proposals for publishing a paper in Lincolnton, to be called the "Lincoln Herald," in September, 1833. The first issue was scheduled to appear in January of the following year.[59] Roberts had been a Jackson-Van Buren elector in 1832. In his proposals he stated that he was not committed to a successor to Jackson. Roberts plan for publishing a paper did not materialize.

Late in 1835 E. S. Zevely and R. J. West announced that they would print the "Lincolnton News" in support of the Whig cause. This journal was never published and a few months later Zevely

[57] *The Star*, August 27, 1819.
[58] William K. Boyd, "Dennis Heartt," *The Trinity Archive*, X (April, 1897), 344.
[59] *Carolina Observer*, October 1, 1833.

and West were publishing a paper in Greensborough.[60] In July, 1836, a Whig paper did appear in Lincolnton; it was called the *Transcript,* and its owner was A. R. Porter.[61]

MILTON

Milton is a small town in Caswell County on the North Carolina-Virginia border. In the period following the War of 1812 it was expected that this village would in a short time become one of the more important towns of North Carolina. Caswell County during this period was the home of several leaders in the Jefferson party and later of the Jackson-Van Buren party. The only newspapers in the county were published at Milton, and these papers played an important role in political affairs of those times.

John H. Perkins issued the first number of his *Milton Intelligencer* on July 24, 1818. His proposals stated that "Its political character will be Republican." The *Intelligencer* continued for several years, but apparently ceased publication sometime in the fall of 1821.[62]

Benjamin Cory founded the Milton *Gazette and Roanoke Advertiser* in April, 1822.[63] The *Gazette* was one of the few papers in North Carolina that supported W. H. Crawford. This was natural since, as its title suggests, Milton was closely allied with the interests of Virginia, both politically and economically. The *Western Carolinian* of February, 1824, remarked in derision that Cory could not have more than two hundred subscribers, and thus hinted that his opinions should not be taken seriously.

In April, 1826, John Campbell of Hillsborough bought Cory's establishment.[64] Campbell followed a course of opposition to the administration of John Quincy Adams; in August, 1828, when he had to discontinue the paper due to a lack of subscribers, he announced that another supporter of "Old Hickory" would soon arrive in Milton to continue the *Gazette.* Campbell moved to Halifax and was soon publishing another paper.[65]

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[60] *Fayetteville Observer,* December 10, 1835.
[61] *Fayetteville Observer,* August 11, 1836.
[62] *Raleigh Register,* July 31, 1818, quoted in *Minerva* (Raleigh), September 29, 1820, and mentioned in *Raleigh Register,* August 17, 1821.
[63] *Milton Gazette,* April 22, 1824, states that the editor had finished his second year with the paper.
[64] Jno. Campbell to W. P. Mangum, April 3, 1826. Shanks, *Mangum Papers,* I, 265.
[65] *Carolina Observer,* September 4, 1828; *The Star,* October 2, 1828.

The *Gazette* was not published again until June of the next year. Malbon Kenyon was the editor of the new *Gazette*. In the summer of 1830 Malbon Kenyon is listed as editor and a Mr. J. Holderby as printer. At the beginning of the next year W. D. Webster was doing the printing, but during the summer of 1831 the *Gazette* was printed for the last time.[66]

Nathaniel J. Palmer was a native of Orange County. He is said to have served an apprenticeship on the *Hillsborough Recorder*. Early in 1823 he had become a firm supporter of Andrew Jackson. In January of that year he wrote a leader of the Jackson forces in Raleigh offering to establish a Jackson paper in that city if he could get financial support.[67] The support needed was not forthcoming and, except for the fact that he was married in July of 1826, we hear little else from Palmer until 1829. In the election of that year he entered the eighth district race for Congress in a field of four and finished a poor third. Daniel L. Barringer and Dr. William A. Craig both had many more votes than Palmer, Barringer being the winner.

Sometime in 1831 Palmer moved to Milton. In the middle of October he published the first number of the *Milton Spectator*, stating that he was for Jackson and, "We are opposed to the present high Tariff, we are likewise opposed to the violent and unconstitutional means which a portion of the citizens of a neighboring State are disposed to make use of to put it down." The *Spectator* supported Jackson in 1832 and Van Buren in 1836.[68] By the summer of 1834, Palmer's support of Senator Bedford Brown, who supported Jackson and Van Buren, resulted in some subscriptions being discontinued; but the paper was recognized as one of the leading administration supporters in the state.[69]

MORGANTON

Few editors ventured into the mountain regions of North Carolina before 1835. In 1834 R. H. Madra announced that he would publish a paper to be called the "Mountain Sprout" at

[66] *Raleigh Register* (semi-weekly), June 9, 1829; *Milton Gazette*, August 21, 1830, and January 21, 1831.

[67] Nathaniel J. Palmer to William Polk, Hillsborough, January 5, 1823. Polk Papers, State Department of Archives and History, Raleigh.

[68] *Carolina Observer*, October 19, 1831; *The Star*, October 20, 1831; *Milton Spectator*, October 24, 1832, and September 27, 1836.

[69] Nathaniel J. Palmer to W. P. Mangum, Milton, August 4, 1834. Shanks, *Mangum Papers*, II, 182.

Morganton. He stated that he believed "in the celebrated Virginia and Kentucky Resolutions of 1798 and 1799," a speedy alteration of the state constitution, and a system of internal improvements.[70] A few weeks later the suggested name for the paper was changed to the "Mountain Whig." Madra was born and educated in Virginia, and in 1830 was working as a publisher in Washington, D. C. He never published a newspaper in Morganton, but instead became editor of the Charlotte *Miner's and Farmer's Journal* in 1835.

MURFREESBOROUGH

James H. Smith issued the first number of the *North Carolina Journal* in October, 1818. A few months before he had been one of the staff members of the Halifax *Compiler*. Nothing is known about the *Journal*, but it probably was forced to close in a few months due to hard times and a lack of subscribers.[71]

The semi-weekly *Raleigh Register* for October 21, 1825, announced that the first number of a new paper had been received from Murfreesborough, making sixteen newspapers published in North Carolina. The paper was called the Murfreesborough *Intelligencer*, and it was edited by Nathaniel O. Blake. It is not known how long this paper was published.[72]

Murfreesborough's next newspaper was begun March 16, 1827, by James M. Hill. The new *North Carolina Chronicle*, a Jackson supporter, lasted but a short time.[73]

NEW BERN

At the confluence of the Neuse and Trent rivers in Craven County is one of North Carolina's most historic towns and during the greater part of the ante-bellum period it was the state's largest village. Few places had as many outstanding political leaders as New Bern; such men as John Stanly, William Gaston, Richard D. Spaight, Jr. and John H. Bryan made Craven the

[70] *The Star*, July 31, 1834.
[71] *The National Intelligencer*, November 7, 1818.
[72] *Carolina Observer*, August 4, 1825.
[73] *Raleigh Register* (semi-weekly), March 27, 1827.

center of colorful political conflicts in which newspapers played an important role.

Early in 1809 there were two newspapers in New Bern. Thomas Watson and Salmon Hall had published papers first in New Bern and then in Wilmington, but by 1809 they had returned to New Bern and were publishing the *Newbern Herald.*[74] On January 5, 1809, John S. Pasteur began the *Carolina Federal Republican.* Pasteur soon died and Salmon Hall and Carney J. Bryan assumed control of the *Federal Republican.*[75] Left in control of the *Herald,* in March, 1810, Watson changed the name of his paper to the *True Republican.*

During the Madison administration the two New Bern papers represented the conflicting political views of the nation at large. Hall supported the Federalists and Watson the Jeffersonian forces. Hall was bitterly opposed to the War of 1812, while Watson supported Madison's position. No trace remains of the *True Republican* after 1814, but Hall continued to publish the *Federal Republican* at least through April, 1818.[76]

During the War of 1812 a young lieutenant by the name of John I. Pasteur was stationed at Beacon Island, North Carolina. After the war he returned to his home at New Bern and in time married a cousin and established a newspaper. His wife, Elizabeth Pasteur, was the daughter of one of New Bern's leading citizens. With such family connections, the community was especially hopeful that his new enterprise would be a success. The first copy of the *Carolina Centinel,* published by John I. Pasteur, appeared March 21, 1818.

Exactly two years after Pasteur started his paper, Thomas Watson became a partner with him, and in December of 1822 they changed the spelling of the paper's title to *Carolina Sentinel.* Early in the campaign of 1824 there was a strong movement in support of John C. Calhoun in eastern North Carolina. The *Sentinel* served as the voice of this Calhoun sentiment in Craven County, but during the last months of the race it agreed to support Jackson as a means of defeating Crawford.

John I. Pasteur sold his interest in the *Sentinel* to Henry D. Machen in April, 1826. Watson continuing as co-editor.[77] In 1828

[74] Brigham, *History and Bibliography of American Newspapers,* II, 782.
[75] *Raleigh Register,* November 23, 1809.
[76] Brigham, *History and Bibliography of American Newspapers,* II, 768.
[77] *Western Carolinian,* May 2, 1826.

the paper supported Jackson again. Before the election Watson and Machen dissolved their partnership, and William B. Toler joined the staff with Watson. This change took place on June 12, 1828, and before Toler had been with the paper a year, he absconded with some of the money. Samuel F. Wilson joined the staff as editor in January, 1829, and Watson was then listed as publisher. In the meantime the name of the paper had become the *North Carolina Sentinel* and Henry D. Machen had moved to Washington, North Carolina, to edit another paper. After only three months Wilson was dropped from the *Sentinel,* and Watson continued alone for a year.

Early in 1830 Alexander J. Maurice came to New Bern. He claimed to be a Universalist preacher and advertised as a tutor who would be happy to teach English, French, and history. Soon after his arrival a group of Universalists signed a note so that Maurice might purchase the *Sentinel* from Watson. In beginning his editorial duties, Maurice promised to support Jackson and stated, "I believe that the self styled American System is false and foolish in theory, and ruinous in practice."[78] During this period the *Sentinel* supported Congressman Jesse Speight (representing the fourth congressional district at this time) in his nullification tendencies.[79] For a time Maurice employed Josiah Melvin, Jr., to print for him while he acted as editor and publisher, but as soon as he learned to arrange type he dispensed with Melvin's services. Before the year ended Maurice disappeared from New Bern, leaving his friends to pay his debts, and taking a sum of money with him. For several months after he absconded the paper was not published.[80]

Thomas Watson resumed publication of the *Sentinel* in April, 1831. In the political campaign of the following year, Watson hoped that the Jackson forces would nominate Philip P. Barbour for the vice presidency. After the nomination was won by Van Buren at the Baltimore Convention, however, Watson agreed to bow to the desires of the majority of his party. By the end of 1835 it was clear that Watson's support of the Jackson party

[78] *Advocate* (Halifax), May 27, 1830.
[79] *Raleigh Register* (semi-weekly), May 6, 1830.
[80] *North Carolina Free Press,* December 28, 1830.

was secure. The *Sentinel* gave its support to Jackson's candidate, Van Buren, against the Whigs.[81]

Two years after selling his part in the *Sentinel,* John I. Pasteur returned to journalism. He was an outspoken supporter of the administration of John Quincey Adams and, as the campaign of 1828 reached its height during the summer before the election, the Adams supporters in Craven needed a paper to oppose the pro-Jackson *Sentinel.* To answer this need John I. Pasteur began the *Spectator and Literary Journal.*[82]

Pasteur and his old partner Watson were soon engaged in editorial battle, the latter saying that Pasteur was nothing but a front for the Adams men in eastern Carolina. For a number of years, Pasteur was often in journalistic battles with the Jackson editors in the state, and especially with the *Sentinel.*[83] Early in January, 1833, Pasteur entered into a partnership with Robert G. Moore.[84]

OXFORD

In August, 1829, Edwin Paschall issued a prospectus for the Oxford *Examiner.* The Tarborough *Free Press* announced that it had received the first number of the *Examiner* on January 15, 1830. Robert J. Yancey, Jr., was listed as co-editor, and in a few months was sole editor. Early in the political campaign of 1832, Yancey publicly announced that the opinion of General Jackson carried great weight with him, but that the selection of a vice president should be left exclusively to the people.[85] Privately, Yancey was not enthusiastic with the political world: he wrote Willie P. Mangum, "must we support a President who will pull down the U. S. Bank, who will collect our money to divide it with others and ourselves, who is a friend of a . . . *Protecting* Tariff, and a Vice President who favors all these *oppressive* schemes also?" He hoped that at least Van Buren would not receive the nomination.[86] Both the Barbour and Van Buren factions of the Jackson forces claimed the *Examiner* during the 1832 election, but long before the next election Yancey had become active in his opposition to the Jackson party.

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[81] *North Carolina Sentinel* (New Bern), November 4, 1835.
[82] *Raleigh Register* (semi-weekly), August 15, 1828.
[83] *Raleigh Register* (semi-weekly), January 25, 1830.
[84] *The Star,* January 25, 1833.
[85] *Carolina Observer,* March 6, 1832.
[86] Shanks, *Mangum Papers,* I, 479-480.

A notice in the June 2, 1835, *Raleigh Register* offered the *Examiner* for sale. By October the paper was being conducted by W. M. Savage, who at one time had lived in Fayetteville. Savage announced that he would support Hugh L. White in the 1836 election. R. J. Yancey, Jr., moved to La Grange, Tennessee, sometime after this, and soon was editing the *Western Whig* there.[87]

PITTSBOROUGH

Henry Ward began publishing the *Central Reflector* at Pittsborough, Chatham County, in August, 1832, stating that he would support Jackson in any political race.[88] A year later, Ward announced that he would suspend publication for a few weeks until he received more subscriptions, but the paper was never revived.[89]

RALEIGH

The *Minerva* or *Anti-Jacobin* was first published in Fayetteville, March 26, 1796, by Abraham Hodge and William Boylan. In 1799, however, Boylan moved the paper to Raleigh and there the *Minerva* became the mouthpiece of the Federalists in the new capital city.

William Boylan came from New Jersey to Fayetteville in 1791. In May, 1810, he became associated with Alexander Lucas, who became editor of the *Minerva*. Later in that year, Boylan retired from journalism and in time became one of the richest men in the state. Still later, Boylan became a leading banker and member of the Whig party. He died in 1859.

After William Boylan retired, A. H. Boylan became a copartner with Lucas for a time, but this partnership was dissolved, and Joseph H. Harvey joined the firm with Lucas in 1819. The October 29, 1819 edition of the *Minerva* was issued in enlarged form and the system of numbering was begun again from volume one, number one. In the December 22, 1820 issue, Harvey announced that thirty-three-year-old Lucas was dead, and a few weeks later the paper ceased to be published.

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[87] *The Star*, October 15, 1835; *Fayetteville Observer*, October 27, 1835; *Raleigh Register*, May 3, 1836.
[88] *North Carolina Free Press*, August 28, 1832.
[89] *Carolina Observer*, August 20, 1833.

Joseph Gales was probably the most outstanding journalist in North Carolina before the Civil War. He was born in Derbyshire, England, on February 4, 1761. Gales edited the Sheffield *Register* as a young man before being forced to leave his native land during the troublous times of the French Revolution. While still in England he was a close friend of Joseph Priestley and Thomas Paine.[90]

In 1795 Gales landed in the United States and for a time edited a paper in Philadelphia. Nathaniel Macon and other followers of Jefferson in North Carolina soon became acquainted with this English refugee and prevailed upon him to move to Raleigh and there establish a paper to oppose the Federalist press in that little village. Gales agreed, and October 22, 1799, the first issue of the *Raleigh Register* appeared. A son of Gales, Joseph, Jr., and a son-in-law, William Seaton, later edited the politically powerful *National Intelligencer* in Washington, D. C. These two papers gave the Gales family an important political position in the nation.

Weston Raleigh Gales joined his father on the staff of the *Raleigh Register* in January, 1822. They began to publish the paper twice a week in November of the following year, and continued the semi-weekly editions until lack of patronage forced them to return to weekly editions in November, 1830.[91] In 1833 Joseph Gales retired, and from then until his death in 1848, Weston edited the paper.

The *Register* was politically the most important paper in North Carolina before 1824. In that year Gales supported William H. Crawford and the old Jeffersonian forces, but made it clear that John Quincy Adams was his second choice. He was pleased that Adams was victorious over Jackson, and became an ardent supporter of the second Adams. The *Register* soon became an outspoken opponent of Jackson and thus drifted away from a large number of its old followers, among them Macon. The support that the *Register* gave to the movement for constitutional reform also angered the eastern leaders of the Jackson party. Finally, in February of 1830, the contract to publish the Acts of Congress, which the *Register* had held for almost thirty years,

[90] W. H. G. Armytage, "The Editorial Experience of Joseph Gales, 1786-1794," *The North Carolina Historical Review*, XXVIII (July, 1951), No. 3, 332-361.
[91] *Raleigh Register* (semi-weekly), September 30, 1830.

was removed due to the influence of the state Jackson forces. By 1834 the paper carried the Whig banner.

Calvin Jones[92] and Thomas Henderson, Jr., established the Raleigh *Star* in November, 1808. Henderson had formerly worked with a paper in Halifax and was in charge of the actual writing for the *Star* from its beginning. After January, 1815, Henderson became sole owner.[93] Under Henderson the *Star* showed strong Federalist tendencies, but he claimed that he was politically neutral. For a time in 1822 a Dr. Burgess edited the *Star*, but in the January 3, 1823 issue of this paper Henderson announced that he was moving to western Tennessee and was selling his interest to Alexander J. Lawrence and John Bell.[94] In 1823 Lawrence and Bell were supporters of John C. Calhoun, but by November, 1824, they had agreed to support Jackson, if this would defeat Crawford. The alliance was little more than one of expediency.

Late in 1826 Thomas J. Lemay purchased Bell's part of the *Star*, and the new partners decided to publish a semi-weekly edition of their paper. Patronage, however, never justified publication twice weekly and the paper continued as before.

