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UTILITY REGULATION IN NORTH CAROLINA, 1891-1941 FIFTY YEARS OF HISTORY AND PROGRESS

By ANNIE SABRA RAMSEY

The growth and development of the state agency whose function it is to regulate public service companies and corporations may be taken as a fairly accurate index of the growth and development of North Carolina itself. The history of no other state department so clearly reflects its business and industrial life and the standard of living attained by its population.

The North Carolina Utilities Commission may be briefly defined as that arm of the state government which is "vested with all power necessary to require and compel any public utility or public service corporation . . . to provide and furnish to the citizens of the state reasonable service of the kind it undertakes to furnish, and fix and regulate the reasonable rates and charges to be made."¹ With the increase in population and the commercial development of North Carolina, there has necessarily been a corresponding increase and broadening of the functions of this department.

Strictly speaking, the history of the Commission begins in 1891 with the establishment of the first state agency for the supervision and regulation of public utilities, the Board of Railroad Commissioners, created by an act of the General Assembly of that year; however, the economic condition which called for the creation of this Board had its origin in the period immediately following the Civil War when the exhausted South had been reduced economically to the position of a tributary province. "Bankers and brokers obtained credit from the East and passed it on to the merchants who parceled it out to the farmers."² Land

¹ *Public Laws of North Carolina*, 1933, chap. 134.

² R. D. W. Connor, *North Carolina, Rebuilding an Ancient Commonwealth*, II, 425.

was not acceptable as security. The farmer, before he could plant his crops, was obliged to mortgage them to the merchant who would supply him throughout the year with food and clothes for himself and his family, and fertilizer and farm implements for the cultivation of his crops—in fact, with all of the material commodities necessary for his home and farm from needles and thread and kitchen utensils to hoes and rakes, harness and plow. Unplanted crops, as is easily understood, were not a good risk, and the merchants' charges were exorbitant,—from 20 to 50 per cent above prevailing cash prices.³ Then, too, high tariffs, voted by Congress from time to time to protect business and industry, raised the prices of many of the things farmers were forced to buy, but did nothing to advance the prices of the products they sold.

The railroads in the early days of their existence had been encouraged to incorporate and to extend and improve their lines by concessions such as exemption from taxation and the granting of free rights-of-way. By 1880 the growth in the business and industrial activity of this country had greatly increased the business done by the railroads. They were in a flourishing condition and justification for special privileges no longer existed. The relief allowed the railroads added to the financial burdens of the farmer. In North Carolina his taxes were raised at practically every session of the General Assembly. The railroad companies sold stock to the farmers and others, and later "threw the roads into bankruptcy, 'froze out' the small stockholders and reorganized with a few insiders in possession and control."⁴ And these were not the only grievances against the railroads. Rates were high, and discrimination in rates as well as many other unfair practices were employed.

Soon after the Civil War organizations for the benefit of those engaged in agriculture, such as the Patrons of Husbandry, the Grange, and the Alliance, sprang up in the West and these spread to other agricultural states. The Grange, the first to appear in North Carolina, was organized in this state in 1873, but it was short-lived and by 1880 had ceased to function. The Grange "never developed much strength anywhere in the South, because

³ Connor, *North Carolina*, II, 42a.

⁴ Connor, *North Carolina*, II, 426.

that section was primarily concerned at that time with the overthrow of the carpet-bag regime.”⁵ Somewhat later, in the 'eighties, the widespread and ever-increasing discontent of the farmers in the West and South produced more virile associations such as the Agricultural Wheel in Arkansas, the Texas State Alliance in Texas, and the Farmers' Union in Louisiana. In North Carolina the Grange was revived and other agricultural groups came into being. In the South and Southwest these various organizations united and became the powerful National Farmers' Alliance and Industrial Union with more than three million members.

In 1887 under the leadership of Colonel Leonidas L. Polk, former Commissioner of Agriculture and editor of the *Progressive Farmer*, North Carolina joined the ranks and organized the North Carolina Farmers Alliance.⁶ Colonel Polk possessed in a marked degree the “spirit of push and go-ahead-itiveness” required to launch such an organization.⁷ In 1889 he was elected president of the National Alliance and became a power on the side of the farmers. By 1891 the Alliance in this state had 90,000 members.⁸

Several attempts were made during the eighties to curb the abuses of the railroads, but these were put down by the powerful industrial and commercial interests whose representatives dominated the legislatures. In 1888 the Farmers Alliance succeeded in getting the Democratic party to include a plank in its platform “demanding the creation of a railroad commission with power to fix rates, prevent unfair discriminations, and otherwise regulate railroads,” but the railroad companies, as in the past, were too strong for the farmers and prevented passage of the bill. This failure roused the farmers to redoubled efforts. In 1890 they elected many of their own members, and the General Assembly of 1891 is known in North Carolina history as “the farmers' legislature.”

Marion Butler, a young senator from Sampson County, himself a farmer and later an outstanding figure in the nation in the Populist party, was author of the bill which created the Board

⁵ Connor, *North Carolina*, II, 429.

⁶ Hugh T. Lefler, editor, *North Carolina History Told by Contemporaries*, p. 373.

⁷ *North Carolina Historical Review*, XX (1943), 207.

⁸ Lefler, *North Carolina History*, p. 373.

of Railroad Commissioners, one of the most worthwhile and far-reaching achievements of the North Carolina Alliance as well as one of the most important pieces of legislation enacted during the quarter century.⁹

The act provided for a board of three commissioners (one of these to act as chairman) to be elected by the General Assembly. The term of office was six years although the terms of these commissioners elected by the General Assembly of 1891 were to be one for two, one for four, and one for six years. The Board's most important function at that time, as its name implies, was the regulation and supervision of railroads; however, it exercised equal authority with regard to steamboat, canal, telegraph, and express companies. No member of the General Assembly and no person having any interest in a railroad, steamboat, or other transportation company, or in any telegraph or express company, was eligible for membership.¹⁰

The statute required the railroad companies to file schedules of their rates with the Commission, and to post them in the stations. The Board was to fix "just rates for freight and passenger tariffs," to make rules for the handling of freight, and to arbitrate in controversies. In addition, it was to prescribe joint through rates, a wise provision as these were causing much trouble in neighboring states. In 1890 the only commissions with power to make joint rates for connecting railroads and to apportion them between the participating carriers were those of Georgia and Mississippi;¹¹ thus North Carolina was the third state to confer this authority upon its board. It was empowered to investigate complaints relative to interstate rates on freight and to refer these to the Interstate Commerce Commission if changes or adjustments were deemed necessary.

The approval and consent of the Board were requisite for relocation or abandonment of stations; and it could require repairs, and additions or changes in stations when, in its opinion, these would promote the security, convenience, and accommodation of the travelling public.

It was given the right to investigate the books and files of

⁹ Marion Butler was author also of the law establishing the State Normal School for Women and the law establishing the legal rate for interest at six per cent.

¹⁰ *Acts and Resolutions of the General Assembly of North Carolina, 1891*, chap. 320.

¹¹ Maxwell Ferguson, *State Regulations of Railroads in the South*, p. 195.

the companies, and to subpoena witnesses. The companies were given the right to appeal from the decisions of the Board to a superior court, and from thence to the state supreme court. The Board was required to submit an annual report to the governor.

As previously mentioned, the Railroad Commissioners not only supervised and regulated railroad companies, but also steamboat, canal, telegraph, and express companies, and the provisions of the act, in so far as they were applicable, were made to apply to these companies.¹²

In an act to provide for the assessment of property and the collection of taxes, the Commission was constituted a board of appraisers for railroads.¹³

On the day that the "farmers' legislature" adjourned, March 9, it enacted yet another law relating to the Railroad Commission by which it was "created and constituted a court of record" and as such it was given "all the powers and jurisdiction of a court of general jurisdiction as to all subjects embraced in the act creating such Railroad Commission heretofore passed."¹⁴ This potent addition to preceding legislation greatly enhanced the authority and effectiveness of the Board.

The Board of Railroad Commissioners was the first commission in the South with regulatory powers over corporations other than railroads.¹⁵ The statutes by which this precursor of the Utilities Commission was created and its duties and powers defined, provided an excellent foundation for the building up of the present important state department which has under its jurisdiction the many and diverse types of utilities essential to our modern way of life.

The General Assembly of 1891 elected the following commissioners: James W. Wilson, chairman, Burke County; T. W. Mason, Northampton County, and E. C. Beddingfield, Wake County. All three of these men appear to have been exceptionally well qualified to assume the responsibilities and to cope with the difficulties that membership on the Board imposed upon them. Wilson was described at the time his election was announced as "a gentleman of experience in railroading, having been engaged in

¹² *Acts and Resolutions of the General Assembly of North Carolina*, 1891, chap. 320.

¹³ *Acts and Resolutions of the General Assembly of North Carolina*, 1891, chap. 323, s. 44.

¹⁴ *Acts and Resolutions of the General Assembly of North Carolina*, 1891, chap. 498.

¹⁵ Maxwell Ferguson, *State Regulations of Railroads in the South*, p. 167.

railroad matters all his life." The article went on to say that he had constructed the Western North Carolina Railroad "whose engineering problems were among the most difficult in this country," and referred to him as one of the most eminently practical men of his time. Mason was characterized by the same writer as a farmer, lawyer, scholar, and a gentleman "without fear and without reproach." Beddingfield, young, successful, and popular, had served in the legislature of 1889. At the time of his election to the Board he was secretary of the State Farmers' Alliance.

In 1891 there were sixty-seven railroads operating in the state with a total of 3,432 miles of track. Twelve counties, six of these in the mountains and four on the coast, were not entered by any railroad.¹⁶ The taxable property of the companies was assessed at \$18,423,298.28.¹⁷

The North Carolina statute had been patterned to a considerable extent after the laws creating the Interstate Commerce Commission and the Georgia Commission. The latter had been in operation for twelve years, and prior to April 1, the date set for the Board to enter upon its duties, Wilson paid a visit to the Georgia Commission and studied the methods and procedure employed by that agency. Immediately after taking office, he and his associates made a careful study of existing classifications and rates and set up standard classifications for the state. Within a few months rates, both freight and passenger, had been materially reduced. According to the report to the governor for 1891, the standard rates put into effect at that time were lower than those in any other Southern state. By 1893 telegraph rates had been reduced about 50 per cent.¹⁸ In a few years time the railroads were made to bear their share of the public burden of taxation and by 1896 one-eighth of the taxes of the state were paid by the railroads.¹⁹ The Commission added also to the state's revenue by collecting taxes from the Pullman Company and from out-of-state steamboat companies operating in North Carolina waters.²⁰

In 1893 telephone companies,²¹ and in 1897 street railway

¹⁶ *Report of Board of Railroad Commissioners*, 1891, p. 6.

¹⁷ *Report of Board of Railroad Commissioners*, 1891, p. 4.

¹⁸ *Biennial Message of Governor Thomas M. Holt to the General Assembly*, 1893, p. 45.

¹⁹ *Report of Board of Railroad Commissioners*, 1896, p. iii.

²⁰ *Biennial message of Governor Holt to the General Assembly*, 1893, p. 46.

²¹ *Public Laws*, 1893, chap. 512.

companies "except those operating entirely within the limits of a municipality and not engaged in the hauling of freight," were brought under the jurisdiction of the Commission.²²

The Board of Railroad Commissioners operated effectively for eight years—with a minimum of friction, for there was only one appeal, and that was settled in the federal courts in favor of the Board. Considering the highly antagonistic attitude of the railroad companies at the time the department began to function, this was a remarkable record. The Commission, as stated in the report covering its first year of service, had "in all matters endeavored to adopt a conservative course as a friendly umpire between the railroads and the public," and the harmonious relations which were maintained are attributable to the fine judgment, tact, and executive ability of Chairman Wilson and his associates.

In 1897 Republican Governor Russell, a man of strong partisanship and prejudices, suspended two of the commissioners from office, Chairman Wilson and a relative of his, S. O. Wilson. The governor wrote Chairman Wilson a letter in which he made certain allegations as to his connection with the Southern Railway, and required him to show cause why he should not be removed from his position. Although Wilson denied the allegations and also the authority of the governor to remove him, in the controversy which followed the courts upheld the governor,²³ and, as Maxwell Ferguson says, "Thus, unfortunately, were lost to the Commission the services of one of the most distinguished and reputable men in North Carolina."²⁴ L. C. Caldwell succeeded Wilson and served as chairman until January, 1899.

In order to expel the incumbents²⁵ and put in new commissioners of its own choosing, the legislature of 1899 abolished the Railroad Commission and in its stead created the North Carolina Corporation Commission with more comprehensive powers. This was the first corporation commission in the entire United States.²⁶

In the 'nineties public service agencies had increased and

²² *Public Laws*, 1897, chap. 206.

²³ *Report of Board of Railroad Commissioners*, 1897, pp. xxxv-xxxvi.

²⁴ Maxwell Ferguson, *State Regulation of Railroads in the South*, p. 170.

²⁵ Elected by General Assembly of 1897.

²⁶ Maxwell Ferguson, *State Regulation of Railroads in the South*, p. 170.

expanded, and already there were evidences of quickening in the economic development of the state. "The morning of the new century calls. There is work to be done. Our industries are to be multiplied, our commerce increased." So said that far-sighted and practical idealist, Charles Brantley Aycock.

The jurisdiction of the Corporation Commission included railroad, steamboat, canal, express, telegraph, and telephone companies, building and loan associations, banks, and sleeping car companies. It consisted of three commissioners. The first three were elected by the General Assembly of 1899. The act, however, provided that at the general election in November, 1900, the commissioners should be chosen by the electorate, one for two, one for four, and one for six years. At the expiration of each of the terms and at each general election thereafter, a commissioner was to be elected for a term of six years.²⁷

The legislature of 1899 elected Franklin McNeill, chairman, Eugene C. Beddingfield, and Samuel Rogers. McNeill was describe by a contemporary as "one of the ablest men at the Wilmington bar." Although he was not a candidate for the office, his election was urged by the leading business men of Wilmington. Beddingfield, elected when the Railroad Commission was organized, had served acceptably for six years until succeeded by Dr. Abbott of Pamlico County. He was a member of the state Democratic executive committee and had proved conservative and honest and a wise party leader. Rogers had been for many years clerk of the superior court of Macon County. In 1894 he was appointed by President Cleveland collector of internal revenue of the Western District. He was described in *The News and Observer*, issue of March 5, 1899, as a "safe, conservative, honest all-round business man."

In 1901 the Corporation Commission was made a board of state tax commissioners with general supervision over tax listers and assessing officers.²⁸ In 1905 the supervision of building and loan associations was transferred to the State Insurance Department.²⁹ In 1909 the assessing of corporations up to that time assessed by the Auditor was made the duty of the Commission.³⁰

²⁷ *Public Laws*, 1899, chap. 164.

²⁸ *Public Laws*, 1901, chap. 7.

²⁹ *Public Laws*, 1905, chap. 435.

³⁰ *Report of Corporation Commission*, 1909, p. iv.

Perhaps the most important achievement during the chairmanship of McNeill (1899-1912), accomplished with what may be described as the militant assistance of Governor Glenn, was a reduction in standard passenger fares. In North Carolina the railroads were required to furnish, in addition to separate accommodations for Negroes, two types of passenger service, first and second class, which increased, of course, the number of coaches required for the trains. Passenger fare, first class, was $3\frac{1}{4}$ cents per mile, second class, $2\frac{3}{4}$ cents per mile,³¹ while the average passenger fare, including all classes of travel by rail, throughout the country was about 2 cents per mile.³² The Commissioners believed that if only one class of service was required, the rate could be reduced. In 1905 Governor Aycock had recommended this change to the General Assembly, but the bills introduced failed of passage as the legislators could not agree upon a rate for the one class of service. In 1906 and 1907 there was a movement over the entire country against the rates charged by the railroads. In its report for the year 1906 the North Carolina Commission called attention to the fact that passenger traffic and earnings had increased during the past two years and it again urged the adoption of one class of service and the reduction from the rate of $3\frac{1}{4}$ cents to 3 cents per mile.

In 1907 Governor Glenn included in his message to the General Assembly a proposed flat rate of $2\frac{1}{2}$ cents per mile for passenger travel, and the issue of mileage books by the railroads at 2 cents a mile. A sharp struggle followed which lasted for two years in which both parties to the controversy had recourse to the courts. The "financial crisis" that had "come upon the country" hastened the final adjustment which came in 1908.³³ Governor Glenn convened the General Assembly in extra session for the consideration of railroad rates. In accordance with his proposal, the intrastate rate was reduced to $2\frac{1}{2}$ cents per mile on condition that the railroads lower their interstate rate of 3 cents per mile to $2\frac{1}{2}$ cents, and that mileage books be issued at 2 cents per mile. The Corporation was given the power, "after the rate had been in operation a reasonable length of time, to prescribe such changes

³¹ *Report of Corporation Commission*, 1904, p. 8.

³² 214 I.C.C., p. 185.

³³ *Public Laws*, Extra Session, 1908, chap. 144.

—subject, of course, to appeal—as would make it reasonable and just.” This rate remained in effect until June 30, 1918, when under order of the Director General of Railroads it was changed to 3 cents per mile.³⁴

In 1912 McNeill was succeeded as chairman by Edward Llewellyn Travis, a prominent lawyer of Halifax County, clerk of the superior court of the county, and for a number of years chairman of the Democratic executive committee. The Commission was fortunate in again securing as chairman a lawyer of outstanding reputation and fine character. When Travis was first suggested for the position, the carriers “kicked mightily. This man had been the most terrible attorney in damage suits against the Seaboard and Coast Line in all North Carolina,” they said. They were unable to understand why the late James H. Pou was in favor of his election. “What we want,” Pou said, “is to get him on the Commission where he will have to rule impartially, and then we want to take him out of the courts as attorney in damage actions against us.”³⁵ Travis served from January, 1912, to August, 1918.

For some years prior to 1912 great dissatisfaction had existed in the state with regard to the differences between freight rates to Virginia cities and those to North Carolina cities. The low rates in Virginia operated to build up trade there at the expense of the jobbers and wholesale merchants in North Carolina. The Corporation Commission had protested to the Interstate Commerce Commission from time to time and had exerted every means in its power to bring about a more equitable situation. The General Assembly of 1907 had authorized the Commission to file suits with the Interstate Commerce Commission for the correction of discriminations in interstate rates. A suit filed in 1908 against the Norfolk and Western Railway attacking its interstate freight rates to Winston-Salem and Durham was decided in favor of the Commission. The order was appealed and was affirmed by the United States Commerce Court in 1912. Although reductions were less than the Commission had hoped for, the winning of this case encouraged it to file three other suits. These, however, were withdrawn for the following reason:

³⁴ General Order No. 28.

³⁵ W. T. Bost, in *Greensboro Daily News*, Feb. 9, 1941.

Chairman Travis was convinced that "an adjustment might be reached if the representatives of the state and the carriers would sit down together and talk over the differences informally and in detail, instead of attempting to deal at arms' length." The legislature of 1913 had appointed a special rate commission to investigate intrastate freight rates and prescribe such changes as were deemed necessary. At a meeting of this legislative commission and the carriers, he urged this view of the matter. The carriers agreed that their differences might be solved best through conferences rather than through litigation. In his negotiations with the carriers, Travis had the assistance of Mr. A. J. Maxwell, at that time clerk of the Commission.

In his report to the governor, 1913, Travis says: "We assured the carriers of our willingness to undergo any amount of labor to work out a just solution of this important matter, and in conference after conference we have contended with them, giving careful consideration to their views, and earnestly pressing upon them our views and the rights of the shippers of North Carolina." ³⁶ The result was that by September, 1913, substantial gains had been made by the Commission. To quote further from its 1913 *Report*:

The reductions offered apply to a very large territory, embracing the Buffalo-Pittsburg zone, and all territory west thereof and north of the Ohio River, and all territory west of the Mississippi River to the Pacific Coast.

The reductions offered will save the shippers of the state, according to estimates made by the carriers based on their earnings for 1912, about \$2,000,000 per year, and are the largest and most comprehensive concessions in freight rates ever made by the railroads to any state at one time.

It is one of the greatest achievements in railroad regulation ever gained by any state by any means, and has been done in a remarkably short time and at insignificant expense as compared to the magnitude of the matter.

It does not settle all questions in dispute, but those not agreed upon are left open so that anything omitted can be later adjusted, and the agreement as to those settled remains in force for two years.

This will afford a reasonable time for the trial of this adjustment to see what its effect will be upon the roads, and what the benefits will be to the state. At the end of that such changes may be made as experience

³⁶ *Report of Corporation Commission, 1913, p. vi.*

may show to be wise, and alterations in transportation conditions may require.³⁷

This was the first break in the old rate relations and it opened the way for future effort along the same line. Speaking broadly, the final result was the extension to the entire state and to points outside of the state of the advantages gained through the case against the Norfolk and Western Railway which was settled in 1912.

The Special Rate Commission set up by the legislature of 1913 for the revision of intrastate rates³⁸ held numbers of hearings and sessions during 1914. The testimony of the principal carriers and other interested parties was taken in great detail. The Commission "completely revised the intrastate freight rates of the eight railway systems of North Carolina of more than seventy-five miles in length, and adopted the Southern Classification as the official classification of the state." The classification and rates went into effect in October, 1914, but there was tremendous opposition from the carriers. The rates for the short lines (those less than 75 miles in length) which contended that much of the traffic *formerly handled by them could no longer be handled under the restriction* of the long and short haul act, did not go into effect until 1915 after relief from long and short haul law had been afforded by the Corporation Commission.

North Carolina, with its exceptional industrial advantages "consisting of a good climate, an abundant supply of water for commercial purposes, raw materials at hand, and a plentiful supply of native labor," furnished ideal conditions for industrial development. As early as 1898 one of the first three hydro-electric plants in America from which electricity was to be transmitted any distance, was built at Idols on the Yadkin River, nine miles from Winston-Salem.³⁹ The many advantages, coupled with the cheapness, of this kind of power were quickly realized. Other plants were established and thus began the building up of a gigantic hydro-electric system supplemented by steam power. Factories and mills appeared around the plants whose transmis-

³⁷ *Report of Corporation Commission*, 1913, p. xxxix.

³⁸ *Public Laws*, 1913, chap. 22.

³⁹ W. S. Lee, *Influence of Power Development on Economic Life of the State* (typescript speech at Nashville, Tenn., Oct. 29, 1928). Files of Department of Conservation and Development, Raleigh.

sion lines radiated in every direction. New enterprises sprang into existence, and in the words of Governor Glenn, "the rattle of the loom, the hum of machinery and the scream of the steam whistle" made "sweet music to the industrial ear."

Because of the increase in population and the phenomenal development of the business and industrial life of the state, the functions of the Corporation Commission varied considerably during the thirty-five years of its existence. The legislature of 1913 greatly enlarged its jurisdiction by placing under its authority water-power and hydro-electric companies,⁴⁰ and also electric-light, power, water, and gas companies which were not municipally owned.⁴¹

The rising prosperity of the state was indicated by a steady growth in the number and resources of its banks. In 1899 when the Commission was established there were eighty banks under its authority with total resources of \$13,222,501.12.⁴² By 1927, eighteen years later, there were 422 including 25 branch banks, with total resources of \$117,484,690.⁴³ The legislature of 1917 authorized the Commission to appoint a full-time bank examiner and as many additional bank examiners as might be necessary for the thorough examination of every bank or banking business at least once a year, or as often as was deemed necessary. It was authorized also, of course, to appoint as many clerks and stenographers as would be needed to operate this division of the department.⁴⁴ The banking laws were far less stringent than the Commission thought they should be and it had made repeated efforts to bring about the enactment of comprehensive and adequate legislation with regard to this subject, but without success; however, up to the time of the first World War, the number of bank failures and the resultant losses to depositors had been comparatively small.

In the early days of World War I, when the railroad, telegraph, and telephone companies were taken over by the federal government, President Wilson issued a special appeal to state commissions to treat their utilities fairly and maintain them at

⁴⁰ *Public Laws*, 1913, chap. 133.

⁴¹ *Public Laws*, 1913, chap. 127.

⁴² *Report of Corporation Commission*, 1899, pp. 4, 339.

⁴³ Typescript in files of Commissioner of Banks, Raleigh.

⁴⁴ *Public Laws*, 1917, chap. 165.

their maximum efficiency as part of the national equipment for the prosecution of the war. All federal agencies in charge of utilities increased utility rates because of the increased expense of operation, and thus in many cases prevented receiverships that would have been inevitable otherwise. Only one North Carolina railroad company was placed in the hands of a receiver.⁴⁵ During this period the Commission heard and determined a great number of cases involving utility rates, and in practically all instances increases of 10 per cent or more were approved. There was an enormous increase in the demand for telephones. In order to discourage the use of private telephones, the federal government requested the state commissions to make the installation charge \$15. Although North Carolina complied, which multiplied the usual charge by five, the companies were unable to supply the demand for the service.

Travis resigned as chairman of the Commission, effective August, 1918, and was succeeded by W. T. Lee, a successful merchant of Waynesville, and a member of the Commission since 1910. In 1903 Lee had been appointed by Governor Aycock a member of the board to investigate the affairs of the Atlantic and North Carolina Railroad. He had served in the legislature from 1894 to 1909, had been chairman of the old tenth congressional district, was a member of the state Democratic executive committee, and was thoroughly conversant with public affairs. He served as chairman of the Corporation Commission from August, 1918, to April, 1933.

The legislature of 1901 had made the Corporation Commission a State Tax Commission also.⁴⁶ In 1921, twenty years later, the powers and duties of the State Tax Commission were transferred to the State Department of Revenue.⁴⁷

When deflation set in following World War I, the banks were unable to make collections. Their deposits had shrunk, collateral security had become worthless, and there were many failures. The General Assembly of 1921 passed a new banking law, based upon a bill drawn up by the Department, which was much more stringent than that already in operation. It afforded better pro-

⁴⁵ Carolina and Yadkin River Railroad. *Report of Corporation Commission, 1921-1922*, p. 3

⁴⁶ *Public Laws*, 1901, chap. 7, s. 2.

⁴⁷ *Public Laws*, 1921, chap. 40.

tection to depositors and greatly increased the powers of the Commission with regard to banks. It authorized appointment of a Chief State Bank Examiner (also assistants, clerks, etc.) whose duty it was to examine thoroughly at least once each year every state bank.⁴⁸ Mr. Gurney P. Hood, the present Commissioner of Banks, in an address in 1937, called attention to the fact that "Prior to 1921 the State Supervisor of Banks had no authority to disapprove a charter, and it is interesting to note that 114 banks were chartered in 1919 and 1920, while only 15 were chartered in 1921 after the legislature authorized the Supervisor of Banks to pass on all proposed charters."⁴⁹

In 1923 industrial banks (there were seventeen in North Carolina)⁵⁰ were placed under the jurisdiction of the commission.⁵¹

In 1922, when a serious coal strike developed, the federal government delegated authority with regard to state supervision and distribution of coal to the states affected. The North Carolina Council of State promptly placed this responsibility on the Corporation Commission which in turn imposed it upon its chief clerk, R. O. Self. "By assuming authority that did not exist to control distribution; by perfecting within a week a widespread organization; by promptly utilizing every resource, including assumption of liability for payment of many thousands of dollars worth of coal,⁵² and with the cooperation of all users and local distributors of coal, an actual calamity was narrowly averted, and there was an even distribution of supply barely sufficient to keep industries going, and to prevent actual distress."⁵³

The use of automobiles in North Carolina, as elsewhere, had been steadily increasing for some years past. The General Assembly of 1915 had passed an act setting up a highway commission with an annual appropriation of \$10,000 which was to cooperate with the counties in road building. In 1919 a new commission was established, but without increased powers. The program for the construction of a state system of good roads really got under

⁴⁸ *Public Laws*, 1921, chap. 4.

⁴⁹ Gurney P. Hood, *Chartering of Banks* (typescript dated March 25, 1937). Files of Commissioner of Banks, Raleigh.

⁵⁰ *Report of Corporation Commission*, 1923, p. 16.

⁵¹ *Public Laws*, 1923, chap. 225.

⁵² Underwritten by the retailers and the banks of the state.

⁵³ *Report of Corporation Commission*, 1921-1922, p. 7.

way with the act of 1921 which provided for 5,500 miles of hard-surfaced and dependable highways to connect county seats, principal towns, and state institutions.⁵⁴

In 1921 there were 149,000 automobiles in the state and by 1925, with the road building program well advanced and with industrial and agricultural activity at a higher level than ever before in the history of the state, this number had jumped to 340,000.⁵⁵ Competition with the railroads in the transportation of passengers and freight was intense with certain advantages on the side of the motor vehicles, for bus and truck companies did not have tracks to lay and to keep up, nor did they have to purchase charters.

The General Assembly of 1925 gave the Commission jurisdiction over persons and corporations transporting freight and passengers for hire over state highways. The statute required each person or corporation, before operating a motor vehicle for hire upon the public highways of the state, to apply for and obtain a franchise certificate which set forth proof of public convenience and necessity for the operation; and also to procure and file with the Commission acceptable liability and property damage insurance. Other requirements were in general analogous to those pertaining to railroads.⁵⁶

It appears to have been high time for such a law, if we judge from the first report of the Commission after its passage. It describes conditions as follows: "Many lines [bus] were found to have more than one operator, some had several. This had resulted in a war between the competitors which had reached considerable proportions and in many places Bedlam reigned supreme. This condition placed a premium upon fearless and lawless drivers and recklessness generally."

The Commission eliminated parallel service and brought about the discharge of reckless and drunken drivers, schedules were reduced thereby ruling out unnecessary equipment, and various other things were done to lessen the hazard and increase the safety of the highways.⁵⁷

⁵⁴ *Public Laws*, 1921, chap. 2.

⁵⁵ Connor, *North Carolina*, II, 583.

⁵⁶ *Public Laws*, 1925, chap. 50.

⁵⁷ *Report of Corporation Commission*, 1925, p. 5.

The same legislature that placed motor vehicles operating for hire under the authority of the Commission added another very important function, administration of the capital issues law which up to this time had been a duty of the Commissioner of Insurance.⁵⁸ Under its provisions the governor was authorized to designate a member of the Commission as the Commissioner to act. Commissioner A. J. Maxwell was so designated, and he appointed I. M. Bailey as Assistant Commissioner. The securities of twelve corporations, totaling \$741,000, were registered during the first year of the operation of the law, dealers and salesmen were registered, licenses of certain companies were cancelled, and work was done through conferences to assist in better and clearer financing.⁵⁹ In 1927 a new and more stringent law was substituted. The biennial report of 1927-1928 stated: "The Department does not hesitate to say that the activity under the Capital Issues Law has contributed materially to the protection of the investing public in the state of North Carolina. . . . It is in advance of the Uniform Law, now before the Commission on Uniform Laws, and represents the experience of many states in connection with the regulation of securities. It is a valuable asset to the development of the state of North Carolina."⁶⁰

During the twenties there were many important cases involving railroad rates, intrastate and interstate, freight and passenger. In 1918, when W. T. Lee was made chairman, A. J. Maxwell who had served as clerk since 1913, was elected to fill the vacancy on the Commission. Lee found in him an experienced and able assistant in the arduous duty of dealing with that discordant subject, railroad rates.

Passage by Congress of the Transportation Act in 1920 increased the authority of the Interstate Commerce Commission with respect to railroad rates. The difference in rates of passenger fares prescribed by the General Assembly and those prescribed by the federal Commission gave rise to a case, known as the North Carolina Case, which was decided adversely to the Corporation Commission on February 12, 1921.

⁵⁸ *Public Laws*, 1925, chap. 190.

⁵⁹ *Report of Corporation Commission*, 1921-1922, p. 13.

⁶⁰ *Report of Corporation Commission*, 1927-1928, p. 17.

The real question was whether the Interstate Commerce Commission had the authority under the Transportation Act of 1920 to declare a rate unreasonable because, in its opinion, it did not yield sufficient revenue to the carriers.⁶¹

The decision was not appealed since there were already two similar cases pending in the United States Supreme Court. In the Wisconsin case, decided April 22, 1922, the Court said:

The new measure [the Transportation Act] imposed an affirmative duty on the Interstate Commerce Commission to fix rates and to take other important steps to maintain an adequate railway service for the people of the United States If that purpose is interfered with by a disparity of intrastate rates, the Commission is authorized to end the disparity by directly removing it.⁶²

The Interstate Commerce Commission, although it has final authority in determining issues that arise because of conflicts between intra- and interstate rates, continues to cooperate with the states as regards the fixing of rates; however, the decision in the North Carolina case, the principle of which was sustained by the United States Supreme Court in these other cases, limited the power of state commissions with respect to railroads.

The Interstate Commerce Commission, with a great number of cases pending in the way of complaints relative to rates to and from the Southern and Southeastern states, instituted in 1922 a general investigation of rate structure known as the Southern Class Rate Investigation.⁶³ During 1922 and 1923 it held hearings in various Southern cities and all of the state commissions affected were given opportunity to participate in the discussions. The decision of July, 1925, which based rates on the distance principle and not so much on the basing point, group, or blanket rates system as heretofore, was revised because of objections to certain features and the revised plan went into effect in January, 1928.

This plan "caused to be put in force in the whole South east of the Mississippi, interstate mileage class rates which that Commission [I.C.C.] declared reasonable also for intrastate application within each of the states."⁶⁴ Many of the states adopted these rates. North Carolina did not as its proximity to Official

⁶¹ *Report of Corporation Commission, 1921-1922, p. 13.*

⁶² *United States Advocate Opinions, April 1, 1922, pp. 236-242.*

⁶³ I.C.C. Docket no. 13494.