On December 29, 1826, Lawrence and Lemay announced that their paper was in favor of internal improvements, "but we wish to see these improvements effected by the only sovereign of the soil, North Carolina herself. We not only doubt the power of the general government to interfere with the state government in this way; but taking it for granted that it exists, we doubt the expediency of exercising it." Thus their states' rights position was defined. Until 1832 the *Star* continued to give outward support to Andrew Jackson, but the resignation of John Branch from Jackson's Cabinet and the emergence of Van Buren caused them, along with other Calhoun forces in the state, to break from the Jackson party. In 1832 they supported the Jackson-Barbour

[92] Calvin Jones, 1775-1846, was a man of many interests. He was born in Massachusetts, but by 1795 had moved to Johnston County, North Carolina, to practice medicine. About 1803 he moved to Raleigh. In 1813 he was made a major-general of the North Carolina militia, and in the following year became quartermaster general of the state forces. At different times he represented both Johnston and Wake counties in the General Assembly, and was once chief of police in Raleigh. In 1820 he moved to a plantation near Wake Forest, and twelve years later moved to Tennessee. Jones played a leading role in the organization of a North Carolina medical society. He was at one time a Federalist and later a Whig.

[93] Brigham, *History and Bibliography of American Newspapers*, II, 765; *The Star*, January 13, 1815.

[94] W. R. Gales to D. L. Swain, Raleigh, September 15, 1822. Needham Tyndale Cobb, Jr., Loan to University of North Carolina, Chapel Hill; *Raleigh Register*, January 10, 1823.

ticket. Both Lemay and Lawrence served on the state central committee of that group.[95]

In spite of its strong support of the Calhoun schism in the Jackson ranks, the *Star* never gave enough whole-hearted support to the doctrine of nullification to suit the more radical of the Calhoun forces in North Carolina. Early in 1834, one of the leaders of the nullification men in the state, John Beard of Rowan, made unsuccessful overtures to purchase part of the *Star* office.[96] Beard's failure led a group from Rowan to make an attempt in the fall of the same year to establish a paper for the nullifiers in Raleigh, with David Outlaw as editor. This attempt also ended in failure.[97]

In September, 1835, A. J. Lawrence decided to join the migration westward and sold his part of the *Star* to Lemay.[98] Early the next year the nullification group at last won a place on the *Star* staff when David Outlaw joined Lemay in publication of the paper. Outlaw had served several terms in the General Assembly from Bertie County and had been a leading advocate of nullification. In 1836 the *Star* announced that it would join the anti-Van Buren forces in support of Hugh L. White.[99]

The first issue of the *North Carolina Constitutionalist* appeared on November 15, 1831. The prospectus stated that William Potter, a printer, and William S. Ransom, a lawyer, proposed to give the public a paper which would support General Jackson for re-election and oppose Henry Clay, nullification, tariff, and any latitudinarian construction of the constitution.

Potter, who had been briefly connected with the Greensborough *Patriot*, remained on the staff of the *Constitutionalist* only a few weeks. Charles R. Ramsay purchased his interest in the Raleigh paper.[100] Potter then issued proposals to publish a Jackson paper in Asheville, but it is doubtful that he ever published a paper there.[101] Later he published a paper in Pittsborough,[102] and still later in Fayetteville.

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[95] *The Star*, June 22, 1832.
[96] W. A. Graham to W. P. Mangum, Raleigh, January 6, 1834. Shanks, *Mangum Papers*, I, 273-275.
[97] Charles Fisher to William A. Blount, Washington, D. C., September 24, 1834. Duke University Library, Durham, North Carolina.
[98] *Fayetteville Observer*, September 8, 1835.
[99] *The Star*, January 7, 1836.
[100] *North Carolina Free Press*, January 10, 1832.
[101] *Miners' and Farmers' Journal*, March 14, 1832.
[102] Shanks, *Mangum Papers*, I, 458.

The *Constitutionalist* from its beginning was a target for the Clay forces and for the James Iredell, Jr., the Calhoun, and anti-Jackson group in the state. From its first issue it had financial problems; after only a few months of publication, Ransom wrote to Willie P. Mangum of the total destruction of the paper's credit. He stated that the paper had between six and seven hundred subscribers, but that only about sixty had paid for their subscriptions. He also mentioned the fact that Charles R. Ramsay, a grandson of the famous historian from South Carolina, had recently completed several years service in the navy and had just purchased Potter's interest in the paper.[103] Ransom retired, because he believed the paper could not support two men, and Ramsay assumed sole control.[104]

Ramsay gave strong support to the Jackson-Van Buren forces during 1832 and, despite his South Carolina connections, was one of the outstanding opponents of nullification in North Carolina. The paper continued under his management until December, 1833, when he received a government job and moved to Washington.[105] Joseph B. Hinton of Washington, North Carolina, became editor of the *Constitutionalist*. Two years later Ramsay began a Van Buren paper in Cincinnati.[106]

In May, 1833, Hinton announced that he would soon begin a semi-weekly paper in Raleigh to be called "The Statesman." He stated that his policy would be to support the views of President Jackson and the advancement of Van Buren. Since Raleigh would hardly support two administration presses, Hinton took advantage of Ramsay's removal to the federal capital to get control of the *Constitutionalist*. Hinton led a rather checkered political life. He had served several times in the state Senate from Beaufort County and had political influence of sorts. In 1824 he was listed as one of the Calhoun faction in Beaufort County.[107] In 1828 he was publishing the *Freeman's Echo* at Washington, North Carolina, a paper pledged to support John Quincy Adams.[108] By 1832 he was supporting the Jackson party in the state. The financially weak *Constitutionalist* did not survive

[103] Shanks, *Mangum Papers*, I, 474-476.
[104] *Constitutionalist* (Raleigh), May 17, 1832.
[105] *Raleigh Register*, December 17, 1833.
[106] *The Star*, May 7, 1835.
[107] *The Star*, January 16, 1824.
[108] *Carolina Sentinel* (New Bern), March 29, 1828.

under Hinton for many months, and Hinton soon returned to his home in Beaufort. There, in June, 1834, he issued proposals for *The Statesman and Third Congressional District Advertiser.*[109]

Once again the Jackson forces found themselves without a paper in Raleigh, but Romulus M. Saunders quickly attempted to provide one. He purchased the establishment of the defunct *Constitutionalist* in June, 1834, and by August had managed to secure an editor for a new administration paper. When the Whig press learned that Saunders was trying to re-establish an administration paper, it called attention to the fact that Saunders, who was then attorney-general of the state, held a federal job in addition to a state office, and that the holding of two government jobs was illegal. When the General Assembly met in the fall, Saunders was forced to resign his position as attorney-general.

On August 20, 1834, Saunders wrote to Martin Van Buren, "We have after much difficulty and no little abuse in our state papers succeeded in getting up a paper at this place—it will be out as is expected by the first of Oct."[110] The new editor was Colonel Philo White, formerly editor of a newspaper in Salisbury and for four years a special navy agent at Valparaiso. In announcing the new *North Carolina Standard,* White stated that he would be "opposed from principle, not only to the United States Bank, but to all other National monopolies, as well as to a wasteful system of Internal Improvements by the General Government."[111] The first issue of the *Standard* appeared on November 2, 1834, and it continued publication for a long time thereafter.

Two attempts to establish papers in Raleigh, other than those already mentioned, should be noticed. In 1823 Raleigh had no newspaper representing Jacksonian interests or policies. At that time Nathaniel Palmer wrote to William Polk, leader of the Jackson men in Raleigh, suggesting that he would like to publish a paper if Polk would advance the money with which to establish one. The money was not forthcoming, but in the following year the *Star,* as has been noted, dropped Calhoun and gave its support to Jackson.[112] Palmer later became the publisher of a paper in Milton.

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[109] *The Star,* June 12, 1834.
[110] Van Buren Letters, Library of Congress, Washington, D. C.
[111] *North Carolina Spectator and Western Advertiser* (Rutherfordton), October 18, 1834.
[112] Nathaniel P. Palmer to William Polk, Hillsborough, January 5, 1823. Polk Papers, State Department of Archives and History, Raleigh.

Dr. R. H. Helme, who had served several terms in the General Assembly from Johnston County, announced in October, 1826, that he would begin the "North Carolina Independent Advocate" in Raleigh the following January. His purpose, he said, would be "to disenthral North Carolina from Virginia influence. . . ." This meant that the proposed paper would be pro-Adams, but Helme never published his paper.[113]

RUTHERFORDTON

Roswell Elmer, Jr., published the first number of the *North Carolina Spectator and Western Advertiser* on February 19, 1830. Elmer was a northern man by birth and was always an outspoken supporter of Jackson and later of Van Buren. He quickly took up the fight for a change in the state constitution. For several years Elmer published one of the outstanding papers in North Carolina, but on February 28, 1835, a notice appeared in the paper that he had resigned and the owners were looking for someone else "of the Jeffersonian school" to publish their paper. They found no one to fill this position.

The *North Carolina Spectator* was followed in March, 1836, by the *Carolina Gazette*. John Gray Bynum, the editor of this paper, announced that he was opposed to Van Buren and would support Hugh L. White and the Whigs.[114] John Gray Bynum was a student of William Gaston and later represented his county in the state Senate several times.

SALEM

John C. Blum and H. S. Noble published the *Weekly Gleaner* at Salem from January 6, 1829 through December 29, 1829. In beginning the paper Blum announced that, "Party politics, and all its train of abuses, will not occupy any portion of our columns. . . ." The *Weekly Gleaner* was discontinued at the end of its first year for lack of patronage.[115]

Early in 1832 Blum again started publishing a paper in Salem.[116] The title first appeared as the *Farmers' Reporter*, but was later changed to *Farmers' Reporter and Rural Repository*. Early

[113] *Raleigh Register*, November 24, 1826.
[114] *The Star*, March 24, 1836.
[115] *Weekly Gleaner* (Salem), December 29, 1829.
[116] *North Carolina Free Press*, February 21, 1832,

in 1836 the name was again changed, this time to the *Weekly Chronicle and Farmers' Register*.[117]

SALISBURY

James Krider and Lemuel Bingham issued the first number of the *Western Carolinian* June 13, 1820. During the next three decades it became one of the most influential papers in North Carolina. Its primary purpose was to lead the struggle for a new state constitution; later it championed many of the causes of western Carolina.[118]

Krider was replaced on the *Western Carolinian* in less than a year by Philo White of New York. Bingham and White worked together for about two years, but in May, 1823, Bingham moved to Fayetteville and White published the *Western Carolinian* alone.[119] White became a leading figure in the movement to get the presidential nomination of 1824 for Calhoun. Unsuccessful in this, he finally followed most of the other Calhoun men in the surrender of leadership to Jackson, with the understanding that Calhoun at some later day was to have his chance. In 1828 White again supported Jackson and Calhoun, and some two years later was rewarded for his efforts by an appointment in the navy.[120]

After the departure of White, H. J. Jones and Burton Craige assumed control of the *Western Carolinian*. Craige, a native of Rowan County, finished at the University of North Carolina while only eighteen, and soon thereafter became an editor. Two years later he served his first term in the state General Assembly and was later to serve in the United States Congress and the Confederate Congress.

Craige was a strict states' rights advocate and a strong Calhoun supporter. Soon after Craige became an editor of the *Western Carolinian*, Judge James Martin, Jr., withdrew his subscription from the *Carolinian* because the paper gave too much support to nullification to suit the Judge. Craige and Jones denied that what Martin claimed was true; they were then sued for libel by Martin.[121] The jury rendered a verdict of not guilty

[117] *The Star*, March 10, 1836.
[118] *Raleigh Register*, June 23, 1820.
[119] *Raleigh Register*, May 30, 1823.
[120] *Raleigh Register* (semi-weekly), June 21, 1830.
[121] *The Star*, August 26, 1830.

in October, 1831, but regardless of the outcome of the trial, the paper was all the judge claimed. It was the outstanding advocate of nullification in North Carolina, even going so far as to suggest cooperation with South Carolina in case the latter state should come to blows with the rest of the nation. In the House of Commons session of 1832-33, Craige was one of the leaders in the fight against resolutions which condemned nullification.

In June, 1831, H. J. Jones gave up his connection with the *Western Carolinian* and Craige assumed sole control.[122] During the political campaign of 1832, Craige joined the rebellion against Van Buren and supported Barbour. On June 10, 1833, Craige relinquished his editorial duties and John Beard, Jr., took his place, continuing as editor until February 28, 1835.[123]

In 1834 Beard issued a prospectus for a semi-monthly paper to be called the "North Carolina Republican," but he never received enough subscribers to begin this additional paper.[124]

Dr. Ashbel Smith and Joseph Wade Hampton took over the *Western Carolinian* in March, 1835. These new editors announced that the paper would continue to fight for the rights of states, for a convention to revise the state constitution, and would oppose Andrew Jackson.[125]

The first issue of the *Carolina Watchman* appeared on July 28, 1832. Its editor, Hamilton C. Jones, was born in Virginia in 1798 and graduated from the University of North Carolina in the same class with James K. Polk. He served in the North Carolina General Assembly several terms. His prospectus stated that he was pro-Jackson, but would "be free . . . to sustain the continuance of the United States Bank with such checks and modifications as experience may have shown necessary." He challenged the *Western Carolinian* by writing, "of the newly propagated doctrine of Nullification it is only necessary to say that in all its phases and mutations it is contrary to our most settled views of civil polity, and as such will be combatted by the *Watchman*."[126]

In 1832 Hamilton Jones supported Jackson and Van Buren[127] and continued to support the administration until 1834, when he

[122] *The Star*, June 16, 1831.
[123] Beard represented both the borough of Salisbury and the county of Rowan in the General Assembly at different times.
[124] *Western Carolinian*, March 1, 1834.
[125] *Western Carolinian*, February 28, 1835; *The Star*, March 12, 1835.
[126] *Carolina Watchman* (Salisbury), January 19, 1833.
[127] *Carolina Watchman*, October 13, 1832.

broke with Jackson because of the withdrawal of government deposits from the United States Bank.[128] By 1835 his opposition to Jackson's bank policy drove him to outspoken support of the Whig party.

Lemuel Bingham went to Fayetteville after leaving Salisbury in 1823, and from there moved to Charlotte. On 1824 he established the *Catawba Journal* and gave his support to Adams. Bingham returned to Salisbury in 1828, bringing his paper with him. He felt that the central position of Salisbury would give the paper wider political force in the western part of North Carolina.[129] The name of the paper in Salisbury was the *Yadkin and Catawba Journal;* it was one of the few open supporters of a federal protective tariff in North Carolina at that time. In its issue of February 11, 1833, the *Yadkin and Catawba Journal* announced that it would "oppose, at every hazard, the detestable heresy of Nullification and Secession. . . ." Thus it joined the *Carolina Watchman* in journalistic battle with the *Western Carolinian.*

In 1828 Bingham supported Adams for the second time and in 1832 he gave aid to the cause of Henry Clay. Thus in 1832 Salisbury had a paper in each political camp: the *Western Carolinian* supported Jackson and Barbour; the *Carolina Watchman* supported Jackson and Van Buren; and Bingham's paper supported Clay. By 1834 the first two papers had joined the ranks against Jackson's party.

Bingham added Hugh Welch to his staff in September, 1832, and by November of the following year he had sold his interest in the paper to Welsh. Actually, Bingham had retired from the management of the paper in September, 1832, when Welch joined the staff. Welch shortened the name of the paper to the *Journal,* and attempted to continue its publication alone, but in May, 1834, he was forced to close the doors of the *Journal* office for lack of patronage.[130]

James H. Smoot issued proposals to publish a weekly newspaper at Salisbury early in 1826, pledging support to "a liberal construction of the provisions of the Constitution." The paper

[128] *Raleigh Register,* May 6, 1834.
[129] *Catawba Journal* (Charlotte), April 29, 1828.
[130] *The Star,* June 5, 1834.

proposed was to be named "The North Carolinian," but it was never published.[131]

TARBOROUGH

The Tarborough *Political Synopsis* was first published on November 3, 1814, by Tippo S. Hannon. This Federalist paper lasted but a year.[132]

There does not seem to have been another paper in Tarborough until August 22, 1826, when George Howard printed the first issue of the Tarborough *Free Press*. This paper had formerly been published in Halifax by Howard. From August 24, 1830, to January, 1835, the name of this paper was the *North Carolina Free Press*, but in January the old name was again adopted.[133]

Howard supported Jackson in 1828; in 1832 he still supported Jackson for the presidency, but claimed neutrality in the vice presidential race between Van Buren and Barbour.[134] It was clear, however, that he leaned toward Barbour. The *Free Press* was bitterly opposed to internal improvements at state or federal expense and to any change in the constitution of the state. It followed the editorial policy of the Salisbury *Western Carolinian* during the nullification controversy but, unlike that paper, the Tarborough paper did not join the Whigs in 1836.

WADESBOROUGH

William E. Bird issued a prospectus for a paper to be called the "Anson Advertiser" early in 1835. He made it clear that he was opposed to the Jackson party but since Anson County had supported Jackson by a large majority in 1832, Bird's announcement met with little enthusiasm and it is almost certain that the paper was never published.[135]

WARRENTON

In the autumn of 1823, the Raleigh *Star* claimed that the *Raleigh Register* and the *Milton Gazette* were the only two papers supporting Crawford in the state.[136] The number was increased

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[131] *Raleigh Register* (semi-weekly), February 24, 1826.
[132] From 1819 Hannon was publishing the *Georgia Advertiser*. *Brigham, History and Bibliography of American Newspapers*, II, 1425.
[133] *The Star*, August 5, 1830.
[134] *North Carolina Free Press*, October 30, 1832.
[135] *Hillsborough Recorder*, February 13, 1835; *Warrenton Reporter*, May 9, 1835.
[136] *The Star*, September 5, 1823.

to at least three early in October of the following year when M. W. Dunnavant began the semi-weekly *Warrenton Reporter*.[137] The paper continued as a semi-weekly for at least one year.[138] Dunnavant had formerly run a newspaper in Virginia, and also had served on the staff of the Halifax *Compiler* before he came to Warrenton. In 1828 the *Reporter* supported Jackson and Calhoun. Robert N. Verell had become editor in 1831 and the *Reporter* supported Jackson and Van Buren. Four years later Verell gave his support to Van Buren and Richard M. Johnson.[139]

WASHINGTON

John McWilliams established the *American Recorder* in April, 1815. The paper made no mention of politics before 1823, but it was then clear that McWilliams was sympathetic to the cause of John Quincy Adams. No copy of the paper under the editorship of McWilliams has been located after May, 1825. In April, 1826, John W. Hammond was editor of the Washington *Recorder*, and at that time disposed of half of the establishment to William T. Yeomans, formerly of Edenton. The *Recorder* was then discontinued and, in the middle of May, Hammond and Yeomans began the Washington *Herald*.[140] The *Herald* was continued for over a year.