⁶⁴ *Report of Corporation Commission, 1929-1930, p. iv.*

Territory where lower rates generally were in force would have made the new rates unfair to shipping interests, and would, in many cases, have compelled the use of motor trucks. The Interstate Commerce Commission, in the Virginia State Corporation Commission's case, held that North Carolina intrastate rates were discriminatory against the new interstate mileage rates between Virginia and North Carolina points, and ordered intrastate rates raised to the interstate level.⁶⁵ The Corporation Commission after consulting the shippers and obtaining legal advice, petitioned the federal Commission to set aside this order and allow it to proceed in the regular way to put the new mileage rates into effect. The petition was granted, and the state retained its jurisdiction in purely intrastate rate matters.

The Southern Class Rate Case adjusted rates to and from eastern points and to and from Southern points to the advantage of North Carolina in greater degree than had ever before been accomplished, but these adjustments were by no means adequate and the pertinacious subject of freight rates continued to harass shippers and commissioners.

The period of the depression, which so drastically affected transportation and utility companies, slowed down the activities of the Commission. Except for some progress in the reduction of freight rates, the years 1928 to 1933 were not marked by achievement. The only change of special importance was that the Banking Division, with 262 banks and 83 branch banks under its authority⁶⁶ and a staff of twelve employees,⁶⁷ was made an independent state agency by the General Assembly of 1931 which created the position of Commissioner of Banks.⁶⁸ Governor O. Max Gardner appointed Mr. Gurney P. Hood to that office which he still holds.

The three-member Corporation Commission, established in 1899 to supersede the Railroad Commission, was abolished by the legislature of 1933, effective January 1, 1934, which created in its stead the office of Utilities Commissioner. The first commissioner was to be appointed by the governor with the consent of the senate for a term of one year; thereafter he was to be elected

⁶⁵ I.C.C. Docket no. 16321.

⁶⁶ *Report of Corporation Commission of Condition of State Banks*, 1930, p. iii.

⁶⁷ *Report of Corporation Commission*, 1930, p. ii.

⁶⁸ *Public Laws*, 1931, chap. 243.

quadrennially by popular vote. The act provided for appointment by the governor of two associate commissioners whose duty it was, when called upon by the Commissioner, to sit with him at hearings and help him in making decisions. They had no fixed annual salary, but were paid by the day for their services.⁶⁹

Besides the act creating the office of Utilities Commissioner, another major act relative to the regulation of utilities was passed by the General Assembly of 1933.⁷⁰ Among the most important of the provisions of this second act was the power conferred upon the Commission to control security issues of utility companies. This law gave to the Commission "full power to protect the financial integrity of the utilities and the public interest."

Mr. Stanley Winborne, a member of the Corporation Commission since February, 1930, was chosen by Governor J. C. B. Ehringhaus for the position of Utilities Commissioner. A native of Hertford County, he had served as mayor of Mufreesboro in 1909 and 1910, was county attorney from 1911 to 1914, had three times represented the county in the General Assembly, and in 1921 was senator from the first district.

Governor Ehringhaus ignored the political pressure brought to bear on him with regard to the selection of the associate commissioners and amazed and pleased the public by appointing Dr. William Louis Poteat, president emeritus of Wake Forest College, and Dr. Frank W. Hanft of the law faculty of the University of North Carolina.

Dr. Poteat, best known for his scholarship and for his advocacy of prohibition and of the theory of evolution, enjoyed as much as anyone in the state the confidence and esteem of its citizens. The governor in making this appointment said, "Dr. Poteat belongs to all of North Carolina and his presence on the Commission removes any reason for representation of each section." He accepted the appointment, but when Judge Stacy read the oath required for the position, found that he was disqualified by the fact that he was a stockholder in a utility company which was regulated by the Commission.

Governor Ehringhaus shortly afterward appointed Mr. Fred L. Seely, another prominent citizen of the state whose inter-

⁶⁹ *Public Laws*, 1933, chap. 134.

⁷⁰ *Public Laws*, 1933, chap. 307.

est and activity in public affairs had demonstrated his fitness for the office. Mr. Seely, a native of New Jersey, came South when a young man. He was founder of the *Atlanta Georgian* which he published as a "crusading newspaper" until it was purchased in 1912 by William Randolph Hearst. He had built North Carolina's magnificent resort hotel, the Grove Park Inn, was president of the Biltmore Industries, manufacturers of the famous Biltmore homespun, was a member of the Board of Directors of the Wachovia Bank and Trust Company, and was connected with a number of other leading industries and organizations.

Dr. Hanft, a native of Minnesota, had made public utility matters the subject of much study. "The Control of Public Utilities in Minnesota" was the title of the thesis submitted for his doctor's degree received in June, 1931, from the Harvard Law School. He was not without political experience. Before coming to North Carolina, he was offered, and refused, the nomination for governor of Minnesota.

Both of these men had given attention to public questions and both were exceptionally well qualified to serve as associate commissioners.

Four years of experience in the old Corporation Commission had convinced Mr. Winborne that the general public was paying far too much for the services furnished by utility companies. Although the state at this time stood fourth in the list of states showing the developed water power of the nation, its use of electricity was less than its position near the head of this list would indicate. The newly appointed Commissioner shocked the companies and gladdened the ears of consumers by the issuance the day after he took office of an order which prohibited a utility company from increasing its capital stock or from using any part of its surplus in the payment of dividends on its common stock except upon the proper showing of the necessity therefor and upon the authority of the Commission. The order set also maximum percentage limits on dividends allowed and rates of depreciation. This order "for the first time in the history of North Carolina, called for a halt in the utility practice of paying dividends that are not earned and setting up the deficits so incurred as investments upon which greater dividends can be earned from

a people required to pay higher and higher rates upon such mounting investments of financial fiction." 71

The primary reason cited by Mr. Winborne for these burdensome rates was lack of comprehensive information as to the actual value of the investments of utilities, which, he said, had blocked every move for adequate rate adjustments in the past. Wide discrepancies existed in the valuations set up by the companies for rate-making bases and the sums upon which they paid taxes. The legislature of 1934 voted an annual appropriation of \$10,000 for obtaining the needed information and an additional \$25,000 was to be allowed annually in the discretion of the governor for further investigation in this field.⁷²

The years following the creation of the office of Utilities Commissioner were marked by outstanding achievement in the reduction of electric rates. Mr. Winborne held conference after conference with the officers of the power companies in regard to reductions, resulting in agreements whereby all rates and charges for electricity were reduced. These were the beginning of a series of reductions. Thousands of homes that had never been able to afford this service before were being furnished with electricity under the new low rates. The output up to this time had been consumed almost entirely by industry and the urban population, but with the establishment in North Carolina in 1935 of the Rural Electrification Authority, the transmission lines of the power companies were brought to the farming districts. The federal funds loaned through this agency, which supplied also cooperative management, helped to speed up the extension of service to rural areas. In 1934 there were 10,000 farms using electricity and by June, 1939, there were 60,000.⁷³ More electric machines and appliances were reducing labor in the homes and on the farms. By 1937 consumption of electricity furnished by the major power companies in this state to the residential customer exceeded the national average by 114 kilowatt hours.⁷⁴

The only fight in the history of the state, aggressive and tenacious, for lower telephone rates was waged by the Commissioner in 1935 and 1936. A reduction of \$290,000 to the subscribers of

⁷¹ *News and Observer*, Jan. 3, 1934, p. 1.

⁷² *Public Laws*, 1933, chap. 519.

⁷³ Archibald Henderson, *North Carolina, the Old North State and the New*, II, 623.

⁷⁴ Figures compiled by Rate Analyst, Utilities Commission.

one company alone was effected. Reductions were obtained from other companies aggregating a total annual saving to telephone subscribers in North Carolina of over half a million dollars. A substantial saving for customers was also accomplished by reduction in gas rates.

The legislature of 1937 transferred administration of the capital issues law from the Utilities Commission, where it had been placed by the legislature of 1925, to the office of the Secretary of State.⁷⁵ In this way the Commission was relieved of responsibilities not connected with its primary concern of utility and rate regulation.

Untenable rate situations relative to states bordering on Official Territory, including North Carolina, occasioned by the Southern Class Rate Investigation,⁷⁶ resulted in cases "of an epochal character" affecting North Carolina interests. Outstanding among these was a case brought by the Corporation Commission in 1928 against the Akron, Gaston and Youngstown Railroad Company⁷⁷ *et al.*, upon recommendation of the Transportation Advisory Commission. This case sought reductions between points in North Carolina and Virginia and points in North Carolina and all points lying in Official Territory to the North and Mid-West. The Commission employed expert legal counsel and made a vigorous effort to bring these rates to the Official Territory level. The decision in 1935 was only a partial victory, for the reductions effected accomplished but a fraction of the adjustment sought.

In July, 1939, a case of major importance to North Carolina and all Southern states was instituted by the Interstate Commerce Commission on its own motion. This case⁷⁸ is still before the federal Commission. It seeks re-examination of the entire rate structure in the South and the states east of the Rocky Mountains in view of changes in conditions which have taken place since the decision in the Southern Class Rate Investigation. The Southern commissions have been dissatisfied with the rates prescribed in the schedules resulting from that case. The record submitted by the Southern Governors' Conference "establishes that the section of the country lying east of the Mississippi River

⁷⁵ *Public Laws*, 1937, chap. 194.

⁷⁶ I.C.C. Docket no. 13494.

⁷⁷ I.C.C. Docket no. 21665.

⁷⁸ I.C.C. Docket no. 28,300.

should be considered one territory for rate-making purposes, in which a maximum first-class scale should be set up and made subject to uniform classification ratings."

When the Office of Utilities Commissioner was created by the legislature of 1933, the *North Carolina Law Review* made the somewhat caustic comment, "The act contracting the commission makes incongruous company for the act expanding its powers and duties." And these expanded powers and duties included a vastly increased volume of public service and utility regulation for at that time the use of transportation and communication facilities, of water power and electricity, was greater than ever before. Normal growth coupled with the increase in construction projects caused by the cooperation of the government through CWA, PWA, ECW, and other federal agencies had stepped up the demand for these utilities. The Emergency Defense Program even more sharply accelerated this demand. In a few years time the need for administrative assistance for the Commissioner had become imperative. To provide this, the General Assembly of 1941 abolished the Office of Utilities Commissioner and replaced it with the Utilities Commission, consisting of three full-time members. These were to be appointed by the governor with the consent of the senate for terms of six, four, and two years respectively, and their successors for terms of six years.⁷⁹

Governor Broughton appointed the former Utilities Commissioner chairman of the newly created body for a term of six years. Mr. Fred C. Hunter, a prominent lawyer of Charlotte and formerly judge of the recorder's court of Mecklenburg County, and Dr. Harry Tucker, professor of engineering at State College, were appointed commissioners.

Mr. Hunter, exceptionally well educated, had attended Muskingum College in Ohio, and had graduated at the University of North Carolina where he received the degree of Bachelor of Arts. He had also attended Washington and Lee University at Lexington, Virginia, and received the degree of Bachelor of Laws.

Dr. Tucker, an authority on motor vehicle transportation, was the author of a number of articles dealing with that subject. He served as commissioner until his death in February, 1942.

⁷⁹ *Public Laws*, 1941, chap. 97.

He was succeeded in April of that year by Mr. Robert Grady Johnson, attorney at law, of Burgaw.

Mr. Johnson was senator from the Ninth District in 1929, represented Pender County in the legislature in 1931 and in 1933, and was Speaker of the House for the session of 1935. He had served as a member of the Board of the State Highway Commission and as superintendent of the State Prison. At the time of his appointment as commissioner, he was chairman of the Board of Alcoholic Control.

The Commission has functioned in its present form for four years.

It is difficult to realize that one hundred and fifty years ago the greater number of the public services over which the Utilities Commission has authority, such as railroads, motor vehicle carriers, telephone, telegraph, and power companies, did not exist. In 1891, when the Railroad Commission was established, many of these were still unknown. There were twelve counties in the state that were not entered by any railroad. The taxable value of the railroad property at that time was only \$18,423,298⁸⁰ while for the fiscal year ending July 1, 1941, the taxable value was \$151,835,626.⁸¹ The revenue from franchise taxes on motor trucks and buses was \$142,435 for the fiscal year, 1925-26, just after these came under the jurisdiction of the Commission.⁸² In 1940-41 it was \$860,806.⁸³ In 1900 all of the industries of North Carolina had a combined output valued at less than \$85,000,000.⁸⁴ In 1939 this output was valued at \$1,421,329,578.⁸⁵

Through the use of its natural resources, especially water power which has been converted into hydro-electric and steam power plants, North Carolina has become the leading industrial state in the South.⁸⁶ The increase in population and in wealth that this has brought about has given the farmers markets for their produce. An adequate system of state highways and other

⁸⁰ *Report of Board of Railroad Commissioners, 1891*, p. 2.

⁸¹ *Valuation of State Board of Assessment, 1941*.

⁸² *Biennial Budget Report for 1929-31*, p. 62.

⁸³ *Biennial Budget Report for 1943-45*, p. 34.

⁸⁴ W. S. Lee, "Influence of Power Development on the Economic Life of the State," (typescript, speech delivered at Nashville, Tenn., Oct. 29, 1928). Files of Department of Conservation and Development, Raleigh.

⁸⁵ Typescript, "Census of Manufacturers for North Carolina in 1939," in files of Department of Conservation and Development, Raleigh.

⁸⁶ Thorndike Saville, *The Power Situation in North Carolina*, Circular no. 10, North Carolina Geological and Economic Survey.

improved transportation facilities have made these markets easily accessible. In 1941 North Carolina ranked second in the list of Southern states showing income from crops.⁸⁷

The standard of living of the people of the state has kept pace with economic progress. Travel by rail and bus, and utility services which were once the luxuries of the prosperous, are now enjoyed by the many. "From a rural neighborhood in which illiteracy and poverty played their inevitable roles" North Carolina has become a "close-knit community"⁸⁸ of prosperous industrial enterprise, modern farms, and wide-awake towns and cities.

Governor Clyde R. Hoey has said that the supreme test of the character of our government is the measure and quality of its service to the people.⁸⁹ It may be said also that the supreme test of the character of any department or agency of our government is likewise the measure and quality of its service to the people.

The North Carolina Utilities Commission undertakes to insure to the public, in so far as this is possible under its authority, the following:

1. Safe and prompt service.
2. Adequate terminal facilities for carriers.
3. Equitable rates; that is, as low rates as may be consistent with reasonable profits in order that public utilities may be enjoyed by as great a number of citizens as possible.
4. Protection to companies, corporations, and individuals from unfair competition and unscrupulous practices. The Commission holds formal hearings upon any matters within its jurisdiction, either upon its own motion or upon petition whenever it considers it to be in the public interest; however, many controversial matters are settled through correspondence and in conference.
5. Continuation of the vigorous and relentless fight against the discriminatory freight rates which have so handicapped North Carolina and the South.

Through its jurisdiction over transportation and communication, power and utility companies, the Commission is geared to the commerce and industries of the state. Since the creation in 1891 of its earliest forerunner, the Board of Railroad Commissioners, just as the state itself, it has gone through a process of

⁸⁷ *The Blue Book of Southern Progress, 1942*, p. 33.

⁸⁸ Governor O. Max Gardner's message for Home-Coming Week of the North Carolina State Fair, October 12-19, 1929. Leaflet, p. 1, in State Library, Raleigh.

⁸⁹ D. L. Corbitt, editor, *Addresses, Letters and Papers of Clyde Roark Hoey Governor of North Carolina, 1937-1941*, p. 4.

evolution. Its powers have been extended to include new public services and there has been also a corresponding broadening of its functions with respect to many of these services.

The present three-member Utilities Commission, created in 1941, is headed by an experienced chairman whose record of service includes four years membership in the Corporation Commission, and seven years as Utilities Commissioner. Mr. Winborne has carried the work forward with energy and effectiveness. He has now the benefit of the counsel and of the active assistance of the other two commissioners, Mr. Hunter and Mr. Johnson. He has also the administrative aid of the chief clerk, Mr. Charles Z. Flack; the assistant chief clerk, Miss Elsie G. Riddick; the director of traffic, Mr. H. M. Nicholson; the assistant director of traffic, Mr. F. A. Downing; and the rate analyst, Mr. Edgar Womble. Miss Riddick has been a member of the staff for forty-eight years, having been employed as a stenographer in 1897.

The people of North Carolina may look forward to the future confident that the Utilities Commissioners will, in spite of the difficulties and problems arising from the prosecution of the war—or from whatever source—in the words of the oath required of them by the statute creating this important department of the state's government, "well and truly" perform the duties of the office and "do equal and impartial justice to the public and to individuals."

EIGHTEENTH CENTURY NEW BERN

A HISTORY OF THE TOWN and CRAVEN COUNTY, 1700-1800

By ALONZO THOMAS DILL, JR.

PART II

THE FOUNDING OF NEW BERN

¶ We are in a very good and fat land. I am in hopes that within a year I shall have over a hundred head of horses, cattle and swine.

—Letter of Hans Ruesegger, 1711.

By the time colonists had made their way along the lower banks of the Neuse and even up along the Trent River, it would have been strange indeed if no settler had chosen land at the point where the two rivers meet. It was a very desirable site. Long before the coming of the white man, about twenty families of Neuse Indians had claimed it for their village Chattooka, which was situated on the tip of the peninsula-like projection.¹ They were not alone there by 1705, for in that year there was at least one white settler living on "the fork at Neuse," as the records then refer to this point between the Neuse and Trent.²

This settler was the venturesome John Lawson. The record of his grant has been lost, but that he had one there is certain. In a letter dated August 7, 1705, and addressed to the Albemarle County government, Lawson refers to the "entry of 640 Acres of Land I built on" as being at "ye fork of Neus River."³ He adds that his party in surveying this tract had to go up the main river and then up the Trent, and he mentions also that the claim had been filed in the office of the Secretary of the province.

¹ John Lawson, *History of North Carolina*, p. 131. Vincent H. Todd and Julius Goebel, *Christoph von Graffenried's Account of the Founding of New Bern* (Raleigh: North Carolina Historical Commission, 1920), pp. 226, 373-374. This contains an introduction followed by the French and German versions of the Graffenried account, as well as certain other Graffenried MSS and letters of Swiss settlers in New Bern. (In future references, the MS or document quoted from will be named followed by the page number of the Todd and Goebel publication. When reference is made to the introduction, the citation will be "Todd and Goebel, intro." followed by the page number.)

² *Colonial Records of North Carolina*, XXII, 291, *passim*.

³ *Historical and Genealogical Register*, III, 266. He seems to have acquired additional land there later because he sold 1,250 acres at the Neuse-Trent fork to Graffenried and his colonizing associates. See below, page 164.

An incidental remark in his *History* sheds more light on Lawson's home in the wilds of the Neuse. He tells us that he "built a House about half a Mile from an Indian town at the fork of Neus-River, where I dwelt by myself, excepting a young Indian Fellow, and a Bull-Dog, that I had along with me."⁴ He had "not then been so long a Sojourner in America," Lawson adds. As to the location of this cabin, he says that it "stood on pretty high Land and by a Creek-side." This creek still bears the name Lawson's Creek. Although the location can be called elevated only in comparison with the flatness of the surrounding acres, there may still be seen today the hummock-like rises and marshy banks which formed the setting for Lawson's solitary cabin.⁵

While Lawson was living with his Indian servant and his dog at this isolated outpost of the New World, events were taking place in Europe which were to alter profoundly the destiny of the man, his cabin, and the peaceful Indian village nearby.

In the early years of the century some citizens of the city of Bern, Switzerland, conceived the idea of sending a colony of their countrymen to America. It may be that this plan first occurred to Franz Ludwig Michel, an adventurer and soldier belonging to a prominent Bern family.⁶ Michel made two journeys to America between the years 1702 and 1704, and at the conclusion of his first one late in 1702 he related his experiences to friends in Bern, among whom were Johann Rudolf Ochs,⁷ a seal and stone engraver by trade, and Georg Ritter,⁸ an apothecary and councillor of the city government. They talked of settling a Swiss colony in Pennsylvania. On Michel's second trip to America the idea possessed him more ardently than ever. In a letter to Ochs written in 1704 he dwelled on the prestige his fatherland would gain by planting a colony in America, and repeated significantly his contention that the English government would aid the smaller nation in its effort to populate some of the vast territories of

⁴ Lawson, *History*, p. 131.

⁵ Near New South Front Street and Pembroke Road.

⁶ He belonged to the family Michel von Schwertschwendi. His father, David Michel, born in 1634, was Lord of Ralligen, became a member of the council of Bern in 1673 and prefect of Gottstatt in 1684. Franz Ludwig seems to have served in the armies of Louis XIV. W. J. Hinke, translator, "Report of the Journey of Francis Louis Michel" and other Michel manuscripts, *Virginia Magazine*, XXIV, 1 n.

⁷ Ochs went to Pennsylvania in 1705, became a Quaker and settled in London. He was author of the *Amerikanische Wegweiser* (Bern, 1711), a travel volume on America. Hinke, "Report," p. 289 n.

⁸ Georg Ritter is said to have visited America twice. Hinke, "Report," p. 297 n.

the New World.⁹ On March 19, 1705, Michel's friends petitioned the mayor and council of Bern to assist them in their plan by recommending it to the English envoy in Switzerland, who in turn would request the aid of his government. The plan called for transportation at crown expense of four or five hundred Swiss to Pennsylvania "or on the frontiers of Virginia." The proposals stipulated that the colony, in honor to the city, should be named Bern.¹⁰

The Bern government lent its support to the scheme, not out of consideration for the glory of Switzerland, as Michel with his military mind had argued, but because it saw an opportunity to rid the canton of what seemed to be two highly undesirable classes of population.¹¹ One of these was a pauper class, the home-less *Landsassen* who were property-less squatters and enjoyed no rights of citizenship. The other was a religious element, the Baptists, Anabaptists, and Mennonites (*Täufer* and *Wiedertäufer*). These sects were considered undesirable because of their apostasy from the common forms of worship, but the Mennonites were regarded as especially dangerous to both church and state because of their refusal to bear arms and the communistic tendencies of their living habits.

While the proposals of Ritter, Michel, and their friends were making their slow way through the channels of Swiss and English government, another Bernese, who was destined to become the leader of the colony in the New World, appeared as a figure in the plan. He was Christoph von Graffenried, a spendthrift nobleman.

Graffenried was born in 1661, the son of Anton von Graffenried, Lord (*Herr*) of Worb, who held the governorship first of Aelen and later, in his old age, of Murten.¹² When Christoph was quite young his mother died and his father married again. At the age of seven he began his education but made little progress in his studies. He became a student at the University of Heidelberg but was forced to leave there because of a duelling scrape. At Leyden

⁹ "I have already had opportunity to remark sufficiently," Michel writes, "how willingly the English government would consent to this." Hinke, "Report," p. 296.

¹⁰ Hinke, "Report," pp. 297 ff.

¹¹ A. B. Faust, "Swiss Emigration to the American Colonies in the Eighteenth Century," *American Historical Review*, XXII, 21-23.

¹² Thomas P. DeGraffenried, *History of the DeGraffenried Family From 1191 A.D. to 1925* (New York, 1925), p. 59. This work uses the Gallicized form *DeGraffenried* but the Swiss-German *von* is the correct one in the case of New Bern's founder.

he studied law, history, and mathematics for two years, and later in life remarked that if he had pursued his early education with as much industry as he had put forth at Leyden, he would have achieved a more secure place for himself in manhood. His education, such as it was, complete, Graffenried went to London upon being promised by an English friend of his father the position of an aide to the Duke of Carlyle, envoy at Constantinople. He arrived in the city with only ten ducats in his pocket and too late to see the Duke, who had already sailed for the Levant. The incident was prophetic of the man's future impecuniousness and ill-starred opportunities.

In England the young Swiss cut a brief and expensive figure in social life. He made the acquaintance of the Duke of Albemarle, the Lord Proprietor, and was presented at court to Charles II himself.¹³ The Duke on one occasion designated Graffenried and another young friend to represent him at the conferring of degrees by Cambridge University, of which the Duke was chancellor, and it was then that Graffenried received his degree of masters of arts, an honorary culmination to his irregular and indifferent years of schooling. Living beyond his means, he wrote his father saying he wished to marry and demanding the rest of the legacy left him by his mother, a bequest equivalent to £20,000, of which only half then remained. Old Anton, knowing his son's weakness, refused and commanded him to return home. He then relented somewhat and, keeping Christoph on a strict allowance, permitted him to go to Paris, where through the Marshal von Erlach he was presented to the Dauphin and Louis XIV. From there he went to Lyons and thence to Bern where he arrived sometime during 1683, thus ending amid his father's reproaches his youthful years of travel, study, and extravagance.

In the following year Christoph was wed to Regina Tscharner at Worb. In 1691 was born their first son, who was named for his father.¹⁴ Thereafter children came regularly. Debts piled up and the legacy dwindled away. After occupying several positions of

¹³ Graffenried later speaks of knowing the Lords Proprietors, the Duke of Beaufort, and Sir John Colleton, whom he calls "my special friend." German Version, pp. 252, 257.

¹⁴ Christopher II went to America, married, and became the father of Tscharner DeGraffenried, from whom descend nearly all of the American family, among them the novelist Ellen Glasgow and the journalist John Temple Graves. DeGraffenried, *History of the DeGraffenried Family*, pp. 12, 13, 70, 202.

no great consequence, Graffenried won election in 1702 as governor (*Landvogt*) of Yverdon in Neuchatel province, a position from which he expected a good income.¹⁵ Like most politicians, he soon found that the expenses of his office were nearly as large as its revenues. An uprising in Neuchatel forced upon him the expense of a garrison of soldiers, and his tax revenues declined because of the disturbance. When his term ended in 1708, Graffenried returned to Bern a broken man. With a large family dependent upon him, he was "compelled to do something," he tells us, "to satisfy the creditors."¹⁶ It was these "troubles of Neuchatel," as he euphemistically puts it, which drove Graffenried to seek to mend his fortunes in the New World.¹⁷

While in Bern he met and conversed with Michel, who described to him "what fine lands there were [in America] and how cheap, what liberty, what great, good and increasing trade [and] what fine rich silver mines he had discovered and found"¹⁸—in short, all the glories, real and fancied, of the land across the sea. Impressed by Michel's enthusiasm, Graffenried determined to enrich himself if possible from the hidden and undeveloped wealth of the New World. Michel claimed to have taken up land on the Potomac River in Virginia, and there it was that they hoped to find rich silver ore.¹⁹ About this time the Swiss colonization venture was being organized as a stock enterprise under the name Georg Ritter and Company. Whether Graffenried intended from the first to buy shares in this, or whether he meant to confine his activities solely to silver prospecting, is not clear. He needed money before anything could be done. To avoid being detained by his creditors, he left secretly for England, hoping to raise funds through his friends there.²⁰

Up until this time, the colonization project had been concerned solely with Swiss settlers, "undesirables" for whose transporta-

¹⁵ W. F. von Muelinen, "Christoph von Graffenried, Landgraf von Carolina," *Neujahrsblatt Herausgegeben vom Historischen Verein des Kantons Bern für 1897* (Bern, 1896), p. 16.

¹⁶ German Version, p. 223.

¹⁷ From Worb in 1735 he wrote to his son in America: "The troubles at Neuchatel were very fatal to me on many accounts." DeGraffenried, *History of the DeGraffenried Family*, p. 146. The phrase also occurs in the German Version, p. 223.

¹⁸ German Version, p. 223. Compare William Byrd's statement: "The Spaniards had lately discovered Rich Mines in their Part of the West Indies, which made their Maritime Neighbours eager to do so too. . . . Happy was He, and still happier She, that cou'd get themselves transported, fondly expecting their Coarsest Utensils, in that happy place [America], would be of Massy Silver." W. K. Boyd, ed., *William Byrd's Histories of the Dividing Line* (Raleigh: North Carolina Historical Commission, 1929), p. 2. (Hereafter cited as *Byrd's Histories*.)

¹⁹ Hinke, "Report," p. 302.

²⁰ Muelinen, *Christoph von Graffenried*, p. 18. German Version, p. 223.

tion the promoters were to obtain financial backing. Lawson, who had made the acquaintance of Michel on one of the latter's trips to the New World, was aware of the scheme the Swiss soldier had in mind. In his *History* Lawson comments rather cold-bloodedly on the value Swiss settlers would have as a buffer against the Indians and French of the interior.²¹ Lawson wrote of the possibility of settling them in the mountains of Virginia or Pennsylvania, in which, he pointed out, they would be completely at home. But he seems to have had no idea that any Swiss would ever settle on the North Carolina coast.

Events in Europe were to prove Lawson's assumption wrong and change the entire character of the Michel-Ritter project. These events evolved from the Palatine migrations beginning in 1708 when thousands of Germans from the upper Rhine or Palatinate and neighboring provinces began to desert their homes and seek passage to the New World. The causes of the migration were manifold. Chief among these was the devastation and impoverishment of the upper Rhine by the French under Louis XIV. The end of the Thirty Years War in 1648 had left the Palatinate prostrate, but scarcely had reconstruction been accomplished before there came the incursions of 1674 and 1688.²² In May, 1707, during the War of the Spanish Succession, the French armies again laid waste these peaceful homes on the Rhine, this time under the leadership of Marshal Villars. "He did not forget to tax the enemy wherever he went," writes a contemporary French observer.²³ "He gathered immense sums—treasures beyond all his hopes. Thus gorged, he could not hope that his brigandage would remain unknown. He put on a bold face and wrote to the King that the army would cost him nothing this year." Such was the "sordid and prodigious" looting of the Palatinate, as even Villars' countryman was forced to call it.

On top of this tragedy came another. At the end of the 1708 a winter of unprecedented severity set in. The rivers were frozen over, and the almost Arctic cold lasted into the fourth month of 1709.²⁴ Vines and orchards, on which most of the Rhenish in-

²¹ Lawson, *History*, pp. 334-335. From long service in the mercenary armies of Europe, the Swiss had a reputation for being excellent fighters.

²² W. A. Knittle, *Early Eighteenth Century Palatine Emigration* (Philadelphia, 1937), p. 3.

²³ Duke of Saint-Simon, *Memoirs of Louis XIV and the Regency*, translated by Bayle St. John (Akron, 1901), I, 99.

²⁴ Knittle, *Early Eighteenth Century Palatine Emigration*, p. 4.

habitants depended for a living, were killed by the cold, and the price of bread soared when the wheat crop was curtailed.²⁵ If the Palatinate had enjoyed wise and conscientious government, the burden of the blight might have been lightened, but such was not the case. Imitation of the lavish French court by the petty Palatinate princes had for years laid a heavy hand on the peasantry, so that the Palatines could expect no help from their temporal masters. In the midst of their misery came a ray of hope to these people: the New World. Agents for Pennsylvania and Carolina distributed enticing advertising in the broken provinces, hoping for settlers to people the sparsely populated land.²⁶ A German pastor, the Reverend Joshua Kocherthal, wrote and circulated a book in the German language extolling the glories of the New World (which, incidentally, he had not then visited) and hinting that Queen Anne of England would be willing to rehabilitate the Palatines by granting them passage to America.²⁷

England was naturally the nation to which the Palatines would look for help. Besides being the foe of powerful France, England was regarded as the protector of the Protestant cause, and there were many Protestants among the Palatine refugees. But religion was not a fundamental cause of the migration, though some writers have charged that persecution was the reason they left their homes. As a matter of fact there were both Catholics and Protestants among the Palatines, and though it was convenient for partisans of the Palatines to minimize the former element and emphasize the latter in their appeals for English assistance, it is not true that Catholic persecution drove these Germans from their native land.²⁸ The Elector of the Palatinate, John William, Duke of Newburg, was indeed a Catholic but in 1705 he had decreed liberty of conscience in his realm.²⁹ Many of the refugees, furthermore—"most of them," according to one con-

²⁵ Saint-Simon's *Memoirs*, I, 61 ff.

²⁶ Knittle, *Early Eighteenth Century Palatine Emigration*, p. 12 ff.

²⁷ This book, first printed in 1706, had by 1709 reached its fourth edition. The title was *Aussführlich und umständlicher Bericht von berühmten Landschaft Carolina, in dem engelländischen Amerika gelegen*.

²⁸ This point is carefully discussed by Knittle (*Early Eighteenth Century Palatine Emigration*, pp. 6-11), who shows conclusively that any religious difficulties were produced not by persecution but by the clash of the various sects among themselves.

²⁹ Knittle, *Early Eighteenth Century Palatine Emigration*, p. 9.

temporary writer—were ruled by Protestant princes.³⁰ The cry of persecution was one calculated to win English sympathies, which in so far as the Queen herself was concerned were especially susceptible at this time to an appeal for aid. Queen Anne's consort, the Lutheran Prince George of Denmark, died in October, 1708, and the funeral sermon preached for him stressed his interest in the Protestant cause. The Queen's natural interest in relieving these poor "Protestants" fell in line also with the prevailing economic theory of the day, which attached a high value to density of population. This interest was also consonant with the desire of the Pennsylvania and Carolina Proprietors to increase the population, and therefore the wealth, of their American domains. Early in 1709, to prepared for the absorption of the migrating Palatines, Parliament enacted a law permitting the naturalization of foreign Protestants.