H. N. Jasper and J. Singletary planned to publish the "Pamptico Herald" in Washington, beginning in April, 1826. It is doubtful that they ever received enough subscribers to begin their paper.[141]

The first number of the *Freeman's Echo*, edited by Joseph B. Hinton, appeared April 4, 1828. In announcing that the paper would be published, the semi-weekly *Raleigh Register*, April 4, 1828, said that "The 'Echo' has arisen like a Phoenix from the ashes of the 'Herald'." Hinton announced that he would support John Quincy Adams.[142] By August, 1828, Henry D. Machen was editing the *Freeman's Echo*. He had moved to Washington from New Bern two months before, and Hinton apparently gave up his connection with the paper soon after Machen arrived. The *Echo*

[137] *Raleigh Register*, October 12, 1824; *Carolina Observer*, October 14, 1824; *The Star*, October 15, 1824.
[138] *Western Carolinian*, October 11, 1825; *Carolina Observer*, September 22, 1825.
[139] *Warrenton Reporter*, November 1, 1832, and June 18, 1836.
[140] *Carolina Sentinel*, April 29, 1826; *The Star*, May 5, 1826.
[141] *Carolina Sentinel*, January 28, 1826.
[142] *Carolina Sentinel*, March 29, 1828. Four years later Hinton was supporting Jackson in Raleigh.

continued to support Adams under its new editor.[143] In 1829, 1830 and 1832 Hinton represented Beaufort County in the state Senate, and in 1833 moved to Raleigh to edit a paper.

Machen entered into a partnership with William G. Carrington in March, 1830, and two months later Carrington was listed as editor and Machen as publisher. They changed the name of the paper to the Washington *Times*, and made it clear at the time that the paper still opposed Jackson.[144] The *Times* was forced to stop its presses in December 1830, because the subscribers were not paying for the paper.[145]

Two months after the *Times* went out of business, George Houston, Jr., began to publish the Washington *Union* on Machen's old presses. Houston, however, was a supporter of President Jackson, and the title of his paper suggested his attitude toward nullification and South Carolina.[146] Houston continued the *Union* until the fall of 1833, but announced several times during that year that he wanted to sell the paper so that he might "engage in other pursuits." The actual problem was a lack of subscribers.[147]

At last, in July, 1834, a group of men purchased the *Union* establishment from Houston in order to publish an anti-Jackson, state's rights paper called the *Whig*. The *Whig* first appeared in August of that year with George Colmer listed as editor.[148]

Joseph B. Hinton returned to Washington from his editorial duties in Raleigh by May, 1834, and a short time later issued proposals to publish the *Statesman and Third Congressional District Advertiser*. The proposals promised that the paper would be politically uncommitted but, after publication began in August, Hinton supported Jackson and Van Buren.[149]

WAYNESBOROUGH

The Raleigh *Star*, October 9, 1834, carried proposals by Henry B. Watson to establish the "Farmers's Intelligencer" in Wayne County. Watson promised that his paper, which was to appear in January, 1835, would be free of religious controversy and political contention. No copy of such a paper has been found.

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[143] *Hillsborough Recorder*, August 20, 1828.
[144] *The Star*, March 11, 1830; *Raleigh Register* (semi-weekly), May 20, 1830.
[145] *North Carolina Free Press*, December 7, 1830.
[146] *The Star*, March 3, 1831.
[147] *Carolina Observer*, April 23, 1833; *Raleigh Register*, August 6, 1833.
[148] *The Star*, July 31, 1834.
[149] *North Carolina Free Press*, August 22, 1834.

WILKESBOROUGH

In 1825 the county seat of Wilkes County was promised a new courthouse and a newspaper. William Austin, in the July 26, 1825 issue of the Salisbury *Western Carolinian,* announced that he would soon publish the "Western Farmer" in Wilkesborough. He probably never received enough subscriptions to begin publication.

WILMINGTON

The Wilmington *Gazette* was founded many years prior to 1815 but in that year William S. Hasell was its publisher. Hasell died in October, 1815, and Alexander Macalaster and Thomas Loring, the latter a native of Massachusetts, assumed control of the *Gazette.* The partnership was not longlasting. Macalaster moved to Fayetteville to found the *People's Friend* and Thomas Loring began the *Cape Fear Recorder* in May, 1816, allowing the *Gazette* to lapse.

Loring continued to publish the *Recorder* until late in 1818, when he sold the paper to David Smith, Jr. Loring wanted to start a paper in the new town of Blakely, but in this he was unsuccessful. Smith owned the *Recorder* for several years, and during at least a part of that time William Hollinshead was his printer.[150] In 1823 the *Recorder* supported Crawford.[151]

Archibald M. Hooper purchased the *Recorder* in May, 1826, and J. R. Cunningham became his printer the following year.[152] Hooper offered his paper for sale in 1832; being unable to sell it by August, he suspended publication.

Benjamin H. Talbot issued proposals for publishing the *North Carolina Reporter and Wilmington Marine List* in 1825. The first issue was due to appear on July 4th, but, as had been the case in Fayetteville, Talbot had no success.[153]

Early in 1826 Thomas Loring announced that he would return to journalism by publishing the Wilmington *Herald* for a private group of owners.[154] The first issue of the *Herald* was received by the *Carolina Observer* on March 1, 1826. Early in December of

[150] *Raleigh Register,* November 6, 1818.
[151] *Western Carolinian,* December 9, 1823; *Raleigh Register,* November 21, 1823.
[152] *Carolina Observer,* May 24, 1826; *Cape Fear Recorder* (Wilmington), April 4, 1827.
[153] *Hillsborough Recorder,* May 18, 1825; *Western Carolinian,* May 17, 1825.
[154] *Carolina Observer,* February 22, 1826; *Raleigh Register* (semi-weekly), February 24, 1826.

the following year the *Herald* was discontinued and advertised for the sale.[155]

The first issue of the *Liberalist and Wilmington Reporter* must have appeared in February, 1827, and the editor was probably Jacob Frieze.[156] In the spring of 1830, several papers in the state published a list of North Carolina newspapers. These included the *Liberalist,* but it is doubtful that it lasted through that year.[157]

During the closing months of the 1832 political campaign there were no papers in Wilmington. Two different papers, however, were begun soon after the election. The first issue of the Wilmington *Advertiser* with H. S. Ellenwood as editor, appeared the month following the election. Ellenwood, a native of Boston, announced that he favored a reduction of tariffs, but opposed the doctrine of nullification. After only five months Ellenwood died and the paper was offered for sale.[158]

The *People's Press* first appeared January 9, 1833, listing as its proprietors P. W. Fanning and a Mr. Hall. Thomas Loring was to aid in the printing and editing. Fanning announced that he was opposed to nullification and would support President Jackson. A few months later Loring bought the *People's Press* and the establishment of the *Advertiser,* and on May 22, 1833, issued the two together as the *People's Press and Wilmington Advertiser.* Early in 1836 the name was shortened to the *Wilmington Advertiser,* and a few months later the paper was sold to Joshua W. Cochran, a Whig from Fayetteville. Loring moved to Raleigh to join the staff of the *Standard.*[159]

WINDSOR

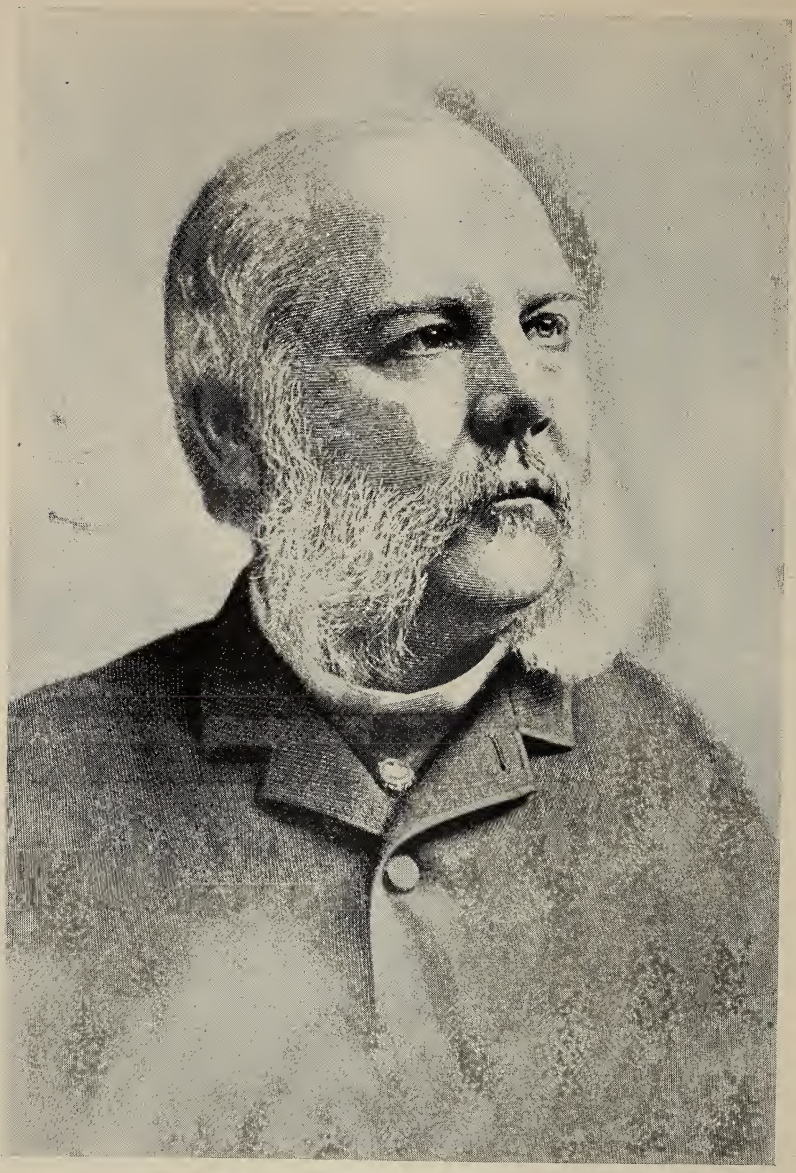
The *Raleigh Register,* January 24, 1823, mentions the Windsor *Journal.* This paper must have been published for a time, but this one reference is the only one found.

John Campbell moved from Halifax to Windsor, in Bertie County, late in the summer of 1831. In October he issued proposals to publish a paper which would advocate the re-election of General Jackson but would oppose every encroachment of the

[155] *Carolina Observer,* December 6, 1827.
[156] *Liberalist and Wilmington Reporter* (Wilmington), September 8, 1829.
[157] *Carolina Observer,* March 4, 1830; *North Carolina Free Press,* March 12, 1830.
[158] *The Star,* December 28, 1832; *Carolina Observer,* April 16, 1833.
[159] *The Standard* (Raleigh), January 14, 1836; *Raleigh Register,* May 17, 1836.

general government upon the sovereignty of the individual states.[160] The first issue of Campbell's Windsor *Herald* appeared in April, 1832. In 1834 Campbell was forced to close the *Herald*, and for several months Windsor was without a paper, but in August the *Herald* was resumed by Alban Hart. It was said that Campbell had moved to Raleigh to establish a paper.[161]

[160] *The Star*, October 27, 1831.
[161] *North Carolina Free Press*, August 8, 1834.



John M. Schofield (1831-1906)

Brevet major-general, Union Army. Served as military commander of the Department of North Carolina, February-June, 1865.

JUDICIAL MACHINERY IN NORTH CAROLINA IN 1865[1]

By Kenneth E. St. Clair

At the close of January, 1865, as federal plans for military campaigns in the Carolinas neared completion, Major-General John M. Schofield, fresh from service in Tennessee, was placed in command of an important operation in North Carolina. He was instructed to land at the mouth of the Cape Fear River, open railroad communication to Goldsboro, gather supplies for General Sherman's army moving up from Savannah, and effect a junction with that army.[2] To make sure that orders would reach Schofield promptly, Lieutenant-General Grant requested Secretary of War Stanton to constitute North Carolina "a department, for present purposes, Major-General Schofield in command, subject to Sherman's orders;" Grant would give the necessary orders and instructions until Sherman could reach Schofield.[3] Stanton honored the request immediately,[4] and there came into being the Department of North Carolina, apparently a temporary military organization, created to facilitate federal military operations. General Schofield followed his instructions faithfully and on March 21 effected the desired junction with Sherman at Goldsboro. No order was issued, however, dissolving the Department of North Carolina upon the attainment of the objective which constituted its *raison d' être,* and its head remained in command of federal troops in North Carolina. Perhaps the fact that Schofield commanded the center of Sherman's army[5] raised his department to a new level of importance. In any event, civil affairs soon clamored for his attention and presaged the role the Department of North Carolina and its commanding officers would play in Reconstruction.

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[1] This paper was made possible in part through a Faculty Research Grant from the Social Science Research Council.

[2] *The War of the Rebellion: a Compilation of the Official Records of the Union and Confederate Armies* (Washington, 1880-1901), Series I, XLVII, part 1, 909-910 (report of Schofield to Sherman, April 3, 1865) and 17-29 (report of Sherman to Grant, April 4, 1865); hereafter cited as *Official Records.* John M. Schofield, *Forty-Six Years in the Army* (New York, 1897), 345-346, gives a brief summary of his transfer from Tennessee and of his part in the Carolina campaigns.

[3] *Official Records,* Series I, XLVII, part 2, 179. Grant to Stanton, January 31, 1865.

[4] General Orders No. 12, *General Orders, War Department, Adjutant General's Office,* 1865-1866. In citing general orders from the War Department hereafter, the following form will be used: G. O. No....., *General Orders, (year).*

[5] Schofield, *Forty-Six Years,* 346.

In the first months of Schofield's command, military operations overshadowed civil matters. When dealing with administration of justice, he spoke of preservation of federal authority and of law and order in the same breath. General Orders No. 8, issued on February 27, provided for the appointment of military commissions and authorized them to try persons of "known disloyalty" or persons showing hostility towards the United States. To ensure general acquiescence to federal authority, provost marshals were instructed to administer the oath of allegiance (reporting at the time, the name, age, and residence of those taking the oath) and to make weekly reports regarding the character and conduct of other adult whites.[6] Vigilance, clearly necessary in time of war, was the order of the day.

The close of formal hostilities, with the surrender of General Joseph E. Johnston on April 26, raised civil matters to a position of paramount importance. It also brought to the foreground the confusion, perplexity, and bitterness on factional and personal levels prevalent in national circles. Sherman's animosity towards Stanton and Halleck, the beginnings of the struggle between Johnson and the Radicals, the appearance of a nation deprived of its leader, and the projection of many plans and theories of Reconstruction. The grave social and economic problems raised by emancipation, the political and constitutional difficulties inherent in Reconstruction, and the dejection of southern white leaders became apparent. All of these problems posed difficulties and opportunities for the head of the Department of North Carolina.

John M. Schofield continued in command of the Department of North Carolina until the close of June, 1865. During the month following Johnston's surrender, he ruled the state as military governor, in fact if not in name. He hoped to continue in that role, guiding the destinies of the state until civil rule and normal relations with the federal government were restored. A West Point man (and proud of it) with a fair knowledge of law, having the quality of firmness mingled with detachment and diplomacy, Schofield may very well have made a successful military governor for North Carolina. Certainly he would have proved acceptable

[6] *Official Records*, Series I, XLVII, part 2, 605-606.

to southern leaders. His father-in-law was an intimate friend of Jefferson Davis.[7] He remembered with great pleasure his own introduction to ante-bellum southern society in South Carolina,[8] and his views regarding freedmen would not have clashed with those of southern whites. His later success as military governor of Virginia in 1867-1868 indicates his suitability.[9] His friendships and contacts among high military and civil authorities might have proved of great value. Sherman, Grant, and Halleck he counted among his personal friends; and Chief Justice Chase considered him important enough to cultivate. Schofield was included among the recipients of the some "fifty copies" of the letters dealing with Reconstruction and Negro suffrage which Chase wrote Lincoln on April 11 and 12 and which were printed (so Chase said) "for the information of individuals—not for publication."[10]

Though these same friendships probably wrecked Schofield's aspirations to become military governor of North Carolina, they explain in part the apparent sureness and firmness of his rule as military "governor." By the close of May, 1865, he had organized county police, provided for local administration of justice by magistrates, published regulations concerning freedmen, and established martial justice to restrain grave violations of law—truly a creditable record.

The first orders issued by Schofield after the surrender of Johnston continued the rule of martial law, but at the same time urged all to cultivate friendly relations. Punishment of the political leaders responsible for secession would be left to the judicial department of the federal government.[11] Shortly thereafter, in early May, he called for the establishment in each county of a police force, organized under the supervision of "discreet" officers, furnished (ironically) with captured arms and ammunition, and

[7] Schofield, *Forty-Six Years*, 19.

[8] "Hospitality [a summer on Sullivan's Island in 1853] was unbounded, and of the most charming character. Nothing I have experienced at home or in the great capitals of Europe has surpassed or dimmed the memory of that first introduction to Southern society." Schofield, *Forty-Six Years*, 30.

[9] Schofield, *Forty-Six Years*, 394-404. This estimate, it must be noted, is based upon Schofield's autobiography. Schofield did, however, have the quality of detachment. He adhered, in this autobiography, closely to the official records and to his own letters, and he made a conscientious effort to be objective. The preface to the autobiography gives Schofield's attitude upon historical methods.

[10] *Official Records*, Series I, XLVII, part 3, 27. Chase to Schofield, May 7, 1865.

[11] General Orders No. 31, *General Orders and Circulars, Department of North Carolina*, 1865. In citing from these orders hereafter, the following form will be used: G. O. No. ....., [*date of order*.] This order dated April 27, 1865, was printed in the *North Carolina Standard*, May 2, 1865.

serving without pay. Criminals arrested by these police were to be brought to the nearest post for military commission trial, with the precaution that a "full statement of the crime and the names of witnesses must be sent with the prisoners in each case."[12] Finally, after receiving word from Major-General Halleck that the practice would be permissible,[13] Schofield ordered the selection in each county of twelve justices of the peace. These men were to be chosen from previously qualified magistrates who could take the oath of allegiance and "be relied upon to conduct the elections of the precincts"—good "Union men."[14]

Though machinery for the administration of martial law had been established some months previously, several weeks elapsed before the county police forces could be organized and the justices of the peace selected. The same military details which organized the police force handled the selection of justices.[15] Most of this work was accomplished during late May and early June, 1865. It may be said, therefore, that Schofield's work in establishing local civil authorities scarcely began before his career as military "governor" ended. His labors were not fruitless, however; they laid a foundation upon which Holden's provisional civil administration could build.

The reports of the military details indicate that the officers took seriously the duty of organizing police forces and of selecting magistrates. Colonel Elias Wright was careful, in making his report from Sampson and Duplin counties, to list the occupation and slaveholding interests and political beliefs (before, during, and after the war) of the justices of the peace. Major William R. Brazir, in a less exhaustive report, named the persons from whom he gathered evidence and attempted to summarize the political outlooks of the justices in Wilson County. Brevet Brigadier-General Thomas T. Heath experienced great difficulty "in gaining accurate information" but believed that " in most instances the general classifications made in the reports [for Moore, Robeson, Richmond, Franklin, Warren, Edgecombe, Nash, and Cum-

[12] G. O. No. 35, May 4, 1865.
[13] "I have here permitted justices of the peace who took the oath of allegiance and are of good character to resume their functions." *Official Records*, Series I, XLVII, part 3, 404, Halleck to Schofield, May 5, 1865.
[14] *Official Records*, Series I, XLVII, part 3, 524.
[15] *Official Records*, Series I, XLVII, part 3, 524 and 549.

berland counties] may be safely relied upon."[16] The fact that two to three weeks were required in most cases to complete the reports, indicates that the details wasted no time, yet gave serious attention to their task.[17]

The attitude of Schofield's officers in establishing the machinery for local administration of justice varied from that of confidence in the "leading citizens" to that of skepticism regarding the proceedings. Brigadier-General Joseph R. Hawley, commanding the District of Wilmington, exemplified the officer who cooperated with the older white leaders. His narrative report of the organization of the Bladen County police force showed that he had a most amicable meeting with "a large portion of the leading citizens," including the "sheriff, chairman, and clerk of the county court, the militia colonels, and other dignitaries." According to Hawley: "Not an unkind or uncivil word was uttered during the day." His meeting closed with the organization of a police company of seventy-one members, whom Hawley deemed with "perhaps two or three exceptions . . . the most suitable citizens."[18] This officer was not, however, completely uncritical. He was aware of the vigilante activities of the volunteer police force in Columbus County, and he determined to "put an end to such business."[19] On the whole, however, Hawley was more interested in giving judicious counsel to the citizens than in examining closely their beliefs. His task was one of hastening "complete pacification," not, apparently, one of opening a window in men's minds. Brevet Major-General Thomas H. Ruger, commanding the First Division of the Twenty-third Army Corps, exemplified a totally different viewpoint. Acknowledging the instructions, he appointed a detail for the region near Charlotte, but added: "I doubt whether it will be possible to find amongst the magistrates in this part of the country twelve from a county who could be said to be Union men." If such men could not be found, he would forward the names of others, "men of character and reputation

[16] These reports are found in the collection of Governors' Papers which are preserved in the archives of the State Department of Archives and History of North Carolina. In citing references drawn from these papers, the following form will be employed: Governors' Papers, Holden, 1865. [Communication and date where feasible.]

[17] The military details received their instructions May 17. Their reports bear dates ranging from May 29 to June 14. Several of the returns were undated. Governors' Papers, Holden, 1865.

[18] *Official Records*, Series I, XLVII, part 3, 549.

[19] *Official Records*, Series I, XLVII, part 3, 550. Three volunteer police companies had been formed, apparently in March, and some of the organizations had summarily shot nine men in South Carolina, on the grounds that these men were "guerrillas and robbers."

for integrity."[20] Interestingly, one of Hawley's chief informants was Thomas McDowell, a member of the Confederate Congress and later an advisor of Provisional Governor William W. Holden. Ruger was to succeed Schofield as head of the Department of North Carolina.

Schofield realized the importance of providing for local administration of justice, but he felt the problem of the freedmen was the paramount consideration. The commanding officer's own words best express his feelings:

> "What is to be done with the freedmen" is the question of all, and is the all-important question. It requires prompt and wise action to prevent the negro from becoming a huge elephant on our hands.[21]

He had a definite policy regarding the freedmen and was prepared to put it into practice. The core of that policy, tempered by a humanitarian outlook, was a hard word: work. For Negro suffrage and for idleness he had no use. To be sure, a close inspection of Schofield's words reveals his belief in the possibilities of independence and wealth for the freedmen in the distant future, but work was the order of the day in 1865.

On March 18, 1865, Schofield ordered all able-bodied men having no legitimate employment to report to the quartermaster's department. There was "work enough for all," he stated, and no one would be permitted "to live in idleness while supported by the Government."[22] His most important order relating to freedmen, however, was issued May 15. This order revealed considerable thought upon the subject with possibly a "weather-eye" to the views of Chief Justice Chase and other figures of importance. In this document, Schofield directed that former masters be constituted "the guardians of minors and of the aged and infirm in the absence of parents or other near relatives capable of supporting them." He forbade the ablebodied freedmen to leave "their parents, children, or young brothers and sisters to be supported by others." He likewise forbade the former masters to turn away "the young or the infirm," or to refuse to give them food and shelter. Adopting a laissez-faire attitude

[20] *Official Records*, Series I, XLVII, part 3, 549.
[21] *Official Records*, Series I, XLVII, part 3, 405.
[22] *Official Records*, Series I, XLVII, part 2, 894-895.

toward the making of contracts, he advised freedmen to expect "only moderate wages" or "a fair share of the crops" where employers could not pay wages in money. Almost lost among these benevolent admonitions, there was a brief suggestion that by "industry and by good conduct they [the freedmen] may rise to independence and even wealth." Punishment for violations of these rules devolved upon both army officers and the county police. Finally, Schofield directed that each district commander appoint a commissioned officer to be a superintendent of freedmen. This officer was charged with the responsibility of returning to their homes all freedmen who had left them in violation of the rules, and with the duty of hearing complaints of guardians or wards. Dissolution of the bonds of guardian and ward lay in the hands of the district commanders.[23] The manifest objective of the order was the maintenance by Negroes themselves of family stability, aided by a humanitarian attitude of former masters and enforced by army officers and county police.

Schofield's order must, however, be understood in the light of his ambition and of his attitude toward the Negro and Negro suffrage. He desired to become military governor of North Carolina, and he knew the views of Chief Justice Chase and of other figures of national importance who favored Negro suffrage. He knew further that Sherman (who, like himself, opposed immediate Negro suffrage vigorously) had become involved in a bitter controversy with Stanton and Halleck.[24] Perhaps he felt that his general order concerning freedmen must be calculated not to arouse the opposition of men like Chase and Stanton, lest his hope of becoming military governor be lost. Without sacrificing conviction, he could find escape in emphasizing humanitarianism and the Negro's welfare. Perhaps he really believed that the future welfare of the Negroes lay in their acquiring the middle-class virtues of industry, moderation, and family stability. Schofield's correspondence with Grant reveals a deep distrust of the Negroes' readiness for freedom. He felt that the Negroes did not

[23] *Official Records*, Series I, XLVII, part 3, 503.

[24] A good summary of this controversy is given in James Ford Rhodes, *History of the United States from the Compromise of 1850 to the End of the Roosevelt Administration*, New Ed. (New York, 1928), V, 161-178; its relation to Schofield's ambition is discussed below (pp. 423-425). Chase had written Schofield on the subject of Negro suffrage. General Orders No. 12, *General Orders, War Department, Adjutant General's Office*, 1865-1866. Schofield replied with a non-committal "thank you," but he feared Chase's policy would lead to disastrous results. *Official Records*, Series I, XLVII, part 3, 461-463, Schofield to Grant, May 10, 1865.

know the meaning of freedom; he stated that they associated the term with living in idleness at the expense of the national government. In his judgment, Negroes as a class were unfit for political responsibility and whites "ought to teach them something" before granting them political equality.[25] His order struck no consternation in the minds of white readers. Its effect may be discerned in a letter James A. Graham wrote his mother from Charlotte on May 20:

> . . . the town was filled the first part of the week with negroes from the country, but the Yankees arrest them and put them to work cleaning up the streets, whenever they find them idling about; so that most of them have returned or at least left town.[26]

Much confusion and marauding existed, particularly in the rural districts, during the whole of May, 1865. According to *The Daily Standard,* the pillaging and plundering in several counties by roving bands of federal and ex-federal soldiers greatly handicapped agricultural recovery.[27] Disbanded confederate soldiers also foraged.[28] Schofield met these conditions with martial law and with severe orders against guerrillas. Drum-head justice was the answer to lawlessness.[29]

General Schofield and his work received praise from all quarters, including a man for whom he later had no commendation, William W. Holden.[30] Perhaps this satisfaction was due to the firmness of his rule. Never did the people nor the civilian leaders forget that the military authorities governed the state during this interim between war and the restoration of civil rule. The state was under martial law, and criminals arrested by police forces were subject to trial by military commission; local administration of justice was the creation of military authority; and military officers exerted supreme authority in matters relating to freedmen. Following a precedent set by Sherman, but exercising greater consideration for the publishers' feelings,

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[25] *Official Records,* Series I, XLVII, part 3, 462. Schofield to Grant, May 10, 1865.
[26] *The James A. Graham Papers,* editor, H. M. Wagstaff. *The James Sprunt Historical Studies,* XX, No. 2 (Chapel Hill, 1928), 214.
[27] *The Daily Standard* (Raleigh), May 5, 1865.
[28] J. G. de Roulhac Hamilton, *Reconstruction in North Carolina.* Columbia University *Studies in History, Economics and Public Law,* LVIII, (New York, 1914), 103.
[29] G. O. No. 54, May 15, 1865; *Official Records,* Series I, XLVII, part 3, 587.
[30] "General Schofield is an officer of fine executive talents, and will no doubt give satisfaction to our people." *North Carolina Standard,* April 29, 1865."General Schofield is acting with wisdom and firmness and giving satisfaction to the true men." *Official Records,* Series I, XLVII, part 3, 489. Holden to Johnson, May 13, 1865,

Schofield refused to permit public criticism of the military by the newspapers, particularly the Raleigh *Progress*. Upon reading an editorial complaining of the conduct of federal officers in Raleigh, he wrote the publishers of the *Progress:* "The public is not the tribunal authorized to judge of such matters, and their public discussion will not be tolerated." He softened this admonition by a promise to rectify any just complaints, but he censured "grumbling" against the army and gave the publishers the choice of publishing his letter or of ceasing publication of the paper.[31] This considerate firmness and an emphasis upon military authority followed a consistent pattern. Schofield believed that military government was the "only lawful substitute, under our system" for popular civil government. He also felt that military government should be accommodated as much as possible to the most recent state constitution and laws.[32]

In early May of 1865, Schofield entertained aspirations of becoming more than a temporary commanding officer of the Department of North Carolina. He desired to become military governor of the state and to be a policy maker, as well as the instrument for restoring the state to its practical relations with the United States government. This ambition was wrecked on the rocks of animosity among his superior officers. On May 5, Schofield broached his hopes indirectly, but strongly, in writing to Sherman:

> If I am to govern this State it is important for me to know it at once. If another is to be sent here it cannot be done too soon, for he will probably undo the most of what I have done. . . .[33]

Two days later, using the same approach and almost the same language, but making no reference to his communication with Sherman, Schofield apprised Halleck of his desire. He suggested that "the sooner a military governor is appointed for this State and steps taken to organize a civil government the better."[34]

[31] *Official Records*, Series I, XLVII, part 3, 458. Horace W. Raper, "William W. Holden: A Political Biography," unpublished doctoral dissertation, University of North Carolina, 1951, cites Sherman's blunt statement to the editors of the *Progress* for criticism of army seizure of private property: "There is one thing that I want you newspaper men to understand, and that is, you are not conducting a newspaper in Massachusetts or New York, but in a conquered territory; and I'll have you to understand that if you can't carry on your papers without reflecting on my army, I am determined that they shall be suspended."

[32] Schofield, *Forty-Six Years*, 376-377.

[33] *Official Records*, Series I, XLVII, part 3, 405.

[34] *Official Records*, Series I, XLVII, part 3, 430.

Although Halleck immediately requested of Stanton the desired appointment,[35] Schofield was treading upon dangerous ground; the famous controversy over the handling by Stanton and Halleck of Sherman's memorandum with Johnston had reached the vitriolic stage.[36] Halleck had hardly requested the appointment of Schofield as military governor when he withdrew the recommendation. He did this on the grounds that Schofield had been represented to him as one of Sherman's principal advisors in the negotiations with Johnston, a report which put Schofield beyond the pale.[37] The same day that Halleck withdrew his recommendation, Schofield wrote Grant a most important letter. In this he outlined the policy he felt should be pursued in North Carolina and made a major bid for appointment as military governor, suggesting the desirability of his (Schofield's) having a personal interview with President Johnson,[38] despite the fact that the President had already summoned William W. Holden to Washington for an important conference. Nothing came of Schofield's letter but tantalizing, non-committal replies to the effect that Grant and Stanton agreed with Schofield's views. Toward the close of May Stanton "was accidentally prevented" from showing the communication to President Johnson, but Grant expressed the hope "that some plan will soon be settled on."[39] All this time, however, Schofield had opportunity to reflect upon a letter from Sherman which foretold the failure of his hopes:

After Stanton's perfidious course toward me officially I can never confer with him again, and therefore am compelled to leave you to approach him as best you can. . . . If left alone I know you could guide the State of North Carolina into a path of peace, loyalty, and security in three months, and could place every negro in the State in a way to make an honest livelihood, with his freedom secure, but I doubt whether those who were so slow to come to the fight, will permit you to act.[40]

[35] *Official Records*, Series I, XLVII, part 3, 434. Halleck to Stanton, May 8, 1865.

[36] For samples of the feeling see *Official Records*, Series I, XLVII, part 3, 345-346, 454-455, 515-516, 531.

[37] "It is represented to me that he and General Blair were the principal advisers of Sherman in his armistice with the rebel General Johnston. If so, he is not a proper person to command in North Carolina." *Official Records*, Series I, XLVII, part 3, 454. Halleck to Stanton, May 10, 1865.

[38] *Official Records*, Series I, XLVII, part 3, 461-463.

[39] *Official Records*, Series I, XLVII, part 3, 529, Grant to Schofield, May 18, 1865; 571, C. B. Comstock to Schofield, May 25, 1865 (the citations are from this letter).

[40] *Official Records*, Series I, XLVII, part 3, 405-406. Sherman to Schofield, May 5, 1865.

There is no documentary evidence to prove that Schofield showed resentment at the time over his failure to receive the office of military governor, but it is inconceivable that he did not guess the reason for the failure. Years later, when he discovered Halleck's action among the official records, an old resentment flamed anew:

> So far as I know, he [Halleck] left on record, without any subsequent explanation or correction, a report which was without the slightest foundation in fact, and which he understood to be very damaging to my reputation. . . . I think General Halleck, in this slight matter, as in his far more serious conduct toward General Sherman, was inexcusably thoughtless respecting the damage he might do to the reputation of a brother soldier.[41]

Whatever conjectures may be drawn concerning the thoughts in Schofield's mind, or concerning the effect upon North Carolina of his failure to receive his desired appointment, the fact remains that he was not appointed military governor. William W. Holden received instead the appointment of Provisional Governor of North Carolina, and John M. Schofield left the state soon after for what he termed "more important service in respect to the then existing military intervention in Mexico by the Emperor of the French."[42]

The appointment of Provisional Governor Holden did not bring to an end military rule in North Carolina. Actually, the state remained under military control, particularly in the administration of justice, and the provisional government possessed more of a military than a civil character.[43] Provisional Governor Holden believed, however, that his appointment meant the restoration of civil rule, and he proceeded to establish a provisional and partial civil machinery for the administration of justice. Although his work was provisional and incomplete, and although he suffered defeat in an encounter with General Thomas H. Ruger, Holden did succeed in drawing attention to the civil authority. His success was the product of many factors: the calibre of the men he appointed to state and local office, the cooperation he gained with

[41] Schofield, *Forty-Six Years*, 360-361.
[42] Schofield, *Forty-Six Years*, 377.
[43] The role of Johnson's provisional governments is ably summarized in James G. Randall, *The Civil War and Reconstruction* (New York, 1937), 714. Raper's "Holden," 88 and 104-105, gives the best statement of the military nature of the provisional government in North Carolina.

the military authorities, his ability to strike compelling emotional appeals, the popular desire for restoration of civil rule, and the attention given the political struggle between Johnson and the Radicals.[44]

After consultation with President Johnson, Governor Holden on July 12 issued a proclamation announcing his plans for reestablishing civil authorities to administer justice. He would appoint justices of the peace, who would be authorized to hold county courts and to appoint sheriffs and clerks; other provisional officers would be appointed; all his appointees would hold office until the meeting of the convention which was to restore the state to constitutional relations with the United States government.[45] Shortly thereafter, he proceeded to make the first appointments—justices of the peace.

A week previous to this announcement, Holden's position as provisional governor was seemingly strengthened greatly by the man who a few weeks before had sought to become military governor. In an order enjoining military cooperation with the provisional governor, Schofield stated that the county police force, organized under military supervision, would be placed at the disposal of county courts whenever the latter were properly organized.[46] At the same time the first of several lists of magistrates (compiled by the military details during the latter part of May and early June) were transmitted to Holden with the commanding officer's compliments.[47] These actions gave every indication that Schofield was informed in advance of Holden's plans and was prepared to cooperate with him. Moreover, an effective machinery for the local administration of justice and such knowledge of local officials as the military authorities possessed were placed at Holden's disposal. The value of all this public and official display may, however, have been questionable. It may indeed have concealed an indifference, if not opposition, on the part of the commanding officer to the provisional governor, a feeling which may have affected the spirit of the Department of North Carolina toward Holden's provisional government. In his

[44] Perhaps the fact that military records have not been fully exploited has dimmed the importance of military rule.

[45] *The Daily Standard*, July 13, 1865; Raper, "Holden," 97; Hamilton, *Reconstruction in North Carolina*, 111.

[46] G. O. No. 74, June 5, 1865.