In 1708 a small party of some forty Palatines had migrated under the leadership of the Reverend Kocherthal to New York, where they founded Newburgh on the Hudson River. As suffering in Germany increased in the winter of 1708-1709, the migration gathered momentum. By the middle of 1709 a thousand refugees a week were arriving at Rotterdam after desperate trips down the Rhine. Through the influence of the Duke of Marlborough, the victor of Blenheim, these families were taken from their improvised camps at Rotterdam and sent to England aboard the returning transports which had brought troops to the Low Countries to fight the French. Soon England had more than ten thousand of these refugees on her hands. The squares and taverns of London were crowded and the banks of the Thames were covered by the tents of these homeless wanderers, the feeding and clothing of whom presented a serious problem to the Crown's war-depleted treasury and to the private charity of sympathetic Englishmen. Some were returned to the continent, and all kinds of schemes were advanced to make the thousands that were left self-supporting. Suggestions as to places they might colonize included the Rio de la Plata in Brazil and the islands of Nevis and St. Christopher in the West Indies. Ultimately many were sent to Ireland and to New York, where it was

³⁰ Quoting from a letter written in 1709 by an English gentleman who visited a Palatine encampment near London. Knittle, *Early Eighteenth Century Palatine Emigration*, p. 8.

planned that they should manufacture naval stores for the British government.

The Lords Proprietors of Carolina were anxious to obtain colonists from among the Palatines. While still in Rotterdam, the Palatines had seen distributed among them, by agents of the Proprietors, handbills which promised them each one hundred acres in Carolina quit rent free for ten years. On July 16, 1709, the Proprietors petitioned the Board of Trade to take Palatines between fifteen and forty-five years of age as colonists provided the Crown paid the expense of transporting them, which, it was calculated, would be more than £10 per person.³¹ It was unnecessary, however, for the Proprietors to attempt the direct colonization of their province. Graffenried, Michel, and Ritter undertook that venture for them.

The Swiss promoters, who assumed a semi-official position because they were in a sense acting for the Bern government, attempted at first to obtain land in Virginia, a crown colony, over which Switzerland could hold some sort of extraterritorial rights. The Queen, however, refused to grant lands under an arrangement which would diminish her own sovereignty. The promoters obtained some lands in Virginia but shifted the intended location of their colony to Carolina because of the cheapness of the land and the fact that the Proprietors offered them special privileges unobtainable in Virginia.³² Michel began the negotiations with the Proprietors, who agreed on April 28, 1709, to sell ten thousand acres between the Neuse and Cape Fear at £10 per thousand acres.³³ They allowed a twelve-year option on one hundred thousand acres more and agreed, as a special privilege, to confer the title of landgrave upon whoever of the company should purchase five thousand acres. It is at this point that Graffenried first appears definitely linked with the enterprise. On August 4, 1709, he paid £50 for five thousand acres and was made a landgrave.³⁴ A few days later he was formally given a coat-of-arms and invested "in Robes of Scarlet interlaced with

³¹ Knittle, *Early Eighteenth Century Palatine Emigration*, pp. 24 ff. Todd and Goebel, intro., p. 44.

³² French Version, p. 361. These privileges gave them a minor sort of "sovereignty" over their lands. See below, pages 162, 163.

³³ *Colonial Records*, I, 707.

³⁴ A copy of his commission made by H. A. Brown, Jr., in 1896 from the original in possession of the DeGraffenried descendants hangs in the New Bern City Hall. It is dated July 28 but was issued August 4.

Gold, To be by . . . [him] worne on all great and solemn occasions."³⁵ Besides being Landgrave of Carolina, he was made Baron of Bernburg and Knight of the Purple Ribbon. With this impressive array of titles, Graffenried assumed direction of the entire project, Michel figuring to a lesser extent in the arrangements. Graffenried accepted his honors with pound-wise reserve. "But the bad part of it is," he wrote, "that with these titles there is not a proportionate revenue."³⁶

Graffenried's personal resources for this venture were extremely slim. He must have raised from his friends some amount above the £50 paid to the Proprietors, but he does not explain how much he obtained or how he obtained it. It was not necessary, however, for him or the rest of the promoters to finance the transportation of their colonists. In the case of the Swiss, the promoters were to be paid forty-five thalers a head for every Mennonite they succeeded in bringing to America, and five hundred thalers more for a group of about one hundred paupers.³⁷ The promoters had seen an opportunity to realize a similar return and to increase the number of tenants in their colony by including Palatines in it. With the blessing of the Lords Proprietors, who apparently had abandoned their proposal to the Board of Trade now that a private company was interested in the same object, Graffenried and Michel entered into an agreement on October 10 with the crown Commissioners for the Settlement of the Palatines—"as well for the benefit of the said Christopher de Graffenried and Lewis Michel as for the relief and support of the said poor palatines."³⁸ To Graffenried and Michel the Crown paid £5 10s. each for 650 Palatines "for their transportation to North Carolina . . . and for their comfortable support there." To the Palatines the crown supplied twenty shillings worth of clothes each. In return, Graffenried and Michel were to:

- (1) transport the Palatines and feed them during the voyage;
- (2) set aside 250 acres for each family free of quit rent for five years and thereafter to be held for a rent of two pence yearly;
- (3) supply them with provisions for the first year, this subsidy

³⁵ A copy of the document giving Graffenried his coat-of-arms, also made by Mr. Brown from the original in possession of the family, likewise hangs in the City Hall.

³⁶ French Version, p. 362.

³⁷ Bern Ratsmanuale, XLI, 229, 281. Quoted in Faust, "Swiss Emigration," p. 23.

³⁸ This contract is reprinted in Hawks, *History of North Carolina*, II, 54-58.

to be repaid by the Palatines after three years; (4) provide for each family within four months two cows, two calves, two sows, two ewes, and two lambs, the value of these likewise to be repaid by the Palatines; and (5) give to each family *gratis*, farm tools, axes, and other implements necessary for making a home in the wilderness. Michel and Graffenried were also required to give a bond of £5,000 for the faithful performance of their obligations.³⁹ Although a working capital had been provided by the Swiss and English governments in the form of transportation money, it is obvious from the contract that the enterprise demanded considerable resources.⁴⁰ The promoters themselves did not have such resources, and the crown, which had been told that at least £10 would be needed per person, was able or willing to put up only half that sum—and this not only for transportation of the Palatines but ironically for their “comfortable support” in the New World! Thus from the very first the financial structure of the colony was extremely shaky.

Graffenried as the chief figure in the project next purchased for his fellow promoters (though he completed the transaction personally) the 2,000 acres which had been offered to Michel at £10 per hundred acres. At a meeting on September 3, 1709, the Proprietors received his note for £100 due on January 1, 1710. It was agreed that Michel should have 2,500 acres. An important question—how the colonists should be provisioned until they could begin to make crops—was decided also at this meeting. The Proprietors declined to appropriate money for their support or to purchase outright the necessary supplies. Instead, they decided to order the Receiver General of the province, Christopher Gale, to furnish the colonists with such provisions as he had on hand.⁴¹ Graffenried and Michel were to pay the Proprietors after two years for these supplies. Graffenried seems to have received subsequently an order for £1,500 colonial currency worth of provisions, for which he was to repay the Proprietors

³⁹ Report to Georg Ritter and Company, German Version, p. 286.

⁴⁰ Graffenried mentions this contract briefly, saying it was “too long to insert here.” Nor does he quote from it accurately. He mentions a cow and two swine as the only livestock he was required to furnish. He ignores completely the fact that Michel was also a party to the contract. French Version, p. 363.

⁴¹ *Colonial Records*, I, 717-718.

with £1,000 sterling.⁴² ("A great cheat," wrote one Carolina resident in disgust, "for £1000 sterling is worth £3000 here in our pay.")⁴³ When their obligation became due, Graffenried and his backers paid in cash for the land they had purchased, a total of 17,500 acres including the 10,000 acres plus the lands set aside for Graffenried and Michel.⁴⁴

Before planting so large a colony on a faraway continent, Graffenried read and informed himself about the New World. He must have been acquainted with Lawson's book, which appeared in London in 1709, and without doubt he talked at length with Lawson himself, who was in London in that year seeing to its publication.⁴⁵ Graffenried probably was familiar also with Kocherthal's *Bericht*, and he mentions specifically the accounts of Blome and Hennepin.⁴⁶ He is careful to say that in assembling his colony he worked in close collaboration with the Commissioners for the Settlement of the Palatines. He chose "healthy, industrious people" and men of various crafts; accumulated a supply of "all kinds of necessary tools" and of "good food"; and saw to it, he thought, that good ships and crews were provided to transport the colonists on their voyage. The crown Commissioners, he says, inspected and passed on these ships. The Commissioners and the Proprietors appointed the Chief Justice, the Surveyor General, and the Receiver General of Carolina as "over-directors" of the colony, though what their responsibilities were is something of a mystery. At length, after much preparation, the Palatines sailed from Gravesend in January, 1710, after listening to an exhortation by Graffenried and a sermon by the pastor of the Reformed Church at Gravesend.⁴⁷ A convoy of English warships escorted them part of the way. Graffenried then returned to London to complete certain business transactions and to await the arrival of the Swiss, whom Michel was to conduct from Bern.

⁴² At the meeting of September 3 it was provided that repayment should be at the rate of "£50 per cent [i.e., £50 above every £100] discount," but no specific sum such as £1,500 was mentioned. Details of the loan evidently were completed later.

⁴³ The Rev. John Urmstone to the Society for the Propagation of the Gospel, July 17, 1711. *Colonial Records*, I, 775.

⁴⁴ French Version, pp. 362-363.

⁴⁵ Lawson, *History*, p. 85.

⁴⁶ German Version, p. 261. Todd and Goebel, intro., pp. 31-32.

⁴⁷ German Version, pp. 224-225.

One of these business transactions was the acquisition of mining rights in Carolina. On April 6, 1710, the Proprietors granted Graffenried and Michel a thirty-year lease on any mines they should discover, the ore to be divided among the Proprietors, the crown, and the promoters.⁴⁸ (In addition, the promoters held mining rights in Virginia and Pennsylvania.)⁴⁹ Another transaction was the signing on May 18 of the formal contract creating Georg Ritter and Company and incorporating Graffenried into the reorganized enterprise.⁵⁰ By this time the promoters had acquired more land. They had bought 1,250 acres from John Lawson at the Neuse-Trent fork.⁵¹ This, plus the lands previously purchased, gave them a total of 3,000 acres.⁵² These lands, with the mining rights, made up the assets of the company. The capital was to consist of twenty-four shares worth £300 each or a total of £7,200. As repayment for the Pennsylvania "mines" contributed by him, Michel was to have the yield of these for the first three years.

In the fourth year [says the contract] Mr. Ritter and Mr. von Graffenried, *since they have more of the expenses* [italics not in original], shall take out according to the amount of their shares contributed.

From this it would appear that Graffenried and Ritter had contributed most of the operating capital. Michel, for his "mines," and Ritter, for certain unspecified expenses, were each credited with a share. Graffenried, for the purchase of his 5,000 acres as well as for "expenses incurred through the Palatines and others," was also given a share in the company. The other members of the company were to pay for their stock "before the next approaching September [1710]." This enterprise, according to the contract, was to engage in mining and export trade.

Meanwhile, the Swiss colonists had encountered obstacles. They left Bern early in March.⁵³ Of the forty-three men and eleven women in the *Täufer* band, thirty-two were released at

⁴⁸ *Colonial Records*, I, 723.

⁴⁹ Todd and Goebel, intro., p. 47. Business Contract, German Version, pp. 293-294.

⁵⁰ Business Contract [between Michel and Graffenried, on the one hand, and Georg Ritter, Peter Isot, Albrecht von Graffenried, Johann Anthoni Järsing, Samuel Hopt, and Emanuel Kilchberger, on the other], German Version, pp. 292-296. There is nothing in Christoph von Graffenried's biographies to indicate what, if any, kin he was to Albrecht von Graffenried.

⁵¹ German Version, p. 293.

⁵² They also held the option on 100,000 acres, and Graffenried speaks of 25,000 acres on the White Oak River though this seems to have been merely part of the option. French Version, p. 362.

⁵³ Letter of Samuel Jacob Gabley, German Version, p. 308.

Mannheim owing to age and sickness.⁵⁴ At Nimwegen on the Dutch border, where the expedition arrived early in April, the remaining twenty-two gained their liberty when Dutch Mennonites succeeded in preventing by protest their forcible deportation.⁵⁵ Thus, only the hundred *Landsassen* or paupers kept on to England, where they arrived early in June and proceeded to Newcastle-on-Tyne, there to await the coming of their leader.

Graffenried left London immediately after the signing of the contract. He stayed in Newcastle several weeks during which he prepared for the voyage of the hundred Swiss. At the beginning of July the hopeful colony sailed away with a Yankee captain at the helm and with warships of Russia, which happened to be sailing nearby, as a convoy through the privateer-infested waters about England.⁵⁶ After a two-month voyage, Graffenried and his fellow-townsmen landed in September at Hampton, Virginia, from whence they proceeded up the Nansemond River to obtain wagons and other equipment for the overland trip into Carolina. In the latter part of the month, they reached the banks of the Neuse.⁵⁷

Graffenried found the Palatines in dire straits. They told a harrowing tale of death and suffering on their voyage. Buffeted by wintry storms, they were on the sea for thirteen weeks before they landed in Virginia.⁵⁸ Evidently their provisions had run short. Salt food and close confinement did their deadly work. One ship filled with vital supplies was plundered at the mouth of the James River by a French privateer operating almost within cannon shot of an English warship which lay helpless and demasted. And as if these misfortunes were not enough, a fever epidemic swept through the hapless Germans when they came to land.⁵⁹ At length, reaching the plantation of Thomas Pollock on the Chowan River, they had bought from Pollock some bare necessities and had proceeded through the sounds to Neuse River, where Surveyor General Lawson had settled them at the fork of

⁵⁴ Faust, "Swiss Emigration," p. 23.

⁵⁵ Ernst Müller, *Geschichte der Bernischen Täufer* (Frauenfeld, 1895), pp. 252, 278. Quoted in Faust, "Swiss Emigration," p. 23.

⁵⁶ French Version, pp. 364-365, 366.

⁵⁷ French Version, p. 369. Letter of Samuel Jacob Gabley, Todd and Goebel, *Founding of New Bern*, p. 309.

⁵⁸ German Version, p. 225.

⁵⁹ Graffenried attributes the fever to the starved colonists' eating too much fruit and water on landing. Perhaps the fever was shipfever or typhus.

Neuse.⁶⁰ Close confinement on the sea and the epidemic on land had taken a frightful toll: one half of the 650 colonists had died before even reaching their new home.⁶¹

Nor was this the end of their misfortunes. Almost all fell ill during the hot summer, and all without exception were weakened by privation. Many had sold their clothes to the neighboring English in return for food.⁶² The Bernese settlers, who had crossed the ocean without tragedy, looked on this disease, poverty, and despair with understandable misgivings, and some perhaps wanted to turn back.⁶³ Graffenried acted quickly in this emergency. He sent to Pennsylvania for flour and to Virginia for other necessaries, none being obtainable at this time from the Carolina government, which was verging on civil war because of political and religious dissension.⁶⁴ Corn, salt, lard, rum, and salt meat began to arrive, and the colonists faced the winter with more hope.

The heat of the summer and early fall in this new and strange climate must have undermined the Palatines' strength as much as lack of ready supplies and the ill effects of their voyage. Graffenried roundly blames Lawson for not allotting to the colonists their land immediately and for placing them "on the south side of this point of land along the Trent River, in the very hottest and most unhealthy portion."⁶⁵ This seems unfair to Lawson, for he could hardly have laid out the colony in the absence of its leaders. Graffenried forgets that if the south bank had been so "unhealthy," an able frontiersman like Lawson would hardly have chosen this spot for his own dwelling. His censure of Lawson looks strange indeed when one considers that Graffenried chose practically the same site for the town he called for his beloved Swiss city.⁶⁶

⁶⁰ German Version, p. 226.

⁶¹ The appalling mortality also occurred in the transportation of Palatines to New York. Knittle, *Early Eighteenth Century Palatine Emigration*, pp. 146-149. Why was this? Too low an allowance per person, unscrupulous ship captains, overcrowding, all bear a share in the blame. Todd censures the Crown Commissioners almost exclusively. But Graffenried and Michel was actually responsible for the Palatines' transportation by the terms of the contract. Both they and the Commissioners had inspected the ships. The blame is therefore difficult to fix. It would seem that all, promoters, Commissioners, and shipmasters, bear a share of the responsibility for these deaths.

⁶² German Version, p. 226. Graffenried blames in particular one "N.R.," an unidentifiable Englishman who bought many of the Palatines' effects. French Version, pp. 370-371.

⁶³ French Version, p. 370.

⁶⁴ German Version, pp. 227-228.

⁶⁵ German Version, p. 226.

⁶⁶ Another illogicality is that Graffenried charges that Lawson wanted the benefit of the Palatines' clearing for his own land. What land? Lawson could have owned only a few acres nearby at the most, since he had sold 1,250 acres to the company.

Another complaint made by Graffenried was that Lawson had sold the 1,250 acres as "unencumbered" land whereas it was held by the Indians under King Taylor. This was a not unusual situation; most of the desirable tracts were held by Indians, and the white settlers frequently found it necessary to pay the Indians as well as the Lords Proprietors for their holdings.⁶⁷ At first, wrote Graffenried, the Indians were hostile "because they were incited . . . by jealous traders." Very sensibly Graffenried purchased from the natives enough land on the point for his cabin, but, seeing friction develop between the colonists and their Indian neighbors, he decided to buy the whole fork and induce the tribe to move farther up the Neuse.

And so [he writes] we decided upon a day to make our agreement. The kinglet dressed himself in his best, but in such a grotesque fashion that he seemed more like an ape than a man. He came with seventeen fathers of families. They went out into an open field and placed themselves in a circle on the ground. I also put on whatever would glitter most, had a chair brought for me, and taking to my side an interpreter, a savage who spoke English well, I broached the matter and the object of this assembly. After having represented my reasons to them they also told their own, and to speak without partiality they had better reasons in their opposition than I. Nevertheless we came to an agreement. I made them several small presents of little value, and as purchase price for this land in question I gave to the king two flasks of powder holding four pounds, a flask holding two pounds, and with that 1,000 coarse grains of buckshot; to each of the chiefs a flask of powder and 500 lead shots [a marginal note on the MS says "some rather coarse shot"]. After that I had them drink well on rum . . . and the agreement was made.⁶⁸

This solemn occasion was marred by an exceedingly foolish act on the part of Michel, who, having got drunk with some Englishmen who had dined with him and Graffenried, snatched off the chief's head-dress and abused one of the tribesmen. Graffenried had a difficult time reassuring the Indians and regaining their confidence. He promised to keep Michel away from them and sent him to survey some lands on the White Oak River on which they were considering settling an extension of the colony. When he completed this mission, Graffenried dispatched him to

⁶⁷ The minutes of a court "at Pamlico" November 22, 1704, list payments to Indians for land. *Historical and Genealogical Register*, I, 441. Graffenried claims to have paid three times for the site of New Bern: to the Proprietors, to Lawson, and to the Indians.

⁶⁸ French Version, p. 374.

Pennsylvania to survey the silver mines. Soon after the agreement with King Taylor, Graffenried visited Coree Town ten miles up the Neuse and assured that tribe of his intention to dwell in peace among them.

Appeasing the Indians and struggling to provide for the infant colony left Graffenried little time to devote to the establishment of the town. It was not long, however, before he had Lawson lay it out according to plan. He explains this episode in some detail:

Since in America they do not like to live crowded, in order to enjoy a purer air, I accordingly ordered the streets to be very broad and the houses well separated one from the other. I marked three acres of land for each family, for house, barn, garden, orchard, hemp field, poultry yard and other purposes. I divided the village like a cross and in the middle I intended the church. One of the principle streets extended from the bank of the river Neuse straight on into the forest and the other principle street crossed it, running from the Trent River clear to the Neuse River. After that we planted stakes to mark the houses and to make the first two principal streets along and on the banks of the two rivers, mine being situated at the point.⁶⁹

The first structures built were a storehouse or "proprietor's house" and Graffenried's lodging, referred to as being on the point between the Neuse and Trent.⁷⁰ "A good number" of colonists began to fell timber and build houses, and Graffenried began to concern himself with formally naming the infant town. This was done, he tells us, "in great solemnity."⁷¹ The name of the river was joined to that of the founder's city, and "Neuse-Bern"—"Bern on the Neuse"—soon became known to the English as New Bern.⁷²

Only a small part of the colony—twenty families, according to a notation by Graffenried on his map⁷³—seems to have inhabited the town. In accordance with his belief that "artisans are better off in a city than on plantations," Graffenried encouraged only craftsmen to settle in the town.⁷⁴ There were with the colony several carpenters, a mason, a locksmith, a blacksmith, one or

⁶⁹ French Version, pp. 374-377.

⁷⁰ German Version, p. 287.

⁷¹ French Version, p. 378.

⁷² *Neu=Bern*, the German equivalent of New Bern, does not have a sound very similar to the English words. Therefore it seems clear that Neuse-Bern—the Indian word plus the name of the Swiss city—suggested the name New Bern to the English. The naming is related only in the French Version: "Il S'agissoit de doner un nom a la Ville ce que nous fimes en grande Solennitee, et nous joignimes au nom de Neus celui de Berne, ainsi fust baptisee Neuberne." French Version, pp. 341, 378.

⁷³ This is the map of 1710, referred to immediately below.

⁷⁴ French Version, p. 377.

two shoemakers, a tailor, a miller, an armorer, a butcher, a weaver, a turner, a saddler, a glazier, a potter and tilemaker, one or two millwrights, a physician, a surgeon (i.e., barber),⁷⁵ and a schoolmaster.⁷⁶ Even this sizeable representation of trades was not sufficient to care for the needs of the four hundred colonists. Graffenried wrote the company to send a bookkeeper and other artisans to people the town. In inviting these to America, he adds, providing us with a glimpse of the psychological effects of the New World, an understanding should be had with them before sailing, "for when they get here they immediately become puffed up, want to be masters themselves."⁷⁷

The greatest single lack was that of a pastor. The devout Swiss were especially perturbed by this situation. One of these settlers wrote with profound emotion to his kinsmen in Switzerland:

But one thing lies heavy on us which I cannot write without weeping, namely the lack of a true and zealous pastor. For we have indeed cause to complain with Asaph, our sign we see no more, no prophet preaches to us any more, no teacher teaches us any more. We have, indeed, prayers in our houses every Sunday, but the zeal to cleanse away the canker of our old sins is so small that it is to be feared it will consume everything to the foundation, if the pitying God does not come to our help.⁷⁸

Graffenried did not intend that home services should take the place of public worship. He had intended to build a church in the middle of town, and the map he drew shows he also planned to build another up the Trent River.⁷⁹ The construction of neither of these churches was undertaken. By permission of the Church of England, Graffenried himself performed the rites of marriage and baptism. He also delivered sermons, reading them, he says, "after the English fashion." Under arrangement with the Church of England, a clergyman was to come once a year from Virginia

⁷⁵ Graffenried wrote to the company: "Thomas the barber and surgeon [evidently an indentured servant] wishes to finish out only his two years here. It will, therefore, be well to send a good surgeon." Report to Georg Ritter and Company, Todd and Goebel, *Founding of New Bern*, p. 292.

⁷⁶ French Version, p. 377.

⁷⁷ Report to Georg Ritter and Company, Todd and Goebel, *Founding of New Bern*, p. 284. Compare Letter of Christen Engel, Todd and Goebel, *Founding of New Bern*, p. 316.

⁷⁸ Letter of Christen Janzen, Todd and Goebel, *Founding of New Bern*, p. 318.

⁷⁹ This map accompanied the Report and is entitled "Plan der Schwytzerischen Coloney zu Carolina Angefangen im October 1710 durch Christophel von Graffenriedt und Frantz Ludwig Michel." A good reproduction is contained in both Todd and Goebel's and Muelinen's monographs. An English translation by R. H. Jente, head of the University of North Carolina German Department, has been used in this work.

to administer communion. This clergyman seems to have made one visit and to have preached on that occasion in English and French.⁸⁰ From the beginning there was no question but that the colonists would submit to the organization and institutions, if not conform to the worship, of the established church, which was then gaining its first real foothold in the province. In April, 1711, Graffenried, with the design of obtaining regular ministerial comfort for the colony, formally requested the Bishop of London, who was in charge of foreign missions, to receive him and his colonists into the Church of England.⁸¹ The Bishop of London recommended to the Society for the Propagation of the Gospel that it allow "a stipend for a chaplain to read Common Prayers in High Dutch," but nothing further seems to have been done.⁸²

Religion and crafts belonged to town life. A more important part of the colony, however, lay outside the town. This was the farm land upon which the settlers were to depend (once the initial period of subsidization was over) for their food and trade. Very sensibly, Graffenried made it one of his first acts to allot to each family its 250-acre farm.⁸³ According to his map, these farms extended on both sides of the Trent River up to and including Mill Creek and its tributaries, several miles beyond the site of present-day Pollocksville. A few of the colonists also held farm lands on the Neuse. The names of the Swiss families (but not those of the Germans) were noted on the map. Along the Neuse were the "Währney brothers," "Jac. Ziorien," and "Samuel Huntziger." On the Trent were "Casper Zobrist," "Hopf," "Haberstich," "Nussbaume," "Müller," "Berger," and, next to William Brice's land, which is also indicated, one Johann Jacob Bötschi, who styled himself "Clerk of Court and Captain in Carolina."⁸⁴ Along Mill Creek and its branches were "Hans Rügsegger," "Bendicht Kupfer Schmidt," "Chrissy Engel," "Christian Bautzle the tanner," "Rudy Kistler," "Peter Reutiger," "Christian Janssi," "the brothers Ziorien," "Johan Wyss-

⁸⁰ French Version, p. 377.

⁸¹ *Colonial Records*, I, 156.

⁸² *Colonial Records*, I, 831.

⁸³ German Version, p. 227.

⁸⁴ On the map he is called "Landschreiber [Clerk] Bötschi," but in a letter he signs himself "Landschreiber und Hauptmann in Carolina." Letter of Johann Jacob Bötschi, Todd and Goebel, *Founding of New Bern*, pp. 209, 312.

mer," "Peter Zuleman," and others. This rather numerous though scattered series of farms was almost a separate town in itself. Along Mill Creek, a chapel or church was to have been built; and not far from it a water mill and a sawmill were begun.⁸⁵ There was only one water mill in the province, Graffenried wrote; most of the Carolinians used hand mills.⁸⁶ (Although Graffenried makes no mention of it, there was a horsepowered mill on the Pamlico River which had been purchased and set up in 1707 by Christopher Gale, John Lawson, and Maurice Llewellyn.)⁸⁷ Finally, at the junction of Trent River and Mill Creek, Graffenried caused to be constructed a hexagonal blockhouse and a series of redoubts which extended from the blockhouse along the northward bend of the Trent. These were for protection in case of Indian attack.

Some special form of government was necessary, in addition to the regular English administration, for so large a transplantation of Swiss and Germans. The "special privileges" which the Lords Proprietors had granted Graffenried as inducements to settle in their province had anticipated the requirements of this "foreign" colony. The Proprietors promised that although the colonists' disputes with the English were to be settled in English courts, the disagreements among themselves should be settled before Graffenried.⁸⁸ They also allowed "right of city and market or fair at New Bern"—a typical Old World institution.⁸⁹ Most important of all, they permitted, theoretically at least, liberty of religion and freedom from all English taxes except the quit rent. Such a quasi-sovereignty was a highly important concession.

Graffenried tells us that when New Bern was founded he decreed a market once a month and a fair once a year. Furthermore, he made "several regulations and ordinances as well for the military as for the civil affairs."⁹⁰ As to what these ordinances were there is no indication. This one-man government was quite simple and strongly feudal in character. As a Land-

⁸⁵ These are indicated on the map.

⁸⁶ German Version, p. 228. Compare Byrd's *Histories*, p. 304.

⁸⁷ Beaufort County Deed Records, I, 187.

⁸⁸ The Proprietors reserved the death penalty to themselves. French Version, p. 363.

⁸⁹ The significance of this "right" is not entirely clear.

⁹⁰ French Version, p. 378.

grave, Graffenried was a member of the nobility which had been planned for the province in 1669 by the philosopher John Locke, secretary of the Earl of Shaftesbury, who was one of the original Proprietors. The Fundamental Constitutions, as Locke's air-castle system of government was called, were never fully put into effect. They provided among other things for leet courts—that is, feudal courts presided over by the local land-barons. Todd believes that Graffenried adapted part of the Fundamental Constitutions to the use of the colony and that the government of New Bern “was the nearest approach to Locke’s ideal ever established in this country—the only one founded on the Grand Model.”⁹¹ There is no doubt about Graffenried’s relationship to the colonists being a feudal one. He observes that they owed him fidelity and he owed them protection.⁹² He exercised his privilege of punishing wrong-doers and mentions sentencing a Palatine blacksmith to a day’s log-sawing for disobedience, stealing, and using profane language.⁹³ On one occasion he invoked the feudal right expressly given in the Fundamental Constitutions to land-graves, casiques, and lords of manor, of *permitting* his people to leave their farms and look for work.⁹⁴ It is doubtful, however, that any serious attempt was made by Graffenried to revive Locke’s Utopian order. It seems rather that the exigencies of the frontier forced the colonists into a serf-like obedience to their leader, on whom they were completely dependent until they could become self-sustaining. But there is nothing, in the letters of the Swiss, for example, to indicate that they regarded themselves as bound irrevocably and hereditarily to the soil of an overlord, as Locke’s Constitutions provided.⁹⁵ On the contrary, they had every expectation of becoming prosperous freeholders in their own right. At most, the feudal character of the government was temporary. The frontier, with its inspiration of independence resulting from cheap land, would in time have ended such an arrangement even if events that are discussed elsewhere had not interposed.

⁹¹ Todd and Goebel, intro., p. 70.

⁹² French Version, p. 363.

⁹³ German Version, p. 235.

⁹⁴ Todd and Goebel, intro., p. 69.

⁹⁵ “All the children of leet men, shall be leet men, and so to all generations.” Article XXIII of the Fundamental Constitutions. *Colonial Records*, I, 187 ff.

During the early months of the settlement, the colonists seem to have been in fairly hopeful spirits. Few complaints are made in the letters of the Swiss written in the spring of 1711.⁹⁶ Certain manufactured goods were needed, principally knives, axes, linen cloth, mill stones, household utensils, and specialized tools such as "a small hub auger to bore plow wheels."⁹⁷ Other articles, likewise scarce in the New World, were wanted for the Indian trade. Three or four times the cost could be made on iron pots, copper kettles, metal tobacco pipes, brass hoe rings, knives, hornpipe stems, and other trinkets.⁹⁸ "The Indians buy such things," wrote one Swiss, "for as much as one desires."⁹⁹

The hardships of the journey had nonetheless left their mark. For old people and children the voyage had been difficult and often fatal.¹⁰⁰ Many of the women had died and left the men, as one settler put it, "with no wives to wash and mend for us."¹⁰¹ The Swiss were consequently very cautious about urging their homefolk to follow them. In only one of the letters did the writer advise that the journey was "easily to be made," and even he explained that this journey should be undertaken only by those who could supply themselves properly with dried fruit and meats for the sea voyage.¹⁰² All of the others agreed in general with the attitude expressed by Samuel Jacob Gabley, who wrote that he "would not cause anyone to come here, nor . . . advise it, because of the costly and difficult journey over the fearful and wild sea."¹⁰³ "Whoever has not the guidance of God [*die Anleitung von Gott*]," wrote Hans Rügsegger, "he may stay in Switzerland." Poor Hans indeed believed himself to be at the ends of the earth, for he wrote his letter "Out of India or America, in the Island of North Carolina, on the river Neuse!"¹⁰⁴

⁹⁶ The colonists had one serious complaint not mentioned in these letters—lack of livestock. This will be discussed in the next instalment of this article.

⁹⁷ Letter of Jacob Währe, Todd and Goebel, *Founding of New Bern*, p. 310. Letter of Christen Engel, Todd and Goebel, *Founding of New Bern*, pp. 314-315. Letter of Christen Janzen, Todd and Goebel, *Founding of New Bern*, p. 319. Report to Georg Ritter and Company, Todd and Goebel, *Founding of New Bern*, p. 289. Memorial [Relating to Carolina], Todd and Goebel, *Founding of New Bern*, p. 304.

⁹⁸ Letter of Michael Ziorien, Todd and Goebel, *Founding of New Bern*, p. 313.

⁹⁹ Letter of Christen Engel, Todd and Goebel, *Founding of New Bern*, p. 315.

¹⁰⁰ Letter of Jacob Währe, Todd and Goebel, *Founding of New Bern*, p. 310.

¹⁰¹ Letter of Christen Janzen, Todd and Goebel, *Founding of New Bern*, p. 319. Letter of Hans Rügsegger, Todd and Goebel, *Founding of New Bern*, p. 307. Letter of Christen Engel, Todd and Goebel, *Founding of New Bern*, p. 314. The wives of both Engel and Janzen died but the latter was fortunate enough to find a wife and remarry.

¹⁰² Letter of Christen Janzen, Todd and Goebel, *Founding of New Bern*, p. 319.

¹⁰³ Letter of Samuel Jacob Gabley, Todd and Goebel, *Founding of New Bern*, p. 308.

¹⁰⁴ Letter of Hans Rügsegger, Todd and Goebel, *Founding of New Bern*, pp. 307, 308.

Despite this realization of being separated from their native land by thousands of miles of stormy ocean, the colonists appeared to be content in that first springtime of their new home. The powerful lure of independence and the expectation of becoming well off erased to a great extent the memory of past hardships and the prospect of future ones. For this was a continent where a man

. . . can get as much land as he has need of. He can keep as much cattle and swine as he is able, and the swine become, of themselves, fat and good to butcher.¹⁰⁵

It was a rich country, and a free one.—

We are in a very good and fat land. I am in hopes that within a year I shall have over a hundred head of horses, cattle and swine. If one would present me with the whole lowland, in order that I should go back to Switzerland and take up my former service, I would not do it on account of the freedom of conscience.¹⁰⁶

As for the fearful voyage, it was over now.—

The journey is certainly hard and was hardest for me. But after the rain comes sunshine. And now we are, the Lord be praised, all as well as we have never been before.¹⁰⁷

“After the rain comes sunshine.” Though there were many handicaps unknown to the simple settlers, the enterprise seemed to be making progress. Michel had purchased a sloop, the *Returne*, and Graffenried began to plan for an extensive trade with the West Indies.¹⁰⁸ He hoped to export pork, beef, flour, cask staves, and hoops to Barbados; to bring cotton, sugar, rum, and molasses to Carolina; and occasionally to voyage to the Madeiras for wine, or to England with rice, hides, and naval stores which would be exchanged for manufactured goods badly needed in America.¹⁰⁹ The *Returne* made at least one trip to Bermuda early in 1711, bringing back salt, molasses, corn, sugar, and other supplies.¹¹⁰ Graffenried actually planned to enlarge the enterprise by locating additional settlers on the White Oak River. He sent Böttschi the clerk abroad “expressly to recruit

¹⁰⁵ Letter of Jacob Wahre, Todd and Goebel, *Founding of New Bern*, p. 309.

¹⁰⁶ Letter of Hans Rügsegger, Todd and Goebel, *Founding of New Bern*, p. 306.

¹⁰⁷ Letter of Christen Engel, Todd and Goebel, *Founding of New Bern*, p. 315.

¹⁰⁸ It was typical of Graffenried that he should tell the company that Michel bought the sloop “in my absence . . . since I would not dare to venture so much [£200 was the price].” and then in his account written in later years should claim credit for the purchase himself. Report to Georg Ritter and Company, Todd and Goebel, *Founding of New Bern*, p. 287. French Version, p. 379. *Colonial Records*, I, 867.

¹⁰⁹ Memorial, Todd and Goebel, *Founding of New Bern*, p. 305.

¹¹⁰ Report to Georg Ritter and Company, Todd and Goebel, *Founding of New Bern*, p. 287. French Version, p. 379.

people."¹¹¹ He boasted somewhat prematurely that his colony in a year had made more progress than the English in four years.¹¹² He was proudest of all of the city—the “little city,” [Stätt], he called it with the affectionate diminutive of his native tongue. Its situation, he wrote, “could not be finer, more cheerful and convenient.”¹¹³ The governor and members of the council bought lots in it, and from, as far away as Virginia and Pennsylvania land-buyers took up holdings in the infant town.¹¹⁴ So propitiously did the founding take place that Graffenried thought immediately of the possibility of moving the seat of government from Little River in Perquimans Precinct to New Bern. For at Little River, the meeting place of the Assembly, Graffenried observed there were only a few scattered houses “where we were badly lodged and had no security,” whereas New Bern, with its fortifications and easily defended site, was the most potentially secure place in the entire province.¹¹⁵

This was indeed a prophetic observation, though one of tragic irony. New Bern did become the seat of government, though Graffenried did not live to see it. Instead, he learned within a pitilessly short time how insecure from Indian attack the town actually was.

¹¹¹ Report to Georg Ritter and Company, Todd and Goebel, *Founding of New Bern*, p. 289.

¹¹² German Version, p. 228. Evidently Graffenried dates the opening up of the south side of the river from 1707.

¹¹³ Report to Georg Ritter and Company, Todd and Goebel, *Founding of New Bern*, p. 284.

¹¹⁴ French Version, Todd and Goebel, *Founding of New Bern*, p. 378.

¹¹⁵ French Version, p. 378.

THE SOUTH CAROLINA DISPENSARY SYSTEM

PART I

By ELLEN ALEXANDER HENDRICKS

"Drunkenness may be called an endemic vice of Carolina. The climate disposes to it, and the combined influence of religion and education too often fail [*sic*] to restrain it."¹ Thus wrote Dr. David Ramsey in 1809, speaking of the state of South Carolina. Can legislation accomplish what religion and education fail to do? An effort toward control by the legislature of South Carolina in 1892 created the South Carolina dispensary system and a muddled political situation that, even after the passing of half a century, Carolinians blush to review.

In theory, the South Carolina dispensary system had a two-fold purpose: to reduce the evils of the liquor traffic by taking it out of private hands, and to retain the entire profits for state and municipal purposes. A review of the legislative measures on liquor traffic from colonial days until the passing of the Dispensary law in 1892 indicates that these purposes were in step with the general laws on the question.

The earliest regulative measures were designed against unrestricted sale. As early as 1683 the colony had passed an act to prevent unlicensed taverns and punchhouses.² Later acts placed further restrictions on the private retailer and brought with it more revenue to the state through the license system.

Until the first decade of the nineteenth century, temperance advocates generally had refused to consider restrictive legislation as a proper means of effecting their cause. The State Temperance Society of South Carolina had undertaken to persuade men to be sober, and disclaimed utterly "all sectarian or political combinations, and all dependence upon, or intention to seek legislative aid."³ To this attitude Judge O'Neal, president of the state organization, attributed the failure of the extensive campaign staged by the anti-license people in 1839 for repeal of the liquor laws.⁴

Many temperance followers were convinced that the lure of profits to be gained from the liquor traffic was nullifying their

¹ David Ramsey, *The History of South Carolina*, II, 391.

² *Standard Encyclopedia of the Alcoholic Problem*, VI, 2488.

³ *The Permanent Temperance Documents* (Columbia, 1846), I, 427.

⁴ John Allen Krout, *The Origins of Prohibition*, p. 274.

efforts, and they turned to legislation to aid them. They stressed prohibition by law as the aim of their organization and were developing a strong influence on the law-making body when all law and order was brought to a halt by the Civil War and Reconstruction periods. During the carpetbagger rule the open saloons flourished without much interference from the state.

With the return of order in 1876 there was a united constructive work for temperance which resulted in a number of special acts for different localities in the state. By the end of the 1880's there were six counties and more than sixty towns and villages in South Carolina under the no-license provisions by special acts. The law as it existed in 1889 provided that no license should be granted outside the incorporated cities, towns, and villages, and that it should be unlawful for any person to sell liquors without such license. Licensees paid one hundred dollars to county treasurers, and were permitted to keep saloons apart from taverns and eating-houses. The sellers were made responsible for injury to the person or property of any intemperate, minor, or insane person to whom they sold intoxicating drink. Public drunkenness was forbidden; and saloons were required to close their doors at six o'clock of the evening.

It remained for prohibition to assume a definite shape under the leadership of Lysander D. Childs, prohibition advocate from Richland County, who had early in life taken a decided stand for prohibition. He entered political life as a Democrat in 1888 when he was elected to the legislature from Richland County. He soon became a prominent advocate of prohibition, introducing a bill for its establishment in 1889. Sentiment for the measure was so strong that it was defeated by only eight votes. In 1890 Childs was again elected to the Legislature, and again he introduced his bill providing for absolute prohibition. The bill passed the house but was defeated in the senate.⁵

Encouraged by this success, the prohibition advocates from various sections of the state issued the following notice:

Whereas, the traffic in intoxicating beverages is one of the most prolific causes of degradation and ruin to the individual, property, and wretchedness to the home, disorder, pauperism, and crime to the commonwealth and an enormous drain upon our already impoverished peo-

⁵ *Journal of the House of Representatives of the State of South Carolina*, 1891, p. 238.

ple; and whereas the agitation of last winter in the General Assembly has placed the issue squarely before the Democratic party in South Carolina;

Therefore, we the undersigned, at the urgent solicitation of a large number of people, invite all Democratic voters favoring the prohibition of the liquor traffic to meet in Columbia, May 26, at 6 o'clock p.m. in the Hall of the House of Representatives, there to form and adopt the best plan for presenting the question to the people at the coming election through the regular Democratic organization.⁶

The convention met on the date scheduled. There were eighty-nine delegates present, representing twenty-three counties. It was decided by the convention that Childs should canvass the state in the interest of prohibition, that a state executive committee should be appointed to arrange a campaign in the interest of prohibition, that a county executive committee should be appointed for each county whose duties it should be to arrange public meetings in which the subject should be discussed by the people, and that the members of the convention should organize prohibition clubs among the Democratic voters friendly to the cause of prohibition, for the purpose of educating the public mind in the principles of temperance and the advantages of prohibition.

The following address was issued to the people:

The Prohibitionists of South Carolina in convention assembled, acknowledging Almighty God as the source of all power in government, do hereby in the name of God and humanity issue to the people of South Carolina this address. The liquor traffic—as now fostered by the Government, protected by the laws, entrenched by long usage, and tolerated beyond the bounds of endurance, imposing enormous, avoidable and economic burdens upon individuals, families, and the State; the mother cause of poverty, vice and crime; the nucleus for impurity, anarchy and death—is in either high or low license, unscriptured in principle and contrary to good government and should be utterly prohibited by law.

Therefore, we appeal to the people who have the inalienable right to govern, and who have the right to be heard in all measures affecting them socially, financially and politically, but who have not heretofore fully exercised this right in this question to come to our aid.

We call upon all lovers of righteous government in the State to use every effort for the prohibition of this traffic in this State.

We recommend that the people demand that all candidates for the

⁶ *The State*, May 13, 1892, p. 8.

House and Senate place themselves on record on this question to the end that the prohibition votes of the county may be intelligently cast.⁷

Through the influence exerted by the prohibitionist forces, the Democratic executive committee permitted a separate box to be placed at each polling place of the primary election for the purpose of determining the public sentiment on the question of prohibition. Twenty-seven of the thirty-five counties declared for a general prohibitory law. The returns of the vote was 40,338 for prohibition; against prohibition, 30,197. There were about 20,000 more votes cast for candidates than were cast on the prohibition question.⁸

Fearing the strength of Childs, Richland County, decidedly in favor of continuing the license system for handling the liquor traffic, failed to return him to the legislature. In spite of his failing to be reelected to the legislature, Childs was determined to get a prohibition measure before the house in 1892. He called a meeting of the state prohibition executive committee of which he was chairman, and drew up a bill providing for strict prohibition. He was uncompromising in his demands, preferring to have "no prohibition law passed at all until he could get an effective one."

The bill thus prepared was introduced into the house by Representative E. C. Roper. With the amendments offered by Representative S. A. Nettles, it passed the house by a vote of fifty-seven to thirty-seven,⁹ and was sent to the senate for consideration.

Affairs at this point took a peculiar turn, and can be understood only in light of the unique political situation in the state. This situation centered around Benjamin R. Tillman, governor from 1890 to 1894, whose popularity among the farm elements had made him virtual dictator.

Tillman was born in Edgefield County, South Carolina, August 11, 1847. He was educated at Bethany, South Carolina, and made the most of his scant educational opportunities by reading all the books in the library that his brother George had accumulated at

⁷ *The State*, May 27, 1892, p. 1.

⁸ *The State*, Sept. 13, 1892, p. 8; also B. R. Tillman, "The South Carolina Liquor Law," *North American Review*, CLVII, 140; D. D. Wallace, *History of South Carolina*, II, 359.

⁹ *The News and Courier*, Dec. 22-25, 1892.

their home. Joining the Confederate Army in 1864, he suffered a severe illness that kept him from military service and left him with the handicap of the loss of an eye.

Among the early influences that shaped his political philosophy was the career of Martin Gary, an Edgefield man who had won distinction for his services in the Confederate Army and who had entered politics after 1876. Tillman vigorously championed his cause in the Edgefield convention of 1880, when he ran for governor. Gary was defeated by Johnson Hagood, the Hampton candidate. Tillman, as well as Gary, felt keenly this defeat, and blamed his failure to secure office to the "Aristocratic oligarchy" in the state.¹⁰

In the county convention of 1882 Tillman took a leading part and was elected to the state Democratic convention of that year. It was not until 1885, however, that he really became a figure in the political situation in his state. He had contented himself as an Edgefield farmer until the years between 1881 and 1885 brought a series of crop failures that forced him to sell much of the land he had purchased. He then determined to find a remedy for the evils that discriminated against the agricultural elements.

His first move was to provide a system by which the farmers could get an agricultural education; to this end he organized numerous county and agricultural clubs. "Every newspaper," says Dr. Simkins, "had something to say about him; a few gave praise; some knew not what to say; many condemned him."¹¹

His second move was to call a convention of farmers at Columbia, April 29, 1886. He kept himself from that time on constantly before the public eye. He delivered addresses, published letters defending the farmers' convention, and took an active part in the political conventions. By 1886 his popularity among the farmers had grown to such an extent that his name was mentioned as a possible candidate for governor.¹²

He had, however, created a large number of political enemies, and but for his offensive, dictatorial methods, the legislature might have granted to the agriculturing class many of the reforms requested in 1886. The realization that his manner-

¹⁰ Francis Butler Simkins, *The Tillman Movement in South Carolina*, p. 21.

¹¹ Simkins, *The Tillman Movement*, p. 64.

¹² Simkins, *The Tillman Movement*, p. 70.

isms were handicapping the progress of the movement would have caused Tillman to retire from active politics had there not been the need for a strong leader and had he not felt that he was the only man who could take that lead.¹³

In 1888 he canvassed the state, and inspired enthusiasm everywhere; even in Charleston where he criticized the people for their aristocratic conservatism and rudely insulted the city, he was listened to without effective interruption. He secured the lower house and might have controlled the Democratic state convention if the election of delegates to the nominating convention had been postponed until after the canvass.¹⁴

Tillman had aroused, by his ability to write, to speak, and to act, a feeling among the agricultural masses that enabled him to win the election for governor in 1890. He won by a majority vote of 59,159 over a vote of 14,828 for A. C. Haskell.¹⁵ The campaign had for the first time in the history of South Carolina brought the candidates for governor together in a county-to-county canvass.

During his first administration, Tillman lacked the control over the legislature that would have enabled him to secure for the state all that he recommended in his reform program. He resolved to replace the men who opposed him with men who followed his dictates. He set about electing Tillmanites to such offices as became vacant, and by 1892 he had accomplished his purpose of securing a majority in the legislature who favored his reform program. His reelection that year was an overwhelming victory; his opponent for the governorship, J. C. Sheppard, carried only five of the thirty-five counties. In the new legislature only eight of the thirty-six senators and twenty-two of the one hundred and twenty-four representatives were anti-Tillmanites.¹⁶ With this majority in both branches of the General Assembly Tillman was able to pass over conservative opposition the reforms that had failed in previous sessions.

This was the situation as it existed when the prohibitionists were attempting to pass the measure providing for state-wide

¹³ Wallace, *History of South Carolina*, III, 341.

¹⁴ Simkins, *The Tillman Movement*, p. 95.

¹⁵ *Reports and Resolutions of the General Assembly of the State of South Carolina*, 1890, I, 604.

¹⁶ Simkins, *The Tillman Movement*, p. 170.

prohibition. The Roper bill had passed the house and was before the senate for consideration.

Governor Tillman up to this point had not interfered with the progress of the bill, although it was generally known that he did not believe that prohibition could be enforced. In his message of 1892 he had minimized the value of the vote cast for prohibition at the primary election as "an abstract proposition without definite legislation being indicated," and receiving "a majority of the votes on the subject, although not a majority of the total votes cast," thus indicating "a wish on the part of a large number of people that there should be some restrictive legislation in regard to the liquor traffic." The problem demanded solution. "Granting the possibility of doing something towards abolishing the nuisance of bar-rooms," he continued, "I would call your attention to the law now in force at Athens, Georgia, by which a dispensary for the sale of liquor is provided and which, after trial, is pronounced a success by the prohibitionists themselves."¹⁷

The idea of the dispensary system thus recommended to the General Assembly had first been introduced into America in 1891 when the Georgia legislature granted to Athens a local dispensary system.¹⁸ The principle of eliminating the element of private profit by placing the sale of whiskey in the hands of salaried agents had been used in the city of Gothenburg, Sweden, as early as 1865.¹⁹ Athens had built her program around that plan.

T. Larry Gantt, a former resident of Athens, brought the Athens system to the attention of Tillman, and, according to Dr. D. D. Wallace, converted him to the belief that the dispensary was the best solution of the liquor problem.²⁰ The principle involved was to minimize the evils of drink and engross the profits by a state monopoly.

The preparation of a dispensary bill had received no notice. The introduction, therefore, of such a measure, offered by John Gary Evans, of Aiken, as an amendment to the Roper-Nettles

¹⁷ *Message of Governor Tillman*, Nov. 22, 1892, in *Senate Journal*, p. 24.

¹⁸ Leonard Stott Blakely, *The Sale of Liquor in the South* (Columbia University Studies, LI (1912)), 16.

¹⁹ A. F. Fehlandt, *A Century of Drink Reform in the United States* (Cincinnati, 1904), p. 259.

²⁰ Wallace, *History of South Carolina*, III, 359.

prohibition bill came as a complete surprise. Evans informed the senate that Governor Tillman desired the passage of the bill he introduced. "All night long," says W. W. Ball, "the opposition filibustered against the dispensary bill. There were motions to adjourn, other dilatory motions, roll-calls and at one o'clock Senator George Lamb Buist took the floor. He spoke four hours and at six in the morning of a new calendar, but not legislative day, the minority surrendered."²¹ The bill had been introduced on December 21 and was ratified on December 24. The measure had passed the senate by a majority of eighteen to thirteen.²² It was accepted by the house, and written on the statute books as a state law.²³

In accounting for the passing of this measure Dr. Simkins says: "Tillman was able to effect his wish because of his hold upon the popular imagination and because a majority of the Legislature, who owed their positions to him, feared that he might order their defeat in the next election. Operating from his office in the lower regions of the State House, he, through personal admonitions administered individually in the strongest of language, forced the more recalcitrant of his partisans to support the bill."²⁴

The act provided for a Dispensary State Board of Control to consist of the governor, the Comptroller-General, and the Attorney-General. The governor was to appoint a State Commissioner to operate the system at the annual salary of \$1,800.²⁵ The State Board of Control was to appoint county boards of control who should in turn appoint one dispenser for each county, to do business at the county seat, except that there might be three for Columbia and ten for Charleston.

The Commissioner was given the task of purchasing all liquors, and making sales to dispensers. He was not to receive for such liquors sold to them more than fifty per cent above the net cost. It was required of him to make a printed quarterly report of all liquor sold by him. The rules and regulations for purchases were

²¹ W. W. Ball, *The State That Forgot—South Carolina's Surrender to Democracy* (Indianapolis, 1932) p. 248. Mr. Ball was an Anti-Tillmanite, with very decided views, and must be recognized as such when referred to throughout this monograph.

²² *Senate Journal*, 1893, p. 497.

²³ *Acts of South Carolina*, 1892, p. 63.

²⁴ Simkins, *The Tillman Movement*, p. 188.

²⁵ The commissioners' salary was increased to \$3,000 by an act of 1893, and, again, decreased by an act of 1895 to \$2,500.

to be made by the State Board of Control. The Board was given the duty of supervising the institution.

Each county board of control was to consist of three persons whose duty was to make rules for the best management of the sale of intoxicating liquors in the respective counties, and to appoint dispensers and dispensers' assistants. The members of the county board were to meet once a month or more often, on the call of the chairman, and each member was to receive two dollars per day and five cents mileage each way, but should not receive compensation for more than thirty days in any one year.

The county dispensers were to be appointed by the county board upon application, filed at least ten days before the time for appointment. To be eligible for the position, the applicant had to prove that he did not drink, and had never been before a judge for violating the law relating to intoxicating liquors. He was required to file with the county board and with the clerk of court a petition signed by a majority of the freeholder voters of the incorporated town or city in which the permit was to be used. He was to take office upon oath to purchase, keep, and sell intoxicating liquors as provided by law. He was required to keep a strict account of all liquors received, and was subject to removal by the county board. His salary was to be determined by the county board.

All profits, after paying all expenses of the county dispenser, were to be paid one-half to the county treasurer and one-half to the municipal corporation in which the dispensary was located, such settlements to be made monthly.

A person desiring to purchase liquor was required by law to file an application with the dispenser. If the applicant was given to using liquor in excess or was intoxicated at the time of application, he was to be refused a sale. The place of sale was confined to certain localities. No minor could make a purchase at the dispensary. No wines or liquors were permitted to be sold from the dispensaries except in packages as received from the State Commissioner, and no bottles were to be opened in or around the dispensary. Liquors and wines were not to be sold on Sundays except for medical purposes upon prescription of a physician. The doors were not to be opened for business before the

sunrise and were to be closed at sundown. The governor was to appoint a constable or constables to see that the provisions of the law were observed.²⁶

The duty of formulating rules for dispensaries had been conferred upon the State Board of Control, consisting of Governor B. R. Tillman, Attorney-General D. A. Townsend, and Comptroller-General W. H. Ellerbe. The following regulations were issued:

First. County dispensaries will be open for the sale of liquor at 7 o'clock, a.m., April 1, to October 1, and close at 6 p.m. The rest of the year the hours will be from 8 a.m. to 6 p.m. In cases of illness only, sale may be made at night.

Second. No loafing will be allowed around a county dispensary.

Third. When the applicant for the purchase of liquor is unable to write, he or she, can make a cross mark and the same attested by the county dispenser will be received as if made in accordance with the act. Applications must not be filled for one person oftener than once a day.

Fourth. Applications can be filled on written orders made in good faith, when the name of the applicant is authorized to be signed by the county dispenser and persons known to said dispenser, or his identity is established to his satisfaction.

Fifth. County dispensers can carry on their legitimate business in connection with the sale of liquors in the same store, by paying a proportionate share of the rent, but this does not affect the time of closing as fixed in the rules. All liquors must be sold for cash and money deposited in bank each night.

Sixth. A member of the county board of control must be present when a shipment to a county dispensary is opened to certify to any breakage of bottles in transport, else no claim of that kind will be allowed by the State Commissioner.

Seventh. All packages containing bottles of liquor, wine or beer must be opened carefully so as to be returned to the State Commissioner without injury and the same must be shipped back at once. Any loss or damage will be charged to the county dispenser.

Eighth. Any liquor not in stock at the county dispensary will be purchased by the state dispenser on application through county dispenser or furnished from Columbia.

Ninth. If the county board of control or county dispenser, suspects any of infringing the law, a state constable will be detailed at once to investigate and make arrests upon application to the Governor. The same will be done when notice comes to the Governor from any reliable citizen.

²⁶ *Acts of South Carolina*, 1892, p. 63.

Tenth. Prices of the various brands of liquors on sale will be kept posted in a conspicuous place in each county dispensary. Any deviation from these prices, if reported, will cause dismissal of county dispenser.

Eleventh. Dispensaries will not be established at more than one place in a county until after consultation with the State Board of Control and by its permission.

Twelfth. The quarterly expense account of each county dispensary must be approved by each county board and submitted to the State Board for endorsement before it is paid by the country treasurer. County dispensers are required to conduct their business with the same economy as similar stores are run under private ownership. They will be allowed assistance only when the magnitude of the business warrants it and the State Board will issue the permit to employ a clerk upon proper showing.

Thirteenth. Alcohol will be kept in stock at Columbia or ordered from the distillery by the State Commissioner when the order comes through the county dispenser for barrel packages.

Fourteenth. In counties where no dispensaries are or can be established the county board of control can receive no compensation. Their appointment is for the purpose of soliciting their aid in enforcing the law.

Fifteenth. Any rules in addition to these, formulated by a county board will be submitted to the State Board for approval before they are enforced.

Sixteenth. County dispensers may provide refrigerators and ice with which to cool beer. The State Board will contract for same and then it can be ordered direct.²⁷

After the first month's statements were submitted, complications made it necessary to add the following rule:

Seventeenth. County dispensers are not required to enter individual names in the 'Dispenser's Record Book of Liquors sold, etc.,; Form 6'; all that is necessary is to enter the aggregate number of names of persons who have bought liquors, and who have filed their request in Form 8, the kinds of liquors sold, the quantity, kind, number of packages of each kind, amount of money received thereof and the amount of stock on hand of each kind must be made to the county auditor and all the request books that have been used during the month must be deposited with that officer. A similar report showing aggregates as above will be made by the county board of control.

Each night the county dispenser shall enter in 'Form 9,' the aggregate of the day's sales as shown in 'Form 6.' Whenever purchases are made from the State Dispensary the invoice will be copied in the same book and at the end of the month the book must be balanced and stock taken by the dispenser. At the end of every quarter a member of the county

²⁷ *The State*, May 21, 1893.

board must be present when the stock is taken and report any discrepancies in books and amount on hand.²⁸

The law had been passed under unusual conditions and was destined for a difficult enforcement. The urban element naturally resented the discriminating legislation that Tillman was forcing upon them. Columbia and Charleston were particularly hostile towards Tillman and opposed all his movements. There were also the liquor interests to be considered. Those persons engaged in selling whiskey, advertising it, or drinking it were not willing to abandon an old practice without a struggle. There was a third group, the prohibitionists, who were not willing to accept any compromise on the drink problem.

Before the time arrived for the act to be put into effect, the enemies of the Dispensary plan began a fight on the constitutionality of the law. It received its first judicial construction March 1, 1893, by Judge Charles Henry Simonton in the case of *Cantini v. Tillman*, in the Circuit Court of the United States for the District of South Carolina. The case arose when Geromic Cantini and Anania Cantini, who were doing business as importers and venders of spirituous, vinous, and malt liquors in Charleston, applied for a writ of injunction and a writ of subpoena to be directed to Benjamin R. Tillman and W. T. C. Bates, governor and treasurer of South Carolina, respectively, to appear before the court to show cause why they, the complainants, should suspend operation without due compensation from the state. The complainants attempted to prove that the Act of 1892 violated both the Constitution of the United States and that of South Carolina.

In answer to the questions involved in the case Judge Simonton drew the following conclusions:

We have seen that the right to sell intoxicating liquors is not a right inherent in a citizen, and is not one of the privileges of American citizenship; that it is not within the protection of the fourteenth amendment; that it is a right reserved by the states, and not delegated to the general government. In its lawful exercise, the states are absolutely sovereign. Such exercise cannot be affected by any treaty stipulations.²⁹

The act was brought in review before the Supreme Court of South Carolina in the case of *State ex. rel. Hoover v. Town*

²⁸ *The State*, August 11, 1893.

²⁹ *Cantini v. Tillman*, 54 *Federal Reporter*, p. 969.

*Council of Chester, and State ex. rel. Groeschal and Co. v. same.*³⁰ Major S. P. Hamilton of Chester, representing the saloon keepers of Chester, appeared before the Supreme Court with a petition, on January 25, 1893, to require the town council to show cause why a writ of mandamus should not be granted to require them to issue licenses for a year. Mr. V. J. Pope rendered the unanimous court decision, which, in conclusion, declared "that said act, being in effect an act to regulate the sale of spirituous liquors, the power to do which is universally recognized, it is quite clear that there is nothing unconstitutional in forbidding the granting of licenses to sell liquors except in the manner prescribed by the act." The petitions for mandamus were dismissed, and all saloons were required to close their doors on July 1, 1893.³¹

Over 600 licensed saloons were closed,³² and twenty county dispensaries began operation. The Agricultural Hall at Columbia, a large two-story building with cellar, was used as the state dispensary. D. H. Traxler was appointed first commissioner. A superintendent, a bookkeeper and assistant, a freight and office clerk, and fifty-four men and women to wash, fill, cork, stamp, seal, label, and pack goods were put to work.³³

Desiring to use to the best advantage the \$50,000 which the legislature had appropriated for purchase of the initial stock, Governor Tillman and Commissioner Traxler went to Louisville and Cincinnati to supervise the purchase. Tillman told a distiller, "If I catch you monkeying with your agreements, I will quit you and won't buy a gallon."³⁴ He studied brands and methods of distilling until he felt that he knew more about liquors than "any man in South Carolina."³⁵

He obtained credit from the Mill Creek Distillery Company, Cincinnati, and ordered the greater quantity of his opening stock from there. The liquors were sent to the state dispensary where they were bottled and made ready for distribution to the county dispensaries. The bottles bore a neatly shaped palmetto tree, and just below this tree and in the space on each side were the words,

³⁰ *Hoover v. Chester*, 39 *South Carolina Statutes at Large*, p. 307.

³¹ *The State*, May 6-May 17, 1893.

³² D. L. Colvin, *Prohibition in the United States*, p. 295.

³³ *Reports and Resolutions*, 1893, I, p. 447.

³⁴ Simkins, *The Tillman Movement*, p. 191.

³⁵ *The State*, April 15, 1895 (Tillman quoted).

"South Carolina," blown into the bottles. The different qualities of whiskey were designated by the number of stars on the packages. The grades ranged from one to four stars, the latter being the finest brand sold. Liquors purchased ranged in price from twenty-three cents per gallon to five dollars and forty-eight cents per gallon (Cognac Brandy). During the first quarter, Commissioner Traxler reported the purchase of 96,747.46 gallons, costing \$129,611.55.³⁶

The law made the establishment of retail dispensaries compulsory in courthouse towns upon petition of a majority of town freeholders. County after county petitioned for dispensaries until, by November 1, 1893, there were fifty-one³⁷ and the number continued to increase. There were various means used to secure the majority necessary for establishing a local dispensary. In the first place, Tillman, determined to see that the dispensary plan was put into operation throughout the state, threatened: "I will make the places that won't accept the dispensary dry enough to burn. . . . I will send special constables if I have to cover every city block with a separate man."³⁸ The means used to secure a majority of freeholders were not always above reproach. "In one town," says Ball, "a quarter of an acre of swamp was conveyed to forty whites and blacks who were thus created freeholders, and the required majority was obtained."³⁹

The opponents of the system began an insolent defiance of the law on the very day that the dispensary opened. From July 1 until November 17, eighty-eight cases were brought to court as an outcome.⁴⁰ In his report to the General Assembly in November, 1893, Attorney-General D. A. Townsend stated, "The litigation of the present year has been great, and far in excess of many years together."⁴¹

Said Governor Tillman of the situation:

Prohibitionists who are so radical in their views that the uncharitable call them 'cranks' have been found shoulder to shoulder with bar-keepers and whiskey dealers in opposing it (the dispensary); while many eminent divines have lent their aid and endorsement, others are bitter

³⁶ *Reports and Resolutions*, 1893, I, p. 459.

³⁷ Report of the State Dispensary, in *Reports and Resolutions*, 1893, I, 459.

³⁸ *New York Sun*, July 9, 1893, cited by Simkins, *The Tillman Movement*, p. 192.

³⁹ Ball, *The State That Forgot*, p. 249.

⁴⁰ *The State*, November 17, 1893.

⁴¹ *Reports and Resolutions*, 1893, I, 165.

in their denunciation. The whiskey men are more bitter in their opposition to it than they have ever been toward prohibition.⁴²

The leading newspapers within the state and outside the state, with few exceptions, were hostile towards the law. *The State*, which fought the Roper prohibition bill as an act unsupported by public sentiment,⁴³ condemned the new law, not on the grounds of prohibition, but as a revenue act. Said a leading editorial, "As well monopolize cotton factorage or any commercial business which promises profit. There is no morality in it; that pretense is abandoned when the State becomes principal in the enterprise."⁴⁴

A. B. Williams, editor of the *Greenville News*, after reviewing the operations of the Athens, Georgia, Dispensary, concluded that the "dispensary system as proposed by the Evans bill will not work satisfactorily—as a money-making machine it will be a failure; it will not throw the bulk of the liquor business into the hands of the State but into the hands of a disreputable and irresponsible few."⁴⁵

The editor of the *Spartanburg-Herald*, after interviews with a number of prominent citizens in regard to the law, stated, "It may be set down as tolerably certain that Spartanburg will never have a dispensary. A majority of the freeholders of this city, whose signatures are necessary, will never consent for the State to do that which they conscientiously believe to be wrong in the individual."⁴⁶

The News and Courier of Charleston declared, "The dispensary act undoubtedly is a monopoly that seriously restrains trade and commerce among the several States and with foreign nations"⁴⁷

The New York World was very bitter in its attack. "The attempt," said the editor, "to engage in the liquor traffic and to monopolize it will fail, as all such efforts to reverse the relations of the government to citizens deserve to fail. The legitimate

⁴² Tillman, "History of the South Carolina Liquor Law," in *North American Review*, CLVIII, 140.

⁴³ *The State*, December 13, 1892. (N. H. Gonzales, editor of *The State*, opposed any of Tillman's moves. He had originated the paper for that purpose, February 18, 1891.)

⁴⁴ *The State*, December 24, 1892.

⁴⁵ *The Greenville News*, January 5, 1893.

⁴⁶ *The Spartanburg-Herald*, January 1, 1893.

⁴⁷ *The News and Courier*, October 10, 1895, J. C. Hemphill, editor.

functions of Republican government and the rights of individuals are alike overlooked by the fanatics and ignoramuses who try to crystalize their crankiness in law." 48

The Richmond Times, The Chicago Record, The Atlanta Constitution, The Wilmington Star, The Memphis Appeal-Avalanche, and The Savannah News express, respectively, the following opinions: "Bad as South Carolina class and confiscatory legislations are, it is, at any rate, not so ridiculous as that which makes her undertake to do all the bar-keeping in the State. This is socialism and paternalism in its most rampant form and the results will be watched with extreme interest by all outsiders." 49 "The State has arranged for a perfect liquor trust and has hedged about the traffic with radical measures. Railroads cannot carry other than State liquors, and in case of violation everyone connected with such carriage is held liable to punishment. Henceforth, if drunkenness shall cause crime in South Carolina, the State will stand convicted of being 'particeps criminis'." 50 "The South Carolina experiment is a menace to good government. It is socialism pure and simple." "It is pretty evident from the discussions on this bill when it was pending and the action of the City Council of Charleston that this law is not supported. Such a law not enforced is worse than no law at all." "It is a curious experiment in liquor legislation, and we would not believe that such a scheme was possible outside of opera bouffe." "The wisdom of the law is questionable. Those of the people of South Carolina who brought about the passage of the Dispensary law are doubtless very much in earnest in their efforts in behalf of temperance, but it is pretty safe to say that they are going to be greatly disappointed." 51

The opposition based its argument against the system chiefly upon the following reasons: First, our people are opposed to monopoly. Second, our people are against spies (constables), reformers, and sneaks. Third, the law as a step toward prohibition is a sham and a fraud. Fourth, the law will not bring the revenue which was the chief inducement to its passage. Fifth, the force of spies will absorb all the profits. Sixth, consumers, under constitu-

48 *The State*, July 15, 1893.