[47] Governors' Papers, Holden, 1865. Brevet Colonel Terry to Holden, June 5, 1865. Other lists were forwarded on June 8 and 14.

autobiography (written many years later and probably colored by later experience, yet based upon his official letters) Schofield had no commendation whatever for Holden or for any other provisional governor. He referred to them as "civilians without any shadow of lawful authority for their appointments, and their abortive attempts at 'reconstruction'."[48] It is a matter of record, furthermore, that Schofield requested a leave of absence from his command the day previous to the issuance of his order enjoining military cooperation with the provisional government. His department was in the hands of temporary commanders during the latter part of June and the command finally fell into the hands of Brevet Major-General Thomas H. Ruger, who appeared to be unsympathetic to Holden.[49] In the light of these facts, the genuineness of military support given to Holden is open to question. Publicly, however, the military authorities cooperated wholeheartedly with the provisional government during the month of June. This public cooperation and the machinery for administration of justice turned over by the military authorities were not without value to Provisional Governor Holden.

Holden proceeded deliberately in the organization of local administration of justice. Beginning with the appointment on June 15 of justices of the peace for several counties,[50] and continuing with many appointments daily, he had by July 24 named about 3,500 magistrates, mayors, and commissioners.[51] A good many more appointments were made after that date. Most provisional justices of the peace had been named by August 3, but many scattering appointments were made up to October 20.

In selecting persons to be named as magistrates, Governor Holden laid much emphasis upon the selection of "loyal men" and relied upon advice from leading men in various counties. Outstanding among his advisors were W. A. Albright, George W. Brooks, Tod R. Caldwell, Calvin J. Cowles, Robert P. Dick, James

[48] Schofield, *Forty-Six Years*, 376.

[49] *Official Records*, Series I, XLVII, part 3, 621, 646-647, 650, 657, 659, 660, 665. These records show that Schofield recommended Terry as his successor; that Terry unexpectedly received the appointment of command of the Department of Virginia; that Cox (who knew he would be transferred shortly) was appointed temporary commander on June 17; and that Cox devolved the temporary command upon Ruger, who assumed full command when Cox was transferred to the District of Ohio.

[50] The lists are found in the Governors' Papers, Holden, 1865.

[51] "Letters from North Carolina to Andrew Johnson," by Elizabeth Gregory McPherson, editor, *The North Carolina Historical Review*, XXVII (July, 1950), No. 3, 362. Hereafter cited McPherson, "Letters from North Carolina to Andrew Johnson," *Review*, XXVII (July, 1950), No. 3.

R. Ellis, M. O'B. Gilbert, A. H. Joyce, Thomas B. Long, Thomas D. McDowell, Thomas A. Norment, Richmond M. Pearson, Dr. A. C. M. Powell, Thomas Settle, W. A. Smith, and Darius H. Starbuck, most of whom were to play important roles in state politics, some as Holden men, some as his opponents later. In his communications with these advisors, Holden requested each to select "all the truly loyal men" from the existing list of magistrates in his county; if the number of selected justices should prove insufficient, he instructed the advisor to add "the necessary number of persons" to his list. Furthermore, he relied upon each advisor to come to Raleigh with his list and to qualify himself to administer the amnesty oath to the magistrates.[52] As Holden explained to President Johnson, it would be unsafe and politically unwise to grant the power of administering the amnesty oath indiscriminately.[53] In addition to these media, Holden relied to some extent upon the lists of magistrates furnished by the military authorities, and he broadcast an appeal to loyal men through the columns of his newspaper organ, *The Daily Standard*.[54]

Despite his admonition to name only "loyal men," Holden's policy of appointing local officials was not proscriptive; indeed, he was criticized in some quarters for ignoring Union men and for giving preference to opponents of the Union cause.[55] The provisional governor met such criticism by taking corrective action wherever feasible and by defending his policy as best he could against unfounded rumor. When objection was raised to the loyalty of five appointed magistrates in Tyrrell County, Holden revoked the appointments.[56] He met a similar complaint from Alamance County by appointing additional magistrates to ensure

[52] Examples of the form sent are: Holden to Thomas D. McDowell, June 19, 1865, in Governors' Papers, Holden, 1865; Holden to Calvin J. Cowles, June 19, 1865, in Calvin J. Cowles Papers, preserved in the archives of the State Department of Archives and History of North Carolina.

[53] "It would not be safe to confide this power to all the Justices, though I believe they are all loyal, yet there are weak men among them, and persons would be qualified to vote who ought not to be." McPherson, "Letters from North Carolina to Andrew Johnson," *Review*, XXVII (July, 1950), No. 3, 361. Holden to Johnson, July 24, 1865.

[54] Editorial, June 23, 1865. *The Daily Standard* (editorial), June 23, 1865.

[55] Raper, "Holden," 107-109; Hamilton, *Reconstruction in North Carolina*, 116-117; An example of radical criticism is found in the testimony of the Rev. Hope Bain before the Joint Committee on Reconstruction, 39th Congress, 1st session, *Houst Reports*, No. 30, part II, 205. "The Union men of Wayne County got together to select men for the magistracy of the county. They could only fix upon eighteen persons whom they could recommend. They sent those eighteen names to Governor Holden; but subsequently there were other lists sent up, increasing the number to thirty-eight, while we were sure there could be but eighteen Union men in the whole county. There were eighty-four magistrates nominated in the State by a man who professed to be a Union man, but who proved to be traitor; and out of those eighty-four magistrates we have only four Union men all told. That is precisely our position."

[56] Governors' Papers, Holden, 1865. The appointments were made August 21. Eighteen appointments for Cherokee County and sixteen for Clay County, both made July 17, have "Revoked" marked on them. No reason for the revocation is given.

"absolute control to the original union men."[57] In Cleveland County he annulled the action of the county court because the loyalty of the county officers elected was questionable, and he appointed additional justices.[58] In taking these steps, Holden indicated that it was far from his purpose to cast reflections upon those secession men who had sincerely acknowledged their error and were now submitting in good faith; he was happy to see them showing such a spirit. The leading role, however, must be taken by original Union men; the other group must follow and cooperate.[59] In general, Holden had little difficulty meeting definite criticism, particularly that emanating from friends and advisors. General rumor, the type which reached President Johnson, Holden met with the sincere protestation that he had been careful to appoint only "originally Union men," that among the large number of appointments a few errors had been made, but "upon the whole, only loyal Union men" had been named.[60]

On the whole, Holden's appointments of justices of the peace met with relatively little criticism and with much praise. Considering the fact that he made some 4000 appointments to local office (including mayors and commissioners of towns), the amount of criticism against his appointees for disloyalty was negligible. A recent writer correctly places the blame for the relatively few unworthy appointments upon poor recommendations and upon the complete turnover of local officials.[61] The magnitude of his task and the fact that Holden had so many administrative problems rendered a close check on each appointment impossible. No such criticism as was made of the justices of the peace of 1868-1870 (that ignorant and non-propertied men were appointed to office) was leveled at Holden's provisional appointees; on the contrary, Holden's critics have commended his work as provisional governor.[62] The weight of the evidence indi-

[57] "Justices ought not to be appointed . . . who are regarded with distrust or aversion from whatever cause by any considerable portion of the original loyal men of the county." Governors' Papers, Holden, 1865. Holden to W. A. Albright, August 31, 1865.

[58] Governors' Papers, Holden, 1865. The documents contain records of Cleveland County Court meetings of July 13, 22, and 29, and a letter of Holden to Commissioner R. Swan of July 19; Holden also suspended the reorganization of Washington County Court, Holden to Major E. H. Willis, July 27.

[59] Just how Holden, with his own secession background, was entitled to play the leading role in the reconstruction of the state was not mentioned! William K. Boyd, "William W. Holden," *Trinity College Historical Papers*, III (Durham, 1899), 54-65.

[60] Governors' Papers, Holden, 1865. Holden to Johnson, August 26, 1865.

[61] Raper, "Holden," 98.

[62] Hamilton, *Reconstruction in North Carolina*, 117.

cates that Holden and his advisors made a conscious attempt to select conservative, loyal men for office. A glance at the names of Holden's advisors reveals the calibre of his government: these men were not social and economic radicals. Holden requested them to select "the most intelligent, men of firmness and discretion" to administer the amnesty oath.[63] Quite often they responded to his requests for names by including in their recommendations many former justices of the peace, sometimes commenting that no more reliable men could be selected[64] and that certain "quiet, conservative men" were ready to accept "the new order of things with good grace."[65] Military reports from Sampson and Duplin counties (the most thorough of the military reports) show that one-third to two-fifths of Holden's appointees in those counties were old magistrates, of whom a substantial number would be classed as ante-bellum plantation leaders.[66] Precise data, sufficient to give accurate estimates on a fair sampling of justices throughout the state, is not available. The most painstaking, minute research among court records would be necessary to secure such data. The evidence presented, together with the fact that such criticism as was leveled at Holden came from obviously radical sources, shows a conscious leaning toward using the services of former local leaders, the same "dignitaries" with whom Brigadier-General Hawley cooperated in organizing police companies in the Wilmington region. If the word of a

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[63] Governors' Papers, Holden, 1865. Holden to McDowell, June 19, 1865.

[64] Governors' Papers, Holden, 1865. L. L. Clements to Holden, July 3, 1865.

[65] Governors' Papers, Holden, 1865. M. O'B. Gilbert to Holden, July 4, 1865.

[66] Governors' Papers, Holden, 1865. The reports were made during the week of May 21-27 by Col. Elias Wright. He investigated seventy-five of the old magistrates in Sampson County and fifty-five in Duplin County. His reports, correlated with the lists of justices appointed by Holden, reveal that fourteen of the forty-three justices appointed by Holden in Sampson County were old magistrates, with the following slaveholding and landowning interests:

	Slaves	Acres of land
6	0	100-419
1	8	500
1	10	29 (hotel keeper)
1	10	300
2	20	500 and 1,700
1	29	270
1	40	900
1	no figure	no figure

The reports show further that eleven of Holden's twenty-six original appointments for Duplin County were former magistrates; a breakdown of economic interests can be made for but eight of these former magistrates:

	Slaves	Acres of land
1	3	300
1	4	200 (merchant)
1	6	200
2	12	400, 800
1	20	1,000
1	25	1,000
1	100	3,700

It will be noted that only one-fifth of the former magistrates were reappointed.

Tennessee journalist, selected to give a favorable account of Johnson's reconstruction policy, may be taken at face value, Holden pursued a policy and held a personal carriage designed to appeal to men "to the manor born."

> He is a calm, clear headed, systematic laborious gentleman, and I can bear testimony to the kindness and courtesy he displays in his official intercourse with every body. The admirable traits in his character are fast removing any prejudices that may have been engendered against him by the terrible conflict through which we have just passed. The general idea prevailing here is—and in that idea I fully concur—that you could not have made a better selection for provisional governor of North Carolina. I doubt, all things considered, whether you could have made as good. I think he is the man for the business.[67]

The justices of the peace appointed by Governor Holden proceeded as speedily as possible to organize county courts. These courts played a significant role in the administration of justice in North Carolina from 1669 until their abolition in 1868.[68] Composed of three or more justices of the peace, the county court had original jurisdiction of criminal cases involving fines above one hundred dollars and of petit larcenies, assault and battery trespasses and breaches of the peace, and misdemeanors drawing penalties not extending to life, limb, or member. It also had original jurisdiction of suits involving dower, partition, legacies, estates, orphans, and the like, and of minor civil cases not settled by one or more magistrates out of court. It heard appeals from decisions made by justices of the peace.[69] Finally, the county court "appointed and controlled administrators, executors, and guardians and acted as the governing body of the county."[70] The organization of these courts by the newly-appointed justices followed a general pattern. An influential advisor of Holden administered the amnesty oath to the magistrates who, in turn, appointed a special court and a set of county officers, *viz.*, clerk of court, register of deeds, county trustee, sheriff, constable,

[67] McPherson, "Letters from North Carolina to Andrew Johnson," *Review*, XXVII (July, 1950), No. 3, 353-354.

[68] A good sketch of the history of these courts is given in *The Historical Records of North Carolina: The County Records, Prepared by the Historical Records Survey of the Works Progress Administration*, Ed. by Charles C. Crittenden and Dan Lacy (Raleigh, 1938), I, 54-57.

[69] This summary is drawn from the *Revised Code of North Carolina*, 1854, ch. 31, sec. 5, 154-156 and ch. 62, 365-366.

[70] *County Records*, I, 55.

coroner, county solicitor, and tax collector.[71] This work was performed quickly, yet without undue haste. The majority of county courts were organized during the first half of July, 1865, but a large number of counties acted during the latter part of the month, and several waited until August.[72] In general, the organizations were perfected with no untoward incidents, save three unusual cases: Holden's intervention in Cleveland and Washington counties[73] and the refusal of the local military commander in Surry County to cooperate in summoning the justices.[74] Such irregularities, however, were conspicuous exceptions to the rule. By the close of the summer, county courts were at work throughout the state.

Holden made no attempt to follow up this work by appointing sets of higher judicial officials. The judicial structure of North Carolina called for a system of superior courts, with eight judges on circuit duty empowered to hear appeals from county courts and to try almost any cause, civil or criminal.[75] In his proclamation of June 12, Holden announced that "Superior Courts of Oyer and Terminer will be held, when necessary, by Judges specially appointed and commissioned, to dispose of criminal cases."[76] Prior to 1865, commissions of oyer and terminer were issued in North Carolina to superior court judges in cases of slave insurrections or rebellions.[77] In a sense, the proclamation was an ironic extension to a new era of an institution designed to repress slave insurrections. Clearly, Holden had no intention of establishing a full-fledged system of superior courts; rather, he planned to issue special commissions to judges to hear criminal cases only—evidence of the provisional nature of the government he headed.

After the work of organizing county courts was almost com-

[71] Good examples are the organization of Johnston County, June 22, 1865, the minutes of which are in the Governors' Papers, Holden, 1865, and the organization of Rowan County, July 3, described in *The Daily Standard*, July 17, 1865.

[72] Notices of organization were sent to Holden and can be found scattered through the Governors' Papers, Holden, 1865.

[73] *Official Records*, Series I, XLVII, part 3, 549.

[74] Governors' Papers, Holden, 1865, E. H. Banner to Holden, July 29, 1865. The commander remarked, after receiving the list of justices and the governor's order, that "if Holden wanted them notified he might do it himself." The county was organized despite this non-cooperative attitude.

[75] *Revised Code* 1854, chs. 31 and 32.

[76] *The Daily Standard*, June 13, 1865.

[77] "In all cases of insurrection or rebellion, or conspiracy to make insurrection or to murder, or to rebel, or any such contemplated conspiracy, insurrection, or rebellion, of any slave or slaves, upon the information and request of any five justices of the peace of the county in which such offences shall happen or may be contemplated, the governor may issue a commission of oyer and terminer, to any one of the judges of the superior courts of law. . . ." *Revised Code* 1854, ch. 107, sec. 41. See also *Public Laws of North Carolina*, 1860-61, ch. 13 (An Act Concerning Courts of Oyer and Terminer, January 17, 1861), secs. 1 and 2.

pleted, Holden appointed judges to hold courts of oyer and terminer. It was then that the outward cooperation between the civil and military authorities seemingly vanished, and rancor and recrimination took its place. In late July, Holden requested the return of one William A. Marcom to the civil authorities of Chatham County. Marcom had been held by Schofield pending the time of his trial in a civil court for shooting and killing a Negro.[78] Ruger, who had succeeded to the command of the Department of North Carolina and who appeared unsympathetic to Holden, refused the request, maintaining that the nature of the crime required a military trial.[79] Undaunted by the rebuff, Holden next requested that three citizens of Person County, arrested for military trial upon the charge of assaulting a Negro, be remanded to the civil authorities. Moreover, in making this request, he challenged the military authorities by stating that the civil courts had "sole and exclusive jurisdiction" in the matter, and that "any unpleasant conflict between the civil and military authorities" could be avoided by following his suggestion.[80] Ruger rejoined testily that "without doubt, military tribunals have jurisdiction in all that relates to the preservation of order" and that the maintenance of order was one of the most important duties of the military authorities "prior to the complete restoration and full operation of civil law. . . ."[81] Finally, he stung Holden with a statement which apparently cast reflection upon the willingness and ability of the civil authorities to protect Negroes and which charged civil officials with inaction in cases of violence towards freedmen.[82]

Immediately upon receipt of this communication, Holden appointed eight judges commissioned to hold courts of oyer and terminer in the several judicial circuits and eight solicitors to prosecute criminal cases. He also wrote a long reply to Ruger and referred the dispute to President Johnson. Probably Holden

[78] June 21, 1865. Marcom surrendered himself into Holden's custody. Holden, in turning him over to the military authorities, wrote: "I trust it will not be long before a civic magistracy will be established: and meanwhile I would respectfully suggest that you examine into the facts and do with the offender whatever you may deem right, in the way of bail or imprisonment, until the civil law can be applied in his case." Cox replied (Cox to Holden, June 22, 1865) that Marcom would be held in military custody "until the civil court shall be organized and can take charge of the matter." Governors' Papers, Holden, 1865. Holden to Cox, June 21, 1865.

[79] Governors' Papers, Holden, 1865. Ames to Holden, July 24, 1865. Ruger's attitude toward Holden is discussed in Raper, "Holden," 118-119.

[80] Governors' Papers, Holden, 1865, Holden to Ruger, July 27, 1865.

[81] Governors' Papers, Holden, 1865. Ruger to Holden, August 1, 1865.

[82] Governors' Papers, Holden, 1865. Ruger to Holden, August 1, 1865. The charges are summarized in Hamilton, *Reconstruction in North Carolina*, 162.

was impelled by the controversy to appoint a full slate of judges and solicitors. In the lengthy reply to Ruger, completed five days after the appointment of the judges, he admitted that he had called but one court of oyer and terminer (thereby acknowledging in part the soundness of Ruger's complaint of inaction by the civil authorities) but argued that he had "now appointed several judges to hold such courts when needed, if they may be allowed to do so."[83] He contended also that military law was restricted (by Johnson's proclamation of May 29 and by Holden's proclamation of June 12, which Holden stated was approved by the President) to subduing rebellion and "preventing insurrectionary and seditious movements."[84] These arguments did not change the status of military rule. Ruger's attitude did, however, soften, and his communications became more conciliatory.[85] In September he and Holden worked out an agreement for the western counties beyond the Blue Ridge whereby Judge Anderson Mitchell might bind over all offenders, white or Negro, or might lodge them if need be in the county jail, subject to the order of the military commander of the district. This agreement covered a limited region beyond the immediate reach of the military forces and was intended to protect the freedmen in that area, but there is evidence to indicate that it was a basic understanding to be applied in other areas.[86] The agreement, evidence of Holden's diplomacy, was reached by sufferance of the military authority

[83] *The Daily Standard*, August 22, 1865. The letter is published also in McPherson, "Letters from North Carolina to Andrew Johnson," *Review*, XXVII (October, 1950), No. 3, 464-469. Holden to Ruger, August 8, 1865. (The citation is on 467.)

[84] *The Daily Standard*, August 22, 1865; McPherson, "Letters from North Carolina to Andrew Johnson," *Review* XXVII (October, 1950), No. 3, 466.

[85] Governors' Papers, Holden, 1865. Ruger to Holden, August 11, 1865. "I have none but feelings of kindness towards the civil officers, and people of the state of North Carolina." Ruger disclaimed any intention of casting reflections upon the people of North Carolina: "I know nothing," he stated, "to cause distrust of the well-known reputation of the people as law abiding and honest, and of the courts of law as impartial in the administration of justice." Acts of violence towards freedmen were, however, the results of war; "civil courts and grand juries, however honest" could not prevent such acts; and military law was a necessity in the time of transition. The letter is published in McPherson, "Letters from North Carolina to Andrew Johnson," *Review, XXVII (October, 1950), No. 3, 469-470.*

[86] The agreement (in letters exchanged between Holden and Ruger, September 14) and the special commission to Judge Mitchell (of September 14) to hold courts of oyer and terminer in the counties of Wilkes, Henderson, Transylvania, Cherokee, and Clay and found in the Governors' Papers, Holden, 1865. Mitchell would not have jurisdiction in cases involving Negroes. He was, however, given power to bind over or to lodge Negroes in jail for the reasons stated above. Holden's language indicates clearly that the power to bind over or to lodge Negroes in jail applied specifically to these western counties only, a fact which is noted in Raper, "Holden," 102.

In later communications, Holden apparently believed the agreement was a basic understanding which applied to the entire state. In writing to O. O. Howard, September 26, 1865, he stated that he had agreed with Ruger that civil courts would try only cases involving whites but that judges might arrest, bail, or jail offenders if no military court existed in a county. Lewis Hanes, acting for Holden, referred a communication from the sheriff of Halifax County to Ruger in the belief "that you will take such steps as are necessary to cause the civil laws of the state to be respected, and that you will faithfully carry out the agreement between him and yourself in the premise." Governors' Papers, Holden, 1865, Hanes to Ruger, October 3, 1865.

which retained exclusive control of trials involving wrongs committed by or against Negroes; nevertheless, it salvaged some jurisdiction for the civil courts.

Although Holden suffered defeat in his contest with the military commander, he succeeded in drawing attention to civil authority. In a letter to Ruger he emphasized the confusion which would follow from concurring jurisdiction of civil and military courts, asserting that Ruger had denied the existence of civil law in the state. He used Ruger's charges of injustice to Negroes to make an adroit appeal to state pride. North Carolina, he declared, had dealt fairly with free persons of color before the war, and it had "no cause to blush for shame in its administration of the law. . . ." Professing inability to "sympathize" with Ruger's "alarm" for the security of Negroes at the hands of state courts, he concluded:

> I should do injustice to as honest a people as exist anywhere, if . . . I should by silence even, seem to concur with you in your opinion that trial by Military commission is the only adequate remedy for restraining wrong to the Freedmen, or should appear to share in your estimate of those great civil palladiums of the liberties of freemen—the grand and petit juries of the county.[87]

A better appeal to conservative, legalistic thinking and to state pride could hardly have been made; its publication in *The Daily Standard* did no harm to Holden's reputation in the state.[88] Finally, the calibre of Holden's judicial appointments elicited praise from all quarters; the judges were well-known and highly regarded even by his critics. This commendation focused such attention upon the judges of oyer and terminer as to leave the impression that Holden had established a full-fledged system of superior courts.[89] The experienced politician had no difficulty in

[87] McPherson, "Letters from North Carolina to Andrew Johnson," *Review*, XXVII (October, 1950), No. 3, 468.

[88] *The Daily Standard*, August 22, 1865.

[89] *The Daily Sentinel* (Raleigh), August 8, 1865: "It will be seen that Gov. Holden has appointed a full Bench of Judges for the Superior Courts of this State." It added, however, that the bench "will only hold Courts of Oyer and Terminer for the trial of criminal cases. . . ." But, on August 19, 1865, *The Daily Sentinel* stated: "The re-establishment of the Courts by Gov. Holden, we considered a very good and proper thing." Such statements implied more than Holden actually accomplished. The commissions issued to the judges on August 3, preserved in the Governors' Papers, Holden, 1865, plainly limited their power to holding courts of oyer and terminer.

The judges selected were David A. Barnes, Ralph C. Buxton, Robert P. Dick, Daniel G. Fowle, Robert H. Gilliam, Anderson Mitchell, Edwin G. Reade, and Edward J. Warren. The solicitors appointed were William P. Bynum, David M. Carter, David M. Furches, Robert M. Henry, Archibald R. McDonald, Thomas Settle, John A. Stanley, and Jesse J. Yeates. *The Daily Sentinel*, later Holden's chief critic, stated: "We regard the present a most excellent and efficient bench." *The Daily Sentinel*, August 8, 1865.

out-maneuvering the military commander in the field of politics.

Holden made no appointments whatever for a provisional Supreme Court. This gap in the structure of government caused Judge Buxton serious concern: "I should be very unwilling," Buxton stated, "that any one should be *hung* upon my ruling of the law, unless the prisoner had the chance of having his case reviewed."[90] Holden's failure to appoint Supreme Court Justices can be understood in the light of his policy toward the superior courts. His was a provisional government only; the work of establishing a complete judicial structure would come later. This omission did not mean that Holden placed little value upon or failed to understand the importance of a Supreme Court. After his defeat in the gubernatorial race with Jonathan Worth, Holden thought of continuing the provisional government and of appointing a provisional Supreme Court.[91]

Paralleling the partial reorganization of the state courts, federal machinery for the administration of justice in North Carolina functioned only at the lower levels in 1865. President Johnson's earnest desire to restore the normal operation of some federal courts found expression in his proclamation of May 29, 1865, which called for the restoration of federal laws and for the operation of the federal district court.[92] To implement this proclamation, Johnson nominated Robert P. Dick for federal district judge, William S. Mason for district attorney, and W. R. Richardson for marshal. None of the nominees, however, could take the oath prescribed,[93] a fact which nettled Dick and which disturbed Attorney General Speed.

Dick, one of Holden's principal advisors, complained bitterly to Johnson that he had always opposed secession and that he had always loved the union. He averred that a man could not, however, have resisted directly the "overwhelming torrent of rebellion" without losing his life. When, therefore, he held state office during the war, he did so to assist the union indirectly, and he

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[90] Governors' Papers, Holden, 1865. R. P. Buxton to Holden, December 15, 1865.

[91] Raper, "Holden," 176, citing Holden to Johnson, December 6, 1865: ". . . If the Provisional Government is to be continued it will be indispensable that the Courts of the State shall be put in full operation. . . . Please give me instructions on this subject. I will have sufficient means to support a Provisional Government, and to put the entire machinery in full operation. A Supreme Court will be necessary as a Court of Appeals, and the Court elected by the Legislature might be appointed a Provisional Court. . . ."

[92] James Daniel Richardson, comp., *A Compilation of the Messages and Papers of the Presidents, 1789-1897* (Washington, 1896-1900), VI, 312-314.

[93] *Letter Book G, Attorney General's Office*, 68. Attorney General Speed to Holden, June 21, 1865. Preserved in the Justice and Executive Section, National Archives.

sought to extricate his state "from the impending ruin of treason." For this attitude he suffered religious, social, and political proscription, but he had fought a good fight and had emerged with his life. "If I cannot hold office in North Carolina," Dick contended, "no one else can, who remained at home in the midst of the storm. . . ." Only northerners could then hold federal offices; such men he stigmatized as "foreign *tax gatherers* 'sitting at the receipt of customs'—and strange judges administering law and equity." The appointment of northerners would "retard the restoration of genuine fraternal feeling," whereas Dick believed that he "could exert a wholesome influence upon our people, which cannot be done by a foreigner."[94] This bitter complaint revealed the attitude of a prominent leader in Holden's government and portended the split in Republican party ranks in the bitter days of 1867-1870.

United States Attorney General Speed also regretted greatly the inability of the nominees to serve and felt that men of their calibre should be in the service of the government. The tone of his letter was urgent and it showed the desire of the Johnson government to employ "native" officials:

> It is very important that the Court should be open. We want natives or residents of your state and fit men. . . . I earnestly invoke your prompt attention to this matter[95]

Neither Holden's government nor Johnson's wished northern radical leadership in the South.

After considerable delay, a new set of officials who could take the oath was nominated: George W. Brooks, district judge, Darius H. Starbuck, district attorney, and Daniel R. Goodloe, marshal. Their commissions were sent August 22.[96] Though the Senate waited until January, 1866, to confirm the nominations, some sessions of the district court were held late in 1865.[97]

The proclamation of May 29, 1865, conspicuously omitted the federal circuit court, probably because Chief Justice Chase

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[94] The letter is published in McPherson, "Letters from North Carolina to Andrew Johnson," *Review*, XXVII (October, 1950), No. 3, 351-352. Dick later was appointed a superior court judge by Holden; he finally became federal judge of the Western District for North Carolina. His charge to the Federal Grand Jury which amounted to an attack upon the Second Civil Rights Act showed his conservative social attitude. Charge to Grand Jury, 30 *Federal Cases*, 999-1001 (No. 18, 258).

[95] *Letter Book G.* 68. Speed to Holden, June 21, 1865.

[96] *Letter Book G.* 160.

[97] *Western Democrat* (Charlotte), October 31, 1865. Announcement of special district court sessions to be held in Edenton, Newbern, and Wilmington in November, 1865.

had already made known his views. In October, 1865, Chase formally notified Johnson that he was unwilling to hold circuit courts in southern states until Congress should act upon the restoration of the broken relations of those states with the nation. Chase balanced this political statement with the assertion that it was unbecoming to the dignity of Supreme Court justices to hold circuit courts under the supervision of the military authorities.[98] It may be seriously doubted whether Chase valued so highly the dignity of federal justice—he willingly permitted federal district judges to submit to this indignity—[99] but the Chief Justice revealed quite clearly a fundamental fact: the will of the military and of the commanding general of the Department of North Carolina was still supreme, a fact which Provisional Governor Holden had learned earlier from General Ruger.

In the transitional year of 1865, an apparently temporary military department became the supreme judicial authority in the state of North Carolina. Its first commander, John M. Schofield, a man who sympathized with southern white leaders, established the rule of martial law and provided for civil county police and justices of the peace; he proclaimed rules for freedmen which were enforced by both military and local civil authorities. His ambition to become military governor was denied in favor of a provisional government under William W. Holden, which sought essentially the same ends as Schofield's. Holden's administration, which disliked northern radical leadership, made a strong but unsuccessful bid for the supremacy of civil authority without, however, attempting complete restoration of civil administration of justice. Provisional Governor Holden succeeded for the most part in his aims. He established a strong civil administration of justice on local levels; he received praise from conservative people; and he drew attention by astute political

[98] *Senate Executive Documents*, No. 19, 39th Congress, 1st Session, I. Chief Justice Chase to President Johnson, October 12, 1865.

[99] "All Courts, whether State or National, were subordinated to military supremacy; and acted, when they acted at all, under such limitations and in such cases as the Commanding General, under the direction of the President, though fit to prescribe. . . . Under these circumstances the Justices of the Supreme Court . . . abstained from joining the District Judges in holding the Circuit Courts.

"Their attendance was unnecessary, for the District Judges were fully authorized by law to hold the Circuit Courts without the Justices of the Supreme Court, and to exercise complete jurisdiction in the trial of all criminal, and almost all civil cases." Address of Chase in Circuit Court, June, 1867, published in 61 *North Carolina Reports*, 389.

J. W. Schuckers, *The Life and Public Services of Salmon Portland Chase* (New York, 1874), 538-539, points out that while Chase could not hold federal circuit court himself (for the same reason as that given in the address just quoted), he approved the holding of the district court in Virginia in 1866 by the district judge, even though subject to military supervision.

maneuvering to the civil authority. His work was supplemented by attempts to establish federal district courts staffed by men of like feeling. The bid for civil supremacy, however, was denied; the military commander of the Department of North Carolina remained supreme and exercised that supremacy consistently in trials involving Negroes. No authority, not even that of the federal courts, challenged successfully this military dominance. At the close of the critical year of transition, the Department of North Carolina was the supreme authority in the state; whatever authority the civilian government had was through by the sufferance of the military.

North Carolina Authors: A Selective Handbook Prepared by a Joint Committee of the North Carolina English Teachers Association and the North Carolina Library Association. (Chapel Hill: Library Extension Department, The University of North Carolina Library. 1952. Pp. xvi, 136. $1.50, paper-back; $3.00, cloth bound.)

To meet the needs of North Carolinians "eager to read the works of their literary interpreters, to study them critically, and to make their acquaintance biographically" and of others with similar interests, a Joint Committee of North Carolina English teachers and librarians has prepared this useful handbook which provides brief biographical sketches and selected bibliographies of 163 authors, living and dead, "who have been most significant in the North Carolina literary scene, whether or not they were native born." In judging significance the Committee wisely decided to exclude many writers no longer read or remembered, as well as living authors of ephemera, articles, textbooks, and technical works, and to include "those writers about whom it is likely information will most often be sought," particularly by fellow teachers and librarians. Thus, the list includes "all well-known juvenile writers," famous native sons like Thomas Wolfe, Paul Green, and William Sidney Porter (O. Henry), part-time residents like James Boyd and Carl Sandburg, and finally a number of literary firsts like Thomas Harriot, the first resident regional historian. Other available reference works supply information on such writers of established reputation, but the eighty-two entries covering living authors are of special value. About a third of these present material which has not been conveniently assembled heretofore, even in such works as Walser's Carolinian anthologies or Spearman's *North Carolina Writers*. Articles on contemporaries, supplied by the authors, vary considerably in form and substance, but some are lively and revealing, and all contain the essential bio-bibliographical material. In addition, there are two brief appendices: a discussion of early Carolinian printers and publishers and lists of writers awarded the Patterson Memorial (1905-22) and the Mayflower Society (1931-51) cups. The editors might have included indices of authors arranged according to

types so that the reader could discover quickly which author entries to consult for regional fiction, drama, poetry, folklore, biography, history, travel, and description. The literary record of North Carolina is clearly a rich and impressive one.

Wesleyan University,
Middletown, Connecticut.

Thomas G. Henney.

The Papers of Thomas Jefferson: Volume VI, May, 1781, to March, 1784. Julian P. Boyd, ed. (Princeton University Press. 1952. Pp. xxvi, 668. $10.00.)

This excellent work—planned for completion within another decade or so in a total of fifty-two volumes—reaches a high point of interest in this sixth volume. Here we see Jefferson as governor of Virginia going through the period when the state was under the threat of military ruin at the hands of Cornwallis and the Tories in 1781, the degradation of the inquiry into his conduct as governor, the uncontrollable grief at the death of his wife, and the enlightening experience of working in the Continental Congress when the new nation, freed from war, was taking its first feeble steps in the realm of peaceful development.

The meticulous editorial work deserves warm commendation: the identifications of persons and events, the bracketed information giving words or passages which the author struck out of early drafts, footnotes to supplement the textual material, indication of corrections of earlier editions, and useful descriptive symbols.

It seems regrettable that the editors have not given a full translation of all letters that are in a foreign language. Some Americans will wish to use this set even though they cannot, with assurance, read French or Italian.

This volume is interesting enough to be read with pleasure by any person desirous of learning more about the early national period. No biographer can ever make the story more attractive or instructive than it is here in these documents, and the professional historian, when passing this way, will find that many of the ordinary time-consuming difficulties of research have been neatly removed.

Stetson University,
DeLand, Florida.

Gilbert L. Lycan.

Virginians at Home: Family Life in the Eighteenth Century. By Edmund S. Morgan. Williamsburg in America Series, II. (Colonial Williamsburg Inc., Williamsburg, Virginia. 1952. Pp. ix, 99. $2.00.)

This interesting, sprightly, beautifully written account of the everyday lives of colonial Virginians is social history at its best. It is the second volume in a series of popular histories of Williamsburg and Tidewater Virginia in the eighteenth century. It is also Dr. Morgan's second book in the field of social history, his first being *The Puritan Family,* published in 1944. The author, professor of history at Brown University and a recognized authority on the eighteenth-century colonies, is to be congratulated for writing a lively and popular—yet scholarly—volume without footnotes and other academic appurtenances which bore the general reader. He has done a splendid job of bringing to life the "dead past," which is never so dead as many people believe. His material, drawn from a great variety of contemporary sources such as diaries, letters, newspapers, and plantation records, is presented with gracious informality as well as authority. Unlike many books which have been written about the Old South, Dr. Morgan does not confine his story to the life of the planter class. In four essays "Growing Up," "Getting Married," "Servants and Slaves," and "Houses and Holidays," he portrays the social life of all the social strata of eighteenth-century Virginia plantation gentry, small farmers, artisans, apprentices, indentured servants, and slaves.

In his first chapter, on child life, he points out the high infant mortality of the period, saying that infancy "was so dangerous a condition" that relatively few children survived. Parents had about the same disciplinary problems that we have today without the advantage—or disadvantage—of modern psychology. Some parents spoiled their children; some did not. Some spared the rod, but most did not. There was a shortage of schools and schoolmasters. Some planters sent their children to England; others did not think an "English education" worth the price. The education of girls was more limited than that of boys; dancing and music were taught by itinerant masters. Apprentices and indentured servants were given some training in the "trades" and a limited amount of education in the three R's.