49 *The State*, April 17, 1893.

50 *Public Opinion*, V, 271. (This periodical contains editorials from leading newspapers on the Dispensary, published from 1886 to 1906.)

51 *The State*, January 9, 1893-April 17, 1893.

tional provisions, could get cheaper liquor. Seventh, contraband goods will be smuggled in. Eighth, interstate railroads will not consent to lose the revenues. Ninth, freeholder voters will not consent to dispensaries in many counties. Tenth, it will be impossible to convict violators of the law.

The prohibitionists generally opposed the law which they believed, according to the opinion of their leader, L. D. Childs, to be "no good as a step toward prohibition." Their attitude may be summarized by a quotation addressed to the state prohibition executive committee.

The dispensary law makes the sale of liquor as a beverage by the State practically without limitation as to use and quantity in order that the profits therefrom, blood money as it is, shall go to enrich the revenue of the State and counties. It seems, therefore, that the duty of all true Prohibitionists will be first to use their influence to prevent the establishment of dispensaries by refusing themselves and inducing others to refuse to sign the petitions which are necessary to their establishment.⁵²

Tillman and his followers defended the system on the grounds that it was a compromise act and the best available solution of the liquor question. Their chief arguments in its favor may be summarized as follows: First, the system is a police measure whose purpose is to promote sobriety, to preserve health, and to provide for the safety of citizens. Second, a pure article is guaranteed as it is subject to chemical analysis. Third, gambling dens, pool rooms, and lewd houses are separated from the sale of liquor. Fourth, the element of personal profit is destroyed, therefore removing the incentive to increase sales. Fifth, the local whiskey rings have been broken up. Sixth, if men will drink, the state might as well receive the revenues as any private agents. Seventh, the consumer obtains honest measure of standard strength. Eighth, whiskey is sold only in the day time, under regulation of the board.

Tillman's belief in the system appears to have been from the beginning its strongest merit among those who believed in him, and the biggest reason for its being. Ball says that, "In the earlier stages some of the Reformers had voted both ways. Lifelong Prohibitionists betrayed principles and supported the bill because

⁵² *The State*, February 8, 1893.

it was a Tillman measure, and one, it was said, never forgave the Captain for seducing him by persuasion.”⁵³

The hatred which surrounded the institution from the time of its creation was intensified by its enforcement. The constables became the most obnoxious group of people in the state. The press denounced them as “spies” and “sneaks.” Story after story of their unwarranted actions was published. One of the most spectacular was that of the murder of a Negro named Palmer in Spartanburg County. According to reports Bladon and another constable had raided the house of this Negro, and without cause had shot him in the back when he attempted to run away. The Negro died. Bladon was convicted by a jury of two conservatives and ten Tillmanites. Before the judge had pronounced sentence, Tillman, without asking information from any court official, telegraphed a pardon.⁵⁴ Another constable was reported to have slapped a woman’s face, and to have received a pardon from Tillman when convicted for the offense.

The public’s resentment of the constabulary force reached its climax in the Darlington riot. As Tillman said years afterwards in reviewing the situation: “Any interference with the established customs of a free people will be attended with poular disturbance, whose extent and violence will be proportioned to the abruptness of the change, the degree of liberty to which the people have been accustomed, and the ability and shrewdness of the leaders of opposition.” As the people were accustomed to free thinking, he continued, “enforcement of a new law, however wise and just its terms, was bound to be accomplished by scenes of great violence.”⁵⁵

The conflict came about in the following manner. On March 28, 1894, the town of Darlington had received a letter from the governor stating that the dispensary profits would be withheld after April 1. The cause of such action was that the police of Darlington were obstructng the constables in the discharge of their duties. Governor Tillman stated his belief that the letter aroused

⁵³ Ball, *The State That Forgot*, p. 248.

⁵⁴ *House Journal*, 1893, p. 36; Ball, *The State That Forgot*, p. 251; also *Newberry Observer*, September 26, 1905.

⁵⁵ Wallace, *History of South Carolina*, p. 360, citing Tillman papers, Scrapbook No. 37, typed MS, University of South Carolina library, Columbia.

the anger of the people of Darlington,⁵⁶ but Mayor Dargan scoffed at the idea as "an assumption" on the governor's part.⁵⁷ Whether or not the letter had any direct connection with the uprising, the fact remains that the town and the authorities of the enforcement of the Dispensary law were not on terms that would stand a great deal of strain.

The facts about the uprising are variously colored by different accounts, but it seems that some twenty-three constables had been sent to Darlington to search for contraband liquors. Rumors spread that the constables were there for the purpose of searching private houses without warrants. A number of men gathered on the streets for the "protection of liberty." Governor Tillman sent a military company from Sumter to Darlington to protect the constables in the performance of their duties. Without any resort to force, the crowd scattered and the military company returned home the following morning. Four constables went to one depot, nineteen to another to leave the city that afternoon. Two young men, citizens of Darlington, got into a fight at the depot where the main body of constables was. Constables McLendon interfered in behalf of Floyd, and Rogers, the second member of the wrangling party, went up town and brought back a small group of armed men. Chief of Police Dargan interfered when Rogers renewed the quarrel. Rogers accused McLendon of causing him to get whipped. A shot was fired, and a small skirmish ensued. One constable and two citizens were killed, and several citizens and constables wounded. The constables fled to the woods nearby. The town bell was rung and a number of armed citizens turned out to search for the constables.⁵⁸

The citizens of Florence and Sumter soon joined in the search. The train on which the four constables who had not taken a part in the skirmish were riding was fired upon as it was leaving the town. A man from Florence reported that on his way up to Columbia at each station men rushed into the train yelling, "Are there any spies on board?" At some stations, he reported, armed men lay in wait for constables, and in Florence men stood around

⁵⁶ Tillman, "Our Whiskey Rebellion," *North American Review*, CLVIII, 513.

⁵⁷ Mayor Dargan, "Reply to Our Whiskey Rebellion," *North American Review*, CLIX 54.

⁵⁸ Numerous newspaper articles, Tillman Scrapbook, No. 2, University of South Carolina library, Columbia

the telegraph office where messages between Tillman and Darlington were being received, and cursed Tillman. Some of the citizens were desirous of attacking Tillman who, they said, was responsible for the muddle.

Excitement started in Columbia about 5:30 o'clock. Men quit their business to go on the streets to try to find out every fact. Rumors of the wildest nature filled the air and were spread from one end of the city to the other.

Governor Tillman ordered out five companies of militia—three at Columbia, one at Manning, and one at Sumter. All five companies refused to comply. Every military company in the state was ordered to get ready to come to Columbia. Out of those receiving direct orders, thirteen of the town companies and the entire fourth brigade, composed of the troops of Charleston, refused to turn out. The following reply came from Charleston in response to the orders:

"No company of this command will sustain the constabulary in their methods of enforcing the Dispensary law. This brigade will uphold and defend the honor of the State but will not lend itself to foment civil war among our brethren. Huguermir, Brigadier General."⁵⁹

The *Weekly Register* reported on April 2, 1894, that 15,000 soldiers and hundreds of volunteer citizens were in Columbia ready to go to Darlington. Special provisions were made for the arrival of the soldiers, and General R. N. Richbourg of Columbia was put in command. The troops were protected from the citizens by placing them at the State Penitentiary pending service. Detachments of troops were placed around the State Dispensary and the State House to prevent threats of destruction from materializing.

Governor Tillman ordered railroads and telegraph companies, except those being used in the service of the state, to cease operations. Martial law was declared in Darlington and Florence, and 300 men were sent to put down the so-called insurrection. The trouble had occurred on Friday, March 30, at four p.m. It had taken Tillman until Sunday to muster sufficient forces to settle the strife. When the soldiers arrived in Darlington, they found

⁵⁹ *The State*, April 1, 1894.

that the citizens had quieted down and that further action was unnecessary.

On April 5 Tillman issued a peace proclamation, as follows: "The commanding general has just informed me that the insurgents have dispersed and that peace and order are restored, and that the civil authorities are now able to employ and enforce the law."⁶⁰

This episode had been expensive to the state. The transportation of soldiers had cost over a thousand dollars; two dispensaries, at Darlington and Florence, had been destroyed; and three lives lost. The malice and hatred of a system had divided the people of the state, and a spirit of lawlessness had prevailed. It was one of the ugliest manifestations of defiance to authority in South Carolina history.

Almost immediately after and as a direct result of the Darlington riot, Charles S. McCullough, a resident and freeholder of Darlington, in conjunction with other freeholders, brought before the courts a case to test again the constitutionality of the Dispensary Act.⁶¹

George Just Brown, J. P. Kirven, and W. P. Carter had been appointed as county board of control for Darlington County. The board had named June 7, 1893, as the day for applications for county dispenser. John Buckner Floyd filed his petition for appointment. On June 17 the county board met in Darlington and appointed him. He was then accused by the citizens of Darlington of having issued false bond, and a committee was appointed by the freeholders to make up a list of the citizens of the town to inspect the petitions of applicants for the position, and to see that they complied with the law.

Action was brought by the freeholders of the town to declare the act unconstitutional, null, and void, and to declare the permit to Floyd null and void. The case was referred to the state Supreme Court then composed of three judges, Chief Justice Henry McIver and Judge Samuel McGowan, conservatives, and Judge Y. P. Pope, reformer.

The opinion of the court rendered by Chief Justice McIver

⁶⁰ Tillman, "Our Whiskey Rebellion," *North American Review*, CLVIII, 513-519; Mayor Dargan, "Reply to 'Our Whiskey Rebellion,'" *North American Review*, CLIX, 54-59; *The State*, April, 1894 (inclusive).

⁶¹ *McCullough v. Brown*, 41 S. C. p. 220.

answered the question, "Is the Dispensary Act in conflict with any constitutional provision of the State or of the United States?"

"The manifest object of the act," he declared, "is that the State shall monopolize the entire traffic in intoxicating liquors to the entire exclusion of all persons, whomsoever, and, this, too, for the purpose of profit to the State, government agencies, counties, and municipal corporations."

He pointed out that the act violated those sections of the state constitution that guaranteed that no persons be deprived of their liberty or property "but by judgment of his peers or the law of the land," that it could in no manner be conceived as a police regulation, and that the legislators had no constitutional right "to embark the State in a trading enterprise." "We feel constrained to say," he concluded, "that the act is clearly unconstitutional, except in so far as it forbids the granting of licenses to retail spirituous liquors beyond the 30th of June, 1893."

Justice Pope, dissenting, attempted to prove that the state operated the business for the benefit of all her citizens, and that the business was not, therefore, a monopoly.

Upon authority of the decision rendered by the court in this case, the Dispensary program was suspended on April 21, 1894, thus creating an accidental prohibition law. Governor Tillman declared the decision to mean nothing more nor less than free liquor, and that anybody could open a bar-room at any cross roads or anywhere else in the state and sell liquor without license.⁶² The general interpretation of the decision rendered by the court was that no liquor should be sold within the state and that all penalties provided for selling liquor without a license should apply to the sale of liquor in any manner.

The three Supreme Court justices rendered unanimous decisions in cases against the city council of Florence that, under the law, there was no authority invested with the power to grant licenses for the sale of spirituous liquors within the limits of the state. Thus prohibition was definitely established and prevailed until August 1, 1894, when Governor Tillman again forced the state to accept his decision on the liquor question.

[*To be concluded*]

⁶² *The State*, April 23, 1894.

LIFE OF ALFRED MORDECAI IN MEXICO IN 1865-1866
AS TOLD IN HIS LETTERS TO HIS FAMILY¹

Edited By

JAMES A. PADGETT

INTRODUCTION

Since a sketch of the life of Alfred Mordecai was published in the January number of this journal,* there would be no point in repeating such information here. It may be well to remind the reader, however, that Mordecai, born in Warrenton, North Carolina, in 1804, was graduated from the United States Military Academy in 1823, and thereafter served as an officer in the Army until the outbreak of the Civil War. At that time, unwilling to take part in the conflict against his own people, he resigned his position and retired to private life in Philadelphia, where for a brief period he made a living by teaching mathematics. With the end of the conflict he found a new opportunity when he accepted a position as assistant engineer of the Imperial Mexican Railway, and the letters which follow (from the Mordecai Papers in the Library of Congress) give an account of his trip to Mexico and his life in the capital of that country.

Mexico at that time was passing through one of the most colorful periods of its kaleidoscopic history. During the American Civil War, when the United States government was unable to enforce that part of the Monroe Doctrine which opposes the extension of the sway of European states to any part of America, the French under Napoleon III had set up a Mexican Empire, supported by French troops, under the Hapsburg Archduke Maximilian, brother of the Emperor of Austria. For a time all went well and Maximilian, liberal and talented, set out to develop the resources of the country. One of the major projects was the completion of the Imperial Mexican Railway, which engaged the attention of Mordecai.

The letters give an interesting picture of the Mexican capital

* See James A. Padgett, editor, "The Life of Alfred Mordecai as Related by Himself," *The North Carolina Historical Review*, XXII (1945), 58-108, especially the introduction.

¹ For an account of the life of Alfred Mordecai see James A. Padgett, editor, "The Life of Alfred Mordecai as Related by Himself," *North Carolina Historical Review*, vol. XXII, No. 1 (January, 1945).

at that time. Many former Confederate officers had sought to retrieve their fortunes there, so that Mordecai saw many former friends or friends of friends. He was a keen observer, and his comments on life and customs in the city are well worth preserving.

But the Mexican wheel was about to make another turn. Soon after the end of the American Civil War the United States government had brought strong pressure to bear on France to withdraw from Mexico, and reluctantly the French complied. This left Maximilian without adequate support and he was soon to be captured by the Mexicans and executed. Meanwhile the Imperial Mexican Railway had gotten into financial difficulties, and Mordecai, seeing the handwriting on the wall, left the country after a stay of only a little more than a year. Returning to Philadelphia he became treasurer and secretary of the Pennsylvania Canal Company, a position which he continued to hold until his death in 1887.

LETTERS

17th E.4th st. 8;51 A. M.

June 17/65

My dearest wife

Laura's watch enables me to be thus exact in time of writing— I hardly expected to have the pleasure of hearing from you to-day, but of the 4 letters which the post man has just left, two were for me (yrs & Mr Seabrook's) & the other two from Sister Ellen to R. M., written a few days after I left & sending enclosures to forward— After my painful parting from you all, yesterday morning, I thought, with you: "How could I think of doing such a thing"; but we must now hope for the best from it & trust that happier hours may be in store for us— I had a pleasant trip over here in the cool morning, & by 11 o'clk was engaged in my little arrangement — Dr Veile calling at Mr N's to enquire found me at Talcott's² office, & when my business down town was done,

² Andrew Talcott was born in Glastonbury, Connecticut, April 20, 1797, and died in Richmond, Virginia, April 22, 1883. He entered the United States Military Academy at West Point on March 15, 1815, from which institution he was graduated on July 4, 1818, and at that time he was appointed brevet second lieutenant of engineers. During 1818-1819 he served as assistant engineer in the construction of the fort at Rouse's Point; was appointed second lieutenant of engineers on August 18, 1818; and later was made aide on the staff of brevet Brigadier-General Atkinson. He was engineer on the expedition sent to establish forts on the upper Missouri and Yellowstone rivers; was brevetted first lieutenant in 1820; was assistant engineer in the defenses of Hampton Roads, Virginia, from 1820 to 1821; was engineer in charge of preliminary operations for fortifying Brinton's Point, Newport, Rhode Island, and the present site of Fort Adams and New Utrecht Point, New York, now the site of Fort Hamilton. During 1824-1825 he was engineer in charge of the construction of Fort Delaware, Delaware; and on March 15, 1825, he was appointed engineer of the Dismal Swamp Canal, in Virginia. During 1826-1828 he was engaged on Fort

he was at Mr M's door at 2 o'clk, with a nice carriage— We went up to the vessel, received my baggage there from the local express & after making the necessary arrangements, the Dr proposed that we should take a drive, instead of going to the house— So we had a charming drive all over the central Park which is nearly the finest thing of the Kind, by far, that I have ever seen— as we returned, between 5 & 6, we met all the handsome equipages going out, & really it was almost like London— My uppermost thought, in seeing all this wealth & comfort, & comparing it with the condition of my suffering friends at the South, is of the horrible wickedness of people, who could not be content with so many blessing without destroying poor Naboth's vineyard—³ I cannot divest my mind of the thought that some terrible retribution yet awaits them—

I am sorry to hear about the arrangements with regard to Alfred, for I feel sure he will not like them; but perhaps he may put up with them, & it may be the means of pleasure to you & the girls sometimes— If he should go there soon you could not do better than pass a part of the Summer with him— Dr V. will write to you very soon; he says he would prescribe petroleum oil for your lips— I shall not have time to

Monroe, Hampton Roads, Virginia; on Fort Calhoun, Hampton Roads, from 1828 to 1834; and was brevetted captain on October 1, 1830, and made captain of engineer corps on December 22, 1830. From 1828 to 1835 he was astronomer for determining the boundary line between the states of Ohio and Michigan; and during this period of service he invented the astronomical instrument and the method of finding latitude by zenith distances, both of which bear his name. From 1834 to 1836 he was superintendent of the improvements on the Hudson River, and having resigned his commission in the army on September 21, 1836, he took up general practice as a civil engineer. During 1836-1837 he was adjunct chief engineer of the New York and Erie Railroad, in charge of the western division; during the two following years he was superintendent of the delta improvements on the Mississippi River; and subsequently he was commissioner for the exploration and survey of the northeast boundary of Maine and New Hampshire. He was also on the board of naval officers and engineers to examine and report on navy yards and dry docks at Pensacola, Florida, and Portsmouth, New Hampshire; was appointed chief engineer of the Richmond and Danville Railroad Company on July 25, 1844; was surveyor and astronomer for the determination of the northern boundary of Iowa from 1845 to 1855; was appointed superintendent of the repairs of the United States Mint at Philadelphia on March 1, 1852; was chief engineer of the Ohio and Mississippi Railroad from 1855 to 1856; and during the following year he held the same position on the Mexico and Pacific Railway from Vera Cruz to the City of Mexico. In 1861 he was elected chief engineer of the state of Virginia, with charge of the river, coast, and harbor defenses, and he retained that position until the Confederate government assumed the work, at which time he returned to Mexico and assumed charge of the Mexico and Pacific Railroad, holding that position until the change in the Mexican government in 1867, when he was removed from office. He visited New York during that time to procure supplies for the continuance of the work, and was arrested by government officials as a spy and confined in Fort Lafayette. The charge against him was that he had planned and built the fortifications about Richmond, Virginia. He was subsequently imprisoned in Fort Adams, Boston harbor, and detained there until General John E. Dix assumed charge of the eastern military department, who, upon being assured of Talcott's loyalty, released him. After this he went abroad for a season and then returned to Richmond, Virginia, where he spent the remainder of his life in quietness except during the time when he was in Baltimore, Maryland. He was a member of the American Philosophical Society and an honorary member of the Connecticut Academy of Arts and Sciences. *National Cyclopaedia of American Biography*, XIII, 405.

³ Naboth, in Old Testament history, was a Jesreelite, who was put to death by Ahab, who coveted his property. He owned this fine vineyard which Ahab coveted and seized at the instigation of Jezebel, who caused Naboth to be stoned to death. Hence Naboth's Vineyard means any greatly coveted thing. *Century Dictionary and Cyclopaedia*, IX, 719; *Webster's New International Dictionary* (1934), p. 1623.

write to Alfred;⁴ you must do it for me— Miss Maury is not expected back until July; the first letter from her was received yesterday; but I have not had time to read it— I can imagine however her acct of the journey, &c

5 Hanover st. 11⁵⁸ A. M.

I have been on board the steamer & seen all my things right— few passengers & plenty of room— Tell the girls that the best opinion of bankers whom I have consulted is to hold the P^o C^a Bonds— The Nashville City Bonds nothing can be done with at present, so they must be held— Send your letters under cover to Rutson Maury who will forward them— Write in time for the New line of the 1st & 15th of the Month & pay the foreign postage 10 cents— that is put a ten cent stamp on yr letter— Tell Laura that the watch seems to go very well so far— The wind is no longer in the East, & the weather has grown hot again; & that all promises favorably for the voyage— Try to keep up your spirits & reciprocate the endeavors of yr friends to cheer you—

Ever faithfully

Yr afft husband

A. Mordecai

Dearest love to all our children. Let Mr Seabrook know that I rec'd his letter.

June 23^d/65 8½ A.M. off Cuba.

My dear Wife

Here I am in sight of the island of Cuba, after a voyage which has been very prosperous in all but the speed of our ship; for we ought easily to have been here twenty four hours ago—The delay has been caused by defect in the boiler, & I anticipated it when I found that we sent off by the pilot boat at Sandy Hook some engineers who had been at work on the machinery to the last moment; but we have some prospect of being in before the sailing of the Vera Cruz packet to-day & if so I shall not care for the delay, as the time is better passed at sea than in the harbor of Havanna, at this season— It was a beautiful afternoon when we left New York harbor, with just enough breeze to freshen the air;

⁴ Alfred Mordecai, Jr., the son of Alfred Mordecai, was born in Philadelphia on June 30, 1840; was graduated from West Point Military Academy on June 24, 1861; and was brevetted second lieutenant of topographical engineers. He was soon elected as aide to General Howard; saw action in the battle of Bull Run; was soon transferred to the ordnance department; became first lieutenant on March 3, 1863; was raised to captain on June 1, 1863; and was brevetted major in September, 1863, for gallantry at the siege of Fort Wagner, South Carolina. Two years later he was brevetted lieutenant-colonel for distinguished services on the field and in the ordnance department. He was one of the best known ordnance men in the United States army; was twice instructor of gunnery at West Point; commanded the arsenal at Leavenworth, Kansas, and the New York Arsenal, Governors Island; was twice in command at Watervliet Arsenal (1881-1886 and 1898-1899); was superintendent of the armory at Springfield, Massachusetts; was in command of the arsenal at Benicia, California; was inspector of ordnance in 1904, being attached to the ordnance department in Washington; and died on January 20, 1920. *The Jewish Encyclopedia*, IX, 9.

but the easterly winds which had prevailed for some days had left a swell on the ocean which caused our light loaded vessel to roll somewhat uncomfortably—I did not become sick however, until the next day & not at all since, tho' not perfectly comfortably. It is an unprecedented thing for me not to have been absent from the table for a single meal in a six days voyage on the Atlantic, tho' my appetite has been rather dainty, to be sure—. The eating arrangements would suit you, if you were well enough to enjoy them— A cup of coffee, if you choose, before you are out of your berth; breakfast at 8— lunch, with soup, cold meat, sardines, cold *slaw* & *raw onions*, at 1— Dinner at 4 & tea at 8— Josephine's bottle of good brandy & one of port wine from Mr. Maudry have been very serviceable to me— The sun is kept off by a large awning & there is always some breeze to be caught on deck, but below I am somewhat reminded of my trip in the view— sometimes taking up my dressing gown & pillow or without indulging,) I pass the night in the saloon over the companion way, where there are cushioned seats— last night I stretched myself on the awning which had been folded & laid against the railing in the rear part of the ship & there I passed the night under the canopy of stars— The night was not as bright as the last one I passed in that manner off the Island of Ithaca⁵ & the promontory of Leucadia;⁶ but the soft balmy tropical air made it delightful; this morning my clothes were as dry as when I laid down. The influence of the sea checked immediately the complaint which I had when I left home, & the soft air has removed all symptoms of rheumatism— There are very few passengers, about a dozen, mostly Cubans; one lady, the wife of Genl. Jno G. Walker⁷ of the Confed. army & herself the first cousin of Capt Baylor—⁸ She went by sea, with a child 6 mo. old & a nurse from New Orleans to New York for the sake of getting to Havanna on business & expects to return to N. Y. *tomorrow*; in hopes to sail very soon with her husband for Europe— Since we have been in the narrow

⁵ Ithaca is one of the Ionian Islands, Greece, just two miles northeast of Cephalonia. The surface is mountainous; the chief place is Vathy; it is famous as the reputed home of Ulysses; has a population of 10,000 people; has thirty-seven square miles of area; and is fourteen miles long. *Century Dictionary and Cyclopaedia*, IX, 535.

⁶ Leucadia or Santa Maura is one of the Ionian Islands, Greece, just west of Acarnania, from which it is separated by a narrow channel. On its hilly mountainous surface the people produce currents, wine, and oil. It has an area of 110 square miles and is twenty-three miles long. *Century Dictionary and Cyclopaedia*, IX, 896.

⁷ John Grimes Walker was born in Hillsborough, New Hampshire, on March 20, 1835; graduated from Annapolis in 1856; and rose rapidly in the Union Navy. He took part in the capture of New Orleans and Vicksburg, Mississippi; by July 25, 1866, he was a commander; served at the Naval Academy from 1866 to 1869; became a captain on June 25, 1877; was raised to commodore on February 12, 1889; became a rear-admiral on January 23, 1894; and retired, after forty years service, by law on March 20, 1897. *Appleton's Cyclopaedia of American Biography*, VI, 328.

⁸ Thomas Gregory Baylor of Virginia became a cadet in West Point on July 1, 1853; was brevetted second lieutenant of ordnance on July 1, 1857; became second lieutenant on January 25, 1861; was raised to first lieutenant on February 4, 1861; to captain on March 3, 1863; to major on March 7, 1867; to lieutenant-colonel on May 29, 1879; to colonel on December 4, 1882; and died on September 15, 1890. He was brevetted major on September 1, 1864, for gallantry in the capture of Atlanta, Georgia; lieutenant-colonel on December 21, for gallantry in the capture of Savannah, Georgia; and colonel on March 13, 1865, for gallantry in the campaign of Atlanta, Savannah, and the Carolinas. Francis B. Heitman, *Historical Register and Dictionary of the United States Army from its organization, September 29, 1789, to March 3, 1903*. I, 201.

sea between Florida & the Bahamas, the sea has been literally "like a Mill pond," & one might imagine oneself on a smooth river— No incident has marked our voyage, & it is surprising how few living things one sees on an ocean teeming with life— a few "mother Carey's chickens" skim the surface on their untiring wings; now & then a "school" of flying fish rise & scapper over the water, like a covy of patridges on the land; a "shoal" of porpoises roll their unweidly [*sic*] bodies, just appearing above the surface— I ought not to have omitted the "Portuguese man of war" (Nautilus) with its transparent violet sails. Yesterday we caught, with a line over the stern, two Spanish mackerel & a Baracouta, fish wieghing 15 to 20 pounds, with smooth skin, which change color, in dying especially the Baracouta, almost like the Dolphin— The Baracouta was dressed for dinner; but altho' served up with nice tomato sauce I found it rather dry & unpalatable— Augustus would have watched with interest, particularly last night in this warm latitude, the beautiful appearance of the wake of our ship— Being a propellor, the motion of the screw agitating the water, produces a brilliant white foam, as if a strong light were thrown on the water, whist the illumination is increased & beautified as with the splashes of innumerable fire flies, and globes of light, shining in the midst of the water— I never saw the phosperence of the sea to more advantage, lying as I was just over the stern of the ship— Many times, in the evening, I thought that Laura would enjoy being with me; of the rest I am not so sure, for I fear they partake too much of my own tendency— I shall not close this until we get in, that I may tell you of my luck with regard to the English packet— I trust that you have before this recovered your confidence & will try to bear with fortitude what is now inevitable— Believe that I love you & all our children dearly & that my efforts shall not be wanting that we may be again united—

Ever truly Yr afft husband

Let sister Ellen & George know
that you have heard from me—

A. Mordecai

12.M. Just passed the Moro—⁹ The V.Cruz packet is in port, so I shall no doubt get off this afternoon— once more, adieu—

P.S.

Havanna, June 24/65

The most vexatious thing that ever occurred to me in all my travels, I think happened yesterday— We had hardly cast anchor in this harbor when we saw the V. Cruz packet close to us, getting under way, & nothing could induce the stupid (or worse) Cuban officials to allow us (another passenger & me) to put our things aboard of her, without

⁹ Moro or Moro Castle (Castle of the Promontory) is a fort at the entrance to the harbor of Havana, Cuba, celebrated in the history of the island. The dungeon beneath it has frequently been used for political prisoners. It is also the name of a castle at Santiago, Cuba, similarly situated. *Century Dictionary and Cyclopaedia*, IX, 708.

going to the custom house— So we had the mortification to see the steamer go off, & here I am for probably 10 days at least— To increase my disappointment the Corsica in which I had requested Mr M to engage my passage, arrived here some hours before us, altho' having touched at Nassau, which was the reason Mr M. preferred the Liberty— The only consolation I got was: “perhaps it is all for the best”; but I can't see it— The inconvenient expense to which this exposes me is one of the most annoying circumstances— I am at a comfortable (for Havanna) new Hotel, opened by an American— The rooms surround a court covered, (when necessary,) with glass, with a little fountain in the middle— My room, in the upper gallery, has a pitch of about 16 ft; a door & 2 windows down to the floor, each about 10 ft high; The windows almost without glass, resemble doors, except in being guarded outside by heavy iron gratings— I got through last night very comfortably, leaving my windows open & could bear a sheet over me before morning— The days of course very hot— I shall see Mr Miles after breakfast & perhaps may go into the country: I could almost have cried yesterday with vexation; However there is nothing to be done but summon what patience I can— The queer style of shingles here transport me to the old continent at once— Again, adieu, My dearest wife & hope for good—

Yr afft Alfred.

Havanna, Sunday June 25/65

I closed a letter to you yesterday, my dear wife, more annoyed than I cared to express at the stupid & unnecessary delay I am suffering here— But for the vexation & loss of time & money, I perhaps would not say *suffering*, notwithstanding the heat of a *vertical* sun; for we are just within the tropic & yesterday was St John's day¹⁰ or midsummer, when the sun just begins to turn south again— The last St John's day that I had occasion to mark was the year of our oldest son's birth (1840) & only a few days before that event— I landed at *Gothenburg* & was taken by a kind friend to a gentleman's seat in the country, where before night we were glad to have a little fire lighted in the stove see my journal letters— Today I am to go with M^r Miles to dine with a friend of his family, Mr Lambden, about the same distance from town, all our study will be to keep from melting with the heat— It is not that the extreme heat is greater than with us; to-day for instance the therm. is about 85°, but then it was nearly that at sunrise & not very much lower all night— However the absence of the sun & the presence of the sea modifies the air, if not the temperature, very much at night, & by 11 or 12 sleep is quite possible— There is or ought to be, no going out in the day time, so after a short walk to the Jesuit's church near by,

¹⁰ Saint John the Baptist's Day is June 24. *Britannica*, XI, 259-260.

I sit down, in a pleasant draught, in my room, to bestow my tediousness on you & our dear children, until Mr Miles calls for me— If I held the lively & graphic pen of M^{de}Calderon,¹¹ I could amuse you & fill many duet sheets as this with observations on the novelties which even a cursory glance at this city brings to notice— Every thing, except the mere existence of men & animals, or almost every thing, is so different from what it is with us: the streets, the dwellings, the hotels, the equipages, the costumes, the shops, the habits of daily life, the vegetables world, all differ from ours, as much as the language— The streets, are very much improved since my former visit, by the operations of Yankee contractors for paving, of whom my host at the hotel S^{ta} Isabel & one of his guests, are the chief— They are very narrow, but better paved than those of Phila, well lighted with gas, & guarded by old fashioned watchmen, each carrying a *spontoon*¹² & a small lantern, civil & obliging to strangers— The scene last & every evening at the Prado,¹³ or great drive, outside of the old walls, is such as, not having been in Spain, I hope never seen equalled in any European city— It seemed as the whole population of Havanna, at least all the male part, had assembled there, to take the air, to listen to the music of the large military band at the foot of Queen Isabella's¹⁴ statue, & to enjoy their innocent cool drinks at the numerous places of entertainment which stood invitingly open, near the great Town theatre— The ladies, in their light, gauze looking dresses, without hats, drive under the rows of palm trees, in the odd looking, but picturesque Volants,¹⁵ or other open carriages; or else these equipages form lines around the promenaders, who can thus have an opportunity of accosting their acquaintances— Many of the rich people have gone, at this season to enjoy themselves at Saratoga or in Europe; but a great many come from the country which is not so enjoyable now, on account of the liability to rain & mud— The rainy season has not been punctual this year, but will no doubt soon begin— In passing along the streets, as you look through the iron bars of the large open windows, you may see, in every house, rows of cane seat chairs, generally "Boston rockers,"

¹¹ Madame Frances Inglis Calderon de la Barca was born in Scotland about 1810. She was the wife of Senor Calderon de la Barca, a Spanish diplomat and a celebrated Scottish American writer, best known for her *Life in Mexico*, first published in 1843. *Century Dictionary and Cyclopaedia*, IX, 204.

¹² Spontoon is a kind of half-pike, formerly borne by subordinate officers of the infantry, hence a policemen's club or truncheon. *Century Dictionary and Cyclopaedia*, VII, 5854.

¹³ The Paseo or Alameda de Paula was originally laid out in 1772. It and the new Avenida del Puerto makes a beautiful Prado. This is a broad thoroughfare from fifteen to thirty-seven metres in width and leads to the narrow streets of the business section. It traverses the edge of the city for several miles and makes a most beautiful drive and promenade. The Prado has been rechristened the Paseo de Marti in honor of the "Apostle of Cuban Independence." Its sides are lined with fine houses and magnificent club-houses. *Britannica*, XI, (1937), 259-260.

¹⁴ Isabella I, surnamed "The Catholic," was born at Madrigal on April 22, 1451, and died at Medina del Campo on November 26, 1504. She was Queen of Castile from 1474 to 1504, the daughter of John II of Castile, and was married in 1469 to Ferdinand of Aragon, conjointly with whom she succeeded her brother, Henry IV, as monarch of Castile in 1474. She finished expelling the Moors from Spain and equipped Columbus for the voyage to the New World in 1492. *Century Dictionary and Cyclopaedia*, IX, 532.

¹⁵ A volant or volanta is a two-wheeled covered Cuban vehicle with very long shafts. *Noble's New Spanish-English and English-Spanish Dictionary* (1928), p. 504.

arranged on the tiled floors of the lofty white washed, or water painted rooms, & the ladies in their cool looking dresses, fanning themselves, literally "for dear life"—a shirt & white pantaloons are the usual male costume— as for covering for the female head, other than their abundant hair, I have seen none except a lace looking shawl, worn, I think, also by colored women, who go mighty fine in the streets— the shops, which are generally small, all stand fully open, & two or three idle looking men lounge in them on rocking chairs, &c— of customers, I think, very few, but all the goods look neat & well displayed— Something about them reproduces what I should imagine of Pompeii; so completely south European are they in general appearance, tho' not Roman in wares.

Tuesday.

June 27th. I was up this morning about sunrise, but by the time I was dressed the air was already too hot (82°) to admit of walking out, so after taking a cup of coffee & looking at the N. Y. "World" of the 21st. I seat myself to talk to you until breakfast. Before 3 o'clk on Sunday Mr. Miles called for me & we went out about 8 miles westward to the little town of Marianao, where his friend Mr. Lambden lives, in spacious "Marble halls" which he rents for the summer. What [*sic*] with daughters, sons-in-law & grand children, we sat down about 20 to dinner, in a sort of Veranda on the shady side of the court yard— they are plain, friendly people, who have made a fortune here by intelligent enterprise, & who, I believe, would willingly enjoy it elsewhere; but Mrs. L., being a Cuban, could not reconcile herself to Balt^e life— In the evening some of the mothers & children went to the *Theatre*— imagine the Theatre at Marianao¹⁶ in midsummer. Mr M. & I returned at 9 o'clk to Town— The dinner, as you might suppose among Americans, Scotch, &c had nothing Cuban about it, except the room— You will hardly believe that I have not yet *seen* an orange, nor until yesterday tasted a banana; It is not the fruit season, & perhaps fortunately, for it might not be prudent to indulge in it much— oranges & bananas are not ripe & pine apples just beginning to be. This is curious, for there is no climatic division of seasons, & vegetation in general proceeds, amid perpetual summer, without regard to the calendar; but still, I suppose, some trees & plants must have a sort of rest— The fruit of the temperate zone, if placed here, go on producing until the trees or plants exhaust themselves in a short time—

Yesterday morning I joined Mr Miles, about sunrise, at the station of his Rail R for a trip of about 45 miles to the little town of Guines,¹⁷ near the S. side of the island— The day was fortunately overcast & I had a very pleasant ride, over a nearly level & very fertile region. Few dwellings are to be seen, except at the stations; but the whole aspect

¹⁶ Marianao is a town a short distance southeast of Havana. In 1899 its population was 5,406. *Century Dictionary and Cyclopaedia*, X, Atlas, index, p. 216, and map No. 68.

¹⁷ Guines is a small town southwest of Havana, Cuba. In 1899 it had a population of 8,149. *Century Dictionary and Cyclopaedia*, X, index, p. 140, Map, No. 68.

of vegetation is new, scarcely a tree or a shrub being seen that is known to us, out of the green house, except some roses, Crape Myrtles & a few other flowers, in the little gardens, "few & far between"—The broad fields of indian corn, planted thick for fodder, & sugar cane, (very few about here,) are ornamented with rows of the graceful bamboo, looking like great clumps of green prince's feathers, & the various kinds of palms with their diversified, oriental foliage, the broad leaved banana, (or plantain as it is called here,) the "aguacate", a forest looking fruit tree, & many others; all left to the care of nature, whom man thinks it unnecessary to aid in this luxuriant clim— A foreigner, accustomed to the ornamental culture of the temperate zone, must be always thinking, at least I am, of the magnificent beauties which a little pains in ornamental gardening would produce; but here such a task is very rare, as I am told & can readily believe— so true is it apparently, in these favored countries, as in the "land of the cypress & myrtle," that "all but the spirit of man is divine"— I was pleased with an exception in the little town of one story houses where I passed the day yesterday—Guines— The "plaza," instead of an open paved square, is divided into four little squares, enclosed by fences & beautiful hedges, & thickly planted with flowering shrubs, among which I noticed the crape myrtle, the cape jasmine, & a superb kind of althea with broad crimson or scarlet flowers, besides others, unknown by name, which we see in our hot houses — with all this, the untidy, unthrifty appearance of the streets & houses, inseperable perhaps from the lassitude of the climate, makes one regret the neatness & comfort of home— The aim of existence is to enjoy it with the least possible labor; to sit fanning, in a rockg chair, to doze, to eat— not to *drink* for of that, in an injurious way, they cannot be accused— One falls readily into such habits,—Called at 9 to breakfast, I found such a bill of fare as would make *us* a very ample dinner; Even for my share I selected broiled fish, potatoes, scrambled eggs, corn & wheat bread, (always excellent,) with a desert of bananas, finishing with coffee— Red wine is on the table, at will, but I take little & only for fear of the water— plenty of Boston ice— When we stopped for refreshments on the road yesterday, instead of mint julips &c, the tables were spred with fruit of many kinds, & asking a boy to cut off the top of a green cocoa nut I refreshed myself with its sweet and wholesome milk, enough to fill a very large tumbler: it does not look like milk, by the bye, as in the ripe fruit, but is almost as clear as water, tasting like eau sucre, with a dash of cocoa nut— The fruit is thrown away, when emptied & therefore full price is asked, I suppose, for this liquor— 10 cents— this & a few bananas are a very pleasant & wholesome preparation for breakfast — Our people despise these as half civilized, & yet in one point of civilization, the preparation of food, how superior they are to us: Compare the heavy lumps of dough, the tough beef steak, or tougher rasher of bacon of a Pa or N.Engld tavern, with the light

rolls, tender chops & palatable stews, which I had for breakfast & dinner yesterday, at my country inn! To say nothing of the comparative civility in the manners of the host— in this case, he was however a Cubanized Frenchman— Mr Miles left me during the heat of the day, to attend to his R.R. business, & seeing some well thumbed volumes, I took up an illustrated copy of Monte Cristo,¹⁸ in Spanish, which I read nearly half through, in my rocking chair, before I rejoined Mr M. to return to town in the evening— I went out partly to see if I could find a cooler & cheaper place to pass the idle week before the steamer sails for V.C.; but the solitariness of the Village was rather discouraging, & at a frequented place I should gain nothing in economy— I thought you might be more content too to think of me in the country; but I am quite well & have no fears, which is a great security— The city is full of people, even of Americans many, & you hear little of sickness—

Wednesday, June 28th When I left you yesterday I had a curious commentary from my landlord on the manner of doing things in Hav^a. I asked him to have a few pieces washed for me: "Well, said he, there is no certainty that you will get them back at any particular time, and unless you need them, I advise you not to send them"— So I must take my soiled linen to Mex^o, because there is no certainty that a H^a. woman will wash half a doz pieces in eight days— Observe that, from my window, I can see a woman hanging out clothes on the roof of an adjoining house, & by the time she gets around her lines the first pieces are nearly dry enough, under the broiling vertical sun, to be taken off— I passed yesterday in my room, beguiling a great part of the day, (I am almost ashamed to say,) with one of the Dumas¹⁹ obscure romances, which the bar keeper lent me— the night was very likely cooler & pleasanter than you may have had at the same date, in your little back room— Drawing my bed out into the draft between my opposite windows, & having no fear of the soft, dry air, I passed the night very comfortably— Using no light in my room I have been scarcely troubled by mosquitoes, I have never drawn my nice, gauze-like canopy over the bed— I am now writing at about 7½ having been out at sunrise for a stroll through the market

¹⁸ Monte Cristo is a small uninhabited island in the Mediterranean Sea belonging to Italy. It is situated twenty-seven miles south of Elba. Monte Cristo, the principal character in Alexandre Dumas' novel, "Le Comte de Monte Cristo," was originally Edmond Dantes, an innocent youth, unjustly imprisoned. He escaped and became immensely wealthy and carried out an elaborate system of revenge in the various disguises of the Count of Monte Cristo, Lord Wilmore, and the Abbé Busoni. *Century Dictionary and Cyclopedia*, IX, 701.

¹⁹ Alexandre Davy de la Pailleterie, known as Alexanare Dumas Père, was born at Villers-Cotterets, Aisne, France, on July 24, 1802, and died at Puys, on December 5, 1870. His father was the natural son of Alexandre Davy de la Pailleterie, a rich colonist of Santo Domingo, and a Negress whose name was Dumas. Hence his father's name was General Alexandre de la Pailleterie Dumas. He went to Paris in 1823, where he got a clerkship, and soon began to write plays; took an active part in the revolution of 1830; and after 1833 spent his time travelling and writing. In 1844-1845 he published *Le Comte de Monte-Cristo*. So famous did he become that many books were published under his name with which he had little or nothing to do. He is said to have published a novel every twelve days for forty years. *Century Dictionary and Cyclopedia*, IX, 343; Robert L. Ripley, *Believe it or Not, passim*.

& the shady Plaza de Armas,²⁰ or public square near the water, where Columbus celebrated his first Mass on the island— The place is marked by a little monumental chapel, & a tree is pointed out as a scion of one which stood there in the time of the Great Admiral— His remains rest in the cathedral near by—

In the market, I saw along with the tropical fruits, many of our vegetables, but poor & diminutive, except the onions— egg plants not much larger than goose eggs, & tomatoes not so large as hen's eggs— The fish are various & nice; but meat disgusting, as you may suppose. The oxen however, used for draught, are quite fine looking animals, reminding me somewhat of Italy, only wanting the large horns of the Italian cattle— Phil^a Esting would have been delighted, I dare say, with a pet which I saw at Guines: a pretty little Italian greyhound, with only *three* legs, & not a sign of the fourth, which had never existed: He ran about with as much ease apparently as if complete; stopping occasionally to stand on the two legs of one side—

But it is time for me to stop, for I almost fear that I am imposing on you, in my idleness— I will entrust this letter to the unfortunate "Liberty"; the absurd name of which in a U. S. steamer, ought to have been a sufficient warning to me— I shall have another opportunity to send still another dispatch to you from here, but I will promise not to make it a long one— You may now have a pretty good idea of my "course of time," & I can imagine yours— I hope you have attended to my instruction & accepted the kind offers of our good friends, the Ingersolls, to whom & others, remember me— Ever truly & affly Y^r A.

Havanna Thursday, June 29/65

After closing my letter to you, my dear wife, for the "Liberty" yesterday, I had hard work to get through the day, alone in my room— A smart shower of rain, almost the first in the *City*, (for the country has had enough,) for weeks, did not keep me in more than the sun would have done, & it seemed to refresh the air, so that the Prado & the fine music in the starlight evening were quite pleasant. M^r Mile's office & rooms are on the Prado, & finding him at home I fortified myself for to-day by borrowing a Vol. of *Plato*²¹ a story of Henri Conscience, whoever he is; translated into French, but from what language I know not (Flemish). This morning I tried to anticipate the

²⁰ One of the most important of the old landmarks of Cuba is the Palace of the Spanish Governors, now the office of the Ayuntamiento or city government. "This fine old pile stands on the site of the original parish church on the eastern side of the Plaza de Armas, the old centre of the colonial city." The palace was erected in 1773-1792, and remodelled in 1835 and 1851. It was the scene of the surrender by the Spanish government of the sovereignty of the island to the United States at the close of the Spanish-American War. *Britannica*, XI (1937), 259-260.

²¹ Plato, formerly Aristocles, was born at Aegina in 429 or 427 B. C. and died at Athens in 347 B. C. This famous Greek philosopher was a student of Socrates and the teacher of Aristotle, and the founder of the Academic School. He is perhaps the most famous man who ever lived except Christ. *Century Dictionary and Cyclopaedia*, IX, 812.

sun, but the tropical twilights are so short that, by the time I was dressed & out, he was very nearly ready to show himself— Here & there a shop was open, & a few nicely dressed women, with their black or red shawls were to be seen going to early mass; but the market, to which I directed my steps, was crowded enough— It is curious how extremes meet; this market, outside of the old walls & beyond the Prado, is the very copy of one near my hotel in St Petersburg: a large square surrounded by small shops & arcaded on the outside, which here serve to protect from sun & rain, as there from frost & snow— But altho' the Russians are not distinguished for the virtue of cleanliness, they are saints as compared with this Spanish race— Filth & garbage aggravate the distaste produced by the uninviting appearance of the productions offered for sale, & yet, in the hands of our Phil^a vendours, what a show they would exhibit! You would fare badly for *fish dinners* here; for it seems to me that the fish, tho large and numerous, are nearly all devoid of scales (perhaps cleaned)— By the time I returned to my hotel the city was all awake, & at 6 o'clk the therm. stood at 80°; so after eating three or four bananas & drinking a cup of coffee, here I am housed for the day, with no interruptions in prospect, (except the periodical blessing of breakfast & dinner,) until comes "still evening on, & twilight gray has with her sober livery all things clad"— but a tropical twilight would hardly have suggested that expression to Milton;²² so rapid is the transition from sunset to dark night— This is the second *feast* day since I have been here; that of St Peter & St Paul—²³ Every day is devoted to some Saint or Martyr, & it is amusing to read, *every morning*, in the newspaper, a notice of the religious celebrity or celebrites to whom the day is dedicated— But I am forgetting my promise not to inflict on you this time a letter of many sheets— I must tell you, however, of a little piece of good luck yesterday— We sit at meals at little tables for six; the person on my left hand is, as you may have guessed, Mr Smith; but yesterday a new comer took the seat on my right, & entering into conversation, I found he is from Mobile & could tell me of my brother & his family there— My brother was the physician of this Mr Moore's²⁴ father, & Mr M. told me that the Dr was in good health, as well as all his family. The explosion, which was very destructive to the warehouses & cotton perhaps, did not do much damage to private dwellings,

²² John Milton was born in London, England, on December 9, 1608, and died there on November 8, 1674. He was not only one of the most famous poets in the world, but a noted statesman also. His best production is *Paradise Lost and Paradise Regained*. *Century Dictionary and Cyclopedia*, IX, 688.

²³ As early as the fourth century a feast was celebrated in the memory of Saints Peter and Paul, on the same day, although they were not on the same day in the East as at Rome. As early as the third or fourth century it was June 29. *The Catholic Encyclopedia*, XI, 751.

²⁴ John Creed Moore of Tennessee became a cadet at West Point on July 1, 1845; was brevetted second lieutenant on July 1, 1849; became second lieutenant of artillery on September 10, 1850; was made first lieutenant on October 18, 1853; resigned on February 28, 1855; and was a brigadier-general in the Confederate States Army from 1861 to 1865. Francis B. Heitman, *Historical Register and Dictionary of the United States Army from its Organization, September 29, 1789, to March 2, 1903*, p. 722.

besides breaking windows, &c— Mr M. is bound also to the city of Mexico, to seek his fortune: being an exiled Confederate officer.

Friday, June 30th Our son Alfred's birthday— I trust he is well, & that God has softened his heart towards his fellow countrymen & relatives of the South— Mine bleeds daily to think of them— let me try not— What a blessing is the daily revolution of the earth, I thought that one more had taken place than there has, until someone at breakfast asked if it was Friday: however, to-morrow the steamer sails from N— Y— which is, I hope, to relieve me from this absurd position— But when I alluded to the revolution of the earth I was thinking of the relief afforded by the succession of night— As I sat last evening enjoying the pleasant breeze on the balcony of the large front sitting room, I wondered whether you were as pleasantly situated— A gentleman came in with a glass globe containing some pieces of sugar cane, covered with the beautiful fire flies which frequent that plant— Their fixed light is from two spots on the head, like eyes; but in flying they show a large light from the under part of the body, like ours, only 3 or 4 times as large— One evening on the Prado I was struck with the appearance in the dark of a brilliant *opal*, on the body of a lady in a passing volanta, it was formed by a large fire fly or glow worm, giving a bluish green light— This morning I took my early walk towards the harbor & the plaza de Armas— No hour is too early or too late for the licensed vendors of lottery tickets, to whom people are naturally attracted by the list of prizes published every few days; some of \$5,000, 10,000, &c & rare one even of \$100,000 in that of this week— *Sunday, July 2^d*— When taking my early morning Walk towards the Harbor, I was rather surprised to see the Manhattan coming in from V. Cruz— She will sail to-morrow & will take this letter. Thus she will be almost back to N. York before I sail from here for V.C!— I have nothing new to tell you; my time merely *passes*; a little early & late is the only variation of a day of listlessness & lounging— fortunately some part of the house is always cool, at least bearable, & there are few guests to prevent my going about in the freest dishabille— It may give you an idea of the natural warmth of the human body here to tell you that, just before going to bed, I bathe my neck and arms, (& often sponge my whole body) in *ice water*, without the slightest feeling of inward chilliness, being almost immediately in a glow again: There are no baths yet in this house— I have seen scarcely any one, out of the house, except Mr Miles who dined here & sat with me on the pleasant front balcony evening before last— He expects to visit the "States" this summer & will easily find you out, being, you know, connected with the Feltus's

Monday July 3^d Once more then I must send my adieu from Havanna: I hope the last for a long time— I might have heard oftener from you during my detention here, for several steamers have come from N.Y: one due to-day— I have some hope of finding a letter on board of the

one in which I shall embark for V.C., altho' I have been thoughtless enough not to mention opportunity my former letters. I imagine you all going on as usual, at this hot season: the dear girls enjoying relaxation from their routine work, & Augustus, I hope about this time setting off for his engineering tour to the mountains: Little Gratz quiet & useful as ever, not forgetting my injunction to give a short time, every day, to study— As for you, my dear,— I can picture to myself perfectly your looks & your thoughts; regretting sadly that they must be so often mournful— Mine too you may imagine; alone & without occupation— I depend on you or one of the girls writing occasionally to sister Ellen, to let her know how I am (not) getting on— I shall not write to her until I reach the city of Mexico. As soon as I get to V.C. I will let you know how to address my letters— Once again, farewell: my dearest wife: I need not bid you always to love

Your ever faithful & affte husband—

A. M.

Vera Cruz July 15/65.

You would be disappointed, my dearest wife, to see me sitting down to begin a letter to from there, instead of setting off immediately for the city of Mexico; but you must not be uneasy— We did not get off from Havanna until the morning of the 9th, & then we had a very good run over here, stopping a few hours at Sisal in Yucatan, and making this port last night, too late to come in; so that we missed the train to-day— I was sick only the last day, yesterday, from the rolling of the ship, from which my head is not yet quite free; it is therefore perhaps just as well to have a day's rest before commencing the tedious land journey to Mex^o— M^r Oropeza, the Secy of the R. R. office here, met me on my way to the Hotel & immediately secured places for me, M^r Davison & M^r Moore, in the Diligence which leaves to-morrow morning— M^r Davison found me out on the voyage from Havana & handed me your parcel, containing new evidences, (of which I have found so many among my things,) of the kind thoughtfulness of yourself & my dear daughters— I was glad indeed, altho' I did not get a letter, to have so much later intelligence from you; almost as late as I could have had—

Here, as at Havanna, you do not hear much about sickness, though I dare say there are cases. People eat, drink & laugh & go about their business as usual; The day is showery & rather pleasant. There are two coach loads of passengers going up to-morrow from our steamer: several women & children among them—

You will be sorry to hear that I learnt from one of the passengers, an acquaintance of Col. Talcott & of Mr Spiller, that news of the death of the latter gentleman in England reached N. York just before the sailing of the Vera Cruz— Mr Oropeza had not heard of it, so Mr Sullivan, the gentleman referred to, may bring the first news of it to the Talcotts:

I have just written a note to Mr Miles to let him know how I am getting on— You must be sure & tell Josephine how kind & attentive Mr M was to me in Havaⁿ; her letter proved a real piece of good fortune to me— Mr M. had just taken new & very pleasant rooms when I left, & thought that he would remain at Hav. all the year—

I shall now begin to think of hearing from you, as I can let you know how to direct to me, when I see Mr O. again: & the Vera Cruz leaves to-morrow on her return trip— It seems a long time to wait for her again, but I hope you may have sent a letter through Mr Vischer Talcott: I ought to have thought of that— Farewell, my dear wife & children, & may Heaven bless you all is the prayer of

Yr affe husband & father

A. Mordecai

P.M. Mr Oropeza called whilst I was at the bath and left me a package from Mr Maury containing your letter & enclosures & his long mem. about capt Hawks' [*sic*]²⁵ letter— I am as much astonished as you could have been at your discovery of it & you will be again surprised to hear that I can give no explanation of the matter & scarcely recollect any thing about the letter from beginning to end— I only trust it & and the money have come to light in some way— my head is not clear enough today to make any thing out of it. I can hardly get through Mr M's long statement— Your letter is so distressing to me too, as to increase my confusion, & I hardly know what I am doing. Please try to avoid as much as possible dwelling on your own grief; I shall go crazy— You had better not write every day or so very often. Make little mem. of what you want to tell me & wait until near steamer day to write— I am very much distressed at Mr Warren's death— so sudden & such a loss. I am glad Alfred is pleased— There is some comfort— I need all that I can get, I assure you—

Write by the American steamers & direct to the care of *G. P. Oropeza*, Vera Cruz— You can pay the foreign postage at your end—

²⁵ Henry F. Hawkes of Massachusetts and Ohio became a first lieutenant of the 12th Ohio Infantry on September 26, 1861; was promoted to the rank of captain on June 30, 1862; became captain of commissary of subsistence volunteers on November 21, 1862; was brevetted lieutenant-colonel of volunteers on December 2, 1865, for faithful service in the subsistence department; was honorably mustered out of service on December 8, 1865; and died on June 25, 1886. Heitman, *Register*, I, 512.

IMPERIAL MEXICAN RAILWAY,

Mexico July 20th 1865

Chief Engineer's Office.

N^o. 1.

Here you see me at length, my dearest wife duly installed at my desk, in the old Capital of the Aztecs.²⁶ It is curious enough, as Talcott was just saying to a member of the British Legation who stepped in— that we having begun our civil engineering, some forty years ago, in the Dismal Swamps²⁷ of Virginia, should be terminating it together in Mexico— I reached here day before yesterday (Tuesday the 18th) about daylight, after a horrible journey, as I anticipated, in which I was not cruel enough to wish for you or any one else belonging to me— My head & hand are scarcely steady yet, after two comfortable nights' rest— I wrote you a short letter from Vera Cruz merely to inform you of my safe arrival there, in good health— For fear of alarming you I was not quite ingenuous with regard to my last few days at Havanna—The day after I wrote last from there, after I had been more than ten days in the city, feeling perfectly well, I was taken sick, with some fever— I took perhaps an overdose of oil & became very weak in consequence, so that at the breakfast table next day I became quite faint & had to be carried up stairs; after that I was careful to avoid any exertion & did not leave the house until I went to embark— Mr Taylor, the hotel Keeper, was very kind in having things prepared for me; but you may suppose I missed your tender & skillful hand in nursing— Mr Miles was with me morning & evening & came to pack my things & do all that I wanted as kindly as possible. On Saturday afternoon, 8th July, I went on board the *V. Cruz*, expecting to sail that day, but she did not set off until the next morning, & the night passed in the nasty, though

²⁶ Aztecs or Aztecas is derived from Nahuatl *Aztlán*, place of heron or perhaps from the Heron Clan. The name Aztecs has been much misused, every sedentary tribe having been conceived to be descendants of the people so named. They were a band of Indians who drifted into the valley of Mexico, probably from the north, and who, harrassed by tribes of their own linguistic stock, which had preceded them and settled on the shores of the lagoons of Mexico, finally fled to some islands in the midst of the lagoons for security. They increased in strength and numbers and then turned on their neighbors. In the fifteenth century the confederacy between the Aztecs, the Tezucans, and the Tecpanecans, became at last formidable to all the Indians of Central Mexico, and so continued to 1519, when Cortéz ended the confederacies of the valley plateau of Mexico. It is assumed the Aztecs and Pueblos have a kindred language. *Century Dictionary and Cyclopaedia*, IX, 103.

²⁷ In southeastern Virginia and northeastern North Carolina is a large area of about 750 square miles, known as the "Great Dismal Swamp." At its longest place it is about thirty miles long by ten miles wide. Originally it was covered with trees and dense undergrowth, but now part of it has been cleared, drained, and devoted to agriculture. In its midst is Drummond's Lake, about seven miles in length. Part of the Dismal Swamp once belonged to George Washington and he supervised the digging of the "Washington Ditch," the first step in the Swamp's reclamation. In 1899 the Dismal Swamp Canal, connecting the Chesapeake Bay with Albemarle Sound, was opened. After the close of war it was never so important in the development of that section of the country. It extends from Deep Creek, Virginia, to South Mills, North Carolina, a distance of twenty-two miles, and is one of the most important links in the chain of inland waterways extending from New York to Florida. It escapes the dangers of Cape Hatteras; furnishes an inland route for small naval crafts and revenue cutters; and opens up 2,500 miles of inland navigation. Through this swamp runs the Washington Highway from Albemarle Sound points to Norfolk. Including the Little Dismal Swamps and still smaller swamps along the coast of North Carolina there are more than 2,000,000 acres covered by water or too low and boggy for farming. *Americana* (1938), IX, 167.

spacious, harbor of Havanna, was anything but servicable to me— After a day or so at sea however my feverish feelings went off, notwithstanding the heat of the weather: The Capt. was very kind indeed; gave me up his own bed, in an airy room on deck, for one night, & other nights I passed on a couch in the Saloon, over the companion way, not occupying my berth below at all— By the time we reached V. Cruz I was well & I passed quite a pleasant day there, at the same house where I stopped 12 yrs ago during the yellow fever season— In the evening Mr Davidson & I walked out with M^r Oropeza, went to a coffee house & took an excellent cup of chocolate, just as if we were in the safest place possible— M^r O. took charge of my letter for which went all right I hope by the return of our steamer, & early the next morning he accompanied us to the R. Road Station— The road is working sixty miles, over the low country, but when we got half way we found that a very heavy rain, which I had listened to with apprehension the night before, had washed away a part of the track & it caused us a detention of four hours, which proved very inconvenient on the rest of the Journey— However with traveller's patience we submitted cheerfully, & in the village of Sorledad,²⁸ built of reeds & thatch, we found a Frenchman & his wife who got us an excellent breakfast— It was 2 o'clk before we commenced the ascent to the high lands, in the Diligence, by a stupendous mountain road, of which the views of the Lommering R. Road may give you some idea— After surmounting this ascent the road was almost impassible from mud, & it was 9 o'clk before we reached Cordora,²⁹ about 25 miles. Here we insisted on stopping for the night, as it was worse than useless to attempt to travel such roads in the dark— We continued our journey however all the following night & on the afternoon of the third day we reached the handsome city of Puebla,³⁰ where to my great satisfaction I learned we were to pass the night— You must not suppose that the suffering from heat or dust, such as we should have experienced in July at home, was added to the discomfort of jolting & pommelling in the coach: even on the rail road, in the "tierra caliente," or hot country, I had to throw an overcoat over my shoulders— I had reduced my baggage to the modest amt of my two bags, my shawl & poncho, leaving the trunks at the R.R. Terminus, to be sent up how & when it may please fortune— The road is every where strewed with wagons (loaded) abandoned happily until a drier season— The wet season has set in early & worse than usual, they say; I should just have missed it, or nearly so, by the Manhattan, or without any detention in Havanna— But I was going to speak of this wonderful climate— You could hardly believe that, clothed in my full flannel suit, with the thick undershirt which I wore in winter, my heavy waterproof boots "a perfect blessing" & nothing

²⁸ Sorledad must be the same as Rio Sarabia of today. It is west of Vera Cruz, near the foot hills. *Century Dictionary and Cyclopeda*, X, atlas map, no. 65.

²⁹ Cordora or Cordoba is not far from the east coast of Mexico, but it is two or three hundred miles from Vera Cruz. *Century Dictionary and Cyclopeda*, X, atlas map no. 65.

³⁰ Puebla is about four-fifths of the distance from Vera Cruz to Mexico City. *Century Dictionary and Cyclopeda*, X, atlas map, no. 65.

over my head but dear Laura's crocheted Scotch Cap, not even an umbrella, I would walk for miles, under the bright & vertical sun, over the lofty mountain passes, or floundering in the mud on the plains, not only without suffering, but really with pleasure, not perspiring a drop— It is true on arriving here I found my complexion a little florid & my hands somewhat browned, (wearing no gloves since I left home,) but not at all burnt— At sea I frequently regretted that I had forgotten to provide myself with a fan, & it was not until arranging my baggage in V. Cruz that I found one which you or one of my good daughters had put in— in the same way I came across a pair of new braces, & several other things quite acceptable: but here apparently the fan will be in no demand— To continue my journey, which I can now look back upon with some complacency— At Puebla, in sight of the snow peaks towards the Capital, we thought our difficulties were over; but we counted without appreciation of the descent into the valley, which proved to be about the worst of the journey— taking the whole night to make the last 15 miles or so; the greater part of the time being spent in the mud holes— about 8 miles off I got out of the coach to keep it out of a hole & seeing what appeared in the dark a smooth piece of ground, I plunged knee deep into a ditch filled with water— if it had been clean water, well enough; but a Mexican ditch! however the water is very nearly the temperature of the air & I had not much apprehension, recollecting former experience; so I sat grimly down with my boots full of Water, for about 3 hours or more— At last about half past three in the morning we drove into the court yard of my former quarters, the Hotel Iturbide,³¹ (having left our coach broken down sticking in the mud,) & after some delay I got a place to take off my wet things; & here appeared again the dryness of the air, when it is not raining— as soon as I awoke, after sunrise, I put out my things on the balcony & by the time I was ready to dress my pants were dry, & I could, if necessary, have worn my boots without much inconvenience; I have them on now, none the worse apparently for the soaking— One thing struck me on the road, in contrast with what I should have experienced in our "civilized" country; at whatever time of day or night we came to a place for changing horses (10 miles) we could always get a good cup of chocolate or coffee, with excellent bread, & at the usual eating places, a breakfast or a dinner; the former sometimes at 2 o'clock in the afternoon, and the latter at midnight— Well, after resting awhile at the Iturbide, Mr Sullivan took Mr Moore & myself to the "Tivolidi Eliseo," where in a bower in a pleasant garden, we had a very nice breakfast about 12 o'clock, after which I was set down at this office, & welcomed by Col. Talcott. The morning was bright as usual, but I recollected old times, & at 3 o'clock sure enough, the thunder began to growl & the black clouds to collect, & I found use for my poncho & hat cover for the first time— A little after

³¹ The Iturbide Palace is one of the historic buildings of the city and is now used as a hotel. *Britannica*, XV (1937), 398.

5 o'clock Talcott took me with him by the horse car to his very pleasant house at Tacubaya³² where I am now staying— The rail way cars, nicer than yours in Phi^{la} were completely shut up, & no one wanted a window opened— M^{rs} T. & all the young ladies, were at dinner, except the youngest, Miss Fanny, the one who was to marry M^r Spiller— she was quite unwell, but I saw her yesterday at dinner; They are all in black, but not gloomy; that is they are very quiet & make no demonstrations of their grief— all the daughters resemble their mother— M^{rs} Southgate, a married daughter is also here, with four children; her husband is just now absent— Their house is beautifully situated, on high ground, & the view which opened to me when the rising sun shone into the window of my pleasant room, the next morning, was one of the most beautiful I ever saw— In the foreground the village, beyond which the green plain, with rows of trees stretches off towards the city— On the left the hill of Chapultepec, crowned now with the expensive Imperial palace,³³ & further on, the domes & towers of the churches, which are nearly all that can be seen of the city, (The houses being low— Beyond that the landscape is closed by the Mountains which bound the valley, crowned by the snow peaks of Popocatepetl³⁴ & Jatacihuate— imagine all this lighted by a bright sun, with a few clouds floating in the sky at this season, & you cannot help saying that the country & the climate are all that nature could have made of beautiful— of *man*, it is best to say but little — I have not yet looked for quarters, but must soon, not to be spoiled by the comfort & in fact luxury of my present ones— The Col & his son & I breakfast early for this country, & come in the 9¹⁵ train to town, going out at 5¹⁸ to dine at 6— The ladies breakfast, if they please, at 10 or 11— or with us, if they have returned from their ride on horseback, which some of them take every morning—

There are Many Americans (U.S.) at present— In this office M^r Andrews³⁵ a son of Paymaster Genl A. is employed; also young

³² Tacubaya is less than eight miles from the center of the city and today is one of the principal suburbs of the city. *Americana* XVIII, (1938), 802.