In "Getting Married," custom demanded that the man get the consent of the girl's parents, but there were many exceptions to this practice. Marriage among the upper classes was supposed to be connected somehow with love, but it was also an investment. There was supposed to be certain technique of courtship among the planter class, and "the lady must be approached with fear and trembling as a kind of saint." There was much less formality in the courtship of the "meaner sort" of folk. Planters did not lead a life of complete leisure, as some romanticists seem to think, and the mistress of a plantation had many household duties, though she was obliged to maintain all the appearance of leisure. Fashionable ladies "were laced to within an inch of their lives," and probably injured their health as a result. Virginia, like other colonies, had a preponderance of men and there were never enough women to go around. Accordingly, women probably exerted a greater authority and influence than law and custom sanctioned. And the colony had its share of hen-pecked husbands in spite of the fact that the husband was the head of the house—legally, at any rate.

Rich plantations lined the banks of rivers for a hundred miles into the interior and the large plantation was "a complete society in miniature, containing within itself almost all the trades and professions necessary for a civilized life." But the average Virginian was not wealthy. The majority of the people were small farmers, servants, and slaves. The social life and customs of all these classes are described, as are the houses, ranging from the large and beautiful "mansions" down to the one-room cabins, where, according to William Byrd, the whole family "pigg'd lovingly together" on the floor.

Fifteen exquisite illustrations, a note on authorities, and an index round out this excellent little volume. We need more such books.

University of North Carolina,
Chapel Hill.

Hugh T. Lefler.

James Longstreet. I, Soldier. By Donald Bridgman Sanger. II, Politician, Officeholder, and Writer. By Thomas Robson Hay. (Baton Rouge: Louisiana State University Press. 1952. Pp. viii, 460. $6.50.)

General James Longstreet was Lee's mainstay in the great tactical operations of the Civil War and, after Appomattox, was one of the most prominent confederate officers to hold appointments under Republican administration. Relative to both his military and political experiences and contributions there has raged a bitter and often intemperate controversy. Now in this new and important biography two highly qualified writers have restored a sorely needed balance in the sound appraisal of a man concerning whom there has been too much intense heat and not enough clear light.

The longer portion of the book, concerning "Old Pete's" military career, was written by Colonel Sanger. On his death in 1947, the study was continued by Thomas Robson Hay, author of the prize-winning *Hood's Tennessee Campaign*. Both historians have based their narrative on impressive materials, largely unpublished documents and printed official records.

Colonel Sanger maintains that General Longstreet was the most competent defensive commander on the Confederate side and the best corps commander in the war. Yet the author reveals in his careful accounts of such engagements as those of Seven Pines, Second Manassas, Suffolk, Knoxville, and Gettysburg a certain immobility of mind on the part of Longstreet—a mental inertia which prevented his vigorous execution of audacious and dangerous strategic plans which he may have opposed. At Gettysburg Longstreet's performance as a corps commander in the first assault was unpardonable, but he moved his troops to the battle position as rapidly as time, distance, and road conditions permitted. Lee's plan for frontal assault was impossible, and he was primarily responsible for the critical defeat.

In Reconstruction days Longstreet threw in his lot with the Republicans in Louisiana and Georgia in a belief that he might sway the Republican political leaders into his own way of thinking and acting. In this role he allowed himself to become the tool of designing men, and he remained in office for the pay and privileges he could obtain. For his action he suffered social

ostracism, but to the end he retained the loyalty of the veterans of the old First Corps.

Howard College,
Birmingham.

George V. Irons.

The World of Eli Whitney. By Jeannette Mirsky and Allan Nevins. (New York: The Macmillan Company. 1952. Pp. xviii, 346. Illustrations. $5.75.)

One of the better known names in American history is that of Eli Whitney, who through his cotton gin and the introduction in this country of the principle of standardization of parts in manufacturing has had tremendous influence on agriculture and industry. We know something of his works, but the man himself has to a great extent remained in the shadows. In this book Jeannette Mirsky and Allan Nevins bring him into the light and at the same time place his activities in their proper historical setting.

Earlier writers, say the authors, "have indicated Whitney's place in the development of the United States, depriving us of the excitement of unknown surprises; it has remained our task to try to give the full texture and minor relevant facets of Whitney's life and work." They perform their task well, hampered somewhat by the fact that sources of information, extensive though they are, are not as nearly complete as one could wish. Whitney's widow, realizing the greatness of her husband, preserved his business letters and papers, but documents of a more personal nature are scarce.

The book unfolds in readable style the career of the mechanical genius who was born in the year of the Stamp Act and who lived his sixty years during a period of great political and economic change. His own role in the events of that era looms much larger to us than it did to his contemporaries. His cotton gin transformed the South, yet it brought him more troubles than profits. He became a successful manufacturer of arms, yet he suffered disappointments in this endeavor. During most of his career he had to fight to protect the business interests which were his chief concern in life. Not until he was past fifty years old did he know the happiness which a wife and children can bring.

Basing their interpretations on information derived largely from unpublished sources, Miss Mirsky and Professor Nevins have put life into a picture of one of the founders of modern America. Through the device of using Whitney's own words wherever possible, they have added much of the flavor of his time.

University of Kentucky,
Lexington, Kentucky.

James F. Hopkins.

The War of the Revolution. By Christopher Ward. (New York: The Macmillan Company. 1952. 2 volumes. Volume I, Pp. xiv, 475. Volume II, Pp. vii, 989. $15.00.)

Writing in a clear, factual, and yet analytical style, Christopher Ward has written the best and most complete history of the Revolutionary War that has been published. It is confined altogether to the military aspects of the war—the campaigns, battles, sieges, marches, strategy, tactics, and hardships encountered by the belligerent armies— and makes no attempt to discuss the causes, diplomacy, political maneuvering of the Continental Congress, or results of the war; yet its vivid details make it readable to scholars and laymen alike.

Ward, a Delaware jurist and novelist, was long an amateur historian and the origin of his present work came from his study of *The Delaware Continentals, 1776-1783,* published in 1941. Ward's untimely death in 1943 necessitated the assistance of Professor John R. Alden of the University of Nebraska in editing this monumental work, resulting in some errors (such as the spelling of Don River instead of Dan River and placing of Cowpens in North Carolina instead of South Carolina, p. 656) and many superfluous and unnecessary details were not deleted. But Ward's lucidity in setting forth the military problems and pageantry of presentation more than make up for such weaknesses.

Ward made no attempt to evaluate or to editorialize; however, he did reach some definite conclusions. He felt that Washington was outgeneraled by the British officers, especially Howe, but his presence and bravery insured final success. Ward was particularly impressed with the aggressiveness and bravery of Benedict Arnold—"he was exactly the sort of leader needed by untrained militia" and considered him the most formidable op-

ponent matched against the British in America. Daniel Morgan of Morgan Rifles also received unstinted praise for his courage, and resourcefulness in military affairs. In his analysis of Nathanael Green, Ward summarized the Green strategy "in plan and in execution" of the Southern campaign as masterful. On the other hand, the author was deeply critical of the British Lord Germain, General Robert Howe, and Colonel Tarleton. Ward described the latter as unmatched on either side for alertness and rapidity of movement, but utterly ruthless. Consequently, Tarleton's name was written in letters of blood across the history of the war in the South for brutal atrocities inflicted upon American military forces and civilians alike.

The author relied upon standard secondary authorities and printed source material almost exclusively. A complete bibliography of such authorities is listed, but the obvious omission of primary sources, printed articles, and newspaper accounts constitute a fundamental weakness of the work.

Special highlights of the study are the added appendixes. In these, Ward discusses "Ethan Allen's Captivity," "The Casualties at Long Island," "The Feeling Between Northern and Southern Troops," "The Treachery of William Demont," "General Howe and Mrs. Murray," and "Arnold at Freeman's Farm." In the latter two, the author clears up some highly controversial incidents. General Howe has been blamed by many leading authorities for allowing the Americans to escape from Long Island. According to legend, it was due to a Mrs. Murray who played the role of a siren and with her feminine wiles plus a profusion of cakes and wine caused the British forces to stop for nearly two hours at her house, thereby allowing the fleeing Americans to slip away. Actually, wrote author Ward, Howe's plans called for such a halt in the vicinity of Mrs. Murray's house. Thus credit for the American escape is not due Mrs. Murray, but to Howe's cautious planning.

Likewise, Ward refutes the story of James Wilkerson and the contemporary historian William Gordon (and also George Bancroft who presumably relied on both Wilkerson and Gordon) that Benedict Arnold was not on the field in the Battle of Freeman's Farm. Instead, Ward gives Arnold credit for active participation in the battle and as the directing head of the American troops.

He further demonstrates, quite convincingly, the incapacity of General Gates as a commander of a fighting force.

The narrow military perspective may prevent this from being called a great book, but historians will always find it a definitive and invaluable aid in a study of the Revolutionary War.

Eastern Kentucky State College,
Richmond, Kentucky.

Horace W. Raper.

Veterans in Politics: The Story of the G. A. R. By Mary R. Dearing. (Baton Rouge: Louisiana State University Press. 1952. Pp. x, 523. $6.00.)

Politicians who dominated both parties during the last quarter of the nineteenth century solicited the Union soldier vote by aiming their appeals directly at the powerful Grand Army of the Republic, a benevolent and patriotic order dating back to 1866. Whatever the original purposes of the G. A. R., the veterans of the Union Army, almost one-half million strong, finally emerged as a formidable pressure group, intimately allied with the Republican party. Closing their eyes to the imperfections of Republicanism, they unequivocally endorsed the platitude that "the party that saved the nation must rule it" and subscribed to the political tenets of those politicians who voted them more and larger disability pensions.

The Grand Army emerged during a period of post-war restlessness and agitation as the group expression of former Union soldiers for social, political, and economic solidarity. A coalition between pension agents, G. A. R. leaders, and Republican politicos hungry for votes distorted the fraternal and charitable intentions of the original veterans' group and made the society a powerful lobbying organization. The G. A. R. flooded the country with propaganda, intimidated political parties, bullied Congressman, and even threatened Presidents.

Republican enactment of the Arrears of Pension Act of 1879 gave the Grand Army its greatest victory. Between 1879 and 1899, the height of the society's influence, almost two billion dollars were liberally dispensed to former federal soldiers, who roared in protest when Grover Cleveland vetoed pension bills as freely as his opponents sponsored them. The political power of

the G. A. R. declined as men, weary of war memories and Bourbon leaders, brought forward new political issues and economic grievances to challenge orthodox party alignments. By 1900 the veterans' clamor could be heard only in sustained agitations for compulsory military instruction, loyal textbooks in the classroom, and patriotic school exercises.

In tracing three decades of campaign techniques and analyzing the forces which contributed to the rise and fall of the Grand Army of the Republic, Dr. Mary R. Dearing has compiled a scholarly synthesis of a veritable mountain of Civil War sources. Her materials are well selected, logically organized, carefully annotated, and objectively treated. She has described the close interplay of late nineteenth-century public opinion, politics, institutions, and events in a straightforward prose and in so doing has succeeded in maintaining excellent historical perspective and chronological balance throughout her exhaustive research. An excellent index and useful bibliographical notes enhance the value of this soundly documented and penetrating study.

Air Research and Development Command,
Baltimore, Maryland.

Harold M. Helfman.

The New Dictionary of American History. By Michael Martin and Leonard Gelber. (New York: Philosophical Library. 1952. Pp. vi, 696. $10.00.)

The purpose of this handy volume is to provide a ready reference source on matters dealing with American history. The authors included many subjects such as economics, finance, banking, labor organizations and relations, social welfare, literature, industry, science, religion, commerce, foreign policy, education, constitutional and administrative law, and many other items. The material is arranged alphabetically, which serves as an index. Each letter of the alphabet begins on a new page. This arrangement makes it easy to locate an item or biographical sketch when these are included in the book. In a book of this size, it is of course impossible to include all items of importance and significance in American history. It is equally impossible to include biographical sketches of all men and women who have served this country throughout her history.

The authors in the preface try to defend themselves of any short-comings and omissions by pleading a lack of space in a volume of this size. This reviewer, however, feels that if the authors had omitted all biographical sketches and devoted their efforts to recording items and events, giving definitions and explanations, which is the function of dictionaries, the book would have served a better purpose. Biographical material can be found in *The Dictionary of American Biography, Who Knows-And What-Among Authorities-Experts-and the Specially Informed, Who's Who in America, Dictionary of American Scholars,* a *Biographical Directory,* and others. No doubt the book will serve a good purpose, but it could have served a better purpose by leaving biographical material to other publications.

This reviewer also feels that the authors have not been as objective as they should be. One illustration is the Scottsboro cases, about which they write as follows: "A series of trials between 1931 and 1938 involving eight Negroes who had been charged with the rape of two white women in Scottsboro, Alabama. After conviction and sentence of death at the first trial the case remained pending for six years as a result of nationwide protest. The evidence at the trial was clear that the defendants were innocent of the charges. . . ." Did these authors hear the evidence as presented or did they read a transcript of the evidence? Are they not taking issue with the court rather than objectively telling what actually happened in the court?

The book no doubt will serve as a handy desk reference work. The type is readable and the format and binding are adequate.

State Department of Archives and History,
Raleigh, North Carolina.

D. L. Corbitt.

HISTORICAL NEWS

Dr. William T. Laprade, retiring professor of history at Duke University, was honored by the University, former colleagues, and students at a dinner given April 24 at the University. Speakers for the occasion were: Dr. Hollis Edens, president of Duke; Dr. Alan K. Manchester, dean of undergraduate studies, who presented Dr. and Mrs. Laprade with an inscribed silver tray; Mr. J. H. Small, Charlotte attorney and Duke alumnus; and Mr. Ralph E. Himstead of Washington, D. C., general secretary of the American Association of University Professors. Dr. Laprade, who joined the Duke University faculty in 1909 and served as chairman of the History Department for 15 years, is past president of the State Literary and Historical Association and an active member of the Executive Board of the State Department of Archives and History.

Drs. Harold T. Parker and Robert H. Woody of the Duke University History Department will take sabbatical leave next year. Dr. Woody's leave extends through the first term only. Dr. Paul H. Clyde's paper, " 'Final and Definitive': Some Historical Reflections on American Policy in the Far East," delivered in Washington last summer at a Southeast Asia conference, has been included in *Southeast Asia in the Coming World* (Baltimore: Johns Hopkins Press, 1953). Dr. Clyde will continue for another two years as book review editor of *Far Eastern Quarterly*. The following publications by history staff members have appeared: Dr. John Tate Lanning, *Dr. Narciso Esparragosa y Gallardo* (Caracas: Publications of the Secretariat General of the Tenth Pan-American Conference, Colección Historia No. 2, 1953); Dr. E. Malcolm Carroll, "Franklin D. Roosevelt and the World Crisis, 1937-1940" in *South Atlantic Quarterly;* Dr. Richard L. Watson, Jr., "Yale College 1871-1921" in *South Atlantic Quarterly;* and Dr. William T. Laprade, "Funds and Foundations: A Neglected Phase," reprinted in the *Bulletin* of the American Association of University Professors.

The following alumni of the graduate History Department have new positions: Fred Hollyday, writer of current history with the Historical Division, US Army in Europe, Karlsruhe, Ger-

many; Howard Braverman, member of the Brooklyn College History Department, and author of "The Economic and Political Background of the Conservation Revolt," *Virginia Magazine of History and Biography*; Doris King, recipient of a grant from the Social Science Research Council to continue research on the hotel industry in the Old South; Annie May Wilford McCarroll and David K. McCarroll, both members of the Department of History at Arkansas Agricultural and Mechanical College; William C. Askew, recipient of both Fulbright and Guggenheim grants, at work in the archives of the Italian Foreign Ministry, Rome, Italy, on a diplomatic history of the period 1896-1914; C. W. Bolen, professor of history at Clemson College. Recent publications by alumni include: Glenn N. Sisk, "Agricultural Diversification in the Alabama Black Belt," in *Agricultural History;* J. Chal Vinson, "The Drafting of the Four-Power Treaty of the Washington Conference," in *The Journal of Modern History;* William C. Askew, "The Secret Agreement Between France and Italy and Ethiopia, January, 1935," in *The Journal of Modern History;* T. Conn Bryan, *Confederate Georgia* (Athens: University of Georgia Press, 1953); John K. Bettersworth, "How New Was the Old South," in *The Social Science Bulletin.*

Dr. Fletcher Melvin Green, Kenan professor of history at the University of North Carolina, has been named chairman of the Department of History to replace Dr. Wallace E. Caldwell, who will resign September 1. Dr. Caldwell, who has been granted a leave of absence for the 1954 fall semester to study new excavations in Italy and Greece, has been a member of the history faculty since 1922 and chairman of the department since March, 1951. He holds membership in the American History Association, the Classical Association, the American Philological Association, and the American Archaeological Institute. Dr. Green, a member of the faculty since 1925, with the exception of the period 1933-1936, was awarded his Kenan professorship in 1946. His major field of research and teaching is southern history, and he was one of the pioneers in organizing the Southern Historical Association, of which he served as secretary (1935-1939) and president (1949).

Drs. Lillian Parker Wallace and Alice Barnwell Keith of the Meredith College History Department will publish this summer a revised edition of *A Syllabus of the History of Civilization,* volume I.

Columbia College, Columbia, South Carolina, announces the appointment of Mr. Daniel M. McFarland as professor of history. Mr. McFarland formerly headed the Department of Social Science at Blue Mountain College, Blue Mountain, Mississippi.

Drs. Lenore O'Boyle, Eugene Pfaff, and Richard Bardolph, on leave from the History Department of the Woman's College of the University of North Carolina, on Ford Fellowships, have been in residence at Harvard University during the past year. All three faculty members will return to Woman's College for the school year 1953-1954. Recent publications by history staff members include: Dr. John H. Beeler, editor and revisor, *The Art of War in the Middle Ages* by C. W. C. Oman (Ithaca: Cornell University Press, planned publication August, 1953); Dr. Lewis J. Edinger, "German Social Democracy and Hitler's National Revolution of 1933: A Study in Democratic Leadership," *World Politics,* V (April, 1953), 330-367; Dr. George B. Tindall, "The Question of Race in the South Carolina Constitutional Convention of 1895," *Journal of Negro History,* XXXVII (July, 1952), 277-303; Dr. Tindall, "The Liberian Exodus of 1878," *South Carolina Historical Magazine,* LIII (July, 1952), 133-145; Dr. Tindall, *South Carolina Negroes, 1877-1900* (Columbia: University of South Carolina Press, 1952); Dr. Lenore O'Boyle, "The Class Concept in History," *The Journal of Modern History,* XXIV, 391-397.