³³ The National Palace fronts on *Plaza Mayor* and has a frontage of 675 feet on the east of the Plaza and covers 47,840 square yards or nearly ten acres. It contains the executive offices of the government, State Chamber, General Archives, National Museum, Observatory, and Meteorological Bureau. It occupies the site of the residence Montezuma, which was destroyed by the Spaniards and that of Hernando Cortez, which was destroyed in 1692. It has three entrances on the Plaza and over its main gateway hangs the "liberty bell," rung by Hidalgo on the night of September 16, 1810, to call the people of Dolores to arms, and even now it is rung at midnight on each recurring anniversary by the President himself. *Britannica* (1937), XV, 398.

³⁴ Popocatepetl (smoking mountain) is a volcano forty miles southeast of the City of Mexico. It is surmounted by a crater 2,000 feet in width, and is one of the highest peaks in North America (17,550 feet). *Century Dictionary and Cyclopaedia*, IX, 819.

³⁵ Timothy Patrick Andrews was born in Ireland in 1794, and died on March 11, 1868. He rendered good service in Commodore Barney's flotilla in Patuxent River in the War of 1812; was later in active service in the field; became paymaster in 1822; and resigned in 1847 to take command of a volunteer regiment he had raised for the Mexican War. He distinguished himself in the battle of Molino del Rey; was brevetted brigadier-general for his gallantry and meritorious conduct in the battle of Chapultepec; and on the close of the war and abandonment of the volunteers he was retained by an act of Congress as paymaster. In 1851 he was made deputy paymaster-general, and during the Civil War, on the death of General Larned, Colonel Andrews succeeded him as paymaster-general of the army, which position he retained until he retired on November 20, 1864. *Appleton's Cyclopaedia of American Biography*, I, 76.

Newton of Norfolk— I have seen Capt. Maury,³⁶ Genl. Stone,³⁷ Genl. O. Wilcox,³⁸ Genl Kirby Smith,³⁹ &c— This morning I asked at a hotel for M^{rs} Anol Iturbide,⁴⁰ & the man pointed her out just entering the courtyard— I walked up to her & said: “Do you know me? — After some

³⁶ Dabney Herndon Maury of Virginia became a cadet at West Point on July 1, 1842; was brevetted second lieutenant in the mounted riflemen on July 1, 1846; became second lieutenant of the third artillery on July 1, 1847, but was transferred to mounted riflemen on February 19, 1848; became first lieutenant on January 27, 1853; was regimental adjutant from September 15, 1858, to April 10, 1860; was brevetted captain and adjutant-general on April 17, 1860; was brevetted first lieutenant on April 18, 1847, for gallantry and meritorious service in the battle of Cerro Gordo, Mexico; and was dismissed on June 25, 1861. He was a major-general in the army of the Confederate States of America from 1861 to 1865, and died on January 11, 1900. Heitman, *Register*, I, 697.

³⁷ Charles Pomeroy Stone (September 30, 1824-January 24, 1887) was born in Massachusetts and died in New York City. He graduated from West Point in 1845; was with Scott in the Mexican War; resigned in 1856, being first lieutenant; was employed by a private association as chief of a commission for the exploitation of the Mexican state of Sonora; and became colonel of the District of Columbia volunteers on April 16, 1861. He became a colonel in the regular army in July, 1861; brigadier-general in volunteers in August, 1861; and played a leading role in the Civil War. In the first battle of Bull Run, when Colonel Edward D. Baker, under Stone, was killed, his colleagues blamed Stone for his death. Baker was a Senator, a fact which turned the eyes of the nation upon Stone. He was also accused of cruelty and many other offenses, which led to his arrest on February 8, 1862, and imprisonment for fifty days in Fort Lafayette in New York harbor. He was not even told why he was arrested; was released on August 16, 1862; after months of unassignment he was sent to General Banks in May, 1863; and on April 4, 1864, he was mustered out of volunteer service, and as colonel he was not assigned. He was later assigned to the army of the Potomac, but sick and disgusted he soon resigned, September 13, 1864. From 1865 to 1869 he was an engineer for the Dover Mining Company, Goochland County, Virginia; from 1870 to 1883 he served in the Egyptian army, becoming chief of staff and lieutenant-general; for a year he was chief engineer for the Florida Ship Canal Company; and he was later chief engineer for laying the foundation of the Statue of Liberty in New York harbor. *Dictionary of American Biography*, XVIII, 72.

³⁸ Cadmus Marcellus Wilcox was born in Wayne County, North Carolina, May 29, 1826, and died in Washington, D. C., December 2, 1890. He studied at Cumberland College at Nashville, Tennessee; graduated from West Point in 1846; served in the Mexican War, in the battles of Vera Cruz, Cerro Gordo, Chapultepec, and Mexico City; was made a first lieutenant on August 24, 1851; was an instructor in West Point from 1852 to 1857; spent a year in Europe on sick leave; became a captain on December 20, 1860; and was sent to the New Mexico border. On June 8, 1861, he resigned from the army; soon became a colonel in the provisional army of the Confederacy; joined General Joseph E. Johnston on July 16, 1861; and served in Virginia until the end of the war. He became brigadier-general on October 21, 1861; was made major-general on August 9, 1863; and took part in most of the major battles in Virginia. He declined to become a brigadier-general in the Egyptian army after the close of the Civil War; in 1886 became chairman of the railroad division of the general land office in Washington, D. C., and was a writer of note. *Appleton's Cyclopaedia of American Biography*, VI, 504.

³⁹ Edmund Kirby Smith was born in Florida on May 16th, 1824, and died on March 28, 1893. He graduated from West Point in 1845; served in the Mexican War; was instructor in West Point from 1849 to 1852; became a captain in 1855; was raised to a major in 1861; but resigned when Florida left the Union. He became a colonel in the Confederate army on April 6, 1861; was rapidly promoted until he was lieutenant-general in 1862, and general in 1864; was wounded in the first battle of Bull Run; commanded in the department of the Tennessee in 1862; received the thanks of the Confederate Congress on February 17, 1863; and was sent west of the Mississippi to command the Trans-Mississippi Department and to organize a government there. He opened up the blockade trade with Europe; was the last to surrender his army at the close of the Civil War. He then became president of the Atlantic and Pacific Telegraph Company; was chancellor of the University of Nashville from 1870 to 1875; then became professor of mathematics in the University of the South, which position he held until his death. He was noted for his work in the field of botany. *National Cyclopaedia of American Biography*, VIII, 132-133.

⁴⁰ Archduke Ferdinand Maximilian Joseph of Hapsburg (July 6, 1832-June 19, 1867) was selected by Napoleon III of France to be Emperor of Mexico. This move grew out of the attempt of England, France, and Spain to collect some claims from Mexico. The largest of these was for a Swiss banker who had become a citizen of France. It is claimed that this claim was multiplied several times. When the real purpose of Napoleon became apparent, the other two nations withdrew and left the occupation to France. Maximilian needed no encouragement and accepted the offer as soon as it was made on September 18, 1861. In 1856 he had gone to northern Europe by the way of Belgium and Holland. He visited France; was entertained at St. Cloud by Napoleon for fifteen days; and on a second trip on July 2, 1857, a representative of the imperial ambassador to Belgium asked and obtained for him the hand of Princess Maria Carlota Amalia, daughter of the Belgian King Leopold I. She was only sixteen years of age and it is stated that on account of some unfortunate affair which developed between the two relative to his sexual relations, he lived in complete chastity as far as his wife was concerned. *Magnier, Men of Mexico*, pp. 400-401; *Century Dictionary and Cyclopaedia*, IX, 667.

hesitation she did recognize me, & was glad to see me— her husband⁴¹ & boy⁴² were with her;⁴³ the boy is quite handsome— The mother a trifle thinner, but not very much changed— asked after you all & sent her love, very kindly—

This morning after breakfast, I read over again M. Maury's letters— It is very curious that I cannot recall the faintest recollection of Capt. Hawkes's letter, I have an indistinct recollection of a letter to Govr Manly,⁴⁴ & yet I met him, I believe, in Raleigh— I hope the money has been recovered— I do not know how you are to send *packages* to me at present; it is so difficult to get anything up from V.C.— I am not aware of wanting anything, when I get my baggage— I wrote to you to send letters under cover to "G. P. Oropesa, Imperial Mex. Rail Way office, Vera Cruz"— Write by each of the American steamers— Make your letters as full as possible about private affairs of family & friends; at the same time as light as you can — I cannot learn exactly the arrangements, but postage is very heavy: for instance your package which Mr Maury directed to me at Vera Cruz had three 10 ct U.S. stamps on it, & yet Mr O. paid in Vera Cruz 62½ cts on it— You must enquire whether you can prepay to V.C. or rather whether prepayment goes for anything— Mr O. will keep a postage acct for me— Tell Josephine with my love that her bottle marked "Sam Esting" came all the way to Mexico: I brought it about half full from Havanna after which I drank no more, but some of fellow passengers, who did not stand the journey as well as I did, emptied it on the road up, & at last I forgot it at the Diligence office— Mrs T. asked me how I thought my family would like

⁴¹ Charlotte (Marie Charlotte Amelie Auguste Victorie Clementine Leopoldine) was born at Laeken, near Brussels on June 7, 1840, the only daughter of Leopold I of Belgium and Louise, Princess of Orange. On July 27, 1857, she married Maximilian, Archduke of Austria, and accompanied him to Mexico, but in 1866 she was sent by Maximilian to secure assistance from Napoleon III and Pope Pius IX. Failing in her mission and seeing the ultimate fall of her husband she became hopelessly insane. In 1879 she was confined in the care of her family near Brussels. She remained insane until her death which took place only a few years ago. James A. Magner, *Men of Mexico*, pp. 398-401; *Century Dictionary and Cyclopaedia*, IX, 237.

⁴² Since Maximilian had no children eventually he decided to provide for royal succession by adopting the two grandsons of the Emperor Augustin Iturbide. In September, 1865, he conferred the title of Princess of Mexico and liberal allowance upon the only surviving daughter of Iturbide, and placed in her care the five-year-old son of Don Angel de Iturbide, Don Augustin, whom he proposed to make heir to the throne. The other grandson, Don Salvador, was sent to Europe to be educated. Don Augustin, whose father had married an American and died several years before, remained in the United States after the fall of the Empire, and died in Washington, D. C., in 1925. The other boy remained in Europe and married into a wealthy Polish family. Magner, *Men of Mexico*, pp. 400-401.

⁴³ Augustin de Iturbide was the grandson of Emperor Augustin de Iturbide (September 27, 1783-July 19, 1824); was born in 1863; was adopted by Maximilian in 1865 and made heir to the Mexican throne. After the fall of Maximilian and his execution, the adopted son was taken to the United States where he received part of his education, and later returned to his native country. In 1906 he was serving in the Mexican army. *Century Dictionary and Cyclopaedia*, IX, 536.

⁴⁴ Charles Manly was born in Chatham County, North Carolina, on May 13, 1795, and died in Raleigh, North Carolina, on May 1, 1871; graduated from the University of North Carolina in 1814; and after studying law was admitted to the bar in 1816. In 1823 he was appointed reading clerk in the house of commons; was clerk of a committee in Washington for the adjudication of claims against the British government for property taken in the War of 1812; was principal clerk in the North Carolina house of commons from 1830 to 1848, when he was elected governor; but he was defeated for the same office in 1850, after the Whigs nominated him. He later went to California; was a candidate for governor there; returned to North Carolina where he became military governor of a few counties in the eastern part; but when the people failed to rally behind him he resigned. *Appleton's Cyclopaedia of American Biography*, IV, 189.

to come here; I shall say little about it yet awhile— I trust you are all well, & getting on comfortably—

July 21st. There have been two days without rain, but this afternoon it has returned with its former punctuality— Everybody rides now in the morning— Driving in this morning, in an English “drag,” we met many parties on horseback, among others, the Empress looking young & pretty as she galloped by— I ventured yesterday to try one of my thin flannels, but a rheumatic sort of pain across the breast soon admonished me to change for a thick one— I sleep under two thick blankets— the therm. in the parlor stands at about 65°, day & night — When you see Mr Robinson please tell him that his instruments are safe in V.Cruz for the present— You will have to arrange about Gratz’s school in due time. I should not care about his studying any more of Elementary Geometry or Algebra, but think he might extend his Mathematics to Trigonometry, & take up Nt. Philosophy & Mechanics to some extent; review Astronomy in a general way; chemistry, & some drawing; Book keeping, with practice in writing & some instruction in composition,— Not all these at once, but to be kept in view— Our dear girls, I suppose, had better try their school another year, or until I can see my way clearly— I am sorry to say so—

July 22^d— When we went out to dinner yesterday we found a fire lighted in the parlor; the room is a little larger & loftier than the parlor at Watervliet Was— The wood fire diffused a pleasant warmth & raised the therm. to 68°— I close this for the Diligence Mail, to save the “Extraordinary” postage, not expecting to have any thing particular to say in the next 3 days— With best love to the dear children

yr afft Alfred

I do not write to sister Ellen yet— If it is not too much trouble I would ask the girls to make a copy or extract of this letter & send her.

IMPERIAL MEXICAN RAILWAY

July 22 1865.

Chief Engineer’s Office.

My dear wife

I have written you fully about my journey from V. Cruz & shall send my letter by the Mail for the N. York Packet of the 28th— I write this time by Genl. Stone who will go in the same packet, merely as an extra precaution, to let you know that I have arrived here & am perfectly well: Staying at present at Col. Talcott’s pleasant & beautifully situated house at Tacubaya, 4 miles off, with which we are connected by horse railway— I got here on the morning of the 18th, after a fatiguing journey, from which I am however quite recovered—

Please send the enclosed note to M^r Levis, & if he gives you any drawings &c, for me, send them by express to "S. V. Talcott Esqr 80 Broadway, N. York." addressed *inside* to me at this office— He will pay the expenses— You had better write a line by mail to say that the things are sent—

Ever truly

Y^r Afft husband

A. Mordecai

IMPERIAL MEXICAN RAILWAY,

Chief Engineer's Office.

Mexico July 24th 1865

N^o. 2

My dear Wife

As the government has arranged to sent an "extraordinary" (express) to meet the N.Y. steamer at the latest day, I vail myself of it to send you a *third* letter for the steamer which sails on the 28th; one I gave to Genl. Stone to drop in the P. O. at N.York, & one, my regular letter, I sent by the ordinary mail yesterday— This is a business letter— Col Talcott is, I should say, *exceedingly* liberal; he proposes to allow my salary to begin from the time I left home, & to pay all my expenses out— This I think I shall not ask, for I consider the delay at Havannah to be due to my own fault, or that of my agent— Still, I shall feel authorized to commence from the 1st July, the time when I might have left home to reach here as I did— This liberality, be it observed, is *real*, as the engineering work is done by contract, at a certain rate per mile, between the Co^y & the two engineers, Talcott & his English associate— It will enable me to make you a remittance by the steamer of the 14th August, which will reach you in time for the house rent & other expenses— In the mean time, as our son Alfred was kind enough to offer me his assistance, I will ask him to take up my draft on Maury, Bros 5, Hanover st, N^Y. by paying them \$40 in gold, which I drew for my expenses at Havanna— I left no personal debt, that I know, in Phil^a, except a few dollars to Mogu, whom I could not find at his shop, & except a great debt of gratitude to many kind friends who have cheered & assisted me during the last four dreary years; *This* debt I beg you will take every opportunity to acknowledge, by assurances of the obligation which I feel towards those friends, the recollection of whose kindness makes my eyes run over whilst I write—

I am still staying at Col. T's— he goes away, on his line, the day after to-morrow, leaving me already in charge of this office— If I can only fulfil his reasonable expectations & perform the duties in a manner satisfactory to *myself* I shall require nothing but the presence of my wife & children, or some of them, to make me well contented here, but

it is premature to think of this yet— I shall make some arrangement in a day or two, perhaps to-morrow, for a room in the city, & I think my expenses need not exceed some \$70 or \$80 a month— My baggage has not come up, & my old blue *bucks*, “my only pair,” as Burns says, are getting alarmingly thin— in other respects the contents of my carpet bag do very well, & the clothing which I have brought will be ample, when I get it—

July 25th— To-day the carrier goes down, & to-day also, I hope, the N.Y. steamer arrives at V. Cruz, & brings me a letter from you. The postage, 57 cts, which I pay on this letter ought to take it to you, please let me know if there is any additional charge made in Phil^a.— Yesterday Genl. Ledbetter, [*sic*]⁴⁵ whom you may remember in connection with Miss Jauney of Washⁿ, arrived here, & Genls Preston,⁴⁶ Magruder⁴⁷ & others probably last night; making altogether quite a crowd of refugees from the south— Nearly all, like myself, “bachelors bewitched”— I need hardly say now much & how often I wish I were not in that situation— I wake at my usual early hour, & as we gentlemen do not breakfast until after 8, I have some time to look over Prescott’s⁴⁸ history of the conquest, & to take a stroll in the garden among the profusion of the same brilliant & beautiful flowers with which the poor

⁴⁵ Danville Ledbetter of Maine became a cadet in West Point on July 1, 1832; was made a second lieutenant of the first artillery on July 1, 1836; was transferred to the engineer corps on November 1, 1836, with the rank of brevet second lieutenant of July 1, 1836; was transferred to the first artillery on December 31, 1836, with the rank of second lieutenant as of July 1, 1836; was transferred to the engineer corps on July 31, 1837, as brevet second lieutenant as of July 1, 1836; was made first lieutenant on July 7, 1838; was elevated to captain on October 16, 1852; and resigned on December 31, 1857. On the outbreak of the Civil War he entered the Confederate army and served as brigadier-general from 1861 to 1865. He died on September 26, 1866. Heitman, *Register*, I, 621.

⁴⁶ John Smith Preston was born in Virginia on April 20, 1809, and died in South Carolina on May 1, 1881. He graduated from Hampden-Sidney College in 1824; studied in the University of Virginia during 1825-1826; and then read law at Harvard. He married the daughter of General Wade Hampton in 1830; became a well known orator; collected valuable paintings and sculptures; and was a sugar-planter in Louisiana. He favored succession; made a noted record in Mexican War; served on the staff of General Beauregard from 1861 to 1862; worked in the conscript department as a brigadier-general; and went to England soon after the close of the war, where he remained for several years. He later returned to the United States and delivered public lectures. His robust, handsome personal appearance (he was more than six feet tall) made his lectures more impressive. He was severely criticised by the press for his address at the commencement of the University of Virginia, in which he upheld the right of secession. *Appleton’s Cyclopaedia of American Biography*, V, 115.

⁴⁷ John Bankhead Magruder was born in Virginia on August 15, 1810, and died in Texas on February 19, 1871. He graduated from West Point in 1830; served in the Mexican War; was brevetted major for gallantry in the battle of Cerro Gordo and lieutenant-colonel for gallantry at Chapultepec, where he was severely wounded; and continued in the army after the close of the war, serving in various places. When Virginia seceded he resigned his captaincy and entered the Confederate army; was made brigadier-general after the battle of Big Bethel and given command of the Confederate forces in the Peninsula; was raised to the rank of major-general; and took an active part in the Seven Days Battle in 1862. He was made commander in the department of Texas on October 16, 1862; took Galveston on January 1, 1863; continued in command of Texas until the close of the Civil War, when he entered the army of Maximilian in Mexico as major-general, in which command he remained until the overthrow of the Emperor; and then returned to the United States and lectured on Mexico. In 1869 he settled in Houston, Texas, where he remained until his death. *Appleton’s Cyclopaedia of American Biography*, IV, 175.

⁴⁸ William Hickling Prescott was born in Massachusetts on May 4, 1796, and died in the same state on January 28, 1859. While he was a student at Harvard a piece of bread thrown by another student injured one of his eyes, and shortly he became almost blind. He made careful research and by the use of a special writing case he wrote excellent history. His best known works are *The History of the Reign of Ferdinand and Isabella*, *The Conquest of Peru*, *The Conquest of Mexico*, and *The History of the Reign of Phillip II. Century Dictionary and Cyclopaedia*, IX, 825.

Mexicans used to smother their presents to the Spaniards— In five minutes the girls could collect enough, including all sorts of beautiful roses, to decorate every room in the house— But I must close, with repeated love to all from

Yr Afft Alfred.

Mexico August 3^d 1865.

My dear Sister

Although my letter cannot go from V. Cruz until the 14th, I will take advantage of leisure time at my office to begin an answer to your welcome & satisfactory letter received by the last steamer from N. York— I asked Sara to give you the substance of my letters from Havanna & to ask the girls to copy for you my first letter from here, so that you will have heard all about the voyage, my detention at H. — my journey to this city. I remained about a week at Col. Talcott's delightful place at Tacubaya, & when I came away the Col & M^{rs} T. both expressed a wish that I should return there in a short time— They have now all their large family at home except Charles's wife & children, & Randolph & his wife, who will all come out in the autumn: The sons are all assisting their father on the R.R. & M^r Southgate, the husband of the married daughter, who also lives at the Col's, is a sub-contractor on the road; they have 4 children— So when they are all together there is a pretty large family & require all the big house; but the young men are a good deal absent on the road, & M^{rs} T. & the three married daughters are going away in the Autumn, to spend the Winter I believe in the U.S. & Europe— One of the daughters, Fanny, was engaged to be married to M^r Spiller, an English gentleman who called at my house in Phil^a on his way to England to make arrangements for his settlement; but just before the time for returning here, he was taken ill & died— of pneumonia I believe— I dare say that the projected journey of the ladies is partly on her account, as her health is quite delicate— I gave some description in my letter to Sara, of the beautiful prospect from their house at Tacubaya; but no description & no picture can convey an idea of the ever varying beauties of the view, which at this season of sunshine, clouds & rain changes almost every hour— I think it is the loveliest *inland* prospect I have ever seen— and then this charming climate! I said the other day that the daily variations, although regularly returning, take me, as it were, by surprise, like the sight of a great train on a R.R. which I cannot, even now, look at without a renewed feeling of admiration— I rise pretty early & go out for a walk, in perfect security that I shall not be interrupted by rain; The sun generally shining so brightly that I am willing to walk on the shady side of the street, where I may see, at an optician's shop, the thermometer standing at about 15° Centigrade=60 Fahr. at 8 o'clk— It is

hard in spite of daily experience, to realize that there is to be rain in the course of the day; but I do not fail in going to the office, to have on my thick boots, & my water proof poncho & hat cover, with me— & sure enough about 2 o'clk however bright the sun may have been shining, the clouds begin to collect on the surrounding mountains & sometimes the thunder to growl, the wind being just enough to keep the clouds in motion, & a little later the rain comes down, frequently in torrents, for about 2 hours— Very often it is over before 5 oclk, the hour at which we leave the office, but sometimes it comes whilst we are at dinner, & by dark or before it ceases, the stars (& now the moon) shine out & if I have any place to go to, I may sally out with certainly that there will be no more rain, & before morning the pavements are again dry & ready for the early “promeneurs” on foot, on horseback or in carriages— I have now quite a comfortable room at the San Carols, a Hotel or rather lodging house, lately opened by a man who went from here as a servant to one of our officers & spent some time in the U.S. I sleep under two blankets, with my door & window closed; the floor is of tiles, but covered with a good Brussels carpet; it is in the third story which is the principal & best, with lofty ceilings & a terraced roof also tiled, over my head— The houses are built as usual in Southern Europe, round a court; on the lower or ground floor are shops, offices, *stables* &c; the next story or eutresol, if there are three, is rather low pitched & used for common bed rooms, servants' rooms, &c— but in large handsome houses the second is often the principal story, for parlors &c— Com. M. F. Maury⁴⁹ has a room near mine which he occupies with two young Conf. midshipmen; Newton of Norfolk & Wilkinson, son of Com. Wilkⁿ of S^o C^a: We & Genl. Wilcox form a mess & have our meals brought from a Mex. cook shop; a cup of coffee (extra) early in the morning, breakfast at 9 & dinner at 5— the two meals are much alike, stewed meats, chicken & always “frijoles” (beans) with café au lait & plenty of good bread— We live very plainly, but we pay only \$19 a month; *My* room costs \$35 a M^o, but pretty good lodging can be had from \$16 to 25.— I shall perhaps hire a room & furnish it myself, which is said to be cheaper— the rooms are attended to by *men* & not by chamber maids, about whom you enquire— I am still without my luggage. & my only suit is the light cloth one or rather blue flannel, which I wore at Raleigh; I wear a thicker undershirt than I have ever been in the habit of wearing in the U.S. in the winter, & yet I could willingly, sometimes in the morning & evening, put on a thicker suit. A Mexican scarcely ever goes out

⁴⁹ Matthew Fontaine Maury was born in Spotsylvania County, Virginia, on January 14, 1806, and died in Lexington, Virginia, on February 1, 1873. He became an outstanding scientist and naval man. From 1844 to 1861 he was superintendent of the hydrographical office and national observatory in Washington, D. C., but on the outbreak of the Civil War he entered the Confederate navy, and emigrated to Mexico at the close of the war. He was a leader in the navy of Maximilian in Mexico; later became professor of physics at the Virginia Military Institute; was the first man to give a complete description of the Gulf Stream and the first to mark out specific routes to be followed by ships in crossing the Atlantic; and was a writer of note. The best of his books is *Physical Geography of the Sea*, published in 1855. *Century Dictionary and Cyclopedia*, IX, 667.

without has poncho or blanket shawl— The women, of all classes, with a reboze or scarf, thrown over the head & shoulders; a cap or bonnet is never seen, but on a European, or when they are riding on horseback, when they use a felt or a straw hat: I know you would like that— I returned a short time ago from the Alameda, or public promenade, where the French band plays 3 times a week, & all the ladies who were walking had only the scarf or worked veil on their heads— The Mexican dandies, with their ornamented jackets & trousers, their wide brimmed hats, & the gay, silver, (or plated) mounted trappings of their horses are quite picturesque.

My office, which you ask about, is the same as Col. T's; it & some others connected with the R. R. are on the ground floor of *one* of Mr Escandon's town houses; another one of his, at the corner near us, is a curious looking house, plated outside with figured porcelain tiles, & formerly belonged to Cortez, or I rather suspect, one of his descendants— Our room has but one window, which is closed at this moment, & no fire place; yet it is never warm, nor will it be cold in winter; the temp. in doors is almost uniformly 65°, or thereabouts— My work is a good deal like what I have been formerly accustomed to, altho' in a new line, & I hope I may be able to answer Col. T's expectations as to the assistance I can give him; Satisfied on this point I can be well contended here; The separation from my family & a sort of feeling that I am deserting a part of my duties to them, are serious drawbacks, the removal of which I must leave to time & circumstances. The relief from the daily torment of seeing & knowing the horrors that are perpetrated in the U. S. is greater than you can imagine, & in spite of some solitary hours, especially in the evening, I can feel that even cheerfulness is returning— I have been out but two evenings, once to see the Iturbides, who lived long in U.S. & one of whom married a lady of my acquaintance in Geo. Town; one to Mrs Yorke's, whom I saw in my last visit to Paris, & who is settled here for the present: She is from N. Orleans, & one of her daughters recently married a French officer here— There are a great many Confederate officers here & more anxious to come— The question of employing them, & of doing something to facilitate & encourage agricultueal emigration, especially from the South, occupies much of the attention of the Govt just now; but their movements are slow, & I doubt if I shall be able to communicate to George any definite information by the next steamer: I shall do so as soon as possible. Col. T. has been most kind in giving employment to as many of the refugees as he can find room for, & in aiding others in every way that he can. Young Newton & Wilkinson, whom I mentioned, are attached to one of the eng^s parties & now working in this office. The only word I cannot make out in your letter is the name of the remedy that Ruston M. recommended to me— I remember his speaking to me about it, but I required nothing of the kind from the day I left N.Y., nor have I

since; my health here is excellent & the water (I drink nothing else) agrees with me perfectly, being filtered rain water, always cool, altho' no ice is used habitually. What ice is used for ice cream is brought, I suppose, from the snow mtns & if so must be expensive— I wish you could see the profusion of flowers of all sorts, tropical & temperate, at two beautiful seats, Near Col. T's, which I visited last Sunday— One of them was Escandon's⁵⁰ the *rich man* of the country, the originator of the R.R., owner of mines, &c, &c; the other a banker's Mr Barron, also very wealthy— Their places are kept up with great neatness, & seem to contain all sorts of luxuries, even to cages for Monkeys & fiercer animals; but the plants & flowers are perfectly darling, & then they are always in bloom— The trees are filled with singing birds; As for fruits, Miss Mary Talcott & I were putting down the names of such as we could recollect, & which were found together at almost any time in the market. Almost all the fruits of the temperate zone, except gooseberries, alongside of oranges, pine apples, Bananas, cocoanuts, Mengoes, pomegranates, Grenaditas, lemons, limes, Guavas, Tunas (fruit of the prickly pear much used,) Sapotes (several kind) Cherimoyas, Aguacates (a substitute for butter,) olives *Our* fruits grow in this valley; they are fine looking but not high flavored— By going some 20 miles towards the S. you descend into a lower region, from which come the tropical productions, & where sugar, & coffee are produced — But I was going to say something about Rutson & his indefatigable kindness— He has written to me giving an account, in his minute way, of the adventures of a letter for Capt. Hawkes, which it seems I took to Raleigh, cont^g some money, & it is curious that I have not the slightest recollection of it— Sara found the letter in my drawer after I sailed & mailed it for Rutson, since which nothing has been heard of it— very queer— Your congratulations to M^{rs} T. about domestic arrangements seem to be premature, as I know she has had great trouble lately in getting a cook; owing partly to her living in a country home— They require many servants; their stable has 12 stalls, & not enough— I make no remarks on some of the *personal* parts of your letter, which will be almost forgotten before you receive my answer— You remember Chas. Lamb's ⁵¹ letter to his friend in Australia— but you know how I appreciate kind remembrances, like Lucy Plummer's. I have a letter from M^{rs} Butler, which accomp^d yours— I wrote to her just before leaving Phila. Sara mentions

⁵⁰ Manuel Escandon was a noted financier of Mexico of this period. He supported the liberal faction while he appeared to favor conservatives. He was free with his gifts to men in need. After Antonia Lopez de Santa Anna lost out completely Escandon left him a bequest of 14,000 pesos, but this soon disappeared. Magner, *Men of Mexico*, pp. 347, 348.

⁵¹ Charles Lamb was born in London on February 10, 1775, and died in Edmonton on December 27, 1834. He received a good education and then became a clerk in the South Sea House and later in the India House. In 1796 Mary Lamb, in a fit of insanity, killed her mother, which resulted in her being placed under the guardianship of her brother Charles. He was a schoolmate and friend of Samuel Taylor Coleridge, who first published some of Lamb's poems with his own. He was assisted by his Sister Mary in much of his work. He is better known for his *Tales from Shakespeare* and for his other stories than for his poems. Mary Lamb lived until 1847, thirteen years after the death of her brother. *Century Dictionary and Cyclopedia*, IX, 587.

Edward's visit to her & the death of his youngest child— with you, I cannot lament—

Aug 4th—Your request put me in mind that I intended to be weighed, to see if I had recovered my loss by sickness— I weighed last evening 163^{lbs}, nearly as much as I ever did— Since writing the above I have been called to the custom house to receive my baggage, which has at length arrived, apparently in good order, by express wagon; having been forwarded from the Rail R station where I left it, on the 17th July— at the average rate of less than 18 (12 [written just above]) miles a day— It was the first time I had been out in the middle of the day; The sun nearly vertical at 12 o'clk, was shining brightly, & the therm. at my optician's door, alth' exposed to the effect of radiation, stood at 75°— Now, at 3 P. M. the usual clouds have gathered for rain. August 7th— I shall close this letter to-day, to give it, as you did yours, plenty of time to get to the place of shipment— I can add nothing about the business of emigration as things are still unsettled— A gentleman, late Minister here from Eccador [*sic*] called this morning whilst we were at breakfast to say something about lands there; but they would cost too much at private purchase, & it is too far off & expensive to reach & withal sickly no doubt—

I am rather hurried now, but I believe I have omitted nothing that I wanted particularly to say— I am very well & only wish that you could enjoy this charming climate & comparative freedom from anxiety— My best love to George & sister Nancy, Miss Mildred, Ellen & all

Ever yr^r affecte brother A. Mordecai

My baggage I found in excellent order—

Aug^t 3rd 1865.

N^o 1— Miss Ellen Mordecai

Raleigh North Carolina U. States

[*To be concluded*]

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- GROVES, ERNEST RUTHERFORD. The American woman, the feminine side of a masculine civilization. Revised and enlarged edition. New York, Emerson Books, Inc., 1944. 472 p. \$3.50.
- GROVES, ERNEST RUTHERFORD. Sex fulfillment in marriage; introduction by Robert A. Ross. New York, Emerson Brooks, Inc., 1943. xiv, 319 p. \$3.00.
- HARGROVE, MARION. See here, Private Hargrove; foreword by Maxwell Anderson. Garden City, N. Y., The Sun Dial Press, [1943] xi, 211 p. \$1.00.
- HOLMES, JOHN SIMCOX. Common forest trees of North Carolina, how to know them. Fifth edition. Raleigh, North Carolina Department of Conservation and Development, 1944. 87 p. illus. Apply.
- JAMES, BESSIE (ROWLAND). Courageous heart; a life of Andrew Jackson for young readers. Popular edition. Indianapolis, Bobbs-Merrill Company, 1943. 273 p. illus. \$2.00.
- SMITH, BETTY. A tree grows in Brooklyn. Philadelphia, The Blakiston Company, 1944. 376 p. \$1.49.
—Same with title: Tree in the yard. London, William Heinemann, Ltd., 1944. 372 p. 10s 6d.
- SMITH, EGBERT WATSON. The creed of the Presbyterians. Revised edition. Richmond, Va., John Knox Press, [c. 1944] 214 p. pa. \$.75.
- STEPHENS, GEORGE MYERS. The Smokies guide . . . Asheville, N. C. Stephens Press, c. 1942. [64] p. illus. pa. \$.50.
- WOLFE, THOMAS. Of time and the river. Garden City, N. Y., The Sun Dial Press, 1944. 912 p. \$1.49.
- WOLFE, THOMAS. You can't go home again. Garden City, N. Y., Sun Dial Press, [1942] 743 p. \$1.49.