The State Literary and Historical Association of North Carolina held its spring meeting in Winston-Salem on May 22-23, with Old Salem, Incorporated, and the Wachovia Historical Society as joint hosts. The program for Friday, the 22nd, included: registration; a general session, with Miss Gertrude Weil presiding, during which Mr. James A. Gray, Jr., president of Old Salem, Incorporated, spoke on "Plans for the Restoration of Old Salem"; a tour of Old Salem; tea at Salem Tavern given by

the Wachovia Society; and a subscription dinner, with Dr. Frontis W. Johnston presiding, during which Dr. J. Kenneth Pfohl spoke on "The History of Old Salem" and Mr. Frank L. Horton, secretary of Old Salem, Incorporated, addressed the members on "Combining Documental and Physical Evidence in Restoration Work." On Saturday, the 23rd, the program included: a general session, with Dr. Alice B. Keith presiding, during which Dr. Douglas L. Rights, archivist of the Moravian Church, Southern Province, spoke on "The Development of Modern Winston-Salem"; a tour of Winston-Salem and vicinity; and a subscription luncheon, with Dr. Frontis W. Johnston presiding, during which Dr. Howard E. Rondthaler, president emeritus of Salem College, concluded the meeting with an address on "Highlights and Sidelights of Wachovia History."

The Historical Society of North Carolina held its spring meeting Saturday, May 2, at Duke University. The afternoon session, meeting at four o'clock in the ballroom of the Union Building, began with a short business meeting. Business consisted of the report of the special committee on membership and voting on membership nominations. Following the business session, Dr. W. P. Cumming spoke on "Crucial Maps of the Southeast during the Colonial Period" and Dr. Christopher Crittenden discussed the work of the State Department of Archives and History. At the dinner session, Dr. J. G. de Roulhac Hamilton read a paper on "History in the South: A Retrospect of Half a Century." Adjournment was timed so that members could attend the Durham County Historical Pageant.

The Western North Carolina Historical Association held its first annual meeting on Saturday, April 25, at Richmond Hill, home of the late Richmond Pearson, near Asheville. Joint hosts for the meeting were Mr. Thomas Pearson and Miss Marjorie Pearson, son and daughter of Richmond Pearson and present owners of the estate. Professor Robert E. Woodside, Crossnore, read a paper on "The Rise of Public Education in Avery County;" and Dr. Charles A. Shull, Asheville, read a paper entitled "The Lure of North Carolina for the Explorer Naturalist." Both papers will be published by the Association. Officers

elected for the coming year were: president, Dr. D. J. Whitener, Appalachian State Teachers College; vice president, Dr. Samuel E. Beck, Asheville; and secretary-treasurer, Mr. Albert S. McLean, Asheville. The members of the board of directors were re-elected, and the following members were elected to fill positions on the board which had not previously been filled: Mr. Burnham S. Colburn, Sr., Asheville, at large; Mrs. Ed. M. Anderson, Ashe County; Miss Clyde Field, Alleghany County; Professor Robert Woodside, Avery County; Mr. Ralph Smith, Clay County; Mrs. Guy Roberts, Madison County; Dean J. J. Stevenson, Transylvania County; Mr. M. R. Eller, Wilkes County; and Mrs. Dover Fouts, Yancey County. Association members expressed their appreciation of his efforts to retiring president, Dean W. E. Bird, who in turn thanked the members for their assistance. Dean Bird stated that the next meeting of the Association would be held August 27, 28 and 29, at Western Carolina College in Cullowhee. Following the meeting's adjournment, refreshments were served by the hosts, and those present were invited to see the outstanding collection of antiques and art objects housed at Richmond Hill.

The State Society of County and Local Historians, with Mr. John E. Tyler in charge, on May 10 completed the following itinerary in their Chowan County tour: Edenton: the courthouse and James Iredell House; homes on Albemarle Sound: Strawberry Hill, Mulberry Hill, Sycamore, and Greenfield; and homes on Chowan River: Clemont Hall, Martinique, and Bandon.

On April 11 the Rutherford County Chapter, Daughters of the American Revolution, sponsored a pilgrimage of over one hundred men and women to six of the county's Revolutionary War historic spots. This first annual pilgrimage began at Brittain Presbyterian Church, where Miss Eva Hampton, director of the group, gave the church history. The motorcade's second stop was at Andrews Plantation and mansion, where Mr. Nat Hamrick, Rutherfordton attorney, related the history of the house and events connected with it. Mr. Clarence Griffin of Forest City told the group at the third stop about the trial and hangings at the Whig camp site, located in the Sunshine community. Mr.

Griffin spoke on the convening of the first county court at the group's fourth stop near Gilbert Town. Within Gilbert Town, Mr. Griffin also related the history of the first courthouse and important personages who served within it. The pilgrimage ended at the grave of Colonel Andrew Hampton, leader of Rutherford County's forces at Kings Mountain. Here Mrs. Hattie Hampton McFarland, a descendant of Colonel Hampton, gave a short family genealogy and read a biographical sketch of the Revolutionary hero. Plans are being made for a similar tour next year to other historical spots within the county.

On Sunday, April 26, the State Society of County and Local Historians conducted a tour of Brunswick County covering the following points of interest: Clarendon Plantation, Old Town (Charlestown), Orton, Russellborough, St. Philips Church, Brunswick Town, Fort Anderson, Fort Johnston, Southport, and Fort Caswell. The State Department of Archives and History was represented by Mr. W. Frank Burton.

The Pitt County Historical Society met March 20 at the Sheppard Memorial Library in Greenville, with Judge Dink James presiding. The following business was transacted: Mr. F. E. Brooks was requested to write a history of Pitt County's first schools; Miss Tabitha DeVisconti was requested to write a history of old tombs and graveyards; a nominating committee composed of Mr. C. V. Cannon, Mr. Laurie H. Ellis, and Mr. Heber B. Tripp was appointed; the program committee appointed consists of Mrs. Bessie W. Scott, Mrs. Chester Walsh, and Mr. L. H. Ellis; and Mr. J. L. Jackson, originator of the Society, discussed ways of microfilming or photostating Bible records and deeds. Miss DeVisconti read a letter written by Mr. Herman P. Johnson, charter member of the Society, who died recently. Miss Jessie Rountree Moye read an article about the estate inherited by William Pitt in England. Mr. Heber B. Tripp, chairman of cemeteries, reported on the poor condition of the old Evans Street cemetery, after which Judge James suggested that a committee contact city authorities on the matter.

The Bertie County Historical Association held its regular spring meeting on April 17 at the County Library in Windsor. Guest speaker at the meeting was Mr. Richard Walser, professor of English at North Carolina State College and author of several books on North Carolina literature and literary figures. Walser spoke on Bertie County's contribution to the history of North Carolina literature, emphasizing the novel, *Bertie, or Life in the Old Field* by George H. Throop, published in 1851. In connection with Mr. Walser's talk, the library featured a display of books including fiction, biography, and poetry by Bertie County writers, in addition to Mr. Walser's books.

With Mr. John E. Tyler as publications committee chairman, the Bertie County Historical Association issued in April the initial edition of *The Chronicle*, a four-page publication circulated among members of the "Association, Public Libraries and Individuals." The introductory editorial expresses the hope that "it is a sign of growing interest in local history and at the same time a means of bringing the members of the association in closer contact with its work, its progress and its aspirations." Contents of this first issue of *The Chronicle* include: announcement of the Association's spring meeting; an article on archaeological discoveries in Bertie County; a list of officers, charter members, and members joining the Association since 1950; a review of the Association's first three years of history; and a quotation from the act creating Bertie County in October, 1722.

The Robeson County Historical Society held its organizational meeting on May 25 at Flora Macdonald College, Red Springs. Mr. D. L. Corbitt of the State Department of Archives and History spoke to the group on "Organizing Local Historical Societies." The following officers were elected for the coming year: president, Mr. Hector McLean, Lumberton; 1st vice president, Miss Cornelia McMillan, Red Springs; 2nd vice president, Mrs. P. P. McCain, Red Springs; 3rd vice president, Mrs. L. I. Grantham, St. Pauls; secretary, Mrs. D. L. McCormick, McDonald; corresponding secretary, Mrs. Jack S. Spruill, Lumberton; treasurer, Mrs. G. H. Cuthrell, Maxton; curator, Mrs. Leslie Perry, Red Springs.

Rowan County celebrated its bicentennial April 10 through April 18 with the following special events: Friday, Queen's Day; Sunday, Faith of Our Fathers Day; Monday, Homecoming Day; Tuesday, Governor's and Youth Day—Parade; Wednesday, Southern Railway Day; Thursday, Merchant's and Manufacturer's Day at which time President Dwight D. Eisenhower, attended and delivered an address in the Stadium of Catawba College; Friday, Education and Good Neighbor Day; Saturday, R. L. Doughton and Agricultural Day—Parade. Co-chairmen of the Special Days Committee were Messrs. James A. Sparks and T. W. Borland. The historical pageant, presented nightly at Boyden High School, featured a cast of over 500 actors.

The Durham Centennial and Historical Commission presented the Durham centennial celebration April 27 through May 2. Serving on the executive committee for the celebration were: Messrs. M. A. Briggs, president, Floyd Fletcher, vice-chairman, E. S. Booth, treasurer, and Frank A. Pierson, secretary. The feature attraction of the celebration was "Durham's Centurama," a historical pageant presented nightly at Duke Stadium.

On May 14 the Battle of Elizabethtown Chapter, Daughters of the American Revolution, sponsored two ceremonies in recognition of two early leaders of Bladen County. In the morning a portrait of General James Iver McKay (1792-1853), by Mr. William C. Fields of Fayetteville and New York, was unveiled in the courthouse at Elizabethtown. Following a picnic lunch at the home of Mr. and Mrs. P. H. Myers near Tarheel, a state historical marker to Colonel Thomas Robeson (1740-1785) was unveiled there, near the site of the Robeson home. Approximately 200 persons attended each of the ceremonies.

Judges serving in this year's annual G. P. Putnam's Sons $2,000 award, offered through the English Department of the University of North Carolina, are: Pearl S. Buck, Nobel Prize winner; James Street, novelist of Chapel Hill; and Marjorie Kinnan Rawlings, Pulitzer Prize winning novelist. The competition, which closed June 1, is open annually to all graduate and undergraduate students. Award is given for the judge's choice

of the best manuscript of at least 40,000 words, plus synopsis of the unwritten portion of the book. Address inquiries concerning the award and manuscripts to: Miss Jessie Rehder, Box 350, Chapel Hill, North Carolina.

The first annual book prize of the Institute of Early American History and Culture was awarded on May 9 to Mr. David J. Mays, Richmond, Va., lawyer, for his two-volume work, *Edmund Pendleton, 1721-1803* (Cambridge: Harvard University Press). Earlier Mr. Mays' biography of Pendleton had received the Pulitzer Prize for biography. With the publication of the two Pendleton volumes, Mr. Mays culminated thirty years of research leading to exploration of all the major manuscript collections in the East. The Institute award of $500 is given for the best book in the field of early American history displaying outstanding scholarship and also having broad appeal beyond the historical profession. Sponsored jointly by the College of William and Mary and Colonial Williamsburg, Incorporated, the Institute of Early American History and Culture is a research and publishing organization. Thirty books from eighteen different publishers were entered in the 1952 competition. They covered such subjects as early American religion, exploration, invention, furniture, architecture and other arts, business enterprise, Indian affairs, wars, politics and foreign relations, and biographies.

Dr. Christopher Crittenden made the following addresses on the State Department of Archives and History and its program: March 18, Durham County Committee, Colonial Dames of America, Durham; April 9, American Association of University Women, Raleigh; April 27, Phi Alpha Theta Honorary Fraternity, Chapel Hill; and May 4, Woman's Club, Roanoke Rapids. On May 1 he attended in Washington a meeting of the Board of Trustees of the National Trust for Historic Preservation, at which time Mrs. Truxtun Beale announced her intention of bequeathing to the Trust the Stephen Decatur house, on Lafayette Square in Washington.

On March 23, Mr. W. Frank Burton spoke to the Raleigh Optimist Club about the State Department of Archives and History and its activities.

On May 8, Governor William B. Umstead reappointed the following persons to the Executive Board of the State Department of Archives and History for 6 year terms: Dr. William T. Laprade, Durham; Miss Gertrude S. Carraway, New Bern; and Mr. McDaniel Lewis, Greensboro.

The General Assembly at its regular 1953 session made available for the State Department of Archives and History the sum of $152,718 for 1953-1954 and $151,474 for 1954-1955, as compared to $106,264 for the current fiscal year. In addition, a ten per cent salary increase was voted for all state employees (with a few exceptions), retroactive to July 1, 1952. The increased appropriation provides for one additional employee in the Hall of History, four in the Division of Archives and Manuscripts, and one in the Director's office. A bill to authorize a bond issue of $1,596,095 for a new Archives and History Building failed to pass, but a good deal of interest was aroused in the project and it is hoped that the necessary funds will be made available in the future.

The General Assembly also authorized the governor to appoint a commission to acquire the birthplace of Governor Zebulon Baird Vance in Buncombe County and another commission to handle North Carolina's part of the celebration this year of the fiftieth anniversary of the first airplane flight; authorized the establishment of a Historic Sites Commission to screen requests for state aid in historic restoration and preservation; authorized the State Department of Archives and History to inaugurate a junior historian program; and appropriated funds for the historical dramas "Horn in the West," "Sword of Gideon," and "Thunderland," for the Cherokee Historical Association, and for the celebration of the bicentennial of Cumberland County in 1954.

The State Department of Archives and History has announced the publication of *Hall of History—A Museum in Action* by Mrs. Joye E. Jordan. It contains 38 pages and is illustrated. All interested may procure a copy by applying to the Division of Publications, State Department of Archives and History, Box 1881, Raleigh, N. C.

Books received include: Colonel Arcadi Gluckman and L. D. Satterlee, *American Gun Makers* (Harrisburg, Pa.: The Stackpole Company, 1953); W. F. Craven and J. L. Cate, *The Army Air Forces in World War II*, volume V (Chicago: University of Chicago Press, 1953); Horace Samuel Merrill, *Bourbon Democracy of the Middle West, 1865-1896* (Baton Rouge: Louisiana State University Press, 1953); J. H. Easterby, *The Colonial Records of South Carolina, Journal of the Commons House of Assembly 1741-1742* (Columbia: Historical Commission of South Carolina, 1953); T. Conn Bryan, *Confederate Georgia* (Athens: University of Georgia Press, 1953); Frank J. Klingberg and Frank W. Klingberg, *The Correspondence Between Henry Stephens Randall and Hugh Blair Grigsby, 1856-1861* (Berkeley and Los Angeles: University of California Press, 1952); Sam R. Watkins, *"Co. Aytch," Maury Grays, First Tennessee Regiment, or A Side Show of the Big Show* (Jackson, Tenn.: McCowat-Mercer Press, 1952); John Duffy, *Epidemics in Colonial America* (Baton Rouge: Louisiana State University Press, 1953); Mary Elizabeth Massey, *Ersatz in the Confederacy* (Columbia: University of South Carolina Press, 1952); Irving Mark and Eugene L. Schwab, *The Faith of Our Fathers: An Anthology of Americana* (New York: Alfred A. Knopf, 1952); Richebourg Gaillard McWilliams, *Fleur de Lys and Calumet* (Baton Rouge: Louisiana State University Press, 1953); Jacob L. Morgan, Bachman S. Brown and John Hall, *History of the Lutheran Church in North Carolina* (published by authority of the United Evangelical Lutheran Synod of North Carolina, 1953); Mary C. Simms Oliphant and T. C. Duncan Eaves, *The Letters of William Gilmore Simms, 1845-1849*, volume II (Columbia: University of South Carolina Press, 1953); Samuel D. McGill, *Narrative of Reminiscences in Williamsburg County* (Kingstree, S. C.: Kingstree Lithographic Company, 1952); Herbert Ravenel Sass, *Outspoken—150 Years of the News and Courier* (Columbia: University of South Carolina, 1953); Cyrus H. Karraker, *Piracy Was a Business* (Rindge, N. H.: Richard R. Smith, Inc., 1953); Hennig Cohen, *The South Carolina Gazette, 1732-1775* (Columbia: University of South Carolina Press, 1953); Edmund S. and Helen Morgan, *The Stamp Act Crisis—Prologue to Revolution* (Chapel Hill: University of North Carolina Press, 1953); J.

Carlyle Sitterson, *Sugar Country—The Cane Sugar Industry in the South, 1753-1950* (Lexington: University of Kentucky Press, 1953); Willard H. Smith, *Schuyler Colfax: The Changing Fortunes of a Political Idol* (Indianapolis: Indiana Historical Bureau, 1952); Walter Wilson Jennings, *Twenty Giants of American Business: Biographical Sketches in Economic History* (New York: Exposition Press, 1953); Richard Barksdale, *Three Months in the Confederate Army* (University, Ala.: University of Alabama Press, 1952); George Maclaren Brydon, *Virginia's Mother Church and the Political Conditions Under Which It Grew,* volume II (Philadelphia: Church Historical Society, 1952); J. H. Easterby, *Wadboo Barony—Its Fate as Told in Colleton Family Papers, 1773-1793* (Columbia: University of South Carolina Press, 1952); Michael Martin and Leonard Gelber, *The New Dictionary of American History* (New York Philosophical Library, 1952); Mary R. Dearing, *Veterans in Politics: The Story of the G.A.R.* (Baton Rouge: Louisiana State University Press, 1952); John Richard Alden, *The War of the Revolution,* 2 volumes (New York: The Macmillan Company, 1952); Jeannette Mirsky and Allan Nevins, *The World of Eli Whitney* (New York: The Macmillan Company, 1952); Donald Brigman Sanger and Thomas Robson Hay, *James Longstreet—The Soldier—The Politician* (Baton Rouge: Louisiana State University Press, 1952); Edmund S. Morgan, *Virginians at Home: Family Life in the Eighteenth Century* (Williamsburg: Colonial Williamsburg, Inc., 1952); Julian P. Boyd, Mina R. Bryan and Elizabeth L. Hutter, *The Papers of Thomas Jefferson, 1 May 1781 to 1 March 1784,* volume VI (Princeton: Princeton University Press, 1952); Joint Committee of the North Carolina English Teachers Association and the North Carolina Library Association, *North Carolina Authors: A Selective Handbook* (Chapel Hill: Library Extension Department, University of North Carolina Library, 1952).

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