BOOK REVIEWS

Revivals in the Midst of the Years. By Benjamin Rice Lacy, Jr. (Richmond, John Knox Press. 1943. Pp. 167. \$1.50.)

Revivalism in America, its Origin, Growth and Decline. By William Warren Sweet. (New York: Charles Scribner's Sons, 1944. Pp. xv, 192.)

In these studies of American revivalism the authors have wisely provided the historic framework for understanding their growth and significance. President Lacy of Union Theological Seminary has gone back to revivals in Biblical times and to Scotch-Irish revivals, while Professor Sweet of the University of Chicago has given a broad and mature view of the phenomena of American revivals. The Reverend Mr. Lacy, who is primarily interested in the role of the Presbyterian Church in the evangelical movement, abandons at times the chair of the historian for the pulpit of the preacher. Nevertheless, he has written some very informative chapters on the Great Awakening, "The Revival of 1800," and "The Revival in the Confederate Army." In analyzing the causes of the Great Revival he has emphasized the influences of post-war immorality following the American Revolution, the effect of western emigration, the formalism of religion in the older parts of the country, and the infiltration of "French infidelity." He seems to have confused the philosophic and ethical religion of deism, which was really a liberating influence in the intellectual life of the eighteenth and early nineteenth century, with irreligion or atheism. His study makes a real contribution in presenting the influence of Hampden-Sydney College (spelled Hampden-Sidney by Professor Sweet) in the development of the Great Revival of 1797-1805. A few minor errors occur, such as placing the date of Washington's first inaugural on March 4th instead of April 30th, 1789, and misspelling the name of McCulloch, the land speculator of colonial North Carolina.

Professor Sweet has written a very readable and well-balanced narrative and interpretation of the revival movement in America from the colonial days to the modern period. Although he leans rather heavily on secondary works in some of his chapters, his study has the quality of freshness and of intelligent synthesis.

He draws vivid portraits of some of the leading revivalists, but I do not think he over-emphasizes their importance or neglects the deeper social forces which they expressed. His study clearly demonstrates the fact that emotion in religion is a fundamental part of religious growth, and the excesses of the earlier revival movements should not discredit the value of the emotional element of religious idealism. That revivalism was the most effective way of reaching the common man by the church becomes apparent in this excellent book.

The author attempts to supply an answer to the riddle of why American Calvinism with its doctrine of predestination could produce ardent evangelism. His answer of "personalized Calvinism," however, leaves the mystery still unsolved. It is a curious anomaly of human nature that large bodies of men can hold to a theory of religion or of politics while their experience and their practice flatly contradict it. Jonathan Edwards is generally known as a relentless logician, denying the freedom of the will, and terrifying sinners with the vision of an angry God, but Mr. Sweet presents a less known side of Edwards, his advocacy of emotion in religion. At the conclusion of his volume the author assesses objectively the evils and the virtues of revivalism and discusses the waning of revivalism in modern times. Although he gives a fascinating picture of Dwight L. Moody, he mentions only by name the great Southern evangelist, Sam Jones, who combined a Lincolnesque type of humor with revivalism, raised \$750,000 from his audiences, and whose career is so colorful and significant that a study of him should be made by a competent biographer.

Clement Eaton.

Layfayette College,
Easton, Pa.

Jefferson Davis and His Cabinet. By Rembert W. Patrick. (Baton Rouge: Louisiana State University Press. 1944. Pp. x, 401. \$3.75.)

Between 1861 and 1865 a total of fourteen men (not including three *ad interim* appointees) occupied the six executive positions commonly called the Confederate Cabinet. Today, with certain exceptions, these men are relatively unknown. Even their names have been forgotten by most Southerners except those of the old

school; and their trials and errors, successes and failures are usually dismissed by historians, both Northern and Southern, with a few passing remarks, for the most part derogatory.

After several years of research, Professor Patrick has produced a volume that goes far toward rehabilitating the reputations of these statesmen of a lost cause. He effectively disposes of the widely accepted charge that the Cabinet secretaries were reduced by the Confederate President to the status of "mere clerks." Nor does he concur in the view that, with the exception of Benjamin, the Cabinet was an inefficient aggregation of mediocrities. It was a varied group with contrasting personalities, but composed of men of education and of experience in government, patriotic and zealous in their will to achieve the independence of the South. A few members were miscast for the parts they were called upon to play, but these were soon weeded out of the administration. In such men as Benjamin, Seddon, Memminger, Mallory, Reagan, and Watts, the Confederacy is shown to have possessed a group of excellent administrators who stood head and shoulders above the average of their contemporaries and who compare favorably with the Cabinet members of the United States, during the war and at other times.

It is the author's emphatic conclusion, therefore, that the collapse of the Confederacy cannot justly be attributed to defects of the Southern civil administration. More correctly, he suggests, it was the defeat of the Confederacy that led to the failure of the Cabinet, and it was this failure that has beclouded the real merits, the ability, and the high-mindedness of the men who headed the Southern government's executive departments.

As the title would indicate, the book is much more than a review of the experiences of the various Confederate secretaries. The role of the President, the conditions under which both he and the Cabinet were forced to labor, and the organization and functioning of the respective departments are described in detail. In the last-named category, the treatment of the Confederate Post Office Department is of particular interest. An introductory chapter analyzes succinctly the situation that led to secession, and there is appended a diverting account of "court life" at the two Confederate capitals.

The author manifests a noteworthy facility for combining careful scholarship, discriminating analysis, and clear and forceful statement of conclusions. A few errors in proofreading ("1861" for 1851 as the date of the removal of Wade Keyes to Montgomery, p. 311; Mrs. Robert "Standard" for Stanard, p. 338; and Mrs. "Giraud D." for Mrs. D. Giraud Wright, p. 381) do not affect the soundness and value of a work that should be received with gratitude by all students of Confederate history.

James W. Patton.

North Carolina State College,
Raleigh, N. C.

Tennessee During the Revolutionary War. By Samuel Cole Williams. (Nashville: The Tennessee Historical Commission, Nashville. 1944. Pp. 286.)

The contributions to our Revolutionary history are constantly growing. Only a few years ago Dr. DeMond's excellent monograph, *The Loyalists in North Carolina during the Revolution*, appeared from the Duke Press. Judge Williams has done a somewhat similar work for Tennessee in the Revolutionary period.

At the beginning of the Revolution all that western country was in a state of flux. It is interesting to know, as Judge Williams points out, that Tennessee was originally a part of Virginia; that is, Kentucky extended indefinitely southward. In 1776 representatives of the Watauga settlement requested to be incorporated regularly in Virginia. Meeting with no response from Virginia, the Watauga men turned to North Carolina. That seems to be the process by which Tennessee, for a brief term of years, became a part of the Old North State.

The author tells, in an effective way, of the conditions existing at the opening of the Revolution. Chapters deal with the Cherokee Invasion and with the campaign against the Chickamauga Indians. Indeed Indian history is fully and accurately presented. The settlement on the Cumberland which had so much to do with the development of Tennessee—Robertson and Donelson and their associates—finds large space. A graphic chapter describes the Indians' attempt to destroy this vital Cumberland settlement. "Nolichucky Jack" Sevier, the Virginian who did more than any

other man to mould Tennessee, passes across the pages in colorful fashion. Isaac Shelby, who turned against Virginia and forced the separation of Kentucky, also figures largely.

Exceedingly interesting is the history of the King's mountain expedition. Mankind has been so diminished relatively by being herded in masses in such human ant-hills as New York that we don't understand today how important the average citizen was in those times of the thinly-settled border. The frontier leaders in the late summer of 1780 combed the valleys for hundreds of miles in Virginia, North Carolina, and Tennessee in order to collect—1,100 men! Those 1,100 virile individualists, armed with their long rifles, overwhelmed Ferguson's loyalist militia at King's Mountain in October, 1780, paving the way for the redemption of the South. King's Mountain was followed by Cowpens and Guilford Courthouse, and these pointed directly to Yorktown. Admirably led—not commanded—by Colonel William Campbell, of Virginia, that expedition of frontiersmen across the mountains to destroy Ferguson was a complete success.

Judge Williams, long a justice of the Tennessee Supreme Court, has added an admirable book to his list of publications. He is a scholar of approved quality, able to use his tools to good advantage. The footnotes are as valuable as the text. The style is simple but good; one finds the book interesting as well as instructive. The Tennessee Historical Commission, in publishing it, has contributed an important monograph to American history. The few illustrations, mostly of documents, are excellent.

H. J. Eckenrode.

Division of History and Archaeology,
Virginia Conservation Commission, Richmond.

Ante-Bellum Kentucky, A Social History, 1800-1860. By F. Garvin Davenport. (Oxford, Ohio: Mississippi Valley Press. 1943. Pp. xviii, 238. \$3.50.)

This volume by Professor Davenport of Transylvania College presents a good starting point in analyzing the recent writing of the social history of the South. *Alabama in the Fifties* has been described by Minnie C. Boyd, *Ante-Bellum North Carolina* by

Guion G. Johnson, *Confederate Mississippi* by J. K. Bettersworth, and *South Carolina before the Civil War* by Rosser H. Taylor. Only the volume by Mr. Bettersworth has a strong sense of unity and logical development. His task, however, was much simpler than that of the social historians cited above, for his period of research is more limited, and he has described the impact of a war upon the economy and social life of the people of a single state. The social historians have a tremendously difficult task of selection, and few of them have developed a definite point of view or frame of reference. Professor Davenport, for example, undertakes to describe the social history of Kentucky with merely a brief mention of the Negroes and slavery (only fifty lines in the entire book devoted to that topic). It seems incredible that one could get a true picture of the social history of Kentucky, 1800-1860, with such an omission. His survey of Kentucky history ends with a vivid description of a sad old man, George Prentice, editor of the *Louisville Journal*, grieving that his sons had joined the Confederate army. Between that scene and his opening chapter on "Country Folks," Professor Davenport has dealt with a miscellaneous assortment of topics, education, medicine, natural science, religion, humanitarian movements, art, and belles lettres. He has shown little connection between these subjects, but he is not unique in this respect, for the other social historians mentioned above have in greater or less degree followed this practice. The question, therefore, arises, is this lack of a coherent pattern the fault of the writers or due to the immaturity of social historiography?

Ante-Bellum Kentucky is a pleasantly written book, possessing a quiet sense of humor and tinctured with nostalgia. Furthermore, it has the virtues of candor and freedom from provincial state pride. Professor Davenport has included in his book an excellent chapter on the history of Transylvania University and other Kentucky colleges of the ante-bellum period. His discussion of the treatment of the criminals, the deaf, the blind, and the insane is a real contribution to Southern history. Unfortunately his account of the Kentucky press is very inadequate, especially since it neglects a consideration of the anti-slavery newspapers. He does not exaggerate the aristocratic tradition of the state,

but I believe he should have devoted more attention to the common people. He could have strengthened his work greatly by a realistic investigation of landholding in Kentucky, such as Owsley, Blanche, Clark, and Bonner have done for other states of the South. The role of the common man in politics in the Old South needs much illumination, but Professor Davenport proceeds on the assumption, apparently, that politics is not a proper subject for the social historian. *Ante-Bellum Kentucky* is, nevertheless, based on a wide reading of source material and throws a kindly and fair light on the generation of Southerners that built the attractive civilization of the Old South.

Clement Eaton.

Lafayette College,
Easton, Pa.

HISTORICAL NEWS

A portrait of Thomas Walter Bickett, governor of North Carolina, 1917-1921, was unveiled in the senate chamber of the state capitol on November 11.

On November 23, Thanksgiving, the North Carolina School for the Deaf at Morganton celebrated its fiftieth anniversary.

The twentieth annual meeting of the Society of Mayflower Descendants in North Carolina was held in Charlotte on December 2.

The State Literary and Historical Association, the North Carolina Folk-Lore Society, the State Art Society, the Archaeological Society, and the Society for the Preservation of Antiquities held their annual sessions in Raleigh, December 6-7. All meetings, unless otherwise stated, were at the Sir Walter Hotel. As in the previous year, the forty-fourth annual session of the State Literary and Historical Association was shortened and only two sessions instead of the customary three were held. On Thursday morning, December 7, Mr. Aubrey L. Brooks of Greensboro spoke on "Walter Clark's Philosophy in Action," Dr. H. M. Wagstaff of Chapel Hill read a paper, "A Footnote to Social History," Rev. Douglas L. Rights of Winston-Salem reviewed North Carolina books and authors of the year, and a business meeting was held at which the following officers were elected for the ensuing year: president, Aubrey L. Brooks, Greensboro; first vice president, Everett Gill, Wake Forest; second vice president, Cecil Johnson, Chapel Hill; third vice president, Nannie M. Tilley, Durham; secretary-treasurer, Christopher Crittenden, Raleigh. At the final meeting on Thursday evening, Mr. Macon R. Dunagan of Raleigh announced that *The Road to Salem*, by Dr. Adelaide L. Fries, had been adjudged the best original work by a North Carolinian during the year, and presented a replica of the Mayflower Society Cup to Miss Fries. Dr. Hubert M. Poteat of Wake Forest then delivered the presidential address, "White Unto Harvest," and Honorable John Fulbright, Congressman and Senator-elect from Arkansas, spoke on "Prospects for Peace."

The thirty-third annual session of the North Carolina Folklore Society took place on Thursday afternoon, December 7, with the following program: "Some Latin-American Folklore and Folkways," Ralph S. Boggs, Chapel Hill; "The American Dialect Society and Its Work," George P. Wilson, Greensboro; "A Passel of Mountain Songs," Bascom Lamar Lunsford, South Turkey Creek; "Progress toward Publication of the Brown Collection," Newman I. White, Durham; and a business meeting.

The North Carolina State Art Society held its eighteenth annual session on Wednesday and Thursday, December 6-7. On Wednesday evening, at the Sir Walter Hotel, with Governor J. Melville Broughton presiding, Mrs. Katherine Pendleton Arrington gave "Presidential Greetings," and Mr. Rensselaer W. Lee, of the American Council of Learned Societies Committee on the Protection of Cultural Treasures in the War Areas, delivered an illustrated lecture, "The Effect of the War on Renaissance and Baroque Art," after which, in the State Art Society Gallery, Library Building, a reception was held and there was shown the Thomas Eakins Centennial Exhibition, from the galleries of M. Knoedler and Company, Incorporated, New York City. On Wednesday afternoon in the same room a business meeting took place and later that afternoon in the Attorney General's office a session of the board of directors was held.

The annual session of the Archaeological Society of North Carolina took place on Wednesday afternoon, December 6, with the following program: "Museums and Archaeology," Harry T. Davis, Raleigh; "The Guarani Indians of South America," Guillermo Tell Bertoni, Asuncion, Paraguay; and "The Catawba Culture of the Carolinas," Douglas L. Rights, Winston-Salem.

The sixth annual session of the North Carolina Society for the Preservation of Antiquities was held on Wednesday afternoon, December 6, with the following program: presidential address, McDaniel Lewis, Greensboro; "Let's Save the Nash-Kollock School Building," Mrs. J. G. Parker, Hillsboro; and three talks under the general title, "The Program to Restore Tryon's Pal-

ace," as follows: "A Citizen's Share in the Movement," Mrs. J. E. Latham, Greensboro; "The Interest of the State," Governor J. Melville Broughton, Raleigh; and "The Part of the Department of Conservation and Development," Paul Kelly, Raleigh. The session was ended by a business meeting.

On December 17 St. Peter's Episcopal Church in Charlotte celebrated its one-hundredth anniversary.

On January 13 the First Presbyterian Church of Reidsville celebrated its 70th anniversary.

On January 15 the one-hundred-fiftieth anniversary of the opening of the University of North Carolina was celebrated by a joint session of the General Assembly. Addresses were delivered by Governor R. Gregg Cherry, President Frank Porter Graham and Dean Robert Burton House of the University, President Clarence Addison Dykstra of the University of Wisconsin, and Representative Victor S. Bryant of Durham, chairman of a legislative committee to arrange the celebration.

Robert E. Lee's birthday, January 19, was commemorated by exercises in the house of representative chamber of the state capitol, arranged by the Johnston-Pettigrew Chapter, United Daughters of the Confederacy. Former Governor J. Melville Broughton delivered an address.

Exercises celebrating the one hundredth anniversary of the State School for the Blind and the Deaf in Raleigh were held at the school on January 23. Speakers included Honorable Josephus Daniels of Raleigh, former Governor J. Melville Broughton of Raleigh, Mr. W. G. Scarberry of Columbus, Ohio, president of the National Association for the Blind, and Governor R. Gregg Cherry.

The Wake County committee for the collection of war records met in the Fred A. Olds Room of the Hall of History on January 31 with Mrs. R. N. Simms of Raleigh, chairman of the committee, presiding. A special exhibit of war records, which had been arranged in connection with the meeting, was kept on display for

several days. It consisted of a sampling of the approximately 75,000 war items collected thus far, including newspapers from military areas in North Carolina and elsewhere, photographs, church bulletins, reports from clubs and civic organizations, letters from service men, posters and scrapbooks by school children, handbills, and placards, menu cards from restaurants and hotels, recordings of radio broadcasts, and many other items showing social and economic conditions during the war.

On February 3 *The Asheville Citizen* celebrated its seventy-fifth anniversary. The first issue of what was then a weekly newspaper was published on February 3, 1870, by Randolph Abbott Shotwell.

On February 12 the University of North Carolina celebrated the one-hundred-fiftieth anniversary of the arrival of the first student, Hinton James, who had walked all the way from Wilmington.

Washington's birthday, February 22, was celebrated by special exercises in the senate chamber of the state capitol, conducted by the Caswell-Nash Chapter, Daughters of the American Revolution. Senator Hugh G. Mitchell of Iredell County delivered an address.

Dr. W. T. Laprade, professor of European history and chairman of the department of history at Duke University, has been appointed managing editor of the *South Atlantic Quarterly*, to succeed the late Henry R. Dwire.

Mrs. James Edwin Woodward of Wilson has been re-elected president general of the United Daughters of the Confederacy.

Mr. George Bauerlein, Junior, resigned as assistant professor of history at North Carolina State College, effective March 1, in order to enter business in Alabama.

Dr. Preston W. Edsall, formerly connected with the North Carolina State College Army Training Program in history, accepted a position as professor of government at East Carolina Teachers College, effective January 1.

Mr. Bradley D. Thompson, for more than two years associate professor of history at Davidson College, returned in February to Harvard University in order to complete his graduate work there.

Due to prolonged illness, Dr. B. B. Kendrick continues on leave of absence from the Woman's College of the University. His address is 478 Dresden Avenue, Gardiner, Maine.

Dr. E. E. Pfaff is on leave from the Woman's College of the University again this year, serving as director of the Southern Council on International Relations. Supplying for Dr. Pfaff is Dr. Richard Bardolph, who recently completed his graduate work at the University of Illinois.

Dr. Grace Hennigan, last year a member of the staff of the Woman's College of the University, is now serving with the American Red Cross in England.

Dr. Fletcher M. Green returned on March 1 from Harvard University to the University of North Carolina.

Dr. Loren C. MacKinney of the University of North Carolina is chairman of the editorial board of the humanities volume of the University sesquicentennial publications. The volume will be entitled, *A State University Surveys the Humanities*.

During the winter quarter Dr. Hugh T. Lefler of the University of North Carolina taught a graduate course at the North Carolina College for Negroes in Durham.

Miss Jane Zimmerman, formerly a member of the history department of the Woman's College of the University, with the aid of a Rosenwald fellowship is continuing her graduate studies at the University of North Carolina at Chapel Hill.

Miss Margaret Moser Heflin, who did her undergraduate work at the Woman's College of the University and who took her master's degree at the University of Chicago, is now a member of the history department of the former institution.

Dr. Elizabeth Cometti of the Woman's College of the University, with the aid of a Social Science Research Council grant-in-aid, is engaged in a research project dealing with emergency legislation during the American Revolution.

Dr. H. M. Wagstaff of the University of North Carolina in January won the Short Story Writers' contest conducted by the Charlotte Writers' Club.

Books received include Albea Godbold, *The Church College of the Old South* (Durham: Duke University Press. 1944) ; Josephus Daniels, *The Wilson Era: Years of Peace—1910-1917* (Chapel Hill: The University of North Carolina Press. 1944) ; and Francis Butler Simkins, *Pitchfork Ben Tillman: South Carolina* (Baton Rouge: Louisiana State University Press. 1944).

Various war items have been added to displays in the Hall of History, including Japanese articles of clothing and equipment from Kiska and Attu, a B-29 Superfortress model, items from Guadalcanal and Hawaii, and captured German insignia and helmets.

A Confederate museum has been established in one of the rooms of the Mint Museum of Art in Charlotte.

A campaign has been launched to raise \$50,000 for a building to house the library and manuscript collection of the Historical Foundation of the Presbyterian and Reformed Churches at Montreat.

The Quarterly Review of Literature, launched in Chapel Hill in 1943, is published by Warren Carrier, instructor of Spanish, and Ted Weiss, instructor of English, both of the University of North Carolina.

Accessions of the State Department of Archives and History include thirteen transfiles of the correspondence of Governor J. Melville Broughton, 1941-1945, and eighteen manuscript boxes containing the report and supporting papers on conditions at the

State Hospital in Morganton, during the Broughton administration.

The North Carolina General Assembly at its session early this year increased the appropriation of the Department of Archives and History from \$27,812 for 1944-1945 to \$43,519 for 1945-1946 and \$31,919 for 1946-1947, and in addition provided for an employees' bonus contingent upon the availability of funds. The General Assembly also enacted a bill "To Re-define and Clarify the Functions and Duties of the Department," which, as its title indicates, makes no radical changes in the work of the agency, but merely combines and restates in one act the provisions which previously were contained in a number of different acts.

The Manuscripts Division of the Duke University Library has acquired manuscripts of Charles L. Van Noppen, which include sketches written for an additional volume of S. A. Ashe and others, editors, *Biographical History of North Carolina* (8 volumes; Greensboro, N. C.: 1905-1907). The subjects of these articles (showing the name of the author where it is given) are as follows:

Alderman, Edwin Anderson (1861-1931). Educator. By C. Alphonso Smith.

Alexander, John Brevard (1834- —). Physician.

Alexander, Sydenham Benoni (1840-1921). Farmer and Congressman.

Allen, William C. (1859- —). Educator and author. By Ruth Hale.

Amis, Thomas. Revolutionary leader. (By S. B. Weeks?.)

Armfield, Eugene Morehead (1869- —). Banker. By S. A. Ashe.

Armfield, Robert Franklin (1829-1898). Congressman. By Minnie Hampton Eliason.

Armfield, Wyatt Jackson (1843- —). Banker.

Armstrong, Charles B. (1861- —). Textile manufacturer. By W. E. Christian.

Arrington, Archibald Hunter (1809-1872). Congressman. By S. A. Ashe.

- Atkinson, Thomas (1807-1881). Bishop (Episcopal). By S. A. Ashe.
- Bagge, Traugott (1729-1799). Merchant. By Adelaide L. Fries.
- Baskerville, Charles (1870-1922). Chemist. By "J. H. B." and F. P. Venable.
- Bassett, John Spencer (1867-1928). Historian. By [W. K. Boyd].
- Battle, John Thomas Johnson (1859- ———). Physician. By [M. DeL.] Haywood.
- Bechtler, Christopher (1782-1842?). Goldsmith. By S. B. Weeks.
- Beddingfield, Eugene Crocker (1862- ———). Lawyer and politician.
- Bellamy, John Dillard (1854- ———). Politician.
- Bennett, Ridsen Tyler (1840-1913). Lawyer.
- Bernard, William Henry (1837- ———). Editor. By S. A. Ashe.
- Blacknall, Oscar Williams (1852- ———). Author.
- Blackwell, William Thomas (1839-1903). Tobacco manufacturer. By Jas. A. Robinson.
- Blades, James B. (1888- ———). Lumberman. By A. D. Ward.
- Bledsoe, Moses Andrew (1822-1905). Lawyer and farmer.
- Bowman, Jacob Weaver. Lawyer.
- Boyd, James Edmund (1845- ———). Lawyer, federal judge.
- Bridges, John Luther (1850- ———). Lawyer and farmer. By Robert White, Jr.
- Brown, Henry Alfred (1845- ———). Baptist minister. By Richard Tilman Vann.
- Brown, Peter Marshall (1859- ———). Real estate dealer. By S. A. Ashe.
- Bryan, Henry Ravenscroft (1836- ———). Lawyer. By S. A. Ashe.
- Bryan, James Augustus (1839- ———). Lawyer.
- Bryan, John Herritage (1798-1870). Congressman. By Henry R. Bryan.
- Buchanan, E. John (1828-1899). Physician. By S. A. Ashe.
- Burkett, Charles William (1873- ———). Editor and educator. By "H."

Burton, Robert Oswald (1811-1891). Methodist minister. By John N. Cole.

Busbee, Charles Manly (1845-1909). Lawyer.

Busbee, Fabius Haywood (1848-1908). Lawyer. By S. A. Ashe.

Butler, Bion H. (1857- ———). Editor.

Caldwell, Joseph (1773-1876). Educator. By Kemp P. Battle.

Caldwell, Tod R. (1818-1874). Governor. By George S. Wills.

Carlyle, John Bethune (1859- ———). Educator. By E. W. Sikes.

Carson, Samuel P. (1798-1938). Congressman.

Chamberlain, Joseph R. (1861- ———). Manufacturer. By S. A. Ashe.

Cheshire, Joseph Blount (1850-1932). Episcopal bishop. By S. A. Ashe.

Clark, Henry Toole (1808-1874). Governor. By J. B. Cheshire.

Clark, Thomas (1741-1792). Revolutionary officer. By Fanny DeBerniere (Hooper) Whitaker.

Clark, William Willis (1856- ———). Lawyer.

Clarke, Mary Bayard (1827-1886). Poet. By Bessie Lewis Whitaker.

Clingman, Thomas Lanier (1812-1897). Senator. By George Wills.

Cobb, William Henry Harrison (1841- ———). Physician.

Coleman, Charles Thaddeus (1837-1895). Confederate officer and engineer. By A. C. Avery.

Coltrane, Daniel Branson (1842- ———). Textile manufacturer. By Elizabeth Corbett and Paul B. Means.

Cook, Arthur Wayland (1876-1940). Lawyer. By G. S. Bradsham.

Coon, Charles Lee (1868-1927). Educator. By R. D. W. Connor.

Cooper, John Downey (1849-1921). Tobacconist and textile manufacturer. By Thomas M. Pittman.

Corbitt, Richard Johnson (1873- ———). Manufacturer of trucks and buggies. By T. T. Hicks.

Cotten, Lyman Atkinson (1874-1926). Naval officer. By Edwin T. Parker and C. S. Carr.

Council, John Pickett (1855- ———). By K. B. Council.

Cowles, Calvin Josiah (1821-1907). Politician. By William S. Pearson.

Cowles, Henry Clay (1842-1914). Court clerk. By Minnie Hampton Eliason.

Cowles, William Henry Harrison (1840-1901). Congressman. By J. B. Armfield.

Crenshaw, John Martin (1822- —). By John B. Carlyle.

Croom, Hardy Bryan (1799-1837). Botanist. By S. B. Weeks.

Crossan, Thomas Morrow (1819-1865). Naval officer. By M. DeL. Haywood.

Crowell, John Franklin (1857-1931). Educator.

Culpepper, John (1644- —). Surveyor general. By S. B. Weeks.

Cuming, William (1724-1796). Legislator. By S. B. Weeks.

Curtis, Moses Ashley (1808-1872). Botanist. By Archibald Henderson.

Daniel, Joseph John (1784-1848). Jurist. By R. H. Battle.

Daniel, Robert. Early settler. By S. B. Weeks.

Davidson, Adam Brevard (1808-1888). Contractor.

Davis, Joseph Jonathan (1828-1892). Congressman. By S. A. Ashe.

Davis, Orin Datus (1851- —). Banker. By J. Ruple.

Deems, Charles Force (1820-1893). Methodist minister. By S. B. Weeks.

DeGraffenried, Christopher (1661-1743). Colonizer. By S. B. Weeks.

DeRossett, Moses John (1726-1767). Revolutionary patriot. By S. A. Ashe.

DeRossett, William Lord (1832- —). Revolutionary patriot.

Dillard, John Henry (1819-1896). Lawyer. By George Wills.

Dinwiddie, James (1837-1907). Educator. By M. DeL. Haywood and S. A. Ashe.

Donnell, Robert. By Addie Cabe (Donnell) Van Noppen.

Dortch, William T. (1824-1889). Senator. By Henry G. Connor.

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Dudley, Edward Bishop (1789-1855). Congressman. By David W. Roberts.

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- Henderson, Richard (1735-1785). Jurist. By Archibald Henderson.
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- Heyer, Matthew Johnston (1854- —). Banker.

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O'Kelly, James (1735-1826). Minister.

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Rhyne, Daniel Efird (1849- ——). Textile manufacturer. By L. M. Hoffman.

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Royster, Hubert Ashley (1871- ——). Physician. By S. A. Ashe (and M. DeL. Haywood.)

- Scales, Alfred Moore (1870- —). Lawyer.
- Schenck, David (1855-1902). Lawyer. By Paul W. Schenck.
- Seymour, Augustus Sherrill (1836-1897). Lawyer. By Frank Nash.
- Sharpe, William. Lawyer. By S. B. Weeks.
- Sherrill, Miles Osborne (1841-1919). Librarian. By F. Sherrill.
- Shuford, Alonzo Craige (1858- —). Congressman.
- Siewers, Nathaniel Shober (1845-1901). Physician. By Edward Rondthaler.
- Sikes, Enoch Walter (1868-1941). Educator. By George W. Paschal.
- Simmons, William Gaston (1830-1889). Educator.
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- Smith, Jacob Henry (1820-1897). Presbyterian minister. By Wm. P. McCorkle.
- Smith, Samuel Macon (1851-1910). Presbyterian minister. By R. C. Reed.
- Smith William (— -1743). Lawyer. By S. B. Weeks.
- Snow, William Henry (1825-1902). Manufacturer. By G. S. Bradshaw.
- Spencer, Samuel (1738-1794). Revolutionary leader. By M. DeL. Haywood.
- Stanford, Richard (1767-1816). Congressman.
- Steel, Elizabeth Maxwell (— -1790). Revolutionary heroine. By Archibald Henderson.
- Stevenson, James C. (1847-1907). Confederate blockade runner and business man. By Charles M. Stedman.
- Stewart, Kate (1844- —). Teacher. By Fred A. Olds.
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- Strange, Robert (1796-1854). Lawyer. By S. A. Ashe.
- Strange, Robert (1824-1877). Lawyer. By S. A. Ashe.
- Strudwick, Edmund (1802-1872). Physician. By Hubert Royster and Frank Nash.

Strudwick, Frederick Nash (1833- ———). Lawyer. By Frank Nash.

Swindell, Frederick. Methodist minister. By R. F. Bumpas.

Thompson, Cyrus (1855-1930). Physician and politician.

Thompson, David Matt (1844- ———). Educator.

Thomson, William S. (1866- ———). Lawyer. By W. S. Thomson.

Timberlake, Edward Walter (1854- ———). Jurist. By S. A. Ashe.

Thrash, Jacksie Daniel. Club woman and civic leader. By Daniel Albright Long.

Tufts, James Walker (1835-1902). Manufacturer. By Bion H. Butler.

Tufts, Leonard (1870- ———). Sportsman and capitalist. By Bion H. Butler.

Venable, Abraham Watkins (1790-1876). Lawyer. By Frank Nash.

Venable, Francis Preston (1856-1934). Chemist. By E. Alexander.

Waddell, Hugh (1735-1773). Soldier. By S. A. Ashe.

Wait, Samuel (1789-1867). Educator and Baptist minister. By E. W. Sikes.

Warren, Edward (1828- ———). Physician. By S. B. Weeks.

Warren, Edward Jenner (1826-1876). Lawyer. By Robert M. Douglas.

Watson, Alfred Augustine (1818-1905). Episcopal minister.

Webb, Edwin Yates (1872- ———). Lawyer.

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White, James (1748-1821). Early settler of Tennessee. By Mrs. Mary Davis.

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Williams, Isham Rowland (1891- ———). Soldier and lawyer. By Peter McIntyre.

Williams, Joseph (1748-1827). Revolutionary leader. By Mrs. Mary Davis.

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Williams, Marshall McDiarmid. Soldier. By Peter McIntyre.

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Mr. Alonzo Thomas Dill, Jr., is an associate editor of the *Norfolk Virginian-Pilot*, Norfolk, Virginia.

Mrs. Ellen Alexander Hendricks, a former teacher of English, is accountant clerk at AAF Base Unit, Moody Field, Valdosta, Georgia. Her address is 1800 Williams Street, Valdosta, Georgia.

Dr. James A. Padgett's address is 406 A Street, S. E., Washington, D. C.

Miss Mary Lindsey Thornton is in charge of the North Carolina Collection in the Library of the University of North Carolina, Chapel Hill, North Carolina.